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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO STATUTES AND STATUTORY CONSTRUCTION

Introduced By: Representative Christopher R. Blazejewski

Date Introduced: June 16, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 3-7-16.3 of the General Laws in Chapter 3-7 entitled "Retail
2 Licenses" is hereby amended to read as follows:

3 **3-7-16.3. Class T legitimate theater license.**

4 (a) Legitimate theaters as defined in subsection (b) or subsection (c) may apply for a Class
5 T license. The license authorizes the holder of the license to keep for sale and to sell beverages at
6 retail in the place described in the license and to deliver those beverages for consumption on the
7 premises where sold at the times when scheduled events relating to art, the legitimate ~~theatre~~
8 theater or community artistic experiences may be held on those premises and for a period of one
9 hour prior to those events and one hour subsequent thereto, provided those events begin subsequent
10 to twelve o'clock (12:00) noon. The licensed premises may contain a bar. A Class T license
11 authorizes entertainment only in conformity with ordinances of the city or town where the facility
12 is located on the licensed premises. Class T licenses shall only be issued by the local licensing
13 authority.

14 (b) "Legitimate theaters," for the purposes of this section, includes nonprofit, cultural
15 organizations and for-profit historic theaters located in the city of Newport or the town of
16 Burrillville ~~whose primary purpose is to provide~~ with a primary purpose of providing a support
17 system to deliver and coordinate various arts activities for the benefit of the communities ~~they the~~
18 theaters serve or that provide live, regularly scheduled theatrical productions on a regular basis
19 throughout the year and all events contributing toward the goal of providing quality artistic

1 experiences for the community.

2 (c) For purposes of this section, "legitimate theaters" shall also include facility management
3 corporations that are contractually authorized to manage buildings owned or under the authority of
4 the Rhode Island Convention Center Authority ~~whose~~ with a primary purpose ~~is to provide of~~
5 providing a support system to deliver and coordinate various arts activities for the benefit of the
6 communities ~~they~~ the corporations serve or that provide live, regularly scheduled theatrical
7 productions on a regular basis throughout the year and all events contributing toward the goal of
8 providing quality artistic experiences for the community.

9 SECTION 2. Section 15-8.1-402 of the General Laws in Chapter 15-8.1 entitled "Uniform
10 Parentage Act [Effective January 1, 2021]" is hereby amended to read as follows:

11 **15-8.1-402. Challenge to presumed parent. [Effective January 1, 2021.]**

12 (a) Except as provided in subsection (b) of this section, a proceeding to challenge the
13 parentage of an individual whose parentage is presumed under § 15-8.1-401, shall be commenced
14 within two (2) years after the birth of the child.

15 (b) A proceeding to challenge the parentage of an individual whose parentage is presumed
16 under § 15-8.1-401, may be commenced two (2) years or more after the birth of the child in the
17 following circumstances:

18 (1) A presumed parent who is not the genetic parent of a child and who could not
19 reasonably have known about the birth of the child may commence a proceeding under this section
20 within two (2) years after learning of the child's birth.

21 (2) An alleged genetic parent who did not know of the potential genetic parentage of a child
22 and who could not reasonably have known on account of material misrepresentation or concealment
23 may commence a proceeding under this section within two (2) years after discovering the potential
24 genetic parentage.

25 If the person is adjudicated to be the genetic parent of the child, the court may not
26 disestablish a presumed parent.

27 (3) Regarding a presumption under § 15-8.1-401(a)(4), another parent of the child may
28 challenge a presumption of parentage if that parent openly held out the child as the presumptive
29 parent's child due to duress, coercion, or threat of harm. Evidence of duress, coercion, or threat of
30 harm may include whether within the prior ten (10) years, the person presumed to be a parent
31 pursuant to § 15-8.1-401(a)(4), has been convicted of domestic assault, sexual assault, or sexual
32 exploitation of the child or another parent of the child, was subject to a final abuse protection order
33 pursuant to chapter 15 of title 15, because the person was found to have committed abuse against
34 the child or another parent of the child, or was substantiated for abuse against the child or another

1 parent of the child pursuant to § 11-9-5.3.

2 (c) Challenges under this ~~subsection~~ section shall be ~~addressed~~ adjudicated pursuant to §
3 15-8.1-206.

4 SECTION 3. Section 15-8.1-603 of the General Laws in Chapter 15-8.1 entitled "Uniform
5 Parentage Act [Effective January 1, 2021]" is hereby amended to read as follows:

6 **15-8.1-603. Authority to order or deny genetic testing. [Effective January 1, 2021.]**

7 (a) Except as otherwise provided in this chapter, in a proceeding pursuant to this chapter
8 to determine parentage, the court shall order the child and any other individual to submit to genetic
9 testing if a request for testing is supported by the sworn statement of a party:

10 (1) Alleging a reasonable possibility that the individual is the child's genetic parent; or

11 (2) Denying genetic parentage of the child and stating facts establishing a reasonable
12 possibility that the individual is not a genetic parent.

13 (b) Prior to a proceeding to establish genetic parentage and/or support in conformance with
14 the state's obligations under ~~Chapter Title~~ IV, Part D of the federal Social Security Act, 42 U.S.C.
15 § 651 et seq., if the alleged genetic parent in response to a complaint supported by a sworn affidavit,
16 filed by the office of child support services, denies parentage, the office of child support services
17 shall have the authority to administratively order the parties to undergo genetic testing as described
18 above, without the necessity of making application to the court, and the parties shall attend and
19 submit to genetic testing under penalty of default.

20 (c) The office of child support services may order genetic testing only if there is no
21 presumed, acknowledged, or adjudicated parent of a child other than the individual who gave birth
22 to the child.

23 (d) The court or office of child support services shall not order in utero genetic testing.

24 (e) If two (2) or more individuals are subject to court-ordered genetic testing, the court may
25 order that testing be completed concurrently or sequentially.

26 (f) Genetic testing of an individual who gave birth to a child is not a condition precedent
27 to testing of the child and an individual whose genetic parentage of the child is being determined.
28 If the individual who gave birth is unavailable or declines to submit to genetic testing, the court
29 may order genetic testing of the child and each individual whose genetic parentage of the child is
30 being adjudicated.

31 (g) In a proceeding to adjudicate parentage of a child having an acknowledged, adjudicated,
32 de facto, presumed parent or intended parent, the court may deny a motion seeking an order for
33 genetic testing or deny admissibility of the test results at trial if it determines that:

34 (1) The conduct of the parties estops a party from denying parentage; or

1 (2) It would be an inequitable interference with the relationship between the child and an
2 acknowledged, adjudicated, de facto, presumed, or intended parent, or would otherwise be contrary
3 to the best interests of the child as provided in subsection (h) of this section.

4 (h) In determining whether to deny a motion seeking an order for genetic testing under this
5 chapter or a request for admission of such test results at trial, the court shall consider the best
6 interests of the child, including the following factors, if relevant:

7 (1) The length of time between the proceeding to adjudicate parentage and the time that a
8 parent was placed on notice that genetic parentage is at issue;

9 (2) The length of time during which the parent has assumed a parental role for the child;

10 (3) The facts surrounding discovery that genetic parentage is at issue;

11 (4) The nature of the relationship between the child and the parent;

12 (5) The age of the child;

13 (6) Any adverse effect on the child that may result if parentage is successfully disproved;

14 (7) The nature of the relationship between the child and any alleged parent;

15 (8) The extent to which the passage of time reduces the chances of establishing the
16 parentage of another individual and a child support obligation in favor of the child; and

17 (9) Any additional factors that may affect the equities arising from the disruption of the
18 relationship between the child and the parent or the chance of an adverse effect on the child.

19 SECTION 4. Section 16-21-3.1 of the General Laws in Chapter 16-21 entitled "Health and
20 Safety of Pupils" is hereby amended to read as follows:

21 **16-21-3.1. Approval.**

22 (a) It shall be the duty of the superintendent of schools, private school official, or in the
23 case of state operated schools, the responsibility of the director of the state operated school, to
24 ensure that schools are not opened until notification is received from the [aforementioned](#) agencies
25 ~~mentioned in § 16-21-2~~ that the schools are in compliance with their respective codes.

26 (b) Neglect by any superintendent, private school official, or the director of any state
27 operated school to comply with the provisions of this section shall be a misdemeanor punishable
28 by a fine of not exceeding five hundred dollars (\$500).

29 SECTION 5. Section 17-9.1-8 of the General Laws in Chapter 17-9.1 entitled "Registration
30 of Voters" is hereby amended to read as follows:

31 **17-9.1-8. Registration at designated agencies.**

32 (a) Every person who is or may be by the next general election qualified to vote may
33 register to vote when being discharged from incarceration or when applying for services or
34 assistance at any of the following offices:

- 1 (1) Any office in the state that provides public assistance;
- 2 (2) At or through any offices in the state that provide state-funded programs primarily
3 engaged in providing services to persons with disabilities;
- 4 (3) At armed forces recruitment offices, subject to procedures developed by the state board
5 in cooperation with the United States Department of Defense;
- 6 (4) At or through the department of corrections; and
- 7 (5) At any other agencies within the state that shall be determined by the state board.

