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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2008

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A N A C T

MAKING REVISED APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR
FISCAL YEAR ENDING JUNE 30, 2008

Introduced By: Representatives Mumford, Ehrhardt, and Story

Date Introduced: January 23, 2008

Referred To: House Finance

It is enacted by the General Assembly as follows:

- 1 ARTICLE 1 RELATING TO MAKING REVISED APPROPRIATIONS IN
- 2 SUPPORT OF FY 2008
- 3 ARTICLE 2 RELATING TO STATE FLEET REPLACEMENT REVOLVING LOAN
- 4 FUND
- 5 ARTICLE 3 RELATING TO PRIVATIZATION OF STATE SERVICES
- 6 ARTICLE 4 RELATING TO RETIREE HEALTH BENEFITS FUNDING
- 7 ARTICLE 5 RELATING TO CERTIFIED SCHOOL TEACHERS AND MUNICIPAL
- 8 EMPLOYEES RIGHT TO BARGAIN
- 9 ARTICLE 6 RELATING TO RESTRICTED RECEIPT ACCOUNTS
- 10 ARTICLE 7 RELATING TO CORRECTIONS REFORM
- 11 ARTICLE 8 RELATING TO PUBLIC OFFICERS AND EMPLOYEES
- 12 ARTICLE 9 RELATING TO THE FAMILY INDEPENDENCE ACT
- 13 ARTICLE 10 RELATING TO MEDICAL ASSISTANCE – ELIGIBILITY
- 14 ARTICLE 11 RELATING TO MEDICAL ASSISTANCE - MANAGED CARE
- 15 ARTICLE 12 RELATING TO ATOMIC ENERGY COMMISSION
- 16 ARTICLE 13 RELATING TO THE RHODE ISLAND TRAINING SCHOOL
- 17 ARTICLE 14 RELATING TO HEALTH CARE COVERAGE FOR CHILD CARE
- 18 PROVIDERS
- 19 ARTICLE 15 RELATING TO EDUCATION AID

- 1 ARTICLE 16 RELATING TO INSURANCE – CONSUMER REPRESENTATION AT RATE
- 2 HEARINGS
- 3 ARTICLE 17 RELATING TO PROCEEDINGS IN FAMILY COURT
- 4 ARTICLE 18 RELATING TO STATE AID
- 5 ARTICLE 19 RELATING TO ADMINISTRATIVE PROCEDURES
- 6 ARTICLE 20 RELATING TO TAXATION
- 7 ARTICLE 21 RELATING TO PUBLIC UTILITIES COMMISSION
- 8 ARTICLE 22 RELATING TO THE REGISTRATION OF VEHICLES
- 9 ARTICLE 23 RELATING TO ADJUDICATION OF TRAFFIC OFFENSES
- 10 ARTICLE 24 RELATING TO TOWNS AND CITIES – POLICE OFFICERS AND
- 11 FIREFIGHTERS RELIEF BENEFITS
- 12 ARTICLE 25 RELATING TO MOBILE TELEPHONE USE BY MOTOR VEHICLE
- 13 OPERATORS
- 14 ARTICLE 26 RELATING TO EFFECTIVE DATE
- 15

1 **ARTICLE 1**

2 **RELATING TO MAKING REVISED APPROPRIATIONS IN SUPPORT OF FY 2008**

3 SECTION 1. Subject to the conditions, limitations and restrictions hereinafter contained
4 in this article, the following general revenue amounts are hereby appropriated out of any money
5 in the treasury not otherwise appropriated to be expended during the fiscal year ending June 30,
6 2008. The amounts identified for federal funds and restricted receipts shall be made available
7 pursuant to Section 35-4-22 and Chapter 42-41 of the Rhode Island General Laws. For the
8 purposes and functions hereinafter mentioned, the state controller is hereby authorized and
9 directed to draw his or her orders upon the general treasurer for the payment of such sums or such
10 portions thereof as may be required from time to time upon receipt by him or her of properly
11 authenticated vouchers.

	FY 2008	FY 2008	FY 2008
	<u>Enacted</u>	<u>Change</u>	<u>Final</u>
Administration			
Central Management			
General Revenue Total	1,549,780	40,951	1,590,731
Federal Funds Total	238,173	(9,495)	228,678
Restricted Receipts Total	0	119,177	119,177
Total - Central Management	1,787,953	150,633	1,938,586
<i>Legal Services</i>			
General Revenue Total	1,836,817	569,955	2,406,772
Other Funds			
Legal Support/DOT	122,057	113,473	235,530
Other Funds Total	122,057	113,473	235,530
Total - Legal Services	1,958,874	683,428	2,642,302
Accounts and Control			
General Revenue Total	3,252,968	245,047	3,498,015
Total - Accounts and Control	3,252,968	245,047	3,498,015
<i>Budgeting</i>			
General Revenue Total	2,090,800	(98,721)	1,992,079
Total - Budgeting	2,090,800	(98,721)	1,992,079
<i>Purchasing</i>			
General Revenue Total	2,398,789	(217,453)	2,181,336
Total - Purchasing	2,398,789	(217,453)	2,181,336

1	<i>Auditing</i>			
2	General Revenue Total	1,792,239	(104,386)	1,687,853
3	Total – Auditing	1,792,239	(104,386)	1,687,853
4	<i>Human Resources</i>			
5	General Revenue Total	10,067,133	97,386	10,164,519
6	Federal Funds Total	2,065,791	(91,870)	1,973,921
7	Restricted Receipts Total	577,637	(93,868)	483,769
8	Other Funds Total	793,282	(265,276)	528,006
9	Total - Human Resources	13,503,843	(353,628)	13,150,215
10	<i>Personnel Appeal Board</i>			
11	General Revenue Total	96,793	12,820	109,613
12	Total - Personnel Appeal Board	96,793	12,820	109,613
13	Facilities Management			
14	General Revenue Total	36,055,887	290,574	36,346,461
15	Federal Funds Total	7,214,065	560,081	7,774,146
16	Restricted Receipts	1,137,677	(47,451)	1,090,226
17	State Fleet Replacement Restricted Receipts	6,350,000	(6,350,000)	0
18	Restricted Receipts Total	7,487,677	(6,397,451)	1,090,226
19	The State Fleet Replacement restricted receipt account is hereby established,			
20	notwithstanding the provision of Section 34-3-27 of the General Laws, for the purposes of			
21	purchasing vehicles for state agencies. The Department of Administration shall adopt rules and			
22	regulations for the use of these funds and submit them to the Assembly no later than November 1,			
23	2007.			
24	Other Funds Total	555,116	7,360	562,476
25	Total – Facilities Management	51,312,745	(5,539,436)	45,773,309
26	Capital Projects and Property Management			
27	General Revenue Total	3,748,880	(419,968)	3,328,912
28	Total – Capital Projects and Property Management	3,748,880	(419,968)	3,328,912
29	Information Technology			
30	General Revenue Total	17,650,147	1,644,315	19,294,462
31	Federal Funds Total	7,389,800	(1,787,351)	5,602,449
32	Restricted Receipts Total	1,422,572	321,689	1,744,261
33	Other Funds Total	1,403,499	854,047	2,257,546
34	Total – Information Technology	27,866,018	1,032,700	28,898,718

1	<i>Library and Information Services</i>			
2	General Revenue Total	1,100,791	(118,025)	982,766
3	Federal Funds Total	1,084,437	(20,775)	1,063,662
4	Restricted Receipts Total	2,000	0	2,000
5	Total - Library and Information Services	2,187,228	(138,800)	2,048,428
6	<i>Planning</i>			
7	General Revenue Total	3,792,553	(71,112)	3,721,441
8	Federal Funds Total	9,330,126	1,124,079	10,454,205
9	Other Funds			
10	Federal Highway - PL Systems Planning	1,689,264	(116,569)	1,572,695
11	Air Quality Modeling	20,800	0	20,800
12	Other Funds Total	1,710,064	(116,569)	1,593,495
13	Total - Planning	14,832,743	936,398	15,769,141
14	Security Services			
15	General Revenue Total	19,932,620	(264,678)	19,667,942
16	Total – Security Services	19,932,620	(264,678)	19,667,942
17	General			
18	General Revenues			
19	Miscellaneous Grants	660,912	(17,845)	643,067
20	Torts – Courts	400,000	(2,907)	397,093
21	Contingency Fund	0	376,970	376,970
22	Convention Center	12,500,000	(4,100,000)	8,400,000
23	Provided that the funds shall be provided to the Rhode Island Convention Center			
24	Authority at the times and in the amounts determined to be necessary by the State Budget Officer;			
25	and provided further, that \$500,000 is reserved to fund expenses related to the relocation of the			
26	Providence War Memorial to LaSalle Square, or in the alternative, the Dunkin Donuts Center.			
27	Any funds remaining from this relocation project may be used to complete the renovation of the			
28	Dunkin Donuts Center, if needed.			
29	Transfer to RICAP Fund	0	15,708,368	15,708,368
30	Teachers Retiree Health Subsidy	1,442,024	(1,442,024)	0
31	Economic Development Corporation Grant	7,694,121	(39,437)	7,654,684
32	EDC – RI Airport Corporation Impact	1,004,520	(3,766)	1,000,754
33	Economic Policy Council	300,000	(8,100)	291,900
34	Slater Centers of Excellence	3,000,000	(81,000)	2,919,000

1	EDC EPScore	1,500,000	(40,500)	1,459,500
2	Police/Fire Incentive Pay	675,000	0	675,000
3	Motor Vehicle Excise Tax Payment	135,500,042	(183,500)	135,316,542
4	Property Valuation	1,100,000	0	1,100,000
5	General Revenue Sharing Program	65,111,876	(10,000,000)	55,111,876
6	Payment in Lieu of Tax Exempt Properties	27,766,967	0	27,766,967
7	Distressed Communities Relief Program	10,384,458	0	10,384,458
8	Resource Sharing and State Library Aid	8,773,398	0	8,773,398
9	Library Construction Aid	2,813,141	0	2,813,141
10	General Revenue Total	280,626,459	166,259	280,792,718
11	Restricted Receipts Total	1,295,997	100,000	1,395,997
12	Other Funds			
13	RICAP – State House Renovations	4,000,000	98,624	4,098,624
14	RICAP – State House Terrace Walls/South Stairs	0	24,081	24,081
15	RICAP – Lead Mitigation Group Homes	300,000	0	300,000
16	RICAP – Cranston Street Armory	1,300,000	302,173	1,602,173
17	RICAP - Cannon Building	200,000	179,381	379,381
18	RICAP – Pastore Center Master Plan	600,000	0	600,000
19	RICAP – Zambarano Building Rehabilitation	600,000	151,333	751,333
20	RICAP – Pastore Center Rehabilitation	530,000	0	530,000
21	RICAP – Old State House	500,000	29,845	529,845
22	RICAP – State Office Building	950,000	187,423	1,137,423
23	RICAP – Veterans Auditorium	0	24,068	24,068
24	RICAP – Old Colony House	135,000	48,339	183,339
25	RICAP – Washington County Government Center	0	88,599	88,599
26	RICAP – William Powers Building	750,000	44,957	794,957
27	RICAP – McCoy Stadium	557,000	237,356	794,856
28	RICAP – Fire Code Compliance State Buildings	500,000	22,042	522,042
29	RICAP – Pastore Center Fire Code Compliance	750,000	5,351	755,351
30	RICAP – Pastore Center Water Tanks	480,000	0	480,000
31	RICAP – Ladd Center Water System	50,000	0	50,000
32	RICAP – Pastore Center Environmental Management	250,000	(250,000)	0
33	RICAP – Pastore Center Power Plant	2,000,000	(963,692)	1,036,308
34	RICAP – Replacement of Fueling Tanks	600,000	0	600,000

1	RICAP – Neighborhood Opportunities Program	7,500,000	(7,500,000)	0
2	RICAP – Environmental Compliance	275,000	312,956	587,956
3	RICAP – Computer Center	8,975,000	0	8,975,000
4	RICAP – Biotech Training Facility	0	1,479	1,479
5	RICAP – Pastore Utilities Upgrade	0	504,282	504,282
6	RICAP – DMV Building A&E	0	400,000	400,000
7	RICAP – Forand Building Exterior Shell	0	1,200,000	1,200,000
8	RICAP – OHHS Relocation	0	100,000	100,000
9	RICAP – Business Regulation Relocation	0	100,000	100,000
10	Other Funds Total	31,802,500	(4,651,403)	27,151,097
11	Total – General	313,724,956	(4,385,144)	309,339,812
12	<i>Debt Service Payments</i>			
13	General Revenue Total	126,160,050	4,995,692	131,155,742
14	Federal Funds Total	1,177,854	(231,020)	946,834
15	Restricted Receipts Total	1,542,173	1,652,350	3,194,523
16	Other Funds			
17	RIPTA Debt Service	681,005	(5,766)	675,239
18	Transportation Debt Service	35,442,466	(1,873,678)	33,568,788
19	RIRBA - DLT – Temporary Disability Insurance	45,586	0	45,586
20	COPS - DLT Building – TDI	358,825	(75,266)	283,559
21	COPS – DLT Building	26,320	(19,219)	7,101
22	Other Funds Total	36,554,202	(1,973,929)	34,580,273
23	Total - Debt Service Payments	165,434,279	4,443,093	169,877,372
24	<i>Energy Resources</i>			
25	General Revenue Fund Total	2,236,989	(8,620)	2,228,369
26	Federal Funds Total	19,688,355	(1,157,596)	18,530,759
27	Restricted Receipts Total	200,000	943,888	1,143,888
28	Total – Energy Resources	22,125,344	(222,328)	21,903,016
29	Undistributed Personnel Savings			
30	General Revenue Total	(9,105,434)	9,105,434	0
31	Federal Funds Total	(2,606,705)	2,606,705	0
32	Restricted Receipts Total	(418,650)	418,650	0
33	Other Funds Total	(2,714,920)	2,714,920	0
34	Total – Undistributed Personnel Savings	(14,845,709)	14,845,709	0

1	Grand Total – General Revenue	505,284,261	15,865,470	521,149,731
2	Grand Total – Administration	633,201,363	10,605,286	643,806,649
3	Business Regulation			
4	<i>Central Management</i>			
5	General Revenue Total	1,283,012	(4,910)	1,278,102
6	Total - Central Management	1,283,012	(4,910)	1,278,102
7	<i>Banking and Securities Regulation</i>			
8	General Revenue Total	3,083,499	(125,985)	2,957,514
9	Restricted Receipts Total	145,000	0	145,000
10	Total - Banking and Securities Regulation	3,228,499	(125,985)	3,102,514
11	Commercial Licensing and Racing & Athletics			
12	<i>General Revenue Total</i>	<i>1,362,961</i>	<i>(269,598)</i>	<i>1,093,363</i>
13	Restricted Receipts Total	606,836	(53,584)	553,252
14	Total - Commercial Licensing and Racing and			
15	Athletics	1,969,797	(323,182)	1,646,615
16	<i>Insurance Regulation</i>			
17	General Revenue Total	5,184,809	(160,958)	5,023,851
18	Federal Funds total	51,742	150,000	201,742
19	Restricted Receipts Total	856,129	112,498	968,627
20	Total - Insurance Regulation	6,092,680	101,540	6,194,220
21	<i>Board of Accountancy</i>			
22	General Revenue Total	155,449	(4,090)	151,359
23	Total – Board of Accountancy	155,449	(4,090)	151,359
24	<i>Board for Design Professionals</i>			
25	General Revenue Total	406,186	(13,946)	392,240
26	Total – Board for Design Professionals	406,186	(13,946)	392,240
27	Grand Total - General Revenue Funds	11,475,916	(579,487)	10,896,429
28	Grand Total - Business Regulation	13,135,623	(370,573)	12,765,050
29	Labor and Training			
30	<i>Central Management</i>			
31	General Revenue Total	195,297	(12,713)	182,584
32	Restricted Receipts Total	483,507	(30,763)	452,744
33	Total - Central Management	678,804	(43,476)	635,328
34	<i>Workforce Development Services</i>			

1	General Revenue Total	2,500	3,796	6,296
2	Federal Funds Total	13,368,113	6,654,414	20,022,527
3	Restricted Receipts Total	14,952,134	(3,287,686)	11,664,448
4	Other Funds			
5	Reed Act – Woonsocket Network Office	0	75,000	75,000
6	Reed Act – Rapid Job Entry	798,997	(3,975)	795,022
7	Reed Act – Workforce Development	5,200,000	(1,012,108)	4,187,892
8	Other Funds Total	5,998,997	(941,083)	5,057,914
9	Of the \$5.6 million <u>\$5.1 million</u> appropriated from Other Reed Act funds, \$798,997			
10	<u>\$795,022</u> may be used solely for the Rapid Job Entry Program to engage welfare recipients in			
11	employment preparation and placement through employment assessment workshop and job			
12	club/job search workshop activities; and \$5.2 million <u>\$4.2 million</u> may be used for the			
13	administration of this state’s employment compensation law and public employment service			
14	offices.			
15	Total - Workforce Development Services	34,321,744	2,429,441	36,751,185
16	Workforce Regulation and Safety			
17	General Revenue Total	2,736,797	(257,188)	2,479,609
18	Total - Workforce Regulation and Safety	2,736,797	(257,188)	2,479,609
19	Income Support			
20	General Revenue Total	3,175,354	105,602	3,280,956
21	Federal Funds Total	14,756,732	258,045	15,014,777
22	Restricted Receipts Total	1,760,639	111,724	1,872,363
23	Other Funds			
24	Temporary Disability Insurance Fund	177,634,956	(1,305,632)	176,329,324
25	Employment Security Fund	212,759,436	16,366,598	229,126,034
26	Other Funds Total	390,394,392	15,060,966	405,455,358
27	Total - Income Support	410,087,117	15,536,337	425,623,454
28	<i>Injured Workers Services</i>			
29	Restricted Receipts Total	11,087,418	(1,699)	11,085,719
30	Total - Injured Workers Services	11,087,418	(1,699)	11,085,719
31	Labor Relations Board			
32	General Revenue Total	473,214	(45,472)	427,742
33	Total - Labor Relations Board	473,214	(45,472)	427,742
34	Grand Total - General Revenue Funds	6,583,162	(205,975)	6,377,187

1	Grand Total - Labor and Training	459,385,094	17,617,943	477,003,037
2	Department of Revenue			
3	<i>Director of Revenue</i>			
4	General Revenue Total	751,500	(320,286)	431,214
5	Total – Director of Revenue	751,500	(320,286)	431,214
6	<i>Office of Revenue Analysis</i>			
7	General Revenue Total	750,003	(391,882)	358,121
8	Total – Office of Revenue Analysis	750,003	(391,882)	358,121
9	<i>Lottery Division</i>			
10	Other Funds Total	214,697,422	(12,048,981)	202,648,441
11	Total – Lottery Division	214,697,422	(12,048,981)	202,648,441
12	<i>Property Valuation</i>			
13	General Revenue Total	849,819	(61,296)	788,523
14	Total – Property Valuation	849,819	(61,296)	788,523
15	<i>Taxation</i>			
16	General Revenue Total	17,820,994	(1,783,706)	16,037,288
17	Federal Funds Total	1,235,454	(75,195)	1,160,259
18	Restricted Receipts Total	830,406	46,500	876,906
19	Other Funds			
20	Motor Fuel Tax Invasion	0	128,907	128,907
21	Temporary Disability Insurance	910,131	(119,045)	791,086
22	Total – Other Funds	910,131	9,862	919,993
23	Total – Taxation	20,796,985	(1,802,539)	18,994,446
24	<i>Registry of Motor Vehicles</i>			
25	General Revenues Total	18,403,641	(852,943)	17,550,698
26	Federal Funds Total	99,691	869,047	968,738
27	Restricted Receipts Total	15,100	0	15,100
28	Total – Registry of Motor Vehicles	18,518,432	16,104	18,534,536
29	Grand Total – General Revenue	38,575,957	(3,410,113)	35,165,844
30	Grand Total – Revenue	256,364,161	(14,608,880)	241,755,281
31	Legislature			
32	General Revenue Total	34,440,361	(856,174)	33,584,187
33	Restricted Receipts Total	1,523,721	(72,186)	1,451,535
34	Grand Total – Legislature	35,964,082	(928,360)	35,035,722

1	Lieutenant Governor			
2	General Revenue Total	925,112	(85,296)	839,816
3	Grand Total - Lieutenant Governor	925,112	(85,296)	839,816
4	State			
5	<i>Administration</i>			
6	General Revenue Total	1,685,414	(26,951)	1,658,463
7	Total – Administration	1,685,414	(26,951)	1,658,463
8	<i>Corporations</i>			
9	General Revenue Total	1,798,880	54,708	1,853,588
10	Total – Corporations	1,798,880	54,708	1,853,588
11	<i>State Archives</i>			
12	General Revenue Total	88,909	(88,909)	0
13	Federal Funds Total	40,121	(1,823)	38,298
14	Restricted Receipts Total	443,476	115,026	558,502
15	Total - State Archives	572,506	24,294	596,800
16	<i>Elections</i>			
17	General Revenue Total	583,210	28,136	611,346
18	Federal Funds Total	546,623	(12,418)	534,205
19	Total – Elections	1,129,833	15,718	1,145,551
20	<i>State Library</i>			
21	General Revenue Total	689,592	(14,309)	675,283
22	Total - State Library	689,592	(14,309)	675,283
23	<i>Office of Civics and Public Information</i>			
24	General Revenue Total	190,131	53,878	244,009
25	Total - Office of Civics and Public Information	190,131	53,878	244,009
26	Grand Total - General Revenue Funds	5,036,136	6,553	5,042,689
27	Grand Total – State	6,066,356	107,338	6,173,694
28	General Treasurer			
29	Treasury			
30	General Revenue Total	2,589,641	(124,964)	2,464,677
31	Federal Funds Total	291,066	(11,339)	279,727
32	Restricted Receipts Total	10,000	(10,000)	0
33	Other Funds			
34	Temporary Disability Insurance Fund	293,140	(53,155)	239,985

1	Other Funds Total	293,140	(53,155)	239,985
2	Total – Treasury	3,183,847	(199,458)	2,984,389
3	State Retirement System			
4	Restricted Receipts			
5	Admin Expenses - State Retirement System	6,131,739	197,927	6,329,666
6	Retirement - Treasury Investment Operations	877,497	39,173	916,670
7	Restricted Receipts Total	7,009,236	237,100	7,246,336
8	Total - State Retirement System	7,009,236	237,100	7,246,336
9	Unclaimed Property			
10	Restricted Receipts Total	23,095,200	1,491,473	24,586,673
11	Total - Unclaimed Property	23,095,200	1,491,473	24,586,673
12	RI Refunding Bond Authority			
13	General Revenue Total	40,349	(3,853)	36,496
14	Total - RI Refunding Bond Authority	40,349	(3,853)	36,496
15	Crime Victim Compensation Program			
16	General Revenue Total	278,560	(5,996)	272,594
17	Federal Funds Total	1,625,080	(754,621)	870,459
18	Restricted Receipts Total	1,657,851	(297,207)	1,360,644
19	Total - Crime Victim Compensation Program	3,561,491	(1,057,794)	2,503,697
20	Grand Total - General Revenue Funds	2,908,550	(134,783)	2,773,767
21	Grand Total – General Treasurer	36,890,123	467,468	37,357,591
22	Board of Elections			
23	General Revenue Total	1,437,214	(147,267)	1,289,947
24	Federal Funds Total	586,894	44,434	631,328
25	Grand Total - Board of Elections	2,024,108	(102,833)	1,921,275
26	Rhode Island Ethics Commission			
27	General Revenue Total	1,410,451	(79,991)	1,330,460
28	Grand Total - Rhode Island Ethics Commission	1,410,451	(79,991)	1,330,460
29	Office of Governor			
30	General Revenue Total	4,921,696	(147,968)	4,773,728

31 From the appropriation for contingency shall be paid such sums as may be required at
32 the discretion of the Governor to fund expenses for which appropriations may not exist. Such
33 contingency funds may also be used for expenditures in departments and agencies where
34 appropriations are insufficient, or where such requirements are due to unforeseen conditions or

1 are non-recurring items of an unusual nature. Said appropriation may also be used for the
 2 payment of bills incurred due to emergencies or to any offense against public peace and property,
 3 in accordance with the provisions of Title s 11 and 45 of the General Laws of 1956, as amended.

4 All expenditures and transfers from this account shall be approved by the Governor.

5	Grand Total - Office of Governor	4,921,696	(147,968)	4,773,728
6	Public Utilities Commission			
7	General Revenue Total	661,246	(13,618)	647,628
8	Federal Funds Total	100,124	(3,027)	97,097
9	Restricted Receipts Total	6,334,717	(140,990)	6,193,727
10	Grand Total - Public Utilities Commission	7,096,087	(157,635)	6,938,452
11	Rhode Island Commission on Women			
12	General Revenue Total	108,203	(3,873)	104,330
13	Grand Total - Rhode Island Commission on Women	108,203	(3,873)	104,330
14	Commission for Human Rights			
15	General Revenue Total	984,197	(32,520)	951,677
16	Federal Funds Total	404,743	(33,853)	370,890
17	Grand Total - Commission for Human Rights	1,388,940	(66,373)	1,322,567
18	Office of Health and Human Services			
19	General Revenue Total	307,152	80,024	387,176
20	Federal Funds Total	5,826,265	1,332,407	7,158,672
21	Restricted Receipts Total	445,548	(131,177)	314,371
22	Grand Total – Office of Health and Human Services	6,578,965	1,281,254	7,860,219
23	Children, Youth, and Families			
24	Central Management			
25	General Revenue Total	5,903,045	984,651	6,887,696
26	Federal Funds Total	3,359,730	(507,769)	2,851,961
27	Total - Central Management	9,262,775	476,882	9,739,657
28	Children's Behavioral Health Services			
29	General Revenue Total	18,805,572	(2,452,058)	16,353,514
30	Federal Funds Total	13,268,634	(228,149)	13,040,485
31	Other Funds			
32	RICAP – Groden Center Mt. Hope	0	16,445	16,445
33	Other Funds Total	0	16,445	16,445
34	Total - Children's Behavioral Health Services	32,074,206	(2,663,762)	29,410,444

1	Juvenile Correctional Services			
2	General Revenue Total	29,680,225	1,125,160	30,805,385
3	Federal Funds Total	610,837	(842)	609,995
4	Restricted Receipts Total	6,000	4,000	10,000
5	Other Funds			
6	RICAP – Girl’s Facility – Training School	700,000	(700,000)	0
7	Other Funds Total	700,000	(700,000)	0
8	Total - Juvenile Correctional Services	30,997,062	428,318	31,425,380
9	Child Welfare			
10	General Revenue			
11	General Revenues	88,661,014	3,216,306	91,877,320
12	18 to 21 Year Olds	6,000,000	(162,000)	5,838,000
13	General Revenue Total	94,661,014	3,054,306	97,715,320
14	Federal Funds			
15	Federal Funds	58,426,893	(21,076)	58,405,817
16	18 to 21 Year Olds	4,545,000	166,421	4,711,421
17	Federal Funds Total	62,971,893	145,345	63,117,238
18	The General Assembly shall appropriate quarterly allotments to the Department of			
19	Children, Youth and Families for child welfare for FY 2008. The state controller shall not allow			
20	the department to spend any more than \$23.7 million <u>\$24.4 million</u> from general revenues and			
21	\$15.7 million <u>\$15.8 million</u> from federal funds by September 30, 2007, no more than \$47.4			
22	million <u>\$48.9 million</u> from general revenues and \$31.4 million <u>\$31.6 million</u> from federal funds			
23	by December 31, 2007, and no more than \$71.1 million <u>\$73.3 million</u> from general revenues and			
24	\$47.1 million <u>\$47.4 million</u> from federal funds by March 31, 2008.			
25	Restricted Receipts Total	1,747,941	0	1,747,941
26	Other Funds			
27	RICAP – Camp E-Hun-Tee	85,000	0	85,000
28	RICAP – Fire Code Upgrades	750,000	3,690	753,690
29	Other Funds Total	835,500	3,690	838,690
30	Total - Child Welfare	160,215,848	3,203,341	163,419,189
31	Higher Education Incentive Grants			
32	General Revenue Total	200,000	(5,400)	194,600
33	Total – Higher Education Incentive Grants	200,000	(5,400)	194,600
34	Grand Total - General Revenue Funds	149,249,856	2,706,659	151,956,515

1	Grand Total - Children, Youth, and Families	232,749,891	1,439,379	234,189,270
2	Elderly Affairs			
3	General Revenue			
4	General Revenues	16,521,951	(275,496)	16,246,455
5	RIPAE	2,081,654	(943,244)	1,138,410
6	Safety and Care of the Elderly	600	(16)	584
7	General Revenue Total	18,604,205	(1,218,756)	17,385,449
8	Federal Funds Total	13,056,931	(151,332)	12,905,599
9	Restricted Receipts Total	690,000	640,000	1,330,000
10	Other Funds			
11	Intermodal Surface Transportation Fund	4,685,000	0	4,685,000
12	Other Funds Total	4,685,000	0	4,685,000
13	Grand Total - Elderly Affairs	37,036,136	(730,088)	36,306,048
14	Health			
15	<i>Central Management</i>			
16	General Revenue Total	4,901,329	(112,213)	4,789,116
17	Federal Funds Total	4,856,361	3,221,099	8,077,460
18	Restricted Receipts Total	3,716,866	698,009	4,414,875
19	Total - Central Management	13,474,556	3,806,895	17,281,451
20	<i>State Medical Examiner</i>			
21	General Revenue Total	2,156,986	(23,215)	2,133,771
22	Federal Funds Total	141,556	(9,935)	131,621
23	Total - State Medical Examiner	2,298,542	(33,150)	2,265,392
24	<i>Family Health</i>			
25	General Revenue Total	2,588,535	(112,475)	2,476,060
26	Federal Funds Total	29,851,256	3,839,657	33,690,913
27	Restricted Receipts Total	18,186,461	(814,208)	17,372,253
28	Total - Family Health	50,626,252	2,912,974	53,539,226
29	<i>Health Services Regulation</i>			
30	General Revenue Total	6,522,612	(119,619)	6,402,993
31	Federal Funds Total	4,913,651	1,841,606	6,755,257
32	Restricted Receipts Total	436,904	(39,919)	396,985
33	Total - Health Services Regulation	11,873,167	1,682,068	13,555,235
34	<i>Environmental Health</i>			

1	General Revenue Total	3,999,516	(224,427)	3,777,089
2	Federal Funds Total	6,124,861	(363,379)	5,761,482
3	Restricted Receipts Total	3,062,911	(154,828)	2,908,083
4	Total - Environmental Health	13,187,288	(740,634)	12,446,654
5	<i>Health Laboratories</i>			
6	General Revenue Total	8,170,513	(1,390,484)	6,780,029
7	Federal Funds Total	2,063,939	255,447	2,319,386
8	Total - Health Laboratories	10,234,452	(1,135,037)	9,099,415
9	<i>Disease Prevention and Control</i>			
10	General Revenues Total	6,147,635	(186,081)	5,961,554
11	Federal Funds Total	17,353,763	753,333	18,107,096
12	Other Funds			
13	Walkable Communities Initiative	28,676	734	29,410
14	Other Funds Total	28,676	734	29,410
15	Total - Disease Prevention and Control	23,530,074	567,986	24,098,060
16	Grand Total - General Revenue Funds	34,487,126	(2,166,514)	32,320,612
17	Grand Total – Health	125,224,331	7,061,102	132,285,433
18	Human Services			
19	Central Management			
20	General Revenue Total	9,113,855	1,210,371	10,324,226
21	Federal Funds Total	4,251,568	194,875	4,446,443
22	Restricted Receipts Total	1,746,265	248,682	1,994,947
23	Total - Central Management	15,111,688	1,653,928	16,765,616
24	Child Support Enforcement			
25	General Revenue Total	3,830,853	(612,928)	3,217,925
26	Federal Funds Total	7,569,577	(130,261)	7,439,316
27	Restricted Receipts Total	50,000	(50,000)	0
28	Total – Child Support Enforcement	11,450,430	(793,189)	10,657,241
29	Individual and Family Support			
30	General Revenue Total	24,754,511	(2,117,604)	22,636,907
31	Federal Funds Total	52,883,675	2,642,322	55,525,997
32	Restricted Receipts Total	134,150	0	134,150
33	Other Funds			
34	RICAP – Blind Vending Facilities	100,000	0	100,000

