

**2008 -- H 7390**

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LC01320  
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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 APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR  
ENDING JUNE 30, 2009

Introduced By: Representatives Watson, Gorham, Story, Ehrhardt, and Mumford

Date Introduced: February 06, 2008

Referred To: House Finance

It is enacted by the General Assembly as follows:

- 1 ARTICLE 1 RELATING TO MAKING APPROPRIATIONS IN SUPPORT OF FY 2009
- 2 ARTICLE 2 RELATING TO BORROWING IN ANTICIPATION OF RECEIPTS FROM
- 3 TAXES
- 4 ARTICLE 3 RELATING TO BOND PREMIUMS
- 5 ARTICLE 4 RELATING TO DEBT MANAGEMENT ACT JOINT RESOLUTION
- 6 ARTICLE 5 RELATING TO CAPITAL DEVELOPMENT PROGRAM
- 7 ARTICLE 6 RELATING TO SECRETARY OF STATE LEGISLATIVE MANUAL
- 8 ARTICLE 7 RELATING TO PERMITS FOR SALE OF BOTTLED WATER
- 9 ARTICLE 8 RELATING TO TRANSPORTATION OF STUDENTS
- 10 ARTICLE 9 RELATING TO EDUCATION AID
- 11 ARTICLE 10 RELATING TO SUBSTANCE ABUSE PREVENTION ACT
- 12 ARTICLE 11 RELATING TO HEALTH PROFESSIONS - LICENSED CHEMICAL
- 13 DEPENDENCY PROFESSIONALS
- 14 ARTICLE 12 RELATING TO TREATMENT ALTERNATIVES TO STREET CRIME
- 15 PROGRAM
- 16 ARTICLE 13 RELATING TO MUNICIPAL INCENTIVE PAY PROGRAMS
- 17 ARTICLE 14 RELATING TO MUNICIPAL FINANCES
- 18 ARTICLE 15 RELATING TO STATE AID

- 1 ARTICLE 16 RELATING TO TEMPORARY ASSISTANCE PROGRAMS FOR NEEDY
- 2 FAMILIES
- 3 ARTICLE 17 RELATING TO RHODE ISLAND MEDICAID REFORM ACT
- 4 ARTICLE 18 RELATING TO HUMAN SERVICES – HOSPITAL RATE PAYMENT
- 5 ARTICLE 19 RELATING TO HOSPITAL UNCOMPENSATED CARE
- 6 ARTICLE 20 RELATING TO HUMAN SERVICES - CHILDREN’S HEALTH ACCOUNT
- 7 ARTICLE 21 RELATING TO GENERAL PUBLIC ASSISTANCE - HARDSHIP
- 8 ARTICLE 22 RELATING TO STATE POLICE RETIREMENT PROVISIONS
- 9 ARTICLE 23 RELATING TO RHODE ISLAND TELECOMMUNICATIONS
- 10 EDUCATION ACCESS FUND
- 11 ARTICLE 24 RELATING TO DCYF RESIDENTIAL PLACEMENTS
- 12 ARTICLE 25 RELATING TO DELINQUENT AND DEPENDENT CHILDREN
- 13 ARTICLE 26 RELATING TO SUPPLEMENTAL SECURITY INCOME
- 14 ARTICLE 27 RELATING TO CHILD CARE – STATE SUBSIDIES
- 15 ARTICLE 28 RELATING TO CHILD CARE SERVICES
- 16 ARTICLE 29 RELATING TO PUBLIC UTILITIES COMMISSION
- 17 ARTICLE 30 RELATING TO MUNICIPAL ELECTIONS
- 18 ARTICLE 31 RELATING TO LICENSING OF HOSPITAL FACILITIES
- 19 ARTICLE 32 RELATING TO PROPRIETARY SCHOOLS
- 20 ARTICLE 33 RELATING TO BUSINESS REGULATION
- 21 ARTICLE 34 RELATING TO CHILDHOOD IMMUNIZATION AND KIDSNET
- 22 ARTICLE 35 RELATING TO RETIREMENT OF JUSTICES AND JUDGES
- 23 ARTICLE 36 RELATING TO COLLECTIVE BARGAINING FISCAL IMPACT
- 24 STATEMENTS
- 25 ARTICLE 37 RELATING TO CRIME VICTIMS’ COMPENSATION FUND
- 26 ARTICLE 38 RELATING TO MUNICIPAL TIPPING FEES
- 27 ARTICLE 39 RELATING TO NEWBORN SCREENING PROGRAM
- 28 ARTICLE 40 RELATING TO NURSING FACILITIES COST OF LIVING ADJUSTMENT
- 29 ARTICLE 41 RELATING TO HEALTH REGULATORY PROGRAMS
- 30 ARTICLE 42 RELATING TO ELDERLY AFFAIRS PROGRAMS
- 31 ARTICLE 43 RELATING TO DEPARTMENT OF ELDERLY AFFAIRS AND ADVOCACY
- 32 ARTICLE 44 RELATING TO DEPARTMENT OF PUBLIC SAFETY
- 33 ARTICLE 45 RELATING TO DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
- 34 ARTICLE 46 RELATING TO EFFECTIVE DATE

1 **ARTICLE 1**

2 RELATING TO MAKING APPROPRIATIONS IN SUPPORT OF FY 2009

3 SECTION 1. Subject to the conditions, limitations and restrictions hereinafter contained  
4 in this act, the following general revenue amounts are hereby appropriated out of any money in  
5 the treasury not otherwise appropriated to be expended during the fiscal year ending June 30,  
6 2009. The amounts identified for federal funds and restricted receipts shall be made available  
7 pursuant to section 35-4-22 and Chapter 41 of Title 42 of the Rhode Island General Laws. For  
8 the 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.

12 **Administration**

13 Central Management

14 General Revenue Total 1,664,118

15 Federal Funds Total 191,205

16 Total - Central Management 1,855,323

17 Legal Services

18 General Revenue Total 2,578,329

19 Other Funds

20 Legal Support/DOT 249,305

21 Other Funds Total 249,305

22 Total – Legal Services 2,827,634

23 Accounts and Control

24 General Revenue Total 3,886,437

25 Total - Accounts and Control 3,886,437

26 **Budgeting**

27 General Revenue Total 2,126,819

28 Total - Budgeting 2,126,819

29 **Purchasing**

30 General Revenue Total 2,280,079

31 Total - Purchasing 2,280,079

32 **Auditing**

33 General Revenue Total 1,848,952

34 Total - Auditing 1,848,952

1	<i>Human Resources</i>	
2	General Revenue Total	10,178,561
3	Federal Funds Total	1,871,902
4	Restricted Receipts Total	320,923
5	Other Funds Total	550,917
6	Total - Human Resources	12,922,303
7	<i>Personnel Appeal Board</i>	
8	General Revenue Total	111,226
9	Total - Personnel Appeal Board	111,226
10	<i>Facilities Management</i>	
11	General Revenue Total	39,299,779
12	Federal Funds Total	8,242,199
13	Restricted Receipts Total	1,144,994
14	Other Funds Total	615,715
15	Total – Facilities Management	49,302,687
16	<i>Capital Projects and Property Management</i>	
17	General Revenue Total	3,887,058
18	Total – Capital Projects and Property Management	3,887,058
19	<i>Information Technology</i>	
20	General Revenue Total	20,195,145
21	Federal Funds Total	6,667,124
22	Restricted Receipts Total	2,060,780
23	Other Funds Total	2,408,197
24	Total – Information Technology	31,331,246
25	<i>Library and Information Services</i>	
26	General Revenue Total	927,319
27	Federal Funds Total	1,079,587
28	Restricted Receipts Total	5,000
29	Total – Library and Information Services	2,011,906
30	<i>Planning</i>	
31	General Revenue Total	3,731,488
32	Federal Funds total	12,343,976
33	Other Funds	
34	Federal Highway - PL Systems Planning	1,634,147

1	Air Quality Modeling	20,800
2	Other Funds Total	1,654,947
3	Total - Planning	17,730,411
4	General	
5	General Revenues	
6	Contingency Fund	1,000,000
7	Economic Development Corporation	6,963,807
8	EDC-RI Airport Corporation Impact Aid	1,000,754
9	EDC EPScore (Research Alliance)	1,500,000
10	Miscellaneous Grants	400,456
11	Slater Centers of Excellence	3,000,000
12	Torts – Court	400,000
13	Convention Center	4,100,000
14	State Employees/Teachers Retiree Health Subsidy	479,502
15	Motor Vehicle Excise Tax Payment	139,586,645
16	Property Valuation	1,272,000
17	General Revenue Sharing Program	55,015,865
18	Payment in Lieu of Tax Exempt Properties	27,766,967
19	Distressed Communities Relief Program	10,384,458
20	Resource Sharing and State Library Aid	8,773,398
21	Library Construction Aid	2,765,729
22	General Revenue Total	264,409,581
23	Restricted Receipts Total	1,378,997
24	Other Funds	
25	RICAP - Statehouse Renovations	2,000,000
26	RICAP - Lead Mitigation Group Homes	300,000
27	RICAP - Cranston Street Armory	1,300,000
28	RICAP - Cannon Building	515,000
29	RICAP - Pastore Center Rehab. DOA	1,000,000
30	RICAP - Zambarano Building Rehabilitation	600,000
31	RICAP - Pastore Center Master Plan	350,000
32	RICAP - Old State House	500,000
33	RICAP - State Office Building	500,000
34	RICAP - Old Colony House	300,000

1	RICAP - William Powers Building	750,000
2	RICAP - Fire Code Compliance State Buildings	500,000
3	RICAP - Pastore Center Fire Code Compliance	900,000
4	RICAP - Pastore Center Water Tanks	520,000
5	RICAP – Ladd Center Water System	500,000
6	RICAP - Pastore Center Power Plant	2,100,000
7	RICAP - Replacement of Fueling Tanks	600,000
8	RICAP - Environmental Compliance	550,000
9	RICAP – Pastore Utilities Upgrade	1,750,000
10	RICAP – Pastore Center Building Demolition	250,000
11	RICAP – Health Laboratory Feasibility Study	175,500
12	Other Funds Total	15,960,500
13	Total - General	281,749,078
14	<i>Debt Service Payments</i>	
15	General Revenue Total	140,022,205
16	Federal Funds Total	735,248
17	Restricted Receipts Total	4,383,227
18	Other Funds	
19	RIPTA Debt Service	765,484
20	Transportation Debt Service	41,454,976
21	RIRBA - DLT – Temporary Disability Insurance	45,586
22	COPS - DLT Building – TDI	213,880
23	COPS – DLT Building Reed Act	5,357
24	Other Funds Total	42,485,283
25	Total - Debt Service Payments	187,625,963
26	<i>Energy Resources</i>	
27	Federal Funds Total	18,079,657
28	Restricted Receipts	
29	Overcharge Interest Earnings	350,000
30	Energy Efficiency and Resources Mgmt. Council	598,957
31	Affordable Energy Fund	1,875,000
32	Regional Greenhouse Gas Initiative	10,000,000
33	Renewable Energy Fund Administration	182,538
34	Renewable Energy Development Fund Administration	266,483

1	Demand Side Management Grants	2,127,716
2	Restricted Receipts Total	15,400,694
3	Total – Energy Resources	33,480,351
4	<i>Personnel Reform</i>	
5	General Revenues	
6	Savings from Retirement Vacancies	(16,836,489)
7	Personnel Savings	(33,391,483)
8	General Revenue Total	(50,227,972)
9	Federal Funds	
10	Savings from Retirement Vacancies	(5,024,646)
11	Personnel Savings	(9,981,083)
12	Federal Funds Total	(15,005,729)
13	Restricted Receipts	
14	Savings from Retirement Vacancies	(1,039,274)
15	Personnel Savings	(2,066,513)
16	Restricted Receipts Total	(3,105,787)
17	Other Funds	
18	Savings from Retirement Vacancies	(7,641,748)
19	Personnel Savings	(15,162,522)
20	Other Funds Total	(22,804,270)
21	Total – Personnel Reform	(91,143,758)
22	<i>Operational Savings</i>	
23	General Revenue Total	(560,942)
24	Federal Funds Total	(253,130)
25	Restricted Receipts Total	(182,434)
26	Other Funds Total	(182,434)
27	Total – Operational Savings	(1,178,940)
28	Grand Total - General Revenue	446,358,182
29	Grand Total - Administration	542,654,775
30	<b>Business Regulation</b>	
31	<i>Central Management</i>	
32	General Revenue Total	1,133,343
33	Total - Central Management	1,133,343
34	<i>Banking and Securities Regulation</i>	

1	General Revenue Total	2,909,442
2	Restricted Receipts Total	150,000
3	Total - Banking and Securities Regulation	3,059,442
4	<i>Commercial Licensing, Racing and Athletics</i>	
5	General Revenue Total	963,559
6	Restricted Receipts Total	488,248
7	Total - Commercial Licensing, Racing and Athletics	1,451,807
8	<i>Insurance Regulation</i>	
9	General Revenue Total	4,711,900
10	Restricted Receipts Total	907,390
11	Total - Insurance Regulation	5,619,290
12	<i>Board of Accountancy</i>	
13	General Revenue Total	156,595
14	Total – Board of Accountancy	156,595
15	<i>Boards for Design Professionals</i>	
16	General Revenue Total	328,227
17	Total – Boards for Design Professionals	328,227
18	Grand Total - General Revenue	10,203,066
19	Grand Total - Business Regulation	11,748,704
20	<b>Labor and Training</b>	
21	<i>Central Management</i>	
22	General Revenue Total	184,235
23	Restricted Receipts Total	486,441
24	Total - Central Management	670,676
25	<i>Workforce Development Services</i>	
26	General Revenue Total	101,561
27	Federal Funds Total	19,208,891
28	Restricted Receipts Total	5,502,398
29	Other Funds	
30	Reed Act – Workforce Development	1,463,179
31	Other Funds Total	1,463,179

32 All of the \$1.5 million appropriated from Reed Act funds, may be for the  
33 administration of this state’s employment compensation law and public employment service  
34 offices.



1	Total - Workforce Development Services	26,276,029
2	<i>Workforce Regulation and Safety</i>	
3	General Revenue Total	2,377,263
4	Total - Workforce Regulation and Safety	2,377,263
5	<i>Income Support</i>	
6	General Revenue Total	3,175,354
7	Federal Funds Total	16,186,305
8	Restricted Receipts Total	1,504,008
9	Other Funds	
10	Temporary Disability Insurance Fund	177,552,838
11	Employment Security Fund	238,690,431
12	Other Funds Total	416,243,269
13	Total - Income Support	437,108,936
14	<i>Injured Workers Services</i>	
15	Restricted Receipts Total	11,575,922
16	Total - Injured Workers Services	11,575,922
17	<i>Labor Relations Board</i>	
18	General Revenue Total	461,579
19	Total - Labor Relations Board	461,579
20	Grand Total - General Revenue	6,299,992
21	Grand Total - Labor and Training	478,470,405
22	<b>Department of Revenue</b>	
23	<i>Director of Revenue Office</i>	
24	General Revenue Total	632,972
25	Total – Director of Revenue Office	632,972
26	<i>Office of Revenue Analysis</i>	
27	General Revenue Total	719,927
28	Total – Office of Revenue Analysis	719,927
29	<i>Lottery Division</i>	
30	Other Funds Total	207,489,225
31	Total – Lottery Division	207,489,225
32	<i>Property Valuation</i>	
33	General Revenue Total	852,759
34	Total – Property Valuation	852,759

1	<i>Taxation</i>	
2	General Revenue Total	17,347,998
3	Federal Funds Total	1,439,789
4	Restricted Receipts Total	910,563
5	Other Funds	
6	Motor Fuel Tax Evasion	130,877
7	Temporary Disability Insurance	849,899
8	Other Funds Total	980,776
9	Total - Taxation	20,679,126
10	<i>Registry of Motor Vehicles</i>	
11	General Revenue Total	17,820,376
12	Federal Funds Total	454,306
13	Restricted Receipts Total	15,100
14	Total – Registry of Motor Vehicles	18,289,782
15	Grand Total - General Revenue	37,374,032
16	Grand Total – Revenue	248,663,791
17	<i>Legislature</i>	
18	General Revenue Total	34,099,202
19	Restricted Receipts Total	1,516,351
20	Grand Total - Legislature	35,615,553
21	<b>Lieutenant Governor</b>	
22	General Revenue Total	884,920
23	Grand Total - Lieutenant Governor	884,920
24	<b>Secretary of State</b>	
25	<i>Administration</i>	
26	General Revenue Total	1,719,430
27	Total - Administration	1,719,430
28	<i>Corporations</i>	
29	General Revenue Total	1,840,798
30	Total - Corporations	1,840,798
31	<i>State Archives</i>	
32	Restricted Receipts Total	555,581
33	Total - State Archives	555,581
34	<i>Elections</i>	

1	General Revenue Total	1,446,069
2	Federal Funds Total	541,139
3	Total - Elections	1,987,208
4	<i>State Library</i>	
5	General Revenue Total	552,708
6	Total - State Library	552,708
7	<i>Office of Civics and Public Information</i>	
8	General Revenue Total	219,139
9	Total - Office of Civics and Public Information	219,139
10	Grand Total - General Revenue	5,778,144
11	Grand Total - State	6,874,864
12	<b>General Treasurer</b>	
13	<i>Treasury</i>	
14	General Revenue Total	2,477,685
15	Federal Funds Total	295,276
16	Other Funds	
17	Temporary Disability Insurance Fund	253,375
18	Other Funds Total	253,375
19	Total – Treasury	3,026,336
20	<i>State Retirement System</i>	
21	Restricted Receipts	
22	Administrative Expenses - State Retirement System	6,666,780
23	Retirement - Treasury Investment Operations	954,281
24	Restricted Receipts Total	7,621,061
25	Total - State Retirement System	7,621,061
26	<i>Unclaimed Property</i>	
27	Restricted Receipts Total	18,294,560
28	Total - Unclaimed Property	18,294,560
29	<i>RI Refunding Bond Authority</i>	
30	General Revenue Total	38,075
31	Total - RI Refunding Bond Authority	38,075
32	<i>Crime Victim Compensation Program</i>	
33	General Revenue Total	48,007
34	Federal Funds Total	874,805

1	Restricted Receipts Total	1,545,224
2	Total - Crime Victim Compensation Program	2,468,036
3	Grand Total - General Revenue	2,563,767
4	Grand Total - General Treasurer	31,448,068
5	<b>Board of Elections</b>	
6	General Revenue Total	1,512,874
7	Federal Funds Total	662,344
8	Grand Total - Board of Elections	2,175,218
9	<b>Rhode Island Ethics Commission</b>	
10	General Revenue Total	1,405,309
11	Grand Total - Rhode Island Ethics Commission	1,405,309
12	Office of Governor	
13	General Revenue Total	4,658,611
14	Grand Total - Office of Governor	4,658,611
15	<b>Commission for Human Rights</b>	
16	General Revenue Total	991,659
17	Federal Funds Total	391,309
18	Grand Total – Commission for Human Rights	1,382,968
19	<b>Public Utilities Commission</b>	
20	Federal Funds Total	100,547
21	Restricted Receipts Total	6,768,667
22	Grand Total - Public Utilities Commission	6,869,214
23	<b>Rhode Island Commission on Women</b>	
24	General Revenue Total	107,208
25	Grand Total - Rhode Island Commission on Women	107,208
26	<b>Office of Health and Human Services</b>	
27	General Revenue Total	5,754,966
28	Federal Funds Total	7,891,563
29	Restricted Receipts Total	2,097,648
30	Total – Health and Human Services	15,744,177
31	<b>Children, Youth, and Families</b>	
32	<i>Central Management</i>	
33	General Revenue Total	5,033,344
34	Federal Funds Total	1,757,779

1	Total - Central Management	6,791,123
2	<i>Children's Behavioral Health Services</i>	
3	General Revenue Total	16,067,176
4	Federal Funds Total	12,287,901
5	Other Funds	
6	RICAP – Spurwink/RI – Pine Swamp Road	95,000
7	RICAP – NAFI Center	550,000
8	Other Funds Total	645,000
9	Total - Children's Behavioral Health Services	29,000,077
10	<i>Juvenile Correctional Services</i>	
11	General Revenue Total	31,406,268
12	Federal Funds Total	522,437
13	Restricted Receipts Total	10,000
14	Total - Juvenile Correctional Services	31,938,705
15	<i>Child Welfare</i>	
16	General Revenues	
17	General Revenue	78,277,434
18	18 to 21 Year Olds	6,000,000
19	General Revenue Total	84,277,434
20	Federal Funds	
21	Federal Funds	50,174,339
22	18 to 21 Year Olds	4,890,545
23	Federal Funds Total	55,064,884
24	Restricted Receipts Total	1,747,941
25	Other Funds	
26	RICAP – Camp E-Hun-Tee	65,000
27	RICAP - Fire Code Upgrades	500,000
28	Other Funds Total	565,000
29	Total - Child Welfare	141,655,259
30	<i>Higher Education Incentive Grants</i>	
31	General Revenue Total	200,000
32	Total - Higher Education Incentive Grants	200,000
33	Grand Total - General Revenue	136,984,222
34	Grand Total - Children, Youth, and Families	209,585,164

1	<i>Elderly Affairs and Advocacy</i>	
2	<i>Elderly Affairs</i>	
3	General Revenues	
4	General Revenue	14,574,532
5	RIPAE	1,431,654
6	Safety and Care of the Elderly	600
7	General Revenue Total	16,006,786
8	Federal Funds Total	12,257,937
9	Restricted Receipts	620,000
10	Other Funds	
11	Intermodal Surface Transportation Fund	4,685,000
12	Other Funds Total	4,685,000
13	Total - Elderly Affairs	33,569,723
14	<i>Commission on the Deaf and Hard of Hearing</i>	
15	General Revenue Total	368,807
16	Total - Commission on the Deaf and Hard of Hearing	368,807
17	<i>RI Developmental Disabilities Council</i>	
18	Federal Funds Total	450,543
19	Total - RI Developmental Disabilities Council	450,543
20	<i>Governor's Commission on Disabilities</i>	
21	General Revenue Total	413,651
22	Federal Funds Total	189,769
23	Restricted Receipts Total	8,565
24	Other Funds	
25	RICAP – Facility Renovation – Handicapped Accessibility	300,000
26	Other Funds Total	300,000
27	Total - Governor's Commission on Disabilities	911,985
28	Grand Total - General Revenue	16,789,244
29	Grand Total – Elderly Affairs and Advocacy	35,301,058
30	<b>Health</b>	
31	<i>Central Management</i>	
32	General Revenue Total	1,082,917
33	Federal Funds Total	8,296,936
34	Restricted Receipts Total	3,732,220

1	Total - Central Management	13,112,073
2	<i>State Medical Examiner</i>	
3	General Revenue Total	2,360,089
4	Federal Funds Total	23,983
5	Total - State Medical Examiner	2,384,072
6	<i>Environmental and Health Services Regulation</i>	
7	General Revenue Total	9,509,529
8	Federal Funds Total	3,836,460
9	Restricted Receipts Total	3,301,038
10	Total - Environmental and Health Services Regulation	16,647,027
11	<i>Health Laboratories</i>	
12	General Revenue Total	7,212,233
13	Federal Funds Total	1,015,438
14	Total - Health Laboratories	8,227,671
15	<i>Public Health Information</i>	
16	General Revenue Total	1,882,500
17	Federal Funds Total	2,110,972
18	Total - Health Services Regulation	3,993,472
19	<i>Community and Family Health &amp; Equity</i>	
20	General Revenue Total	6,426,991
21	Federal Funds Total	50,446,024
22	Restricted Receipts Total	18,325,894
23	Other Funds	
24	Walkable Communities Initiative	29,410
25	Other Funds Total	29,410
26	Total – Community and Family Health & Equity	75,228,319
27	<i>Infectious Disease and Epidemiology</i>	
28	General Revenue Total	2,283,649
29	Federal Funds Total	2,358,890
30	Total – Infectious Disease and Epidemiology	4,642,539
31	Grand Total - General Revenue	30,757,908
32	Grand Total - Health	124,235,173
33	<b>Human Services</b>	
34	<i>Central Management</i>	

1	General Revenue Total	4,166,859
2	Federal Funds Total	4,540,655
3	Restricted Receipts Total	820,609
4	Total - Central Management	9,528,123
5	<i>Child Support Enforcement</i>	
6	General Revenue Total	2,741,244
7	Federal Funds Total	6,834,361
8	Total – Child Support Enforcement	9,575,605
9	<i>Individual and Family Support</i>	
10	General Revenue Total	23,024,743
11	Federal Funds Total	55,350,650
12	Restricted Receipts Total	134,150
13	Other Funds	
14	RICAP – Blind Vending Facilities	125,000
15	Other Funds Total	125,000
16	Total - Individual and Family Support	78,634,543
17	<i>Veterans' Affairs</i>	
18	General Revenue Total	17,692,025
19	Federal Funds Total	7,737,090
20	Restricted Receipts Total	1,763,038
21	Total - Veterans' Affairs	27,192,153
22	<i>Health Care Quality, Financing and Purchasing</i>	
23	General Revenue Total	20,993,847
24	Federal Funds Total	41,241,728
25	Restricted Receipts Total	60,000
26	Total - Health Care Quality, Financing & Purchasing	62,295,575
27	<i>Medical Benefits</i>	
28	General Revenue	
29	Managed Care	238,366,076
30	Hospitals	132,093,719
31	Other	60,613,163
32	Long Term Care	
33	Nursing Facilities	131,782,728
34	Home and Community Based Services	24,088,135



1	Pharmacy	63,038,130
2	General Revenue Total	649,981,951
3	Federal Funds	
4	Managed Care	265,333,331
5	Hospitals	140,273,032
6	Long Term Care	
7	Nursing Facilities	146,064,436
8	Home and Community Based Services	26,698,574
9	Other	68,290,351
10	Pharmacy	24,537,244
11	Special Education	20,733,240
12	Federal Funds Total	691,930,208
13	Restricted Receipts Total	6,590,042
14	Total - Medical Benefits	1,348,502,201
15	<i>Supplemental Security Income Program</i>	
16	General Revenue Total	26,312,233
17	Total - Supplemental Security Income Program	26,312,233
18	<i>Family Independence Program</i>	
19	General Revenues	
20	Child Care	6,689,399
21	TANF/Family Independence Program	12,477,690
22	General Revenue Total	19,167,089
23	Federal Funds Total	81,560,911
24	Total - Family Independence Program	100,728,000
25	<i>State Funded Programs</i>	
26	General Revenues	
27	General Public Assistance	3,864,850
28	General Revenue Total	3,864,850
29	Federal Funds Total	98,083,948
30	Total - State Funded Programs	101,948,798
31	Grand Total - General Revenue	767,944,841
32	Grand Total - Human Services	1,764,717,231
33	<b>Mental Health, Retardation, and Hospitals</b>	
34	<i>Central Management</i>	

1	General Revenue Total	2,048,521
2	Federal Funds Total	67,081
3	Total - Central Management	2,115,602
4	<i>Hospital and Community System Support</i>	
5	General Revenue Total	3,088,403
6	Federal Funds Total	849,939
7	Other Funds	
8	RICAP - Medical Center Rehabilitation	1,000,000
9	RICAP – Community Facilities Fire Code	1,250,000
10	RICAP – DD Private Waiver Community Facility/Fire Code	767,201
11	Other Funds Total	3,017,201
12	Total - Hospital and Community System Support	6,955,543
13	<i>Services for the Developmentally Disabled</i>	
14	General Revenue Total	106,826,111
15	Federal Funds Total	123,298,038
16	Other Funds	
17	RICAP - Regional Center Repair/Rehabilitation	500,000
18	RICAP – MR Community Facilities/Access to Independence	1,199,430
19	RICAP - Developmental Disability Group Homes	2,000,000
20	Other Funds Total	3,699,430
21	Total - Services for the Developmentally Disabled	233,823,579
22	<i>Integrated Mental Health Services</i>	
23	General Revenue Total	41,173,205
24	Federal Funds Total	37,852,642
25	Other Fund	
26	RICAP – MH Community Facilities Repairs	250,000
27	RICAP – MH Housing Development-Thresholds	1,100,000
28	Other Funds Total	1,350,000
29	Total - Integrated Mental Health Services	80,375,847
30	<i>Hospital and Community Rehabilitation Services</i>	
31	General Revenue Total	52,115,911
32	Federal Funds Total	50,160,622
33	Restricted Receipts	2,300,000
34	Other Funds	

1	RICAP - Zambarano Buildings and Utilities	760,000
2	RICAP – Hospital Consolidation	4,470,000
3	RICAP – Eleanor Slater HVAC/Elevators	555,000
4	Other Funds Total	5,785,000
5	Total - Hospital and Community Rehabilitation Services	110,361,533
6	<i>Substance Abuse</i>	
7	General Revenue Funds	14,357,287
8	Federal Funds Total	14,485,237
9	Restricted Receipts Total	90,000
10	Other Funds	
11	RICAP - Asset Protection	200,000
12	Other Funds Total	200,000
13	Total - Substance Abuse	29,132,524
14	Grand Total - General Revenue	219,609,438
15	Grand Total - Mental Health, Retardation, and Hospitals	462,764,628
16	<b>Office of the Child Advocate</b>	
17	General Revenue Total	519,657
18	Federal Funds	39,143
19	Grand Total – Office of the Child Advocate	558,800
20	<b>Mental Health Advocate</b>	
21	General Revenue Total	431,171
22	Grand Total - Mental Health Advocate	431,171
23	<b>Elementary and Secondary Education</b>	
24	<i>Administration of the Comprehensive Education Strategy</i>	
25	General Revenue Total	20,074,751
26	Federal Funds total	189,382,311
27	Restricted Receipts	
28	Restricted Receipts	1,492,162
29	HRIC Adult Education Grants	4,500,000
30	Restricted Receipts Total	5,992,162
31	Total – Administration of the Comprehensive	
32	Education Strategy	215,449,224
33	<i>Davies Career and Technical School</i>	
34	General Revenue Total	14,537,841

1	Federal Funds Total	1,356,073
2	Other Funds	
3	RICAP – Davies HVAC	400,000
4	RICAP - Davies Asset Protection	100,000
5	RICAP - Davies Roof Repair	740,000
6	Other Funds Total	1,240,000
7	Total - Davies Career and Technical School	17,133,914
8	<i>RI School for the Deaf</i>	
9	General Revenue Total	6,624,798
10	Federal Funds Total	270,027
11	Total - RI School for the Deaf	6,894,825
12	<i>Metropolitan Career and Technical School</i>	
13	General Revenue Total	12,302,546
14	Total - Metropolitan Career and Technical School	12,302,546
15	<i>Education Aid</i>	
16	General Revenue Total	680,033,012
17	Restricted Receipt Total	1,722,210
18	Total – Education Aid	681,755,222
19	<i>Central Falls School District</i>	
20	General Revenue Total	45,109,273
21	Total - Central Falls School District	45,109,273
22	<i>Housing Aid</i>	
23	General Revenue Total	56,996,248
24	Total – Housing Aid	56,996,248
25	<i>Teachers’ Retirement</i>	
26	General Revenue Total	94,785,822
27	Total – Teachers’ Retirement	94,785,822
28	Grand Total - General Revenue	930,464,291
29	Grand Total - Elementary and Secondary Education	1,130,427,074
30	<b>Public Higher Education</b>	
31	<i>Board of Governors/Office of Higher Education</i>	
32	General Revenue Total	6,865,787
33	Federal Fund Total	3,646,277
34	Total – Board of Governors/Office of Higher Education	10,512,064

1	<i>University of Rhode Island</i>	
2	General Revenues	
3	General Revenue	65,370,365
4	Debt Service	12,740,210
5	General Revenue Total	78,110,575
6	Other Funds	
7	University and College Funds	447,650,315
8	Debt - Dining Services	1,146,768
9	Debt - Educational and General	5,346,026
10	Debt - Health Services	130,074
11	Debt - Housing Loan Funds	7,582,070
12	Debt - Memorial Union	148,051
13	Debt - Ryan Center	2,799,947
14	Debt - Alton Jones Services	149,203
15	Debt - Parking Authority	881,295
16	Debt – Sponsored Research	99,370
17	RICAP - Asset Protection	4,315,185
18	RICAP – Lippitt Hall	1,600,000
19	RICAP – New Chemistry Building	300,000
20	RICAP – Nursing & Assoc. Health Building	300,000
21	Other Funds Total	472,448,304
22	Total – University of Rhode Island	550,558,879

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

26	<i>Rhode Island College</i>	
27	General Revenues	
28	General Revenue	42,416,817
29	Debt Service	2,985,082
30	RIRBA – Rhode Island College	293,886
31	General Revenues Total	45,695,785
32	Other Funds	
33	University and College Funds	89,146,859
34	Debt - Education and General	295,196

1	Debt - Housing	2,025,570
2	Debt - Student Center and Dining	172,639
3	Debt - Student Union	231,856
4	RICAP - Asset Protection	1,873,700
5	Other Funds Total	93,745,820
6	Total – Rhode Island College	139,441,605

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

10 *Community College of Rhode Island*

11	General Revenues	
12	General Revenue	47,679,712
13	Debt Service	1,504,159
14	General Revenue Total	49,183,871
15	Restricted Receipts	641,526
16	Other Funds	
17	University and College Funds	62,924,141
18	Debt – Bookstore	105,568
19	RICAP - Knight Campus Nursing Program	65,000
20	RICAP - Asset Protection	1,192,355
21	Fire Code and HVAC	1,700,000
22	Other Funds Total	65,987,064
23	Total – Community College of Rhode Island	115,812,461

24 *Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpected or*  
25 *unencumbered balances as of June 30, 2008 relating to the Community College of Rhode Island*  
26 *are hereby reappropriated to fiscal year 2009.*

27	Grand Total – General Revenue	179,856,018
28	Grand Total – Public Higher Education	816,325,009

29 **RI State Council on the Arts**

30	General Revenues	
31	Operating Support	753,552
32	Grants	1,341,295
33	General Revenue Total	2,094,847
34	Federal Funds Total	741,355

1	Other Funds	
2	Arts for Public Facilities	439,453
3	Other Funds Total	439,453
4	Grand Total - RI State Council on the Arts	3,275,655
5	<b>RI Atomic Energy Commission</b>	
6	General Revenue Total	824,470
7	Federal Funds Total	407,277
8	Other Funds	
9	URI Sponsored Research	251,153
10	RICAP – RINSC Asset Protection	50,000
11	Other Funds Total	301,153
12	Grand Total - RI Atomic Energy Commission	1,532,900
13	<b>RI Higher Education Assistance Authority</b>	
14	General Revenues	
15	Needs Based Grants and Work Opportunities	8,973,558
16	Authority Operations and Other Grants	940,351
17	General Revenue Total	9,913,909
18	Federal Fund Total	12,550,536
19	Other Funds	
20	Tuition Savings Program - Administration	6,776,220
21	Other Funds Total	6,776,220
22	Grand Total – RI Higher Education Assistance Authority	29,240,665
23	<b>RI Historical Preservation and Heritage Commission</b>	
24	General Revenue Total	1,348,825
25	Federal Funds Total	479,640
26	Restricted Receipts Total	494,649
27	Grand Total - RI Historical Pres. and Heritage Comm.	2,323,114
28	<b>RI Public Telecommunications Authority</b>	
29	General Revenue Total	1,365,306
30	Other Funds	
31	Corporation for Public Broadcasting	767,060
32	Other Funds Total	767,060
33	Grand Total – RI Public Telecommunications Authority	2,132,366
34	<b>Attorney General</b>	

1	<i>Criminal</i>	
2	General Revenue Total	13,441,955
3	Federal Funds Total	1,207,109
4	Restricted Receipts Total	343,296
5	Total - Criminal	14,992,360
6	<i>Civil</i>	
7	General Revenue Total	4,159,643
8	Restricted Receipts Total	637,570
9	Total - Civil	4,797,213
10	<i>Bureau of Criminal Identification</i>	
11	General Revenue Total	1,009,599
12	Federal Funds Total	56,500
13	Total – Bureau of Criminal Identification	1,066,099
14	<i>General</i>	
15	General Revenue Total	2,600,842
16	Other Funds	
17	RICAP – Building Renovations and Repairs	275,000
18	Other Funds Total	275,000
19	Total - General	2,875,842
20	Grand Total - General Revenue	21,212,039
21	Grand Total - Attorney General	23,731,514
22	<b>Corrections</b>	
23	<i>Central Management</i>	
24	General Revenue Total	9,307,572
25	Total - Central Management	9,307,572
26	<i>Parole Board</i>	
27	General Revenue Total	1,272,304
28	Federal Funds Total	43,000
29	Total - Parole Board	1,315,304
30	<i>Institutional Corrections</i>	
31	General Revenue Total	151,309,377
32	Federal Funds Total	2,068,317
33	Other Funds	
34	RICAP - General Renovations – Maximum	450,000



1	RICAP - New Women's Facility Study	100,000
2	RICAP - Work Release Roof (Bernadette Guay)	230,000
3	RICAP - Asset Protection	2,500,000
4	Other Funds Total	3,280,000
5	Total - Institutional Corrections	156,657,694
6	<i>Community Corrections</i>	
7	General Revenue Total	16,284,241
8	Federal Funds Total	529,418
9	Total - Community Corrections	16,813,669
10	Grand Total - General Revenue	178,173,504
11	Grand Total - Corrections	184,094,239
12	<b>Judiciary</b>	
13	<i>Supreme Court</i>	
14	General Revenues	
15	General Revenue	20,051,856
16	Defense of Indigents	3,065,689
17	Judicial Tenure and Discipline	115,432
18	General Revenue Total	28,232,977
19	Federal Funds Total	145,000
20	Restricted Receipts Total	1,184,111
21	Other Funds	
22	RICAP - Judicial HVAC	300,000
23	RICAP - Garrahy Lighting and Ceiling	900,000
24	RICAP - Judicial Complexes Asset Protection	500,000
25	Other Funds Total	1,700,000
26	Total - Supreme Court	31,262,088
27	<i>Superior Court</i>	
28	General Revenue Total	19,539,273
29	Federal Funds Total	100,000
30	Total - Superior Court	19,639,273
31	<i>Family Court</i>	
32	General Revenue Total	17,917,907
33	Federal Funds Total	1,694,312
34	Total - Family Court	19,612,219

1	<i>District Court</i>	
2	General Revenue Total	10,047,490
3	Total - District Court	10,047,490
4	<i>Traffic Tribunal</i>	
5	General Revenue Total	6,885,279
6	Total - Traffic Tribunal	6,885,279
7	<i>Workers' Compensation Court</i>	
8	Restricted Receipts Total	7,526,297
9	Total - Workers' Compensation Court	7,526,297
10	Grand Total - General Revenue	82,622,926
11	Grand Total - Judiciary	94,972,646
12	<b>Military Staff</b>	
13	<i>National Guard</i>	
14	General Revenue Total	1,681,849
15	Federal Funds Total	9,399,739
16	Restricted Funds Total	160,000
17	Other Funds	
18	RICAP – AMC Roof Replacement	1,100,000
19	RICAP – State Armories Fire Code Comp.	75,000
20	RICAP – Federal Armories Fire Code	12,500
21	RICAP – Asset Protection	220,500
22	RICAP – Logistics/Maintenance Fac. Fire Code	7,500
23	Other Funds Total	1,415,500
24	Total - National Guard	12,657,088
25	<i>Emergency Management</i>	
26	General Revenue Total	2,058,099
27	Federal Funds Total	14,599,335
28	Restricted Receipts Total	155,321
29	Total - Emergency Management	16,812,755
30	Grand Total - General Revenue	3,739,948
31	Grand Total - Military Staff	29,469,843
32	<b>Public Safety</b>	
33	<i>Central Management</i>	
34	General Revenue Total	514,329

1	Federal Funds Total	4,340,421
2	Restricted Receipts Total	133,000
3	Total – Central Management	4,987,750
4	<i>E-911 Emergency Telephone System</i>	
5	General Revenue Total	4,994,940
6	Other Funds	
7	RICAP – E-911 PSAP Building Renovations	55,000
8	Other Funds Total	55,000
9	Grand Total - E-911 Emergency Telephone System	5,049,940
10	<i>State Fire Marshal</i>	
11	General Revenue Total	2,614,889
12	Federal Funds Total	24,000
13	Grand Total - State Fire Marshal	2,638,889
14	<i>Security Services</i>	
15	General Revenue Total	19,232,382
16	Grand Total - Rhode Island Justice Commission	19,232,382
17	<i>Municipal Police Training Academy</i>	
18	General Revenue Total	431,195
19	Federal Funds Total	66,000
20	Grand Total - Municipal Police Training Academy	497,195
21	<i>State Police</i>	
22	General Revenue Total	54,168,302
23	Federal Funds Total	1,401,699
24	Restricted Receipts Total	301,000
25	Other Funds	
26	RICAP – Barracks and Training	750,000
27	RICAP – State Police New Headquarters	10,000,000
28	RICAP – Parking Area Improvements	50,000
29	RICAP – State Microwave Upgrade	7,070,000
30	Traffic Enforcement - Municipal Training	152,157
31	Lottery Commission Assistance	142,844
32	Airport Corporation	144,700
33	Road Construction Reimbursement	2,391,544
34	Other Funds Total	20,701,245

1	Grand Total - State Police	76,572,246
2	Grand Total – General Revenue	81,956,037
3	Grand Total – Public Safety	108,978,402
4	<b>Fire Safety Code Board of Appeal and Review</b>	
5	General Revenue Total	306,552
6	Grand Total - Fire Safety Code Board of Appeal and Review	306,552
7	<b>Office of Public Defender</b>	
8	General Revenue Total	9,468,259
9	Federal Funds Total	248,470
10	Grand Total - Office of Public Defender	9,716,729
11	<b>Environmental Management</b>	
12	<i>Office of the Director</i>	
13	General Revenue Total	5,539,371
14	Federal Funds Total	536,513
15	Restricted Receipts Total	2,681,835
16	Total – Office of the Director	8,757,719
17	<i>Natural Resources</i>	
18	General Revenue Total	18,853,058
19	Federal Funds Total	21,581,338
20	Restricted Receipts Total	3,542,167
21	Other Funds	
22	DOT Recreational Projects	71,126
23	Blackstone Bikepath Design	980,329
24	RICAP – Recreational Facilities Improvements	1,030,000
25	RICAP – Fort Adams Rehabilitation	250,000
26	RICAP - Galilee Piers Upgrade	1,000,000
27	RICAP - Newport Piers	250,000
28	Other Funds Total	3,581,455
29	Total - Natural Resources	47,558,018
30	<i>Environmental Protection</i>	
31	General Revenue Total	12,764,957
32	Federal Funds Total	11,317,587
33	Restricted Receipts Total	10,187,873
34	Other Funds	

1	RICAP – Big River Management Area	100,000
2	Other Funds Total	100,000
3	Total - Environmental Protection	34,370,417
4	<i>Coastal Resources Management Council</i>	
5	General Revenue Total	1,177,703
6	Federal Funds Total	1,410,316
7	Restricted Receipts Total	250,000
8	Other Funds	
9	RICAP – Providence River Dredging	1,655,509
10	Other Funds Total	1,655,509
11	Total – Coastal Resources Management Council	4,493,528
12	Grand Total - General Revenue	38,335,089
13	Grand Total - Environmental Management	95,179,682
14	<b>Transportation</b>	
15	<i>Central Management</i>	
16	Federal Funds Total	17,371,666
17	Other Funds	
18	Gasoline Tax	1,916,115
19	Other Funds Total	1,916,115
20	Total - Central Management	19,287,781
21	<i>Management and Budget</i>	
22	Other Funds	
23	Gasoline Tax	2,162,403
24	Other Funds Total	2,162,403
25	Total - Management and Budget	2,162,403
26	<i>Infrastructure – Engineering – Garvee/Motor Fuel Tax Bonds</i>	
27	Federal Funds Total	246,065,687
28	Restricted Receipts Total	1,447,246
29	Other Funds	
30	Gasoline Tax	47,964,931
31	State Infrastructure Bank	1,343,714
32	Land Sale Revenue	5,698,459
33	RICAP - RIPTA Land and Buildings	2,826,733
34	RICAP - RIPTA Paratransit Vehicles	190,400

1	RICAP - Pawtucket/Central Falls Train Station	20,000
2	Other Funds Total	58,044,237
3	Total - Infrastructure – Engineering – Garvee/Motor	
4	Fuel Tax Bonds	305,557,170
5	<i>Infrastructure Maintenance</i>	
6	Other Funds	
7	Gasoline Tax	39,335,813
8	Non-land Surplus Property	15,000
9	Outdoor Advertising	264,323
10	Utility Permit Applications	1,000,000
11	RICAP – Cherry Hill/Lincoln Facility	750,000
12	RICAP – East Providence Facility	862,000
13	RICAP – Salt Storage Facilities	1,400,000
14	RICAP – Maintenance Facilities Fire Alarms	150,000
15	Other Funds Total	43,777,136
16	Total - Infrastructure Maintenance	43,777,136
17	Grand Total - Transportation	370,784,490
18	<b>Statewide Totals</b>	
19	General Revenue Total	3,272,710,433
20	Federal Funds Total	1,989,690,442
21	Restricted Receipts Total	158,249,316
22	Other Funds Total	1,468,137,699
23	Statewide Grand Total	6,888,787,890

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

26 SECTION 3. Upon the transfer of any function of a department or agency to another  
27 department or agency, the Governor is hereby authorized by means of executive order to transfer  
28 or reallocate, in whole or in part, the appropriations and the full-time equivalent limits affected  
29 thereby.

30 SECTION 4. Notwithstanding any provisions of Chapter 19 in Title 23 of the Rhode  
31 Island General Laws, the Rhode Island Resource Recovery Corporation shall transfer to the State  
32 Controller the sum of four million dollars (\$4,000,000) on June 30, 2008.

33 SECTION 5. From the appropriation for contingency shall be paid such sums as may be  
34 required at the discretion of the Governor and the Director of Administration to fund expenditures

1 for which appropriations may not exist. Such contingency funds may also be used for  
 2 expenditures in the several departments and agencies where appropriations are insufficient, or  
 3 where such requirements are due to unforeseen conditions or are non-recurring items of an  
 4 unusual nature. Said appropriations may also be used for the payment of bills incurred due to  
 5 emergencies or to any offense against public peace and property, in accordance with the  
 6 provisions of Titles 11 and 45 of the General Laws of 1956, as amended. All expenditures and  
 7 transfers from this account shall be approved by the Director of Administration and the Governor.

8 SECTION 6. The general assembly authorizes the state controller to establish the  
 9 internal service accounts shown below, and no other, to finance and account for the operations of  
 10 state agencies that provide services to other agencies, institutions and other governmental units on  
 11 a cost reimbursed basis. The purpose of these accounts is to ensure that certain activities are  
 12 managed in a businesslike manner, promote efficient use of services by making agencies pay the  
 13 full costs associated with providing the services, and allocate the costs of central administrative  
 14 services across all fund types, so that federal and other non-general fund programs share in the  
 15 costs of general government support. The controller is authorized to reimburse these accounts  
 16 for the cost of work or services performed for any other department or agency subject to the  
 17 following expenditure limitations:

18	<b>Account</b>	<b>Expenditure Limit</b>
19	State Assessed Fringe Benefit Internal Service Fund	28,747,957
20	Administration Central Utilities Internal Service Fund	24,635,247
21	State Central Mail Internal Service Fund	5,605,880
22	State Telecommunications Internal Service Fund	2,847,323
23	State Automotive Fleet Internal Service Fund	14,610,172
24	State Fleet Replacement Revolving Loan Fund	2,500,000
25	Capital Police Internal Service Fund	586,142
26	Health Insurance Internal Service Fund	257,686,908
27	MHRH Central Pharmacy Internal Service Fund	9,241,973
28	MHRH Laundry Services Internal Service Fund	1,125,579
29	Corrections General Services & Warehouse Internal Service Fund	262,296
30	Correctional Industries Internal Service Fund	7,489,514
31	Secretary of State Record Center Internal Service Fund	802,825

32 SECTION 7. The General Assembly may provide a written "statement of legislative  
 33 intent" signed by the chairperson of the House Finance Committee and by the chairperson of the  
 34 Senate Finance Committee to show the intended purpose of the appropriations contained in

1 Section 1 of this Article. The statement of legislative intent shall be kept on file in the House  
2 Finance Committee and in the Senate Finance Committee.

3 At least twenty (20) days prior to the issuance of a grant or the release of funds, which  
4 grant or funds are listed on the legislative letter of intent, all department, agency and corporation  
5 directors, shall notify in writing the chairperson of the House Finance Committee and the  
6 chairperson of the Senate Finance Committee of the approximate date when the funds are to be  
7 released or granted.

8 SECTION 8. Appropriation of Temporary Disability Insurance Funds -- There is hereby  
9 appropriated pursuant to sections 28-39-5 and 28-39-8 of the Rhode Island General Laws all  
10 funds required to be disbursed for the benefit payments from the Temporary Disability Insurance  
11 Fund and Temporary Disability Insurance Reserve Fund for the fiscal year ending June 30, 2009.

12 SECTION 9. Appropriation of Employment Security Funds -- There is hereby  
13 appropriated pursuant to section 28-42-19 of the Rhode Island General Laws all funds required to  
14 be disbursed for benefit payments from the Employment Security Fund for the fiscal year ending  
15 June 30, 2009.

16 SECTION 10. Appropriation of University and College Funds -- There is hereby  
17 appropriated pursuant to section 16-59-9 of the Rhode Island General Laws relating to the  
18 appropriation of funds by the General Assembly for Higher Education, and section 16-59-18 of  
19 the General Laws relating to receipts from sources other than appropriations, any funds received  
20 by the Board of Governors for Higher Education for the fiscal year ending June 30, 2009 payable  
21 out of the University and College Funds.

22 SECTION 11. Appropriation of Lottery Division Funds -- There is hereby appropriated  
23 to the Lottery Division any funds required to be disbursed by the Lottery Division for the  
24 purposes of paying commissions or transfers to the prize fund for the fiscal year ending June 30,  
25 2009.

26 SECTION 12. Departments and agencies listed below may not exceed the number of full-  
27 time equivalent (FTE) positions shown below in any pay period. Full-time equivalent positions  
28 do not include seasonal or intermittent positions whose scheduled period of employment does not  
29 exceed twenty-six consecutive weeks or whose scheduled hours do not exceed nine hundred and  
30 twenty-five (925) hours, excluding overtime, in a one-year period. Nor do they include  
31 individuals engaged in training, the completion of which is a prerequisite of employment.  
32 Provided, however, that the Governor or designee, Speaker of the House of Representatives or  
33 designee, and the President of the Senate or designee may authorize an adjustment to any  
34 limitation. Prior to the authorization, the State Budget Officer shall make a detailed written



1 recommendation to the Governor, the Speaker of the House, and the President of the Senate. A  
 2 copy of the recommendation and authorization to adjust shall be transmitted to the chairman of  
 3 the House Finance Committee, Senate Finance Committee, the House Fiscal Advisor and the  
 4 Senate Fiscal Advisor.

5 FTE POSITION AUTHORIZATION

6	<u>Departments and Agencies</u>	<u>Full-Time Equivalent</u>
7	Administration	775.8
8	Statewide Retirement Vacancies	(300.0)
9	Business Regulation	98.0
10	Labor and Training	407.2
11	Revenue	460.0
12	Legislature	297.9
13	Office of the Lieutenant Governor	8.0
14	Office of the Secretary of State	55.0
15	Office of the General Treasurer	86.0
16	Board of Elections	14.0
17	Rhode Island Ethics Commission	12.0
18	Office of the Governor	39.0
19	Commission for Human Rights	14.5
20	Public Utilities Commission	44.0
21	Rhode Island Commission on Women	1.0
22	Health and Human Services	102.2
23	Children, Youth, and Families	733.5
24	Elderly Affairs and Advocacy	44.6
25	Health	409.5
26	Human Services	966.4
27	Mental Health, Retardation, and Hospitals	1,372.6
28	Office of the Child Advocate	5.8
29	Office of the Mental Health Advocate	3.7
30	Elementary and Secondary Education	140.2
31	School for the Deaf	62.8
32	Davies Career and Technical School	127.0
33	Office of Higher Education	21.1
34	Provided that 1.0 of the total authorization would be available only for a position that is	

1 supported by third-party funds.

2 University of Rhode Island 2,502.1

3 Provided that 602.0 of the total authorization would be available only for positions that  
4 are supported by third-party funds.

5 Rhode Island College 917.5

6 Provided that 82.0 of the total authorization would be available only for positions that are  
7 supported by third-party funds.

8 Community College of Rhode Island 833.2

9 Provided that 100.0 of the total authorization would be available only for positions that  
10 are supported by third-party funds.

11 Rhode Island State Council on the Arts 8.6

12 RI Atomic Energy Commission 8.6

13 Higher Education Assistance Authority 42.6

14 Historical Preservation and Heritage Commission 16.6

15 Public Telecommunications Authority 20.0

16 Office of the Attorney General 231.1

17 Corrections 1,464.0

18 Judiciary 729.3

19 Military Staff 103.0

20 Public Safety 591.5

21 Fire Safety Code Bd. of Appeal and Review 3.0

22 Office of the Public Defender 93.5

23 Environmental Management 501.0

24 Transportation 729.2

25 **Total 14,796.6**

26 SECTION 13. The amounts reflected in this Article include the appropriation of Rhode  
27 Island Capital Plan funds for fiscal year 2009 and supersede appropriations provided for FY 2009  
28 within Section 12 of Article 1 of Chapter 73 of the P.L. of 2007.

29 The following amounts are hereby appropriated out of any money in the State's Rhode  
30 Island Capital Plan Fund not otherwise appropriated to be expended during the fiscal years ending  
31 June 30, 2010, June 30, 2011, and June 30, 2012. These amounts supersede appropriations  
32 provided within Section 8 of Article 1 of Chapter 246 of the P.L. of 2006. For the purposes and  
33 functions hereinafter mentioned, the State Controller is hereby authorized and directed to draw  
34 his or her orders upon the General Treasurer for the payment of such sums and such portions

1 thereof as may be required by him or her upon receipt of properly authenticated vouchers.

	FiscalYearEnding	FiscalYearEnding	FiscalYear Ending
<u>Project</u>	<u>June 30, 2010</u>	<u>June 30, 2011</u>	<u>June 30, 2012</u>
4 DOA-Pastore Utilities Upgrade	2,500,000	1,500,000	1,500,000
5 DOA-State House Renovations	2,000,000	6,000,000	6,000,000
6 DCYF-Fire Code Upgrade s-Group Homes 500,000		1,000,000	1,000,000
7 Higher Ed-Asset Protection-CCRI	1,228,125	1,264,970	1,302,920
8 Higher Ed-Asset Protection-RIC	1,929,910	1,987,800	2,047,440
9 Higher Ed-Asset Protection-URI	4,444,640	4,577,980	4,715,320
10 DOC-Corrections Asset Protection	2,500,000	3,000,000	3,000,000
11 State Police-New HQ/Training Facility	14,000,000	0	0
12 Mil Staff-Asset Protection	231,525	243,101	255,256
13 Mil Staff-AMC Roof/HVAC	950,000	0	0
14 DEM-Dam Repairs	1,710,000	250,000	1,350,000
15 DEM-Recreation Facility Improvements	1,060,900	1,092,730	1,125,510

16 SECTION 14. Reappropriation of Funding for Rhode Island Capital Plan Fund Projects.

17 - Any unexpended and unencumbered funds from Rhode Island Capital Plan Fund project  
18 appropriations shall be reappropriated in the ensuing fiscal year and made available for the same  
19 purpose. Any unexpended funds of less than five hundred dollars (\$500) shall be reappropriated  
20 at the discretion of the State Budget Officer.

21 SECTION 15. This article shall take effect as of July 1, 2008.

22 **ARTICLE 2**

23 **RELATING TO BORROWING IN ANTICIPATION OF RECEIPTS FROM TAXES**

24 SECTION 1. (a) The State of Rhode Island is hereby authorized to borrow during its  
25 fiscal year ending June 30, 2009, in anticipation of receipts from taxes such sum or sums, at such  
26 time or times and upon such terms and conditions not inconsistent with the provisions and  
27 limitations of Section 17 of Article VI of the constitution of Rhode Island, as the general  
28 treasurer, with the advise of the Governor, shall deem for the best interests of the state, provided  
29 that the amounts so borrowed shall not exceed two hundred and seventy million dollars  
30 (\$270,000,000), at any time outstanding. The state is hereby further authorized to give its  
31 promissory note or notes signed by the general treasurer and counter-signed by the secretary of  
32 state for the payment of any sum so borrowed. Any such proceeds shall be invested by the  
33 general treasurer until such time as they are needed. The interest income earned from such  
34 investments shall be used to pay the interest on the promissory note or notes, or other forms of

1 obligations, and any expense of issuing the promissory note or notes, or other forms of  
2 obligations, with the balance remaining at the end of said fiscal year, if any, shall be used toward  
3 the payment of long-term debt service of the state, unless prohibited by federal law or regulation.

4 (b) Notwithstanding any other authority to the contrary, duly authorized bonds or notes of  
5 the state issued during the fiscal year ending June 30, 2009 may be issued in the form of  
6 commercial paper, so-called. In connection herewith, the state, acting through the general  
7 treasurer, may enter into agreements with banks, trust companies or other financial institutions  
8 within or outside the state, whether in the form of letters or lines of credit, liquidity facilities,  
9 insurance or other support arrangements. Any notes issued as commercial paper shall be in such  
10 amounts and bear such terms as the general treasurer, with the advice of the governor, shall  
11 determine, which may include provisions for prepayment at any time with or without premium at  
12 the option of the state. Such notes may be sold at a premium or discount, and may bear interest or  
13 not and, if interest bearing, may bear interest at such rate or rates variable from time to time as  
14 determined by the Federal Reserve Bank Composite Index of Commercial Paper, or the  
15 Municipal Market Data General Market Index or other similar commercial paper offerings, or  
16 other method specified in any agreement with brokers for the placement or marketing of any such  
17 notes issued as commercial paper, or other like agreements. Any such agreement may also  
18 include such other covenants and provisions for protecting the rights, security and remedies of the  
19 lenders as may, in the discretion of the general treasurer, be reasonable, legal and proper. The  
20 general treasurer may also enter into agreements with brokers for the placement or marketing of  
21 any such notes of the state issued as commercial paper. Any notes to the state issued as  
22 commercial paper in anticipation of receipts from taxes in any fiscal year must also be issued in  
23 accordance with the provisions of Section 17 of Article VI of the constitution of Rhode Island and  
24 within the limitations set forth in Subsection (a) of Section 1 of this Article.

25 (c) Notwithstanding any other authority to the contrary, other forms of obligations of the  
26 state not to exceed twenty million dollars (\$20,000,000) of the two hundred seventy million dollar  
27 (\$270,000,000) amount authorized in Section 1 may be issued during the fiscal year ending June  
28 30, 2009 in the form of a commercial or business credit account, at any time outstanding, with  
29 banks, trust companies or other financial institutions within or outside the state in order to finance  
30 a payables incentive program for the state with its vendors. Any such forms of obligations entered  
31 into pursuant to this subsection shall be in such amounts and bear such terms as the general  
32 treasurer, with the advice of the governor, shall determine, which may include provisions for  
33 prepayment at any time with or without premium at the option of the state. Any such forms of  
34 obligations entered into pursuant to this subsection may also include such other covenants and

1 provisions for protecting the rights, security and remedies of the lenders as may, in the discretion  
2 of the general treasurer, be reasonable, legal and proper. Any such forms of obligations entered  
3 into pursuant to this subsection must also be issued in accordance with the provisions of Section  
4 17 of Article VI of the Constitution of Rhode Island and within the limitations set forth in  
5 Subsection (a) of Section 1 of this Article.

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

### 7 ARTICLE 3

#### 8 RELATING TO BOND PREMIUMS

9 SECTION 1. Section 6, Article 3 of Chapter 289 of the 1986 Public Laws is hereby  
10 amended to read as follows:

11 Section 6. Proceeds of bonds and notes to be deposited in the Rhode Island clean water  
12 act environmental trust fund program. -- (a) As such funds are needed, the general treasurer is  
13 directed to deposit the proceeds from the sale of such environmental bonds, exclusive of  
14 premiums and accrued interest and net of the underwriter cost, and cost of bond insurance, in one  
15 of more of the depositories in which the funds of the state may be lawfully kept in such special  
16 accounts (hereinafter cumulatively referred to as “such Rhode Island Clean Water Act  
17 Environmental Trust Fund”) as established by section 46-12-24.2 and to be used for the purposes  
18 specified in section 46-12-24.2.

19 (b) All proceeds of bonds and notes not immediately required for deposit into such Rhode  
20 Island Clean Water Act Environmental Trust Fund may be invested by the investment  
21 commission, as established by chapter 35-10 of the general laws, pursuant to the provisions of  
22 such chapter; provided, however, that the securities in which such fund is invested shall remain a  
23 part of such fund until exchanged for other securities, and provided further that the income from  
24 such investments made pursuant to this subsection shall become part of the general fund of the  
25 state and shall be applied to the payment of debt service charges of the state, unless prohibited by  
26 applicable federal law.

27 SECTION 2. Section 6, Article 1 of Chapter 425 of the 1987 Public Laws is hereby  
28 amended to read as follows:

29 Section 6. Proceeds of open space and recreational area bonds. – (a) The general treasurer  
30 is directed to deposit the proceeds from the sale of open space and recreational area bonds,  
31 exclusive of premiums and accrued interest and net of the underwriters cost, and cost of bond  
32 insurance, in one or more of the depositories in which the funds of the state may lawfully be kept  
33 in appropriately designated special accounts (hereinafter cumulatively referred to as “such open  
34 space and recreational area bond funds”), to be used for the purposes and in the manner set forth

1 in this section.

2 (b) Up to forty-five million dollars (\$45,000,000.00) of such open space and recreational  
3 area bond funds are hereby allocated for grants to the cities and towns, to be administered by the  
4 director of environmental management to be used:

5 (1) to purchase fee simple title or development rights to open spaces, coastal flood-prone  
6 areas and public recreational areas, and

7 (2) for the improving and restoration of public recreational areas. Fifty percent (50%) of  
8 the aforementioned sums shall be allocated to the cities and towns in the form of grants in the  
9 furtherance of section 6(b)(1) and shall be equal to seventy five percent (75%) of the cost of any  
10 such purchase of fee simple or development rights. All funds allocated for grants under this  
11 subsection must be obligated for grants no later than three years from the date of voter approval  
12 for the referendum authorized in section 1 of this act. All funds authorized but not obligated on  
13 that date shall revert to the control of the director of environmental management for use in the  
14 furtherance of the purposes contained in section 6(b)(1). Forty percent (40%) of said funds shall  
15 be allocated to the cities and towns in the form of grants in the furtherance of section 6(b)(2) and  
16 shall be equal to fifty percent (50%) of the cost of any improvements and restoration. The  
17 remaining ten percent (10%) of said funds shall be used to carry out the provisions of section  
18 6(b)(1) or section 6(b)(2) so as to make it possible under certain circumstances, including the  
19 financial ability of a community, to fund any such program up to a one hundred percent (100%)  
20 grant. The director shall establish guidelines for the allocation of funds under 6(b).

21 (c) Up to fifteen million dollars (\$15,000,000.00) of such open space and recreational  
22 area bonds are hereby allocated to the department of environmental management to be used to  
23 purchase fee simple or development rights for the preservation of open spaces and rehabilitation  
24 of state owned recreation areas. Priority shall be given to preserving those lands that either  
25 service or are accessible to people living in the more densely populated areas of the state. Not  
26 more than five million dollars (\$5,000,000.00) of said funds shall be utilized for the rehabilitation  
27 of state owned recreation areas. Said funds shall be utilized to allow private land trusts to apply  
28 for and receive funds equal to seventy-five percent (75%) of the cost of any purchase.

29 (d) Up to five million two hundred dollars (\$5,200,000.00) of such open space and  
30 recreational area bonds are hereby allocated for the restoration or rehabilitation of the following  
31 parks which shall be carried out pursuant to any applicable master plan dealing with the  
32 restoration of historic landscape in order to maintain the landscape architectural integrity of these  
33 parks.

34 (1) Three million dollars (\$3,000,000.00) for the restoration of Roger Williams Park;

1 (2) Two hundred thousand dollars (\$200,000) for restoration of Jenks Park in Central  
2 Falls;

3 (3) Four hundred thousand dollars (\$400,000) for restoration of Slater Park in Pawtucket;

4 (4) Two hundred thousand dollars (\$200,000) for rehabilitation of Cold Spring Park in  
5 Woonsocket;

6 (5) Eight hundred thousand dollars (\$800,000) for rehabilitation of City Park in the City  
7 of Warwick; and

8 (6) Two hundred fifty thousand dollars (\$250,000) for the rehabilitation of Carousel Park  
9 in East Providence

10 (7) Two hundred fifty thousand dollars (\$250,000) for the rehabilitation of Freebody Park  
11 and Miantonomi Park in the city of Newport;

12 (8) One hundred thousand dollars (\$100,000) for the rehabilitation of Wilcox Park in  
13 Westerly.

14 (e) Neither the director nor any municipality shall use such open space and recreational  
15 area bond funds to purchase title or development rights to any property whose natural condition is  
16 such that it can not be developed.

17 (f) The director shall pay the expense of issue for the open space and recreational area  
18 bonds or notes hereunder from the proceeds thereof.

19 (g) The state controller is hereby authorized and directed to draw orders upon the general  
20 treasurer for payment out of such open space and recreational area bond funds of such sum or  
21 sums as may be required from time to time, upon the receipt of properly authenticated vouchers  
22 approved by the director.

23 SECTION 3. Section 7, Article 1 of Chapter 434 of the 1990 Public Laws is hereby  
24 amended to read as follows:

25 Section 7. Proceeds of capital development program. – The general treasurer is directed  
26 to deposit the proceeds from the sale of such capital development bonds, exclusive of premiums  
27 and accrued interest and net of the underwriters cost, and cost of bond insurance, in one or more  
28 of the depositories in which the funds of the state may be lawfully kept in such special accounts  
29 (hereinafter cumulatively referred to as “such capital development bond fund”) appropriately  
30 designated for each of such projects set forth in sections 1 and 2 hereof which shall have been  
31 approved by the people to be used for the purpose of paying the cost of all such projects so  
32 approved.

33 All moneys in such capital development fund shall be expended for the purposes  
34 specified in the proposition provided for in sections 1 and 2 hereof under the direction and

1 supervision of the director of administration (hereinafter referred to as "said director"); provided,  
2 however, with respect to the project regarding transportation, said director may delegate all of  
3 part of the authority hereunder granted to the director of transportation; said director or his  
4 delegate, as the case may be, shall be vested with all power and authority necessary or incidental  
5 to the purposes of this act, including where appropriate without limiting the generality of said  
6 authority, and only by way of illustration, the following authority: (a) to acquire land or other  
7 real property or any interest, estate or right therein as may be necessary or advantageous to  
8 accomplish the purposes of this act; (b) to pay for the preparation of any reports, plans and  
9 specifications, and relocation expenses and other costs such as for furnishings, equipment  
10 designing, inspecting and engineering, required in connection with the implementation of any  
11 project set forth in sections 1 and 2 hereof; (c) to pay the costs of construction, rehabilitation,  
12 enlargement, provision of service utilities, and razing of facilities, and other improvements to  
13 land in connection with the implementation of any project set for in sections 1 and 2 hereof; and  
14 (d) to pay for the cost of equipment, supplies, devices, materials and labor for repair, renovation  
15 or conversion of systems and structures as necessary to implement any project set forth in  
16 sections 1 and 2 hereof; (e) to pay the expense of issue for such 1990 and 1992 capital  
17 development program bonds or notes hereunder from the proceeds thereof.

18 No more of such moneys in such capital development bond fund shall be expended for  
19 any such project than the total amount appearing next to the description of such project in the  
20 proposition provided for in sections 1 and 2 hereof.

21 The state controller is authorized and directed to draw his orders upon the general  
22 treasurer for payment out of such capital development bond fund of such sum or sums as may be  
23 required from time to time, upon receipt by him of properly authenticated vouchers approved by  
24 said director or his delegate as the case may be.

25 The powers and authorities granted by this act to said director or his delegate, as the case  
26 may be, shall be in addition to, and not in substitution for, all other power provided by law.

27 SECTION 4. Section 7, Article 6 of Chapter 70 of the 1994 Public Laws is hereby  
28 amended to read as follows:

29 Section 7. Proceeds of capital development program. -- The general treasurer is directed  
30 to deposit the proceeds from the sale of such capital development bonds, exclusive of premiums  
31 and accrued interest and net of the underwriters cost, and cost of bond insurance, in one or more  
32 of the depositories in which the funds of the state may be lawfully kept in such special accounts  
33 (hereinafter cumulatively referred to as "such capital development bond fund") appropriately  
34 designated for each of such projects set forth in sections 1 and 2 hereof which shall have been



1 approved by the people to be used for the purpose of paying the cost of all such projects so  
2 approved.

3 All monies in such capital development fund shall be expended for the purposes specified  
4 in the propositions provided for in sections 1 and 2 hereof under the direction and supervision of  
5 the director of administration (hereinafter referred to as "said director") said director or his  
6 delegate, as the case may be, shall be vested with all power and authority necessary or incidental  
7 to the purposes of this act, including where appropriate without limiting the generality of said  
8 authority, and only by way of illustration, the following authority: (a) to acquire land or other real  
9 property or any interest, estate or right therein as may be necessary or advantageous to  
10 accomplish the purposes of this act; (b) to pay for the preparation of any reports, plans and  
11 specifications, and relocation expenses and other costs such as for furnishings, equipment  
12 designing, inspecting and engineering, required in connection with the implementation of any  
13 projects set forth in sections 1 and 2 hereof; (c) to pay the costs of construction, rehabilitation,  
14 enlargement, provision of service utilities, and razing of facilities, and other improvements to  
15 land in connection with the implementation of any projects set forth in sections 1 and 2 hereof;  
16 and (d) to pay for the cost of equipment, supplies, devices, materials and labor for repair,  
17 renovation or conversion of systems and structures as necessary to issue for such 1994 and 1996  
18 capital development program bonds or notes hereunder from the proceeds thereof.

