AN ACT

MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2016

Introduced By: Representative Raymond E. Gallison

Date Introduced: March 13, 2015

Referred To: House Finance

It is enacted by the General Assembly as follows:

1. ARTICLE 1 RELATING TO MAKING APPROPRIATIONS IN SUPPORT OF FY 2016
2. ARTICLE 2 RELATING TO DEBT MANAGEMENT ACT JOINT RESOLUTION
3. ARTICLE 3 RELATING TO LICENSING OF HOSPITAL FACILITIES
4. ARTICLE 4 RELATING TO HOSPITAL UNCOMPENSATED CARE
5. ARTICLE 5 RELATING TO MEDICAL ASSISTANCE
6. ARTICLE 6 RELATING TO EDUCATION
7. ARTICLE 7 RELATING TO HIGHER EDUCATION ASSISTANCE AUTHORITY
8. ARTICLE 8 RELATING TO MUNICIPALITIES
9. ARTICLE 9 RELATING TO SCHOOL BUILDING AUTHORITY CAPITAL FUND
10. ARTICLE 10 RELATING TO MAKING REVISED APPROPRIATIONS IN SUPPORT OF FY 2015
11. ARTICLE 11 RELATING TO REVENUES
12. ARTICLE 12 RELATING TO TOBACCO SETTLEMENT FINANCING TRUST
13. ARTICLE 13 RELATING TO RESTRICTED RECEIPT ACCOUNTS
14. ARTICLE 14 RELATING TO STATE BUDGET
15. ARTICLE 15 RELATING TO THE RHODE ISLAND LOCAL AGRICULTURE AND SEAFOOD ACT & COMMERCIAL FEEDS
ARTICLE 16 RELATING TO BAYS, RIVERS AND WATERSHEDS

ARTICLE 17 RELATING TO DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES

ARTICLE 18 RELATING TO DIVISION OF ADVOCACY

ARTICLE 19 RELATING TO CONSOLIDATION OF DEPARTMENT OF HEALTH BOARDS

ARTICLE 20 RELATING TO PROFESSIONAL LICENSES

ARTICLE 21 RELATING TO TRANSPORTATION

ARTICLE 22 RELATING TO PERSONNEL REFORM

ARTICLE 23 RELATING TO CORRECTIONS

ARTICLE 24 RELATING TO INFRASTRUCTURE BANK

ARTICLE 25 RELATING TO STATE POLICE PENSIONS

ARTICLE 26 RELATING TO DIVISION OF MOTOR VEHICLES

ARTICLE 27 RELATING TO LEGAL NOTICES

ARTICLE 28 RELATING TO HEALTH REFORM ASSESSMENT

ARTICLE 29 RELATING TO COMMERCE CORPORATION AND ECONOMIC DEVELOPMENT

ARTICLE 30 RELATING TO EFFECTIVE DATE
ARTICLE 1

RELATING TO MAKING APPROPRIATIONS IN SUPPORT OF FY 2016

SECTION 1. Subject to the conditions, limitations and restrictions hereinafter contained in this act, the following general revenue amounts are hereby appropriated out of any money in the treasury not otherwise appropriated to be expended during the fiscal year ending June 30, 2016. The amounts identified for federal funds and restricted receipts shall be made available pursuant to section 35-4-22 and Chapter 41 of Title 42 of the Rhode Island General Laws. For the purposes and functions hereinafter mentioned, the state controller is hereby authorized and directed to draw his or her orders upon the general treasurer for the payment of such sums or such portions thereof as may be required from time to time upon receipt by him or her of properly authenticated vouchers.

Administration

Central Management

General Revenues 2,806,924
Office of Digital Excellence 984,019
Total – General Revenues 3,790,943
Total – Central Management 3,790,943

Legal Services

General Revenues 2,166,696
Total – Legal Services 2,166,696

Accounts and Control

General Revenues 4,080,143
Total – Accounts and Control 4,080,143

Office of Management and Budget

General Revenues 4,038,196
Total – Office of Management and Budget 4,038,196

Purchasing

General Revenues 2,764,921
Other Funds 320,487
Total – Purchasing 3,085,408

Auditing

General Revenues 1,476,262
Total – Auditing 1,476,262

Human Resources
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<tr>
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<th>Federal Funds</th>
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<th>Restricted Receipts</th>
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<th>Other Funds</th>
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1. **Pastore Center Water Tanks** 280,000
2. **RI Convention Center Authority** 1,000,000
3. **Dunkin Donuts Center** 1,387,500
4. **Mathias Building Renovation** 3,100,000
5. **McCoy Stadium** 250,000
6. **Pastore Center Power Plant** 500,000
7. **Virks Building Renovations** 6,500,000
8. **Harrington Hall Renovations** 1,679,493
9. **Accessibility – Facility Renovations** 1,000,000
10. **Other Funds Total** 33,415,494
11. **Total – General** 52,486,353

### Debt Service Payments
12. **General Revenues** 97,957,176
13. **Out of the general revenue appropriations for debt service, the General Treasurer is authorized to make payments for the I-195 Redevelopment District Commission loan up to the maximum debt service due in accordance with the loan agreement.**
14. **Federal Funds** 2,657,152
15. **Restricted Receipts** 2,085,410
16. **Other Funds**
17. **Transportation Debt Service** 46,011,341
18. **Investment Receipts – Bond Funds** 100,000
19. **COPS – DLT Building – TDI** 271,653
20. **Other Funds Total** 46,382,994
21. **Total - Debt Service Payments** 149,082,732

### Energy Resources
22. **Federal Funds** 406,587
23. **Restricted Receipts** 10,194,871
24. **Total – Energy Resources** 10,601,458

### Rhode Island Health Benefits Exchange
25. **Federal Funds** 24,746,063
26. **Restricted Receipts** 6,180,557
27. **Total – Rhode Island Health Benefits Exchange** 30,926,620

### Construction Permitting, Approvals and Licensing
28. **General Revenues** 1,615,416
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<td>22</td>
<td>Total – RI Television and Film Office</td>
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<td>23</td>
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<td>25</td>
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<td>26</td>
<td>Rhode Island Commerce Corporation – Legislative Grans</td>
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<td>Airport Impact Aid</td>
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|28 | Sixty percent (60%) of the first $1,000,000 appropriated for airport impact aid shall be distributed to each airport serving more than 1,000,000 passengers based upon its percentage of the total passengers served by all airports serving more than 1,000,000 passengers. Forty percent (40%) of the first $1,000,000 shall be distributed based on the share of landings during the calendar year 2015 at North Central Airport, Newport-Middletown Airport, Block Island Airport, Quonset Airport, T.F. Green Airport and Westerly Airport, respectively. The Rhode Island Commerce Corporation shall make an impact payment to the towns or cities in which the airport
is located based on this calculation. Each community upon which any parts of the above airports
are located shall receive at least $25,000.

<table>
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<tr>
<th>Program Description</th>
<th>Funding Amount</th>
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<tbody>
<tr>
<td>STAC Research Alliance</td>
<td>1,150,000</td>
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<td>Innovative Matching Grants/Internships</td>
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<td>I-195 Redevelopment District Commission</td>
<td>761,000</td>
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<td>Executive Office of Commerce Programs</td>
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<tr>
<td>Chafee Center at Bryant</td>
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<td>Other Funds</td>
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<tr>
<td>Rhode Island Capital Plan Fund</td>
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<td>I-195 Redevelopment District Commission</td>
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<td>Total – Quasi–Public Appropriations</td>
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**Economic Development Initiatives Fund**

<table>
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</tr>
<tr>
<td>Small Business Assistance Program</td>
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</tr>
<tr>
<td>Anchor Institution Tax Credits</td>
<td>1,750,000</td>
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<tr>
<td>Innovation Initiative</td>
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<tr>
<td>Cluster Grants</td>
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<tr>
<td>I-195 Development Fund</td>
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<tr>
<td>Affordable Housing Fund</td>
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<tr>
<td>Main Street RI Streetscape Improvements</td>
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<tr>
<td>Infrastructure Bank</td>
<td>2,000,000</td>
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<tr>
<td>First Wave Closing Fund</td>
<td>5,000,000</td>
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<tr>
<td>General Revenue Total</td>
<td>44,458,000</td>
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</table>

Notwithstanding any laws to the contrary, the Secretary of Commerce shall have the
authority to transfer funds between the line items of the Economic Development Initiatives Fund
as deemed necessary to accomplish the overall purposes of this fund. Prior to any such transfer,
the Secretary shall notify in writing the Director of the Office of Management and Budget, the
Chair of the House Finance Committee and the Chair of the Senate Finance Committee.

<table>
<thead>
<tr>
<th>Program Description</th>
<th>Funding Amount</th>
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</thead>
<tbody>
<tr>
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<tr>
<td>Grand Total – General Revenue Funds</td>
<td>62,236,691</td>
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<td>Grand Total – Executive Office of Commerce</td>
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**Labor and Training**

<table>
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<td>Central Management</td>
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<td>Rhode Island Capital Plan Fund</td>
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<td>5</td>
<td>Center General Asset Protection</td>
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<td>7</td>
<td>Total – Central Management</td>
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<td>31</td>
<td>Grand Total – General Revenue Funds</td>
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<tr>
<td>32</td>
<td>Grand Total – Labor and Training</td>
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<td><strong>Department of Revenue</strong></td>
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<td>34</td>
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Grand Total – General Revenue Funds: 8,424,769

Grand Total – Labor and Training: 445,208,317
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<td>7</td>
<td>Total – Veterans' Affairs</td>
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<td>8</td>
<td>Health Care Eligibility</td>
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<td>14</td>
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<td>18,705,407</td>
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<td>Rhode Island Works</td>
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<td>21</td>
<td>Of this appropriation, $210,000 shall be used for hardship contingency payments.</td>
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<td>33</td>
<td>Grand Total – Human Services</td>
<td>620,393,325</td>
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<td>Behavioral Health, Developmental Disabilities, and Hospitals</td>
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<td>General Revenues</td>
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<td>8</td>
<td>Medical Center Rehabilitation</td>
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<td>Community Facilities Fire Code</td>
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<td><strong>Services for the Developmentally Disabled</strong></td>
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<td>DD Private Waiver</td>
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<td>19</td>
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<td>Rhode Island Capital Plan Fund</td>
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<td>Zambarano Buildings and Utilities</td>
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<td>Grand Total – Behavioral Health, Developmental Disabilities, and Hospitals</td>
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<td>16</td>
<td><strong>Elementary and Secondary Education</strong></td>
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<td><strong>Administration of the Comprehensive Education Strategy</strong></td>
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<td>RTTT Preschool Development Grants – Expansion</td>
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<td>State-Owned Warwick</td>
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<td>State-Owned Woonsocket</td>
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<td>Davies Career and Technical School</td>
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<td>Total – Davies Career and Technical School</td>
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<td>12</td>
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<tr>
<td></td>
<td>School Construction Aid</td>
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<td>General Revenue Total</td>
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</tr>
<tr>
<td>7</td>
<td>Total – School Construction Aid</td>
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<td>General Revenues</td>
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<td>Total – Teachers’ Retirement</td>
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<td>1,067,340,856</td>
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<td>Grand Total – Elementary and Secondary Education</td>
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<tr>
<td>16</td>
<td>Office of Postsecondary Commissioner</td>
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<tr>
<td>17</td>
<td>General Revenues</td>
</tr>
<tr>
<td>18</td>
<td>Federal Funds</td>
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<td>Federal Funds</td>
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<td>WaytogoRI Portal</td>
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<td>21</td>
<td>943,243</td>
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<td>22</td>
<td>Guaranty Agency Operating Fund-Scholarships &amp; Grants</td>
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<td>23</td>
<td>4,000,000</td>
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<td>24</td>
<td>The $4.0 million expended from the Guaranty Agency Operating Fund shall be used only for scholarships and grants at URI, RIC, and CCRI.</td>
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<td>25</td>
<td>Other Funds</td>
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<td>26</td>
<td>Tuition Savings Prgm – Administration</td>
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<td>27</td>
<td>465,610</td>
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<td>28</td>
<td>Tuition Savings Prgm – Dual Enrollment</td>
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<td>Tuition Savings Prgm – Scholarships and Grants</td>
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<td>7,860,610</td>
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<td>Total – Office of Postsecondary Commissioner</td>
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<td>29,088,477</td>
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<tbody>
<tr>
<td>36</td>
<td>General Revenues</td>
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<tr>
<td>37</td>
<td>71,103,468</td>
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<tr>
<td>38</td>
<td>The University shall not decrease internal student financial aid in the 2015 – 2016 academic year below the level of the 2014 – 2015 academic year. The President of the institution shall report, prior to the commencement of the 2015-2016 academic year, to the chair of the Council of Postsecondary Education that such tuition charges and student aid levels have been</td>
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achieved at the start of FY 2016 as prescribed above.

<table>
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<td>RI State Forensics Laboratory</td>
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<td>General Revenue Total</td>
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<tr>
<td>University and College Funds</td>
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<td>Debt – Dining Services</td>
<td>1,113,621</td>
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<tr>
<td>Debt – Education and General</td>
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<tr>
<td>Debt – Health Services</td>
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<tr>
<td>Debt – Housing Loan Funds</td>
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<tr>
<td>Debt – Memorial Union</td>
<td>324,358</td>
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<tr>
<td>Debt – Ryan Center</td>
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<tr>
<td>Debt – Alton Jones Services</td>
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<tr>
<td>Debt – Parking Authority</td>
<td>1,029,157</td>
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<tr>
<td>Debt – Sponsored Research</td>
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</tr>
<tr>
<td>Debt – URI Energy Conservation</td>
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| Rhode Island Capital Plan Fund |              |
| Asset Protection               | 5,482,900    |
| Fire and Safety Protection     | 3,221,312    |
| Electrical Substation          | 1,200,000    |
| New Chemistry Building         | 4,000,000    |
| Other Funds Total              | 627,424,184  |

| Total – University of Rhode Island | 717,786,562 |

Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or unencumbered balances as of June 30, 2016 relating to the University of Rhode Island are hereby reappropriated to fiscal year 2017.

Rhode Island College shall not decrease internal student financial aid in the 2015 – 2016 academic year below the level of the 2014 – 2015 academic year. The President of the institution shall report, prior to the commencement of the 2015-2016 academic year, to the chair of the Council of Postsecondary Education that such tuition charges and student aid levels have been achieved at the start of FY 2016 as prescribed above.
Debt Service 5,214,649
General Revenue Total 49,903,011
Other Funds
University and College Funds 118,566,770
Debt – Education and General 879,147
Debt – Housing 2,013,281
Debt – Student Center and Dining 154,330
Debt – Student Union 235,481
Debt – G.O. Debt Service 1,644,459
Debt Energy Conservation 256,275
Rhode Island Capital Plan Fund
Asset Protection 3,080,400
Infrastructure Modernization 2,000,000
Other Funds – Total 128,830,143
Total – Rhode Island College 178,733,154
Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or
unencumbered balances as of June 30, 2016 relating to Rhode Island College are hereby
reappropriated to fiscal year 2017.

Community College of Rhode Island

General Revenues 47,965,855

The Community College of Rhode Island shall not decrease internal student financial aid
in the 2015 – 2016 academic year below the level of the 2014 – 2015 academic year. The
President of the institution shall report, prior to the commencement of the 2015-2016 academic
year, to the chair of the Council of Postsecondary Education that such tuition charges and student
aid levels have been achieved at the start of FY 2016 as prescribed above.

Debt Service 1,676,521
General Revenue Total 49,642,376
Restricted Receipts 653,200
Other Funds
University and College Funds 106,862,884
CCRI Debt Service – Energy Conservation 808,425
Rhode Island Capital Plan Fund
Asset Protection 2,184,100
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<th>Description</th>
<th>Amount</th>
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<td>Knight Campus Renewal</td>
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<td>2</td>
<td>Other Funds Total</td>
<td>111,855,409</td>
</tr>
<tr>
<td>3</td>
<td>Total – Community College of RI</td>
<td>162,150,985</td>
</tr>
<tr>
<td>4</td>
<td>Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or unencumbered balances as of June 30, 2016 relating to the Community College of Rhode Island are hereby reappropriated to fiscal year 2017.</td>
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1 | Grand Total – RI Historical Preservation and Heritage Comm | 3,911,203  
2 | **Attorney General** |  
3 | **Criminal** |  
4 | General Revenues | 15,461,041  
5 | Federal Funds | 1,291,777  
6 | Restricted Receipts | 353,595  
7 | Total – Criminal | 17,106,413  
8 | **Civil** |  
9 | General Revenues | 5,285,996  
10 | Restricted Receipts | 896,735  
11 | Total – Civil | 6,182,731  
12 | **Bureau of Criminal Identification** |  
13 | General Revenues | 1,591,162  
14 | Total – Bureau of Criminal Identification | 1,591,162  
15 | **General** |  
16 | General Revenues | 2,855,011  
17 | Other Funds |  
18 | Rhode Island Capital Plan Fund |  
19 | Building Renovations and Repairs | 300,000  
20 | Other Funds Total | 300,000  
21 | Total – General | 3,155,011  
22 | Grand Total – General Revenue | 25,193,210  
23 | Grand Total – Attorney General | 28,035,317  
24 | **Corrections** |  
25 | **Central Management** |  
26 | General Revenues | 9,308,836  
27 | Federal Funds | 118,361  
28 | Total – Central Management | 9,427,197  
29 | **Parole Board** |  
30 | General Revenues | 1,345,685  
31 | Federal Funds | 38,000  
32 | Total – Parole Board | 1,383,685  
33 | **Custody and Security** |  
34 | General Revenues | 126,571,465
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<td>Line</td>
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<td>Provided however, that no more than $932,340 in combined total shall be offset to the Public Defender’s Office, the Attorney General’s Office, the Department of Corrections, the Department of Children Youth and Families, and the Department of Public Safety for square-footage occupancy costs in public courthouses.</td>
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<td><strong>Natural Resources</strong></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>General Revenues</td>
<td>20,040,905</td>
</tr>
<tr>
<td>12</td>
<td>Federal Funds</td>
<td>19,131,833</td>
</tr>
<tr>
<td>13</td>
<td>Restricted Receipts</td>
<td>6,460,768</td>
</tr>
<tr>
<td>14</td>
<td>Other Funds</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>DOT Recreational Projects</td>
<td>181,649</td>
</tr>
<tr>
<td>16</td>
<td>Blackstone Bikepath Design</td>
<td>2,059,579</td>
</tr>
<tr>
<td>17</td>
<td>Transportation MOU</td>
<td>78,350</td>
</tr>
<tr>
<td>18</td>
<td><strong>Rhode Island Capital Plan Fund</strong></td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>Dam Repair</td>
<td>750,000</td>
</tr>
<tr>
<td>20</td>
<td>Fort Adams Rehabilitation</td>
<td>125,000</td>
</tr>
<tr>
<td>21</td>
<td>Fort Adams America’s Cup</td>
<td>1,400,000</td>
</tr>
<tr>
<td>22</td>
<td>Recreational Facilities Improvements</td>
<td>2,850,000</td>
</tr>
<tr>
<td>23</td>
<td>Galilee Piers Upgrade</td>
<td>400,000</td>
</tr>
<tr>
<td>24</td>
<td>Newport Piers</td>
<td>137,500</td>
</tr>
<tr>
<td>25</td>
<td>World War II Facility</td>
<td>770,000</td>
</tr>
<tr>
<td>26</td>
<td>Blackstone Valley Bike Path</td>
<td>198,410</td>
</tr>
<tr>
<td>27</td>
<td>Marine Infrastructure/Pier Development</td>
<td>100,000</td>
</tr>
<tr>
<td>28</td>
<td><strong>Other Funds Total</strong></td>
<td>9,050,488</td>
</tr>
<tr>
<td>29</td>
<td><strong>Total – Natural Resources</strong></td>
<td>54,683,994</td>
</tr>
<tr>
<td>30</td>
<td><strong>Environmental Protection</strong></td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>General Revenues</td>
<td>11,751,892</td>
</tr>
<tr>
<td>32</td>
<td>Federal Funds</td>
<td>10,025,644</td>
</tr>
<tr>
<td>33</td>
<td>Restricted Receipts</td>
<td>8,893,258</td>
</tr>
<tr>
<td>34</td>
<td>Other Funds</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>----------------------------------------------------------------</td>
<td>-----</td>
</tr>
<tr>
<td>1</td>
<td>Transportation MOU</td>
<td>164,734</td>
</tr>
<tr>
<td>2</td>
<td>Other Funds Total</td>
<td>164,734</td>
</tr>
<tr>
<td>3</td>
<td>Total – Environmental Protection</td>
<td>30,835,528</td>
</tr>
<tr>
<td>4</td>
<td>Grand Total – General Revenue</td>
<td>36,505,567</td>
</tr>
<tr>
<td>5</td>
<td>Grand Total – Environmental Management</td>
<td>93,482,803</td>
</tr>
<tr>
<td>6</td>
<td><strong>Coastal Resources Management Council</strong></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>General Revenues</td>
<td>2,433,260</td>
</tr>
<tr>
<td>8</td>
<td>Federal Funds</td>
<td>2,614,348</td>
</tr>
<tr>
<td>9</td>
<td>Restricted Receipts</td>
<td>250,000</td>
</tr>
<tr>
<td>10</td>
<td>Other Funds</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Rhode Island Capital Plan Fund</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Shoreline Change Beach SAMP</td>
<td>50,000</td>
</tr>
<tr>
<td>13</td>
<td>Other Funds Total</td>
<td>50,000</td>
</tr>
<tr>
<td>14</td>
<td>Grand Total – Coastal Resources Mgmt. Council</td>
<td>5,347,608</td>
</tr>
<tr>
<td>15</td>
<td><strong>Transportation</strong></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td><strong>Central Management</strong></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Federal Funds</td>
<td>8,540,000</td>
</tr>
<tr>
<td>18</td>
<td>Other Funds</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>Gasoline Tax</td>
<td>2,182,215</td>
</tr>
<tr>
<td>20</td>
<td>Other Funds Total</td>
<td>2,182,215</td>
</tr>
<tr>
<td>21</td>
<td>Total – Central Management</td>
<td>10,722,215</td>
</tr>
<tr>
<td>22</td>
<td><strong>Management and Budget</strong></td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>Other Funds</td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>Gasoline Tax</td>
<td>4,530,251</td>
</tr>
<tr>
<td>25</td>
<td>Other Funds Total</td>
<td>4,530,251</td>
</tr>
<tr>
<td>26</td>
<td>Total – Management and Budget</td>
<td>4,530,251</td>
</tr>
<tr>
<td>27</td>
<td><strong>Infrastructure Engineering - GARVEE/Motor Fuel Tax Bonds</strong></td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>Federal Funds</td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>Federal Funds</td>
<td>240,533,185</td>
</tr>
<tr>
<td>30</td>
<td>Federal Funds – Stimulus</td>
<td>14,542,237</td>
</tr>
<tr>
<td>31</td>
<td>Federal Funds Total</td>
<td>255,075,422</td>
</tr>
<tr>
<td>32</td>
<td>Restricted Receipts</td>
<td>1,000,000</td>
</tr>
<tr>
<td>33</td>
<td>Other Funds</td>
<td></td>
</tr>
<tr>
<td>34</td>
<td>Gasoline Tax</td>
<td>71,459,558</td>
</tr>
</tbody>
</table>
1 Land Sale Revenue 10,800,000
2 Rhode Island Capital Fund
3 RIPTA Land and Buildings 200,000
4 Highway Improvement Program 47,650,000
5 Other Funds Total 130,109,558
6 Total - Infrastructure Engineering – GARVEE 386,184,980
7 **Infrastructure Maintenance**
8 Other Funds
9 Gasoline Tax 11,478,947
10 Non-Land Surplus Property 10,000
11 Outdoor Advertising 100,000
12 Rhode Island Highway Maintenance Account 41,391,607
13 Rhode Island Capital Plan Fund
14 Maintenance Facilities Improvements 100,000
15 Salt Storage Facilities 1,000,000
16 Portsmouth Facility 1,000,000
17 Maintenance - Capital Equipment Replacement 2,000,000
18 Train Station Maintenance and Repairs 350,000
19 Other Funds Total 57,430,554
20 Total – Infrastructure Maintenance 57,430,554
21 Grand Total – Transportation 458,868,000

**Statewide Totals**
22 General Revenues 3,491,628,573
23 Federal Funds 3,003,078,979
24 Restricted Receipts 239,396,225
25 Other Funds 1,893,471,470
26 Statewide Grand Total 8,627,575,247
27
28 SECTION 2. Each line appearing in Section 1 of this Article shall constitute an
29 appropriation.
30
31 SECTION 3. Upon the transfer of any function of a department or agency to another
32 department or agency, the Governor is hereby authorized by means of executive order to transfer
33 or reallocate, in whole or in part, the appropriations and the full-time equivalent limits affected
34 thereby.
35
36 SECTION 4. From the appropriation for contingency shall be paid such sums as may be
required at the discretion of the Governor to fund expenditures for which appropriations may not exist. Such contingency funds may also be used for expenditures in the several departments and agencies where appropriations are insufficient, or where such requirements are due to unforeseen conditions or are non-recurring items of an unusual nature. Said appropriations may also be used for the payment of bills incurred due to emergencies or to any offense against public peace and property, in accordance with the provisions of Titles 11 and 45 of the General Laws of 1956, as amended. All expenditures and transfers from this account shall be approved by the Governor.

SECTION 5. The general assembly authorizes the state controller to establish the internal service accounts shown below, and no other, to finance and account for the operations of state agencies that provide services to other agencies, institutions and other governmental units on a cost reimbursed basis. The purpose of these accounts is to ensure that certain activities are managed in a businesslike manner, promote efficient use of services by making agencies pay the full costs associated with providing the services, and allocate the costs of central administrative services across all fund types, so that federal and other non-general fund programs share in the costs of general government support. The controller is authorized to reimburse these accounts for the cost of work or services performed for any other department or agency subject to the following expenditure limitations:

<table>
<thead>
<tr>
<th>Account</th>
<th>Expenditure Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Assessed Fringe Benefit Internal Service Fund</td>
<td>38,930,194</td>
</tr>
<tr>
<td>Administration Central Utilities Internal Service Fund</td>
<td>17,782,800</td>
</tr>
<tr>
<td>State Central Mail Internal Service Fund</td>
<td>6,203,680</td>
</tr>
<tr>
<td>State Telecommunications Internal Service Fund</td>
<td>4,122,558</td>
</tr>
<tr>
<td>State Automotive Fleet Internal Service Fund</td>
<td>13,830,623</td>
</tr>
<tr>
<td>Surplus Property Internal Service Fund</td>
<td>2,500</td>
</tr>
<tr>
<td>Health Insurance Internal Service Fund</td>
<td>251,175,719</td>
</tr>
<tr>
<td>Other Post-Employment Benefits Fund</td>
<td>64,293,483</td>
</tr>
<tr>
<td>Capital Police Internal Service Fund</td>
<td>1,252,144</td>
</tr>
<tr>
<td>Corrections Central Distribution Center Internal Service Fund</td>
<td>6,768,097</td>
</tr>
<tr>
<td>Correctional Industries Internal Service Fund</td>
<td>7,228,052</td>
</tr>
<tr>
<td>Secretary of State Record Center Internal Service Fund</td>
<td>813,687</td>
</tr>
</tbody>
</table>

(b) The Department of Administration shall establish an internal service fund for the Division of Information Technology commencing July 1, 2015. The Division of Information Technology, which has a federally approved rate structure that identifies the cost of each service it provides, shall implement a billing system which will benchmark its costs compared to the
private sector. The measured components of the Division of Information Technology’s internal
service fund shall be determined through the development of their FY 2016 rates, and shall be
utilized in its cost benchmarking. The Department of Administration will incorporate the Division
of Information Technology as an internal service fund within its FY 2016 Revised Budget.

SECTION 6. The General Assembly may provide a written “statement of legislative
intent” signed by the chairperson of the House Finance Committee and by the chairperson of the
Senate Finance Committee to show the intended purpose of the appropriations contained in
Section 1 of this Article. The statement of legislative intent shall be kept on file in the House
Finance Committee and in the Senate Finance Committee.

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

SECTION 7. Appropriation of Temporary Disability Insurance Funds -- There is hereby
appropriated pursuant to sections 28-39-5 and 28-39-8 of the Rhode Island General Laws all
funds required to be disbursed for the benefit payments from the Temporary Disability Insurance
Fund and Temporary Disability Insurance Reserve Fund for the fiscal year ending June 30, 2016.

SECTION 8. Appropriation of Employment Security Funds -- There is hereby
appropriated pursuant to section 28-42-19 of the Rhode Island General Laws all funds required to
be disbursed for benefit payments from the Employment Security Fund for the fiscal year ending
June 30, 2016.

SECTION 9. Appropriation of Lottery Division Funds -- There is hereby appropriated to
the Lottery Division any funds required to be disbursed by the Lottery Division for the purposes
of paying commissions or transfers to the prize fund for the fiscal year ending June 30, 2016.

SECTION 10. Departments and agencies listed below may not exceed the number of full-
time equivalent (FTE) positions shown below in any pay period. Full-time equivalent positions
do not include seasonal or intermittent positions whose scheduled period of employment does not
exceed twenty-six consecutive weeks or whose scheduled hours do not exceed nine hundred and
twenty-five (925) hours, excluding overtime, in a one-year period. Nor do they include
individuals engaged in training, the completion of which is a prerequisite of employment.
Provided, however, that the Governor or designee, Speaker of the House of Representatives or
designee, and the President of the Senate or designee may authorize an adjustment to any
limitation. Prior to the authorization, the State Budget Officer shall make a detailed written
recommendation to the Governor, the Speaker of the House, and the President of the Senate. A copy of the recommendation and authorization to adjust shall be transmitted to the chairman of the House Finance Committee, Senate Finance Committee, the House Fiscal Advisor and the Senate Fiscal Advisor.

State employees whose funding is from non-state general revenue funds that are time limited shall receive limited term appointment with the term limited to the availability of non-state general revenue funding source.

**FY 2016 FTE POSITION AUTHORIZATION**

<table>
<thead>
<tr>
<th>Departments and Agencies</th>
<th>Full-Time Equivalent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration</td>
<td>710.7</td>
</tr>
<tr>
<td>Business Regulation</td>
<td>99.0</td>
</tr>
<tr>
<td>Executive Office of Commerce</td>
<td>18.6</td>
</tr>
<tr>
<td>Labor and Training</td>
<td>410.0</td>
</tr>
<tr>
<td>Revenue</td>
<td>514.5</td>
</tr>
<tr>
<td>Legislature</td>
<td>298.5</td>
</tr>
<tr>
<td>Office of the Lieutenant Governor</td>
<td>8.0</td>
</tr>
<tr>
<td>Office of the Secretary of State</td>
<td>57.0</td>
</tr>
<tr>
<td>Office of the General Treasurer</td>
<td>83.0</td>
</tr>
<tr>
<td>Board of Elections</td>
<td>11.0</td>
</tr>
<tr>
<td>Rhode Island Ethics Commission</td>
<td>12.0</td>
</tr>
<tr>
<td>Office of the Governor</td>
<td>45.0</td>
</tr>
<tr>
<td>Commission for Human Rights</td>
<td>14.5</td>
</tr>
<tr>
<td>Public Utilities Commission</td>
<td>50.0</td>
</tr>
<tr>
<td>Office of Health and Human Services</td>
<td>202.0</td>
</tr>
<tr>
<td>Children, Youth, and Families</td>
<td>672.5</td>
</tr>
<tr>
<td>Health</td>
<td>488.6</td>
</tr>
<tr>
<td>Human Services</td>
<td>959.1</td>
</tr>
<tr>
<td>Behavioral Health, Developmental Disabilities, and Hospitals</td>
<td>1,421.4</td>
</tr>
<tr>
<td>Elementary and Secondary Education</td>
<td>153.4</td>
</tr>
<tr>
<td>School for the Deaf</td>
<td>60.0</td>
</tr>
<tr>
<td>Davies Career and Technical School</td>
<td>126.0</td>
</tr>
<tr>
<td>Office of Postsecondary Commissioner</td>
<td>30.0</td>
</tr>
</tbody>
</table>

Provided that 1.0 of the total authorization would be available only for positions that are supported by third-party funds.
<table>
<thead>
<tr>
<th>Institution</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>University of Rhode Island</td>
<td>2,456.5</td>
</tr>
<tr>
<td>Provided that 573.8 of the total authorization would be available only for positions that are supported by third-party funds.</td>
<td></td>
</tr>
<tr>
<td>Rhode Island College</td>
<td>923.6</td>
</tr>
<tr>
<td>Provided that 82.0 of the total authorization would be available only for positions that are supported by third-party funds.</td>
<td></td>
</tr>
<tr>
<td>Community College of Rhode Island</td>
<td>854.1</td>
</tr>
<tr>
<td>Provided that 89.0 of the total authorization would be available only for positions that are supported by third-party funds.</td>
<td></td>
</tr>
<tr>
<td>Rhode Island State Council on the Arts</td>
<td>6.0</td>
</tr>
<tr>
<td>RI Atomic Energy Commission</td>
<td>8.6</td>
</tr>
<tr>
<td>Historical Preservation and Heritage Commission</td>
<td>16.6</td>
</tr>
<tr>
<td>Office of the Attorney General</td>
<td>236.1</td>
</tr>
<tr>
<td>Corrections</td>
<td>1,419.0</td>
</tr>
<tr>
<td>Judicial</td>
<td>723.3</td>
</tr>
<tr>
<td>Military Staff</td>
<td>92.0</td>
</tr>
<tr>
<td>Public Safety</td>
<td>633.2</td>
</tr>
<tr>
<td>Office of the Public Defender</td>
<td>93.0</td>
</tr>
<tr>
<td>Emergency Management</td>
<td>32.0</td>
</tr>
<tr>
<td>Environmental Management</td>
<td>399.0</td>
</tr>
<tr>
<td>Coastal Resources Management Council</td>
<td>29.0</td>
</tr>
<tr>
<td>Transportation</td>
<td>752.6</td>
</tr>
<tr>
<td>Total</td>
<td>15,119.4</td>
</tr>
</tbody>
</table>

SECTION 11. The amounts reflected in this Article include the appropriation of Rhode Island Capital Plan funds for fiscal year 2016 and supersede appropriations provided for FY 2016 within Section 11 of Article 1 of Chapter 145 of the P.L. of 2014.

The following amounts are hereby appropriated out of any money in the State’s Rhode Island Capital Plan Fund not otherwise appropriated to be expended during the fiscal years ending June 30, 2017, June 30, 2018, and June 30, 2019. These amounts supersede appropriations provided within Section 11 of Article 1 of Chapter 145 of the P.L. of 2014. For the purposes and functions hereinafter mentioned, the State Controller is hereby authorized and directed to draw his or her orders upon the General Treasurer for the payment of such sums and such portions thereof as may be required by him or her upon receipt of properly authenticated vouchers.
<table>
<thead>
<tr>
<th>Project</th>
<th>June 30, 2017</th>
<th>June 30, 2018</th>
<th>June 30, 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>DOT-Highway Improvement</td>
<td>27,200,000</td>
<td>27,200,000</td>
<td>27,200,000</td>
</tr>
<tr>
<td>DOT-Maintenance – Capital Equipment</td>
<td>2,500,000</td>
<td>2,500,000</td>
<td>2,500,000</td>
</tr>
<tr>
<td>DOA-Pastore Center Rehab</td>
<td>7,915,000</td>
<td>2,500,000</td>
<td>2,120,000</td>
</tr>
<tr>
<td>Higher Ed-Asset Protection-CCRI</td>
<td>2,732,100</td>
<td>2,799,063</td>
<td>2,368,035</td>
</tr>
<tr>
<td>Higher Ed – Knight Campus Renewal</td>
<td>4,000,000</td>
<td>5,000,000</td>
<td>4,000,000</td>
</tr>
<tr>
<td>Higher Ed-Asset Protection-RIC</td>
<td>3,357,700</td>
<td>3,458,431</td>
<td>3,562,184</td>
</tr>
<tr>
<td>Higher Ed-Asset Protection-URI</td>
<td>7,856,000</td>
<td>8,030,000</td>
<td>7,700,000</td>
</tr>
<tr>
<td>DOC Asset Protection</td>
<td>4,000,000</td>
<td>4,000,000</td>
<td>4,000,000</td>
</tr>
<tr>
<td>Judicial-Asset Protection</td>
<td>875,000</td>
<td>950,000</td>
<td>950,000</td>
</tr>
<tr>
<td>Mil Staff-Joint Force Headquarters Bldg</td>
<td>3,000,000</td>
<td>3,000,000</td>
<td>4,100,000</td>
</tr>
<tr>
<td>DEM-Dam Repairs</td>
<td>1,000,000</td>
<td>1,550,000</td>
<td>1,500,000</td>
</tr>
<tr>
<td>DEM-Recreation Facility Improvements</td>
<td>2,250,000</td>
<td>1,700,000</td>
<td>1,550,000</td>
</tr>
</tbody>
</table>

SECTION 12. Reappropriation of Funding for Rhode Island Capital Plan Fund Projects.