1	RICAP – Forand Building Exterior Improvements	1,200,000	(1,200,000)	0
2	Other Funds Total	1,300,000	(1,200,000)	100,000
3	Total - Individual and Family Support	79,072,336	(675,282)	78,397,054
4	Veterans' Affairs			
5	General Revenue Total	17,109,472	959,340	18,068,812
6	Federal Funds Total	6,384,850	3,050,669	9,435,519
7	Restricted Receipts Total	1,516,550	580,761	2,097,311
8	Total - Veterans' Affairs	25,010,872	4,590,770	29,601,642
9	Health Care Quality, Financing and Purchasing			
10	General Revenue Total	23,023,393	(2,012,006)	21,011,387
11	Federal Funds Total	43,746,840	(1,865,455)	41,881,385
12	Restricted Receipts Total	186,714	19,766	206,480
13	Total - Health Care Quality,			
14	Financing & Purchasing	66,956,947	(3,857,695)	63,099,252
15	Medical Benefits			
16	General Revenues			
17	Hospitals	127,761,587	2,576,412	130,337,999
18	Nursing Facilities	171,867,087	(3,852,863)	168,014,224
19	Provided that \$154,280,987 <u>\$150,579,223</u> is for long term care for nursing homes			
20	and hospice care and \$17,586,100 <u>\$17,435,001</u> is for long term care for home and community			
21	based services.			
22	Managed Care	259,157,517	(10,155,447)	249,002,070
23	Pharmacy	63,239,985	(2,472,321)	60,767,664
24	Other	55,380,738	(627,262)	54,753,476
25	General Revenue Total	677,406,914	(14,531,481)	662,875,433
26	Federal Funds			
27	Hospitals	115,822,763	12,941,439	128,764,202
28	Long Term Care	189,938,417	(4,470,003)	185,468,414
29	Provided that \$170,524,517 <u>\$166,222,173</u> is for long term care for nursing homes			
30	and hospice care and \$19,413,900 <u>\$19,246,241</u> is for long term care for home and community			
31	based services.			
32	Managed Care	293,562,936	(3,715,311)	289,847,625
33	Special Education	20,733,240	0	20,733,240
34	Pharmacy	23,999,516	(311,836)	23,687,680

1	Other	60,550,556	(51,276)	60,499,280
2	Federal Funds Total	704,607,428	4,393,013	709,000,441
3	Restricted Receipts Total	5,590,042	0	5,590,042
4	Total - Medical Benefits	1,387,604,384	(10,138,468)	1,377,465,916
5	Supplemental Security Income Program			
6	General Revenue Total	28,455,740	(152,598)	28,303,142
7	Total - Supplemental Security Income Program	28,455,740	(152,598)	28,303,142
8	Family Independence Program			
9	General Revenues			
10	Child Care	7,442,414	2,713,176	10,155,590
11	TANF/Family Independence Program	15,957,990	(110,262)	15,847,728
12	General Revenue Total	23,400,404	2,602,914	26,003,318
13	Federal Funds Total	84,438,119	122,792	84,560,911
14	Total - Family Independence Program	107,838,523	2,725,706	110,564,229
15	State Funded Programs			
16	General Revenues			
17	General Public Assistance	4,090,076	(599,565)	3,490,511
18	General Revenue Total	4,090,076	(599,565)	3,490,511
19	Federal Funds Total	85,553,476	7,814,100	93,367,576
20	Total - State Funded Programs	89,643,552	7,214,535	96,858,087
21	Grand Total - General Revenue Funds	811,185,218	(15,253,557)	795,931,661
22	Grand Total - Human Services	1,811,144,472	567,707	1,811,712,179
23	Mental Health, Retardation, and Hospitals			
24	Central Management			
25	General Revenue Total	740,606	1,148,211	1,888,817
26	Federal Funds Total	67,080	50,597	117,677
27	Total - Central Management	807,686	1,198,808	2,006,494
28	Hospital and Community System Support			
29	General Revenue Total	4,238,069	(608,228)	3,629,841
30	Federal Funds Total	373,404	40,042	413,446
31	Other Funds			
32	RICAP - Medical Center Rehabilitation	290,000	21,385	311,385
33	RICAP – Community Facilities Fire Code	1,250,000	128,730	1,378,730
34	RICAP – DD Private Waiver Com Facilities-Fire Code	337,500	37,021	374,521

1	Other Funds Total	1,877,500	187,136	2,064,636
2	Total - Hospital and Community System Support	6,488,973	(381,050)	6,107,923
3	Services for the Developmentally Disabled			
4	General Revenue Total	120,497,502	(2,772,590)	117,724,912
5	Federal Funds Total	136,746,550	(2,240,301)	134,506,249
6	Other Funds			
7	RICAP – Regional Center Repair/Rehabilitation	300,000	18,464	318,464
8	RICAP – MR Community Facilities	500,000	0	500,000
9	RICAP – Developmental Disability Group Homes	2,050,000	66,215	2,116,215
10	Other Funds Total	2,850,000	84,679	2,934,679
11	Total - Services for the Developmentally			
12	Disabled	260,094,052	(4,928,212)	255,165,840
13	Integrated Mental Health Services			
14	General Revenue Total	43,958,899	(1,270,511)	42,688,388
15	Federal Funds Total	38,244,839	(2,016,687)	36,228,152
16	Other Funds			
17	RICAP – MH Community Facilities Repair	250,000	0	250,000
18	RICAP – MH Housing Development-Thresholds	400,000	0	400,000
19	Other Funds Total	650,000	0	650,000
20	Total - Integrated Mental Health Services	82,853,738	(3,287,198)	79,566,540
21	Hospital and Community Rehabilitation Services			
22	General Revenue Total	57,019,642	(5,192,316)	51,827,326
23	Federal Funds Total	56,699,247	(6,552,142)	50,147,105
24	Restricted Receipts Total	2,950,000	(446,146)	2,503,834
25	Other Funds			
26	RICAP - Zambarano Buildings and Utilities	590,000	53,273	643,273
27	RICAP – Hospital Consolidation	2,250,000	1,450,000	3,700,000
28	Other Funds Total	2,840,000	1,503,273	4,343,273
29	Total - Hospital and Community			
30	Rehabilitative Services	119,508,889	(10,687,351)	108,821,538
31	Substance Abuse			
32	General Revenue Total	17,004,511	(566,461)	16,438,050
33	Federal Funds Total	11,839,894	1,651,086	13,490,980
34	Restricted Receipts Total	90,000	0	90,000

1	Other Funds			
2	RICAP – Eastman House	0	221,521	221,521
3	RICAP - Asset Protection	200,000	11,936	211,936
4	Other Funds Total	200,000	233,457	433,457
5	Total - Substance Abuse	29,134,405	1,318,082	30,452,487
6	Grand Total - General Revenue Funds	243,459,229	(9,261,895)	234,197,334
7	Grand Total - Mental Health, Retardation,			
8	and Hospitals	498,887,743	(16,766,921)	482,120,822
9	Office of the Child Advocate			
10	General Revenue Total	520,757	(36,188)	484,569
11	Federal Funds Total	40,000	(2,499)	37,501
12	Grand Total – Office of the Child Advocate	560,757	(38,687)	522,070
13	Commission on the Deaf and Hard of Hearing			
14	General Revenue Total	370,154	(43,559)	326,595
15	Federal Funds Total	17,500	(17,500)	0
16	Grand Total - Commission on the Deaf and			
17	Hard of Hearing	387,654	(61,059)	326,595
18	RI Developmental Disabilities Council			
19	Federal Funds Total	461,111	(55,409)	405,702
20	Grand Total - RI Developmental Disabilities Council	461,111	(55,409)	405,702
21	Governor's Commission on Disabilities			
22	General Revenue Total	535,775	(185,149)	350,626
23	Federal Funds Total	181,692	(2,312)	179,380
24	Restricted Receipts Total	50,612	(36,257)	14,355
25	Other Funds			
26	RICAP - Facility Renovation - Handicapped Accessibility	200,000	36,551	236,551
27	Other Funds Total	200,000	36,551	236,551
28	Grand Total - Governor's Commission on			
29	Disabilities	968,079	(187,167)	780,912
30	Mental Health Advocate			
31	General Revenue Total	424,343	(18,797)	405,546
32	Grand Total - Mental Health Advocate	424,343	(18,797)	405,546
33	Elementary and Secondary Education			
34	Administration of the Comprehensive Education Strategy			

1	General Revenue			
2	General Revenues	21,316,614	(743,740)	20,572,874
3	Statewide – Uniform Chart of Accounts	1,100,000	0	1,100,000
4	General Revenue Total	22,416,614	(743,740)	21,672,874
5	Federal Funds Total	175,671,609	11,191,607	186,863,216
6	<i>Restricted Receipts</i>			
7	Restricted Receipts	1,189,897	(136,497)	1,053,400
8	HRIC Adult Education Grants	4,500,000	116,700	4,616,700
9	Restricted Receipts Total	5,689,897	(19,797)	5,670,100
10	Other Funds			
11	RICAP – Shepard Building Air Quality	286,500	0	286,500
12	Other Funds Total	286,500	0	286,500
13	Total – Administration of the Comprehensive			
14	Education Strategy	204,064,620	10,428,070	214,492,690
15	Davies Career and Technical School			
16	General Revenue Total	14,571,572	(523,849)	14,047,723
17	Federal Funds Total	1,237,336	187,743	1,425,079
18	Other Funds			
19	RICAP – Davies HVAC	364,985	124	365,109
20	RICAP – Davies Asset Protection	82,400	0	82,400
21	RICAP – Davies Roof Repair	507,000	0	507,000
22	Other Funds Total	954,385	124	954,509
23	Total - Davies Career and Technical School	16,763,293	(335,982)	16,427,311
24	RI School for the Deaf			
25	General Revenue Total	6,807,792	(236,799)	6,570,993
26	Federal Funds Total	367,923	(96,953)	270,970
27	Restricted Receipts Total	0	1,418	1,418
28	Other Funds Total	0	10,181	10,181
29	Total - RI School for the Deaf	7,175,715	(322,153)	6,853,562
30	Metropolitan Career and Technical School			
31	General Revenue Total	11,487,734	0	11,487,734
32	Total - Metropolitan Career and			
33	Technical School	11,487,734	0	11,487,734
34	Education Aid			

1	General Revenue Total	679,417,316	(110,174)	679,307,142
2	Federal Funds Total	1,119,042	(1,044,042)	75,000
3	Restricted Receipts Total	1,459,996	(506)	1,459,490
4	Total – Education Aid	681,996,354	(1,154,722)	680,841,632
5	Central Falls School District			
6	General Revenue Total	43,795,411	(379,189)	43,416,222
7	Total - Central Falls School District	43,795,411	(379,189)	43,416,222
8	Housing Aid			
9	General Revenue Total	52,861,510	(3,197,534)	49,663,976
10	Total – School Housing Aid	52,861,510	(3,197,534)	49,663,976
11	Teacher’s Retirement			
12	General Revenue Total	78,071,710	2,153,645	80,225,355
13	Total – Teacher’s Retirement	78,071,710	2,153,645	80,225,355
14	Grand Total - General Revenue Funds	909,429,659	(3,037,640)	906,392,019
15	Grand Total - Elementary and Secondary			
16	Education	1,096,216,347	7,192,135	1,103,408,482
17	Public Higher Education			
18	<i>Board of Governors/Office of Higher Education</i>			
19	General Revenue Total	8,135,640	(227,492)	7,908,148
20	Federal Funds Total	3,526,446	1,774,368	5,300,814
21	Restricted Receipts Total	200,000	252,851	452,851
22	Total - Board of Governors/Office of			
23	Higher Education	11,862,086	1,799,727	13,661,813
24	<i>University of Rhode Island</i>			
25	General Revenue			
26	General Revenues	77,035,968	(2,139,443)	74,896,525
27	Debt Service	11,203,337	(765,551)	10,437,786
28	General Revenue Total	88,239,305	(2,904,994)	85,334,311
29	Other Funds			
30	University and College Funds	401,968,441	11,921,728	413,890,169
31	Debt – Dining Services	1,115,771	7,500	1,123,271
32	Debt – Education and General	2,556,727	(141,890)	2,414,837
33	Debt – Health Services	130,758	(2,400)	128,358
34	Debt – Housing Loan Funds	5,550,920	142,570	5,693,490

1	Debt – Memorial Union	101,165	(550)	100,615
2	Debt – Ryan Center	388,558	1,671,909	2,060,467
3	Debt – Alton Jones Services	148,728	(200)	148,528
4	Debt – Boss Arena	71,913	(71,913)	0
5	Debt Parking Authority	757,871	(2,000)	755,871
6	Debt – Sponsored Research	101,425	0	101,425
7	RICAP – Asset Protection	4,189,500	607,949	4,797,449
8	RICAP – Superfund	954,000	0	954,000
9	RICAP – Lippitt Hall	4,605,000	0	4,605,000
10	Other Funds Total	422,640,777	14,132,703	436,773,480
11	Total – University of Rhode Island	510,880,082	11,227,709	522,107,791

12 Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or
13 unencumbered balances as of June 30, 2008 relating to the University of Rhode Island are hereby
14 reappropriated to fiscal year 2009.

15 *Rhode Island College*

16	General Revenues			
17	General Revenues	45,750,547	(1,403,827)	44,346,720
18	Debt Service	2,944,957	(89,027)	2,855,930
19	RIRBA – Rhode Island College	336,386	0	336,386
20	General Revenue Total	49,031,890	(1,492,854)	47,539,036
21	Other Funds			
22	University and College Funds	82,943,953	(441,469)	82,502,484
23	Debt – Education and General	295,152	0	295,152
24	Debt – Housing	494,417	0	494,417
25	Debt – Student Center and Dining	172,061	0	172,061
26	Debt – Student Union	172,194	0	172,194
27	RICAP-Asset Protection	1,819,125	293,532	2,112,657
28	Other Funds Total	85,896,902	(147,937)	85,748,965
29	Total – Rhode Island College	134,928,792	(1,640,791)	133,288,001

30 Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or
31 unencumbered balances as of June 30, 2008 relating to Rhode Island College are hereby
32 reappropriated to fiscal year 2009.

33 *Community College of Rhode Island*

34 General Revenues

1	General Revenues	49,254,318	(1,434,029)	47,820,289
2	Debt Service	1,406,894	(25,630)	1,381,264
3	General Revenue Total	50,661,212	(1,459,659)	49,201,553
4	Restricted Receipts Total	693,520	(52,872)	640,648
5	Other Funds			
6	University and College Funds	58,716,203	1,492,226	60,208,429
7	Debt – Bookstore	176,504	(30,837)	145,667
8	RICAP – Knight Campus Nursing Program	60,000	0	60,000
9	RICAP – Fire Code and HVAC	1,700,000	0	1,700,000
10	RICAP-Asset Protection	1,157,625	1,492,425	2,650,050
11	Other Funds Total	61,810,332	2,953,814	64,764,146
12	Total – Community College of RI	113,165,064	1,441,283	114,606,347
13	Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or			
14	unencumbered balances as of June 30, 2008 relating to the Community College of Rhode Island			
15	are hereby reappropriated to fiscal year 2009.			
16	Grand Total – General Revenue Funds	196,068,047	(6,084,999)	189,983,048
17	Grand Total – Public Higher Education	770,836,024	12,827,928	783,663,952
18	RI State Council on the Arts			
19	General Revenues			
20	Operating Support	757,476	(24,105)	733,371
21	Grants	2,020,168	(54,545)	1,965,623
22	General Revenue Total	2,777,644	(78,650)	2,698,994
23	Federal Funds Total	706,453	(34,810)	671,643
24	Restricted Receipts Total	0	200,000	200,000
25	Other Funds			
26	Arts for Public Facilities	3,000,000	(2,000,000)	1,000,000
27	Other Funds Total	3,000,000	(2,000,000)	1,000,000
28	Grand Total - RI State Council on the Arts	6,484,097	(1,913,460)	4,570,637
29	RI Atomic Energy Commission			
30	General Revenue Total	819,869	(21,042)	798,827
31	Federal Funds Total	420,940	116,337	537,277
32	Other Funds			
33	URI Sponsored Research	190,654	49,105	239,759
34	RICAP – RINSC Parking Lot Repair	50,000	0	50,000

1	Other Funds Total	240,654	49,105	289,759
2	Grand Total - RI Atomic Energy Commission	1,481,463	144,400	1,625,863
3	RI Higher Education Assistance Authority			
4	General Revenues			
5	Needs Based Grants and Work Opportunities	10,000,000	(756,500)	9,243,500
6	Authority Operations and Other Grants	1,019,684	(43,392)	976,292
7	General Revenue Total	11,019,684	(799,892)	10,219,792
8	Federal Funds Total	12,612,204	(245,802)	12,366,402
9	Other Funds			
10	Tuition Savings Program – Administration	5,718,516	634,982	6,353,498
11	Other Funds Total	5,718,516	634,982	6,353,498
12	Grand Total - Higher Education Assistance			
13	Authority	29,350,404	(410,712)	28,939,692
14	RI Historical Preservation and Heritage Commission			
15	General Revenue Total	1,577,792	(90,480)	1,487,312
16	Federal Funds Total	529,078	(183)	528,895
17	Restricted Receipts Total	496,294	(4,301)	491,993
18	Grand Total – RI Historical Preservation			
19	and Heritage Commission	2,603,164	(94,964)	2,508,200
20	RI Public Telecommunications Authority			
21	General Revenue Total	1,363,654	(47,458)	1,316,196
22	Other Funds			
23	Corporation for Public Broadcasting	799,656	(65,621)	734,035
24	Other Funds Total	799,656	(65,621)	734,034
25	Grand Total – RI Public Telecommunications			
26	Authority	2,163,310	(113,079)	2,050,231
27	Attorney General			
28	Criminal			
29	General Revenue Total	12,988,267	66,239	13,054,506
30	Federal Funds Total	1,322,964	(48,334)	1,274,630
31	Restricted Receipts Total	339,183	(7,046)	332,137
32	Total – Criminal	14,650,414	10,859	14,661,273
33	Civil			
34	General Revenue Total	4,897,204	(764,256)	4,132,948

1	Restricted Receipts Total	634,364	(25,927)	608,437
2	Total – Civil	5,531,568	(790,183)	4,741,385
3	Bureau of Criminal Identification			
4	General Revenue Total	1,017,634	(52,458)	965,176
5	Federal Funds Total	56,500	36,300	92,800
6	Total - Bureau of Criminal Identification	1,074,134	(16,158)	1,057,976
7	General			
8	General Revenue Total	2,432,200	41,599	2,473,799
9	Other Funds			
10	RICAP – Building Renovations and Repairs	215,000	189,880	404,880
11	Other Funds Total	215,000	189,880	404,880
12	Total – General	2,647,200	231,479	2,878,679
13	Grand Total - General Revenue Funds	21,335,305	(708,876)	20,626,429
14	Grand Total - Attorney General	23,903,316	(564,003)	23,339,313
15	Corrections			
16	Central Management			
17	General Revenue Total	10,466,116	(772,743)	9,693,373
18	Federal Funds Total	359,452	(219,337)	140,115
19	Total - Central Management	10,825,568	(992,080)	9,833,488
20	Parole Board			
21	General Revenue Total	1,259,056	(48,598)	1,210,458
22	Federal Funds Total	33,002	7,998	41,000
23	Total - Parole Board	1,292,058	(40,600)	1,251,458
24	Institutional Corrections			
25	General Revenue Total	160,571,643	(760,726)	159,810,917
26	Federal Funds Total	2,034,829	533,318	2,568,147
27	Other Funds			
28	RICAP – Reintegration Center State Match	1,195,123	1,123,897	2,319,020
29	RICAP – General Renovations - Maximum	400,000	3,105	403,105
30	RICAP – General Renovations – Women’s	1,000,000	26,103	1,026,103
31	RICAP – Women’s Bath Room Renovations	856,000	0	856,000
32	RICAP – Work Release Roof	497,000	484,644	981,644
33	RICAP – Asset Protection	2,500,000	721,711	3,221,711
34	Other Funds Total	6,448,123	2,359,460	8,807,583

1	Total - Institutional Corrections	169,054,595	2,132,052	171,186,647
2	Community Corrections			
3	General Revenue Total	15,657,717	(1,371,370)	14,286,347
4	Federal Funds Total	380,217	424,080	804,297
5	Total – Community Corrections	16,037,934	(947,290)	15,090,644
6	Grand Total - General Revenue Funds	187,954,532	(2,953,437)	185,001,095
7	Grand Total – Corrections	197,210,155	152,082	197,362,237
8	Judiciary			
9	Supreme Court			
10	General Revenues			
11	General Revenues	25,903,138	(1,219,611)	24,683,527
12	Defense of Indigents	3,065,689	(82,774)	2,982,915
13	Judicial Tenure and Discipline	119,705	(3,263)	116,442
14	General Revenue Total	29,088,532	(1,305,648)	27,782,884
15	Federal Funds Total	121,590	243,878	365,468
16	Restricted Receipts Total	1,131,337	323,722	1,455,059
17	Other Funds			
18	RICAP – Judicial HVAC	400,000	0	400,000
19	RICAP – Garrahy Lighting and Ceiling	600,000	0	600,000
20	RICAP – Blackstone Valley Court	0	83,080	83,080
21	RICAP – Asset Protection	450,000	717	450,717
22	Other Funds Total	1,450,000	83,797	1,533,797
23	Total - Supreme Court	31,791,459	(654,251)	31,137,208
24	Superior Court			
25	General Revenue Total	20,417,996	(823,031)	19,594,965
26	Federal Funds Total	535,427	(318,518)	216,909
27	Total - Superior Court	20,953,423	(1,141,549)	19,811,874
28	Family Court			
29	General Revenue Total	17,793,670	(136,287)	17,657,383
30	Federal Funds Total	1,407,102	660,273	2,067,375
31	Total - Family Court	19,200,772	523,986	19,724,758
32	District Court			
33	General Revenue Total	10,505,649	(669,370)	9,836,279
34	Total - District Court	10,505,649	(669,370)	9,836,279

1	Traffic Tribunal			
2	General Revenue Total	7,159,070	(339,013)	6,820,057
3	Total - Traffic Tribunal	7,159,070	(339,013)	6,820,057
4	Workers' Compensation Court			
5	Restricted Receipts Total	7,387,455	(181,507)	7,205,948
6	Total - Workers' Compensation Court	7,387,455	(181,507)	7,205,948
7	Grand Total - General Revenue Funds	84,964,917	(3,273,349)	81,691,568
8	Grand Total – Judiciary	96,997,828	(2,461,704)	94,536,124
9	Military Staff			
10	National Guard			
11	General Revenue Total	1,761,132	(5,617)	1,755,515
12	Federal Funds Total	9,288,875	(367,699)	8,921,176
13	Restricted Receipts Total	145,000	15,000	160,000
14	Other Funds			
15	RICAP - Federal Armories Fire Code Comp.	118,750	(59,335)	59,395
16	RICAP - AMC – Roof Replacement	644,000	0	644,000
17	RICAP - State Armories Fire Code Comp.	250,000	(65,625)	184,375
18	RICAP - Asset Protection	210,000	55,650	265,650
19	RICAP – Quonset Hangar	0	1,335,000	1,335,000
20	RICAP – Logistics/Maint Facilities Fire Code Comp	100,000	(50,000)	50,000
21	RICAP – Woonsocket Building Demolition	71,250	0	71,250
22	RICAP – Schofield Armory Rehabilitation	0	170,471	170,471
23	Other Funds Total	1,394,000	1,386,141	2,780,141
24	Total - National Guard	12,589,007	1,027,825	13,616,832
25	<i>Emergency Management</i>			
26	General Revenue Total	802,732	(60,252)	742,480
27	Federal Funds Total	11,305,824	10,739,740	22,045,564
28	Restricted Receipts Total	262,532	(121,028)	141,504
29	Total - Emergency Management	12,371,088	10,558,460	22,929,548
30	Grand Total - General Revenue Funds	2,563,864	(65,869)	2,497,995
31	Grand Total - Military Staff	24,960,095	11,586,285	36,546,380
32	E-911 Emergency Telephone System			
33	General Revenue Total	4,733,109	146,258	4,879,367
34	Federal Funds Total	0	500,000	500,000

1	Restricted Receipts Total	1,296,943	(422,228)	874,715
2	Grand Total - E-911 Emergency Telephone System	6,030,052	224,030	6,254,082
3	Fire Safety Code Board of Appeal and Review			
4	General Revenue Total	303,435	(13,605)	289,830
5	Grand Total - Fire Safety Code Board of			
6	Appeal and Review	303,435	(13,605)	289,830
7	State Fire Marshal			
8	General Revenue Total	2,671,285	(316,587)	2,354,698
9	Federal Funds Total	227,972	135,505	363,477
10	Grand Total - State Fire Marshal	2,899,257	(181,082)	2,718,175
11	Rhode Island Justice Commission			
12	General Revenue Total	160,815	71,038	231,853
13	Federal Funds Total	4,151,511	358,171	4,509,682
14	Restricted Receipts Total	30,000	103,000	133,000
15	Grand Total - Rhode Island Justice Commission	4,342,326	532,209	4,874,535
16	Municipal Police Training Academy			
17	General Revenue Total	429,252	(1,438)	427,814
18	Federal Funds Total	50,000	16,400	66,400
19	Grand Total - Municipal Police Training Academy	479,252	14,962	494,214
20	State Police			
21	General Revenue Total	52,058,385	(1,369,464)	50,688,921
22	Federal Funds Total	1,091,916	1,275,632	2,367,548
23	Restricted Receipts Total	312,100	149,347	461,447
24	Other Funds			
25	Traffic Enforcement - Municipal Training	378,924	(37,290)	341,634
26	RICAP – Barracks & Training	150,000	0	150,000
27	RICAP – State Police Training Academy	5,000,000	(3,000,000)	2,000,000
28	RICAP – State Police Headquarters Repair	0	134,682	134,682
29	Lottery Commission Assistance	142,099	(4,947)	137,152
30	Airport Corporation	143,923	(5,768)	138,155
31	Road Construction Reimbursement	2,366,598	(10,894)	2,355,704
32	Other Funds Total	8,181,544	(2,924,217)	5,257,327
33	Grand Total - State Police	61,643,945	(2,868,702)	58,775,243
34	Office of Public Defender			

1	General Revenue Total	9,324,951	(308,995)	9,015,956
2	Federal Funds Total	421,833	(62,917)	358,916
3	Grand Total - Office of Public Defender	9,746,784	(371,912)	9,374,872
4	Environmental Management			
5	Office of the Director			
6	General Revenue Total	6,043,464	(266,716)	5,776,748
7	Federal Funds Total	556,097	(133,858)	422,239
8	Restricted Receipts Total	2,504,573	3,550	2,508,123
9	Total – Office of the Director	9,104,134	(397,024)	8,707,110
10	Natural Resources			
11	General Revenue Total	18,318,004	(453,515)	17,864,489
12	Federal Funds Total	17,159,404	750,541	17,909,945
13	Restricted Receipts Total	3,829,816	(299,322)	3,530,494
14	Other Funds			
15	DOT Recreational Projects	117,996	(47,985)	70,011
16	Blackstone Bikepath Design	787,890	424	788,314
17	RICAP - Dam Repair	300,000	0	300,000
18	RICAP – Recreational Facilities Improvement	1,000,000	143,793	1,143,793
19	RICAP – Fort Adams Rehabilitation	250,000	0	250,000
20	RICAP – Jamestown Fishing Pier	100,000	0	100,000
21	RICAP – Wickford Marine Facility	0	510,000	510,000
22	RICAP - Galilee Piers Upgrade	400,000	60,101	460,101
23	RICAP - Newport Piers	950,000	0	950,000
24	Other Funds Total	3,905,886	666,333	4,572,219
25	Total - Natural Resources	43,213,110	664,037	43,877,147
26	Environmental Protection			
27	General Revenue Total	12,051,532	(1,479,307)	10,572,225
28	Federal Funds Total	10,438,032	2,021,244	12,459,276
29	Restricted Receipts Total	10,611,052	(577,797)	10,033,255
30	Other Funds			
31	RICAP – Rosehill Landfill Superfund Site	0	1,275,000	1,275,000
32	Other Funds total	0	1,275,000	1,275,000
33	Total - Environmental Protection	33,100,616	1,239,140	34,339,756
34	Grand Total - General Revenue Funds	36,413,000	(2,199,538)	34,213,462

1	Grand Total - Environmental Management	85,417,860	1,506,153	86,924,013
2	Coastal Resources Management Council			
3	General Revenue Total	1,879,559	61,086	1,940,645
4	Federal Funds Total	1,607,000	163,436	1,770,436
5	Restricted Receipts Total	1,022,100	(627,100)	395,000
6	Other Funds			
7	RICAP – Habitat Restoration Allin’s Cove	0	5,500	5,500
8	RICAP – Providence River Dredging	0	1,590,590	1,590,590
9	Other Funds Total	0	1,596,090	1,596,090
10	Grand Total - Coastal Resources Mgmt. Council	4,508,659	1,193,512	5,702,171
11	State Water Resources Board			
12	General Revenue Total	1,893,081	(264,111)	1,628,970
13	Restricted Receipts	400,000	0	400,000
14	Other Funds			
15	RICAP - Big River Management Area	92,000	9,835	101,835
16	Other Funds Total	92,000	9,835	101,835
17	Grand Total - State Water Resources Board	2,385,081	(254,276)	2,130,805
18	Transportation			
19	Central Management			
20	Federal Funds Total	17,166,840	621,162	17,788,002
21	Other Funds			
22	Gasoline Tax	3,711,727	(2,153,547)	1,558,180
23	Other Funds Total	3,711,727	(2,153,547)	1,558,180
24	Total - Central Management	20,878,567	(1,532,385)	19,346,182
25	Management and Budget			
26	Other Funds			
27	Gasoline Tax	3,010,397	(715,433)	2,294,964
28	Other Funds Total	3,010,397	(715,433)	2,294,964
29	Total - Management and Budget	3,010,397	(715,433)	2,294,964
30	Infrastructure Engineering – GARVEE/Motor Fuel Tax Bond			
31	Federal Funds Total	257,540,116	(35,902,960)	221,637,156
32	Restricted Receipts Total	661,834	782,874	1,444,708
33	Other Funds			
34	Gasoline Tax	46,094,158	1,988,629	48,082,787

1	Land Sale Revenue	2,000,000	7,345,600	9,345,600
2	State Infrastructure Bank	1,000,000	343,714	1,343,714
3	RICAP - RIPTA - Land and Buildings	2,305,486	0	2,305,486
4	RICAP - Pawtucket – Central Falls Train Station	40,000	247	40,247
5	Other Funds Total	51,439,644	9,678,190	61,117,834
6	Total - Infrastructure – Engineering	309,641,594	(25,441,896)	284,199,698
7	Infrastructure Maintenance			
8	Other Funds			
9	Gasoline Tax	39,478,894	2,192,800	41,671,784
10	Non-Land Surplus Property	287,523	48,808	336,331
11	Outdoor Advertising	18,809	483,914	502,723
12	Radio System Upgrade	0	335,000	335,000
13	RICAP – Cherry Hill/Lincoln Facility	625,000	0	625,000
14	RICAP – Maintenance Facilities	200,000	0	200,000
15	Other Funds Total	40,610,316	3,060,522	43,670,838
16	Total - Infrastructure Maintenance	40,610,316	3,060,522	43,670,838
17	Grand Total – Transportation	374,140,874	(24,629,192)	349,511,682
18	Statewide Totals			
19	General Revenue Total	3,403,638,116	(36,579,822)	3,367,058,294
20	Federal Funds Total	2,010,642,340	18,563,160	2,029,205,500
21	Restricted Receipt Funds Total	162,635,736	(4,704,365)	157,931,371
22	Other Funds Total	1,400,492,417	28,955,599	1,429,448,016
23	Statewide Grand Total	6,977,408,609	6,234,572	6,983,643,181

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

26 SECTION 3. Notwithstanding any provisions of Chapter 19 in Title 23 of the Rhode
27 Island General Laws, the Rhode Island Resource Recovery Corporation shall transfer to the State
28 Controller the sum of five million dollars (\$5,000,000) on June 30, 2008. The Rhode Resource
29 Recovery Corporation shall fund from Corporation resources a forensic audit of the Corporation’s
30 finances.

31 SECTION 4. Notwithstanding any provisions of Chapter 17.1 in Title 42 and Chapter
32 12.9 in Title 46 of the Rhode Island General Laws, the Underground Storage Tank Financial
33 Responsibility Fund Review Board shall transfer to the State Controller the sum of two million
34 dollars (\$2,000,000) on June 30, 2008.