19 No more of such monies in such capital development bond fund shall be expended for  
20 any such project than the total amount appearing next to the description of such project in the  
21 propositions provided for in sections 1 and 2 hereof.

22 The state controller is authorized and directed to draw his or her orders upon the general  
23 treasurer for payment out of such capital development bond fund of such sum or sums as may be  
24 required from time to time, upon receipt by him or her of properly authenticated vouchers  
25 approved by said director or his or her delegate as the case may be.

26 The powers and authorities granted by this act to said director or his or her delegate, as  
27 the case may be, shall be in addition to, and not in substitution for, all other power provided by  
28 law.

29 SECTION 5. Section 6, Article 5 of Chapter 31 of the 1998 Public Laws is hereby  
30 amended to read as follows:

31 Section 6. Proceeds of capital development program. -- The general treasurer is directed  
32 to deposit the proceeds from the sale of such capital development bonds, exclusive of premiums  
33 and accrued interest and net of the underwriters cost, and cost of bond insurance, in one or more  
34 of the depositories in which the funds of the state may be lawfully kept in such special accounts

1 (hereinafter cumulatively referred to as "such capital development bond fund") appropriately  
2 designated for each of such projects set forth in section 1 hereof which shall have been approved  
3 by the people to be used for the purpose of paying the cost of all such projects so approved.

4 All monies in such capital development fund shall be expended for the purposes specified  
5 in the propositions provided for in section 1 hereof under the direction and supervision of the  
6 director of administration (hereinafter referred to as "said director") said director or his delegate,  
7 as the case may be, shall be vested with all power and authority necessary or incidental to the  
8 purposes of this act, including where appropriate without limiting the generality of said authority,  
9 and only by way of illustration, the following authority: (a) to acquire land or other real property  
10 or any interest, estate or right therein as may be necessary or advantageous to accomplish the  
11 purposes of this act; (b) to pay for the preparation of any reports, plans and specifications, and  
12 relocation expenses and other costs such as for furnishings, equipment designing, inspecting and  
13 engineering, required in connection with the implementation of any projects set forth in section 1  
14 hereof; (c) to pay the costs of construction, rehabilitation, enlargement, provision of service  
15 utilities, and razing of facilities, and other improvements to land in connection with the  
16 implementation of any projects set forth in section 1 hereof; and (d) to pay for the cost of  
17 equipment, supplies, devices, materials and labor for repair, renovation or conversion of systems  
18 and structures as necessary for such 1998 capital development program bonds or notes hereunder  
19 from the proceeds thereof.

20 No more of such monies in such capital development bond fund shall be expended for  
21 any such project than the total amount appearing next to the description of such project in the  
22 propositions provided for in section 1 hereof.

23 The state controller is authorized and directed to draw his or her orders upon the general  
24 treasurer for payment out of such capital development bond fund of such sum or sums as may be  
25 required from time to time, upon receipt by him or her of properly authenticated vouchers  
26 approved by said director or his or her delegate as the case may be.

27 The powers and authorities granted by this act to said director or his or her delegate, as  
28 the case may be, shall be in addition to, and not in substitution for, all other power provided by  
29 law.

30 SECTION 6. Section 6, Article 5 of Chapter 55 of the 2000 Public Laws is hereby  
31 amended to read as follows:

32 [Section 6. Proceeds of capital development program.](#) -- The general treasurer is directed  
33 to deposit the proceeds from the sale of capital development bonds issued under this act,  
34 exclusive of [premiums and](#) accrued interest and net of the underwriters cost, and cost of bond

1 insurance, in one or more of the depositories in which the funds of the state may be lawfully kept  
2 in special accounts (hereinafter cumulatively referred to as "such capital development bond  
3 fund") appropriately designated for each of the projects set forth in section 1 hereof which shall  
4 have been approved by the people to be used for the purpose of paying the cost of all such  
5 projects so approved.

6 All monies in the capital development fund shall be expended for the purposes specified  
7 in the proposition provided for in section 1 hereof under the direction and supervision of the  
8 director of administration (hereinafter referred to as "director"). The director or his delegate shall  
9 be vested with all power and authority necessary or incidental to the purposes of this act,  
10 including, but not limited to, the following authority: (a) to acquire land or other real property or  
11 any interest, estate or right therein as may be necessary or advantageous to accomplish the  
12 purposes of this act; (b) to direct payment for the preparation of any reports, plans and  
13 specifications, and relocation expenses and other costs such as for furnishings, equipment  
14 designing, inspecting and engineering, required in connection with the implementation of any  
15 projects set forth in section 1 hereof; (c) to direct payment for the costs of construction,  
16 rehabilitation, enlargement, provision of service utilities, and razing of facilities, and other  
17 improvements to land in connection with the implementation of any projects set forth in section 1  
18 hereof; and (d) to direct payment for the cost of equipment, supplies, devices, materials and labor  
19 for repair, renovation or conversion of systems and structures as necessary for 2000 capital  
20 development program bonds or notes hereunder from the proceeds thereof. No funds shall be  
21 expended in excess of the amount of the capital development bond fund designated for each  
22 project authorized in section 1 hereof. With respect to the bonds described in section 1, the  
23 proceeds shall be utilized for the following purposes:

24 Question 1 relating to bonds for environmental and recreational purposes shall be allotted  
25 as follows:

26 (a) Open Space \$23,500,000

27 Provide funds for the Department of Environmental Management to purchase or  
28 otherwise permanently protect, through the purchase of fee title, development rights, conservation  
29 easements and public recreation easements, greenways and other open space, agricultural lands,  
30 forested lands, state parks, consistent with the "Greenways, Greenspace" element of the State  
31 Guide Plan and the Department of Environmental Management Land Protection Plan, and for the  
32 purchase of development rights by the Agricultural Land Preservation Commission to preserve  
33 farmland throughout the state, and \$1,300,000 for acquisition of land through the purchase of fee  
34 title, development rights, and conservation easements by the State of Rhode Island Water

1 Resources Board for the protection of public drinking water supplies. The director of the  
2 Department of Environmental Management shall award up to \$11,400,000 to communities and  
3 local land trusts, conservation commissions and other environmental non-profit organizations to  
4 provide matching funds for purposes which include, but are not limited to acquisitions,  
5 easements, and development rights on land consistent with the State Guide Plan and Local  
6 Comprehensive Plans.

7 (b) Recreational Development \$9,000,000

8 Provide funds for the design, development, expansion and renovation of new or existing  
9 public recreational facilities and parks. Up to \$3,000,000 of these funds shall be available for the  
10 development and/or renovation of state public recreational facilities. An amount not to exceed  
11 \$6,000,000 shall be available to municipalities to provide grants on a matching basis, which funds  
12 shall be allocated as follows:

13 (i) Distressed Community Grants \$1,000,000

14 (ii) Recreation Development Grants \$5,000,000

15 (iii) Roger Williams Park Restoration \$1,500,000

16 Provide funds for improvements and renovations at Roger Williams Park.

17 Question 2 relating to bonds totaling \$60,000,000 for projects to improve the state's water  
18 quality shall be deposited by the Rhode Island Clean Water Finance Agency in one or more of its  
19 revolving loan funds which, when leveraged with federal and state capitalization grants, will  
20 provide funding to municipalities, governmental entities and non-governmental entities for water  
21 pollution abatement projects and drinking water projects. Not less than \$70,000,000 in leveraged  
22 funds will be allocated for loans at a subsidized rate of zero percent to the Narragansett Bay  
23 Commission to fund costs associated with combined sewage overflow projects. Not more than  
24 \$3,000,000 of the bond proceeds shall be allocated to the Rhode Island Clean Water Finance  
25 Agency to provide state matching funds to obtain federal capitalization grants available to the  
26 state, enabling the Rhode Island Clean Water Finance Agency to provide subsidized interest rate  
27 loans to community water systems, both privately and publicly owned, and non-profit non-  
28 community water systems for drinking water projects. The Rhode Island Clean Water Finance  
29 Agency will use the remainder of the bond proceeds to provide loans at a subsidized rate of zero  
30 percent to fund water pollution abatement projects pursuant to chapter 46-12.2 of the Rhode  
31 Island General Laws, including but not limited to, wastewater treatment facilities; sludge  
32 improvement projects; the construction of sewers to relieve areas that should no longer be served  
33 by septic systems; planning/feasibility studies to support water quality restoration projects  
34 including stormwater treatment, nutrient reduction, and other similar water pollution abatement

1 projects; restoration of aquatic habitats; and implementation of stormwater treatment and other  
2 nonpoint source water pollution abatement projects.

3 Question 3 relating to bonds in the amount of \$62,510,000 for transportation purposes  
4 shall be allocated as follows: \$60,000,000 to match federal highways funds to fund improvements  
5 to the state's highways, roads and bridges, and \$2,510,000 to purchase buses for the Rhode Island  
6 Public Transit Authority's fleet.

7 Question 4 relating to bonds in the amount of \$36,950,000 to fund improvements to the  
8 University of Rhode Island, Rhode Island College and the Community College of Rhode Island  
9 shall be allocated as follows:

10 University of Rhode Island Residence Halls	\$22,000,000
11 Rhode Island College Residence Halls	\$4,015,000
12 Community College of Rhode Island Newport Campus	\$10,935,000

13 Question 5 relating to bonds totaling \$25,000,000 for the creation, design, construction,  
14 furnishing, and equipping of the Heritage Harbor Museum. The new Heritage Harbor Museum is  
15 being built at the site of the former South Street Power Plant. The general obligation bond  
16 proceeds shall be used to supplement funding available to the project from other sources,  
17 including, but not limited to federal grants, contributions from individuals and other corporations  
18 and foundations, state appropriations, and grants from the City of Providence.

19 SECTION 7. Section 6, Article 6 of Chapter 65 of the 2002 Public Laws is hereby  
20 amended to read as follows:

21 Section 6. Proceeds of capital development program. -- The general treasurer is directed  
22 to deposit the proceeds from the sale of capital development bonds issued under this act,  
23 exclusive of premiums and accrued interest and net of the underwriters cost, and cost of bond  
24 insurance, in one or more of the depositories in which the funds of the state may be lawfully kept  
25 in special accounts (hereinafter cumulatively referred to as "such capital development bond  
26 fund") appropriately designated for each of the projects set forth in section 1 hereof which shall  
27 have been approved by the people to be used for the purpose of paying the cost of all such  
28 projects so approved.

29 All monies in the capital development fund shall be expended for the purposes specified  
30 in the proposition provided for in section 1 hereof under the direction and supervision of the  
31 director of administration (hereinafter referred to as "director"). The director or his delegate shall  
32 be vested with all power and authority necessary or incidental to the purposes of this act,  
33 including but not limited to, the following authority: (a) to acquire land or other real property or  
34 any interest, estate or right therein as may be necessary or advantageous to accomplish the

1 purposes of this act; (b) to direct payment for the preparation of any reports, plans and  
2 specifications, and relocation expenses and other costs such as for furnishings, equipment  
3 designing, inspecting and engineering, required in connection with the implementation of any  
4 projects set forth in section 1 hereof; (c) to direct payment for the costs of construction,  
5 rehabilitation, enlargement, provision of service utilities, and razing of facilities, and other  
6 improvements to land in connection with the implementation of any projects set forth in section 1  
7 hereof; and (d) to direct payment for the cost of equipment, supplies, devices, materials and labor  
8 for repair, renovation or conversion of systems and structures as necessary for 2002 capital  
9 development program bonds or notes hereunder from the proceeds thereof. No funds shall be  
10 expended in excess of the amount of the capital development bond fund designated for each  
11 project authorized in section 1 hereof. With respect to the bonds and temporary notes described in  
12 section 1, the proceeds shall be utilized for the following purposes:

13           Question 1 relating to bonds and notes totaling \$55.0 million for the support of the  
14 creation, design, construction, furnishing, and equipping of the new State Police Headquarters  
15 Facility and the new State Municipal Fire Academy. Additionally, funds may be used to upgrade  
16 the state's automated Fingerprint Identification System. The new State Police Headquarters  
17 Facility will be centrally located in Rhode Island to better serve the needs of the citizens of the  
18 state. The facility will serve the centralized dispatch functions for the Division and provide a  
19 more unified service delivery for the command staff, business office, communications center,  
20 traffic personnel, detectives, support staff and technology center.

21           The new facility moves headquarters from its current location in North Scituate to a  
22 centralized location in the state based on the number of assistance calls to which the Rhode Island  
23 State Police respond. With this move, the Division will centralize records, secure evidence,  
24 expand technology and provide a public service center. The new State Municipal Fire Academy  
25 will serve the citizens of the state in a modern facility dedicated to fire protection and prevention.

26           Question 2 relating to bonds and notes totaling \$14,000,000 for preservation, recreation,  
27 and heritage shall be allocated as follows:

- |    |  |             |
|----|--|-------------|
| 28 | (a) Pawtuxet River Walkway   | \$3,000,000 |
| 29 | Provide funds for development and restoration of the Pawtuxet River Walkway located      |             |
| 30 | within the Town of West Warwick.   |             |
| 31 | (b) Roger Williams Park  | \$3,000,000 |
| 32 | Provide funds for capital development and restoration at Roger Williams Park, located in |             |
| 33 | the City of Providence.  |             |
| 34 | (c) State Support of Museums and Cultural Art Centers located in                         |             |

1 historic structures \$3,000,000

2 Provide state support of the Historical Preservation and Heritage Commission to fund  
3 capital preservation for renovation projects for museums and cultural art centers located in  
4 historic structures in the State of Rhode Island.

5 (d) Heritage Harbor Museum \$5,000,000

6 Provide funds for the creation, design, construction, furnishing, and equipping of the  
7 Heritage Harbor Museum, a statewide history museum and cultural center for Rhode Island. The  
8 new Heritage Harbor Museum is being built at the site of the former South Street Power Plant.  
9 The general obligation bond proceeds shall be used to supplement funding available to the project  
10 from other sources, including, but not limited to, federal grants, contributions of individuals,  
11 corporations and foundations, state appropriations, and grants from the City of Providence. The  
12 Heritage Harbor Museum will feature artifacts from the Smithsonian Institution borrowed  
13 through the Museum's participation in the Smithsonian Affiliations Program. The Heritage  
14 Harbor Museum is currently the only Smithsonian affiliate museum in New England.

15 Question 3 relating to bonds in the amount of \$63,500,000 for transportation purposes  
16 shall be allocated as follows:

17 (a) Highway Improvement Program \$60,000,000

18 Provide funds for the Department of Transportation to match federal funds or to provide  
19 direct funding for improvements to the state's highways, roads and bridges.

20 (b) Facilities/Equipment Replacement \$1,800,000

21 Provide funds for the Department of Transportation to repair or renovate existing  
22 maintenance facilities or to construct new maintenance facilities.

23 (c) Bus Replacement \$1,700,000

24 Provide funds for the Rhode Island Public Transit Authority to purchase new buses or for  
25 the rehabilitation of existing buses in the bus fleet.

26 Question 4 relating to bonds in the amount of \$11,000,000 for Quonset Point/Davisville  
27 for improvements to road and utility infrastructure at the site, for the demolition of buildings, site  
28 preparation and pier rehabilitation.

29 SECTION 8. Section 6, Article 5 of Chapter 595 of the 2004 Public Laws is hereby  
30 amended as follows:

31 [Section 6. Proceeds of capital development program.](#) -- The general treasurer is directed  
32 to deposit the proceeds from the sale of capital development bonds issued under this act,  
33 exclusive of [premiums and](#) accrued interest and net of the underwriters cost, and cost of bond  
34 insurance, in one or more of the depositories in which the funds of the state may be lawfully kept

1 in special accounts (hereinafter cumulatively referred to as "such capital development bond  
2 fund") appropriately designated for each of the projects set forth in section 1 hereof which shall  
3 have been approved by the people to be used for the purpose of paying the cost of all such  
4 projects so approved.

5 All monies in the capital development bond fund shall be expended for the purposes  
6 specified in the proposition provided for in section 1 hereof under the direction and supervision of  
7 the director of administration (hereinafter referred to as "director"). The director or his or her  
8 designee shall be vested with all power and authority necessary or incidental to the purposes of  
9 this act, including but not limited to, the following authority: (a) to acquire land or other real  
10 property or any interest, estate or right therein as may be necessary or advantageous to  
11 accomplish the purposes of this act; (b) to direct payment for the preparation of any reports, plans  
12 and specifications, and relocation expenses and other costs such as for furnishings, equipment  
13 designing, inspecting and engineering, required in connection with the implementation of any  
14 projects set forth in section 1 hereof; (c) to direct payment for the costs of construction,  
15 rehabilitation, enlargement, provision of service utilities, and razing of facilities, and other  
16 improvements to land in connection with the implementation of any projects set forth in section 1  
17 hereof; and (d) to direct payment for the cost of equipment, supplies, devices, materials and labor  
18 for repair, renovation or conversion of systems and structures as necessary for 2004 capital  
19 development program bonds or notes hereunder from the proceeds thereof. No funds shall be  
20 expended in excess of the amount of the capital development bond fund designated for each  
21 project authorized in section 1 hereof. With respect to the bonds and temporary notes described in  
22 section 1, the proceeds shall be utilized for the following purposes:

23 Question 1 relating to bonds in the amount of \$66,520,000 for transportation purposes  
24 shall be allocated as follows:

- 25 (a) Highway improvement program \$60,000,000  
26 Provide funds for the Department of Transportation to match federal funds or to provide  
27 direct funding for improvements to the state's highway, roads and bridges.
- 28 (b) Facilities equipment replacement \$5,020,000
- 29 (c) Bus replacement \$1,500,000  
30 Provide funds for the Rhode Island Public Transit Authority to purchase new buses or for  
31 rehabilitation of existing buses in the bus fleet.

32 Question 2 relating to bonds and notes totaling \$15,000,000 shall be allocated to the  
33 construction, renovation, and rehabilitation of the state's regional career and technical schools.

34 Question 3 relating to bonds in the amount of \$50,000,000 shall be allocated to provide



1 \$20,000,000 to construct, renovate and rehabilitate residence halls at the University of Rhode  
2 Island and \$30,000,000 to construct a new residence hall at Rhode Island College.

3 Subject to any pledge of housing revenues derived by the Board of Governors for Higher  
4 Education from residence halls at Rhode Island College, the college shall, to the extent of any  
5 available funds, reimburse the state for debt service paid by the state on the bonds issued pursuant  
6 to this act.

7 Question 4 relating to bonds in the amount of \$12,300,000 shall be allocated to restore  
8 the historic Cranston Street Armory facility for use as an a archives and records center and make  
9 space available for either office or educational use, provided that the bonds may not be issued  
10 until the Governor has submitted detailed expenditure plans and cost estimates to the General  
11 Assembly, and provided further that the General Assembly has reviewed the plans and cost  
12 estimates and passed a joint resolution approving the issuance.

13 Question 5 relating to bonds in the amount of \$10,000,000 shall be allocated as follows:

14 (a) Emergency water interconnect \$5,000,000

15 Provide funds for the Water Resources Board to fund matching grants to local water  
16 suppliers to develop interconnections between and among water systems to be used in the event  
17 of an emergency.

18 (b) Shad Factory Pipeline \$5,000,000

19 Provide funds for the Water Resources Board to make necessary repairs to the Shad  
20 Factory Pipeline to ensure continuation of the state's rights to water from two reservoirs located  
21 in Massachusetts.

22 Question 6 relating to bonds in the amount of \$70,000,000 shall be allocated as follows:

23 (a) Narragansett Bay and Watershed Restoration \$19,000,000

24 Provide \$8.5 million for activities to restore and protect the water quality, and enhance  
25 the economic viability and environmental sustainability of Narragansett Bay and the state's  
26 watersheds. Eligible activities shall include, but not be limited to: nonpoint pollution source  
27 abatement, including stormwater management; nutrient loading abatement; commercial, industrial  
28 and agricultural pollution abatement; and, riparian buffer and watershed ecosystem restoration.  
29 Provide \$10.5 million funding for the Rhode Island Clean Water Finance Agency which will be  
30 leveraged to provide loans to municipalities and governmental entities for the design,  
31 construction, repair, equipping and upgrading of wastewater treatment facilities to implement  
32 nutrient reduction projects impacting Narragansett Bay and the State's Watersheds.

33 (b) Open Space and Recreational Development \$43,000,000

34 Provide funds for open space land acquisition farmland preservation, and recreational

1 development to be allocated as follows: \$25,000,000 would be used by the Department of  
2 Environmental Management to purchase or otherwise permanently protect through the purchase  
3 of fee title, development rights, conservation easements and public recreation easements,  
4 greenways and other open space, recreation lands, agriculture lands, forested lands and state  
5 parks. An amount not to exceed \$10,000,000 of these funds shall be available to municipalities  
6 local land trusts, conservation commissions, and other environmental nonprofit organizations to  
7 provide grants on a matching basis for open space preservation consistent with the state guide  
8 plan and local comprehensive plan.

9 \$18,000,000 would be used for the design, development, expansion and renovation of  
10 new or existing public recreations facilities and parks. \$8,000,000 of these funds shall be  
11 available for the development or renovation of state public recreational facilities including  
12 \$3,000,000 for restoration of Fort Adams.

13 The remaining \$10,000,000 includes \$4,000,000 for Roger Williams Park and Zoo,  
14 \$4,000,000 for municipalities to provide grants on a matching basis for other municipal parks,  
15 and \$2,000,000 for municipalities to provide grants on a matching basis for recreation  
16 development grants.

17 (c) Groundwater Protection/Land Acquisition \$8,000,000

18 Provide funds for use by the Rhode Island Water Resources Board for acquisition of land  
19 through the purchase of fee title, development rights, and conservation easements for  
20 groundwater protection and protection of public drinking water supplies.

21 Question 7 relating to bonds and notes totaling \$14,000,000 shall be allocated to the  
22 construction and renovation of the University of Rhode Island Pell Library and Oceanographic  
23 Information Center.

24 Question 8 relating to bonds and notes totaling \$6,700,000 shall be allocated to the  
25 construction of the Athletic Performance Center and the renovation of facilities at Meade Stadium  
26 and Keaney Gymnasium at the University of Rhode Island.

27 Question 9 relating to bonds in the amount of \$3,000,000 shall be allocated to the  
28 Historical Preservation and Heritage Commission to fund capital preservation for renovation  
29 projects for public and nonprofit historic sites, museums and cultural art centers located in  
30 historic structures in the State of Rhode Island.

31 Question 10 relating to bonds in the amount of \$46,500,000 shall be allocated to provide  
32 funds to begin to purchase, build or modify state facilities for state agency use to reduce the  
33 state's reliance on leased space and for the State Information Operations Center to meet the  
34 state's growing technology needs, provided that the bonds may not be issued until the Governor

1 has submitted detailed expenditure plans and cost estimates to the General Assembly, and  
2 provided further that the General Assembly has reviewed the plans and cost estimates and passed  
3 a joint resolution approving the issuance of all or a portion of the bonds.

4 Question 11 relating to bonds and notes totaling \$50,000,000 shall be allocated to the  
5 construction of the University of Rhode Island Center for Biotechnology and Life Sciences.

6 Question 12 relating to bonds and notes totaling \$48,000,000 shall be allocated to road  
7 and utility infrastructure, building demolition, site preparation, and pier rehabilitation at the  
8 Quonset Point/Davisville Industrial Park.

9 SECTION 9. This article shall take effect on July 1, 2008.

10 **ARTICLE 4**  
11 **RELATING TO DEBT MANAGEMENT ACT JOINT RESOLUTIONS**

12 SECTION 1. This article consists of Joint Resolutions that are submitted pursuant to  
13 Rhode Island General Laws § 35-18-1, et seq.

14 SECTION 2. *Registry of Motor Vehicles/Virks Building Renovations.*

15 WHEREAS, the department of revenue is responsible for all taxation and revenue  
16 producing functions of the executive branch; and

17 WHEREAS, within the department of revenue, the division of motor vehicles (DMV) is  
18 responsible for a wide array of motor vehicle registration and operator licensing functions; and

19 WHEREAS, the DMV's primary public contact and operations center has been located in  
20 leased space in Pawtucket, Rhode Island for over a decade; and

21 WHEREAS, it is in the best interest of the state of Rhode Island to streamline DMV  
22 service delivery to achieve better motor vehicle registration and operator licensing functions and  
23 to provide taxpayers with long-term protection from increasing lease rates at private property; and

24 WHEREAS, the three story, 69,000 square foot Aime Forand building located at the  
25 Pastore Government Center, near the intersection of New London and Howard Avenues, adjacent  
26 to the recently constructed Rhode Island Traffic Tribunal, would make an ideal location for a new  
27 DMV headquarters; and

28 WHEREAS, the Aime Forand Building is now occupied by staff from the department of  
29 human services and, due to consolidations within human services departments, the Virks Building  
30 will soon be available for reuse as office space; and

31 WHEREAS, the Virks building is a four-story, 50,000 square foot steel frame building in  
32 close proximity to other human services buildings and operations within the Pastore Government  
33 Center; and

34 WHEREAS, the renovation of the Aime Forand Building is contingent upon the

1 renovation of, and move of human services staff to, the Virks building; and

2 WHEREAS, both the Aime Forand and the Virks buildings require upgrades to be in  
3 compliance with fire, life safety and building codes as well as Americans with Disabilities Act of  
4 1990 requirements; and

5 WHEREAS, the project costs associated with renovating and equipping the Aime Forand  
6 and the Virks buildings are estimated to be \$23.0 million. The total financing obligation of the  
7 State of Rhode Island would be approximately \$23.93 million, with \$23.0 million deposited in the  
8 construction fund, and \$93,000 available to pay the associated costs of financing. Total payments  
9 on the state's obligation over twenty (20) years on the \$23.93 million issuance are projected to be  
10 \$39.94 million, assuming an average effective interest rate of 5.5%. The payments would be  
11 financed within the department of administration from general revenue appropriations; now,  
12 therefore, be it

13 RESOLVED, that this General Assembly hereby approves financing in an amount not to  
14 exceed \$24.0 million for the renovation of the Amie Forand and the Virks buildings at the Pastore  
15 Government Center for use as the new division of motor vehicles headquarters and as office  
16 space for human services agencies, respectively.

17 SECTION 3. *Energy Service Companies - Equipment Replacement.*

18 WHEREAS, in fiscal year 2006 Rhode Island state government expended approximately  
19 \$50.0 million on energy utilities for state-owned facilities; and

20 WHEREAS, energy prices increased significantly during fiscal year 2007 and are  
21 expected to continue to rise in fiscal year 2008 and beyond; and

22 WHEREAS, the State of Rhode Island owns numerous buildings with boilers, heating  
23 systems, air conditioning systems, lighting and control systems, many of which are antiquated,  
24 inefficient, and expensive to maintain; and

25 WHEREAS, various private sector companies, hereinafter referred to as energy service  
26 companies or "ESCOs", are willing to guarantee energy savings to pay for the cost of the  
27 replacement of these antiquated and inefficient boilers, heating and air conditioning, lighting and  
28 other building systems and equipment; and

29 WHEREAS, the department of administration is seeking to retain ESCO's to undertake  
30 energy service contracts; and

31 WHEREAS, the department of administration is seeking to undertake energy savings  
32 contracts to replace old and obsolete equipment and the estimated cost of such contracts are:

33 Pastore Government Center, an amount not to exceed \$45.5 million; and

34 Zambarano Hospital Campus, an amount not to exceed \$7.6 million; now, therefore, be it

1 RESOLVED, that the department of administration is authorized to proceed with the  
2 aforementioned projects in the amounts specified above, and be it further

3 RESOLVED, that these contracts will be structured so that, at a minimum, the annual  
4 principal, interest and service and maintenance costs resulting from these contracts would be  
5 completely offset by the annual energy savings guaranteed by the ESCOs; and be it further

6 RESOLVED, that these contracts would be multi-year contracts of up to a term of  
7 eighteen years. In addition to saving energy and helping to protect the state from future energy  
8 cost increases, these contracts would aid in reducing maintenance costs by providing new  
9 equipment and replacing older energy consuming systems.

10 SECTION 4. This article shall take effect upon passage.

11 **ARTICLE 5**

12 **RELATING TO CAPITAL DEVELOPMENT PROGRAM**

13 SECTION 1. Proposition to be submitted to the people. -- At the general election to be  
14 held on the Tuesday next after the first Monday in November 2008, there shall be submitted to  
15 the people for their approval or rejection the following proposition:

16 "Shall the action of the general assembly, by an act passed at the January 2008 session,  
17 authorizing the issuance of bonds, refunding bonds, and temporary notes of the state for the  
18 capital projects and in the amount with respect to each such project listed below be approved, and  
19 the issuance of bonds, refunding bonds, and temporary notes authorized in accordance with the  
20 provisions of said act?"

21 Project  
22 (1) Open Space, Recreation, Bay and Watershed Protection \$35,000,000  
23 Approval of this question will allow for the State of Rhode Island to issue general  
24 obligation bonds, refunding bonds, and temporary notes in an amount not to exceed \$35,000,000  
25 to provide \$5,000,000 for open space, farmland preservation, and recreational development and  
26 \$30,000,000 for anti-pollution projects and/or restoration activities benefiting Narragansett Bay  
27 and state watersheds.

28 (2) Transportation \$87,215,000  
29 Approval of this question will authorize the State of Rhode Island to issue general  
30 obligation bonds, refunding bonds, and temporary notes in an amount not to exceed \$80,000,000  
31 to match federal funds and provide direct funding for improvements to the state's highways,  
32 roads and bridges; \$3,570,000 to provide funding for commuter rail, and \$3,645,000 to purchase  
33 and/or rehabilitate buses for the Rhode Island Public Transit Authority's bus fleet.

34 SECTION 2. Ballot labels and applicability of general election laws. -- The secretary

1 of state shall prepare and deliver to the state board of elections ballot labels for each of the  
2 projects provided for in section 1 hereof with the designations "approve" or "reject" provided next  
3 to the description of each such project to enable voters to approve or reject each such proposition.  
4 The general election laws, so far as consistent herewith, shall apply to this proposition.

5 SECTION 3. Approval of projects by people. -- If a majority of the people voting on  
6 the proposition provided for in section 1 hereof shall vote to approve the proposition as to any  
7 project provided for in section 1 hereof, said project shall be deemed to be approved by the  
8 people. The authority to issue bonds, refunding bonds and temporary notes of the state shall be  
9 limited to the aggregate amount for all such projects as set forth in the proposition provided for in  
10 section 1 hereof which has been approved by the people.

11 SECTION 4. Bonds for capital development program. -- The general treasurer is  
12 hereby authorized and empowered with the approval of the governor and in accordance with the  
13 provisions of this act, to issue from time to time capital development bonds in serial form in the  
14 name and on behalf of the state in amounts as may be specified from time to time by the governor  
15 in an aggregate principal amount not to exceed the total amount for all projects approved by the  
16 people and designated as "capital development loan of 2008 bonds" provided, however, that the  
17 aggregate principal amount of such capital development bonds and of any temporary notes  
18 outstanding at any one time issued in anticipation thereof pursuant to section 7 hereof shall not  
19 exceed the total amount for all such projects as have been approved by the people. All provisions  
20 in this act relating to "bonds" shall also be deemed to apply to "refunding bonds".

21 Capital development bonds issued under this act shall be in denominations of one  
22 thousand dollars (\$1,000) each, or multiples thereof, and shall be payable in any coin or currency  
23 of the United States which at the time of payment shall be legal tender for public and private  
24 debts. These capital development bonds shall bear such date or dates, mature at specified time or  
25 times, but not beyond the end of the twentieth state fiscal year following the state fiscal year in  
26 which they are issued, bear interest payable semi-annually at a specified rate or different or  
27 varying rates, be payable at designated time or times at specified place or places, be subject to  
28 expressed terms of redemption or recall, with or without premium, be in a form, with or without  
29 interest coupons attached, carry such registration, conversion, reconversion, transfer, debt  
30 retirement, acceleration and other provisions as may be fixed by the general treasurer, with the  
31 approval of the governor, upon each issue of such capital development bonds at the time of each  
32 issue. Whenever the governor shall approve the issuance of such capital development bonds, he  
33 or she shall certify approval to the secretary of state; the bonds shall be signed by the general  
34 treasurer and countersigned by the manual or facsimile signature of the secretary of state and

1 shall bear the seal of the state or a facsimile thereof. The approval of the governor shall be  
2 endorsed on each bond so approved with a facsimile of his or her signature.

3 SECTION 5. Refunding bonds for 2008 capital development program. -- The general  
4 treasurer is hereby authorized and empowered, with the approval of the governor and in  
5 accordance with the provisions of this act, to issue from time to time bonds to refund the 2008  
6 capital development program bonds in the name and on behalf of the state, in amounts as may be  
7 specified from time to time by the governor in an aggregate principal amount not to exceed the  
8 total amount approved by the people, to be designated as "capital development program loan of  
9 2008 refunding bonds" (hereinafter "refunding bonds").

10 The general treasurer with the approval of the governor shall fix the terms and form of  
11 any refunding bonds issued under this act in the same manner as the capital development bonds  
12 issued under this act, except that the refunding bonds may not mature more than twenty (20)  
13 years from the date of original issue of the capital development bonds being refunded.

14 The proceeds of the refunding bonds, exclusive of any premium and accrual interest and  
15 net the underwriters' cost, and cost of bond insurance, shall, upon their receipt, be paid by the  
16 general treasurer immediately to the paying agent for the capital development bonds which are to  
17 be called and prepaid. The paying agent shall hold the refunding bond proceeds in trust until they  
18 are applied to prepay the capital development bonds. While such proceeds are held in trust, they  
19 may be invested for the benefit of the state in obligations of the United States of America or the  
20 State of Rhode Island.

21 If the general treasurer shall deposit with the paying agent for the capital development  
22 bonds the proceeds of the refunding bonds or proceeds from other sources amounts that, when  
23 invested in obligations of the United States or the State of Rhode Island, are sufficient to pay all  
24 principal, interest, and premium, if any, on the capital development bonds until these bonds are  
25 called for prepayment, then such capital development bonds shall not be considered debts of the  
26 State of Rhode Island for any purpose from the date of deposit of such moneys with the paying  
27 agent. The refunding bonds shall continue to be a debt of the state until paid.

28 The term "bond" shall include "note", and the term "refunding bonds" shall include  
29 "refunding notes" when used in this act.

30 SECTION 6. Proceeds of capital development program. -- The general treasurer is  
31 directed to deposit the proceeds from the sale of capital development bonds issued under this act,  
32 exclusive of premiums and accrued interest and net the underwriters' cost, and cost of bond  
33 insurance, in one or more of the depositories in which the funds of the state may be lawfully kept  
34 in special accounts (hereinafter cumulatively referred to as "such capital development bond

1 fund") appropriately designated for each of the projects set forth in section 1 hereof which shall  
2 have been approved by the people to be used for the purpose of paying the cost of all such  
3 projects so approved.

4 All monies in the capital development bond fund shall be expended for the purposes  
5 specified in the proposition provided for in section 1 hereof under the direction and supervision of  
6 the director of administration (hereinafter referred to as "director"). The director or his or her  
7 designee shall be vested with all power and authority necessary or incidental to the purposes of  
8 this act, including but not limited to, the following authority: (a) to acquire land or other real  
9 property or any interest, estate or right therein as may be necessary or advantageous to  
10 accomplish the purposes of this act; (b) to direct payment for the preparation of any reports, plans  
11 and specifications, and relocation expenses and other costs such as for furnishings, equipment  
12 designing, inspecting and engineering, required in connection with the implementation of any  
13 projects set forth in section 1 hereof; (c) to direct payment for the costs of construction,  
14 rehabilitation, enlargement, provision of service utilities, and razing of facilities, and other  
15 improvements to land in connection with the implementation of any projects set forth in section 1  
16 hereof; and (d) to direct payment for the cost of equipment, supplies, devices, materials and labor  
17 for repair, renovation or conversion of systems and structures as necessary for 2008 capital  
18 development program bonds or notes hereunder from the proceeds thereof. No funds shall be  
19 expended in excess of the amount of the capital development bond fund designated for each  
20 project authorized in section 1 hereof. With respect to the bonds and temporary notes described in  
21 section 1, the proceeds shall be utilized for the following purposes:

22 Question 1 relating to bonds in the amount of \$35,000,000 shall be allocated as follows:

- 23 (a) Narragansett Bay and Watershed Restoration \$30,000,000
- 24 Provide \$15,000,000 to the Department of Environmental Management for activities to  
25 restore and protect the water quality, and enhance the economic viability and environmental  
26 sustainability of Narragansett Bay and the state's watersheds. Eligible activities shall include, but  
27 not be limited to: nonpoint pollution source abatement, including stormwater management;  
28 nutrient loading abatement; commercial, industrial and agricultural pollution abatement; and,  
29 riparian buffer and watershed ecosystem restoration. Provide \$15,000,000 for the Rhode Island  
30 Clean Water Finance Agency which will be leveraged to provide loans to municipalities and  
31 governmental entities for the design, construction, repair, equipping and upgrading of wastewater  
32 treatment facilities to implement nutrient reduction and other water quality projects impacting  
33 Narragansett Bay and the state's watersheds.

- 34 (b) Open Space and Recreational Development \$5,000,000



1 Provide funds for open space land acquisition, farmland preservation, and recreational  
2 development to be allocated as follows: \$2,500,000 would be used by the Department of  
3 Environmental Management to purchase or otherwise permanently protect through the purchase  
4 of fee title, development rights, conservation easements and public recreation easements,  
5 greenways and other open space, recreation lands, agriculture lands, forested lands and state  
6 parks. An amount not to exceed \$1,000,000 of these funds shall be available to municipalities,  
7 local land trusts, conservation commissions, and other environmental nonprofit organizations to  
8 provide grants on a matching basis for open space preservation consistent with the state guide  
9 plan and local comprehensive plan. An amount not to exceed \$1,500,000 of these funds shall be  
10 provided to the Department of Environmental Management for the Local Recreation  
11 Development Program to provide funding assistance for local communities to develop, acquire, or  
12 renovate recreation facilities.

13 Question 2 relating to bonds in the amount of \$87,215,000 for transportation purposes  
14 shall be allocated as follows:

15 (a) Highway improvement program \$80,000,000

16 Provide funds for the Department of Transportation to match federal funds or to provide  
17 direct funding for improvements to the state's highway, roads and bridges.

18 (b) Commuter Rail \$3,570,000

19 Provide funds for the Department of Transportation to match federal funds or to provide  
20 direct funding for commuter rail.

21 (c) Bus replacement/Rehabilitation \$3,645,000

22 Provide funds for the Rhode Island Public Transit Authority to purchase new buses or for  
23 rehabilitation of existing buses in the bus fleet.

24 SECTION 7. Sale of bonds and notes. -- Any bonds or notes issued under the authority  
25 of this act shall be sold from time to time at not less than the principal amount thereof, in such  
26 mode and on such terms and conditions as the general treasurer, with the approval of the  
27 governor, shall deem to be for the best interests of the state.

28 Any premiums and accrued interest, net of the cost of bond insurance and underwriters  
29 discount, that may be received on the sale of the capital development bonds or notes shall become  
30 part of the general fund of the state and shall be applied to the payment of debt service charges of  
31 the state.

32 In the event that the amount received from the sale of the capital development bonds or  
33 notes exceeds the amount necessary for the purposes stated in section 6 hereof, the surplus may  
34 be used to the extent possible to retire the bonds as the same may become due, to redeem them in

1 accordance with the terms thereof or otherwise to purchase them as the general treasurer, with the  
2 approval of the governor, shall deem to be for the best interests of the state.

3 Any bonds or notes issued under the provisions of this act and coupons on any capital  
4 development bonds, if properly executed by the manual or facsimile signatures of officers of the  
5 state in office on the date of execution shall be valid and binding according to their tenor,  
6 notwithstanding that before the delivery thereof and payment therefor, any or all such officers  
7 shall for any reason have ceased to hold office.

8 SECTION 8. **Bonds and notes to be tax exempt and general obligations of the state.** -

9 - All bonds and notes issued under the authority of this act shall be exempt from taxation in the  
10 state and shall be general obligations of the state, and the full faith and credit of the state is hereby  
11 pledged for the due payment of the principal and interest on each of such bonds and notes as the  
12 same shall become due.

13 SECTION 9. **Investment of moneys in fund.** -- All moneys in the capital development

14 fund not immediately required for payment pursuant to the provisions of this act may be invested  
15 by the investment commission, as established by chapter 35-10, pursuant to the provisions of such  
16 chapter; provided, however, that the securities in which the capital development fund is invested  
17 shall remain a part of the capital development fund until exchanged for other securities; and  
18 provided further, that the income from investments of the capital development fund shall become  
19 a part of the general fund of the state and shall be applied to the payment of debt service charges  
20 of the state, or to the extent necessary, to rebate to the United States treasury any income from  
21 investments (including gains from the disposition of investments) of proceeds of bonds or notes  
22 to the extent deemed necessary to exempt (in whole or in part) the interest paid on such bonds or  
23 notes from federal income taxation.

24 SECTION 10. **Appropriation.** -- To the extent the debt service on these bonds is not

25 otherwise provided, a sum sufficient to pay the interest and principal due each year on bonds and  
26 notes hereunder is hereby annually appropriated out of any money in the treasury not otherwise  
27 appropriated.

28 SECTION 11. **Advances from general fund.** -- The general treasurer is authorized from

29 time to time with the approval of the director and the governor, in anticipation of the issue of  
30 notes or bonds under the authority of this act, to advance to the capital development bond fund for  
31 the purposes specified in section 6 hereof, any funds of the state not specifically held for any  
32 particular purpose; provided, however, that all advances made to the capital development bond  
33 fund shall be returned to the general fund from the capital development bond fund forthwith upon  
34 the receipt by the capital development fund of proceeds resulting from the issue of notes or bonds

1 to the extent of such advances.

2 SECTION 12. Federal assistance and private funds. -- In carrying out this act, the  
3 director, or his or her designee, is authorized on behalf of the state, with the approval of the  
4 governor, to apply for and accept any federal assistance which may become available for the  
5 purpose of this act, whether in the form of loan or grant or otherwise, to accept the provision of  
6 any federal legislation therefor, to enter into, act and carry out contracts in connection therewith,  
7 to act as agent for the federal government in connection therewith, or to designate a subordinate  
8 so to act. Where federal assistance is made available, the project shall be carried out in  
9 accordance with applicable federal law, the rules and regulations thereunder and the contract or  
10 contracts providing for federal assistance, notwithstanding any contrary provisions of state law.  
11 Subject to the foregoing, any federal funds received for the purposes of this act shall be deposited  
12 in the capital development bond fund and expended as a part thereof. The director or his or her  
13 designee may also utilize any private funds that may be made available for the purposes of this  
14 act.

15 SECTION 13. Effective Date. Sections 1, 2, 3, 11, and 12 of this article shall take effect  
16 upon passage. The remaining sections of this article shall take effect when and if the state board  
17 of elections shall certify to the secretary of state that a majority of the qualified electors voting on  
18 the propositions contained in section 1 hereof have indicated their approval of all or any projects  
19 thereunder.

## 20 ARTICLE 6

### 21 RELATING TO SECRETARY OF STATE LEGISLATIVE MANUAL

22 SECTION 1. Section 22-3-12 of the General Laws in Chapter 22-3 entitled  
23 "Organization of General Assembly" is hereby amended to read as follows:

24 **22-3-12. Legislative manual.** – The secretary of state shall prepare in each odd-  
25 numbered year a legislative manual for the use of the general assembly, containing the rolls of  
26 membership, the committees, the rules and orders, and any other matter that the secretary may  
27 think proper. This manual shall be disseminated through the official website of the office of the  
28 secretary of state. ~~The number of manuals to be printed and bound will be determined by the~~  
29 ~~secretary of state. Ten (10) copies shall be distributed to each of the senators and representatives~~  
30 ~~of the general assembly; forty (40) copies shall be placed at the disposal of the governor; and the~~  
31 ~~remainder shall be placed in the hands of the secretary of state. There shall be appropriated in~~  
32 ~~each odd numbered year, an amount sufficient to cover the cost of printing and binding of the~~  
33 ~~manual.~~

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

1 **ARTICLE 7**

2 **RELATING TO PERMITS FOR SALE OF BOTTLED WATER**

3 SECTION 1. Section 44-44-2 of the General Laws in Chapter 44-44 entitled "Taxation  
4 of Beverage Containers, Hard-to-Dispose Material and Litter Control Participation Permittee" is  
5 hereby amended to read as follows:

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

7 (1) "Beverage" means carbonated soft drinks, soda water, mineral water, [bottled water](#),  
8 and beer and other malt beverages.

9 (2) "Beverage container" means any sealable bottle, can, jar, or carton which contains a  
10 beverage.

11 (3) "Beverage retailer" means any person who engages in the sale of a beverage container  
12 to a consumer within the state of Rhode Island, including any operator of a vending machine.

13 (4) "Beverage wholesaler" means any person who engages in the sale of beverage  
14 containers to beverage retailers in this state, including any brewer, manufacturer, or bottler who  
15 engages in those sales.

16 (5) "Case" means:

17 (i) Forty-eight (48) beverage containers sold or offered for sale within this state when  
18 each beverage container has a liquid capacity of seven (7) fluid ounces or less;

19 (ii) Twenty-four (24) beverage containers sold or offered for sale within this state when  
20 each beverage container has a liquid capacity in excess of seven (7) fluid ounces but less than or  
21 equal to sixteen and nine tenths (16.9) fluid ounces;

22 (iii) Twelve (12) beverage containers sold or offered for sale within this state when each  
23 beverage container has a liquid capacity in excess of sixteen and nine tenths (16.9) fluid ounces  
24 but less than thirty-three and nine tenths (33.9) fluid ounces; and

25 (iv) Six (6) beverage containers sold or offered for sale within this state when each  
26 beverage container has a liquid capacity of thirty-three and nine tenths (33.9) fluid ounces or  
27 more.

28 (6) A permit issued in accordance with § 44-44-3.1(1) is called a Class A permit.

29 (7) A permit issued in accordance with § 44-44-3.1(2) is called a Class B permit.

30 (8) A permit issued in accordance with § 44-44-3.1(3) is called a Class C permit.

31 (9) A permit issued in accordance with § 44-44-3.1(4) is called a Class D permit.

32 (10) A permit issued in accordance with § 44-44-3.1(5) is called a Class E permit.

33 (11) "Consumer" means any person who purchases a beverage in a beverage container for  
34 use or consumption with no intent to resell that filled beverage container.

1 (12) "Gross receipts" means those receipts reported for each location to the tax  
2 administrator included in the measure of tax imposed under chapter 18 of this title, as amended.  
3 For those persons having multiple locations' receipts reported to the tax administrator the "gross  
4 receipts" to be aggregated shall be determined by each individual sales tax permit number. The  
5 term gross receipts shall be computed without deduction for retail sales of items in activities other  
6 than those which this state is prohibited from taxing under the constitution of the United States.

7 (13) "Hard-to-dispose material" is as defined in § 37-15.1-3.

8 (14) "Hard-to-dispose material retailer" means any person who engages in the retail sale  
9 of hard-to-dispose material (as defined in § 37-15.1-3) in this state.

10 (15) "Hard-to-dispose material wholesaler" means any person, wherever located, who  
11 engages in the sale of hard-to-dispose material (as defined in § 37-15.1-3) to customers for sale in  
12 this state (including manufacturers, refiners, and distributors and retailers), and to other persons  
13 as defined above.

14 (16) "New vehicle" means any mode of transportation for which a certificate of title is  
15 required pursuant to title 31 and for which a certificate of title has not been previously issued in  
16 this state or any other state or country.

17 (17) "Organic solvent" is as defined in § 37-15.1-3.

18 (18) "Person" means any natural person, corporation, partnership, joint venture,  
19 association, proprietorship, firm, or other business entity.

20 (19) "Prior calendar year" means the period beginning with January 1 and ending with  
21 December 31 immediately preceding the permit application due date.

22 (20) "Qualifying activities" means selling or offering for retail sale food or beverages  
23 for immediate consumption and/or packaged for sale on a take out or to go basis regardless of  
24 whether or not the items are subsequently actually eaten on or off the vendor's premises.

25 (21) "Vending machine" means a self-contained automatic device that dispenses for  
26 sale foods, beverages, or confection products.

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

28 **ARTICLE 8**

29 **RELATING TO TRANSPORTATION OF STUDENTS**

30 SECTION 1. Sections 16-21.1-7 and 16-21.1-8 of the General Laws in Chapter 16-21.1  
31 entitled

32 ~~16-21.1-7 Statewide transportation of students with special needs. Notwithstanding the~~  
33 ~~regional structure created in this chapter, and pursuant to the obligation of school committees to~~  
34 ~~transport children with special needs to and from school either within the school district or in~~

1 ~~another school district of the state created by § 16-24-4, the department of elementary and~~  
2 ~~secondary education, in collaboration with the office of statewide planning of the department of~~  
3 ~~administration, and the Rhode Island public transit authority shall develop a plan for the creation~~  
4 ~~and implementation of a statewide system of transportation of students with special needs to and~~  
5 ~~from school. The statewide school transportation system for children with special needs shall be~~  
6 ~~provided through a competitive request for proposals to which vendors of transportation services~~  
7 ~~may respond. Effective upon the implementation of this statewide system of transportation for~~  
8 ~~students with special needs, each school committee may purchase the transportation services for~~  
9 ~~their own resident students with special needs by accessing this integrated statewide system of~~  
10 ~~transportation for children with special needs on a fee for service basis for each child. The goals~~  
11 ~~of the statewide system of transportation for students with special needs shall be the reduction of~~  
12 ~~duplication of cost and routes in transporting children from the various cities and towns to the~~  
13 ~~same special education program providers using different buses from each city and town, the~~  
14 ~~improvement of services to children through the development of shorter ride times and more~~  
15 ~~efficient routes of travel, and the reduction of cost to local school committees through achieving~~  
16 ~~efficiency in eliminating the need for each school district to contract for and provide these~~  
17 ~~specialized transportation services separately. The department of elementary and secondary~~  
18 ~~education shall submit a report of their findings and plans to the general assembly by March 30,~~  
19 ~~2008.~~

20 ~~16-21.1-8 Statewide transportation system for all students to be established.—~~  
21 ~~Notwithstanding the regional structure created in this chapter, the department of elementary and~~  
22 ~~secondary education, in collaboration with the office of statewide planning of the department of~~  
23 ~~administration, and the Rhode Island public transit authority shall conduct a comprehensive study~~  
24 ~~of all current transportation services for students in Rhode Island school districts in order to~~  
25 ~~develop a plan for the creation and implementation of a statewide system of transportation of all~~  
26 ~~students to and from school. The statewide school transportation system for all students shall be~~  
27 ~~provided through a competitive request for proposals to which vendors of transportation services~~  
28 ~~may respond. Effective upon the implementation of this statewide system of transportation for all~~  
29 ~~students, each school committee may purchase the transportation services for their own resident~~  
30 ~~students by accessing this integrated statewide system of transportation on a fee for service basis~~  
31 ~~for each child. The goals of the statewide system of transportation for all students shall be the~~  
32 ~~reduction of duplication of cost and routes in transporting children from the various cities and~~  
33 ~~towns using different buses within and between each city and town, the improvement of services~~  
34 ~~to children through the development of shorter ride times and more efficient routes of travel, and~~

1 ~~the reduction of cost to local school committees through achieving efficiency in eliminating the~~  
2 ~~need for each school district to contract for and provide these transportation services separately.~~  
3 ~~The comprehensive study of all current transportation services for students in Rhode Island~~  
4 ~~school districts and development of a plan for a statewide system of transportation of all students~~  
5 ~~to and from school shall be completed, with a report to the general assembly by March 30, 2008.~~

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

## 7 ARTICLE 9

### 8 RELATING TO EDUCATION AID

9 SECTION 1. Section 16-7-40 of the General Laws in Chapter 16-7 entitled "Foundation  
10 Level School Support" is hereby amended to read as follows:

#### 11 16-7-40. Increased school housing ratio for regional schools – Energy conservation

12 ~~Access for people with disabilities – Asbestos removal projects.~~ – (a) In the case of regional  
13 school districts formed prior to June 30, 2008, the school housing aid ratio shall be increased by  
14 two percent (2%) for each grade so consolidated. only for those school housing projects approved  
15 prior to June 30, 2008. Beginning July 1, 2008, upon the creation of a regional school district, the  
16 school housing aid ratio shall be increased by two percent (2%) for each grade so consolidated for  
17 school housing projects occurring in the first five years following regionalization. To qualify for  
18 the increased share ratio, as defined in § 16-7-39, renovation and repair projects must be  
19 submitted for approval through the necessity of school construction process, pursuant to the  
20 school construction regulations as promulgated by the board of regents for Elementary and  
21 Secondary Education, prior to the end of the second full fiscal year following the regionalization  
22 of the applicable districts.

23 (2) ~~Regional school districts undertaking renovation project(s)~~ For existing regional  
24 school districts undertaking renovation project(s) that were approved prior to June 30, 2008, there  
25 shall be receive an increased share ratio of four percent (4%) for those specific project(s) only, in  
26 addition to the combined share ratio calculated in § 16-7-39 and this subsection.

27 (b) In the case of renovation projects undertaken by regionalized and/or non-  
28 regionalized school districts specifically for the purposes of energy conservation, ~~access for~~  
29 ~~people with disabilities, and/or asbestos removal, the school housing aid share ratio shall be~~  
30 ~~increased by four percent (4%) for these specific projects only, in the calculation of school~~  
31 ~~housing aid. The increased share ratio shall continue to be applied for as long as the project(s)~~  
32 ~~receive state housing aid. In order to qualify for the increased share ratio, seventy five percent~~  
33 ~~(75%) of the project costs must be specifically directed to either energy conservation, access for~~  
34 ~~people with disabilities, and/or asbestos removal or any combination of these projects. The board~~

1 ~~of regents for elementary and secondary education shall promulgate rules and regulations for the~~  
2 ~~administration and operation of this section.~~ the school housing aid ratio shall be increased by two  
3 percent (2%) from the level set forth in § 16-7-39 and this section for those projects that achieve  
4 energy efficiency standards thirty percent (30%) above the Rhode Island Building Energy Code.  
5 The school housing aid ratio shall be increased by three percent (3%) from the level set forth in §  
6 16-7-39 and this section for those projects that achieve energy efficiency standards forty percent  
7 (40%) above the Rhode Island Building Energy Code. The school housing aid ratio shall be  
8 increased by four percent (4%) from the level set forth in § 16-7-39 and this section for those  
9 projects that achieve energy efficiency standards fifty percent (50%) above the Rhode Island  
10 Building Energy Code.

11 (c) Upon the transfer of ownership from the state to the respective cities and towns of the  
12 regional career and technical center buildings located in Cranston, East Providence, Newport,  
13 Providence, Warwick, Woonsocket and the Chariho regional school district, the school housing  
14 aid share ratio shall be increased by four percent (4%) for the renovation and/or repair of these  
15 buildings. To qualify for the increased share ratio, as defined in § 16-7-39, renovation and repair  
16 projects must be submitted for approval through the necessity of school construction process prior  
17 to the end of the second full fiscal year following the transfer of ownership and assumption of  
18 local care and control of the building. Only projects at regional career and technical centers that  
19 have full program approval from the department of elementary and secondary education shall be  
20 eligible for the increased share ratio. The increased share ratio shall continue to be applied for as  
21 long as the renovation and/or repair project receives school housing aid.

22 SECTION 2. Section 16-7.1-15 of the General Laws in Chapter 16-7.1 entitled “The  
23 Rhode Island Student Investment Initiative” is hereby amended to read as follows:

24 **16-7.1-15 The Rhode Island student investment initiative.** – (a) Each locally or  
25 regionally operated school district shall receive as a base the same amount of school aid as each  
26 district received in fiscal year 1997-1998, adjusted to reflect the increases or decreases in aid  
27 enacted to meet the minimum and maximum funding levels established for FY 2000 through FY  
28 ~~2007~~ 2008. Each school district shall also receive school aid through each investment fund for  
29 which that district qualifies pursuant to §§ 16-7.1-8, 16-7.1-9, 16-7.1-10, 16-7.1-11, 16-7.1-12,  
30 16-7.1-16 and 16-7.1-19. These sums shall be in addition to the base amount described in this  
31 section. For FY ~~2008~~ 2009, the reference year for the data used in the calculation of aid pursuant  
32 to § 16-7.1-8, § 16-7.1-9, § 16-7.1-10, § 16-7.1-11, § 16-7.1-11.1, § 16-7.1-12, § 16-7.1-16, §§  
33 16-7.1-19 and 16-7.1-2(b) shall be FY 2004. Calculation and distribution of education aid under  
34 §§ 16-5-31, 16-5-32, 16-7-20, 16-7-20.5, 16-7-34.2, 16-7-34.3, 16-24-6, 16-54-4, and 16-67-4 is



1 hereby suspended. The funding of the purposes and activities of chapter 67 of this title, the Rhode  
2 Island Literacy and Dropout Prevention Act of 1967, shall be the same amount of the base  
3 amount of each district funded for that purpose in fiscal year 1997-1998. In addition each district  
4 shall expend three percent (3%) of its student equity and early childhood funds under the  
5 provisions of chapter 67 of this title.

6 (b) Funding for full day kindergarten programs in accordance with § 16-7.1-11.1 shall  
7 be in addition to funding received under this section.

8 (c) Funding distributed under §§ 16-77.1-2(b) and 16-64-1.1 shall be in addition to  
9 funding distributed under this section.

10 (d) There shall be an appropriation to ensure that total aid distributed to communities in  
11 FY ~~2008~~ 2009 under this section and §§ 16-7.1-11.1, 16-64-1.1 and 16-77.1-2(b) shall be as  
12 follows:

13 Barrington 2,599,526  
14 Burrillville 13,854,743  
15 Charlestown ~~2,002,832~~ 2,002,838  
16 Coventry 20,075,081  
17 Cranston ~~35,580,911~~ 35,475,911  
18 Cumberland 13,257,009  
19 East Greenwich 1,949,761  
20 East Providence 26,888,254  
21 Foster 1,416,463  
22 Glocester 3,213,847  
23 Hopkinton 6,241,352  
24 Jamestown 531,908  
25 Johnston ~~10,915,364~~ 10,750,364  
26 Lincoln 7,403,268  
27 Little Compton 368,810  
28 Middletown 10,497,116  
29 Narragansett 1,897,159  
30 Newport 11,871,080  
31 New Shoreham 106,345  
32 North Kingstown 11,986,005  
33 North Providence ~~13,262,872~~ 13,382,872  
34 North Smithfield 4,834,237

1 Pawtucket 67,023,559  
2 Portsmouth 6,700,042  
3 Providence ~~194,109,756~~ 193,869,756  
4 Richmond 6,188,615  
5 Scituate 3,407,183  
6 Smithfield 5,743,568  
7 South Kingstown 10,548,698  
8 Tiverton 5,932,058  
9 Warwick 37,626,000  
10 Westerly 6,843,077  
11 West Warwick 20,440,547  
12 Woonsocket ~~47,616,613~~ 47,421,613  
13 Bristol-Warren ~~20,498,190~~ 20,438,190  
14 Exeter-West Greenwich ~~7,661,019~~ 7,586,019  
15 Charlestown 398,334  
16 Foster-Glocester 5,729,861  
17 Central Falls ~~43,873,873~~ 45,187,735

18 This special provision shall not limit entitlements as determined by application of other  
19 formula provisions in this section.

20 (e) Children with disabilities. (1) Based on its review of special education within the  
21 context of Rhode Island school reform, the general assembly recommends addressing the needs of  
22 all children and preventing disability through scientific research based, as described in the No  
23 Child Left Behind Act of 2001, Title 1, Part B, Section 1208 [20 U.S.C. § 6368], reading  
24 instruction and the development of Personal Literacy Programs for students in the early grades  
25 performing below grade level in reading and implement a system of student accountability that  
26 will enable the state to track individual students over time. Additionally, the department of  
27 elementary and secondary education must provide districts with rigorous criteria and procedures  
28 for identifying students with learning disabilities and speech/language impairments. Additional  
29 study is required of factors that influence programming for students with low incidence  
30 disabilities; those with disabilities that severely compromise life functions; and programming for  
31 students with disabilities through urban special education. Alternatives for funding special  
32 education require examination.

33 (2) All departments and agencies of the state shall furnish any advice and information,  
34 documentary and otherwise, to the general assembly and its agents that is deemed necessary or

1 desirable by the study to facilitate the purposes of this section.

2 SECTION 3. This article shall take effect as of July 1, 2008.

3 **ARTICLE 10**

4 **RELATING TO SUBSTANCE ABUSE PREVENTION ACT**

5 SECTION 1. Sections 16-21.2-2, 16-21.2-4, and 16-21.2-5 of the General Laws in  
6 Chapter 16-21.2 entitled “The Rhode Island Substance Abuse Prevention Act” are hereby

7 **16-21.2-2. Declaration of purpose.** – In recognition of the growing problem of  
8 substance use and abuse ~~that~~ faced by municipalities and the state ~~face~~, the purpose of this  
9 chapter is as follows:

10 ~~(1) To promote the opportunity for municipalities to establish a comprehensive substance~~  
11 ~~abuse prevention program addressing the specific needs of each individual municipality.~~

12 ~~(2)~~(1) To encourage the development of a partnership among municipal governments,  
13 school systems, parents, businesses, religious organizations, legislators, and human service  
14 providers to serve the interest of the community in addressing the need for a comprehensive  
15 substance abuse prevention program.

16 ~~(3)~~(2) To promote a substance abuse prevention program in every community.

17 ~~(4)~~ (3) To provide financial assistance for the planning, establishment, and operation of  
18 substance abuse prevention programs.

19 ~~(5) To encourage municipal governments, in cooperation with school systems and human~~  
20 ~~services organizations to jointly assess the extent of the substance abuse problem in their~~  
21 ~~community.~~

22 **16-21.2-4. Substance abuse prevention program.** -- ~~(a) The department of mental~~  
23 ~~health, retardation, and hospitals shall be charged with the administration of this chapter and shall~~  
24 ~~provide grants to assist in the planning, establishment, and operation of substance abuse~~  
25 ~~prevention programs. Grants under this section shall be made to municipal governments or their~~  
26 ~~designated agents according to the following guidelines:~~

27 ~~(1) The maximum grant shall be one hundred twenty five thousand dollars (\$125,000);~~  
28 ~~provided, however, in the event that available funding exceeds \$1.6 million in a fiscal year, those~~  
29 ~~surplus funds are to be divided proportionately among the cities and towns on a per capita basis~~  
30 ~~but in no event shall the city of Providence exceed a maximum grant cap of \$175,000.00.~~

31 ~~(2) In order to obtain a grant, the municipality or its designated agent must in the first~~  
32 ~~year:~~

33 ~~(i) Demonstrate the municipality's need for a comprehensive substance abuse program in~~  
34 ~~the areas of prevention and education.~~

1 ~~(ii) Demonstrate that the municipality has established by appropriate legislative or~~  
2 ~~executive action, a substance abuse prevention council which shall assist in assessing the needs~~  
3 ~~and resources of the community, developing a three (3) year plan of action addressing the~~  
4 ~~identified needs, the operation and implementation of the overall substance abuse prevention~~  
5 ~~program; coordinating existing services such as law enforcement, prevention, treatment, and~~  
6 ~~education; consisting of representatives of the municipal government, representatives of the~~  
7 ~~school system, parents, and human service providers.~~

8 ~~(iii) Demonstrate the municipality's ability to develop a plan of implementation of a~~  
9 ~~comprehensive three (3) year substance abuse prevention program based on the specific needs of~~  
10 ~~the community to include high risk populations of adolescents, children of substance abusers, and~~  
11 ~~primary education school aged children.~~

12 ~~(iv) Agree to conduct a survey/questionnaire of the student population designed to~~  
13 ~~establish the extent of the use and abuse of drugs and alcohol in students throughout the local~~  
14 ~~community's school population.~~

15 ~~(v) Demonstrate that at least twenty percent (20%) of the cost of the proposed program~~  
16 ~~will be contributed either in cash or in kind by public or private resources within the~~  
17 ~~municipality.~~

18 (a) The department of mental health, retardation, and hospitals shall be charged with the  
19 administration of this chapter and shall provide grants to assist in the planning, establishment, and  
20 operation of regional substance abuse prevention coalitions.

21 (b) Grants under this section shall be made to not-for-profit community organizations to  
22 provide professional staff for each regional substance abuse prevention coalition.

23 (c) The members of each regional substance abuse prevention coalition shall serve as  
24 volunteers and must represent at least the following leadership constituencies:

25 (i) chief elected officials of each municipality in the region

26 (ii) chief of police of each municipality in the region

27 (iii) superintendent of schools of each municipality in the region

28 (iiii) major business(es)

29 (iv) legislators

30 (v) major substance abuse prevention, intervention, and treatment providers

31 (vi) members of minority communities

32 (vii) religious organizations

33 (vii) the media

34 (d) The purpose of the regional substance abuse prevention coalitions shall be to develop

1 and coordinate services, and not to provide direct services to clients.

2 (e) The regional substance abuse prevention coalitions shall have the following “core  
3 functions:”

4 (i) identify gaps in services along the continuum of care; including community  
5 awareness, education, primary prevention, intervention and referral, and aftercare

6 (ii) develop an annual action plan to fill gaps in services and submit the plan to the  
7 department of mental health, retardation, and hospitals

8 (iii) conduct fundraising activities to fill gaps identified in the annual action plan

9 (iv) conduct activities to implement the initiatives identified in the annual action plan

10 (v) conduct activities to promote visibility of the regional substance abuse prevention  
11 coalition (but not to provide direct services)

12 (vi) conduct at least four (4) meetings per year

13 (vii) maintain regional substance abuse prevention coalition membership as described in  
14 § 16-21.2-4 (d), above.

15 (f) Regional substance abuse prevention coalitions shall be established for the following  
16 areas of the state:

17 (i) Region I consisting of Washington County;

18 (ii) Region II consisting of Kent County;

19 (iii) Region III consisting of Providence County; and

20 (iv) Region IV consisting of Bristol and Newport Counties.

21 **16-21.2-5. ~~Funding of substance abuse prevention program~~ Municipal substance**  
22 **abuse prevention task forces.** ~~—(a) Money to fund the Rhode Island Substance Abuse~~  
23 ~~Prevention Act shall be appropriated from state general revenues and shall be raised by assessing~~  
24 ~~an additional penalty of thirty dollars (\$30.00) for all speeding violations as set forth in § 31-43-~~  
25 ~~5.1. The money shall be deposited as general revenues. The department of mental health,~~  
26 ~~retardation, and hospitals may utilize up to ten percent (10%) of the sums appropriated for the~~  
27 ~~purpose of administering the substance abuse prevention program.~~

28 ~~(b) Grants made under this chapter shall not exceed money available in the substance~~  
29 ~~abuse prevention program.~~

30 (a) Grants under this section shall be made to municipal governments or their designated  
31 agents according to the following guidelines:

32 (1) The department of mental health, retardation and hospitals shall establish and  
33 administer a fund in the amount of one hundred fifty thousand dollars (\$150,000) for municipal  
34 substance abuse prevention task forces. This fund shall be used for a competitive grant program

1 for municipal substance abuse prevention task forces. Each grant awarded shall be for one year.

2 (2) The department of mental health, retardation, and hospitals shall establish guidelines  
3 and criteria for the acceptance of grant applications and the disbursement of grants.

4 (3) The purposes of the municipal substance abuse prevention task force grant program  
5 are:

6 (i) to identify gaps in services along the continuum of care; including community  
7 awareness, education, primary prevention, intervention and referral, and aftercare

8 (ii) to develop an annual action plan to fill gaps in services and submit the plan to the  
9 department of mental health, retardation, and hospitals

10 (iii) conduct fundraising activities to fill gaps identified in the annual action plan.

11 (4) Awards made under this section shall not be used to provide direct services to clients.

12 (5) The department of mental health, retardation, and hospitals shall adopt rules and  
13 regulations necessary and appropriate to carry out the purposes of this section.

14 SECTION 2. Sections 16-21.2-3, 16-21.2-6, 16-21.2-7, 16-21.2-8, 16-21.2-9, and 16-  
15 21.2-11 of the General Laws in Chapter 16-21.2 entitled "The Rhode Island Substance Abuse  
16 Prevention Act" are hereby repealed.