Any unexpended and unencumbered funds from Rhode Island Capital Plan Fund project appropriations may be reappropriated at the recommendation of the Governor in the ensuing fiscal year and made available for the same purpose. However, any such reappropriations are subject to final approval by the General Assembly as part of the supplemental appropriations act. Any unexpended funds of less than five hundred dollars ($500) shall be reappropriated at the discretion of the State Budget Officer.

SECTION 13. For the Fiscal Year ending June 30, 2016, the Rhode Island Housing and Mortgage Finance Corporation shall provide from its resources such sums as appropriate in support of the Neighborhood Opportunities Program. The Corporation shall provide a report detailing the amount of funding provided to this program, as well as information on the number of units of housing provided as a result to the Director of Administration, the Chair of the Housing Resources Commission, the Chair of the House Finance Committee, the Chair of the Senate Finance Committee and the State Budget Officer.

SECTION 14. Notwithstanding any provisions of Chapter 19 in Title 23 of the Rhode Island General Laws, the Resource Recovery Corporation shall transfer to the State Controller the sum of one million five hundred thousand dollars ($1,500,000) by June 30, 2016.

SECTION 15. Notwithstanding any provisions of Chapter 12.2 in Title 46 of the Rhode Island General Laws, the Clean Water Finance Agency shall transfer to the State Controller the sum of eleven million dollars ($11,000,000) by June 30, 2016.

SECTION 16. Notwithstanding any provisions of Chapter 25 in Title 46 of the Rhode Island General Laws, the Clean Water Finance Agency shall transfer to the State Controller the sum of eleven million dollars ($11,000,000) by June 30, 2016.
Island General Laws, the Narragansett Bay Commission shall transfer to the State Controller the sum of two million eight hundred thousand dollars ($2,800,000) by June 30, 2016.

SECTION 17. Notwithstanding any provisions of Chapter 38 in Title 45 of the Rhode Island General Laws, the Rhode Island Health and Educational Building Corporation shall transfer to the State Controller the sum of five million dollars ($5,000,000) by June 30, 2016.

SECTION 18. Notwithstanding any provisions of Chapter 1 in Title 1 of the Rhode Island General Laws, the Rhode Island Corporation shall transfer to the State Controller the sum of four hundred and thirty thousand dollars ($430,000) by June 30, 2016.

SECTION 19. This article shall take effect as of July 1, 2015.

ARTICLE 2

RELATING TO DEBT MANAGEMENT ACT JOINT RESOLUTION

SECTION 1. This article contains a joint resolution submitted pursuant to Rhode Island General Laws § 35-18-1, et seq.

SECTION 2. University of Rhode Island Fraternity Circle Improvements Phase I.

WHEREAS, the University of Rhode Island is proposing a utility and infrastructure project to replace, improve, and reorganize aged, incrementally developed utility and paved infrastructure in the sector of the Kingston Campus devoted to fraternity and sorority houses, referred to as Fraternity Circle Improvements Phase I, including improvements to water, wastewater, electrical, telecommunications, natural gas connections, and storm water management systems, as well as roadways, walkways, and parking lots as a first phase of improvements reflected in a “master plan” for this unique neighborhood of on-campus residences serving organizations of students; and

WHEREAS, fraternities and sororities first developed in the early 1900’s at the University of Rhode Island and were expanded with the initial designation and development of the “fraternity circle” neighborhood that was established in 1964, with the complement of fraternity and sorority buildings presently housing over 800 students, while maintaining strong bonds with affiliated alumni supporters of the University; and

WHEREAS, the capacity of the present water distribution system in this sector is a concern for serving sprinkler systems in both present and future houses and the wastewater system and storm water management systems must be improved and contemporized, the latter being subject to recent favorable environmental standards; and

WHEREAS, the upgrade and reconfiguration of gas, electric, and telecommunication infrastructure in the district, with the cooperation of National Grid and the university’s networking and telecommunications operation, will address reliability, safety and long-term...
functionality, while reconfigured roadways, with service access, improved pedestrian safety, and
parking area enhancements will bring this sector in line with the hardscape, exterior lighting, and
blue-light emergency phone complements in the adjacent residence hall districts; and

WHEREAS, the design and construction of this project will be financed through Rhode
Island Health and Educational Building Corporation (RIHEBC) revenue bonds, with an expected
term of twenty (20) years; and

WHEREAS, debt service payments would be supported by university general revenues;
now, therefore, be it

RESOLVED, that the total amount of the debt approved to be issued in the aggregate
shall be limited to not more than five million one hundred thousand dollars ($5,100,000). Total
debt service on the bonds is not expected to exceed four hundred seven thousand dollars
($407,000) annually and eight million one hundred forty thousand dollars ($8,140,000) in the
aggregate based on an average interest rate of five (5.0%) percent and a twenty (20) year
maturity; and be it further

RESOLVED, that the Fraternity Circle Improvement Project Phase I is an important
investment in the upgrade of essential utility systems to enhance public safety, ensure reliability
and capacity, and safeguard the woodland/wetland setting of this sector of the Kingston Campus;
and that this general assembly hereby approves financing; and it be further

RESOLVED, that this joint resolution shall take effect upon passage by this general
assembly.

SECTION 3. This article shall take effect upon passage.

ARTICLE 3

RELATING TO LICENSING OF HOSPITAL FACILITIES

SECTION 1. Section 23-17-38.1 of the General Laws in Chapter 23-17 entitled
“Licensing of Health Care Facilities” is hereby amended to read as follows:

23-17-38.1 Hospitals – Licensing fee. -- (a) There is imposed a hospital licensing fee at
the rate of five and four hundred eighteen thousandths percent (5.418%) upon the net patient
services revenue of every hospital for the hospital's first fiscal year ending on or after January 1,
2012, except that the license fee for all hospitals located in Washington County, Rhode Island,
shall be discounted by thirty-seven percent (37%). The discount for Washington County hospitals
is subject to approval by the Secretary of the US Department of Health and Human Services of a
state plan amendment submitted by the executive office of health and human services for the
purpose of pursuing a waiver of the uniformity requirement for the hospital license fee. This
licensing fee shall be administered and collected by the tax administrator, division of taxation.
within the department of revenue, and all the administration, collection, and other provisions of chapter 51 of title 44 shall apply. Every hospital shall pay the licensing fee to the tax administrator on or before July 14, 2014, and payments shall be made by electronic transfer of monies to the general treasurer and deposited to the general fund. Every hospital shall, on or before June 16, 2014, make a return to the tax administrator containing the correct computation of net patient services revenue for the hospital fiscal year ending September 30, 2012, and the licensing fee due upon that amount. All returns shall be signed by the hospital’s authorized representative, subject to the pains and penalties of perjury.

(b) There is also imposed a hospital licensing fee at the rate of five and seven hundred three thousandths percent (5.703%) upon the net patient services revenue of every hospital for the hospital’s first fiscal year ending on or after January 1, 2013, except that the license fee for all hospitals located in Washington County, Rhode Island shall be discounted by thirty-seven percent (37%). The discount for Washington County hospitals is subject to approval by the Secretary of the US Department of Health and Human Services of a state plan amendment submitted by the executive office of health and human services for the purpose of pursuing a waiver of the uniformity requirement for the hospital license fee. This licensing fee shall be administered and collected by the tax administrator, division of taxation within the department of revenue, and all the administration, collection and other provisions of chapter 51 of title 44 shall apply. Every hospital shall pay the licensing fee to the tax administrator on or before July 13, 2015 and payments shall be made by electronic transfer of monies to the general treasurer and deposited to the general fund. Every hospital shall, on or before June 15, 2015, make a return to the tax administrator containing the correct computation of net patient services revenue for the hospital fiscal year ending September 30, 2013, and the licensing fee due upon that amount. All returns shall be signed by the hospital’s authorized representative, subject to the pains and penalties of perjury.
the administration, collection and other provisions of chapter 51 of title 44 shall apply. Every
hospital shall pay the licensing fee to the tax administrator on or before July 11, 2016 and
payments shall be made by electronic transfer of monies to the general treasurer and deposited to
the general fund. Every hospital shall, on or before June 13, 2016, make a return to the tax
administrator containing the correct computation of net patient services revenue for the hospital
fiscal year ending September 30, 2013, and the licensing fee due upon that amount. All returns
shall be signed by the hospital's authorized representative, subject to the pains and penalties of
perjury.

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

(1) "Hospital" means a person or governmental unit duly licensed in accordance with this
chapter to establish, maintain, and operate a hospital, except a hospital whose primary service and
primary bed inventory are psychiatric.

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

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

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

(e) The licensing fee imposed by this section shall apply to hospitals as defined herein
that are duly licensed on July 1, 2014, and shall be in addition to the inspection fee imposed
by § 23-17-38 and to any licensing fees previously imposed in accordance with § 23-17-38.1.

SECTION 2. This article shall take effect as of July 1, 2015.

ARTICLE 4

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, 2013, the period from October 1, 2012 through September 30, 2013.
(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 incurred by such hospital during the base year for inpatient or outpatient services attributable to charity care (free care and bad debts) for which the patient has no health insurance or other third-party coverage less payments, if any, received directly from such patients; and (ii) the cost incurred by such hospital during the base year for inpatient or out-patient services attributable to Medicaid beneficiaries less any Medicaid reimbursement received therefor; multiplied by the uncompensated care index.

(5) "Uncompensated care index" means the annual percentage increase for hospitals established pursuant to § 27-19-14 for each year after the base year, up to and including the payment year ending September 30, 2007 shall be deemed to be five and thirty-eight hundredths percent (5.38%), and that the uncompensated care index for the payment year ending September 30, 2008 shall be deemed to be five and forty-seven hundredths percent (5.47%), and that the uncompensated care index for the payment year ending September 30, 2009 shall be deemed to be five and thirty-eight hundredths percent (5.38%), and that the uncompensated care index for the payment years ending September 30, 2010, September 30, 2011, September 30, 2012, September 30, 2013, September 30, 2014 and, September 30, 2015 and September 30, 2016 shall be deemed to be five and thirty hundredths percent (5.30%).

40-8.3-3 Implementation. -- (a) For federal fiscal year 2013, commencing on October 1, 2012 and ending September 30, 2013, the executive office of health and human services shall submit to the Secretary of the U.S. Department of Health and Human Services a state plan amendment to the Rhode Island Medicaid state plan for disproportionate share hospital payments (DSH Plan) to provide:

(1) That the disproportionate share hospital payments to all participating hospitals, not to
exceed an aggregate limit of $128.3 million, shall be allocated by the executive office of health and human services to the Pool A, Pool C and Pool D components of the DSH Plan; and,

(2) That the Pool D allotment shall be distributed among the participating hospitals in direct proportion to the individual participating hospital's uncompensated care costs for the base year, inflated by the uncompensated care index to the total uncompensated care costs for the base year inflated by uncompensated care index for all participating hospitals. The disproportionate share payments shall be made on or before July 15, 2013 and are expressly conditioned upon approval on or before July 8, 2013 by the Secretary of the U.S. Department of Health and Human Services, or his or her authorized representative, of all Medicaid state plan amendments necessary to secure for the state the benefit of federal financial participation in federal fiscal year 2013 for the disproportionate share payments.

(b) For federal fiscal year 2014, commencing on October 1, 2013 and ending September 30, 2014, the executive office of health and human services shall submit to the Secretary of the U.S. Department of Health and Human Services a state plan amendment to the Rhode Island Medicaid state plan for disproportionate share hospital payments (DSH Plan) to provide:

(1) That the disproportionate share hospital payments to all participating hospitals, not to exceed an aggregate limit of $136.8 million, shall be allocated by the executive office of health and human services to the Pool A, Pool C and Pool D components of the DSH Plan; and,

(2) That the Pool D allotment shall be distributed among the participating hospitals in direct proportion to the individual participating hospital's uncompensated care costs for the base year, inflated by the uncompensated care index to the total uncompensated care costs for the base year inflated by uncompensated care index for all participating hospitals. The disproportionate share payments shall be made on or before July 14, 2014 and are expressly conditioned upon approval on or before July 7, 2014 by the Secretary of the U.S. Department of Health and Human Services, or his or her authorized representative, of all Medicaid state plan amendments necessary to secure for the state the benefit of federal financial participation in federal fiscal year 2014 for the disproportionate share payments.

(c) For federal fiscal year 2015, commencing on October 1, 2014 and ending September 30, 2015, the executive office of health and human services shall submit to the Secretary of the U.S. Department of Health and Human Services a state plan amendment to the Rhode Island Medicaid state plan for disproportionate share hospital payments (DSH Plan) to provide:

(1) That the disproportionate share hospital payments to all participating hospitals, not to
exceed an aggregate limit of $136.8 million, shall be allocated by the executive office of health
and human services to the Pool A, Pool C and Pool D components of the DSH Plan; and,

(2) That the Pool D allotment shall be distributed among the participating hospitals in
direct proportion to the individual participating hospital's uncompensated care costs for the base
year, inflated by the uncompensated care index to the total uncompensated care costs for the base
year inflated by uncompensated care index for all participating hospitals. The disproportionate
share payments shall be made on or before July 13, 2015 and are expressly conditioned upon
approval on or before July 6, 2015 by the Secretary of the U.S. Department of Health and Human
Services, or his or her authorized representative, of all Medicaid state plan amendments necessary
to secure for the state the benefit of federal financial participation in federal fiscal year 2015 for
the disproportionate share payments.

(c) For federal fiscal year 2016, commencing on October 1, 2015 and ending September
30, 2016, the executive office of health and human services shall submit to the Secretary of the
U.S. Department of Health and Human Services a state plan amendment to the Rhode Island
Medicaid state plan for disproportionate share hospital payments (DSH Plan) to provide:

(1) That the disproportionate share hospital payments to all participating hospitals, not to
exceed an aggregate limit of $136.8 million, shall be allocated by the executive office of health
and human services to the Pool A, Pool C and Pool D components of the DSH Plan; and,

(2) That the Pool D allotment shall be distributed among the participating hospitals in
direct proportion to the individual participating hospital's uncompensated care costs for the base
year, inflated by the uncompensated care index to the total uncompensated care costs for the base
year inflated by uncompensated care index for all participating hospitals. The disproportionate
share payments shall be made on or before July 11, 2016 and are expressly conditioned upon
approval on or before July 5, 2016 by the Secretary of the U.S. Department of Health and Human
Services, or his or her authorized representative, of all Medicaid state plan amendments necessary
to secure for the state the benefit of federal financial participation in federal fiscal year 2016 for
the disproportionate share payments.

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

SECTION 2. Section 40-8.3-10 of the General Laws in Chapter 40-8.3 entitled
“Uncompensated Care” is hereby repealed.

40-8.3-10 Hospital adjustment payments. -- Effective July 1, 2012 and for each
subsequent year, the executive office of health and human services is hereby authorized and
directed to amend its regulations for reimbursement to hospitals for inpatient and outpatient services as follows:

(a) Each hospital in the state of Rhode Island, as defined in subdivision 23-1738.19(b)(1), shall receive a quarterly outpatient adjustment payment each state fiscal year of an amount determined as follows:

(1) Determine the percent of the state's total Medicaid outpatient and emergency department services (exclusive of physician services) provided by each hospital during each hospital's prior fiscal year;

(2) Determine the sum of all Medicaid payments to hospitals made for outpatient and emergency department services (exclusive of physician services) provided during each hospital's prior fiscal year;

(3) Multiply the sum of all Medicaid payments as determined in subdivision (2) by a percentage defined as the total identified upper payment limit for all hospitals divided by the sum of all Medicaid payments as determined in subdivision (2); and then multiply that result by each hospital's percentage of the state's total Medicaid outpatient and emergency department services as determined in subdivision (1) to obtain the total outpatient adjustment for each hospital to be paid each year;

(4) Pay each hospital on or before July 20, October 20, January 20, and April 20 one quarter (1/4) of its total outpatient adjustment as determined in subdivision (3) above.

(b) Each hospital in the state of Rhode Island, as defined in subdivision 3-1738.19(b)(1), shall receive a quarterly inpatient adjustment payment each state fiscal year of an amount determined as follows:

(1) Determine the percent of the state's total Medicaid inpatient services (exclusive of physician services) provided by each hospital during each hospital's prior fiscal year;

(2) Determine the sum of all Medicaid payments to hospitals made for inpatient services (exclusive of physician services) provided during each hospital's prior fiscal year;

(3) Multiply the sum of all Medicaid payments as determined in subdivision (2) by a percentage defined as the total identified upper payment limit for all hospitals divided by the sum of all Medicaid payments as determined in subdivision (2); and then multiply that result by each hospital's percentage of the state's total Medicaid inpatient services as determined in subdivision (1) to obtain the total inpatient adjustment for each hospital to be paid each year;

(4) Pay each hospital on or before July 20, October 20, January 20, and April 20 one quarter (1/4) of its total inpatient adjustment as determined in subdivision (3) above.

(c) The amounts determined in subsections (a) and (b) are in addition to Medicaid
inpatient and outpatient payments and emergency services payments (exclusive of physician services) paid to hospitals in accordance with current state regulation and the Rhode Island Plan for Medicaid Assistance pursuant to Title XIX of the Social Security Act and are not subject to recoupment or settlement.

SECTION 3. This article shall take effect as of July 1, 2015.

ARTICLE 5

RELATING TO MEDICAL ASSISTANCE

SECTION 1. Sections 40-8-13.4 and 40-8-19 of the General Laws in Chapter 40-8 entitled “Medical Assistance” are hereby amended to read as follows:

40-8-13.4 Rate methodology for payment for in state and out of state hospital services. -- (a) The executive office of health and human services shall implement a new methodology for payment for in state and out of state hospital services in order to ensure access to and the provision of high quality and cost-effective hospital care to its eligible recipients.

(b) In order to improve efficiency and cost effectiveness, the executive office of health and human services shall:

(1)(A) With respect to inpatient services for persons in fee for service Medicaid, which is non-managed care, implement a new payment methodology for inpatient services utilizing the Diagnosis Related Groups (DRG) method of payment, which is, a patient classification method which provides a means of relating payment to the hospitals to the type of patients cared for by the hospitals. It is understood that a payment method based on Diagnosis Related Groups may include cost outlier payments and other specific exceptions. The executive office will review the DRG payment method and the DRG base price annually, making adjustments as appropriate in consideration of such elements as trends in hospital input costs, patterns in hospital coding, beneficiary access to care, and the Center for Medicare and Medicaid Services national CMS Prospective Payment System (IPPS) Hospital Input Price index.

(B) With respect to inpatient services, (i) it is required as of January 1, 2011 until December 31, 2011, that the Medicaid managed care payment rates between each hospital and health plan shall not exceed ninety and one tenth percent (90.1%) of the rate in effect as of June 30, 2010. Negotiated increases in inpatient hospital payments for each annual twelve (12) month period beginning January 1, 2012 may not exceed the Centers for Medicare and Medicaid Services national CMS Prospective Payment System (IPPS) Hospital Input Price index for the applicable period; (ii) provided, however, for the twenty-four (24) month period beginning July 1, 2013 the Medicaid managed care payment rates between each hospital and health plan shall not exceed the payment rates in effect as of January 1, 2013 and for the twelve (12) month period
beginning July 1, 2015, the Medicaid managed care payment rates between each hospital and
health plan shall not exceed ninety-five percent (95.0%) of the payment rates in effect as of
January 1, 2013; (iii) negotiated increases in inpatient hospital payments for each annual twelve
(12) month period beginning July 1, 2015 may not exceed the Centers for Medicare and
Medicaid Services national CMS Prospective Payment System (IPPS) Hospital Input Price Index,
less Productivity Adjustment, for the applicable period; (iv) The Rhode Island executive office of
health and human services will develop an audit methodology and process to assure that savings
associated with the payment reductions will accrue directly to the Rhode Island Medicaid
program through reduced managed care plan payments and shall not be retained by the managed
care plans; (v) All hospitals licensed in Rhode Island shall accept such payment rates as payment
in full; and (vi) for all such hospitals, compliance with the provisions of this section shall be a
condition of participation in the Rhode Island Medicaid program.

(2) With respect to outpatient services and notwithstanding any provisions of the law to
the contrary, for persons enrolled in fee for service Medicaid, the executive office will reimburse
hospitals for outpatient services using a rate methodology determined by the executive office and
in accordance with federal regulations. Fee-for-service outpatient rates shall align with Medicare
payments for similar services. Notwithstanding the above, there shall be no increase in the
Medicaid fee-for-service outpatient rates effective on July 1, 2013 or July 1, 2014, or July 1,
2015. For the twelve (12) month period beginning July 1, 2015, Medicaid fee-for-service
outpatient rates shall not exceed ninety-five percent (95.0%) of the rates in effect as of July 1,
2014. Thereafter, changes to outpatient rates will be implemented on July 1 each year and shall
align with Medicare payments for similar services from the prior federal fiscal year. With respect
to the outpatient rate, (i) it is required as of January 1, 2011 until December 31, 2011, that the
Medicaid managed care payment rates between each hospital and health plan shall not exceed one
hundred percent (100%) of the rate in effect as of June 30, 2010. Negotiated increases in hospital
outpatient payments for each annual twelve (12) month period beginning January 1, 2012 may
not exceed the Centers for Medicare and Medicaid Services national CMS Outpatient Prospective
Payment System (OPPS) hospital price index for the applicable period; (ii) provided, however,
for the twenty-four (24) month period beginning July 1, 2013 the Medicaid managed care
outpatient payment rates between each hospital and health plan shall not exceed the payment rates
in effect as of January 1, 2013 and for the twelve (12) month period beginning July 1, 2015, the
Medicaid managed care outpatient payment rates between each hospital and health plan shall not
exceed ninety-five percent (95.0%) of the payment rates in effect as of January 1, 2013; (iii)
negotiated increases in outpatient hospital payments for each annual twelve (12) month period
beginning July 1, 2015 may not exceed the Centers for Medicare and Medicaid Services national CMS Outpatient Prospective Payment System (OPPS) Hospital Input Price Index, less Productivity Adjustment, for the applicable period.

(c) It is intended that payment utilizing the Diagnosis Related Groups method shall reward hospitals for providing the most efficient care, and provide the executive office the opportunity to conduct value based purchasing of inpatient care.

(d) The secretary of the executive office of health and human services is hereby authorized to promulgate such rules and regulations consistent with this chapter, and to establish fiscal procedures he or she deems necessary for the proper implementation and administration of this chapter in order to provide payment to hospitals using the Diagnosis Related Group payment methodology. Furthermore, amendment of the Rhode Island state plan for medical assistance (Medicaid) pursuant to Title XIX of the federal Social Security Act is hereby authorized to provide for payment to hospitals for services provided to eligible recipients in accordance with this chapter.

(c) The executive office shall comply with all public notice requirements necessary to implement these rate changes.

(f) As a condition of participation in the DRG methodology for payment of hospital services, every hospital shall submit year-end settlement reports to the executive office within one year from the close of a hospital's fiscal year. Should a participating hospital fail to timely submit a year-end settlement report as required by this section, the executive office shall withhold financial cycle payments due by any state agency with respect to this hospital by not more than ten percent (10%) until said report is submitted. For hospital fiscal year 2010 and all subsequent fiscal years, hospitals will not be required to submit year-end settlement reports on payments for outpatient services. For hospital fiscal year 2011 and all subsequent fiscal years, hospitals will not be required to submit year-end settlement reports on claims for hospital inpatient services. Further, for hospital fiscal year 2010, hospital inpatient claims subject to settlement shall include only those claims received between October 1, 2009 and June 30, 2010.

(g) The provisions of this section shall be effective upon implementation of the amendments and new payment methodology pursuant to this section and § 40-8-13.3, which shall in any event be no later than March 30, 2010, at which time the provisions of §§ 40-8-13.2, 27-19-14, 27-19-15, and 27-19-16 shall be repealed in their entirety.

40-8-19 Rates of payment to nursing facilities. -- (a) Rate reform. (1) The rates to be paid by the state to nursing facilities licensed pursuant to chapter 17 of title 23, and certified to participate in the Title XIX Medicaid program for services rendered to Medicaid-eligible
residents, shall be reasonable and adequate to meet the costs which must be incurred by
efficiently and economically operated facilities in accordance with 42 U.S.C. § 1396a(a)(13). The
executive office of health and human services shall promulgate or modify the principles of
reimbursement for nursing facilities in effect as of July 1, 2011 to be consistent with the
provisions of this section and Title XIX, 42 U.S.C. § 1396 et seq., of the Social Security Act.

(2) The executive office of health and human services (“Executive Office”) shall review
the current methodology for providing Medicaid payments to nursing facilities, including other
long-term care services providers, and is authorized to modify the principles of reimbursement to
replace the current cost based methodology rates with rates based on a price based methodology
to be paid to all facilities with recognition of the acuity of patients and the relative Medicaid
occupancy, and to include the following elements to be developed by the executive office:

(i) A direct care rate adjusted for resident acuity;
(ii) An indirect care rate comprised of a base per diem for all facilities;
(iii) A rearray of costs for all facilities every three (3) years beginning October, 2015,
which may or may not result in automatic per diem revisions;
(iv) Application of a fair rental value system;
(v) Application of a pass-through system; and
(vi) Adjustment of rates by the change in a recognized national nursing home inflation
index to be applied on October 1st of each year, beginning October 1, 2012. This adjustment will
not occur on October 1, 2013 or October 1, 2015, but will resume occur on April 1, 2015. Said
inflation index shall be applied without regard for the transition factor in subsection (b)(2) below.

(b) Transition to full implementation of rate reform. For no less than four (4) years after
the initial application of the price-based methodology described in subdivision (a)(2) to payment
rates, the executive office of health and human services shall implement a transition plan to
moderate the impact of the rate reform on individual nursing facilities. Said transition shall
include the following components:

(1) No nursing facility shall receive reimbursement for direct care costs that is less than
the rate of reimbursement for direct care costs received under the methodology in effect at the
time of passage of this act; and
(2) No facility shall lose or gain more than five dollars ($5.00) in its total per diem rate
the first year of the transition. The adjustment to the per diem loss or gain may be phased out by
twenty-five percent (25%) each year; and
(3) The transition plan and/or period may be modified upon full implementation of
facility per diem rate increases for quality of care related measures. Said modifications shall be
submitted in a report to the general assembly at least six (6) months prior to implementation.

(4) Notwithstanding any law to the contrary, for the twelve (12) month period beginning
July 1, 2015, payment rates established pursuant to this section shall not exceed ninety-seven
percent (97.0%) of the rates in effect as of April 1, 2015.

Term Managed Care Arrangements” is hereby amended to read as follows:

40-8.13-5 Financial savings under managed care. -- To the extent that financial savings
are a goal under any managed long-term care arrangement, it is the intent of the legislature to
achieve such savings through administrative efficiencies, care coordination, and improvements in
care outcomes, rather than through reduced reimbursement rates to providers. Therefore, any
managed long-term care arrangement shall include a requirement that the managed care
organization reimburse providers for services in accordance with the following:

(1) For a duals demonstration project, the managed care organization:

(i) Shall not combine the rates of payment for post-acute skilled and rehabilitation care
provided by a nursing facility and long-term and chronic care provided by a nursing facility in
order to establish a single payment rate for dual eligible beneficiaries requiring skilled nursing
services;

(ii) Shall pay nursing facilities providing post-acute skilled and rehabilitation care or
long-term and chronic care rates that reflect the different level of services and intensity required
to provide these services; and

(2) For a managed long-term care arrangement that is not a duals demonstration project,
the managed care organization shall reimburse providers in an amount not less than the rate that
would be paid for the same care by EOHHS under the Medicaid program.

(3) Notwithstanding any law to the contrary, for the twelve (12) month period beginning
July 1, 2015, payment rates between each nursing facility and managed care organization shall
not exceed ninety-seven percent (97.0%) of the payment rates in effect during state fiscal year
2015.

SECTION 3. Section 5 of Article 18 of Chapter 145 of the Public Laws of 2014 is
hereby repealed.

SECTION 5. A pool is hereby established of up to $1.5 million to support Medicaid
Graduate Education funding for Academic Medical Centers with level I Trauma Centers who
provide care to the state’s critically ill and indigent populations. The office of Health and Human
Services shall utilize this pool to provide up to $3 million per year in additional Medicaid
payments to support Graduate Medical Education programs to hospitals meeting all of the
following criteria:

(a) Hospital must have a minimum of 25,000 inpatient discharges per year for all patients regardless of coverage.

(b) Hospital must be designated as Level I Trauma Center.

(c) Hospital must provide graduate medical education training for at least 250 interns and residents per year.

The Secretary of the Executive Office of Health and Human Services shall determine the appropriate Medicaid payment mechanism to implement this program and amend any state plan documents required to implement the payments.

Payments for Graduate Medical Education programs shall be effective July 1, 2014.

SECTION 4. Pursuant to § 42-12.4-7 of the General Laws, the Secretary of Health and Human Services is hereby authorized by the General Assembly to undertake those programmatic changes requiring the implementation of a rule or regulation or modification of a rule or regulation in existence prior to the implementation of the global consumer choice section 1115 demonstration, or any category II change or category III change as defined in the demonstration, that are integral to the appropriations for the medical assistance program contained in Article 1 of this Act and detailed in official budgetary documents supplemental thereto.

SECTION 5. This article shall take effect as of July 1, 2014.

ARTICLE 6

RELATING TO EDUCATION

SECTION 1. Section 16-21-1 of the General Laws in Chapter 16-21-1 entitled “Health and Safety of Pupils” is hereby amended to read as follows:

16-21-1 Transportation of public and private school pupils. — (a) The school committee of any town or city shall provide suitable transportation to and from school for pupils attending public and private schools of elementary and high school grades, except private schools that are operated for profit, who reside so far from the public or private school which the pupil attends as to make the pupil's regular attendance at school impractical and for any pupil whose regular attendance would otherwise be impracticable on account of physical disability or infirmity.

(b) For transportation provided to children enrolled in grades kindergarten through five (5), school bus monitors, other than the school bus driver, shall be required on all school bound and home bound routes. Variances to the requirement for a school bus monitor may be granted by the commissioner of elementary and secondary education if he or she finds that an alternative plan provides substantially equivalent safety for children. For the purposes of this section a
“school bus monitor” means any person sixteen (16) years of age or older.

(c) No school committee shall negotiate, extend, or renew any transportation contract unless such contract enables the district to participate in the statewide transportation system, without penalty to the district, upon implementation of the statewide transportation system described in RIGL §§ 16-21.1-7 and 16-21.1-8. Notice of the implementation of the statewide transportation system for in-district transportation shall be provided in writing by the department of elementary and secondary education to the superintendent of each district upon implementation. Upon implementation of the statewide system of transportation for all students, each school committee shall purchase transportation services for their own resident students by accessing the statewide system on a fee-for-service basis for each student; provided, however, that any school committee that fulfills its transportation obligations primarily through the use of district-owned buses or district employees may continue to do so. Variances to the requirement for the purchase of transportation services through the statewide transportation system for non-public and non-shared routes may be granted by the commissioner of elementary and secondary education if the commissioner finds that an alternative system is more cost effective. All fees paid for transportation services provided to students under the statewide system shall be paid into a statewide student transportation services restricted receipt account within the department of elementary and secondary education. Payments from the account shall be limited to payments to the transportation service provider and transportation system consultants. This restricted receipt account shall not be subject to the indirect cost recoveries provisions set forth in § 35-4-27.

SECTION 2. Sections 16-23-2 and 16-23-3 of the General Laws in Chapter 16-23 entitled “Textbooks” are hereby repealed.

16-23-2 Loan of textbooks. -- (a) The school committee of every community as it is defined in § 16-7-16 shall furnish upon request, at the expense of the community, textbooks to all students in grades K-12 in the fields of mathematics, science, modern foreign languages, English/language arts and history/social studies, appearing on the list of textbooks published by the commissioner of elementary and secondary education as provided in § 16-23-3, to all pupils of elementary and secondary school grades resident in the community, the textbooks to be loaned to the pupils free of charge, subject to any rules and regulations as to care and custody that the school committee may prescribe. For loan purposes, non-public schools may not change a textbook assignment in a field more often than once in a three (3) year period as required of public schools in accordance with the provisions of § 16-23-1. Nothing in this section shall be construed as forbidding non-public schools from requiring the use of any textbook, consistent with the provisions of this chapter, that does not adhere to said limitation, provided that the
textbook is furnished to the student through a means other than the school committee of the
student's city or town of residence.

(b) Every school committee shall also furnish at the expense of the community all other
textbooks and school supplies used in the public schools of the community, the other textbooks
and supplies to be loaned to the pupils of the public schools free of charge, subject to any rules
and regulations as to care and custody that the school committee may prescribe. School books
removed from school use may be distributed to pupils, and any textbook may become the
property of a pupil who has completed the use of it in school, subject to rules and regulations
prescribed by the school committee.

c) Nothing in this section shall be construed to forbid requiring or accepting from a pupil
a deposit of a reasonable amount of money as a guaranty for the return of school property other
than the books and supplies required in this section to be loaned free of charge, provided that the
school committee shall make suitable rules and regulations for the safekeeping and return of
deposits; and, provided, further, that in establishing schedules for deposits, the school committee
should include provision for waiver of deposit due to financial hardship.

16-23-3 Published textbook list. -- The commissioner shall publish annually a list of
textbooks in use in the public schools in the fields of mathematics, science, modern foreign
languages, English/language arts and history/social studies to all students in grades K-12. The list
shall be published for the purpose of the loan of the textbooks to all resident pupils as provided
for in § 16-23-2 and shall not include any textbooks of a sectarian nature or containing sectarian
material.

entitled “Full-Day Kindergarten Accessibility Act” are hereby amended to read as follows:

16-99-2 Legislative findings. -- The general assembly hereby finds and declares as
follows:

(1) According to the National Center for Education Statistics, children in full-day
kindergarten classes make greater academic gains in both reading and mathematics compared to
those in half-day classes;

(2) According to Kids Count RI, full-day kindergarten can contribute to closing academic
achievement gaps between lower and higher income children;

(3) According to the National Center for Education Statistics, full-day kindergarten
classes are more likely than half-day classes to instruct students daily in the areas of mathematics,
social studies and science; and

(4) According to Kids Count RI, children in full-day kindergarten are more likely to be
ready for first grade than those in half-day programs, regardless of family income, parental education and school characteristics; and

(5) While this act does not mandate school districts to operate a full-day kindergarten program, it provides limited one-time, start-up funding for school districts that move to provide students with access to full-day kindergarten programs, distributed on a competitive basis.

16-99-3 Full-day kindergarten.-- (a) For the purpose of this chapter, the term “full-day kindergarten” means a kindergarten program that operates a minimum of five and one-half (5 1/2) hours or three hundred thirty (330) minutes of actual school work, excluding lunch, recess periods, common planning time, pre- and post-school teacher time, study halls, homeroom periods, student passing time and any other time that is not actual instructional time.