1 SECTION 5. Notwithstanding any provisions of Chapter 55 in Title 42 of the Rhode
 2 Island General Laws, the Rhode Island Housing and Mortgage Finance Corporation shall transfer
 3 to the State Controller the sum of twenty six million twenty thousand two hundred forty seven
 4 dollars (\$26,020,247) on June 30, 2008.

5 SECTION 6. Notwithstanding any provisions of Chapter 8.1 in Title 35 of the Rhode
 6 Island General Laws, the Rhode Island Refunding Bond Authority shall transfer to the State
 7 Controller the sum of three hundred twenty three thousand nine hundred seventy six dollars
 8 (\$323,976) on June 30, 2008.

9 SECTION 7. Pursuant to Chapter 7 in Title 13 of the Rhode Island General Laws, the
 10 State Controller shall transfer the sum of one million two hundred fifty thousand dollars
 11 (\$1,250,000) from the Correctional Industries Fund to general fund on June 30, 2008.

12 SECTION 8. (a) The general assembly authorizes the state controller to establish the
 13 internal service accounts shown below, and no other, to finance and account for the operations of
 14 state agencies that provide services to other agencies, institutions and other governmental units on
 15 a cost reimbursed basis. The purpose of these accounts is to ensure that certain activities are
 16 managed in a businesslike manner, promote efficient use of services by making agencies pay the
 17 full costs associated with providing the services, and allocate the costs of central administrative
 18 services across all fund types, so that federal and other non-general fund programs share in the
 19 costs of general government support. The controller is authorized to reimburse these accounts for
 20 the cost of work or services performed for any other department or agency subject to the
 21 following expenditure limitations:

	FY 2008	FY 2008	FY 2008
<u>Account</u>	<u>Enacted</u>	<u>Change</u>	<u>Final</u>
State Assessed Fringe Benefit Internal Service Account	29,966,436	(370,664)	29,595,772
Administration Central Utilities Internal Service Account	19,490,769	4,379,225	23,869,994
State Central Mail Internal Service Account	5,683,450	(48,816)	5,634,634
State Telecommunications Internal Service Account	3,020,022	82,601	3,102,623
State Automotive Fleet Internal Service Account	14,649,606	(31,427)	14,618,179
State Fleet Replacement Revolving Loan Fund	0	6,350,000	6,350,000
State Surplus Property Internal Service Account	15,715	0	15,715
Capital Police Internal Service Account	580,935	(27,208)	553,727
Health Insurance Internal Service Fund	258,553,614	(20,820,540)	237,733,074
MHRH Central Pharmacy Internal Service Account	10,274,366	(89,055)	10,185,311
MHRH Laundry Services Internal Service Account	1,266,493	(33,282)	1,233,211

1	Corrections General Services & Warehouse Internal Service			
2	Account	6,054,815	189,372	6,244,187
3	Correctional Industries Internal Service Account	7,455,680	198,258	7,653,938
4	Secretary of State Record Center Internal Service Account	1,177,788	(320,005)	857,783

5 SECTION 9. Appropriation of University and College Funds – There is hereby
6 appropriated pursuant to section 16-59-9 of the Rhode Island General Laws relating to the
7 appropriation of funds by the General Assembly for Higher Education, and section 16-59-18 of
8 the General Laws relating to receipts from sources other than appropriations, any funds received
9 by the Board of Governors for Higher Education for the fiscal year ending June 30, 2008 payable
10 out of the University and College Funds.

11 SECTION 10. Appropriation of Lottery Division Funds – There is hereby appropriated
12 to the Lottery Division any funds required to be disbursed by the Lottery Division for the
13 purposes of paying commissions or transfers to prize funds for the fiscal year ending June 30,
14 2008.

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

28 FTE POSITION AUTHORIZATION

29	<u>Departments and Agencies</u>	<u>Full-Time Equivalent</u>
30	Administration	1,032.9 <u>1,032.8</u>
31	Business Regulation	105.0 <u>102.0</u>
32	Labor and Training	454.9 <u>417.5</u>
33	Revenue	475.0 <u>465.0</u>
34	Legislature	298.2 <u>297.9</u>

1	Office of the Lieutenant Governor	9.5 <u>9.0</u>
2	Secretary of State	58.0
3	General Treasurer	88.0
4	Board of Elections	14.0
5	Rhode Island Ethics Commission	12.0
6	Office of the Governor	44.0 <u>45.0</u>
7	Commission for Human Rights	14.5
8	Public Utilities Commission	45.7 <u>45.0</u>
9	Rhode Island Commission on Women	1.0
10	Office of Health and Human Services	5.0 <u>6.0</u>
11	Children, Youth, and Families	805.0 <u>788.5</u>
12	Elderly Affairs	46.0 <u>44.0</u>
13	Health	459.0 <u>437.1</u>
14	Human Services	1,109.0 <u>1,067.6</u>
15	Mental Health, Retardation, and Hospitals	1,761.0 <u>1,657.6</u>
16	Office of the Child Advocate	5.8
17	Commission on the Deaf and Hard of Hearing	3.0
18	RI Developmental Disabilities Council	2.0
19	Governor's Commission on Disabilities	5.6
20	Office of the Mental Health Advocate	3.7
21	Elementary and Secondary Education	335.2 <u>332.0</u>
22	Office of Higher Education	21.0
23	Provided that 1.0 of the total authorization would be available only for a position that is	
24	supported by third- party funds.	
25	University of Rhode Island	1930.1
26	Provided that 602.0 of the total authorization would be available only for positions that	
27	are supported by third-party funds.	
28	Rhode Island College	850.5
29	Provided that 82.0 of the total authorization would be available only for positions that are	
30	supported by third-party funds.	
31	Community College of Rhode Island	748.2
32	Provided that 100.0 of the total authorization would be available only for positions that	
33	are supported by third-party funds.	
34	Rhode Island Council on the Arts	8.6

1	RI Atomic Energy Commission	8.6
2	Higher Education Assistance Authority	46.0 <u>42.6</u>
3	Historical Preservation and Heritage Commission	17.6
4	Public Telecommunications Authority	20.0
5	Office of the Attorney General	234.8
6	Corrections	1,508.6 <u>1515.0</u>
7	Judicial	732.5 <u>732.3</u>
8	Military Staff	110.0 <u>104.0</u>
9	E-911 Emergency Telephone System	53.6 <u>53.5</u>
10	Fire Safety Code Bd. of Appeal and Review	3.0
11	RI State Fire Marshal	35.0
12	Rhode Island Justice Commission	7.6
13	Municipal Police Training Academy	4.0
14	State Police	272.0 <u>268.0</u>
15	Office of the Public Defender	93.5
16	Environmental Management	491.4 <u>482.0</u>
17	Coastal Resources Management Council	30.0
18	Water Resources Board	9.0 <u>6.0</u>
19	Transportation	773.7 <u>733.2</u>
20	Total	15,202.3 <u>14,903.7</u>

21 SECTION 12. This article shall take effect upon passage.

22 **ARTICLE 2**

23 RELATING TO STATE FLEET REPLACEMENT REVOLVING LOAN FUND

24 SECTION 1. Chapter 42-11 of the General Laws entitled "Department of
25 Administration" is hereby amended by adding thereto the following section:

26 **42-11-2.4 State Fleet Replacement Revolving Loan Fund. --** (a) There is hereby
27 created as a separate fund within the treasury to be known as the state fleet replacement revolving
28 loan fund which shall be administered by the general treasurer in accordance with the same laws
29 and fiscal procedures as the general funds of the state. This fund, hereafter referred to as the
30 "revolving loan fund", shall consist of such sums as the state may from time to time appropriate,
31 as well as money received from the disposal of used vehicles, loan, interest and service charge
32 payments from benefiting state agencies, as well as interest earnings, money received from the
33 federal government, gifts, bequests, donations, or otherwise from any public or private source.

34 (b) This fund shall be used for the purpose of acquiring motor vehicles, both new and

1 used, and vehicle-related equipment and attachments for state departments and agencies.

2 (c) The proceeds from the repayment of any loans made for the purposes authorized
3 under this chapter shall be deposited in and returned to the revolving loan fund in order to
4 constitute a continuing revolving fund for the purposes listed above.

5 (d) The office of state fleet operations of the Rhode Island department of administration
6 shall adopt rules and regulations consistent with the purposes of this chapter and chapter 35 of
7 title 42, in order to provide for the orderly and equitable disbursement and repayment of funds
8 from the revolving loan fund.

9 SECTION 2. This article shall take effect as of July 1, 2007.

10 ARTICLE 3

11 RELATING TO PRIVATIZATION OF STATE SERVICES

12 SECTION 1. Section 37-2.3-3 of the General Laws in Chapter 37-2.3 entitled
13 “Government Oversight and Fiscal Accountability Review Act” is hereby amended to read as
14 follows:

15 **37-2.3-3. Definitions.** – As used in this chapter, the following terms shall have the
16 following meanings:

17 (1) "Agency" includes any executive office, department, division, board, commission, or
18 other office or officer in the executive branch of the government.

19 (2) "Private contractor employee" includes a worker directly employed by a private
20 contractor, as defined in this section, as well as an employee of a subcontractor or an independent
21 contractor that provides supplies or services to a private contractor.

22 (3) "Services" includes, with respect to a private contractor, all aspects of the provision of
23 services provided by a private contractor pursuant to a privatization contract, or any services
24 provided by a subcontractor of a private contractor.

25 (4) "Person" includes an individual, institution, federal, state, or local governmental
26 entity, or any other public or private entity.

27 (5) ~~“Privatization contract” is an agreement or combination or series of agreements by~~
28 ~~which a nongovernmental person or entity agrees with an agency to provide services, valued at~~
29 ~~one hundred thousand dollars (\$100,000) or more, which are substantially similar to and in lieu~~
30 ~~of, services heretofore provided, in whole or in part, by regular employees of an agency.~~

31 “Privatization or “Privatization Contract” means an agreement or combination or series
32 of agreements by which a non-governmental person or entity agrees with an agency to provide
33 services, valued at \$200,000, but as of January 1 each year, the amount shall increase to reflect
34 increases in the consumer price index calculated by the United States Bureau of Labor Statistics

1 for all urban consumers nationally during the most recent 12 month period for which data are
2 available or more, which are substantially similar to and in lieu of, services theretofore provided,
3 in whole or in part, by regular employees of an agency. Any subsequent agreement, including any
4 agreement resulting from a rebidding of previously privatized service, or any agreement renewing
5 or extending a privatization contract, shall not be considered a privatization or a privatization
6 contract. An agreement solely to provide legal, management consulting, planning, engineering or
7 design services shall not be considered a privatization or privatization contract.

8 (6) "Privatization contractor" is any contractor, consultant, subcontractor, independent
9 contractor or private business owner that contracts with a state agency to perform services which
10 are substantially similar to and in lieu of services heretofore provided, in whole or in part, by
11 employees of an agency.

12 SECTION 2. Chapter 42-148 of the Rhode Island General Laws entitled "Privatization
13 of State Services" is hereby repealed in its entirety.

14 CHAPTER 42-148

15 PRIVATIZATION OF STATE SERVICES

16 ~~42-148 1. Statement of intent.—If it is determined that privatization of certain~~
17 ~~governmental functions may be appropriate, the privatization inquiry process should be well-~~
18 ~~defined with appropriate non-partisan, institutional oversight. The principles that guide a~~
19 ~~privatization inquiry shall include the following:~~

20 ~~(a) To ensure the potential savings are realized and maximized—build cost controls and~~
21 ~~containment incentives into contracts to eliminate excessive and unreasonable overhead costs and~~
22 ~~profits at the expense of citizens of the state;~~

23 ~~(b) To preserve and promote competition—permit in-house program managers and public~~
24 ~~employees to bid for the contract on a level playing field;~~

25 ~~(c) To ensure quality and responsiveness—develop reliable measures of service quality,~~
26 ~~strengthen in-house monitoring capacity and expertise, and write contracts with periodic~~
27 ~~performance reporting;~~

28 ~~(d) To ensure accountability, control, and avoidance of conflicts of interest with~~
29 ~~departmental managers—write detailed contract specifications, and require record keeping and~~
30 ~~periodic reports;~~

31 ~~(e) To address legal and political barriers—involve affected groups in the decision~~
32 ~~making process; and~~

33 ~~(f) To recognize the impact on service recipients, employees, and their families—enable~~
34 ~~public employees to have an opportunity to bid for their work.~~

1 ~~**42-148-2. Definitions.**~~—When used in this chapter:

2 (a) ~~"In-house costs" means a detailed budget breakdown of the current costs of providing~~
3 ~~the service or program proposed for privatization.~~

4 (b) ~~"Statement of work and performance standards" means a clear statement of the nature~~
5 ~~and extent of the work to be performed with measurable performance standards as set forth in §~~
6 ~~42-148-3(b)(2) of this chapter.~~

7 (c) ~~"In-house bid" shall mean the cost of the proposal proffered by in-house state~~
8 ~~programs and employees and their representatives pursuant to § 42-148-3(b)(3) of this chapter.~~

9 (d) ~~"Cost comparison" means an analysis of the comparative costs of providing the~~
10 ~~service in-house or by privatization.~~

11 (e) ~~"Conversion differential" means transition costs and costs associated with starting up~~
12 ~~or closing down during conversion to purchase of service or in the event of the need to bring~~
13 ~~services back in-house.~~

14 (f) ~~"Transition costs" means the cost of contracting including monitoring vendors for~~
15 ~~accountability, costs associated with unemployment compensation, payment of accrued leave~~
16 ~~credits, bumping, and retention factors for those with statutory status. Transitional costs shall not~~
17 ~~include department overhead or other costs that would continue even if the services were~~
18 ~~privatized.~~

19 ~~**42-148-3. Preclosure analysis.**~~—(a) ~~Prior to the closure, consolidation or privatization of~~
20 ~~any state facility, function or program, the director of administration or his or her designee, shall~~
21 ~~conduct a thorough cost comparison analysis and evaluate quality performance concerns before~~
22 ~~deciding to purchase services from private vendors rather than provide services directly.~~

23 (b) ~~The director of administration shall, at least sixty (60) days prior to issuing requests~~
24 ~~for bids or proposals, complete the following process:~~

25 (i) ~~Document the current in-house costs of providing the services with a detailed budget~~
26 ~~breakdown. The in-house cost shall include any department overhead and other costs that would~~
27 ~~continue even if the service was contracted out.~~

28 (ii) ~~Prepare a statement of work and performance standards which shall form the basis for~~
29 ~~the requests for proposals and which shall include the following:~~

30 (A) ~~A clear statement of work with measurable performance standards including~~
31 ~~qualitative as well as quantitative standards that bidders must meet or exceed;~~

32 (B) ~~Requirements that contractors meet affirmative action, disability and other~~
33 ~~nondiscriminatory and service standards currently required of state agencies.~~

34 (C) ~~A clear format that will enable comparison of competitive bids and in-house bids.~~

1 ~~The format must require detailed budget breakdowns.~~

2 ~~(c) Prior to the issuance of the RFP current public employees and program recipients~~
3 ~~must be notified of the intent to solicit bid proposals and of the decision timeline.~~

4 ~~(d) If the statement of work and performance standards differs from the current in-house~~
5 ~~program procedures and requirements or if current state program employees and their~~
6 ~~representatives believe that they could perform the work more efficiently, an in-house state work~~
7 ~~group shall be afforded an opportunity to present a new cost estimate, reflecting any innovations~~
8 ~~that they could incorporate into the work performance standards. This new cost estimate shall be~~
9 ~~deemed an in-house bid, which shall form the basis for the eventual cost comparison. The director~~
10 ~~shall provide technical and informational assistance to the in-house state work group in its~~
11 ~~preparation of an in-house bid.~~

12 ~~(e) The director may elect to accept the in-house bid or proceed to prepare a request for~~
13 ~~proposal ("RFP") which must:~~

14 ~~(i) Incorporate the statement of work and performance standards, and~~

15 ~~(ii) Require bidders to meet the same statement of work performance standards as~~
16 ~~required of the final in-house cost estimate; and~~

17 ~~(iii) Include bid forms requiring a sufficiently detailed breakdown of cost categories to~~
18 ~~allow accurate and meaningful comparisons.~~

19 ~~(f) The in-house bid developed pursuant to subsection (d) of this section shall be kept~~
20 ~~confidential from bidders.~~

21 ~~**42-148.4. Cost comparison.**— The director of administration shall analyze all vendor~~
22 ~~bids as compared to current delivery of service costs or an in-house bid, whichever is lower,~~
23 ~~according to the following:~~

24 ~~(a) Any cost comparison must include an analysis of:~~

25 ~~(i) Comparative benefits for employees to meet the requirements of the statement of work~~
26 ~~and performance standards;~~

27 ~~(ii) All transition costs as defined in § 42-148-2(f) of this chapter;~~

28 ~~(iii) Any conversion costs as defined in § 42-148-2(e) of this chapter; and~~

29 ~~(iv) Areas where the bidder's costs appear artificially low, thereby putting the state at risk~~
30 ~~for further cost overruns.~~

31 ~~(b) In the event that the state will incur new program costs related to the statement of~~
32 ~~work and performance standards, such costs shall be included in the cost comparison.~~

33 ~~(c) All cost comparisons must include an analysis of whether the cost savings will result~~
34 ~~in meeting the performance and qualitative measures set out in the statement of work and~~

1 ~~performance standards.~~

2 ~~**42-148-5. Award of contract.** — After conducting a cost comparison pursuant to section~~
3 ~~42-148-4, the director of administration may award the bid to an outside vendor only if the~~
4 ~~savings to the state is substantial and the quality of performance of service required and specified~~
5 ~~in statement of work and performance standards will be met or exceeded by the outside vendor.~~

6 ~~**42-148-6. Appeal.** — (a) Before any award is final, the affected parties, which shall~~
7 ~~include program recipients, state employees and their representatives shall have a right to appeal~~
8 ~~the award decision of the director of the department of administration.~~

9 ~~(b) The parties shall have sixty (60) days from the date of the award to file an appeal. No~~
10 ~~contracts shall be awarded or services contracted to vendors if an appeal is pending.~~

11 ~~(c) All documentation supporting the cost and quality comparison shall be made available~~
12 ~~to the affected parties upon request after the final decision has been made.~~

13 ~~(d) All appeals of the final decision of an award shall be filed in superior court in~~
14 ~~Providence County.~~

15 ~~**42-148-7. Report of general assembly.** — (a) The director of the department of~~
16 ~~administration shall notify the chairpersons of the house and senate finance committees of their~~
17 ~~intent to request bids or proposals to privatize state services. The notice to the committees shall~~
18 ~~be provided thirty (30) days prior to issuing the request.~~

19 ~~(b) Upon the final decision of an award the director of the department of administration~~
20 ~~shall provide a report to the chairpersons of the house and senate finance committees outlining~~
21 ~~the bid process and analysis conducted in issuing an award.~~

22 ~~**42-148-8. Applicability.** — Notwithstanding any general law or special law to the~~
23 ~~contrary, no award shall be made or privatization contract entered into by the state of Rhode~~
24 ~~Island unless and until the processes and procedures outlined in §§ 42-148-3, 42-148-4 and 42-~~
25 ~~148-5 have been fully complied with in their entirety. All of the aforementioned sections shall~~
26 ~~apply to all pending awards and pending privatization contracts.~~

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

28 **ARTICLE 4**

29 RELATING TO RETIREE HEALTH BENEFITS FUNDING

30 SECTION 1. Section 36-10-2 of the General Laws in Chapter 36-10 entitled “Retirement
31 System – Contributions and Benefits” is hereby amended to read as follows:

32 **36-10-2. State contributions.** – (a) The State of Rhode Island shall make its contribution
33 for the maintenance of the system, including the proper and timely payment of benefits in
34 accordance with the provisions of this chapter and chapters 8, 16, 28, 31 and 42 of this title, by

1 annually appropriating an amount equal to a percentage of the total compensation paid to the
2 active membership. The percentage shall be computed by the actuary employed by the retirement
3 system and shall be certified by the retirement board to the director of administration on or before
4 the fifteenth day of October in each year. In arriving at the yearly employer contribution the
5 actuary shall determine the value of:

6 (1) The contributions made by the members;

7 (2) Income on investments; and

8 (3) Other income of the system.

9 (b) The Actuary shall thereupon compute the yearly employer contribution that will:

10 (1) Pay the actuarial estimate of the normal cost for the next succeeding fiscal year;

11 (2) Amortize the unfunded liability of the system as of June 30, 1999 utilizing a time
12 period not to exceed thirty (30) years.

13 (c) The State of Rhode Island shall remit to the general treasurer the employer's share of
14 the contribution for state employees, state police, and judges on a payroll frequency basis, and for
15 teachers in a manner pursuant to § 16-16-22.

16 ~~(d) From the rate percent computed pursuant to subsection (b), the state shall contribute a~~
17 ~~sum equal to one eighth of one percent (0.125%) of each member's rate of compensation and an~~
18 ~~additional sum equal to one eighth of one percent (0.125%) of each member's rate of~~
19 ~~compensation effective July 1, 1990, as the state's share of the cost of providing retiree health~~
20 ~~benefits in accordance with the provisions of § 36-10-4. Contributions shall be actuarially~~
21 ~~adjusted to reflect refunds made to employees. The contribution shall be placed in a restricted~~
22 ~~fund and shall be used solely for providing health benefits to retirees as provided in § 36-12-4.~~
23 ~~The adequacy of the fund will be actuarially reevaluated during the fiscal year prior to July 1,~~
24 ~~1993, to determine the required amount to maintain this benefit in effect. If at any time during the~~
25 ~~aforementioned period the cost for health coverage exceeds the contributions in the restricted~~
26 ~~fund account, the state shall assume the liability for that cost by making advances to the restricted~~
27 ~~fund which advances shall be repaid from any subsequent excess funds in the restricted fund.~~

28 ~~(e) In accordance with the intent of § 36-8-20 that the retirement system satisfy the~~
29 ~~requirements of § 401(a) of the Internal Revenue Code of 1986 as amended [26 U.S.C. § 401(a)],~~
30 ~~the restricted fund for providing health benefits to retirees described in subsection (d) shall~~
31 ~~constitute a separate retiree medical benefits account within the meaning of § 401(h) of the code~~
32 ~~[26 U.S.C. § 401(h)] and the account shall be administered in accordance with the applicable~~
33 ~~requirements. Prior to the satisfaction of all retiree health liabilities no part of the corpus or~~
34 ~~income of the account shall be used for, or diverted to, any purpose other than the payment of~~

1 ~~retiree medical benefits in accordance with the provisions of § 36-12-4. However, this~~
2 ~~requirement shall not restrict the collective investment of funds of that account with funds of the~~
3 ~~retirement account. Following the satisfaction of all retiree health liabilities, any funds remaining~~
4 ~~in the retiree medical benefits account shall be paid to the state.~~

5 ~~(d)~~(1) In accordance with the intent of § 36-8-20 that the retirement system satisfy the
6 requirements of § 401(a) of the Internal Revenue Code of 1986, the state shall pay to the
7 retirement system:

8 (i) By June 30, 1995, an amount equal to the sum of the benefits paid to state legislators
9 pursuant to § 36-10-10.1 in excess of ten thousand dollars (\$10,000) per member (plus accrued
10 interest on such amount at eight percent (8%)) for all fiscal years beginning July 1, 1991, and
11 ending June 30, 1995, but this amount shall be paid only if § 36-10-10.1(e) becomes effective
12 January 1, 1995; and

13 (ii) By December 31, 1994, twenty million seven hundred eighty eight thousand eight
14 hundred twelve dollars and nineteen cents (\$20,788,812.19) plus accrued interest on that amount
15 at eight percent (8%) compounded monthly beginning March 1, 1991, and ending on the date this
16 payment is completed (reduced by amortized amounts already repaid to the retirement system
17 with respect to the amounts withdrawn by the state during the fiscal year July 1, 1990 – June 30,
18 1991); and

19 (iii) By June 30, 1995, the sum of the amounts paid by the retirement system for retiree
20 health benefits described in § 36-12-4 for all fiscal years beginning July 1, 1989, and ending June
21 30, 1994, to the extent that the amounts were not paid from the restricted fund described in
22 subsection (c).

23 (2) Any and all amounts paid to the retirement system under this subsection shall not
24 increase the amount otherwise payable to the system by the state of Rhode Island under
25 subsection (a) for the applicable fiscal year. The actuary shall make such adjustments in the
26 amortization bases and other accounts of the retirement system as he or she deems appropriate to
27 carry out the provisions and intent of this subsection.

28 ~~(e)~~(e) In addition to the contributions provided for in subsection (a) through (c) and in
29 order to provide supplemental employer contributions to the retirement system, commencing in
30 fiscal year 2006, and each year thereafter:

31 (1) For each fiscal year in which the actuarially determined state contribution rate for
32 state employees is lower than that for the prior fiscal year, the governor shall include an
33 appropriation to that system equivalent to twenty percent (20%) of the rate reduction for the
34 state's contribution rate for state employees to be applied to the actuarial accrued liability of the

1 state employees' retirement system for state employees for each fiscal year;

2 (2) For each fiscal year in which the actuarially determined state contribution rate for
3 teachers is lower than that for the prior fiscal year, the governor shall include an appropriation to
4 that system equivalent to twenty percent (20%) of the rate reduction for the state's share of the
5 contribution rate for teachers to be applied to the actuarial accrued liability of the state employees'
6 retirement system for teachers for each fiscal year;

7 (3) The amounts to be appropriated shall be included in the annual appropriation bill and
8 shall be paid by the general treasurer into the retirement system.

9 ~~(h)~~(f) While the retirement system's actuary shall not adjust the computation of the annual
10 required contribution for the year in which supplemental contributions are received, such
11 contributions once made may be treated as reducing the actuarial liability remaining for
12 amortization in the next following actuarial valuation to be performed.

13 SECTION 2. Section 36-12-4 of the General Laws in Chapter entitled "Insurance
14 Benefits" is hereby amended to read as follows:

15 **36-12-4. Coverage of retired employees.** -- (a) *Retired employees who retire on or*
16 *before June 30, 2008.* Any retired employee who retired on or before June 30, 2008 shall be
17 entitled to be covered under §§ 36-12-1 – 36-12-5 for himself and herself and, if he or she so
18 desires, his or her dependents, upon agreeing to pay the total cost of his or her contract at the
19 group rate for the active state employees. Payments of any retired employee for coverage shall
20 be deducted from his or her retirement allowance and remitted from time to time in payment for
21 such contract. In addition, any retired employee who retired on or before June 30, 2008 shall be
22 permitted to purchase coverage for his or her dependents upon agreeing to pay the additional cost
23 of the contract at the group rate for active state employees. Payment for coverage for dependents
24 shall be deducted from his or her retirement allowances and remitted as required in payment for
25 the contract.

26 (b) *State employees who retire subsequent to July 1, 1989, and on or before June 30,*
27 *2008.* Employees who retire subsequent to July 1, 1989, and on or before June 30, 2008, from
28 active service of the state, and who were employees of the state as determined by the retirement
29 board under § 36-8-1, shall be entitled to receive for himself or herself a retiree health care
30 insurance benefit as described in § 36-12-1 in accordance with the following formula:

31	Years of	Age	State's	Employee's
32	Service	<u>at Retirement</u>	Share	Share
33	10-15	60	50%	50%
34	16-22	60	70%	30%

1	23-27	60	80%	20%
2	28+	--	90%	10%
3	28+	60	100%	0%
4	35+	any	100%	0%

5 (e) When the retiree reaches that age which will qualify him or her for Medicare
6 Supplement the formula shall be:

7	Years of	State's	Employee's
8	Service	Share	Share
9	10-15	50%	50%
10	16-19	70%	30%
11	20-27	90%	10%
12	28+	100%	0%

13 (c) Retired employees who retire on or after July 1, 2008. Any retired employee who
14 retires on or after July 1, 2008 shall be entitled to be covered under §§ 36-12-1 – 36-12-5 for
15 himself and herself and, if he or she so desires, his or her dependents, upon agreeing to pay the
16 total cost of the contract in the plan in which he or she enrolls. Payments of any retired employee
17 for coverage shall be deducted from his or her retirement allowance and remitted from time to
18 time in payment for such contract. Any retired employee who retires on or after July 1, 2008,
19 shall be permitted to purchase coverage for his or her dependents upon agreeing to pay the
20 additional cost of the contract at the group rate for the plan in which the dependent is enrolled.
21 Payment for coverage for dependents shall be deducted from the retired employee's retirement
22 allowances and remitted as required in payment for the contract.

23 ~~(d) If the retired employee desires, he or she shall be permitted to purchase coverage for~~
24 ~~his or her dependents upon agreeing to pay the additional cost of the contract at the group rate for~~
25 ~~active state employees. Payment for coverage for dependents shall be deducted from his or her~~
26 ~~retirement allowances and remitted as required in payment for the contract.~~

27 (d) State employees who retire on or after July 1, 2008. Employees who retire on or after
28 July 1, 2008 from active service of the state, and who were employees of the state as determined
29 by the retirement board under § 36-8-1, and who have a minimum of twenty (20) years of service,
30 and who are a minimum of fifty-nine (59) years of age, shall be entitled to receive for himself or
31 herself a retiree health care insurance benefit as described in § 36-12-1. The State will subsidize
32 80% of the cost of the health insurance plan for individual coverage in which the retired state
33 employee is enrolled in. Payments of any retired employee for coverage shall be deducted from
34 his or her retirement allowance and remitted from time to time in payment for such contract.

1 (e) Retired employees, including retired teachers, who are non-Medicare eligible and who
2 reach the age of sixty-five (65) shall be allowed to continue to purchase group health care
3 insurance benefits in the same manner as those provided to retired employees who have not
4 reached the age of sixty-five (65).

5 SECTION 3. Title 36 of the General Laws entitled "Public Officers and Employees" is
6 hereby amended by adding thereto the following chapter:

7 CHAPTER 36-12.1

8 RETIREE HEALTH CARE TRUST FUND

9 **36-12.1-1. Name of act.** -- This act shall be known as the "Health Insurance and Benefits
10 Funding Act".

11 **36-12.1-2. Statement of purpose.** -- The purpose of the Health Insurance and Benefits
12 Funding Act is to address the necessity of funding the State's unfunded liability for retiree health
13 care benefits required by recent accounting changes and prudent resource management.

14 **36-12.1-3. Background.** -- The general assembly finds that the State faces a significant
15 unfunded liability associated with its retiree health care benefits programs. To date, the State has
16 been funding retiree health care benefits on a pay-as-you-go basis. Recently established
17 governmental accounting standards applicable to the State require that the State account for such
18 unfunded costs on an accrued actuarial basis. An actuarial study conducted by the State shows
19 that the State faces an unfunded future liability for retiree health care benefits in excess of six
20 hundred million dollars (\$600,000,000). The creation and eventual funding of a dedicated trust
21 fund for the purpose of financing this liability on accrued actuarial basis is fiscally prudent and
22 will produce significant benefits to the State.

23 **36-12.1-4. Definitions.** -- The following words and phrases as used in the act, unless a
24 different meaning is plainly required by the context, shall have the following meanings:

25 (1) "Actuary" means the actuary retained by the OPEB Board pursuant to §36-12.1-15
26 hereof.

27 (2) "Code" means the Internal Revenue Code of 1986, as amended.

28 (3) "Employer" means the state of Rhode Island.

29 (4) "Employee" means all persons who are classified employees as the term "classified
30 employee" is defined under § 36-3-3, and all persons in the unclassified and non-classified
31 service of the state. This includes those non-classified employees of the Board of Governors for
32 Higher Education, the Office of Higher Education, the University of Rhode Island, Rhode Island
33 College, and the Community College of Rhode Island pursuant to §16-59-1 et seq., who are
34 participants in the Board of Governors' alternate retirement plans.

1 (5) “GAAP” shall mean generally accepted accounting principles.

2 (6) “GASB” shall mean governmental accounting standards board.

3 (7) “GASB 43” shall mean the rules promulgated by GASB governing the manner in
4 which financial statements issued by trusts providing OPEB benefits must be prepared in
5 accordance with GAAP, as they may be amended from time to time.

6 (8) “GASB 45” shall mean the rules promulgated by GASB governing the manner in
7 which financial statements issued by employers providing OPEB Benefits must be prepared in
8 accordance with GAAP, as they may be amended from time to time.

9 (9) “OPEB” or “OPEB Benefits” shall mean other post employment benefits, and shall
10 include, without limitation, retiree medical, dental, prescription, vision care, life insurance, long
11 term care benefits and similar post–employment benefits for a Retired Employee and/or his or her
12 Dependants.