8 (b) Voter registration agencies designated by the state board may include, but are not
9 limited to:

10 (1) State or local government offices such as public libraries, public schools, offices of city
11 and towns clerks (including marriage license bureaus), fishing and hunting license bureaus,
12 government revenue offices, unemployment compensation offices, and offices not described in
13 subsection (a)(2) of this section that provide services to persons with disabilities; and

14 (2) Federal and nongovernmental offices, with the agreement of those offices.

15 (c)(1) Persons must be provided this opportunity to register to vote not only at the time of
16 their original application for services, but also when filing any recertification, renewal, or for a
17 change of address relating to those services. Agencies providing voter registration assistance must
18 offer the same degree of assistance to individuals in completing a voter registration form as they
19 offer to individuals in completing the agency's own forms, unless the applicant refuses the
20 assistance.

21 (2) Any person who provides voter registration assistance services in an agency is
22 prohibited from:

23 (i) Seeking to influence an applicant's party preference or party registration;

24 (ii) Displaying any political preference or party allegiance;

25 (iii) Making any statement or taking any action ~~whose~~ the purpose or effect of which is to
26 discourage the applicant from registering to vote; or

27 (iv) Making any statement or taking any action ~~whose~~ the purpose or effect of which is to
28 lead the applicant to believe that a decision whether or not to register has any bearing on the
29 availability of services or benefits or on discharge from incarceration.

30 (d)(1) Those who decline to register to vote must do so in writing or by failing to check a
31 box on a form containing the question: "If you are not registered to vote where you live now, would
32 you like to apply to register to vote here today? yes or no."

33 (2) The declination may be included in the agency application for services or on a separate
34 form provided by the agency, subject to rules and regulations to be adopted by the state board.

1 (3) No information regarding a person's declination to register to vote may be used for any
2 purpose other than voter registration. If an individual does register to vote, the particular agency at
3 which the applicant submits a voter registration application may not be publicly disclosed.

4 (4) The declination form to be used at agencies providing public or publicly funded
5 assistance shall also contain the following statements and information:

6 (i) "Applying to register or declining to register to vote will not affect the amount of
7 assistance that you will be provided by this agency"; or, for those forms made available by the
8 department of corrections: "Applying to register or declining to register to vote will not affect your
9 discharge from incarceration";

10 (ii) "If you do not check either box, you will be considered to have decided not to register
11 to vote at this time." (with "yes" and "no" boxes being provided);

12 (iii) "If you would like help filling out the voter registration application form, we will help
13 you. The decision whether to seek or accept help is yours. You may fill out the application form in
14 private";

15 (iv) "If you believe that someone has interfered with your right to register or to decline to
16 register to vote, your right to privacy in deciding whether to register or in applying to register to
17 vote, or your right to choose your own political party or other political preference, you may file a
18 complaint with the State Board of Elections, 2000 Plainfield Pike, Cranston, Rhode Island 02921,
19 (401) 222-2345";

20 (v) A statement that if the applicant declines to register to vote, his or her decision will
21 remain confidential and be used only for voter registration purposes; and

22 (vi) A statement that if the applicant does register to vote, information regarding the agency
23 to which the application was submitted will remain confidential, to be used only for voter
24 registration purposes.

25 (e)(1) The registration form to be provided in these agencies shall be the mail registration
26 form adopted by the state board. Unless the registrant refuses to permit the agency to transmit the
27 form to the state board or local board where the applicant resides, the agency shall transmit the
28 completed registration form to the state board or any local board. However, if the registrant refuses,
29 the registrant may either mail the form to the state board or any local board or may provide for
30 delivery of the form to the state board or any local board either in person or through a third party.
31 It shall be the responsibility of all state or state-funded agencies to have available at all times a
32 sufficient number of voter registration forms in order to carry out the provisions of this section.

33 (2) Unless the applicant refuses to permit the agency to transmit the completed voter
34 registration form to the state board or to a local board, the agency shall be required to transmit the

1 registration form within ten (10) days after acceptance, or if accepted on the last day or within five
2 (5) days before the last day to register for an election, within five (5) days of acceptance.

3 (f) The department of corrections and each agency designated by the board to register
4 persons to vote when applying for services or assistance shall report to the state board:

5 (1) The number of persons applying for services and assistance or the number of persons
6 discharged from incarceration following felony convictions who are eligible to vote;

7 (2) The number of persons who have been registered to vote at that agency;

8 (3) The number of forms that have been transmitted by the agency to the state or local
9 board; and

10 (4) The number of persons who have declined to register to vote at that agency. Reports to
11 the state board by each designated agency shall be on a quarterly basis.

12 (g) Any person who has fully and correctly completed an application to register to vote at
13 a designated agency is presumed to be registered as of the date of the acceptance of the registration
14 by the designated agency, subject to verification of the registration by the state board or any local
15 board as provided in § 17-9.1-25.

16 (h) If a voter registration agency which is primarily engaged in providing services to
17 persons with disabilities provides those services at the person's home, the agency shall provide the
18 voter registration services authorized by this section at the person's home.

19 (i) The state board of elections shall have the authority to adopt regulations to implement
20 and administer the provisions of this section, including all registrations taken at designated
21 agencies.

22 (j) In cases where the findings required by § 17-6-1.2(a)(4) have been made, transmission
23 shall be made by electronic means as prescribed by the secretary of state, and shall be in an
24 electronic form compatible with the voter registration system maintained by the secretary of state.

25 SECTION 6. Section 27-2.4-16 of the General Laws in Chapter 27-2.4 entitled "Producer
26 Licensing Act" is hereby amended to read as follows:

27 **27-2.4-16. Notification to insurance commissioner of termination.**

28 (a) Termination for cause. An insurer or authorized representative of the insurer that
29 terminates the employment contract or other insurance business relationship with an insurance
30 producer shall notify the insurance commissioner within thirty (30) days following the effective
31 date of the termination, using a format prescribed by the insurance commissioner, if the reason for
32 termination is one of the reasons set forth in § 27-2.4-14 or the insurer has knowledge the insurance
33 producer was found by a court, government body, or self-regulatory organization authorized by law
34 to have engaged in any of the activities in § 27-2.4-14. Upon the written request of the insurance

1 commissioner, the insurer shall provide additional information, documents, records or other data
2 pertaining to the termination or activity of the insurance producer.

3 (b) Ongoing notification requirement. The insurer or the authorized representative of the
4 insurer shall promptly notify the insurance commissioner in a format acceptable to the insurance
5 commissioner if, upon further review or investigation, the insurer discovers additional information
6 that would have been reportable to the insurance commissioner in accordance with subsection (a)
7 of this section had the insurer then known of its existence.

8 (c) Copy of notification to be provided to the insurance producer.

9 (1) Within fifteen (15) days after making the notification required by subsections (a),
10 and (b) of this section and (e), the insurer shall mail a copy of the notification to the insurance
11 producer at his or her last known address. If the insurance producer is terminated for cause
12 for any of the reasons listed in § 27-2.4-14, the insurer shall provide a copy of the notification
13 to the insurance producer at his or her last known address by certified mail, return receipt
14 requested, postage prepaid or by overnight delivery using a nationally recognized carrier.

15 (2) Within thirty (30) days after the insurance producer has received the original or
16 additional notification, the insurance producer may file written comments concerning the substance
17 of the notification with the insurance commissioner. The insurance producer shall, by the same
18 means, simultaneously send a copy of the comments to the reporting insurer, and the comments
19 shall become a part of the insurance commissioner's file and accompany every copy of a report
20 distributed or disclosed for any reason about the insurance producer as permitted under subsection
21 (e) of this section.

22 (d) Immunities.

23 (1) In the absence of actual malice, an insurer, the authorized representative of the insurer,
24 an insurance producer, the insurance commissioner, or an organization of which the insurance
25 commissioner is a member and that compiles the information and makes it available to other
26 insurance commissioners or regulatory or law enforcement agencies shall not be subject to civil
27 liability, except as provided in this section, and a civil cause of action of any nature shall not arise
28 against these entities or their respective agents or employees, except as provided in this section, as
29 a result of any statement or information required by or provided pursuant to this section or any
30 information relating to any statement that may be requested in writing by the insurance
31 commissioner, from an insurer or insurance producer; or a statement by a terminating insurer or
32 insurance producer to an insurer or insurance producer limited solely and exclusively to whether a
33 termination for cause under subsection (a) of this section was reported to the insurance
34 commissioner, provided that the propriety of any termination for cause under subsection (a) of this

1 section is certified in writing by an officer or authorized representative of the insurer or insurance
2 producer terminating the relationship.