17 ~~16-21.2-3. Authority of municipal governments.—(a) All municipal governments or~~  
18 ~~their designated agents shall have the power to establish, operate, conduct, and/or make provision~~  
19 ~~for programs to provide a comprehensive substance abuse prevention program.~~

20 ~~(b) The appropriate municipal authority shall adopt rules and regulations governing the~~  
21 ~~substance abuse prevention program including an application and contracting procedure by which~~  
22 ~~qualified groups may apply to operate a substance abuse prevention program.~~

23 ~~(c) Substance abuse prevention programs shall comply with all applicable provisions of~~  
24 ~~the general laws with all applicable state rules and regulations.~~

25 ~~16-21.2-6 Timetable for grant applications and disbursement.—The department of~~  
26 ~~mental health, retardation, and hospitals shall establish guidelines and criteria for the acceptance~~  
27 ~~of grant applications and the disbursement of grants.~~

28 ~~16-21.2-7 Use of funds restricted to substance abuse prevention.—All funds awarded to~~  
29 ~~municipal governments under the provisions of this chapter shall be held in a separate account~~  
30 ~~and not placed in the municipal government's general fund and shall only be used in furtherance~~  
31 ~~of this chapter.~~

32 ~~16-21.2-8 The duties of the director of the department of mental health, retardation, and~~  
33 ~~hospitals.—The director of the department of mental health, retardation, and hospitals or his or~~  
34 ~~her designated agent shall make an annual report by September 1 of each year to the governor and~~

1 ~~the general assembly on the administration of the program.~~

2 ~~16-21.2-9 Permanent legislative oversight commission on substance abuse prevention.—~~

3 ~~There is established a permanent legislative oversight commission on substance abuse prevention~~  
4 ~~whose purpose it shall be to oversee the implementation and administration of the Rhode Island~~  
5 ~~Substance Abuse Prevention Act and to advise and make recommendations to the general~~  
6 ~~assembly as to the adequacy and efficiency of all statutes, rules, regulations, guidelines, practices,~~  
7 ~~and programs relating to substance abuse prevention. The commission shall consist of twelve (12)~~  
8 ~~members: five (5) members shall be appointed by the speaker of the house of representatives~~  
9 ~~from among the members of the house of representatives, not more than four (4) of whom shall~~  
10 ~~be from the same political party; three (3) members shall be appointed by the president of the~~  
11 ~~senate from among the members of the senate, not more than two (2) of whom shall be from the~~  
12 ~~same political party; and one member (ex officio) shall be the director of the department of~~  
13 ~~mental health, retardation, and hospitals and one member (ex officio) shall be the director of the~~  
14 ~~department of health or designee; and a Rhode Island Substance Abuse Prevention Act task force~~  
15 ~~member to be appointed by the chairperson of the commission; and a public member appointed~~  
16 ~~by the chairperson of the commission. The chairperson of the commission shall be appointed by~~  
17 ~~the speaker of the house of representatives. Members of the commission shall serve without~~  
18 ~~compensation, except that they shall be allowed their actual and necessary expenses incurred in~~  
19 ~~the performance of their duties under this section. The commission may request and shall receive~~  
20 ~~from any instrumentality of the state, including the division of substance abuse of the department~~  
21 ~~of mental health, retardation, and hospitals and from any municipality or any instrumentality of a~~  
22 ~~municipality, any information and assistance that it deems necessary for the proper execution of~~  
23 ~~its powers and duties under this section. The commission shall meet at least quarterly and shall~~  
24 ~~report at least annually to the general assembly on its findings and recommendations with respect~~  
25 ~~to:~~

26 ~~(1) All existing substance abuse prevention programs;~~

27 ~~(2) All rules, regulations, and guidelines promulgated pursuant to the Rhode Island~~  
28 ~~Substance Abuse Prevention Act;~~

29 ~~(3) Administration of the Rhode Island Substance Abuse Prevention Act; and~~

30 ~~(4) Any other matters relating to substance abuse prevention efforts in the state.~~

31 ~~16-21.2-11 Devices prohibited.—(a) Any student enrolled in any secondary or~~  
32 ~~elementary school shall be prohibited from carrying, possessing or using a paging device of any~~  
33 ~~kind or a laser pointer of any kind on school property, except with the written consent of the~~  
34 ~~principal of the school in which the student is enrolled.~~

1 ~~(b) The penalty for violation of this section shall be the confiscation of the device.~~

2 SECTION 3. This article shall take effect as of July 1, 2008.

3 **ARTICLE 11**

4 RELATING TO HEALTH PROFESSIONS – LICENSED

5 CHEMICAL DEPENDENCY PROFESSIONALS

6 SECTION 1. Sections 5-69-2, 5-69-3, 5-69-4, 5-69-5, 5-69-6, 5-69-7, 5-69-8, 5-69-9, 5-  
7 69-11, 5-69-13 and 5-69-14 of the General Laws in Chapter 5-69 entitled “Rhode Island  
8 Chemical Dependency Professionals Act” are hereby amended to read as follows:

9 **5-69-2. Definitions.** – As used in this chapter:

10 (1) “ACDP” means an advanced chemical dependency professional certification as per  
11 the Rhode Island Board for certification of chemical dependency professionals requirements.

12 (2) “ACDP II” means an advanced chemical dependency professional II certification as  
13 per the International Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse.  
14 “ICRC/AODA”.

15 ~~(2)~~(3) “Advertise” includes, but is not limited to, the issuing or causing to be distributed  
16 and card, sign, or device to any person; or the causing, permitting, or allowing any sign or  
17 marking on or in any building or structure, or in any newspaper or magazine or in any directory,  
18 or on radio, television, or by the use of any other means designed to secure public attention.

19 ~~(3)~~(4) “Approved continuing education” means research and training programs, colleges  
20 and university courses, in-service training programs, seminars and conferences designed to  
21 maintain and enhance the skills of substance abuse counselors or clinical supervisors and which  
22 are recognized by the ~~Certification Board.~~ ICRC/AODA member board.

23 ~~(4)~~(5) “CDCS” means Chemical Dependency Clinical Supervisor.

24 ~~(5) “Certification Board” means the current Rhode Island Board of certification of~~  
25 ~~chemical dependency professionals.~~

26 (6) “Clergy” includes any minister, priest, rabbi, Christian Science practitioner, or any  
27 other similar religious counselor.

28 (7) “Continuum of care network” means public and private substance abuse care agencies  
29 such as detoxification centers, emergency rooms, hospitals, treatment centers, ~~TASC~~, outpatient  
30 and day treatment clinics, and community residences for substance abusers. This service employs  
31 or refers to medical, psychological, health, and counseling professions that treat substance and  
32 related concerns.

33 (8) “Department” means the Rhode Island department of ~~mental health, retardation, and~~  
34 ~~hospitals~~ health.



1 (9) “Director” means the director of the Rhode Island department of ~~mental health,~~  
2 ~~retardation and hospitals~~ health.

3 (10) “Documented professional work experience” means ~~a certification~~ the ICRC/AODA  
4 member board approved form completed by employer or approved supervisor verifying dates of  
5 employment and responsibilities.

6 (11) “Experience” means six thousand (6,000) hours of supervised practice of chemical  
7 dependency counseling in a ~~division of substance abuse services or~~ department of mental health,  
8 retardation, and hospitals licensed or ~~certification~~ ICRC/AODA member board approved facility  
9 during a sixty (60) month period of time immediately preceding the date of application for  
10 licensure.

11 (12) “ICRC/AODA” means International Certification and Reciprocity  
12 Consortium/Alcohol and Other Drug Abuse.

13 ~~(12)~~(13) “Licensed Chemical Dependency Clinical Supervisor” means an individual  
14 licensed by the ~~licensing board~~ department of health to practice and supervise substance abuse  
15 counseling and who meets the qualification established in this section.

16 ~~(13)~~(14) “Licensed chemical dependency professional” means an individual licensed by  
17 the department of health ~~licensing board~~ to practice substance abuse counseling and who meets  
18 the qualifications established in this section

19 ~~(14)~~(15) “Licensing Board” or “Board” means the board of licensing for chemical  
20 dependency professionals.

21 (16) “Member Board” means the Rhode Island Board for Certification of Chemical  
22 Dependency Professionals.

23 ~~(15)~~(17) “Practice of substance abuse counseling” means rendering or offering to render  
24 professional service for any fee, monetary or otherwise, documented to individuals, families or  
25 groups. Those professional services include the application of the ICRC/AODA specific  
26 knowledge, skills, counseling theory, and application of techniques to define goals and develop a  
27 treatment plan of action aimed toward the prevention, education, or treatment in the recovery  
28 process of substance abuse within the continuum of care service network. The practice further  
29 includes, but is not limited to, networking and making referrals to medical, social services,  
30 psychological, psychiatric, and/or legal resources when indicated.

31 ~~(16)~~(18) “Recognized Education Institution” means any educational institution, which  
32 grants an associate, bachelors, masters, or doctoral degree and which is recognized by the board,  
33 or by a nationally or regionally recognized educational or professional accrediting organization.

34 ~~(17)~~(19) “Substance abuse” means addictive (chronic and habitual) consumption,

1 injection, inhalation, or psychological, physical, social, economical, and/or spiritual functioning.

2 ~~(18)~~(20) “Supervision” means no less than one hour per week and consists of individual  
3 or group supervision with a clinician licensed or certified in substance abuse counseling with  
4 education, supervisory experience and ethics approved by the ~~Board~~ [ICRC/AODA member](#).

5 **5-69-3. Title and practice regulation.--** (a) Any individual licensed under this chapter  
6 may use the title “licensed chemical dependency professional” and the abbreviation “LCDP” or  
7 the title “licensed chemical dependency clinical supervisor” and the abbreviation “LCDCS”  
8 provided that the title and abbreviation shall correspond to the license held pursuant to this  
9 chapter.

10 (b) No Individual shall represent herself or himself as a “licensed chemical dependency  
11 professional”, “LCDP” “licensed chemical dependency clinical supervisor”, “LCDCS” unless she  
12 or he is licensed as a “licensed chemical dependency professional” or “licensed chemical  
13 dependency clinical supervisor” pursuant to this chapter and provided that the title and  
14 abbreviation shall correspond to the licensed help pursuant to this chapter.

15 (c) Those ~~currently hold in~~ [presently holding](#) the title “advanced chemical dependency  
16 professional”, [advanced chemical dependency professional II](#) and/or “licensed chemical  
17 dependency clinical supervisor” shall qualify for licensure as a “licensed chemical dependency  
18 professional” and/or “licensed chemical dependency clinical supervisor”. These applications  
19 must be received within ninety (90) days of the effective date of this chapter. The regular  
20 licensing fee of fifty dollars (\$50.00) shall apply.

21 **5-69-4. Licensed chemical dependency professional/licensed chemical dependency**  
22 **supervisor privilege exemptions.** – (a) No license under this chapter or an employee of a  
23 licensee may disclose any information acquired from clients or persons consulting with the  
24 licensee to render professional services except under provisions of the federal regulation 42 CFR  
25 part 2.

26 (b) The provisions of this chapter do not apply to the following individuals:

27 (1) Qualified members of other professions or occupations engaging in practices similar  
28 in nature to chemical dependency counseling; provided, that they are authorized by the laws of  
29 this state to engage in these practices, do not represent themselves as “licensed chemical  
30 dependency professionals” or “licensed chemical dependency clinical supervisor”;

31 (2) Students/counselors engaged in entry level internships in a department of mental  
32 health, retardation and hospitals licensed or [an ICRC/AODA member certification](#) board  
33 approved facility; provided that the student/counselor are practicing as part of supervised work or  
34 course of study and designated by the titles as “counselor intern,” “counselor,” or “chemical

1 dependency professional student” or others clearly indicating training status;

2 (3) Nothing in this section shall be construed to prevent members of the clergy, peer  
3 group, or self-help groups from performing peer counseling or self-help activities which may be,  
4 wholly or in part, included as a defined professional service as cited in 5-69-2; provided, that no  
5 members of peer group or self-help groups may use a title stating or implying that they are a  
6 licensed chemical dependency professional or a licensed chemical dependency clinical supervisor  
7 unless licensed under the provisions of this chapter

8 **5-69-5. Agency Powers.** - The department shall promulgate rules and regulations that  
9 are reasonably necessary for the administration of this chapter and to further its purpose. The  
10 department shall, on recommendation of the licensing board of ~~chemical-dependency~~  
11 ~~professionals~~, issue licenses to those qualified under this chapter. The director of the department  
12 of health may issue additional levels of licensing that may be developed, approved, or adopted by  
13 both the licensing board and the ICRC/AODA member board.

14 **5-69-6. Licensing board.** - (a) Within the department there shall be established a board  
15 of licensing for chemical dependency professionals. The governor shall appoint a licensing board  
16 consisting of ~~nine (9)~~ seven (7) members.

17 (b) Of the ~~nine (9)~~ seven (7) licensing board members, ~~six~~ three shall be licensed under  
18 this chapter, ~~except that the members constituting the first licensing board shall be persons~~  
19 ~~eligible for licensing;~~

20 (2) Licensing board members shall be:

21 (i) ~~Three (3) members selected from and representing the general public. At least one~~  
22 ~~member shall be a consumer of substance abuse counseling services, and one shall be from a~~  
23 ~~minority group as defined by the federal Department of Health, Education, and Welfare. Two (2)~~  
24 members appointed by the governor shall be representatives of groups that reflect demographics  
25 of person(s) served;

26 (ii) ~~Four (4)~~ Three (3) members shall represent the licensed professionals appointed by  
27 the director of health ; ~~two (2) shall be licensed chemical dependency professionals and two (2)~~  
28 ~~members shall be licensed chemical dependency clinical supervisors.~~

29 (iii) One ~~licensed~~ member shall be ~~a voting member of~~ an active member or administrator  
30 of the Rhode Island Association of Alcohol and Drug Abuse Counselors. board for certification  
31 of chemical dependency professionals appointed by the director of health;

32 (iv) ~~One licensed member shall be an active member of the Drug and Alcohol Treatment~~  
33 ~~Association of Rhode Island~~ One member shall be a consumer advocate from an established  
34 substance abuse recovery consumer advocacy group appointed by the director of health.

1 (3) Licensing board members shall serve without compensation.

2 (4) Each licensing board member shall take and subscribe to the oath of affirmation  
3 prescribed by law and shall file this oath in the office of the secretary of state.

4 (5) The term of office shall be three (3) years, except that of the members of the first  
5 licensing board. Three (3) shall be appointed for a term of one year, three (3) for a term of two (2)  
6 years, three (3) for a term of three (3) years. At least one member representing the general public,  
7 and one member representing a minority group, as defined by the federal Department of Health,  
8 Education, and Welfare, shall be appointed for the initial term of three (3) full years. Successors  
9 to these licensing board positions shall be appointed for a term of three (3) years each, except that  
10 any person appointed to fill a vacancy shall be for the unexpired term of office. Upon expiration  
11 of the term of office, a member shall continue to serve until a successor is appointed and  
12 qualified. No person shall be appointed for more than two (2) consecutive three (3) year terms.

13 (6) The governor may remove any member of the licensing board for neglect of duty,  
14 malfeasance, conviction of a felony or a crime of moral turpitude while in office or for lack of  
15 attendance/participation in board meetings. No licensing board member shall participate in any  
16 matter before the licensing board in which pecuniary interest, personal bias, or other similar  
17 conflicts of interests is established.

18 **5-69-7. Powers and duties of the licensing board.**— (a) The organization, meeting, and  
19 management of the licensing board shall be established by regulations promulgated by the  
20 department of ~~mental health, retardation and hospitals~~ [health](#).

21 (b) In addition to duties set forth in this chapter, the licensing board shall:

22 (1) Examine and pass on the qualifications of all applicants [identified by the](#)  
23 [ICRC/AODA member board that all standards have been successfully completed](#) for licensure  
24 under this chapter, and recommend to the director that a license shall be issues to each qualified  
25 successful applicant, attesting to the applicant’s professional qualification to practice as a  
26 “licensed chemical dependency professional” or a “licensed chemical dependency clinical  
27 supervisor”;

28 (2) Recommend that the director of adopt rules and regulations that set [ICRC/AODA](#)  
29 professional practice standards for licensed chemical dependency professionals and licensed  
30 chemical dependency clinical supervisors;

31 (3) Recommend modifications or amendments deemed necessary to effectuate its  
32 purpose;

33 (4) Be responsible for making recommendations to the director concerning all  
34 disciplinary functions carried out regarding all license under this chapter;

1 (5) Have any other powers required to carry out the provision of this chapter.

2 **5-69-8. Licenses.** - (a) The Department shall issue the appropriate license to applicants  
3 who meet the qualifications of the license as specified:

4 (1) *“Licensed chemical dependency professional”*. Any individual desiring to obtain a  
5 license as a licensed chemical dependency professional shall be currently certified as an advanced  
6 chemical dependency professional or [advanced chemical dependency professional II](#) in accord  
7 with the ~~Rhode Island certification board for chemical dependency professionals specified~~  
8 ~~requirements~~ [ICRC/AODA member board standards](#), as a prerequisite for submitting the  
9 application to the licensing board.

10 (2) *“Licensed chemical dependency clinical supervisor”*. Any individual desiring to  
11 obtain a license as a licensed chemical dependency clinical supervisor shall be currently certified  
12 as an advanced chemical dependency professional [or advanced chemical dependency professional](#)  
13 [II](#), shall have completed the ~~current Rhode Island certification board requirements~~ [ICRC/AODA](#)  
14 [member board standards](#) for chemical dependency clinical supervisor, and shall submit an  
15 application to the licensing board.

16 (3) *Other*. An applicant having a comparable license, certification, or reciprocity within  
17 Rhode Island or from another state or territory of the United States that imposes qualifications  
18 substantially similar to those of this chapter, as determined by the licensing board.

19 (b) In addition to the qualifications listed in this section, an applicant for any of these  
20 titles must prove to the licensing board’s satisfaction:

21 (1) Good moral character that is a continuing requirement for licensure;

22 (2) United States citizenship or status as a legal resident alien;

23 (3) Absence of a sanction from the National Association of Alcohol and Drug Abuse  
24 Counselors, or ~~Rhode Island board for certification of chemical dependency professionals~~  
25 [ICRC/AODA member board](#) sanction for violation of the code of ethics, or other related state  
26 board which will be waived by the board upon presentation of satisfactory evidence that the  
27 sanction does not impair the ability of the person to conduct with safety to the public the practice  
28 authorized by this license. The applicant shall bear the burden of proving that his or her sanction  
29 does not impair his or her ability to conduct with safety to the public the practice authorized by  
30 this license;

31 (4) Absence of conviction of a felony, which shall be waived by the board upon  
32 presentation of satisfactory evidence that the conviction does not impair the ability of the person  
33 to conduct with safety to the public the practice authorized by this license. The applicant shall  
34 bear the burden of proving that his or her conviction does not impair his or her ability to conduct

1 with safety to the public the practice authorized by this license;

2 (5) That the applicant has not been declared mentally incompetent by any court, and if  
3 decree has ever been rendered, that there has been a subsequent court determination that the  
4 applicant is competent; and

5 (6) Freedom from use of any controlled substance or any alcoholic beverage to the extent  
6 that the use impairs the ability of the person to conduct with safety to the public the practice  
7 authorized by this license. The applicant shall bear the burden of proving that he or she is free  
8 from use of any controlled substance or any alcoholic beverages that impair his or her ability to  
9 conduct with safety to the public the practice authorized by this license.

10 **5-69-9. Fees and renewal.** -- The non-refundable application fee for licensure shall be  
11 fifty dollars (\$50.00). Licenses shall be renewed every two (2) years on October first of even  
12 numbered years upon payment of a fee of fifty (\$50.00) dollars, ~~and~~ compliance with  
13 ICRC/AODA member board requirements, and compliance with any additional requirements that  
14 the licensing board may promulgate. The requirements may include the establishment of  
15 standards for continuing education.

16 **5-69-10. Complaints.** --All complaints concerning a licensee's business or professional  
17 practice shall be received by the department of ~~mental health, retardation and hospitals~~ health.  
18 Each complaint received shall be logged, recording at a minimum the following information:

- 19 (1) Licensee's name;  
20 (2) Name of the complaining party;  
21 (3) Date of complaint;  
22 (4) Brief statement of complaint; and  
23 (5) Disposition.

24 **5-69-11. Disciplinary sanctions.**—(a) The Licensing board may recommend that the  
25 director impose any of the following sanctions, singly or in combination, when it finds that a  
26 licensee is guilty of any offenses described in this section:

- 27 (1) Revocation of the license;  
28 (2) Suspension of the license for any period of time;  
29 (3) Censure of the licensee;  
30 (4) Issue a letter of reprimand;  
31 (5) Place a licensee on probation status and require the licensee to submit to any of the  
32 following:  
33 (i) Report regularly to the licensing board upon matters that are he basis of probation;  
34 (ii) Continue to renew professional education until a satisfactory degree of skill has been

1 attached in those areas that are the basis of probation;

2 [\(iii\) Attend employee assistance counseling services.](#)

3 (6) Refuse to renew a license;

4 (7) Revoke probation which was granted and impose any other discipline provided in this  
5 section when the requirements of probation are not fulfilled or have been violated.

6 (b) The director may reinstate any licensee to good standing under this chapter, if after a  
7 hearing the department of ~~mental health, retardation and hospitals~~ [health](#) is satisfied that the  
8 applicant's renewed practice is in the public interest.

9 (c) Upon the suspension or revocation of a license issued under this chapter, a licensee  
10 shall be required to surrender the license to the director and upon failure to do so, the director  
11 shall have the right to seize the license.

12 (d) The director may make available annually a list of names and addresses of all  
13 licensees under the provisions of this chapter, and of all persons who have been disciplined within  
14 the preceding twelve (12) months.

15 (e) Any persons convicted of violating the provisions of this chapter shall be guilty of a  
16 misdemeanor, punishable by a fine of not more than five hundred dollars(\$500), imprisonment  
17 for not more than one year, or both.

18 **5-69-14. Restricted receipt account.** -- Any fees collected under the provision of this  
19 chapter shall be deposited in a restricted receipt account for the general purposes of the  
20 administration of the ~~division of substance abuse services,~~ department of ~~mental health,~~  
21 ~~retardation and hospitals~~ [health](#).

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

## 23 **ARTICLE 12**

### 24 **RELATING TO TREATMENT ALTERNATIVES TO** 25 **STREET CRIME PROGRAM**

26 SECTION 1. Section 5-69-2 of the General Laws in Chapter 5-69 entitled "License  
27 Procedure for Chemical Dependency Professionals" is hereby amended to read as follows:

28 **5-69-2. Definitions.** – As used in this chapter:

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

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

1 (3) "Approved continuing education" means research and training programs, college and  
2 university courses, in-service training programs, seminars and conferences designed to maintain  
3 and enhance the skills of substance abuse counselors or clinical supervisors and which are  
4 recognized by the certification board.

5 (4) "CDCS" means chemical dependency clinical supervisor as per the Rhode Island  
6 board for certification of chemical dependency professionals requirements.

7 (5) "Certification board" means the current Rhode Island board of certification of  
8 chemical dependency professionals.

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

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

16 (8) "Department" means the Rhode Island department of mental health, retardation, and  
17 hospitals.

18 (9) "Director" means the director of the Rhode Island department of mental health,  
19 retardation, and hospitals.

20 (10) "Documented professional work experience" means a certification board approved  
21 form completed by employer or approved supervisor verifying dates of employment and  
22 responsibilities.

23 (11) "Experience" means six thousand (6,000) hours of supervised practice of chemical  
24 dependency counseling in a division of substance abuse services or department of mental health,  
25 retardation, and hospitals licensed or certification board approved facility during a sixty (60)  
26 month period of time immediately preceding the date of application for licensure.

27 (12) "Licensed chemical dependency clinical supervisor" means an individual licensed by  
28 the licensing board to practice and supervise substance abuse counseling and who meets the  
29 qualification established in this section.

30 (13) "Licensed chemical dependency professional" means an individual licensed by the  
31 licensing board to practice substance abuse counseling and who meets the qualifications  
32 established in this section.

33 (14) "Licensing board" or "board" means the board of licensing for chemical dependency  
34 professionals.



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

9 (16) "Recognized education institution" means any educational institution, which grants  
10 an associate, bachelor, masters, or doctoral degree and which is recognized by the board, or by a  
11 nationally or regionally recognized educational or professional accrediting organization.

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

15 (18) "Supervision" means no less than one hour per week and consists of individual or  
16 group supervision with a clinician licensed or certified in substance abuse counseling with  
17 education, supervisory experience, and ethics approved by the board.

18 SECTION 2. Section 21-28-4.01 of the General Laws in Chapter 21-28 entitled  
19 "Uniform Controlled Substances Act" is hereby amended to read as follows:

20 **21-28-4.01. Prohibited acts A – Penalties.** – (a) Except as authorized by this chapter, it  
21 shall be unlawful for any person to manufacture, deliver, or possess with intent to manufacture or  
22 deliver a controlled substance.

23 (2) Any person who is not a drug addicted person, as defined in § 21-28-1.02(18), who  
24 violates this subsection with respect to a controlled substance classified in schedule I or II, except  
25 the substance classified as marijuana, is guilty of a crime and upon conviction may be imprisoned  
26 to a term up to life, or fined not more than five hundred thousand dollars (\$500,000) nor less than  
27 ten thousand dollars (\$10,000), or both.

28 (3) Where the deliverance as prohibited in this subsection shall be the proximate cause of  
29 death to the person to whom the controlled substance is delivered, it shall not be a defense that  
30 the person delivering the substance was at the time of delivery, a drug addicted person as defined  
31 in § 21-28-1.02(18).

32 (4) Any person, except as provided for in subdivision (2) of this subsection, who violates  
33 this subsection with respect to:

34 (i) A controlled substance classified in schedule I or II, is guilty of a crime and upon

1 conviction may be imprisoned for not more than thirty (30) years, or fined not more than one  
2 hundred thousand dollars (\$100,000) nor less than three thousand dollars (\$3,000), or both;

3 (ii) A controlled substance classified in schedule III or IV, is guilty of a crime and upon  
4 conviction may be imprisoned for not more than twenty (20) years, or fined not more than forty  
5 thousand dollars (\$40,000), or both; provided, with respect to a controlled substance classified in  
6 schedule III(d), upon conviction may be imprisoned for not more than five (5) years, or fined not  
7 more than twenty thousand dollars (\$20,000), or both.

8 (iii) A controlled substance classified in schedule V, is guilty of a crime and upon  
9 conviction may be imprisoned for not more than one year, or fined not more than ten thousand  
10 dollars (\$10,000), or both.

11 (b) Except as authorized by this chapter, it is unlawful for any person to create, deliver, or  
12 possess with intent to deliver, a counterfeit substance.

13 (2) Any person who violates this subsection with respect to:

14 (i) A counterfeit substance classified in schedule I or II, is guilty of a crime and upon  
15 conviction may be imprisoned for not more than thirty (30) years, or fined not more than one  
16 hundred thousand dollars (\$100,000), or both;

17 (ii) A counterfeit substance classified in schedule III or IV, is guilty of a crime and upon  
18 conviction may be imprisoned for not more than twenty (20) years, or fined not more than forty  
19 thousand dollars (\$40,000), or both; provided, with respect to a controlled substance classified in  
20 schedule III(d), upon conviction may be imprisoned for not more than five (5) years, or fined not  
21 more than twenty thousand dollars (\$20,000) or both.

22 (iii) A counterfeit substance classified in schedule V, is guilty of a crime and upon  
23 conviction may be imprisoned for not more than one year, or fined not more than ten thousand  
24 dollars (\$10,000), or both.

25 (c) It shall be unlawful for any person knowingly or intentionally to possess a controlled  
26 substance, unless the substance was obtained directly from or pursuant to a valid prescription or  
27 order of a practitioner while acting in the course of his or her professional practice, or except as  
28 otherwise authorized by this chapter.

29 (2) Any person who violates this subsection with respect to:

30 (i) A controlled substance classified in schedules I, II and III, IV, and V, except the  
31 substance classified as marijuana, is guilty of a crime and upon conviction may be imprisoned for  
32 not more than three (3) years or fined not less than five hundred dollars (\$500) nor more than five  
33 thousand dollars (\$5,000), or both;

34 (ii) A controlled substance classified in schedule I as marijuana is guilty of a

1 misdemeanor and upon conviction may be imprisoned for not more than one year or fined not less  
2 than two hundred dollars (\$200) nor more than five hundred dollars (\$500), or both.

3 (3) Additionally every person convicted or who pleads nolo contendere under paragraph  
4 (2)(i) of this subsection or convicted or who pleads nolo contendere a second or subsequent time  
5 under paragraph (2)(ii) of this subsection, who is not sentenced to a term of imprisonment to  
6 serve for the offense, shall be required to:

7 (i) Perform no less than one hundred (100) hours of community service;

8 ~~(ii) Be referred to Treatment Alternatives to Street Crime (TASC) to determine the~~  
9 ~~existence of problems of drug abuse. Should TASC determine the person needs treatment, it will~~  
10 ~~arrange for the treatment to be provided and after completion of the treatment, the person shall~~  
11 ~~perform his or her required community service and attend the drug education program;~~

12 (iii) Attend and complete a drug counseling and education program as prescribed by the  
13 director of the department of health and pay the sum of four hundred dollars (\$400) to help defray  
14 the costs of this program which shall be deposited as general revenues. Failure to attend may  
15 result after hearing by the court in jail sentence up to one year;

16 (iv) The court shall not suspend any part or all of the imposition of the fee required by  
17 this subsection, unless the court finds an inability to pay;

18 (v) If the offense involves the use of any automobile to transport the substance or the  
19 substance is found within an automobile, then a person convicted or who pleads nolo contendere  
20 under paragraphs (2)(i) and (ii) of this subsection shall be subject to a loss of license for a period  
21 of six (6) months for a first offense and one year for each offense after this.

22 (4) All fees assessed and collected pursuant to paragraph (3)(iii) of this subsection shall  
23 be deposited as general revenues and shall be collected from the person convicted or who pleads  
24 nolo contendere before any other fines authorized by this chapter.

25 (d) It shall be unlawful for any person to manufacture, distribute, or possess with intent to  
26 manufacture or distribute, an imitation controlled substance. Any person who violates this  
27 subsection is guilty of a crime, and upon conviction shall be subject to the same term of  
28 imprisonment and/or fine as provided by this chapter for the manufacture or distribution of the  
29 controlled substance which the particular imitation controlled substance forming the basis of the  
30 prosecution was designed to resemble and/or represented to be; but in no case shall the  
31 imprisonment be for more than five (5) years nor the fine for more than twenty thousand dollars  
32 (\$20,000).

33 (e) It shall be unlawful for a practitioner to prescribe, order, distribute, supply, or sell an  
34 anabolic steroid or human growth hormone for: (1) enhancing performance in an exercise, sport,

1 or game, or (2) hormonal manipulation intended to increase muscle mass, strength, or weight  
2 without a medical necessity. Any person who violates this subsection is guilty of a misdemeanor  
3 and upon conviction may be imprisoned for not more than six (6) months or a fine of not more  
4 than one thousand dollars (\$1,000), or both.

5 SECTION 3. Section 31-27-2 of the General Laws in Chapter 31-27 entitled "Motor  
6 Vehicle Offenses" is hereby amended to read as follows:

7 **31-27-2. Driving under influence of liquor or drugs.** – (a) Whoever drives or  
8 otherwise operates any vehicle in the state while under the influence of any intoxicating liquor,  
9 drugs, toluene, or any controlled substance as defined in chapter 28 of title 21, or any  
10 combination of these, shall be guilty of a misdemeanor except as provided in subdivision (d)(3)  
11 and shall be punished as provided in subsection (d) of this section.

12 (b) Any person charged under subsection (a) of this section whose blood alcohol  
13 concentration is eight one-hundredths of one percent (.08%) or more by weight as shown by a  
14 chemical analysis of a blood, breath, or urine sample shall be guilty of violating subsection (a) of  
15 this section. This provision shall not preclude a conviction based on other admissible evidence.  
16 Proof of guilt under this section may also be based on evidence that the person charged was under  
17 the influence of intoxicating liquor, drugs, toluene, or any controlled substance defined in chapter  
18 28 of title 21, or any combination of these, to a degree which rendered the person incapable of  
19 safely operating a vehicle. The fact that any person charged with violating this section is or has  
20 been legally entitled to use alcohol or a drug shall not constitute a defense against any charge of  
21 violating this section.

22 (2) Whoever drives or otherwise operates any vehicle in the state with a blood presence  
23 of any scheduled controlled substance as defined within chapter 28 of title 21, as shown by  
24 analysis of a blood or urine sample, shall be guilty of a misdemeanor and shall be punished as  
25 provided in subsection (d) of this section.

26 (c) In any criminal prosecution for a violation of subsection (a) of this section, evidence  
27 as to the amount of intoxicating liquor, toluene, or any controlled substance as defined in chapter  
28 28 of title 21, or any combination of these, in the defendant's blood at the time alleged as shown  
29 by a chemical analysis of the defendant's breath, blood, or urine or other bodily substance shall be  
30 admissible and competent, provided that evidence is presented that the following conditions have  
31 been complied with:

32 (1) The defendant has consented to the taking of the test upon which the analysis is made.  
33 Evidence that the defendant had refused to submit to the test shall not be admissible unless the  
34 defendant elects to testify.

1 (2) A true copy of the report of the test result was mailed within seventy-two (72) hours  
2 of the taking of the test to the person submitting to a breath test.

3 (3) Any person submitting to a chemical test of blood, urine, or other body fluids shall  
4 have a true copy of the report of the test result mailed to him or her within thirty (30) days  
5 following the taking of the test.

6 (4) The test was performed according to methods and with equipment approved by the  
7 director of the department of health of the state of Rhode Island and by an authorized individual.

8 (5) Equipment used for the conduct of the tests by means of breath analysis had been  
9 tested for accuracy within thirty (30) days preceding the test by personnel qualified as  
10 hereinbefore provided, and breathalyzer operators shall be qualified and certified by the  
11 department of health within three hundred sixty-five (365) days of the test.

12 (6) The person arrested and charged with operating a motor vehicle while under the  
13 influence of intoxicating liquor, toluene, or any controlled substance as defined in chapter 28 of  
14 title 21, or, any combination of these in violation of subsection (a) of this section was afforded the  
15 opportunity to have an additional chemical test. The officer arresting or so charging the person  
16 shall have informed the person of this right and afforded him or her a reasonable opportunity to  
17 exercise this right, and a notation to this effect is made in the official records of the case in the  
18 police department. Refusal to permit an additional chemical test shall render incompetent and  
19 inadmissible in evidence the original report.

20 (d) Every person found to have violated subdivision (b)(1) of this section shall be  
21 sentenced as follows: for a first violation whose blood alcohol concentration is eight one-  
22 hundredths of one percent (.08%) but less than one-tenth of one percent (.1%) by weight or who  
23 has a blood presence of any scheduled controlled substance as defined in subdivision (b)(2) shall  
24 be subject to a fine of not less than one hundred dollars (\$100) nor more than three hundred  
25 dollars (\$300), shall be required to perform ten (10) to sixty (60) hours of public community  
26 restitution, and/or shall be imprisoned for up to one year. The sentence may be served in any unit  
27 of the adult correctional institutions in the discretion of the sentencing judge and/or shall be  
28 required to attend a special course on driving while intoxicated or under the influence of a  
29 controlled substance, and his or her driver's license shall be suspended for thirty (30) days up to  
30 one hundred eighty (180) days.

31 (ii) Every person convicted of a first violation whose blood alcohol concentration is one-  
32 tenth of one percent (.1%) by weight or above but less than fifteen hundredths of one percent  
33 (.15%) or whose blood alcohol concentration is unknown shall be subject to a fine of not less than  
34 one hundred (\$100) dollars nor more than four hundred dollars (\$400) and shall be required to

1 perform ten (10) to sixty (60) hours of public community restitution and/or shall be imprisoned  
2 for up to one year. The sentence may be served in any unit of the adult correctional institutions in  
3 the discretion of the sentencing judge. The person's driving license shall be suspended for a  
4 period of three (3) months to twelve (12) months. The sentencing judge shall require attendance  
5 at a special course on driving while intoxicated or under the influence of a controlled substance  
6 and/or alcoholic or drug treatment for the individual.

7 (iii) Every person convicted of a first offense whose blood alcohol concentration is  
8 fifteen hundredths of one percent (.15%) or above, or who is under the influence of a drug,  
9 toluene, or any controlled substance as defined in subdivision (b)(1) shall be subject to a fine of  
10 five hundred dollars (\$500) and shall be required to perform twenty (20) to sixty (60) hours of  
11 public community restitution and/or shall be imprisoned for up to one year. The sentence may be  
12 served in any unit of the adult correctional institutions in the discretion of the sentencing judge.  
13 The person's driving license shall be suspended for a period of three (3) months to eighteen (18)  
14 months. The sentencing judge shall require attendance at a special course on driving while  
15 intoxicated or under the influence of a controlled substance and/or alcohol or drug treatment for  
16 the individual.

17 (2) Every person convicted of a second violation within a five (5) year period with a  
18 blood alcohol concentration of eight one-hundredths of one percent (.08%) or above but less than  
19 fifteen hundredths of one percent (.15%) or whose blood alcohol concentration is unknown or  
20 who has a blood presence of any controlled substance as defined in subdivision (b)(2), and every  
21 person convicted of a second violation within a five (5) year period regardless of whether the  
22 prior violation and subsequent conviction was a violation and subsequent conviction under this  
23 statute or under the driving under the influence of liquor or drugs statute of any other state, shall  
24 be subject to a mandatory fine of four hundred dollars (\$400). The person's driving license shall  
25 be suspended for a period of one year to two (2) years, and the individual shall be sentenced to  
26 not less than ten (10) days nor more than one year in jail. The sentence may be served in any unit  
27 of the adult correctional institutions in the discretion of the sentencing judge; however, not less  
28 than forty-eight (48) hours of imprisonment shall be served consecutively. The sentencing judge  
29 shall require alcohol or drug treatment for the individual, and may prohibit that person from  
30 operating a motor vehicle that is not equipped with an ignition interlock system for a period of  
31 one year to two (2) years following the completion of the sentence as provided in § 31-27-2.8.

32 (ii) Every person convicted of a second violation within a five (5) year period whose  
33 blood alcohol concentration is fifteen hundredths of one percent (.15%) or above by weight as  
34 shown by a chemical analysis of a blood, breath, or urine sample or who is under the influence of

1 a drug, toluene, or any controlled substance as defined in subdivision (b)(1) shall be subject to  
2 mandatory imprisonment of not less than six (6) months nor more than one year, a mandatory fine  
3 of not less than one thousand dollars (\$1,000) and a mandatory license suspension for a period of  
4 two (2) years from the date of completion of the sentence imposed under this subsection.

5 (3) Every person convicted of a third or subsequent violation within a five (5) year period  
6 with a blood alcohol concentration of eight one-hundredths of one percent (.08%) or above but  
7 less than fifteen hundredths of one percent (.15%) or whose blood alcohol concentration is  
8 unknown or who has a blood presence of any scheduled controlled substance as defined in  
9 subdivision (b)(2) regardless of whether any prior violation and subsequent conviction was a  
10 violation and subsequent conviction under this statute or under the driving under the influence of  
11 liquor or drugs statute of any other state, shall be guilty of a felony and be subject to a mandatory  
12 fine of four hundred (\$400) dollars. The person's driving license shall be suspended for a period  
13 of two (2) years to three (3) years, and the individual shall be sentenced to not less than one year  
14 and not more than three (3) years in jail. The sentence may be served in any unit of the adult  
15 correctional institutions in the discretion of the sentencing judge; however, not less than forty-  
16 eight (48) hours of imprisonment shall be served consecutively. The sentencing judge shall  
17 require alcohol or drug treatment for the individual, and may prohibit that person from operating  
18 a motor vehicle that is not equipped with an ignition interlock system for a period of two (2) years  
19 following the completion of the sentence as provided in § 31-27-2.8.

20 (ii) Every person convicted of a third or subsequent violation within a five (5) year period  
21 whose blood alcohol concentration is fifteen hundredths of one percent (.15%) above by weight  
22 as shown by a chemical analysis of a blood, breath, or urine sample or who is under the influence  
23 of a drug, toluene or any controlled substance as defined in subdivision (b)(1) shall be subject to  
24 mandatory imprisonment of not less than three (3) years nor more than five (5) years, a  
25 mandatory fine of not less than one thousand dollars (\$1,000) nor more than five thousand dollars  
26 (\$5,000) and a mandatory license suspension for a period of three (3) years from the date of  
27 completion of the sentence imposed under this subsection.

28 (iii) In addition to the foregoing penalties, every person convicted of a third or  
29 subsequent violation within a five (5) year period regardless of whether any prior violation and  
30 subsequent conviction was a violation and subsequent conviction under this statute or under the  
31 driving under the influence of liquor or drugs statute of any other state shall be subject, in the  
32 discretion of the sentencing judge, to having the vehicle owned and operated by the violator  
33 seized and sold by the state of Rhode Island, with all funds obtained by the sale to be transferred  
34 to the general fund.

1 (4) For purposes of determining the period of license suspension, a prior violation shall  
2 constitute any charge brought and sustained under the provisions of this section or § 31-27-2.1.

3 (ii) Any person over the age of eighteen (18) who is convicted under this section for  
4 operating a motor vehicle while under the influence of alcohol, other drugs, or a combination of  
5 these, while a child under the age of thirteen (13) years was present as a passenger in the motor  
6 vehicle when the offense was committed may be sentenced to a term of imprisonment of not more  
7 than one year and further shall not be entitled to the benefit of suspension or deferment of this  
8 sentence. The sentence imposed under this section may be served in any unit of the adult  
9 correctional institutions in the discretion of the sentencing judge.

10 (5) Any person convicted of a violation under this section shall pay a highway assessment  
11 fine of five hundred dollars (\$500) which shall be deposited into the general fund. The assessment  
12 provided for by this subsection shall be collected from a violator before any other fines  
13 authorized by this section.

14 (ii) Any person convicted of a violation under this section shall be assessed a fee. The fee  
15 shall be as follows:

16	FISCAL YEAR	FISCAL YEAR	FISCAL YEAR
17	1993-1995	1996-1999	2000-2010
18	\$147	\$173	\$86

19 (6) If the person convicted of violating this section is under the age of eighteen (18)  
20 years, for the first violation he or she shall be required to perform ten (10) to sixty (60) hours of  
21 public community restitution, and the juvenile's driving license shall be suspended for a period of  
22 six (6) months, and may be suspended for a period up to eighteen (18) months. The sentencing  
23 judge shall also require attendance at a special course on driving while intoxicated or under the  
24 influence of a controlled substance and alcohol or drug education and/or treatment for the  
25 juvenile. The juvenile may also be required to pay a highway assessment fine of no more than  
26 five hundred dollars (\$500), and the assessment imposed shall be deposited into the general fund.

27 (ii) If the person convicted of violating this section is under the age of eighteen (18)  
28 years, for a second or subsequent violation regardless of whether any prior violation and  
29 subsequent conviction was a violation and subsequent under this statute or under the driving  
30 under the influence of liquor or drugs statute of any other state, he or she shall be subject to a  
31 mandatory suspension of his or her driving license until such time as he or she is twenty-one (21)  
32 years of age and may, in the discretion of the sentencing judge, also be sentenced to the Rhode  
33 Island training school for a period of not more than one year and/or a fine of not more than five  
34 hundred dollars (\$500).



1 (7) Any person convicted of a violation under this section may undergo a clinical  
2 assessment at a facility approved by the department of ~~health~~ mental health, retardation, and  
3 hospitals. Should this clinical assessment determine problems of alcohol, drug abuse, or  
4 psychological problems associated with alcoholic or drug abuse, this person shall be referred to  
5 ~~the T.A.S.C. (treatment alternatives to street crime) program~~ an appropriate facility for treatment  
6 placement, case management, and monitoring.

7 (e) Percent by weight of alcohol in the blood shall be based upon milligrams of alcohol  
8 per one hundred (100) cubic centimeters of blood.

9 (f) There is established an alcohol and drug safety unit within the division of motor  
10 vehicles to administer an alcohol safety action program. The program shall provide for placement  
11 and follow-up for persons who are required to pay the highway safety assessment. The alcohol  
12 and drug safety action program will be administered in conjunction with alcohol and drug  
13 programs ~~within~~ licensed by the department of ~~health~~ mental health, retardation, and hospitals.

14 (2) Persons convicted under the provisions of this chapter shall be required to attend a  
15 special course on driving while intoxicated or under the influence of a controlled substance,  
16 and/or participate in an alcohol or drug treatment program. The course shall take into  
17 consideration any language barrier which may exist as to any person ordered to attend, and shall  
18 provide for instruction reasonably calculated to communicate the purposes of the course in  
19 accordance with the requirements of the subsection. Any costs reasonably incurred in connection  
20 with the provision of this accommodation shall be borne by the person being retrained. A copy of  
21 any violation under this section shall be forwarded by the court to the alcohol and drug safety  
22 unit. In the event that persons convicted under the provisions of this chapter fail to attend and  
23 complete the above course or treatment program, as ordered by the judge, then the person may be  
24 brought before the court, and after a hearing as to why the order of the court was not followed,  
25 may be sentenced to jail for a period not exceeding one year.

26 (3) The alcohol and drug safety action program within the division of motor vehicles  
27 shall be funded by general revenue appropriations.

28 (g) The director of the health department of the state of Rhode Island is empowered to  
29 make and file with the secretary of state regulations which prescribe the techniques and methods  
30 of chemical analysis of the person's body fluids or breath, and the qualifications and certification  
31 of individuals authorized to administer this testing and analysis.

32 (h) Jurisdiction for misdemeanor violations of this section shall be with the district court  
33 for persons eighteen (18) years of age or older and to the family court for persons under the age  
34 of eighteen (18) years. The courts shall have full authority to impose any sentence authorized and

1 to order the suspension of any license for violations of this section. All trials in the district court  
2 and family court of violations of the section shall be scheduled within thirty (30) days of the  
3 arraignment date. No continuance or postponement shall be granted except for good cause shown.  
4 Any continuances that are necessary shall be granted for the shortest practicable time. Trials in  
5 superior court are not required to be scheduled within thirty (30) days of the arraignment date.

6 (i) No fines, suspensions, assessments, alcohol or drug treatment programs, course on  
7 driving while intoxicated or under the influence of a controlled substance, public community  
8 restitution, or jail provided for under this section can be suspended.

9 (j) An order to attend a special course on driving while intoxicated that shall be  
10 administered in cooperation with a college or university accredited by the state, shall include a  
11 provision to pay a reasonable tuition for the course in an amount not less than twenty-five dollars  
12 (\$25.00), and a fee of one hundred seventy-five dollars (\$175), which fee shall be deposited into  
13 the general fund.

14 (k) For the purposes of this section, any test of a sample of blood, breath, or urine for the  
15 presence of alcohol, which relies in whole or in part upon the principle of infrared light  
16 absorption is considered a chemical test.

17 (l) If any provision of this section or the application of any provision shall for any reason  
18 be judged invalid, such a judgment shall not affect, impair, or invalidate the remainder of the  
19 section, but shall be confined in this effect to the provision or application directly involved in the  
20 controversy giving rise to the judgment.

21 SECTION 4. This article shall take effect upon passage.

## 22 ARTICLE 13

### 23 RELATING TO MUNICIPAL INCENTIVE PAY PROGRAMS

24 SECTION 1. Chapter 42-28.1 of the General Laws in Title 42 entitled "Municipal Police  
25 – Incentive Pay" is hereby repealed in its entirety.

26 ~~42-28.1 1. Incentive pay plan.—There is hereby established an incentive pay program in~~  
27 ~~accordance with the provisions hereof, offering financial compensation to members of the state,~~  
28 ~~city, town police departments, sheriffs and deputy sheriffs, members of the Rhode Island~~  
29 ~~marshals' unit, Rhode Island capitol police and the state fire marshal and deputy fire marshals of~~  
30 ~~the Rhode Island division of fire safety for college education credits in the field of police work.~~

31 ~~42-28.1 2. Eligibility for plan.—Any full time member of any state, city, town police~~  
32 ~~force, the sheriffs unit, the Rhode Island marshals' unit, the Rhode Island capitol police force,~~  
33 ~~park police and conservation officer units of the division of enforcement of the department of~~  
34 ~~environmental management and the state fire marshal and deputy state fire marshals of the Rhode~~

~~Island division of fire safety shall be eligible for the plan established in this chapter provided he or she accumulates the requisite number of points under the schedule set forth in § 42-28.1-3.~~

~~42-28.1-3. Incentive steps.—(a) Advancement to each of the incentive salary steps shall be based on a point system as set forth in § 42-28.1-4 and shall be accomplished as follows:~~

<del>Incentive Step</del>	<del>Increase Above Basic Salary</del>	<del>Points Acquired</del>
<del>1</del>	<del>\$1,000</del>	<del>30</del>
<del>2</del>	<del>\$2,000</del>	<del>Associate Degree in Law Enforcement</del>
<del>3</del>	<del>\$3,000</del>	<del>Bachelor's Degree in Law Enforcement or Criminal Justice</del>
<del>4</del>	<del>\$3,500</del>	<del>Juris Doctor, Masters Degree in Law Enforcement provided the participant has achieved a Bachelor's Degree in Law Enforcement, criminal justice, or law</del>

~~(b) Except that the state fire marshal and the deputy state fire marshals may be granted credit for a degree with a concentration in fire science.~~

~~42-28.1-4. Point system.—The points needed to be acquired in order to achieve the various incentive steps as set forth in § 42-28.1-3 shall be earned as follows:~~

~~(a) One hundred twenty (120) points for a baccalaureate degree in a university, college, technical institute, or other institution approved by the regional accrediting association of colleges and secondary schools.~~

~~(b) Sixty (60) points for an associate degree awarded by any institution approved by the regional accrediting association of colleges and secondary schools.~~

~~(c) One point for each semester hour credit obtained in a university, college, technical institute, or other institute of learning approved by the New England Association of Colleges and Secondary Schools, with a concentration in police and legal studies and including studies in the field of behavioral sciences, provided that the member is continuously enrolled in a law enforcement degree program and is taking a minimum of nine (9) credit courses per year in said program; and that a degree is obtained by the member within six (6) years from the time that he or she receives his or her first credit under this program; provided, further, that upon disability or~~

1 ~~hardship of a member the chief of training, division of personnel, may exempt that member from~~  
2 ~~the above requirements.~~

3 ~~42-28.1-5. Eligible expenses.—Upon presentation of evidence of successful completion~~  
4 ~~of any course or courses as mentioned in § 42-28.1-4 to the chief of the department in which any~~  
5 ~~police officer is a member, then the respective town or city in which the officer is employed shall~~  
6 ~~reimburse him or her all his or her eligible expenses incurred by taking the courses within a~~  
7 ~~period of ninety (90) days from the submission. For the purposes of this section, the words~~  
8 ~~"eligible expenses" shall include the cost of tuition, books, and supplies but shall not include any~~  
9 ~~expenses related to courses in a program leading to a Bachelor of Laws (LLB) or a Juris Doctor~~  
10 ~~(JD) degree.~~

11 ~~Any city or town may enter into an agreement with any police officer upon acceptance to~~  
12 ~~law school while in the employ of said city or town.~~

13 ~~Said agreement may require the police officer to remain employed one month for each~~  
14 ~~month the officer received reimbursement for law school.~~

15 ~~Failure to meet said employment shall mandate the officer reimburse the city or town the~~  
16 ~~full amount paid by the city or town for law school.~~

17 ~~42-28.1-6. Payments.—(a) Each of the chiefs of the various agencies shall supply to the~~  
18 ~~chief of training, division of personnel, on or before the first day of September of each year, a list~~  
19 ~~of all members of their respective agencies who have received incentive credits. The chief shall~~  
20 ~~certify the amount of incentive pay for each city and town, and the state controller is hereby~~  
21 ~~authorized and directed to draw his or her orders on the general treasurer for payment to the chief~~  
22 ~~of the sums to be certified to be distributed by him or her to the several city and town treasurers~~  
23 ~~for payment to the eligible police officers; provided, however, that if the appropriation in any~~  
24 ~~fiscal year is not sufficient to pay in full the total amount which is eligible to be distributed during~~  
25 ~~the fiscal year, the maximum amounts which the eligible police officers are eligible to receive~~  
26 ~~shall be ratably reduced to the level of the appropriation. The state shall not be responsible for~~  
27 ~~payment of any of the "eligible expenses" as defined in § 42-28.1-5 except for payment of the~~  
28 ~~eligible expenses of deputy sheriffs. Payment of all other expenses shall be the exclusive~~  
29 ~~responsibility of the respective city or town.~~

30 ~~(b) Individual incentive payments shall remain fixed at the dollar amount obtained by the~~  
31 ~~incentive point score attained as of September 1, 1978, and will not increase until the additional~~  
32 ~~required incentive points have been earned.~~

33 ~~(c) No participant in this program shall receive an incentive award in an amount less than~~  
34 ~~the amount he or she received in the fiscal year ending June 30, 1979.~~

1 ~~(d) Those who are participants in this program as of September 1, 1978, and who do not~~  
2 ~~have a degree nor are enrolled in a degree program, must enroll in a degree program by January 1,~~  
3 ~~1980, in order to be eligible for the incentive award payments~~

4 ~~42-28.1-7. Appropriation.—The state of Rhode Island shall bear the expense for incentive~~  
5 ~~payments. The general assembly shall annually appropriate such sums as it may deem necessary~~  
6 ~~to carry out the provisions of this chapter; and the controller is hereby authorized and directed to~~  
7 ~~draw his or her orders upon the general treasurer for the payment of such sum or so much thereof~~  
8 ~~as may be required from time to time, upon receipt by him or her of duly authenticated vouchers.~~

9 ~~42-28.1-8. Eligible education.—No credit shall be granted for any degree other than those~~  
10 ~~specified in § 42-28.1-3. No credit shall be granted to members of city or town police forces for~~  
11 ~~degrees awarded prior to May 1, 1967. No credit shall be granted to members of the state police~~  
12 ~~force and division of fire safety for degrees awarded prior to May 16, 1970. No credit shall be~~  
13 ~~granted to members of the sheriffs' unit for degrees awarded prior to January 1, 1970. No credit~~  
14 ~~shall be granted to members of the Rhode Island marshals' unit or Rhode Island capitol police~~  
15 ~~force for degrees awarded prior to June 30, 1987, except for those members of the marshals' unit~~  
16 ~~or capitol police force presently in service.~~

17 ~~42-28.1-9. Ineligibility for other incentive payments.—Any person receiving educational~~  
18 ~~incentive payments under this chapter is ineligible for additional incentive payments as contained~~  
19 ~~in the in-service training program for state employees, as contained in the state personnel rules or~~  
20 ~~in § 36-4-44 or in any other chapter relating to incentive in-service training programs.~~

21 SECTION 2. Chapter 42-28.4 of the General Laws in Title 42 entitled “Municipal  
22 Firefighters – Incentive Pay” is hereby repealed in its entirety.

23 ~~42-28.4-1. Incentive pay plan.—There is hereby established an incentive pay program in~~  
24 ~~accordance with the provisions hereof, offering financial compensation to members of the various~~  
25 ~~city and town fire departments and fire districts and the Cumberland rescue department and~~  
26 ~~emergency service technicians of the town of Lincoln for furthering their education so as to~~  
27 ~~improve their professional competency.~~

28 ~~42-28.4-2. Eligibility for plan.—Any full-time member of any city or town fire~~  
29 ~~department, the Cumberland rescue department, emergency service technicians of the town of~~  
30 ~~Lincoln, any salaried, full-time official, and any salaried, full-time firefighter of any incorporated~~  
31 ~~fire district shall be eligible for the plan established in this chapter provided he or she~~  
32 ~~accumulates the requisite number of points under the schedule set forth in § 42-28.4-3.~~

33 ~~42-28.4-3. Incentive steps.—Advancement to each of the incentive award steps shall be~~  
34 ~~based on a point system as set forth in § 42-28.4-4 and shall be accomplished as follows:~~

Incentive	Increase Above	Points
Step	Basic Salary	Acquired
1	\$1,000	30
2	\$2,000	Associate Degree
3	\$3,000	Baccalaureate Degree

~~42-28.4 4. Point system.— The points needed to be acquired in order to achieve the various incentive steps as set forth in § 42-28.4 3 shall be earned as follows:~~

~~(a) One hundred forty (140) points for a baccalaureate degree in a university, college, technical institute, or other institution approved by the regional accrediting association of colleges and secondary schools for the area in which the institution is located.~~

~~(b) Seventy (70) points for an associate degree awarded by any institution approved by the regional accrediting association of colleges and secondary schools for the area in which the institution is located.~~

~~(c) One point for each semester hour credit obtained in a university, college, technical institute, or other institute of learning approved by the regional accrediting association of colleges and secondary schools for the area in which the institution is located, with a concentration related to fire science, provided that the member is continuously enrolled in a degree program and is taking at least nine (9) semester hours per year in the program and that a degree is obtained; provided, however, that upon disability or hardship of a member, the chief of classification and training, division of personnel may exempt the member from the above requirements.~~

~~42-28.4 5. Payments.— (a) The chiefs of the various fire departments and fire districts and Cumberland rescue department and emergency service technicians of the town of Lincoln shall supply to the chief of classification and training, division of personnel, on or before the first day of September of each year, a list of all members of the respective departments who have earned incentive credits from July 1, 1970. The chief shall certify the amount of incentive pay for each firefighter or Cumberland rescue personnel and emergency service technicians of the town of Lincoln and the state controller is hereby authorized and directed to draw his or her orders upon the general treasurer for payment to the chief of the sums to be distributed by him or her to the several city and town treasurers who shall in turn distribute these funds to the eligible firefighters or Cumberland rescue personnel and emergency service technicians of the town of Lincoln; provided, however, that if the appropriation in any fiscal year is not sufficient to pay in full the total amount which is eligible to be distributed during the fiscal year, the maximum amounts which the eligible firefighters or Cumberland rescue personnel, and emergency service technicians of the town of Lincoln are eligible to receive shall be ratably reduced to the level of~~

1 ~~the appropriation.~~

2 ~~(b) Individual incentive payments shall remain fixed at the dollar amount obtained by the~~  
3 ~~incentive point score attained as of September 1, 1978, and will not increase until the additional~~  
4 ~~required incentive points have been earned.~~

5 ~~(c) No participant in this program shall receive an incentive award in an amount less than~~  
6 ~~the amount he or she received in the fiscal year ending June 30, 1979.~~

7 ~~(d) Firefighters who are participants in this program as of September 1, 1978 and who do~~  
8 ~~not have a degree nor are enrolled in a degree program must enroll in a degree program by~~  
9 ~~January 1, 1980 in order to be eligible for the incentive award payments.~~

10 ~~42-28.4 6. Appropriation.—The state of Rhode Island shall bear the expense for incentive~~  
11 ~~payments. The general assembly shall annually appropriate such sums as it may deem necessary~~  
12 ~~to carry out the provisions of this chapter; and the controller is hereby authorized and directed to~~  
13 ~~draw his or her orders upon the general treasurer for the payment of such sum or so much thereof~~  
14 ~~as may be required from time to time upon receipt by him or her of duly authenticated vouchers.~~

15 ~~42-28.4 7. Eligible education.—No credit shall be granted for any degree other than in a~~  
16 ~~major concentration related to fire science, nor for any degree awarded prior to July 5, 1970.~~

17 ~~SECTION 3. This article shall take effect upon passage.~~

## 18 **ARTICLE 14**

### 19 **RELATING TO MUNICIPAL FINANCES**

20 SECTION 1. Chapter 45-10 of the General Laws entitled “Audit of Accounts” is hereby  
21 amended by adding thereto the following section:

22 **45-10-16. Advisory council on municipal finances.** – (a) In order to strengthen the  
23 fiscal accountability of cities, towns and municipalities in Rhode Island an advisory council on  
24 municipal finances is hereby formed. The council is composed of five (5) members as follows:

25 (1) The auditor general of the state of Rhode Island or his or her designee;

26 (2) The executive director of the Rhode Island league of cities and towns or his or her  
27 designee;

28 (3) The executive director of the Rhode Island league of cities and towns shall appoint a  
29 representative of the Government Finance Officers Association;

30 (4) The director of the department of revenue or his or her designee;

31 (5) The state controller or his or her designee.

32 The auditor general or his or her designee shall serve as chair of the council.

33 (b) The council shall develop recommendations for a uniform system of accounting,  
34 including a chart of accounts for all cities, towns and municipalities. These recommendations

1 shall take into consideration the work of the advisory council on school finances pursuant to the  
2 requirements of § 16-2-9.3. The council shall recommend changes in accounting procedures to be  
3 adopted by cities, towns and municipalities. In addition, the council shall apprise municipal  
4 business officials, city and town councils, and other municipal leaders about sound fiscal  
5 practices and current state and federal rules and regulations regarding municipal finance. All  
6 recommendations of the council shall be advisory in nature.

7 (c) The council shall meet at least one time each year. The council shall report its  
8 activities and recommendations to the chairs of the house and senate committees on finance, the  
9 senate committee on housing and municipal government, the house committee on municipal  
10 government, and the office of the governor. The council's initial recommendations shall be  
11 submitted by July 1, 2009.

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

### 13 ARTICLE 15

#### 14 RELATING TO STATE AID

15 SECTION 1. Section 42-61.2-7 of the General Laws in Chapter 42-61.2 entitled "Video  
16 Lottery Terminal" is hereby amended to read as follows:

17 **42-61.2-7. Division of revenue.** – (a) Notwithstanding the provisions of § 42-61-15, the  
18 allocation of net terminal income derived from video lottery games is as follows:

19 (1) For deposit in the general fund and to the state lottery division fund for  
20 administrative purposes: Net terminal income not otherwise disbursed in accordance with  
21 subdivisions (a)(2) – (a)(6) herein;

22 (i) Except for the fiscal year ending June 30, 2008, nineteen one hundredths of one  
23 percent (0.19%) up to a maximum of twenty million dollars (\$20,000,000) shall be equally  
24 allocated to the distressed communities as defined in § 45-13-12 provided that no eligible  
25 community shall receive more than twenty-five percent (25%) of that community's currently  
26 enacted municipal budget as its share under this specific subsection. Distributions made under  
27 this specific subsection are supplemental to all other distributions made under any portion of  
28 general laws § 45-13-12. For the fiscal year ending June 30, 2008 distributions by community  
29 shall be identical to the distributions made in the fiscal year ending June 30, 2007 and shall be  
30 made from general appropriations. For the fiscal year ending June 30, 2009, the total state  
31 distribution shall be the same total amount distributed in the fiscal year ending June 30, 2008 and  
32 shall be made from general appropriations.

33 (ii) Five one hundredths of one percent (0.05%) up to a maximum of five million  
34 dollars (\$5,000,000) shall be appropriated to property tax relief to fully fund the provisions of §



1 44-33-2.1. The maximum credit defined in subdivision 44-33-9(2) shall increase to the maximum  
2 amount to the nearest five dollar (\$5.00) increment within the allocation until a maximum credit  
3 of five hundred dollars (\$500) is obtained. In no event shall the exemption in any fiscal year be  
4 less than the prior fiscal year.

5 (iii) One and twenty-two one hundredths of one percent (1.22%) to fund § 44-34.1-1,  
6 entitled "Motor Vehicle and Trailer Excise Tax Elimination Act of 1998", to the maximum  
7 amount to the nearest two hundred fifty dollar (\$250) increment within the allocation. In no event  
8 shall the exemption in any fiscal year be less than the prior fiscal year.

9 (iv) Except for the fiscal year ending June 30, 2008, ten one hundredths of one percent  
10 (0.10%) to a maximum of ten million dollars (\$10,000,000) for supplemental distribution to  
11 communities not included in paragraph (a)(1)(i) above distributed proportionately on the basis of  
12 general revenue sharing distributed for that fiscal year. For the fiscal year ending June 30, 2008  
13 distributions by community shall be identical to the distributions made in the fiscal year ending  
14 June 30, 2007 and shall be made from general appropriations. For the fiscal year ending June 30,  
15 2009, the total state distribution shall be the same total amount distributed in the fiscal year  
16 ending June 30, 2008 and shall be made from general appropriations.

17 (2) To the licensed video lottery retailer:

18 (a) Prior to the effective date of the NGJA Master Contract, Newport Jai Ali twenty-six  
19 percent (26%) minus three hundred eighty four thousand nine hundred ninety-six dollars  
20 (\$384,996);

21 (ii) On and after the effective date of the NGJA Master Contract, to the licensed video  
22 lottery retailer who is a party to the NGJA Master Contract, all sums due and payable under said  
23 Master Contract minus three hundred eighty four thousand nine hundred ninety-six dollars  
24 (\$384,996).

25 (b) Prior to the effective date of the UTGR Master Contract, to the present licensed  
26 video lottery retailer at Lincoln Park which is not a party to the UTGR Master Contract, twenty-  
27 eight and eighty-five one hundredths percent (28.85%) minus seven hundred sixty-seven  
28 thousand six hundred eighty-seven dollars (\$767,687);

29 (ii) On and after the effective date of the UTGR Master Contract, to the licensed video  
30 lottery retailer who is a party to the UTGR Master Contract, all sums due and payable under said  
31 Master Contract minus seven hundred sixty-seven thousand six hundred eighty-seven dollars  
32 (\$767,687).

33 (3) To the technology providers who are not a party to the GTECH Master Contract as  
34 set forth and referenced in Public Law 2003, Chapter 32, seven percent (7%) of the net terminal

1 income of the provider's terminals;

2 (ii) To contractors who are a party to the Master Contract as set forth and referenced in  
3 Public Law 2003, Chapter 32, all sums due and payable under said Master Contract;

4 (iii) Notwithstanding paragraphs (i) and (ii) above, there shall be subtracted  
5 proportionately from the payments to technology providers the sum of six hundred twenty-eight  
6 thousand seven hundred thirty-seven dollars (\$628,737);

7 (4) To the city of Newport one and one hundredth percent (1.01%) of net terminal  
8 income of authorized machines at Newport Grand and to the town of Lincoln one and twenty-six  
9 hundredths (1.26%) of net terminal income of authorized machines at Lincoln Park; and

10 (5) To the Narragansett Indian Tribe, seventeen hundredths of one percent (0.17%) of  
11 net terminal income of authorized machines at Lincoln Park up to a maximum of ten million  
12 dollars (\$10,000,000) per year, which shall be paid to the Narragansett Indian Tribe for the  
13 account of a Tribal Development Fund to be used for the purpose of encouraging and promoting:  
14 home ownership and improvement, elderly housing, adult vocational training; health and social  
15 services; childcare; natural resource protection; and economic development consistent with state  
16 law. Provided, however, such distribution shall terminate upon the opening of any gaming facility  
17 in which the Narragansett Indians are entitled to any payments or other incentives; and provided  
18 further, any monies distributed hereunder shall not be used for, or spent on previously contracted  
19 debts.

20 (6) Unclaimed prizes and credits shall remit to the general fund of the state;

21 (7) Payments into the state's general fund specified in subdivisions (a)(1) and (a)(6)  
22 shall be made on an estimated monthly basis. Payment shall be made on the tenth day following  
23 the close of the month except for the last month when payment shall be on the last business day.

24 SECTION 2. Sections 45-13-1 and 45-13-9 of the General Laws in Chapter 45-13  
25 entitled "State Aid" are hereby amended to read as follows:

26 **45-13-1. Apportionment of annual appropriation for state aid.** – (a) As used in this  
27 chapter, the following words and terms have the following meanings:

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

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

32 (3) "Tax effort" means the total taxes imposed by a city or town for public purposes or  
33 the totals of those taxes for the cities or towns within a county (except employee and employer  
34 assessments and contributions to finance retirement and social insurance systems and other

1 special assessments for capital outlay) determined by the United States secretary of commerce for  
2 general statistical purposes and adjusted to exclude amounts properly allocated to education  
3 expenses.

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

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

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

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

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

24 For fiscal year 2004, notwithstanding the provisions of subsection (a), aid calculations  
25 shall be based on a blended rate of ninety percent (90%) of the data from the 1990 census and ten  
26 percent (10%) of the data from the 2000 census. In each of the succeeding nine (9) fiscal years,  
27 the calculations shall be based on a blended rate that increases the percentage of data utilized  
28 from the 2000 census by ten percent (10%) from the previous year and decreases the percentage  
29 of the data utilized from the 1990 census by ten percent (10%) from the previous year.

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

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

34 (2) For the fiscal year ending June 30, 1999, the total amount of aid shall be based upon

1 one and three-tenths percent (1.3%) of total state tax revenues in the reference year.

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

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

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

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

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

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

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

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

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

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

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

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

24 (d) The assent of two-thirds (2/3) of the members elected to each house of the general  
25 assembly shall be required to repeal or amend this section.

26 (e) For the fiscal year ending June 30, 2008 the apportionments of state aid as derived  
27 through the calculations as required by subsections (a) through (c) shall be adjusted  
28 proportionally downward statewide by the amount of ten million dollars (\$10,000,000).

29 (f) For the fiscal year ending June 30, 2009 the apportionments of state aid as derived  
30 through the calculations as required by subsections (a) through (c) shall be adjusted downward to  
31 yield a total state appropriation of fifty-four million six hundred two thousand nine hundred  
32 ninety-two dollars (\$54,602,992). Then apportionments shall be based upon an initial state  
33 appropriation of fifty-four million six hundred ninety-nine thousand three dollars (\$54,699,003),  
34 reduced further by ninety-six thousand eleven dollars (\$96,011), to assure that no municipality

1 shall receive more state aid in FY 2009 than it received in FY 2008 not including the application  
2 of the adjustments provided for in subsection (e).

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

4 **ARTICLE 16**

5 RELATING TO TEMPORARY ASSISTANCE

6 PROGRAM FOR NEEDY FAMILIES

7 SECTION 1. Title 40 of the General Laws entitled "Human Services" is hereby amended  
8 by adding thereto the following chapter:

9 CHAPTER 5.2

10 TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

11 **40-5.2-1. Title.** - This chapter shall be known and cited as the Rhode Island Temporary  
12 Assistance for Needy Families Act of 2008.

13 **40-5.2-2. Legislative findings.** - It is hereby found and declared as follows:

14 (a) The State of Rhode Island is facing annual deficits in excess of three hundred fifty  
15 million dollars (\$350,000,000) for each of the next five years.