13 (10) "OPEB Board" shall mean the board established in §36-12.1-7 to administer the
14 OPEB System.

15 (11) "OPEB System" shall mean the Rhode Island Employee’s OPEB System as defined
16 in §36-12.1-5.

17 (12) “OPEB Trust” shall mean the trust fund or funds, including any sub-funds or sub-
18 trusts created by the OPEB Board pursuant to § 36-12 to hold assets of the OPEB System.

19 (13) “Party in Interest” shall mean each member of the OPEB Board, each employee of
20 the OPEB Board, any individual or organization that renders advice to the OPEB Board or the
21 OPEB System; any affiliate of such organization, and any member of the immediate family of
22 any such individual.

23 (14) "Retired Employee", means any person retired from the active service of the state, as
24 determined by the retirement board under § 36-8-1, and also all retired teachers who have elected
25 to come under the OPEB System, or any person who was a non-classified employee of the Board
26 of Governors for Higher Education, the Office of Higher Education, the University of Rhode
27 Island, Rhode Island College, or the Community College of Rhode Island pursuant to §16-59-1 et
28 seq, and who is a participant in the Board of Governors’ alternate retirement plans.

29 (15) “Alternate retirement plans” shall mean those retirement plans provided by the
30 Board of Governors for Higher Education for its non-classified employees, and those of the
31 Office of Higher Education, the University of Rhode Island, Rhode Island College, and the
32 Community College of Rhode Island, pursuant to §16-17.1-1 et seq.

33 **36-12.1-5. Establishment of OPEB system.** -- An OPEB System is hereby established
34 and placed under the management of the OPEB Board for the purpose of providing and

1 administering OPEB Benefits for Retired Employees of the State of Rhode Island and their
2 dependants under the provisions of chapter 36-12, entitled "Insurance Benefits", of this title, and
3 for retired non-classified employees who are participants in the Board of Governors for Higher
4 Education's alternate retirement plans. The OPEB System so created shall begin operation as of
5 July 1, 2008. It shall have the power and privileges of a corporation and shall be known as the
6 "Rhode Island State Employees' and Electing Teachers OPEB System" and by that name all of its
7 business shall be transacted.

8 **36-12.1-6. Responsibility for administration – rules and regulations.** -- The general
9 administration and the responsibility for the proper operation of the OPEB System and for
10 making effective the provisions of chapter 36-12 of this title are hereby vested in an OPEB
11 Board. The OPEB Board shall, from time to time, establish rules and regulations for the
12 administration and transaction of the business of the OPEB System. Rules and regulations which
13 have been or may be established pursuant to the provisions of this chapter shall be compiled,
14 codified, and published so that they shall be generally available to the members of the system.
15 The OPEB Board shall also perform such other functions as are required for the execution of
16 chapters 12, 12.1 and 12.2 of this title. In its discretion, the OPEB Board may issue regulations
17 governing the application of this Chapter.

18 **36-12.1-7. Composition of the OPEB board.** -- (a) The OPEB Board shall consist of
19 the State Controller, the State Budget Officer, the State Personnel Administrator and the General
20 Treasurer, or their designees.

21 **36-12.1-8. Meetings of the OPEB board.** -- Meetings shall be held at such place as
22 may be designated in the call of the meeting, provided at no cost to the state, at the call of the
23 chairperson.

24 **36-12.1-9. Duties of the OPEB board.** -- The OPEB Board shall be responsible for the
25 administration and operation of the OPEB System, determination of the amount of annual
26 contributions, and oversight of OPEB Benefit payments to Retired Employees and their
27 dependents. The OPEB Board shall have the power to collect contributions from the State of
28 Rhode Island or any municipality thereof, to direct benefit payments, to interpret relevant plan
29 documents, to resolve inconsistencies and ambiguities contained therein, to decide any claims for
30 benefits and to resolve disputes.

31 **36-12.1-10. Votes of board – record of proceedings.** -- Each member of the board shall
32 be entitled to one vote in the board and a majority of all the votes of the entire board shall be
33 necessary for a decision of the board. The board shall keep a record of all the proceedings which
34 shall be open to public inspection.

1 **36-12.1-11. Reimbursement of board members.** – Members of the board shall serve
2 without compensation but shall be reimbursed for any necessary expenditures and no employee
3 shall suffer any loss of salary or wages through serving upon the board.

4 **36-12.1-12. Annual report and statement.** -- The OPEB Board shall submit to the
5 governor for transmittal to the general assembly, on or before the first day of December in each
6 year, an annual report showing the financial transactions of the system for the fiscal year of the
7 state next preceding said date. The report shall contain, among other things, a financial balance
8 sheet, a statement of income and expenditures, a valuation balance sheet as prepared by the
9 actuary, a detailed statement of investments acquired and disposed of during the year, and such
10 other statistical data as are deemed necessary for a proper interpretation of the condition of the
11 system and the results of its operations. The report shall also embody such other data as may be
12 of use in the advancement of knowledge concerning state employee OPEB and any
13 recommendations of the board for changes in the laws pertaining to the system. The OPEB Board
14 shall cause to be published for distribution among the members of the system a financial
15 statement summarizing the results of operations for the fiscal year. All financial statements
16 issued by the OPEB Board shall conform to the requirements of GAAP.

17 **36-12.1-13. Executive officers and secretary.** – (a) The Board shall elect a Chairperson
18 and Secretary. Moreover, the State Controller shall serve as the Treasurer.

19 (b) Any negotiated agreement entered into after July 1, 2008, between any state or
20 municipal agency or department and an employee or employees, whose conditions are contrary to
21 the general laws or the rules, regulations, and policies as adopted and promulgated by the OPEB
22 Board shall be null and void unless and until approved by formal action of the OPEB Board for
23 good cause shown.

24 **36-12.1-14. Accounts and statistical records** – clerical and professional assistance –
25 disbursements. – The State Controller, under the direction and supervision of the OPEB Board,
26 shall be charged with the establishment and maintenance of such accounts and statistical records
27 as the OPEB Board may require and he or she shall employ such clerical assistance as shall be
28 necessary to carry out properly the provisions of chapters 12, 12.1 and 12.2 of this title. The
29 OPEB Board shall secure the services of an actuary who shall be the actuarial advisor of the
30 board and who shall make the actuarial computations and valuations required by chapters 12, 12.1
31 and 12.2. The state controller is hereby authorized and directed to draw his or her orders upon the
32 general treasurer for the payment of such sum or sums as may from time to time be necessary,
33 upon receipt by him or her of vouchers for payment of liabilities.

34 **36-12.1-15. Payment of administrative expenses of the OPEB board and maintaining**

1 **the OPEB system – restricted receipts account.** – (a) There is hereby created within the general
2 fund a restricted receipt account entitled the “OPEB system restricted receipt account”, the
3 proceeds of which shall be used solely to pay the expenses of the OPEB Board, the cost of
4 maintaining the OPEB System, and the costs of administering the OPEB System.

5 (b) For fiscal years 2009 through 2014, the State Controller is authorized to disburse from
6 the fund the cost of the actuarial valuation, and the allocated share of investment manager fees
7 incurred by the State Investment Commission. In fiscal years, 2015 and thereafter, there shall be
8 transferred to this restricted receipt account twenty five (25) basis points where one hundred
9 (100.0) basis points equals one percent (1.0%), of the average total investments before lending
10 activities as reported in the annual report of the auditor general for the next preceding five fiscal
11 years. Any non-encumbered funds on June 30 of any fiscal year shall be credited to the OPEB
12 System.

13 **36-12.1-16. Collection of actuarial and experience data.** – The General Treasurer and
14 the state Retirement System, shall collect and keep in convenient form such data as shall be
15 necessary for the preparation of the mortality and service tables and for the compilation of such
16 other information as shall be required for the actuarial valuation of the assets and liabilities of the
17 OPEB System and to comply with the requirements of GASB 43 and 45.

18 **36-12.1-17. Actuarial investigations authorized by board.** – Immediately after his or
19 her selection, the actuary shall make such investigation of the mortality, service, and
20 compensation experience of the members as the OPEB Board shall authorize for the purpose of
21 determining the proper tables to be prepared and submitted to the OPEB Board for adoption.

22 **36-12.1-18. Periodic actuarial investigations and valuations.** – Every year beginning
23 with fiscal year 2009, the actuary shall make an actuarial investigation into the mortality, service,
24 and compensation experience of the members and beneficiaries of the OPEB System, and shall
25 make a valuation of the assets and liabilities of the system, and, taking into account the result of
26 the investigation and valuation, the OPEB Board shall:

27 (1) Adopt for the OPEB System, such mortality, service, and other tables as shall be
28 deemed necessary in the OPEB System; and

29 (2) Certify the levels of contribution payable by the state of Rhode Island to carry out the
30 provisions of chapters 12, 12.1, and 12.2 of this title.

31 (3) Certify the levels of contribution payable by the Board of Governors for Higher
32 Education to carry out the provisions of chapter 17.1 of title 16.

33 On the basis of such tables as the OPEB Board shall adopt, the actuary shall make an
34 annual valuation of the liabilities of the funds of the system created by this chapter and the

1 investment advisor or investment manager appointed by the OPEB Board shall make an annual
2 valuation of the assets of the OPEB System.

3 **36-12.1-19. State contributions.** – (a) The State of Rhode Island shall make its
4 contribution for the maintenance of the system, including the proper and timely payment of
5 benefits, by annually appropriating an amount equal to a percentage of the total compensation
6 paid to the active membership and teacher payroll base. The percentage shall be computed by the
7 actuary employed by the OPEB Board and shall be certified by the OPEB Board to the director of
8 administration on or before the fifteenth day of October in each year. In arriving at the yearly
9 employer contribution the actuary shall determine the value of:

10 (1) The contributions made by the members;

11 (2) Income on investments; and

12 (3) Other income of the system.

13 (b) The Actuary shall thereupon compute the yearly employer contribution that will:

14 (1) Pay the actuarial estimate of the normal cost for the next succeeding fiscal year;

15 (2) Amortize the unfunded liability of the system as of June 30, 2006 utilizing a time
16 period not to exceed thirty (30) years.

17 (c) The State of Rhode Island shall remit to the general treasurer the employer's share of
18 the contribution for state employees, state police, legislators, and judges on a payroll frequency
19 basis, and for teachers in a manner consistent with sound accounting and actuarial practice.

20 (d) The Board of Governors for Higher Education shall remit to the general treasurer that
21 employer's share of the contribution for its non-classified employees, and those of the University
22 of Rhode Island, Rhode Island College, and the Community College of Rhode Island, pursuant to
23 §16-17.1-1 et seq., and in a manner consistent with sound accounting and actuarial practice.

24 **36-12.1-20. Establishment of OPEB trust funds.** -- The OPEB Board shall establish
25 one or more trust funds and/or sub trusts to hold the assets of the OPEB System, to be known as
26 the Rhode Island OPEB System Trust. Title and legal ownership of all assets of the OPEB
27 System shall be in the name of the Rhode Island OPEB System Trust. The OPEB Board, or its
28 delegate is authorized to execute one or more trust instruments to effectuate the purposes of this
29 section. However, such trust instruments shall require that: a) all funds held by such trusts shall
30 be used solely to pay benefits pursuant to the OPEB System, and reasonable and legitimate
31 administrative expenses associated therewith; b) no asset of the OPEB System or contribution
32 made by the State of Rhode Island, may be recovered or returned to the State, until the OPEB
33 Board has certified all liabilities of the System have been satisfied; and c) at no time shall the
34 assets of the Rhode Island OPEB System Trust shall be subject to the claims of the creditors of

1 the State of Rhode Island or the creditors of any beneficiary of the OPEB System.

2 **36-12.1-21. Custody and investment of funds.** -- (a) All money immediately required
3 for the payment of OPEB Benefits shall be invested only in accordance with the written
4 objectives and guidelines established by the state investment commission pursuant to the
5 provisions of chapter 10 of title 35 and other applicable law.

6 (b) All money not immediately required for the payment of OPEB Benefits shall be
7 invested in accordance with the provisions of chapter 10 of title 35 and other applicable law and
8 shall be held in a custodial or trust account in accordance with § 36-12.1-5. The trust and
9 custodial account established under this section shall be maintained pursuant to written
10 documents which expressly provide that it shall be impossible at any time prior to the satisfaction
11 of all liabilities with respect to employees and their beneficiaries for any part of the corpus or
12 income to be used for or diverted to purposes other than the payment of OPEB Benefits to
13 employees and their beneficiaries (except as otherwise permitted by § 36-12.1).

14 **36-12.1-22. Disposition of investment earnings.** – The OPEB Board shall credit all
15 earned investment income from interest and dividends on investments and bank deposits during
16 any fiscal year to the Rhode Island OPEB System Trust.

17 **36-12.1-23. Improper interest in investments of board.** – Except as herein provided, no
18 member of the OPEB Board and no employee of the OPEB Board shall have any interest, direct
19 or indirect, in the gains or profits of any investment made by the OPEB Board, nor as such
20 directly or indirectly receive any pay or emolument for his or her services. No member of the
21 OPEB Board or employee of the OPEB Board shall, directly or indirectly, for himself or herself
22 or as an agent, in any manner use the gains or profits, except to make such current and necessary
23 payments as are authorized by the OPEB Board; nor shall any member or employee of the OPEB
24 Board become an endorser or surety or become in any manner an obligor for money loaned or
25 borrowed from the OPEB Board. No member of the OPEB Board shall permit the OPEB System
26 to engage in a transaction that constitutes a sale or exchange, or leasing, of any property between
27 the OPEB System and a party in interest; a lending of money or other extension of credit between
28 the OPEB System and a party in interest; furnishing of goods, services, or facilities between the
29 OPEB System and a party in interest; transfer to, or use by or for the benefit of, a party in interest,
30 of any assets of the OPEB System.

31 **36-12.1-24. Payment of OPEB benefits.** -- All OPEB Benefits shall be paid from the
32 Rhode Island OPEB System Trust, subject to the oversight and approval of the OPEB Board.

33 **36-12.1-25. Annual audits.** – The auditor general shall conduct upon the request of the
34 OPEB Board a separate annual performance audit of the OPEB System which shall include a

1 report on the actuarial valuation of the assets and liabilities of the OPEB System. The auditor
2 general may examine all records, files, and other documents, and evaluate all policies and
3 procedures for purposes of conducting the audit. The aforementioned performance audit shall be
4 in addition to the annual audit conducted by the auditor general of the financial statements of the
5 OPEB System. A copy of the report shall be given to the governor and the OPEB Board.

6 **36-12.1-26. Internal revenue code qualification.** – (a) Intent. It is intended that the
7 OPEB System and the Rhode Island OPEB System Trust satisfy the requirements of §115 or
8 §501(c)(9) of the Internal Revenue Code of 1986 as amended from time to time, 26 U.S.C. §§
9 115, 501(c)(9) - ,(hereinafter referred to as the "Code"), in form and operation, to the extent that
10 those requirements apply to a governmental use trust under §115 or a voluntary employee benefit
11 association under §501(c)(9) of the Code. To this end, the following provisions shall be
12 applicable, administered, and interpreted in a manner consistent with maintaining the tax
13 qualification of the OPEB System, and shall supersede any conflicting provisions of chapters 12,
14 12.1 and 12.2 of this title, [of chapter 16 of title 16, or of chapter 21 of title 45].

15 (b) Exclusive benefit. All funds of the OPEB System shall be held in one or more trusts
16 as provided in §36-12.1-21 or if permitted, in accordance with § 401(f) of the code, in one or
17 more custodial accounts treated as trusts or a combination thereof. Under any trust or custodial
18 account, it shall be impossible at any time prior to the satisfaction of all liabilities with respect to
19 employees and their beneficiaries, for any part of the corpus or income to be used for, or diverted
20 to, purposes other than the payment of OPEB allowances and other post employment benefits to
21 Retired Employees and their beneficiaries.

22 **36-12.1-27. Severability.** – (a) If any provision of this chapter 36-12.1 of this title, any
23 rule, or regulation made thereunder, or the application thereof to any person or circumstance is
24 held invalid by a court of competent jurisdiction the remainder of this chapter, rules, or
25 regulations and the application of those provisions to other persons or circumstances shall not be
26 affected thereby.

27 (b) The invalidity of any section or sections or parts of any section or sections of those
28 chapters shall not affect the validity of the remainder of this chapter.

29 SECTION 4. This article shall take effect upon passage. However, the establishment of
30 the Rhode Island State Employees’ and Electing Teachers OPEB System Trust shall occur after
31 July 1, 2008.

32 **ARTICLE 5**

33 **RELATING TO CERTIFIED SCHOOL TEACHERS AND MUNICIPAL**

34 **EMPLOYEES RIGHT TO BARGAIN**

1 SECTION 1. Section 28-9.3-2 of the General Laws entitled Certified School Teachers'
2 Arbitration is hereby amended to read as follows:

3 **28-9.3-2. Right to organize and bargain collectively.** – (a) The certified teachers in the
4 public school system in any city, town, or regional school district have the right to negotiate
5 professionally and to bargain collectively with their respective school committees and to be
6 represented by an association or labor organization in the negotiation or collective bargaining
7 concerning hours, salary, working conditions, and all other terms and conditions of professional
8 employment.

9 (b) For purposes of this chapter, "certified teachers" means certified teaching personnel
10 employed in the public school systems in the state of Rhode Island engaged in teaching duties,
11 including support personnel whose positions require a professional certificate issued by the state
12 department of education and personnel licensed by the department of health; or other non-
13 administrative professional employees.

14 (c) Superintendents, assistant superintendents, principals, and assistant principals, and
15 other supervisors above the rank of assistant principal, are excluded from the provisions of this
16 chapter.

17 (d) Notwithstanding the provision of section (a) above, upon passage of this act the right
18 to organize and bargain collectively shall not include the provision of health care for active
19 employees, and all employee contracts executed shall not contain provisions related to health care
20 benefits for active employees. All school district employees whose contracts have expired or are
21 due to expire on or before June 30, 2008 shall receive health care benefits under a state procured
22 health care contract effective July 1, 2008. All school district employees not employed under a
23 contractual agreement shall receive health care benefits under a state procured health contract
24 which incorporates a menu of optional health care choices as determined by the Health Care
25 Advisory Council effective July 1, 2008. School district employees whose contracts expire
26 subsequent to June 30, 2008 shall receive health care benefits under the state health care contract
27 upon the expiration of their current bargaining unit contract.

28 (e) All school district personnel who receive health care benefits under the state procured
29 health care contract shall be subject to state provisions regarding co-sharing of health care plan
30 premium costs.

31 (f) All school districts whose employees receive health care benefits under the state
32 health care contract shall establish buy-back/medical waiver provisions in accordance with the
33 state health care buy-back/medical waiver provisions.

34 (g) A statewide Health Care Advisory Council shall be established to make

1 recommendations regarding plan design, co-sharing and buy-back provisions for the state
2 procured health care contract. The Advisory Council membership shall include the director of the
3 Department of Administration or his/her designee, who shall chair the Council, representatives
4 from the Departments of Administration and Education, labor, the League of Cities and Towns,
5 the Rhode Island School Superintendents' Association, the Rhode Island Association of School
6 Business Officials and the Rhode Island Association of School Committees.

7 (h) School district employees whose contracts have expired but who are employed by a
8 school district that is obligated to a health insurance carrier beyond the date that the contract
9 expires, or who are not employed under a contractual agreement but are employed by a school
10 district that is obligated to a health insurance carrier beyond July 1, 2008, shall receive health care
11 benefits under the state contract upon the expiration of the current obligation with the health
12 insurance carrier.

13 SECTION 2. Section 28-9.4-3 of the General Laws entitled Municipal Employees'
14 Arbitration is hereby amended to read as follows:

15 **28-9.4-3. Right to organize and bargain collectively.** – (a) The municipal employees of
16 any municipal employer in any city, town, or regional school district shall have the right to
17 negotiate and to bargain collectively with their respective municipal employers and to be
18 represented by an employee organization in the negotiation or collective bargaining concerning
19 hours, salary, working conditions, and all other terms and conditions of employment.

20 (b) Notwithstanding the provision of section (a) above, upon passage of this act the right
21 to organize and bargain collectively shall not include the provision of health care for active
22 employees, and all employee contracts shall not contain provisions related to health care benefits
23 for active employees. All employees whose contracts have expired or are due to expire on or
24 before June 30, 2008 shall receive health care benefits under a state procured health care contract
25 which incorporates a menu of optional health care choices as determined by the Health Care
26 Advisory Council effective July 1, 2008. All employees not employed under a contractual
27 agreement shall receive health care benefits under a state procured health contract effective July
28 1, 2008. Employees whose contracts expire subsequent to June 30, 2008 shall receive health care
29 benefits under the state health care contract upon the expiration of their current bargaining unit
30 contract.

31 (c) All personnel who receive health care benefits under the state health care contract
32 shall be subject to state provisions regarding co-sharing of health care plan premium costs.

33 (d) All municipalities and school districts whose employees receive health care benefits
34 under the state health care contract shall establish buy-back/medical waiver provisions in

1 accordance with the state health care buy-back/medical waiver provisions.

2 (e) A statewide Health Care Advisory Council shall be established to make
3 recommendations regarding plan design, co-sharing and buy-back provisions for the state health
4 care contract. The Advisory Council membership shall include the director of the Department of
5 Administration or his/her designee, who shall chair the Council, representatives from the
6 Departments of Administration and Education, labor, the League of Cities and Towns, and the
7 Rhode Island School Superintendents' Association, the Rhode Island Association of School
8 Business Officials and the Rhode Island Association of School Committees.

9 (f) Employees whose contracts have expired but who are employed by a municipality
10 school district that is obligated to a health insurance carrier beyond the date that the contract
11 expires, or who are not employed under a contractual agreement but are employed by a
12 municipality school district that is obligated to a health insurance carrier beyond July 1, 2008,
13 shall receive health care benefits under the state contract upon the expiration of the current
14 obligation with the health insurance carrier.

15 SECTION 3. Section 28-9.1-4 of the General Laws entitled Firefighters' Arbitration is
16 hereby amended to read as follows:

17 **28-9.1-4. Right to organize and bargain collectively.** – (a) The fire fighters in any city
18 or town have the right to bargain collectively with their respective cities or towns and be
19 represented by a labor organization in the collective bargaining as to wages, rates of pay, hours,
20 working conditions, and all other terms and conditions of employment.

21 (b) Notwithstanding the provision of section (a) above, beginning July 1, 2008 the right
22 to organize and bargain collectively shall not include the provision of health care for all
23 firefighters, and all firefighter employee contracts executed subsequent to that date shall not
24 contain provisions related to health care benefits for active employees. Firefighters whose
25 contracts expire subsequent to June 30, 2008 shall receive health care benefits under the state
26 procured health care contract which incorporates a menu of optional health care choices as
27 determined by the Health Care Advisory Council upon the expiration of their current bargaining
28 unit contract and the standards relating to plan design, cost sharing, and buy back shall be as
29 provided for in 28-9.4-3 (d), (e), and (f).

30 (c) Firefighters whose contracts have expired but who are employed by a municipality
31 that is obligated to a health insurance carrier beyond the date that the contract expires, or who are
32 not employed under a contractual agreement but are employed by a municipality that is obligated
33 to a health insurance carrier beyond July 1, 2008, shall receive health care benefits under the state
34 contract upon the expiration of the current obligation with the health insurance carrier.

1 SECTION 4. Section 28-9.2-4 of the General Laws entitled Municipal Police Arbitration
2 is hereby amended to read as follows:

3 **28-9.2-4. Right to organize and bargain collectively.** – (a) The police officers in any
4 city or town have the right to bargain collectively with their respective cities or towns and be
5 represented by a labor organization in the collective bargaining as to wages, rates of pay, hours,
6 working conditions, and all other terms and conditions of employment.

7 (b) Notwithstanding the provision of section (a) above, beginning July 1, 2008 the right
8 to organize and bargain collectively shall not include the provision of health care for all police
9 officers, and all police officer employee contracts executed subsequent to that date shall not
10 contain provisions related to health care benefits for active employees. Police officers whose
11 contracts expire subsequent to June 30, 2008 shall receive health care benefits under the state
12 procured health care contract which incorporates a menu of optional health care choices as
13 determined by the Health Care Advisory Council upon the expiration of their current bargaining
14 unit contract and the standards relating to plan design, cost sharing, and buy back shall be as
15 provided for in 28-9.4-3 (d), (e), and (f).

16 (c) Police Officers whose contracts have expired but who are employed by a
17 municipality that is obligated to a health insurance carrier beyond the date that the contract
18 expires, or who are not employed under a contractual agreement but are employed by a
19 municipality that is obligated to a health insurance carrier beyond July 1, 2008, shall receive
20 health care benefits under the state contract upon the expiration of the current obligation with the
21 health insurance carrier.

22 SECTION 5. This article shall take effect upon passage.

23 ARTICLE 6

24 RELATING TO RESTRICTED RECEIPT ACCOUNTS

25 SECTION 1. Section 23-82-5 of the General Laws in Chapter 23-82 entitled
26 “Implementation of the Regional Greenhouse Gas Initiative Act” is hereby amended to read as
27 follows:

28 **23-82-5. Sale of allowances.** – (a) The department shall provide in its regulations that
29 one hundred percent (100%) of all allowances issued under the program in the state of Rhode
30 Island shall be sold. A de minimus portion of allowances may be set aside to support the
31 voluntary renewable energy provisions of the regional greenhouse gas initiative model rule.

32 (b) The department's regulations shall specify the mechanism for sale of allowances,
33 including authorizing the state to make use of any voluntary regional organizations, structures or
34 mechanisms available to states implementing a program of this type, provided that any sale of

1 allowances must be public, competitive and open to all who wish to participate.

2 (c) The department may engage an independent contractor, consumer trustee or other
3 entity experienced in sale or auction design and management, including a regional entity engaged
4 by multiple states to conduct regional sales or auctions, who is determined by the department, in
5 consultation with the office, to be qualified to conduct auctions or sales in a manner that assures
6 the efficiency of the auctions or sales. The selection of any independent contractor, consumer
7 trustee or other entity shall be done in accordance with applicable procedures of the division of
8 purchases.

9 (d) The department shall annually convey one hundred percent (100%) of all carbon
10 allowances established pursuant to this section to the selected independent contractor, consumer
11 trustee or other entity who shall be authorized to receive, hold and sell allowances for the long-
12 term benefit of consumers. The selected independent contractor, consumer trustee or other entity
13 shall conduct the auction or sale, collect the auction proceeds and shall, ~~without further~~
14 ~~appropriation, distribute~~ upon receipt, transfer to the office the proceeds of the auction or sale to
15 be distributed in accordance with section 23-82-6, under the oversight of the department.

16 (e) The department shall require an annual report from the independent contractor,
17 consumer trustee or other entity conducting the auction or sale describing the auction or sale and
18 its results. The report shall be made public and shall also be submitted to the general assembly.

19 (f) All proceeds collected from the auction or sale of allowances pursuant to this section
20 shall be deposited as restricted receipts.

21 SECTION 2. Section 39-2-1.2 of the General Laws in Chapter 39-2 entitled “Duties of
22 Utilities and Carriers” is hereby amended to read as follows:

23 **39-2-1.2. Utility base rate – Advertising, demand side management and renewables.**

24 = (a) In addition to costs prohibited in § 39-1-27.4(b), no public utility distributing or providing
25 heat, electricity, or water to or for the public shall include as part of its base rate any expenses for
26 advertising, either direct or indirect, which promotes the use of its product or service, or is
27 designed to promote the public image of the industry. No public utility may furnish support of
28 any kind, direct, or indirect, to any subsidiary, group, association, or individual for advertising
29 and include the expense as part of its base rate. Nothing contained in this section shall be deemed
30 as prohibiting the inclusion in the base rate of expenses incurred for advertising, informational or
31 educational in nature, which is designed to promote public safety conservation of the public
32 utility's product or service. The public utilities commission shall promulgate such rules and
33 regulations as are necessary to require public disclosure of all advertising expenses of any kind,
34 direct or indirect, and to otherwise effectuate the provisions of this section.

1 (b) Effective as of January 1, 2003, and for a period of ten (10) years thereafter, each
2 electric distribution company shall include charges of 2.0 mills per kilowatt-hour delivered to
3 fund demand side management programs and 0.3 mills per kilowatt-hour delivered to fund
4 renewable energy programs. Existing charges for these purposes and their method of
5 administration shall continue through December 31, 2002. Thereafter, the electric distribution
6 company shall establish and after July 1, 2007, maintain two (2) separate accounts, one for
7 demand side management programs, which shall be administered and implemented by the
8 distribution company, subject to the regulatory reviewing authority of the commission, and one
9 for renewable energy programs, which shall be administered by the office of energy resources
10 through June 30, 2007, and effective July 1, 2007, shall be held and disbursed by the distribution
11 company as directed by the commissioner of the office of energy resources, with the approval, if
12 appropriate, of the trustees of the renewable energy development fund, for the purposes of
13 developing, promoting and supporting renewable energy programs.

14 During the ten (10) year period the commission may, in its discretion, after notice and
15 public hearing, increase the sums for demand side management and renewable resources;
16 thereafter, the commission shall, after notice and public hearing, determine the appropriate charge
17 for these programs. The office of energy resources and/or the administrator of the renewable
18 energy programs shall seek to secure for the state an equitable and reasonable portion of
19 renewable energy credits or certificates created by projects funded through those programs, and
20 shall develop and execute by July 1, 2007, a plan to make the program self-sustaining as of
21 January 1, 2013. As used in this section, "renewable energy resources" shall mean: (1) power
22 generation technologies as defined in § 39-26-5, "eligible renewable energy resources", including
23 off-grid and on-grid generating technologies located in Rhode Island as a priority; (2) research
24 and development activities in Rhode Island pertaining to eligible renewable energy resources and
25 to other renewable energy technologies for electrical generation; or (3) projects and activities
26 directly related to implementing eligible renewable energy resources projects in Rhode Island.
27 Technologies for converting solar energy for space heating or generating domestic hot water may
28 also be funded through the renewable energy programs, so long as these technologies are installed
29 on housing projects that have been certified by the executive director of the Rhode Island housing
30 and mortgage finance corporation as serving low-income Rhode Island residents. Fuel cells may
31 be considered an energy efficiency technology to be included in demand sided management
32 programs. Special rates for low-income customers in effect as of August 7, 1996 shall be
33 continued, and the costs of all of these discounts shall be included in the distribution rates
34 charged to all other customers. Nothing in this section shall be construed as prohibiting an electric

1 distribution company from offering any special rates or programs for low-income customers
2 which are not in effect as of August 7, 1996, subject to the approval by the commission.

3 (c) The commissioner of the office of energy resources is authorized and may enter into a
4 contract through a competitive bid process with a contractor for the cost effective administration
5 of the renewable energy programs funded by this section. ~~The director shall initiate the~~
6 ~~competitive bid process by the issuance and advertisement of specifications and request for~~
7 ~~proposals, on or before September 1, 2002. The contract resulting from the competitive bid~~
8 ~~process shall be awarded to become effective for a three (3) year period commencing no later~~
9 ~~than January 1, 2003. A competitive bid and contract award for administration of the renewable~~
10 ~~energy programs may occur every three (3) years thereafter, and shall include as a condition that~~
11 ~~after July 1, 2007 the account for the renewable energy programs shall be maintained by the~~
12 ~~distribution company as provided for in subdivision (b) above and, w~~With the approval of the
13 commissioner of the office of energy resources and the trustees of the renewable energy
14 development fund, the renewable energy program may be administered by the economic
15 development corporation. Costs incurred by the office of energy resources in the administration
16 and support of the renewable energy program shall be reimbursed from the proceeds of charges
17 established in subdivision (b) above. All funds collected for this purpose by the office shall be
18 deposited as restricted receipts.

19 (d) Effective January 1, 2007, and for a period of seven (7) years thereafter, each gas
20 distribution company shall include, with the approval of the commission, a charge of up to fifteen
21 cents (\$0.15) per deca therm delivered to demand side management programs, including, but not
22 limited to, programs for cost-effective energy efficiency, energy conservation, combined heat and
23 power systems, and weatherization services for low income households.

24 (e) The gas company shall establish a separate account for demand side management
25 programs, which shall be administered and implemented by the distribution company, subject to
26 the regulatory reviewing authority of the commission. The commission may establish
27 administrative mechanisms and procedures that are similar to those for electric demand side
28 management programs administered under the jurisdiction of the commissions and that are
29 designed to achieve cost-effectiveness and high life-time savings of efficiency measures
30 supported by the program.