3 (2) In any action brought against a person that may have immunity under this chapter for
4 making any statement required by this section or providing any information relating to any
5 statement that may be requested by the insurance commissioner, the party bringing the action shall
6 plead specifically in any allegation that subdivision (d)(1) of this section does not apply because
7 the person making the statement or providing the information did so with actual malice.

8 (3) This chapter shall not abrogate or modify any existing statutory or common law
9 privileges or immunities.

10 (e) Confidentiality.

11 (1) Any documents, materials or other information in the control or possession of the
12 department that is furnished by an insurer, insurance producer or an employee or agent of the
13 insurer or insurance producer acting on behalf of the insurer or insurance producer, or obtained by
14 the insurance commissioner in an investigation pursuant to this section, shall be confidential by law
15 and privileged, shall not be subject to chapter 2 of title 38, shall not be subject to subpoena, and
16 shall not be subject to discovery or admissible in evidence in any private civil action. The insurance
17 commissioner is authorized to use the documents, materials or other information in the furtherance
18 of any regulatory or legal action brought as a part of the insurance commissioner's duties.

19 (2) Neither the insurance commissioner nor any person who received documents, materials
20 or other information while acting under the authority of the insurance commissioner shall be
21 permitted or required to testify in any private civil action concerning any confidential documents,
22 materials, or information subject to this chapter.

23 (3) In order to assist in the performance of the insurance commissioner's duties under this
24 chapter, the insurance commissioner:

25 (i) May share documents, materials or other information, including the confidential and
26 privileged documents, materials or information subject to this chapter, with other state, federal, and
27 international regulatory agencies, with the NAIC, its affiliates or subsidiaries, and with state,
28 federal, and international law enforcement authorities, provided that the recipient agrees to
29 maintain the confidentiality and privileged status of the document, material or other information;

30 (ii) May receive documents, materials or information, including confidential and privileged
31 documents, materials or information, from the NAIC, its affiliates or subsidiaries and from
32 regulatory and law enforcement officials of other foreign or domestic jurisdictions, and shall
33 maintain as confidential or privileged any document, material or information received with notice
34 or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the

1 source of the document, material or information;

2 (iii) May enter into agreements governing sharing and use of information consistent with
3 this subsection;

4 (iv) No waiver of any applicable privilege or claim of confidentiality in the documents,
5 materials, or information shall occur as a result of disclosure to the commissioner under this section
6 or as a result of sharing as authorized in this chapter;

7 (v) Nothing in this chapter shall prohibit the insurance commissioner from releasing final,
8 adjudicated actions including for cause terminations that are open to public inspection pursuant to
9 chapter 2 of title 38 to a database or other clearinghouse service maintained by the NAIC, its
10 affiliates or subsidiaries; and

11 (vi) If the department releases to an unauthorized third party any documents, materials or
12 other information provided to the department pursuant to this section, then the department shall be
13 subject to a fine not to exceed one thousand dollars (\$1,000) after a hearing on this violation brought
14 in the Superior Court.

15 (f) Penalties for failing to report. An insurer, the authorized representative of the insurer,
16 or insurance producer that fails to report as required under the provisions of this section or that is
17 found to have reported with actual malice by a court of competent jurisdiction may, after notice
18 and hearing, have its license or certificate of authority suspended or revoked and may be fined in
19 accordance with § 42-14-16.

20 SECTION 7. Sections 27-74-4, 27-74-5, 27-74-8 and 27-74-13 of the General Laws in
21 Chapter 27-74 entitled "Discount Medical Plan Organization Act" are hereby amended to read as
22 follows:

23 **27-74-4. Applicability and scope.**

24 (a) This chapter applies to all discount medical plan organizations doing business in or
25 from this state.

26 (b) A discount medical plan organization that is a licensed health insurer or health
27 maintenance organization or a nonprofit hospital and medical service corporation is not required to
28 obtain a certificate of registration under § ~~27-73-5~~ 27-74-5, except that any of its affiliates that
29 operate as a discount medical plan organization in this state shall obtain a certificate of registration
30 under § ~~27-73-5~~ 27-74-5 and comply with all other provisions of this act; but such health insurer,
31 health maintenance organization or nonprofit hospital and medical service corporation is required
32 to comply with §§ ~~27-73-8~~ 27-74-8, ~~27-73-9~~ 27-74-9, ~~27-73-10~~ 27-74-10, and ~~27-73-11~~ 27-74-11
33 and report, in the form and manner as the commissioner may require, any of the information
34 described in § ~~27-73-13~~ 27-74-13 that is not otherwise already reported.

1 **27-74-5. Registration requirements.**

2 (a) Before doing business in or from this state as a discount medical plan organization, a
3 person shall obtain a certificate of registration from the commissioner to operate as a discount
4 medical plan organization.

5 (b) Each application for a certificate of registration to operate as a discount medical plan
6 organization:

7 (1) Shall be in a form prescribed by the commissioner and verified by an officer or
8 authorized representative of the applicant;

9 (2) Shall be accompanied by a fee of two hundred fifty dollars (\$250) payable to the State
10 of Rhode Island;

11 (3) Shall include information on whether:

12 (i) A previous application for a certificate of registration, license or permit to operate as a
13 medical discount plan has been denied, revoked, suspended or terminated for cause in any
14 jurisdiction (including Rhode Island); and

15 (ii) The applicant is under investigation for or the subject of any pending action or has been
16 found in violation of a statute or regulation in any jurisdiction (including Rhode Island) within the
17 previous five (5) years;

18 (4) Shall include information, as the commissioner may require, that permits the
19 commissioner, after reviewing all of the information submitted pursuant to this subsection, to make
20 a determination that the applicant:

21 (i) Is financially responsible;

22 (ii) Has adequate expertise or experience to operate a discount medical plan organization;
23 and

24 (iii) Is of good character.

25 (c) After the receipt of an application filed pursuant to this section, the commissioner shall
26 review the application and notify the applicant of any deficiencies in the application.

27 (d) Within ninety (90) days after the date of receipt of a completed application, the
28 commissioner shall:

29 (1) Issue a certificate of registration if the commissioner is satisfied that the applicant has
30 met the requirements of this chapter and any regulations promulgated thereunder or

31 (2) Disapprove the application and state the ground(s) for disapproval. The commissioner
32 shall notify the applicant in writing specifically stating the ground(s) for the disapproval. Upon
33 such notification, the applicant may, within thirty (30) days, request a hearing on the matter to be
34 conducted in accordance with the "Administrative Procedures act," chapter 35 of title 42.

1 (e) Prior to issuance of a certificate of registration by the commissioner, each discount
2 medical plan organization shall establish an Internet website in order to conform to the
3 requirements of subsection ~~27-73-9(f)~~ 27-74-9(f).

4 (f) A registration is effective for two (2) years, unless prior to its expiration it is renewed
5 in accordance with this section or suspended or revoked. At least ninety (90) days before a
6 certificate of registration expires, the discount medical plan organization shall submit a renewal
7 application form and the renewal fee. The commissioner shall renew the certificate of registration
8 of each holder that meets the requirements of this chapter and any regulations promulgated
9 thereunder and pays the renewal fee. The renewal application shall be substantially the same as an
10 original application and the renewal fee shall be two hundred fifty dollars (\$250) payable to the
11 State of Rhode Island.

12 (g) The commissioner may suspend the authority of a discount medical plan organization
13 to enroll new members or refuse to renew or revoke a discount medical plan organization's
14 certificate of registration if the commissioner finds that any of the following conditions exist:

15 (1) The discount medical plan organization is not operating in compliance with this chapter
16 and any regulations promulgated thereunder;

17 (2) The discount medical plan organization has advertised, merchandised or attempted to
18 merchandise its services in such a manner as to misrepresent its services or capacity for service or
19 has engaged in deceptive, misleading or unfair practices with respect to advertising or
20 merchandising;

21 (3) The discount medical plan organization is not fulfilling its obligations as a discount
22 medical plan organization; or

23 (4) The continued operation of the discount medical plan organization would be hazardous
24 to its members.

25 (h) If the commissioner has cause to believe that grounds for the nonrenewal, suspension
26 or revocation of a certificate of registration exists, the commissioner shall notify the discount
27 medical plan organization in writing specifically stating the ground(s) for the refusal to renew or
28 suspension or revocation. Upon such notification, the discount medical plan may, within thirty (30)
29 days, request a hearing on the matter to be conducted in accordance with the "Administrative
30 Procedures act," chapter 35 of title 42.

31 (i) When the certificate of registration of a discount medical plan organization is
32 nonrenewed, surrendered or revoked, the discount medical plan organization shall proceed,
33 immediately following the effective date of the order of revocation or, in the case of a nonrenewal,
34 the date of expiration of the certificate of registration, to wind up its affairs transacted under the

1 certificate of registration. The discount medical plan organization shall not engage in any further
2 advertising, solicitation, collecting of fees or renewal of contracts. The commissioner may, in his
3 sole discretion and upon a showing of good cause, in the case of a registration of a discount medical
4 plan organization that has been revoked or nonrenewed by the commissioner, allow the discount
5 medical plan organization to continue to operate under any conditions and restrictions established
6 by the commissioner, pending the outcome of a hearing requested pursuant to subsection (h) of this
7 section.