(b) The commissioner of elementary and secondary education has discretion to further define and approve full-day kindergarten programs consistent with this section.

(c) Beginning August 2016, each school district must offer full-day kindergarten to every eligible student to qualify for any state education aid provided for in Title 16.

SECTION 4. This article shall take effect upon passage.

ARTICLE 7

RELATING TO HIGHER EDUCATION ASSISTANCE AUTHORITY

SECTION 1. Chapter 16-37 entitled “Best and Brightest Scholarship Fund” is hereby repealed.

16-37-1 Short title.-- This chapter shall be known and may be cited as the “Best and Brightest Scholarship Act.”

16-37-2 Establishment of scholarship fund.-- There is established the best and brightest scholarship fund, sometimes referred to as the “fund” or the “scholarship fund,” which shall be utilized to attract the best and the brightest of the state’s high school graduates, as defined in this chapter, into public school teaching within the state. The general assembly shall annually appropriate any funds as it deems necessary to implement the purposes of this chapter.

16-37-3 Scholarship committee -- Members -- Meetings -- Officers.-- There is established the best and brightest scholarship committee, consisting of nine (9) members: one shall be the commissioner of elementary and secondary education, or the commissioner’s designee; one shall be the commissioner of higher education, or the commissioner’s designee; one shall be the president of the Rhode Island Federation of Teachers, or the president’s designee; one shall be the president of the National Education Association of Rhode Island, or the president’s designee; one shall be the president of the Rhode Island association of school committees, or the president’s designee; one shall be the president of the Rhode Island Association of
Superintendents of Schools, or the president’s designee; one shall be the executive director of the Rhode Island higher education assistance authority, or the director’s designee; and two (2) shall be the parents of public or private school students, to be appointed by the governor for a two (2) year term. The committee shall elect a chairperson, vice chairperson, secretary, and treasurer for one year terms.

16-37-4 Scholarship committee — Powers. — The committee is authorized and empowered:

(1) To adopt rules and regulations designed to implement the provisions of this chapter;

(2) To adopt selection criteria, consistent with this chapter, for best and brightest scholars;

(3) To select annually the best and brightest scholars;

(4) To grant appropriate extensions pursuant to § 16-37-8;

(5) To supervise the disbursement of the best and brightest scholarship fund;

(6) To work in cooperation with the Rhode Island higher education assistance authority which is directed to provide the committee with staff assistance necessary to carry out the purposes of this chapter;

(7) To receive donations and grants from sources including, but not limited to, the federal government, governmental and private foundations, and corporate and individual donors; these donations and grants to be deposited in the scholarship fund.

16-37-5 Eligibility for scholarship. — To be considered for the scholarship, all applicants must:

(1) Be a graduating senior at a public, parochial, or private high school in Rhode Island;

(2) Be accepted for admission at an accredited college or university in the United States or Canada;

(3) Achieve one or more of the following distinctions:

(i) Be in the top ten percent (10%) of the applicant’s graduating class as of the end of the second quarter of the senior year;

(ii) Have a score in the ninetieth (90th) percentile or above on either the mathematics or verbal section of the scholastic aptitude test (S.A.T.);

(iii) Have a combined mathematics and verbal S.A.T. score in the eighty-fifth (85th) percentile or above.

16-37-6 Award of scholarship — Conditions. — At any time that sufficient funds become available the committee shall award scholarships in the amount of five thousand dollars ($5,000) for each of the four (4) years of college attendance to each of the eligible applicants which the
committee deems to be most qualified for the scholarship; provided, that to maintain entitlement to the scholarship each recipient must:

1. Be enrolled as a full time student in an accredited college or university;
2. Pursue a course of study leading to Rhode Island teacher certification; and
3. Maintain satisfactory progress as determined by the college or university attended by the recipient.

16-37-7 Requirement of public school teaching services. — Each recipient of the scholarship shall be required to teach in the public schools of this state for two (2) years for each year of scholarship assistance. This requirement must be completed within ten (10) years of college graduation if the scholarship was used for all four (4) years of college, within eight (8) years if used for three (3) full years of college, within six (6) years if used for two (2) full years of college, and within four (4) years if used for one full year of college, provided, however, that a recipient shall be granted an extension of the requirement upon a showing by the recipient that he or she:

1. Returns to a full time course of study related to the field of public school teaching or administration;
2. Is serving, not in excess of three (3) years, as a member of the armed forces of the United States;
3. Is temporarily totally disabled for a period of time not to exceed three (3) years as established by the sworn affidavit of a qualified physician; or
4. Is seeking and unable to find employment in Rhode Island as a certified public school teacher.

16-37-8 Failure to comply with § 16-37-7 — Exceptions. — Any recipient who fails to comply with the requirements of § 16-37-7 shall be required to reimburse the scholarship fund for all money received by the recipient, together with interest at a rate to be set by the Rhode Island higher education assistance authority in conformity with the interest rate of the guaranteed student loan program in effect at the time any required repayment begins; provided, that no person shall be required to reimburse the fund who has become permanently disabled as determined by a physician qualified by this state to render this opinion.

16-37-9 Severability. — If any provision of this chapter or of any rule or regulation made under this chapter, or its application to any person or circumstance, is held invalid by a court of competent jurisdiction, the remainder of the chapter, rule, or regulation and the application of the provision to other persons or circumstances shall not be affected by its invalidity. The invalidity of any section or sections or parts of any section or sections of this chapter shall not affect the
validity of the remainder of this chapter.

SECTION 2. Sections 16-41-3 and 16-41-5 of the General Laws in Chapter 16-41 entitled “New England Higher Education Compact” are hereby amended to read as follows:

**16-41-3 Rhode Island board members – Qualifications. –** (a) The authority commissioner of postsecondary education shall appoint four (4) resident members from Rhode Island who shall serve in accordance with article II of the compact. In the month of May in each year the authority commissioner of postsecondary education shall appoint successors to those members of the compact whose terms shall expire in that year, to hold office on the first day of June in the year of appointment and until the first day of June in the third year after their successors are appointed and qualified.

(b) The president of the senate shall appoint two (2) members of the senate to serve in accordance with article II for the member's legislative term.

(c) The speaker of the house shall appoint two (2) members of the house to serve in accordance with article II for the member's legislative term.

(d) Any vacancy of a member which shall occur in the commission shall be filled by the appointing authority for the remainder of the unexpired term. All members shall serve without compensation but shall be entitled to receive reimbursement for reasonable and necessary expenses actually incurred in the performance of their duties.

**16-41-5 Repayment of loans. –** (a) Dental, medical, optometry, osteopathic, and veterinary medical students that attend schools under the Rhode Island health professions contract program which are supported by funds from the state may decrease their indebtedness to the state under the following options:

(1) Upon completion of his or her dental, medical, optometry, osteopathic, or veterinary training, including internship and residency training, a student who establishes residency in the state will be relieved of fifteen percent (15%) of that indebtedness per year for each year that the student is employed by the state in a full time capacity for a maximum cancellation of seventy-five percent (75%) for five (5) years of employment.

(2) Any graduate who establishes residency in the state will be relieved of ten percent (10%) of that indebtedness per year for each year that he or she practices dentistry, medicine, optometry, osteopathy, or veterinary medicine in the state in a full time capacity for a maximum cancellation of fifty percent (50%) for five (5) years of practice.

(b) In no event shall any student's cancellation of indebtedness under subsection (a) exceed seventy-five percent (75%).

(c) In no event shall any student be entitled to a refund of any sums paid on his or her
indebtedness by virtue of the provisions of this section.

(d) The authority office of the postsecondary commissioner shall promulgate rules and regulations which are necessary and proper to promote the full implementation of this section.


16-56-3 General eligibility requirements. — (a) Eligibility of individuals. An applicant is eligible for a monetary award when the authority finds:

(1) That the applicant is a resident of this state;

(2) That the applicant is enrolled or intends to be enrolled in a program of study which leads to a certificate or degree at an eligible postsecondary institution;

(3) That the applicant exhibits financial need.

(b) Eligibility of institutions. An applicant may apply for an award for the purpose of attending an institution of postsecondary education whether designated as a university, college, community college, junior college, or scientific or technical school, which either:

(1) Is an institution that has gained accreditation from an accrediting agency which is recognized by the United States office of education; or

(2) Has gained the explicit endorsement from the authority for the purpose of Rhode Island postsecondary student financial assistance.

§ 16-56-7 Need based scholarships. — (a) Amount of funds allocated. In accordance with authority policies, the authority shall allocate annually to need based scholarships any portion of the total appropriation to this chapter as it may deem appropriate for the purpose of carrying out the provisions of this section.

(b) Definitions.

(1) “Educational costs” means the same as defined in § 16-56-6.

(2) “Family contribution” means the same as defined in § 16-56-6.

(3) “Federal grant assistance” means the same as defined in § 16-56-6.

(4) “Self help” means the same as defined in § 16-56-6.

(5) “State grant assistance” shall be of any sum awarded to the student as determined in need based grants pursuant to § 16-56-6.

(c) Eligibility of individuals. Eligibility for need based scholarships shall be determined by the authority when it is established that the applicant is found to meet the general eligibility requirements as stated in § 16-56-3; and that the applicant is judged to be an outstanding student on the basis of criteria approved by the authority. The criteria, at a minimum, shall consider the
1. A student's scholastic ability and promise; and/or
2. A student's subject competencies including those that might extend beyond the academic fields.

(d) Amount of the awards. The amount of the need-based scholarships shall be not less than two hundred and fifty dollars ($250) and no greater than two thousand dollars ($2,000) and shall be based upon the following formula: need equals educational costs less the sum of family contribution plus self-help plus federal grant assistance plus state grant assistance. Honorary awards shall be presented to students who are determined to have insufficient financial need for monetary awards.

(e)(1) Number and terms of awards. The number of awards to be granted in any one fiscal year shall be contingent upon the funds allocated to this section. Students determined to be most outstanding shall receive priority for an award.

(2) Each award is renewable by the authority annually for a period of time equivalent to what is reasonably required for the completion of a baccalaureate or associate degree. The authority shall grant a renewal only upon the student's application and upon the authority's finding that:

(i) The applicant has completed successfully the work of the preceding year and has demonstrated continued scholarly achievement;

(ii) The applicant remains a resident of this state; and

(iii) The applicant's financial situation continues to warrant receipt of a monetary award.

16.56.8 Need-based work opportunities. (a) Amount of funds allocated. The authority shall allocate an amount annually to need-based work opportunities not exceeding twenty percent (20%) of the total appropriation to this chapter.

(b) Eligibility of individuals. Eligibility for need-based work opportunities shall be determined by the authority when it is established that the applicant is found to meet the general eligibility requirements stated in § 16.56.3.

(c) Number and terms of work opportunities.

(1) Each applicant is eligible for consideration for participation in need-based work opportunities for a period of time equivalent to what is reasonably required for the completion of the baccalaureate or associate degree. The authority shall grant a renewal only upon the student's application and upon the authority's finding that:

(i) The applicant has completed successfully the academic work of the preceding year; and

(ii) The applicant remains a resident of this state; and
(iii) The applicant's financial situation continues to warrant the work opportunities.

(2) If the funds available are insufficient to satisfy fully the financial need of the total number of applicants, priorities shall be determined by the authority.

(d) Suitable employment. Students may enter into employment with agencies deemed eligible for participation in the federal college work study program.

16-56-9 Granting of awards.— The authority may distribute the funds allocated to the need-based work opportunity program to eligible Rhode Island institutions or directly to eligible students as the authority may deem appropriate.

16-56-13 Income exclusion from financial aid needs test.— Notwithstanding any other provision of this chapter, chapter 57 of this title, or any other general or public law, or regulations issued pursuant to these, to the extent permitted by federal law, the first twenty-five thousand dollars ($25,000) of Rhode Island savings bond investment or the first twenty-five thousand dollars ($25,000) of United States savings bonds issued after December 31, 1989 or any combination of these not exceeding twenty-five thousand dollars ($25,000) shall not be considered in evaluating the financial situation of a student, or be deemed a financial resource of or a form of financial aid or assistance to the student, for the purposes of determining the eligibility of the student for any guaranteed loan, scholarship, grant, monetary assistance, or need-based work opportunity, awarded by the Rhode Island higher education assistance authority or the state pursuant to any other law of this state; nor shall any Rhode Island savings bond investment or United States savings bonds issued after December 31, 1989 provided for a student reduce the amount of any guaranteed loan, scholarship, grant, or monetary assistance which the student is entitled to be awarded by the Rhode Island higher education assistance authority in accordance with any other law of this state.

SECTION 4. Sections 16-56-2, 16-56-5, 16-56-6, and 16-56-10 of the General Laws in Chapter 16-56 entitled “Postsecondary Student Financial Assistance” are hereby amended to read as follows.

16-56-2 General appropriation.— (a) The general assembly shall appropriate annually a sum to provide postsecondary financial assistance pay every award authorized by §§ 16-56-2—16-56-12. For each fiscal year the appropriation shall be determined by multiplying forty percent (40%) of the October enrollment for the prior four (4) June graduating classes eligible for new or renewed awards times one thousand dollars ($1,000). This sum may be supplemented from time to time by other sources of revenue including but not limited to federal programs.

(b) Notwithstanding the provisions of subsection (a), the sums appropriated in each fiscal year are the sums appropriated for this purpose in Article 1 of P.L. 1992, ch. 133.
16-56-5 Annual evaluation. -- An evaluation of this chapter shall be performed annually by the authority office of the postsecondary commissioner. The evaluation shall provide, as a minimum, a summary of the following information relating to award recipients: family income, student financial needs, basic educational opportunity grant awards, state awards, institutional based student assistance awards, federally guaranteed loans, other student assistance, institution attended, and other pertinent information.

16-56-6 Need based grants and scholarships. -- (a) Amount of funds allocated. In accordance with authority policies, the office of the postsecondary commissioner authority shall allocate annually to need based grants and scholarships any portion of the total appropriation to this chapter as it may deem appropriate for the purpose of carrying out the provisions of this section.

(b) Definitions. The following words and phrases have the following definitions for the purpose of this chapter except to the extent that any of these words or phrases is specifically qualified by its context:

1. **Educational costs** shall be equal to the costs to a student attending the institution of the student's choice.
2. **Family contribution** shall be the sum expected to be contributed by the family, which amount shall be determined by an approved needs analysis system.
3. **Federal grant assistance** shall be that grant-in-aid which is provided by the federal government to students for the purpose of attending postsecondary education. This assistance may include, but not necessarily be limited to, basic educational opportunity grants, social security benefits, and veterans survivors' benefits.
4. **Self-help** shall be a sum determined by the authority and shall be a total determined by considering the ability of the student to earn or borrow during full time enrollment.

(c) Eligibility of individuals. Eligibility for need based grants and scholarships shall be determined by the authority when it is established that the applicant is found to meet the general eligibility requirements stated in § 16-56-2 office of the postsecondary commissioner.

(d) Amount of the awards. The amount of the need-based grants shall be not less than two hundred and fifty dollars ($250) and no greater than two thousand dollars ($2,000) and shall be based upon the following formula: need equals educational cost less the sum of family contribution plus self-help plus federal grant assistance.

(e) Number and terms of awards. (1) The number of awards to be granted in any one fiscal year shall be contingent upon the funds allocated to this section.

(2) If the funds available are insufficient to satisfy fully the financial need of the eligible
students, priority of students shall be determined by the authority.

(3) Each applicant is eligible for consideration for an award for a period of time equivalent to what is required for the completion of a baccalaureate or associate degree on a full time basis. The authority shall grant a renewal only upon the student’s application and upon the

authority’s finding that:

(i) The applicant has completed successfully the work of the preceding year;

(ii) The applicant remains a resident of the state; and

(iii) The applicant’s financial situation continues to warrant receipt of a monetary award.

16-56-10 Rules and regulations. -- In addition to the powers and duties prescribed in previous sections of this chapter, the authority office of the postsecondary commissioner shall promulgate rules and regulations and take any other actions which will promote the full implementation of all provisions of this chapter.

SECTION 5. Sections 16-57-5, 16-57-6, 16-57-11, 16-57-13, 16-57-14, 16-57-15 and 16-57-17 of the General Laws in Chapter 16-57 entitled “Higher Education Assistance Authority” are hereby repealed.

16-57-5 General powers. -- The authority shall have all of the powers necessary and convenient to carry out and effectuate the purposes and provisions of this chapter, including without limiting the generality of the foregoing the power:

(1) To sue and be sued, complain and defend, in its corporate name.

(2) To have a seal which may be altered at pleasure and to use the seal by causing it, or a facsimile of it, to be impressed or affixed or in any other manner reproduced.

(3) To acquire the assets and assume the liabilities or to effect the merger into itself of any corporation or other organization incorporated or organized under the laws of this state, which corporation or organization has as its principal business the guaranteeing of loans to students in eligible institutions, all upon any terms and for any consideration as the authority shall deem to be appropriate.

(4) To make contracts and guarantees and incur liabilities, and borrow money at any rates of interest as the authority may determine.

(5) To make and execute all contracts, agreements, and instruments necessary or convenient in the exercise of the powers and functions of the authority granted by this chapter.

(6) To lend money for its purposes, and to invest and reinvest its funds.

(7) To conduct its activities, carry on its operations, and have offices and exercise the powers granted by this chapter, within or without the state.

(8) To elect, appoint, or employ in its discretion officers and agents of the authority, and
define their duties.

(9) To make and alter bylaws, not inconsistent with this chapter, for the administration and regulation of the affairs of the authority, and the bylaws may contain provisions indemnifying any person who is or was a director, officer, employee, or agent of the authority, in the manner and to the extent provided in § 7.1-2.814.

(10) To have and exercise all powers necessary or convenient to effect its purposes.

16.57-6. Additional general powers.—(a) In addition to the powers enumerated in § 16.57-5, the authority shall have power:

(1) To guarantee one hundred percent (100%) of the unpaid principal and accrued interest of any eligible loan made by a lender to any eligible borrower for the purpose of assisting the students in obtaining an education in an eligible institution.

(2) To procure insurance of every nature to protect the authority against losses which may be incurred in connection with its property, assets, activities, or the exercise of the powers granted under this chapter.

(3) To provide advisory, consultative, training, and educational services, technical assistance and advice to any person, firm, partnership, or corporation, whether the advisee is public or private, in order to carry out the purposes of this chapter.

(4) When the authority deems it necessary or desirable, to consent to the modification, with respect to security, rate of interest, time of payment of interest or principal, or any other term of a bond or note, contract, or agreement between the authority and the recipient or maker of a loan, bond, or note holder, or agency or institution guaranteeing the repayment of, purchasing, or selling an eligible loan.

(5) To engage the services of consultants on a contract basis for rendering professional and technical assistance and advice, and to employ attorneys, accountants, financial experts, and any other advisers, consultants, and agents as may be necessary in its judgment, and to fix their compensation.

(6) To contract for and to accept any gifts, grants, loans, funds, property, real or personal, or financial or other assistance in any form from the United States or any agency or instrumentality of the United States, or from the state or any agency or instrumentality of the state, or from any other source, and to comply, subject to the provisions of this chapter, with the terms and conditions of those entities. Loans provided pursuant to subsection (b) of this section shall be repaid to the authority and deposited as general revenues of the state.

(7) To prescribe rules and regulations deemed necessary or desirable to carry out the purposes of this chapter, including without limitation rules and regulations:
(i) To insure compliance by the authority with the requirements imposed by statutes or regulation governing the guaranty, insurance, purchase, or other dealing in eligible loans by federal agencies, instrumentalities, or corporations,

(ii) To set standards of eligibility for educational institutions, students, and lenders and to define residency and all other terms as the authority deems necessary to carry out the purposes of this chapter, and

(iii) To set standards for the administration of programs of postsecondary student financial assistance assigned by law to the authority, including but not limited to savings programs. Administrative rules governing savings programs shall authorize the authority, in conjunction with the executive director of the Rhode Island student loan authority and the commissioner of higher education, to negotiate reciprocal agreements with institutions in other states offering similar savings programs for the purpose of maximizing educational benefits to residents, students and institutions in this state.

(8) To establish penalties for violations of any order, rule, or regulation of the authority, and a method for enforcing these.

(9) To set and collect fees and charges, in connection with its guaranties and servicing, including without limitation reimbursement of costs of financing by the authority, service charges, and insurance premiums and fees and costs associated with implementing and administering savings programs established pursuant to this chapter. Fees collected due to the Rhode Island work study program or due to unclaimed checks shall be deposited as general revenues of the state.

(10) To enter into an agreement with any university to secure positions for Rhode Island applicants in a complete course of study in its school of veterinary medicine, medicine, dentistry, optometry, and three (3) positions in osteopathic medicine and to guarantee and pay the university for each position.

(11) To enter into agreements with loan applicants providing preferential rates and terms relative to other applicants; provided, that the loan applicants agree to work in a licensed child care facility in Rhode Island for at least two (2) years upon completion or graduation in a course of study in early childhood education or child care.

(12) To develop and administer, in conjunction with the executive director of the Rhode Island student loan authority and the commissioner of higher education, savings programs on behalf of itself, the state, students, parents, or any other private parties, all in cooperation with any other public and private parties, and in accordance with any criteria or guidelines as the authority shall deem appropriate to effectuate the purposes of this chapter. To the extent
practicable, these savings programs shall provide students, parents, and others an opportunity to participate conveniently and shall enable them to set aside relatively small amounts of money at a time and shall incorporate or be available in conjunction with, directly or indirectly, tuition agreements from as many eligible institutions as feasible.

(13) In connection with any savings program, the authority may accept, hold, and invest funds of students, parents, institutions of higher education, and others and may establish special accounts for carrying out the purposes of this chapter.

(14) To enter into contracts with institutions of higher education, financial institutions, financial consultants, attorneys, and other qualified entities on terms and conditions and for a term as it may deem advisable or desirable for the purpose of establishing and maintaining savings programs authorized pursuant to this chapter.

(15) To create and supervise a marketing plan dedicated to the promotion of savings programs created pursuant to this chapter and to hire professional consultants and attorneys for these purposes.

(16) To assist the general treasurer in the implementation of the college and university savings bond program established under chapter 15 of title 35.

(b) The authority shall enter into agreements with the prospective students to the university for the repayment by the students of the money advanced under any terms and conditions as are reasonable. The authority may charge students interest on the money advanced under this chapter at a fixed or variable rate not exceeding the greater of seven and one-half percent (7 1/2%) per annum or the maximum rate allowable under 42 U.S.C. § 292 et seq. and the regulations promulgated under that act by the United States Office of Education.

16-57-11 Exemption from taxation.—(a) The exercise of the powers granted by this chapter will be in all respects for the benefit of the people of this state, the increase of their commerce, welfare, and prosperity and for the improvement of their living conditions and will constitute the performance of an essential governmental function and the authority shall not be required to pay any taxes or assessments upon or in respect of any transaction or of any property or money of the authority, levied by any municipality or political subdivision of the state.

—(b) The authority shall not be required to pay state taxes of any kind, and the authority, its property, and money shall at all times be free from taxation of every kind by the state and by the municipalities and all political subdivisions of the state. The authority shall not be required to pay any transfer tax of any kind on account of instruments recorded by it or on its behalf.

§ 16-57-13 Authorization to accept appropriated money.—The authority is authorized to accept any money as may be appropriated by the general assembly for effectuating its corporate
purposes including, without limitation, the payment of the initial expenses of administration and
operation and the establishment of reserves or contingency funds to be available for the payment
of obligations of the authority and to reimburse the authority for sums forgiven pursuant to § 16-
41-5.

16-57-14 Assistance by state officer, departments, boards, and commissions.— (a) All
state agencies may render any services to the authority within their respective functions as may be
requested by the authority.

(b) Upon request of the authority, any state agency is authorized and empowered to
transfer to the authority any officers and employees as it may deem necessary to assist the
authority in carrying out its functions and duties under this chapter. Officers and employees
transferred shall not lose their civil service status or rights.

16-57-15 Annual report.—The authority shall submit to the governor within four (4)
months after the close of its fiscal year a report of its activities for the preceding fiscal year, and
the report shall set forth a complete operating and financial statement covering the authority’s
operations during the preceding fiscal year. The authority shall include in its report the names and
addresses of each recipient. The authority shall cause an audit of its books and accounts to be
made at least once each fiscal year by certified public accountants selected by it and its cost shall
be paid by the authority from funds available to it pursuant to this chapter.

16-57-17 Other statutes.—Nothing contained in this chapter shall restrict or limit the
powers of the authority arising under any laws of this state except where those powers are
expressly contrary to the provisions of this chapter. This chapter shall be construed to provide a
complete additional and alternative method for doing the things authorized by it and shall be
regarded as supplemental and in addition to the powers conferred by other laws. The making of
any guaranty under the provisions of this chapter need not comply with the requirements of any
other statute applicable to the making of guaranties. Except as provided in this chapter no
proceedings or notice of approval shall be required for the making of any guaranty.

SECTION 6. Sections 16-57-1, 16-57-2, 16-57-3, 16-57-4, 16-57-6.1, 16-57-6.2, 16-57-
6.3, 16-57-6.5, 16-57-6.6, 16-57-7, 16-57-8, 16-57-9, 16-57-10 and 16-57-12 of the General Laws
in Chapter 16-57 entitled “Higher Education Assistance Authority” are hereby amended to read
as follows:

16-57-1 Short title. -- This chapter shall be known as the "Rhode Island Division of
Higher Education Assistance Authority Act”.

16-57-2 Findings. -- The purpose of this chapter is to authorize a system of financial
assistance, consisting of loan guaranties, savings programs, and other aids, for qualified students,
parents, and others responsible for paying the costs of education to enable them to obtain an
education beyond the high school level by attending public or private educational institutions.
The general assembly has found and declares that it is in the public interest and essential to the
welfare and well being of the inhabitants of the state and to the proper growth and development
of the state to foster and provide financial assistance to qualified students, parents, and others
responsible for paying the costs of education in order to help prospective students to obtain an
education beyond the high school level. The general assembly has found that many inhabitants of
the state who are fully qualified to enroll in appropriate educational institutions for furthering
their education beyond the high school level lack the financial means and are unable, without
financial assistance as authorized under this chapter, to pay the cost of their education, with a
consequent irreparable loss to the state of valuable talents vital to its welfare. The general
assembly also recognizes that educational institutions for higher education are in need of
appropriate additional means to provide financial assistance to qualified students, parents, and
others responsible for paying the costs of education. The general assembly has determined that
the establishment of a proper system of financial assistance, containing eligibility opportunities
for students and residents of this state and other states serves a public purpose and is fully
consistent with the long established policy of the state to encourage, promote, and assist the
education of the people of the state. The general assembly further finds that higher education
financial assistance needs of Rhode Islanders will be better served by transferring all of the
functions and programs handled by the Rhode Island higher education assistance authority to the
Rhode Island division of higher education assistance and the office of the general treasurer.

16-57-3 Definitions. -- As used in this chapter, the following words and terms have the
following meanings unless the context indicates another or different meaning or intent:

(1) "Authority" means the governmental agency and public instrumentality, previously
authorized, created, and established pursuant to § 16-57-4.

(2) "Commissioner of higher postsecondary education" means the commissioner
appointed by the Rhode Island board of governors for higher education council on postsecondary
education pursuant to § 16-59-6 or his or her designee.

(3) "Eligible borrower" means a student, or the parent of a student, who is either a resident
of the state or who, under rules promulgated by the authority division, is qualified to make an
eligible loan.

(4) "Eligible institution", subject to further particular or more restrictive definition by
regulation of the authority division, means:

(i) An institution of higher learning;
(ii) A vocational school; or

(iii) With respect to students who are nationals of the United States, an institution outside the United States which is comparable to an institution of higher education or to a vocational school and which has been approved by the authority division and by the commissioner of postsecondary education for purposes of the guaranteed student loan program.

(5) "Eligible loan" means a loan to a student or to the parent of a student insured or guaranteed by the commissioner of postsecondary education, by the authority division, or by any other governmental or private agency, corporation, or organization having a reinsurance or guaranty agreement with the commissioner applicable to the student loan.

(6) "Guaranteed student loan program" means the program of federal student loan insurance and reinsurance administered by the commissioner of postsecondary education.

(7) "Lender", subject to further particular or more restrictive definition by regulation of the authority division, means any governmental or private agency, corporation, organization, or institution designated as an "eligible lender" by federal statute, regulation, or administrative ruling for the purposes of the guaranteed student loan program.

(8) "Participant" means an individual, corporation, trust or other "person" within the meaning of § 529 of the Internal Revenue Code [26 U.S.C. § 529], who makes contributions to the tuition savings program established pursuant to § 16-57-6.1 for purposes of paying qualified higher education expenses on behalf of a beneficiary.

(9) "Participating institution" means an institution for higher education which agrees to participate in a savings program or prepaid tuition program established pursuant to this chapter.

(10) "Prepaid tuition program" means a program administered by the authority division, in conjunction with the executive director of the Rhode Island Student Loan Authority, and the commissioner of postsecondary education higher education, which provides a means for qualified students, parents and others responsible for paying the costs of education to fix all or a portion of the direct cost of attendance at participating institutions in one or more future years.

(11) "Program" means the tuition savings program established pursuant to § 16-57-6.1.

(12) "Qualified higher education expenses" means the costs of tuition, fees, books, supplies and equipment required for enrollment or attendance at an institution of higher education, and other education costs defined by federal law.

(13) "Secretary" means the United States secretary of education.

(14) "State" means the state of Rhode Island and Providence Plantations.

(15) "Student", as used with reference to the guaranteed student loan program and the parent loan program, means an individual who, under rules promulgated by the authority division,
is enrolled or accepted for enrollment at an eligible institution and who is making suitable progress in his or her education toward obtaining a degree or other appropriate certification in accordance with standards acceptable to the authority.

(16) "Tuition savings program" or "Savings program" means a program approved and administered by the General Treasurer, in conjunction with the executive director of the Rhode Island Student Loan Authority, and the commissioner of postsecondary education, designed to facilitate and encourage savings by or on behalf of students, future students and parents for the purpose of paying the costs of attending institutions of higher education.

(17) “Council” means the council on postsecondary education established pursuant to § 16-59-1.

(18) “Division” means the Rhode Island division of higher education assistance, the division authorized, created and established pursuant to § 16-57-4.

16-57-4 Creation. -- (a) There is authorized, created, and established within the office of the commissioner of postsecondary education, a division of higher education assistance hereby granted and authorized to use all of public corporation of the state having a distinct legal existence from the state and not constituting a department of state government, which is a governmental agency and public instrumentality of the state, to be known as the “Rhode Island higher education assistance authority” with the powers set forth in this chapter, for the purposes of guaranteeing eligible loans to students in eligible institutions and to parents of those students and of administering other programs of postsecondary student financial assistance assigned by law to the authority division.

(b) The exercise by the authority division of the powers conferred by this chapter shall be deemed and held to be the performance of an essential governmental function of the state for public purposes. It is the intent of the general assembly by the passage of this chapter to vest in the authority division all powers, authority, rights, privileges, and titles which may be necessary to enable it to accomplish the purposes set forth in this section and this chapter and the powers granted by it shall be liberally construed in conformity with these purposes.

(c) The authority and its corporate existence shall be terminated on July 1, 2015 or upon approval by the U.S. department of education, whichever is later, and continue until terminated by law or until the authority shall cease entirely and continuously to conduct or be involved in any business in furtherance of its purposes, provided, that no termination shall take effect so long as the authority shall have guaranties or other obligations outstanding, unless adequate provision shall have been made for the payment of the obligations pursuant to the documents securing them.
or to this law. Upon termination of the existence of the authority, all its rights and properties shall pass to and be vested in the state. At no time shall the assets or other property of the authority inure to the benefit of any person or other corporation or entity, except as otherwise provided in § 16-57-6.1. The division shall continue until terminated by law or until the division shall cease entirely and continuously to conduct or be involved in any business in furtherance of its purposes; provided, that no termination shall take effect so long as the division shall have guaranties or other obligations outstanding, unless adequate provision shall have been made for the payment of the obligations pursuant to the documents securing them or to this law. Upon termination of the existence of the division, all its rights and properties shall pass to and be vested in the state. At no time shall the assets or other property of the division inure to the benefit of any person or other corporation or entity.

(d) Except as provided in § 16-57-6.1, effective July 1, 2015 or upon approval by the U.S. department of education, whichever is later:

(i) all functions formerly administered by the Rhode Island higher education assistance authority are hereby transferred to the Rhode Island division of higher education assistance;

(ii) the Rhode Island division of higher education assistance shall assume all rights, duties, assets, liabilities and obligations of the former Rhode Island higher education assistance authority and the Rhode Island division of higher education assistance shall be considered to be the successor-in-interest to the Rhode Island higher education assistance authority; and

(iii) all contracts and agreements of whatsoever kind of the Rhode Island higher education assistance authority are hereby assigned, transferred to and assumed by the Rhode Island division of higher education assistance.

(e) Upon the completion of the transfer, the corporation known as the “Rhode Island higher education assistance authority” shall cease to exist. Whenever in any general law or public law reference is made to the “Rhode Island higher education assistance authority,” the reference shall be deemed to refer to and mean the “Rhode Island division of higher education assistance,” which also may be referred to as the “division.”

16-57-6.1 Tuition savings program. -- (a) The authority general treasurer shall, in conjunction with the division, the state investment commission, executive director of the Rhode Island student loan authority and the commissioner of higher postsecondary education, shall establish in any form as he or she deems appropriate, a tuition savings program to allow persons to save money for the sole purpose of meeting qualified higher education expenses.

(b) All money received in connection with the tuition savings program shall be segregated from all other funds of the authority into two (2) funds, a program fund and an
administrative fund. No more than two percent (2\%) of money in the program fund may be
transferred annually to the administrative fund for the purpose of paying operating costs of
administering the tuition savings program. Money accrued by participants in the program fund
may be used for payments to an eligible institution. All proceeds from the tuition savings program
shall be directed to the program fund to be used for financial aid related activities in Rhode Island
pursuant to § 16-56-6.

(c) The state investment commission shall invest money within the program fund in any
investments which are authorized by the general laws, including equities and fixed income
securities. The composition of investments shall be determined by the state investment
commission, subject to the approval of the authority. The state investment commission shall
consider the recommendations of the commissioner of higher education and the executive director
of the Rhode Island Student Loan Authority with respect to the appropriate composition of
investments within the program fund.

(d) A participant may at any time withdraw funds from the participant's account in the
tuition savings program in an amount up to the value of the account at the time the withdrawal is
implemented, less such administrative fee as may be levied by the authority treasurer in
connection with the withdrawal.

(e) Notwithstanding any of the foregoing provisions, no administrative fee may be levied
by the authority treasurer in the event that a participant requests withdrawal of funds from the
participant's account in the tuition savings program on account of, and within the meanings of §
529 of the Internal Revenue Code [26 U.S.C. § 529]:

(1) The death of the beneficiary of the account;

(2) The disability of the beneficiary; or

(3) A scholarship, allowance, or payment received by the beneficiary to the extent that
the amount of the refund does not exceed the amount of the scholarship, allowance, or payment.

(f) In the event that a participant requests a withdrawal from an account in the tuition
savings program other than (1) a withdrawal used for qualified higher education expenses of the
beneficiary of the account, or (2) for a reason referred to in subdivision (e)(1), (e)(2), or (e)(3) of
this section, the authority treasurer shall impose a more than de minimus penalty on the earnings
portion of the withdrawal in accordance with § 529 of the Internal Revenue Code [26 U.S.C. §
529]; provided that no penalty shall be imposed with respect to any such withdrawal, or any other
withdrawal, from any account in the tuition savings plan to which the tax made applicable by §

(g) Resources of the authority and the Rhode Island student loan authority shall be
employed to effect implementation of the tuition savings program.

16-57-6.2 Ownership of assets -- Transfer of ownership rights. -- (a) The participant retains ownership of all assets properly allocated to an account maintained for the participant in the tuition savings program up to the date of withdrawal or distribution of these from the program.