31 (f) The commission may, if reasonable and feasible, except from this demand side
32 management change:

33 (i) gas used for distribution generation; and

34 (ii) gas used for the manufacturing processes, where the customer has established a self-

1 directed program to invest in and achieve best effective energy efficiency in accordance with a
2 plan approved by the commission and subject to periodic review and approval by the
3 commission, which plan shall require annual reporting of the amount invested and the return on
4 investments in terms of gas savings.

5 (g) The commission may provide for the coordinated and/or integrated administration of
6 electric and gas demand side management programs in order to enhance the effectiveness of the
7 programs. Such coordinated and/or integrated administration may after March 1, 2009, upon the
8 recommendation of the office of energy resources, be through one or more third-party entities
9 designated by the commission pursuant to a competitive selection process.

10 (h) Effective January 1, 2007, the commission shall allocate from demand-side
11 management gas and electric funds authorized pursuant to this § 39-2-1.2, an amount not to
12 exceed two percent (2%) of such funds on an annual basis for the retention of expert consultants,
13 and reasonable administrations costs of the energy efficiency and resources management council
14 associated with planning, management, and evaluation of energy efficiency programs, renewable
15 energy programs and least-cost procurement, and with regulatory proceedings, contested cases,
16 and other actions pertaining to the purposes, powers and duties of the council, which allocation
17 may by mutual agreement, be used in coordination with the office of energy resources to support
18 such activities.

19 [\(i\) All revenues collected as provided in subsection \(h\) above shall be transferred to the](#)
20 [office on a monthly basis and deposited as restricted receipts.](#)

21 SECTION 3. Section 39-26-7 of the General Laws in Chapter 39-26 entitled “Renewable
22 Energy Standard” is hereby amended to read as follows:

23 **39-26-7. Renewable energy development fund.** – (a) There is hereby authorized and
24 created within the economic development corporation a renewable energy development fund for
25 the purpose of increasing the supply of NE-GIS certificates available for compliance in future
26 years by obligated entities with renewable energy standard requirements, as established in this
27 chapter. The fund shall be located at and administered by the Rhode Island economic
28 development corporation and shall have a board of trustees of five (5) members as follows: the
29 executive director of the economic development corporation, who shall be chairperson; the
30 director of the department of administration or a designee of the director; the administrator of the
31 division of public utilities; and two (2) public members appointed by the governor with advice
32 and consent of the senate, who shall serve terms of three (3) years; provided, however, that no
33 public members may serve more than two (2) consecutive (3) three year terms. One of the public
34 members shall be a representative of an organization that advocates for renewable energy

1 development. Each member shall hold office for the term appointed and until the member's
2 successor shall have been duly appointed and qualified, or until the member's earlier death,
3 resignation or removal. Members of the board of trustees of the fund shall receive no
4 compensation for the performance of their duties, but may be reimbursed for reasonable expenses
5 incurred in carrying out those duties. The board of trustees shall recommend to the economic
6 development corporation:

7 (1) Plans and guidelines for the management and use of the fund, and
8 (2) Its evaluation of proposals and/or actions to obligate, use and/or sell, dispose, trade or
9 exchange assets held by the fund. The board of trustees shall have the power to adopt, with the
10 approval of the economic development corporation, such by-laws as may be necessary or
11 convenient for the conduct of its affairs.

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

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

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

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

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

24 (4) Paying administrative costs of the fund incurred by the economic development
25 corporation, ~~or~~ the board of trustees [or the office of energy resources](#), not to exceed ten percent
26 (10%) of the income of the fund, including, but not limited to, alternative compliance payments.
27 [All funds transferred from the economic development corporation to support the office of energy](#)
28 [resources' administrative costs shall be deposited as restricted receipts.](#)

29 (d) NE-GIS certificates acquired through the fund may be conveyed to obligated entities
30 or may be credited against the renewable energy standard for the year of the certificate provided
31 that the commission assesses the cost of the certificates to the obligated entity, or entities,
32 benefiting from the credit against the renewable energy standard, which assessment shall be
33 reduced by previously made alternative compliance payments and shall be paid to the fund.

34 (e) The trustees, in cooperation and concurrence with the commissioner of the office of

1 energy resources, consistent with rules as may be adopted by the commission, develop an
2 integrated plan and strategy, by July 1, 2007, for stimulating the development of and financing
3 eligible renewable energy resources.

4 SECTION 4. Section 4-140-4 of the General Laws in Chapter 42-140 entitled “Rhode
5 Island Energy Resources Act” is hereby amended to read as follows:

6 **42-140-4. Commissioner.** – (a) There shall be a commissioner of energy resources, who
7 shall be appointed by the governor with the advice and consent of the senate. The commissioner
8 shall be the director of the office of energy resources and shall have all such powers, consistent
9 with law, as are necessary and/or convenient to effectuate the purposes of the office and
10 administer its functions. The commissioner shall have authority to exercise all of the powers and
11 duties heretofore exercised by the head of the state energy office. In the performance of the duties
12 set forth in this paragraph, the commissioner shall consult with the energy efficiency and
13 resources management council established pursuant to chapter 42-140.1.

14 (b) The commissioner shall have authority to apply for, receive, and administer grants
15 and funds from the federal government and all other public and private entities to accomplish the
16 purposes of the office.

17 (1) All revenues collected by the office from public and private entities, including, but
18 not limited to, demand side management grants from public utilities, shall be deposited as
19 restricted receipts.

20 (c) The commissioner shall have authority to serve as executive secretary of the
21 governor's technical assistance committee, established by § 42-60-4, and shall provide such staff
22 and technical support to the technical assistance committee as the technical assistance committee
23 may require, and shall have authority to carry out any duties assigned to the office by the
24 governor in the event of a declaration of a state energy crisis as authorized under chapter 42-60
25 relating to energy crisis management.

26 SECTION 5. Section 42-14-9 of the General Laws in Chapter 42-14 entitled “Department
27 of Business Regulation” is hereby amended to read as follows:

28 **42-14-9. Payment of expenses – Fees.** – (a) The general assembly shall annually
29 appropriate such sum as it may deem necessary for the payment of the salary of the administrator
30 of banking and insurance, for the payment of the salaries of his or her deputies and for the
31 payment of the clerical and other assistance, office and traveling expenses of the administrator of
32 banking and insurance, his or her deputies and assistants, and the state controller is hereby
33 authorized and directed to draw his or her orders for the payment of those sums, or so much of
34 them as may from time to time be required, upon receipt by him or her of proper vouchers,

1 approved by the director of business regulation. All fees, charges for examinations and other
2 collections received by him or her as administrator of banking, insurance, and securities shall be
3 paid to the general treasurer for the use of the state.

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

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

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

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

16 (2) There is created within the general fund a restricted receipt account to be known as
17 the "banking division reimbursement account". All funds in the account shall be utilized by the
18 department of business regulation to effectuate the provisions of § 42-14-9(b). All funds received
19 for the securities division pursuant to § 42-14-9(b) shall be deposited in the securities division
20 reimbursement account. The general treasurer is authorized and directed to draw his or her orders
21 on the account upon receipt of properly authenticated vouchers from the department of business
22 regulation.

23 (3) There is created within the general fund a restricted receipt account to be known as
24 the "~~banking division~~ office of the health insurance commissioner reimbursement account". All
25 funds in the account shall be utilized by the department of business regulation to effectuate the
26 provisions of § 42-14-9(b) that relate to reimbursements. All funds received for the ~~banking~~
27 ~~division~~ office of the health insurance commissioner pursuant to § 42-14-9(b) shall be deposited
28 in the banking division reimbursement account. The general treasurer is authorized and directed
29 to draw his or her orders on the account upon receipt of properly authenticated vouchers from the
30 department of business regulation.

31 (4) There is created within the general fund a restricted receipt account to be known as
32 the "securities division reimbursement account". All funds in the account shall be utilized by the
33 department of business regulation to effectuate the provisions of § 42-14-9(b) that relate to
34 reimbursements. All funds received for the securities division pursuant to § 42-14-9(b) shall be

1 deposited in the securities division reimbursement account. The general treasurer is authorized
2 and directed to draw his or her orders on the account upon receipt of properly authenticated
3 vouchers from the department of business regulation.

4 (5) There is created within the general fund a restricted receipt account to be known as
5 the "commercial licensing and racing and athletics division reimbursement account". All funds in
6 the account shall be utilized by the department of business regulation to effectuate the provisions
7 of § 42-14-9(b) that relate to reimbursements. All funds received for the commercial licensing
8 and racing and athletics division pursuant to § 42-14-9(b) shall be deposited in the commercial
9 licensing and racing and athletics division reimbursement account. The general treasurer is
10 authorized and directed to draw his or her orders on the account upon receipt of properly
11 authenticated vouchers from the department of business regulation.

12 (6) There is created within the general fund a restricted receipt account to be known as
13 the "insurance division reimbursement account". All funds in the account shall be utilized by the
14 department of business regulation to effectuate the provisions of § 42-14-9(b) that relate to
15 reimbursements. All funds received for the insurance division pursuant to § 42-14-9(b) shall be
16 deposited in the insurance division reimbursement account. The general treasurer is authorized
17 and directed to draw his or her orders on the account upon receipt of properly authenticated
18 vouchers from the department of business regulation.

19 SECTION 6. Section 35-4-27 of the General Laws in Chapter 35-4 entitled "State
20 Funds" is hereby amended to read as follows:

21 **35-4-27. Indirect cost recoveries on restricted receipt accounts.** – Indirect cost
22 recoveries of ten percent (10%) of cash receipts shall be transferred from all restricted receipt
23 accounts, to be recorded as general revenues in the general fund. However, there shall be no
24 transfer from cash receipts with restrictions received exclusively: (1) from contributions from
25 non-profit charitable organizations; (2) from the assessment of indirect cost recovery rates on
26 federal grant funds; or (3) through transfers from state agencies to the department of
27 administration for the payment of debt service. These indirect cost recoveries shall be applied to
28 all accounts, unless prohibited by federal law or regulation, court order, or court settlement. The
29 following restricted receipt accounts shall not be subject to the provisions of this section:

30 Department of Human Services
31 Veterans' home – Restricted account
32 Veterans' home – Resident benefits
33 Organ transplant fund
34 Veteran's Cemetery Memorial Fund

1 Department of Health
2 Pandemic medications and equipment account
3 Department of Mental Health, Retardation and Hospitals
4 Hospital Medicare Part D Receipts
5 Department of Environmental Management
6 National heritage revolving fund
7 Environmental response fund II
8 Underground storage tanks
9 Rhode Island Council on the Arts
10 Art for public facilities fund
11 Rhode Island Historical Preservation and Heritage Commission
12 Historic preservation revolving loan fund
13 Historic Preservation loan fund – Interest revenue
14 State Police
15 Forfeited property – Retained
16 Forfeitures – Federal
17 Forfeited property – Gambling
18 Donation – Polygraph and Law Enforcement Training
19 Attorney General
20 Forfeiture of property
21 Federal forfeitures
22 Attorney General multi-state account
23 Department of Administration
24 Restore and replacement – Insurance coverage
25 Convention Center Authority rental payments
26 Investment Receipts – TANS
27 Car Rental Tax/Surcharge-Warwick Share
28 [Affordable Energy Fund](#)
29 [Demand Side Management Grants](#)
30 [Regional Greenhouse Gas Initiative](#)
31 [OPEB System Restricted Receipt Account](#)
32 Legislature
33 Audit of federal assisted programs
34 Department of Elderly Affairs

1 (c) In each case where the board grants an application prior to the time set by the
2 applicable standard or denies an application on or after the time set by that standard, the board
3 shall set forth in writing the rationale for its determination.

4 SECTION 2. Sections 42-56-24 and 42-56-26 of the General Laws in Chapter 42-56
5 entitled "Corrections Department" are hereby amended to read as follows:

6 **42-56-24. ~~Time allowed for good behavior.~~ Earned time for good behavior or**
7 **program participation or completion.** – (a) The director, or his or her designee, shall keep a
8 record of the conduct of each prisoner, and for each month that a prisoner who has been
9 sentenced to imprisonment for six (6) months or more and not under sentence to imprisonment
10 for life, appears by the record to have faithfully observed all the rules and requirements of the
11 institutions and not to have been subjected to discipline, and is serving a sentence imposed for
12 violation of sexual offenses under §11-37-2, §11-37-4, §11-37-6, §11-37-8, §11-37-8.1 and §11-
13 37-8.3 or §11-9-1.3, there shall, with the consent of the director of the department of corrections
14 or his or her designee upon recommendation to him or her by the assistant director of
15 institutions/operations, be deducted from the term or terms of sentence of that prisoner the same
16 number of days that there are years in the term of his or her sentence; provided, that when the
17 sentence is for a longer term than ten (10) years, only ten (10) days shall be deducted for one
18 month's good behavior; and provided, further, that in the case of sentences of at least six (6)
19 months and less than one year, one day per month shall be deducted. This sub-section recognizes
20 the serious nature of sex offenses; promotes community safety and protection of the public; and
21 maintains the ability of the department of corrections to oversee the rehabilitation and supervision
22 of sex offenders.

23 (b) For all prisoners serving sentences of more than one (1) month, and not serving a
24 sentence of imprisonment for life or a sentence imposed for violation of the sexual offenses
25 identified in section (a), the director, or his or her designee, shall keep a record of the conduct of
26 each prisoner, and for each month that prisoner has faithfully observed all the rules and
27 requirements of the institutions and has not been subjected to discipline, there shall, with the
28 consent of the director of the department of corrections or his or her designee and upon
29 recommendation by the assistant director of institutions/operations, be deducted from the term or
30 terms of sentence of that prisoner up to ten (10) days for each month's good behavior.

31 ~~(b)~~(c) For the purposes of computing the number of days to be deducted for good
32 behavior, consecutive sentences shall be counted as a whole sentence.

33 ~~(c)~~(d) For every day a prisoner shall be shut up or otherwise disciplined for bad conduct,
34 as determined by the assistant director, institutions/ operations, subject to the authority of the

1 director, there shall be deducted one day from the time he or she shall have gained for good
2 conduct.

3 ~~(d)~~(e) The assistant director, or his or her designee, subject to the authority of the
4 director, shall have the power to restore lost good conduct time in whole or in part upon a
5 showing by the prisoner of subsequent good behavior and disposition to reform.

6 ~~(e)~~(f) For each month that a prisoner who has been sentenced to imprisonment for more
7 than one (1) six (6) months or more and not under sentence to imprisonment for life who has
8 faithfully engaged in institutional industries there shall, with the consent of the director, upon the
9 recommendations to him or her by the assistant director, institutions/operations, be deducted from
10 the term or terms of the prisoner an additional two (2) days a month. ~~These two (2) days a month~~
11 ~~shall be deducted regardless of the length of the sentence of the prisoner.~~

12 (g) For each month that a prisoner who has been sentenced to imprisonment for more
13 than one (1) month and not under sentence to imprisonment for life has participated faithfully in a
14 program that has been determined by the director or his/her designee to address that prisoner's
15 individual needs that are related to his/her criminal behavior, there may, with the consent of the
16 director and upon the recommendation of the assistant director, rehabilitative services, be
17 deducted from the term or terms of the prisoner up to an additional five (5) days a month.
18 Furthermore, whenever the prisoner has successfully completed such program, there may, with
19 the consent of the director and upon the recommendation by the assistant director, rehabilitative
20 services, be deducted from the term or terms of the prisoner up to an additional thirty (30) days.

21 **42-56-26. Additional time allowed for meritorious service.** – In addition to any time
22 allowed for good behavior pursuant to § 42-56-24, any prisoner sentenced to imprisonment for
23 one ~~year~~ month or more in the adult correctional institutions, whether the sentence was imposed
24 before or after May 8, 1974, shall be eligible to have deducted from his or her sentence up to
25 three (3) days per month up to a maximum of thirty-six (36) days per year for each act, when in
26 the determination of the director, or his or her designee, an inmate has performed heroic acts
27 affecting the lives and welfare of the institutional personnel, inmates, or the general public, ~~or~~
28 ~~when an inmate has submitted extraordinary and useful ideas and plans which have been~~
29 ~~implemented for the benefit of the state resulting in substantial savings and/or a higher degree of~~
30 ~~efficiency or performance while participating in and completing academic or vocational~~
31 ~~education programs, or when an inmate has submitted useful ideas concerning academic or~~
32 ~~vocational programs which have been implemented at the adult correctional institutions.~~ Nothing
33 in this section shall be construed to deprive a prisoner of time already accumulated or deducted
34 prior to May 8, 1974.

1 SECTION 3. Section 2 of this article shall take effect as of April 1, 2008. Section 1 shall
2 take effect upon passage.

3 ARTICLE 8

4 RELATING TO PUBLIC OFFICERS AND EMPLOYEES

5 SECTION 1. Section 36-10-36 of the General Laws in Chapter 36-10 entitled
6 “Retirement System-Contributions and Benefits” is hereby amended to read as follows:

7 **36-10-36. Post retirement employment.** – (a) [Except as provided in subsection \(b\)](#), on
8 and after July 7, 1994, no member who has retired under the provisions of titles 16, 36, or 45 may
9 be employed or reemployed by any state agency or department unless any and all retirement
10 benefits to which he or she may be entitled by virtue of provisions of titles 16, 36 or 45 are
11 suspended for duration of any employment or reemployment. No additional service credits shall
12 be granted for any post-retirement employment or reemployment and no deductions shall be
13 taken from an individual’s salary for retirement contribution. Notice of any such post-retirement
14 employment or reemployment shall be sent monthly to the retirement board by the employing
15 agency or department and by the retired member.

16 (b) Any member who has retired under the provisions of titles 16, 36, or 45 may be
17 employed or reemployed by [the state or by](#) any municipality within the state, which municipality
18 has accepted the provisions of chapter 21 of title 45 and which participates in the municipal
19 employees’ retirement system, for a period of not more than seventy-five (75) working days or
20 one hundred fifty (150) half days with half day pay in any one calendar year without any
21 forfeiture of or reduction of any retirement benefits and allowances the member is receiving or
22 may receive as a retired member. Pension payments shall be suspended whenever this period is
23 exceeded. No additional contributions shall be taken and no additional service credits shall be
24 granted for this service. Notice of this employment or re-employment shall be sent monthly to
25 the retirement board by the employer and by the retired member.

26 (c) Any member who has retired under the provisions of titles 16, 36, or 45 may be
27 employed or re-employed by any municipality within the state which has not accepted the
28 provisions of chapter 21 of title 45 and which does not participate in the municipal employees’
29 retirement system.

30 (d) Notwithstanding the provisions of this section:

31 (1) Any retired member of the system shall be permitted to serve as an elected mayor, the
32 town administer, the city administrator, the town manager, the city manager, the chief
33 administrative officer or the chief executive officer of any city or town, city or town council
34 member, school committee member, or unpaid member of any part-time state board or

1 commission or member of any part-time municipal board or commission, and shall continue to be
2 eligible for receive the retirement allowance for service other than that as a mayor, administrator,
3 council member, school committee member, or member of any state board or commission or
4 member of any part-time municipal board or commission; provided, however, that no additional
5 service credits shall be granted for any service under this subsection;

6 (2) Any retired member who retired from service at any state college, university, state
7 school, or who retired from service as a teacher under the provisions of titles 16 or who retired
8 from service under title 36 or title 45, may be employed or reemployed, on a part-time basis, by
9 any state college, university or state school for the purpose of providing classroom instruction,
10 academic advising of students and/or coaching. Compensation shall be provided at a level not to
11 exceed the salary provided to other faculty members employed under a collective bargaining
12 agreement at the institution. In no event shall “part-time” mean gross pay of more than fifteen
13 thousand dollars (\$15,000) in any one calendar year. Any retired member who provides such
14 instruction or service shall do so without forfeiture or reduction of any retirement benefit or
15 allowance; and provided, however, that no additional service credits shall be granted for any
16 service under this subsection;

17 (3) Any retired member who retired from service as a teacher under the provisions of
18 titles 16, or as a state employee who while an active state employee was certified to teach driver
19 education by the department of elementary and secondary education or by the board of governors
20 for higher education, may be employed or re-employed, on a part-time basis, by the department of
21 elementary and secondary education or by the board of governors for higher education for the
22 purpose of providing classroom instruction in driver education courses in accordance with section
23 31-10-19 and/or motorcycle driver education courses in accordance with section 31-10.1-1.1. In
24 no event shall “part-time” mean gross pay of more than fifteen thousand dollars (\$15,000) in any
25 one calendar year. Any retired teacher who provides that instruction shall do so without
26 forfeiture or reduction of any retirement benefit or allowance the retired teacher is receiving as a
27 retired teacher; provided, however, that no additional service credits shall be granted for any
28 service under this subsection; and

29 (4) Any retired member who retired from service as a registered nurse may be employed
30 or re-employed, on a per diem basis, for the purpose of providing professional nursing care and/or
31 services at a state operated facility in Rhode Island. In no event shall “part-time” mean gross pay
32 of more than twelve thousand dollars (\$12,000) in any one calendar year. Any retired nurse who
33 provides such care and/or services shall do without forfeiture or reduction of any retirement
34 benefit or allowance the retired nurse is receiving as a retired nurse; provided, however, that no

1 additional service credits shall be granted for any service under this subsection.

2 SECTION 2. This article shall take effect as of April 1, 2008.

3 **ARTICLE 9**

4 RELATING TO THE FAMILY INDEPENDENCE ACT

5 SECTION 1. Section 40-5.1-8 of the General Laws in Chapter 40-5.1 entitled "Family
6 Independence Act" is hereby amended to read as follows:

7 **40-5.1-8. Eligibility for cash assistance.** – (a)(1) Except as otherwise provided for in this
8 section, no person shall be included in any family for purposes of determining eligibility for or
9 the amount of cash to which a family is entitled under this chapter, unless the person is a resident
10 of the state and is: (i) either a citizen; or (ii) lawfully admitted for permanent residence before
11 August 22, 1996; or (iii) otherwise lawfully entitled to reside in the United States before August
12 22, 1996, and is determined to have a status within the meaning of the term "qualified alien", or
13 an exception thereto, under § 402(b) of the Personal Responsibility and Work Opportunity
14 Reconciliation Act of 1996 (Public Laws No. 104-193), and as that section may hereafter be
15 amended; or (iv) an alien who on or after August 22, 1996, is determined to have a status within
16 the meaning of the term "qualified alien", or an exception thereto, under § 402(b) of the Personal
17 Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Laws No. 104-193),
18 and as that section may hereafter be amended.

19 (2) An alien who does not meet the citizenship or alienage criteria in subsection (a)(1)
20 above, who was lawfully residing in the United States before August 22, 1996, and who is a
21 resident of this state prior to July 1, 1997, shall be eligible for cash assistance under this chapter
22 without regard to the availability of federal funding; provided, however, that the person meets all
23 other eligibility requirements under this chapter.

24 (3) No person shall be ineligible for assistance payments under this chapter due solely to
25 the restricted eligibility rules otherwise imposed by section 115(a)(2) of the Personal
26 Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Laws No. 104-193),
27 and as that section may hereafter be amended.

28 (b) No family shall be eligible for assistance payments if the combined value of its
29 available resources (reduced by any obligations or debts with respect to such resources) exceed
30 one thousand dollars (\$1,000). For purposes of this subsection, the following shall not be counted
31 as resources of the family:

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

33 (2) Real property owned by a husband and wife as tenants by the entirety, if the property
34 is not the home of the family and if the spouse of the applicant refuses to sell his or her interest in

1 the property;

2 (3) Real property which the family is making a good faith effort to dispose of, but any aid
3 payable to the family for any such period shall be conditioned upon such disposal and any
4 payments of aid for that period shall (at the time of disposal) be considered overpayments to the
5 extent that they would not have occurred at the beginning of the period for which the payments
6 were made. Any overpayments that may have occurred are debts subject to recovery in
7 accordance with the provisions of § 40-5.1-28;

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

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

18 (6) Household furnishings and appliances, clothing, personal effects and keepsakes of
19 limited value;

20 (7) Burial plots (one for each child, relative, and other individual), and funeral
21 arrangements;

22 (8) For the month of receipt and the following month, any refund of federal income taxes
23 made to the family by reason of § 32 of the Internal Revenue Code of 1986, 26 U.S.C. § 32
24 (relating to earned income tax credit), and any payment made to the family by an employer under
25 § 3507 of the Internal Revenue Code of 1986, 26 U.S.C. § 3507 (relating to advance payment of
26 such earned income credit);

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

29 (c) [Deleted by P.L. 2003, ch. 376, art. 12, § 1.]

30 (d) Except as otherwise provided for in this section, no person shall be included in any
31 family for purposes of determining eligibility for or the amount of cash to which a family is
32 entitled under this chapter if that person, after attaining eighteen (18) years of age, has received
33 cash assistance under this chapter for a total of sixty (60) months (whether or not consecutive) to
34 include any time receiving family cash assistance in any other state or territory of the United

1 States of America as defined herein.

2 (1) Provided that any family where an applicant adult has reached or exceeded his or her
3 sixty (60) month time limit, no person in that family shall be eligible for cash assistance under
4 this chapter as of June 1, 2008. This provision shall not apply to the minor child(ren) for whom
5 there is a caretaker relative deemed responsible for the care of the minor child(ren) due to the
6 absence of a parent.

7 Family cash assistance in any other state or territory of the United States of America shall
8 be determined by the Department of Human Services and shall include family cash assistance
9 funded in whole or in part by Temporary Assistance for Needy Families (TANF) funds [Title IV-
10 A of the federal Social Security Act, 42 U.S.C. § 601 et seq.] and/or family cash assistance
11 provided under a program similar to the Family Independence Act or the federal TANF program.

12 (2) In calculating the sixty (60) month limit imposed in subsection (d)(1), the
13 department shall disregard any month for which assistance was provided with respect to a minor
14 parent or minor pregnant woman during those months when the individual was a minor child, or a
15 parent employed an average of thirty (30) or more hours per week during a month in a single
16 parent family, or an average of thirty-five (35) hours per week during a month for a two (2)
17 parent family.

18 (3) The department may exempt a family from the application of subsection (d)(1) by
19 reason of hardship; provided, however, that the number of such families to be exempted by the
20 department under this subsection shall not exceed twenty percent (20%) of the average monthly
21 number of families to which assistance is provided for under this chapter in a fiscal year;
22 provided, however, that to the extent now or hereafter permitted by federal law, any waiver
23 granted under § 40-5.1-46(a) shall not be counted in determining the twenty percent (20%)
24 maximum under this section.

25 (e) Notwithstanding any other provision of this chapter, the amount of cash to which a
26 family is entitled under the chapter shall be reduced by thirty percent (30%) until the family has
27 been a resident of the state for twelve (12) consecutive months; provided, however, that no
28 member of the family who has been a resident of the state for twelve (12) consecutive months or
29 longer shall have his or her benefit reduced under this subsection.

30 (f) A family:

31 (i) Consisting of a parent who is under the age of eighteen (18) (minor parent); and

32 (ii) Who has never been married; and

33 (iii) Who has a child, or a family which consists of a woman under the age of eighteen
34 (18) who is at least six (6) months pregnant (pregnant minor), shall be eligible for cash assistance

1 only if such family resides in the home of a parent, legal guardian or other adult relative. Such
2 assistance shall be provided to the parent, legal guardian, or other adult relative on behalf of the
3 individual and child unless otherwise authorized by the department.

4 (2) Subdivision (1) of this subsection shall not apply if:

5 (i)(A) The minor parent or pregnant minor has no parent, legal guardian or other adult
6 relative who is living and or whose whereabouts are known;

7 (B) The department determines that the physical or emotional health or safety of the
8 minor parent, or his or her child, or the pregnant minor, would be jeopardized if he or she was
9 required to live in the same residence as his or her parent, legal guardian or other adult relative
10 (refusal of a parent, legal guardian or other adult relative to allow the minor parent or his or her
11 child, or a pregnant minor, to live in his or her home shall constitute a rebuttable presumption that
12 the health or safety would be so jeopardized);

13 (C) The minor parent or pregnant minor has lived apart from his or her own parent or
14 legal guardian for a period of at least one year before either the birth of any child to a minor
15 parent or the onset of the pregnant minor's pregnancy; or

16 (D) There is good cause, under departmental regulations, for waiving the subsection; and

17 (ii) The individual resides in supervised supportive living arrangement to the extent
18 available. For purposes of this section "supervised supportive living arrangement" means an
19 arrangement which:

20 (A) Requires teen parents to enroll and make satisfactory progress in a program leading
21 to a high school diploma or a general education development certificate;

22 (B) Requires teen parents to participate in the adolescent parenting program established
23 in chapter 19 of this title to the extent the program is available; and

24 (C) Provides rules and regulations, which ensure regular adult supervision.

25 (g) As a condition of eligibility for cash and medical assistance under this chapter, each
26 adult member of the family has:

27 (1) Assigned to the state any rights to support for children within the family from any
28 person which the family member has at the time the assignment is executed or may have while
29 receiving assistance under this chapter;

30 (2) Consented to and is cooperating with the state in establishing the paternity of a child
31 born out of wedlock with respect to whom assistance is claimed, and in obtaining support
32 payments for the family member with respect to whom the aid is claimed, or in obtaining any
33 other payments or property due any family member, unless the applicant is found to have good
34 cause for refusing to comply with the requirements of this subsection.

1 Absent good cause for refusing to comply with the requirements of this subsection, the
2 amount of cash a family is otherwise entitled shall be reduced by twenty-five percent (25%) until
3 the adult member of the family who has refused to comply with the requirements of this
4 subsection consents to and cooperates with the state in accordance with the requirements of this
5 subsection.

6 (3) Consented to and is cooperating with the state in identifying and providing
7 information to assist the state in pursuing any third party who may be liable to pay for care and
8 services under Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq.

9 (h) As a condition of eligibility for cash assistance to a family under this chapter, the
10 parent(s), unless otherwise exempt under this chapter, must enter into an individual employment
11 plan in accordance with § 40-5.1-9(c). This condition of eligibility shall apply to applications for
12 assistance filed on or after July 1, 2006 and to current recipients at the time of their next
13 redetermination of eligibility occurring on or after July 1, 2006.

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

15 ARTICLE 10

16 RELATING TO THE MEDICAL ASSISTANCE - ELIGIBILITY

17 SECTION 1. Section 40-8-1 of the General Laws in Chapter 40-8 entitled "Medical
18 Assistance" is hereby amended to read as follows:

19 **40-8-1. Declaration of policy.**--- (a) Whereas, in the state of Rhode Island there are
20 many persons who do not have sufficient income and resources to meet the cost of medical care
21 and who, except for income and resource requirements, would be eligible for aid or assistance
22 under § 40-5.1-9 or 40-6-27; and

23 (b) Whereas, it is in the best interest of all the citizens of this state to promote the welfare
24 of persons with the characteristics of persons eligible to receive public assistance and ensure that
25 they will receive adequate medical care and treatment in time of need;

26 (c) Now, therefore, it is declared to be the policy of this state to provide medical
27 assistance for those persons in this state who possess the characteristics of persons receiving
28 public assistance under the provisions of § 40-5.1-9 or 40-6-27, and who do not have the income
29 and resources to provide it for themselves or who can do so only at great financial sacrifice.
30 Provided, further, that medical assistance, except as provided in subsection (d), must qualify for
31 federal financial participation pursuant to the provisions of title XIX of the federal Social Security
32 Act, 42 U.S.C. § 1396 et seq., as such provisions apply to medically needy only applicants and
33 recipients.

34 (d) Medical assistance shall be provided under this chapter without regard to the

1 availability of federal financial participation: (1) to a person who does not meet the citizenship or
2 alienage criteria under title XIX of the Social Security Act [42 U.S.C. § 1396 et seq.] and who
3 was lawfully residing in the United States before August 22, 1996 and who was a resident of this
4 state prior to July 1, 1997; ~~and (2) to a non citizen child who was lawfully admitted for~~
5 ~~permanent residence on or after August 22, 1996 or who first become otherwise entitled to reside~~
6 ~~in the United States on or after August 22, 1996 and was receiving medical assistance on or~~
7 ~~before December 31, 2006;~~ and provided, however, that such person meets all other eligibility
8 requirements under this chapter or under title XIX of the Social Security Act.