8 (j) The commissioner shall, in an order suspending the authority of the discount medical
9 plan organization to enroll new members, specify the period during which the suspension is to be
10 in effect and the conditions, if any, that must be met by the discount medical plan organization prior
11 to reinstatement of its certificate of registration to enroll members. The commissioner may rescind
12 or modify the order of suspension prior to the expiration of the suspension period. The certificate
13 of registration of a discount medical plan organization shall not be reinstated unless requested by
14 the discount medical plan organization. The commissioner shall not grant the request for
15 reinstatement if the commissioner finds that the circumstances for which the suspension occurred
16 still exist or are likely to recur.

17 (k) In lieu of suspending or revoking a discount medical plan organization's certificate of
18 registration, whenever the discount medical plan organization has been found to have violated any
19 provision of this chapter, the commissioner may:

20 (1) Issue and cause to be served upon the organization charged with the violation a copy of
21 the findings and an order requiring the organization to immediately cease and desist from engaging
22 in the act or practice that constitutes the violation; and

23 (2) Impose any penalty provided for under § 42-14-16.

24 (l) Each registered discount medical plan organization shall notify the commissioner
25 immediately whenever the discount medical plan organization's certificate of registration, or other
26 form of authority, to operate as a discount medical plan organization in another jurisdiction is
27 suspended, revoked or nonrenewed in that state.

28 (m) A provider who provides discounts to his or her own patients without any cost or fee
29 of any kind to the patient is not required to obtain and maintain a certificate of registration under
30 this chapter as a discount medical plan organization.

31 **27-74-8. Charges and fees -- Refund requirements -- Bundling of services.**

32 (a) A discount medical plan organization may charge a periodic charge as well as a
33 reasonable one-time processing fee for a discount medical plan.

34 (b) If a member cancels his or her membership in the discount medical plan organization

1 within the first thirty (30) days after the date of receipt of the written document for the discount
2 medical plan described in § ~~27-73-11(e)~~ 27-74-11(e), the member shall receive a reimbursement
3 of all periodic charges and the amount of any one-time processing fee that exceeds twenty dollars
4 (\$20.00) upon return of the discount medical plan card to the discount medical plan organization.

5 (c) Cancellation occurs when notice of cancellation is given to the discount medical plan
6 organization. Notice of cancellation is deemed given when delivered by hand or deposited in a
7 mailbox, properly addressed and postage prepaid to the mailing address of the discount medical
8 plan organization or emailed to the email address of the discount medical plan organization.

9 (d) A discount medical plan organization shall return any periodic charge charged or
10 collected after the member has returned the discount medical plan card or given the discount
11 medical plan organization notice of cancellation.

12 (e) If the discount medical plan organization cancels a membership for any reason other
13 than nonpayment of charges by the member, the discount medical plan organization shall make a
14 pro rata reimbursement of all periodic charges to the member.

15 (f) When a marketer or discount medical plan organization sells a discount medical plan in
16 conjunction with any other products, the marketer or discount medical plan organization shall:

17 (1) Provide the charges for each discount medical plan in writing to the member; or

18 (2) Reimburse the member for all periodic charges for the discount medical plan and all
19 periodic charges for any other product if the member cancels his or her membership in accordance
20 with this section.

21 (g) Any discount medical plan organization that is a health carrier that provides a discount
22 medical plan product that is incidental to the insured product is not subject to this section.

23 **27-74-13. Annual reports.**

24 (a) If the information required in subsection (b) of this section is not provided at the time
25 of renewal of a certificate of registration under § ~~27-73-5~~ 27-74-5, a discount medical plan
26 organization shall file an annual report with the commissioner in the form prescribed by the
27 commissioner, within three (3) months after the end of each fiscal year.

28 (b) The report shall include:

29 (1) If different from the initial application for a certificate of registration or at the time of
30 renewal of a certificate of registration or the last annual report, as appropriate, a list of the names
31 and residence addresses of all persons responsible for the conduct of the organization's affairs,
32 together with a disclosure of the extent and nature of any contracts or arrangements with these
33 persons and the discount medical plan organization, including any possible conflicts of interest;

34 (2) The number of discount medical plan members in the state; and

1 (3) Any other information relating to the performance of the discount medical plan
2 organization that may be required by the commissioner.

3 (c) Any discount medical plan organization that fails to file an annual report in the form
4 and within the time required by this section shall:

5 (1) Forfeit:

6 (i) Up to five hundred dollars (\$500) each day for the first ten (10) days during which the
7 violation continues; and

8 (ii) Up to one thousand dollars (\$1,000) each day after the first ten (10) days during which
9 the violation continues; and

10 (2) Upon notice by the commissioner, lose its authority to enroll new members or to do
11 business in this state while the violation continues.

12 SECTION 8. Section 31-3-31.3 of the General Laws in Chapter 31-3 entitled "Registration
13 of Vehicles" is hereby amended to read as follows:

14 **31-3-31.3. Registration of specially constructed vehicles.**

15 (a) A "specially constructed vehicle" means every vehicle of a type that must be registered
16 under chapters 3 through 9 of this title, but not originally constructed under a distinctive name,
17 make, model, or type by a generally recognized manufacturer of vehicles.

18 (b) Specially constructed vehicles shall be subject to the registration fees in § 31-6-1.

19 (c) Before a specially constructed vehicle can be registered, it must undergo an inspection
20 by the division of motor vehicles to determine whether the vehicle was designed for and may be
21 safely operated on public roads, and meets all necessary safety standards. Only those specially
22 constructed vehicles that are deemed by the division of motor vehicles to be designed for use on
23 public roads and meeting all necessary safety standards shall be registered. Specially constructed
24 vehicles that are registered shall be subject to inspection pursuant to ~~chapter 38-4 of this title § 31-~~
25 [§ 31-38-4](#) to ensure that the vehicle continues to meet all necessary safety standards.

26 SECTION 9. Section 36-10-35 of the General Laws in Chapter 36-10 entitled "Retirement
27 System - Contributions and Benefits" is hereby amended to read as follows:

28 **36-10-35. Additional benefits payable to retired employees.**

29 (a) All state employees and all beneficiaries of state employees receiving any service
30 retirement or ordinary or accidental disability retirement allowance pursuant to the provisions of
31 this title on or before December 31, 1967, shall receive a cost of living retirement adjustment equal
32 to one and one-half percent (1.5%) per year of the original retirement allowance, not compounded,
33 for each calendar year the retirement allowance has been in effect. For the purposes of computation,
34 credit shall be given for a full calendar year regardless of the effective date of the retirement

1 allowance. This cost of living adjustment shall be added to the amount of the retirement allowance
2 as of January 1, 1968, and an additional one and one-half percent (1.5%) shall be added to the
3 original retirement allowance in each succeeding year during the month of January, and provided
4 further, that this additional cost of living increase shall be three percent (3%) for the year beginning
5 January 1, 1971, and each year thereafter, through December 31, 1980. Notwithstanding any of the
6 above provisions, no employee receiving any service retirement allowance pursuant to the
7 provisions of this title on or before December 31, 1967, or the employee's beneficiary, shall receive
8 any additional benefit hereunder in an amount less than two hundred dollars (\$200) per year over
9 the service retirement allowance where the employee retired prior to January 1, 1958.

10 (b) All state employees and all beneficiaries of state employees retired on or after January
11 1, 1968, who are receiving any service retirement or ordinary or accidental disability retirement
12 allowance pursuant to the provisions of this title shall, on the first day of January next following
13 the third anniversary date of the retirement, receive a cost of living retirement adjustment, in
14 addition to his or her retirement allowance, in an amount equal to three percent (3%) of the original
15 retirement allowance. In each succeeding year thereafter through December 31, 1980, during the
16 month of January, the retirement allowance shall be increased an additional three percent (3%) of
17 the original retirement allowance, not compounded, to be continued during the lifetime of the
18 employee or beneficiary. For the purposes of computation, credit shall be given for a full calendar
19 year regardless of the effective date of the service retirement allowance.

20 (c)(1) Beginning on January 1, 1981, for all state employees and beneficiaries of the state
21 employees receiving any service retirement and all state employees, and all beneficiaries of state
22 employees, who have completed at least ten (10) years of contributory service on or before July 1,
23 2005, pursuant to the provisions of this chapter, and for all state employees, and all beneficiaries
24 of state employees who receive a disability retirement allowance pursuant to §§ 36-10-12 -- 36-10-
25 15, the cost of living adjustment shall be computed and paid at the rate of three percent (3%) of the
26 original retirement allowance or the retirement allowance as computed in accordance with § 36-
27 10-35.1, compounded annually from the year for which the cost of living adjustment was
28 determined to be payable by the retirement board pursuant to the provisions of subsection (a) or (b)
29 of this section. Such cost of living adjustments are available to members who retire before October
30 1, 2009, or are eligible to retire as of September 30, 2009.