16 (b) It is the intent of the general assembly to fundamentally change the public assistance  
17 program, formerly known as the family independence program, in order to provide temporary  
18 cash assistance to eligible families with dependent children while requiring the entry or reentry of  
19 the adult members of the family into the workplace with necessary supports as quickly as possible  
20 and to re-direct state resources to accomplish this goal;

21 (c) Furthermore, it is the intent of the general assembly to require the development of a  
22 family cash assistance program, which shall provide eligible participants with employment and  
23 support services along with temporary cash assistance, so that parents can participate in the  
24 workforce rather than depend on public assistance to support themselves and their children.

25 **40-5.2-3.** In order to achieve these goals, the Temporary Assistance for Needy Families  
26 Act of 2008 is hereby established.

27 **40-5.2-4.** The department of human services, with the assistance of the executive office  
28 of health and human services, shall propose necessary legislation during the 2008 session of the  
29 general assembly, consistent with the federal Temporary Assistance for Needy Families (TANF)  
30 program, and the Rhode Island program shall achieve one or more of the following basic  
31 purposes of TANF:

32 (a) Provide assistance to needy families so that children may be cared for in their own  
33 homes, or in the homes of relatives;

34 (b) End the dependence of parents on government benefits by promoting job preparation,

1 work, and marriage;

2 (c) Prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual  
3 numerical goals for preventing and reducing the incidence of these pregnancies; and

4 (d) Encourage the formation and maintenance of families.

5 SECTION 2. This article shall take effect upon the enactment of legislation by July 2008  
6 and in accordance with the legislative intent and the goals set forth in this article.

7 **ARTICLE 17**

8 **RELATING TO RHODE ISLAND MEDICAID REFORM ACT**

9 SECTION 1. Title 40 of the General Laws entitled “Human Services” is hereby amended  
10 by adding thereto the chapter:

11 CHAPTER 20

12 THE RHODE ISLAND MEDICAID

13 REFORM ACT

14 **40-20-1. Title.** - This chapter shall be known and cited as the Rhode Island Medicaid  
15 Reform Act of 2008.

16 **40-20-2. Legislative findings.** - It is hereby found and declared as follows:

17 (a) The State of Rhode Island is facing annual deficits in excess of three hundred fifty  
18 million dollars (\$350,000,000) for each of the next five years. During this time the Rhode Island  
19 Medicaid program is forecast to grow at a rate of seven (7) percent per year. Given the size of the  
20 Medicaid program and its impact on the state budget, this rate of growth is not financially  
21 sustainable;

22 (b) It is the intent of the Rhode Island General Assembly that Medicaid shall be a  
23 sustainable, cost effective, person centered, and opportunity driven program utilizing competitive  
24 and value based purchasing to maximize the available service options; and

25 (c) It is the intent of the General Assembly to fundamentally redesign the Medicaid  
26 Program in order to achieve a person-centered and opportunity driven program;

27 (d) It is the intent of the General Assembly to:

28 (1) create a Medical Assistance Program that is a results oriented system of coordinated  
29 care that focuses on independence and choice

30 (2) use competitive value based purchasing to maximize the available service options,  
31 promote accountability and transparency, and encourage and reward healthy outcomes and  
32 responsible choices; and

33 (3) promote efficiencies through interdepartmental cooperation, specifically between and  
34 among the executive office of health and human services and the department of human services,

1 the single state agency responsible for administration and implementation of this chapter

2 **40-20-3.** In order to promote personal responsibility, participant choice, dignity,  
3 competition and independence, the Rhode Island Medicaid Reform Act is hereby established.

4 **40-20-4.** The department of human services, with the assistance of the executive office of  
5 health and human services, shall propose necessary legislation during the 2008 session of the  
6 general assembly which would reform the state's Medicaid Program in furtherance of the  
7 following goals:

8 (a) Provide Medicaid assistance to eligible individuals;

9 (b) Provide community alternatives and least restrictive options for person centered  
10 choice and independence, as opposed to institutionalization;

11 (c) Provide for personal responsibility;

12 (d) Create a person-centered and opportunity driven program;

13 (e) Create a results oriented system of coordinated care that focuses on independence and  
14 choice;

15 (f) Use competitive value based purchasing to maximize the available service options and  
16 promote accountability and transparency; and

17 (g) Encourage and reward healthy outcomes and responsible choices.

18 SECTION 2. This article shall take effect upon the enactment of legislation in  
19 accordance with the findings and goals set forth in this article.

## 20 ARTICLE 18

### 21 RELATING TO HUMAN SERVICES -

#### 22 HOSPITAL RATE PAYMENT

23 SECTION 1 Sections 40-8-13.1 and 40-8-13.2 of the General Laws in Chapter 40-8  
24 entitled "Medical Assistance" are hereby amended to read as follows:

25 ~~**40-8-13.1 Reimbursement for out-of-state hospital services**~~ **Payment for Services**  
26 **provided by in state and out of state hospitals.--** (a) The director of the department of human

27 services and/or the secretary of executive office of health and human services is hereby  
28 authorized and directed to amend ~~, effective July 1, 1995,~~ its regulations ~~, its fee schedules~~ and  
29 the Rhode Island state plan for medical assistance (Medicaid) pursuant to Title XIX of the federal  
30 Social Security Act to provide for ~~reimbursement~~ payment to ~~out-of-state~~ hospitals for services  
31 provided by the hospitals to eligible recipients in accordance with this ~~section~~ chapter.

32 ~~(b) Authorized inpatient hospital services shall be reimbursed at a rate equal to fifty~~  
33 ~~percent (50%) of the out-of-state hospital's customary charge(s) for such services to Title XIX~~  
34 ~~recipients in that state; provided, however, that in-patient hospital organ transplant services shall~~

1 ~~be reimbursed at sixty one percent (61%) of the out of state hospital's customary charge(s) for~~  
2 ~~such organ transplant services to Title XIX recipients in that state. Authorized outpatient hospital~~  
3 ~~services (other than laboratory services) shall be reimbursed at a rate equal to fifty three percent~~  
4 ~~(53%) of the out of state hospital's customary charge(s) for such services to Title XIX recipients~~  
5 ~~in that state; outpatient laboratory services shall be reimbursed at the Medicare allowable rate.~~

6 ~~(c) The department may periodically adjust the inpatient and/or outpatient service~~  
7 ~~reimbursement rate(s) based upon a medical care cost index to be determined by the department.~~

8 ~~**40-8-13.2 Prospective rate methodology for in-state hospital services**~~ **Rate**  
9 **Methodology for payment for in state and out of state hospital services.**—(a) The legislature  
10 finds and declares that:

11 (1) It is of paramount public interest for the state to take all necessary and appropriate  
12 actions to ensure access to and the provision of high quality and cost-effective hospital care to its  
13 citizens;

14 (2) The previous methodology of payment to hospitals was administratively burdensome.  
15 Delays and adjustments to cost reports and payment rates were problematic for financial planning  
16 for both hospitals and the department of human services;

17 (3) A new methodology for payment to in state and out of state hospitals for inpatient  
18 services will improve access to care, increase fairness to hospitals, reward efficiency, improve  
19 purchasing clarity, and reduce administrative burden for both the state Medicaid agency and the  
20 hospitals;

21 (4) In order to improve efficiency and cost effectiveness, the department of human  
22 services shall effectuate a new payment methodology utilizing the diagnosis related groups  
23 (DRG) method of payment, a patient classification method which provides a means of relating  
24 payment to the hospitals to the classes of patients cared for by the hospitals. A payment method  
25 based on diagnosis related groups may include cost outlier payments and other specific  
26 exceptions to meet the overall goals listed in paragraph (c) above.

27 (5) Payment utilizing the diagnosis related groups methodology shall reward hospitals for  
28 providing the most efficient care, and shall enable the department to conduct value based  
29 purchasing of in patient care;

30 (b) The director of the department of human services and/or the secretary of executive  
31 office of health and human services is hereby authorized to promulgate such rules and regulations  
32 consistent with this chapter, and to establish fiscal procedures deemed necessary for the proper  
33 implementation and administration of this chapter in order to carry out payment to hospitals  
34 effectuating the diagnosis related group payment methodology. Further, amendment of the Rhode



1 Island state plan for medical assistance (Medicaid) pursuant to Title XIX of the federal Social  
2 Security Act is hereby authorized to provide for payment to hospitals for services provided to  
3 eligible recipients in accordance with this chapter;

4 (c) As a condition of participation ~~in the established prospective rate~~ in methodology for  
5 ~~reimbursement~~ payment of hospital services, in state hospital services, every hospital shall submit  
6 year-end settlement reports to the department within one year from the close of a hospital's fiscal  
7 year. In the event that a participating hospital fails to timely submit a year-end settlement report  
8 as required, the department shall withhold financial cycle payments due by any state agency with  
9 respect to this hospital by not more than ten percent (10%) until the report is received.

10 SECTION 2. Sections 27-19-14, 27-19-15, and 27-19-16 of the General Laws in Chapter  
11 27-19 entitled "Nonprofit Hospital Service Corporations" are hereby repealed.

12 ~~27-19-14 Negotiation of hospital cost. The state, acting through the budget officer or~~  
13 ~~his or her designated representative, hospitals, and hospital service corporations incorporated~~  
14 ~~under this chapter shall be parties to annual budget negotiations held for the purpose of~~  
15 ~~determining payment rates for hospital costs by the state and those corporations. The parties to~~  
16 ~~the negotiations shall know the total operating expenses for hospitals. The negotiations shall~~  
17 ~~commence no later than one hundred eighty (180) days prior to the beginning of each hospital~~  
18 ~~fiscal year. The negotiations, which shall be considered collective bargaining for the purposes of~~  
19 ~~§ 42-46-5(a)(2), shall be held for each hospital fiscal year and individual budget negotiations~~  
20 ~~shall commence not later than ninety (90) days prior to the beginning of each hospital fiscal year.~~  
21 ~~The parties shall employ mediation and arbitration services as an aid to the negotiations.~~

22 ~~27-19-15 Agreement on budgets. (a) The budgets and/or each hospital's projected~~  
23 ~~expenses and related statistics shall be agreed upon not later than thirty (30) days prior to the~~  
24 ~~beginning of each hospital fiscal year. The agreement shall be prima facie evidence that the~~  
25 ~~budgets and related statistics are:~~

26 (1) ~~Consistent with the proper conduct of the business of the corporations and the interest~~  
27 ~~of the public to the extent that the budgets constitute in the aggregate a component of hospital~~  
28 ~~service rates filed for approval in any rate hearing; and~~

29 (2) ~~Reasonable as a component of rates paid by the state as a purchaser of hospital~~  
30 ~~services.~~

31 (b) ~~Each hospital shall file its proposed budget to the state budget office which shall~~  
32 ~~include projected expenses for the current fiscal year and planned expenses for the next fiscal~~  
33 ~~year. Each hospital will also file with the state budget office a copy of its audited financial~~  
34 ~~statements with rates within thirty (30) days of acceptance by the hospital's board of trustees.~~

~~27-19-16 Severability.~~—If a court of competent jurisdiction shall adjudge that the requirement in § 27-19-14 that the state be a party to negotiations in which the United States is a party or otherwise interested is invalid or unconstitutional, that judgment shall not impair or invalidate § 27-19-14 insofar as it requires the state to be a party to negotiations between hospitals and hospital service corporations; and if any other clause, sentence, or section of §§ 27-19-14, 27-19-15, or this section is adjudged invalid or unconstitutional by a court of competent jurisdiction, the remaining provisions of the sections will not be impaired or invalidated by that invalidity, but the effect of the judgment shall be confined to the clause, sentence, or section so adjudged to be invalid or unconstitutional. If the United States or any of its departments or agencies requires that funds supplied by it to the state for the purchase or reimbursement of hospital services be disbursed in a manner inconsistent with any agreement reached by the parties pursuant to §§ 27-19-14 and 27-19-15, that requirement shall not affect any agreement as to other funds to be paid by the state or by hospital service corporations.

SECTION 3. This article shall take effect upon passage.

## ARTICLE 19

### RELATING TO HOSPITAL UNCOMPENSATED CARE

SECTION 1. Sections 40-8.3-2 and 40-8.3-3 of the General Laws in Chapter 40-8.3 entitled “Uncompensated Care” are hereby amended to read as follows:

**40-8.3-2. Definitions.** – As used in this chapter:

(1) "Base year" means for the purpose of calculating a disproportionate share payment for any fiscal year ending after ~~September 30, 2005, the period from October 1, 2003 through September 30, 2004~~ and for any fiscal year ending after September 30, 2007, the period from October 1, 2005 through September 30, 2006.

(2) "Medical assistance inpatient utilization rate for a hospital" means a fraction (expressed as a percentage) the numerator of which is the hospital's number of inpatient days during the base year attributable to patients who were eligible for medical assistance during the base year and the denominator of which is the total number of the hospital's inpatient days in the base year.

(3) "Participating hospital" means any nongovernment and nonpsychiatric hospital that: (i) was licensed as a hospital in accordance with chapter 17 of title 23 during the base year; (ii) achieved a medical assistance inpatient utilization rate of at least one percent (1%) during the base year; and (iii) continues to be licensed as a hospital in accordance with chapter 17 of title 23 during the payment year.

(4) "Uncompensated care costs" means, as to any hospital, the sum of: (i) the cost

1 incurred by such hospital during the base year for inpatient or outpatient services attributable to  
2 charity care (free care and bad debts) for which the patient has no health insurance or other third-  
3 party coverage less payments, if any, received directly from such patients; and (ii) the cost  
4 incurred by such hospital during the base year for inpatient or out-patient services attributable to  
5 Medicaid beneficiaries less any Medicaid reimbursement received therefor; multiplied by the  
6 uncompensated care index.

7 (5) "Uncompensated care index" means the annual percentage increase for hospitals  
8 established pursuant to § 27-19-14 for each year after the base year, up to and including the  
9 payment year, provided, however, that the uncompensated care index for the payment year ~~ending~~  
10 ~~September 30, 2005 shall be deemed to be five and eighty five hundredths percent (5.85%), and~~  
11 ~~that the uncompensated care index for the payment year ending September 30, 2006 shall be~~  
12 ~~deemed to be five and fifty hundredths percent (5.50%), and that the uncompensated care index~~  
13 ~~for the payment year ending September 30, 2007 shall be deemed to be five and forty-seven~~  
14 ~~hundredths percent (5.47%), and that the uncompensated care index for the payment year ending~~  
15 ~~September 30, 2008 shall be deemed to be five and forty seven hundredths percent (5.47%),~~and  
16 that the uncompensated care index for the payment year ending September 30, 2009 shall be  
17 deemed to be five and forty seven hundredths percent (5.47%).

18 **40-8.3-3. Implementation.** – ~~(a) For the fiscal year commencing on October 1, 2006~~  
19 ~~and ending September 30, 2007, the department of human services shall submit to the Secretary~~  
20 ~~of the U.S. Department of Health and Human Services a state plan amendment to the Rhode~~  
21 ~~Island Medicaid state plan for disproportionate share hospital payments (DSH Plan) to provide:~~

22 ~~(1) Disproportionate share hospital payments to all participating hospitals not to exceed~~  
23 ~~an aggregate limit of \$97.8 million, to be allocated by the department to the Pool A, Pool C and~~  
24 ~~Pool D components of the DSH Plan;~~

25 ~~(2) That the Pool D allotment shall be distributed among the participating hospitals in~~  
26 ~~direct proportion to the individual participating hospitals uncompensated care costs for the base~~  
27 ~~year inflated by the uncompensated care index to the total uncompensated care costs for the base~~  
28 ~~year inflated by uncompensated care index for all participating hospitals. The disproportionate~~  
29 ~~share payments shall be made on or before July 16, 2007 and are expressly conditioned upon~~  
30 ~~approval on or before July 9, 2007 by the Secretary of the U.S. Department of Health and Human~~  
31 ~~Services, or his or her authorized representative, of all Medicaid state plan amendments necessary~~  
32 ~~to secure for the state the benefit of federal financial participation in federal fiscal year 2007 for~~  
33 ~~the disproportionate share payments.~~

34 ~~(b)~~(a) For the fiscal year commencing on October 1, 2007 and ending September 30,

1 2008, the department of human services shall submit to the Secretary of the U.S. Department of  
2 Health and Human Services a state plan amendment to the Rhode Island Medicaid state plan for  
3 disproportionate share hospital payments (DSH Plan) to provide:

4 (1) Disproportionate share hospital payments to all participating hospitals not to exceed  
5 an aggregate limit of \$99.5 million, to be allocated by the department to the Pool A, Pool C and  
6 Pool D components of the DSH Plan;

7 (2) That the Pool D allotment shall be distributed among the participating hospitals in  
8 direct proportion to the individual participating hospitals uncompensated care costs for the base  
9 year inflated by the uncompensated care index to the total uncompensated care costs for the base  
10 year inflated by uncompensated care index for all participating hospitals. The disproportionate  
11 share payments shall be made on or before July 14, 2008 and are expressly conditioned upon  
12 approval on or before July 7, 2008 the Secretary of the U.S. Department of Health and Human  
13 Services, or his or her authorized representative, of all Medicaid state plan amendments necessary  
14 to secure for the state the benefit of federal financial participation in federal fiscal year 2008 for  
15 the disproportionate share payments.

16 (b) For the fiscal year commencing on October 1, 2008 and ending September 30, 2009,  
17 the department of human services shall submit to the Secretary of the U.S. Department of Health  
18 and Human Services a state plan amendment to the Rhode Island Medicaid state plan for  
19 disproportionate share hospital payments (DSH Plan) to provide:

20 (1) That the disproportionate share hospital payments to all participating hospitals not to  
21 exceed an aggregate limit of \$99.5 million, to be allocated by the department to the Pool A, Pool  
22 C and Pool D components of the DSH Plan;

23 (2) That the Pool D allotment shall be distributed among the participating hospitals in  
24 direct proportion to the individual participating hospital's uncompensated care costs for the base  
25 year, inflated by the uncompensated care index to the total uncompensated care costs for the base  
26 year inflated by uncompensated care index for all participating hospitals. The disproportionate  
27 share payments shall be made on or before July 13, 2009 and are expressly conditioned upon  
28 approval on or before July 6, 2009 by the Secretary of the U.S. Department of Health and Human  
29 Services, or his or her authorized representative, of all Medicaid state plan amendments necessary  
30 to secure for the state the benefit of federal financial participation in federal fiscal year 2009 for  
31 the disproportionate share payments.

32 (c) No provision is made pursuant to this chapter for disproportionate share hospital  
33 payments to participating hospitals for uncompensated care costs related to graduate medical  
34 education programs.

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

2 **ARTICLE 20**

3 RELATING TO HUMAN SERVICES – CHILDREN’S HEALTH ACCOUNT

4 SECTION 1. Section 42-12-29 of the General Laws in Chapter 42-12 entitled  
5 “Department of Human Services” is hereby amended to read as follows:

6 **42-12-29. Children's health account.** – (a) There is created within the general fund a  
7 restricted receipt account to be known as the "children's health account". All money in the  
8 account shall be utilized by the department of human services to effectuate coverage for home  
9 health services, CEDARR services, and children's intensive services (CIS). All money received  
10 pursuant to this section shall be deposited in the children's health account. The general treasurer is  
11 authorized and directed to draw his or her orders on the account upon receipt of properly  
12 authenticated vouchers from the department of human services.

13 (b) Beginning in the fiscal year 2007, each insurer licensed or regulated pursuant to the  
14 provisions of chapters 18, 19, 20, and 41 of title 27 shall be assessed for the purposes set forth in  
15 this section. The department of human services shall make available to each insurer, upon its  
16 request, information regarding the department of human services child health program and the  
17 costs related to the program. Further, the department of human services shall submit to the  
18 general assembly an annual report on the program and cost related to the program, on or before  
19 February 1 of each year. Annual assessments shall be based on direct premiums written in the  
20 year prior to the assessment and shall not include any Medicare Supplement Policy (as defined in  
21 § 27-18-2.1(g)), Medicare managed care, Medicare, Federal Employees Health Plan,  
22 Medicaid/Rite Care or dental premiums. As to accident and sickness insurance, the direct  
23 premium written shall include, but is not limited to, group, blanket, and individual policies. Those  
24 insurers assessed greater than five hundred thousand dollars (\$500,000) for the year shall be  
25 assessed four (4) quarterly payments of twenty-five percent (25%) of their total assessment.  
26 Beginning July 1, 2006, the annual rate of assessment shall be determined by the director of  
27 human services in concurrence with the primary payors, those being insurers likely to be assessed  
28 at greater than five hundred thousand dollars (\$500,000). The director of the department of  
29 human services shall deposit that amount in the "children's health account". The assessment shall  
30 be used solely for the purposes of the "children's health account" and no other.

31 (c) Any funds collected in excess of funds needed to carry out the programs shall be  
32 deducted from the subsequent year's assessment.

33 (d) The total annual assessment on all insurers shall be equivalent to the amount paid by  
34 the department of human services for such services, ~~for children insured by such insurers, as~~

1 [listed in subsection \(a\)](#), but not to exceed five thousand dollars (\$5,000) per child ~~covered by the~~  
2 ~~services~~ [per service per year](#).

3 (e) The children's health account shall be exempt from the indirect cost recovery  
4 provisions of § 35-4-27 of the general laws.

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

6 **ARTICLE 21**

7 RELATING TO GENERAL PUBLIC ASSISTANCE – HARDSHIP

8 SECTION 1. [Hardship Contingency Fund – FY 2009](#) – Out of the general revenue  
9 sum appropriated to the department of human services in Article 1 for general public assistance,  
10 the sum of six hundred thirty four thousand two hundred ten dollars (\$634,210) may be used as a  
11 hardship contingency fund for the purposes and subject to the limitations hereinafter provided.  
12 The state controller is hereby authorized and directed to draw his or her order upon the general  
13 treasurer for the payment of such sums or such portions thereof as may be required from time to  
14 time upon receipt by him or her of duly authenticated vouchers. From the aforesaid appropriation  
15 for hardship contingency, the director of the department of human services, in his or her sole  
16 discretion, may authorize payments of cash assistance benefits up to two hundred dollars (\$200)  
17 per month upon a showing of hardship by an individual who is eligible for general public  
18 assistance medical benefits under §40-6-3.1; provided, however, that individuals who are  
19 determined eligible for medical assistance (“Medicaid”) under Title XIX of the Social Security  
20 Act, 42 U.S.C. §1396 et seq., or who are determined eligible to receive an interim cash assistance  
21 payment for the disabled pursuant to §40-6-28, shall not be eligible for assistance under this  
22 section. The director shall not be required to promulgate any new, additional or separate rules or  
23 regulations in connection with his or her disbursement of the contingency fund created hereby.

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

25 **ARTICLE 22**

26 RELATING TO STATE POLICE RETIREMENT PROVISIONS

27 SECTION 1. Section 42-28-22 of the General Laws in Chapter 42-28 entitled "State  
28 Police" is hereby amended to read as follows:

29 **42-28-22. Retirement of members.** -- (a) Whenever any member of the state police  
30 [hired prior to July 1, 2007](#) has served for twenty (20) years, he or she may retire therefrom or he  
31 or she may be retired by the superintendent with the approval of the governor, and in either event  
32 sum equal to one-half (1/2) of the whole salary for the position from which he or she retired  
33 determined on the date he or she receives his or her first retirement payment shall be paid him or  
34 her during life.

1 (b) For purposes of this section, the term "whole salary" means:

2 (1) For each member who retired prior to July 1, 1966, "whole salary" means the base  
3 salary for the position from which he or she retired as the base salary for that position was  
4 determined on July 31, 1972;

5 (2) For each member who retired between July 1, 1966 and June 30, 1973, "whole salary"  
6 means the base salary for the position from which he or she retired as the base salary,  
7 implemented by the longevity increment, for that position was determined on July 31, 1972 or on  
8 the date of his or her retirement, whichever is greater;

9 (3) For each member who retired or who retires after July 1, 1973 "whole salary" means  
10 the base salary, implemented by the longevity increment, holiday pay, and clothing allowance, for  
11 the position from which he or she retired or retires.

12 (c)(1) Any member who retired prior to July 1, 1977 shall receive a benefits payment  
13 adjustment equal to three percent (3%) of his or her original retirement, as determined in  
14 subsection (b), in addition to his or her original retirement allowance. In each succeeding year  
15 thereafter during the month of January, the retirement allowance shall be increased an additional  
16 three percent (3%) of the original retirement allowance, not compounded, to be continued until  
17 January 1, 1991. For the purposes of the computation, credit shall be given for a full calendar year  
18 regardless of the effective date of the service retirement allowance. For purposes of this  
19 subsection, the benefits payment adjustment shall be computed from January 1, 1971 or the date  
20 of retirement, whichever is later in time.

21 (2) Any member of the state police who retires pursuant to the provisions of this chapter  
22 on or after January 1, 1977, shall on the first day of January, next following the third anniversary  
23 date of the retirement receive a benefits payment adjustment, in addition to his or her retirement  
24 allowance, in an amount equal to three percent (3%) of the original retirement allowance. In each  
25 succeeding year thereafter during the month of January, the retirement allowance shall be  
26 increased an additional three percent (3%) of the original retirement allowance, not compounded,  
27 to be continued until January 1, 1991. For the purposes of the computation, credit shall be given  
28 for a full calendar year regardless of the effective date of the service retirement allowance.

29 (3) Any retired member of the state police who is receiving a benefit payment adjustment  
30 pursuant to subsections (1) and (2) shall beginning January 1, 1991, receive a benefits payment  
31 adjustment equal to fifteen hundred dollars (\$1,500). In each succeeding year thereafter during  
32 the month of January, the retirement allowance shall be increased by fifteen hundred dollars  
33 (\$1,500) to be continued during the lifetime of the member.

34 (d) The benefits payment adjustment as provided in this section shall apply to and be in

1 addition to the retirement benefits under the provisions of section 42-28-5, to the injury and death  
2 benefits under the provisions of section 42-28-21, and to the death and disability payments as  
3 provided in section 42-28-36.

4 (e)(1) Any member who retires after July 1, 1972 and who has served beyond twenty (20)  
5 years shall be allowed an additional amount equal to three percent (3%) for each completed year  
6 served after twenty (20) years, but in no event shall the original retirement allowance exceed  
7 sixty-five percent (65%) of his or her whole salary as defined in subsection (b) hereof or sixty  
8 five percent (65%) of his or her salary as defined in subsection (b) hereof in his or her twenty  
9 fifth (25th) year whichever is less.

10 (2) Each member who retired prior to July 1, 1975, shall be entitled to all retirement  
11 benefits as set forth above or shall be paid benefits as set forth in subsection (b)(1) with "whole  
12 salary" meaning the base salary for the position from which he or she retired as the base salary for  
13 the position was determined on July 1, 1975, whichever is greater.

14 (f)(1) Any member who retires, has served as a member for twenty (20) years or more,  
15 and who served for a period of six (6) months or more of active duty in the armed service of the  
16 United States or in the merchant marine service of the United States as defined in section 2 of  
17 chapter 1721 of the Public Laws, 1946, may purchase credit for such service up to a maximum of  
18 two (2) years; provided that any member who has served at least six (6) months or more in any  
19 one year shall be allowed to purchase one year for such service and any member who has served a  
20 fraction of less than six (6) months in his or her total service shall be allowed to purchase six (6)  
21 months' credit for such service.

22 (2) The cost to purchase these credits shall be ten percent (10%) of the member's first  
23 year salary as a state policeman multiplied by the number of years and/or fraction thereof of such  
24 armed service up to a maximum of two (2) years. The purchase price shall be paid into the  
25 general fund.

26 (3) There will be no interest charge provided the member makes such purchase during his  
27 or her twentieth (20th) year or within five (5) years from May 18, 1981, whichever is later, but  
28 will be charged regular rate of interest as defined in section 36-8-1 as amended to date of  
29 purchase from the date of his or her twentieth (20th) year of state service or five (5) years from  
30 May 18, 1981, whichever is later.

31 (4) In no event shall the original retirement allowance exceed sixty-five percent (65%) of  
32 his or her whole salary as defined in subsection ~~(A)~~(b) hereof, or sixty-five percent (65%) of his  
33 or her salary as defined in subsection ~~(A)~~ (b) hereof in his or her twenty-fifth (25th) year,  
34 whichever is less.



1 (g) The provisions of this section shall not apply to civilian employees in the Rhode  
2 Island state police; and, further, from and after April 28, 1937, chapters 8 -- 10, inclusive, of title  
3 36 shall not be construed to apply to the members of the Rhode Island state police, except as  
4 provided by sections 36-8-3, 36-10-1.1, 42-28-22.1, and 42-28-22.2.

5 (h) Any other provision of this section notwithstanding, any member of the state police,  
6 other than the superintendent of state police, who is hired prior to July 1, 2007 and; who has  
7 served for twenty-five (25) years or who has attained the age of sixty-two (62) years, whichever  
8 shall first occur, shall retire therefrom.

9 (i)(1) Any other provision of this section notwithstanding, any member of the state  
10 police, other than the superintendent, who is hired after July 1, 2007 and who has served for  
11 twenty-five (25) years, may retire therefrom or he or she may be retired by the superintendent  
12 with the approval of the governor, and shall be entitled to a retirement allowance of sixty-five  
13 percent (65%) of his or her "whole salary" as defined in subsection (b) hereof.

14 (2) Any member of the state police who is hired on or after July 1, 2007 may serve up to  
15 a maximum of thirty (30) years, but in no event shall the original retirement allowance exceed  
16 sixty-five percent (65%) of his or her "whole salary" as defined in subsection (b) hereof.

17 ~~(j)~~ (j) In calculating the retirement benefit for any member, the term base salary as used in  
18 subsection (b)(3) shall not be affected by a deferral of salary plan or a reduced salary plan  
19 implemented to avoid shutdowns or layoffs or to effect cost savings. Basic salary shall remain for  
20 retirement calculation that which it would have been but for the salary deferral or salary reduction  
21 due to a plan implemented to avoid shutdowns or layoffs or to effect cost savings.

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

## 23 ARTICLE 23

### 24 RELATING TO THE RHODE ISLAND TELECOMMUNICATIONS

#### 25 EDUCATION ACCESS FUND

26 SECTION 1. Section 39-1-61 of the General Laws in Chapter 39-1 entitled "Public  
27 Utilities Commission" is hereby amended to read as follows:

28 **39-1-61. Rhode Island telecommunications education access fund.** – (a) Preamble.  
29 For the past ten (10) years, the schools and libraries of Rhode Island have benefited from a  
30 regulatory agreement with Verizon and its predecessor companies that has provided up to two  
31 million dollars (\$2,000,000) annually for support of telecommunications lines for internet access.  
32 In addition, the funds provided for in the original regulatory agreement and every dollar  
33 generated hereunder leverages a one dollar and twenty-seven cents (\$1.27) federal E-Rate match.  
34 With the regulatory agreement approaching its termination and the advent of more advanced

1 technologies, it is the intent of this section to provide a continued source of funding for internet  
2 access for eligible public and private schools and libraries.

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

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

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

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

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

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

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

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

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

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

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

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

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

32 **ARTICLE 24**

33 **RELATING TO DCYF RESIDENTIAL PLACEMENTS**

34 SECTION 1. Chapter 42-72 of the General Laws entitled 'Department of Children,

1 Youth and Families” is hereby amended by adding thereto the following section:

2 **42-72-36. Residential placement capacity.** – Effective January 1, 2009, and for any  
3 day thereafter, the department’s approved capacity for out-of-home residential placements,  
4 excluding foster homes, shall not exceed the total of one thousand (1,000) out-of-home residential  
5 placements. The department is authorized to reinvest any savings that result from reductions in  
6 out-of-home residential placements, into developing additional community-based services for  
7 children and their families.

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

9 **ARTICLE 25**

10 RELATING TO DELINQUENT AND DEPENDENT CHILDREN

11 SECTION 1. Section 14-1-36 of the General Laws in Chapter 14-1 entitled  
12 “Proceedings in Family Court” is hereby amended to read as follows:

13 **14-1-36. Commitment of delinquent and wayward children.** – (a) In all proceedings  
14 under this chapter, the court may order a delinquent or wayward child to be committed to the  
15 training school for youth for a sentence no longer than the youth’s nineteenth birthday. However,  
16 nothing contained in this section shall be construed to prohibit the placing of any child in the  
17 custody of the department of children, youth and families or any other agency, society, or  
18 institution, pursuant to § 14-1-32. The commitment of delinquent or wayward children shall be by  
19 an order and all assignments of the custody of dependent, neglected, delinquent, or wayward  
20 children to the state training school for youth or to the custody of the department of children,  
21 youth and families or to any of the private institutions, agencies, or societies mentioned in this  
22 chapter shall be by a decree signed by the justice of the court by whom the order or decree is  
23 issued, and that order or decree shall be directed to any person that the court may designate, and  
24 shall require that person to take the child and deliver him or her to the officer in charge of the  
25 training school for youth or to the custody of the director of children, youth and families or of the  
26 public or private institution, agency, or society, and the order or decree shall constitute the person  
27 charged with it, while he or she has the order in his or her possession for service, an officer for all  
28 purposes under this chapter, in any county of the state in which it may be necessary for him or her  
29 to go. The person charged with carrying out the order or decree shall also deliver to the officer of  
30 the public or private institution, agency, or society or to the training school for youth or the  
31 director of children, youth and families a copy of the order or the decree signed by the justice of  
32 the court issuing it, and subject to the provisions of this chapter, the officer and other authorities  
33 in charge of the training school for youth or the director of children, youth and families or any  
34 public or private institution, agency, or society shall hold the child according to the terms of any

1 other order or decree that may from time to time thereafter be issued by the court in relation to the  
2 child.

3 (b) Whenever the court shall commit a child to the training school for youth or to the  
4 director of children, youth and families or any other institution or agency, it shall transmit with  
5 the order of commitment a summary of its information concerning the child.

6 (c) Whenever the court finds that a child is dependent, neglected, delinquent, or  
7 wayward, or otherwise within the provisions of this chapter, and the court has ordered the  
8 department of children, youth and families to arrange for and/or fund educational services and/or  
9 testing on behalf of the child, the local educational agency responsible for the child pursuant to  
10 the provisions of § 16-64-1 et. seq., shall be responsible to reimburse the department for the costs  
11 of providing these educational services and/or testing.

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

### 13 ARTICLE 26

#### 14 RELATING TO SUPPLEMENTAL SECURITY INCOME

15 SECTION 1. Section 40-6-27 of the General Laws in Chapter 40-6 entitled "Public  
16 Assistance Act" is hereby amended to read as follows:

17 **40-6-27. Supplemental security income.** -- (a)(1) The director of the department is  
18 hereby authorized to enter into agreements on behalf of the state with the secretary of the  
19 Department of Health and Human Services or other appropriate federal officials, under the  
20 supplementary and security income (SSI) program established by title XVI of the Social Security  
21 Act, 42 U.S.C. § 1381 et seq., concerning the administration and determination of eligibility for  
22 SSI benefits for residents of this state, except as otherwise provided in this section. The state's  
23 monthly share of supplementary assistance to the supplementary security income program  
24 effective January 1, 2003, shall be as follows:

25 Individual living alone:	\$ 57.35
26 Individual living with others:	69.94
27 Couple living alone:	108.50
28 Couple living with others:	128.50
29 Individual living in state licensed residential care and assisted living facilities	575.00

30 Provided, however, that the department of human services shall by regulation reduce,  
31 effective January 1, 2009, the state's monthly share of supplementary assistance to the  
32 supplementary security income program for each of the above listed payment levels, by the same  
33 value as the annual federal cost of living adjustment to be published by the federal social security  
34 administration in October 2008 and becoming effective on January 1, 2009, as determined under

1 the provisions of title XVI of the federal social security act [42 U.S.C. Section 1381 et seq.]; and  
2 provided further, that it is the intent of the general assembly that the January 1, 2009 reduction in  
3 the state's monthly share shall not cause a reduction in the combined federal and state payment  
4 level for each category of recipients in effect in the month of December 2008; and provided  
5 further, that the department of human services is authorized and directed to provide for payments  
6 to recipients in accordance with the above directives beginning January 1, 2009 pending formal  
7 revisions to the above table of payment levels by the general assembly during the 2009 session of  
8 the general assembly.

9 (2) Individuals living in institutions shall receive a twenty dollar (\$20.00) per month  
10 personal needs allowance from the state which shall be in addition to the personal needs  
11 allowance allowed by the Social Security Act, 42 U.S.C. § 301 et seq.

12 (3) Individuals living in state licensed residential care and assisted living facilities who  
13 are receiving SSI shall be allowed to retain a minimum personal needs allowance of fifty-five  
14 dollars (\$55.00) per month from their SSI monthly benefit prior to payment of the residential care  
15 and assisted living facility monthly fee.

16 (4) The department is authorized and directed to establish rules for screening and  
17 assessment procedures and eligibility criteria for those persons who:

18 (i) Have applied for or are receiving SSI, and who apply for admission to residential  
19 care and assisted living facilities on or after October 1, 1998; or

20 (ii) Who are residing in residential care and assisted living facilities, and who apply for  
21 or begin to receive SSI on or after October 1, 1998.

22 (5) The department shall collaborate with the department of elderly affairs to design  
23 and implement the screening and assessment procedures as required in the above section.

24 (b) The department is authorized and directed to provide additional assistance to  
25 individuals eligible for SSI benefits for:

26 (1) Moving costs or other expenses as a result of an emergency of a catastrophic nature  
27 which is defined as a fire or natural disaster; and

28 (2) Lost or stolen SSI benefit checks or proceeds of them; and

29 (3) Assistance payments to SSI eligible individuals in need because of the application  
30 of federal SSI regulations regarding estranged spouses; and the department shall provide such  
31 assistance in a form and amount, which the department shall by regulation determine.

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

33 **ARTICLE 27**

34 **RELATING TO CHILD CARE -- STATE SUBSIDIES**

1 SECTION 1. Section 40-6.2-1.1 of the General Laws in Chapter 40-6.2 entitled “Child  
2 Care – State Subsidies” is hereby amended to read as follows:

3 **40-6.2-1.1. Rates Established.** – (a) Subject to the payment limitations in section (b), the  
4 maximum reimbursement rates to be paid by the departments of human services and children,  
5 youth and families for licensed child care centers and certified family-child care providers shall  
6 be based on the following schedule of the 75th percentile of weekly market rates:

7	LICENSED	75th PERCENTILE
8	CHILD CARE	OF WEEKLY
9	CENTERS	MARKET RATE
10	INFANT	\$182.00
11	PRESCHOOL	\$150.00
12	SCHOOL-AGE	\$135.00
13	CERTIFIED	75th
14	FAMILY	PERCENTILE
15	CHILD CARE	OF WEEKLY
16	PROVIDERS	MARKET RATE
17	INFANT	\$150.00
18	PRESCHOOL	\$150.00
19	SCHOOL-AGE	\$135.00

20 (b) The department shall pay child care providers based on the lesser of the applicable  
21 rate specified in subsection (a), or the lowest rate actually charged by the provider to any of its  
22 public or private child care customers with respect to each of the rate categories, infant, preschool  
23 and school-age.

24 ~~(c) By June 30, 2004 and biennially thereafter, the department of labor and training~~  
25 ~~shall conduct an independent survey or certify an independent survey of the then current weekly~~  
26 ~~market rates for child care in Rhode Island and shall forward such weekly market rate survey to~~  
27 ~~the department of human services. The departments of human services and labor and training will~~  
28 ~~jointly determine the survey criteria including, but not limited to, rate categories and sub-~~  
29 ~~categories. The 75th percentile of weekly market rates in the table in subsection (a) shall be~~  
30 ~~adjusted by the surveys conducted under this subsection, beginning January 1, 2006 and~~  
31 ~~biennially thereafter; provided, however, that the weekly market rates in the table in subsection~~  
32 ~~(a) shall be adjusted by the 2006 market rate survey beginning July 1, 2007. For the purposes of~~  
33 ~~this section, and until adjusted in accordance with this subsection, the 75th percentile of weekly~~  
34 ~~market rate shall mean the 2002 department of human services child care market survey.~~

1 (d)(c) In order to expand the accessibility and availability of quality child care, the  
2 department of human services is authorized to establish by regulation alternative or incentive  
3 rates of reimbursement for quality enhancements, innovative or specialized child care and  
4 alternative methodologies of child care delivery, including non-traditional delivery systems and  
5 collaborations.

6 (e)(d) On or before January 1, 2007, all child care providers have the option to be paid  
7 every two (2) weeks and have the option of automatic direct deposit and/or electronic funds  
8 transfer of reimbursement payments.

9 ~~(f) Beginning on September 1, 2006, the department of human services shall report~~  
10 ~~monthly to the chairpersons of the house and senate finance committees on the implementation of~~  
11 ~~this subsection.~~

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

## 13 ARTICLE 28

### 14 RELATING TO CHILD CARE SERVICES

15 SECTION 1. Section 42-12-26 of the General Laws in Chapter 42-12 entitled  
16 “Department of Human Services” is hereby repealed.

17 ~~42-12-26 Expansion and enhancement of early education and care for low income~~  
18 ~~children. (a) The general assembly shall annually appropriate such funds as it deems necessary~~  
19 ~~to enable the department of human services to establish a program whose express purposes are:~~

20 ~~(i) To increase the numbers of eligible children in existing Head Start program, especially~~  
21 ~~in underserved areas; and~~

22 ~~(ii) To increase resources to child care providers for the enhancement of services to low~~  
23 ~~income children. Enhancement of services shall include social services, health, mental health,~~  
24 ~~nutrition service, parent involvement and transition services for children entering kindergarten.~~

25 ~~(b) The director of the department of human services is further authorized to request such~~  
26 ~~appropriation for each state fiscal year as he or she deems necessary to carry out the programs~~  
27 ~~and purposes of this section.~~

28 ~~(c) A panel comprised of the members of the children's cabinet and five (5) members of~~  
29 ~~the public, to be chosen by the chairperson of the children's cabinet, shall be responsible for~~  
30 ~~determining how the funds prescribed in this section shall be allocated; and shall by May 1, 1999~~  
31 ~~establish the methodology of enhancing comprehensive services in child care programs serving~~  
32 ~~low income children and establish the numbers of additional Head Start slots in underserved areas~~  
33 ~~to be funded; provided, however, that priority shall be given in the allocation of funds to~~  
34 ~~applicants who serve children in underserved communities; who integrate children with special~~



~~needs; who collaborate with existing early education and care programs and other existing services including child opportunity zone family centers, schools and agencies providing health, mental health, nutrition and social services; and who address the child care needs of the families to be served.~~

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

## ARTICLE 29

### RELATING TO PUBLIC UTILITIES COMMISSION

SECTION 1. Section 39-1-23.1 of the General Laws in Chapter 39-1 entitled "Public Utilities Commission" is hereby amended to read as follows:

**39-1-23.1. Motor carrier enforcement program created – Recovery of expenses through a percentage of fines collected from motor carriers.** – (a) The administrator has been charged under this title with the responsibility of promoting adequate, economical and efficient service by motor carriers and reasonable charges therefore without unjust discriminations, undue preferences, or advantages, or unfair or destructive competitive practices. This legislative charge further requires that the administrator improve the relations between, and coordinate transportation by, and the regulations between all modes of transportation provided by the various classes of motor carriers; develop and preserve a highway transportation system properly adapted to the needs of the commerce of the state; and promote safety upon its publicly used highways in the interest of its citizens.

(b) It is hereby declared that in order to enforce the statutes, rules and regulations under which the administrator carries out his or her efforts to fulfill the mandates provided in subsection (a), ~~general~~ appropriations shall be provided, [pursuant to the assessment provision contained in § 39-1-23](#), for the purposes of providing the administrator with the financial means to maintain an enforcement presence in the transportation industry. The appropriations shall be used by the administrator to create and maintain a field enforcement staff of at least two (2) inspector-auditors whose sole responsibilities shall be to promote and compel compliance with all applicable motor carrier related statutes, rules and regulations. In addition to compensation for inspector-auditors, the motor carrier enforcement appropriations may be used to purchase any materials or equipment necessary for this field enforcement staff and any training or educational programs germane to its regulatory functions.

~~(c) General revenue receipts shall come from the money fines and/or penalties received by the general treasurer for violations of transportation related statutes, rules and regulations through the compliance efforts of the inspector auditors created in this section. The funding shall be based upon the total dollar value of all citations issued by the administrator, whether or not~~

~~through the assistance of state or local law enforcement agencies and any fines ordered by any judge of the district or superior courts pursuant to any plea bargaining agreements or fines ordered by the court after trial. All revenues received pursuant to this chapter shall be deposited as general revenues.~~

SECTION 2. Section 47-16-1 of the General Laws in Chapter 47-16 entitled “Public Utilities Metering Devices” is hereby amended to read as follows:

~~**47-16-1. Testing of metering devices—Forbidding use.** **Forbidding use of metering devices.** (a) The administrator of the division of public utilities and carriers is hereby authorized and directed to conduct spot tests of all metering devices used in the sale of electricity, water, or natural gas at least once a year, and the number of metering devices checked each year shall be such as in the administrator’s judgment is necessary to constitute a fair sampling of metering devices in use to prevent fraud or deception in the use of the devices, or to insure the accurate measurement of those commodities in any sale.~~

(b) Any town or city sealer of weights, measures, and balances shall have authority to condemn and forbid the use of any metering device for the sale of electricity, water, or natural gas in his or her respective town or city, or until the device has been duly tried and sealed, or until the metering device has been equipped with such attachment, contrivance, or apparatus as will insure the correct and proper functioning of the measuring device for the sale of the electricity, water, or natural gas by accurate measurement.

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

### ARTICLE 30

#### RELATING TO MUNICIPAL ELECTIONS

SECTION 1. Sections 17-6-2, 17-6-3, and 17-6-4 of the General Laws in Chapter 17-6 entitled “Secretary of State” are hereby amended to read as follows:

**17-6-2. Primary elections.** – (a) the secretary of state shall, as otherwise provided by this title, prepare, print, and distribute the following forms relating to primary elections:

- (1) Declaration of candidacy;
- (2) Endorsement by party;
- (3) Primary nomination papers for national and state offices;
- (4) Certifications of the list of local candidates where primaries are to be conducted.

(b) The secretary of state shall also receive and file primary nomination papers; and shall consult with the state board with respect to its administration of primary elections.

(c) In all circumstances where only a special city or town election is involved or only a special election regarding a local question is involved, the costs and expense for the preparation

1 of the documents set forth in subsection (a) herein shall be the obligation of that city or town.  
2 After the election the secretary of state shall send the municipality an invoice which itemizes all  
3 costs that had been incurred by the secretary of state for the election. Within 30 days of receipt of  
4 the invoice the municipality shall reimburse the secretary of state. All such receipts received by  
5 the secretary of state from the local municipality shall be deposited into the general fund.

6 **17-6-3. Computer ballots and sample ballots.** – (a) The secretary of state shall be  
7 responsible for the arrangement, preparation, printing, and provision of all computer ballots, to be  
8 used in conjunction with the optical scan voting equipment authorized pursuant to this title, and  
9 sample ballots to be used at any election. The secretary of state shall deliver to the state board a  
10 sufficient quantity of sample ballots to be used by the board in the preparation of voting  
11 equipment for each election.

12 (b) In all circumstances where only a special city or town election is involved or only a  
13 special election regarding a local question is involved, the costs and expense for the preparation  
14 of the computer ballots and sample ballots as set forth in subsection (a) herein shall be the  
15 obligation of that city or town. After the election the secretary of state shall send the municipality  
16 an invoice which itemizes all costs that had been incurred by the secretary of state for the  
17 election. Within 30 days of receipt of the invoice the municipality shall reimburse the secretary  
18 of state. All such receipts received by the secretary of state from the local municipality shall be  
19 deposited into the general fund.

20 **17-6-4. Absentee, shut-in, and war ballots.** – (a) the secretary of state shall prepare,  
21 print, and furnish all application forms for absentee, shut-in, and war ballots. The secretary of  
22 state shall arrange, print, and distribute all these ballots, together with instruction sheets and the  
23 required envelopes, in accordance with the requirements of this title.

24 (b) In all circumstances where either only a special city or town election is involved or  
25 only a special election regarding a local question is involved, the costs and expense for the  
26 preparation of the absentee, shut-in and war ballots, as well as the instruction sheets and the  
27 required envelopes as set forth in subsection (a) herein, shall be the obligation of that city or  
28 town. After the election the secretary of state shall send the municipality an invoice which  
29 itemizes all costs that had been incurred by the secretary of state for the election. Within 30 days  
30 of receipt of the invoice the municipality shall reimburse the secretary of state. All such receipts  
31 received by the secretary of state from the local municipality shall be deposited into the general  
32 fund.

33 SECTION 2. Sections 17-15-8 and 17-15-12 of the General Laws in Chapter 17-15  
34 entitled “Primary Elections” are hereby amended to read as follows:

1           **17-15-8. Listing of candidates on ballots.** – (a) The secretary of state shall immediately,  
2 upon receipt of the certificates provided for by chapter 14 of this title, cause the proper ballots to  
3 be prepared for use in the various voting districts. Names of party candidates for a particular  
4 office shall be printed vertically below the names of the office they seek and shall not appear on  
5 the ballot more than once for the same office; provided, the names of candidates having the  
6 endorsement of their party committees shall be printed first below the title of the offices they seek  
7 and shall be marked with an asterisk (\*). As to each candidate, following the endorsed party  
8 candidate, for a national office, a general office within the state, or for a general assembly office,  
9 the names shall be listed in an order chosen by lot under the direction of the secretary of state. As  
10 to each candidate, following the endorsed party candidate, for a city, town, or other local election,  
11 the names shall be listed alphabetically after the name of the endorsed party candidate. In the  
12 event that there are more candidates for a particular office than the voting machine can  
13 accommodate in the vertical column, the names shall be continued in the same manner in the next  
14 succeeding vertical column. Names of candidates shall be printed upon the ballots as the names  
15 appear on the voting list, notwithstanding that the candidate may have signed his or her  
16 declaration of candidacy other than as the candidate's name appears on the voting list.

17           (b) In all circumstances where only a special city or town election is involved and only  
18 local candidates in a primary election are listed on the computer and sample ballots, the costs and  
19 expense for the preparation of the sample ballots and computer ballots as set forth in subsection  
20 (a) herein shall be the obligation of that city or town. After the election the secretary of state shall  
21 send the municipality an invoice which itemizes all costs that had been incurred by the secretary  
22 of state for the election. Within 30 days of receipt of the invoice the municipality shall reimburse  
23 the secretary of state. All such receipts received by the secretary of state from the local  
24 municipality shall be deposited into the general fund.

25           **17-15-12. Ballot when contest exists.** – (a) Whenever there is a contest within any  
26 voting district, a primary election shall be held in the voting district and the names of all  
27 candidates for state office and the names of only those candidates for local office that are  
28 contesting a particular local office or offices shall appear on the ballots.

29           (b) In all circumstances where only a special city or town election is involved and only  
30 local candidates in a primary election are listed on the computer and sample ballots, the costs and  
31 expense for the preparation of the computer and sample ballots as set forth in subsection (a)  
32 herein shall be the obligation of that city or town. After the election the secretary of state shall  
33 send the municipality an invoice which itemizes all costs that had been incurred by the secretary  
34 of state for the election. Within 30 days of receipt of the invoice the municipality shall reimburse

1 the secretary of state. All such receipts received by the secretary of state from the local  
2 municipality shall be deposited into the general fund.

3 SECTION 3. Sections 17-19-5, 17-19-6, 17-19-6.1, 17-19-8, 17-19-8.1, and 17-19-10 of  
4 the General Laws in Chapter 17-19 entitled “Conduct of Election and Voting Equipment, and  
5 Supplies” are hereby amended to read as follows:

6 **17-19-5. Printing and furnishing of computer ballots.** – (a) The computer ballots to be  
7 used at any election shall be printed and furnished at the initial expense of the state by the  
8 secretary of state and turned over to the state board.

9 (b) In all circumstances where only a special city or town election is involved or only a  
10 special election regarding a local question is involved, the costs and expense for the preparation  
11 of the computer ballots as set for in subsection (a) herein shall be the obligation of that city or  
12 town. After the election the secretary of state shall send the municipality an invoice which  
13 itemizes all costs that had been incurred by the secretary of state for the election. Within 30 days  
14 of receipt of the invoice the municipality shall reimburse the secretary of state. All such receipts  
15 received by the secretary of state from the local municipality shall be deposited into the general  
16 fund.

17 **17-19-6. Ballot – Arrangement.** – (a) In all cases where optical scan precinct count  
18 units are to be used for any election, the secretary of state shall prepare a diagram of the computer  
19 ballot to be used at the election. The diagram shall determine the manner and order in which the  
20 ballot shall be arranged, and the diagram shall, on the day of any election, be in the possession of  
21 the warden and available for public inspection. The diagram shall be a copy of the actual  
22 computer ballot to be voted at the polling place.

23 (b) In all circumstances where only special city or town elections are involved or only a  
24 special election regarding a local question is involved, the costs and expenses to prepare the  
25 diagram of the computer ballot to be used, or copies thereof, as set forth in subsection (a) herein,  
26 shall be the obligation of that city or town. After the election the secretary of state shall send the  
27 municipality an invoice which itemizes all costs that had been incurred by the secretary of state  
28 for the election. Within 30 days of receipt of the invoice the municipality shall reimburse the  
29 secretary of state. All such receipts received by the secretary of state from the local municipality  
30 shall be deposited into the general fund.

31 **17-19-6.1. Local questions on the ballot.** – (a) In all circumstances where local  
32 questions are to be printed on the ballot, ~~they shall be printed on a distinctive colored background.~~  
33 The first question shall be designated by the numeral I, and additional questions shall follow  
34 numbered so that all questions submitted to the electors of the city/town shall be numbered

1 consecutively; provided, that whenever there are propositions of amendment of the Constitution  
2 or any public question of statewide impact on the ballot, the statewide questions shall be listed on  
3 the ballot numbered consecutively starting with the numeral I, and the local questions shall follow  
4 starting with the first available number and shall be numbered consecutively.

5 (b) In all circumstances where only special city or town elections are involved or only a  
6 special election regarding a local question is involved the costs and expense for the preparation of  
7 the computer and sample ballots as set forth in subsection (a) herein shall be the obligation of that  
8 city or town. After the election the secretary of state shall send the municipality an invoice which  
9 itemizes all costs that had been incurred by the secretary of state for the election. Within 30 days  
10 of receipt of the invoice the municipality shall reimburse the secretary of state. All such receipts  
11 received by the secretary of state from the local municipality shall be deposited into the general  
12 fund.

13 **17-19-8. Ballots – Form.** – (a) All ballots provided under this chapter shall be printed in  
14 black ink on clear, white material in plain, clear type. Upon the ballot for questions, the statement  
15 of the question may be abbreviated to meet the requirements of the space provided, and shall be  
16 printed in type that can be easily read, with the words "yes" or "no" or "approved" and "reject",  
17 whichever may be required for the voter to indicate the voter's vote for or against any question.

18 (b) In all circumstances where only a local special election is involved or where only a  
19 local election is conducted on a day other than the first Tuesday after the first Monday in  
20 November of a given year, the costs and expense for the preparation of the computer and sample  
21 ballots as set forth in subsection (a) herein shall be the obligation of that city or town. After the  
22 election the secretary of state shall send the municipality an invoice which itemizes all costs that  
23 had been incurred by the secretary of state for the election. Within 30 days of receipt of the  
24 invoice the municipality shall reimburse the secretary of state. All such receipts received by the  
25 secretary of state from the local municipality shall be deposited into the general fund.

26 **17-19-8.1. Ballots for voters who are blind, visually impaired or disabled.** – (a) Any  
27 voter who is blind or visually impaired or disabled is eligible to request a special ballot for voting  
28 by mail ballot. Special mail ballots are available in Braille or tactile format.

29 (b) Requests must be made in writing to the local board of canvassers where the person  
30 is registered to vote at least forty-five (45) days before the election for which the voter is  
31 requesting the special ballot. In addition, the request will be valid for all elections held during the  
32 calendar year in which the request was received and in which the voter is eligible to participate.  
33 Applicants must also file the appropriate mail ballot application as required by chapter 20 of this  
34 title for each election in which they wish to participate.

1 (c) The office of the secretary of state shall prepare and provide the appropriate form,  
2 which shall be available at local boards and upon request from the office of the secretary of state.  
3 The voter may also choose to submit his or her request in writing without using the form  
4 provided, as long as the communication contains all of the required information. The request shall  
5 include the following information:

6 (1) The name and registered address of the voter;

7 (2) A daytime telephone number;

8 (3) An indication of whether this request is for the entire calendar year or only for the  
9 next upcoming election;

10 (4) The voter's political party affiliation, if the request for a special ballot is also for  
11 primaries;

12 (5) Indicate the special ballot format.

13 (d) All requests received by local boards must be processed and forwarded to the office  
14 of the secretary of state within twenty-four (24) hours of receipt. The secretary of state shall  
15 maintain a list of all persons requesting special Braille or tactile mail ballots and must forward a  
16 copy of the list to the state board of elections at least eighteen (18) days before the date of any  
17 election.

18 (e) The state board may adopt rules and regulations for the procedure for the manual  
19 reproduction of voted ballots, when necessary, and the tabulation of Braille and tactile mail  
20 ballots.

21 (f) The office of the secretary of state shall be responsible for the preparation and  
22 distribution of special Braille and tactile mail ballots. Whenever possible, the secretary of state  
23 shall prepare the Braille or tactile mail ballot so that the voted ballot can be read by the tabulation  
24 equipment, rather than being manually reproduced by election officials onto a machine readable  
25 ballot.

26 (g) In all circumstances, where only special city or town elections are involved or only a  
27 special election regarding a local question is involved, the costs and expense for the preparation  
28 of the sample and official ballots as set forth in all above subsections herein shall be the  
29 obligation of that city or town. After the election the secretary of state shall send the municipality  
30 an invoice which itemizes all costs that had been incurred by the secretary of state for the  
31 election. Within 30 days of receipt of the invoice the municipality shall reimburse the secretary  
32 of state. All such receipts received by the secretary of state from the local municipality shall be  
33 deposited into the general fund.

34 ~~(g)~~(h) The office of the secretary of state may adopt rules and regulations setting forth

1 the procedure for the preparations and distribution of the Braille and tactile mail ballots.

2 ~~(h)~~(i) The office of the secretary of state shall prepare and publish a guide describing  
3 the types of ballots available and the manner in which each ballot can be voted. This guide shall  
4 be revised whenever the types of ballots available are updated. This guide shall be available in  
5 print, Braille, audio, or other accessible formats.

6 ~~(h)~~(j) The office of the secretary of state shall establish a special Braille and tactile  
7 ballot program for voters who are blind or visually impaired. The office of the secretary of state  
8 shall expand the special ballot service to other voters with disabilities, as feasible, as determined  
9 by the secretary of state, and incorporate other accessible formats as technology and resources  
10 allow.

11 ~~(h)~~(k) In accordance with the Help America Vote Act of 2003, the voting system at each  
12 polling place shall be accessible for individuals with disabilities, including nonvisual accessibility  
13 for the blind and visually impaired, in a manner that provides the same opportunity for access and  
14 participation as for other voters.

15 **17-19-10. Sample ballots – Contents – Distribution.** – (a) The secretary of state shall  
16 prepare a sample ballot, which shall be a copy of the computer ballot to be used. The sample  
17 ballot shall clearly and briefly explain and illustrate the manner of casting a vote, of voting a  
18 straight party ticket, of voting for candidates individually, and of voting upon questions. The  
19 secretary of state shall furnish a reasonable supply of sample ballots to the state board of  
20 elections, for public distribution upon request; and no fewer than three (3) of the sample ballots  
21 shall be furnished for each voting place.

22 (b) In all circumstances where only special city or town elections are involved or only a  
23 special election regarding a local question is involved, the costs and expense for the preparation  
24 of the sample ballots as set forth in subsection (a) herein shall be the obligation of that city or  
25 town. After the election the secretary of state shall send the municipality an invoice which  
26 itemizes all costs that had been incurred by the secretary of state for the election. Within 30 days  
27 of receipt of the invoice the municipality shall reimburse the secretary of state. All such receipts  
28 received by the secretary of state from the local municipality shall be deposited into the general  
29 fund.

30 SECTION 4. Section 17-20-12 of the General Laws in Chapter 17-20 entitled “Mail  
31 Ballots” is hereby amended to read as follows:

32 **17-20-12. Secretary of state to furnish forms and supplies.** – (a) All mail ballots,  
33 application forms, certified envelopes for enclosing ballots, any other envelopes that may be  
34 necessary, and instructions as to voting, use of ballots, and affidavits, shall be furnished and



1 supplied by the secretary of state for use in mailing application forms, ballots, and other supplies  
2 to mail voters to carry out the provisions of this chapter, but each local board shall print or stamp  
3 upon the application form and upon the return envelope the address of the local board. The  
4 secretary of state is authorized to interpret and apply the provisions of this chapter in a manner  
5 that effects the legislative intention set forth in this chapter.

6 (b) In all circumstances where only special city or town elections are involved or only a  
7 special election regarding a local question is involved, the costs and expense for the preparation  
8 of all mail ballots, application forms, certified envelopes for enclosing ballots, any other  
9 envelopes that may be necessary, and instructions as to voting, use of ballots, and affidavits as set  
10 forth in subsection (a) herein shall be the obligation of that city or town. After the election the  
11 secretary of state shall send the municipality an invoice which itemizes all costs that had been  
12 incurred by the secretary of state for the election. Within 30 days of receipt of the invoice the  
13 municipality shall reimburse the secretary of state. All such receipts received by the secretary of  
14 state from the local municipality shall be deposited into the general fund.

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

## 16 ARTICLE 31

### 17 RELATING TO LICENSING OF HOSPITAL FACILITIES

18 SECTION 1. Section 23-17-38.1 of the General Laws in Chapter 23-17  
19 entitled "Licensing of Health Care Facilities" is hereby amended to read as follows:

20 **23-17-38.1. Hospitals – Licensing fee.** – ~~(a) There is imposed a hospital licensing fee at~~  
21 ~~the rate of three and fifty six hundredths percent (3.56%) upon the net patient services revenue of~~  
22 ~~every hospital for the hospital's first fiscal year ending on or after January 1, 2004. This licensing~~  
23 ~~fee shall be administered and collected by the tax administrator, division of taxation within the~~  
24 ~~department of administration, and all the administration, collection and other provisions of~~  
25 ~~chapter 50 and 51 of title 44 shall apply. Every hospital shall pay the licensing fee to the tax~~  
26 ~~administrator on or before July 16, 2007 and payments shall be made by electronic transfer of~~  
27 ~~monies to the general treasurer and deposited to the general fund in accordance with § 44-50-11.~~  
28 ~~Every hospital shall, on or before June 15, 2007, make a return to the tax administrator containing~~  
29 ~~the correct computation of net patient services revenue for the hospital fiscal year ending~~  
30 ~~September 30, 2004, and the licensing fee due upon that amount. All returns shall be signed by~~  
31 ~~the hospital's authorized representative, subject to the pains and penalties of perjury.~~

32 **(b)(a)** There is imposed a hospital licensing fee at the rate of three and forty-eight  
33 hundredths percent (3.48%) upon the net patient services revenue of every hospital for the  
34 hospital's first fiscal year ending on or after January 1, 2006. This licensing fee shall be

1 administered and collected by the tax administrator, division of taxation within the department of  
2 administration, and all the administration, collection and other provisions of chapter 50 and 51 of  
3 title 14 shall apply. Every hospital shall pay the licensing fee to the tax administrator on or before  
4 July 14, 2008 and payments shall be made by electronic transfer of monies to the general  
5 treasurer and deposited to the general fund in accordance with § 44-50-11. Every hospital shall,  
6 on or before June 16, 2008, make a return to the tax administrator containing the correct  
7 computation of net patient services revenue for the hospital fiscal year ending September 30,  
8 2006, and the licensing fee due upon that amount. All returns shall be signed by the hospital's  
9 authorized representative, subject to the pains and penalties of perjury.

10 (b) There is also imposed a hospital licensing fee at the rate of four and ninety-four  
11 hundredths percent (4.94%) upon the net patient services revenue of every hospital for the  
12 hospital's first fiscal year ending on or after January 1, 2006. This licensing fee shall be  
13 administered and collected by the tax administrator, division of taxation within the department of  
14 administration, and all the administration, collection and other provisions of chapter 50 and 51 of  
15 title 14 shall apply. Every hospital shall pay the licensing fee to the tax administrator on or before  
16 July 13, 2009 and payments shall be made by electronic transfer of monies to the general  
17 treasurer and deposited to the general fund in accordance with § 44-50-11. Every hospital shall,  
18 on or before June 15, 2009, make a return to the tax administrator containing the correct  
19 computation of net patient services revenue for the hospital fiscal year ending September 30,  
20 2006, and the licensing fee due upon that amount. All returns shall be signed by the hospital's  
21 authorized representative, subject to the pains and penalties of perjury.

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

24 (1) "Hospital" means a person or governmental unit duly licensed in accordance with this  
25 chapter to establish, maintain, and operate a hospital, except a hospital whose primary service and  
26 primary bed inventory are psychiatric.

27 (2) "Gross patient services revenue" means the gross revenue related to patient care  
28 services.

29 (3) "Net patient services revenue" means the charges related to patient care services less:  
30 (i) charges attributable to charity care, (ii) bad debt expenses, and (iii) contractual allowances.

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

1 (e) The licensing fee imposed by this section shall be in addition to the inspection fee  
2 imposed by § 23-17-38 and to any licensing fees previously imposed in accordance with § 23-17-  
3 38.1.

4 SECTION 2. Section 1 shall take effect on July 1, 2008 and shall apply to hospitals, as  
5 defined in Section 1, which are duly licensed on July 1, 2008. The licensing fee imposed by  
6 Section 1 shall be in addition to the inspection fee imposed by § 23-17-38 and to any licensing  
7 fees previously imposed in accordance with § 23-17-38.1.

## 8 ARTICLE 32

### 9 RELATING TO PROPRIETARY SCHOOLS

10 SECTION 1. Sections 16-40-11 and 16-40-12 of the General Laws in Chapter 16-40  
11 entitled "Private Schools" are hereby amended to read as follows:

12 **16-40-11. Registration and reports of private schools.** – All private schools or  
13 institutions of learning in this state shall be registered at the office of the department of  
14 elementary and secondary education or the office of higher education, the registry showing  
15 location, name, officers, or persons in charge, grade of instruction, and common language used in  
16 teaching. In addition, proprietary schools that are operated on a for-profit or a non-profit basis  
17 (i.e., organizations, associations, corporations, partnerships or sole proprietorships) and that grant  
18 awards only at the pre-associate certificate level shall be registered at the department of business  
19 regulation. ~~They~~ All such schools or institutions of learning shall also make a report annually in  
20 the month of July to the board of regents for elementary and secondary education or the board of  
21 governors for higher education or the department of business regulation showing the number of  
22 different pupils enrolled, the average attendance, the number of teachers employed, and any other  
23 facts of age, attendance, and subjects of instruction taught that the appropriate board may require.

24 **16-40-12. Schools instructing persons above compulsory school age.** – All private  
25 schools offering instruction in any academic or vocational field to students above the compulsory  
26 school age shall be registered at the department of elementary and secondary education or the  
27 office of higher education, the registry showing the name of the school, the location, the names of  
28 the officers or persons in charge, the field or fields in which instruction is to be given, the rate of  
29 tuition to be charged, and the training and experience of the teachers. In addition, proprietary  
30 schools that are operated on a for-profit or a non-profit basis (i.e., organizations, associations,  
31 corporations, partnerships or sole proprietorships) and that grant awards only at the pre-associate  
32 certificate level shall be registered at the department of business regulation. These schools shall  
33 not operate until they have received the approval of the board of regents for elementary and  
34 secondary education or the board of governors for higher education or the department of business

1 [regulation](#), and shall continue to operate only as long as the approval remains in force. These  
2 schools shall report annually to the appropriate board [or department](#), in the month of July, on  
3 prescribed forms furnished by the department or office, showing the number of different pupils  
4 enrolled, the fields of instruction covered, the length of the course, the number of teachers  
5 employed, and any other facts that the board may require.

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

7 **ARTICLE 33**

8 RELATING TO BUSINESS REGULATION

9 SECTION 1. Sections 5-38-1, 5-38-2, and 5-38-4 of the General Laws in Chapter 5-38  
10 entitled "Automobile Body Repair Shops" are hereby amended to read as follows:

11 **5-38-1. "Automobile body shop" defined.** – Automobile body shop, referred to as  
12 "auto body shop", includes any establishment, garage, or work area enclosed within a building  
13 where repairs are made or caused to be made to motor vehicle bodies, including fenders,  
14 bumpers, [chassis](#) and similar components of motor vehicle bodies as distinguished from the  
15 ~~ehassis~~, seats, motor, transmission, and other accessories for propulsion and general running gear  
16 of motor vehicles, except as provided in § 5-38-20.

17 **5-38-2. Duties of department of business regulation.** – (a) The department of business  
18 regulation shall issue licenses as provided for in § 5-38-6; and shall authorize the transfer of  
19 licenses and the establishment of new offices for previously licensed auto body repair shops. ~~The~~  
20 ~~department of business regulation shall act on all complaints from consumers, the insurance~~  
21 ~~industry, and/or law enforcement agencies with regard to automobile body repair shop work.~~ In  
22 addition to licensing, the department's oversight of auto repair shops shall be limited to:

- 23 (1) Acting on complaints from consumers; and  
24 (2) Establishing any rules, regulations, and procedures that it deems necessary for the  
25 appropriate repair of vehicles; and  
26 (3) Establishing standards for sanitary, hygienic, and healthful conditions of the work  
27 premises and facilities used by persons licensed; and  
28 (4) Establishing minimum equipment requirements for auto body repair shops; and  
29 (5) Revoking, suspending, or taking other disciplinary actions with respect to facilities,  
30 corporations or persons licensed under this chapter; and  
31 (6) Adopting and publishing rules and procedures and other regulations in accordance  
32 with the Administrative Procedures Act, chapter 36 of Title 42, all of which constitutes a public  
33 record.