9 SECTION 2. Sections 42-12.3-4 and 42-12.3-15 of the General Laws in Chapter 42-12.3
10 entitled "Health Care for Children and Pregnant Women" are hereby amended to read as follows:

11 **42-12.3-4. "RIte track" program.** – (a) There is hereby established a payor of last resort
12 program for comprehensive health care for children until they reach nineteen (19) years of age, to
13 be known as "RIte track". The department of human services is hereby authorized to amend its
14 title XIX state plan pursuant to title XIX [42 U.S.C. § 1396 et seq.] of the Social Security Act to
15 provide for expanded Medicaid coverage through expanded family income disregards for
16 children, until they reach nineteen (19) years of age, whose family income levels are up to two
17 hundred fifty percent (250%) of the federal poverty level ~~provided, however, that health care~~
18 ~~coverage under this section shall also be provided without regard to the availability of federal~~
19 ~~financial participation to a noncitizen child lawfully residing in the United States and to a~~
20 ~~noncitizen child residing in Rhode Island, provided that the child satisfies all other eligibility~~
21 ~~requirements and is receiving medical assistance on or before December 31, 2006.~~ The
22 department is further authorized to promulgate any regulations necessary, and in accord with title
23 XIX [42 U.S.C. § 1396 et seq.] of the Social Security Act to implement the state plan amendment.
24 For those children who lack health insurance, and whose family income are in excess of (250%)
25 of the federal poverty level, the department of human services shall promulgate necessary
26 regulations to implement the program. The department of human services is further directed to
27 ascertain and promulgate the scope of services that will be available to those children whose
28 family income exceeds the maximum family income specified in the approved title XIX [42
29 U.S.C. § 1396 et seq.] state plan amendment.

30 ~~(b) Resources. Except as provided herein, no child shall be eligible for medical assistance~~
31 ~~coverage provided under this section if the combined value of the child's or the family's liquid~~
32 ~~resources exceeds ten thousand dollars (\$10,000); provided, however, that this subsection shall~~
33 ~~not apply to children with disabilities who are otherwise eligible for medical assistance coverage~~
34 ~~as categorically needy under § 134(a) of the Tax Equity and Fiscal Responsibility Act of 1982~~

1 ~~[[federal P.L. 97-248], commonly known as Katie Beckett eligible, upon meeting the requirements~~
2 ~~established in § 1902(e)(3) of the federal Social Security Act~~

3 **42-12.3-15. Expansion of RIte track program.** – The Department of Human Services is
4 hereby authorized and directed to submit to the United States Department of Health and Human
5 Services an amendment to the "RIte Care" waiver project number 11-W-0004/1-01 to provide for
6 expanded Medicaid coverage for children until they reach eight (8) years of age, whose family
7 income levels are ~~up~~ to two hundred fifty percent (250%) of the federal poverty level. Expansion
8 of the RIte track program from the age of six (6) until they reach eighteen (18) years of age in
9 accordance with this chapter shall be subject to the approval of the amended waiver by the United
10 States Department of Health and Human Services. ~~Health care coverage under this section shall~~
11 ~~also be provided without regard to the availability of federal financial participation: (1) to a non-~~
12 ~~citizen child lawfully residing in the United States provided such child satisfies all other~~
13 ~~eligibility requirements and is receiving medical assistance on or before December 31, 2006.~~

14 SECTION 3. This article shall take effect as of April 1, 2008.

15 ARTICLE 11

16 RELATING TO MEDICAL ASSISTANCE - MANAGED CARE

17 SECTION 1. Sections 40-8.4-4 and 40-8.4-12 of the General Laws in Chapter 40-8.4
18 entitled "Health Care for Families" are hereby amended to read as follows:

19 **40-8.4-4. Eligibility.** – (a) *Medical assistance for families.* There is hereby established a
20 category of medical assistance eligibility pursuant to § 1931 of Title XIX of the Social Security
21 Act, 42 U.S.C. § 1396u-1, for families whose income and resources are no greater than the
22 standards in effect in the aid to families with dependent children program on July 16, 1996 or
23 such increased standards as the department may determine. The department of human services is
24 directed to amend the medical assistance Title XIX state plan and to submit to the U.S.
25 Department of Health and Human Services an amendment to the RIte Care waiver project to
26 provide for medical assistance coverage to families under this chapter in the same amount, scope
27 and duration as coverage provided to comparable groups under the waiver. The department is
28 further authorized and directed to submit such amendments and/or requests for waivers to the
29 Title XXI state plan as may be necessary to maximize federal contribution for provision of
30 medical assistance coverage under this chapter. However, implementation of expanded coverage
31 under this chapter shall not be delayed pending federal review of any Title XXI amendment or
32 waiver.

33 (b) *Income.* The director of the department of human services is authorized and directed
34 to amend the medical assistance Title XIX state plan or RIte Care waiver to provide medical

1 assistance coverage through expanded income disregards or other methodology for parents or
2 relative caretakers whose income levels are below ~~one hundred eighty-five percent (185%)~~ one
3 hundred thirty-three percent (133%) of the federal poverty level.

4 ~~(e) Resources. Except as provided herein, no family or child shall be eligible for medical~~
5 ~~assistance coverage provided under this section if the combined value of the child's or the family's~~
6 ~~liquid resources exceed ten thousand dollars (\$10,000); provided, however, that this subsection~~
7 ~~shall not apply to:~~

8 ~~(1) children with disabilities who are otherwise eligible for medical assistance coverage~~
9 ~~as categorically needy under Section 134(a) of the Tax Equity and Fiscal Responsibility Act of~~
10 ~~1982 [federal P.L. 97 248], commonly known as Katie Beckett eligible, upon meeting the~~
11 ~~requirements established in Section 1902(e)(3) of the federal Social Security Act; and~~

12 ~~(2) pregnant women.~~

13 ~~Liquid Resources are defined as any interest(s) in property in the form of cash or other~~
14 ~~financial instruments or accounts which are readily convertible to cash or cash equivalents. These~~
15 ~~include, but are not limited to: cash, bank, credit union or other financial institution savings,~~
16 ~~checking and money market accounts, certificates of deposit or other time deposits, stocks, bonds,~~
17 ~~mutual funds, and other similar financial instruments or accounts. These do not include~~
18 ~~educational savings accounts, plans, or programs; retirement accounts, plans, or programs; or~~
19 ~~accounts held jointly with another adult, not including a spouse, living outside the same~~
20 ~~household but only to the extent the applicant/recipient family documents the funds are from~~
21 ~~sources owned by the other adult living outside the household, plus the proportionate share of any~~
22 ~~interest, dividend or capital gains thereon. The department is authorized to promulgate rules and~~
23 ~~regulations to determine the ownership and source of the funds in the joint account.~~

24 ~~(d)(c) Waiver.~~ The department of human services is authorized and directed to apply for
25 and obtain appropriate waivers from the Secretary of the U.S. Department of Health and Human
26 Services, including, but not limited to, a waiver of the appropriate provisions of Title XIX, to
27 require that individuals with incomes equal to or greater than ~~one hundred fifty percent (150%)~~
28 one hundred thirty-three percent (133%) of the federal poverty level pay a share of the costs of
29 their medical assistance coverage provided through enrollment in either the RIte Care Program or
30 under the premium assistance program under § 40-8.4-12, in a manner and at an amount
31 consistent with comparable cost-sharing provisions under § 40-8.4-12, provided that such cost
32 sharing shall not exceed five percent (5%) of annual income for those with annual income in
33 excess of one hundred thirty-three percent (133%) of the federal poverty level; and provided,
34 further, that cost-sharing shall not be required for pregnant women or children under age one.

1 **40-8.4-12. RIte Share Health Insurance Premium Assistance Program.** – (1)(a)

2 *Basic Rite Share Health Insurance Premium Assistance Program.* The department of human
3 services is authorized and directed to amend the medical assistance Title XIX state plan to
4 implement the provisions of § 1906 of Title XIX of the Social Security Act, 42 U.S.C. § 1396e,
5 and establish the Rhode Island health insurance premium assistance program for RIte Care
6 eligible parents with incomes up to ~~one hundred eighty five percent (185%)~~ one hundred thirty
7 three percent (133%) of the federal poverty level who have access to employer-based health
8 insurance. The state plan amendment shall require eligible individuals with access to employer-
9 based health insurance to enroll themselves and/or their family in the employer-based health
10 insurance plan as a condition of participation in the RIte Share program under this chapter and as
11 a condition of retaining eligibility for medical assistance under chapters 5.1 and 8.4 of this title
12 and/or chapter 12.3 of title 42 and/or premium assistance under this chapter, provided that doing
13 so meets the criteria established in § 1906 of Title XIX for obtaining federal matching funds and
14 the department has determined that the individual's and/or the family's enrollment in the
15 employer-based health insurance plan is cost-effective and the department has determined that the
16 employer-based health insurance plan meets the criteria set forth in subsection (d). The
17 department shall provide premium assistance by paying all or a portion of the employee's cost for
18 covering the eligible individual or his or her family under the employer-based health insurance
19 plan, subject to the cost sharing provisions in subsection (b), and provided that the premium
20 assistance is cost-effective in accordance with Title XIX, 42 U.S.C. § 1396 et seq.

21 ~~(2) Resources. Except as provided herein, no family, individual, or child shall be eligible~~
22 ~~for medical assistance coverage provided under this section if the combined value of the child's or~~
23 ~~family's liquid resources exceeds ten thousand dollars (\$10,000); provided, however, that this~~
24 ~~subsection shall not apply to:~~

25 ~~(i) children with disabilities who are otherwise eligible for medical assistance coverage as~~
26 ~~categorically needy under Section 134(a) of the Tax Equity and Fiscal Responsibility Act of 1982~~
27 ~~[federal P.L. 97-248], commonly known as Katie Beckett eligible, upon meeting the requirements~~
28 ~~established in § 1902(e)(3) of the federal Social Security Act, and~~

29 ~~(ii) pregnant women.~~

30 *(b) Individuals who can afford it shall share in the cost.* The department of human
31 services is authorized and directed to apply for and obtain any necessary waivers from the
32 secretary of the United States Department of Health and Human Services, including, but not
33 limited to, a waiver of the appropriate sections of Title XIX, 42 U.S.C. § 1396 et seq., to require
34 that individuals eligible for RIte Care under this chapter or chapter 12.3 of title 42 with incomes

1 equal to or greater than ~~one hundred fifty percent (150%)~~ one hundred thirty-three percent
2 (133%) of the federal poverty level pay a share of the costs of health insurance based on the
3 individual's ability to pay, provided that the cost sharing shall not exceed five percent (5%) of the
4 individual's annual income. The department of human services shall implement the cost-sharing
5 by regulation, and shall consider co-payments, premium shares or other reasonable means to do
6 so.

7 *(c) Current RItE Care enrollees with access to employer-based health insurance.* The
8 department of human services shall require any individual who receives RItE Care or whose
9 family receives RItE Care on the effective date of the applicable regulations adopted in
10 accordance with subsection (f) to enroll in an employer-based health insurance plan at the
11 individual's eligibility redetermination date or at an earlier date determined by the department,
12 provided that doing so meets the criteria established in the applicable sections of Title XIX, 42
13 U.S.C. § 1396 et seq., for obtaining federal matching funds and the department has determined
14 that the individual's and/or the family's enrollment in the employer-based health insurance plan is
15 cost-effective and has determined that the health insurance plan meets the criteria in subsection
16 (d). The insurer shall accept the enrollment of the individual and/or the family in the employer-
17 based health insurance plan without regard to any enrollment season restrictions.

18 *(d) Approval of health insurance plans for premium assistance.* The department of
19 human services shall adopt regulations providing for the approval of employer-based health
20 insurance plans for premium assistance and shall approve employer-based health insurance plans
21 based on these regulations. In order for an employer-based health insurance plan to gain approval,
22 the department must determine that the benefits offered by the employer-based health insurance
23 plan are substantially similar in amount, scope, and duration to the benefits provided to RItE Care
24 eligible persons by the RItE Care program, when the plan is evaluated in conjunction with
25 available supplemental benefits provided by the department. The department shall obtain and
26 make available to persons otherwise eligible for RItE Care as supplemental benefits those benefits
27 not reasonably available under employer-based health insurance plans which are required for RItE
28 Care eligible persons by state law or federal law or regulation.

29 *(e) Maximization of federal contribution.* The department of human services is
30 authorized and directed to apply for and obtain federal approvals and waivers necessary to
31 maximize the federal contribution for provision of medical assistance coverage under this section.

32 *(f) Implementation by regulation.* The department of human services is authorized and
33 directed to adopt regulations to ensure the establishment and implementation of the premium
34 assistance program in accordance with the intent and purpose of this section, the requirements of

1 Title XIX and any approved federal waivers.

2 SECTION 2. This article shall take effect as of June 1, 2008.

3 **ARTICLE 12**

4 RELATING TO ATOMIC ENERGY COMMISSION

5 SECTION 1. Section 42-27-6 of the General Laws in Chapter 42-27 entitled “Atomic
6 Energy Commission” is hereby amended to read as follows:

7 **42-27-6. Reactor usage charges.** - All fees collected by the atomic energy commission
8 for use of the reactor facilities shall be deposited as general revenues. A charge of up to forty
9 percent, adjusted annually as of July 1, shall be assessed against all University of Rhode Island
10 (URI) sponsored research activity allocations. The charge shall be applied to the existing URI
11 sponsored research expenditures within the atomic energy commission.

12 SECTION 2. This article shall take effect as of July 1, 2007.

13 **ARTICLE 13**

14 RELATING TO THE RHODE ISLAND TRAINING SCHOOL

15 SECTION 1. Chapter 42-72 of the General Laws entitled “Department of Children,
16 Youth and Families” is hereby amended by adding thereto the following sections:

17 42-72-17.2. Limits to Population at the Youth Development Center and the Youth
18 Assessment Center. --(a) The Rhode Island training school shall consist of a youth development
19 center, a youth assessment center and a female correctional treatment facility. The youth
20 development center and the youth assessment center shall not exceed a maximum daily capacity
21 of twenty-eight (28) male detainees and/or one hundred twenty (120) adjudicated males. The
22 female correctional treatment facility shall not exceed a maximum daily capacity of twelve (12)
23 detained and/or adjudicated females.

24 (b) The director of the department of children, youth and families shall notify the chief
25 judge of the family court whenever the census of the youth development center, the youth
26 assessment center and/or the female residential facility approaches ninety five per cent (95%) of
27 maximum population capacity. The training school superintendent or his or her designee shall
28 thereupon refer to the family court, for consideration for release from the training school, those
29 youth who do not pose a credible risk of harm to self or others and/or for whom there is no
30 substantial risk that the youth may leave the jurisdiction of the state.

31 (c) Following a hearing, the family court shall authorize the release of such youth from
32 the training school, unless the court finds that a youth represents a danger to the community
33 and/or poses a substantial risk that the youth may leave the jurisdiction of the state.

1 ~~children, youth, and families, and who meet the eligibility requirements of this section.~~

2 ~~(b) A center-based provider shall be eligible to participate if:~~

3 ~~(1) The provider is licensed as a child day care provider by the department of children,~~
4 ~~youth, and families pursuant to chapter 72.1 of title 42; and~~

5 ~~(2) The provider demonstrates that it meets the minimum subsidized child care~~
6 ~~participation rates specified in subsection (c) or (d), for the applicable period; and~~

7 ~~(3) The provider elects to exercise this health care premium cost sharing coverage option~~
8 ~~on behalf of its employees and makes timely payment of the provider's share of the premium.~~

9 ~~(c) Effective January 1, 1999, if the number of children served by the provider who meet~~
10 ~~the department's child care assistance income guidelines under § 40-5.1-17 is at least fifty percent~~
11 ~~(50%) of the enrollment census of the provider, then the center-based child care provider shall~~
12 ~~pay fifty percent (50%) of the monthly premiums attributable to the center's participating~~
13 ~~employees.~~

14 ~~(d) Effective July 1, 1999, if the number of children served by the provider who meet the~~
15 ~~department's child care assistance income guidelines under § 40-5.1-17 is at least forty percent~~
16 ~~(40%) of the enrollment census of the provider, then the center-based child care provider shall~~
17 ~~pay fifty percent (50%) of the monthly premiums attributable to the center's participating~~
18 ~~employees.~~

19 ~~(e) The department of human services is authorized to promulgate rules and regulations~~
20 ~~which it deems necessary to effect the intent and further define the terms and provisions of this~~
21 ~~section, and which may include, but need not be limited to, the terms, premiums, conditions,~~
22 ~~limitations, and restrictions of the health care buy in option, and enrollment periods and~~
23 ~~procedures.~~

24 SECTION 2. This article shall take effect as of July 1, 2008.

25 ARTICLE 15

26 RELATING TO EDUCATION AID

27 SECTION 1. Sections 16-7-20 and 16-7-23 of the General Laws in Chapter 16-7 entitled
28 "Foundation Level School Support" are hereby amended to read as follows:

29 **16-7-20. Determination of state's share.** – (a) for each community the state's share shall
30 be computed as follows: Let

31 R = state share ratio for the community.

32 v = adjusted equalized weighted assessed valuation for the community, as defined in §
33 16-7-21(3).

34 V = sum of the values of v for all communities.

1 m = average daily membership of pupils in the community as defined in § 16-7-22(3).

2 M = total average daily membership of pupils in the state.

3 E = approved reimbursable expenditures for the community for the reference year minus
4 the excess costs of special education, tuitions, federal and state receipts, and other income.

5 Then the state share entitlement for the community shall be RE where

6
$$R = 1 - s \frac{0.5vM}{Vm},$$

7 Except that in no case shall R be less than zero percent (0%). This percentage shall be
8 applied to one hundred percent (100%) of all expenditures approved by the board of regents for
9 elementary and secondary education in accordance with currently existing rules and regulations
10 for administering state aid, including but not limited to the setting of appropriate limits for
11 expenditures eligible for reimbursement; provided, however, that the costs of special education
12 required under chapter 24 of this title shall be excluded; and the costs for regional vocational
13 school operation and tuition which are funded in chapter 45 of this title for the reference year
14 1987-1988 and thereafter, shall be excluded. "Special education costs" mean the costs that are in
15 excess of the average per pupil expenditure in average daily membership for the second school
16 year preceding. The average per pupil expenditure in average daily membership of those students
17 receiving special education shall be included in the cost of the basic program for the reference
18 year, as "reference year" is defined in § 16-7-16. Expenditures from federal money in lieu of
19 taxes shall not be counted and, provided further that the individual communities in the Chariho
20 regional districts shall each receive the seven and five hundredths percent (7.05%) for those
21 grades serviced by the regional school district.

22 (b) The department of elementary and secondary education shall base reimbursement on
23 one hundred percent (100%) of the expenditures for its state operated schools in accordance with
24 the reference year provision as defined in § 16-7-16(11). Any funds to supplement the
25 reimbursement shall be appropriated and included in the department budget.

26 (c) This section shall apply to the School for the Deaf and the Davies Vocational School
27 notwithstanding any provisions of this section to the contrary.

28 (d) Whenever any funds are appropriated for educational purposes, the funds shall be
29 used for educational purposes only and all state funds appropriated for educational purposes must
30 be used to supplement any and all money allocated by a city or town for educational purposes and
31 in no event shall state funds be used to supplant, directly or indirectly, any money allocated by a
32 city or town for educational purposes. The courts of this state shall enforce this section by writ of
33 mandamus.

34 ~~(e) Notwithstanding the calculations in subsection (a), the hospital school at the Hasbro~~

~~Children's Hospital shall be reimbursed one hundred percent (100%) of all expenditures approved by the board of regents for elementary and secondary education in accordance with currently existing rules and regulations for administering state aid, and subject to annual appropriations by the general assembly including, but not limited to, expenditures for educational personnel, supplies, and materials in the prior fiscal year.~~

16-7-23. Community requirements – Adequate minimum budget provision. – (a)

The school committee's budget provisions of each community for current expenditures in each budget year shall provide for an amount from all sources sufficient to support the basic program and all other approved programs shared by the state. Each community shall contribute local funds to its school committee in an amount not less than its local contribution for schools in the previous fiscal year. Calculation of the annual local contribution shall not include Medicaid revenues received by the municipality or district pursuant to chapter 8 of title 40 or contributions for capital expenditures in support of school facilities. A community which has a decrease in enrollment may compute maintenance of effort on a per pupil rather than on an aggregate basis when determining its local contribution; furthermore, a community which experiences a nonrecurring expenditure for its schools may deduct the nonrecurring expenditure in computing its maintenance of effort. The deduction of nonrecurring expenditures shall be with the approval of the commissioner. The courts of this state shall enforce this section by writ of mandamus.

(b) Whenever any state funds are appropriated for educational purposes, the funds shall be used for educational purposes only and all state funds appropriated for educational purposes must be used to supplement any and all money allocated by a city or town for educational purposes and, in no event, shall state funds be used to supplant, directly or indirectly, any money allocated by a city or town for educational purposes. All state funds shall be appropriated by the municipality to the school committee for educational purposes in the same fiscal year in which they are appropriated at the state level even if the municipality has already adopted a school budget. All state and local funds unexpended by the end of the fiscal year of appropriation shall remain a surplus of the school committee and shall not revert to the municipality. Any surplus of state or local funds appropriated for educational purposes shall not in any respect affect the requirement that each community contribute local funds in an amount not less than its local contribution for schools in the previous fiscal year, subject to subsection (a) of this section, and shall not in any event be deducted from the amount of the local appropriation required to meet the maintenance of effort provision in any given year.

(c)(1) An advisory council shall be established to determine the ability of the city of Central Falls to contribute funds to the Central Falls school district. The council shall be

1 composed of five (5) members as follows: (1) The auditor general of the state of Rhode Island or
2 his or her designee; (2) commissioner of elementary and secondary education or his or her
3 designee; (3) The mayor of the city of Central Falls or his or her designee; (4) president of the
4 Central Falls school district board of trustees, (5) The director of the department of revenue or his
5 or her designee. The auditor general or his or her designee shall chair the advisory council. By
6 May 1, 2008, the council shall develop recommendations that will determine the percentage of
7 the Central Falls school district’s budget that will be contributed by the city. Said
8 recommendations will be used in the budget preparation for the state appropriation to Central
9 Falls.

10 (2) In the event that the mayor and the city council of the city of Central Falls fail to
11 appropriate the funds as recommended by the Central Falls advisory council, the director of
12 administration is authorized to create a budget and review commission as authorized by §45-9-3
13 of the General Laws. Said commission shall be composed of the members as of the Central Falls
14 advisory council and shall be vested with all authority granted to a budget and review
15 commission, including the authority to levy and assess taxes without regard to the limitations
16 imposed by §44-5-2 of the General Laws relating to maximum tax levy.

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

18 **ARTICLE 16**

19 RELATING TO INSURANCE - CONSUMER REPRESENTATION

20 AT RATE HEARINGS

21 SECTION 1. Section 27-36-2 of the General Laws in Chapter 27-36 entitled "Consumer
22 Representation at Rate Hearings" is hereby amended to read as follows:

23 **27-36-2. Annual assessments of insurance companies.** -- (a) The ~~insurance~~
24 ~~commissioner~~ director of the department of business regulation shall make an annual assessment
25 against each insurance company, those corporations and other entities subject to ~~chapters 19, 20,~~
26 ~~20.1, and 20.2 of~~ this title and chapter 62 of title 42, hereafter referred to as a “company”, for
27 payment of all reasonable expenditures incurred by the attorney general in representation at
28 insurance rate hearings for matters involving insurance regulation. The assessments shall be in
29 amounts annually determined and certified by the attorney general to the ~~insurance commissioner~~
30 director of the department of business regulation as sufficient reimbursement for the general
31 expenditures of the attorney general to fulfill the attorney general’s obligations under this chapter.
32 The general expenditures ~~and~~ shall be proportionately assessed by the ~~insurance commissioner~~
33 director of the department of business regulation against each company. In addition, actual
34 reasonable costs for experts, such as but not limited to actuaries and economists, and other

1 specific costs incurred by the attorney general related to insurance rate hearings, whether or not a
2 public hearing has been held or the rate review has proceeded through a final decision by the
3 department of business regulation or office of health insurance commissioner, shall be billed
4 directly by the attorney general to the company that initiated the filing.

5 ~~(b) A company may meet its obligations under this section by directly reimbursing the~~
6 ~~attorney general and by notifying the commissioner of the amount of the payment.~~ The company
7 billed for such specific costs shall make payment to the attorney general by forwarding a check,
8 payable to the service provider, to the chief of the Insurance Advocacy Unit of the attorney
9 general's office within sixty (60) days of the date invoiced.

10 ~~(e)~~ Assessments made pursuant to this section may be credited to the normal operating
11 costs of each company and shall be deposited as general revenue.

12 SECTION 2. This article shall take effect as of January 17, 2008.

13 ARTICLE 17

14 RELATING TO PROCEEDINGS IN FAMILY COURT

15 SECTION 1. Section 14-1-6 of the General Laws in Chapter 14-1 entitled "Proceedings
16 in Family Court" is hereby amended as follows:

17 **14-1-6. Retention of jurisdiction.** – (a) When the court shall have obtained jurisdiction
18 over any child prior to the child having attained the age of eighteen (18) years by the filing of a
19 petition alleging that the child is wayward or delinquent pursuant to § 14-1-5, the child shall,
20 except as specifically provided in this chapter, continue under the jurisdiction of the court until he
21 or she becomes nineteen (19) years of age, unless discharged prior to turning nineteen (19). When
22 the court shall have obtained jurisdiction over any child prior to the child's eighteenth birthday by
23 the filing of a petition alleging that the child is dependent, neglected and abused pursuant to §§
24 14-1-5 and 40-11-7, including any child under the jurisdiction of the family court on petitions
25 filed and/or pending before the court prior to July 1, 2007, the child shall, except as specifically
26 provided in this chapter, continue under the jurisdiction of the court until he or she becomes
27 eighteen (18) years of age; provided, that prior to ~~an order of discharge or emancipation being~~
28 ~~entered,~~ a child turning eighteen (18) years of age, the court shall require the department of
29 children, youth, and families to provide a description of the transition services afforded the child
30 in placement or a detailed explanation as to the reason those services were not offered; provided
31 further, that any youth who comes within the jurisdiction of the court by the filing of a wayward
32 or delinquent petition based upon an offense which was committed prior to July 1, 2007,
33 including youth who are adjudicated and committed to the Rhode Island Training School and who
34 are placed in a temporary community placement as authorized by the family court, may continue

1 under the jurisdiction of the court until he or she turns twenty one (21) years of age.

2 (b) In any case where the court shall not have acquired jurisdiction over any person prior
3 to the person's eighteenth birthday by the filing of a petition alleging that the person had
4 committed an offense, but a petition alleging that the person had committed an offense which
5 would be punishable as a felony if committed by an adult has been filed before that person attains
6 the age of nineteen (19) years of age, that person shall, except as specifically provided in this
7 chapter, be subject to the jurisdiction of the court until he or she becomes nineteen (19) years of
8 age, unless discharged prior to turning nineteen (19).

9 (c) In any case where the court shall not have acquired jurisdiction over any person prior
10 to the person attaining the age of nineteen (19) years by the filing of a petition alleging that the
11 person had committed an offense prior to the person attaining the age of eighteen (18) years
12 which would be punishable as a felony if committed by an adult, that person shall be referred to
13 the court which would have had jurisdiction over the offense if it had been committed by an adult.
14 The court shall have jurisdiction to try that person for the offense committed prior to the person
15 attaining the age of eighteen (18) years and, upon conviction, may impose a sentence not
16 exceeding the maximum penalty provided for the conviction of that offense.

17 (d) In any case where the court has certified and adjudicated a child in accordance with
18 the provisions of §§ 14-1-7.2 and 14-1-7.3, the jurisdiction of the court shall encompass the
19 power and authority to sentence the child to a period in excess of the age of nineteen (19) years.
20 However, in no case shall the sentence be in excess of the maximum penalty provided by statute
21 for the conviction of the offense.

22 (e) Nothing in this section shall be construed to affect the jurisdiction of other courts over
23 offenses committed by any person after he or she reaches the age of eighteen (18) years.

24 SECTION 2. Section 42-72-5 of the General Laws in Chapter 42-72 entitled
25 "Department of Children, Youth and Families" is hereby amended as follows:

26 **42-72-5. Powers and scope of activities.** – (a) The department is the principal agency of
27 the state to mobilize the human, physical and financial resources available to plan, develop, and
28 evaluate a comprehensive and integrated statewide program of services designed to ensure the
29 opportunity for children to reach their full potential. The services include prevention, early
30 intervention, out-reach, placement, care and treatment, and after-care programs; provided,
31 however, that the department notifies the state police and cooperates with local police
32 departments when it receives and/or investigates a complaint of sexual assault on a minor and
33 concludes that probable cause exists to support the allegations(s). The department also serves as
34 an advocate for the needs of children.

1 (b) To accomplish the purposes and duties, as set forth in this chapter, the director is
2 authorized and empowered:

3 (1) To establish those administrative and operational divisions of the department that the
4 director determines is in the best interests of fulfilling the purposes and duties of this chapter;

5 (2) To assign different tasks to staff members that the director determines best suit the
6 purposes of this chapter;

7 (3) To establish plans and facilities for emergency treatment, relocation and physical
8 custody of abused or neglected children which may include, but are not limited to,
9 homemaker/educator child case aides, specialized foster family programs, day care facilities,
10 crisis teams, emergency parents, group homes for teenage parents, family centers within existing
11 community agencies, and counseling services;

12 (4) To establish, monitor, and evaluate protective services for children including, but not
13 limited to, purchase of services from private agencies and establishment of a policy and
14 procedure manual to standardize protective services;

15 (5) To plan and initiate primary and secondary treatment programs for abused and
16 neglected children;

17 (6) To evaluate the services of the department and to conduct periodic comprehensive
18 needs assessment;

19 (7) To license, approve, monitor, and evaluate all residential and non-residential child
20 care institutions, group homes, foster homes, and programs;

21 (8) To recruit and coordinate community resources, public and private;

22 (9) To promulgate rules and regulations concerning the confidentiality, disclosure and
23 expungement of case records pertaining to matters under the jurisdiction of the department;

24 (10) To establish a minimum mandatory level of twenty (20) hours of training per year
25 and provide ongoing staff development for all staff; provided, however, all social workers hired
26 after June 15, 1991, within the department shall have a minimum of a bachelor's degree in social
27 work or a closely related field, and must be appointed from a valid civil service list;

28 (11) To establish procedures for reporting suspected child abuse and neglect pursuant to
29 chapter 11 of title 40;

30 (12) To promulgate all rules and regulations necessary for the execution of departmental
31 powers pursuant to the Administrative Procedures Act, chapter 35 of title 42;

32 (13) To provide and act as a clearinghouse for information, data and other materials
33 relative to children;

34 (14) To initiate and carry out studies and analysis which will aid in solving local, regional

1 and statewide problems concerning children;

2 (15) To represent and act on behalf of the state in connection with federal grant programs
3 applicable to programs for children in the functional areas described in this chapter;

4 (16) To seek, accept, and otherwise take advantage of all federal aid available to the
5 department, and to assist other agencies of the state, local agencies, and community groups in
6 taking advantage of all federal grants and subventions available for children;

7 (17) To review and coordinate those activities of agencies of the state and of any political
8 subdivision of the state which affect the full and fair utilization of community resources for
9 programs for children, and initiate programs that will help assure utilization;

10 (18) To administer the pilot juvenile restitution program, including the overseeing and
11 coordinating of all local community based restitution programs, and the establishment of
12 procedures for the processing of payments to children performing community service; and

13 (19) To adopt rules and regulations which:

14 (i) For the twelve (12) month period beginning on October 1, 1983, and for each
15 subsequent twelve (12) month period, establish specific goals as to the maximum number of
16 children who will remain in foster care for a period in excess of two (2) years; and

17 (ii) Are reasonably necessary to implement the child welfare services and foster care
18 programs;

19 (20) May establish and conduct seminars for the purpose of educating children regarding
20 sexual abuse;

21 (21) To establish fee schedules by regulations for the processing of requests from
22 adoption placement agencies for adoption studies, adoption study updates, and supervision related
23 to interstate and international adoptions. The fee shall equal the actual cost of the service(s)
24 rendered, but in no event shall the fee exceed two thousand dollars (\$2,000);

25 (22) To be responsible for the education of all children who are placed, assigned, or
26 otherwise accommodated for residence by the department in a state operated or supported
27 community residence licensed by a Rhode Island state agency. In fulfilling this responsibility the
28 department is authorized to enroll and pay for the education of students in the public schools or,
29 when necessary and appropriate, to itself provide education in accordance with the regulations of
30 the board of regents for elementary and secondary education either directly or through contract;

31 (23) To develop multidisciplinary service plans, in conjunction with the department of
32 health, at hospitals prior to the discharge of any drug-exposed babies. The plan requires the
33 development of a plan using all health care professionals.