(b) All assets of the tuition savings program shall be considered to be held in trust. As required by the Internal Revenue Code, no interest in the tuition savings program or any portion of these may be used as security for a loan.

(c) Any amounts paid to the administrative fund of the tuition savings program are owned by the authority. These amounts may include, but are not limited to, appropriated state funds.

(d) A participant may transfer ownership rights in the tuition savings program to another participant or designate a new beneficiary insofar as permitted by § 529 of the Internal Revenue Code [26 U.S.C. § 529] under such conditions as the authority treasurer deems appropriate.

16-57-6.3 Tax exempt earnings. -- (a) For state income tax purposes, annual earnings of the tuition savings program and the prepaid tuition program shall be exempt from tax to the program, and shall not be includible in the Rhode Island income of either beneficiaries or participants in the program until withdrawn or distributed from it, and then in accordance with chapter 30 of title 44.

(b) The tax administrator, in consultation with the authority, may adopt rules and regulations necessary to monitor, implement, and administer the Rhode Island personal income tax provisions referred to in subsection (a) relating to this chapter. These regulations shall provide for each taxable year for the timely submission to the tax administrator by the program manager of the tuition savings program of this information in the form the tax administrator shall prescribe concerning contributions to, and withdrawals including transfers and rollovers from, the tuition savings program during that year.

16-57-6.5 Annual audited financial report to the governor and general assembly. -- (a) The authority treasurer, shall submit to the governor, the speaker of the house of representatives, the president of the senate, and the secretary of state an annual audited financial report, prepared in accordance with generally accepted accounting principles, on the operations of the tuition savings program by November 1 of each year. The annual audit shall be made either by the auditor general or by an independent certified public accountant approved by the auditor general and shall include direct and indirect costs attributable to the use of outside consultants, independent contractors, and any other persons who are not state employees.
(b) The annual audited financial report shall be supplemented by the following information, to be submitted by April 1 of each year, on the operations of the program for the previous calendar year:

(1) A summary of meetings or hearings held, meeting minutes, subjects addressed, decisions rendered, rules or regulations promulgated, studies conducted, policies and plans developed, approved, or modified, and programs administered or initiated; and a summary of any clerical, administrative or technical support received; a summary of performance during the previous fiscal year including accomplishments, shortcomings and remedies; a synopsis of hearings, complaints, suspensions or other legal matters related to the authority of the board; a summary of any training courses held pursuant to subsection 16-57-7(a)(2); a briefing on anticipated activities in the upcoming fiscal year; and findings and recommendations for improvements;

(2) A summary of the benefits provided by the tuition savings program including the number of participants and beneficiaries;

(3) Any other information which is relevant in order to make a full, fair and effective disclosure of the assets and operations of the program; and

(4) The foregoing supplemental information shall be posted electronically on the general assembly's and the secretary of state's websites as prescribed in § 42-20-8.2 of the Rhode Island general laws. The treasurer director of the department of administration shall be responsible for the enforcement of this provision.

16-57-6.6 Exclusion from financial aid needs test. -- It shall be at the discretion of the office of postsecondary commissioner whether Notwithstanding any other provision of this chapter or chapter 56 of this title, no moneys invested in the tuition savings program shall be considered to be an asset for purposes of determining an individual's eligibility for a need based grant, need based scholarship or need based work opportunity offered by the state under the provisions of chapter 56 of this title.

16-57-7 Directors, officers, and employees Council on Postsecondary Education.--

(a)(1) The powers of the authority shall be vested in a board of directors consisting of nine (9) members, five (5) of whom shall be appointed by the governor from among members of the general public, who are qualified by training or experience in education finance or personal investment consulting and made in accordance with subsection (b) of this section; three (3) of whom shall be appointed by the governor, who shall give due consideration to the recommendations made by the chairperson of the board of governors for higher education and by the Rhode Island Independent Higher Education Association for those appointments; and the state
general treasurer ex officio or his or her designee who shall be a subordinate from within the
office of the general treasurer. All gubernatorial appointments made to this board shall be subject
to the advice and consent of the senate. All board members first appointed to the board after the
effective date of this act shall be residents of this state. Designees of members serving ex officio
shall represent him or her at all meetings of the board. Except for the chairpersons of the house
and senate finance committees or their designees who shall cease to be members of the authority
upon the effective date of this act, each member shall serve until his or her successor is appointed
and qualified. The original members appointed by the governor shall be appointed in a manner as
to provide for the expiration of the term of one member on the first day of July of each year. The
council on postsecondary education established pursuant to § 16-59-1 shall retain all authority
formerly vested in the higher education assistance authority board of directors, except as provided
by § 16-57-6.1. Whenever in any general or public law reference is made to the “board of
directors of the higher education assistance authority,” the reference shall be deemed to refer to
and mean the “council on postsecondary education.”

(2) Newly appointed and qualified public members and designees of ex officio members
shall, within six (6) months of their qualification or designation, attend a training course that shall
be developed with board approval and conducted by the chair of the board and shall include
instruction in the following areas: the provisions of chapters 16-57, 42-46, 36-14 and 38-2; and
the board’s rules and regulations. The director of the department of administration shall, within
ninety (90) days of the effective date of this act, prepare and disseminate training materials
relating to the provisions of chapters 42-46, 36-14 and 38-2.

(3) Public members of the board shall be removable by the appointing authority for cause
only, and removal solely for partisan or personal reasons unrelated to capacity or fitness for the
office shall be unlawful.

(b) During the month of June of each year, the governor shall appoint a member to
succeed the member whose term will then next expire to serve for a term of five (5) years
commencing on the first day of July then next following, and after this, until a successor is
appointed and qualified. As soon as practicable after the effective date of this act, the governor
shall appoint a member to serve an initial term to expire on July 1, 2010. Thereafter, all members
appointed by the general treasurer shall be appointed to terms of five (5) years, and the governor
shall, during the month of June preceding the expiration of each term, appoint a member whose
term will then next expire. In the event of a vacancy occurring in the office of a member by death,
resignation, removal, or otherwise, the vacancy shall be filled in the same manner as an original
appointment but only for the remainder of the term of the former member.
(e) The directors shall receive no compensation for the performance of their duties under this chapter, but each director shall be reimbursed for his or her reasonable expenses incurred in carrying out the duties. A director may engage in private employment or in a profession or business.

(d) Upon appointment and qualification of the original board of directors, and during the month of July of each year after this, the board of directors shall elect one of its members to serve as chairperson. The board may elect from among its members such other officers as they deem necessary. Five (5) directors shall constitute a quorum and any action to be taken by the authority under the provisions of this chapter may be authorized by resolution approved by a majority of the directors present and voting at any regular or special meeting at which a quorum is present. A vacancy in the membership of the board of directors shall not impair the right of a quorum to exercise all the rights and perform all the duties of the authority.

(e)(1) In addition to electing a chairperson, the board of directors shall appoint a secretary and any additional officers and staff members as they shall deem appropriate. The board of directors shall appoint an executive director who shall be in the unclassified service and vest in that person or his or her subordinates the authorization to appoint additional staff members who shall be in the classified service and to determine the amount of compensation each individual shall receive. Those persons who were regularly established full-time employees of the authority, prior to March 27, 1979, and who are required to be in the classified service may be placed in appropriate classifications within the classified service without the requirement of competitive examination (as approved by the executive director). All employees hired after March 27, 1979, will be hired in accordance with the requirements of the classified service for examination, approved state lists, and other procedures of the state division of personnel. Those persons who were regularly established full-time employees of the authority, prior to March 27, 1979, shall have the right to purchase retirement credits for the period commencing November 1, 1977, to March 27, 1979, at its full actuarial cost.

(2) Any employee in either the classified or unclassified service who was, prior to his or her hiring by the authority, a participant in the retirement program adopted for personnel at any state or private college shall have the option to either remain with that retirement program while an employee of the authority or become a participant in the employees' retirement system of the state.

(f)(b) No full-time employee shall during the period of his or her employment by the authority division engage in any other private employment, profession, or business, except with the approval of the commissioner of postsecondary education board of directors; provided, that
the executive director shall not engage in any other private employment, profession, or business, including, but not limited to consulting.

(g) Notwithstanding any other law to the contrary, it shall not be or constitute a conflict of interest for a director, officer, or employee of any financial institution, investment banking firm, brokerage firm, commercial bank, trust company, savings and loan association, credit union, insurance company, educational institution, or any other firm, person, or corporation to serve as a director of the authority, nor shall any contract or transaction between the authority and any financial institution, investment banking firm, brokerage firm, commercial bank, trust company, savings and loan association, credit union, insurance company, educational institution, or any other firm, person, or corporation be void or voidable by reason of any service as director of the authority. If any director, officer, or employee of the authority shall be interested either directly or indirectly, or shall be a director, officer, or employee of or have an ownership interest (other than as the owner of less than one percent (1%) of the shares of a publicly held corporation) in any firm or corporation interested directly or indirectly in any contract with the authority, the interest shall be disclosed to the authority and set forth in the minutes of the authority, and the director, officer, or employee having interest in this shall not participate on behalf of the authority in the authorization of any contract. Interested directors may be counted in determining the presence of a quorum at a meeting of the board of directors of the authority which authorizes the contract or transaction.

(h) Any action taken by the authority under the provisions of this chapter may be authorized by vote at any regular or special meeting, and each vote shall take effect immediately.

(i) The board of directors may designate from among its members an executive committee and one or more other committees each of which, to the extent authorized by the board of directors, shall have and may exercise all the authority of the board of directors, but no committee shall have the authority of the board of directors in reference to the disposition of all or substantially all the property and assets of the authority or amending the bylaws of the authority.

16-57-8 Designated agency. -- The authority division established within the office of the postsecondary commissioner is designated the state agency or corporation to apply for, receive, accept, and disburse federal funds, and funds from other public and private sources, made available to the state for use as reserves to guarantee student loans or as administrative money to operate student loan programs, and is designated to administer any statewide programs of student assistance that shall be established under federal law.

16-57-9 Loans to minors -- Loan obligations. -- (a) Any person qualifying for an
1 eligible loan shall not be disqualified to receive a loan guaranteed by the authority division by
2 reason of his or her being a minor. For the purpose of applying for, securing, receiving, and
3 repaying a loan, any person shall be deemed to have full legal capacity to act and shall have all
4 the rights, powers, privileges, and obligations of a person of full age with respect to a loan.
5 (b) No loan obligation incurred by any individual under the provisions of this chapter
6 may be expunged, reduced, or discharged in any proceeding, including any proceeding in federal
7 bankruptcy court. Any individual receiving a loan under the provisions of this chapter shall be
8 required to sign an affidavit acknowledging the loan and agreeing to this condition.

16-57-10 Reserve funds. -- (a) To assure the continued operation and solvency of the
authority guaranty loan program for the carrying out of its corporate purposes, the authority office
of the postsecondary commissioner shall may create and establish any reserve funds as may be
necessary or desirable for its corporate purposes, and may pay into the funds any money
appropriated and made available by the state, the commissioner, or any other source for the
purpose of the funds, and any money collected by the authority division as fees for the guaranty
of eligible loans.

(b) To assure continued solvency of the authority’s, the authority operating fund shall be
used solely for the ordinary operating expenses of the authority. Furthermore, it is the intent of
the general assembly that these funds eventually be used to increase financial assistance to Rhode
Island students in the form of scholarships and grants and other financial aid related activities as
approved by the commissioner of postsecondary education and as directed by the U.S.
Department of Education, and in accordance with federal statutes and regulations governing the
use of funds in guaranty agency’s operating fund.

(c) Given the decline of available sources to support the agency, the Governor's FY 2016
budget recommendations shall include a proposal for the transfer of higher education assistance
authority’s programs to appropriate agencies within state government. All departments and
agencies of the state shall furnish such advice and information, documentary or otherwise to the
director of the department of administration and its agents as is deemed necessary or desirable to
facilitate the recommendation.

16-57-12 Credit of state. -- Guaranties made under the provisions of this chapter shall
not constitute debts, liabilities, or obligations of the state or of any political subdivision of the
state other than the division of higher education assistance authority or a pledge of the faith and
credit of the state or any political subdivision other than the division of higher education
assistance authority, but shall be payable solely from the revenues or assets of the authority.
reserve funds set forth and established by the division of higher education assistance.
SECTION 7. Sections 16-59-1, 16-59-4, and 16-59-6 of the General Laws in Chapter 16-59 entitled “Board of Governors for Higher Education” are hereby amended to read as follows:

16-59-1 Council on Postsecondary Education established. — (a) There is created a council on postsecondary education, sometimes referred to as the “council”, which shall be and is constituted a public corporation, empowered to sue and be sued in its own name, and to exercise all the powers, in addition to those specifically enumerated in this chapter, usually appertaining to public corporations entrusted with control of postsecondary educational institutions and functions. Upon its organization the council shall be invested with the legal title (in trust for the state) to all property, real and personal, now owned by and/or under the control or in custody of the board of regents for education for the use of the University of Rhode Island, Rhode Island College, Community College of Rhode Island and the system of community colleges of Rhode Island including all departments, divisions, and branches of these.

(b) The council is empowered to hold and operate the property in trust for the state; to acquire, hold, and dispose of the property and other like property as deemed necessary for the execution of its corporate purposes. The council is made successor to all powers, rights, duties, and privileges formerly belonging to the board of regents for education pertaining to postsecondary education and the board of governors for higher education.

(c) The council shall be the employer of record for higher education and the office of postsecondary education. It shall retain all authority formerly vested in the board of education regarding the employment of faculty and staff at the public higher education institutions.

(d) The council shall be the governing body for the Rhode Island division of higher education assistance and shall retain all authority formerly vested in the higher education assistance authority board of directors pursuant to § 16-57-7; however, any debts, liabilities, or obligations of the council that result from its status as such governing body shall be payable solely from the revenues or assets of reserve funds set forth and established by the prior Rhode Island higher education assistance authority and/or the Rhode Island division of higher education assistance created pursuant to Chapter 57 of this title, and not from any assets or property held by the council for the system of public higher education pursuant to this chapter.

16-59-4 Powers and duties of the council on postsecondary education. — (a) The council on postsecondary education shall have, in addition to those enumerated in § 16-59-1, the following powers and duties:

(1) To approve a systematic program of information gathering, processing, and analysis addressed to every level, aspect, and form of higher education in this state especially as that information relates to current and future educational needs so that current needs may be met with
reasonable promptness and plans formulated to meet future needs as they arise in the most
efficient and economical manner possible.

(2) To develop and approve a strategic plan implementing broad goals and objectives for
higher education in the state as established by the board of education, including a comprehensive
capital development program.

(3) To formulate broad policy to implement the goals and objectives established and
adopted by the board of education, to adopt standards and require enforcement and to exercise
general supervision over all higher public education in the state and over independent higher
education in the state as provided in subdivision (8) and (9) of this section. The board of
education and the council shall not engage in the operation or administration of any subordinate
committee, university, junior college, or community college, except its own office of
postsecondary education and except as specifically authorized by an act of the general assembly;
provided, the presidents of each institution of higher learning shall be the chief administrative and
executive officers of that institution; and provided that nothing contained in this section shall
prohibit their direct access to or interfere with the relationship between the presidents and the
board of education and the council.

(4) To communicate with and seek the advice of the commissioner of postsecondary
education, the presidents of the public higher education institutions and all those concerned with
and affected by its determinations as a regular procedure in arriving at its conclusions and in
setting its policy.

(5) To prepare and maintain a five (5) year funding plan for higher education that
implements the strategic financing recommendations of the board of education; to prepare with
the assistance of the commissioner of postsecondary education and to present annually to the state
budget officer in accordance with § 35-3-4 a state higher education budget, which shall include,
but not be limited to, the budget of the office of postsecondary education and the budget of the
state colleges. In the preparation of the budget, the council shall implement priorities established
by the board of education of expenditures for public higher education purposes of state revenues
and other public resources made available for the support of higher public education. Prior to
submitting the budget to the state budget officer as required by the budget office instructions and
this subsection, the council shall present the budget to the board of education for its review and
approval. Nothing contained in this subdivision shall authorize the council to alter the allocation
of grants or aid otherwise provided by law.

(6) To maintain an office of postsecondary commissioner; to provide for its staffing and
organization; and to manage and oversee a commissioner of postsecondary education pursuant to
duties and responsibilities defined in § 16-59-6 and § 16-59-7. The commissioner of
postsecondary education and the office of postsecondary commissioner shall have the duties and
responsibilities as defined in §§ 16-59-6 and 16-59-7.

(7) To appoint and dismiss presidents of the public institutions of higher learning with the
assistance of the commissioner of postsecondary education, and to establish procedures for this,
and with the assistance of the commissioner to approve or disapprove vice presidents of the
public institutions of higher learning appointed by the respective presidents of the public
institutions of higher learning.

(8) To establish other educational agencies or subcommittees necessary or desirable for
the conduct of any or all aspects of higher education and to determine all powers, functions, and
composition of any agencies or subcommittees and to dissolve them when their purpose shall
have been fulfilled.

(9) To exercise the authority vested in the board of regents for education with relation to
independent higher educational institutions within the state under the terms of chapter 40 of this
title, and other laws affecting independent higher education in the state.

(10) To enforce the provisions of all laws relating to higher education, public and
independent.

(11) To be responsible for all the functions, powers, and duties which were vested in the
board of regents for education relating to higher education, including but not limited to the
following specific functions:

(i) To approve the role and scope of programs at public institutions of higher learning
with the assistance of the commissioner of postsecondary education which shall include but not
be limited to populations to be served, the type and level of programs and academic fields
offered.

(ii) To adopt and require standard accounting procedures for the office of postsecondary
commissioner and all public colleges and universities.

(iii) To approve a clear and definitive mission for each public institution of higher
learning with the assistance of the commissioner of postsecondary education that is consistent
with the role and scope of programs at the public institutions.

(iv) To promote maximum efficiency, economy, and cooperation in the delivery of public
higher educational services in the state and cooperation with independent institutions of higher
education.

(12) To incorporate into its own affirmative action reporting process periodic reports
monitoring specific faculty and staff searches by the chairperson of the search committee to
include the rationale for granting those interviews and the final hiring results. The institutions must empower their affirmative action officer to monitor searches in this manner, to intervene during the search, and, when necessary, to cause a search to cease if affirmative action goals are not being adequately served.

(13) To incorporate a specific category for accountability on affirmative action goals and implementation as part of the board’s annual evaluations and three (3) year reviews for the presidents of each of the public institutions of higher education.

(14) To make a formal request of the governor that whenever an opportunity arises to make new appointments to the board, that the governor make every effort to increase the number of African Americans, Native Americans, Asians, and Hispanics on the board.

(15) To develop coherent plans for the elimination of unnecessary duplication in public higher education and addressing the future needs of public education within the state in the most efficient and economical manner possible.

(16) To delegate to the presidents of each public higher education institution the authority and responsibility for operational and management decisions related to their institutions, consistent with the goals of the statewide strategic plan for postsecondary education provided however that the presidents may be required to provide information or updates to the council regarding any delegated operational or management decisions.

(17) To serve as the governing body of the division of higher education assistance and exercise all powers and duties of the division of higher education assistance as set forth under the terms of Chapter 57 of this title; however, any debts, liabilities, or obligations of the council that result from its status as such governing body shall be payable solely from the revenues or assets of reserve funds set forth and established by the prior Rhode Island higher education assistance authority and/or the Rhode Island division of higher education assistance created pursuant to Chapter 57 of this title, and not from any assets or property held by the council for the system of public higher education pursuant to this chapter.

(18) To guarantee one hundred percent (100%) of the unpaid principal and accrued interest of any eligible loan made by a lender to any eligible borrower prior to July 1, 2015 for the purpose of assisting the students in obtaining an education in an eligible institution, subject, however, to the limitation regarding any debts, liabilities, or obligations of the council set forth in section (17) above, and in §16-57-12.

(19) To prescribe rules and regulations deemed necessary or desirable to carry out the purposes of serving as a guaranty agency for the loans set forth in § 16-59-4 (18), including without limitation rules and regulations:
(i) To insure compliance by the division with the requirements imposed by statutes or
regulation governing the guaranty, insurance, purchase, or other dealing in eligible loans by
federal agencies, instrumentalities, or corporations,

(ii) To set standards of eligibility for educational institutions, students, and lenders and to
define residency and all other terms as the division deems necessary to carry out the purposes of
this chapter, and

(iii) To set standards for the administration of programs of postsecondary student
financial assistance assigned by law to the division, including but not limited to savings
programs. Administrative rules governing savings programs shall authorize the division, in
conjunction with commissioner of postsecondary education, to negotiate reciprocal agreements
with institutions in other states offering similar savings programs for the purpose of maximizing
educational benefits to residents, students and institutions in this state.

(20) To establish penalties for violations of any order, rule, or regulation of the division,
and a method for enforcing these.

(21) To set and collect fees and charges, in connection with its guaranties and servicing,
including without limitation reimbursement of costs of financing by the division, service charges,
and insurance premiums and fees and costs associated with implementing and administering
savings programs established pursuant to this chapter.

16-59-6 Commissioner of postsecondary education. -- The council on postsecondary
education, with approval of the board, shall appoint a commissioner of postsecondary education,
who shall serve at the pleasure of the council, provided that his or her initial engagement by the
council shall be for a period of not more than three (3) years. For the purpose of appointing,
retaining, or dismissing a commissioner of postsecondary education, the governor shall serve as
an additional voting member of the council. The position of commissioner shall be in the
unclassified service of the state and he or she shall serve as the chief executive officer of the
council on postsecondary education, and as the chief administrative officer of the office of
postsecondary commissioner, and as the executive director of the division of higher education
assistance. The commissioner of postsecondary education shall have any duties that are defined in
this section and in this title and other additional duties as may be determined by the council, and
shall perform any other duties as may be vested in him or her by law. In addition to these duties
and general supervision of the office of postsecondary commissioner and the appointment of the
several officers and employees of the office, it shall be the duty of the commissioner of
postsecondary education:

(1) To develop and implement a systematic program of information gathering,
processing, and analysis addressed to every aspect of higher education in the state, especially as that information relates to current and future educational needs.

(2) To prepare a strategic plan for higher education in the state aligned with the goals of the board of education's strategic plan; to coordinate the goals and objectives of the higher public education sector with the goals of the council on elementary and secondary education, and activities of the independent higher education sector where feasible.

(3) To communicate with and seek the advice of those concerned with and affected by the board of education's and council's determinations.

(4) To implement broad policy as it pertains to the goals and objectives established by the board of education and council on postsecondary education; to promote better coordination between higher public education in the state, independent higher education in the state as provided in subdivision (10) of this section and pre k-12 education; to assist in the preparation of the budget for public higher education and to be responsible upon direction of the council for the allocation of appropriations, the acquisition, holding, disposition of property.

(5) To be responsible for the coordination of the various higher educational functions of the state so that maximum efficiency and economy can be achieved.

(6) To assist the board of education in preparation and maintenance of a five (5) year strategic funding plan for higher education; to assist the council in the preparation and presentation annually to the state budget officer in accordance with § 35-3-4 of a total public higher educational budget.

(7) To recommend to the council on postsecondary education after consultation with the presidents, a clear and definitive mission for each public institution of higher learning.

(8) To annually recommend to the council on postsecondary education after consultation with the presidents, the creation, abolition, retention, or consolidation of departments, divisions, programs, and courses of study within the public colleges and universities to eliminate unnecessary duplication in public higher education, to address the future needs of public higher education in the state, and to advance proposals recommended by the presidents of the public colleges and universities pursuant to §§ 16-32-2.1, 16-33-2.1 and 16-33.1-2.1 of the general laws.

(9) To supervise the operations of the office of postsecondary commissioner, including the division of higher education assistance, and any other additional duties and responsibilities that may be assigned by the council.

(10) To perform the duties vested in the council with relation to independent higher educational institutions within the state under the terms of chapter 40 of this title and any other laws that affect independent higher education in the state.
(11) To be responsible for the administration of policies, rules, and regulations of the council on postsecondary education with relation to the entire field of higher education within the state, not specifically granted to any other department, board, or agency and not incompatible with law.

(12) To prepare standard accounting procedures for public higher education and all public colleges and universities.

(13) To carry out the policies and directives of the board of education and the council on postsecondary education through the office of postsecondary commissioner and through utilization of the resources of the public institutions of higher learning.

(14) To exercise all powers and duties of the division of higher education assistance as set forth under the terms of Chapter 57 of this title.

SECTION 8. Section 16-62-3 of the General Laws in Chapter 16-62 entitled “The Rhode Island Student Loan Authority” is hereby amended to read as follows:

16-62-3 Definitions. -- As used in this chapter, the following words and terms shall have the following meanings unless the context shall indicate another or different meaning or intent:

(1) "Authority" means the governmental agency and public instrumentality authorized, created, and established pursuant to § 16-62-4.

(2) "Bonds" and "notes" means the bonds, notes, securities, or other obligations or evidences of indebtedness issued by the authority pursuant to this chapter, all of which shall be issued under the name of or known as obligations of the Rhode Island student loan authority.

(3) "Education loan" means a loan to a student or the parent, legal guardian, or sponsor of the student, or to an eligible institution, for the purpose of financing a student's attendance at the eligible institution. The loan may provide that the student, parent, legal guardian, or sponsor of the student or eligible institution may be held jointly and severally liable for the education loan.

(4) "Eligible institution" means, subject to further particular or more restrictive definition by regulation of the authority: (i) an institution of higher learning, (ii) a vocational school, or (iii) with respect to students who are nationals of the United States, an institution outside the United States which is comparable to an institution of higher education or to a vocational school and which has been approved by the authority and by the secretary for purposes of the guaranteed student loan program.

(5) "Eligible loan" means a loan to a student or to the parent of a student insured or guaranteed by the secretary, Rhode Island division of higher education assistance authority, or by any other governmental or private agency, corporation, or organization having a reinsurance or guaranty agreement with the secretary applicable to that loan.
(6) "Guaranteed student loan program" means the program of federal student loan insurance and reinsurance administered by the secretary.

(7) "Lender" means, subject to further particular or more restrictive definition by regulation of the authority, any governmental or private agency, corporation, organization, or institution (including educational institutions and the authority itself) designated as an "eligible lender" by federal statute, regulation, or administrative ruling for the purposes of the guaranteed student loan program.

(8) "Secretary" means the United States secretary of education or the secretary of health and human services.

(9) "State" means the state of Rhode Island and Providence Plantations.

(10) "Student" means an individual who under rules promulgated by the authority meets the enrollment and satisfactory progress requirement necessary for making an eligible student loan or an education loan, as applicable. This designation shall include dependent and independent undergraduate students, and graduate and professional students.

SECTION 9. Section 16-63-7 of the General Laws in Chapter 16-63 entitled "Adult Education" is hereby amended to read as follows:

16-63-7 Functions of office. -- The functions of the office may include, but may not necessarily be limited to, the following:

(1) The development of recommendations to the commissioner and the implementation of any approved recommendations, including:

(i) The utilization of federal and state funds for any purpose prescribed or allowed by the laws and/or regulations authorizing and/or appropriating those funds;

(ii) The sub-granting of those federal and state funds to selected deliverers of programs and services, including those contemplated in subdivisions (2) and (3);

(iii) The operation and networking of statewide adult level guidance services;

(iv) The operation of a high school equivalency or general educational development, testing, and certification program;

(v) Administration of the provisions for the approval and regulation of private career, trade, and technical schools, pursuant to chapter 40 of this title, and of any other nonpublic entities, whether non-business or proprietary, which provide or purport to provide adult education programs and services to residents of the state;

(vi) Professional development of administrators, teachers, counselors, paraprofessionals, and other personnel employed or engaged in delivering adult education programs and services within the state; and
(vii) Continuous research and planning in adult education, including assistance to the
commission in conducting the comprehensive study of adult education prescribed in § 16-58-6,
needs assessments in conjunction with local planning and assessment processes, and the
development and utilization of relevant data.

(2) Coordination with programs and services administered and/or operated by other
agencies and institutions, including:

(i) All programs in categories 1, 2, 3, and 5 as defined by this chapter;

(ii) Outreach, recruitment, and intake for program components throughout the delivery
system defined in this chapter;

(iii) Dissemination of information on financial aid for adult learners, including loans,
grants, scholarships, and other forms of financial aid, in cooperation with the Rhode Island
division of higher education assistance authority, pursuant to chapters 56 and 57 of this title;

(iv) Psychological testing in relation to education and training, basic skills diagnostic and
evaluation services, and multi-phasic vocational testing;

(v) Competency based adult high school diploma assessment and certification, as
conducted by local education agencies in accordance with this chapter; and

(vi) The college level examination program and other mechanisms for establishing and
recording postsecondary achievement and competencies in terms of academic credit.

(3) General advocacy and communicative relationships with other agencies, institutions,
and organizations engaged in or interested in adult education or related activities in the state,
including:

(i) Programs and services for adult learners in public and private colleges, schools, and
other settings, at elementary, secondary, and postsecondary levels;

(ii) Adult education programs and services, in any of the categories defined in this
chapter, conducted in libraries and other community based settings;

(iii) Pre-service, in-service, and upgrading education and training programs, generally in
category 2 as defined by this chapter, conducted in employment settings;

(iv) Activities, generally in category 2 as defined by this chapter, conducted in the state
pursuant to the Job Training Partnership Act, 29 U.S.C. § 1501 et seq., and any amendments to it,
extensions of it, or successor legislation;

(v) All activities in categories 4 and 6, as defined by this chapter;

(vi) Programs and services, generally in categories 1, 2, 3, 5, and 7, as defined by this
chapter, conducted in custodial, correctional, and curative institutions in the state;

(vii) Programs and services for adults with special needs, such as people with disabilities,
immigrants and refugees, women and displaced homemakers, senior citizens, persons of
multilingual or multicultural backgrounds, and persons being discharged from the care of
institutions referenced in subdivision (3)(vi);

(viii) Programs of family and homelife education and parent effectiveness training;
(ix) Educational and public service programming on radio and television, including that
transmitted electronically and through cable systems; and

(x) Automobile and motorcycle driver safety education; and

(4) Staff support services for the commission.

SECTION 10. Section 22-13-9 of the General Laws in Chapter 22-13 entitled “Auditor
General” is hereby amended to read as follows:

**22-13-9 Access to executive sessions of a public agency -- Access to records --**

**Disclosure by the auditor general.** -- (a) Whenever a public agency goes into executive session,
the auditor general or his or her designated representative shall be permitted to attend the
executive session or if the auditor general or his or her designee is not in attendance at the
executive session, the auditor general or his or her designee, upon written request, shall be
furnished with copies of all data or materials furnished to the members of the public agency at the
executive session. If the auditor general or his or her designee attends the executive session, the
auditor general shall be furnished the same data in the same form and at the same time as
members of the public agency.

(b) Within three (3) working days of a written request by the auditor general, the public
agency shall furnish a copy, whether approved by the agency or not, of the minutes of any
meeting, including any executive session of the public agency.

(c) The auditor general shall have full and unlimited access to any and all records of any
public agency, in whatever form or mode the records may be, unless the auditor general's access
to the records is specifically prohibited or limited by federal or state law. In no case shall any
confidentiality provisions of state law be construed to restrict the auditor general's access to the
records; provided, the auditor general's access to any confidential data shall not in any way
change the confidential nature of the data obtained. Where an audit or investigative finding
emanates from confidential data, specific confidential information will not be made public. The
records shall include those in the immediate possession of a public agency as well as records
which the agency itself has a right to. In the event of a dispute between the agency involved and
the auditor general as to whether or not the data involved are confidential by law, the matter will
be referred to the attorney general for resolution.

(d)(1) If in the course of an executive session any fact comes to the attention of the
auditor general or his or her designated representative, which in his or her judgment constitutes an
impropriety, irregularity, or illegal transaction, or points to the onset of an impropriety or illegal
transaction, then the auditor general shall disclose that information to the joint committee on
legislative services, the director of administration, and the chairperson of the public agency
involved. Where the facts or the data upon which the facts are based are deemed confidential
pursuant to the provisions of federal or state law, the auditor general’s access to the information
shall not in any way change the confidential nature of the data obtained.

(2) In the event of a dispute between the agency involved and the auditor general as to
whether or not the data involved are confidential by law, the matter will be referred to the
attorney general for resolution.

(e) The auditor general or his or her designated representative shall be immune from any
liability to any party for claims arising out of disclosure authorized by this section.

(f) For the purposes of this section, the phrase "public agency" shall include the
following: the Rhode Island industrial building authority, the Rhode Island recreational building
authority, the Rhode Island economic development corporation, the Rhode Island industrial
facilities corporation, the Rhode Island refunding bond authority, the Rhode Island housing and
mortgage finance corporation, the Rhode Island resource recovery corporation, the Rhode Island
public transit authority, the Rhode Island student loan authority, the water resources board, the
Rhode Island health and educational building corporation, the Rhode Island higher education
assistance, the Rhode Island turnpike and bridge authority, the Narragansett Bay commission, the
convention center authority, their successors and assigns, and any other body corporate and
politic which has been or which is subsequently created or established within this state.

Repayment Program” are hereby amended to read as follows:

23-14.1-2 Definitions. -- For the purpose of this chapter, the following words and terms
have the following meanings unless the context clearly requires otherwise:

(1) “Authority” means the higher education assistance authority.
(2) “Board” means the health professional loan repayment board.
(3) “Commissioner” means the commissioner of postsecondary education.
(4) “Director” means the director of the higher education assistance authority. “Division”
means the Rhode Island division of higher education assistance.
(5) "Eligible health professional" means a physician, dentist, dental hygienist, nurse practitioner, certified nurse midwife, physician assistant, or any other eligible health care professional under § 338A of the Public Health Service Act, 42 U.S.C. § 254l, licensed in the state who has entered into a contract with the board to serve medically underserved populations.

(6) "Loan repayment" means an amount of money to be repaid to satisfy loan obligations incurred to obtain a degree or certification in an eligible health profession as defined in subdivision (5).

23-14.1-3 Health professional loan repayment program established. -- There is established within the division higher education assistance authority, to be administered by the commissioner director, the health professional loan repayment program whose purpose shall be to provide loan repayment to eligible health professionals to defray the cost of their professional education.

23-14.1-4 Health professional loan repayment board. -- (a) There is created the health professional loan repayment board, which shall consist of the director of the department of health and eight (8) members appointed by the governor with the advice and consent of the senate. The governor shall give due consideration to any recommendations for nominations submitted to him or her by the Rhode Island Medical Society; the Rhode Island Dental Association; the Rhode Island Health Center Association; the dean of the Brown University Medical School; the dean of the College of Nursing at the University of Rhode Island; the Rhode Island State Nurses' Association; the Hospital Association of Rhode Island; the Rhode Island division of higher education assistance authority. All appointed members shall serve for terms of three (3) years and shall receive no compensation for their services. Board members shall be eligible to succeed themselves.

(b) The director of the department of health shall serve as chairperson. The board shall elect such other officers as it deems necessary from among its members. All meetings shall be called by the chairperson.

(c) Members of the board shall be removable by the governor pursuant to the provisions of § 36-1-7 of the general laws and for cause only, and removal solely for partisan or personal reasons unrelated to capacity or fitness for the office shall be unlawful.

23-14.1-5 Duties of the board. -- The board shall:

(1) Determine which areas of the state shall be eligible to participate in the loan repayment program each year, based on health professional shortage area designations.

(2) Receive and consider all applications for loan repayment made by eligible health professionals.
(3) Conduct a careful and full investigation of the ability, character, financial needs, and qualifications of each applicant.

(4) Consider the intent of the applicant to practice in a health professional shortage area and to adhere to all the requirements for participation in the loan repayment program.

(5) Submit to the commissioner a list of those individuals eligible for loan repayment and amount of loan repayment to be granted.

(6) Promulgate rules and regulations to ensure an effective implementation and administration of the program.