31 (2) The provisions of this subsection shall be deemed to apply prospectively only and no
32 retroactive payment shall be made.

33 (3) The retirement allowance of all state employees and all beneficiaries of state employees
34 who have not completed at least ten (10) years of contributory service on or before July 1, 2005, or

1 were not eligible to retire as of September 30, 2009, shall, on the month following the third
2 anniversary date of retirement, and on the month following the anniversary date of each succeeding
3 year be adjusted and computed by multiplying the retirement allowance by three percent (3%) or
4 the percentage of increase in the Consumer Price Index for all Urban Consumers (CPI-U) as
5 published by the United States Department of Labor Statistics determined as of September 30 of
6 the prior calendar year, whichever is less; the cost of living adjustment shall be compounded
7 annually from the year for which the cost of living adjustment was determined payable by the
8 retirement board; provided, that no adjustment shall cause any retirement allowance to be decreased
9 from the retirement allowance provided immediately before such adjustment.

10 (d) For state employees not eligible to retire in accordance with this chapter as of
11 September 30, 2009, and not eligible upon passage of this article, and for their beneficiaries, the
12 cost of living adjustment described in subsection (3) above shall only apply to the first thirty-five
13 thousand dollars (\$35,000) of retirement allowance, indexed annually, and shall commence upon
14 the third (3rd) anniversary of the date of retirement or when the retiree reaches age sixty-five (65),
15 whichever is later. The thirty-five thousand dollar (\$35,000) limit shall increase annually by the
16 percentage increase in the Consumer Price Index for all Urban Consumers (CPI-U) as published
17 by the United States Department of Labor Statistics determined as of September 30 of the prior
18 calendar year or three percent (3%), whichever is less. The first thirty-five thousand dollars
19 (\$35,000) of retirement allowance, as indexed, shall be multiplied by the percentage of increase in
20 the Consumer Price Index for all Urban Consumers (CPI-U) as published by the United States
21 Department of Labor Statistics determined as of September 30 of the prior calendar year or three
22 percent (3%), whichever is less, on the month following the anniversary date of each succeeding
23 year. For state employees eligible to retire as of September 30, 2009, or eligible upon passage of
24 this article, and for their beneficiaries, the provisions of this subsection (d) shall not apply.

25 (e) All legislators and all beneficiaries of legislators who are receiving a retirement
26 allowance pursuant to the provisions of § 36-10-9.1 for a period of three (3) or more years, shall,
27 commencing January 1, 1982, receive a cost of living retirement adjustment, in addition to a
28 retirement allowance, in an amount equal to three percent (3%) of the original retirement allowance.
29 In each succeeding year thereafter during the month of January, the retirement allowance shall be
30 increased an additional three percent (3%) of the original retirement allowance, compounded
31 annually, to be continued during the lifetime of the legislator or beneficiary. For the purposes of
32 computation, credit shall be given for a full calendar year regardless of the effective date of the
33 service retirement allowance.

34 (f) The provisions of §§ 45-13-7 -- 45-13-10 shall not apply to this section.

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

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

20 (2) Except as provided in paragraph (g)(3), the benefit adjustments under this section for
21 any plan year shall be suspended in their entirety unless the Funded Ratio of the Employees'
22 Retirement System of Rhode Island, the Judicial Retirement Benefits Trust and the State Police
23 Retirement Benefits Trust, calculated by the system's actuary on an aggregate basis, exceeds eighty
24 percent (80%) in which event the benefit adjustment will be reinstated for all members for such
25 plan year.

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

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

1 (4) Notwithstanding any other provision of this chapter, the provisions of this paragraph
2 (g) shall become effective July 1, 2012, and shall apply to any benefit adjustment not granted on or
3 prior to June 30, 2012.

4 (h) This subsection (h) shall become effective July 1, 2015.

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

11 (B) Notwithstanding the prior subsections of this section, for all present and former
12 employees, active and retired members, and beneficiaries receiving any retirement, disability or
13 death allowance or benefit of any kind, the annual benefit adjustment provided in any calendar year
14 under this section for adjustments on and after January 1, 2016, and subject to subsection (h)(2)
15 below, shall be equal to (I) multiplied by (II):

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

17 (i) Is equal to the percentage determined by subtracting five and one-half percent (5.5%)
18 (the "subtrahend") from the five-year average investment return of the retirement system
19 determined as of the last day of the plan year preceding the calendar year in which the adjustment
20 is granted, said percentage not to exceed four percent (4%) and not to be less than zero percent
21 (0%). The "five-year average investment return" shall mean the average of the investment returns
22 of the most recent five (5) plan years as determined by the retirement board. In the event the
23 retirement board adjusts the actuarially assumed rate of return for the system, either upward or
24 downward, the subtrahend shall be adjusted either upward or downward in the same amount.

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

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

32 The benefit adjustments provided by this subsection (h)(1)(B) shall be provided to all
33 retirees entitled to receive a benefit adjustment as of June 30, 2012, under the law then in effect,
34 and for all other retirees the benefit adjustments shall commence upon the third anniversary of the

1 date of retirement or the date on which the retiree reaches his or her Social Security retirement age,
2 whichever is later.

3 (2) Except as provided in subsection (h)(3) of this section, the benefit adjustments under
4 subsection (h)(1)(B) for any plan year shall be suspended in their entirety unless the funded ratio
5 of the employees' retirement system of Rhode Island, the judicial retirement benefits trust and the
6 state police retirement benefits trust, calculated by the system's actuary on an aggregate basis,
7 exceeds eighty percent (80%) in which event the benefit adjustment will be reinstated for all
8 members for such plan year.

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

12 (3) Notwithstanding subsection (h)(2), in each fourth plan year commencing after June 30,
13 2012, commencing with the plan year ending June 30, 2016, and subsequently at intervals of four
14 plan years:

15 (i) A benefit adjustment shall be calculated and made in accordance with subsection
16 (h)(1)(B) above; and

17 (ii) Effective for members and/or beneficiaries of members who retired on or before June
18 30, 2015, the dollar amount in subsection (h)(1)(B)(II) of twenty-five thousand eight hundred and
19 fifty-five dollars (\$25,855) shall be replaced with thirty-one thousand and twenty-six dollars
20 (\$31,026) until the funded ratio of the employees' retirement system of Rhode Island, the judicial
21 retirement benefits trust and the state police retirement benefits trust, calculated by the system's
22 actuary on an aggregate basis, exceeds eighty percent (80%).

23 (i) Effective for members and or beneficiaries of members who have retired on or before
24 July 1, 2015, a one-time stipend of five hundred dollars (\$500) shall be payable within sixty (60)
25 days following the enactment of the legislation implementing this provision, and a second one-time
26 stipend of five hundred dollars (\$500) in the same month of the following year. These stipends
27 shall be payable to all retired members or beneficiaries receiving a benefit as of the applicable
28 payment date and shall not be considered cost of living adjustments under the prior provisions of
29 this § ~~36-10-3~~ 36-10-35.

30 SECTION 10. Section 42-7.2-6 of the General Laws in Chapter 42-7.2 entitled "Office of
31 Health and Human Services" is hereby amended to read as follows:

32 **42-7.2-6. Departments assigned to the executive office -- Powers and duties.**

33 (a) The departments assigned to the secretary shall:

34 (1) Exercise their respective powers and duties in accordance with their statutory authority

1 and the general policy established by the governor or by the secretary acting on behalf of the
2 governor or in accordance with the powers and authorities conferred upon the secretary by this
3 chapter;

4 (2) Provide such assistance or resources as may be requested or required by the governor
5 and/or the secretary; and

6 (3) Provide such records and information as may be requested or required by the governor
7 and/or the secretary to perform the duties set forth in ~~subsection 6 of this chapter~~ [§ 42-7.2-5](#). Upon
8 developing, acquiring or transferring such records and information, the secretary shall assume
9 responsibility for complying with the provisions of any applicable general or public law, regulation,
10 or agreement relating to the confidentiality, privacy or disclosure of such records or information.

11 (4) Forward to the secretary copies of all reports to the governor.

12 (b) Except as provided herein, no provision of this chapter or application thereof shall be
13 construed to limit or otherwise restrict the department of children, youth and families, the
14 department of health, the department of human services, and the department of behavioral
15 healthcare, developmental disabilities and hospitals from fulfilling any statutory requirement or
16 complying with any valid rule or regulation.