34 ~~(2) The department of business regulation shall adopt reasonable rules and regulations for~~

1 ~~the licensing of automobile body repair shops and schools for the instruction in automobile body~~  
2 ~~repair.~~

3 ~~(b) To establish within the department of business regulation, divisions of commercial~~  
4 ~~licensing and regulation, the auto collision repair licensing advisory board consisting of nine (9)~~  
5 ~~members appointed by the governor, consisting of the following, who shall serve a term of five~~  
6 ~~(5) years:~~

7 ~~(1) One president or his or her designee from an association of independent, non-~~  
8 ~~networked, Rhode Island auto body shops;~~

9 ~~(2) Two (2) representatives from the department of business regulation;~~

10 ~~(3) One from the association of new car dealers;~~

11 ~~(4) One from the insurance industry;~~

12 ~~(5) One from law enforcement;~~

13 ~~(6) One from the general public; and~~

14 ~~(7) One from the glass installation/repairers industry; and~~

15 ~~(8) One from an association representing network or direct repair auto body repair shops.~~

16 ~~(c) The board may adopt, amend, and rescind rules and regulations as necessary to carry~~  
17 ~~out the provisions of this chapter with the prior approval of the director.~~

18 ~~(d) The board may oversee investigations of conduct deemed unprofessional against any~~  
19 ~~licensed facility, person, or corporation subject to this chapter and may hold hearings to~~  
20 ~~determine whether the charges are substantiated or unsubstantiated.~~

21 ~~(e) The board may recommend to the director of the department of business regulation~~  
22 ~~that the director license qualified applicants.~~

23 ~~(f) The board may meet at least once a month or more often upon the call of the~~  
24 ~~chairperson or director of the department of business regulation.~~

25 ~~(g) To recommend to the director of the department of business regulation to revoke,~~  
26 ~~suspend or take other disciplinary action with respect to facilities, corporations or persons~~  
27 ~~licensed under this chapter.~~

28 ~~(h) To adopt and publish with the prior approval of the director of the department of~~  
29 ~~business regulation rules of procedure and other regulations in accordance with the~~  
30 ~~Administrative Procedure Act, chapter 35 of title 42.~~

31 ~~(i) The board members shall receive no compensation.~~

32 ~~(j) Following each monthly board meeting, the board may, if consistent with the public~~  
33 ~~interest, submit any: (1) unresolved issue reasonably related to its jurisdiction under this statute to~~  
34 ~~the director of the department of business regulation for his or her review at his or her discretion;~~

1 ~~or (2) seek a declaratory ruling pursuant to central management regulation 3 ("declaratory rulings~~  
2 ~~and petitions from the director") as to any unresolved issue within the scope of this statute.~~

3 ~~(k) Board members shall continue to serve until their replacement is named.~~

4 ~~(l) The director will review whether it is economically necessary and administratively~~  
5 ~~feasible for the department of business regulation to establish a labor rate for the auto collision~~  
6 ~~repair industry. Such review shall include, but not be limited to, the department of business~~  
7 ~~regulation's staffing and funding requirements. Further, the department of business regulation is~~  
8 ~~authorized to immediately retain outside consultants for such review, to be funded by the~~  
9 ~~legislature and/or the auto body collision repair industry. The director shall report his or her~~  
10 ~~findings to the legislature no later than January 1, 2006.~~

11 **5-38-4. Practices for which license is required.** – (a) ~~An annual license shall be issued~~  
12 ~~to businesses, corporations, and persons meeting the qualifications set by the auto collision repair~~  
13 ~~licensing board and paying the required fees. Qualification shall be set by the auto collision repair~~  
14 ~~licensing board and approved by the director. No person, firm, or corporation shall engage within~~  
15 ~~this state in the business of auto body repairing or painting or enter into contracts for the repair,~~  
16 ~~replacing, or painting of auto bodies or parts of auto bodies or advertise or represent in any form~~  
17 ~~or manner that he, she, or it is an auto body shop unless that person, firm, or corporation~~  
18 ~~possesses a license in full force and effect from the department of business regulation specifying~~  
19 ~~that person, firm, or corporation as licensed to operate or conduct auto body shop.~~

20 ~~(b) No person, firm, or corporation shall engage within this state in the business of auto~~  
21 ~~body repairing or painting or enter into contracts for the repairing, replacing, or painting of auto~~  
22 ~~bodies or parts of auto bodies or advertise or represent in any form or manner that he, she, or it is~~  
23 ~~an auto body shop unless that person, firm, or corporation possesses a license in full force and~~  
24 ~~effect from the department of business regulation specifying that person, firm, or corporation as~~  
25 ~~licensed to operate or conduct an auto body shop.~~

26 ~~(e)~~(b) This chapter applies to every new and used motor vehicle dealer as defined in §  
27 31-1-19, but does not apply to or require the obtaining of a license by persons, firms, or  
28 corporations whose business is or may be limited to the making or entering into contracts for the  
29 making of mechanical or electrical repairs or adjustments to motor vehicles.

30 SECTION 2. Sections 5-38-5, 5-38-6 and 5-38-7 of the General Laws in Chapter 5-38  
31 entitled "Automobile Body Repair Shops" are hereby repealed.

32 ~~38-5 Rules and regulations.~~ — ~~The auto collision repair licensing advisory board shall~~  
33 ~~with the director's approval:~~

34 ~~(1) Establish any rules, regulations, and procedures that it deems appropriate, and all~~

1 ~~those rules, regulations, and procedures constitute a public record.~~

2 ~~(2) Establish standards for sanitary, hygienic, and healthful conditions of the work~~  
3 ~~premises and facilities used by persons licensed by the board.~~

4 ~~(3) Establish minimum requirements for the licenser of auto body repair shops.~~

5 ~~(4) Establish minimum requirements for the certification of auto repair technicians, other~~  
6 ~~than those whose work is limited to glass repair and/or replacement.~~

7 ~~5-38-6 Applications for licenses.—Application for license shall be made in duplicate to~~  
8 ~~the department of business regulation in any form that the department requires and shall be~~  
9 ~~accompanied by the required fee and evidence of financial responsibility. The department may~~  
10 ~~require, in that application, information relating to the applicant's financial standing, the~~  
11 ~~applicant's business integrity, whether the applicant has an established place of business, whether~~  
12 ~~the applicant is properly able to conduct the business of an automobile body repair shop, and any~~  
13 ~~other pertinent information consistent with the safeguarding of the public interest in the location~~  
14 ~~in which that applicant proposes to engage in business, all of which may be considered by the~~  
15 ~~department in determining whether the granting of that application is in the public interest. In the~~  
16 ~~event of denial of an application, the filing fee paid with that application shall be refunded.~~

17 ~~5-38-7 Duration of license—Renewal.—(a) The department shall promulgate rules and~~  
18 ~~regulations mandating the term of each license issued pursuant to this chapter; however, no~~  
19 ~~license shall remain in force for a period in excess of three (3) years.~~

20 ~~(b) Any fee for the initial issuance or renewal of a license issued pursuant to this chapter~~  
21 ~~shall be determined by multiplying the current annual fee by the term of initial licensure or~~  
22 ~~renewal. The total fee for the entire term of licensure or renewal shall be paid at the time of~~  
23 ~~application for the license or renewal. The license shall be renewed upon payment of the renewal~~  
24 ~~fee.~~

25 SECTION 3. Chapter 5-38 of the General Laws entitled “Automobile Repair Shops” is  
26 hereby amended by adding thereto the following section:

27 5-38-31. Reimbursement fee.-- The department of business regulation may assess  
28 licensees of shops or insurance companies for reimbursement of actual expenses for the  
29 investigation and hearing of significant complaints of matters relating to an automobile body  
30 shop written in a period of one year.

31 SECTION 4. Chapter 5-52 of the General Laws entitled “Travel Agencies” is hereby  
32 repealed in its entirety:

33 ~~5-52-1 Definitions.—The following words and phrases, when used in this chapter, shall~~  
34 ~~be construed as follows:~~

1           ~~(1) "Advertisements" includes, but is not limited to, any written or graphic representation~~  
2 ~~in any card, brochure, newspaper, magazine, directory listing, or display if the listing or display is~~  
3 ~~obtained in exchange for valuable consideration as any oral, written or graphic representations~~  
4 ~~made by radio, television, or cable broadcast.~~

5           ~~(2) "Department" means the department of business regulation.~~

6           ~~(3) "License" means a license issued by the state pursuant to this chapter.~~

7           ~~(4) "Travel agency" means any resident or nonresident person, firm, corporation, or~~  
8 ~~business entity maintaining a business location or branch office in this state who offers for sale,~~  
9 ~~directly or indirectly, at wholesale or retail, including advertisements as defined in this section,~~  
10 ~~prearranged travel services for individuals or groups, in exchange for a fee, commission, or other~~  
11 ~~consideration. "Travel agency" includes any business entity offering membership in a travel club~~  
12 ~~or travel service for an advance fee or payment, even if no travel contracts or certificates or~~  
13 ~~vacation or tour packages are sold by the business entity; and also includes a for profit~~  
14 ~~organization which acts as a travel promoter marketing or offering for sale a coupon book or the~~  
15 ~~like for travel services.~~

16           ~~(5) "Travel agent" or "travel manager" means any person employed by a travel agency~~  
17 ~~whose principal duties include consulting with and advising persons concerning travel~~  
18 ~~arrangements or accommodations but does not include a salaried employee of a licensed travel~~  
19 ~~agency who does not arrange the purchase, accommodations or sale of travel services.~~

20           ~~(6) "Travel services" includes, but is not limited to, car rentals, transfers, lodging and all~~  
21 ~~other services which are reasonably related to air, sea, rail, motor coach, or other transportation,~~  
22 ~~or accommodations, which a traveler obtains directly or indirectly from a travel agency, whether~~  
23 ~~offered or sold on a wholesale or retail basis.~~

24           ~~§ 5-52-2 Qualifications for a travel agency's license. — In order to be eligible for a travel~~  
25 ~~agency license under this chapter, a person, firm or corporation must:~~

26           ~~(1) If an individual:~~

27           ~~(i) Be not less than eighteen (18) years of age;~~

28           ~~(ii) Be a person who has a good reputation for honesty, truthfulness, and fair dealing, and~~  
29 ~~who is competent and financially qualified to conduct the business of a travel agency in a manner~~  
30 ~~to safeguard the interest of the public;~~

31           ~~(iii) Have not been convicted in any state of a felony involving theft, fraud, or breach of a~~  
32 ~~fiduciary relationship; and~~

33           ~~(iv) Hold a valid travel manager's license as issued by the department.~~

34           ~~(2) If a firm or corporation, it must employ an individual holding a valid travel manager's~~



1 ~~license as issued by the department.~~

2 ~~(3) All applicants for a travel agency license shall at all times maintain proper bond and a~~  
3 ~~fixed office as required by §§ 5-52-4 and 5-52-4.1.~~

4 ~~§ 5-52-2.1 Qualifications for a travel manager license.— In order to be eligible for a~~  
5 ~~travel manager license under this chapter, a person must:~~

6 ~~(1) Be not less than eighteen (18) years of age;~~

7 ~~(2) Be a person who has a good reputation for honesty, truthfulness, and fair dealing, and~~  
8 ~~who is competent and financially qualified to conduct the business of a travel agency in a manner~~  
9 ~~to safeguard the interest of the public;~~

10 ~~(3) Have been a travel agent for at least one year prior to applying for a travel manager~~  
11 ~~license, during which year the applicant's time was devoted to sales work within an agency for~~  
12 ~~not less than thirty five (35) hours per week; or furnish evidence satisfactory to the director that~~  
13 ~~the applicant is certified to have completed a course of study leading to qualification as a travel~~  
14 ~~agent at a recognized educational institution; and~~

15 ~~(4) Have not been convicted in any state of a felony involving theft, fraud, or breach of a~~  
16 ~~fiduciary relationship.~~

17 ~~§ 5-52-3 Qualifications for a travel agent license.— In order to be eligible for a travel~~  
18 ~~agent license under this chapter, a person must:~~

19 ~~(1) Be not less than eighteen (18) years of age;~~

20 ~~(2) Be a person who has a good reputation for honesty, truthfulness, and fair dealing, and~~  
21 ~~who is competent to act as a travel agent in a manner to safeguard the interest of the public;~~

22 ~~(3) Have not been convicted in any state of a felony involving theft, fraud, or breach of a~~  
23 ~~fiduciary relationship; and~~

24 ~~(4) Be an apprentice with a licensed travel agency, or furnish evidence satisfactory to the~~  
25 ~~director that the applicant is certified to have completed a course of study leading to qualification~~  
26 ~~as a travel agent at a recognized educational institution, or provide any other evidence that the~~  
27 ~~director may deem satisfactory.~~

28 ~~§ 5-52-4 License required— Duplicate licenses— Bond for travel agencies.— (a) No~~  
29 ~~person, firm, or corporation shall act or hold himself or herself out as a travel agency or travel~~  
30 ~~agent or travel manager unless he or she holds an unsuspended, unrevoked, license issued by the~~  
31 ~~department pursuant to the provisions of this chapter and rules and regulations adopted pursuant~~  
32 ~~to it.~~

33 ~~(b) The license shall be conspicuously posted in the place of business. Duplicate licenses~~  
34 ~~shall be issued by the department without additional fees to valid license holders operating more~~

1 ~~than one office.~~

2 ~~(c) The travel agency's license issued to any corporation, partnership or association shall~~  
3 ~~designate the name of the one principal active officer of the corporation, partnership, or~~  
4 ~~association for whom that license is valid. Every other employee of that corporation, partnership,~~  
5 ~~or association other than salaried employees who do not arrange the purchase, accommodations~~  
6 ~~or sale of travel services, shall be obliged to obtain an individual license as a travel agent or~~  
7 ~~manager.~~

8 ~~(d) All offices of travel agencies shall be managed by a person holding a valid travel~~  
9 ~~manager license.~~

10 ~~(e) Each travel agency shall deliver and file with the department of business regulation~~  
11 ~~before a license is issued or reissued, a surety company bond in the principal sum of ten thousand~~  
12 ~~dollars (\$10,000).~~

13 ~~(2) The bond shall be written by a company recognized and approved by the~~  
14 ~~commissioner of insurance, and shall be approved by the department with respect to its form,~~  
15 ~~manner of execution, and sufficiency in due form to the state.~~

16 ~~(3) The liability of the surety on the bond shall be limited to indemnify the claimant only~~  
17 ~~for his or her actual damage. The bond shall not limit or impair any right of recovery otherwise~~  
18 ~~available pursuant to law nor shall the amount of the bond be relevant in determining the amount~~  
19 ~~of damage or other relief to which any claimant shall be entitled. The bond shall be accessible~~  
20 ~~only after all other legal remedies have been exhausted.~~

21 ~~(4) In the event the bond is exhausted, the travel agency shall immediately notify the~~  
22 ~~department, which causes any public notice that it deems appropriate, to be immediately given~~  
23 ~~notice.~~

24 ~~§ 5-52-4.1 Fixed office for travel agency required.—(a) Each licensed travel agency~~  
25 ~~shall maintain a fixed office within this state which shall be located to conform with zoning laws.~~

26 ~~(b) Each travel agency and travel agent shall state in each of its advertisements its name~~  
27 ~~and license number.~~

28 ~~§ 5-52-4.2 Examination of applicants—Fee.—(a) The director shall require any applicant~~  
29 ~~for a travel agency or travel agent's license to submit to a written examination to show the~~  
30 ~~applicant's knowledge of reading, writing, spelling, elementary arithmetic, geography, and in~~  
31 ~~general, the means and method to arrange or book travel reservations or accommodations, tickets~~  
32 ~~for domestic or foreign travel by air, rail, ship, bus, or other medium of transportation, or hotel or~~  
33 ~~other lodging accommodations, and of the state and federal statutes and regulations relating to the~~  
34 ~~travel business. An applicant for a travel agency or travel agent's license, prior to taking the~~

1 ~~examination, shall pay to the director an examination fee of ten dollars (\$10.00).~~

2 ~~(b) A person shall be permitted to apply for re-examination at any time upon payment of~~  
3 ~~the required fee as provided in subsection (a) of this section; the director may require that~~  
4 ~~applicant to present evidence of further study and preparation, prior to permitting a re-~~  
5 ~~examination.~~

6 ~~(c) Any travel agency and travel agent holding a valid license on July 1, 1981, shall be~~  
7 ~~exempt from the examination provisions of this section.~~

8 ~~§ 5-52-4.3 Apprentice permits.—(a) The department shall be authorized to issue an~~  
9 ~~apprentice permit to any person, without examination, who is qualified by reason of age and~~  
10 ~~reputation, to assist in the performance of a travel agency while under the strict supervision of~~  
11 ~~that travel agency or of a travel agent, for whose performance that travel agency and/or travel~~  
12 ~~agent shall be liable as if that performance was undertaken by that travel agency or travel agent.~~

13 ~~(b) An apprentice permit shall be valid for a period of six (6) months from the date of~~  
14 ~~issue and may be renewed for cause shown upon proper application to the director.~~

15 ~~(c) The fee for an apprentice permit and for each renewal shall be twenty five dollars~~  
16 ~~(\$25.00).~~

17 ~~§ 5-52-5 License fees—Transfer and renewal of licenses.—(a) All licenses issued under~~  
18 ~~this chapter shall be for a period of one year. No license shall be issued until all license fees due~~  
19 ~~are paid in full.~~

20 ~~(b) The per annum fee for the issuance of a travel agency license for any person, firm,~~  
21 ~~partnership, or corporation shall be one hundred twenty five dollars (\$125).~~

22 ~~(c) The per annum fee for the issuance of a travel agent or travel manager license is fifty~~  
23 ~~dollars (\$50.00). The fee for a travel agent or manager license to be transferred to another travel~~  
24 ~~agency is fifteen dollars (\$15.00). The fee for a duplicate license that is destroyed or mutilated is~~  
25 ~~five dollars (\$5.00).~~

26 ~~(d) No license shall be assignable or transferable except on the prior approval of the~~  
27 ~~department of business regulation.~~

28 ~~(e) Application for renewal of a license must be received by the licensing authority no~~  
29 ~~less than twenty one (21) days prior to expiration date, subject to the right of the licensing~~  
30 ~~authority to permit late filing upon good cause shown.~~

31 ~~(2) Any renewal of a license shall be subject to the same provisions covering issuance,~~  
32 ~~suspension, and revocation of any license originally issued.~~

33 ~~(3) The licensing authority may refuse to renew a license for any of the grounds stated in~~  
34 ~~§ 5-52-7 and where the past conduct of the applicant affords reasonable grounds for belief that he~~

1 ~~or she will not carry out his or her duties in accordance with law and with integrity and honesty.~~

2 ~~(4) The authority shall promptly notify the licensee, in writing, by certified mail of its~~  
3 ~~intent to refuse to renew the license.~~

4 ~~(5) The licensee may, within twenty one (21) days after receipt of that notice of intent,~~  
5 ~~request a hearing on the refusal.~~

6 ~~(6) The licensee shall be permitted to honor commitments already made to its customers~~  
7 ~~provided that no new commitments are incurred, unless those new commitments are completely~~  
8 ~~bonded to insure that the general public is protected from loss of monies paid to the licensee.~~

9 ~~(7) Where an applicant does not request a hearing in accordance with § 42-35-14, the~~  
10 ~~licensing authority may carry out the proposal stated in its notice.~~

11 ~~§ 5-52-6 Obligations of a travel agency. (a) A travel agency shall be obligated to~~  
12 ~~perform its duties reasonably and with ordinary care in providing travel services.~~

13 ~~(b) A travel agency shall notify, or make reasonable or good faith efforts to notify, the~~  
14 ~~purchaser of travel services of any change or variation of the travel services purchased. The~~  
15 ~~notice shall be given immediately, or within a reasonable time as practicably possible, after the~~  
16 ~~travel agency is notified of each change or variation of the travel services purchased.~~

17 ~~(c) A travel agency shall refund to any person with whom it contracts for a trip, moneys~~  
18 ~~lost by that person as a result of the breach of the duty of care pursuant to this section. The refund~~  
19 ~~shall be made within forty five (45) days from the date it is requested.~~

20 ~~(d) Nothing contained in this section shall restrict the right of a travel agency to refuse to~~  
21 ~~provide a refund, and to require ordinary civil adjudication of the dispute. This section does not~~  
22 ~~limit the right of the travel agency to recover from, or be indemnified by, any other party which~~  
23 ~~was responsible for the failure of all or part of the monies it refunded to the consumer pursuant to~~  
24 ~~this section.~~

25 ~~§ 5-52-6.1 Administrative remedies — Penalties. (a) The department may, after~~  
26 ~~opportunity for a hearing, enter an order imposing one or more of the penalties stated in~~  
27 ~~subsection (b) of this section if the department finds that a travel agency, agent, or manager has:~~

28 ~~(1) Violated, or is operating in violation of, any of the provisions of this chapter or of the~~  
29 ~~rules and regulations adopted or orders issued pursuant to this chapter;~~

30 ~~(2) Made a material false statement in any application, document, or record required to be~~  
31 ~~submitted or retained pursuant to this chapter or order or regulation of the department;~~

32 ~~(3) Refused or failed, or any of its principal officers refused or failed, after notice, to~~  
33 ~~produce any document or record or disclose any information required to be produced or disclosed~~  
34 ~~under this chapter or order or regulation of the department; or~~

1           ~~(4) Made a material false statement in response to any request or investigation by the~~  
2 ~~department or the department of attorney general.~~

3           ~~(b) Upon a finding as stated in subsection (a) of this section the department may order~~  
4 ~~one or more of the following:~~

5           ~~(1) Impose an administrative fine not less than one hundred dollars (\$100) nor more than~~  
6 ~~five hundred dollars (\$500) for each act or omission which constitutes a violation of this chapter~~  
7 ~~or the rules and regulations of the department;~~

8           ~~(2) Direct that the travel agency, agent, or manager cease and desist specified activities;~~

9           ~~(3) Refuse to register, or cancel, or suspend a registration;~~

10          ~~(4) Place the registrant on probation for a period of time, subject to any conditions that~~  
11 ~~the department may specify; or~~

12          ~~(5) Cancel an exemption granted under § 5-52-11.~~

13          ~~(e) Administrative proceedings which may result in the entry of an order imposing any of~~  
14 ~~the sanctions specified in subsection (b) of this section shall be governed by the Administrative~~  
15 ~~Procedures Act, chapter 35 of title 42.~~

16          ~~§ 5-52-7 Grounds for suspension or revocation of licenses.—A license issued pursuant to~~  
17 ~~this chapter may be suspended or revoked by the department of business regulation for any one or~~  
18 ~~more of the following causes:~~

19          ~~(1) Conviction of any crime involving moral turpitude;~~

20          ~~(2) Fraud or bribery in securing a license issued pursuant to this chapter;~~

21          ~~(3) Failing to display the license as provided in this chapter;~~

22          ~~(4) Violating any provision of this chapter or of any rule or regulation adopted under it;~~

23          ~~(5) Publishing or circulating any statement with the intent to deceive, misrepresent, or~~  
24 ~~mislead the public;~~

25          ~~(6) Committing any fraud or fraudulent practice in the operation and conduct of a travel~~  
26 ~~agency business, including, but not limited to, intentionally misleading advertising;~~

27          ~~(7) Aiding or abetting any person, firm, or corporation not licensed in this state in the~~  
28 ~~business of conducting a travel agency.~~

29          ~~§ 5-52-7.1 Nonresident travel agency—Designated attorney for service of process.—Every~~  
30 ~~nonresident travel agency and travel agent soliciting business in the state, by mail, telephone, or~~  
31 ~~otherwise, either directly or indirectly, shall be deemed to have appointed the director of business~~  
32 ~~regulation as his or her true and lawful attorney upon whom may be served all lawful processes in~~  
33 ~~any action or proceeding against that nonresident arising or growing out of any transaction~~  
34 ~~involving travel and related services as stated in § 5-52-1(4). That solicitation shall be a~~

1 ~~signification of the nonresident's agreement that any process against him or her which is served as~~  
2 ~~provided in this section is of the same legal force and validity as if served on him or her~~  
3 ~~personally.~~

4 ~~§ 5-52-7.2 Service on nonresident. — (a) Service of process upon a nonresident travel~~  
5 ~~agency or travel agent shall be made by leaving a copy of the process with a fee of five dollars~~  
6 ~~(\$5.00) in the hands of the director, or in his or her office with some one acting in his stead as the~~  
7 ~~director, and that service shall be sufficient service upon the nonresident~~

8 ~~(b) Notice of that service and a copy of the process shall be sent by registered or certified~~  
9 ~~mail prior to service, or immediately after service, by the plaintiff or his or her attorney of record~~  
10 ~~to the defendant at the address given by the nonresident in any solicitation furnished by him or~~  
11 ~~her.~~

12 ~~(c) The sender's post office receipt of sending, and the plaintiff's or his or her attorney's~~  
13 ~~affidavit of compliance with this section shall be returned with the process in accordance with~~  
14 ~~applicable procedural rules.~~

15 ~~(d) Notwithstanding the preceding requirements, once service has been made on the~~  
16 ~~director as provided in subsection (a) of this section, the court shall have the authority, in the~~  
17 ~~event of failure to comply with the requirement of notice to that nonresident, to order that notice~~  
18 ~~as is sufficient to apprise him or her of the pendency of the suit against him or her; and in~~  
19 ~~addition, may extend the time for answering by that nonresident.~~

20 ~~(e) It is also sufficient if that notice and a copy of the process are served upon the~~  
21 ~~defendant outside the state in accordance with applicable procedural rules.~~

22 ~~§ 5-52-7.3 Nonresident travel agencies. — Nonresident travel agencies who do not~~  
23 ~~maintain a business location or branch office in this state and who offer for sale, directly or~~  
24 ~~indirectly at wholesale or retail including advertisements as defined in this chapter, prearranged~~  
25 ~~travel services for individuals or groups in this state, in exchange for a fee, commission, or other~~  
26 ~~consideration shall not be required to be licensed under the provisions of this chapter. These~~  
27 ~~nonresident travel agencies shall include in all advertisements pertaining to the offering of travel~~  
28 ~~services the following disclaimer: " NOTICE. (name of firm) IS NOT LICENSED OR BONDED~~  
29 ~~AS A TRAVEL AGENCY IN THE STATE OF RHODE ISLAND". This section does not apply~~  
30 ~~to advertisements, which are disseminated or distributed on a national level.~~

31 ~~§ 5-52-8 Report of agents employed to department of business regulation. — (a) Any~~  
32 ~~licensed travel agency, within thirty (30) days after issuance of a license, shall file with the~~  
33 ~~department of business regulation a list of names and addresses of licensed travel agents~~  
34 ~~employed by that travel agency. Notice of any change in these employees shall be given to the~~

1 ~~department of business regulation within ten (10) days after that change.~~

2 ~~(b) Travel agent or travel manager licenses issued by the department must be surrendered~~  
3 ~~to the department by the agent or manager upon termination of employment. Willful and knowing~~  
4 ~~refusal upon request of the department or the agency to return an agent or manager license shall~~  
5 ~~be a misdemeanor punishable by a fine of not more than five hundred dollars (\$500).~~

6 ~~§ 5-52-9 Penalty for operating without license.—Any person, firm, or corporation who~~  
7 ~~engages in the business of conducting a travel agency or acts as a travel agent without obtaining a~~  
8 ~~license as provided by this chapter, is guilty of a misdemeanor and upon conviction shall be fined~~  
9 ~~not more than five hundred dollars (\$500).~~

10 ~~§ 5-52-10 Revocation of license for breach of fiduciary relationship.—If any person~~  
11 ~~recovers any amount in settlement of a claim or toward satisfaction of a judgment against a~~  
12 ~~licensed travel agency or travel agent involving the breach of a fiduciary relationship between the~~  
13 ~~customer and a travel agency or travel agent, the license of that travel agency or travel agent shall~~  
14 ~~be automatically revoked and this travel agency or travel agent shall not be eligible to receive a~~  
15 ~~new license until they have repaid in full. A discharge of bankruptcy or receivership does not~~  
16 ~~relieve a person from the penalties of this section.~~

17 ~~§ 5-52-11 Persons exempt.—(a) This chapter does not prohibit any group or association~~  
18 ~~from conducting four (4) or less tours within a year nor does this chapter prohibit any school~~  
19 ~~system, fraternal organization or similar type of group to conduct a tour where tours are~~  
20 ~~conducted without remuneration in any form to the organization or to any individual and does not~~  
21 ~~include the general public. Exempt groups, when conducting a tour, shall register with the~~  
22 ~~department and give to each member of the group written notice that may be deemed appropriate~~  
23 ~~by the department to include a warning that the group is not licensed, bonded or regulated by this~~  
24 ~~chapter. Remuneration shall include but is not limited to: commissions, free trips, reduced rates~~  
25 ~~for future trips, rebates and bonuses or any other valuable consideration. The provisions of this~~  
26 ~~chapter do not apply to federal, state, city, or town sponsored tours and tours sponsored by~~  
27 ~~regional tourism development organizations pursuant to any provisions of the general or public~~  
28 ~~laws or local ordinance.~~

29 ~~(2) Nothing in this chapter shall prohibit a licensed travel agent or manager from~~  
30 ~~conducting a tour and receiving remuneration.~~

31 ~~(b) This chapter shall not apply to:~~

32 ~~(1) Any direct common carrier of passengers or property regulated by an agency of the~~  
33 ~~federal government or employees of the carrier when engaged solely in the transportation~~  
34 ~~business of the carrier as identified in the carrier's certificate;~~

1           ~~(2) An intrastate common carrier of passengers or property selling only transportation as~~  
2 ~~defined in the applicable state or local registration or certification, or employees of the carrier~~  
3 ~~when engaged solely in the transportation business of the carrier;~~

4           ~~(3) Hotels, motels, or other places of public accommodation selling public~~  
5 ~~accommodations, or employees of the hotels, motels, or other places of public accommodations,~~  
6 ~~when engaged solely in making arrangements for lodging, accommodations, or sightseeing tours~~  
7 ~~within the state, or taking reservations for the traveler with times, dates, locations, and~~  
8 ~~accommodations certain at the time the reservations are made;~~

9           ~~(4) Persons involved solely in the rental, leasing, or sale of residential property;~~

10          ~~(5) Persons involved solely in the rental, leasing, or sale of transportation vehicles;~~

11          ~~(6) Persons who make travel arrangements for themselves or their employees or agents.~~

12          ~~§ 5-52-12 Restraining orders.—The attorney general of the state may bring an action on~~  
13 ~~behalf of the state or the general public to restrain or prevent any violation of this chapter.~~

14          ~~§ 5-52-13 Regulations promulgated by department.—The department of business~~  
15 ~~regulation shall make other administrative regulations and guidelines which they deem necessary~~  
16 ~~to remove fraud and deception under those covered by this chapter, and for the examination and~~  
17 ~~determination of the qualification of applicants as provided in §§ 5-52-4.2 and 5-52-4.3. Those~~  
18 ~~regulations and guidelines shall be established pursuant to chapter 35 of title 42 relating to~~  
19 ~~administrative procedures.~~

20          ~~§ 5-52-14 Severability.—If any provision of this chapter or of any rule or regulation~~  
21 ~~made under this chapter, or the application of this chapter to any person or circumstances, is held~~  
22 ~~invalid by a court of competent jurisdiction, the remainder of the chapter, rule, or regulation, and~~  
23 ~~the application of that provision to other persons or circumstances, shall not be affected.~~

24          ~~§ 5-52-15 Commission—Creation—Composition—Appointment and terms of members.~~

25          ~~—(a) Within the department of business regulation, there is created the Rhode Island travel~~  
26 ~~commission, referred to as "the commission", consisting of seven (7) persons, one from each~~  
27 ~~county to be appointed by the governor, and each of whom has been a citizen of this state for at~~  
28 ~~least ten (10) years prior to the date of appointment, and has been engaged as a licensed travel~~  
29 ~~agent or manager in this state for at least five (5) years prior to the date of appointment. One~~  
30 ~~member shall be a licensed travel tour operator appointed by the governor. Two (2) members~~  
31 ~~shall be appointed for one year; two (2) members shall be appointed for two (2) years; and two~~  
32 ~~(2) members shall be appointed for three (3) years; beginning on December 31, 1994. Successors~~  
33 ~~of all members shall be appointed by the governor for terms of three (3) years each and until their~~  
34 ~~successors are appointed and qualify by subscribing to the constitutional oath of office, which~~



1 ~~shall be filed with the secretary of state. Members to fill vacancies shall be appointed for the~~  
2 ~~unexpired term. No member may be appointed to succeed himself or herself for more than two~~  
3 ~~(2) full terms. The director of the department or his or her designee shall serve as an ex officio~~  
4 ~~member of the commission and shall have full voting powers. Upon qualification of the members~~  
5 ~~appointed, the commission shall organize by selecting from its members a chairperson. The~~  
6 ~~members of the commission shall serve without compensation.~~

7 ~~(b) The commission shall adopt reasonable rules and regulations to carry out its purposes.~~  
8 ~~The department with the assistance of the commission shall implement a re-certification program~~  
9 ~~on or before January 1, 1996 and shall establish the reasonable rules and regulations that may be~~  
10 ~~appropriate for that program to insure that education and practice requirements of license holders~~  
11 ~~meet the public interest.~~

12 ~~(c) All records of the commission shall be open to public inspection under the reasonable~~  
13 ~~rules and regulations that it prescribes.~~

14 ~~(d) The commission has a policy making role in the preparation and composition of the~~  
15 ~~examinations to be administered by the department. Subsequent to the administration of the~~  
16 ~~examination, the commission shall review the examinations to evaluate their effectiveness. All~~  
17 ~~travel agents and travel agencies licensed as of June 22, 1994 shall be exempt from the continuing~~  
18 ~~education requirements stated in this chapter.~~

19 SECTION 5. Sections 5-57-2, 5-57-3, and 5-57-9 of the General Laws in Chapter 5-57  
20 entitled "Burglar and Hold-Up Alarm Businesses" are hereby amended to read as follows:

21 **5-57-2. Definitions.** – For the purpose of this chapter, the following terms, phrases,  
22 words and their derivations have the meaning given in this chapter. When not inconsistent with  
23 the context, words used in the plural number include the singular number and words used in the  
24 singular number include the plural number:

25 (1) "Alarm agent" means any individual employed within this state by an alarm business,  
26 whose duties include the altering, installing, maintaining, moving, repairing, replacing, selling or  
27 servicing of an alarm system or responding to or causing others to respond to an alarm system.

28 (2) "Alarm business" means and includes any business, both resident and non-resident,  
29 engaged in the installation, maintenance, alteration, repair, replacement, or servicing of alarm  
30 systems or which responds to or causes others to respond to those alarm systems at a protected  
31 premises within this state. Any "alarm business" licensed under this chapter must maintain a  
32 twenty-four (24) hour per day service structure, the terms and conditions of which or procedures  
33 for implementation are established by the licensing authority through rules and regulations.

34 (3) "Alarm system" means an assembly of equipment and devices (or a single device such

1 as a solid state unit which plugs directly into a 110-volt AC line) designed to detect and signal an  
2 unauthorized intrusion into premises or to signal an attempted robbery at premises and with  
3 respect to that signal police or private guards are expected to respond. Fire alarm systems and  
4 alarm systems which monitor temperature, humidity, or any other condition not directly related to  
5 the detection of an unauthorized intrusion into premises or an attempted robbery at premises are  
6 excluded from the provisions of this chapter.

7 (4) "Department" means the ~~department of business regulation~~ [division of professional](#)  
8 [regulation within the department of labor and regulation.](#)

9 (5) "Director" means the director of the ~~department of business regulation~~ [labor and](#)  
10 [training.](#)

11 (6) "Licensing authority" means the ~~department of business regulation~~ [labor and training.](#)

12 (7) "Notify by mail", when used to notify applicant of approval of license or I.D. card; or  
13 when used to forward license or permanent I.D. card to licensee or I.D. card holder means first  
14 class mail. When used to notify applicant, licensee, or I.D. card holder of intent to refuse or deny  
15 application, or suspend or revoke the license or I.D. card, or to notify a licensee, applicant, or I.D.  
16 card holder of final, refusal, denial, suspension, or revocation of that application, license or I.D.  
17 card, the term "notify by mail" means certified mail, return receipt requested.

18 (8) "Owner" means a person who holds an interest of twenty-five percent (25%), directly  
19 or indirectly, or more in an alarm business.

20 (9) "Person" means an individual, firm, partnership, corporation, or organization of any  
21 nature.

22 (10) "Principal corporate officer" means the president, vice president, treasurer, secretary  
23 and comptroller as well as any other person who performs functions for the corporation  
24 corresponding to those performed by the preceding officers.

25 (11) "Subscriber" means a person or business, which buys or obtains an alarm system and  
26 has a contract with an alarm business to monitor and/or service the alarm system.

27 **5-57-3. Licensing authority – Creation.** – The department of ~~business regulation~~ [labor](#)  
28 [and training](#) shall carry out the functions and duties conferred upon it by this chapter and shall be  
29 referred to, in that context, as "the licensing authority".

30 **5-57-9. Licensing authority – Staff.** – The director of ~~business regulation~~ [labor and](#)  
31 [training](#) has the authority to hire and terminate the clerical and professional personnel, including a  
32 chief licensing examiner, to handle daily operations of the licensing authority that are necessary  
33 to enable it to fulfill its mandate under the provisions of this chapter. All the expenses shall be  
34 paid out of the general fund, and the state controller is authorized and directed to draw his or her

1 orders upon the general treasurer upon receipt by him or her of properly authenticated vouchers  
2 signed by the director, ~~or deputy director of the department of business regulation.~~

3 SECTION 6. This article shall take effect as of July 1, 2008.

#### 4 ARTICLE 34

#### 5 RELATING TO CHILDHOOD IMMUNIZATION AND KIDSNET

6 SECTION 1. Section 23-1-44 of the General Laws in Chapter 23-1 entitled "Department  
7 of Health" is hereby amended to read as follows:

8 **23-1-44. Routine childhood and adult immunization vaccines.** – (a) The department  
9 of health shall include in the department's immunization program those vaccines for routine  
10 childhood immunization as recommended by the advisory committee for immunization practices  
11 (ACIP) and the academy of pediatrics (AAP), and for adult influenza immunization as  
12 recommended by the ACIP, to the extent permitted by available funds. The childhood  
13 immunization program includes administrative and quality assurance services and KIDSNET, a  
14 confidential, computerized child health information system that is used to manage statewide  
15 immunizations, as well as other public health preventive services, for all children in Rhode Island  
16 from birth through age 18.

17 (b) The director of the department of health shall appoint an advisory committee that will  
18 be convened after the ACIP makes a recommendation regarding adult immunization. The  
19 committee will review the ACIP recommendations for the state, assess the vaccine cost and  
20 feasibility, and advise the director of health and the office of the health insurance commissioner  
21 regarding insurers and providers acting on the ACIP adult immunization recommendation. All  
22 recommendations will be posted on the department of health website. The advisory committee  
23 membership shall include, but not be limited to, a primary care provider, pharmacist,  
24 representatives of the nursing home industry, the home health care industry and major insurers.

25 SECTION 2. Section 23-1-45 of the General Laws in Chapter 23-1 entitled "Department  
26 of Health" is hereby amended to read as follows:

27 **23-1-45. Immunization account.** – (a) There is created within the general fund a  
28 restricted receipt account to be known as the "childhood immunization account". All money in  
29 the account shall be utilized by the department of health to effectuate the provisions of § 23-1-44  
30 that relate to the childhood immunization program. All money received pursuant to §§ 23-1-46  
31 and 23-1-47 for the childhood immunization program shall be deposited in the childhood  
32 immunization account. Funding dedicated exclusively to effectuate the provisions of § 23-1-44  
33 and this subsection received by the department of health from sources other than those identified  
34 in §§ 23-1-46 and 23-1-47 may also be deposited in the childhood immunization account. Up to

1 [15% of the annual revenues from this account may be used to support costs associated with](#)  
2 [childhood immunization program administrative and quality assurance services and KIDSNET.](#)

3 The general treasurer is authorized and directed to draw his or her orders on the account upon  
4 receipt of properly authenticated vouchers from the department of health.

5 (b) There is created within the general fund a restricted receipt account to be known as  
6 the "pandemic medications and equipment account" for the purposes of funding pandemic  
7 medications and equipment. There shall be an expenditure in FY 2007 not to exceed one million  
8 dollars (\$1,000,000) for pandemic influenza medications and equipment. Funding dedicated  
9 exclusively to effectuate the provisions of this subsection and received by the department of  
10 health from sources other than those identified in §§ 23-1-45, 23-1-46 and 23-1-47 may also be  
11 deposited in the pandemic medications and equipment account. The general treasurer is  
12 authorized and directed to draw his or her orders on the account upon receipt of properly  
13 authenticated vouchers from the department of health.

14 (c) There is created within the general fund a restricted receipt account to be known as  
15 the "adult immunization account". All funds in the account shall be utilized by the department of  
16 health to effectuate the provisions of § 23-1-44 that relate to the adult immunization program. All  
17 funds received for adult immunization programs pursuant to §§ 23-1-46 and 23-1-47 shall be  
18 deposited in the adult immunization account. Funding dedicated exclusively to effectuate the  
19 provisions of this subsection and received by the department of health from sources other than  
20 those identified in §§ 23-1-46 and 23-1-47 may also be deposited in the adult immunization  
21 account. The general treasurer is authorized and directed to draw his or her orders on the account  
22 upon receipt of properly authenticated vouchers from the department of health.

23 SECTION 3. This article shall take effect as of July 1, 2008.

## 24 ARTICLE 35

### 25 RELATING TO RETIREMENT OF JUSTICES AND JUDGES

26 SECTION 1. Chapter 8-3 of the General Laws entitled "Justices of the Supreme,  
27 Superior, and Family Courts" is hereby amended by adding thereto the following section:

28 **8-3-20. Offset of social security bene fits.** -- [Notwithstanding any provisions to the](#)  
29 [contrary, any person who has served under this title as a justice or judge subsequent to July 1,](#)  
30 [2008 and who has received state retirement benefits under the provisions of this title, shall have](#)  
31 [his or her retirement allowance reduced or offset by any amount that the person subsequently](#)  
32 [receives as a payment under the terms of the Social Security Act, contained in 42 U.S.C. § 1396,](#)  
33 [et.seq., as amended.](#)

34 [\(b\) In order to implement this requirement the state retirement board is authorized to](#)

1 [promulgate rules and regulations in accordance with § 36-8-3 of the general laws.](#)

2 SECTION 2. Chapter 8-8 of the General Laws entitled “District Court” is hereby  
3 amended by adding thereto the following section:

4 **8-8-33. Offset of social security benefits.** -- [Notwithstanding any provisions to the](#)  
5 [contrary, any person who has served under this title as a judge subsequent to July 1, 2008 and](#)  
6 [who has received state retirement benefits under the provisions of this title, shall have his or her](#)  
7 [retirement allowance reduced or offset by any amount that the person subsequently receives as a](#)  
8 [payment under the terms of the Social Security Act, contained in 42 U.S.C. § 1396, et.seq., as](#)  
9 [amended.](#)

10 [\(b\) In order to implement this requirement the state retirement board is authorized to](#)  
11 [promulgate rules and regulations in accordance with § 36-8-3 of the general laws.](#)

12 SECTION 3. Chapter 28 of Title 30 of the General Laws entitled “Workers’  
13 Compensation Court” is hereby amended by adding thereto the following section:

14 **28-30-25. Offset of social security benefits.** -- [Notwithstanding any provisions to the](#)  
15 [contrary, any person who has served under this title as a judge subsequent to July 1, 2008 and](#)  
16 [who has received state retirement benefits under the provisions of this title, shall have his or her](#)  
17 [retirement allowance reduced or offset by any amount that the person subsequently receives as a](#)  
18 [payment under the terms of the Social Security Act, contained in 42 U.S.C. § 1396, et.seq., as](#)  
19 [amended.](#)

20 [\(b\) In order to implement this requirement the state retirement board is authorized to](#)  
21 [promulgate rules and regulations in accordance with § 36-8-3 of the general laws.](#)

22 SECTION 4. This article shall take effect upon passage.

23 **ARTICLE 36**

24 RELATING TO COLLECTIVE BARGAINING FISCAL IMPACT STATEMENTS

25 SECTION 1. Chapter 16-2 of the General Laws entitled "School Committees and  
26 Superintendents" is hereby amended by adding thereto the following section:

27 **16-2-21.6. Collective bargaining fiscal impact statements.** – [\(a\) Prior to executing any](#)  
28 [collective bargaining agreement between a school committee and representatives of teachers](#)  
29 [and/or other school employees, the school committee shall prepare or cause to be prepared a](#)  
30 [collective bargaining fiscal impact statement in conformity with guidelines prepared by the](#)  
31 [division of revenue. These statements shall set forth, in dollar amounts, estimates of the fiscal](#)  
32 [impact, during the term of the proposed agreement and for the next two \(2\) succeeding fiscal](#)  
33 [years, of the proposed agreement. No comment or opinion relative to the merits of the terms of](#)  
34 [the contract shall be included, except that technical or mechanical errors or defects may be noted.](#)

1 (b) Each collective bargaining fiscal impact statement shall be submitted to the auditor  
2 general, who shall review the statement; and

3 (1) note his or her approval as to accuracy and reliability of the dollar estimates contained  
4 therein; and

5 (2) append such comments or exceptions as he or she may deem appropriate.

6 (c) Following receipt of the materials submitted by the auditor general pursuant to  
7 subsection (b) and prior to the execution of any such collective bargaining agreement, the school  
8 committee shall conduct a public hearing for the purpose of considering the collective bargaining  
9 fiscal impact statement that has been prepared and reviewed in accordance with subsections (a)  
10 and (b).

11 SECTION 2. Chapter 45-5 of the General Laws entitled "Councils and Governing  
12 Bodies" is hereby amended by adding thereto the following section:

13 **45-5-22. Collective bargaining fiscal impact statements.** – (a) Prior to executing any  
14 collective bargaining agreement between a city or town and representatives of police personnel,  
15 firefighters, and/or other municipal employees, (other than teachers and/or other school  
16 employees), the city or town council shall prepare or cause to be prepared a collective bargaining  
17 fiscal impact statement in conformity with guidelines prepared by the division of revenue. These  
18 statements shall set forth, in dollar amounts, estimates of the fiscal impact, during the term of the  
19 proposed agreement and for the next two (2) succeeding fiscal years, of the proposed agreement.  
20 No comment or opinion relative to the merits of the terms of the contract shall be included, except  
21 that technical or mechanical errors or defects may be noted.

22 (b) Each collective bargaining fiscal impact statement shall be submitted to the auditor  
23 general, who shall review the statement; and

24 (1) note his or her approval as to accuracy and reliability of the dollar estimates contained  
25 therein; and

26 (2) append such comments or exceptions as he or she may deem appropriate.

27 (c) Following receipt of the materials submitted by the auditor general pursuant to  
28 subsection (b) and prior to the execution of any such collective bargaining agreement, the city or  
29 town council shall conduct a public hearing for the purpose of considering the collective  
30 bargaining fiscal impact statement that has been prepared and reviewed in accordance with  
31 subsections (a) and (b).

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

33 **ARTICLE 37**

34 **RELATING TO CRIME VICTIMS' COMPENSATION FUND**

1 SECTION 1. Section 12-25-8 of the General Laws in Chapter 12-25 entitled "Criminal  
2 Injuries Compensation" is hereby amended to read as follows:

3 **12-25-28. Special indemnity account for criminal injuries compensation.** – (a) It is  
4 provided that the general treasurer establish a violent crimes indemnity account within the general  
5 fund for the purpose of paying awards granted pursuant to this chapter. The court shall assess as  
6 court costs in addition to those provided by law, against all defendants charged with a felony,  
7 misdemeanor, or petty misdemeanor, whether or not the crime was a crime of violence, and who  
8 plead nolo contendere, guilty or who are found guilty of the commission of those crimes as  
9 follows:

10 (1) Where the offense charged is a felony and carries a maximum penalty of five (5) or  
11 more years imprisonment, one hundred and fifty dollars (\$150) or fifteen percent (15%) of any  
12 fine imposed on the defendant by the court, whichever is greater.

13 (2) Where the offense charged is a felony and carries a maximum penalty of less than five  
14 (5) years imprisonment, ninety dollars (\$90.00) or fifteen percent (15%) of any fine imposed on  
15 the defendant by the court, whichever is greater.

16 (3) Where the offense charged is a misdemeanor, thirty dollars (\$30.00) or fifteen percent  
17 (15%) of any fine imposed on the defendant by the court, whichever is greater.

18 (b) These costs shall be assessed whether or not the defendant is sentenced to prison and  
19 in no case shall they be waived by the court.

20 (c) When there are multiple counts or multiple charges to be disposed of simultaneously,  
21 the judge shall have the authority to suspend the obligation of the defendant to pay on all counts  
22 or charges above three (3).

23 (d) Up to ~~five percent (5%)~~ fifteen percent (15%) of the state funds raised under this  
24 section, as well as federal matching funds, shall be available to pay administrative expenses  
25 necessary to operate this program. Federal funds for this purpose shall not supplant currently  
26 available state funds, as required by federal law.

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

## 28 ARTICLE 38

### 29 RELATING TO MUNICIPAL TIPPING FEES

30 SECTION 1. Section 39-3-11.2 of the General Laws in Chapter 39-3 entitled  
31 "Regulatory Powers of Administration" is hereby amended to read as follows:

32 **39-3-11.2. Interim rates.** -- Notwithstanding the provisions of titles 23 and 39, the  
33 municipal tipping fee charged by the resource recovery corporation shall be thirty-two dollars  
34 (\$32.00) per ton from July 1, ~~2007~~ 2008 to June 30, ~~2008~~ 2009.

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

2 **ARTICLE 39**

3 RELATING TO NEWBORN SCREENING PROGRAM

4 SECTION 1. Sections 23-13-13 and 23-13-14 of the General Laws in Chapter 23-13  
5 entitled “Maternal and Child Health Services for Children with Special Health Care Needs” are  
6 hereby amended to read as follows:

7 **23-13-13. Testing for hearing impairments.** – (a) It is declared to be the public policy  
8 of this state that every newborn infant be evaluated by procedures approved by the state  
9 department of health for the detection of hearing impairments, in order to prevent many of the  
10 consequences of these disorders. No hearing impairment test shall be made as to any newborn  
11 infant if the parents of that child object to the test on the grounds that a hearing impairment test  
12 would conflict with their religious tenets or practices.

13 (b) The physician attending a newborn child shall cause the child to be subject to  
14 hearing impairment tests as described in department of health regulations.

15 (c) In addition, the department of health is authorized to establish by rules and  
16 regulations a reasonable fee structure for hearing impairment testing to cover program costs not  
17 otherwise covered by federal grant funds specifically secured for this purpose. This testing shall  
18 be a covered benefit reimbursable by all health insurers, as defined in § 27-38-6 [repealed] except  
19 for supplemental policies that only provide coverage for specific diseases, hospital indemnity,  
20 Medicare supplement, or other supplemental policies. The department of human services shall  
21 pay for hearing impairment testing when the patient is eligible for medical assistance under the  
22 provisions of chapter 8 of title 40. In the absence of a third party payor the charges for hearing  
23 impairment testing shall be paid by the hospital or other health care facility where the birth  
24 occurred. Nothing in this section shall preclude the hospital or health care facility from billing the  
25 patient directly. Those fees shall be deposited into ~~the general fund as general revenues.~~ [a](#)  
26 [restricted receipt account entitled the “newborn screening account”.](#)

27 (d) There is created a hearing impairments testing advisory committee which shall  
28 advise the director of the department of health regarding the validity and cost of testing  
29 procedures. That advisory committee shall:

30 (1) Meet at least four (4) times per year;

31 (2) Be chaired by the director or his or her designee;

32 (3) Be composed of seven (7) members appointed by the director from the following  
33 professions or organizations:

34 (i) A representative of the health insurance industry;



- 1 (ii) A pediatrician, designated by the R.I. chapter of the American Academy of  
2 Pediatrics;
- 3 (iii) An audiologist, designated by the R.I. chapter of the American Speech and Hearing  
4 Association;
- 5 (iv) Two (2) representatives of hospital neonatal nurseries;
- 6 (v) A representative of special education designated by the department of elementary  
7 and secondary education; and
- 8 (vi) The director of health or his or her designee.

9 **23-13-14. Newborn screening program.** – (a) The physician attending a newborn child  
10 shall cause that child to be subject to newborn screening tests for metabolic, endocrine, ~~and~~  
11 hemoglobinopathy disorders, and other conditions including assessment for developmental risk.  
12 The department of health shall make rules and regulations pertaining to ~~metabolic-disease~~  
13 screenings, diagnostic, and treatment services as accepted medical practice shall indicate. The  
14 provisions of this section shall not apply if the parents of the child object to the tests on the  
15 grounds that those tests conflict with their religious tenets and practices.

16 (b) In addition, the department of health is authorized to establish by rule and regulation  
17 a reasonable fee structure for the newborn screening and disease control program, which includes  
18 but is not limited to screening, diagnostic, and treatment services. The program shall be a covered  
19 benefit and be reimbursable by all health insurers, as defined in § 27-38.2-2(1), providing health  
20 insurance coverage in Rhode Island except for supplemental policies which only provide  
21 coverage for specific diseases, hospital indemnity Medicare supplements, or other supplemental  
22 policies. The department of human services shall pay for the program where the patient is eligible  
23 for medical assistance under the provisions of chapter 8 of title 40. The charges for the program  
24 shall be borne by the hospitals or other health-care facilities where births occur in the absence of  
25 a third-party payor. Nothing in this section shall preclude the hospital or health care facility from  
26 billing the patient directly. ~~Those fees shall be deposited into the general fund as general~~  
27 ~~revenues.~~

28 (c) There is created within the general fund a restricted receipt account to be known as  
29 the “newborn screening account” to implement the provisions of § 23-13-13 and § 23-13-14. All  
30 funds received pursuant to § 23-13-13 and § 23-13-14 shall be deposited in the account. Funding  
31 dedicated exclusively to implement the provisions of § 23-13-13 and § 23-13-14 and received by  
32 the department of health from sources other than those identified in § 23-13-13 and § 23-13-14  
33 may also be deposited in the newborn screening account. The general treasurer is authorized and  
34 directed to draw his or her orders on the account upon receipt of properly authenticated vouchers

1 [from the department of health.](#)

2 SECTION 2. Section 35-4-27 of the General Laws in Chapter 35-4 entitled "State  
3 Funds" is hereby amended to read as follows:

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

13 Department of Human Services

14 Veterans' home -- Restricted account

15 Veterans' home -- Resident benefits

16 Organ transplant fund

17 Veteran's Cemetery Memorial Fund

18 Department of Health

19 Pandemic medications and equipment account

20 [Newborn screening account](#)

21 Department of Mental Health, Retardation and Hospitals

22 Hospital Medicare Part D Receipts

23 Department of Environmental Management

24 National heritage revolving fund

25 Environmental response fund II

26 Underground storage tanks

27 Rhode Island Council on the Arts

28 Art for public facilities fund

29 Rhode Island Historical Preservation and Heritage Commission

30 Historic preservation revolving loan fund

31 Historic Preservation loan fund -- Interest revenue

32 State Police

33 Forfeited property -- Retained

34 Forfeitures -- Federal



1 Assistance” is hereby amended to read as follows:

2 **40-8-19. Rates of payment to nursing facilities.** – (a) *Rate reform.* The rates to be  
3 paid by the state to nursing facilities licensed pursuant to chapter 17 of title 23, and certified to  
4 participate in the Title XIX Medicaid program for services rendered to Medicaid-eligible  
5 residents, shall be reasonable and adequate to meet the costs which must be incurred by  
6 efficiently and economically operated facilities in accordance with 42 U.S.C. § 1396a(a)(13). The  
7 department of human services shall promulgate or modify the principles of reimbursement for  
8 nursing facilities currently in effect on July 1, 2003 to be consistent with the provisions of this  
9 section and Title XIX, 42 U.S.C. § 1396 et seq., of the Social Security Act.

10 (b) *Rate reform.* Subject to the phase-in provisions in subsections (c) and (d), the  
11 department shall, on or before October 1, 2005, modify the principles of reimbursement for  
12 nursing facilities to include the following elements:

13 (1) Annual base years;

14 (2) Four (4) cost centers: direct labor, property, other operating, and pass through items;

15 (3) Re-array of costs of all facilities in the labor and other operating cost centers every  
16 three (3) years beginning with calendar year 2002;

17 (4) A ceiling maximum for allowable costs in the direct labor cost center to be  
18 established by the department between one hundred ten percent (110%) and one hundred twenty-  
19 five percent (125%) of the median for all facilities for the most recent array year.

20 (5) A ceiling maximum for allowable costs in the other operating cost center to be  
21 established by the department between ninety percent (90%) and one hundred fifteen percent  
22 (115%) of the median for all facilities for the most recent array year;

23 (6) Adjustment of costs and ceiling maximums by the increase in the National Nursing  
24 Home Price Index ("NNHPI") for the direct labor cost center and the other operating cost center  
25 for year between array years; such adjustments to be applied on October 1st of each year  
26 beginning October 1, 2003 for the direct labor cost center and October 1, 2005 for the other  
27 operating cost center, except for the fiscal year beginning July 1, 2006 for which the price index  
28 shall be applied on February 1, 2007 and for the fiscal year beginning October 1, 2007 for which  
29 the adjustment of costs and ceiling maximums shall be 1.1 percent. [For the fiscal year beginning](#)  
30 [October 1, 2008, the price index shall be applied as of April 1, 2009.](#)

31 (7) Application of a fair rental value system to be developed by the department for  
32 calculating allowable reimbursement for the property cost center;

33 (8) Such quality of care and cost containment incentives as may be established by  
34 departmental regulations.



1           ~~(2)~~(1) "Massage therapist" means a person engaged in the practice of massage who has  
2 completed a program in or is certified by a school or institution of learning which is approved by  
3 the American massage and therapy association or equivalent academic and training program  
4 approved by the director of health, other than a correspondence course, which school or  
5 institution has for its purpose the teaching of the theory, practice, method, profession, or work of  
6 massage, including at least anatomy, physiology, hygiene, and professional ethics;

7           ~~(3)~~(2) "Physical fitness facility" means any bona fide health club which offers or  
8 provides facilities for any instruction in controlled exercise, weight lifting, and calisthenics and  
9 its gross income from massages is less than ten percent (10%) of the total gross business income  
10 derived from all physical fitness sales contracts at any one location;

11           ~~(4)~~(3) "Practice of massage" means engaging in applying a scientific system of activity  
12 to the muscular structure of the human body by means of stroking, kneading, tapping, and  
13 vibrating with the hands or vibrators for the purpose of improving muscle tone and circulation.

14           **23-20.8-5. Issuance or denial of license – Minimum qualifications.** – The director  
15 shall, within thirty (30) days from the time any application for a license is received, grant the  
16 application and issue a license ~~to operate a massage therapy establishment or~~ to practice massage  
17 for a year from that date, if the director shall be satisfied that the applicant complies with the rules  
18 and regulations promulgated in accordance with §§ 23-20.8-3 and 23-20.8-4, establishing  
19 standards for the qualifications of these personnel ~~and establishments.~~ The standards for  
20 qualification of persons practicing massage shall include provisions for minimum standards of  
21 professional education or experience, as determined by the director. The director may provide for  
22 the examination of these applicants to determine their qualifications. An applicant, whose  
23 criminal records check reveals a conviction for any sexual offense, including, but not limited to,  
24 those offenses defined in chapters 34 and 37 of title 11, shall be denied a license under this  
25 chapter.

26           **23-20.8-6. Suspension and revocation of licenses.** – Whenever the director shall have  
27 reason to believe ~~that any massage therapy establishment, for the operation of which he or she has~~  
28 ~~issued a license as provided for in this chapter, is being operated in violation of the rules and~~  
29 ~~regulations promulgated under this chapter,~~ or that any person licensed under this chapter ~~to~~  
30 ~~operate a massage therapy establishment or~~ to practice massage therapy has been convicted of  
31 any sexual offense, or that any person is practicing massage in violation of this chapter or  
32 regulations promulgated under this chapter, the director may, pending an investigation and  
33 hearing, suspend for a period not exceeding thirty (30) days any license issued under authority of  
34 this chapter and may, after due notice and hearing, revoke the license if he or she finds that the

1 ~~massage therapy establishment or~~ person practicing massage is in violation of those rules and  
2 regulations or any provision of this chapter. ~~In the case in which an employee is or employees are~~  
3 ~~practicing massage in violation of this chapter or in violation of rules promulgated under this~~  
4 ~~chapter, the director may, pending a hearing, suspend the licenses of both the establishment and~~  
5 ~~the employee(s); and may, after due notice hearing, revoke the licenses of both the establishment~~  
6 ~~and the employee(s).~~ The holder of a license shall upon its revocation promptly surrender it to the  
7 director.

8 **23-20.8-11. Penalties.** – (a) Any person who practices massage ~~or maintains a massage~~  
9 ~~therapy establishment,~~ or acts in any capacity where a license is required by this chapter, without  
10 a license provided for in this chapter, shall be guilty of a misdemeanor and subject to a fine of up  
11 to one thousand dollars (\$1,000) or thirty (30) days in jail.

12 (b) Any owner, operator, manager, or licensee in charge of or in control of a massage  
13 therapy establishment who knowingly employs a person who is not licensed as a massage  
14 therapist, or who allows an unlicensed person to perform, operate, or practice massage is guilty of  
15 a misdemeanor and subject to a fine of up to one thousand dollars (\$1,000) and thirty (30) days in  
16 jail.

17 (c) The practice of massage by a person without a license issued under this chapter is  
18 declared to be a danger to the public health and welfare. In addition to any other civil, criminal, or  
19 disciplinary remedy, the attorney general or prosecuting attorney of any municipality where the  
20 person is practicing, or purporting to practice, may maintain an action to enjoin that person from  
21 practicing massage until this person secures a valid license.

22 ~~(d) Any owner, operator, manager, or licensee in charge of or in control of a massage~~  
23 ~~therapy establishment shall register with the department of health.~~

24 SECTION 2. Section 23-20.8-2 of the General Laws in Chapter 23-20.8 entitled  
25 “Licensing of Massage Therapy Establishments” is hereby repealed.

26 ~~§ 23-20.8-2 License required — Term of license — Application — Fee. — It shall be~~  
27 ~~unlawful for any person, corporation, or other form of business entity to own or operate a~~  
28 ~~massage therapy establishment in this state without having a license issued by the department of~~  
29 ~~health pursuant to this chapter. In order to set the license renewal dates so that all activities for~~  
30 ~~each establishment can be combined on one license instead of on several licenses, the license~~  
31 ~~renewal date shall be set by the department of health. The license period shall be for 12 months,~~  
32 ~~commencing on the license renewal date, and the license fee shall be at the full annual rate~~  
33 ~~regardless of the date of application or the date of issuance of license. If the license renewal date~~  
34 ~~is changed, the department may make an adjustment to the fees of licensed establishments, not to~~

1 ~~exceed the annual license fee, in order to implement the change in license renewal date. A license~~  
2 ~~issued under the provisions of this chapter may be suspended or revoked under the provisions of §~~  
3 ~~23-20.8-6. Each license shall be issued only for the premises and persons named in the~~  
4 ~~application and shall not be transferable or assignable. No license shall be issued less than thirty~~  
5 ~~(30) days after its application. The initial fee for this license and the annual renewal fee shall be~~  
6 ~~established by the department of health and shall be fixed in an amount sufficient to cover the~~  
7 ~~cost of administering this chapter. All fees collected pursuant to this chapter, shall be deposited as~~  
8 ~~general revenue and submitted with the application to the department of health.~~

9 SECTION 3. Section 23-68-5 of the General Laws in Chapter 23-68 entitled “Tanning  
10 Facility Safety Standards Act” is hereby amended to read as follows:

11 **23-68-5. Certification of facilities.** – The director of the department of health shall  
12 certify that a facility is in compliance with the safety standards established pursuant to § 23-68-4  
13 and shall ~~annually~~ periodically inspect the facility to ensure continued compliance with safety  
14 standards enumerated in this chapter.

15 SECTION 4. This article shall take effect upon passage.

## 16 ARTICLE 42

### 17 RELATING TO ELDERLY AFFAIRS PROGRAMS

18 SECTION 1. Section 42-66-4.2 of the General Laws in Chapter 42-66 entitled "Elderly  
19 Affairs Department” is hereby repealed .

20 ~~§ 42-66-4.2 Photo identification cards. — The department shall make available to every~~  
21 ~~disabled person eighteen (18) years of age or older requesting one, a photo identification card at a~~  
22 ~~cost of two dollars (\$2.00) for each card. The card shall contain a photo of the person, his or her~~  
23 ~~address, an identification number and any other information as ordered by the director to the~~  
24 ~~benefit of the disabled person. All funds collected shall be deposited as general revenues of the~~  
25 ~~state.~~

26 SECTION 2. Section 42-66.1-3 of the General Laws in Chapter 42-66.1 entitled  
27 "Security for Housing for the Elderly Act” is hereby amended to read as follows:

28 ~~**42-66.1-3. Program established.** — (a) In order to ensure the health, safety, and welfare~~  
29 ~~of elderly citizens who are residents of housing for the elderly, the director shall establish a grant~~  
30 ~~program to assist in providing security at housing for the elderly complexes.~~

31 ~~(b) Participation in the program shall be voluntary. The owner, manager, or governing~~  
32 ~~body of a housing complex for the elderly shall apply to the director to be part of the program.~~

33 ~~(c)~~(a) The director shall require each housing for the elderly complex ~~that participates~~  
34 ~~in the program~~ to submit satisfactory evidence of a periodic and ongoing resident security



1 educational program and a safety and security plan.

2 ~~(d)~~(b) The director shall establish regulations to require each housing for the elderly  
3 complex, as part of its tenant acceptance process, to review and consider any notice provided to  
4 the housing complex as required in subsection 42-56-10(23) concerning the tenant's or  
5 prospective tenant's status on parole and recommendations, if any, regarding safety and security  
6 measures.

7 SECTION 3. Section 42-66.1-4 of the General Laws in Chapter 42-66.1 entitled  
8 "Security for Housing for the Elderly Act" is hereby repealed.

9 ~~§ 42-66.1-4 Cost of security program — Matching funds. — The cost of the program shall  
10 be borne according to the following formula:~~

11 ~~(1) In private complexes, twenty five percent (25%) of the cost shall be absorbed by the  
12 state and seventy five percent (75%) by the owner of the complex.~~

13 ~~(2) In public complexes, seventy five percent (75%) of the cost shall be absorbed by the  
14 state and twenty five percent (25%) by the housing authority. The cost upon which  
15 reimbursement is made shall be formulated in accordance with the rules and regulations  
16 promulgated by the director pursuant to § 42-66.1-5. Security personnel and equipment are  
17 reimbursable under this program. Costs incurred by a municipality or agency shall not be eligible  
18 for reimbursement pursuant to §§ 45-13-6 — 45-13-11.~~

19 SECTION 4. Sections 42-66.2-3, 42-66.2-5, 42-66.2-6, 42-66.2-7, and 42-66.2-9 of the  
20 General Laws in Chapter 42-66.2 entitled "Pharmaceutical Assistance to the Elderly Act" are  
21 hereby amended to read as follows:

22 **42-66.2-3. Definitions.** — As used in this chapter, unless the context requires otherwise:

23 (1) "Consumer" means any full-time resident of the state who fulfills the eligibility  
24 requirements set forth in § 42-66.2-5. Residence for purposes of this chapter shall be in  
25 accordance with the definitions and evidence standards set forth in § 17-1-3.1.

26 (2) "Contractor" means a third party or private vendor capable of administering a  
27 program of reimbursement for prescription drugs, and drug program eligibility administrative  
28 support as required by the director, the vendor to be determined through a competitive bid process  
29 in which the director awards a three (3) year contract for services.

30 (3) "Department" means the department of elderly affairs.

31 (4) "Director" means the director of the department of elderly affairs.

32 (5) "Eligible drugs" means insulin, injectable drugs for multiple sclerosis, and shall  
33 mean non-injectable drugs which require a physician's prescription according to federal law and  
34 which are contained in the following American Hospital Formulary Service pharmacologic-

1 therapeutic classifications categories that have not been determined by the federal "Drug Efficacy  
2 and Safety Implementation (DESI) Commission" to lack substantial evidence of effectiveness.  
3 Eligible drugs are limited to the following classification categories: cardiac drugs, hypotensive  
4 drugs, diuretics, anti-diabetic agents, insulin, disposable insulin syringes, vasodilators (cardiac  
5 indications only), anticoagulants, hemorreologic agents, glaucoma drugs, drugs for the treatment of  
6 Parkinson's disease, antilipemic drugs and oral antineoplastic drugs and drugs for the treatment of  
7 asthma and other chronic respiratory diseases and prescription vitamin and mineral supplements  
8 for renal patients, and drugs approved for the treatment of Alzheimer's disease, drugs used for the  
9 treatment of depression, those drugs approved for the treatment of urinary incontinence, anti-  
10 infectives, drugs used for the treatment of arthritis, drugs approved for the treatment of  
11 osteoporosis, and neuraminidase inhibiting drugs indicated for the treatment of influenza A and  
12 B.