34 (24) To be responsible for the delivery of appropriate mental health services to seriously

1 emotionally disturbed children and children with functional developmental disabilities.
2 Appropriate mental health services may include hospitalization, placement in a residential
3 treatment facility, or treatment in a community based setting. The department is charged with the
4 responsibility for developing the public policy and programs related to the needs of seriously
5 emotionally disturbed children and children with functional developmental disabilities. In
6 fulfilling its responsibilities the department shall:

7 (i) Plan a diversified and comprehensive network of programs and services to meet the
8 needs of seriously emotionally disturbed children and children with functional developmental
9 disabilities;

10 (ii) Provide the overall management and supervision of the state program for seriously
11 emotionally disturbed children and children with functional developmental disabilities;

12 (iii) Promote the development of programs for preventing and controlling emotional or
13 behavioral disorders in children;

14 (iv) Coordinate the efforts of several state departments and agencies to meet the needs of
15 seriously emotionally disturbed children and children with functional developmental disabilities
16 and to work with private agencies serving those children;

17 (v) Promote the development of new resources for program implementation in providing
18 services to seriously emotionally disturbed children and children with functional developmental
19 disabilities.

20 The department shall adopt rules and regulations, which are reasonably necessary to
21 implement a program of mental health services for seriously emotionally disturbed children.

22 Each community, as defined in chapter 7 of title 16, shall contribute to the department, at
23 least in accordance with rules and regulations to be adopted by the department, at least its average
24 per pupil cost for special education for the year in which placement commences, as its share of
25 the cost of educational services furnished to a seriously emotionally disturbed child pursuant to
26 this section in a residential treatment program which includes the delivery of educational services.

27 "Seriously emotionally disturbed child" means any person under the age of eighteen (18)
28 years or any person under the age of twenty-one (21) years who began to receive services from
29 the department prior to attaining eighteen (18) years of age and has continuously received those
30 services thereafter who has been diagnosed as having an emotional, behavioral or mental disorder
31 under the current edition of the Diagnostic and Statistical Manual and that disability has been on-
32 going for one year or more or has the potential of being ongoing for one year or more, and the
33 child is in need of multi-agency intervention, and the child is in an out-of-home placement or is at
34 risk of placement because of the disability.

1 A child with a “functional developmental disability” means any person under the age of
2 eighteen (18) years or any person under the age of twenty-one (21) years who began to receive
3 services from the department prior to attaining eighteen (18) years of age and has continuously
4 received those services thereafter.

5 The term “functional developmental disability” includes autism spectrum disorders and
6 means a severe, chronic disability of a person which:

7 (a) Is attributable to a mental or physical impairment or combination of mental physical
8 impairments;

9 (b) Is manifested before the person attains age eighteen (18);

10 (c) Is likely to continue indefinitely;

11 (d) Results in age- appropriate substantial functional limitations in three (3) or more of
12 the following areas of major life activity.

13 (i) Self-care;

14 (ii) Receptive and expressive language;

15 (iii) Learning;

16 (iv) Mobility;

17 (v) Self-direction;

18 (vi) Capacity for Independent Living; and

19 (vii) Economic self-sufficiency; and

20 (e) Reflects the person’s need for a combination and sequence of special,
21 interdisciplinary, or generic care, treatment, or other services which are of life-long or extended
22 duration and are individually planned and coordinated.

23 Funding for these clients shall include funds that are transferred to the Department of
24 Human Services as part of the Managed Health Care program transfer. However, the expenditures
25 relating to these clients shall not be part of the Department of Human Services' Caseload
26 estimated for the semi-annual Caseload Estimating Conference. The expenditures shall be
27 accounted for separately.

28 (25) To provide access to services to any person under the age of eighteen (18) years or
29 any person under the age of twenty-one (21) years who began to receive child welfare services
30 from the department prior to attaining eighteen (18) years of age, has continuously received those
31 services thereafter and elects to continue to receive such services after attaining the age of
32 eighteen (18) years. The assembly has included funding in the FY 2008 Department of Children,
33 Youth and Families budget in the amount of \$10.5 million from all sources of funds and \$6.0
34 million from general revenues to provide a managed system to care for children serviced between

1 18 to 21 years of age. The department shall manage this caseload to this level of funding.

2 (26) To develop and maintain, in collaboration with other state and private agencies, a
3 comprehensive continuum of care in this state for children in the care and custody of the
4 department or at risk of being in state care. This continuum of care should be family-centered and
5 community-based with the focus of maintaining children safely within their families or, when a
6 child cannot live at home, within as close proximity to home as possible based on the needs of the
7 child and resource availability. The continuum should include community-based prevention,
8 family support and crisis intervention services as well as a full array of foster care and residential
9 services, including residential services designed to meet the needs of children who are seriously
10 emotionally disturbed, children who have a functional developmental disability and youth who
11 have juvenile justice issues. The director shall make reasonable efforts to provide a
12 comprehensive continuum of care for children in the care and custody of the DCYF, taking into
13 account the availability of public and private resources and financial appropriations and the
14 director shall submit an annual report to the general assembly as to the status of his or her efforts
15 in accordance with the provisions of subsection 42-72-4(b)(13).

16 (c) In order to assist in the discharge of his or her duties, the director may request from
17 any agency of the state information pertinent to the affairs and problems of children.

18 ~~(d) Funding for these clients shall include funds that are transferred to the Department of~~
19 ~~Human Services as part of the Managed Health Care program transfer. However, the expenditures~~
20 ~~relating to these clients shall not be part of the Department of Human Services' Caseload~~
21 ~~estimated for the semi-annual Caseload Estimating Conference. The expenditures shall be~~
22 ~~accounted for separately.~~

23 ~~(e) The assembly has included funding in the FY 2008 Department of Children, Youth~~
24 ~~and Families budget in the amount of \$10.5 million from all sources of funds and \$6.0 million~~
25 ~~from general revenues to provide a managed system to care for children serviced between 18 to~~
26 ~~21 years of age. The department shall manage this caseload to this level of funding.~~

27 (27) To administer funds under the John H. Chafee Foster Care Independence and
28 Educational And Training Voucher (ETV) Programs of Title IV-E of the Social Security Act, and
29 the DCYF Higher Education Opportunity Grant Program as outlined in RIGL §42-72.8, in
30 accordance with rules and regulations as promulgated by the director of the department.

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

32 **ARTICLE 18**

33 RELATING TO STATE AID

34 SECTION 1. Sections 45-13-1 and 45-13-9 of the General Laws in Chapter 45-13

1 entitled "State Aid" are hereby amended to read as follows:

2 **45-13-1. Apportionment of annual appropriation for state aid.** – (a) As used in this
3 chapter, the following words and terms have the following meanings:

4 (1) "Population" means the most recent estimates of population for each city and town
5 as reported by the United States department of commerce, bureau of the census.

6 (2) "Income" means the most recent estimate of per-capita income for a city, town or
7 county as reported by the United States department of commerce, bureau of the census.

8 (3) "Tax effort" means the total taxes imposed by a city or town for public purposes or
9 the totals of those taxes for the cities or towns within a county (except employee and employer
10 assessments and contributions to finance retirement and social insurance systems and other
11 special assessments for capital outlay) determined by the United States secretary of commerce for
12 general statistical purposes and adjusted to exclude amounts properly allocated to education
13 expenses.

14 (4) "Reference year" means the second fiscal year preceding the beginning of the fiscal
15 year in which the distribution of state aid to cities and towns is made provided however that the
16 reference year for distributions made in fiscal year 2007-2008 shall be the third fiscal year
17 preceding the beginning of the fiscal year 2007-2008.

18 (b) Aid to cities and towns shall be apportioned as follows: For each county, city or town,
19 let R be the tax effort divided by the square of per capita income, i.e., $R = (\text{tax effort})/(\text{income} \times$
20 $\text{income})$.

21 The amount to be allocated to the counties shall be apportioned in the ratio of the value of
22 R for each county divided by the sum of the values of R for all five (5) counties.

23 The amount to be allocated for all cities and for all towns within a county shall be the
24 allocation for that county apportioned proportionally to the total tax effort of the towns and cities
25 in that county.

26 The amount to be allocated to any city or town is the amount allocated to all cities or all
27 towns within the county apportioned in the ratio of the value of R for that city (or town) divided
28 by the sum of the values of R for all cities (or all towns) in that county; provided, further, that no
29 city or town shall receive an entitlement in excess of one hundred forty-five percent (145%) of
30 that city or town's population multiplied by the average per capita statewide amount of the annual
31 appropriation for state aid to cities and towns. Any excess entitlement shall be allocated to the
32 remainder of the cities and towns in the respective county in accordance with the provisions of
33 this section.

34 For fiscal year 2004, notwithstanding the provisions of subsection (a), aid calculations

1 shall be based on a blended rate of ninety percent (90%) of the data from the 1990 census and ten
2 percent (10%) of the data from the 2000 census. In each of the succeeding nine (9) fiscal years,
3 the calculations shall be based on a blended rate that increases the percentage of data utilized
4 from the 2000 census by ten percent (10%) from the previous year and decreases the percentage
5 of the data utilized from the 1990 census by ten percent (10%) from the previous year.

6 (c) The total amount of aid to be apportioned pursuant to subsection (b) above shall be
7 specified in the annual appropriation act of the state and shall be equal to the following:

8 (1) For fiscal years ending June 30, 1994 through June 30, 1998, the total amount of aid
9 shall be based upon one percent (1%) of total state tax revenues in the reference year.

10 (2) For the fiscal year ending June 30, 1999, the total amount of aid shall be based upon
11 one and three-tenths percent (1.3%) of total state tax revenues in the reference year.

12 (3) For the fiscal year ending June 30, 2000, the total amount of aid shall be based upon
13 one and seven-tenths percent (1.7%) of total state tax revenues in the reference year.

14 (4) For the fiscal year ending June 30, 2001, the total amount of aid shall be based upon
15 two percent (2.0%) of total state tax revenues in the reference year.

16 (5) For the fiscal year ending June 30, 2002, the total amount of aid shall be based upon
17 two and four-tenths percent (2.4%) of total state tax revenues in the reference year.

18 (6) For the fiscal year ending June 30, 2003, the total amount of aid shall be based upon
19 two and four-tenths percent (2.4%) of total state tax revenues in the reference year.

20 (7) For the fiscal year ending June 30, 2004, the total amount of aid shall be based upon
21 two and seven-tenths percent (2.7%) of total state tax revenues in the reference year.

22 (8) For the fiscal year ending June 30, 2005, the total amount of aid shall be fifty-two
23 million four hundred thirty-eight thousand five hundred thirty-two dollars (\$52,438,532).

24 (9) For the fiscal year ending June 30, 2006, the total amount of aid shall be based upon
25 three percent (3.0%) of total state tax revenues in the reference year.

26 (10) For the fiscal year ending June 30, 2007 the total amount of aid shall be sixty-four
27 million six hundred ninety-nine thousand three dollars (\$64,699,003).

28 (11) For the fiscal year ending June 30, 2008, the total amount of aid shall be sixty-four
29 million six hundred ninety-nine thousand three dollars (\$64,699,003).

30 (12) For the fiscal year ending June 30, 2009 and each year thereafter, the total amount of
31 aid shall be based upon three percent (3.0%) of total state tax revenues in the reference year.

32 (13) [Deleted by P.L. 2007, ch. 73, art. 25, § 1.]

33 (14) [Deleted by P.L. 2007, ch. 73, art. 25, § 1.]

34 (d) The assent of two-thirds (2/3) of the members elected to each house of the general

1 assembly shall be required to repeal or amend this section.

2 (e) For the fiscal year ending June 30, 2008 the apportionments of state aid as derived
3 through the calculations as required by subsections a through c of this section shall be adjusted
4 downward statewide by \$10,000,000.

5 **45-13-9. Reimbursement to cities and towns and school districts for the costs of state**

6 **mandates.** – (a)(1) The department of ~~administration~~ revenue shall submit to the budget office by
7 October 1 of each year, a report by each city and town, of the cost of state mandates established
8 after January 1, 1979, to be reimbursed for the next preceding July 1 – June 30 period.

9 (2) The budget office shall annually include the statewide total of the statement of costs
10 of state mandates eligible to be reimbursed in the state budget for the next fiscal year for
11 consideration by the governor in preparing a final budget proposal for submission to the general
12 assembly in accordance with §35-3-7 of the General Laws; provided, that any costs resulting
13 from the rules and regulations of state departments or agencies shall be allocated to the budgets of
14 those departments or agencies.

15 (b) The state treasurer shall in July of each year distribute to cities and towns the
16 reimbursements for state mandated costs ~~in accordance with the report submitted by the~~
17 ~~department of administration to the state budget office.~~ as may be appropriated by the general
18 assembly.

19 SECTION 2. Section 44-34.1-2 of the General Laws in Chapter 44-34.1 entitled “Motor
20 Vehicle and Trailer Excise Tax Elimination Act of 1998” is hereby amended as follows:

21 **44-34.1-2. City and town and fire district reimbursement.** – (a) In fiscal years 2000
22 and thereafter, cities and towns and fire districts shall receive reimbursements, as set forth in this
23 section, from state general revenues equal to the amount of lost tax revenue due to the phase out
24 or reduction of the excise tax. Cities and towns and fire districts shall receive advance
25 reimbursements through state fiscal year 2002. In the event the tax is phased out, cities and towns
26 and fire districts shall receive a permanent distribution of sales tax revenue pursuant to § 44-18-
27 18 in an amount equal to any lost revenue resulting from the excise tax elimination. Lost revenues
28 must be determined using a base tax rate fixed at fiscal year 1998 levels for each city, town, and
29 fire district, except that the Town of Johnston's base tax rate must be fixed at a fiscal year 1999
30 level.

31 (b) The director of administration shall determine the amount of general revenues to be
32 distributed to each city and town and fire district for the fiscal years 1999 and thereafter so that
33 every city and town and fire district is held harmless from tax loss resulting from this chapter,
34 assuming that tax rates are indexed to inflation through fiscal year 2003.

1 (2) The director of administration shall index the tax rates for inflation by applying the
2 annual change in the December Consumer Price Index – All Urban Consumers (CPI-U),
3 published by the Bureau of Labor Statistics of the United States Department of Labor, to the
4 indexed tax rate used for the prior fiscal year calculation; provided, that for state reimbursements
5 in fiscal years 2004 and thereafter, the indexed tax rate shall not be subject to further CPI-U
6 adjustments. The director shall apply the following principles in determining reimbursements:

7 (i) Exemptions granted by cities and towns and fire districts in the fiscal year 1998 must
8 be applied to assessed values prior to applying the exemptions in § 44-34.1-1(c)(1). Cities and
9 towns and fire districts will not be reimbursed for these exemptions.

10 (ii) City, town, and fire districts shall be reimbursed by the state for revenue losses
11 attributable to the exemptions provided for in § 44-34.1-1 and the inflation indexing of tax rates
12 through fiscal 2003. Reimbursement for revenue losses shall be calculated based upon the
13 difference between the maximum taxable value less personal exemptions and the net assessed
14 value.

15 (iii) Inflation reimbursements shall be the difference between:

16 (A) The levy calculated at the tax rate used by each city and town and fire district for
17 fiscal year 1998 after adjustments for personal exemptions but prior to adjustments for
18 exemptions contained in § 44-34.1-1(c)(1); provided, that for the town of Johnston the tax rate
19 used for fiscal year 1999 must be used for the calculation; and

20 (B) The levy calculated by applying the appropriate cumulative inflation adjustment
21 through state fiscal 2003 to the tax rate used by each city and town and fire district for fiscal year
22 1998; provided, that for the town of Johnston the tax rate used for fiscal year 1999 shall be used
23 for the calculation after adjustments for personal exemptions but prior to adjustments for
24 exemptions contained in § 44-34.1-1.

25 (c) Funds shall be distributed to the cities and towns and fire districts as follows:

26 (i) On October 20, 1998, and each October 20 thereafter through October 20, 2001,
27 twenty-five percent (25%) of the amount calculated by the director of administration to be the
28 difference for the upcoming fiscal year.

29 (ii) On February 20, 1999, and each February 20 thereafter through February 20, 2002,
30 twenty-five percent (25%) of the amount calculated by the director of administration to be the
31 difference for the upcoming fiscal year.

32 (iii) On June 20, 1999, and each June 20 thereafter through June 20, 2002, fifty percent
33 (50%) of the amount calculated by the director of administration to be the difference for the
34 upcoming fiscal year.

1 (iv) On August 1, 2002, and each August 1 thereafter, twenty-five percent (25%) of the
2 amount calculated by the director of administration to be the difference for the current fiscal year.

3 (v) On November 1, 2002, and each November 1 thereafter, twenty-five percent (25%) of
4 the amount calculated by the director of administration to be the difference for the current fiscal
5 year.

6 (vi) On February 1, 2003, and each February 1 thereafter, twenty-five percent (25%) of
7 the amount calculated by the director of administration to be the difference for the current fiscal
8 year.

9 (vii) On May 1, 2003, and each May 1 thereafter, twenty-five percent (25%) of the
10 amount calculated by the director of administration to be the difference for the current fiscal year.

11 Provided, however, the February and May payments shall be subject to submission of
12 final certified and reconciled motor vehicle levy information.

13 (2) Each city, town, or fire district shall submit final certified and reconciled motor
14 vehicle levy information by August 30 of each year. Any adjustment to the estimated amounts
15 paid in the previous fiscal year shall be included or deducted from the payment due November 1.

16 (3) On any of the payment dates specified in paragraphs (1)(i) through (vii) of this
17 subsection, the director is authorized to deduct previously made over-payments or add
18 supplemental payments as may be required to bring the reimbursements into full compliance with
19 the requirements of this chapter.

20 (4) For the city of East Providence, the payment schedule is twenty-five percent (25%) on
21 February 20, 1999, and each February 20 thereafter through February 20, 2002, twenty-five
22 percent (25%) on June 20, 1999, and each June 20 thereafter through June 20, 2002, which
23 includes final reconciliation of the previous year's payment, and fifty percent (50%) on October
24 20, 1999, and each October 20 thereafter through October 20, 2002. For local fiscal years 2003
25 and thereafter, the payment schedule is twenty-five percent (25%) on each November 1, twenty-
26 five percent (25%) on each February 1, twenty-five percent (25%) on each May 1, which includes
27 final reconciliation of the previous year's payment, and twenty-five percent (25%) on each
28 August 1; provided, the May and August payments shall be subject to submission of final
29 certified and reconciled motor vehicle levy information.

30 (5) When the tax is phased out, funds distributed to the cities, towns, and fire districts for
31 the following fiscal year shall be calculated as the funds distributed in the fiscal year of the phase-
32 out. Twenty-five percent (25%) of the amounts calculated shall be distributed to the cities and
33 towns and fire districts on August 1, in the fiscal year of the phase-out, twenty-five percent (25%)
34 on the following November 1, twenty-five percent (25%) on the following February 1, and

1 twenty-five percent (25%) on the following May 1. The funds shall be distributed to each city and
2 town and fire district in the same proportion as distributed in the fiscal year of the phase-out.

3 (6) When the tax is phased out to August 1, of the following fiscal year the director of
4 administration shall calculate to the nearest tenth of one cent (\$.001) the number of cents of sales
5 tax received for the fiscal year ending June 30, of the year following the phase-out equal to the
6 amount of funds distributed to the cities, towns, and fire districts under this chapter during the
7 fiscal year following the phase-out and the percent of the total funds distributed in the fiscal year
8 following the phase-out received by each city, town, and fire district, calculated to the nearest
9 one-hundredth of one percent (0.01%). The director of the department of administration shall
10 transmit those calculations to the governor, the speaker of the house, the president of the senate,
11 the chairperson of the house finance committee, the chairperson of the senate finance committee,
12 the house fiscal advisor, and the senate fiscal advisor. The number of cents, applied to the sales
13 taxes received for the prior fiscal year, shall be the basis for determining the amount of sales tax
14 to be distributed to the cities and towns and fire districts under this chapter for second fiscal year
15 following the phase-out and each year thereafter. The cities and towns and fire districts shall
16 receive that amount of sales tax in the proportions calculated by the director of administration as
17 that received in the fiscal year following the phase-out.

18 (7) When the tax is phased out, twenty-five percent (25%) of the funds shall be
19 distributed to the cities, towns, and fire districts on August 1, of the following fiscal year and
20 every August 1 thereafter; twenty-five percent (25%) shall be distributed on the following
21 November 1, and every November 1 thereafter; twenty-five percent (25%) shall be distributed on
22 the following February 1, and every February 1 thereafter; and twenty-five percent (25%) shall be
23 distributed on the following May 1, and every May 1 thereafter.

24 (8) For the city of East Providence, in the event the tax is phased out, twenty-five percent
25 (25%) shall be distributed on November 1, of the following fiscal year and every November 1
26 thereafter, twenty-five percent (25%) shall be distributed on the following February 1, and every
27 February 1 thereafter; twenty-five percent (25%) shall be distributed on the following May 1, and
28 every May 1 thereafter; and twenty-five percent (25%) of the funds shall be distributed on the
29 following August 1, and every August 1 thereafter.

30 (9) As provided for in § 44-34-6, the authority of fire districts to tax motor vehicles is
31 eliminated effective with the year 2000 tax roll and the state reimbursement for fire districts shall
32 be based on the provisions of § 44-34-6. All references to fire districts in this chapter do not apply
33 to the year 2001 tax roll and thereafter.

34 [\(10\) For reimbursements payable in the year ending June 30, 2008 and thereafter, the](#)

1 director of administration shall discount the calculated value of the exemption to ninety-eight
2 percent (98%) in order to establish a collection rate that is comparable to the collection rate
3 achieved by municipalities in the levy of the motor vehicle excise tax.

4 SECTION 3. This article shall take affect upon passage.

5 ARTICLE 19

6 RELATING TO ADMINISTRATIVE PROCEDURES

7 SECTION 1. Section 42-35-3 of the General Laws in Chapter 42-35 entitled
8 “Administrative Procedures” is hereby amended to read as follows:

9 **42-35-3. Procedures for adoption of rules.** – (a) Prior to the adoption, amendment, or
10 repeal of any rule the agency shall:

11 (1) Give at least thirty (30) days notice of its intended action. The notice shall include a
12 statement of either the terms or substance of the intended action or a description of the subjects
13 and issues involved, and of the time when, the place where, and the manner in which interested
14 persons may present their views thereon. The notice shall be mailed to all persons who have made
15 timely request of the agency for advance notice of its rule-making proceedings, and published in a
16 newspaper or newspapers having aggregate general circulation throughout the state; provided,
17 however, that if the action is limited in its applicability to a particular area, then the publication
18 may be in a newspaper having general circulation in the area. ~~Notwithstanding the above~~
19 ~~requirements,~~ in lieu of newspaper publication, advance notice of proposed rulemaking by ~~the~~
20 ~~department of health~~ all state departments, agencies, and authorities may be provided via
21 electronic media on a website maintained by the office of the secretary of state. Authorization for
22 such electronic notice shall commence on ~~July 1, 2005 and shall expire on June 30, 2010~~ April 1,
23 2008. Copies of proposed rules shall be available at the agency at the time of the notice required
24 by this subsection, and by mail to any member of the public upon request. The agency shall also
25 prepare a concise summary of all non-technical amendments being proposed that shall be made
26 available with copies of the proposed rules themselves.

27 (2) Afford all interested persons reasonable opportunity to submit data, views, or
28 arguments, orally or in writing. In the case of rules, opportunity for oral hearing must be granted
29 if requested by twenty-five (25) persons, or by a governmental subdivision or agency, or by an
30 association having not less than twenty-five (25) members. The agency shall consider fully all
31 written and oral submissions respecting the proposed rule. Upon adoption of a rule, the agency, if
32 requested to do so by an interested person, either prior to adoption or within thirty (30) days
33 thereafter, shall issue a concise statement of the principal reasons for and against its adoption,
34 incorporating therein its reasons for overruling the considerations urged against its adoption.

1 (3) Demonstrate the need for the adoption, amendment, or repeal of any rule in the record
2 of the rulemaking proceeding. The agency shall demonstrate that there is no alternative approach
3 among the alternatives considered during the rulemaking proceeding which would be as effective
4 and less burdensome to affected private persons as another regulation. This standard requires that
5 an agency proposing to adopt any new regulation must identify any other state regulation which is
6 overlapped or duplicated by the proposed regulation and justify any overlap or duplication.

7 (4) Comply with § 42-35-3.3.

8 (5) Ensure that any proposed additions, deletions or other amendments to the rules and
9 regulations be clearly marked. If an agency proposes adoption of a new rule to supersede an
10 existing rule, the agency shall make available a summary of all non-technical differences between
11 the existing and proposed rules. An agency's lawful promulgation of amendments to an existing
12 rule shall be deemed to supersede and repeal the previous enactments of that rule, provided that
13 the public notice required under subdivision (a)(1) of this section indicated such an intent.

14 (b) If an agency finds that an imminent peril to the public health, safety, or welfare
15 requires adoption of a rule upon less than thirty (30) days' notice, and states in writing its reasons
16 for that finding, it may proceed without prior notice or hearing or upon any abbreviated notice
17 and hearing that it finds practicable, to adopt an emergency rule. The rule so adopted may be
18 effective for a period of not longer than one hundred twenty (120) days renewable once for a
19 period not exceeding ninety (90) days, but the adoption of an identical rule under subdivisions
20 (a)(1) and (a)(2) is not precluded.

21 (c) No rule hereafter adopted is valid unless adopted in substantial compliance with this
22 section, but no contest of any rule on its face on the ground of noncompliance with the procedural
23 requirements of this section may be commenced after two (2) years from its effective date, but a
24 contest of any rule as applied to the complainant may proceed if the complainant can demonstrate
25 prejudice as a result of the agency's noncompliance with this section.

26 SECTION 2. This article shall take effect as of April 1, 2008.

27 ARTICLE 20

28 RELATING TO TAXATION

29 SECTION 1. Sections 44-33.2-2 and 44-33.2-3 of the General Laws in Chapter 44-33.2
30 entitled "Historic Structures – Tax Credit" are hereby amended to read as follows:

31 **44-33.2-2. Definitions.** – As used in this chapter:

32 (1) "Certified historic structure" means a property which is located in the state of Rhode
33 Island and is:

34 (i) Listed individually on the National Register of Historic Places; or (ii) Listed

1 individually in the state register of historic places; or (iii) Located in a registered historic district
2 and certified by either the commission or Secretary of the Interior as being of historic significance
3 to the district.

4 (2) "Certified rehabilitation" means any rehabilitation of a certified historic structure
5 consistent with the historic character of such property or the district in which the property is
6 located as determined by the commission guidelines.

7 (3) "Commission" means the Rhode Island historical preservation and heritage
8 commission created pursuant to § 42-45-2.

9 (4) "Exempt from real property tax" means, with respect to any certified historic
10 structure, that the structure is exempt from taxation pursuant to § 44-3-3.

11 (5) "Holding period" means twenty-four (24) months after the commission issues a
12 certificate of completed work to the owner. In the case of a rehabilitation which may reasonably
13 be expected to be completed in phases as described in subdivision (10) of this section, "holding
14 period" shall be extended to include a period of time beginning on the date of issuance of a
15 certificate of completed work for the first phase or phases for which a certificate of completed
16 work is issued and continuing until the expiration of twenty-four (24) months after the certificate
17 of completed work issued for the last phase.

18 (6) "Placed in service" means that substantial rehabilitation work has been completed
19 which would allow for occupancy of the entire structure or some identifiable portion of the
20 structure, or the owner has commenced depreciation of the qualified rehabilitation expenditures,
21 whichever occurs first.

22 (7) "Principal residence" means the principal residence of the owner within the meaning
23 of § 121 of the Internal Revenue Code [26 U.S.C. § 121] or any successor provision.

24 (8) "Qualified rehabilitation expenditures" means any amounts expended in the
25 rehabilitation of a certified historic structure properly capitalized to the building and either: (i)
26 depreciable under the Internal Revenue Code, 26 U.S.C. § 1 et seq., or (ii) made with respect to
27 property (other than the principal residence of the owner) held for sale by the owner.
28 Notwithstanding the foregoing, except in the case of a nonprofit corporation, there will be
29 deducted from qualified rehabilitation expenditures for the purposes of calculating the tax credit
30 any funds made available to the person (including any entity specified in § 44-33.2-3(a))
31 incurring the qualified rehabilitation expenditures in the form of a direct grant from a federal,
32 state or local governmental entity or agency or instrumentality of government.

33 (9) "Registered historic district" means any district listed in the National Register of
34 Historic Places, or the state register of historic places.

1 (10) "Substantial rehabilitation" means, with respect to a certified historic structure, that
2 the qualified rehabilitation expenses of the building during the twenty-four (24) month period
3 selected by the taxpayer ending with or within the taxable year exceed fifty percent (50%) of the
4 adjusted basis in such building and its structural components as of the beginning of such period.
5 In the case of any rehabilitation, which may reasonably be expected to be completed in phases set
6 forth in architectural plans and specifications completed before the rehabilitation begins, the
7 above definition shall be applied by substituting "sixty (60) month period" for "twenty-four (24)
8 month period".

9 (11) "Tax year" for purposes of this chapter means the calendar year commencing on the
10 first (1st) day of January and ending on the thirty first (31st) day of December of any given year in
11 which a certified tax credit is being claimed, taken, or carried forward. For fiscal year taxpayers,
12 the tax year shall be the calendar year within which their fiscal year begins.

13 **44-33.2-3. Tax credit.** – (a) Any person, firm, partnership, trust, estate, limited liability
14 company, corporation (whether for profit or non-profit) or other business entity that incurs
15 qualified rehabilitation expenditures for the substantial rehabilitation of a certified historic
16 structure, provided the rehabilitation meets standards consistent with the standards of the
17 Secretary of the United States Department of the Interior for rehabilitation as certified by the
18 commission, shall be entitled to a credit against the taxes imposed on such person or entity
19 pursuant to chapter 11, 12, 13, 14, 17 or 30 of this title in an amount equal to thirty percent (30%)
20 of the qualified rehabilitation expenditures.

21 (b) Tax credits allowed pursuant to this chapter shall be allowed for the taxable year in
22 which such certified historic structure or an identifiable portion of the structure is placed in
23 service provided that the substantial rehabilitation test is met for such year.

24 (c) If the amount of the tax credit exceeds the taxpayer's total tax liability for the year in
25 which the substantially rehabilitated property is placed in service, the amount that exceeds the
26 taxpayer's tax liability may be carried forward for credit against the taxes imposed for the
27 succeeding ten (10) years, or until the full credit is used, whichever occurs first for the tax credits.
28 Credits allowed to a partnership, a limited liability company taxed as a partnership or multiple
29 owners of property shall be passed through to the persons designated as partners, members or
30 owners respectively pro rata or pursuant to an executed agreement among such persons
31 designated as partners, members or owners documenting an alternate distribution method without
32 regard to their sharing of other tax or economic attributes of such entity.

33 (d) If the taxpayer has not claimed the tax credits in whole or part, taxpayers eligible for
34 the tax credits may assign, transfer or convey the credits, in whole or in part, by sale or otherwise

1 to any individual or entity, including, but not limited to, condominium owners in the event the
2 certified historic structure is converted into condominiums. The assignee of the tax credits may
3 use acquired credits to offset up to one hundred percent (100%) of the tax liabilities otherwise
4 imposed pursuant to chapter 11, 12, 13, (other than the tax imposed under § 44-13-13), 14, 17 or
5 30 of this title. The assignee may apply the tax credit against taxes imposed on the assignee until
6 the end of the tenth (10th) calendar year after the year in which the substantially rehabilitated
7 property is placed in service or until the full credit assigned is used, whichever occurs first. Fiscal
8 year assignees may claim the credit until the expiration of the fiscal year that ends within the
9 tenth (10th) year after the year in which the substantially rehabilitated property is placed in
10 service. The assignor shall perfect the transfer by notifying the state of Rhode Island division of
11 taxation, in writing, within thirty (30) calendar days following the effective date of the transfer
12 and shall provide any information as may be required by the division of taxation to administer
13 and carry out the provisions of this section.

14 (2) For purposes of this chapter, any assignment or sales proceeds received by the
15 taxpayer for its assignment or sale of the tax credits allowed pursuant to this section shall be
16 exempt from this title. If a tax credit is subsequently recaptured under subsection (e) of this
17 section, revoked or adjusted, the seller's tax calculation for the year of revocation, recapture, or
18 adjustment shall be increased by the total amount of the sales proceeds, without proration, as a
19 modification under chapter 30 of this title. In the event that the seller is not a natural person, the
20 seller's tax calculation under chapters 11, 12, 13 (other than with respect to the tax imposed under
21 § 44-13-13), 14, 17, or 30 of this title, as applicable, for the year of revocation, recapture, or
22 adjustment, shall be increased by including the total amount of the sales proceeds without
23 proration.