17 SECTION 11. Sections 42-12.3-3, 42-12.3-4 and 42-12.3-15 of the General Laws in
18 Chapter 42-12.3 entitled "Health Care for Children and Pregnant Women" are hereby amended to
19 read as follows:

20 **42-12.3-3. Medical assistance expansion for pregnant women/RItE Start.**

21 (a) The director of the department of human services is authorized to amend its title XIX
22 state plan pursuant to title XIX of the Social Security Act to provide Medicaid coverage and to
23 amend its title XXI state plan pursuant to Title XXI of the Social Security Act to provide medical
24 assistance coverage through expanded family income disregards for pregnant women whose family
25 income levels are between one hundred eighty-five percent (185%) and two hundred fifty percent
26 (250%) of the federal poverty level. The department is further authorized to promulgate any
27 regulations necessary and in accord with title XIX [42 U.S.C. § 1396 et seq.] and title XXI [~~42~~
28 ~~U.S.C. § 1397~~ [42 U.S.C. § 1397aa](#) et seq.] of the Social Security Act necessary in order to
29 implement said state plan amendment. The services provided shall be in accord with title XIX [42
30 U.S.C. § 1396 et seq.] and title XXI [~~42 U.S.C. § 1397~~ [42 U.S.C. § 1397aa](#) et seq.] of the Social
31 Security Act.

32 (b) The director of the department of human services is authorized and directed to establish
33 a payor of last resort program to cover prenatal, delivery and postpartum care. The program shall
34 cover the cost of maternity care for any woman who lacks health insurance coverage for maternity

1 care and who is not eligible for medical assistance under title XIX [42 U.S.C. § 1396 et seq.] and
2 title XXI [~~42 U.S.C. § 1397~~ [42 U.S.C. § 1397aa](#) et seq.] of the Social Security Act including, but
3 not limited to, a noncitizen pregnant woman lawfully admitted for permanent residence on or after
4 August 22, 1996, without regard to the availability of federal financial participation, provided such
5 pregnant woman satisfies all other eligibility requirements. The director shall promulgate
6 regulations to implement this program. Such regulations shall include specific eligibility criteria;
7 the scope of services to be covered; procedures for administration and service delivery; referrals
8 for non-covered services; outreach; and public education. Excluded services under this ~~paragraph~~
9 [subsection](#) will include, but not be limited to, induced abortion except in cases of rape or incest or
10 to save the life of the pregnant individual.

11 (c) The department of human services may enter into cooperative agreements with the
12 department of health and/or other state agencies to provide services to individuals eligible for
13 services under subsections (a) and (b) above.

14 (d) The following services shall be provided through the program:

15 (1) Ante-partum and postpartum care;

16 (2) Delivery;

17 (3) Cesarean section;

18 (4) Newborn hospital care;

19 (5) Inpatient transportation from one hospital to another when authorized by a medical
20 provider; [and](#)

21 (6) Prescription medications and laboratory tests;

22 (e) The department of human services shall provide enhanced services, as appropriate, to
23 pregnant women as defined in subsections (a) and (b), as well as to other pregnant women eligible
24 for medical assistance. These services shall include: care coordination, nutrition and social service
25 counseling, high risk obstetrical care, childbirth and parenting preparation programs, smoking
26 cessation programs, outpatient counseling for drug-alcohol use, interpreter services, mental health
27 services, and home visitation. The provision of enhanced services is subject to available
28 appropriations. In the event that appropriations are not adequate for the provision of these services,
29 the department has the authority to limit the amount, scope and duration of these enhanced services.

30 (f) The department of human services shall provide for extended family planning services
31 for up to twenty-four (24) months postpartum. These services shall be available to women who
32 have been determined eligible for RIte Start or for medical assistance under title XIX [42 U.S.C. §
33 1396 et seq.] or title XXI [~~42 U.S.C. § 1397~~ [42 U.S.C. § 1397aa](#) et seq.] of the Social Security Act.

34 **42-12.3-4. "RIte track" program.**

1 There is hereby established a payor of last resort program for comprehensive health care
2 for children until they reach nineteen (19) years of age, to be known as "RIte track." The department
3 of human services is hereby authorized to amend its title XIX state plan pursuant to title XIX [42
4 U.S.C. § 1396 et seq.] and title XXI [~~42 U.S.C. § 1397~~ [42 U.S.C. § 1397aa](#) et seq.] of the Social
5 Security Act as necessary to provide for expanded Medicaid coverage through expanded family
6 income disregards for children, until they reach nineteen (19) years of age, whose family income
7 levels are up to two hundred fifty percent (250%) of the federal poverty level. Provided, however,
8 that healthcare coverage provided under this section shall also be provided in accordance to Title
9 XIX of the Social Security Act, 42 U.S.C. § 1396 et seq., to a noncitizen child who is lawfully
10 residing in the United States, and who is otherwise eligible for such assistance. The department is
11 further authorized to promulgate any regulations necessary, and in accord with title XIX [42 U.S.C.
12 § 1396 et seq.] and title XXI [~~42 U.S.C. § 1397~~ [42 U.S.C. § 1397aa](#) et seq.] of the Social Security
13 Act as necessary in order to implement the state plan amendment. For those children who lack
14 health insurance, and whose family incomes are in excess of two hundred fifty percent (250%) of
15 the federal poverty level, the department of human services shall promulgate necessary regulations
16 to implement the program. The department of human services is further directed to ascertain and
17 promulgate the scope of services that will be available to those children whose family income
18 exceeds the maximum family income specified in the approved title XIX [42 U.S.C. § 1396 et seq.]
19 and title XXI [~~42 U.S.C. § 1397~~ [42 U.S.C. § 1397aa](#) et seq.] state plan amendment.

20 **42-12.3-15. Expansion of RIte track program.**

21 The Department of Human Services is hereby authorized and directed to submit to the
22 United States Department of Health and Human Services an amendment to the "RIte Care" waiver
23 project number 11-W-0004/1-01 to provide for expanded Medicaid coverage for children until they
24 reach eight (8) years of age, whose family income levels are to two hundred fifty percent (250%)
25 of the federal poverty level. Expansion of the RIte track program from the age of six (6) until they
26 reach eighteen (18) years of age in accordance with this chapter shall be subject to the approval of
27 the amended waiver by the United States Department of Health and Human Services. Healthcare
28 coverage under this section shall also be provided to a noncitizen child lawfully residing in the
29 United States, and who is otherwise eligible for such assistance under title XIX [42 U.S.C. § 1396
30 et seq.] or title XXI [~~42 U.S.C. § 1397~~ [42 U.S.C. § 1397aa](#) et seq.]

31 SECTION 12. Section 42-14-9 of the General Laws in Chapter 42-14 entitled "Department
32 of Business Regulation" is hereby amended to read as follows:

33 **42-14-9. Payment of expenses -- Fees.**

34 (a) The general assembly shall annually appropriate such sum as it may deem necessary

1 for the payment of the salary of the administrator of banking and insurance, for the payment of the
2 salaries of his or her deputies and for the payment of the clerical and other assistance, office and
3 traveling expenses of the administrator of banking and insurance, his or her deputies and assistants,
4 and the state controller is hereby authorized and directed to draw his or her orders for the payment
5 of those sums, or so much of them as may from time to time be required, upon receipt by him or
6 her of proper vouchers, approved by the director of business regulation. All fees, charges for
7 examinations and other collections received by him or her as administrator of banking, insurance,
8 and securities shall be paid to the general treasurer for the use of the state.

9 (b) Reimbursements.

10 (1) Certain operational costs of the department of business regulation are eligible for
11 reimbursement from third parties, including, but not limited to, costs of licensing, and shall also
12 include the following expenses:

13 (i) All reasonable technology costs related to the examination and licensing process.
14 Technology costs shall include the actual cost of software and hardware utilized in the licensing
15 process and the cost of training personnel in the proper use of the software or hardware.

16 (ii) All necessary and reasonable education and training costs incurred by the state to
17 maintain the proficiency and competence of the examining and licensing personnel. All these costs
18 shall be incurred in accordance with appropriate state of Rhode Island regulations, guidelines and
19 procedures.

20 (iii) All revenues collected pursuant to this section shall be deposited as restricted receipts.

21 (2) There is created within the general fund a restricted receipt account to be known as the
22 "banking division reimbursement account." All funds in the account shall be utilized by the
23 department of business regulation to effectuate the provisions of this subsection (b). All funds
24 received for the ~~securities~~ banking division pursuant to this subsection (b) shall be deposited in the
25 ~~securities~~ banking division reimbursement account. The general treasurer is authorized and
26 directed to draw his or her orders on the account upon receipt of properly authenticated vouchers
27 from the department of business regulation.

28 (3) There is created within the general fund a restricted receipt account to be known as the
29 "office of the health insurance commissioner reimbursement account." All funds in the account
30 shall be utilized by the department of business regulation to effectuate the provisions of this
31 subsection (b) that relate to reimbursements. All funds received for the health insurance
32 commissioner pursuant to this subsection (b) shall be deposited in the office of the health insurance
33 commissioner reimbursement account. The general treasurer is authorized and directed to draw his
34 or her orders on the account upon receipt of properly authenticated vouchers from the department

1 of business regulation.