13 (ii) "Additional drugs" means non-injectable drugs which require a physician's  
14 prescription according to federal law and which are contained in the American Hospital  
15 Formulary Service pharmacologic-therapeutic classifications categories that have not been  
16 determined by the federal "Drug Efficacy and Safety Implementation (DESI) Commission" to  
17 lack substantial evidence of effectiveness, which are not included in the definition of drugs as  
18 defined in this subdivision. However, this shall not include prescription drugs used for cosmetic  
19 purposes.

20 (6) "Income" for the purposes of this chapter means the sum of federal adjusted gross  
21 income as defined in the Internal Revenue Code of the United States, 26 U.S.C. § 1 et seq., and  
22 all nontaxable income including, but not limited to, the amount of capital gains excluded from  
23 adjusted gross income, alimony, support money, nontaxable strike benefits, cash public assistance  
24 and relief (not including relief granted under this chapter), the gross amount of any pension or  
25 annuity (including Railroad Retirement Act benefits, 45 U.S.C. § 231 et seq., all payments  
26 received under the federal Social Security Act, 42 U.S.C. § 301 et seq., state unemployment  
27 insurance laws, and veterans' disability pensions), nontaxable interest received from the federal  
28 government or any of its instrumentalities, workers' compensation, and the gross amount of "loss  
29 of time" insurance. It does not include gifts from nongovernmental sources, or surplus foods or  
30 other relief in kind supplied by a public or private agency.

31 (7) "Pharmaceutical manufacturer" means any entity holding legal title to or possession  
32 of a national drug code number issued by the federal food and drug administration.

33 (8) "Pharmacy" means a pharmacy licensed by the state of Rhode Island.

34 ~~(9) "Pilot program contractor" means Blue Cross and Blue Shield of Rhode Island.~~

1           **42-66.2-5. Persons eligible.** – (a) Persons eligible for assistance under the provisions of  
2 this chapter include any resident of the state who is at least sixty-five (65) years of age or at least  
3 fifty-five (55) years of age and receiving social security disability benefits. State and consumer  
4 co-payment shares for these persons shall be determined as follows:

5           (1) For unmarried persons or married persons living separate and apart whose income  
6 for the calendar year immediately preceding the year in which assistance is sought is:

7           (i) Less than ~~fifteen thousand nine hundred and thirty two dollars (\$15,932)~~ nineteen  
8 thousand three hundred forty one dollars (\$19,341) the state shall pay sixty percent (60%) of the  
9 cost of the prescriptions and the consumer shall pay forty percent (40%) of the cost of the  
10 prescriptions.

11           (ii) More than ~~fifteen thousand nine hundred and thirty two dollars (\$15,932)~~ nineteen  
12 thousand three hundred forty-one dollars (\$19,341) and less than ~~twenty thousand dollars~~  
13 ~~(\$20,000)~~, twenty four thousand two hundred and eighty dollars (\$24,280) the state shall pay  
14 thirty percent (30%) of the cost of the prescriptions and the consumer shall pay seventy percent  
15 (70%) of the cost of the prescriptions; and

16           (iii) More than ~~twenty thousand dollars (\$20,000)~~ twenty four thousand two hundred  
17 and eighty dollars (\$24,280) and less than ~~thirty five thousand dollars (\$35,000)~~ forty two  
18 thousand four hundred and ninety three dollars (\$42,493), the state shall pay fifteen percent  
19 (15%) of the cost of prescriptions and the consumer shall pay eighty-five percent (85%) of the  
20 cost of prescriptions.

21           (2) For married persons whose income for the calendar year immediately preceding the  
22 year in which assistance is sought hereunder when combined with any income of the person's  
23 spouse in the same year is:

24           (i) ~~Nineteen thousand nine hundred and sixteen dollars (\$19,916)~~ Twenty four  
25 thousand one hundred and seventy-nine dollars (\$24,179) or less, the state shall pay sixty percent  
26 (60%) of the cost of the prescriptions and the consumer shall pay forty percent (40%) of the cost  
27 of the prescriptions;

28           (ii) More than ~~nineteen thousand nine hundred and sixteen dollars (\$19,916)~~ twenty-  
29 four thousand one hundred and seventy-nine dollars (\$24,179) and less than ~~twenty five thousand~~  
30 ~~dollars (\$25,000)~~ thirty thousand three hundred and fifty-two dollars (\$30,352), the state shall pay  
31 thirty percent (30%) of the cost of the prescriptions and the consumer shall pay seventy percent  
32 (70%) of the cost of prescriptions; and

33           (iii) More than ~~twenty five thousand dollars (\$25,000)~~ thirty thousand three hundred  
34 and fifty-two dollars (\$30,352) and less than ~~forty thousand dollars (\$40,000)~~ forty eight

1 thousand five hundred and sixty three dollars (\$48,563), the state shall pay fifteen percent (15%)  
2 of the cost of prescriptions and the consumer shall pay eighty-five percent (85%) of the cost of  
3 prescriptions.

4 (3) Eligibility may also be determined by using income data for the ninety (90) days  
5 prior to application for benefits and projecting that income on an annual basis. The income levels  
6 shall not include those sums of money expended for medical and pharmaceutical that exceed  
7 three percent (3%) of the applicant's annual income or three percent (3%) of the applicant's  
8 preceding ninety (90) day income computed on an annual basis.

9 (4) For persons on social security disability benefits who are: (i) unmarried or married  
10 and living separate and apart with income for the calendar year immediately preceding the year in  
11 which assistance is sought that is less than ~~thirty seven thousand one hundred and sixty seven~~  
12 ~~dollars (\$37,167)~~ forty two thousand four hundred and ninety three dollars (\$42,493); or (ii)  
13 married with income that is less than ~~forty two thousand four hundred seventy six dollars~~  
14 ~~(\$42,476)~~ forty eight thousand five hundred and sixty three dollars (\$48,563) the state shall pay  
15 fifteen percent (15%) of the cost of prescriptions and the consumer shall pay eighty-five percent  
16 (85%) of the cost.

17 (b) On July 1 of each year, the maximum amount of allowable income for both  
18 unmarried and married residents set forth in subsection (a) shall be increased by a percentage  
19 equal to the percentage of the cost of living adjustment provided for social security recipients.

20 (c) No person whose prescription drug expenses are paid or reimbursable, either in  
21 whole or in part, by any other plan of assistance or insurance is eligible for assistance under this  
22 section, until the person's prescription drug coverage for a specific covered prescription  
23 medication is exhausted or the specific prescription medication is not covered by the plan during  
24 a benefit year, and as provided in subsection (d).

25 (d) The fact that some of a person's prescription drug expenses are paid or reimbursable  
26 under the provisions of the federal Medicare program shall not disqualify that person, if he or she  
27 is otherwise eligible, to receive assistance under this chapter. In those cases, the state shall pay  
28 the eligible percentage of the cost of those prescriptions for qualified drugs for which no payment  
29 or reimbursement is made by the federal government.

30 (e) Eligibility for receipt of any other benefit under any other provisions of the Rhode  
31 Island general laws as a result of eligibility for the pharmaceutical assistance program authorized  
32 under this section shall be limited to those persons whose income qualify them for a sixty percent  
33 (60%) state co-payment share of the cost of prescriptions.

34 (f) For all additional drugs, the consumer shall pay one hundred percent (100%) of the

1 cost of prescriptions as set forth in § 42-66.2-4.

2 ~~(g) As of July 1, 2004, all new enrollees in the program whose income qualifies them~~  
3 ~~for Transitional Assistance (135% of poverty) under the Medicare Prescription Drug,~~  
4 ~~Improvement, and Modernization Act of 2003, Section 1860D-31 [42 U.S.C. § 1395w-141], shall~~  
5 ~~apply annually, for a Medicare prescription drug discount card, to be used in conjunction with~~  
6 ~~benefits offered under this chapter, in order to continue to receive benefits under this chapter.~~  
7 ~~Enrollees who joined the program prior to July 1, 2004 and who qualify for Transitional~~  
8 ~~Assistance (135% of poverty) under the Medicare Prescription and Drug Improvement, and~~  
9 ~~Modernization Act of 2003, Section 1860D-31 [42 U.S.C. § 1395w-141], shall, by September 30,~~  
10 ~~2004 and continuously thereafter until such time as Medicare Part D becomes effective, make~~  
11 ~~application for a Medicare prescription drug discount card to be used in conjunction with benefits~~  
12 ~~offered under this chapter, in order to continue receiving benefits under this chapter.~~

13 ~~(h)(g)~~ To promote coordination of benefits between the pharmaceutical assistance  
14 program created under this chapter and the Medicare Part D prescription drug program created in  
15 the federal Medicare Prescription Drug, Improvement and Modernization Act of 2003, RIPAE  
16 enrollees ~~whose income is at or below 150% of the federal poverty limit and whose resources are~~  
17 ~~below the resource eligibility limits determined by the Centers for Medicare and Medicaid~~  
18 ~~Services for low income assistance benefit under Medicare Part D~~ must apply for and enroll in the  
19 Medicare Part D prescription drug program.

20 ~~The Rhode Island Pharmaceutical Assistance to the Elderly Program (RIPAE) is~~  
21 ~~authorized to apply for transitional assistance with a specific drug card under the Medicare~~  
22 ~~Prescription Drug, Improvement, and Modernization Act of 2003, Section 1860D-31 [42 U.S.C. §~~  
23 ~~1395w-141] on behalf of applicants and eligible members under this article. RIPAE shall provide~~  
24 ~~applicants and eligible members with prior written notice of, and the opportunity to decline, such~~  
25 ~~automatic enrollment.~~

26 **42-66.2-6. Responsibilities of department of elderly affairs.** – (a) *Determination of*  
27 *eligibility.* The department shall adopt regulations relating to the determination of eligibility of  
28 prospective consumers and the determination and elimination of program abuse. The department  
29 has the power to declare ineligible any consumer who abuses or misuses the established  
30 prescription plan. The department has the power to investigate cases of suspected provider or  
31 consumer fraud.

32 (b) *Rebates for expenses prohibited.* (1) A system of rebates or reimbursements to the  
33 consumer for pharmaceutical expenses shall be prohibited.

34 (2) Subdivision (1) shall not be interpreted to exclude other consumers not participating

1 in the pharmaceutical assistance to the elderly program from receiving financial offers or  
2 redeemable coupons that are available to only those who have paid for the service or product  
3 through direct cash payment, insurance premiums, or cost sharing with an employer.

4 (c) *Program criteria.* The program includes the following criteria:

5 (1) Collection of the co-payment by pharmacies is mandatory;

6 (2) Senior citizens participating in the program are not required to maintain records of  
7 each transaction but shall sign a receipt for eligible and additional drugs;

8 (3) A system of rebates or reimbursements to the consumer for pharmaceutical  
9 expenses is prohibited;

10 (ii) This subdivision shall not be interpreted to exclude other consumers from receiving  
11 financial offers or redeemable coupons that are available to only those who have paid for the  
12 service or product through direct cash payment, insurance premiums, or cost sharing with an  
13 employer.

14 (4) Prescription benefits for any single prescription may be dispensed in the amounts  
15 authorized by the physician, and agreed to by the consumer, up to a maximum of a one hundred  
16 (100) day supply or two hundred (200) doses, whichever is less and/or a one hundred (100) day  
17 supply or one quart of liquid, whichever is less; provided, however, that disposable insulin  
18 syringes are dispensed in a quantity of one hundred (100);

19 (5) Experimental drugs are excluded from the program;

20 (6) A system of mail order delivery for prescriptions is allowed under this program; and

21 (7) Eligible and additional drugs must be dispensed within one year of the original  
22 prescription order.

23 (d) The director shall issue an eligibility card containing a program ID number and the  
24 time period for which the card is valid.

25 (e) The director ~~shall institute and conduct an educational outreach program and~~ shall  
26 provide a mechanism, within the department, to handle all public inquiries concerning the  
27 program.

28 (f) The director shall establish a process, in accordance with the Administrative  
29 Procedures Act, chapter 35 of this title, to provide an appeals hearing on the determination of  
30 eligibility.

31 (g) The director shall forward to the contractor a list of all eligible consumers.

32 (h) Expenditures for multiple sclerosis drugs shall not exceed thirty thousand dollars  
33 (\$30,000).

34 (i) Generic drug substitution is mandatory when there is an available generic drug

1 [equivalent.](#)

2 **42-66.2-7. Contract.** – (a) The director is authorized and shall enter into a contract with  
3 the contractor for the effective administrative support of this program.

4 (b) ~~The pilot program contractor shall, under terms agreed to by the director, continue~~  
5 ~~administrative support of the program until a competitive bid process can be implemented and a~~  
6 ~~three (3) year contract awarded. The director shall initiate the competitive bid process by the~~  
7 ~~issuance and advertisement of specifications and request for proposals, on or before January 1,~~  
8 ~~1988. The contract resulting from the competitive bid process shall be awarded to become~~  
9 ~~effective for a three (3) year period commencing no later than July 1, 1988.~~ A competitive bid  
10 and contract award shall occur ~~every three (3) years thereafter.~~ [in accordance with the state](#)  
11 [Medicaid authority’s competitive bid process and cycle.](#)

12 **42-66.2-9. Annual report.** – (a) The director shall submit an annual report to the  
13 governor, the budget officer, the chairperson of the house finance committee, the chairperson of  
14 the senate finance committee, and the chairperson of the board of pharmacy as established by § 5-  
15 19.1-4. The report shall contain the number of consumers eligible for the program, the number of  
16 consumers utilizing the program, ~~an outline of and a report on the educational outreach program,~~  
17 the number of appeals, an outline of problems encountered in the administration of the program  
18 and suggested solutions to the problems, and any recommendations to enhance the program.

19 (b) The contractor shall submit an annual report to the governor, the budget officer, the  
20 chairperson of the house finance committee, the chairperson of the senate finance committee, and  
21 the board of pharmacy as established by § 519.1-4. The report shall contain financial and  
22 utilization statistics as to drug use by therapeutic category, actuarial projections, an outline of  
23 problems encountered in the administration of the program, and suggested solutions to the  
24 problems and any recommendations to enhance the program.

25 ~~(c) The first report pursuant to this section shall be submitted on or before January 15,~~  
26 ~~1986.~~

27 SECTION 5. Section 42-66.2-11 of the General Laws in Chapter 42-66.2 entitled  
28 “Pharmaceutical Assistance to the Elderly Act” is hereby repealed.

29 ~~§ 42-66.2-11 Special Legislative Commission to Reconcile the Provisions of the~~  
30 ~~Pharmaceutical Assistance Program with the Medicare Prescription Drug and Modernization Act~~  
31 ~~of 2003.— Due to the passage of the federal Medicare Prescription Drug and Modernization Act~~  
32 ~~of 2003, some consumers of the Rhode Island Pharmaceutical Assistance for the Elderly Program~~  
33 ~~will be eligible for federal Medicare coverage for some of their medication needs. It is the intent~~  
34 ~~of the general assembly to study the provisions of the new federal act for Medicare prescription~~

1 ~~coverage and make recommendations for adjustments to the Rhode Island Pharmaceutical~~  
2 ~~Assistance for the Elderly Program as necessary to ensure the maximum possible coverage and~~  
3 ~~benefit to eligible consumers. The Special Legislative Commission to Reconcile the Provisions of~~  
4 ~~the Pharmaceutical Assistance Program with the Medicare Prescription Drug and Modernization~~  
5 ~~Act of 2003 shall be composed of ten (10) members, one of whom shall be the director of the~~  
6 ~~department of human services, one of whom shall be the director of the department of elderly~~  
7 ~~affairs, four (4) of whom shall be appointed from the house of representatives by the speaker of~~  
8 ~~the house, with one of said appointees belonging to the minority leader, and four (4) of whom~~  
9 ~~shall be appointed from the senate by the president of the senate, with one of said appointees~~  
10 ~~belonging to the minority leader. The commission shall choose from among its member's co-~~  
11 ~~chairpersons representing both chambers. State agencies shall make available any information~~  
12 ~~deemed necessary by the commission to complete its task. The commission shall make its~~  
13 ~~recommendations to the house and senate committees on finance on or before February 15, 2005.~~

14 SECTION 6. This article shall take effect as of July 1, 2008.

15 **ARTICLE 43**

16 RELATING TO DEPARTMENT OF ELDERLY AFFAIRS AND ADVOCACY

17 SECTION 1. Sections 23-1.8-1, 23-1.8-2, 23-1.8-2.1, and 23-1.8-3 of the General Laws  
18 in Chapter 23-1.8 entitled "Commission on the Deaf and Hard-of-Hearing" are hereby amended  
19 to read as follows:

20 **23-1.8-1. Purpose – Creation of commission.** – (a) In view of the barriers and  
21 disadvantages which deafness and hearing impairments impose on those individuals so affected,  
22 and in view of the testimony on deafness received by a legislative study commission, it is hereby  
23 proposed that a permanent Rhode Island commission on the deaf and hard-of-hearing be  
24 established within the department of elderly affairs and advocacy. This commission shall be  
25 composed as follows: a thirteen (13) member commission, eleven (11) of whom are appointed by  
26 the governor, one representative appointed by the speaker of the house and one senator appointed  
27 by the president of the senate. Four (4) of the governor's appointments shall be initially appointed  
28 for a term to expire July 1, 1995 and three (3) members shall be appointed for a term to expire  
29 July 1, 1994. Thereafter the commissioners shall serve staggered two (2) year terms, each  
30 member serving until his or her successor is appointed. ~~These commissioners~~ The director of the  
31 department of elderly affairs and advocacy shall be responsible for the establishment of policies  
32 and the appointment of an executive director who shall be in the ~~unclassified~~ classified service  
33 and other staff as needed and for whom appropriations are available. ~~They~~ Commissioners shall  
34 meet not less than four (4) times per year, and shall not be paid for their services, except for



1 reimbursement of expenses incurred by their service. The commissioners may elect their own  
2 officers.

3 (b) The members appointed by the governor shall include five (5) individuals who are  
4 deaf who use American Sign Language, one individual who is deaf who does not use American  
5 Sign Language, three (3) who are hard-of-hearing, and two (2) who are hearing. Commission  
6 members shall select their own chairperson. Five (5) members shall constitute a quorum.

7 **23-1.8-2. Duties - Activities** The commission shall be primarily a coordinating and  
8 advocating body, acting on behalf of the special concerns of deaf and hard-of-hearing persons in  
9 Rhode Island. ~~Its activities shall be independent of any existing agency or department within the~~  
10 ~~state.~~The commission shall be accountable directly to the ~~executive office of the state, and shall~~  
11 ~~submit an annual report to the governor~~ director of the department of elderly affairs and  
12 advocacy. The commission will assume the following duties:

13 (1) Bring about greater cooperation and coordination among agencies and organizations  
14 now servicing or having the potential to serve the deaf and hard-of-hearing;

15 (2) Promote greater accessibility to services for the deaf and hard-of-hearing;

16 (3) Conduct an ongoing needs assessment;

17 (4) Promote increased awareness and provide information and referrals;

18 (5) Advocate for the enactment of legislation that would assist the needs of individuals  
19 who are deaf and hard-of-hearing;

20 (6) Administer a sign language interpreter referral service;

21 (7) Take necessary action to improve the quality of life for deaf and hard-of-hearing  
22 individuals living in Rhode Island;

23 (8) Develop a statewide coordinating council that will coordinate the implementation of  
24 the comprehensive statewide strategic plan for children in Rhode Island who are deaf or have  
25 hearing loss. The composition, functions and activities of the statewide coordinating council shall  
26 be consistent with the provisions of the strategic plan developed through the Rhode Island  
27 department of elementary and secondary education.

28 (9) Track the yearly services provided by exempted interpreters, as defined in subsection  
29 5-71-15(4).

30 **23-1.8-2.1. Sign language interpreter referral service.** -- ~~The~~ Under the direction of  
31 the director of the department of elderly affairs and advocacy, the commission shall administer  
32 the sign language interpreter referral service for all certified licensee, licensee, grandparent  
33 licensee, and special licensee interpreters, as provided in chapter 71 of title 5, who hold a valid  
34 interpreter for the deaf license issued by the state board of examiners of interpreters for the deaf

1 pursuant to § 5-71-9 or § 5-71-12 or hold a valid license, certificate, or equivalent issued with  
2 another state with reciprocity pursuant to § 5-71-10. The commission shall not impose any limits  
3 on the practice of certified licensees, licensees, grandparent licensees, or special licensees beyond  
4 those imposed by the state board of examiners for interpreters for the deaf. Prior to January 1,  
5 1998 the commission's sign language interpreter referral service shall be open to all interpreters  
6 for the deaf who meet or exceed qualifications for license in § 5-71-9, 5-71-10, 5-71-11, or 5-71-  
7 12. The commission shall refer any complaints regarding the conduct or performance of any  
8 interpreter utilizing their referral service to the state board of examiners for interpreters for the  
9 deaf for appropriate action pursuant to § 5-71-13. The commission shall upon receipt of notice of  
10 revocation or suspension of a license by the state board of examiners for interpreters for the deaf,  
11 immediately cease to refer customers to that licensee, unless and until the license is restored.

12 **23-1.8-3. Committees.** – (a) To assist in the performance of its duties [and with the](#)  
13 [approval of the director of the department of elderly affairs and advocacy](#), the commission shall  
14 establish various committees. Except as authorized by the commission, committees shall be  
15 composed of no more than seven (7) members who shall serve staggered terms.

16 (b) At least one individual who is deaf, one individual who is hard-of-hearing, and one  
17 commission member, whenever possible, shall serve on each committee. In addition,  
18 governmental agencies shall assign one representative to the following committees:

19 (1) Telecommunications relay service committee: one representative of the public utilities  
20 commission;

21 (2) Education committee: one representative of the department of elementary and  
22 secondary education and one representative of the Rhode Island school for the deaf;

23 (3) Employment committee: one representative of the department of human services, and  
24 one representative of the department of labor and training;

25 (4) Health care committee: one representative of the department of elderly affairs [and](#)  
26 [advocacy](#), one representative of the department of health, and one representative of the  
27 department of mental health, retardation, and hospitals;

28 (c) The committees are responsible for appointing their chairpersons. Chairpersons shall  
29 report upon the activities of their committees at commission meetings.

30 SECTION 2. Section 36-4-2 of the General Laws in Chapter 36-4 entitled “Merit  
31 System” is hereby amended to read as follows:

32 **36-4-2. Positions in unclassified service.** – The classified service shall comprise all  
33 positions in the state service now existing or hereinafter established, except the following specific  
34 positions which with other positions heretofore or hereinafter specifically exempted by legislative

1 act shall constitute the unclassified service:

2 (1) Officers and legislators elected by popular vote and persons appointed to fill  
3 vacancies in elective offices.

4 (2) Employees of both houses of the general assembly.

5 (3) Officers, secretaries, and employees of the office of the governor, office of the  
6 lieutenant governor, department of state, department of the attorney general, and the treasury  
7 department.

8 (4) Members of boards and commissions appointed by the governor, members of the state  
9 board of elections and the appointees of the board, members of the commission for human rights  
10 and the employees of the commission, and directors of departments.

11 (5) The following specific offices:

12 (i) In the department of administration: director, chief information officer;

13 (ii) In the department of business regulation: director;

14 (iii) In the department of elementary and secondary education: commissioner of  
15 elementary and secondary education;

16 (iv) In the department of higher education: commissioner of higher education;

17 (v) In the department of health: director;

18 (vi) In the department of labor and training: director, administrative assistant,  
19 administrator of the labor board and legal counsel to the labor board;

20 (vii) In the department of environmental management: director;

21 (viii) In the department of transportation: director;

22 (ix) In the department of human services: director;

23 (x) In the state properties committee: secretary;

24 (xi) In the workers' compensation court: judges, administrator, deputy administrator,  
25 clerk, assistant clerk, clerk secretary;

26 (xii) In the department of elderly affairs [and advocacy](#): director;

27 (xiii) In the department of mental health, retardation, and hospitals: director;

28 (xiv) In the department of corrections: director, assistant director (institutions/operations),  
29 assistant director (rehabilitative services), assistant director (administration), and wardens;

30 (xv) In the department of children, youth and families: director, one assistant director,  
31 one associate director, and one executive director;

32 (xvi) In the public utilities commission: public utilities administrator;

33 (xvii) In the water resources board: general manager;

34 (xviii) In the human resources investment council: executive director.

1 (xix) In the office of health and human services: secretary of health and human services.

2 (6) Chief of the hoisting engineers, licensing division, and his or her employees;  
3 executive director of the veterans memorial building and his or her clerical employees.

4 (7) One confidential stenographic secretary for each director of a department and each  
5 board and commission appointed by the governor.

6 (8) Special counsel, special prosecutors, regular and special assistants appointed by the  
7 attorney general, the public defender and employees of his or her office, and members of the  
8 Rhode Island bar occupying a position in the state service as legal counsel to any appointing  
9 authority.

10 (9) The academic and/or commercial teaching staffs of all state institution schools, with  
11 the exception of those institutions under the jurisdiction of the board of regents for elementary  
12 and secondary education and the board of governors for higher education.

13 (10) Members of the military or naval forces, when entering or while engaged in the  
14 military or naval service.

15 (11) Judges, referees, receivers, clerks, assistant clerks, and clerical assistants of the  
16 supreme, superior, family, and district courts, the traffic tribunal, jurors and any persons  
17 appointed by any court.

18 (12) Election officials and employees.

19 (13) Administrator, executive high sheriff, sheriffs, chief deputy sheriffs, deputy sheriffs,  
20 and other employees of the sheriff's division within the department of administration and security  
21 officers of the traffic tribunal.

22 (14) Patient or inmate help in state charitable, penal, and correctional institutions and  
23 religious instructors of these institutions and student nurses in training, residents in psychiatry in  
24 training, and clinical clerks in temporary training at the institute of mental health within the state  
25 of Rhode Island medical center.

26 (15) Persons employed to make or conduct a temporary and special inquiry,  
27 investigation, project or examination on behalf of the legislature or a committee thereof, or on  
28 behalf of any other agency of the state if the inclusion of these persons in the unclassified service  
29 is approved by the personnel administrator. The personnel administrator shall notify the house  
30 fiscal advisor and the senate fiscal advisor whenever he or she approves the inclusion of a person  
31 in the unclassified service.

32 (ii) The duration of the appointment of a person, other than the persons enumerated in  
33 this section, shall not exceed ninety (90) days or until presented to the department of  
34 administration. The department of administration may extend the appointment another ninety (90)

1 days. In no event shall the appointment extend beyond one hundred eighty (180) days.

2 (16) Members of the division of state police.

3 (17) Executive secretary of the Blackstone Valley district commission.

4 (18) Artist and curator of state owned art objects.

5 (19) Mental health advocate.

6 (20) Child advocate.

7 (21) The position of aquaculture coordinator and dredge coordinator within the coastal  
8 resources management council.

9 (22) Employees of the office of the health insurance commissioner.

10 (23) In the department of revenue: the director, secretary, attorney.

11 SECTION 3. Section 40.1-1-9 of the General Laws in Chapter 40.1-1 entitled  
12 “Department of Mental Health, Retardation, and Hospitals” is hereby amended to read as follows:

13 **40.1-1-9. State council on developmental disabilities.** – (a) The governor shall  
14 establish a state council within the ~~executive~~ department of elderly affairs and advocacy and  
15 make appropriate provisions for the rotation of membership, and appoint such representatives as  
16 are required as a condition of eligibility for benefits under the Developmental Disabilities  
17 Assistance and Bill of Rights Act, 42 U.S.C. § 6000 et seq., as enacted by Title V of P.L. 95-602  
18 on November 6, 1978, by the congress of the United States, to consult with the directors of the  
19 state departments of mental health, retardation, and hospitals, human services, children, youth,  
20 and familie s, health, and elementary and secondary education in carrying out the purposes of this  
21 chapter.

22 (b) The council shall review and, where appropriate, make findings and  
23 recommendations on programs related to the care provided to persons with developmental  
24 disabilities including, but not limited to, other services available to them. The council should  
25 continue to strive to see that the developmentally disabled receive the substantial care and  
26 assistance which can be provided to them and shall continue to monitor, plan, and evaluate, as  
27 may be appropriate, those services affording protections to persons with developmental  
28 disabilities.

29 SECTION 4. Sections 42-7.2-1, 42-7.2-6 and 42-7.2-6.1 of the General Laws in  
30 Chapter 42-7.2 entitled “Office of Health and Human Services” are hereby amended to read as  
31 follows:

32 **42-7.2-1. Statement of intent.** – The purpose of this Chapter is to develop a  
33 consumer-centered system of publicly-financed state administered health and human services that  
34 supports access to high quality services, protects the safety of the state's most vulnerable citizens,

1 and ensures the efficient use of all available resources by the five (5) departments responsible for  
2 the health and human services programs serving all Rhode Islanders and providing direct  
3 assistance and support services to more than 250,000 individuals and families: the department of  
4 children, youth, and families; the department of elderly affairs [and advocacy](#); the department of  
5 health; the department of human services; and the department of mental health, retardation and  
6 hospitals, collectively referred to within as "departments". It is recognized that the executive  
7 office of health and human services and the departments have undertaken a variety of initiatives  
8 to further this goal and that they share a commitment to continue to work in concert to preserve  
9 and promote each other's unique missions while striving to attain better outcomes for all the  
10 people and communities they serve. However, recent and expected changes in federal and state  
11 policies and funding priorities that affect the financing, organization, and delivery of health and  
12 human services programs pose new challenges and opportunities that have created an even  
13 greater need for structured and formal interdepartmental cooperation and collaboration. To meet  
14 this need while continuing to build on the achievements that have already been made, the interests  
15 of all Rhode Islanders will best be served by codifying in the state's general laws the purposes and  
16 responsibilities of the executive office of health and human services and the position of secretary  
17 of health and human services.

18 **42-7.2-6. Departments assigned to the executive office – Powers and duties.** – (a)

19 The departments assigned to the secretary shall:

20 (1) Exercise their respective powers and duties in accordance with their statutory  
21 authority and the general policy established by the governor or by the secretary acting on behalf  
22 of the governor or in accordance with the powers and authorities conferred upon the secretary by  
23 this chapter;

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

26 (3) Provide such records and information as may be requested or required by the  
27 governor and/or the secretary to the extent allowed under the provisions of any applicable general  
28 or public law, regulation, or agreement relating to the confidentiality, privacy or disclosure of  
29 such records or information.

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

31 (b) Except as provided herein, no provision of this chapter or application thereof shall  
32 be construed to limit or otherwise restrict the department of children, youth and families, the  
33 department of elderly affairs [and advocacy](#), the department of health, the department of human  
34 services, and the department of mental health, retardation and hospitals from fulfilling any

1 statutory requirement or complying with any valid rule or regulation.

2 **42-7.2-6.1. Transfer of powers and functions.** – (a) There are hereby transferred to the  
3 executive office of health and human services the powers and functions of the departments with  
4 respect to the following:

5 (1) By July 1, 2007, fiscal services including budget preparation and review, financial  
6 management, purchasing and accounting and any related functions and duties deemed necessary  
7 by the secretary;

8 (2) By July 1, 2007, legal services including applying and interpreting the law,  
9 oversight to the rule-making process, and administrative adjudication duties and any related  
10 functions and duties deemed necessary by the secretary;

11 (3) By September 1, 2007, communications including those functions and services  
12 related to government relations, public education and outreach and media relations and any  
13 related functions and duties deemed necessary by the secretary;

14 (4) By March 1, 2008, policy analysis and planning including those functions and  
15 services related to the policy development, planning and evaluation and any related functions and  
16 duties deemed necessary by the secretary; and

17 (5) By June 30, 2008, information systems and data management including the  
18 financing, development and maintenance of all data-bases and information systems and platforms  
19 as well as any related operations deemed necessary by the secretary;

20 (b) The secretary shall determine in collaboration with the department directors whether  
21 the officers, employees, agencies, advisory councils, committees, commissions, and task forces of  
22 the departments who were performing such functions shall be transferred to the office. Duties that  
23 are incidental to the performance of the functions transferred to the office in subpart (a) shall  
24 remain with the departments providing that the employees responsible thereof are performing  
25 functions that have not been transferred.

26 (c) In the transference of such functions, the secretary shall be responsible for ensuring:

27 (1) Minimal disruption of services to consumers;

28 (2) Elimination of duplication of functions and operations;

29 (3) Services are coordinated and functions are consolidated where appropriate;

30 (4) Clear lines of authority are delineated and followed;

31 (5) Cost-savings are achieved whenever feasible;

32 (6) Program application and eligibility determination processes are coordinated and,  
33 where feasible, integrated; and

34 (7) State and federal funds available to the office and the entities therein are allocated

1 and utilized for service delivery to the fullest extent possible.

2 Except as provided herein, no provision of this chapter or application thereof shall be  
3 construed to limit or otherwise restrict the departments of children, youth and families, human  
4 services, elderly affairs and advocacy, health, and mental health, retardation, and hospitals from  
5 fulfilling any statutory requirement or complying with any regulation deemed otherwise valid.

6 SECTION 5. Sections 42-51-1, 42-51-3, 42-51-5, 42-51-6, 41-51-6.1, 42-51-6.2, 42-51-  
7 7, and 42-51-10 of the General Laws in Chapter 42-51 entitled "Governor's Commission on  
8 Disabilities" are hereby amended to read as follows:

9 **42-51-1. Establishment of commission.** – There is established within the ~~executive~~  
10 department of elderly affairs and advocacy a permanent commission to be known as the  
11 "governor's commission on disabilities," hereinafter referred to as "the commission."

12 **42-51-3. Officers.** -- The ~~governor~~ director of the department of elderly affairs and  
13 advocacy shall designate one member of the commission to serve as its chairperson during the  
14 governor's term of office or until he or she appoints another member of the commission to serve  
15 in that capacity. The commission shall elect from its own membership a vice-chairperson, who  
16 shall serve until his or her successor is elected, and who is authorized to act as chairperson pro  
17 tempore of the commission should there be a vacancy for any cause in the office of the  
18 chairperson. ~~The commission shall elect from its own membership other officers it deems~~  
19 ~~necessary.~~ The ~~commission~~ director of the department of elderly affairs and advocacy shall  
20 appoint an executive secretary ~~to serve as an executive officer and secretary~~ of the commission,  
21 who shall be a full time employee in the classified service. The director of the department of  
22 elderly affairs and advocacy may appoint additional personnel as may be necessary for the  
23 efficient performance of the duties prescribed by this chapter.

24 **42-51-5. Compensation and expenses.** – The members of the commission shall receive  
25 no compensation for their services, but may, at the discretion of the ~~governor~~ director of the  
26 department of elderly affairs and advocacy, be reimbursed for traveling and other expenses  
27 actually incurred in the performance of their official duties.

28 **42-51-6. Duties.** – It shall be the duty of the commission, under the direction of the  
29 department of elderly affairs and advocacy, to work in cooperation with the National Council on  
30 Disability and other interested federal, state, and local agencies, organizations, and employers in:

31 (1) Promoting on behalf of the people with disabilities and assuring, on behalf of the  
32 state, that people with disabilities are afforded the opportunities to exercise all of the rights and  
33 responsibilities accorded to citizens of this state;

34 (2) Arousing community interest in the concerns of people with disabilities through the



1 utilization of whatever community and state resources the commission may deem necessary to  
2 accomplish the maximum in independent living and human development;

3 (3) Coordinating compliance with federal and state laws protecting the rights of  
4 individuals with disabilities by state agencies;

5 (4) Providing technical assistance to public and private agencies, businesses, and  
6 citizens in complying with federal and state laws protecting the rights of individuals with  
7 disabilities; and

8 (5) From time to time, but not less than once a year, to report to the legislature and the  
9 governor, describing the investigations, proceedings, and hearings the commission has conducted  
10 and their outcome, the decisions it has rendered, and the other work performed by it, and make  
11 recommendations for further legislation concerning abuses and discrimination based on disability  
12 that may be desirable.

13 **42-51-6.1. Hearing boards.** – (a) The ~~commission's chairperson~~ the director of the  
14 department of elderly affairs and advocacy shall appoint five (5) commissioners as the hearing  
15 board for the purpose of conducting hearings and rendering decisions on matters relating to the  
16 provisions of chapter 87 of this title and §§ 37-8-15.1 and 42-46-13 within the jurisdiction of the  
17 commission.

18 (b) Three (3) commissioners shall constitute a quorum of a hearing board.

19 (c) The hearing board is empowered to:

20 (1) Receive, investigate, and act upon charges of unlawful practices within its  
21 jurisdiction; and

22 (2) In connection with any investigation or hearing held on any matter within its  
23 jurisdiction to hold hearings, administer oaths, take the testimony of any person under oath, and  
24 to require the production for examination of any books and papers relating to any matter under  
25 investigation or in question before the hearing board.

26 **42-51-6.2. Committees and mediation teams.** – (a) The commission, under the  
27 direction of the department of elderly affairs and advocacy, is authorized to create advisory  
28 committees and mediation teams to perform tasks within the jurisdiction of the commission.

29 (b) The commission may itself, or it may empower these committees and mediation  
30 teams to:

31 (1) Study the concerns of people with disabilities in reaching the maximum in  
32 independent living and human development and exercising all of the rights and responsibilities  
33 accorded to citizens of this state;

34 (2) Arouse community interest in the concerns of people with disabilities;

1 (3) Foster through community effort or otherwise good will among the groups and  
2 elements of the population of the state towards people with disabilities; and

3 (4) Attempt by informal methods of conference, persuasion, and conciliation, to induce  
4 compliance with matters within the jurisdiction of the commission.

5 (c) The committees and teams may make recommendations to the commission for the  
6 development of policies and procedures in general.

7 (d) Advisory committees and mediation teams created by the commission shall be  
8 composed of representative citizens serving without pay, but with reimbursement for actual and  
9 necessary traveling expenses.

10 (e) Three (3) members of a committee constitutes a quorum for the purpose of  
11 conducting the business of that committee.

12 **42-51-7. Gifts, grants, and donations.** – The commission is authorized to receive any  
13 gifts, grants, or donations made for any of the purposes of its program, and to disburse and  
14 administer them in accordance with the terms of its program under the direction of the department  
15 of elderly affairs and advocacy.

16 **42-51-10. State coordinating committee on disability rights.** – The ~~commission~~  
17 department of elderly affairs and advocacy shall establish a state coordinating committee on  
18 disability rights to advise and assist the commission to implement self-evaluation and compliance  
19 plans as required by federal and state laws protecting the rights of individuals with disabilities.  
20 The committee shall be composed of thirteen (13) members who shall be as follows: one  
21 representative of each of the general officers of the state, appointed by that general officer; one  
22 representative of the house of representatives, appointed by the speaker of house; one  
23 representative of the senate, appointed by the president of the senate; one representative of the  
24 judiciary, appointed by the chief justice of the supreme court; one representative of each of the  
25 boards of education, appointed by the chairperson of that board; one representative of the public  
26 transit authority, appointed by the chairperson of the authority, and those additional  
27 representatives ~~the chairperson of the governor's commission on disabilities~~ the director of the  
28 department of elderly affairs and advocacy may appoint from the executive branch and the  
29 general public. Those persons acting as committee members on July 21, 1992 shall continue to so  
30 act until their successors are appointed. Each member shall serve at the pleasure of the appointing  
31 authority. The chairperson of the governor's commission on disabilities shall preside at meetings  
32 of the committee. The executive secretary of the governor's commission on disabilities shall serve  
33 as vice chairperson of the committee.

34 SECTION 6. Sections 42-66-1, 42-66-2, 42-66-3, 42-66-4, 42-66-5, 42-66-7, and 42-66-

1 8 of the General Laws in Chapter 23-1.8 entitled “Elderly Affairs [and Advocacy](#) Department” are  
2 hereby amended to read as follows:

3 **42-66-1. Declaration of purpose.** – The legislature finds and declares:

4 (1) That the state has an obligation to provide for the health, safety and welfare of its  
5 elderly citizens [and persons with disabilities](#);

6 (2) That to develop and implement innovative programs to insure the dignity and  
7 independence of our elderly citizens [and persons with disabilities](#) is essential to insure and protect  
8 their rights;

9 (3) That upgrading and maintenance of services and programs pertaining to our elderly  
10 citizens [and persons with disabilities](#) deserves priority consideration as a means of preventing  
11 ineffective responses to their health, safety and welfare needs;

12 (4) That the establishment of a department of state government to provide for the  
13 health, safety, and welfare of elderly citizens [and persons with disabilities](#) is the most effective  
14 way to insure that they are better prepared and equipped to lead productive and meaningful lives;  
15 and

16 (5) The abuse of elderly persons is a social and moral problem in our state and  
17 nationally and the state has a responsibility to provide protection to vulnerable elderly persons  
18 who are abused and/or neglected. The legislature recognizes that reports of elder abuse have  
19 grown significantly and are reaching alarming proportions and that there is an immediate need to  
20 clarify and strengthen the state's role and responsibilities in the prevention and alleviation of elder  
21 abuse.

22 **42-66-2. Establishment of department – Director.** – There is established within the  
23 executive branch of state government a department of elderly affairs and advocacy. The head of  
24 the department shall be the director of elderly affairs [and advocacy](#), who shall be a person  
25 qualified by training and experience to perform the duties of the office. The director shall be in  
26 the unclassified service, appointed by the governor with the advice and consent of the senate, and  
27 shall serve at the pleasure of the governor and until the appointment and qualification of the  
28 director's successor. The director shall receive a salary as provided by law.

29 **42-66-3. Transfer of functions from the department of community affairs.** – There  
30 are transferred to the director of the department of elderly affairs and advocacy:

31 (1) Those duties with respect to elderly citizens as enacted by former §§ 42-44-9 and  
32 42-44-10;

33 (2) So much of other functions or parts of functions of the director of the department of  
34 community affairs; provided, however, that those duties with respect to housing facilities,

1 projects, and programs for the elderly shall be within the jurisdiction of the governor's office of  
2 intergovernmental relations; and

3 (3) Whenever in the general laws or in any public law the words "administration of  
4 division of aging," "division on aging" and "director and/or department of community affairs"  
5 shall appear in relation to elderly affairs, the reference shall be deemed to mean and include the  
6 director and the department of elderly affairs and advocacy, as the case may be.

7 (4) Those duties with respect to individuals who are deaf and hard-of-hearing, as enacted  
8 by former §§ 23-1.8-2.1, 23-1.8-2.2 and 23.1.8-2.3.

9 (5) Those duties with respect to persons with developmental disabilities, as enacted by  
10 former § 40.1-1-9.

11 (6) Those duties with respect to individuals with disabilities, as enacted in former §§ 42-  
12 51-1, 42-51-2, 42-51-3, 42-51-5, 42-51-6, 42-51-6.1, 42-51-6.2, 52-51-7 and 41-51-10.

13 **42-66-4. Duties of the department.** – (a) The department shall be the principal agency  
14 of the state to mobilize the human, physical, and financial resources available to plan, develop,  
15 and implement innovative programs to insure the dignity and independence of elderly persons  
16 and persons with disabilities, including the planning, development, and implementation of a home  
17 and long-term care program for the elderly in the communities of the state.

18 (b) The department shall serve as an advocate for the needs of the adult with a disability  
19 ~~as these needs and services overlap the needs and services of elderly persons.~~

20 (2) The department shall serve as the state's central agency for the administration and  
21 coordination of a long term care entry system, using community-based access points, that will  
22 provide the following services related to long term care: information and referral, initial screening  
23 for service and benefits eligibility, and a uniform assessment program for state supported long  
24 term care.

25 (3) The department shall investigate reports of elder abuse and neglect and shall  
26 provide and/or coordinate protective services.

27 (c) To accomplish these objectives, the director is authorized:

28 (1) To provide assistance to communities in solving local problems with regard to  
29 elderly persons including, but not limited to, problems in identifying and coordinating local  
30 resources to serve the needs of elderly persons;

31 (2) To facilitate communications and the free flow of information between communities  
32 and the offices, agencies and employees of the state;

33 (3) To encourage and assist communities, agencies, and state departments to plan,  
34 develop, and implement home and long-term care programs;

1           (4) To provide and act as a clearinghouse for information, data, and other materials  
2 relative to elderly persons;

3           (5) To initiate and carry out studies and analyses which will aid in solving local,  
4 regional, and statewide problems concerning elderly persons;

5           (6) To coordinate those programs of other state agencies designed to assist in the  
6 solution of local, regional, and statewide problems concerning elderly persons;

7           (7) To advise and inform the governor on the affairs and problems of elderly persons in  
8 the state;

9           (8) To exercise the powers and discharge the duties assigned to the director in the fields  
10 of health care, nutrition, homemaker services, geriatric day care, economic opportunity, local and  
11 regional planning, transportation, and education and pre-retirement programs;

12           (9) To further the cooperation of local, state, federal and private agencies and  
13 institutions providing for services or having responsibility for elderly persons;

14           (10) To represent and act on behalf of the state in connection with federal grant  
15 programs applicable to programs for elderly persons in the functional areas described in this  
16 chapter;

17           (11) To seek, accept, and otherwise take advantage of all federal aid available to the  
18 department, and to assist other agencies of the state, local agencies, and community groups in  
19 taking advantage of all federal grants and subventions available for elderly persons and to accept  
20 other sources of funds with the approval of the director of administration which shall be deposited  
21 as general revenues;

22           (12) To render advice and assistance to communities and other groups in the  
23 preparation and submission of grant applications to state and federal agencies relative to  
24 programs for elderly persons;

25           (13) To review and coordinate those activities of agencies of the state and of any  
26 political subdivision of the state at the request of the subdivision, which affect the full and fair  
27 utilization of community resources for programs for elderly persons, and initiate programs that  
28 will help assure such utilization;

29           (14) To encourage the formation of councils on aging and to assist local communities in  
30 the development of the councils;

31           (15) To promote, and coordinate day care facilities for the frail elderly who are in need  
32 of supportive care and supervision during the daytime;

33           (16) To provide and coordinate the delivery of in-home services to the elderly, as  
34 defined under the rules and regulations proposed by the in-home services commission and

1 adopted by the department of elderly affairs and advocacy;

2 (17) To advise and inform the public of the risks of accidental hypothermia;

3 (18) To establish a clearinghouse for information and education of the elderly citizens  
4 of the state;

5 (19) To establish and operate in collaboration with community and aging service  
6 agencies a statewide family-caregiver resource network to provide and coordinate family-  
7 caregiver training and support services to include counseling and respite services;

8 (20) To provide and coordinate the "elderly/disabled transportation" program; and

9 (21) To supervise the citizens' commission for the safety and care of the elderly created  
10 pursuant to the provisions of chapter 1.4 of title 12.

11 (d) In order to assist in the discharge of the duties of the department, the director may  
12 request from any agency of the state information pertinent to the affairs and problems of elderly  
13 persons or persons with disabilities.

14 **42-66-5. Divisions of department.** – There shall be within the department of elderly  
15 affairs and advocacy a division of program planning, development and operations ~~and~~ a division  
16 of community services, and a division of services for persons with disabilities.

17 **42-66-7. Advisory commission on aging.** – (a) Within the department of elderly affairs  
18 and advocacy there shall be an advisory commission on aging consisting of twenty-five (25)  
19 members, four (4) of whom shall be from the general assembly as hereinafter provided, and  
20 twenty-one (21) of whom shall be appointed by the governor, thirteen (13) of whom shall be  
21 elderly consumers representative of that segment of the population. In the case of members of the  
22 commission appointed by the governor, they shall be chosen and shall hold office for three (3)  
23 years, except that in the original appointments, seven (7) members shall be designated to serve for  
24 one year, seven (7) members shall be designated to serve for two (2) years and seven (7) members  
25 shall be designated to serve for three (3) years, respectively, and until their respective successors  
26 are appointed and qualified. In the month of February in each year the governor shall appoint  
27 successors to the members of the commission whose terms shall expire in such year to hold office  
28 until the first day of March in the third year after their appointment and until their respective  
29 successors are appointed and qualified.

30 (b) The four (4) members from the general assembly shall be appointed, two (2) from  
31 the house of representatives by the speaker, one from each of the two (2) major political parties,  
32 and two (2) from the senate by the president of the senate, one each from the two (2) major  
33 political parties, each to serve until the thirty-first day of December in the second year of the term  
34 to which the member has been elected. Any vacancy, which may occur in the commission, shall

1 be filled in like manner as the original appointment, for the remainder of the unexpired term.

2 (c) The members of the commission at the first meeting shall elect a chairperson and  
3 such other officers as they may deem necessary. The commission shall meet at the call of the  
4 governor or the chairperson and shall make suggestions to and advise the governor or the director  
5 concerning the policies and problems confronting the aged and aging of the state. The members  
6 of the commission shall serve without compensation but shall be compensated for their necessary  
7 and actual traveling expenses in the performance of their official duties.

8 **42-66-8. Abuse, neglect, exploitation and self-neglect of elderly persons – Duty to**  
9 **report.** – Any person who has reasonable cause to believe that any person sixty (60) years of age  
10 or older has been abused, neglected, or exploited, or is self-neglecting, shall make an immediate  
11 report to the director of the department of elderly affairs [and advocacy](#) or his or her designee. In  
12 cases of abuse, neglect or exploitation, any person who fails to make the report shall be punished  
13 by a fine of not more than one thousand dollars (\$1,000). Nothing in this section shall require an  
14 elder who is a victim of abuse, neglect, exploitation or who is self-neglecting to make a report  
15 regarding such abuse, neglect, exploitation or self-neglect to the director or his or her designee.

16 SECTION 7. Chapter 44-66 of the General Laws entitled “Elderly Affairs Department”  
17 is hereby amended by adding thereto the following section:

18 **44-66-18. Name change -** [Wherever in the general or public laws, there appears the](#)  
19 [words “department of elderly affairs”, it should now read, “department of elderly affairs and](#)  
20 [advocacy”.](#)

21 SECTION 8. Sections 42-6-1, 42-6-2, and 42-6-3, of the General Laws in Chapter 42-6  
22 entitled “Departments of State Government” are hereby amended to read as follows:

23 **42-6-1. Enumeration of departments.** – All the administrative powers and duties  
24 heretofore vested by law in the several state departments, boards, divisions, bureaus,  
25 commissions, and other agencies shall be vested in the following departments and other agencies  
26 which are specified in this title :

- 27 (a) Executive department (chapter 7 of this title);
- 28 (b) Department of state (chapter 8 of this title);
- 29 (c) Department of the attorney general (chapter 9 of this title);
- 30 (d) Treasury department (chapter 10 of this title);
- 31 (e) Department of administration (chapter 11 of this title);
- 32 (f) Department of business regulation (chapter 14 of this title);
- 33 (g) Department of children, youth, and families (chapter 72 of this title);
- 34 (h) Department of corrections (chapter 56 of this title);

- 1 (i) Department of elderly affairs [and advocacy](#) (chapter 66 of this title);
- 2 (j) Department of elementary and secondary education (chapter 60 of title 16);
- 3 (k) Department of environmental management (chapter 17.1 of this title);
- 4 (l) Department of health (chapter 18 of this title);
- 5 (m) Board of governors for higher education (chapter 59 of title 16);
- 6 (n) Department of labor and training (chapter 16.1 of this title);
- 7 (o) Department of mental health, retardation, and hospitals (chapter 12.1 of this title);
- 8 (p) Department of human services (chapter 12 of this title);
- 9 (q) Department of transportation (chapter 13 of this title);
- 10 (r) Public utilities commission (chapter 14.3 of this title).
- 11 (s) Department of revenue (chapter 143 of title 44).

12 **42-6-2. Heads of departments.** – The governor, secretary of state, attorney general, and  
13 general treasurer, hereinafter called general officers, shall each be in charge of a department.  
14 There shall also be a director of administration, a director of revenue, a director of human  
15 services, a director of mental health, retardation, and hospitals, a director of transportation, a  
16 director of business regulation, a director of labor and training, a director of environmental  
17 management, a director for children, youth, and families, a director of elderly affairs [and](#)  
18 [advocacy](#), and a director of corrections. Each director shall hold office at the pleasure of the  
19 governor and he or she shall serve until his or her successor is duly appointed and qualified unless  
20 the director is removed from office by special order of the governor.

21 **42-6-3. Appointment of directors.** – (a) At the January session following his or her  
22 election to office, the governor shall appoint a director of administration, a director of revenue, a  
23 director of human services, a director of mental health, retardation, and hospitals, a director of  
24 transportation, a director of business regulation, a director of labor and training, a director of  
25 environmental management, a director for children, youth, and families, a director of elderly  
26 affairs [and advocacy](#), and a director of corrections. The governor shall, in all cases of  
27 appointment of a director while the senate is in session, notify the senate of his or her  
28 appointment and the senate shall, within sixty (60) legislative days after receipt of the notice, act  
29 upon the appointment. If the senate shall, within sixty (60) legislative days, vote to disapprove the  
30 appointment it shall so notify the governor, who shall forthwith appoint and notify the senate of  
31 the appointment of a different person as director and so on in like manner until the senate shall  
32 fail to so vote disapproval of the governor's appointment. If the senate shall fail, for sixty (60)  
33 legislative days next after notice, to act upon any appointment of which it has been notified by the  
34 governor, the person so appointed shall be the director. The governor may withdraw any



1 appointment of which he or she has given notice to the senate, at any time within sixty (60)  
2 legislative days thereafter and before action has been taken thereon by the senate.

3 (b) Except as expressly provided in § 42-6-9, no director of any department shall be  
4 appointed or employed pursuant to any contract of employment for a period of time greater than  
5 the remainder of the governor's current term of office. Any contract entered into in violation of  
6 this section after [July 1, 1994] is hereby declared null and void.

7 SECTION 9. Any proceeding or other business or matter undertaken or commenced,  
8 prior to the effective date of this article, by a commission, council, or other administrative  
9 agency, the functions, powers, and duties whereof are assigned and transferred to the department  
10 of elderly affairs and advocacy and are pending on the effective date of this act, may be  
11 conducted and completed by the director of the department of elderly affairs and advocacy, or by  
12 a subordinate under his or her direction, in the same manner and under the same terms and  
13 conditions and with the same effect as though it were undertaken or commenced or completed by  
14 the commission, council or other administrative agency prior to said transfer.

15 SECTION 10. The omission in this act of a citation of any general law or public law now  
16 in force which makes it mandatory upon or permissive for any commission, council or other  
17 agency of the state to perform certain functions, which by this article are assigned or transferred  
18 to the department of elderly affairs and advocacy, shall not, unless otherwise clearly intended,  
19 suspend or annul the right of the department to carry out such functions.

20 SECTION 11. In order that there be no interruption in the functions of the department of  
21 elderly affairs and advocacy, the actual transfer of functions between any existing commissions,  
22 council, or agencies to the department may be postponed after the effective date of this act until  
23 such time, as determined by director of elderly affairs and advocacy, that the transfer herein  
24 provided can best be put into force and effect.

25 SECTION 12. This article shall take effect upon passage. The transfer of all  
26 appropriations, resources, and personnel to the department of elderly affairs and advocacy shall  
27 occur as of July 1, 2008.

## 28 ARTICLE 44

### 29 RELATING TO DEPARTMENT OF PUBLIC SAFETY

30 SECTION 1. Section 5-15-13 of the General Laws in Chapter 5-15 entitled "Itinerant  
31 Vendors" is hereby amended to read as follows:

32 **5-15-13. Enforcement – Failure to produce license as evidence – Seizure.** – (a) It is  
33 the duty of the officers in each town and city in this state to see that the provisions of this chapter  
34 are complied with and to prosecute for violations of those provisions. All of those officers shall

1 have power to demand the production of the proper state and local licenses from any itinerant  
2 vendor advertising or actually engaged in business, and any failure to produce those licenses shall  
3 be prima facie evidence against the vendor that he or she has none.

4 (b) Property held out for sale by any itinerant vendor in this state without a permit to  
5 make sales at retail issued by the division of taxation is subject to seizure, without a warrant, by  
6 the tax administrator, his or her agents or employees, ~~or by any sheriff, deputy sheriff,~~ or police  
7 officer of the state when directed by the tax administrator to do so. Any property seized may be  
8 offered by the tax administrator for sale at public auction to the highest bidder after advertisement  
9 to discharge any tax liability owed to the state; provided, that any property seized in that manner  
10 is not released until the tax administrator is satisfied that all taxes owed to the state are paid and  
11 the retailer is in compliance with the sales/use tax law.

12 SECTION 2. Section 5-22-22 of the General Laws in Chapter 5-22 entitled “Shows and  
13 Exhibitions” is hereby repealed.

14 ~~§ 5-22-22. Obstruction of sheriff or deputies. — Any person who hinders or obstructs any~~  
15 ~~sheriff or deputy sheriff in entering any exhibition, performance, or place mentioned in this~~  
16 ~~chapter is, upon conviction, guilty of obstructing an officer and liable to the penalty imposed in §~~  
17 ~~11-32-1.~~

18 SECTION 3. Sections 9-5-6, 9-5-7, 9-5-10, and 9-5-15 of the General Laws in Chapter  
19 9-5 entitled “Writs, Summons and Process” are hereby amended to read as follows:

20 **9-5-6. Writs and process operating throughout state – Officers to whom directed. –**

21 All writs and process shall run throughout the state, and shall be directed to the executive high  
22 ~~sheriffs of all the counties in the state,~~ or to ~~their deputies~~ deputy sheriffs but if the executive high  
23 ~~sheriff, or deputy sheriff of any county~~ is a party to the action or suit, the process, if to be served  
24 ~~in that county,~~ shall, in addition to the former direction, be directed to town sergeants in the  
25 county, and may be served by any one of them not a party to the action or suit.

26 **9-5-7. Direction of writs for arrest or execution against the body. –** All writs

27 whatsoever, commanding the arrest of a defendant, or executions running against the body of a  
28 defendant, shall be directed for service only to the executive high sheriffs or ~~their deputies~~ deputy  
29 sheriffs, to the Rhode Island state fugitive task force, or if the writ is to be served in the town of  
30 New Shoreham, it may be directed to the town sergeant of the town, subject to the provisions of §  
31 9-5-8, and no writ of arrest shall be served by any other officer.

32 **9-5-10. Direction and return of district courts writs and summonses. –** Writs and

33 summonses issued by a district court shall be made returnable to the court at the place and on the  
34 day and hour provided by law, to be named in the writs and summonses, and shall, except as

1 otherwise specifically provided, be directed to the executive high sheriff, the deputy sheriffs  
2 ~~sheriff's deputies~~, or to either of the town sergeants or constables licensed pursuant to § 45-16-  
3 4.1 of the county in which the action shall be brought, or pursuant to § 45-16-4.3 for statewide  
4 service; provided, that writs of arrest and writs, summonses, and executions issued by a district  
5 court in actions for possession of tenements or estates let or held at will or by sufferance shall be  
6 directed to the executive high sheriff or deputy sheriffs ~~the sheriff's deputies in the county in~~  
7 ~~which the action shall be brought~~ and service thereof shall be made by the executive high sheriff  
8 or the deputy sheriffs ~~sheriff's deputies~~, or by the Rhode Island state fugitive task force; and  
9 provided, further, that in actions wherein the debt or damages demanded exceed three hundred  
10 dollars (\$300), a town sergeant of the county in which the action is brought shall have power to  
11 serve the writs or summonses only if his or her certificate of appointment has been endorsed  
12 approving such use thereof by the judge of the district court having jurisdiction in the city or town  
13 by which the sergeant was appointed or elected. In case any person upon whom it is necessary to  
14 make service of any writ, summons, or execution issued by a district court is, or has estate, in any  
15 other county than the one in which the action is brought, the writ, summons, or execution may  
16 also be directed to and served by the like officer of such other county.

17 **9-5-15. Form for writs of replevin.** – Writs of replevin shall be substantially in the  
18 following form:

19 WRIT OF REPLEVIN.

20 THE STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

21 SC. To the executive high sheriffs ~~of our several counties~~ and deputy sheriffs ~~to their~~  
22 ~~deputies~~,

23 (SEAL) ; ; Greeting:

24 We command you that you replevy, if to be found within your precinct, the goods and  
25 chattels following, viz.: (Here enumerate and particularly describe them) belonging to of  
26 ; now taken (detained, or attached as the case may be) by ; of ; at  
27 ; in the county of ; and them deliver unto the said ; , provided the same  
28 are not taken, attached, or detained upon original writ, mesne process, warrant of distress, or upon  
29 execution as the property of the said ; and summon the said to appear on the return-  
30 day hereof (said return-day being the ; day of ; A. D. ~~19~~ 20 ) in the SUPERIOR  
31 COURT to be holden at the county courthouse at ; , to answer unto the said ; in a  
32 plea of replevin that the said ; on the ; day of ; at said  
33 ; unlawfully, and without justifiable cause, took the goods and chattels of the said  
34 as aforesaid, and them unlawfully detained unto this day, (or, unlawfully detained the

1 goods and chattels aforesaid, as the case may be) to the damage of the said , as he says,  
2 ; dollars.

3 Hereof fail not, and make true return of this writ with your doings thereon, together with  
4 the bond you shall take of the plaintiff.

5 Witness, the seal of our superior court, at ; this ; day of ; in the  
6 year , Clerk.

7 SECTION 4. Section 9-10-11 of the General Laws in Chapter 9-10 entitled “Selection of  
8 Jury” is hereby amended to read as follows:

9 **9-10-11. Fines levied against jurors.** – All fines incurred by jurors and persons returned  
10 or notified as jurors under this chapter shall be levied and collected to the use of the state by  
11 warrant of distress from the court, directed to the division of sheriffs within the department of  
12 public safety. ~~sheriff or his or her deputy of the county in which the person dwells or his or her~~  
13 ~~estate is to be found.~~

14 SECTION 5. Sections 10-5-17 and 10-5-32 of the General Laws in Chapter 10-5  
15 entitled “Attachment” are hereby amended to read as follows:

16 **10-5-17. Release of real estate on bond.** – ~~Each~~ The executive high sheriff or deputy  
17 sheriff ~~in each county wherein any officer~~ commanded by any original writ or writ of mesne  
18 process to attach the real estate or right, title, and interest in the real estate of any defendant, who  
19 has attached the real estate or defendant's right, title, and interest therein, whether during his or  
20 her tenure as executive high sheriff or during the tenure of a prior executive high sheriff, shall, by  
21 himself or herself or through his or her deputies, release and discharge the attachment upon the  
22 public records at any time after the attachment and before final judgment or decree:

23 (1) Upon being tendered a bond, running to the executive high sheriff and his or her  
24 successors in office, by the defendant or someone in his or her behalf with sufficient surety,  
25 which surety shall be a surety corporation authorized so to act in this state, in the penal sum of the  
26 amount of damages stated in the writ, with condition that the bond shall be null and void if there  
27 is a settlement or discontinuance of the action or cause, or if the final judgment or decree in the  
28 action or cause in which the writ of attachment was served shall be immediately paid and satisfied  
29 after the rendition of the final judgment or decree, or if the execution issued in the writ be  
30 returned satisfied, or if final judgment or decree in the action or cause is for the defendant, or  
31 upon the happening of any event which, ipso facto, would have resulted in the extinguishment of  
32 the lien of the attachment had the attachment not been released and discharged pursuant to the  
33 provisions of this section; or

34 (2) Upon payment by a defendant, or by someone in his or her behalf, of the amount of

1 damages stated in the writ, into the registry of the court in which the action or cause is then  
2 pending, and the clerk thereof shall immediately notify the [executive high](#) sheriff of the fact of  
3 the payment and thereafter shall pay from the amount so deposited to the plaintiff, if final  
4 judgment or decree is in his or her favor, so much thereof as may be required to satisfy his or her  
5 execution, and shall pay the balance, if any, of the amount so deposited, with actual accrued  
6 interest, if any, to the defendant, and if judgment or decree in the action or cause is for defendant,  
7 in the event upon presentation of execution in his or her favor, the amount so deposited, with  
8 actual accrued interest, if any, shall be immediately paid to the defendant, but such amount may  
9 at any time be paid by the clerk as the parties may by their agreement stipulate, or as the court  
10 upon motion of any party in interest may direct.

11 **10-5-32. Surety on defendant's bond – Lien on surety's real estate.** – Whenever ~~a~~ [the](#)  
12 [executive high](#) sheriff or a deputy sheriff shall take a bond for the release of goods and chattels  
13 attached on an original writ or a writ of mesne process, in which the ad damnum shall be more  
14 than one thousand dollars (\$1,000), the bond shall be in the penal sum of the amount of damages  
15 stated in the writ, with some surety company authorized to do business in this state as surety,  
16 unless the defendant can furnish as surety a resident of the state satisfactory to the officer taking  
17 the bond, who is the owner of real estate in this state having a value over all incumbrances  
18 thereon, equal to the penal sum of the amount of damages stated in the writ. In case the owner of  
19 such real estate is accepted as surety, the bond shall contain a description of the real estate, so that  
20 the real estate may be readily identified in the records of land evidence of the city or town in  
21 which it is situated, and also a statement by the surety of the value of the real estate free from all  
22 incumbrances, and the description and the valuation shall be sworn to by the surety, and his or her  
23 affidavit shall be made a part of the bond. Before the goods and chattels are released, an attested  
24 copy of the bond shall be filed with the recorder of deeds, but if there is no recorder of deeds,  
25 then with a city or town clerk of the city or town in which the real estate is situated, and the copy  
26 shall be recorded in the same manner as copies of writs of attachment are recorded under the  
27 provisions of this chapter, and the bond shall be a lien upon the real estate described in the bond  
28 until the action in which the attachment was made is disposed of, or the bond is cancelled by the  
29 plaintiff, or by his or her attorney of record, or by order of a court of competent jurisdiction. The  
30 officer taking the bond shall be allowed a fee of one dollar and fifty cents (\$1.50) for making a  
31 copy of the bond, and the fee for the copy, together with the fee for recording, shall be a part of  
32 the costs in the case. Any lien created by the provisions of this section may be established,  
33 foreclosed, and enforced by a civil action, which action may be heard, tried, and determined  
34 according to the usages in chancery and the principles of equity.

1 SECTION 6. Sections 10-10-2, 10-10-3, 10-10-11, 10-10-12 of the General Laws in  
2 Chapter 10-10 entitled “Imprisonment on Civil Process” are hereby amended to read as follows:

3 **10-10-2. Form of writ from superior court.** – An original writ of arrest issued from the  
4 superior court shall be substantially in the following form:

5 THE STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.  
6 SC.

7 To the executive high sheriffs ~~of our several counties~~, or to ~~their deputies~~ the deputy  
8 sheriffs,

9 (SEAL) Greeting: ;

10 We command you to arrest the body of of , if to be found in your precinct,  
11 and in safe custody keep, to answer the complaint of of on the return day  
12 hereof (said return day being the day of A. D. ~~19~~ 20 ) in the SUPERIOR COURT to be  
13 holden at the county courthouse at , in an action of as by declaration to be filed in  
14 court will be fully set forth, to the damage of the plaintiff, as he or she says, dollars.

15 Hereof fail not, and make true return of this writ with your doings thereon.

16 Witness, the seal of our superior court, at this day of in the year .  
17 , Clerk.

18 **10-10-3. Form of writ from district court.** – An original writ of arrest issued from a  
19 district court shall be substantially in the following form:

20 THE STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.  
21 SC.

22 To the executive high sheriff ~~of the county of~~ , his or her deputies, or to either of  
23 the town sergeants or constables in said county,

24 (SEAL) Greeting: ;

25 We command you to arrest the body of of , if to be found in your precinct,  
26 and in safe custody keep, to answer the complaint of of , (The remainder as in  
27 a writ of summons.)

28 **10-10-11. Bonds and obligations not provided for void.** – If any executive high  
29 sheriff, deputy sheriff, town sergeant, constable or the warden of the adult correctional  
30 institutions shall take or receive from any prisoner in his or her custody any bond, obligation,  
31 covenant, promise, or assurance whatsoever, to indemnify and save harmless the person taking  
32 the bond, obligation, covenant, promise, or assurance for the enlargement or ease of the  
33 prisoner, in any other form or manner than is prescribed by law for taking bail on mesne process  
34 in a civil action, or is prescribed in this chapter or chapter 12 of this title, every such bond,

1 obligation, covenant, promise or assurance whatsoever, shall be utterly void.

2 **10-10-12. Payment of prisoner's board.** – Whenever any person shall be imprisoned in  
3 or committed to the adult correctional institution upon original writ, mesne process, execution, or  
4 surrender or commitment by bail, in any action whatsoever, the party at whose suit the person is  
5 imprisoned, or committed for the benefit of or at the request of the United States of America shall  
6 pay to the warden of the institution in which he or she is imprisoned or committed the sum of two  
7 hundred ten dollars (\$210), per week in advance for the board of the prisoner or person,  
8 reckoning the board from the time of the commitment; which payment in advance shall continue  
9 to be made by the creditor or the United States of America during the time the person shall be  
10 detained at his or her suit; provided, however, that in all cases in which any person shall be  
11 imprisoned under an original writ, mesne process, execution against the body or because of  
12 surrender or commitment by bail, in any suit in favor of the state and in all cases where the person  
13 is held in civil or criminal contempt by any court of the state, or any commitment under § 15-5-  
14 16, no board need be demanded by or paid to the warden. Provided, further, however, that in all  
15 applicable cases of commitment, the party so committing shall pay the board in advance until one  
16 week after notice in writing of the commitment shall have been duly served upon the party, or his  
17 or her attorney of record, by the executive high sheriff, his or her deputy, or other duly qualified  
18 officer and lodged with the warden of the institution where the person is committed.