(7) Within ninety (90) days after the end of each fiscal year, the board shall approve and submit an annual report to the governor, the speaker of the house of representatives, the president of the senate, and the secretary of state, of its activities during that fiscal year. The report shall provide: an operating statement summarizing meetings or hearings held, including meeting minutes, subjects addressed, decisions rendered, applications considered and their disposition, rules or regulations promulgated, studies conducted, polices and plans developed, approved, or modified, and programs administered or initiated; a consolidated financial statement of all funds received and expended including the source of the funds, a listing of any staff supported by these funds, and a summary of any clerical, administrative or technical support received; a summary of performance during the previous fiscal year including accomplishments, shortcomings and remedies; a synopsis of hearings, complaints, suspensions, or other legal matters related to the committee; a summary of any training courses held pursuant to this chapter; a briefing on anticipated activities in the upcoming fiscal year, and findings and recommendations for improvements. The report shall be posted electronically on the websites of the general assembly and the secretary of state pursuant to the provisions of § 42-20-8.2. The director of the department of administration shall be responsible for the enforcement of the provisions of this subsection.

(8) Conduct a training course for newly appointed and qualified members within six (6) months of their qualification or designation. The course shall be developed by the chair of the board, be approved by the board, and be conducted by the chair of the board. The board may approve the use of any board and/or staff members and/or individuals to assist with training. The training course shall include instruction in the following areas: the provisions of chapters 42-46, 36-14 and 38-2; and the board's rules and regulations. The director of the department of administration shall, within ninety (90) days of June 16, 2006, prepare and disseminate training materials relating to the provisions of chapters 42-46, 36-14, and 38-2.

23-14.1-6 Duties of the director. -- The director commissioner shall:
(1) Grant loan repayments to successful applicants as determined by the board.

(2) Enter into contracts, on behalf of the division higher education assistance authority with each successful applicant, reflecting the purpose and intent of this chapter.

**23-14.1-8 Contracts required.** -- Prior to being granted loan repayment each eligible health professional shall enter into a contract with the authority division agreeing to the terms and conditions upon which the loan repayment is granted. The contract shall include any provisions that are required to fulfill the purposes of this chapter and those deemed advisable by the director commissioner.

**23-14.1-9 Penalty for failure to complete contract.** -- (a) If the recipient of a loan repayment fails, without justifiable cause, to practice pursuant to the terms and conditions of his or her contract with the authority division, a penalty for the failure to complete the contract will be imposed. If the recipient fails to complete the period of obligated service, he or she shall be liable to the state of Rhode Island for:

(1) An amount equal to the total paid on behalf of the recipient; and

(2) An unserved obligation penalty equal to the number of months of obligated service not completed by the recipient multiplied by one thousand dollars ($1,000).

(b) If the recipient fails to complete one year of service, he or she shall be liable to the state of Rhode Island for:

(1) An amount equal to the total paid on behalf of the recipient; and

(2) An unserved obligation penalty equal to the number of months in the full period multiplied by one thousand dollars ($1,000).

(c) Any amount owed shall be paid to the State of Rhode Island within one year of the date that the recipient is in breach of contract.

(d) Where the director commissioner, subject to the approval of the board, determines that there exists justifiable cause for the failure of a recipient to practice pursuant to the terms and conditions of the contract, he or she may relieve the recipient of the obligation to fulfill any or all of the terms of the contract.

SECTION 12. Section 25-2-18.1 of the General Laws in Chapter 25-2 entitled “Days of Special Observance” is hereby amended to read as follows:

**25-2-18.1 Martin Luther King, Jr. State Holiday Commission.** -- (a) There is created a permanent commission to be known as the Martin Luther King, Jr. State Holiday Commission to consist of thirteen (13) members, three (3) of whom shall be from the house of representatives, not more than two (2) from the same political party, to be appointed by the speaker; three (3) of whom shall be from the senate, not more than two (2) from the same political party to be
appointed by the president of the senate; three (3) of whom shall be representatives of the general public, to be appointed by the speaker; two (2) of whom shall be representatives of the general public to be appointed by the president of the senate; one of whom shall be a representative of the governor's office, to be appointed by the governor; and one of whom shall be the lieutenant governor, all of the foregoing to be known as commission members. The commission shall appoint not more than sixteen (16) representatives from organizations and groups generally identified with and thought to epitomize the ideals of Dr. Martin Luther King, Jr., all of whom shall be known as non-voting affiliate members, to serve for two (2) year terms.

(b) The purpose of the commission shall be to plan, supervise and administer, in conjunction with the federal Martin Luther King Day Commission and the Martin Luther King Center for Non-Violent Social Change, an appropriate celebration to commemorate the birthday of Dr. Martin Luther King, Jr., and the annual observance of Dr. Martin Luther King Day, which will be observed on the third Monday in January each year. The commission shall not limit its activities to the annual celebration, but shall endeavor to promote educational efforts throughout the year, as well as to promote seminar events during the annual celebration that will be of informative value to all segments of the Rhode Island community.

(c) The members of the commission shall, in February of each odd-numbered year, elect from among themselves a chairperson, who shall be a legislator, and a vice-chairperson, who shall not be a government official or employee. Vacancies in the commission shall be filled in like manner as the original appointment.

(d) The commission is empowered to appoint committees to study specialized areas of concern and to report their findings and recommendations to the commission; provided, however, that one of these committees shall be an education committee.

(e) The commission is empowered to establish a Martin Luther King Scholarship Fund and to award scholarships from the fund. Decisions concerning scholarship awards shall be made by the education committee of the commission in conjunction with the division of higher education assistance authority.

(f) The commission is empowered to apply for and receive grants, appropriations, or gifts from any federal, state, or local agency, from any public or private foundation, and from any person, firm, or corporation in order to carry out the purposes of this chapter. The allocation of any funds received shall be decided by a majority vote of voting members in attendance at a meeting duly convened for the conduct of business by the commission.

(g) Seven (7) members of the commission shall constitute a quorum.

(h) The commission shall meet at least four (4) times per year.
(i) The commission shall adopt policies concerning the responsibilities of its voting members and non-voting affiliate members, including attendance at commission meetings.

(j) All departments and agencies of the state shall furnish advice and information, documentary and otherwise, to the commission and its agents as may be necessary or desirable to facilitate the purposes of this chapter.

(k) The speaker is authorized and directed to provide suitable quarters for the commission.

(l) The commission shall file a report with the general assembly outlining its plans for the celebration on or before December 15th each year prior to the celebration.

SECTION 13. Section 30-30-2 of the General Laws in Chapter 30-30 entitled “Military Affairs and Defense” is hereby amended to read as follows:

30-30-2 Administration. -- The division of higher education assistance authority shall be designated as the administering authority for this chapter and shall, no later than August 30, 1987, establish rules, regulations, procedures, and safeguards for the implementation of this chapter. The regulations and procedures shall include but not be limited to the establishment of income guidelines and academic performance criteria. No funds shall be awarded under this chapter until these regulatory and administrative measures are established.

SECTION 14. Sections 35-10-1 and 35-10-4 of the General Laws in Chapter 35-10 entitled “State Investment Commission” are hereby amended to read as follows:

35-10-1 Establishment – Membership – Officers – Quorum – Investment votes – Fund managers. -- (a) There is hereby authorized, created and established in the office of the general treasurer a state investment commission, the membership of which shall consist of the general treasurer, ex officio, or a deputy general treasurer as his or her designee, who shall act as chairperson, the director of administration, ex officio, or any assistant director of administration as his or her designee, who shall act as secretary, the division of higher education assistance authority, or his or her designee to be appointed by the general treasurer, an active or retired teacher, state, or municipal employee member of the retirement system or official from the teacher, state, or municipal employee unions to be appointed by the general treasurer for a term of three (3) years, the executive director of the state retirement board, who shall be a nonvoting member, two (2) members of the general public to be appointed by the general treasurer, one of whom shall serve for an initial term of one year, and one of whom shall serve for an initial term of two (2) years and until his or her successor is appointed and qualified and three (3) members of the general public to be appointed by the governor, one of whom shall serve for an initial term of three (3) years, one of whom shall serve for an initial term of two (2) years, and
one of whom shall serve for an initial term of one year and until his or her successor is appointed and qualified. Thereafter, the general public members shall serve for three (3) year terms and until his or her successor is appointed and qualified. The members of the general public appointed by the governor and the general treasurer shall be qualified by training or experience in the field of investment or finance.

The commission may elect from among its own members such other officers as they deem necessary. All general treasurer and gubernatorial appointments made under this section after the effective date of this act [July 4, 2006] shall be subject to the advice and consent of the senate. No one shall be eligible for appointment unless he or she is a resident of this state.

Public members of the board shall be removable by the chair for cause only, and removal solely for partisan or personal reasons unrelated to capacity or fitness for the office shall be unlawful.

Newly appointed and qualified public members shall, within six (6) months of their appointment, attend a training course that shall be developed and provided by the office of the general treasurer and shall include instruction in the following areas: the provisions of chapters 35-10, 42-46, 36-14 and 38-2 of the Rhode Island general laws; and the board's rules and regulations. The director of the department of administration shall, within ninety (90) days of the effective date of this act [July 4, 2006], prepare and disseminate training materials relating to the provisions of chapters 42-46, 36-14 and 38-2.

Any member of the general public who was appointed by the governor or general treasurer prior to the effective date of this act [July 4, 2006] shall continue to serve until such time as a successor is appointed and qualified.

(b) A member shall be eligible to succeed himself or herself. In the event of a vacancy in the office of an appointive member, the vacancy shall be filled by the appointing authority for the unexpired term.

(c) A majority of all the members of the commission shall be necessary to constitute a quorum thereof. The approval of a majority of the commission shall be required prior to the purchase or sale of any investment, excepting those investments made by investment managers engaged by the commission and invested in accordance with the commission's statement of investment objectives and policies, day to day cash investments by the general treasurer, and, because of the importance of speedy action, investments in obligations of the United States government or certificates of deposit maturing within one year. These investments may be made within the framework of a policy established by the commission without prior approval of each transaction. The commission shall be empowered to engage one or more fund managers and to
delegate to the manager or managers the authority to carry out the investment of the funds within
the commission's control, or any portion thereof, in accordance with the objectives of the
commission as set forth in its statement of investment objectives and policies.

(d) The day-to-day administration of the commission, including the voting of proxies and
the execution of investment acquisitions and dispositions of the commission's assets, shall be
carried out by the office of the general treasurer; provided, that the costs and expenses incurred in
the management of the funds within the commission's control shall remain the obligation of those
funds and not that of the general treasurer.

(e) Within ninety (90) days after the end of each fiscal year during which the board has
conducted business, the commission shall submit an annual report to the governor, the speaker of
the house of representatives, the president of the senate, and the secretary of state of its activities
during that fiscal year. The report shall provide: an operating statement summarizing meetings or
hearings held, meeting minutes if requested, subjects addressed, decisions rendered, rules or
regulations promulgated, studies conducted, policies and plans developed, approved, or modified,
and programs administered or initiated; a consolidated financial statement of all the funds
received and expended including the source of funds, a listing of any staff supported by these
funds, and a summary of any clerical, administrative or technical support received; a summary of
performance during the previous fiscal year including accomplishments, shortcomings and
remedies; a synopsis of hearings, complaints, suspensions, or other legal matters related to the
authority of the board; a summary of any training courses held pursuant to § 35-10-1; a briefing
on anticipated activities in the upcoming fiscal year; and findings and recommendations for
improvements. The report shall be posted electronically on the general assembly and the secretary
of state's website as prescribed in § 42-20-8.2 of the Rhode Island general laws. The director of
the department of administration shall be responsible for the enforcement of this provision.

35-10-4 Funds not subject to investment. -- The commission shall not invest money in
funds which are subject to the control of the board of governors for higher education; provided,
however, that the commission shall not be prohibited from investing moneys in the college
savings program created by § 16-57-6.1 and administered by the Rhode Island Higher Education
Assistance Authority in conjunction with the executive director of the Rhode Island Student Loan
Authority and the commissioner of higher education.

SECTION 15. Section 37-2-7 of the General Laws in Chapter 37-2 entitled “State
Purchases” is hereby amended to read as follows:

37-2-7 Definitions. -- The words defined in this section have the meanings set forth
below whenever they appear in this chapter, unless the context in which they are used clearly
requires a different meaning or a different definition is prescribed for a particular section, group
of sections, or provision:

(1) "Business" means any corporation, partnership, individual, sole proprietorship, joint
stock company, joint venture, or any other legal entity through which business is conducted.

(2) "Change order" means a written authorization signed by the purchasing agent
directing or allowing the contractor to proceed with changes, alterations, or modifications to the
terms, conditions, or scope of work on a previously awarded contract.

(3) "Chief purchasing officer" shall mean: (i) for a state agency, the director of the
department of administration, and (ii) for a public agency, the executive director or the chief
operational officer of the agency.

(4) "Construction" means the process of building, altering, repairing, improving, or
demolishing any public structures or building, or other public improvements of any kind to any
public real property. It does not include the routine maintenance or repair of existing structures,
buildings, or real property performed by salaried employees of the state of Rhode Island in the
usual course of their jobs.

(5) "Contract" means all types of agreements, including grants and orders, for the
purchase or disposal of supplies, services, construction, or any other item. It includes awards;
contracts of a fixed-price, cost, cost-plus-a-fixed-fee, or incentive type; contracts providing for
the issuance of job or task orders; leases; letter contracts; purchase orders; and construction
management contracts. It also includes supplemental agreements with respect to any of the
foregoing. "Contract" does not include labor contracts with employees of state agencies.

(6) "Contract amendment" means any written alteration in the specifications, delivery
point, rate of delivery, contract period, price, quantity, or other contract provisions of any existing
contract, whether accomplished by unilateral action in accordance with a contract provision, or by
mutual action of the parties to the contract. It includes bilateral actions, such as supplemental
agreements, and unilateral actions, such as change orders, administrative changes, notices of
termination, and notices of the exercise of a contract option.

(7) "Contractor" means any person having a contract with a governmental body.

(8) "Data" means recorded information, regardless of form or characteristic.

(9) "Designee" means a duly authorized representative of a person holding a superior
position.

(10) "Employee" means an individual drawing a salary from a state governmental entity.

(11) "State governmental entity" means any entity created as a legislative body or a
public or state agency by the general assembly or constitution of this state, except for municipal,
(12) "May" means permissive.

(13) "Negotiation" means contracting by either the method set forth in § 37-2-19, 37-2-20, or 37-2-21.

(14) "Person" means any business, individual, organization, or group of individuals.

(15) "Procurement" means the purchasing, buying, renting, leasing, or otherwise obtaining of any supplies, services, or construction. It also includes all functions that pertain to the obtaining of any supply, service, or construction item, including a description of requirements, selection and solicitation of sources, preparation, and award of contract, and all phases of contract administration.

(16) "Public agency" shall mean the Rhode Island industrial recreational building authority, the Rhode Island economic development corporation, the Rhode Island industrial facilities corporation, the Rhode Island refunding bond authority, the Rhode Island housing and mortgage finance corporation, the Rhode Island resource recovery corporation, the Rhode Island public transit authority, the Rhode Island student loan authority, the Howard development corporation, the water resources board corporate, the Rhode Island health and education building corporation, the Rhode Island higher education assistance authority, the Rhode Island turnpike and bridge authority, the Blackstone Valley district commission, the Narragansett Bay water quality management district commission, the Rhode Island telecommunications authority, the convention center authority, the Channel 36 foundation, the Rhode Island lottery commission their successors and assigns, any other body corporate and politic which has been or will be created or established within this state excepting cities and towns, and the board of governors for higher education for all purchases which are funded by restricted, sponsored, or auxiliary monies.

(17) "Purchase request" or "purchase requisition" means that document whereby a using agency requests that a contract be entered into to obtain goods and/or services for a specified need, and may include, but is not limited to, the technical description of the requested item, delivery requirements, transportation mode request, criteria for evaluation of proposals, and/or preparation of suggested sources of supply, and information supplied for the making of any written determination and finding required by § 37-2-6.

(18) "Purchasing agency" means any state governmental entity which is authorized by this chapter, its implementing regulations, or by way of delegation from the chief purchasing officer to contract on its own behalf rather than through the central contracting authority of the chief purchasing officer.

(19) "Purchasing agent" means any person authorized by a governmental entity in
accordance with procedures prescribed by regulations, to enter into and administer contracts and
make written determinations and findings with respect to contracts. The term also includes an
authorized representative acting within the limits of authority. "Purchasing agent" also means the
person appointed in accordance with § 37-2-1.

(20) "Services" means the rendering, by a contractor, of its time and effort rather than the
furnishing of a specific end product, other than reports which are merely incidental to the required
performance of services. "Services" does not include labor contracts with employees of state
agencies.

(21) "Shall" means imperative.

(22) "State" means the state of Rhode Island and any of its departments or agencies and
public agencies.

(23) "Supplemental agreement" means any contract modification which is accomplished
by the mutual action of the parties.

(24) "Supplies" means all property, including, but not limited to, leases of real property,
printing, and insurance, except land or permanent interest in land.

(25) "Using agency" means any state governmental entity which utilizes any supplies,
services, or construction purchased under this chapter.

(26) As used in § 37-2-59, "architect" or "engineer" services means those professional
services within the scope of practice of architecture, professional engineering, or registered land
surveying pertaining to construction, as defined by the laws of this state. "Consultant" means any
person with whom the state and/or a public agency has a contract which contract provides for the
person to give direction or information as regards a particular area of knowledge in which the
person is a specialist and/or has expertise.

(27) For purposes of §§ 37-2-62 – 37-2-70, "directors" means those members of a public
agency appointed pursuant to a statute who comprise the governing authority of the board,
commission, authority, and/or corporation.

(28) "State agency" means any department, commission, council, board, bureau,
committee, institution, or other governmental entity of the executive or judicial branch of this
state not otherwise established as a body corporate and politic, and includes, without limitation,
the board of governors for higher education except for purchases which are funded by restricted,
sponsored, or auxiliary moneys and the board of regents for elementary and secondary education.

(29) "Governmental entity" means any department, commission, council, board, bureau,
committee, institution, legislative body, agency, or government corporation of the executive,
legislative, or judicial branches of state, federal, and/or local governments.
(30) "Construction management at-risk" or "construction management at-risk services" or "construction management at-risk delivery method" is a construction method wherein a construction manager at-risk provides a range of preconstruction services and construction management services which may include cost estimation and consultation regarding the design of the building project, the preparation and coordination of bid packages, scheduling, cost control, and value engineering, acting as the general contractor during the construction, detailing the trade contractor scope of work, holding the trade contracts and other contracts, evaluating trade contractors and subcontractors, and providing management and construction services, all at a guaranteed maximum price, which shall represent the maximum amount to be paid by the using agency for the building project, including the cost of work, the general conditions and the fee payable to the construction management at-risk firm.

(31) "Construction manager at-risk" or "construction management at-risk firm" is a person or business experienced in construction that has the ability to evaluate and to implement drawings and specifications as they affect time, cost and quality of construction and the ability to coordinate and deliver the construction of the project within a guaranteed maximum price, which shall represent the maximum amount to be paid by the using agency for the building project, including the cost of the work, the general conditions and the fee payable to the construction management at-risk firm. The construction manager at-risk provides consultation services during the preconstruction and construction phases of the project. The project engineer, architect or owner's program manager may not serve as the construction manager at-risk.

(32) "Owner's program manager" shall be an entity engaged to provide project management services on behalf of a state agency for the construction and supervision of the construction of a building project. The owner's program manager acts as the owner's agent in all aspects of the construction project, including, but not limited to, architectural programming, planning, design, construction, and the selection and procurement of an appropriate construction delivery method. The owner's program manager shall have at least seven (7) years experience in the construction and supervision of construction of buildings of similar size and complexity. The owner's program manager shall not have been employed during the preceding year by the design firm, the construction firm, and/or the subcontractors associated with the project.

SECTION 16. Section 37-13-7 of the General Laws in Chapter 37-13 entitled “Labor and Payment of Debts by Contractors” is hereby amended to read as follows:

37-13-7 Specification in contract of amount and frequency of payment of wages. --

(a) Every call for bids for every contract in excess of one thousand dollars ($1,000), to which the state of Rhode Island or any political subdivision thereof or any public agency or quasi-public
agency is a party, for construction, alteration, and/or repair, including painting and decorating, of
government buildings or public works of the state of Rhode Island or any political subdivision thereof,
or any public agency or quasi-public agency and which requires or involves the employment of
employees, shall contain a provision stating the minimum wages to be paid various types of
employees which shall be based upon the wages that will be determined by the director of labor
and training to be prevailing for the corresponding types of employees employed on projects of a
class similar to the contract work in the city, town, village, or other appropriate political
subdivision of the state of Rhode Island in which the work is to be performed. Every contract
shall contain a stipulation that the contractor or his or her subcontractor shall pay all the
employees employed directly upon the site of the work, unconditionally and not less often than
once a week, and without subsequent deduction or rebate on any account, the full amounts
accrued at time of payment computed at wage rates not less than those stated in the call for bids,
regardless of any contractual relationships which may be alleged to exist between the contractor
or subcontractor and the employees, and that the scale of wages to be paid shall be posted by the
contractor in a prominent and easily accessible place at the site of the work; and the further
stipulation that there may be withheld from the contractor so much of the accrued payments as
may be considered necessary to pay to the employees employed by the contractor, or any
subcontractor on the work, the difference between the rates of wages required by the contract to
be paid the employees on the work and the rates of wages received by the employees and not
refunded to the contractor, subcontractors, or their agents.

(b) The terms "wages", "scale of wages", "wage rates", "minimum wages", and
"prevailing wages" shall include:

(1) The basic hourly rate of pay; and

(2) The amount of:

(A) The rate of contribution made by a contractor or subcontractor to a trustee or to a
third person pursuant to a fund, plan, or program; and

(B) The rate of costs to the contractor or subcontractor which may be reasonably
anticipated in providing benefits to employees pursuant to an enforceable commitment to carry
out a financially responsible plan or program which was communicated in writing to the
employees affected, for medical or hospital care, pensions on retirement or death, compensation
for injuries or illness resulting from occupational activity, or insurance to provide any of the
foregoing, for unemployment benefits, life insurance, disability and sickness insurance, or
accident insurance, for vacation and holiday pay, for defraying costs of apprenticeship or other
similar programs, or for other bona fide fringe benefits, but only where the contractor or
subcontractor is not required by other federal, state, or local law to provide any of the benefits;
provided, that the obligation of a contractor or subcontractor to make payment in accordance with
the prevailing wage determinations of the director of labor and training insofar as this chapter of
this title and other acts incorporating this chapter of this title by reference are concerned may be
discharged by the making of payments in cash, by the making of contributions of a type referred
to in subsection (b)(2), or by the assumption of an enforceable commitment to bear the costs of a
plan or program of a type referred to in this subdivision, or any combination thereof, where the
aggregate of any payments, contributions, and costs is not less than the rate of pay described in
subsection (b)(1) plus the amount referred to in subsection (b)(2).
(c) The term "employees", as used in this section, shall include employees of contractors
or subcontractors performing jobs on various types of public works including mechanics,
apprentices, teamsters, chauffeurs, and laborers engaged in the transportation of gravel or fill to
the site of public works, the removal and/or delivery of gravel or fill or ready-mix concrete, sand,
bituminous stone, or asphalt flowable fill from the site of public works, or the transportation or
removal of gravel or fill from one location to another on the site of public works, and the
employment of the employees shall be subject to the provisions of subsections (a) and (b).
(d) The terms "public agency" and "quasi-public agency" shall include, but not be limited
to, the Rhode Island industrial recreational building authority, the Rhode Island economic
development corporation, the Rhode Island airport corporation, the Rhode Island industrial
facilities corporation, the Rhode Island refunding bond authority, the Rhode Island housing and
mortgage finance corporation, the Rhode Island resource recovery corporation, the Rhode Island
public transit authority, the Rhode Island student loan authority, the water resources board
corporate, the Rhode Island health and education building corporation, the Rhode Island higher
education assistance authority, the Rhode Island turnpike and bridge authority, the Narragansett
Bay water quality management district commission, Rhode Island telecommunications authority,
the convention center authority, the board of governors for higher education, the board of regents
for elementary and secondary education, the capital center commission, the housing resources
commission, the Quonset Point-Davisville management corporation, the Rhode Island children's
crusade for higher education, the Rhode Island depositors economic protection corporation, the
Rhode Island lottery commission, the Rhode Island partnership for science and technology, the
Rhode Island public building authority, and the Rhode Island underground storage tank board.

SECTION 17. Section 42-11.3-1 of the General Laws in Chapter 42-11.3 entitled “Motor
Vehicles Owned by a Governmental Body” is hereby amended to read as follows:

42-11.3-1 Definition. -- As used in this chapter, the following terms have the following
meanings unless otherwise specified:

(1) "General officer" means the governor, the lieutenant governor, the attorney general, the secretary of state, and the general treasurer.

(2)(i) "Governmental body" means any department, commission, council, board, bureau, committee, institution, legislative body, agency, government corporation, including, without limitation, the board of governors for higher education and board of regents for elementary and secondary education or other establishment of the executive, legislative or judicial branch of the state.

(ii) "Governmental body" also means the Rhode Island industrial recreational building authority, the Rhode Island economic development corporation, the Rhode Island industrial facilities corporation, the Rhode Island refunding bond authority, the Rhode Island housing and mortgage finance corporation, the Rhode Island solid waste management corporation, the Rhode Island public transit authority, the Rhode Island student loan authority, the Howard development corporation, the water resources board, the Rhode Island health and education building corporation, the Rhode Island higher education assistance authority, the Rhode Island turnpike and bridge authority, the Blackstone Valley district commission, the Narragansett Bay water quality management district commission, Rhode Island telecommunications authority, the convention center authority, channel 36 foundation, their successors and assigns, and any other body corporate and politic which has been here before or which is hereinafter created or established within this state excepting cities and towns.

(3) "Own" means control and the intent to control and includes any type of arrangement, including by way of illustration, and not by limitation, a lease arrangement, whereby an employee of a governmental body is supplied principal or exclusive use of a motor vehicle by his or her employer.

(4) "Law enforcement officer" means an individual: (i) who is employed on a full-time basis by a governmental body that is responsible for the prevention or investigation of crime involving injury to persons or property (including the apprehension or detention of persons for such crimes); (ii) who is authorized by law to carry firearms, execute search warrants, and to make arrests (other than merely a citizen's arrest); and (iii) who regularly carries firearms (except when it is not possible to do so because of the requirements of undercover work). The term law enforcement officer shall include an arson investigator if the investigator otherwise meets these requirements.

(5) "Commuting" means driving a motor vehicle owned by a governmental body to and from the work place and the employee's residence.
(6) "Employee" means an individual who works for a governmental body not less than thirty-five (35) hours a week.

SECTION 18. Section 42-35-1 of the General Laws in Chapter 42-35 entitled “Administrative Procedures” is hereby amended to read as follows:

42-35-1 Definitions. -- As used in this chapter:

1. "Agency" includes each state board, commission, department, or officer, other than the legislature or the courts, authorized by law to make rules or to determine contested cases, and all "authorities", as that term is defined below;

2. "Authorities" includes the following: the Rhode Island industrial building authority, the Rhode Island recreational building authority, the Rhode Island economic development corporation, the Rhode Island industrial facilities corporation, the Rhode Island refunding bond authority, the Rhode Island housing and mortgage finance corporation, the Rhode Island solid waste management corporation, the Rhode Island public transit authority, the Rhode Island student loan authority, the Howard development corporation, the water resources board, the Rhode Island health and educational building corporation, the Rhode Island higher education assistance authority, the Rhode Island turnpike and bridge authority, the Blackstone Valley district commission, the Narragansett Bay water quality management district commission, their successors and assigns, and any body corporate and politic with the power to issue bonds and notes, which are direct, guaranteed, contingent, or moral obligations of the state, which is hereinafter created or established in this state.

3. "Contested case" means a proceeding, including but not restricted to ratemaking, price fixing, and licensing, in which the legal rights, duties, or privileges of a specific party are required by law to be determined by an agency after an opportunity for hearing;

4. "License" includes the whole or part of any agency permit, certificate, approval, registration, charter, or similar form of permission required by law, but it does not include a license required solely for revenue purposes;

5. "Licensing" includes the agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal, or amendment of a license;

6. "Party" means each person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party;

7. "Person" means any individual, partnership, corporation, association, the department of environmental management, governmental subdivision, or public or private organization of any character other than an agency;

8. "Rule" means each agency statement of general applicability that implements,
interprets, or prescribes law or policy or describes the organization, procedure, or practice
requirements of any agency. The term includes the amendment or repeal of a prior rule, but does
not include: (1) statements concerning only the internal management of an agency and not
affecting private rights or procedures available to the public, or (2) declaratory rulings issued
pursuant to § 42-35-8, (3) intra-agency memoranda, or (4) an order;
(9) "Small business" shall shall have the same meanings that are provided for under title
13, volume 1, part 121 of the Code of Federal Regulations (13 CFR 121, as may be amended
from time to time);
(10) "Order" means the whole or a part of a final disposition, whether affirmative,
negative, injunctive or declaratory in form, of a contested case;
(11) "Small business advocate" means the person appointed by the director of the
economic development corporation as provided in § 42-64-34.
SECTION 19. Section 42-104-1 of the General Laws in Chapter 42-104 entitled “The
William P. Robinson, Jr., Building” is hereby amended to read as follows:
42-104-1 The William P. Robinson, Jr., Building. -- The Rhode Island division of
higher education assistance authority building on Jefferson Boulevard in the city of Warwick
shall be named the "William P. Robinson, Jr., Building".
SECTION 20. Section 42-155-3 of the General Laws in Chapter 42-155 entitled “Quasi-
Public Corporations Accountability and Transparency Act” is hereby amended to read as follows:
42-155-3 Definitions. -- (a) As used in this chapter, "quasi-public corporation" means
any body corporate and politic created, or to be created, pursuant to the general laws, including,
but not limited to, the following:
(1) Capital center commission;
(2) Rhode Island convention center authority;
(3) Rhode Island industrial facilities corporation;
(4) Rhode Island industrial-recreational building authority;
(5) Rhode Island small business loan fund corporation;
(6) Quonset development corporation;
(7) Rhode Island airport corporation;
(8) I-195 redevelopment district commission;
(9) Rhode Island health and educational building corporation;
(10) Rhode Island housing and mortgage finance corporation;
(11) Rhode Island higher education assistance authority;
(12) Rhode Island student loan authority;
(13) Narragansett bay commission;
(14) Rhode Island clean water finance agency;
(15) Rhode Island water resources board;
(16) Rhode Island resource recovery corporation;
(17) Rhode Island public rail corporation;
(18) Rhode Island public transit authority;
(19) Rhode Island turnpike and bridge authority;
(20) Rhode Island tobacco settlement financing corporation; and
(21) Any subsidiary of the Rhode Island commerce corporation.

(b) Cities, towns, and any corporation created that is an instrumentality and agency of a

city or town, and any corporation created by a state law that has been authorized to transact
business and exercise its powers by a city or town pursuant to ordinance or resolution, and fire
and water districts are not subject to the provisions of this chapter.

(c) The Rhode Island commerce corporation, being subject to similar transparency and
accountability requirements set forth in chapter 64 of title 42; the Rhode Island public rail
corporation established in chapter 64.2 of title 42; Block Island power authority; and the Pascoag
utility district shall not be subject to the provisions of this chapter.

Chapter 44-30.1 entitled “Setoff of Refund of Personal Income Tax” are hereby amended to read
as follows:

44-30.1-1 Definitions. -- (a) "Benefit overpayments and interest owed" means any
amount in excess of five hundred dollars ($500) determined to be recoverable under the

(b) "Cash assistance benefit overpayments” means any amount of cash assistance benefits
which constitutes an overpayment of benefits under the provisions of the Rhode Island Works
Program as previously established by chapter 5.2 of title 40, and/or the predecessor family
assistance programs, formerly known as the Family Independence Program, as previously
established by chapter 5.1 of title 40, and the Aid to Families With Dependent Children program,
as previously established by § 40-6-4, which overpayment amount has been established by court
order, by administrative hearing conducted by the department of human services, or by written
agreement between the department of human services and the individual.

(c) "Claimant agency” means either:

(1) The department of human services, with respect (1) to past-due support which has
been assigned to the department of human services by public assistance and medical assistance
recipients or by the department for children, youth and families, (2) past-due support which it is
attempting to collect on behalf of any individual not eligible as a public assistance recipient, and
(3) cash assistance benefit overpayments or medical assistance benefit overpayments, as defined
herein; or

(2)(i) The Rhode Island division of higher education assistance authority (RIHEAA),
with respect to obligations owed to that agency or to the state of Rhode Island by reason of
default or failure to pay student loans, health professions contract advances or scholarships or
grant over-awards, or

(ii) The Rhode Island division of higher education assistance authority (RIHEAA), acting
as agent for the United States Department of Education or other student loan guarantee agencies
in other states which have negotiated a reciprocal arrangement with the Rhode Island division of
higher education assistance RIHEAA for the setoff of refunds of personal income taxes against
defaulted loan obligations.

(3) The Rhode Island court administrative office, with respect to court costs, fines, and
restitution owed; or

(4) The department of labor and training with respect to benefit overpayments and
interest owed in excess of five hundred dollars ($500).

(d) "Court costs owed" means any fines, fees, and/or court costs which have been
assessed pursuant to a criminal disposition by a judge of the district, family and superior courts,
including, but not limited to, those amounts assessed pursuant to chapters 20 and 25 of title 12
and those amounts assessed pursuant to title 31, including also those fines, fees, and/or court costs
assessed by the traffic tribunal or municipal court associated with motor vehicle violations which
have not been paid and which have been declared delinquent by the administrative judge of the
court making the assessment.

(e) "Debtor" means:

(1) Any individual who owes past-due support which has been assigned to the department
of human services by public assistance and medical assistance recipients or by the department of
children, youth and families, or owes past due support to any individual not eligible as a public
assistance recipient;

(2) Any individual who has obligations owed to the Rhode Island division of higher
education assistance RIHEAA or the state of Rhode Island, the United States Department of
Education or other states and agencies that have negotiated reciprocal agreements with the Rhode
Island division of higher education assistance RIHEAA;

(3) Any individual who owes fines, fees, and/or court costs to the superior, family,
district courts and the traffic tribunal and municipal court associated with motor vehicle violations;

(4) Any individual who owes restitution to any victim of any offense which has been ordered by a judge of the district, family and superior courts pursuant to a disposition in a criminal case and which has been made payable through the administrative office of state courts pursuant to § 12-19-34 except that obligations discharged in bankruptcy shall not be included;

(5) Any individual who owes any sum in excess of five hundred dollars ($500) for benefit overpayments and interest to the department of labor and training determined to be recoverable under the provisions of chapters 39-44 of title 28.

(6) Any individual who owes any sum of cash assistance benefit overpayments to the department of human services.

(7) Any individual who has obligations owed to the Rhode Island Student Loan Authority (RISLA), or other states and agencies that have negotiated reciprocal agreements with RISLA.

(f) "Division" means the department of revenue, division of taxation.

(g) "Fines owed" means any fines, fees, and/or court costs which have been ordered paid as a penalty in a criminal case by a judge of the district, family and superior courts and those fines, fees, and/or court costs ordered paid by the traffic tribunal or municipal court for motor vehicle violations as described in § 31-41.1-4 which have not been paid and which have been declared delinquent by the administrative judge of the court making the assessment.

(h) "Medical assistance benefit overpayment" means any amount of medical assistance benefits which constitutes an overpayment of medical assistance benefits. The department is authorized to promulgate rules and regulations to provide for notice and hearing prior to the income tax intercept by the department for income tax intercept for medical assistance benefits overpaid to the recipient. The amount of overpayment of benefits may include the overpayment of benefits due to the fact that the Medicaid recipient failed to pay the cost share obligation lawfully imposed in accordance with Rhode Island law.