2 (4) There is created within the general fund a restricted receipt account to be known as the
3 "securities division reimbursement account." All funds in the account shall be utilized by the
4 department of business regulation to effectuate the provisions of this subsection (b) that relate to
5 reimbursements. All funds received for the securities division pursuant to this subsection (b) shall
6 be deposited in the securities division reimbursement account. The general treasurer is authorized
7 and directed to draw his or her orders on the account upon receipt of properly authenticated
8 vouchers from the department of business regulation.

9 (5) There is created within the general fund a restricted receipt account to be known as the
10 "commercial licensing and racing and athletics division reimbursement account." All funds in the
11 account shall be utilized by the department of business regulation to effectuate the provisions of
12 this subsection (b) that relate to reimbursements. All funds received for the commercial licensing
13 and racing and athletics division pursuant to this subsection (b) shall be deposited in the commercial
14 licensing and racing and athletics division reimbursement account. The general treasurer is
15 authorized and directed to draw his or her orders on the account upon receipt of properly
16 authenticated vouchers from the department of business regulation.

17 (6) There is created within the general fund a restricted receipt account to be known as the
18 "insurance division reimbursement account." All funds in the account shall be utilized by the
19 department of business regulation to effectuate the provisions of this subsection (b) that relate to
20 reimbursements. All funds received for the insurance division pursuant to this subsection (b) shall
21 be deposited in the insurance division reimbursement account. The general treasurer is authorized
22 and directed to draw his or her orders on the account upon receipt of properly authenticated
23 vouchers from the department of business regulation.

24 SECTION 13. Section 42-34-4 of the General Laws in Chapter 42-34 entitled "Industrial-
25 Recreational Building Authority" is hereby amended to read as follows:

26 **42-34-4. Organization of authority.**

27 (a) The Rhode Island industrial-recreational building authority, hereinafter in this chapter
28 called the "authority," hereby created and established a body corporate and politic, is constituted a
29 public instrumentality of the state, and the exercise by the authority of the powers conferred by the
30 provisions of this chapter shall be deemed and held to be the performance of essential governmental
31 functions. The authority shall consist of five (5) members, appointed by the governor for a period
32 of five (5) years, as herein provided.

33 (b) During the month of January, 1959, the governor shall appoint one member to serve
34 until the first day of February, 1960, and until his or her successor is appointed and qualified, one

1 member to serve until the first day of February, 1961, and until his or her successor is appointed
2 and qualified, one member to serve until the first day of February, 1962, and until his or her
3 successor is appointed and qualified, one member to serve until the first day of February, 1963, and
4 until his or her successor is appointed and qualified, and one member to serve until the first day of
5 February, 1964, and until his or her successor is appointed and qualified.

6 (c) During the month of January, 1960, and during the month of January annually
7 thereafter, the governor shall appoint a member to succeed the member whose term will then next
8 expire, to serve for a term of five (5) years commencing on the first day of February then next
9 following and until his or her successor is appointed and qualified. A member shall be eligible to
10 succeed himself or herself.

11 (d) A vacancy in the office of a member, other than by expiration, shall be filled in like
12 manner as an original appointment, but only for the remainder of the term of the retiring member.
13 Members may be removed by the governor for cause.

14 (e) The authority may elect such officers from among its members as may be required to
15 conduct the authority's business. The chief executive officer of the commerce corporation shall
16 serve as executive director and chief executive officer, ex officio, of the authority. Three (3)
17 members of the authority shall constitute a quorum and the affirmative vote of a majority of the
18 members, present and voting, shall be necessary for any action taken by the authority; except that,
19 in no case shall any action taken by the authority be taken by an affirmative vote of less than three
20 (3) members. No vacancy in the membership of the authority or disqualification of a member under
21 § 42-34-16 shall impair the right of the quorum to exercise all rights and perform all the duties of
22 the authority. All of the members of the authority shall be reimbursed for their actual expenses
23 necessarily incurred in the performance of their duties.

24 (f) Appointments made under this section after the effective date of this act [April 20, 2006]
25 shall be subject to the advice and consent of the senate.

26 (g) Newly appointed and qualified public members and designees of ex-officio members
27 shall, within six (6) months of their qualification or designation, attend a training course that shall
28 be developed with authority approval and conducted by the chairperson of the authority and shall
29 include instruction in the following areas: the provisions of chapters 34 and 46 of this title, chapter
30 14 of title 36, and chapter 2 of title 38; and the authority's rules and regulations. The director of the
31 department of administration shall, within ninety (90) days of the effective date of this act [April
32 20, 2006], prepare and disseminate training materials relating to the provisions of chapters ~~42-46,~~
33 ~~36-14 and 38-2-29~~ 46 of this title, 14 of title 36 and 2 of title 38.

34 (h) Members of the authority shall be removable by the governor pursuant to § 36-1-7 and

1 for cause only, and removal solely for partisan or personal reasons unrelated to capacity or fitness
2 for the office shall be unlawful.

3 (i) The authority shall approve and submit a biannual report, each October 1 and each April
4 1, to the governor, the speaker of the house of representatives, the president of the senate, and the
5 secretary of state, of its activities during the previous six (6) months. The report shall provide: an
6 operating statement summarizing meetings or hearings held, meeting minutes if requested, subjects
7 addressed, decisions rendered, rules or regulations promulgated, studies conducted, policies and
8 plans developed, approved, or modified, and programs administered or initiated; a detailed review
9 of the authority's loan guarantee program, including a summary of each approved project, the
10 guarantee amount for each approved project, and estimated jobs created or retained for each
11 approved project; a consolidated financial statement of all funds received and expended including
12 the source of the funds, a listing of any staff supported by these funds, and a summary of any
13 clerical, administrative or technical support received; a summary of performance during the
14 previous fiscal year including accomplishments, shortcomings and remedies; a synopsis of
15 hearings, complaints, suspensions, or other legal matters related to the authority of the authority; a
16 summary of any training courses held pursuant to subsection (i) of this section; a briefing on
17 anticipated activities in the upcoming fiscal year; and findings and recommendations for
18 improvements. The report shall be posted electronically on the general assembly and the secretary
19 of states websites as prescribed in § 42-20-8.2. The director of the department of administration
20 shall be responsible for the enforcement of this provision.

21 SECTION 14. Section 44-5-20.02 of the General Laws in Chapter 44-5 entitled "Levy and
22 Assessment of Local Taxes" is hereby amended to read as follows:

23 **44-5-20.02. Central Falls -- Property tax classification -- List of ratable property.**

24 (a) Notwithstanding any provision within § 44-5-11.8 to the contrary, on or before June 1,
25 except in 1990, in which case the time is thirty (30) days after June 1, 1990, the assessor in the city
26 of Central Falls, after certification for classification, shall submit to the director of revenue a list
27 containing the true, full, and fair cash value of the ratable estate and motor vehicles and shall
28 classify and provide a tax rate for the property according to the following use:

29 (1) "Class 1" includes residential property which is owner-occupied dwellings of no more
30 than five (5) units and which is property used or held for human habitation, including rooming
31 houses and mobile homes with facilities designed and used for living, sleeping, cooking, and eating
32 on a non-transient basis. Eligibility for the owner-occupied tax classification shall be determined
33 by compliance with § 44-3-34 and relevant city ordinances. This property includes accessory land,
34 buildings, or improvements incidental to the habitation and used exclusively by the residents of the

1 property or their guests. This property does not include a hotel, motel, commercial, or industrial
2 property.

3 (2) "Class 2" includes residential property which is owner-occupied dwellings of more than
4 five (5) units and non-owner-occupied dwellings, including properties for mixed use as residential
5 and commercial properties, and which is property used or held for human habitation, including
6 rooming houses and mobile homes with facilities designed and used for living, sleeping, cooking,
7 and eating on a non-transient basis. This property includes accessory land, buildings, or
8 improvements incidental to the habitation and used exclusively by the residents of the property or
9 their guests. This property includes open space including "~~farm~~ farmland," "~~forest~~ forestland,"
10 and "open space land" as defined in accordance with § 44-27-2. This property does not include a
11 hotel, motel, commercial, or industrial property.

12 (3) "Class 3" includes personal property, previously subject to tax, and includes all goods,
13 chattels, and effects, wherever they may be, except those that are exempt from taxation by the laws
14 of the United States or of this state.

15 (4) "Class 4" includes every vehicle and trailer registered under chapter 3 of title 31.

16 (5) "Class 5" includes property used commercially or for industrial manufacturing.

17 (b) The city of Central Falls may, by ordinance adopted by the city council, provide for tax
18 classification of property and tax rates in the city of Central Falls based on the five (5) classes
19 outlined in subsection (a) of this section.

20 (c) The effective tax rate for Class 2 shall not exceed by two (2) times, the effective tax
21 rate for Class 1; the effective tax rate for Class 5 shall not exceed by three (3) times, the effective
22 tax rate for Class 1; and the effective tax rate for Class 3 shall not exceed by four (4) times, the
23 effective tax rate for Class 1.