19 SECTION 7. Section 11-31-8 of the General Laws in Chapter 11-31 entitled “Obscene  
20 and Objectionable Publications and Shows” is hereby repealed:

21 ~~§ 11-31-8. Entry of premises by sheriff or deputies. — The sheriff of any county or any of~~  
22 ~~his deputies, when so directed by him or her, may, in the discharge of their duties, enter any~~  
23 ~~exhibition, performance, or place mentioned in this chapter or chapter 22 of title 5.~~

24 SECTION 8. Section 11-34-4 of the General Laws in Chapter 11-34 entitled “Prostitution  
25 and Lewdness” is hereby amended to read as follows:

26 **11-34-4. Search for and delivery of inmate of house of ill fame.** – Whenever there is  
27 reason to believe that any person has been inveigled, enticed, induced, persuaded, or encouraged  
28 to enter a house of ill fame or other place where prostitution is allowed or practiced, or is being  
29 kept, held, detained, or restrained in any house of ill fame or other place where prostitution is  
30 allowed or practiced, upon complaint being made under oath by any director of human services,  
31 member of the division of state police, ~~sheriff, deputy sheriff~~, chief of police, town sergeant, or  
32 constable, or by the parent, master, or guardian of the person, to any justice or clerk of a district  
33 court authorized to issue warrants, the justice or clerk may issue a warrant to enter by day or night  
34 the house of ill fame or other place, to search for the person, and to bring that person and the

1 person in whose possession or keeping he or she may be found before the district court. The court  
2 may, on examination, order that person to be delivered to the director of human services, parent,  
3 master, or guardian, or to be placed in the charge of a probation officer, or to be discharged in  
4 accordance with law.

5 SECTION 9. Section 11-44-3 of the General Laws in Chapter 11-44 entitled “Trespass  
6 and Vandalism” is hereby amended to read as follows:

7 **11-44-3. Arrest and detention of persons taking fruits and vegetables.** – Every  
8 ~~sheriff, deputy sheriff~~, town or city sergeant, constable, or police officer, who shall discover any  
9 person or persons in the act of taking and carrying away any growing fruit or vegetables as  
10 prohibited by § 11-44-2, shall arrest that person or persons and detain the person or persons in  
11 custody until a complaint can be made against him, her, or them for the offense for which he, she,  
12 or they shall have been arrested and until he, she, or they be taken on a warrant issued upon the  
13 complaint; provided, that the arrest and detention without a warrant shall not continue longer than  
14 the space of twenty-four (24) hours.

15 SECTION 10. Sections 12-2.2-1, 12-2.2-4, and 12-2.2-5 of the General Laws in Chapter  
16 12-2.2 entitled “Capitol Police for Public Buildings” are hereby amended to read as follows:

17 **12-2.2-1. Appointment of capitol police.** – The director of ~~administration~~ public safety  
18 may appoint qualified persons to act as "capitol police officers," who shall be members of the  
19 state classified service. Upon appointment of an officer, the director shall issue to the person a  
20 license to act as a capitol police officer and the license shall, in the courts of this state, be  
21 evidence of the validity of the appointment of the person named and of his or her authority to act  
22 as a capitol police officer at any of the buildings or grounds within the jurisdiction of the division  
23 of public buildings as assigned by the chief of public buildings.

24 **12-2.2-4. Continuing powers of state and local police.** – Appointment of capitol police  
25 officers pursuant to this chapter shall in no way limit the powers, authority, and responsibility of  
26 state police and police of the various cities and towns to enforce state law and municipal  
27 ordinances on property owned or leased by the state of Rhode Island. The division of state police  
28 and city and town police shall assist capitol police officers in matters relating to the detention and  
29 arraignment of prisoners for court. Capitol police officers shall submit reports concerning an  
30 arrest to the department of public safety and the division processing the arrest, whether the  
31 division of state police or the police in the city or town the state owned property is located.

32 **12-2.2-5. Classes in law enforcement.** – All capitol police shall be required to attend  
33 and successfully complete any law enforcement courses that the director of ~~administration of~~  
34 public safety shall require. These law enforcement courses will be conducted by either the state



1 police [or the municipal police training school](#) for the benefit of the capitol police.

2 SECTION 11. Section 12-4-2 of the General Laws in Chapter 12-4 entitled  
3 “Recognizance to Keep the Peace” is hereby amended to read as follows:

4 **12-4-2 . Warrant to apprehend accused.** – If the complainant shall then, before the  
5 judge or justice of the peace, enter into a recognizance in a sum not exceeding fifty dollars  
6 (\$50.00), and with this surety, as the judge or justice of the peace shall direct and approve, with  
7 condition to prosecute the complaint with effect, or in default of prosecution to pay the costs that  
8 may accrue to the state, the judge or justice of the peace shall issue a warrant returnable  
9 immediately, annexing to the warrant the complaint, or reciting its substance in it, directed to the  
10 ~~sheriff, deputy sheriffs~~, town sergeants, and constables in the county in which the division is, and  
11 to the like officers in the county in which the accused may be supposed to belong, reside, or be  
12 found, and requiring the officer who shall be charged with the service of the warrant immediately  
13 to apprehend the accused and have him or her before the district court for the division in which  
14 the offense shall be alleged to have been committed.

15 SECTION 12. Sections 12-5-3 and 12-5-8 of the General Laws in Chapter 12-5 entitled  
16 “Search Warrants” are hereby amended to read as follows:

17 **12-5-3. Issuance and contents.** – (a) A warrant shall issue only upon complaint in  
18 writing, under oath of:

19 (1) A chief of police, deputy chief of police or other members of the police force of any  
20 city or town, ~~sheriff, or deputy sheriff of any county~~, member of the division of state police, full  
21 time conservation officer of the department of environmental management, or other person  
22 specifically authorized by law to bring complaints for violation of the law which it is his or her  
23 responsibility to enforce;

24 (2) Additionally, in the case of property stolen, embezzled, or obtained by fraud or false  
25 pretenses, any person who has a right to the possession of the property.

26 (b) Within fourteen (14) days of the issuance of any warrant under this chapter, whether  
27 or not executed, the warrant, accompanied by any supporting affidavits and an inventory of any  
28 property seized, shall be returned to the district court having jurisdiction over the place of the  
29 search or, in the event of a warrant that is not executed, the court from which it was issued. The  
30 returns shall be maintained by the district court according to the date of issuance. If not otherwise  
31 indicated, the return shall note whether the warrant was executed.

32 **12-5-8 . Hearing upon seizure of matter alleged to be obscene.** – Whenever any  
33 ~~sheriff, deputy sheriff~~, municipal or state police officer, or any other person authorized by law to  
34 execute a search warrant shall seize any property alleged to be obscene, pursuant to a search

1 warrant issued under the provisions of this chapter, the person in whose possession it is found or  
2 who claims a proprietary interest in it shall be entitled to a hearing before the superior court on  
3 the question of whether or not the property is obscene within three (3) days of the time a written  
4 demand is submitted to a judge of the superior court and notice served upon the attorney general,  
5 or in the case of towns and cities the chief legal officer of the town or city, and if a hearing is  
6 held, the court shall render a decision on the question within forty-eight (48) hours of the  
7 conclusion of the hearing. If by the decision the court determines that the matter is not obscene, it  
8 shall be immediately returned to the person.

9 SECTION 13. Sections 12-6-6, 12-6-7, 12-6-7.1, and 12-6-7.2 of the General Laws in  
10 Chapter 12-6 entitled "Warrants for Arrest" are hereby amended to read as follows:

11 **12-6-6. Surety for costs not required of police officers.** – (a) Whenever any complaint  
12 shall be made by ~~the sheriff or any deputy sheriff of any county, or by~~ any member of the division  
13 of state police, any member of the campus police forces at the state colleges or universities, or  
14 any conservation officer of the department of environmental management, or by the chief of  
15 police, deputy chief of police, commander, captain, police inspector, or other member of the  
16 police force, or town sergeant of any city or town, within any division of the district court, to the  
17 judge of the district court or to any justice of the peace authorized to issue warrants in the  
18 division, against any person for any criminal offense committed within the division, ~~the sheriff,~~  
19 ~~deputy sheriff,~~ member of the division of state police, member of the campus police forces at the  
20 state colleges or universities, conservation officer of the department of environmental  
21 management, chief of police, deputy chief of police, commander, captain, police inspector or  
22 other member of the police force, or city or town sergeant shall not be required to give surety for  
23 costs, but shall give his or her personal recognizance and be liable in his or her individual  
24 capacity for the costs.

25 (b) In addition to the officials specified in subsection (a) of this section, the following  
26 persons shall be subject to its provisions:

- 27 (1) Police sergeants, lieutenants, and detectives in the town of Bristol;
- 28 (2) All members of the town of Barrington police force above the rank of patrol officer;
- 29 (3) A police sergeant or his or her superior in the town of Johnston;
- 30 (4) Police lieutenants and sergeants in the city of Cranston;
- 31 (5) Any police lieutenant or police sergeant in the town of Coventry;
- 32 (6) Any police lieutenant in the town of North Kingstown;
- 33 (7) All members of the town of Lincoln police force above the rank of patrol officer;
- 34 (8) Police lieutenants, detective sergeants, and sergeants in the town of Westerly;

- 1 (9) All members of the town of Portsmouth police force above the rank of patrol  
2 officer;
- 3 (10) All members of the town of Burrillville police force above the rank of patrol  
4 officer;
- 5 (11) All members of the town of Glocester police force above the rank of patrol officer;
- 6 (12) All members of the town of Scituate police force above the rank of patrol officer;
- 7 (13) All members of the town of Middletown police force above the rank of patrol  
8 officer;
- 9 (14) All lieutenants and detective sergeants of the town of South Kingstown police  
10 force;
- 11 (15) Police sergeants in the town of Warren;
- 12 (16) Police sergeants and lieutenants in the city of Woonsocket;
- 13 (17) A police sergeant or his or her superior in the town of Foster;
- 14 (18) All members of the town of Hopkinton police force above the rank of patrol  
15 officer;
- 16 (19) All members of the campus police force at the University of Rhode Island, Rhode  
17 Island College, or the Community College of Rhode Island, above the rank of campus police  
18 officer;
- 19 (20) A police sergeant, the town sergeant or any officer of higher rank in the town of  
20 New Shoreham;
- 21 (21) All members of the town of Cumberland police force above the rank of patrol  
22 officer;
- 23 (22) Any police sergeant or his or her superior in the town of Charlestown;
- 24 (23) A police sergeant or his or her superior in the town of North Smithfield;
- 25 (24) All members of the town of East Greenwich police force above the rank of patrol  
26 officer;
- 27 (25) All members of the Richmond police department, designated by the chief of  
28 police;
- 29 (26) All lieutenants of the city of East Providence police department;
- 30 (27) All investigators of the department of attorney general appointed pursuant to § 42-  
31 9-8.1;
- 32 (28) All members of the town of West Greenwich police force above the rank of  
33 corporal;
- 34 (29) All inspectors and agents of the Rhode Island state fugitive task force appointed

1 pursuant to § 12-6-7.2; and

2 (30) All members of the Rhode Island airport police department at or above the rank of  
3 inspector.

4 **12-6-7. Warrants issued to other divisions.** – Whenever any judge of the district court,  
5 or any justice of the peace, shall issue his or her warrant against any person charged with an  
6 offense committed in a division of the district court, and the person so charged shall escape into,  
7 reside, or be in any other county than the one in which the division is, the judge or justice of the  
8 peace may direct his or her warrant to ~~each and all~~ the executive high sheriffs, deputy sheriffs,  
9 city or town sergeants, and constables within the state, requiring them to apprehend the person  
10 and bring him or her before the division of the district court having jurisdiction of the offense, to  
11 be dealt with according to law; the officers shall obey and execute the warrant, and be protected  
12 from obstruction and assault in executing the warrant as in service of other process.

13 **12-6-7.1. Service of arrest warrants.** – (a) Whenever any judge of any court shall issue  
14 his or her warrant against any person for failure to appear or comply with a court order, or for  
15 failure to make payment of a court ordered fine, civil assessment, or order of restitution, the judge  
16 may direct the warrant to ~~each and all~~ the executive high sheriffs and deputy sheriffs, the warrant  
17 squad, or any peace officer as defined in § 12-7-21, requiring them to apprehend the person and  
18 bring him or her before the court to be dealt with according to law; and the officers shall obey and  
19 execute the warrant, and be protected from obstruction and assault in executing the warrant as in  
20 service of other process. The person apprehended shall, in addition to any other costs incurred by  
21 him or her, be ordered to pay a fee for service of this warrant in the sum of one hundred twenty-  
22 five dollars (\$125). Twenty-five dollars (\$25.00) of the above fee collected as a result of a  
23 warrant squad arrest shall be divided among the local law enforcement agencies assigned to the  
24 warrant squad. Any person apprehended on a warrant for failure to appear for a cost review  
25 hearing in the superior court may be released upon posting with a justice of the peace the full  
26 amount due and owing in court costs as described in the warrant or bail in an other amount or  
27 form that will ensure the defendant's appearance in the superior court at an ability to pay hearing,  
28 in addition to the one hundred twenty-five dollars (\$125) warrant assessment fee described above.  
29 Any person detained as a result of the actions of the justice of the peace in acting upon the  
30 superior court cost warrant shall be brought before the superior court at its next session. Such  
31 monies shall be delivered by the justice of the peace to the court issuing the warrant on the next  
32 court business day.

33 (b) Any person arrested pursuant to a warrant issued by a municipal court may be  
34 presented to a judge of the district court, or a justice of the peace authorized to issue warrants

1 pursuant to § 12-10-2, for release on personal recognizance or bail when the municipal court is  
2 not in session. The provisions of this section shall apply only to criminal and not civil cases  
3 pending before the courts.

4 **12-6-7.2. Warrant squad.** – (a) There is established a statewide warrant squad which  
5 shall be known as the Rhode Island state fugitive task force, whose purpose is to arrest  
6 individuals for whom arrest warrants have been issued and remain outstanding.

7 (b) The warrant squad shall consist of ~~a director, assistant director, additional~~ members,  
8 whose title shall be ~~task force agents,~~ investigators, and ~~the~~ deputy sheriffs and police officers  
9 that are provided for in this section.

10 (c) All state, county, local law enforcement and criminal justice agencies may assign  
11 personnel to be members of the warrant squad. ~~to assist the director or assistant director.~~ All  
12 personnel assigned to the warrant squad during their normal work hours shall be paid their regular  
13 salary by their respective departments and there shall be no reimbursement for these payments.  
14 The warrant squad shall be responsible for supervising the conduct of all law enforcement  
15 officers employed by it pursuant to this chapter and the state, and not the city or town, shall be  
16 liable for the actions of any municipal police officer which are committed on behalf of and under  
17 the direction and supervision of the warrant squad.

18 (d) Federal, state and local officers assigned to the Rhode Island state fugitive task  
19 force as fugitive investigators shall exercise the same authority as the statutory agents appointed  
20 under this section as long as the officer is under the direct supervision of the warrant squad. The  
21 authorization for local police officers acting under the authority of this statute shall be on file at  
22 the office of the Rhode Island state fugitive task force.

23 (e) The superintendent of the state police shall appoint ~~the director, assistant director,~~  
24 ~~and the~~ members of the warrant squad. ~~The salary of the director and the assistant director shall~~  
25 ~~be set by the department of administration in accordance with chapter 4 of title 36.~~ The fees  
26 collected in the amount of one hundred twenty-five dollars (\$125) assessed to the arrestee when  
27 apprehended and brought to court shall be deposited as general revenues. Each arrestee who has  
28 been apprehended shall be assessed the fee in the amount of one hundred twenty-five dollars  
29 (\$125) in addition to any other court costs imposed. All fees collected shall be deposited as  
30 general revenues, and distributed consistent with the provisions of § 12-6-7.1.

31 (f) ~~The Providence county sheriff shall make suitable office facilities available to the~~  
32 ~~squad until the state police make suitable space available.~~ The police departments of every city  
33 and town and the state police shall make available to the squad temporary detention facilities. All  
34 fees collected shall be deposited as general revenues.

1 (g) The warrant squad shall be under the authority of, and report to, the superintendent  
2 of the state police.

3 (h) The statewide warrant squad shall commence on September 1, 1989, and all state  
4 and local police, law enforcement and criminal justice agencies shall cooperate with the Rhode  
5 Island state fugitive task force in carrying out the provisions of this chapter.

6 (i) The Rhode Island state fugitive task force shall adopt and implement standards,  
7 policies, and regulations applicable to its scope and purpose of locating and arresting fugitives  
8 from justice.

9 (j) Persons appointed as ~~director, assistant director, and inspectors~~ investigators must  
10 have completed a basic course for police or law enforcement officers at a certified federal  
11 (including military), state, or local law enforcement training academy or must document a record  
12 of equivalent qualifying experience in an on-the-job training program. Persons appointed to be  
13 ~~either director or assistant director,~~ investigators must, ~~in addition to the preceding,~~ have three (3)  
14 years of law enforcement experience and three (3) years of law enforcement management or  
15 command experience or the equivalent.

16 (k) The ~~director, the assistant director, and inspectors and officers~~ investigators  
17 assigned ~~on temporary duty~~ to the Rhode Island state fugitive task force may carry firearms,  
18 apply for and execute search and arrest warrants and subpoenas, serve summonses, and apply for  
19 court or grand jury process, and will have statewide authority to serve warrants to locate and  
20 arrest persons who are fugitives or who have failed to appear in state court for violations of  
21 Rhode Island general laws or court orders or who are fugitives located in Rhode Island from  
22 jurisdictions outside the state of Rhode Island, and may make arrests without a warrant in the  
23 execution of court orders for any offenses committed in their presence if they have reasonable  
24 grounds to believe that the person to be arrested has committed or is committing a crime  
25 cognizable under Rhode Island general laws.

26 SECTION 14. Section 17-22-3 of the General Laws in Chapter 17-22 entitled  
27 "Tabulations and Certification of Returns by State Board" is hereby repealed.

28 ~~17-22-3. Deputy sheriffs attending sessions — Disturbance of proceedings. The~~  
29 ~~sheriff of Providence County shall assign as many of the sheriff's deputies as the state board may~~  
30 ~~request to attend upon the board during its sessions to preserve order. The orders of the presiding~~  
31 ~~officer of the board at the meetings shall be obeyed by the deputies, and they shall, at the~~  
32 ~~direction of the presiding officer, remove from the room where any session is being held any~~  
33 ~~person not a member of the board. Any person who disturbs or interferes with the proceedings of~~  
34 ~~any session shall be guilty of a misdemeanor.~~

1 SECTION 15. Section 22-4-1 of the General Laws in Chapter 22-4 entitled “Exemption  
2 from Process” is hereby amended to read as follows:

3 **22-4-1. Warrants to compel attendance.** – The attendance of senators elect and  
4 representatives elect, and of senators and representatives, may be compelled by warrant for that  
5 purpose under the hand of the presiding officer for the time being of the senate or house of  
6 representatives, as the case may be, directed to ~~any~~ the executive high sheriff or deputy sheriff,  
7 which warrant may be executed by that officer. ~~in any county.~~

8 SECTION 16. Section 22-6-1 of the General Laws in Chapter 22-6 entitled “Committees  
9 and Staff” is hereby amended to read as follows:

10 **22-6-1. Deputy Sheriffs and deputies in attendance.** – The number of deputy sheriffs  
11 ~~or their deputies~~ who shall attend upon the general assembly, at any session of it, shall not exceed  
12 three (3) in both chambers, unless by special order of the general assembly.

13 SECTION 17. Sections 23-28.2-1 and 23-28.2-23, of the General Laws in Chapter 23-  
14 28.2 entitled “Division of Fire Safety” are hereby amended to read as follows:

15 **23-28.2-1. Establishment of division and state fire marshal.** – There shall be a  
16 division of state fire marshal within the ~~state executive~~ department of public safety, the head of  
17 which division shall be the state fire marshal. The state fire marshal shall be appointed by the  
18 governor with the advice and consent of the senate and shall serve for a period of five (5) years.  
19 During the term the state fire marshal may be removed from office by the governor for just cause.  
20 All authority, powers, duties and responsibilities previously vested in the division of fire safety  
21 are hereby transferred to the division of state fire marshal.

22 **23-28.2-23. Fire education and training coordinating board.** – (a) There is hereby  
23 created within the division of fire safety a fire education and training coordinating board  
24 comprised of thirteen (13) members appointed by the governor with the advice and consent of the  
25 senate. In making said appointments, the governor shall give due consideration to including in the  
26 board's membership representatives of the following groups:

27 (1) Chiefs of fire departments with predominately fully paid personnel, defined as  
28 departments in which the vast majority of members are full-time, salaried personnel.

29 (2) Chiefs of fire departments with part paid/combination personnel, defined as  
30 departments in which members consist of both full-time salaried personnel and a large percentage  
31 of volunteer or call personnel.

32 (3) Chiefs of fire departments with predominately volunteer personnel, defined as  
33 departments in which the vast majority of members respond voluntarily and receive little or no  
34 compensation.

1 (4) Rhode Island firefighters' instructor's association.

2 (5) Rhode Island department of environmental management.

3 (6) Rhode Island fire safety association.

4 (7) Rhode Island state firefighter's league.

5 (8) Rhode Island association of firefighters.

6 (9) Regional firefighters leagues.

7 (b) The state fire marshal and the chief of training and education shall serve as ex-  
8 officio members.

9 (c) Members of the board as of the effective date of this act [March 29, 2006] shall  
10 continue to serve for the balance of their current terms. Thereafter, members shall be appointed to  
11 three (3) year terms. No person shall serve more than two (2) consecutive terms, except that  
12 service on the board for a term of less than two (2) years resulting from an initial appointment or  
13 an appointment for the remainder of an unexpired term shall not constitute a full term.

14 (d) Members shall hold office until a successor is appointed, and no member shall serve  
15 beyond the time he or she ceases to hold office or employment by reason of which he or she was  
16 eligible for appointment.

17 (e) All gubernatorial appointments made after the effective date of this act [March 29,  
18 2006] shall be subject to the advice and consent of the senate. No person shall be eligible for  
19 appointment to the board after the effective date of this act [March 29, 2006] unless he or she is a  
20 resident of this state.

21 (f) Members shall serve without compensation, but shall receive travel expenses in the  
22 same amount per mile approved for state employees.

23 (g) The board shall meet at the call of the chairperson or upon written petition of a  
24 majority of the members, but not less than six (6) times per year.

25 (h) Staff support to the board ~~beyond that which can~~ will be provided by the state fire  
26 marshal. ~~shall be provided by the governor's justice commission.~~

27 (i) The board shall:

28 (1) Establish bylaws to govern operational procedures not addressed by legislation.

29 (2) Elect a chairperson and vice-chairperson of the board in accordance with bylaws to  
30 be established by the board.

31 (3) Develop and offer training programs for fire fighters and fire officers based on  
32 applicable NFPA standards used to produce training and education courses.

33 (4) Develop and offer state certification programs for instructors based on NFPA  
34 standards.



1 (5) Monitor and evaluate all programs to determine their effectiveness.

2 (6) Establish a fee structure in an amount necessary to cover costs of implementing the  
3 programs.

4 (7) Within ninety (90) days after the end of each fiscal year, approve and submit an  
5 annual report to the governor, the speaker of the house of representatives, the president of the  
6 senate, and the secretary of state of its activities during that fiscal year. The report shall provide:  
7 an operating statement summarizing meetings or hearing held, including meeting minutes,  
8 subjects addressed, decisions rendered, rules or regulations promulgated, studies conducted,  
9 policies and plans developed, approved or modified and programs administered or initiated; a  
10 consolidated financial statement of all funds received and expended including the source of the  
11 funds, a listing of any staff supported by these funds, and a summary of any clerical,  
12 administrative or technical support received; a summary of performance during the previous  
13 fiscal year including accomplishments, shortcomings and remedies; a synopsis of hearings,  
14 complaints, suspensions, or other legal matters related to the authority of the council; a summary  
15 of any training courses held pursuant to the provisions of this section; a briefing on anticipated  
16 activities in the upcoming fiscal year and findings and recommendations for improvements. The  
17 report shall be posted electronically on the general assembly and secretary of state's websites as  
18 prescribed in § 42-20-8.2. The director of the department of administration shall be responsible  
19 for the enforcement of the provisions of this subsection.

20 (8) Conduct a training course for newly appointed and qualified members within six (6)  
21 months of their qualification or designation. The course shall be developed by the chair of the  
22 board, approved by the board, and conducted by the chair of the board. The board may approve  
23 the use of any board or staff members or other individuals to assist with training. The training  
24 course shall include instruction in the following areas: the provisions of chapters 42-46, 36-14,  
25 and 38-2; and the commission's rules and regulations. The ~~director of the department of~~  
26 ~~administration~~ state fire marshal shall, within ninety (90) days of the ~~effective date of this act~~  
27 ~~{March 29, 2006}~~, prepare and disseminate training materials relating to the provisions of  
28 chapters 42-46, 36-14, and 38-2.

29 (j) In an effort to prevent potential conflicts of interest, any fire education and training  
30 coordinating board member shall not simultaneously serve as a paid instructor and/or  
31 administrator within the fire education and training unit.

32 (k) A quorum for conducting all business before the board, shall be at least seven (7)  
33 members.

34 (l) Members of the board shall be removable by the governor pursuant to the provisions

1 of § 36-1-7 of the general laws and for cause only, and removal solely for partisan or personal  
2 reasons unrelated to capacity or fitness for the office shall be unlawful.

3 SECTION 18. Section 28-2-8 of the General Laws in Chapter 28-2 entitled “Duty to  
4 Work in Time of War” is hereby repealed.

5 ~~§ 28-2-8. Duty of law enforcement officers to seek unemployed persons. — After the~~  
6 ~~issuance of the proclamation in § 28-2-1, it shall be the duty of the sheriffs and deputy sheriffs of~~  
7 ~~the respective counties and of any other officer, state, county, or municipality charged with~~  
8 ~~enforcing the law, to seek and continue to seek diligently the names and places of residence of~~  
9 ~~able bodied male persons within their respective jurisdictions between the ages of eighteen (18)~~  
10 ~~and fifty (50) not regularly or continuously employed.~~

11 SECTION 19. Sections 35-6-20, 35-6-22, 35-6-23, 35-6-24, 36-6-25, and 35-6-31 of the  
12 General Laws in Chapter 35-6 entitled “Accounts and Control” are hereby amended to read as  
13 follows:

14 **35-6-20. Audit of accounts of officers receiving money for state.** — The department of  
15 administration shall examine and audit all accounts between the state and clerks of courts,  
16 executive high sheriff and deputy sheriffs, jailers, town councils, town treasurers, and licensed  
17 persons from whom an account is by law required, and all other persons indebted to the state, or  
18 who may receive money belonging to the state; and, for the purpose of making the audits, it may  
19 require the production of such documentary and other evidence by the accounting party as it shall  
20 think proper.

21 **35-6-22. Forms for costs of summoning state witnesses in criminal cases.** — The  
22 department of administration, at every session of the superior court, shall provide the executive  
23 high sheriff or deputy sheriff, who shall be selected by the attorney general to summon witnesses  
24 in criminal cases before the court in behalf of the state, with suitable books for the certificates of  
25 the travel and attendance of witnesses summoned and attending the court in behalf of the state,  
26 and for the certificates of the fees of officers for summoning the witnesses, and for serving other  
27 criminal process in behalf of the state at each session.

28 **35-6-23. Payment of costs of witnesses in criminal cases.** — Whenever any witness  
29 shall have been discharged from further attendance at the superior court at a session in any case,  
30 in pursuance of any summons issued in behalf of the state, the executive high sheriff or deputy  
31 sheriff, as the case may be, shall forthwith obtain the proper certificate of the travel and  
32 attendance of the witness in one of the books, shall pay him or her the amount so certified to be  
33 due, from the funds provided for, shall cause the witness to receipt therefor in the book, all under  
34 the proper title of the case in which the witness shall be summoned, and, under a division of the

1 certificates, shall indicate whether the witness was summoned before a grand jury or a petit jury.  
2 The [executive high](#) sheriff or deputy sheriff shall likewise pay all fees due officers, other than  
3 him or herself, for serving criminal process issued by the court in behalf of the state at a session,  
4 and, after obtaining proper certificates and receipts therefor, record in a book, under the proper  
5 title of the case and division thereof to which the fees apply, the items of the fees and the amount  
6 received.

7 **35-6-24. Certification of fees for summoning state witnesses.** – The [executive high](#)  
8 sheriff or deputy sheriff shall certify in one of the books, under the proper title of the case and the  
9 division thereof to which his or her fees apply, the amount of his or her fees for summoning each  
10 witness in behalf of the state, the number of miles he or she has traveled in making service, and  
11 the amount due him or her therefor, together with the amount and items of all other fees due him  
12 or her for serving other criminal process in behalf of the state, which amount he or she may  
13 receive for the use of the state, after receipting therefor in the book, under the proper title of the  
14 case on account of which the fees are due.

15 **35-6-25. Advance of estimated costs of witnesses before grand jury.** – At or before  
16 the summoning in of any grand jury in any county, and from time to time during any session  
17 thereof, the [executive high](#) sheriff or deputy sheriff may estimate the amount of money requisite  
18 for the payment of the witnesses, for the officers' fees for summoning the witnesses, and for  
19 service of other criminal process in behalf of the state at any session, and until a grand jury shall  
20 again be summoned in, and, on the approval of an estimate by the attorney general, the state  
21 controller may, at any time not more than three (3) days before the summoning in of the grand  
22 jury, draw his or her order on the general treasurer in favor of the [executive high](#) sheriff or deputy  
23 sheriff for the amount of the estimated fees, and the general treasurer shall pay the order and  
24 charge fees to the account of the judicial expenses of the state.

25 **35-6-31. Accounting for fines and forfeitures by others than clerks and justices.** –  
26 [The executive high](#) ~~S~~sheriffs, deputy sheriffs, jailers, and other persons, except clerks of courts  
27 and justices of district courts, receiving fines, penalties, and forfeitures accruing or belonging to  
28 the state, or costs due or payable into the state treasury, shall account with the department of  
29 administration for the fines, penalties, forfeitures, and costs, as often as may be required by the  
30 department.

31 SECTION 20. Section 36-4-2 of the General Laws in Chapter 36-2 entitled “Merit  
32 System” is hereby amended to read as follows:

33 **36-4-2. Positions in unclassified service.** – The classified service shall comprise all  
34 positions in the state service now existing or hereinafter established, except the following specific

1 positions which with other positions heretofore or hereinafter specifically exempted by legislative  
2 act shall constitute the unclassified service:

3 (1) Officers and legislators elected by popular vote and persons appointed to fill  
4 vacancies in elective offices.

5 (2) Employees of both houses of the general assembly.

6 (3) Officers, secretaries, and employees of the office of the governor, office of the  
7 lieutenant governor, department of state, department of the attorney general, and the treasury  
8 department.

9 (4) Members of boards and commissions appointed by the governor, members of the  
10 state board of elections and the appointees of the board, members of the commission for human  
11 rights and the employees of the commission, and directors of departments.

12 (5) The following specific offices:

13 (i) In the department of administration: director, chief information officer;

14 (ii) In the department of business regulation: director;

15 (iii) In the department of elementary and secondary education: commissioner of  
16 elementary and secondary education;

17 (iv) In the department of higher education: commissioner of higher education;

18 (v) In the department of health: director;

19 (vi) In the department of labor and training: director, administrative assistant,  
20 administrator of the labor board and legal counsel to the labor board;

21 (vii) In the department of environmental management: director;

22 (viii) In the department of transportation: director;

23 (ix) In the department of human services: director;

24 (x) In the state properties committee: secretary;

25 (xi) In the workers' compensation court: judges, administrator, deputy administrator,  
26 clerk, assistant clerk, clerk secretary;

27 (xii) In the department of elderly affairs: director;

28 (xiii) In the department of mental health, retardation, and hospitals: director;

29 (xiv) In the department of corrections: director, assistant director  
30 (institutions/operations), assistant director (rehabilitative services), assistant director  
31 (administration), and wardens;

32 (xv) In the department of children, youth and families: director, one assistant director,  
33 one associate director, and one executive director;

34 (xvi) In the public utilities commission: public utilities administrator;

- 1 (xvii) In the water resources board: general manager;
- 2 (xviii) In the human resources investment council: executive director.
- 3 (xix) In the office of health and human services: secretary of health and human  
4 services.
- 5 (6) Chief of the hoisting engineers, licensing division, and his or her employees;  
6 executive director of the veterans memorial building and his or her clerical employees.
- 7 (7) One confidential stenographic secretary for each director of a department and each  
8 board and commission appointed by the governor.
- 9 (8) Special counsel, special prosecutors, regular and special assistants appointed by the  
10 attorney general, the public defender and employees of his or her office, and members of the  
11 Rhode Island bar occupying a position in the state service as legal counsel to any appointing  
12 authority.
- 13 (9) The academic and/or commercial teaching staffs of all state institution schools, with  
14 the exception of those institutions under the jurisdiction of the board of regents for elementary  
15 and secondary education and the board of governors for higher education.
- 16 (10) Members of the military or naval forces, when entering or while engaged in the  
17 military or naval service.
- 18 (11) Judges, referees, receivers, clerks, assistant clerks, and clerical assistants of the  
19 supreme, superior, family, and district courts, the traffic tribunal, jurors and any persons  
20 appointed by any court.
- 21 (12) Election officials and employees.
- 22 (13) ~~Administrator, executive~~ Executive high sheriff, ~~sheriffs, chief deputy sheriffs,~~  
23 deputy sheriffs, and other employees of the sheriff's division within the department of  
24 ~~administration~~ public safety and security officers of the traffic tribunal.
- 25 (14) Patient or inmate help in state charitable, penal, and correctional institutions and  
26 religious instructors of these institutions and student nurses in training, residents in psychiatry in  
27 training, and clinical clerks in temporary training at the institute of mental health within the state  
28 of Rhode Island medical center.
- 29 (15) Persons employed to make or conduct a temporary and special inquiry,  
30 investigation, project or examination on behalf of the legislature or a committee therefor, or on  
31 behalf of any other agency of the state if the inclusion of these persons in the unclassified service  
32 is approved by the personnel administrator. The personnel administrator shall notify the house  
33 fiscal advisor and the senate fiscal advisor whenever he or she approves the inclusion of a person  
34 in the unclassified service.

1 (ii) The duration of the appointment of a person, other than the persons enumerated in  
2 this section, shall not exceed ninety (90) days or until presented to the department of  
3 administration. The department of administration may extend the appointment another ninety (90)  
4 days. In no event shall the appointment extend beyond one hundred eighty (180) days.

5 (16) Members of the division of state police [within the department of public safety](#).

6 (17) Executive secretary of the Blackstone Valley district commission.

7 (18) Artist and curator of state owned art objects.

8 (19) Mental health advocate.

9 (20) Child advocate.

10 (21) The position of aquaculture coordinator and dredge coordinator within the coastal  
11 resources management council.

12 (22) Employees of the office of the health insurance commissioner.

13 (23) In the department of revenue: the director, secretary, attorney.

14 [\(24\) In the department of public safety: the director.](#)

15 SECTION 21. Sections 37-8-10 and 37-8-16 of the General Laws in Chapter 37-8  
16 entitled “Public Buildings” are hereby amended to read as follows:

17 **37-8-10. Hours State House open – Maintenance of good order.** – The department of  
18 administration shall fix the hours for opening and closing the State House, but the hours so fixed  
19 shall not prevent access by the public to the offices therein during the time when it is provided by  
20 law that they shall be kept open. It shall be the duty of the department to maintain good order in  
21 the State House and upon the grounds surrounding the State House, ~~the capitol police, and~~ the  
22 bureau of police and fire of the city of Providence, ~~the sheriff of Providence county,~~ and the  
23 superintendent of state police shall assign such number of officers for that purpose as the  
24 department may from time to time request.

25 **37-8-16. Walkie-talkies Portable communications for capitol police.** – All members  
26 of the capitol police who are assigned to the state house shall be supplied and have on their  
27 person a ~~walkie-talkie~~ [portable communications device](#) while on their tour of duty.

28 SECTION 22. Sections 39-21-2, 39-21-3, 39-21-6, 39-21-7, and 39-21-10 of the General  
29 Laws in Chapter 39-21 entitled “E-911 Uniform Emergency Telephone System Division” are  
30 hereby amended to read as follows:

31 **39-21-2. Establishment of the E-911 uniform emergency telephone system division.**  
32 = There is hereby established within the ~~executive~~ department [of public safety](#) the E-911 uniform  
33 emergency telephone system division with all powers and authority necessary for acquiring,  
34 planning, designing, constructing, extending, improving, operating, and maintaining the uniform

1 emergency telephone system in this state.

2 **39-21-3. Personnel.** – (a) The governor shall appoint an ~~executive~~ associate director of  
3 the E-911 uniform emergency telephone system division who shall direct the affairs of the  
4 division. The division may employ technical experts and other officers, agents, and attorneys and  
5 fix their qualifications, duties, and compensation. The ~~executive~~ associate director and the  
6 technical experts, officers, agents, and attorneys so employed shall be in the unclassified service  
7 of the state. The division may employ other employees, permanent and temporary, and the  
8 employees shall be in the unclassified service of the state. The division may delegate to one or  
9 more of its agents or employees such administrative duties as it may deem proper.

10 (b) The department of administration shall furnish the division with suitable offices and  
11 telephone service in the state house, state office building, or some other ~~convenient~~ location, for  
12 the transaction of business.

13 **39-21-6. Cooperation with federal government.** – (a) The division shall have full and  
14 complete authority to cooperate with and assist the federal government in all matters relating to  
15 the planning, constructing, equipping, maintenance, and operation of the project in the event that  
16 the federal government should make any federal funds or federal assistance available therefor.

17 (b) The division or any officers or executives designated by it, may act as agent of the  
18 federal government in accordance with the requirements of any federal legislation related to  
19 federal assistance.

20 (c) The division is hereby authorized to accept the provisions of any federal legislation,  
21 and may file written evidence of each acceptance with the federal government. Each acceptance  
22 shall be duly signed by the ~~executive~~ associate director or such other person or persons as the  
23 governor or director of public safety may designate.

24 (d) The division may enter into all necessary contracts and agreements with the federal  
25 or state governments, or any agency thereof, necessary or incident to the project, and all contracts  
26 and agreements shall be signed in the name of the division by the ~~executive~~ associate director or  
27 some other person or persons designated by the governor or director of public safety.

28 **39-21-7. Applications for federal and state aid.** – Whenever it shall be necessary to  
29 obtain assistance from the federal or state government in the form of loans, advances, grants,  
30 subsidies, and otherwise, directly or indirectly, for the execution of the project, the division may  
31 make all necessary applications for such purposes. All applications shall be made in writing in the  
32 name of the division and shall be duly signed by the ~~executive~~ associate director or such other  
33 person or persons as the governor or director of public safety may designate.

34 **39-21-10. Appropriation of revenues.** – With the exception of money received by the

1 division from the sale or licensing of communications and educational materials regarding the use  
2 of 911 as a uniform emergency telephone number and system, all money received by the division  
3 for the use of the facilities of the project shall be paid over to the general treasurer and by him or  
4 her deposited in the fund. All money in the fund is hereby appropriated by the provisions of the  
5 chapter to be expended by the division for administration and all expenses relating to the  
6 planning, construction, equipping, operational, and maintenance of the project; and the state  
7 controller is hereby authorized and directed to draw his or her orders upon the general treasurer  
8 for the payment of such sum or sums as may be necessary from time to time. All money received  
9 by the division for the sale or licensing of communications and educational materials as described  
10 in this chapter shall be deposited into a separate account or fund by the general treasurer for the  
11 sole restricted purpose of financially supporting the creation, distribution, and use of public  
12 educational materials regarding the use of 911 as a uniform emergency telephone number and  
13 system. For these purposes, the state controller is hereby authorized and directed to draw his or  
14 her orders upon the general treasurer for the payment of such sum or sums as may be necessary  
15 from time to time as determined by the ~~executive~~ associate director or his or her designee.

16 SECTION 23. Sections 42-6-1, 42-6-2, and 42-6-3 of the General Laws in Chapter 42-6  
17 entitled "Departments of State Government" are hereby amended to read as follows:

18 **42-6-1. Enumeration of departments.** – All the administrative powers and duties  
19 heretofore vested by law in the several state departments, boards, divisions, bureaus,  
20 commissions, and other agencies shall be vested in the following departments and other agencies  
21 which are specified in this title:

- 22 (a) Executive department (chapter 7 of this title);
- 23 (b) Department of state (chapter 8 of this title);
- 24 (c) Department of the attorney general (chapter 9 of this title);
- 25 (d) Treasury department (chapter 10 of this title);
- 26 (e) Department of administration (chapter 11 of this title);
- 27 (f) Department of business regulation (chapter 14 of this title);
- 28 (g) Department of children, youth, and families (chapter 72 of this title);
- 29 (h) Department of corrections (chapter 56 of this title);
- 30 (i) Department of elderly affairs (chapter 66 of this title);
- 31 (j) Department of elementary and secondary education (chapter 60 of title 16);
- 32 (k) Department of environmental management (chapter 17.1 of this title);
- 33 (l) Department of health (chapter 18 of this title);
- 34 (m) Board of governors for higher education (chapter 59 of title 16);



- 1 (n) Department of labor and training (chapter 16.1 of this title);
- 2 (o) Department of mental health, retardation, and hospitals (chapter 12.1 of this title);
- 3 (p) Department of human services (chapter 12 of this title);
- 4 (q) Department of transportation (chapter 13 of this title);
- 5 (r) Public utilities commission (chapter 14.3 of this title).
- 6 (s) Department of revenue (chapter 143 of title 44).
- 7 [\(t\) Department of public safety \(chapter 7.3 of this title\)](#)

8 **42-6-2. Heads of departments.** – The governor, secretary of state, attorney general, and  
9 general treasurer, hereinafter called general officers, shall each be in charge of a department.  
10 There shall also be a director of administration, a director of revenue, [a director of public safety](#), a  
11 director of human services, a director of mental health, retardation, and hospitals, a director of  
12 transportation, a director of business regulation, a director of labor and training, a director of  
13 environmental management, a director for children, youth, and families, a director of elderly  
14 affairs, and a director of corrections. Each director shall hold office at the pleasure of the  
15 governor and he or she shall serve until his or her successor is duly appointed and qualified unless  
16 the director is removed from office by special order of the governor.

17 **42-6-3. Appointment of directors.** – (a) At the January session following his or her  
18 election to office, the governor shall appoint a director of administration, a director of revenue, [a](#)  
19 [director of public safety](#), a director of human services, a director of mental health, retardation, and  
20 hospitals, a director of transportation, a director of business regulation, a director of labor and  
21 training, a director of environmental management, a director for children, youth, and families, a  
22 director of elderly affairs, and a director of corrections. The governor shall, in all cases of  
23 appointment of a director while the senate is in session, notify the senate of his or her  
24 appointment and the senate shall, within sixty (60) legislative days after receipt of the notice, act  
25 upon the appointment. If the senate shall, within sixty (60) legislative days, vote to disapprove the  
26 appointment it shall so notify the governor, who shall forthwith appoint and notify the senate of  
27 the appointment of a different person as director and so on in like manner until the senate shall  
28 fail to so vote disapproval of the governor's appointment. If the senate shall fail, for sixty (60)  
29 legislative days next after notice, to act upon any appointment of which it has been notified by the  
30 governor, the person so appointed shall be the director. The governor may withdraw any  
31 appointment of which he or she has given notice to the senate, at any time within sixty (60)  
32 legislative days thereafter and before action has been taken thereon by the senate.

33 (b) Except as expressly provided in § 42-6-9, no director of any department shall be  
34 appointed or employed pursuant to any contract of employment for a period of time greater than

1 the remainder of the governor's current term of office. Any contract entered into in violation of  
2 this section after ~~July 1, 1994~~ is hereby declared null and void.

3 SECTION 24. Section 42-7-7 of the General Laws in Chapter 42-7 entitled "Executive  
4 Department" is hereby amended to read as follows:

5 **42-7-7. Transfer of functions from the E-911 uniform emergency telephone system**  
6 **authority to the executive department of public safety.** – (a) There is hereby transferred to the  
7 ~~executive~~ department of public safety all of the powers, authority and duties necessary to operate  
8 the E-911 uniform emergency telephone system contained in chapter 21 of title 39.

9 (b) The corporate existence of the E-911 uniform emergency telephone system  
10 authority is hereby terminated and all its rights and properties are hereby vested in the E-911  
11 uniform emergency telephone system division in the ~~executive~~ department of public safety of the  
12 state of Rhode Island.

13 (c) In addition to any of its other powers and responsibilities, the ~~division~~ department of  
14 public safety is authorized and empowered to accept any grants made available by the United  
15 States government or any agency thereof, and the division, with the approval of the governor, is  
16 authorized and empowered to perform such acts and enter into all necessary contracts and  
17 agreements with the United States of America or any agency thereof as may be necessary in such  
18 manner and degree as shall be deemed to be in the best interest of the state. The proceeds of  
19 grants so received shall be paid to the general treasurer of the state and by him or her deposited in  
20 a separate fund and shall be utilized for the purposes of the grants.

21 (4) E-911 uniform emergency telephone system benefits are extremely valuable and  
22 this service would be an enhancement to the quality of life throughout our state.

23 SECTION 25. TITLE 42 of the General Laws entitled "State Affairs and Government" is  
24 hereby amended by adding thereto the following chapter:

25 CHAPTER 42-7.3

26 DEPARTMENT OF PUBLIC SAFETY

27 **42-7.3-1. Declaration of purpose.** – The purpose of this chapter is to establish a public  
28 safety department. This department is responsible to consolidate the law enforcement services  
29 presently provided by six divisions and agencies within the executive branch of state government.  
30 The consolidation of these divisions and agencies into a department of public safety will assure  
31 the provision of professional services; will enable the most efficient and effective use of the  
32 state's public safety resources; will allow for the consolidation of such functions as  
33 communications, training, and operating procedures; and will protect the lives and promote the  
34 safety of the citizens of this state.

1 **42-7.3-2. Department of public safety.** – There is hereby established within the  
2 executive branch of state government a department of public safety.

3 **42-7.3-3. Powers and duties of the department.** – The department of public safety shall  
4 be responsible for the management and administration of the following divisions and agencies:

5 (a) Office of the capitol police (chapter 2.2 of title 12)

6 (b) State fire marshal (chapter 28.2 of title 23)

7 (c) E-911 emergency telephone system division (chapter 28.2 of title 39)

8 (d) Rhode Island state police (chapter 28 of title 39)

9 (e) Municipal police training academy (chapter 28.2 of title 42)

10 (f) Division of sheriffs (chapter 29 of title 42)

11 **42-7.3-4. Responsibilities of the Department.** The department of public safety is  
12 responsible to:

13 (a) Improve the economy, efficiency, coordination, and quality of public safety services  
14 policy and planning, budgeting and financing, communications and training.

15 (b) Increase public confidence by conducting independent reviews of public safety issues  
16 in order to promote accountability and coordination across divisions and agencies; .

17 (c) Ensure that state public safety policies and programs are responsive to changing needs  
18 to the network of public safety organizations that deliver similar services and efforts.

19 **42-7.3-5. Director of Public Safety – Appointment.** – The department of public safety  
20 shall be administered by a director, who shall also serve as superintendent of the Rhode Island  
21 state police. The director shall be appointed by the governor and shall hold office at the pleasure  
22 of the governor and until a successor is appointed and qualified.

23 **42-7.3-6. Duties and responsibilities of the director.** –(a) The director shall be  
24 responsible to the governor for managing the department of public safety and for providing  
25 strategic leadership and direction to the divisions and agencies within the department. The  
26 director of public safety is authorized to:

27 (b) Coordinate the administration and financing of public safety services and programs.

28 (c) Serve as the governor's chief advisor and liaison to federal policymakers on public  
29 safety issues as well as the principal point of contact in the state on any such related matters.

30 (d) Resolve administrative, jurisdictional, operational, program, or policy conflicts  
31 among divisions and agencies and to take necessary action;

32 (e) Assure continued progress toward improving the quality, the economy, the  
33 accountability and the efficiency of state-administered public safety services;

34 (f) Prepare and integrate comprehensive budgets for the divisions and agencies within the

1 department.

2 (g) Utilize objective data to evaluate public safety goals, resource use and outcome  
3 evaluation and to perform short and long-term policy planning and development.

4 (h) Conduct independent reviews of state public safety programs.

5 (i) Provide regular and timely reports to the governor and make recommendations with  
6 respect to the state's public safety needs

7 (j) Employ such personnel and contract for such consulting services as may be required to  
8 perform the powers and duties lawfully conferred upon the director.

9 **42-7.3-6. Assignment and reassignment of advisory bodies.** – The governor may, by  
10 executive order, reassign any advisory bodies, boards, or commissions associated or affiliated  
11 with the divisions or agencies of the department of public safety.

12 **42-7.3-7. Appointment of employees.** – The director, subject to the provisions of  
13 applicable state law, shall be the appointing authority for all employees of the department of  
14 public safety.

15 **42-7.3-8. Division of sheriffs.** – (a) Division established. A division of sheriffs is hereby  
16 established within the department of public safety. This division shall be responsible for statewide  
17 activities assigned by law which relate to the duties and functions of the sheriffs of the several  
18 counties. The division also shall be responsible for all statewide activities assigned by law which  
19 relate to the duties and functions of state marshals. Among its other responsibilities, the division  
20 shall also be responsible for courtroom security and cellblocks in all state courthouses, training of  
21 personnel, transportation of individuals charged with crimes, and special operations.

22 (b) Powers and Duties. (1) The division of sheriffs shall have the following powers and  
23 duties:

24 (i) To provide and maintain security for judges at all state courts;

25 (ii) To provide and maintain security in all courtrooms and other public areas within state  
26 courthouses;

27 (iii) To provide and maintain security in the cellblocks in all state courts, and exercise all  
28 powers as required and prescribed in all other provisions of the general laws and public laws  
29 relating to the powers and duties of sheriffs.

30 (2) The division of sheriffs shall also have the following powers and duties previously  
31 performed by the Rhode Island marshals:

32 (i) To be responsible for transportation statewide of prisoners to and from police  
33 departments, the adult correctional institutions, all courthouses, and other places of detention;

34 (ii) To transport persons arrested by state and local police departments to places of

1 detention; provided, however, nothing in this subsection shall prevent state and local police  
2 departments from transporting those persons;

3 (iii) To supervise the conduct of and maintain order and discipline of the prisoners in  
4 their custody;

5 (iv) To be responsible for the custody and safety of prisoners while being transported to  
6 and from court sessions, places of detention, and outside hospitals prior to commitment to the  
7 adult correctional institutions;

8 (v) To be responsible for the custody and security of prisoners detained in the cellblock  
9 areas in the Kent County courthouse and Providence County superior courthouse and for the  
10 security of these prisoners during the hearing of their cases, and while in outside hospitals prior to  
11 commitment to the adult correctional institutions;

12 (vi) To be responsible for the safety and welfare of prisoners in their custody;

13 (vii) To provide all security in connection with transportation in the execution of  
14 extraditions, including, but not limited to, warrants, IAD (Interstate Agreement on Detainers),  
15 arrest affidavits, interstate compact extradition, and criminal detainers; and

16 (viii) To carry firearms as prescribed.

17 (c) Administration and organization. The director of the department of public safety shall  
18 appoint, with the consent of the governor, an executive high sheriff to a four (4) year term. The  
19 director of the department of public safety shall appoint deputy sheriffs and other necessary  
20 classifications, subject to the appropriation process, to provide assistance in the areas of  
21 courthouse and cellblock security, transportation of prisoners, staff training and special  
22 operations. All employees in the division of sheriffs shall be in the unclassified service.

23 (d) The director of public safety, with the approval of the governor, subject to the  
24 appropriation process, shall make the determination of the number of positions, personnel,  
25 property, allocations and other funds of the sheriffs of the several counties and the department of  
26 corrections which shall be transferred to the department of administration.

27 **42-7.3-9. Rules and regulations.** – The department of public safety is authorized to  
28 make and promulgate such rules and regulations as he or she deems necessary for the proper  
29 administration of this chapter and to carry out the purposes thereof.

30 **42-7.3-10. Severability.** – If any provision of this chapter or the application thereof to  
31 any person or circumstance is held invalid, such invalidity shall not effect other provisions or  
32 applications of the chapter which can be given effect without the invalid provision or application,  
33 and to this end the provisions of this chapter are declared to be severable.

34 SECTION 26. Section 42-11-21 of the General Laws in Chapter 42-11 entitled

1 “Department of Administration” is hereby repealed.

2 ~~**42-11-21. Division of sheriffs.**—(a) *Division established.* A division of sheriffs is~~  
3 ~~hereby established within the department of administration. This division shall be responsible for~~  
4 ~~statewide activities assigned by law which relate to the duties and functions of the sheriffs of the~~  
5 ~~several counties. The division also shall be responsible for all statewide activities assigned by law~~  
6 ~~which relate to the duties and functions of state marshals. Among its other responsibilities, the~~  
7 ~~division shall also be responsible for courtroom security and cellblocks in all state courthouses,~~  
8 ~~training of personnel, transportation of individuals charged with crimes, and special operations.~~

9 (1) ~~The division of sheriffs shall have the following powers and duties:~~

10 (i) ~~To provide and maintain security for judges at all state courts;~~

11 (ii) ~~To provide and maintain security in all courtrooms and other public areas within state~~  
12 ~~courthouses;~~

13 (iii) ~~To provide and maintain security in the cellblocks in all state courts, and exercise all~~  
14 ~~powers as required and prescribed in all other provisions of the general laws and public laws~~  
15 ~~relating to the powers and duties of sheriffs.~~

16 (2) ~~The division of sheriffs shall also have the following powers and duties previously~~  
17 ~~performed by the Rhode Island marshals:~~

18 (i) ~~To be responsible for transportation statewide of prisoners to and from police~~  
19 ~~departments, the adult correctional institutions, all courthouses, and other places of detention;~~

20 (ii) ~~To transport persons arrested by state and local police departments to places of~~  
21 ~~detention; provided, however, nothing in this subsection shall prevent state and local police~~  
22 ~~departments from transporting those persons;~~

23 (iii) ~~To supervise the conduct of and maintain order and discipline of the prisoners in~~  
24 ~~their custody;~~

25 (iv) ~~To be responsible for the custody and safety of prisoners while being transported to~~  
26 ~~and from court sessions, places of detention, and outside hospitals prior to commitment to the~~  
27 ~~adult correctional institutions;~~

28 (v) ~~To be responsible for the custody and security of prisoners detained in the cellblock~~  
29 ~~areas in the Kent County courthouse and Providence County superior courthouse and for the~~  
30 ~~security of these prisoners during the hearing of their cases, and while in outside hospitals prior to~~  
31 ~~commitment to the adult correctional institutions;~~

32 (vi) ~~To be responsible for the safety and welfare of prisoners in their custody;~~

33 (vii) ~~To provide all security in connection with transportation in the execution of~~  
34 ~~extraditions, including, but not limited to, warrants, IAD (Interstate Agreement on Detainers),~~

1 ~~arrest affidavits, interstate compact extradition, and criminal detainers; and~~

2 ~~(viii) To carry firearms as prescribed.~~

3 ~~(c) Administration and organization. The director of the department of administration~~  
4 ~~shall appoint with the consent of the governor an administrator, an executive high sheriff, and~~  
5 ~~sheriffs and chief deputy sheriffs for the division of sheriffs, each to be appointed to a ten (10)~~  
6 ~~year term. The sheriffs and chief deputy sheriffs shall be appointed to each of the counties. The~~  
7 ~~director of the department of administration shall appoint deputy sheriffs and other necessary~~  
8 ~~classifications, subject to the appropriation process, to provide assistance in the areas of~~  
9 ~~courthouse and cellblock security, transportation of prisoners, staff training and special~~  
10 ~~operations. Special operations include, but shall not be limited to, transportation of high risk~~  
11 ~~inmates, extraditions, the execution of criminal warrants, prosecution and mutual aid to the police~~  
12 ~~departments of the cities and towns. This special operations unit initially will be comprised of~~  
13 ~~personnel transferred from the Rhode Island state marshals. All employees in the division of~~  
14 ~~sheriffs shall be in the unclassified service.~~

15 ~~(1) The director of administration, with the approval of the governor, subject to the~~  
16 ~~appropriation process, shall make the determination of the number of positions, personnel,~~  
17 ~~property, allocations and other funds of the sheriffs of the several counties and the department of~~  
18 ~~corrections which shall be transferred to the department of administration.~~

19 ~~(2) In order to ensure continuity of the functions provided by sheriffs and marshals, the~~  
20 ~~actual transfer of functions or any part of those functions may be postponed by the director until~~  
21 ~~such time as the director deems appropriate; provided, however, the transfer of functions shall be~~  
22 ~~completed within three (3) years.~~

23 SECTION 27. Sections 42-26-3, 42-26-4, 42-26-6, 42-26-9, and 42-26-13 of the General  
24 Laws in Chapter 42-26 entitled "Rhode Island Justice Commission" are hereby amended to read  
25 as follows:

26 ~~42-26-3 Commission~~ **Public Safety Grant Administration Office created –**  
27 **Composition.** – (a) There is hereby created within the ~~executive branch~~ department of public  
28 safety ~~the Rhode Island justice commission~~ a public safety grant administration office ~~hereinafter~~  
29 ~~called the "commission,"~~ which shall be under the jurisdiction of the governor.

30 (b) The ~~commission~~ public safety grant administration office shall consist of: (1) a  
31 criminal justice policy board, ~~(2) a full time administrator and staff,~~ and ~~(3)~~ (2) such permanent  
32 and ad hoc committees and task forces as the board deems necessary.

33 **42-26-4 Power and duties.** – The ~~commission~~ public safety grant administration office  
34 shall have the following powers and duties:

- 1 (1) Serve as the state planning agency for administration of federal criminal justice  
2 related grant programs including, but not limited to the Juvenile Justice and Delinquency  
3 Prevention Act of 1974, as amended;
- 4 (2) Advise and assist the governor [and the director of public safety](#) in developing  
5 policies, plans, programs, and budgets for improving the coordination, administration and  
6 effectiveness of the criminal justice system in the state;
- 7 (3) Prepare a state comprehensive criminal justice plan on behalf of the governor [and](#)  
8 [the director of public safety](#). The plan, and any substantial modifications thereto, shall be  
9 submitted to the legislature for its advisory review of the goals, priorities and policies contained  
10 therein. The plan, to be periodically updated, shall be based on an analysis of the state's criminal  
11 justice needs and problems and shall be in conformance with state and other appropriate  
12 regulations;
- 13 (4) Establish goals, priorities, and standards for the reduction of crime and the  
14 improvement of the administration of justice in the state;
- 15 (5) Recommend legislation to the governor and legislature in the criminal justice field;
- 16 (6) Encourage local comprehensive criminal justice planning efforts;
- 17 (7) Monitor and evaluate programs and projects, funded in whole or in part by the state  
18 government, aimed at reducing crime and delinquency and improving the administration of  
19 justice;
- 20 (8) Cooperate with and render technical assistance to state agencies and units of general  
21 local government, and public or private agencies relating to the criminal justice system;
- 22 (9) Apply for, contract for, receive, and expend for its purposes any appropriations or  
23 grants from the state, its political subdivisions, the federal government, or any other source public  
24 or private, in accordance with the appropriations process;
- 25 (10) Have the authority to collect from the department of corrections and any state or  
26 local government departments and agencies, such public information, data, reports, statistics, or  
27 other material which is necessary to carry out the ~~commission's~~ functions [of the public safety](#)  
28 [grant administration office](#); and to collect from non-profit organizations which receive state or  
29 federal funds all information necessary to carry out the commission's functions;
- 30 (11) Disseminate to state agencies, units of local government, public or private  
31 agencies, and others, information such as criminal justice program advancements, research  
32 results, training events, and availability of funds;
- 33 (12) Review, no less often than annually, the administration, operation programs and  
34 activities of correctional services in the state including input from the general public and other



1 interested persons; conduct such other reviews and studies in conjunction with the department of  
2 corrections as may be appropriate; and report findings and recommendations to the governor;

3 (13) Perform other duties which may be necessary to carry out the purposes of this  
4 chapter.

5 **42-26-6. Criminal justice policy board – Appointment of members.** – The criminal  
6 justice policy board shall consist of:

7 (1) The attorney general;  
8 (2) The superintendent of the state police [and director of the department of public](#)  
9 [safety](#);

10 (3) The public defender;

11 (4) The director of the department of corrections;

12 (5) The director of the department of human services;

13 (6) The director of the department of mental health, retardation, and hospitals;

14 (7) The chairperson of the state board of regents;

15 (8) The director of the department for children and their families;

16 (9) The chief justice of the family court;

17 (10) The president of the Rhode Island police chiefs association;

18 (11) One police chief selected by the Rhode Island police chiefs association;

19 (12) The chief justice of the supreme court;

20 (13) The presiding justice of the superior court;

21 (14) The chief judge of the district court;

22 (15) Seven (7) members of the general assembly; four (4) from the house of  
23 representatives at least one of whom shall be a member of the minority to be appointed by the  
24 speaker, and three (3) from the senate at least one of whom shall be a member of the minority to  
25 be appointed by the president of the senate;

26 (16) The executive director of the Rhode Island league of cities and towns;

27 (17) The director of health;

28 (18) The director of the division of fire safety;

29 (19) One university or college faculty member with a research background in criminal  
30 justice appointed by the governor;

31 (20) Four (4) citizens appointed by the governor;

32 (21) Three (3) representatives appointed by the governor from community service  
33 organizations.

34 **~~42-26-9. Executive director. Administration - public safety grant administration~~**

1 **office.** ~~—(a) The governor~~ director of public safety ~~shall appoint the executive director from a list~~  
2 ~~of three (3) candidates submitted by the criminal justice policy board. The executive director~~  
3 ~~shall be qualified for the position by appropriate training and experience in the fields of~~  
4 ~~administration, planning, or criminal law and justice. The unclassified pay plan board shall set the~~  
5 ~~salary of the executive director and staff, consistent with any compensation and pay plan~~  
6 ~~established by the state personnel office.~~

7 ~~(b) The executive director shall:~~ a qualified individual from the department of public  
8 safety who shall be responsible for the following:

9 (1) Supervise and be responsible for the administration of the policies established by  
10 the policy board;

11 (2) Establish, consolidate, or abolish any administrative subdivision within the  
12 ~~commission~~ public safety grant administration office and appoint and remove for cause the heads  
13 thereof, and delegate appropriate powers and duties to them;

14 (3) Establish and administer projects and programs for the operation of the ~~commission~~  
15 public safety grant administration office;

16 (4) Appoint and remove employees of the ~~commission~~ public safety grant  
17 administration office and delegate appropriate powers and duties to them;

18 (5) Make rules and regulations for the management and the administration of policies of  
19 the ~~commission~~ public safety grant administration office and the conduct of employees under his  
20 or her jurisdiction;

21 (6) Collect, develop, and maintain statistical information, records, and reports as the  
22 ~~commission~~ public safety grant administration office may determine relevant to its functions;

23 (7) Transmit bi-monthly to the policy board a report of the operations of the  
24 ~~commission~~ public safety grant administration office for the preceding two calendar months;

25 (8) Execute and carry out the provisions of all contracts, leases, and agreements  
26 authorized by the ~~commission~~ public safety grant administration office with agencies of federal,  
27 state, or local government, corporations or persons;

28 (9) Perform such additional duties as may be assigned to him or her by the governor,  
29 the policy board, or by law; and

30 (10) Exercise all powers and perform all duties necessary and proper in carrying out his  
31 or her responsibilities.

32 SECTION 28. Chapter 42-26 of the General Laws entitled “Rhode Island Justice  
33 Commission” is hereby amended by adding thereto the following section:

34 **42-26-18. Name change.** -- Wherever in the general or public laws, there appears the

1 words, “Rhode Island Justice Commission”, it should now read, “public safety grant  
2 administration office”.

3 SECTION 29. Sections 42-28-2, 42-28-3, 42-28-4, 42-28-7, and 42-28-10 of the General  
4 Laws in Chapter 42-28 entitled “State Police” are hereby amended to read as follows:

5 **42-28-2. Establishment – Superintendent – General duties.** – Within the ~~executive~~  
6 department of public safety there shall be the Rhode Island state police. The head of the state  
7 police shall be the superintendent of state police who shall be a qualified police administrator and  
8 shall be appointed by the governor, shall serve at his or her pleasure and shall have the rank of  
9 full colonel. The state police shall perform the duties required by this chapter; and chapter 47 of  
10 title 11; and by all other provisions of the general laws and public laws, insofar as those powers  
11 and duties relate to the Rhode Island state police and the superintendent of state police. The  
12 superintendent shall appoint and supervise such officers as may be required by law.

13 **42-28-3. Scope of responsibilities.** – (a) The Rhode Island state police and the  
14 superintendent shall be charged with the responsibility of:

- 15 (1) Providing a uniformed force for law enforcement;
  - 16 (2) Preparing rules and regulations for law enforcement;
  - 17 (3) Maintaining facilities for crime detection and suppression; and
  - 18 (4) Controlling traffic and maintaining safety on the highways.
- 19 (b) The superintendent shall be ex-officio state fire marshal.
- 20 (c) The superintendent shall also serve as the director of the department of public  
21 safety.

22 **42-28-4. Composition of division.** – There shall be a division of state police consisting  
23 of the following members: a superintendent who shall have the rank of full colonel; as many  
24 captains as the superintendent shall deem necessary, ~~not to exceed three (3); one adjutant captain;~~  
25 ~~one division staff inspector;~~ two lieutenant colonels, three majors; as many lieutenants as the  
26 superintendent shall deem necessary; and such other personnel, the number and rank of whom  
27 shall be designated by the superintendent, and the general assembly shall annually appropriate  
28 such sum as it may deem necessary for the payment of the salaries of the members of the  
29 division. The member of the Rhode Island state police who shall be assigned by the  
30 superintendent to execute the duties of ~~executive officer~~ deputy superintendent shall have the  
31 rank of ~~major~~ lieutenant colonel.

32 **42-28-7. ~~Executive officer~~ Deputy superintendent as acting superintendent.** – The  
33 ~~executive officer~~ deputy superintendent shall, while there is a vacancy in the office of  
34 superintendent, be vested with all the powers and authority of superintendent.

1           **42-28-10. Appointment and removal of members.** – The superintendent shall appoint  
2 the other members of the division authorized by this chapter for terms of three (3) years each, and  
3 may remove any member after a hearing, in accordance with the rules and regulations of the  
4 division, and no member so removed shall be eligible to reappointment. No person shall be  
5 eligible for appointment for the first time by the superintendent unless he or she shall be a citizen  
6 of the United States between the ages of eighteen (18) and ~~forty-five (45)~~ forty-two (42) years  
7 and shall have passed a physical and mental examination in accordance with the rules of the  
8 division.

9           SECTION 30. Sections 42-28-34, 42-28-35, and 42-28-36 of the General Laws in  
10 Chapter 42-28 entitled “State Police” are hereby repealed:

11           ~~**42-28-34. Auxiliary state police.**—The superintendent of state police is authorized to  
12 recruit, train, and organize a volunteer state police auxiliary force of such size and qualifications  
13 as he or she shall determine; provided, however, that total membership in the auxiliary state  
14 police shall not exceed the number of regular state police authorized by the general assembly. The  
15 state police auxiliary force shall at all times be under the direction of the superintendent and  
16 subject to the rules and regulations of the department of state police. Members of the auxiliary  
17 force shall carry out such duties and functions as may be assigned to them from time to time by  
18 the superintendent of state police, including, but without in any way limiting the generality of the  
19 foregoing, clerical duties, traffic control, and general police duties during an emergency or  
20 threatened emergency.~~

21           ~~**42-28-35. Duties—Limitations.**—Members of the auxiliary force shall be equipped  
22 with uniforms prescribed by the superintendent and delegated specific police powers and specific  
23 police duties. They may bear and use firearms only when specifically authorized by the  
24 superintendent and only when in uniform and while assigned to active duty. While on duty they  
25 shall use only official state police vehicles and shall not be assigned unmarked cars.~~

26           ~~**42-28-36. Auxiliary state police—Service and benefits.**—(a) In the event of  
27 participation in emergency services, the members of the state police auxiliary force shall have the  
28 same immunities and privileges as apply to the organized militia and to the regular members of  
29 the state police department.~~

30           ~~(b) All members of the volunteer state police auxiliary force shall be compensated for  
31 death, disability, or injury incurred while in training for or on auxiliary state police duty under the  
32 provisions of this chapter as follows:~~

33           ~~(1) All medical expenses incurred as a result of such injuries shall be paid by the state;  
34 and~~

1           ~~(2) Death and disability payments shall be paid in accordance with § 42-28-21 relating to~~  
2 ~~compensation for injuries causing disability or causing death to full-time members of the state~~  
3 ~~police in the course of performance of their duties.~~

4           ~~(e) In the computation of the benefits set forth in subsection (b), any member of the~~  
5 ~~volunteer state police auxiliary force suffering an injury causing disability or causing death, shall~~  
6 ~~be construed to have been receiving the amount of salary paid to the lowest grade of full-time~~  
7 ~~members of the state police at the time of the injury or death.~~

8           SECTION 31. Sections 42-28.2-2, 42-28.2-7, 42-28.2-8, and 42-28.2-10 of the General  
9 Laws in Chapter 42-28.2 entitled “Police Officers –Commission on Standards and Training” are  
10 hereby amended to read as follows:

11           **42-28.2-2. Municipal Police Training Academy School established.** – There is  
12 hereby created and established, under the authority of the director of the department of public  
13 safety, a municipal police training school, for the use of all municipal police departments with the  
14 exception of ~~except~~ the Providence police department. The municipal police training academy  
15 shall also be used by ~~for the use of~~ the division of enforcement of the department of  
16 environmental management, or any other recognized police authority approved by the police  
17 officer’s commission on standards and training and shall be maintained by the state and located at  
18 a facility maintained and approved by the director of public safety. ~~for the use of the Rhode Island~~  
19 ~~deputy marshals within the department of corrections and for the use of the board of governors~~  
20 ~~for higher education, which shall be maintained by the state and located at the Rhode Island state~~  
21 ~~police academy in Foster, Rhode Island.~~ The ~~school~~ municipal police training academy may  
22 utilize other state property for special courses of instruction when deemed necessary by the  
23 ~~commission on standards and training~~ police officer’s commission on standards and training with  
24 the consent of the governor.