(i) "Medical assistance cost share arrearage" means any amount due and owing to the department of human services as a result of a Medicaid recipient's failure to pay their cost share obligation, including any amount due for a cost sharing obligation or medical assistance premium obligation, imposed in accordance with Title 40, Chapter 8.4 of the Rhode Island General Laws.

(j) "Obligation owed" means the total amount owed by any individual on:

(1) Any guaranteed student loan or parent loan for undergraduate students for which the Rhode Island division of higher education assistance RIHEAA has had to pay the guarantee, or for which the Rhode Island division of higher education assistance RIHEAA is acting as agent on
behalf of the United States Department of Education or other state cooperating agencies which have had to pay a guarantee,

(2) Any contract fee advanced by either the Rhode Island division of higher education assistance RIHEAA or the state of Rhode Island on behalf of any individual participating in a health professions educational program for which payment has not been made according to the terms of the contract, and

(3) Any amount of scholarship or grant funds which constitutes an over-award, whether due to error or to the submission of false information, and for which repayment has been demanded by the agency, but which has not been paid.

(4) Any education loan held by the Rhode Island Student Loan Authority (RISLA) not guaranteed by the Rhode Island division of higher education assistance RIHEAA or other guarantor.

(k) "Past-due support" means the amount of court-ordered child support or maintenance, child medical support or a spousal support order for a custodial parent having custody of a minor child, which is overdue or otherwise in arrears, regardless of whether there is an outstanding judgment for that amount, and whether the order for the support or maintenance has been established by a court or by an administrative process authorized under the laws of any state.

(l) "Refund" means the Rhode Island income tax refund which the division of taxation determines to be due to a taxpayer.

(m) "Restitution owed" means any amount which has been ordered paid pursuant to a criminal case disposition by a judge of the district, family and superior courts pursuant to chapter 19 of title 12, which has not been paid and which has been declared delinquent by the administrative judge of the court making the assessment.

44-30.1-3 Collection of debts by setoff. -- Within a time frame established by the division of taxation, the claimant agency shall supply the information necessary relative to each debtor owing the state money, and further, shall certify the amount of debt or debts owed to the state by each debtor. Upon receiving notice from the claimant agency that a named debtor owes past-due support, delinquent court costs, fines, or restitution or benefit overpayments and interest owed, has obligations owed as described in § 44-30.1-1(g), cash assistance benefit overpayments, medical assistance benefit overpayments, or medical assistance cost share arrearages, the division of taxation shall determine whether any amount, as a refund of taxes paid, is payable to the debtor, regardless of whether the debtor filed an income tax return as a married or unmarried individual. If the division of taxation determines that any refund is payable, the division of taxation shall set off the past-due support, delinquent court costs, fines or restitution benefit
overpayments and interest owed, the obligation owed, cash assistance benefit overpayments, medical assistance benefit overpayments, or medical assistance cost share arrearages, against the debtor's refund and shall reduce the debtor's refund by the amount so determined. The division of taxation shall transfer the amount of past-due support, delinquent court costs, fines or restitution, or benefit overpayments and interest owed, obligation owed, cash assistance benefit overpayments, medical assistance benefit overpayments, or medical assistance cost share arrearages, set off against the debtor's refund to the claimant agency or in the case of the United States Department of Education or other out-of-state agencies, to the Rhode Island division of higher education assistance authority (RIHEAA) as its agent, and in the case of education loans held by the Rhode Island Student Loan Authority (RISLA) for itself or as agent for another out-of-state education loan agency and which education loans are not guaranteed by the Rhode Island division of higher education assistance RIHEAA or another guarantor, to RISLA. The pendency of judicial proceedings to contest the setoff shall not stay nor delay the setoff and transfer of refunds to the claimant agency. If the amount of the debtor's refund exceeds the amount of the past-due support, delinquent court costs, fines, or restitution or benefit overpayments and interest owed, obligation owed, cash assistance benefit overpayments, medical assistance benefit overpayments, or medical assistance cost share arrearages, the division of taxation shall refund the excess amount to the debtor. If in any instance with regard to the debtor the division of taxation has received notice from more than one claimant agency, the claim by the bureau of child support shall receive first priority, the obligations owed shall have second priority, and the delinquent court costs, fines or restitution shall have third priority, the benefit overpayments and interest owed the fourth priority and the cash assistance benefit overpayments the fifth priority, and medical assistance benefit overpayments, or medical assistance cost share arrearages the sixth priority.

**44-30.1-5 Hearing procedures.**

(a) If the claimant agency receives written application pursuant to § 44-30.1-4(b) contesting the setoff or the delinquent court costs, fines or restitution or the past-due support or benefit overpayments and interest owed or the obligation owed upon which the setoff is based, it shall grant a hearing to the applicant in accordance with chapter 35 of title 42, "Administrative Procedure".

(b) Appeals from the administrative decisions made by the claimant agency shall be in accordance with chapter 35 of title 42, "Administrative Procedures". Appeals contesting the setoff of past due support shall be to the family court of Providence County.

(c) In those cases where the Rhode Island division of higher education assistance authority (RIHEAA) acts as agent for the United States Department of Education or other out-of-state education loan agencies, appeals contesting the setoff of education loans shall be to the Rhode Island Student Loan Authority (RISLA).
The Rhode Island division of higher education assistance RIHEAA must obtain appropriate documentation of the obligation owed such as promissory notes, evidence of guarantees paid and any other items that may be necessary to conduct a fair hearing. The Rhode Island division of higher education assistance RIHEAA as agent for other states shall negotiate appropriate reciprocal agreements with those states for purposes of transferring funds and setting charges for cost of services.

(d) In those cases where the Rhode Island Student Loan Authority (RISLA) is the claimant either for itself or as agent for another out-of-state education loan agency, RISLA must obtain appropriate documentation of the obligation owed such as promissory notes, and any other items that may be necessary to conduct a fair hearing. RISLA as agent for other states or agencies shall negotiate appropriate reciprocal agreements with those states and agencies for purposes of transferring funds and setting charges for cost of services.

SECTION 22. This article shall take effect as of July 1, 2015.

ARTICLE 8

RELATING TO MUNICIPALITIES

SECTION 1. Section 24-12-26 of the General Laws in Chapter 24-12 entitled “Rhode Island Turnpike and Bridge Authority” is hereby amended to read as follows:

24-12-26 Power to collect tolls and charges – Gasoline and service concessions. -- (a) The authority is hereby authorized, subject to the provisions of this chapter, to fix, revise, charge and collect tolls for the use of the Newport Bridge, the Mount Hope Bridge, the turnpike and the different parts or sections thereof, and for the use of any additional facility and the different parts or sections thereof, and to contract with any person, partnership, association or corporation for placing on any project telephone, telegraph, electric light or power lines, gas stations, garages, and restaurants if deemed necessary by the authority in connection with the project, or for the use of any project or part thereof, including the right-of-way adjoining the paved portion of the turnpike or of any additional facility or for any other purposes and to fix the terms, conditions, rents and rates of charges for such use; provided, that the authority shall construct any gasoline service facilities which it may determine are needed on the project, and provided, further, that, to afford users of the project a reasonable choice of motor fuels of different brands, each gasoline service station shall be separately offered for lease upon sealed bids and, after notice of the offer has been published once a week in three (3) consecutive weeks in a newspaper having general circulation in the state, and, in the event an acceptable bid shall be received in the judgment of the authority, each lease shall be awarded to the highest responsible bidder therefor, but no person shall be awarded or have the use of, nor shall motor fuel identified by the trade-marks, trade
names, or brands of any one supplier, distributor, or retailer of such fuel be sold at more than one
service station if they would constitute more than twenty-five percent (25%) of the service
stations on the project. Notwithstanding the provisions of this section, members of the town of
Jamestown police and fire department and ambulance service personnel of the town of
Jamestown and Jamestown school department who, in the course of their duty, are required to pay
a toll for use of the Newport Bridge, shall, upon the presentment of receipts for the payment of
the toll to the town of Jamestown, be reimbursed for all charges on an annual basis by the town of
Jamestown who in turn shall be reimbursed for all payments made by the state. The town of
Jamestown shall submit a request for reimbursement to the Division of Municipal Finance for the
previous fiscal year (ending June 30th) to the state no later than September 30th of the fiscal year
following the fiscal year for which reimbursement is being requested. Notwithstanding the
provisions of this section, members of the town of Newport police and fire department and rescue
personnel who, in the course of their duty, are required to pay a toll for use of the Newport
Bridge, shall, upon the presentment of receipts for the payment of the toll to the city of Newport,
be reimbursed for all charges on an annual basis by the city of Newport who in turn shall be
reimbursed for all payments made by the state. The city of Newport shall submit a request for
reimbursement to the Division of Municipal Finance for the previous fiscal year (ending June
30th) to the state no later than September 30th of the fiscal year following the fiscal year for
which reimbursement is being requested.

(b) Notwithstanding the provisions of this section, members of the police and fire
department and rescue personnel of any city or town in this state who, in the course of their duty,
are required to pay a toll for use of the Mount Hope Bridge or the Sakonnet River Bridge, if any,
shall, upon the presentment of receipts for the payment of the toll to their town or city, be
reimbursed for all such charges on an annual basis by the town or city, who in turn shall be
reimbursed for all payments made by the state. Any town or city shall submit a request for
reimbursement to the Division of Municipal Finance for the previous fiscal year (ending June
30th) to the state no later than September 30th of the fiscal year following the fiscal year for
which reimbursement is being requested.

SECTION 2. Section 45-12-33 of the General Laws in Chapter 45-12 entitled
“Indebtedness of Towns and Cities” is hereby amended to read as follows:

45-12-33 Borrowing for road and bridge projects financed through the “municipal
road and bridge revolving fund” Borrowing for road and bridge, infrastructure, and school
building projects. — (a) In addition to other authority previously granted, during calendar year
2014 from July 1, 2015 to June 20, 2016, a city or town may authorize the issuance of bonds,
notes, or other evidences of indebtedness to evidence loans from the municipal road and bridge
revolving fund or the efficient buildings fund administered by the Rhode Island clean water
finance agency infrastructure bank in accordance with chapter 18 of title 24 and chapter 12.2 of
title 46 of the general laws or the school building authority capital fund administered by the
Rhode Island health and educational building corporation in accordance with chapter 48, 38.2 of
title 24 45.

(b) These bonds, notes, or other evidences of indebtedness are subject to the maximum
aggregate indebtedness permitted to be issued by any city or town under § 45-12-2.

(c) The denominations, maturities, interest rates, methods of sale, and other terms,
conditions, and details of any bonds or notes issued under the provisions of this section may be
fixed by resolution of the city or town council authorizing them, or if no provision is made in the
resolution, by the treasurer or other officer authorized to issue the bonds, notes or evidences of
indebtedness; provided, that the payment of principal shall be by sufficient annual payments that
will extinguish the debt at maturity, the first of these annual payments to be made not later than
three (3) years, and the last payment not later than twenty (20) years after the date of the bonds.

The bonds, notes, or other evidences of indebtedness may be issued under this section by
any political subdivision without obtaining the approval of its electors, notwithstanding the
provisions of §§ 45-12-19 and 45-12-20 and notwithstanding any provision of its charter to the
contrary.

SECTION 3. This article shall take effect upon passage.

ARTICLE 9
RELATING TO SCHOOL BUILDING AUTHORITY CAPITAL FUND

SECTION 1. Sections 16-7-41 and 16-7-44 of the General Laws in Chapter 16-7 entitled
“Foundation Level School Support” are hereby amended to read as follows:

16-7-41. Computation of school housing aid. -- (d) Notwithstanding any provisions of
law to the contrary, in connection with the issuance of refunding bonds benefiting any local
community, any net interest savings resulting from the refunding bonds issued by such
community or a municipal public buildings authority for the benefit of the community or by the
Rhode Island health and educational building corporation for the benefit of the community, in
each case in support of school housing projects for the community, shall be allocated between the
community and the state of Rhode Island, by applying the applicable school housing aid ratio at
the time of issuance of the refunding bonds, calculated pursuant to § 16-7-39, that would
otherwise apply in connection with school housing projects of the community; provided however,
that for any refundings that occur between July 1, 2013 and December 31, June 30, 2015, the
community shall receive eighty percent (80%) of the total savings and the state shall receive twenty percent (20%). In connection with any such refunding of bonds, the finance director or the chief financial officer of the community shall certify such net interest savings to the commissioner of elementary and secondary education. Notwithstanding § 16-7-44 or any other provision of law to the contrary, school housing projects costs in connection with any such refunding bond issue shall include bond issuance costs incurred by the community, the municipal public buildings authority or the Rhode Island health and educational building corporation, as the case may be, in connection therewith. In connection with any refunding bond issue, school housing project costs shall include the cost of interest payments on such refunding bonds, if the cost of interest payments was included as a school housing cost for the bonds being refunded. A local community or municipal public buildings authority shall not be entitled to the benefits of this subsection (d) unless the net present value savings resulting from the refunding is at least three percent (3%) of the refunded bond issue.

16-7-44. School housing project costs. – School housing project costs, the date of completion of school housing projects, and the applicable amount of school housing project cost commitments shall be in accordance with the regulations of the commissioner of elementary and secondary education and the provisions of §§ 16-7-35 – 16-7-47; provided, however, that school housing project costs shall include the purchase of sites, buildings, and equipment, the construction of buildings, and additions or renovations of existing buildings and/or facilities. School housing project costs shall include the cost of interest payment on any bond issued after July 1, 1988, provided that such bond is approved by the voters on or before June 30, 2003 or issued by a municipal public building authority or by the appropriate approving authority on or before June 30, 2003. Except as provided in subsection 16-7-41(d), those projects approved after June 30, 2003, interest payments may only be included in project costs provided that the bonds for these projects are issued through the Rhode Island Health, Education and Building Corporation. School housing project costs shall exclude: (1) any bond issuance costs incurred by the municipality or regional school district; (2) demolition costs for buildings, facilities, or sites deemed surplus by the school committee; and (3) restrictions pursuant to § 16-7-44.1 below. A building, facility, or site is declared surplus by a school committee when the committee no longer has such building, facility, or site under its direct care and control and transfers control to the municipality, § 16-2-15. The board of regents for elementary and secondary education will promulgate rules and regulations for the administration of this section. These rules and regulations may provide for the use of lease revenue bonds, capital leases, or capital reserve funding, to finance school housing provided that the term of any bond, or capital lease shall not
be longer than the useful life of the project and these instruments are subject to the public review and voter approval otherwise required by law for the issuance of bonds or capital leases. Cities or towns issuing bonds, or leases issued by municipal public buildings authority for the benefit of a local community pursuant to chapter 50 of title 45 shall not require voter approval. Effective January 1, 2008, and except for interim finance mechanisms, refunding bonds, school building authority capital fund, and bonds issued by the Rhode Island Health and Educational Building Corporation to finance school housing projects for towns, cities, or regional school districts borrowing for which has previously been authorized by an enabling act of the general assembly, all bonds, notes and other forms of indebtedness issued in support of school housing projects shall require passage of an enabling act by the general assembly.

SECTION 2. Title 16 of the General Laws entitled “Education” is hereby amended by adding thereto the following chapter:

CHAPTER 105

SCHOOL BUILDING AUTHORITY

16-105-1. Declaration of policy. -- The state of Rhode Island is committed to providing equal education opportunities for all public school students. School facilities provide more than a place for instruction. The physical learning environment must be designed and constructed in order to contribute fully to the successful performance of educational programs designed to meet students’ educational needs. Every student has the right to a safe, healthy, and sanitary learning environment that promotes student learning and development. To that end, the general assembly hereby designates the department of elementary and secondary education as the state’s school building authority with the responsibility to implement a system of state funding for school facilities designed to:

(1) Guarantee adequate school housing for all public school children in the state, and
(2) Prevent the cost of school housing from interfering with the effective operation of the schools.

16-105-2. Roles and Responsibilities. -- The school building authority roles and responsibilities shall include:

(1) Management of a system with the goal of assuring equitable and adequate school housing for all public school children in the state;
(2) Prevention of the cost of school housing from interfering with the effective operation of the schools;
(3) Management of school housing aid in accordance with statute;
(4) Reviewing and making recommendations to the council on elementary and secondary
education on necessity of school construction applications for state school housing aid and the
school building authority capital fund;

(5) Managing and maintaining regulations, standards, and guidelines applicable to the
school housing program;

(6) Providing technical advice and assistance, training and education to cities, towns, or
LEAs and to general contractors, subcontractors, construction or project managers, designers and
others in planning, maintenance and establish of school facility space;

(7) Developing a project priority system in accordance with school construction
regulations;

(8) Collecting and maintain readily-available data on all the public school facilities in the
state;

(9) Promoting and incentivize local education agencies to optimize space utilization; and

(10) Recommending policies and procedures designed to reduce borrowing for school
construction programs at both state and local levels.

16-105-3. Funding mechanisms for school facilities. -- The school building authority
shall oversee two distinct funding mechanisms for school facilities: the foundation program for
school housing, as set forth in Sections 16-7-35 to 16-7-47 and the school building authority
capital fund, as set forth at Chapter 45-38.2. The school building authority shall determine the
necessity of school construction, establish standards for design and construction of school
buildings, ensure that districts have adequate asset protection plans in place to maintain their
school facilities, make recommendations to the council on elementary and secondary education
for approval of projects for school housing aid reimbursement and establish a project priority list
for the Rhode Island health and educational building corporation for projects funded by the
school building authority capital fund.

16-105-4. Procedure for School Building Authority Capital Fund project approval. -
(a) The department of elementary and secondary education shall promulgate rules and
regulations that establish the process through which a city, town, or LEA may submit an
application for school building authority capital funding. The department may also prescribe,
without limitation, forms for financial assistance applications, loan agreements, and other
instruments. All rules and regulations promulgated pursuant to this chapter shall be promulgated
in accordance with the provisions of chapter 42-35.

(b) In consultation with the school building authority advisory board, the school building
authority shall establish the investment priorities and project evaluation criteria for the school
building authority capital fund. These priorities shall be reviewed and if necessary, revised on
intervals not to exceed five years. The council on elementary and secondary education shall approve the investment priorities prior to implementation.

(c) In accordance with the investment priorities established in 16-105-3 (b), the department shall evaluate all submitted applications, identify and select eligible projects. The council shall approve all projects prior to the award of financial assistance through the school building authority capital fund.

(d) Upon issuance of the project priority list, the corporation shall award financial assistance to cities, towns, and LEAs for approved projects. The corporation may decline to award financial assistance to an approved project which the corporation determines will have a substantial adverse effect on the interests of holders of bonds or other indebtedness of the corporation or the interests of other participants in the financial assistance program, or for good and sufficient cause affecting the finances of the corporation. All financial assistance shall be made pursuant to a loan agreement between the corporation and the city, town or LEA, acting by and through the officer or officers, board, committee, or other body authorized by law, or otherwise its chief executive officer, according to terms and conditions as determined by the corporation, and each loan shall be evidenced and secured by the issue to the corporation of city or town obligations in fully marketable form in principal amount, bearing interest at the rate or rates specified in the applicable loan agreement, and shall otherwise bear such terms and conditions as authorized by this chapter and/or the loan agreement.

16-105-5. Inspection of approved projects. – For any approved project, the department shall have the authority to inspect the construction and operation thereof to ensure compliance with the provisions of this chapter.

16-105-6. Expenses incurred by the department. -- In order to provide for the expenses of the department under this chapter, the corporation shall transfer to the department an amount necessary to complete tasks assigned herein to the school building authority, the school building authority advisory board, as well as any additional tasks as may be requested by the general assembly.

16-105-7. School Building Authority Advisory Board established. – (a) There is hereby established a school building authority advisory board that shall advise the school building authority regarding the best use of the school building authority capital fund, including the setting of statewide priorities and criteria for project approval.

(b) The school building authority advisory board shall consist of seven (7) members as follows:

(1) The general treasurer;
(2) The director of the department of administration, who shall serve as chair;

(3) A member of the governor’s staff, as designated by the governor

(4) Four (4) members of the public, appointed by the governor, and who serve at the pleasure of the governor, each of whom shall have expertise in education and/or construction, real estate, or finance.

c) The school building authority advisory board shall advise the school building authority with the following:

(1) Review and make recommendations regarding the investment priorities for the school building authority capital fund;

(2) Recommend to the school building authority such legislation as it may deem desirable or necessary related to school building authority capital fund;

(3) Recommend to the school building authority policies and procedures designed to reduce borrowing for school construction programs at both state and local levels.

16-105-8. Severability. -- If any provision of this chapter or the application of this chapter to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the chapter, which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

SECTION 3. Section 45-38.1-4 of the General Laws in Chapter 45-38.1 entitled “Health and Education Building Corporation” is hereby amended to read as follows:

45-38.1-4. Corporation established. -- (a) There is hereby created a public body corporate and corporation of the state to be known as the “Rhode Island health and educational building corporation” as successor to the Rhode Island educational building corporation, previously created as a nonbusiness corporation under and pursuant to chapter 6 of title 7, as amended by chapter 121 of the Public Laws of 1966, and constituted and established as a public body corporate and corporation of the state for the exercising of the powers conferred on the corporation under and pursuant to §§ 45-38.1-1 – 45-38.1-24.

(b) All of the powers of the corporation are vested in the board of directors of the corporation elected at the first meeting of the incorporators of the Rhode Island educational building corporation, and the members of the board shall continue to serve for the duration of the terms for which they were originally elected. Successors to the members of the board of directors shall be appointed by the governor, as follows: prior to the month of June in each year, commencing in the year 1968, the governor shall appoint a member to serve on the board of directors for a term of five (5) years to succeed the member whose term will expire in June of that year. In the event of a vacancy occurring in the membership of the board of directors, the
governor shall appoint a new member of the board of directors for the unexpired term. Any
member of the board of directors is eligible for reappointment.

(c) Each member of the board of directors, before entering upon his or her duties, shall
take an oath to administer the duties of his or her office faithfully and impartially, and the oath
shall be filed in the office of the secretary of state.

(d) The board of directors shall select two (2) of its members as chairperson and vice
chairperson, and also elect a secretary, assistant secretary, treasurer, and assistant treasurer, who
need not be members of the board. Three (3) members of the board of directors of the corporation
shall constitute a quorum, and the affirmative vote of the majority of the directors present and
entitled to vote at any regular or special meeting at which a quorum is present, is necessary for
any action to be taken by the corporation; except, however, that the affirmative vote of three (3)
members of the board of directors is necessary for the election of officers of the corporation and
to amend the bylaws of the corporation. No vacancy in the membership of the board of directors
of the corporation impairs the right of a quorum to exercise all the powers of and perform the
duties of the corporation. Board members appointed and qualified prior to July 1, 2015 may continue to serve to the completion of
their designated terms and until such time as their successors are appointed and qualified. No
member appointed or reappointed after July 1, 2015 shall serve more than two (2) five (5)-year
terms. The governor shall select a chairperson and vice chairperson from the appointed members.

(e) Any action taken by the corporation under the provisions of this chapter may be
authorized by resolution at any regular or special meeting, and each resolution takes effect
immediately and need not be published or posted.

(f) The members of the board of directors shall receive compensation at the rate of fifty
dollars ($50.00) per meeting attended; however, the compensation shall not exceed one thousand
five hundred dollars ($1,500) per fiscal year per member until July 1, 2015. Effective July 1,
2015, the members of the board shall not receive any compensation for their service on the board.

(g) Notwithstanding any other law to the contrary, it shall not be or constitute a conflict
of interest for a trustee, director, officer, or employee of an institution for higher education or a
health care provider to serve as a member of the board of directors of the corporation; provided,
that the trustee, director, officer, or employee abstains from deliberation, action and vote by the
board under this chapter in specific respect to the institution for higher education or the health
care provider of which the member is a trustee, director, officer, or employee.

(h) The board and corporation shall comply with provisions of chapter 42-155, the Quasi-
Public Corporations Accountability and Transparency Act.
SECTION 4. Title 45 of the General Laws entitled “Towns and cities” is hereby amended by adding thereto the following chapter:

CHAPTER 45-38.2

SCHOOL BUILDING AUTHORITY CAPITAL FUND

45-38.2-1. Definitions. — As used in this chapter, the following terms, unless the context requires a different interpretation, shall have the following meanings:

1. “Annual construction plan” means any project approved by the corporation for financial assistance;

2. “Application” means a project proposed by a city, town, or LEA that would make capital improvements to a public school consistent with project evaluation criteria;

3. “Approved project” means any project approved for financial assistance;

4. “Corporation” means the Rhode Island health and education building corporation as set forth in chapter 45-38.1;

5. “Department” means the department of elementary and secondary education as established under Title 16;

6. “Eligible project” means an application, or a portion of an application, that meets the project evaluation criteria;

7. “Financial assistance” means any form of financial assistance provided by the corporation to a city, town, or LEA in accordance with this chapter for all or any part of the cost of an approved project, including, without limitation, loans, guarantees, insurance, subsidies for the payment of debt service on loans, lines of credit, and similar forms of financial assistance;

8. “Fund” means the school building authority capital fund;

9. “LEA” means a local education agency, a public board of education, school committee or other public authority legally constituted within the State for administrative control or direction of one or more Rhode Island public elementary or secondary schools;

10. “Market rate” means the rate the city, town, or LEA would receive on the open market at the time of the original loan agreement as determined by the corporation in accordance with its rules and regulations;

11. “Project evaluation criteria” means the criteria used by the department to evaluate applications and rank eligible projects;

12. “Project priority list” means the list of eligible projects ranked in the order in which financial assistance shall be awarded by the corporation;

13. “Subsidy assistance” means the credit enhancements and other measures to reduce the borrowing costs for a city, town, or LEA.
45-38.2-2. School building authority capital fund. -- (a) There is hereby established a school building authority capital fund. The corporation shall establish and set up on its books the fund, to be held in trust and to be administered by the corporation as provided in this chapter and in any trust agreement securing bonds of the corporation. This fund shall be in addition to the annual appropriation for committed expenses related to the repayment of housing aid commitments. The corporation shall deposit the following monies into the fund:

(1) The difference between the annual housing aid appropriation and housing aid commitment amounts appropriated or designated to the corporation by the state for the purposes of this chapter;

(2) Loan repayments, bond refinance interest savings, and other payments received by the corporation pursuant to loan agreements with cities, towns, or LEAs executed in accordance with this chapter;

(3) Investment earnings on amounts credited to the fund;

(4) Proceeds of bonds of the corporation to the extent required by any trust agreement for such bonds;

(5) Administrative fees levied by the corporation;

(6) Other amounts required by provisions of this chapter or agreement, or any other law or any trust agreement pertaining to bonds to be credited to the fund; and

(7) Any other funds permitted by law which the corporation in its discretion shall determine to credit thereto.

(b) The corporation shall establish and maintain fiscal controls and accounting procedures conforming to generally accepted government accounting standards sufficient to ensure proper accounting for receipts in and disbursements from the revolving fund.

45-38.2-3. Administration. -- (a) The corporation shall have all the powers necessary and convenient to carry out and effectuate the purposes and provisions of this chapter including, without limitation:

(1) To receive and disburse such funds from the state as may be available for the purpose of the fund subject to the provisions of this chapter;

(2) To make and enter into binding commitments to provide financial assistance to local cities and towns from amounts on deposit in the fund;

(3) To enter into binding commitments to provide subsidy assistance for loans and city, town, and LEA obligations from amounts on deposit in the fund;

(4) To levy administrative fees on cities, towns, and LEAs as necessary to effectuate the provisions of this chapter; provided the fees have been previously authorized by an agreement.
between the corporation and the city, town, or LEA:

5. To engage the services of third-party vendors to provide professional services;

6. To establish one or more accounts within the fund; and

7. Such other authority as granted to the corporation under chapter 45-38.1.

(b) Subject to the provisions of this chapter, and to any agreements with the holders of any bonds of the corporation or any trustee therefor, amounts held by the corporation for the account of the fund shall be applied by the corporation, either by direct expenditure, disbursement, or transfer to one or more other funds and accounts held by the corporation and maintained under any trust agreement pertaining to bonds, either alone or with other funds of the corporation, to the following purposes:

1. To provide financial assistance to cities and towns to finance costs of approved projects, and to refinance the costs of the projects, subject to such terms and conditions, if any, as are determined by the department and/or the corporation;

2. To fund reserves for bonds of the corporation and to purchase insurance and pay the premiums therefor, and pay fees and expenses of letters or lines of credit and costs of reimbursement to the issuers thereof for any payments made thereon or on any insurance, and to otherwise provide security for, and a source of payment for obligations of the corporation, by pledge, lien, assignment, or otherwise as provided in chapter 45-38.1;

3. To pay expenses of the corporation and the department in administering the fund. As part of the annual appropriations bill, the department shall set forth the gross amount of expenses received from the corporation and a complete, specific breakdown of the sums retained and/or expended for administrative expenses;

4. To pay or provide for subsidy assistance equivalent to one third (1/3) of the market rate or such other subsidy assistance as determined by the corporation;

5. To provide a reserve for, or to otherwise secure, amounts payable by cities, towns, and LEAs on loans and city, town, and LEA obligations outstanding in the event of default thereof; amounts in any account in the fund may be applied to defaults on loans outstanding to the city, town, or LEA for which the account was established and, on a parity basis with all other accounts, to defaults on any loans or city, town, or LEA obligations outstanding; and

6. To provide a reserve for, or to otherwise secure, by pledge, lien, assignment, or otherwise as provided in chapter 45-38.1, any bonds of the corporation.

(c) The repayment obligations of the a city, town, or LEA shall be in accordance with its eligibility for state aid for school housing as set forth in regulations promulgated by the department. Notwithstanding any provision of law to the contrary, any recipient of financial aid for school housing shall be subject to the provisions of this chapter as long as such aid is in effect.
assistance under this program shall be entitled to the percentage of state aid available to the community in which the school is located.

(d) In addition to other remedies of the corporation under any loan agreement or otherwise provided by law, the corporation may also recover from a city, town or LEA, in an action in superior court, any amount due the corporation together with any other actual damages the corporation shall have sustained from the failure or refusal of the city, town, or LEA to make the payments or abide by the terms of the loan agreement.

(e) Within ninety (90) days after the end of each fiscal year, the corporation shall submit an annual report to the governor, the speaker of the house of representatives, the president of the senate, and the secretary of state of its activities during that fiscal year. The report shall provide: a summary of the corporation's meetings including when the corporation met, subjects addressed, decisions rendered and meeting minutes; a summary of the corporation's actions including a listing of rules, regulations, or procedures adopted or amended, applications received for financial assistance for contracts or agreements entered into, applications and intended use plans submitted to federal agencies for capitalization grants, properties acquired or leased, and bonds issued; a synopsis of any complaints, suspensions, or other legal matters related to the authority of the corporation; a consolidated financial statement of all funds received and disbursed by the corporation including the source of and recipient of the funds which shall be audited by an independent certified public accountant firm; copies of audits or reports required under federal law; a listing of the staff and/or consultants employed by the corporation; a listing of findings and recommendation derived from corporation activities; and a summary of performance during the previous fiscal year including accomplishments, shortcomings and remedies. The report shall be posted as prescribed in § 42-20-8.2. The director of the department of administration shall be responsible for the enforcement of this provision. The initial report shall be due no later than January 1, 2016.

45-38.2-4. Payment of state funds.-- (a) Subject to the provisions of subsection (b), upon the written request of the corporation, the general treasurer shall pay to the corporation, from time to time, from the proceeds of any bonds or notes issued by the state for the purposes of this chapter or funds otherwise lawfully payable to the corporation for the purposes of this chapter, such amounts as shall have been appropriated or lawfully designated for the fund. All amounts so paid shall be credited to the fund in addition to any other amounts credited or expected to be credited to the fund.

(b) The corporation and the state shall enter into, execute, and deliver one or more agreements setting forth or otherwise determining the terms, conditions, and procedures for, and
the amount, time, and manner of payment of, all amounts available from the state to the
corporation under this section.

(c) Notwithstanding city charter provisions to the contrary, up to five hundred thousand
dollars ($500,000) may be loaned to a city or town without the requirement of voter approval.

(d) The corporation is authorized to grant a district or municipality its state share of an
approved project cost, pursuant to § 16-7-39. Construction pay-as-you-go grants received from
the school building authority capital fund shall not be considered a form of indebtedness subject
to the provisions of § 16-7-44.

SECTION 5. This article shall take effect upon passage.

ARTICLE 10

RELATING TO MAKING REVISED APPROPRIATIONS IN SUPPORT OF FY 2015

SECTION 1. Subject to the conditions, limitations and restrictions hereinafter contained
in this act, the following general revenue amounts are hereby appropriated out of any money in
the treasury not otherwise appropriated to be expended during the fiscal year ending June 30,
2015. The amounts identified for federal funds and restricted receipts shall be made available
pursuant to section 35-4-22 and Chapter 41 of Title 42 of the Rhode Island General Laws. For the
purposes and functions hereinafter mentioned, the state controller is hereby authorized and
directed to draw his or her orders upon the general treasurer for the payment of such sums or such
portions thereof as may be required from time to time upon receipt by him or her of properly
authenticated vouchers.