24 SECTION 15. Section 44-33.6-8 of the General Laws in Chapter 44-33.6 entitled "Historic
25 Preservation Tax Credits 2013" is hereby amended to read as follows:

26 **44-33.6-8. Historic tax credit apprenticeship requirements.**

27 (a) Notwithstanding any laws to the contrary, any credit allowed under this chapter for hard
28 construction costs valued at ten million dollars (\$10,000,000) or more shall include a requirement
29 that any contractor and subcontractor working on the project shall have an apprenticeship program
30 as defined herein for all apprenticeable crafts that will be employed on the project at the time of
31 bid. The provisions of ~~the~~ this section shall only apply to contractors and subcontractors with five
32 (5) or more employees. For purposes of this section, an apprenticeship program is one that is
33 registered with and approved by the United States department of labor in conformance with 29
34 C.F.R. 29 and 29 C.F.R. 30~~;~~ and.

1 (b) The department of labor and training must provide information and technical assistance
2 to affected governmental, quasi-governmental agencies, and any contractors awarded projects
3 relative to their obligations under this statute.

4 (c) The department of labor and training may also impose a penalty of up to five hundred
5 dollars (\$500) for each calendar day of noncompliance with this section, as determined by the
6 director of labor and training. Mere errors and/or omissions shall not be grounds for imposing a
7 penalty under this subsection.

8 (d) Any penalties assessed under this statute shall be paid to the general fund.

9 (e) To the extent that any of the provisions contained in ~~§ 37-13-3.2~~ [this section](#) conflict
10 with the requirements for federal aid contracts, federal law and regulations shall control.

11 SECTION 16. Section 45-53-3 of the General Laws in Chapter 45-53 entitled "Low and
12 Moderate Income Housing" is hereby amended to read as follows:

13 **45-53-3. Definitions.**

14 The following words, wherever used in this chapter, unless a different meaning clearly
15 appears from the context, have the following meanings:

16 (1) "Affordable housing plan" means a component of a housing element, as defined in
17 subdivision 45-22.2-4(1), to meet housing needs in a city or town that is prepared in accordance
18 with guidelines adopted by the state planning council, and/or to meet the provisions of subsection
19 45-53-4(b)(1) and (c).

20 (2) "Approved affordable housing plan" means an affordable housing plan that has been
21 approved by the director of administration as meeting the guidelines for the local comprehensive
22 plan as promulgated by the state planning council; provided, however, that state review and
23 approval, for plans submitted by December 31, 2004, shall not be contingent on the city or town
24 having completed, adopted, or amended its comprehensive plan as provided for in sections 45-
25 22.2-8, 45-22.2-9, or 45-22.2-12.

26 (3) "Comprehensive plan" means a comprehensive plan adopted and approved by a city or
27 town pursuant to chapters 22.2 and 22.3 of this title.

28 (4) "Consistent with local needs" means reasonable in view of the state need for low and
29 moderate income housing, considered with the number of low income persons in the city or town
30 affected and the need to protect the health and safety of the occupants of the proposed housing or
31 of the residence of the city or town, to promote better site and building design in relation to the
32 surroundings, or to preserve open spaces, and if the local zoning or land use ordinances,
33 requirements, and regulations are applied as equally as possible to both subsidized and
34 unsubsidized housing. Local zoning and land use ordinances, requirements, or regulations are

1 consistent with local needs when imposed by a city or town council after [a](#) comprehensive hearing
2 in a city or town where:

3 (i) Low or moderate income housing exists which is: (A) in the case of an urban city or
4 town which has at least 5,000 occupied year-round rental units and the units, as reported in the
5 latest decennial census of the city or town, comprise twenty-five percent (25%) or more of the year-
6 round housing units, [and](#) is in excess of fifteen percent (15%) of the total occupied year-round
7 rental units; or (B) in the case of all other cities or towns, is in excess of ten percent (10%) of the
8 year-round housing units reported in the census.

9 (ii) The city or town has promulgated zoning or land use ordinances, requirements, and
10 regulations to implement a comprehensive plan which has been adopted and approved pursuant to
11 chapters 22.2 and 22.3 of this title, and the housing element of the comprehensive plan provides
12 for low and moderate income housing in excess of either ten percent (10%) of the year-round
13 housing units or fifteen percent (15%) of the occupied year-round rental housing units as provided
14 in subdivision ~~(2)(i)~~[\(4\)\(i\)](#).

15 (5) "Infeasible" means any condition brought about by any single factor or combination of
16 factors, as a result of limitations imposed on the development by conditions attached to the approval
17 of the comprehensive permit, to the extent that it makes it impossible for a public agency, nonprofit
18 organization, or limited equity housing cooperative to proceed in building or operating low or
19 moderate income housing without financial loss, within the limitations set by the subsidizing
20 agency of government, on the size or character of the development, on the amount or nature of the
21 subsidy, or on the tenants, rentals, and income permissible, and without substantially changing the
22 rent levels and unit sizes proposed by the public agency, nonprofit organization, or limited equity
23 housing cooperative.

24 (6) "Letter of eligibility" means a letter issued by the Rhode Island housing and mortgage
25 finance corporation in accordance with subsection 42-55-5.3(a).

26 (7) "Local board" means any town or city official, zoning board of review, planning board
27 or commission, board of appeal or zoning enforcement officer, local conservation commission,
28 historic district commission, or other municipal board having supervision of the construction of
29 buildings or the power of enforcing land use regulations, such as subdivision, or zoning laws.

30 (8) "Local review board" means the planning board as defined by subdivision ~~45-22.2-~~
31 ~~4(26)~~ [45-22.2-4\(20\)](#), or if designated by ordinance as the board to act on comprehensive permits
32 for the town, the zoning board of review established pursuant to section 45-24-56.

33 (9) "Low or moderate income housing" means any housing whether built or operated by
34 any public agency or any nonprofit organization or by any limited equity housing cooperative or

1 any private developer, that is subsidized by a federal, state, or municipal government subsidy under
2 any program to assist the construction or rehabilitation of housing affordable to low or moderate
3 income households, as defined in the applicable federal or state statute, or local ordinance and that
4 will remain affordable through a land lease and/or deed restriction for ninety-nine (99) years or
5 such other period that is either agreed to by the applicant and town or prescribed by the federal,
6 state, or municipal government subsidy program but that is not less than thirty (30) years from
7 initial occupancy.

8 (10) "Meeting housing needs" means adoption of the implementation program of an
9 approved affordable housing plan and the absence of unreasonable denial of applications that are
10 made pursuant to an approved affordable housing plan in order to accomplish the purposes and
11 expectations of the approved affordable housing plan.

12 (11) "Municipal government subsidy" means assistance that is made available through a
13 city or town program sufficient to make housing affordable, as affordable housing is defined in §
14 42-128-8.1(d)(1); such assistance may include, but is not limited to, direct financial support,
15 abatement of taxes, waiver of fees and charges, and approval of density bonuses and/or internal
16 subsidies, and any combination of forms of assistance.

17 SECTION 17. Section 46-12.2-12.1 of the General Laws in Chapter 46-12.2 entitled
18 "Rhode Island Infrastructure Bank" is hereby amended to read as follows:

19 **46-12.2-12.1. Power of local governmental units to issue limited obligations payable**
20 **from energy efficiency savings.**

21 (a) If required by the applicable loan agreement, and notwithstanding any general or special
22 law or municipal charter to the contrary, local governmental obligations shall be issued as limited
23 obligations payable solely from an appropriation of general revenues in an amount not to exceed
24 the projected energy savings of the project. Notwithstanding § ~~45-12.2-2~~ 45-12-2 or any general or
25 special law or municipal charter to the contrary, all local governmental units shall have the power
26 to issue such local governmental obligations pursuant to this section without limit as to amount,
27 and the amount of principal and premium, if any, and interest on the obligations shall not be
28 included in the computation of any limit on the indebtedness of the local governmental unit or on
29 the total taxes which may be levied or assessed by the local governmental unit in any year or on
30 any assessment, levy, or other charge made by the local governmental unit on any other political
31 subdivision or instrumentality of the state. This section shall constitute the bond act for the issuance
32 of such local governmental obligations by local governmental units. Any local governmental
33 obligations issued in accordance with this section shall recite on its face that it is a limited obligation
34 payable solely from an appropriation of general revenues in an amount not to exceed the projected

1 energy savings pledged to its payment.

2 (b) The issuance of local governmental obligations in accordance with this section, the
3 maturity or maturities and other terms thereof, the security therefor, the rights of the holders thereof,
4 and the rights, duties, and obligation of the local governmental unit in respect of the same shall be
5 governed by the provisions of this chapter relating to the issue of local governmental obligations to
6 the extent applicable and not inconsistent with this section.

7 (c) A local government unit may appropriate general revenues on an annual basis to pay
8 any local governmental obligation provided that an event of non-appropriation shall not be an event
9 of default under any local governmental obligation.

10 SECTION 18. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO STATUTES AND STATUTORY CONSTRUCTION

- 1 This act would make technical amendments and corrections to the general laws.
- 2 This act would take effect upon passage.

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