25           **42-28.2-7. Reports.** – The commission on standards and training shall make an annual  
26 report to the ~~governor~~ director of public safety which will include pertinent data regarding the  
27 standards established and the degree of participation of municipalities in the training programs.

28           **42-28.2-8. Establishment of standards.** -- (a) The commission on standards and  
29 training shall prepare and publish mandatory training standards, not applicable to the city of  
30 Providence, and to be promulgated with due consideration to varying factors and special  
31 requirements of local police agencies, the division of enforcement of the department of  
32 environmental management and the board of regents relative to:

33           (1) Minimum standards of physical, educational, mental and moral fitness which shall  
34 govern the recruitment, selection, and apportionment of police officers; provided, however, that

1 the minimum height and weight standards for local police officers shall be determined by each  
2 municipality.

3 (2) The commission with the approval of the ~~governor~~ director of public safety will  
4 establish the courses of training, and set rules and regulations relative to the education, physical  
5 standards, and personal character of candidates and trainees.

6 (3) Minimum course of study, attendance requirements, equipment, and facilities  
7 required at the municipal police training school, or other approved training schools certified  
8 pursuant to § 42-28.2-6.

9 (4) Minimum qualification for instructors at the municipal police training school, or  
10 other approved training schools certified pursuant to § 42-28.2-6.

11 (5) Minimum basic training requirements which police officers appointed to  
12 probationary terms shall complete before being eligible for continued or permanent employment,  
13 and the term within which that basic training must be completed following such appointment to a  
14 probationary term.

15 (6) Minimum basic training requirements which police officers not appointed for  
16 probationary terms but appointed on other than a permanent basis shall complete before being  
17 eligible for continued employment.

18 (7) Categories or classifications of advanced in-service training programs and  
19 Minimum courses of study and attendance requirements for those categories or classifications.

20 (8) The establishment of subordinate regional training centers in strategic geographic  
21 locations in order to serve the greatest number of local police agencies that are unable to support  
22 their own training programs.

23 (b) The commission shall establish a schedule of sessions of the school, of which there  
24 shall be a minimum of one session per year.

25 (c) The commission shall authorize the establishment of police training schools by any  
26 municipality which demonstrates that it can satisfactorily meet the minimum standards  
27 established for police training schools.

28 **42-28.2-10. Discretionary powers of commission.** – The commission on standards and  
29 training may:

30 (a) Visit and inspect the police training school, or examine the curriculum or training  
31 procedures, for which application for approval has been made.

32 (b) Authorize the issuance of certificates of graduation or diplomas by the approved  
33 police training school to police officers who have satisfactorily completed minimum courses of  
34 study.

1 (c) Cooperate with state, federal, and local police agencies in establishing and  
2 conducting local or area schools or regional training centers for instruction and training of police  
3 officers of this state, its cities or towns.

4 (d) Adopt such regulations as are necessary to carry out the purpose of this chapter.

5 (e) Make recommendations to the ~~governor~~ director of public safety on matters  
6 pertaining to qualification and training of police officers.

7 (f) Approve the use of training schools certified pursuant to § 42-28.2-6 by the  
8 departments of any municipality pursuant to an agreement between that municipality and the  
9 municipality operating the facility.

10 SECTION 32. Sections 42-29-1, 42-29-5, 42-29-8, 42-29-9, 42-29-10, 42-29-11, 42-29-  
11 12, 42-29-13, 42-29-14, 42-29-19, 42-29-22, 42-29-24, 42-29-25, 42-29-26, and 42-29-30 of the  
12 General Laws in Chapter 42-29 entitled “Sheriffs” are hereby amended to read as follows:

13 **42-29-1. Appointment – Powers and duties – Removal.** – (a) The director of the  
14 department of ~~administration~~ public safety shall appoint with the consent of the governor an  
15 ~~administrator~~ executive high sheriff to a ~~ten (10)~~ four (4) year term ~~to be in charge of the division~~  
16 ~~of sheriffs~~ within the department of administration. ~~The director of the department of~~  
17 ~~administration shall also appoint with the consent of the governor an executive high sheriff to a~~  
18 ~~ten (10) year term to assist the administrator. The director of the department of administration~~  
19 ~~shall also appoint to each of the counties with the consent of the governor the sheriffs and the~~  
20 ~~chief deputy sheriffs to ten (10) year terms. The director of the department of administration shall~~  
21 ~~appoint deputy sheriffs and other necessary classifications, subject to the appropriations process.~~  
22 ~~Sheriffs, chief deputy sheriffs and deputy~~ Deputy sheriffs shall be subject to the supervision of  
23 the administrator who may assign tasks and functions in order to ensure the proper management  
24 of the sheriffs division. Any deputy sheriff hired after July 1, 2001 must successfully complete  
25 the sheriff academy and any courses deemed necessary at the municipal police training academy  
26 prior to assuming the duties of a deputy sheriff. ~~Furthermore, the administrator in conjunction~~  
27 ~~with the personnel administrator shall be responsible for promulgating written class specifications~~  
28 ~~with necessary minimum qualifications defined in them. The sheriffs of the several counties and~~  
29 ~~the deputy high sheriff for Providence county who are in office as of February 1, 2001 shall~~  
30 ~~continue to hold office until their present term expires.~~

31 (b) The ~~administrator, assisted by the~~ executive high sheriff, ~~the sheriffs, the chief~~  
32 ~~deputy sheriffs,~~ and the deputy sheriffs shall perform all the duties required and exercise all the  
33 powers prescribed in this chapter; ~~chapter 15 of title 5;~~ chapters 5 and 10 of title 9; chapters 5, 10  
34 and 14 of title 10; chapters 8, 31, 34, 36 and 44 of title 11; ~~chapters 4, 5 and 6 of title 12; chapter~~

1 ~~22 of title 17~~; chapters 4 and 6 of title 22; chapter 2 of title 28; chapter 6 of title 35; chapter 8 of  
2 title 37; and all other provisions of the general laws and public laws insofar as those powers and  
3 duties relate to the sheriffs of the several counties and as required and prescribed in all other  
4 provisions of the general laws and public laws relating to the powers and duties of the sheriffs of  
5 the several counties. Sheriffs and deputies can be removed for just cause by their appointing  
6 authority.

7 (c) All resources of the sheriffs and of the several counties shall be transferred to the  
8 division of sheriffs within the department of ~~administration~~ public safety. These resources  
9 include, but are not limited to, all positions, property, accounts and other funding pertinent to  
10 sheriffs.

11 **42-29-5. Record of appointment of deputies.** – The appointment of every deputy shall  
12 be in writing under the hand and seal of the executive high sheriff, ~~and shall be lodged to be~~  
13 ~~recorded in a book to be kept for that purpose in the office of the clerk of the superior court for~~  
14 ~~the county for which he or she is appointed,~~ before he or she shall enter on the duties of his or her  
15 office.

16 **42-29-8. Responsibility for deputies – Actions.** – ~~Every~~ The executive high sheriff  
17 shall be responsible and accountable for any neglect or misfeasance in office of his or her  
18 deputies, and in all cases where any person shall be entitled to an action for any neglect or  
19 misfeasance in office of any deputy sheriff, he or she may bring the action either against the  
20 executive high sheriff appointing him, or against the deputy, or he or she may join them both  
21 together as parties defendant to the action.

22 **42-29-9. Revocation of deputations.** – ~~Any~~ The executive high sheriff or the director of  
23 public safety may revoke any deputation by him or her given. ~~provided the revocation be entered~~  
24 ~~in the book for recording deputations and appointments as aforesaid.~~

25 **42-29-10. Removal of deputies by court.** – Any deputy sheriff may be removed for  
26 misdemeanor in office by the Rhode Island supreme court or by the superior court ~~sitting for the~~  
27 ~~county to which the officer belongs,~~ upon complaint made.

28 **42-29-11. Bond of deputies.** – Every deputy shall give bond with sufficient surety or  
29 sureties to the executive high sheriff appointing him or her, in a sum satisfactory to the executive  
30 high sheriff, not less than five thousand dollars (\$5,000), for the faithful execution of his or her  
31 office according to law.

32 **42-29-12. Action on executive high sheriff's bond.** – Any person injured by the breach  
33 of the bond of ~~any~~ the executive high sheriff may, after recovering judgment against the executive  
34 high sheriff, his or her executors, or administrators, in an action brought for the default,



1 misfeasance, or nonfeasance of such [executive high](#) sheriff or his or her deputy, cause a suit to be  
2 instituted upon the bond, at his or her own cost, in the name of the general treasurer, to his or her  
3 own use.

4 **42-29-13. Action on deputy's bond.** – Any person injured by the breach of the bond of  
5 any deputy sheriff may, after recovering judgment against the deputy sheriff, his or her executors  
6 or administrators, for the default, misfeasance, or nonfeasance of the deputy sheriff, cause a suit  
7 to be instituted upon the bond of the deputy at his or her own cost, in the name of the [executive](#)  
8 [high](#) sheriff, to his or her own use.

9 **42-29-14. Copies of bonds as evidence.** – The general treasurer shall deliver an attested  
10 copy of the bond of ~~any~~ [the executive high](#) sheriff, and every [executive high](#) sheriff shall deliver a  
11 copy of the bond of any deputy sheriff, filed in his or her office, to any person applying and  
12 paying the sum of ~~one~~ [ten](#) dollars ~~(\$1.00)~~ [\(\\$10.00\)](#) for the same, and the copy shall be received as  
13 evidence in any case, but if the execution of the bond shall be disputed, the court may order the  
14 original to be brought into court by a proper subpoena for that purpose, to be served on the  
15 general treasurer or [executive high](#) sheriff.

16 **42-29-19. Attendance on general assembly and courts.** – (a) The sheriffs shall attend  
17 the general assembly when in session. The [executive high](#) sheriff ~~of Providence county~~ shall  
18 designate ~~as sheriffs~~ such number of deputy sheriffs to attend the sessions of the supreme,  
19 [superior, district, family, and worker's compensation](#) courts as the chief justice [or presiding](#)  
20 [justice](#) may request and any such [deputy](#) sheriff shall be relieved of attendance at the request of  
21 the chief justice [or presiding justice of the applicable court](#). ~~The sheriffs of the several counties~~  
22 ~~shall, by themselves or their deputies, attend the session of the superior court held within their~~  
23 ~~respective counties and shall designate as sheriffs such number of deputy sheriffs to attend the~~  
24 ~~session as the presiding justice of the superior court may request. The sheriffs of the several~~  
25 ~~counties shall, by themselves or their deputies, attend the sessions of the district court as required~~  
26 ~~by law.~~

27 ~~(b) The sheriffs of the several counties shall designate as sheriffs such number of deputy~~  
28 ~~sheriffs to attend such sessions of the family court held within their respective counties as the~~  
29 ~~chief judge of the family court may request.~~

30 **42-29-22. Execution of writs and precepts.** – The [executive high](#) sheriff ~~of every~~  
31 ~~county~~, by himself or herself or his or her deputy, shall serve and execute all writs as directed,  
32 within his or her county or wherever he or she may be authorized by law, or by special order of  
33 the court issuing the writ or precept.

34 **42-29-24. Service of process on waters.** – Any ~~sheriff or other~~ officer duly authorized

1 may serve any writ or other process, whether of a civil or criminal nature, within any part of the  
2 waters of Narragansett Bay, and within any waters not more than one marine league from the  
3 seashore of the state at high-water mark.

4 **42-29-25. Assistance in execution of office.** – ~~Every~~ The executive high sheriff or  
5 deputy sheriff, in the due execution of his or her office, may command all necessary aid and  
6 assistance in the execution thereof; and every person who, whenever so required, shall refuse or  
7 neglect to give aid and assistance shall be fined not exceeding twenty dollars (\$20.00).

8 **42-29-26. Failure to serve process.** – ~~Every~~ The executive high sheriff or deputy sheriff  
9 who shall neglect or refuse to serve any process issuing from lawful authority, directed to him or  
10 her to serve and execute (having in all civil causes, paid or tendered unto him or her his or her  
11 legal fees, if he or she demand the same, for serving and executing such process), shall be liable  
12 to the party aggrieved for such damages as he or she may have sustained by such neglect or  
13 refusal.

14 **42-29-30. Delivery of papers to successor in office.** – All books, notes, bonds,  
15 obligations, ~~and other~~ papers, and electronic records which the executive high sheriffs shall  
16 receive pursuant to this chapter shall by them be delivered over to their respective successors in  
17 office, as papers and documents pertaining thereto, and ~~every~~ any executive high sheriff  
18 unlawfully refusing to deliver the same on demand shall be fined not less than fifty dollars  
19 (\$50.00) nor more than five hundred dollars (\$500).

20 SECTION 33. Sections 42-29-6, 42-29-7, 42-29-18, 42-29-20, 42-29-20.1, 42-29-21, 42-  
21 29-27, 42-29-28, 42-29-29, and 42-29-31 of the General Laws in Chapter 42-29 entitled  
22 “Sheriffs” are hereby repealed.

23 ~~**42-29-6. Special deputies to execute process.** – Every sheriff may appoint a special  
24 deputy for the service of any writ or process to him or her directed, provided the appointment be  
25 written upon the back of the writ or process, and the deputy be sworn, before some person  
26 authorized to administer oaths, duly and faithfully to execute the writ and process, and a  
27 certificate of the engagement be indorsed thereon.~~

28 ~~**42-29-7. Compensation of process deputies in Providence county.** – The sheriff of the  
29 county of Providence is hereby authorized and empowered to pay to such deputy sheriffs as may  
30 be engaged in the process department compensation at a rate not exceeding two dollars (\$2.00)  
31 per day in excess of the compensation paid to deputy sheriffs serving in any other capacity.~~

32 ~~**42-29-18. Power to investigate and prosecute offenses.** – The sheriff of any county  
33 may, whenever any offense shall have been committed in his or her county, investigate the same  
34 and apprehend and bring to justice the person or persons committing such offense, and may make~~

1 ~~complaint in behalf of the state against such person or persons and may prosecute said complaint~~  
2 ~~to final conviction.~~

3 ~~**42-29-20. Attendance on district court.**— Upon the request of the chief judge of the~~  
4 ~~district court, the sheriff of the county in which the court is held, or one of his or her deputies,~~  
5 ~~shall attend the sessions of the court.~~

6 ~~**42-29-20.1. Attendance at workers' compensation court.**— Upon the request of the~~  
7 ~~chief judge of the workers' compensation court, the sheriff of the county in which the court is~~  
8 ~~held, or one of his or her deputies, shall attend the sessions of the court.~~

9 ~~**42-29-21. Duties at Brown university and Providence college commencements.**—~~  
10 ~~The sheriff of the county of Providence, with as many of his or her deputies as he or she may~~  
11 ~~deem necessary, shall attend the celebrations of the annual commencements of Brown university~~  
12 ~~and Providence college, and shall preserve peace and good order and decorum during the same.~~

13 ~~**42-29-27. Death of sheriff—Continuation in office of deputies.**— In case of the death~~  
14 ~~of any sheriff, his or her deputy or deputies shall continue in office, unless removed as herein~~  
15 ~~provided, and shall execute the duties of the office, in the name of the deceased, until another~~  
16 ~~sheriff shall be appointed and sworn, and shall have given bond as before prescribed, and the~~  
17 ~~neglect or misfeasance of the deputies in the meantime, as well as before, shall be a breach of the~~  
18 ~~condition of the bond given as before directed by the sheriff who appointed them.~~

19 ~~**42-29-28. Executors succeeding to rights of deceased sheriff.**— The executors or~~  
20 ~~administrators of a deceased sheriff shall have the like remedy for the defaults and misfeasances~~  
21 ~~in office of the deputy or deputies, during the interval, as the deceased sheriff would have been~~  
22 ~~entitled to if he or she had continued in life and in the exercise of his or her office until his or her~~  
23 ~~successor was appointed and duly qualified.~~

24 ~~**42-29-29. Continuation in office until qualification of successor.**— Every sheriff~~  
25 ~~whose office shall become vacant by resignation or removal into any other county may,~~  
26 ~~notwithstanding, officiate as such until his or her successor shall be duly qualified to act, and his~~  
27 ~~or her deputies may also exercise their respective offices during that period.~~

28 ~~**42-29-31. Credit for service of legal process.**— The sheriffs of the five (5) counties~~  
29 ~~shall extend to each Rhode Island attorney who is a member in good standing of the Rhode Island~~  
30 ~~bar association, credit up to the sum of three hundred dollars (\$300) for the service of legal~~  
31 ~~process; provided, however, that no further credit need be extended to any said attorney who fails~~  
32 ~~to make payment within sixty (60) days of receipt of any bill for services rendered. The sheriffs~~  
33 ~~of the five (5) counties shall accept funds from any attorney, who so desires, for the purpose of~~  
34 ~~establishing an escrow account, which escrow funds shall be applied on account for future service~~

1 ~~of legal process.~~

2 SECTION 34. Any proceeding or other business or matter undertaken or commenced,  
3 prior to the effective date of this article, by a department, division, or other administrative agency,  
4 the functions, powers, and duties whereof are assigned and transferred to the department of public  
5 safety and are pending on the effective date of this act, may be conducted and completed by the  
6 director of the department of public safety, or by a subordinate under his direction, in the same  
7 manner and under the same terms and conditions and with the same effect as though it were  
8 undertaken or commenced or completed by the department, division, or other administrative  
9 agency prior to said transfer.

10 SECTION 35. The omission in this act of a citation of any general law or public law  
11 now in force which makes it mandatory upon or permissive for any department, division, or other  
12 agency of the state to perform certain functions, which by this article are assigned or transferred  
13 to the department of public safety, shall not, unless otherwise clearly intended, suspend or annul  
14 the right of the department to carry out such functions.

15 SECTION 36. In order that there is no interruption in the public safety functions of the  
16 department of public safety, the actual transfer of functions to the department, from any existing  
17 departments, divisions, or agencies, may be postponed until after the effective date of this article  
18 and until such time, as determined by director of public safety, that the transfer provided herein  
19 can best be put into force and effect.

20 SECTION 37. This article shall take effect upon passage. Furthermore, the transfer of all  
21 appropriations, resources, and personnel to the department of public safety shall take place as of  
22 July 1, 2008.

## 23 ARTICLE 45

### 24 RELATING TO ENVIRONMENTAL MANAGEMENT

25 SECTION 1. Chapter 42-17.1 of the General Laws entitled "Department of  
26 Environmental Management" is hereby amended by adding thereto the following section:

27 **42-17.1-46. Transfer of powers, functions and resources from the water resources**  
28 **board– (a) There are hereby transferred to the department of environmental management those**  
29 **powers and functions of the water resources board established by chapter 15 of title 46.**

30 **(b) In addition to any of its other powers and responsibilities, the department is**  
31 **authorized and empowered to accept any grants made available by the United States government**  
32 **or any agency thereof, and the department, with the approval of the governor, is authorized and**  
33 **empowered to perform such acts and enter into all necessary contracts and agreements with the**  
34 **United States of America or any agency thereof as may be necessary in such manner and degree**

1 as shall be deemed to be in the best interest of the state. The proceeds of any grants so received  
2 shall be paid to the general treasurer of the state and by him or her deposited in a separate fund  
3 and shall be utilized for the purposes of the grant or grants.

4 (c) All resources of the water resources board, including but not limited to property,  
5 employees and accounts, are hereby transferred to the department of environmental management.

6 (d) As part of the above transfer, except for the chief of water resource management, all  
7 employees of the water resources board currently subject to the provisions of chapter 4 of title 36  
8 shall continue to be subject to those provisions.

9 SECTION 2. Chapter 42-17.1 of the General Laws entitled “Department of  
10 Environmental Management” is hereby amended by adding thereto the following section:

11 **42-17.1-47. Transfer of employees from the coastal resources management council–**

12 (a) There are hereby transferred to the department of environmental management those  
13 employees of the coastal resources management council established by chapter 23 of title 46.

14 (b) As part of the above transfer, all employees of the coastal resource management  
15 council currently subject to the provisions of chapter 4 of title 36 shall continue to be subject to  
16 those provisions.

17 SECTION 3. Sections 46-15-1, 46-15-2, 46-15-3, 46-15-4, 46-15-5, 46-15-6, 46-15-  
18 6.1, 46-15-7, 46-15-8, 46-15-9, 46-15-10, 46-15-11, 46-15-12, 46-15-13, 46-15-14, 46-15-15, 46-  
19 15-16, 46-15-17, 46-15-18, 46-15-19, 46-15-20, 46-15-21 of the General Laws in Chapter 46-15  
20 entitled “Water Resources Board” are hereby amended as follows:

21 CHAPTER 46-15

22 Water Resources ~~Board~~ Management

23 **46-15-1 Legislative declaration.** – The general assembly hereby finds and declares  
24 that:

25 (1) The state of Rhode Island and Providence Plantations has been endowed with many  
26 and abundant sources of water supplies located advantageously, for the most part, throughout the  
27 state. The proper development, protection, conservation, and use of these water resources are  
28 essential to the health, safety, and welfare of the general public, and to the continued growth and  
29 economic development of the state;

30 (2) In recent years it has become increasingly apparent that water supply management,  
31 protection, development, and use must be fully integrated into all statewide planning, and rivers  
32 and watershed planning and management processes, and that the allocation of the state's water  
33 resources to all users, purposes, and functions, including water to sustain our natural river and  
34 stream systems and natural biotic communities, must be equitably decided and implemented

1 under a process which emphasizes efficiency of use and management, minimization of waste,  
2 protection of existing supplies, demand management, drought management, conservation, and all  
3 other techniques to ensure that our water resources serve the people of Rhode Island for the  
4 longest time, in the most efficient use, and in an environmentally sound manner;

5 (3) The character and extent of the problems of water resource development, utilization,  
6 and control, and the widespread and complex interests which they affect, demand action by the  
7 government of the state of Rhode Island in order to deal with these problems in a manner which  
8 adequately protects the general welfare of all the citizens of the state;

9 (4) In order to retain and encourage the expansion of our present industries, and to  
10 attract new industries, and to promote the proper growth and desirable economic growth of the  
11 entire state, and to sustain the viability of water resource-dependent natural systems, agriculture,  
12 and recreation, state government must play an active role in fostering and guiding the  
13 management of water resources;

14 (5) There are state and municipal departments, special districts, private firms, and other  
15 agencies in the state who have capabilities and experience in the design, construction, operation,  
16 and financing of water supply and transmission facilities, which capabilities and experience must  
17 be brought to bear on the total problem of water resources development in a coordinated manner  
18 if the proper development, conservation, apportionment, protection, and use of the water  
19 resources of the state are to be realized; and

20 (6) It shall be the duty of the ~~water resources board~~ director of the department of  
21 environmental management to regulate the proper development, protection, conservation and use  
22 of the water resources of the state.

23 **46-15-2 Approval of public water supply facilities.** – (a) No municipal water  
24 department or agency, public water system, or person including special water districts or private  
25 water company, engaged in the distribution of water for potable purposes shall have any power:

26 (1) To acquire or take a water supply or an additional water supply from an existing  
27 approved source;

28 (2) To take or condemn lands for any new or additional sources of water supply or for  
29 the utilization of supplies;

30 (3) To extend its supply or distribution mains into a municipality or special water  
31 district wherein it has not heretofore legally supplied water;

32 (4) To construct any extension of its transmission mains;

33 (5) To extend the boundaries of a special water district; or

34 (6) To supply water in or for use in any other municipality or civil division of the state

1 which owns and operates a water supply system therein, or in any duly organized special water  
2 district supplied with water by another municipal water department or agency, special water  
3 district, or private water company, or person until the municipal water department or agency,  
4 special water district, or private water company or person has first submitted the maps and plans  
5 therefore to the director of the department of health, the state planning council and the board, as  
6 hereinafter provided, and until the department of environmental management ~~water resources~~  
7 ~~board~~, after receiving the recommendations of the water resources board corporate, the director of  
8 the department of health and the division of statewide planning, shall have approved the  
9 recommendations or approved the recommendation with modifications as it may determine to be  
10 necessary; provided, however, this subsection shall not apply to any area presently served by any  
11 municipal water department or agency, or special water district.

12 (b) Approval shall not be necessary of any plan or work for the extension of supply or  
13 distributing mains or pipes of a municipal water supply plant or special district or private water  
14 company into and for the purpose of supplying water in any territory within the limits of the  
15 municipality or special district or within the franchise area of the private water company, owning  
16 the plant, including territory within the municipal special district or franchise limits which has not  
17 been heretofore supplied with the water by the plant, nor for the reconstruction or replacement of  
18 existing facilities in connection with an existing plant, wherein the capacity of the plant is in no  
19 way increased, nor for the construction of filtration or other treatment facilities which will not in  
20 any way increase the amount of water which can be made available from the present sources of  
21 supply.

22 (c) The ~~water resources board~~ director of the department of environmental management  
23 shall enforce the provisions of this section, and the superior court by injunction may, upon  
24 application of the ~~water resources board~~ director of the department of environmental  
25 management, prevent any action to be taken by any municipal water agency or department,  
26 special district, or private water company without the approval of ~~the water resources board~~ the  
27 director of the department of environmental management as required by this section.

28 **46-15-3 Review of public water supply facilities.** – The ~~water resources board~~ director  
29 of the department of environmental management shall review all proposals and plans for public  
30 water supply systems in accordance with the procedures established in this chapter and shall, with  
31 respect to each proposal:

32 (1) Make findings concerning the location of existing and potential sources of or threats  
33 of contamination of the public water supply system;

34 (2) Assess the actual and potential impact of existing and potential sources of or threats

1 [of](#) contamination of the public water supply system;

2 (3) Prepare recommendations concerning the location, construction, [protection](#), and  
3 treatment of the public water supply system; and

4 (4) Report its findings, assessment, and recommendation to the directors of health and  
5 the division of planning.

6 **46-15-4. Procedure for approval of maps and plans.** – (a) Whenever the approval of  
7 any project as provided in this chapter is required, the application shall be made by the petitioner  
8 in writing, the application shall be accompanied by proof of adequate authorization for the  
9 project, and such exhibits as may be necessary clearly to indicate the scope of the proposed  
10 project, including, but not limited to, a map of the lands to be acquired, if any, and preliminary  
11 plans of the works proposed to be constructed. The application shall also show, where applicable,  
12 the need for the particular source or sources of supply and the reasons therefor, and shall also  
13 indicate the method of determining and providing for the payment of the proper compensation for  
14 any and all legal damages to persons or property, whether direct or indirect, which will result  
15 from the acquiring of the lands and the execution of the plans. The petition shall also be  
16 accomplished by such proof as to the character and purity of the water supply proposed to be  
17 acquired or used as the director of the department of health shall require and any proposed  
18 method of treatment of the supply.

19 (b) The ~~water resource board~~ [director of the department of environmental management](#)  
20 shall thereupon cause public notice to be given in a newspaper of general circulation, at least  
21 seven (7) days prior, that on a day and at a place therein specified it will hold a public hearing for  
22 the purpose of receiving evidence and hearing arguments from all persons and organizations that  
23 may be affected by the proposed project, including the recommendations of the director of the  
24 department of health and of the state planning council.

25 (c) The ~~water resources board~~ [department of environmental management](#) shall, upon  
26 the day specified in the notice, or upon such subsequent day or days to which it may adjourn the  
27 hearing, proceed to examine the maps and plans and to hear the proofs and arguments submitted  
28 in support of and in opposition to the proposed project. The ~~water resources board~~ [department of](#)  
29 [environmental management](#), after a hearing, shall determine whether the plans proposed are  
30 justified by public necessity, whether they provide for the proper and safe construction of all  
31 work connected therewith, whether they provide for the proper protection of the supply and the  
32 watershed from contaminations or provide for the proper treatment of an additional supply,  
33 whether the plans are just and equitable to the other municipalities affected thereby and to the  
34 inhabitants thereof, particular consideration being given to their present and future necessities for



1 sources of water supply, and whether the plans make fair and equitable provisions for the  
2 determination and payment of any and all legal damages to persons and property, both direct and  
3 indirect, which will result from the execution of the plans or the acquiring of those lands.

4 (d) The ~~water resources board~~ department of environmental management shall within  
5 ninety (90) days after the close of the hearing, and after consideration of the recommendations of  
6 the director~~s~~ of the department of health and of the state ~~planning council~~, make a final decision  
7 in writing, either approving the application, maps, and plans as presented, or under such  
8 conditions or with such modifications in the application, maps, and plans as may be determined to  
9 be necessary to provide satisfactory compliance by the applicant with any and all of the subjects  
10 and matters required to be determined by the ~~water resources board~~ department of environmental  
11 management in this subsection, or to bring into cooperation all persons, municipal water  
12 departments or agencies, special water districts, or private water companies which may be  
13 affected by the project; or it may reject the application entirely or permit another to be filed in  
14 lieu thereof, but it shall, however, make a reasonable effort to meet the needs of the applicant,  
15 with due regard to the actual or prospective needs, interests, and rights of others which may be  
16 affected by the proposed projects.

17 **46-15-5 Water supply to other states.** – (a) No municipal water departments or  
18 agencies, special water districts, or private water companies or person shall transport or carry  
19 through pipes, conduits, ditches, or canals, the waters of any fresh water lake, pond, brook, river,  
20 stream, or creek in this state or any well, subsurface, or percolating waters of this state into any  
21 other state for use therein except where the consent in writing of the ~~water resources board~~  
22 department of environmental management has been obtained.

23 (b) A petition in writing for that consent must be filed with the ~~water resources board~~  
24 department of environmental management accompanied by such plans and documents as the  
25 ~~water resources board~~ department of environmental management may require. The provisions of  
26 § 45-15-4 shall, so far as practicable, apply to all proceedings to be had subsequent to the filing of  
27 the petition as if the petition were one filed pursuant to the provision of § 46-15-4.

28 (c) The ~~water resources board~~ department of environmental management shall enforce  
29 the provisions of this section, and the superior court, by injunction, may, upon an application of  
30 the department of environmental management, prevent any unauthorized diversion or  
31 transportation.

32 (d) Nothing contained herein shall be construed to affect any contracts or other  
33 arrangements in existence on September 1, 1990, wherein a municipal water department or  
34 agency, special water district, or private water company or person is supplying to and/or

1 purchasing water from any agency or other entity in another state.

2 **46-15-6 Supply of water to other water supply systems.** – (a) On any application for  
3 a new or additional water supply or source of water supply, the ~~water resources board~~ department  
4 of environmental management, after obtaining the recommendations of the director~~s~~ of the  
5 department of health and the division of planning, may require or authorize any applicant to make  
6 provisions for the supply and to supply water to any area of the state which, as determined by the  
7 ~~water resources board~~ department of environmental management in its decision on that  
8 application, properly should be supplied with water from the source or sources of water supply  
9 sought by the applicant. Any municipal water department or agency, special water district, or  
10 private water company within the area may apply to ~~water resources board~~ the department of  
11 environmental management for the right to take water from that source of water supply or from  
12 any part of the water supply system of the applicant supplied in whole or in part from that source.  
13 If the ~~water resources board~~ department of environmental management requires, or if it approves  
14 the application, it shall be the duty of the applicant to supply water, subject to such requirements  
15 as the ~~water resources board~~ department of environmental management may impose. The amount  
16 of water to be taken and the price to be paid therefore may be agreed upon between the applicant  
17 and the taker of the water, or if they cannot agree, fair and reasonable amounts and rates shall be  
18 fixed by the administrator of public utilities and carriers; provided, further, that nothing contained  
19 in this section shall be construed as diminishing the powers of the administrator of public utilities  
20 and carriers in respect to rates of water suppliers subject to his or her jurisdiction.

21 **46-15-6.1 Assistants and employees and support provided.** – The ~~board~~ director of  
22 the department of environmental management shall appoint a ~~general manager~~ chief of water  
23 resource management, who shall not be subject to the provisions of chapter 4 of title 36.; ~~and~~  
24 ~~shall set his or her compensation and terms of employment~~. The ~~general manager~~ director shall  
25 appoint such subordinates, assistants, and employees as may be required for ~~the~~ proper  
26 management of the development, protection, conservation and use of the water resources of the  
27 state. ~~performance of the powers and duties of the board~~. All those subordinates, assistants, and  
28 employees shall be subject to the provisions of chapter 4 of title 36.

29 **46-15-7 Authority to enter upon lands and waters for purpose of survey.**—The ~~water~~  
30 ~~resources board~~ department of environmental management, its assistants, consultants, employees,  
31 subordinates, engineers, surveyors, or other agents or servants, upon giving due notice of intent  
32 and purpose, without being liable for trespass, shall have the right, with the consent of the  
33 landowner, or where a disaster or emergency is declared, or where there is a release or threatened  
34 release of hazardous materials or petroleum and imminent danger to public health and safety, to

1 enter in, over, and onto any lands or waters in the state along with the equipment and devices as  
2 may be necessary and appurtenant for [performing response actions pursuant to chapter 19.1](#)  
3 [and/or chapter 19.14 including](#) the conducting of examinations, investigations, appraisals,  
4 surveys, or other studies and for the making of test pits, pumping tests, borings, and other forms  
5 of geologic investigations; provided, however, that in the event the landowner refuses to consent  
6 to the entry, [and where no disaster or emergency is declared, or where there is no release or](#)  
7 [threatened release of hazardous materials or petroleum posing an imminent danger to public](#)  
8 [health and safety exists](#), the ~~water resources board~~ [department of environmental management](#) may  
9 petition the superior court for the county in which the lands and waters are located for such  
10 authorization which shall be granted upon a showing by the ~~water resources board~~ [department of](#)  
11 [environmental management](#) that the entry is necessary for the implementation of the plans and  
12 programs of the ~~board~~ [department of environmental management](#). The petition shall be granted  
13 priority on the miscellaneous court calendar. Any landowner whose property is damaged by  
14 virtue of the authorization granted herein shall have all of the rights, and shall be subject to all of  
15 the limitations, set forth in chapter 31 of title 9.

16 **46-15-8 Rules and regulations.** – The ~~water resources board~~ [director of the department](#)  
17 [of environmental management](#) is hereby authorized and empowered to make general rules and  
18 regulations and to take such actions and issue such orders as may be required for the enforcement  
19 of this chapter, and the rules and regulations, in addition hereto and not inconsistent herewith.

20 **46-15-9 Powers of health department and department of environmental**  
21 **management not affected.** – Nothing contained herein shall be construed to ~~affect~~ [diminish](#) the  
22 powers granted to the department of health and the department of environmental management  
23 pursuant to chapters 12 – 14 and chapter 16 of this title.

24 **46-15-10 Public nuisances – Abatement.** – (a) [In addition to liability for release or](#)  
25 [threatened release of hazardous materials or petroleum as provided in Chapter 19.1 and/or](#)  
26 [Chapter 19.14](#), ~~A~~any violation of any provision of this chapter, any rule or regulation  
27 promulgated pursuant to this chapter, or any term or condition of any permit, shall constitute a  
28 public nuisance. Any person, municipality, municipal water department or agency, special water  
29 district, or private water company, committing a violation shall be liable for the costs of  
30 abatement of any pollution and any public nuisance caused by the violation. The superior court is  
31 hereby given jurisdiction over actions to recover the costs of the abatement.

32 (b) Any activity or condition declared by this chapter to be a nuisance or which is  
33 otherwise in violation of this chapter shall be abatable in the manner provided by law or equity  
34 for the abatement of public nuisances. In addition, the ~~water resources board~~ [department of](#)

1 [environmental management](#) may proceed in equity to abate nuisances or to restrain or prevent any  
2 violation of this chapter.

3 **46-15-11 Penalties and remedies.** – (a) It shall be the duty of any person to comply  
4 with any order issued pursuant to this chapter. If the person fails to comply with the order within  
5 such time, if any, as may be specified, the order may be enforced [administratively](#) or by the  
6 superior court, upon application made by the ~~water resources board~~ [department of environmental](#)  
7 [management](#).

8 (b) Any person who willfully or negligently violates any provision of this chapter, or  
9 any rule or regulation or other order promulgated by the ~~water resources board~~ [department of](#)  
10 [environmental management](#), or any condition of any permit issued pursuant to ~~the~~ [this](#) chapter, is  
11 guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than five  
12 hundred (\$500) dollars for each separate offense or to imprisonment for a period of not more than  
13 one year, or both.

14 (c) In addition to proceeding under any other remedy available at law or in equity for a  
15 violation of any provision of this chapter, any rule or regulation pursuant to this chapter, or any  
16 term or condition of any permit issued pursuant to this chapter, the ~~water resources board~~  
17 [department of environmental management](#) may assess a civil penalty upon a person for the  
18 violation. The penalty may be assessed whether or not the violation was willful or negligent.  
19 When the ~~water resources board~~ [department of environmental management](#) assesses a civil  
20 penalty, it shall inform the person of the amount of the penalty. The person charged with the  
21 penalty shall then have thirty (30) days to pay the penalty in full or, if the person wishes to  
22 contest either the amount of the penalty or the fact of the violation, the person shall, within the  
23 thirty (30) day period, file an appeal of the action with the ~~water resources board~~ [department of](#)  
24 [environmental management pursuant to the Administrative Procedure Act contained in chapter 35](#)  
25 [of title 42.](#) Failure to appeal within thirty (30) days shall result in a waiver of all legal rights to  
26 contest the violation or the amount of the penalty. The maximum civil penalty which may be  
27 assessed pursuant to this section is five thousand dollars (\$5,000) per day for each violation. Each  
28 violation for each separate day and each violation of any provision of this chapter, any rule or  
29 regulation under this chapter, any order of the ~~water resources board~~ [department of environmental](#)  
30 [management](#), or any term or condition of a permit shall constitute a separate and distinct offense  
31 under this section.

32 (d) The penalties and remedies prescribed shall be deemed concurrent, and the  
33 existence of or exercise of any remedy shall not prevent the ~~water resources board~~ [department of](#)  
34 [environmental management](#) from exercising any other remedy hereunder.

1 (e) Violations on separate days shall constitute separate offenses for purposes of this  
2 chapter.

3 **46-15-12 Cemeteries affecting water supply.** – (a) In the event that any sites, lands, or  
4 other property acquired by the board pursuant to chapter 15.1 of this title, and/or in accordance  
5 with chapter 6 of title 37, as amended, for the purpose of constructing or maintaining a reservoir  
6 or other terraneous or subterraneous supply, transmission, or distribution of potable water,  
7 contain any burial ground, cemetery, historic cemetery, graves, or places of human burial, and if  
8 these places are to be flowed by water or are located so near to the reservoir or other water source  
9 as to be likely to pollute or reduce the quality or value of the waters as a potable water supply, the  
10 ~~water resources board~~ department of environmental management shall remove the remains found  
11 in the burial places.

12 (b) The removal is to be under the direction of a qualified funeral director and with the  
13 approval of the next of kin of the deceased, and at the expense of the ~~water resources board~~  
14 department of environmental management. However, notwithstanding the foregoing, the ~~board~~  
15 department of environmental management shall only be liable for those expenses associated with  
16 removal of the remains and existing headstone, and transfer and reinterment of the remains within  
17 the state of Rhode Island. In the event that the next of kin desires to have the remains transported  
18 or reinterred outside of the boundaries of the state of Rhode Island, any and all expenses related  
19 to the transportation and reinterment outside of the state of Rhode Island shall be the  
20 responsibility of the next of kin.

21 (c) No cadaver or remains shall be removed by the ~~water resources board~~ department of  
22 environmental management unless the ~~water resources board~~ department of environmental  
23 management shall give notice by certified mail to the nearest of kin known to the ~~water resources~~  
24 ~~board~~ department of environmental management, and/or, in the case where no kin is known to the  
25 ~~water resources board~~ department of environmental management, by advertising in one or more  
26 daily newspapers having circulation within the town or city wherein the cemetery is located, at  
27 least once a week for three (3) successive weeks. The advertisement shall set forth the names of  
28 the deceased and the date of death, if the information is known or otherwise reasonably  
29 discernible from available records, as well as, the present location of the cemetery or burial site.

30 (d) In the event that no kin is known or that the nearest of kin shall neglect or refuse to  
31 approve the removal and reinterment, the ~~water resources board~~ department of environmental  
32 management shall cause the cadavers or remains to be removed, transferred, and interred in such  
33 other cemetery in accordance with the laws, rules, and regulations of the religious denomination,  
34 if any shall be known or ascertained, to which the deceased subscribed. The ~~water resources~~

1 ~~board~~ department of environmental management may, at its option, furnish a place or places for  
2 these burials, and may establish a general burial ground or grounds therefore, and may acquire by  
3 purchase or condemnation any lands needed therefore. No general burial ground or grounds shall  
4 be established in any town without the prior approval of the town council of the town of the  
5 location or locations thereof.

6 **46-15-13 Water supply planning.** – The department of environmental management  
7 shall study and evaluate the needs of the state for current and future water supply and shall have  
8 the following powers:

9 (1) To formulate and maintain a long range guide plan and implementing program for  
10 development of major water resources and transmission systems needed to furnish water to  
11 regional or local public water systems-as part of the state guide plan adopted pursuant to § 42-11-  
12 10.

13 (2) To provide for cooperative development, conservation, and use of water resources  
14 by the state, municipal agencies or departments, ~~water resources board~~ and public water systems,  
15 including special water districts and privately owned public water systems may:

16 (i) Divide the state into areas for the purpose of providing water supply facilities;

17 (ii) Designate municipal water departments or agencies, special districts, or privately  
18 owned public water systems to perform area-wide water supply operations within each area.

19 (3) To review all plans and proposals for construction or installation of facilities for  
20 water supply for conformance with the state guide plan in accordance with § 46-15-2. and report  
21 its findings to the ~~water resources board~~governor, the speaker of the house, and the president of  
22 the senate.

23 **46-15-14 Emergencies and imminent hazards.** – The ~~division of planning~~ department  
24 of environmental management subject to the approval of the governor shall promulgate an  
25 adequate plan for the provision of safe drinking water for the inhabitants of the state when a water  
26 emergency has been declared by the governor. A water emergency shall include floods or other  
27 naturally occurring or man-made situations in which water supplies are or may become  
28 insufficient to meet the needs of the inhabitants of the state either through a water shortage or  
29 contamination of, or threat to, water supplies. In a water emergency, the governor may take such  
30 actions and issue such orders as may be necessary to implement the plan, including the imposition  
31 of conservation measures and the allocation of water supplies. The actions and orders may be  
32 directed to state agencies, municipalities, or entities engaged in the sale of water to the public.  
33 Notwithstanding the foregoing, the responsibility for setting rates for the purchase and sale of  
34 water shall not be affected by this section.

1           **46-15-15 Consultants.** – The ~~water resources board~~ director of the department of  
2 environmental management is authorized to employ such technical consultants as may be  
3 required by the ~~board~~ department of environmental management for the proper performance of its  
4 powers and duties within the limit of funds provided therefor.

5           **46-15-16 Examination of books, records, and accounts.** – For the purpose of  
6 ascertaining material information relevant to the function of the powers and duties of the ~~water~~  
7 ~~resources board~~ department of environmental management, the ~~water resources board~~ department  
8 of environmental management may freely examine at any time the books, records, and accounts  
9 of any municipal water department, special water district, or private water company, in such form  
10 as it may prescribe, covering any data or information which it deems necessary or proper to  
11 enable it to carry into effect the applicable provisions of this chapter.

12           **46-15-17 Filing reports.** – The ~~water resources board~~ department of environmental  
13 management, on behalf of the board, may require any municipal water department, special water  
14 district, or private water company at a designated time or times, to file with its statements and  
15 reports, in such form as it may prescribe, covering any data or information which it deems  
16 necessary or proper to enable it to carry into effect the applicable provisions of this chapter.

17           **46-15-18 Relations with other governmental bodies and agencies.** – In order to  
18 adequately protect the interests of the state in its water resources, the ~~water resources board~~  
19 department of environmental management is hereby authorized to:

20           (1) Cooperate with the appropriate agencies of the federal government, of the state or  
21 other states, or any interstate bureau, group, division, or agency with respect to the use of ground  
22 and surface waters, which are without or wholly or partially contained within this state, and to  
23 endeavor to harmonize any conflicting claims which may arise therefrom.

24           (2) Appear, represent, and act for the state in respect to any proceeding before either a  
25 federal or state governmental body or agency where the water resources of the state may be  
26 affected, and may do and perform such acts in connection therewith as it deems proper to protect  
27 the interests of the state.

28           (3) Present for the consideration of the congress or officers of the federal government,  
29 as occasion requires, the just rights of the state in relation to its waters, and institute and prosecute  
30 appropriate actions and proceedings to secure those rights, and defend any action or proceeding  
31 calculated to impair those rights.

32           (4) Facilitate, encourage and support water resources management on a watershed  
33 basis, in a manner that supports systems level planning.

34           **46-15-19 Construction of references.** – Whenever in any general or public law the

1 words, "water resources coordinating board" or the director of the department of the environment  
2 shall appear, the same shall be deemed to refer to and to mean the "~~water resources board~~"  
3 "department of environmental management".

4 **46-15-20 Exemption from taxation.** – The exercise of the powers granted by this  
5 chapter will be in all respects for the benefit of the people of the state, for the increase of their  
6 commerce, welfare, and prosperity, and for the improvement of their health and living conditions,  
7 and will constitute the performance of an essential government function, and ~~neither the water~~  
8 ~~resources board nor any no~~ municipal water agency, ~~or~~ department, or special water district to  
9 whom the ~~water resources board~~ department of environmental management has leased any of its  
10 properties or other facilities, shall or may be required to pay taxes or assessments upon or in  
11 respect of those properties or facilities acquired, leased, or used by the ~~water resources board~~  
12 department of environmental management under the provisions of this chapter, or upon any  
13 improvements constructed on property owned by the ~~board~~ department of environmental  
14 management by any municipal water agency, or department, or special water district, or upon the  
15 income there from; provided, however, the general assembly may direct payments in lieu of taxes  
16 to be paid to a city or town in which those properties or facilities are located.

17 **46-15-21 Reporting requirements.** – (a) Within ninety (90) days after the end of each  
18 fiscal year, the ~~board~~ department of environmental management shall approve and submit an  
19 annual report to the governor, the speaker of the house of representatives, and the president of the  
20 senate and the secretary of state of its activities during that fiscal year. The report shall provide:

21 (i) a summary of the ~~board's~~ department of environmental management's meetings for the  
22 proper development, protection, conservation and use of water resources pursuant to this chapter  
23 including when the ~~board~~ department of environmental management and its committees met,  
24 subjects addressed, decisions rendered and meeting minutes; a summary of the ~~board's~~  
25 department of environmental management's actions including a listing of the proposals and plans  
26 for public water supply systems received; hearings held, findings, assessments, recommendations,  
27 and decisions rendered concerning proposed projects for public water supply systems; water  
28 supply studies conducted; consents issued for transport of water to another state; decisions  
29 rendered requiring or authorizing a water supplier to provide water to other water supply systems;  
30 rules and regulations promulgated; violations and penalties assessed; actions taken to abate  
31 nuisances or restrain or prevent violations, and any actions taken to investigate the activities of  
32 municipal water departments, special water districts or private water companies; a synopsis of the  
33 hearings, complaints, suspensions, or other legal matters related to the authority of the ~~board;~~  
34 department; a summary of any training courses held pursuant to subdivision 46-15.1-5.2(2); a



1 consolidated financial statement of all funds received and expended by the ~~board~~ [department of](#)  
2 [environmental management](#) including the source of the funds; a listing of the staff and/or  
3 consultants employed by the ~~board~~ [department of environmental management](#); and a listing of  
4 findings and recommendation derived from ~~board~~ [department of environmental management's](#)  
5 activities.

6 (ii) The report shall be posted electronically as prescribed in § 42-20-8.2. The director of  
7 the department of administration shall be responsible for the enforcement of the provisions of this  
8 subsection

9 (b) Forthwith upon passage of this act, and within ninety (90) days of the end of the  
10 fiscal year ~~2006-2008~~, the ~~board~~ [department of environmental management](#) shall submit to the  
11 governor, the speaker of the house of representatives, and the president of the senate an annual  
12 work plan for the upcoming fiscal year. Said annual work plan shall list the tasks the ~~board~~  
13 [department of environmental management](#) plans on working on over the course of the upcoming  
14 fiscal year including a description of how the elements are consistent with and supportive of the  
15 systems level plan developed and implemented by the Rhode Island Bays, Rivers, and  
16 Watersheds Coordination Team, as prescribed in § 46-31-5.

17 (c) Within ninety (90) days of the end of the fiscal year ~~2006-2008~~, and within ninety  
18 (90) days after the end of each fiscal year thereafter, the ~~board~~ [department](#) shall submit to the  
19 governor, the speaker of the house of representatives, the president of the senate and the secretary  
20 of state an annual performance report for that fiscal year. Said report shall describe and evaluate  
21 the successes and shortcomings of the implementation of the annual work plan pertaining to that  
22 fiscal year, and shall include a summary of progress made in the following areas: formulation and  
23 maintenance of a long range guide plan and implementing program for the development of major  
24 water resources and transmission systems, as prescribed in § 46-15-13; promulgation of an  
25 emergency plan for water supplies in the event of a water emergency declaration by the governor,  
26 as prescribed in § 46-15-14; and actions undertaken for the cooperative development,  
27 conservation, and use of state water resources, as prescribed in § 46-15-13. The report shall be  
28 posted electronically as prescribed in § 42-20-8.2. The director of the department of  
29 administration shall be responsible for the enforcement of the provisions of this subsection.

30 SECTION 4. Sections 46-15.1-2, 46-15.1-2.2, and 46-15.1-2.3 of the General Laws in  
31 Chapter 46-15.1 entitled "Water Supply Facilities" are hereby amended as follows:

32 **46-15.1-2 Water Resources Board created – Appointment of members.** – (a) There  
33 is hereby authorized, created and established a water resources board consisting of fifteen (15)  
34 members. ~~as follows: (1) Eleven (11) members shall represent the public and~~ [All public](#)

1 members shall be appointed by the governor with advice and consent of the senate—as herein  
2 provided;

3 (i) One ~~of whom~~ member shall be a person who is actively engaged in the agricultural  
4 business, preferably an owner and/or operator of an agricultural business, with respect to which  
5 appointment the governor shall give due consideration to the recommendation of the Rhode  
6 Island Agricultural Council established pursuant to the provisions of chapter 3 of title 2;

7 (ii) One of whom shall be a representative of a conservation organization, with respect  
8 to which appointment the governor shall give due consideration to the recommendation of the  
9 Environment Council of Rhode Island;

10 (iii) One of whom shall be a professional with expertise in one or more of the following  
11 fields: geology, hydrology, or engineering;

12 (iv) One of whom shall be a representative of a large public water system;

13 (v) One of whom shall be a representative of a small public water system;

14 (vi) One of whom shall be a representative of a large water user; and one of whom shall  
15 be a representative of small water user;—one of who shall be a professional with expertise in  
16 financial planning and/or investment; and

17 (vii) Three (3) of whom shall be members with public water supply and public finance  
18 knowledge. The ~~public~~ members shall be chosen as far as is reasonably practicable to represent  
19 the drought regions of the state as specified in the Rhode Island Drought Management Plan.

20 (2) No person shall be eligible for appointment to the board unless he or she is a  
21 resident of this state. The remaining ~~four (4)~~ members are the director of the Rhode Island  
22 emergency management agency, director of environmental management, the director of the  
23 Rhode Island economic development corporation ~~who shall serve as a nonvoting ex officio~~  
24 ~~member~~, the chief of the division of planning within the department of administration, who shall  
25 serve as a nonvoting ex officio member, and the director of the department of health.

26 (3) Members shall serve until their successors are appointed and qualified and shall be  
27 eligible to succeed themselves. In the month of February in each year, the governor, with the  
28 advice and consent of the senate, shall appoint successors to the public members of the board  
29 whose terms shall expire in such year, to hold office commencing on the day they are qualified  
30 and until the first day of March in the third year after their respective appointments and until their  
31 respective successors are appointed and qualified.

32 (b) Those members of the board as of the effective date of this act [~~June 16, 2006~~](July  
33 1, 2008] who were appointed to the board by members of the general assembly and the  
34 chairperson of the joint committee on water resources shall cease to be members of the board on

1 the effective date of this act [~~June 16, 2006~~ July 1, 2008], and the governor shall thereupon  
2 appoint five (5) new public members pursuant to this section;

3 (i) One of whom shall be a professional with expertise in financial planning and/or  
4 investment;

5 (ii) One of whom shall be a professional with expertise in one or more of the following  
6 fields: geology, hydrology or engineering; and

7 (iii) One of whom shall be a representative of a conservation organization appointed by  
8 the governor as prescribed in this section.

9 (2) The member of the board selected by the Rhode Island Agricultural Council shall  
10 continue to serve the balance of his or her term. Upon expiration of his or her term, the governor  
11 shall appoint one member who is actively engaged in the agricultural business, preferably an  
12 owner and/or operator of an agricultural business as prescribed in this section. Those members of  
13 the board as of the effective date of this act [~~June 16, 2006~~ ] (July 1, 2008) who were appointed  
14 to the board by the governor shall continue to serve the balance of their current terms. Thereafter,  
15 the appointment shall be made by the governor as prescribed in this section.

16 (c) Any vacancy which may occur in the board for a public member shall be filled by  
17 the governor, with the advice and consent of the senate, for the remainder of the unexpired term  
18 in the same manner as the members predecessor as prescribed in this section. Each ex officio  
19 member of the board may designate a subordinate within his or her department to represent him  
20 or her at all meetings of the board.

21 (d) Members of the board shall be removable by the governor pursuant to section 36-1-  
22 7 of the general laws and for cause only, and removal solely for partisan or personal reasons  
23 unrelated to capacity or fitness for the office shall be unlawful.

24 (e) The water resources board (corporate) is designated to carry out the provisions of  
25 this chapter. In exercising its powers under this chapter the board constitutes a body politic and  
26 corporate and a public instrumentality of the state having a distinct legal existence from the state  
27 and not constituting a department of the state government. The board may take action under this  
28 chapter at any meeting of the board. A member of the board who is affiliated with a public water  
29 system in Rhode Island, as provided in § 46-15-2, shall not thereby be disqualified from acting as  
30 a member of the board on a transaction under this chapter with a public water system. Upon the  
31 enactment of this chapter, and annually in the month of March thereafter, the board shall choose a  
32 treasurer to act as such under this chapter. The treasurer need not be a member of the board or of  
33 its staff and shall serve until his or her successor is chosen and takes office, unless sooner  
34 removed by the board with or without cause. In the event of a vacancy in the office of treasurer,

1 the board shall fill the vacancy for the unexpired term.

2 (f) Nothing contained herein shall be construed as terminating or discontinuing the  
3 existence of the water resources board (corporate) as it exists prior to July 1, ~~1993~~ 2008 for  
4 purposes of chapters 15.1, 15.2, and 15.3 of this title, and the water resources board (corporate)  
5 created hereby shall be ~~and shall be~~ deemed to be a continuation of the water resources board as it  
6 exists prior to July 1, ~~1993~~ 2008 for the purposes enumerated in chapters 15.1, 15.2, and 15.3 of  
7 this title. Nothing contained herein shall affect the bonding or financing authority of the water  
8 resources board (corporate) as it exists prior to July 1, ~~1993~~ 2008 nor shall anything contained  
9 herein be construed as terminating, altering, discontinuing, or in any way impairing the bonding  
10 or financing power of the water resources board (corporate) as it exists under chapters 15.1, 15.2,  
11 and 15.3 of this title prior to July 1, ~~1993~~ 2008.

12 **46-15.1-2.2 Qualifications of members.** – (a) Each ~~public~~ member of the board, before  
13 entering upon his or her duties, shall take an oath to administer the duties of his or her office  
14 faithfully and impartially, and the oath shall be filed in the office of the secretary of state.

15 (b) No member of the board shall be in the employ of, or own any stock in, or be in any  
16 way directly or indirectly financially interested in any private corporation or company engaged in  
17 the supply, storage, distribution, or sale of water. No member shall, either personally or through a  
18 partner or agent, render any professional service or make or perform any business contract with or  
19 for any such corporation or company; nor shall any member, directly or indirectly, receive a  
20 commission, bonus, discount, present, or reward from any such corporation or company;  
21 provided, however, that the limitation set forth herein shall not apply in the case of those public  
22 members affiliated with public water systems who receive directors' fees or other payments for  
23 their services with a public water system.

24 **46-15.1-2.3 Officers of the board – Quorum and vote required for action.** –  
25 Forthwith, and upon the enactment of this chapter, and annually in the month of March,  
26 thereafter, the board shall elect one of its ~~public~~ members as chairperson, one of its ~~public~~  
27 members as vice chairperson, and shall also elect a secretary either from its membership or its  
28 technical staff. The board may elect from among its members such other officers as it deems  
29 necessary. Seven (7) voting members of the board constitutes a quorum. A majority vote of those  
30 present and voting shall be required for action. No vacancy in the membership of the board shall  
31 impair the right of a quorum to exercise all the rights and perform all of the duties of the board.

32 SECTION 5. This act shall take effect on July 1, 2008.

33 **ARTICLE 46**

34 **EFFECTIVE DATE**

1           This article provides that the act shall take effect upon passage, except as otherwise  
2 provided herein.  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR  
ENDING JUNE 30, 2009

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ARTICLE 1

RELATING TO MAKING APPROPRIATIONS IN SUPPORT OF FY 2009

This article makes revised appropriations from general revenues and authorizes expenditure of federal fund, restricted receipts, and other funds for FY 2009. This article also identifies the revised FTE authorizations for each agency and department for fiscal year 2009; provides for the transfer of \$4,000,000 from the Rhode Island Resource Recovery Corporation to the state controller on June 30, 2009; provides expenditures limits for internal service funds; provides for revised appropriations for expenditures and disbursements from Temporary Disability Insurance funds, Employment Security funds, University and College funds, and Lottery Division funds; and provides for an effective date of "upon passage."

ARTICLE 2

RELATING TO BORROWING IN ANTICIPATION OF RECEIPTS FROM TAXES

This article authorizes the General Treasurer to borrow in FY 2009 up to \$270.0 million in anticipation of receipts from taxes for the purposes consistent with the State Constitution.

ARTICLE 3

RELATING TO BOND PREMIUMS

This article amends the public laws associated with all of the state's authorizes but unissued general obligation bonds to reinstate a provision which was changed during the 2006 session. The article provides for any premium received upon the sale of bonds, net of any underwriting costs and cost of bond insurance paid at the time of sale, would be deposited into the general fund, and these funds would ultimately become available, along with investment earnings on the bond proceeds, as general revenue receipts to offset debt service. At this time, no estimate of the expected premium is included as an enhancement to general revenue receipts for the FY 2009 budget.

ARTICLE 4

RELATING TO DEBT MANAGEMENT ACT JOINT RESOLUTIONS



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RELATING TO SUBSTANCE ABUSE PREVENTION ACT

This article provides for various amendments to state law to establish and maintain regional Substance Abuse Prevention Conditions. The article also provides for the distribution of grant funding to assist in the planning, establishment, and operation of substance abuse prevention coalitions, and to redefine recipient eligibility criteria.

ARTICLE 11

RELATING TO HEALTH PROFESSIONS – LICENSED CHEMICAL DEPENDENCY PROFESSIONALS

This article transfer the licensing of chemical dependency professionals from the Department of Mental Health, Retardation, and Hospitals to the Department of Health.

ARTICLE 12

RELATING TO TREATMENT ALTERNATIVES TO STREET CRIME PROGRAM

This article provides for the elimination of the Treatment Alternatives to Street Crime program in Mental Health, Retardation, and Hospitals. It also corrects the reference to Health as having alcohol and drug programs within the department; recognizes Mental Health, Retardation, and Hospitals as the licensing authority of substance abuse treatment facilities; eliminates referral to the TASC program should a clinical assessment determine an offender's problems be association with alcoholic or drug abuse, and substitutes an appropriate facility for treatment placement, case management, and monitoring.

ARTICLE 13

RELATING TO MUNICIPAL INCENTIVE PAY PROGRAMS

This article repeals section 42-28.1 entitled "Municipal Police – Incentive Pay" and section 42-28.4 entitled "Municipal Firefighters – Incentive Pay".

ARTICLE 14

RELATING TO MUNICIPAL FINANCES

This article would create an advisory council on municipal finances which would be charged with making recommendations on standardized municipal financial reporting consistent with the new standards recently implemented for all school districts.

ARTICLE 15

RELATING TO STATE AID

This article would specify the amount of video lottery terminal revenues dedicated to state aid and would set the level and distribution method for general revenue sharing to municipalities.

ARTICLE 16



1 RELATING TO TEMPORARY ASSISTANCE PROGRAM FOR NEEDY FAMILIES

2 This article outlines the structure for Work First, a family support program to replace the  
3 Family Independence Act. The article instructs the Department of Human Services to draft  
4 language for the new program, for substitution with this article as presented herein.

5 ARTICLE 17

6 RELATING TO RHODE Island MEDICAID REFORM ACT

7 This article outlines the structure for Medicaid Reform, a client-centered Medicaid  
8 delivery program to replace the current provider reimbursement-based payment model. The  
9 article instructs the Department of Human Services and the Executive Office of Health and  
10 Human Services to draft language for the new program, for substitution with this article as  
11 presented herein.

12 ARTICLE 18

13 RELATING TO HUMANS SERVICES – HOSPITAL RATE PAYMENT

14 This article makes amendments to the law for the purpose of changing the payment  
15 method to hospitals, in state and out of state, such that the payment model uses the Diagnoses  
16 Related Groups method. The article shall take effect upon passage.

17 ARTICLE 19

18 RELATING TO HOSPITAL UNCOMPENSATED CARE

19 This article established an uncompensated care reimbursement plan for community  
20 hospitals for FY 2008 and FY 2009 only.

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22 ARTICLE 20

23 RELATING TO HUMAN SERVICES – HEALTH ACCOUNT

24 This article makes amendments to the existing childrens health account assessment on  
25 health insurance providers to expand the reimbursements required for services provided to  
26 insured children.

27 ARTICLE 21

28 RELATING TO GENERAL PUBLIC ASSISTANCE – HARDSHIP

29 This article renews the annual authorization for benefits and the expenditure ceiling for  
30 the General Public Assistance Hardship program.

31 ARTICLE 22

32 RELATING TO STATE POLICE RETIREMENT PROVISIONS

33 This article would amend the retirement for embers of the state police.

34 ARTICLE 23

1 RELATING TO RHODE ISLAND TELECOMMUNICATION EDUCATION ACCESS FUND

2 This article increases the access line surcharge for the Rhode Island Telecommunications  
3 Access Fund (RITEAF) from \$0.26 to \$0.33 and requires the Public Utilities Commission to  
4 resume its submission of monthly receipt reports to the Department of Elementary and Secondary  
5 Education.

6 ARTICLE 24

7 RELATING TO DCYF RESIDENTIAL PLACEMENTS

8 This article places a maximum limit of 1,000 out of home placements (excluding foster  
9 homes) at any time during the fiscal year and requires that savings accrued through this cap will  
10 be reinvested into community-based services.

11 ARTICLE 25

12 RELATING TO DELINQUENT AND DEPENDENT CHILDREN

13 This article mandates that local education authorities must reimburse the Department of  
14 Children, Youth and Families for court ordered educational services and/or testing for children  
15 that have been found delinquent, wayward, neglected, dependent, or otherwise.

16 ARTICLE 26

17 RELATING TO SUPPLEMENTAL SECURITY INCOME

18 This article reduces the state supplement to the federal supplemental security income  
19 benefit in an amount equal to the federal adjustment to the benefit beginning January 1, 2009.

20 ARTICLE 27

21 RELATING TO CHILD CARE – STATE SUBSIDIES

22 This article eliminates the child care provider rates market survey, and the biennial  
23 provider rate adjustment that is based on the survey.

24 ARTICLE 28

25 RELATING TO CHILD CARE SERVICES

26 This article reduces the state supplement to the federal Head Start programs operating in  
27 Rhode Island.

28 ARTICLE 29

29 RELATING TO PUBLIC UTILITIES COMMISSION

30 This article transfers the cost of motor carrier regulation currently under the purview of  
31 the Public Utilities Commission (PUC) to other utilities regulated by the PUC and eliminates the  
32 requirement for spot testing of all metering devices at least once a year, transferring this  
33 requirement to the local cities and towns.

34 ARTICLE 30

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RELATING TO MUNICIPAL ELECTIONS

In all cases when only a special city or town election is involved or only a special election regarding a local question is involved, the costs and expenses for the preparation of the voting documents will be the obligation of the local municipality. The municipality will reimburse the Secretary of State upon demand being made, but no later than (30) days after the election takes place. All monies received will be deposited into the General Fund. This article would also eliminate the requirement of printing local ballot questions on a distinctive colored background.

ARTICLE 31

RELATING TO LICENSING OF HOSPITAL FACILITIES

This article establishes the hospital licensing fee at 4.94 percent of net patient revenues for FY 2009 only.

ARTICLE 32

RELATING TO PROPRIETARY SCHOOLS

This article moves the registration and review of proprietary schools, both non-profit and for profit, from the Board of Governors for Higher Education to the Department of Business Regulation.

ARTICLE 33

RELATING TO BUSINESS REGULATION

This article eliminates the auto body shop licensing board, permits the director to assess expenditure reimbursement for investigations and hearings to licensees; transfers the burglar alarm systems business regulation to the Department of Labor and Training; and eliminates the licensing of travel agencies.

ARTICLE 34

RELATING TO CHILDHOOD IMMUNIZATION AND KIDSNET

This article includes KIDNSET in the childhood immunization program for financing via health insurers' assessments. KIDSNET is the confidential, computerized child health information system that serves as a repository for pediatricians and other health professions to manage statewide immunizations and other public health preventive services for children aged birth to 18 years old. Financing for KIDSNET and the childhood immunization program administrative and quality assurance services is amended by dedicating up to 15 percent of the annual revenues received in the restricted receipt account known as the "childhood immunization account".

ARTICLE 35

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RELATING TO RETIREMENT OF JUSTICES AND JUDGES

This article would require the State Retirement Board to offset the amounts that judges receive in social security benefits against the state retirement board.

ARTICLE 36

RELATING TO COLLECTIVE BARGAINING FISCAL IMPACT STATEMENTS

This article would require school committees and city and town councils to prepare collective bargaining fiscal impact statements with respect to proposed contracts with teachers and other municipal employees in conformity with guidelines promulgated by the Department of Revenue.

ARTICLE 37

RELATING TO CRIME VICTIMS COMPENSATION FUND

This article would allow up to 15 percent of the court receipts from the crime Victims Compensation Program to be used by the Treasury for administrative costs.

ARTICLE 38

RELATING TO MUNICIPAL TIPPING FEES

This article sets the municipal tipping fee at \$32.00 per ton during FY 2009.

ARTICLE 39

RELATING TO NEWBORN SCREENING PROGRAM

This article changes the accounting of the newborn hearing and screening programs from general revenue to restricted receipts. It also exempts the cash receipts from fees assessed under the newborn hearing and screening programs from the 10 percent indirect cost recovery assessment.

ARTICLE 40

RELATING TO NURSING FACILITIES COST OF LIVING ADJUSTMENT

This article defers the operating cost center adjustment for nursing facilities from October 2008 to April 2009.

ARTICLE 41

RELATING TO HEALTH REGULATORY PROGRAMS

This article eliminates from regulation massage therapy establishments and changes the inspection requirement of tanning facilities from an annual to a periodic (as needed) basis.

ARTICLE 42

RELATING TO ELDERLY AFFAIRS PROGRAMS

This article eliminates the function of issuing state identification cards to elderly and disabled persons 55 and over for a nominal fee charged for cost recovery, and recognizes general

1 revenue cost savings in community services objective grant funding under the aegis of the  
2 Legislature through the department of elderly affairs and advocacy, but still requires public and  
3 private elderly housing complexes to submit satisfactory evidence of a safety and security plan  
4 for its residents to the department. It also alters the income criterion for all three tiers of the  
5 Rhode Island Pharmaceutical Assistance to the Elderly program and mandates enrollment in the  
6 federal Medicare Part D benefit program, as provided for in the Medicare Prescription Drug  
7 Improvement and modernization Act of 2003. Finally, it also mandates the use of generic drugs in  
8 place of brand name ones when such generic variations are available.

9 ARTICLE 43

10 RELATING TO DEPARTMENT OF ELDERLY AFFAIRS AND ADVOCACY

11 This article combines the duties, responsibilities and functions of the Commission on the  
12 Deaf and Hard of Hearing State Council on Developmental Disabilities, Governor's Commission  
13 on Disabilities and the Department of Elderly Affairs into the Department of Elderly Affairs and  
14 Advocacy.

15 ARTICLE 44

16 RELATING TO DEPARTMENT OF PUBLIC SAFETY

17 This article creates the Department of Public Safety. The department will include six  
18 programs: Central Management, E-911 Emergency Telephone System, State Fire Marshal,  
19 Security Services, Municipal Police Training Academy, and State Police. All programs will  
20 directly report to the Colonel of the State Police.

21 ARTICLE 45

22 RELATING TO ENVIRONMENTAL MANAGEMENT

23 This article merges the Coastal Resources Management Council and the Water Resources  
24 Board into the Department of Environmental Management. All employees and resources are  
25 transferred to the Department and will fall under the purview of the Director of Environmental  
26 management. The Water Resources Board Corporate will remain as a quasi-public agency.

27 ARTICLE 46

28 RELATING TO EFFECTIVE DATE

29 This article provides for an effective date of upon passage, unless otherwise provided  
30 herein.

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