<table>
<thead>
<tr>
<th></th>
<th>FY 2015</th>
<th>FY 2015</th>
<th>FY 2015</th>
</tr>
</thead>
<tbody>
<tr>
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<td>Enacted</td>
<td>Change</td>
<td>Final</td>
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<tr>
<td>Central Management</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>General Revenues</td>
<td>1,594,772</td>
<td>1,000,654</td>
<td>2,595,426</td>
</tr>
<tr>
<td>Office of Digital Excellence</td>
<td>908,192</td>
<td>(262,207)</td>
<td>645,985</td>
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<tr>
<td>Total - Central Management</td>
<td>2,502,964</td>
<td>738,447</td>
<td>3,241,411</td>
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<tr>
<td>Legal Services</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>General Revenues</td>
<td>2,039,872</td>
<td>103,304</td>
<td>2,143,176</td>
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<tr>
<td>Total – Legal Services</td>
<td>2,039,872</td>
<td>103,304</td>
<td>2,143,176</td>
</tr>
<tr>
<td>Accounts and Control</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>General Revenues</td>
<td>3,973,748</td>
<td>(147,430)</td>
<td>3,826,318</td>
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<tr>
<td>Total - Accounts and Control</td>
<td>3,973,748</td>
<td>(147,430)</td>
<td>3,826,318</td>
</tr>
<tr>
<td>Office of Management and Budget</td>
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<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>General Revenues</td>
<td>Restricted Receipts</td>
<td>Total – Office of Management and Budget</td>
</tr>
<tr>
<td>---</td>
<td>------------------------</td>
<td>---------------------</td>
<td>----------------------------------------</td>
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<tr>
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<td>4,018,136</td>
<td>179,271</td>
<td>4,197,407</td>
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<tr>
<td>2</td>
<td>61,374</td>
<td>(8,093)</td>
<td>53,281</td>
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<tr>
<td>3</td>
<td>4,079,510</td>
<td>171,178</td>
<td>4,250,688</td>
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### Purchasing

<table>
<thead>
<tr>
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<th>General Revenues</th>
<th>Other Funds</th>
<th>Total – Purchasing</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>2,670,956</td>
<td>(90,799)</td>
<td>2,580,157</td>
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<tr>
<td>6</td>
<td>308,496</td>
<td>8,885</td>
<td>317,381</td>
</tr>
<tr>
<td>7</td>
<td>2,979,452</td>
<td>(81,914)</td>
<td>2,897,538</td>
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### Auditing

<table>
<thead>
<tr>
<th></th>
<th>General Revenues</th>
<th>Total – Auditing</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>1,434,565</td>
<td>(42,649)</td>
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### Human Resources

<table>
<thead>
<tr>
<th></th>
<th>General Revenues</th>
<th>Federal Funds</th>
<th>Restricted Receipts</th>
<th>Other Funds</th>
<th>Total - Human Resources</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>7,830,548</td>
<td>(381,033)</td>
<td>7,449,515</td>
<td></td>
<td></td>
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<tr>
<td>13</td>
<td>766,793</td>
<td>(37,988)</td>
<td>728,805</td>
<td></td>
<td></td>
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<tr>
<td>14</td>
<td>461,639</td>
<td>(25,082)</td>
<td>436,557</td>
<td></td>
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<tr>
<td>15</td>
<td>1,547,079</td>
<td>(39,789)</td>
<td>1,507,290</td>
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<tr>
<td>16</td>
<td>10,606,059</td>
<td>(483,892)</td>
<td>10,122,167</td>
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### Personnel Appeal Board

<table>
<thead>
<tr>
<th></th>
<th>General Revenues</th>
<th>Total – Personnel Appeal Board</th>
</tr>
</thead>
<tbody>
<tr>
<td>18</td>
<td>75,216</td>
<td>43,855</td>
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### Facilities Management

<table>
<thead>
<tr>
<th></th>
<th>General Revenues</th>
<th>Federal Funds</th>
<th>Restricted Receipts</th>
<th>Other Funds</th>
<th>Total – Facilities Management</th>
</tr>
</thead>
<tbody>
<tr>
<td>21</td>
<td>30,790,738</td>
<td>1,770,703</td>
<td>32,561,441</td>
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<tr>
<td>22</td>
<td>1,155,237</td>
<td>53,867</td>
<td>1,209,104</td>
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<tr>
<td>23</td>
<td>462,262</td>
<td>(81,243)</td>
<td>381,019</td>
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<tr>
<td>24</td>
<td>3,322,025</td>
<td>610,197</td>
<td>3,932,222</td>
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<tr>
<td>25</td>
<td>35,730,262</td>
<td>2,353,524</td>
<td>38,083,786</td>
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### Capital Projects and Property Management

<table>
<thead>
<tr>
<th></th>
<th>General Revenues</th>
<th>Total – Capital Projects and Property Management</th>
</tr>
</thead>
<tbody>
<tr>
<td>27</td>
<td>1,252,875</td>
<td>15,920</td>
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### Information Technology

<table>
<thead>
<tr>
<th></th>
<th>General Revenues</th>
<th>Federal Funds</th>
<th>Restricted Receipts</th>
<th>Other Funds</th>
<th>Information Technology</th>
</tr>
</thead>
<tbody>
<tr>
<td>31</td>
<td>19,377,273</td>
<td>107,353</td>
<td>19,484,626</td>
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<tr>
<td>32</td>
<td>6,631,482</td>
<td>(84,845)</td>
<td>6,546,637</td>
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<tr>
<td>33</td>
<td>4,099,027</td>
<td>9,518,586</td>
<td>13,617,613</td>
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<tr>
<td>34</td>
<td>3,701,511</td>
<td>(969,907)</td>
<td>2,731,604</td>
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<tr>
<td></td>
<td>Total – Information Technology</td>
<td>33,809,293</td>
<td>8,571,187</td>
<td>42,380,480</td>
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<td>---</td>
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<td>------------</td>
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<td></td>
</tr>
<tr>
<td>2</td>
<td>Library and Information Services</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>General Revenues</td>
<td>881,464</td>
<td>(4,094)</td>
<td>877,370</td>
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<td>4</td>
<td>Federal Funds</td>
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<td>74,427</td>
<td>1,258,994</td>
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<td>Restricted Receipts</td>
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<td>(473)</td>
<td>180</td>
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<td>6</td>
<td>Total - Library and Information Services</td>
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<td>7</td>
<td>General Revenues</td>
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<td>1,941,364</td>
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<td>8</td>
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<td>6,730,727</td>
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<tr>
<td>10</td>
<td>Other Funds</td>
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<td></td>
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<tr>
<td>11</td>
<td>Federal Highway – PL Systems Planning</td>
<td>2,984,304</td>
<td>386,416</td>
<td>3,370,720</td>
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<td>12</td>
<td>Air Quality Modeling</td>
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<td>22,875</td>
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<td>13</td>
<td>Total - Planning</td>
<td>20,891,914</td>
<td>7,135,729</td>
<td>28,027,643</td>
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<tr>
<td>14</td>
<td>General Revenues</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>15</td>
<td>Rhode Island Commerce Corporation</td>
<td>5,543,064</td>
<td>(126,200)</td>
<td>5,416,864</td>
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<tr>
<td>16</td>
<td>RICC – Airport Impact Aid</td>
<td>1,025,000</td>
<td>0</td>
<td>1,025,000</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Sixty percent (60%) of the first one million dollars ($1,000,000) appropriated for airport impact aid shall be distributed to each airport serving more than one million (1,000,000) passengers based upon its percentage of the total passengers served by all airports serving more than 1,000,000 passengers. Forty percent (40%) of the first one million dollars ($1,000,000) shall be distributed based on the share of landings during the calendar year 2014 at North Central Airport, Newport-Middletown Airport, Block Island Airport, Quonset Airport, T.F. Green Airport and Westerly Airport, respectively. The Rhode Island Commerce Corporation shall make an impact payment to the towns or cities in which the airport is located based on this calculation. Each community upon which any parts of the above airports are located shall receive at least twenty-five thousand dollars ($25,000).</td>
<td></td>
<td></td>
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<td>18</td>
<td>Innovative Matching Grants</td>
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<td>500,000</td>
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<td>Miscellaneous Grants/Payments</td>
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<td>Slater Centers of Excellence</td>
<td>150,000</td>
<td>(150,000)</td>
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<td>21</td>
<td>Torts – Courts/Awards</td>
<td>400,000</td>
<td>0</td>
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<td>Current Care/Health Information Exchange</td>
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<td>---</td>
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<td>--------</td>
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<td></td>
</tr>
<tr>
<td>2</td>
<td>I-195 Commission</td>
<td>301,000</td>
<td>615,901</td>
<td>916,901</td>
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<td>3</td>
<td>RI Film and Television Office</td>
<td>310,312</td>
<td>8,410</td>
<td>318,722</td>
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<td>4</td>
<td>State Employees/Teachers Retiree Health Subsidy</td>
<td>2,321,057</td>
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<td>2,321,057</td>
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<td>5</td>
<td>Resource Sharing and State Library Aid</td>
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<td>6</td>
<td>Library Construction Aid</td>
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<td>Chafee Center at Bryant</td>
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<td>General Revenue Total</td>
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<td>11</td>
<td>Other Funds</td>
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<tr>
<td>12</td>
<td>Rhode Island Capital Plan Funds</td>
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<td>13</td>
<td>Statehouse Renovations</td>
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<td>DoIT Enterprise Operations Center</td>
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<td>50,000</td>
<td>300,000</td>
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<td>Cranston Street Armory</td>
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<td>365,000</td>
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<td>Zambarano Building Rehabilitation</td>
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<td>18</td>
<td>Pastore Center Rehab DOA Portion</td>
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<td>2,800,000</td>
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<tr>
<td>19</td>
<td>Old State House</td>
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<td>175,000</td>
<td>1,620,000</td>
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<td>20</td>
<td>State Office Building</td>
<td>1,700,000</td>
<td>(1,273,000)</td>
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<td>21</td>
<td>Old Colony House</td>
<td>100,000</td>
<td>78,472</td>
<td>178,472</td>
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<td>22</td>
<td>William Powers Building</td>
<td>1,475,000</td>
<td>1,025,000</td>
<td>2,500,000</td>
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<tr>
<td>23</td>
<td>Fire Code Compliance State Buildings</td>
<td>500,000</td>
<td>(500,000)</td>
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<tr>
<td>24</td>
<td>Pastore Center Fire Code Compliance</td>
<td>1,300,000</td>
<td>(1,300,000)</td>
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<tr>
<td>25</td>
<td>Pastore Center Utility Systems Upgrade</td>
<td>2,600,000</td>
<td>(1,803,002)</td>
<td>796,998</td>
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<tr>
<td>26</td>
<td>Replacement of Fueling Tanks</td>
<td>300,000</td>
<td>162,000</td>
<td>462,000</td>
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<tr>
<td>27</td>
<td>Environmental Compliance</td>
<td>200,000</td>
<td>0</td>
<td>200,000</td>
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<tr>
<td>28</td>
<td>Big River Management Area</td>
<td>120,000</td>
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<td>120,000</td>
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<tr>
<td>29</td>
<td>Pastore Center Building Demolition</td>
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<td>329,155</td>
<td>1,329,155</td>
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</tr>
<tr>
<td>30</td>
<td>Washington County Government Center</td>
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<td>85,000</td>
<td>310,000</td>
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<tr>
<td>31</td>
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**Workforce Regulation and Safety**

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**Income Support**

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<td>(166,378)</td>
<td>4,151,031</td>
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<td>10</td>
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<td>18,291,060</td>
<td>4,240,107</td>
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<td>Restricted Receipts</td>
<td>2,146,562</td>
<td>1,416,712</td>
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<td>13</td>
<td>Job Development Fund</td>
<td>20,460,000</td>
<td>3,589,156</td>
<td>24,049,156</td>
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<td>14</td>
<td>Other Funds</td>
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<td>15</td>
<td>Temporary Disability</td>
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<td>16</td>
<td>Insurance Fund</td>
<td>198,485,516</td>
<td>(7,903,649)</td>
<td>190,581,867</td>
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<td>17</td>
<td>Employment Security Fund</td>
<td>218,620,120</td>
<td>(34,374,230)</td>
<td>184,245,890</td>
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<td>18</td>
<td>Total - Income Support</td>
<td>462,320,667</td>
<td>(33,198,282)</td>
<td>429,122,385</td>
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**Injured Workers Services**

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<th>Restricted Receipts</th>
<th>Other Funds</th>
<th>Total – Injured Workers Services</th>
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<td>19</td>
<td>Injured Workers Services</td>
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<td>20</td>
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<td>8,951,372</td>
<td>(305,891)</td>
<td>8,645,481</td>
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<td>21</td>
<td>Total – Injured Workers Services</td>
<td>8,951,372</td>
<td>(305,891)</td>
<td>8,645,481</td>
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**Labor Relations Board**

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<tr>
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<th>Description</th>
<th>Federal Funds</th>
<th>Restricted Receipts</th>
<th>Other Funds</th>
<th>Total - Labor Relations Board</th>
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<tr>
<td>22</td>
<td>Labor Relations Board</td>
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</tr>
<tr>
<td>23</td>
<td>General Revenues</td>
<td>388,648</td>
<td>(6,958)</td>
<td>381,690</td>
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<td>24</td>
<td>Total – Labor Relations Board</td>
<td>388,648</td>
<td>(6,958)</td>
<td>381,690</td>
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<td>25</td>
<td>Grand Total - Labor and Training</td>
<td>511,579,990</td>
<td>(24,007,839)</td>
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**Department of Revenue**

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<tr>
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<th>Description</th>
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<th>Restricted Receipts</th>
<th>Other Funds</th>
<th>Total – Director of Revenue</th>
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<tbody>
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<td>26</td>
<td>Department of Revenue</td>
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<tr>
<td>27</td>
<td>Director of Revenue</td>
<td>1,122,100</td>
<td>(8,034)</td>
<td>1,114,066</td>
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<td>28</td>
<td>Total – Director of Revenue</td>
<td>1,122,100</td>
<td>(8,034)</td>
<td>1,114,066</td>
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**Office of Revenue Analysis**

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<th>Restricted Receipts</th>
<th>Other Funds</th>
<th>Total – Office of Revenue Analysis</th>
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<tr>
<td>29</td>
<td>Office of Revenue Analysis</td>
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<tr>
<td>30</td>
<td>General Revenues</td>
<td>564,334</td>
<td>(18,968)</td>
<td>545,366</td>
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<td>31</td>
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<td>564,334</td>
<td>(18,968)</td>
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**Lottery Division**

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<th>Description</th>
<th>Federal Funds</th>
<th>Restricted Receipts</th>
<th>Other Funds</th>
<th>Total – Lottery Division</th>
</tr>
</thead>
</table>
1. **Other Funds**

2. Rhode Island Capital Plan Funds

3. Lottery Building Renovations

4. **Total – Lottery Division**

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5. **Municipal Finance**

6. General Revenues

7. **Total – Municipal Finance**

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<tr>
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8. **Taxation**

9. General Revenues

10. Federal Funds

11. Restricted Receipts

12. **Other Funds**


14. Temporary Disability Insurance

15. **Total – Taxation**

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</table>

16. **Registry of Motor Vehicles**

17. General Revenues

18. Federal Funds

19. Restricted Receipts

20. **Other Funds**

21. Rhode Island Capital Plan Funds

22. **Safety Emissions Lifts**

23. **Total – Registry of Motor Vehicles**

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<thead>
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24. **State Aid**

25. General Revenue

26. Distressed Communities Relief Fund

27. **Payment in Lieu of Tax Exempt**

28. Properties

29. **Motor Vehicle Excise Tax Payments**

30. Property Revaluation Program

31. Municipal Aid

32. Restricted Receipts

33. **Total – State Aid**

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34. **Grand Total – Revenue**

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<table>
<thead>
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<td>Grand Total – Legislature</td>
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<table>
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<tr>
<td>6</td>
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<td>(7,876)</td>
<td>1,007,208</td>
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<td>Restricted Receipts</td>
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<td>17,500</td>
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<td>9</td>
<td>Grand Total - Lieutenant Governor</td>
<td>1,089,434</td>
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<td>1,064,842</td>
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<td>58,802</td>
<td>2,264,550</td>
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<td>Total – Administration</td>
<td>2,205,748</td>
<td>58,802</td>
<td>2,264,550</td>
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<tr>
<td>15</td>
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<td>2,278,601</td>
<td>(35,919)</td>
<td>2,242,682</td>
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<tr>
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<td>Total – Corporations</td>
<td>2,278,601</td>
<td>(35,919)</td>
<td>2,242,682</td>
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<td>69,266</td>
<td>85,810</td>
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<td>514,752</td>
<td>11,510</td>
<td>526,262</td>
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<td>Total - State Archives</td>
<td>584,018</td>
<td>97,320</td>
<td>681,338</td>
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<th>Elections &amp; Civics</th>
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<tr>
<td>22</td>
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<td>1,636,292</td>
<td>(40,557)</td>
<td>1,595,735</td>
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<td>34,123</td>
<td>34,123</td>
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<td>1,636,292</td>
<td>(6,434)</td>
<td>1,629,858</td>
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<td>22,359</td>
<td>543,537</td>
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<td>626,118</td>
<td>(131,691)</td>
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<td>32</td>
<td>Charter Encasement</td>
<td>500,000</td>
<td>(436,246)</td>
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<td>Total – Office of Public Information</td>
<td>1,141,118</td>
<td>(567,937)</td>
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<tr>
<td>1</td>
<td>Grand Total – Secretary of State</td>
<td>8,366,955</td>
<td>(431,809)</td>
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<td>3</td>
<td><em>Treasury</em></td>
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<td>4</td>
<td>General Revenues</td>
<td>2,206,467</td>
<td>(12,678)</td>
<td>2,193,789</td>
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<td>270,861</td>
<td>(2,529)</td>
<td>268,332</td>
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<td>8</td>
<td>Temporary Disability Insurance Fund</td>
<td>220,608</td>
<td>(1,614)</td>
<td>218,994</td>
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<td>(54,472)</td>
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<td>Restricted Receipts</td>
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<td>Admin Expenses - State Retirement System</td>
<td>9,308,412</td>
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<td>10,028,124</td>
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<td>1,265,045</td>
<td>(167,087)</td>
<td>1,097,958</td>
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<td>Defined Contribution – Administration</td>
<td>263,588</td>
<td>(22,866)</td>
<td>240,722</td>
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<td>529,759</td>
<td>11,366,804</td>
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<td><strong>Unclaimed Property</strong></td>
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<td>17</td>
<td>Restricted Receipts</td>
<td>19,712,197</td>
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<td>18</td>
<td>Total – Unclaimed Property</td>
<td>19,712,197</td>
<td>(82,568)</td>
<td>19,629,629</td>
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<td>225,638</td>
<td>(2,276)</td>
<td>223,362</td>
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<td>599,477</td>
<td>34,957</td>
<td>634,434</td>
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<td>1,131,949</td>
<td>(1,116)</td>
<td>1,130,833</td>
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<td><strong>Board of Elections</strong></td>
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<tr>
<td>26</td>
<td>General Revenues</td>
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<tr>
<td>27</td>
<td>General Revenues</td>
<td>2,145,127</td>
<td>(109,201)</td>
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<td>Public Financing of General Elections</td>
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<td>31</td>
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<td>37,678</td>
<td>1,618,883</td>
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<td>Grand Total - Rhode Island Ethics</td>
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<td>37,678</td>
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<td>General Revenues</td>
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<td>128,165</td>
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<td>30</td>
<td>Rhode Island Capital Plan Funds</td>
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1. **Child Welfare**

2. General Revenues

3. General Revenues 104,416,147 9,490,549 113,906,696

4. 18 to 21 Year Olds 10,185,850 (768,088) 9,417,762

5. Federal Funds

6. Federal Funds 45,482,485 4,300,405 49,782,890

7. 18 to 21 Year Olds 2,270,152 (815,733) 1,454,419

8. Federal Funds – Stimulus 446,340 200,748 647,088

9. Restricted Receipts 2,448,750 391,393 2,840,143

10. Other Funds

11. Rhode Island Capital Plan Funds

12. Fire Code Upgrades 850,000 (260,000) 590,000

13. Total - Child Welfare 166,099,724 12,539,274 178,638,998

14. **Higher Education Incentive Grants**

15. General Revenues 200,000 0 200,000

16. Total – Higher Education Incentive Grants 200,000 0 200,000

17. Grand Total - Children, Youth, and Families 210,636,391 16,023,567 226,659,958

18. **Health**

19. **Central Management**

20. General Revenues 481,489 (140,020) 341,469

21. Federal Funds 8,071,320 (1,622,540) 6,448,780

22. Restricted Receipts 4,826,651 1,432,967 6,259,618

23. Total - Central Management 13,379,460 (329,593) 13,049,867

24. **State Medical Examiner**

25. General Revenues 1,931,511 60,394 1,991,905

26. Federal Funds 141,325 (1,403) 139,922

27. Total - State Medical Examiner 2,072,836 58,991 2,131,827

28. **Environmental and Health Services Regulation**

29. General Revenues 9,251,095 (183,458) 9,067,637

30. Federal Funds 5,924,339 (221,032) 5,703,307

31. Restricted Receipts 3,628,936 16,920 3,645,856

32. Total - Environmental and Health Services Regulation 18,804,370 (387,570) 18,416,800

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<th><strong>Health Laboratories</strong></th>
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<td>30</td>
<td>Of this appropriation, $210,000 shall be used for hardship contingency payments.</td>
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</tbody>
</table>

LC002168 - Page 139 of 570
<p>| 1 | General Revenue                  | 6,195,226   | (121,230)  | 6,073,996 |
| 2 | RIPAE                             | 24,484      | (24,484)   | 0         |
| 3 | Care and Safety of the Elderly    | 958         | 342        | 1,300     |
| 4 | Federal Funds                     | 12,223,967  | (241,474)  | 11,982,493|
| 5 | Restricted Receipts               | 299,336     | (208,324)  | 91,012    |
| 6 | Total – Elderly Affairs           | 18,743,971  | (595,170)  | 18,148,801|
| 7 | Grand Total - Human Services      | 649,786,890 | (21,903,316)| 627,883,574 |
| 8 | Behavioral Health, Developmental Disabilities, and Hospitals | | | |
| 9 | Central Management                 | | | |
| 10 | General Revenues                  | 970,823     | 306,175    | 1,276,998 |
| 11 | Federal Funds                     | 539,262     | (257,831)  | 281,431   |
| 12 | Total - Central Management         | 1,510,085   | 48,344     | 1,558,429 |
| 13 | Hospital and Community System Support | | | |
| 14 | General Revenues                  | 1,594,280   | 578,217    | 2,172,497 |
| 15 | Restricted Receipts               | 934,379     | (640,387)  | 293,992   |
| 16 | Other Funds                       | | | |
| 17 | Rhode Island Capital Plan Funds   | | | |
| 18 | Medical Center Rehabilitation     | 1,000,000   | (11,903)   | 988,097   |
| 19 | Community Facilities Fire Code    | 400,000     | 0          | 400,000   |
| 20 | Total - Hospital and Community System Support | | | |
| 21 | | 3,928,659 | (74,073)  | 3,854,586 |
| 22 | Services for the Developmentally Disabled | | | |
| 23 | General Revenues                  | 111,028,105 | 711,397    | 111,739,502|
| 24 | Federal Funds                     | 112,976,682 | (986,675)  | 111,990,007|
| 25 | Restricted Receipts               | 1,977,450   | (139,318)  | 1,838,132 |
| 26 | Other Funds                       | | | |
| 27 | Rhode Island Capital Plan Funds   | | | |
| 28 | DD Private Waiver                 | 507,286     | (253,643)  | 253,643   |
| 29 | Regional Center Repair/Rehabilitation | 400,000 | 0  | 400,000 |
| 30 | MR Community Facilities/Access to Ind. | 500,000 | 0  | 500,000 |
| 31 | Total - Services for the Developmentally Disabled | | | |
| 32 | Disabled                          | 227,389,523 | (668,239)  | 226,721,284|
| 33 | Behavioral Healthcare Services    | | | |
| 34 | General Revenues                  | 1,980,322   | 312,262    | 2,292,584 |</p>
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<td>0</td>
<td>900,000</td>
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<td>4</td>
<td>NAMI of RI</td>
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<td>0</td>
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<td>7</td>
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<tr>
<td>8</td>
<td>MH Community Facilities Repair</td>
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<td>(12,982)</td>
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<td><strong>Total - Hospital and Community Rehabilitative Services</strong></td>
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<td>(2,071,897)</td>
<td>111,594,813</td>
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<td><strong>Grand Total – Behavioral Healthcare, Developmental Disabilities, and Hospitals</strong></td>
<td>365,509,826</td>
<td>(691,985)</td>
<td>364,817,841</td>
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<td><strong>Office of the Child Advocate</strong></td>
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<td>21,337</td>
<td>633,154</td>
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<td>394,279</td>
<td>4,462</td>
<td>398,741</td>
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<td>(100,000)</td>
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<td>Grand Total - Governor's Commission on Disabilities</td>
<td>1,508,802</td>
<td>63,794</td>
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<td>11,068</td>
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1 Federal Funds – Stimulus 42,099 44,468 86,567
2 Restricted Receipts 4,050,538 5,687 4,056,225
3 Other Funds
4 Rhode Island Capital Plan Funds
5 Davies HVAC 1,237,345 262,655 1,500,000
6 Davies Asset Protection 194,962 625,038 820,000
7 Total - Davies Career and Technical School 19,084,650 1,027,137 20,111,787
8 RI School for the Deaf
9 General Revenues 5,929,824 (36,365) 5,893,459
10 Federal Funds 221,056 51,481 272,537
11 Federal Funds – Stimulus 55,514 37,244 92,758
12 Restricted Receipts 558,248 65,768 624,016
13 Other Funds 59,000 0 59,000
14 Total - RI School for the Deaf 6,823,642 118,128 6,941,770
15 Metropolitan Career and Technical School
16 General Revenues 10,501,360 0 10,501,360
17 Other Funds
18 Rhode Island Capital Plan Funds
19 MET Asset Protection 100,000 502 100,502
20 MET School HVAC 1,160,657 636,236 1,796,893
21 MET School East Bay 0 93,176 93,176
22 Total – Metropolitan Career and Technical School 11,762,017 729,914 12,491,931
23 Education Aid
24 General Revenues 758,820,708 (160,151) 758,660,557
25 Restricted Receipts 17,575,445 624,521 18,199,966
26 Other Funds
27 Permanent School Fund – Education Aid 300,000 0 300,000
28 Total – Education Aid 776,696,153 464,370 777,160,523
29 Central Falls School District
30 General Revenues 39,010,583 0 39,010,583
31 Total – Central Falls School District 39,010,583 0 39,010,583
32 Housing Aid

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<table>
<thead>
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<th>Federal Funds</th>
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<td>General Revenues</td>
<td>67,949,504</td>
<td>150,568</td>
<td>68,100,072</td>
</tr>
<tr>
<td>2</td>
<td>Total – Housing Aid</td>
<td>67,949,504</td>
<td>150,568</td>
<td>68,100,072</td>
</tr>
<tr>
<td>3</td>
<td><strong>Teachers’ Retirement</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>General Revenues</td>
<td>89,529,396</td>
<td>(524,347)</td>
<td>89,005,049</td>
</tr>
<tr>
<td>5</td>
<td>Total – Teachers’ Retirement</td>
<td>89,529,396</td>
<td>(524,347)</td>
<td>89,005,049</td>
</tr>
<tr>
<td>6</td>
<td>Grand Total - Elementary and Secondary</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Education</td>
<td>1,246,096,357</td>
<td>5,708,032</td>
<td>1,251,804,389</td>
</tr>
<tr>
<td>8</td>
<td><strong>Public Higher Education</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td><strong>Office of Postsecondary Commissioner</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>General Revenues</td>
<td>4,566,270</td>
<td>920,678</td>
<td>5,486,948</td>
</tr>
<tr>
<td>11</td>
<td>Federal Funds</td>
<td>5,092,287</td>
<td>7,500</td>
<td>5,099,787</td>
</tr>
<tr>
<td>12</td>
<td>Total - Office of Postsecondary Commissioner</td>
<td>9,658,557</td>
<td>928,178</td>
<td>10,586,735</td>
</tr>
<tr>
<td>13</td>
<td>University of Rhode Island</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>General Revenues</td>
<td>69,292,680</td>
<td>(331,798)</td>
<td>68,960,882</td>
</tr>
<tr>
<td>15</td>
<td>The University of Rhode Island shall maintain tuition charges in the 2014 – 2015 academic year at the same level as the 2013 – 2014 academic year. The University shall not decrease internal student financial aid in the 2014 – 2015 academic year below the level of the 2013 – 2014 academic year. The President of the institution shall report, prior to the commencement of the 2014 – 2015 academic year, to the chair of the Rhode Island Board of Education that such tuition charges and student aid levels have been achieved at the start of FY 2015 as prescribed above.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>Debt Service</td>
<td>20,903,400</td>
<td>(1,738,501)</td>
<td>19,164,899</td>
</tr>
<tr>
<td>17</td>
<td>State Crime Lab</td>
<td>1,035,888</td>
<td>(7,314)</td>
<td>1,028,574</td>
</tr>
<tr>
<td>18</td>
<td>Other Funds</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>University and College Funds</td>
<td>612,113,492</td>
<td>(9,671,582)</td>
<td>602,441,910</td>
</tr>
<tr>
<td>20</td>
<td>Debt – Dining Services</td>
<td>1,110,746</td>
<td>(1,500)</td>
<td>1,109,246</td>
</tr>
<tr>
<td>21</td>
<td>Debt – Education and General</td>
<td>3,180,567</td>
<td>3,799</td>
<td>3,184,366</td>
</tr>
<tr>
<td>22</td>
<td>Debt – Health Services</td>
<td>136,814</td>
<td>(700)</td>
<td>136,114</td>
</tr>
<tr>
<td>23</td>
<td>Debt – Housing Loan Funds</td>
<td>10,625,414</td>
<td>(38,001)</td>
<td>10,587,413</td>
</tr>
<tr>
<td>24</td>
<td>Debt – Memorial Union</td>
<td>314,538</td>
<td>3,800</td>
<td>318,338</td>
</tr>
<tr>
<td>25</td>
<td>Debt – Ryan Center</td>
<td>2,798,531</td>
<td>(1,598)</td>
<td>2,796,933</td>
</tr>
<tr>
<td>26</td>
<td>Debt – Alton Jones Services</td>
<td>103,078</td>
<td>122</td>
<td>103,200</td>
</tr>
<tr>
<td></td>
<td>Description</td>
<td>Amount</td>
<td>Change</td>
<td>Balance</td>
</tr>
<tr>
<td>---</td>
<td>-------------------------------------------------------</td>
<td>----------</td>
<td>---------</td>
<td>------------</td>
</tr>
<tr>
<td>1</td>
<td>Debt - Parking Authority</td>
<td>949,029</td>
<td>(14,000)</td>
<td>935,029</td>
</tr>
<tr>
<td>2</td>
<td>Debt – Sponsored Research</td>
<td>94,572</td>
<td>(77,905)</td>
<td>16,667</td>
</tr>
<tr>
<td>3</td>
<td>Debt – Energy Conservation</td>
<td>2,460,718</td>
<td>0</td>
<td>2,460,718</td>
</tr>
<tr>
<td>4</td>
<td>Rhode Island Capital Plan Funds</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Asset Protection</td>
<td>7,520,000</td>
<td>0</td>
<td>7,520,000</td>
</tr>
<tr>
<td>6</td>
<td>Fire and Safety Protection</td>
<td>3,250,000</td>
<td>1,950,000</td>
<td>5,200,000</td>
</tr>
<tr>
<td>7</td>
<td>Nursing Education Center</td>
<td>700,000</td>
<td>(700,000)</td>
<td>0</td>
</tr>
<tr>
<td>8</td>
<td>URI/RIC Nursing Education Center</td>
<td>0</td>
<td>691,714</td>
<td>691,714</td>
</tr>
<tr>
<td>9</td>
<td>White Hall Renovations</td>
<td>0</td>
<td>1,325,000</td>
<td>1,325,000</td>
</tr>
<tr>
<td>10</td>
<td>Electric Substation</td>
<td>7,000,000</td>
<td>(1,200,000)</td>
<td>5,800,000</td>
</tr>
<tr>
<td>11</td>
<td>Biotechnology Center</td>
<td>0</td>
<td>181,100</td>
<td>181,100</td>
</tr>
<tr>
<td>12</td>
<td>Total – University of Rhode Island</td>
<td>743,589,467</td>
<td>(9,627,364)</td>
<td>733,962,103</td>
</tr>
</tbody>
</table>

Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or unencumbered balances as of June 30, 2015 relating to the University of Rhode Island are hereby reappropriated to fiscal year 2016.

**Rhode Island College**

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Amount</th>
<th>Change</th>
<th>Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>18</td>
<td>General Revenues</td>
<td>42,911,103</td>
<td>(259,499)</td>
<td>42,651,604</td>
</tr>
</tbody>
</table>

Rhode Island College shall maintain tuition charges in the 2014 – 2015 academic year at the same level as the 2013 – 2014 academic year. The College shall not decrease internal student financial aid in the 2014 – 2015 academic year below the level of the 2013 – 2014 academic year. The President of the institution shall report, prior to the commencement of the 2014 – 2015 academic year, to the chair of the Rhode Island Board of Education that such tuition charges and student aid levels have been achieved at the start of FY 2015 as prescribed above.

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Amount</th>
<th>Change</th>
<th>Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>25</td>
<td>Debt Service</td>
<td>4,450,296</td>
<td>(900,535)</td>
<td>3,549,761</td>
</tr>
</tbody>
</table>

**Other Funds**

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Amount</th>
<th>Change</th>
<th>Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>27</td>
<td>University and College Funds</td>
<td>112,190,914</td>
<td>3,517,171</td>
<td>115,708,085</td>
</tr>
<tr>
<td>28</td>
<td>Debt – Education and General</td>
<td>883,664</td>
<td>0</td>
<td>883,664</td>
</tr>
<tr>
<td>29</td>
<td>Debt – Housing</td>
<td>2,054,108</td>
<td>(1)</td>
<td>2,054,107</td>
</tr>
<tr>
<td>30</td>
<td>Debt – Student Center and Dining</td>
<td>172,600</td>
<td>0</td>
<td>172,600</td>
</tr>
<tr>
<td>31</td>
<td>Debt – Student Union</td>
<td>234,963</td>
<td>(1)</td>
<td>234,962</td>
</tr>
<tr>
<td>32</td>
<td>Debt – G.O. Debt Service</td>
<td>1,641,626</td>
<td>0</td>
<td>1,641,626</td>
</tr>
<tr>
<td>33</td>
<td>Rhode Island Capital Plan Funds</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>34</td>
<td>Asset Protection</td>
<td>2,963,548</td>
<td>792,274</td>
<td>3,755,822</td>
</tr>
</tbody>
</table>
1 Infrastructure Modernization 3,871,317 593,653 4,464,970
2 Total – Rhode Island College 171,374,139 3,743,062 175,117,201

Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or unencumbered balances as of June 30, 2015 relating to Rhode Island College are hereby reappropriated to fiscal year 2016.

Community College of Rhode Island

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
<th>(Balance)</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Revenues</td>
<td>45,882,495</td>
<td>(339,741)</td>
<td>45,542,754</td>
</tr>
<tr>
<td>The Community College of Rhode Island College shall maintain tuition charges in the 2014 – 2015 academic year at the same level as the 2013 – 2014 academic year. The Community College shall not decrease internal student financial aid in the 2014 – 2015 academic year below the level of the 2013 – 2014 academic year. The President of the institution shall report, prior to the commencement of the 2014 – 2015 academic year, to the chair of the Rhode Island Board of Education that such tuition charges and student aid levels have been achieved at the start of FY 2015 as prescribed above.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Debt Service</td>
<td>1,912,779</td>
<td>0</td>
<td>1,912,779</td>
</tr>
<tr>
<td>Restricted Receipts</td>
<td>644,000</td>
<td>0</td>
<td>644,000</td>
</tr>
<tr>
<td>Other Funds</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>University and College Funds</td>
<td>102,754,282</td>
<td>173,751</td>
<td>102,928,033</td>
</tr>
<tr>
<td>Debt – Bookstore</td>
<td>27,693</td>
<td>0</td>
<td>27,693</td>
</tr>
<tr>
<td>CCRI Debt Service – Energy Conservation</td>
<td>807,475</td>
<td>0</td>
<td>807,475</td>
</tr>
<tr>
<td>Rhode Island Capital Plan Funds</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Asset Protection</td>
<td>2,138,305</td>
<td>(48,306)</td>
<td>2,089,999</td>
</tr>
<tr>
<td>Knight Campus Renewal</td>
<td>2,000,000</td>
<td>77,770</td>
<td>2,077,770</td>
</tr>
<tr>
<td>Total – Community College of RI</td>
<td>156,167,029</td>
<td>(136,526)</td>
<td>156,030,503</td>
</tr>
</tbody>
</table>

Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or unencumbered balances as of June 30, 2015 relating to the Community College of Rhode Island are hereby reappropriated to fiscal year 2016.