24 (e) The total aggregate amount of tax credits, certified under this chapter, that the tax
25 administrator shall annually allow all taxpayers and their assignees to collectively claim or take
26 against the state's tax revenues shall not exceed twenty million dollars (\$20,000,000) for tax year
27 2007 and shall not exceed forty million dollars (\$40,000,000) per year for tax years 2008 through
28 2017. No tax credits, certified under this chapter, shall be allowed to be claimed or taken against
29 the state's tax revenues for any tax year after 2017.

30 (f)(1) Taxpayers seeking to claim or take certified tax credits against their tax liabilities
31 for tax year 2007 shall make application to the tax administrator on or before March 1, 2008.

32 (2) Taxpayers seeking to claim or take certified tax credits against tax liabilities for tax
33 years 2008 or later shall make application to the tax administrator on or before December 1st of
34 the following year.

1 ~~(5) years, an employee, officer or director of any business whose activities are subject to~~
2 ~~regulation by the commission, or any affiliate of it.~~ The term of each commissioner shall be six
3 (6) years. The director of administration, with the approval of the governor, shall allocate the
4 position of each commissioner to one of the grades established by the pay plan for unclassified
5 employees.

6 (b) ~~Within thirty (30) days after January 1, 2004, the governor, with the advice and~~
7 ~~consent of the senate, shall appoint one commissioner to serve until the first day of March, 2010,~~
8 ~~and until his or her successor is appointed and qualified, and one commissioner to serve until the~~
9 ~~first day of March, 2008, and until his or her successor is appointed and qualified.~~ During the
10 month prior to the expiration of the term of a commissioner the governor, with the advice and
11 consent of the senate shall appoint a commissioner to succeed the commissioner whose term will
12 then next expire, to serve for a term of six (6) years commencing on the first day of March then
13 next following, and until his or her successor is appointed and qualified. A commissioner shall be
14 eligible to succeed him or herself. Upon the expiration of the term of the chairperson, the
15 governor may designate any commissioner as chairperson.

16 (c) A vacancy in the office of a commissioner, other than by expiration, shall be filled in
17 like manner as an original appointment, but only for the unexpired portion of the term. If a
18 vacancy occurs when the senate is not in session, the governor shall appoint a person to fill the
19 vacancy, but only until the senate shall next convene and give its advice and consent to a new
20 appointment.

21 **39-1-8. Quorum -- Meetings.** -- ~~A majority of the~~ Two (2) commissioners shall
22 constitute a quorum for the transaction of any business, except as provided in § 39-1-11.
23 Meetings of the commission may be held at any time or place upon the call of any member, after
24 a reasonable notice by mail or ~~telegraph~~ telephone to the other members, and shall be held at such
25 times and places as in the judgment of the commission will best serve the convenience of all
26 parties in interest.

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

28 ARTICLE 22

29 RELATING TO REGISTRATION OF VEHICLES

30 SECTION 1. Sections 31-3-10 and 31-3-18 of the General Laws in Chapter 31-3 entitled
31 "Registration of Vehicles" are hereby amended to read as follows:

32 **31-3-10. Issuance of registration plates.** – The division of motor vehicles, upon
33 registering a vehicle, shall issue to the owner one fully reflective registration plate for each
34 motorcycle, trailer, semi-trailer, in-transit vehicle, transporter, bailee vehicle, or a dealer vehicle

1 ~~and two (2) fully reflective registration plates~~ for every other motor vehicle. Application for and
2 issuance of so-called commercial registration plates shall be provided at all offices maintained by
3 the administrator of the division of motor vehicles under § 31-2-6.

4 **31-3-18. Display of plates – Penalties.** – (a) A ~~R~~registration plates issued for a motor
5 vehicle other than a motorcycle, trailer, transporter vehicle, in-transit vehicle, or a bailee engaged
6 in a business as defined in § 31-1-17(a), or other than a motor vehicle owned by a duly authorized
7 dealer in motor vehicles and which is used in the dealer's business shall be attached ~~thereto one in~~
8 ~~the front and the other in~~ to the rear of the vehicle. The registration plate issued for a motorcycle,
9 trailer, bailee, or a dealer's motor vehicle as defined in this subsection shall be attached to the rear
10 of the vehicle.

11 (b) Every registration plate shall at all times be securely fastened in a horizontal position
12 to the vehicle for which it is issued so as to prevent the plate from swinging at a height of not less
13 than twelve inches (12") from the ground, measuring from the bottom of the plate; in a place and
14 position to be clearly visible and shall be maintained free from foreign materials and in a
15 condition to be clearly legible.

16 (c) *Penalties.* Any person who shall violate the provisions of this section shall be guilty
17 of a violation and subject to a fine of not more than seventy-five dollars (\$75.00).

18 (d) All vehicles registered as passenger, commercial, trailer, motorcycle, suburban, farm,
19 combination, taxi, radio operator, camper, public, racer tow, jitney, and antique must have
20 displayed on them the registration plate~~(s)~~ commonly known as the general issuance "wave
21 plate". This subsection does not apply to those registrants in possession of an alternative design
22 plate as described in § 31-3-60 or any other specially authorized plate described in this chapter.

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

24 ARTICLE 23

25 RELATING TO ADJUDICATION OF TRAFFIC OFFENSES

26 SECTION 1. Section 31-41.1-7 of the General Laws in Chapter 31-41.1 entitled
27 "Adjudication of Traffic Offenses" is hereby amended to read as follows:

28 **31-41.1-7. Application for dismissal based on good driving record.** – (a) Any person
29 who has had a motor vehicle operator's license for more than three (3) years, and who has been
30 issued traffic violations which are his or her first violations within the preceding three (3) years,
31 may request a hearing seeking a dismissal of the violations based upon the operator's good
32 driving record.

33 (b) Upon submission of proper proof that the operator has not been issued any other
34 traffic violation within the past three (3) years, the charge shall, except for good cause shown or

1 as otherwise provided by law, be dismissed based upon a good driving record, provided that the
2 operator pay ~~a twenty five dollar (\$25.00)~~ an amount equal to the fine for the traffic violation as
3 an administrative fee for court costs associated with the dismissal.

4 (c) The traffic tribunal may not dismiss a charge pursuant to this section after six (6)
5 months from the date of disposition. For purposes of this section, a parking ticket shall not
6 constitute a prior violation.

7 (d) The following violations shall not be dismissed pursuant to this statute:

8 (1) Any violation within the original jurisdiction of superior or district court;

9 (2) A refusal to submit to a chemical test of breath, blood or urine pursuant to § 31-27-
10 2.1;

11 (3) Any violation involving a school bus;

12 (4) Any violation involving an accident where there has been property damage or
13 personal injury;

14 (5) Any speeding violation in excess of fourteen miles per hour (14 m.p.h.) above the
15 posted speed limit;

16 (6) Any violation involving child restraints in motor vehicles pursuant to § 31-22-22;

17 (7) Any violation committed by a holder of a commercial license as defined in § 31-10.3-
18 3 or any violation committed in a commercial motor vehicle as defined in § 31-10.3-3 by an
19 operator who does not hold a commercial license.

20 (e) If the charge is dismissed pursuant to this section, records of the dismissal shall be
21 maintained for a period of three (3) years.

22 (f) The judge or magistrate shall ~~have the discretion to waive court costs and fees when~~
23 ~~dismissing a violation pursuant to this section, with the exception of the mandatory twenty five~~
24 ~~dollar (\$25.00)~~ be required to assess the administrative fee provided for in § 31-41.1-7 (b) when
25 dismissing a violation pursuant to this section.

26 SECTION 2. This article shall take effect as of April 1, 2008.

27 ARTICLE 24

28 RELATING TO TOWNS AND CITIES - POLICE OFFICERS

29 AND FIREFIGHTERS RELIEF BENEFITS

30 SECTION 1. Sections 45-19-4, 45-19-4.1, 45-19-4.2, 45-19-12, 45-19-12.1, 45-19-12.2
31 and 45-19-12.3 of the General Laws in Chapter 45-19 entitled “Relief of Injured and Deceased
32 Fire Fighters and Police Officers” are hereby amended to read as follows:

33 **45-19-4. Annuities to dependents of deceased police officers and appropriations to**
34 **nondependent parents of police officers.** – (a) If an active or retired member of the police force

1 of a city or town is killed or dies from injuries received while in the performance of his or her
2 duty as a member [prior to April 1, 2008](#), or dies of a heart condition or any condition derived
3 from hypertension while still a member [prior to April 1, 2008](#), there shall be paid out of the police
4 officer's relief fund of Rhode Island to the following dependents of the deceased person, the
5 following sums of money:

6 (1) To the widow or widower an annuity not exceeding three thousand six hundred
7 dollars (\$3,600) a year, payable in the number of regular installments determined by the board
8 and continuing as long as he or she remains unmarried and commencing with the date of death
9 but not more than six (6) months prior to the date of filing of the petition by the widow or
10 widower; provided, that if the member died more than six (6) months prior to the filing of the
11 petition then the payments are to commence no sooner than six (6) months prior to the date of
12 petition;

13 (2) An additional annuity of twelve hundred dollars (\$1,200) a year, payable in the
14 number of regular installments determined by the board, for each child of the deceased person
15 during the time that the child is under the age of eighteen (18) years, or over the age and
16 physically or mentally incapacitated from earning. If there is any child and no widow or widower
17 or the widow or widower dies later, the sum and the annuity that would have been payable to the
18 widow or widower had there been one or had he or she lived, to or for the benefit of the child or
19 of the children, in equal shares, during the time previously stated;

20 (3) If there is any child and the widow or widower remarries, in lieu of the previously
21 stated annuity to him or her, an annuity not exceeding twelve hundred dollars (\$1,200) to or for
22 the benefit of each child during the time previously stated;

23 (4) If there is no widow or widower and no child the total sum of ten thousand dollars
24 (\$10,000) payable in a lump sum for the benefit of the father and/or mother of the deceased, if not
25 dependent upon him or her for support at the time of his or her death; and

26 (5) If there is no widow or widower and no child, the sum of three thousand six
27 hundred dollars (\$3,600) payable in regular installments by the board of police officer's relief to
28 or for the benefit of the father or mother of the deceased, if dependent upon him or her for support
29 at the time of his or her death, and commencing with the date of death but not more than six (6)
30 months prior to the date of filing the petition; provided, that if the member died more than six (6)
31 months prior to the filing of the petition then the payments are to commence no sooner than six
32 (6) months prior to the date of the petition and continuing so long as the beneficiary is unable to
33 support himself or herself and does not remarry, an annuity not exceeding three thousand six
34 hundred dollars (\$3,600) a year, payable in regular installments determined by the board. The

1 amount of the annuity shall, from time to time, be determined within the limits previously stated
2 by the board.

3 (b) For the purpose of this section the words "police officer" mean and include any
4 active or retired member of the state police or the police of any city or town regularly employed
5 at a fixed salary or wage.

6 (c) The provisions of this section apply in the case of any dependent receiving benefits
7 in accordance with the provisions of this section as it was in effect prior to April 25, 1960.

8 (d) The provisions of this section apply in the case of any active or retired police officer
9 who from and after January 1, 1935, was killed or died from injuries received while in the
10 performance of duty, or dies of a heart condition or any condition derived from hypertension.

11 (e) The amount of the annuity shall not be reduced by reason of receipt of an annuity
12 and/or other payments to any beneficiaries from any other source.

13 (f) Upon the death of a member, the police chief shall immediately notify the widow or
14 widower of the member by registered or certified mail, return receipt requested, of the widow or
15 widower's possible eligibility for benefits under this chapter and the time restriction for filing a
16 claim for these benefits.

17 **45-19-4.1. Tuition to children of police officers dying or disabled as a result of**

18 **service.** – (a) If an active member of the police force of a city or town is killed, dies, or becomes
19 totally and permanently disabled from injuries received while in the performance of his or her
20 duty as a member [prior to April 1, 2008](#), or dies of a heart condition or any condition derived
21 from hypertension while still a member [prior to April 1, 2008](#), there shall be paid out of the
22 general fund of the state of Rhode Island the charges for the tuition of children of the deceased or
23 totally and permanently disabled police officer and/or the spouse of a police officer killed in the
24 line of duty. The benefits are extended to the children and/or spouse who are attending or may
25 attend the university of Rhode Island, Rhode Island college, or any other college or university
26 operated by the state; provided, that the child has entered the institution while between the ages of
27 sixteen (16) and twenty-one (21); and provided, further, that the aid granted is available to the
28 child and/or spouse for the period of time that may equal the normal time for completing the
29 courses regularly offered by the institution, but in no case more than four (4) years.

30 (b) For the purpose of this section, the words "police officer" mean and include any
31 member of the state police, any correctional officer within the department of corrections, or the
32 police of any city or town regularly employed at a fixed salary or wage. Furthermore, this
33 excludes auxiliary and volunteer police officers of city, town, or state police. For the purpose of
34 this section, the words "totally and permanently disabled" mean any impairment of mind or body

1 making it impossible for one to follow continuously a gainful occupation.

2 **45-19-4.2. Tuition to police officers disabled as a result of service.** – (a) If an active
3 member of the police force of a city or town becomes totally and permanently disabled from
4 injuries received while in the performance of his or her duty as a member [prior to April 1, 2008](#),
5 or if any member of the police force of a city or town becomes totally and permanently disabled
6 from injuries received while in the performance of his or her duty [prior to April 1, 2008](#), there
7 shall be paid out of the general fund of the state of Rhode Island the charges for the tuition of the
8 totally and permanently disabled police officer. The benefits are extended to members who are
9 attending or may attend the university of Rhode Island, Rhode Island college, or any other college
10 or university operated by the state; provided, that the aid granted in this section is available for
11 the period of time that may equal the normal time for completing the courses regularly offered by
12 the institution, but in no case more than four (4) years.

13 (b) For the purpose of this section the words "police officer" mean and include any
14 member of the state police or the police of any city or town regularly employed at a fixed salary
15 or wage. Furthermore, this excludes auxiliary and volunteer police officers of city, town, or state
16 police.

17 **45-19-12. Annuities to dependents of deceased fire fighters and appropriations to**
18 **nondependent parents of deceased fire fighters.** – (a) If an active or retired member of the fire
19 force of a city or town or fire fighter for the town of North Smithfield is killed or dies from
20 injuries received while in the performance of his or her duty as a member [prior to April 1, 2008](#) or
21 dies of a heart condition, respiratory ailments, or any condition derived from hypertension while
22 still a member [prior to April 1, 2008](#), there shall be paid out of the fire fighter's relief fund of
23 Rhode Island to the following dependents of the deceased person, the following sums of money:

24 (1) To the widow or widower an annuity not exceeding three thousand six hundred
25 dollars (\$3,600) a year, payable in the number of regular installments determined by the board
26 and continuing as long as he or she remains unmarried and commencing with the date of death
27 but not more than six (6) months prior to the date of filing of the petition by the widow or
28 widower;

29 (2) An additional annuity of one thousand two hundred dollars (\$1,200) a year, payable in
30 the number of regular installments determined by the board, for each child of the deceased person
31 during the time that the child is under the age of eighteen (18) years, or over the age and
32 physically or mentally incapacitated from earning;

33 (3) If there is no widow or widower and no child, the total sum of ten thousand dollars
34 (\$10,000), payable in a lump sum for the benefit of the father and/or mother of the deceased, if

1 not dependent upon him or her for support at the time of his or her death;

2 (4) If there is any child and no widow or widower or the widow or widower dies later, the
3 sum and the annuity that should have been payable to the widow or widower had there been one
4 or had he or she lived, to or for the benefit of the child or of the children, in equal shares during
5 the previously stated time;

6 (5) If there is any child, and the widow or widower remarries, in lieu of the previously
7 stated annuity to him or her, an annuity not exceeding one thousand two hundred dollars (\$1,200)
8 to or for the benefit of each child during the time previously stated; and

9 (6) If there is no widow or widower and no child, the sum of three thousand six hundred
10 dollars (\$3,600) payable in regular installments by the board of fire fighter's relief, to or for the
11 benefit of the father or mother of the deceased, if dependent upon him or her for support at the
12 time of his or her death, and commencing with the date of death but not more than six (6) months
13 prior to the date of filing of the petition and continuing so long as the beneficiary is unable to
14 support himself or herself and does not remarry, an annuity not exceeding three thousand six
15 hundred dollars (\$3,600) a year, payable in the number of regular installments determined by the
16 board.

17 (b) The amount of the annuity shall, from time to time, be determined within the limits
18 previously stated by the board.

19 (c) The provisions of this section shall in the case of any active or retired member of the
20 fire force of any city or town or fire fighter for the town of North Smithfield who, from and after
21 January 1, 1935, is killed or dies from injuries received while in the performance of his or her
22 duty, or dies of a heart condition, respiratory ailments, or any condition derived from
23 hypertension. The provisions of this section shall only be construed to apply prospectively.

24 (d) The amount of the annuity shall not be reduced by reason of receipt of any annuity
25 and/or other payments to any beneficiary from any other source.

26 (e) Upon the death of a member, the fire chief shall immediately notify the widow or
27 widower of the member, in writing, by registered or certified mail, return receipt requested, of the
28 widow or widower's possible eligibility for benefits under this chapter and the time restriction for
29 filing a claim for the benefits.

30 **45-19-12.1. Tuition to children of deceased or disabled fire fighters.** – (a) If an active
31 member of the fire force of a city or town or crash rescue crew persons of the state of Rhode
32 Island is killed or dies or becomes totally and permanently disabled from injuries received while
33 in the performance of his or her duty as a member [prior to April 1, 2008](#), or dies of a performance
34 related heart condition, or dies of performance related respiratory ailments, or dies of any

1 conditions derived from performance related hypertension [prior to April 1, 2008](#), there shall be
2 paid, out of the general fund of the state of Rhode Island, the charges for the tuition of children of
3 the deceased or totally and permanently disabled fire fighters. The benefits shall be extended to
4 the children who are attending or may attend the university of Rhode Island, Rhode Island
5 college, or any other college or university operated by the state; provided, that the child has
6 entered the institution while between the ages of sixteen (16) and twenty-one (21); and provided,
7 further, that the aid granted in this section is available to the child for a period of time that equals
8 the normal time for completing the courses regularly offered by the institution, but in no case
9 more than four (4) years.

10 (b) For the purposes of this section, the words "members of fire force" mean and include
11 any member of a fire force or crash rescue crew persons of any city or town regularly employed
12 at a fixed salary or wage; this includes auxiliary and volunteer fire fighters and crash rescue crew
13 persons of any city, town, or state fire fighting department.

14 **45-19-12.2. Annuities to dependents of deceased auxiliary and volunteer fire fighters**
15 **and appropriations to nondependent parents of deceased auxiliary and volunteer fire**

16 **fighters.** – (a) If an active member of a volunteer or auxiliary fire force or volunteer crash rescue
17 or ambulance corps is killed or dies from injuries received while in the performance of his or her
18 duty [prior to April 1, 2008](#) there shall be paid out of the fire fighter's relief fund of Rhode Island
19 to the following dependents of the deceased person, the following sums of money:

20 (1) To the widow or widower beginning at the death, an annuity not exceeding three
21 thousand six hundred dollars (\$3,600) a year, payable in regular installments as may be
22 determined by the board and continuing as long as he or she remains unmarried;

23 (2) An additional annuity of one thousand two hundred dollars (\$1,200) a year, payable in
24 regular installments determined by the board, for each child of the deceased person during the
25 time that the child is under the age of eighteen (18) years, or over that age and physically or
26 mentally incapacitated from earning;

27 (3) If there is any child and no widow or widower or the widow or widower dies later, the
28 sum and annuity that should have been payable to the widow or widower had there been one or
29 had he or she lived, to or for the benefit of the child or of the children, in equal shares during the
30 previously stated time;

31 (4) If there is any child and the widow or widower remarries, in lieu of the previously
32 stated annuity to him or her, an annuity not exceeding one thousand two hundred dollars (\$1,200)
33 to or for the benefit of each child during the previously stated time;

34 (5) If there is no widow or widower and no child, the total sum of ten thousand dollars

1 (\$10,000) payable in a lump for the benefit of the father and/or mother of the deceased, if not
2 dependent upon him or her for support at the time of his or her death; and

3 (6) If there is no widow or widower and no child, the sum of three thousand six hundred
4 dollars (\$3,600) payable in regular installments by the board of fire fighter's relief, to or for the
5 benefit of the father or mother of the deceased, if dependent upon him or her for support at the
6 time of his or her death, and beginning at the death and continuing so long as the beneficiary is
7 unable to support himself or herself and does not remarry, an annuity not exceeding three
8 thousand six hundred dollars (\$3,600) a year, payable in regular installments determined by the
9 board.

10 (b) The provisions of this section shall be retroactive to July 1, 1988.

11 **45-19-12.3. Tuition to disabled fire fighters.** – (a) If an active member of the fire force
12 of a city or town or crash rescue crew persons of the state of Rhode Island becomes totally and
13 permanently disabled from injuries received while in the performance of his or her duty as a
14 member [prior to April 1, 2008](#), or if any member of the fire force of a city or town or crash rescue
15 crew persons of the state of Rhode Island becomes totally and permanently disabled from injuries
16 received while in the performance of his or her duty [prior to April 1, 2008](#), there shall be paid, out
17 of the general fund of the state of Rhode Island, the charges for the tuition of totally and
18 permanently disabled fire fighters. The benefits are extended to members who are attending or
19 may attend the university of Rhode Island, Rhode Island college, or any other college or
20 university operated by the state; provided, that the aid granted in this section is available for a
21 period of time that equals the normal time for completing the courses regularly offered by the
22 institution, but in no case more than four (4) years.

23 (b) For the purposes of this section, the words "members of fire force" mean and include
24 any member of a fire force or crash rescue crew persons of any city or town regularly employed
25 at a fixed salary or wage; this includes auxiliary and volunteer fire fighters and crash rescue crew
26 persons of any city, town or state fire fighting department.

27 SECTION 2. Section 45-19.1-3 of the General Laws in Chapter 45-19.1 entitled
28 "Cancer Benefits for Fire Fighters" is hereby amended to read as follows:

29 **45-19.1-3. Occupational cancer disability for fire fighters.** – (a) Any fire fighter [prior](#)
30 [to April 1, 2008](#), including one employed by the state, or a municipal fire fighter employed by a
31 municipality [prior to April 1, 2008](#) that participates in the optional retirement for police officers
32 and fire fighters, as provided in chapter 21.2 of this title, who is unable to perform his or her
33 duties in the fire department by reason of a disabling occupational cancer which develops or
34 manifests itself during a period while the fire fighter is in the service of the department, and any

1 retired member of the fire department of any city or town who develops occupational cancer, is
2 entitled to receive an occupational cancer disability, and he or she is entitled to all of the benefits
3 provided for in chapters 19, 21 and 21.2 of this title and chapter 10 of title 36 if the fire fighter is
4 employed by the state.

5 (b) The provisions of this section apply retroactively in the case of any retired member of
6 the fire department of any city or town.

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

8 **ARTICLE 25**

9 RELATING TO MOBILE TELEPHONE USE BY MOTOR VEHICLE OPERATORS

10 SECTION 1. Chapter 31-22 of the General Laws entitled "Miscellaneous Rules" is
11 hereby amended by adding thereto the following section:

12 **31-22-30. Mobile telephone usage by motor vehicle operators.** – (a) For purposes of
13 this section, the following terms shall have the following meanings:

14 (1) "Mobile telephone" means a cellular, analog, wireless or digital telephone capable of
15 sending or receiving telephone communications without an access line for service.

16 (2) "Using" or "use" means holding a hand-held mobile telephone to, or in the immediate
17 proximity of, the user's ear.

18 (3) "Hand-held mobile telephone" means a mobile telephone with which a user engages
19 in a call using at least one hand.

20 (4) "Hands-free accessory" means an attachment, add-on, built-in feature, or addition to a
21 mobile telephone, whether or not permanently installed in a motor vehicle, that, when used,
22 allows the vehicle operator to maintain both hands on the steering wheel.

23 (5) "Hands-free mobile telephone" means a hand-held mobile telephone that has an
24 internal feature or function, or that is equipped with an attachment or addition, whether or not
25 permanently part of such hand-held mobile telephone, by which a user engages in a call without
26 the use of either hand, whether or not the use of either hand is necessary to activate, deactivate or
27 initiate a function of such telephone.

28 (6) "Engage in a call" means talking into or listening on a hand-held mobile telephone,
29 but does not include holding a hand-held mobile telephone to activate, deactivate or initiate a
30 function of such telephone.

31 (7) "Immediate proximity" means the distance that permits the operator of a hand-held
32 mobile telephone to hear telecommunications transmitted over such hand-held mobile telephone,
33 but does not require physical contact with such operator's ear.

34 (8) "Text message" means sending words, sentences, paragraphs, symbols, or other text

1 through and/or to a device such as a hand-held mobile telephone, a personal digital assistant, or a
2 pager. The term also includes so-called "instant messaging."

3 (b)(1) Except as otherwise provided in this section, no person shall operate a motor
4 vehicle upon a highway, while using a hand-held mobile telephone to engage in a call and/or
5 send, read, or write a text message while such vehicle is in motion.

6 (2) An operator of a motor vehicle who holds a hand-held mobile telephone to, or in the
7 immediate proximity of, his or her ear while such vehicle is in motion is presumed to be engaging
8 in a call within the meaning of this section. The presumption established by this subdivision is
9 rebuttable by evidence tending to show that the operator was not engaged in a call.

10 (3) The provisions of this section shall not be construed as authorizing the seizure or
11 forfeiture of a hand-held mobile telephone, unless otherwise provided by law.

12 (4) Subdivision (1) of this subsection does not apply to: (i) the use of a hand-held mobile
13 telephone for the sole purpose of communicating with any of the following regarding an
14 emergency situation: an emergency response operator; a hospital, physician's office or health
15 clinic; an ambulance company; a fire department; or a police department; or (ii) any of the
16 following persons while in the performance of his or her official duties and within the scope of
17 his or her employment: a peace officer, as defined in section 12-7-21, a firefighter or an operator
18 of an ambulance or authorized emergency vehicle, or the operator of a taxi cab, tow truck or bus
19 without passengers; or (iii) the use of a hands-free mobile telephone.

20 (c) Any person who violates subsection (a) shall be fined not more than fifty dollars
21 (\$50).

22 SECTION 2. This article shall take effect as of April 1, 2008.

23 **ARTICLE 26**
24 **RELATING TO EFFECTIVE DATE**

25 This article provides that the act shall take effect upon passage, except as otherwise
26 provided herein.

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1 June 30, 2008. The article provides that employees must be a minimum of age 59 and have a
2 minimum of 20 years of service to qualify for retiree health insurance. The subsidy is modified
3 from a percentage based on years of service and applied to the active rate to an 80 percent subsidy
4 on the total cost of the individual retiree health plan. This article also establishes the State
5 Employees and Electing Teachers OPEB System and the OPEP Board.

6 ARTICLE 5

7 RELATING TO CERTIFIED SCHOOL TEACHERS AND
8 MUNICIPAL EMPLOYEES RIGHT TO BARGAIN

9 This article eliminates the authority of school districts and municipalities to negotiate
10 health insurance for their employees and would replace their current health insurance products
11 with a state procured health insurance product comparable with that provided to state employees.
12 The article also provides that the product would include cost sharing and buy back provisions
13 comparable to state employees. The article also creates a health care advisory committee to
14 recommend plan design details. The article would apply immediately to all expiring school
15 district contracts and for the period after July 1, 2008 for all other municipal employee contracts.

16 ARTICLE 6

17 RELATING TO RESTRICTED RECEIPT ACCOUNTS

18 This article establishes several new restricted receipt accounts for the Office of Energy
19 Resources (OER) and corrects an error from the FY 2008 Appropriations Act with regards to a new
20 restricted receipt account for the Department of Business Regulation. It also provides an exemption
21 from indirect cost recovery for the State OPEP restricted receipt account.

22 ARTICLE 7

23 RELATING TO CORRECTIONS REFORM

24 This article expands the amount of earned time for good behavior and for participation in
25 rehabilitation programs that can be earned by inmates who have served a term of at least one
26 month (and not those serving a life sentence or serving a sentence for sexual offenses). This
27 article also requires Parole Board determination of released standards according to a risk
28 assessment analysis.

29 ARTICLE 8

30 RELATING TO PUBLIC OFFICERS AND EMPLOYEES

31 This article permits retired state employees and officers to be re-hired or re-employed by
32 the state for a period not to exceed 75 working days. Such re-employment is currently only
33 allowed within municipalities that are members of the Municipal Retirement System or Teachers
34 Retirement System without the re-employed persons losing pension compensation.

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ARTICLE 9

RELATING TO THE FAMILY INDEPENDENCE ACT

This article terminates the Family Independence Program (FIP) cash assistance to minor children in FIP families once the applicant adult has achieved a sixty month time limit. Exceptions are made for children with caretaker relatives due to the absence of a parent.

ARTICLE 10

RELATING TO MEDICAL ASSISTANCE- ELIGIBILITY

This article eliminates RIte Care and RIte Track waiver managed care coverage for all children who are not citizens.

ARTICLE 11

RELATING TO MEDICAL ASSISTANCE- MANAGED CARE

This article eliminates RIte Care and RIte Share health insurance coverage for adults with incomes greater than 133 percent of the federal poverty limit.

ARTICLE 12

RELATING TO ATOMIC ENERGY COMMISSION

This article establishes an overhead fee, adjusted annually, of no more than forty percent for URI sponsored research for the URI radiation and safety program operated by the Atomic Energy Commission.

ARTICLE 13

RELATING TO THE RHODE ISLAND TRAINING SCHOOL

This article establishes a maximum daily capacity of 148 males at the Rhode Island Training School for Youth effective April 1, 2008.

ARTICLE 14

RELATING TO HEALTH CARE COVERAGE FOR CHILD CARE PROVIDERS

This article repeals state statutes establishing a health insurance subsidy for child care providers in both family day care and center-based settings.

ARTICLE 15

RELATING TO EDUCATION AID

This article eliminates the requirement that Hasbro Children's Hospital be reimbursed for educational expenditures approved by the Board of Regents, establishes a Central Falls Advisory Council, and excludes contributions for school capital projects from the calculation of the prior year's local contribution.

ARTICLE 16

RELATING TO INSURANCE - CONSUMER REPRESENTATION AT RATE HEARINGS

1 This article provides that the costs of experts for insurance rate hearings are directly
2 billed to the company that initiated the filing effective January 17, 2008. Currently the costs are
3 incurred by the state and reimbursed at a later date.

4 ARTICLE 17

5 RELATING TO PROCEEDINGS IN FAMILY COURT

6 This article corrects a formatting issue in Section 42-72-5 of the Rhode Island General
7 Laws, which ensures that language in the act relative to serious emotional disturbance children
8 and developmentally delayed children was properly inserted under the correct paragraphs and
9 revises Section 14-1-6, which pertains to children that are no longer under the jurisdiction of the
10 Family Court, to include those children pending before the court prior to July 1, 2007.

11 ARTICLE 18

12 RELATING TO STATE AID

13 This article reduces general revenue sharing by \$10,000,000 so that each municipality
14 would lose state support ratably proportioned to their originally appropriated entitlement. This
15 article also limits the reimbursement for the motor vehicle exemption to 98% of what would
16 otherwise be due to reflect a collection rate comparable to that achieved by municipalities.

17 ARTICLE 19

18 RELATING TO ADMINISTRATIVE PROCEDURES

19 This article expands the authority to replace newspaper publication with web posting as
20 the medium for communicating advance notice of rulemaking to all state agencies rather than
21 exclusively the Department of Health. The article legislation also rescinds any expiration date for
22 this statute.

23 ARTICLE 20

24 RELATING TO TAXATION

25 The article limits the use of historic structures tax credits as well as creates a sunset
26 provision ending use of these credits in tax year 2017.

27 ARTICLE 21

28 RELATING TO PUBLIC UTILITIES COMMISSION

29 This article rescinds the amendments contained in P. L. 2002, Chapter 144 (2002-
30 H7786B am) as it relates to sections 39-1-4 and 39-1-8 of the Rhode Island General Laws by
31 reinstating the number of commissioners at the Public Utilities Commission to a total of three
32 instead of five.

33 ARTICLE 22

34 RELATING TO REGISTRATION OF VEHICLES