Grand Total – Public Higher

RI State Council on the Arts

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
<th>(Balance)</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Revenues</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operating Support</td>
<td>428,501</td>
<td>7,993</td>
<td>436,494</td>
</tr>
<tr>
<td>Grants</td>
<td>1,054,574</td>
<td>0</td>
<td>1,054,574</td>
</tr>
</tbody>
</table>

RI State Council on the Arts

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
<th>(Balance)</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Revenues</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operating Support</td>
<td>428,501</td>
<td>7,993</td>
<td>436,494</td>
</tr>
<tr>
<td>Grants</td>
<td>1,054,574</td>
<td>0</td>
<td>1,054,574</td>
</tr>
<tr>
<td></td>
<td>Category</td>
<td>Federal Funds</td>
<td>Other Funds</td>
</tr>
<tr>
<td>---</td>
<td>--------------------------------------------------------------</td>
<td>---------------</td>
<td>-------------</td>
</tr>
<tr>
<td>1</td>
<td>Federal Funds</td>
<td>799,348</td>
<td>(63,802)</td>
</tr>
<tr>
<td>2</td>
<td>Other Funds</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Arts for Public Facilities</td>
<td>632,536</td>
<td>113,836</td>
</tr>
<tr>
<td>4</td>
<td>Grand Total - RI State Council on the Arts</td>
<td>2,914,959</td>
<td>58,027</td>
</tr>
<tr>
<td>5</td>
<td><strong>RI Atomic Energy Commission</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>General Revenues</td>
<td>913,197</td>
<td>(5,460)</td>
</tr>
<tr>
<td>7</td>
<td>Federal Funds</td>
<td>0</td>
<td>351,171</td>
</tr>
<tr>
<td>8</td>
<td>Other Funds</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>URI Sponsored Research</td>
<td>257,977</td>
<td>(1,797)</td>
</tr>
<tr>
<td>10</td>
<td>Rhode Island Capital Plan Funds</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>RINSC Asset Protection</td>
<td>100,000</td>
<td>(10,000)</td>
</tr>
<tr>
<td>12</td>
<td>Grand Total - RI Atomic Energy Commission</td>
<td>1,271,174</td>
<td>333,914</td>
</tr>
<tr>
<td>13</td>
<td><strong>RI Higher Education Assistance Authority</strong></td>
<td></td>
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</tr>
<tr>
<td>14</td>
<td>General Revenues</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Authority Operations and Other Grants</td>
<td>147,000</td>
<td>0</td>
</tr>
<tr>
<td>16</td>
<td>Federal Funds</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Federal Funds</td>
<td>10,680,967</td>
<td>(4,062,864)</td>
</tr>
<tr>
<td>18</td>
<td>WaytogoRI Portal</td>
<td>650,000</td>
<td>25,000</td>
</tr>
<tr>
<td>19</td>
<td>Guaranty Agency Reserve Fund</td>
<td>4,134,726</td>
<td>(4,134,726)</td>
</tr>
<tr>
<td>20</td>
<td><strong>The $4,134,726 expended from the Guaranty Agency Reserve Fund shall be used for RIHEAA need-based grants and scholarships.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>Other Funds</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>Tuition Savings Program – Needs Based</td>
<td></td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>Grants &amp; Work Opportunities</td>
<td>8,000,000</td>
<td>0</td>
</tr>
<tr>
<td>24</td>
<td>Tuition Savings Program – Administration</td>
<td>334,268</td>
<td>58,259</td>
</tr>
<tr>
<td>25</td>
<td>Grand Total – RI Higher Education</td>
<td></td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>Assistance Authority</td>
<td>23,946,961</td>
<td>(8,114,331)</td>
</tr>
<tr>
<td>27</td>
<td><strong>RI Historical Preservation and Heritage Commission</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>General Revenues</td>
<td>1,320,610</td>
<td>(114,503)</td>
</tr>
<tr>
<td>29</td>
<td>Federal Funds</td>
<td>2,183,588</td>
<td>71,707</td>
</tr>
<tr>
<td>30</td>
<td>Restricted Receipts</td>
<td>434,910</td>
<td>(6,280)</td>
</tr>
<tr>
<td>31</td>
<td>Other Funds</td>
<td></td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>RIDOT – Project Review</td>
<td>70,868</td>
<td>(319)</td>
</tr>
<tr>
<td>33</td>
<td>Rhode Island Capital Plan Fund</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Eisenhower House Asset Protection</td>
<td>1,900,000</td>
<td>220,000</td>
</tr>
<tr>
<td>---</td>
<td>----------------------------------</td>
<td>----------</td>
<td>---------</td>
</tr>
<tr>
<td>2</td>
<td>Grand Total – RI Historical Preservation and Heritage Commission</td>
<td>5,909,976</td>
<td>170,605</td>
</tr>
<tr>
<td>3</td>
<td><strong>Attorney General</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td><strong>Criminal</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>General Revenues</td>
<td>14,475,192</td>
<td>387,953</td>
</tr>
<tr>
<td>6</td>
<td>Federal Funds</td>
<td>1,634,631</td>
<td>1,044,998</td>
</tr>
<tr>
<td>7</td>
<td>Restricted Receipts</td>
<td>10,332,721</td>
<td>1,497,325</td>
</tr>
<tr>
<td>8</td>
<td><strong>Total – Criminal</strong></td>
<td>26,442,544</td>
<td>2,930,276</td>
</tr>
<tr>
<td>9</td>
<td><strong>Civil</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>General Revenues</td>
<td>4,816,217</td>
<td>495,088</td>
</tr>
<tr>
<td>11</td>
<td>Restricted Receipts</td>
<td>917,187</td>
<td>(44,318)</td>
</tr>
<tr>
<td>12</td>
<td><strong>Total – Civil</strong></td>
<td>5,733,404</td>
<td>450,770</td>
</tr>
<tr>
<td>13</td>
<td><strong>Bureau of Criminal Identification</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>General Revenues</td>
<td>1,542,124</td>
<td>33,759</td>
</tr>
<tr>
<td>15</td>
<td><strong>Total – Bureau of Criminal Identification</strong></td>
<td>1,542,124</td>
<td>33,759</td>
</tr>
<tr>
<td>16</td>
<td><strong>General</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>General Revenues</td>
<td>2,733,613</td>
<td>20,122</td>
</tr>
<tr>
<td>18</td>
<td><strong>Other Funds</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>Rhode Island Capital Plan Fund</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>Building Renovations and Repairs</td>
<td>300,000</td>
<td>(50,000)</td>
</tr>
<tr>
<td>21</td>
<td><strong>Total – General</strong></td>
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<td>3,648</td>
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<td>Workers' Compensation Court</td>
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<td>Replacement</td>
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<td>(50,000)</td>
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<td>Fire Academy</td>
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<td>---------------------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Hurricane Sandy Cleanup</td>
<td>167,000</td>
<td>87,943</td>
</tr>
<tr>
<td>4</td>
<td><strong>Environmental Management</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td><em>Office of the Director</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>General Revenues</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>General Revenues</td>
<td>5,020,153</td>
<td>58,917</td>
</tr>
<tr>
<td>8</td>
<td>Permit Streamlining</td>
<td>33,414</td>
<td>(33,414)</td>
</tr>
<tr>
<td>9</td>
<td>Federal Funds</td>
<td>150,000</td>
<td>0</td>
</tr>
<tr>
<td>10</td>
<td>Restricted Receipts</td>
<td>2,884,372</td>
<td>624,511</td>
</tr>
<tr>
<td>11</td>
<td>Total – Office of the Director</td>
<td>8,087,939</td>
<td>650,014</td>
</tr>
<tr>
<td>12</td>
<td><strong>Natural Resources</strong></td>
<td></td>
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<tr>
<td>13</td>
<td>General Revenues</td>
<td>19,244,615</td>
<td>254,017</td>
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<tr>
<td>14</td>
<td>Federal Funds</td>
<td>21,348,128</td>
<td>2,015,583</td>
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<td>15</td>
<td>Restricted Receipts</td>
<td>4,138,036</td>
<td>(7,320)</td>
</tr>
<tr>
<td>16</td>
<td>Other Funds</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>DOT Recreational Projects</td>
<td>1,114,278</td>
<td>228,228</td>
</tr>
<tr>
<td>18</td>
<td>Blackstone Bikepath Design</td>
<td>2,059,795</td>
<td>(216)</td>
</tr>
<tr>
<td>19</td>
<td>Transportation MOU</td>
<td>78,579</td>
<td>(229)</td>
</tr>
<tr>
<td>20</td>
<td>Rhode Island Capital Plan Funds</td>
<td></td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>Dam Repair</td>
<td>1,500,000</td>
<td>(7,413)</td>
</tr>
<tr>
<td>22</td>
<td>Fort Adams Rehabilitation</td>
<td>300,000</td>
<td>0</td>
</tr>
<tr>
<td>23</td>
<td>Fort Adams America’s Cup</td>
<td>3,000,000</td>
<td>375,515</td>
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<tr>
<td>24</td>
<td>Recreational Facilities Improvements</td>
<td>3,500,000</td>
<td>(325,000)</td>
</tr>
<tr>
<td>25</td>
<td>Galilee Piers Upgrade</td>
<td>2,000,000</td>
<td>400,000</td>
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<td>26</td>
<td>Newport Piers</td>
<td>100,000</td>
<td>0</td>
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<tr>
<td>27</td>
<td>World War II Facility</td>
<td>2,600,000</td>
<td>(770,000)</td>
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<td>28</td>
<td>Blackstone Valley Bike Path</td>
<td>659,170</td>
<td>0</td>
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<tr>
<td>29</td>
<td>Rocky Point Acquisition/Renovations</td>
<td>3,400,000</td>
<td>317,036</td>
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<td>30</td>
<td>Total - Natural Resources</td>
<td>65,042,601</td>
<td>2,480,201</td>
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<td>31</td>
<td><strong>Environmental Protection</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>General Revenues</td>
<td>11,241,923</td>
<td>285,697</td>
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<td>33</td>
<td>Federal Funds</td>
<td>10,361,483</td>
<td>159,579</td>
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<td>34</td>
<td>Restricted Receipts</td>
<td>8,912,581</td>
<td>(73,318)</td>
</tr>
<tr>
<td></td>
<td>Other Funds</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>-----------------------------------------------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Transportation MOU</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>165,000  (266)  164,734</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Total - Environmental Protection</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>30,680,987  371,692  31,052,679</td>
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</tr>
<tr>
<td>5</td>
<td>Grand Total - Environmental Management</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>103,811,527  3,501,907  107,313,434</td>
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</tr>
<tr>
<td></td>
<td>Coastal Resources Management Council</td>
<td></td>
<td></td>
</tr>
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<td>7</td>
<td>General Revenues</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>2,185,538  127,305  2,312,843</td>
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<td>9</td>
<td>Federal Funds</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>1,774,143  5,336,808  7,110,951</td>
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<tr>
<td>11</td>
<td>Restricted Receipts</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>250,000  0  250,000</td>
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<td></td>
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<tr>
<td>13</td>
<td>Other Funds</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Rhode Island Capital Plan Funds</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>South Coast Restoration Project</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>450,000  132,432  582,432</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Shoreline Change Beach SAMP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>300,000  (50,000)  250,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>Grand Total - Coastal Resources Mgmt.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>Council</td>
<td></td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>4,959,681  5,546,545  10,506,226</td>
<td></td>
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</tr>
<tr>
<td>22</td>
<td>Transportation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>Central Management</td>
<td></td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>Federal Funds</td>
<td></td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>9,199,986  (159,986)  9,040,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>Other Funds</td>
<td></td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>Gasoline Tax</td>
<td></td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>1,770,720  416,585  2,187,305</td>
<td></td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>Total – Central Management</td>
<td></td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>10,970,706  256,599  11,227,305</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Management and Budget</td>
<td></td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>Other Funds</td>
<td></td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>Gasoline Tax</td>
<td></td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>2,242,961  759,657  3,002,618</td>
<td></td>
<td></td>
</tr>
<tr>
<td>34</td>
<td>Total – Management and Budget</td>
<td></td>
<td></td>
</tr>
<tr>
<td>35</td>
<td>2,242,961  759,657  3,002,618</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Infrastructure Engineering – GARVEE/Motor Fuel Tax Bonds</td>
<td></td>
<td></td>
</tr>
<tr>
<td>36</td>
<td>Federal Funds</td>
<td></td>
<td></td>
</tr>
<tr>
<td>37</td>
<td>325,726,490  (73,540,177)  252,186,313</td>
<td></td>
<td></td>
</tr>
<tr>
<td>38</td>
<td>Of these federal funds, $1,790,000 is appropriated to the Public Rail Corp</td>
<td></td>
<td></td>
</tr>
<tr>
<td>39</td>
<td>federal funds for the payment of liability insurance.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>40</td>
<td>Restricted Receipts</td>
<td></td>
<td></td>
</tr>
<tr>
<td>41</td>
<td>17,188,279  (7,393,825)  9,794,454</td>
<td></td>
<td></td>
</tr>
<tr>
<td>42</td>
<td>Other Funds</td>
<td></td>
<td></td>
</tr>
<tr>
<td>43</td>
<td>Gasoline Tax</td>
<td></td>
<td></td>
</tr>
<tr>
<td>44</td>
<td>68,064,896  3,331,538  71,396,434</td>
<td></td>
<td></td>
</tr>
<tr>
<td>45</td>
<td>Municipal Revolving Loan Fund – Admin Costs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>46</td>
<td>0  53,000  53,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Description</td>
<td>Amount</td>
<td>Difference</td>
</tr>
<tr>
<td>---</td>
<td>--------------------------------------------------------------------</td>
<td>----------</td>
<td>------------</td>
</tr>
<tr>
<td>1</td>
<td>Land Sale Revenue</td>
<td>21,300,002</td>
<td>(3,600,002)</td>
</tr>
<tr>
<td>2</td>
<td>Rhode Island Capital Plan Fund</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>RIPTA Land and Buildings</td>
<td>223,529</td>
<td>81,060</td>
</tr>
<tr>
<td>4</td>
<td>Highway Projects Match Plan</td>
<td>27,650,000</td>
<td>0</td>
</tr>
<tr>
<td>5</td>
<td>Total – Infrastructure Engineering</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>GARVEE/Motor Fuel Tax Bonds</td>
<td>472,505,957</td>
<td>(92,421,167)</td>
</tr>
<tr>
<td>7</td>
<td><strong>Infrastructure Maintenance</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Other Funds</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Gasoline Tax</td>
<td>30,790,922</td>
<td>(16,817,804)</td>
</tr>
<tr>
<td>10</td>
<td>Non-Land Surplus Property</td>
<td>10,000</td>
<td>15,000</td>
</tr>
<tr>
<td>11</td>
<td>Outdoor Advertising</td>
<td>150,000</td>
<td>(50,000)</td>
</tr>
<tr>
<td>12</td>
<td>Rhode Island Highway Maintenance Account</td>
<td>0</td>
<td>35,034,115</td>
</tr>
<tr>
<td>13</td>
<td>Rhode Island Capital Plan Fund</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Maintenance Facilities Improvements</td>
<td>500,000</td>
<td>(100,000)</td>
</tr>
<tr>
<td>15</td>
<td>Salt Storage Facilities</td>
<td>1,000,000</td>
<td>327,133</td>
</tr>
<tr>
<td>16</td>
<td>Portsmouth Facility</td>
<td>500,000</td>
<td>(500,000)</td>
</tr>
<tr>
<td>17</td>
<td>Maintenance Equipment Replacement</td>
<td>2,500,000</td>
<td>0</td>
</tr>
<tr>
<td>18</td>
<td>Train Station Maintenance and Repairs</td>
<td>200,000</td>
<td>65,648</td>
</tr>
<tr>
<td>19</td>
<td>Cooperative Maint. Facility DOT/RIPTA</td>
<td>3,500,000</td>
<td>(3,500,000)</td>
</tr>
<tr>
<td>20</td>
<td>Mass Transit Preliminary Conceptual Design</td>
<td>250,000</td>
<td>(250,000)</td>
</tr>
<tr>
<td>21</td>
<td>Total – Infrastructure Maintenance</td>
<td>39,400,922</td>
<td>14,224,092</td>
</tr>
<tr>
<td>22</td>
<td>Grand Total – Transportation</td>
<td>525,120,546</td>
<td>(77,180,819)</td>
</tr>
<tr>
<td>23</td>
<td><strong>Statewide Totals</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>General Revenues</td>
<td>3,445,169,968</td>
<td>43,211,667</td>
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<tr>
<td>25</td>
<td>Federal Funds</td>
<td>3,086,526,049</td>
<td>53,969,865</td>
</tr>
<tr>
<td>26</td>
<td>Restricted Receipts</td>
<td>283,055,536</td>
<td>(4,841,235)</td>
</tr>
<tr>
<td>27</td>
<td>Other Funds</td>
<td>1,965,443,788</td>
<td>(33,050,246)</td>
</tr>
<tr>
<td>28</td>
<td>Statewide Grand Total</td>
<td>8,780,195,341</td>
<td>59,290,051</td>
</tr>
</tbody>
</table>

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

**SECTION 3.** The general assembly authorizes the state controller to establish the internal service accounts shown below, and no other, to finance and account for the operations of state agencies that provide services to other agencies, institutions and other governmental units on a cost reimbursed basis. The purpose of these accounts is to ensure that certain activities are...
managed in a businesslike manner, promote efficient use of services by making agencies pay the
full costs associated with providing the services, and allocate the costs of central administrative
services across all fund types, so that federal and other non-general fund programs share in the
costs of general government support. The controller is authorized to reimburse these accounts for
the cost of work or services performed for any other department or agency subject to the
following expenditure limitations:

<table>
<thead>
<tr>
<th>Account</th>
<th>FY 2015</th>
<th>FY 2015</th>
<th>FY 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Assessed Fringe Benefit Internal Service Fund</td>
<td>37,123,794</td>
<td>458,168</td>
<td>37,581,962</td>
</tr>
<tr>
<td>Administration Central Utilities Internal Service Fund</td>
<td>14,244,902</td>
<td>2,691,098</td>
<td>16,936,000</td>
</tr>
<tr>
<td>State Central Mail Internal Service Fund</td>
<td>5,617,173</td>
<td>383,667</td>
<td>6,000,840</td>
</tr>
<tr>
<td>State Telecommunications Internal Service Fund</td>
<td>4,080,029</td>
<td>8,426</td>
<td>4,088,455</td>
</tr>
<tr>
<td>State Automotive Fleet Internal Service Fund</td>
<td>13,733,063</td>
<td>80,739</td>
<td>13,813,802</td>
</tr>
<tr>
<td>Surplus Property Internal Service Fund</td>
<td>2,500</td>
<td>0</td>
<td>2,500</td>
</tr>
<tr>
<td>Health Insurance Internal Service Fund</td>
<td>250,127,757</td>
<td>206,580</td>
<td>250,334,337</td>
</tr>
<tr>
<td>Other Post-Employment Benefits Fund</td>
<td>63,934,483</td>
<td>0</td>
<td>63,934,483</td>
</tr>
<tr>
<td>Capital Police Internal Service Fund</td>
<td>1,060,301</td>
<td>160,838</td>
<td>1,221,139</td>
</tr>
<tr>
<td>Corrections Central Distribution Center Internal Service Fund</td>
<td>6,739,558</td>
<td>38,572</td>
<td>6,778,130</td>
</tr>
<tr>
<td>Correctional Industries Internal Service Fund</td>
<td>7,704,793</td>
<td>(428,472)</td>
<td>7,276,321</td>
</tr>
<tr>
<td>Secretary of State Record Center Internal Service Fund</td>
<td>882,436</td>
<td>(8,414)</td>
<td>874,022</td>
</tr>
</tbody>
</table>

SECTION 4. Departments and agencies listed below may not exceed the number of full-time equivalent (FTE) positions shown below in any pay period. Full-time equivalent positions do
not include seasonal or intermittent positions whose scheduled period of employment does not exceed twenty-six consecutive weeks or whose scheduled hours do not exceed nine hundred and twenty-five (925) hours, excluding overtime, in a one-year period. Nor do they include individuals engaged in training, the completion of which is a prerequisite of employment.
Provided, however, that the Governor or designee, Speaker of the House of Representatives or designee, and the President of the Senate or designee may authorize an adjustment to any limitation. Prior to the authorization, the State Budget Officer shall make a detailed written recommendation to the Governor, the Speaker of the House, and the President of the Senate. A
copy of the recommendation and authorization to adjust shall be transmitted to the chairman of
the House Finance Committee, Senate Finance Committee, the House Fiscal Advisor and the
Senate Fiscal Advisor.

State employees whose funding is from non-state general revenue funds that are time
limited shall receive limited term appointment with the term limited to the availability of non-
state general revenue funding source.

**FY 2015 FTE POSITION AUTHORIZATION**

<table>
<thead>
<tr>
<th>Departments and Agencies</th>
<th>Full-Time Equivalent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration</td>
<td>710.7</td>
</tr>
<tr>
<td>Business Regulation</td>
<td>944.0 98.0</td>
</tr>
<tr>
<td>Executive Office of Commerce</td>
<td>5.0</td>
</tr>
<tr>
<td>Labor and Training</td>
<td>410.0</td>
</tr>
<tr>
<td>Revenue</td>
<td>505.0</td>
</tr>
<tr>
<td>Legislature</td>
<td>298.5</td>
</tr>
<tr>
<td>Office of the Lieutenant Governor</td>
<td>8.0</td>
</tr>
<tr>
<td>Office of the Secretary of State</td>
<td>57.0</td>
</tr>
<tr>
<td>Office of the General Treasurer</td>
<td>83.0</td>
</tr>
<tr>
<td>Board of Elections</td>
<td>11.0</td>
</tr>
<tr>
<td>Rhode Island Ethics Commission</td>
<td>12.0</td>
</tr>
<tr>
<td>Office of the Governor</td>
<td>45.0</td>
</tr>
<tr>
<td>Commission for Human Rights</td>
<td>14.5</td>
</tr>
<tr>
<td>Public Utilities Commission</td>
<td>50.0</td>
</tr>
<tr>
<td>Office of Health and Human Services</td>
<td>184.0</td>
</tr>
<tr>
<td>Children, Youth, and Families</td>
<td>620.5 672.5</td>
</tr>
<tr>
<td>Health</td>
<td>491.3</td>
</tr>
<tr>
<td>Human Services</td>
<td>959.1</td>
</tr>
<tr>
<td>Behavioral Health, Developmental Disabilities,</td>
<td></td>
</tr>
<tr>
<td>and Hospitals</td>
<td>1,422.4 1,420.4</td>
</tr>
<tr>
<td>Office of the Child Advocate</td>
<td>6.0</td>
</tr>
<tr>
<td>Commission on the Deaf and Hard of Hearing</td>
<td>3.0</td>
</tr>
<tr>
<td>Governor's Commission on Disabilities</td>
<td>4.0</td>
</tr>
<tr>
<td>Office of the Mental Health Advocate</td>
<td>3.7</td>
</tr>
<tr>
<td>Elementary and Secondary Education</td>
<td>154.0 158.4</td>
</tr>
<tr>
<td>School for the Deaf</td>
<td>60.0</td>
</tr>
</tbody>
</table>
Provided that 1.0 of the total authorization would be available only for positions that are supported by third-party funds.

University of Rhode Island 2,456.5

Provided that 573.8 of the total authorization would be available only for positions that are supported by third-party funds.

Rhode Island College 923.6

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

Community College of Rhode Island 854.1

Provided that 94.0 of the total authorization would be available only for positions that are supported by third-party funds.

Rhode Island State Council on the Arts 6.0

RI Atomic Energy Commission 8.6

Higher Education Assistance Authority 22.0

Historical Preservation and Heritage Commission 16.6

Office of the Attorney General 236.1

Corrections 1,419.0

Judicial 723.3

Military Staff 85.0

Public Safety 633.2

Office of the Public Defender 93.0

Emergency Management 32.0

Environmental Management 399.0

Coastal Resources Management Council 29.0

Transportation 752.6

Total 15,086.0 15,100.7

SECTION 5. Notwithstanding any public laws to the contrary, on or before June 30, 2015 six million, three hundred seventy five thousand, four hundred thirty one dollars ($6,375,431) of bond premium deposited into the Rhode Island Capital Plan Fund in FY 2015 shall be transferred to the Information Technology Investment Fund established pursuant to § 42-11-2.5 to be used solely to support the Unified Health Infrastructure Project.

SECTION 6. This article shall take effect upon passage.
ARTICLE 11
RELATING TO REVENUES

SECTION 1. Section 42-64.3-6 of the General Laws in Chapter 42-64.3 entitled “Distressed Areas Economic Revitalization Act” is hereby repealed.

42-64.3-6. Business tax credits. — A qualified business in an enterprise zone is allowed a credit against the tax imposed pursuant to chapters 11, 13 (except the taxation of tangible personal property under § 44-13-13), 14, 17, and 30 of title 44:

(1) A credit equal to fifty percent (50%) of the total amount of wages paid to those enterprise job employees comprising the five percent (5%) new jobs referenced in § 42-64.3-6(4)(i)(A). The wages subject to the credit shall be reduced by any direct state or federal wage assistance paid to employers for the employee(s) in the taxable year. The maximum credit allowed per taxable year under the provisions of this subsection shall be two thousand five hundred dollars ($2,500), per employee. A taxpayer who takes this business tax credit shall not be eligible for the resident business owner modification pursuant to § 42-64.3-7.

(2) A credit equal to seventy five percent (75%) of the total amount of wages paid to those enterprise job employees who are domiciliaries of an enterprise zone comprising the five percent (5%) new jobs referenced in § 42-64.3-6(4)(i)(A). The wages subject to the credit shall be reduced by any direct state or federal wage assistance in the taxable year. The maximum credit allowed per taxable year under the provisions of this subdivision shall be five thousand dollars ($5,000) per employee. A taxpayer who takes this business tax credit is not eligible for the resident business owner modification. The council shall promulgate appropriate rules to certify that the enterprise job employees are domiciliaries of an enterprise zone and shall advise the qualified business and the tax administrator. A taxpayer taking a credit for employees pursuant to this subdivision (2) shall not be entitled to a credit pursuant to subdivision (1) of this section for the employees.

(3) Any tax credit as provided in subdivision (1) or (2) of this section shall not reduce the tax below the minimum tax. Fiscal year taxpayers must claim the tax credit in the year into which the December 31st of the certification year falls. The credit shall be used to offset tax liability pursuant to the provisions of either chapters 11, 13, 14, 17, or 30 of title 44, but not more than one chapter.

(4) In the case of a corporation, the credit allowed under this section is only allowed against the tax of that corporation included in a consolidated return that qualifies for the credit and not against the tax of other corporations that may join in the filing of a consolidated tax return.
(5) In the case of multiple business owners, the credit provided in subdivision (1) or (2) of this section is apportioned according to the ownership interests of the qualified business.

(6) The tax credits established pursuant to this section may be carried forward for a period of three (3) years if in each of the three (3) calendar years a business which has qualified for tax credits under this section: (a) does not reduce the number of its employees from the last Effective Date of Certification; (b) obtains certificates of good standing from the Rhode Island division of taxation, the corporations division of the Rhode Island secretary of state and the appropriate municipal tax collector; (c) provides the council an affidavit stating under oath that this business has not within the preceding twelve (12) months changed its legal status for the purpose of gaining favorable treatment under the provisions of chapter 64.3 of this title; and (d) meets any other requirements as may be established by the council in its rules and regulations.

SECTION 2. Section 42-64.3-7 of the General Laws in Chapter 42-64.3 entitled “Distressed Areas Economic Revitalization Act” is hereby amended to read as follows:

42-64.3-7. Resident business owner tax modification. -- (a) In computing his or her annual tax liability pursuant to the provisions of chapter 11 or 30 of title 44, a domiciliary of an enterprise zone who owns and operates a qualified business facility in that zone and which business is not required to file under chapter 11, 13, 14 or 17 of title 44 may:

(1) For the first three (3) years after certification, whether or not consecutive, deduct fifty thousand dollars ($50,000) per year as a modification reducing federal adjusted gross income; and

(2) For the fourth and fifth years after certification, whether or not consecutive, deduct twenty-five thousand dollars ($25,000) per year as a modification reducing federal adjusted gross income.

(b) Any modification provided in subdivisions (1) and (2) of subsection (a) shall not be available in taxable years other than the year in which the taxpayer qualifies for tax modification.

(c) In the case of multiple business owners, the modifications provided in subdivisions (1) and (2) of subsection (a) shall be apportioned according to the ownership interests of the domiciliary owners of the qualified business.

(d) A taxpayer who elects this modification shall not be eligible for the business tax credits under § 42-64.3-6.

SECTION 3. Sections 42-63.1-2, 42-63.1-3, 42-63.1-5 and 42-63.1-12 of the General Laws in Chapter 42-63.1 entitled “Tourism and Development” are hereby amended to read as follows:

42-63.1-2. Definitions. -- For the purposes of this chapter:

(1) "Consideration" means the monetary charge for the use of space devoted to transient
lodging accommodations.

(2) "Corporation" means the Rhode Island economic development corporation.

(3) "District" means the regional tourism districts set forth in § 42-63.1-5.

(4) "Hotel" means any facility offering a minimum of three (3) rooms for which the public may, for a consideration, obtain transient lodging accommodations. The term "hotel" shall include hotels, motels, tourist homes, tourist camps, lodging houses, and inns and shall exclude schools, hospitals, sanitariums, nursing homes and chronic care centers. The term "hotel" shall also include houses, condominiums or other residential dwelling units, regardless of the number of rooms, which are used and/or advertised for rent for occupancy. The term "hotel" shall not include schools, hospitals, sanitariums, nursing homes, and chronic care centers.

(5) "Hosting Platform" means an electronic or operating system in which a person or entity provides a means through which an owner may offer and accept payment for a residential unit for "tourist or transient" use. This service is usually, though not necessarily, provided through an online or web-based system which generally allows an owner to advertise the residential unit through a hosted website and provides a means for a person or entity to arrange tourist or transient use in exchange for payment, whether the person or entity pays rent directly to the owner or to the hosting platform.

(6) "Occupancy" means a person, firm or corporation's use of space ordinarily used for transient lodging accommodations not to exceed thirty (30) days. Excluded from "occupancy" is the use of space for which the occupant has a written lease for the space, which lease covers a rental period of twelve (12) months or more. Furthermore, any house, condominium or other residential dwelling rented, for which the occupant has a written lease for the space covering a rental period of more than thirty (30) consecutive days or for one calendar month is excluded from the definition of occupancy.

(7) "Tax" means the hotel tax imposed by subsection 44-18-36.1(a).

(8) "Owner" means any person who owns real property and is the owner of record. Owner shall also include a lessee where the lessee is offering a residential unit for "tourist or transient" use.

(9) "Residential unit" means a room or rooms, including a condominium or a room or a dwelling unit that forms part of a single, joint or shared tenant arrangement, in any building, or portion thereof, which is designed, built, rented, leased, let, or hired out to be occupied for non-commercial use.

(10) "Tour operators" means a person that derive a majority of their revenue by providing tour operator packages.
“Tour operator packages” means a travel package that include the services of a tour guide and where the itinerary encompasses five (5) or more consecutive days.

“Tourist or transient” means any use of a residential unit for occupancy for less than a thirty (30) consecutive day term of tenancy, or occupancy for less than thirty (30) consecutive days of a residential unit leased or owned by a business entity, whether on a short-term or long-terms basis, including any occupancy by employee or guests of a business entity for less than thirty (30) consecutive days where payment for the residential unit is contracted for or paid by the business entity.

42-63.1-3. Distribution of tax. – (a) For returns and tax payments received on or before June 30, 2015, except as provided in § 42-63.1-12, the proceeds of the hotel tax shall be distributed as follows by the division of taxation and the city of Newport:

(1) Forty-seven percent (47%) of the tax generated by the hotels in the district, except as otherwise provided in this chapter, shall be given to the regional tourism district wherein the hotel is located; provided, however, that from the tax generated by the hotels in the city of Warwick, thirty-one percent (31%) of the tax shall be given to the Warwick regional tourism district established in § 42-63.1-5(a)(5) and sixteen percent (16%) of the tax shall be given to the Greater Providence-Warwick Convention and Visitors' Bureau established in § 42-63.1-11; and provided further, that from the tax generated by the hotels in the city of Providence, sixteen percent (16%) of that tax shall be given to the Greater Providence-Warwick Convention and Visitors' Bureau established by § 42-63.1-11, and thirty-one percent (31%) of that tax shall be given to the Convention Authority of the city of Providence established pursuant to the provisions of chapter 84 of the public laws of January, 1980; provided, however, that the receipts attributable to the district as defined in § 42-63.1-5(a)(7) shall be deposited as general revenues;

(2) Twenty-five percent (25%) of the hotel tax shall be given to the city or town where the hotel, which generated the tax, is physically located, to be used for whatever purpose the city or town decides.

(3) Twenty-one (21%) of the hotel tax shall be deposited as general revenues and seven percent (7%) to the Greater Providence-Warwick Convention and Visitors' Bureau.

(b) For returns and tax payments received after June 30, 2015, except as provided in § 42-63.1-12, the proceeds of the hotel tax shall be distributed as follows by the division of taxation and the city of Newport:

(1) For the tax generated by the hotels in the Aquidneck Island district, as defined in § 42-63.1-5, forty-seven percent (47%) of the tax shall be given to the Aquidneck Island district, twenty-five (25%) of the tax shall be given to the city or town where the hotel, which generated
the tax, is physically located, seven percent (7%) of the tax shall be given to the Greater Providence-Warwick Convention and Visitors’ Bureau established in § 42-63.1-11, and twenty-one percent (21%) of the tax shall be given to the Rhode Island commerce corporation established in chapter 42-64.

(2) For the tax generated by the hotels in the Providence district as defined in § 42-63.1-5, fifteen percent (15%) of the tax shall be given to the Providence district, twenty-five percent (25%) of the tax shall be given to the city or town where the hotel, which generated the tax, is physically located, twenty-three percent (23%) of the tax shall be given to the Greater Providence-Warwick Convention and Visitors’ Bureau established in § 42-63.1-11, and thirty-seven percent (37%) of the tax shall be given to the Rhode Island commerce corporation established in chapter 42-64.

(3) For the tax generated by the hotels in the Warwick district as defined in § 42-63.1-5, fifteen percent (15%) of the tax shall be given to the Warwick District, twenty-five percent (25%) of the tax shall be given to the city or town where the hotel, which generated the tax, is physically located, twenty-three percent (23%) of the tax shall be given to the Greater Providence-Warwick Convention and Visitors’ Bureau established in § 42-63.1-11, and thirty-seven percent (37%) of the tax shall be given to the Rhode Island commerce corporation established in chapter 42-64.

(4) For the tax generated by the hotels in the Statewide district, as defined in § 42-63.1-5, twenty-five percent (25%) of the tax shall be given to the city or town where the hotel, which generated the tax, is physically located, seven percent (7%) of the tax shall be given to the Greater Providence-Warwick Convention and Visitors’ Bureau established in § 42-63.1-11, and sixty-eight percent (68%) of the tax shall be given to the Rhode Island commerce corporation established in chapter 42-64.

(5) With respect to the tax generated by hotels in districts other than those set forth in section (1) through (4) above, twenty-five percent (25%) of the tax shall be given to the regional tourism district, as defined in § 42-63.1-5, wherein the hotel is located, twenty-five percent (25%) of the tax shall be given to the city or town where the hotel, which generated the tax, is physically located, seven percent (7%) of the tax shall be given to the Greater Providence-Warwick Convention and Visitors’ Bureau established in § 42-63.1-11, and forty-three percent (43%) of the tax shall be given to the Rhode Island commerce corporation established in chapter 42-64.

42-63.1-5. Regional tourism districts. – (a) The state of Rhode Island is divided into eight (8) regional tourism districts to be administered by the tourism council, convention and visitor's bureau or the Rhode Island economic development corporation commerce corporation established in chapter 42-64 as designated in this section:
(1) South County district which shall include Westerly, Charlestown, Narragansett, South
Kingstown, North Kingstown, Hopkinton, Exeter, Richmond, West Greenwich, East Greenwich,
and Coventry to be administered by the South County tourism council, inc.;

(2) Providence district consists of the city of Providence to be administered by the
Convention Authority of the City of Providence.

(3) Northern Rhode Island district consists of Pawtucket, Woonsocket, Lincoln, Central
Falls, Cumberland, North Smithfield, Smithfield, Glocester and Burrillville to be administered by
the Blackstone Valley tourism council, inc.;

(4) Aquidneck Island district consists of Barrington, Bristol, Warren, Newport,
Jamestown, Middletown, Portsmouth, Tiverton and Little Compton to be administered by the
Newport and Bristol County convention and visitors bureau;

(5) Warwick district consists of the city of Warwick to be administered by the city of
Warwick department of economic development;

(6) Block Island district which shall consist of the town of New Shoreham to be
administered by the New Shoreham tourism council, inc.;

(7) East Providence to be administered by an entity that shall be acceptable to the
economic development corporation; provided that all funds generated in the city of East
Providence shall be held by the Rhode Island division of taxation until such time as the city of
East Providence elects to become a member of a regional tourism district at which time the
monies held by the Rhode Island division of taxation shall be transferred to the tourism district or
convention visitors' bureau selected by the city of East Providence;

(8) Statewide district consists of all cities and towns not delineated in subdivisions (1)
through (7) to be administered by the Rhode Island economic development corporation
established in chapter 42-64.

(b) Before receiving any funds under this chapter, the organizations designated to receive
the funds on behalf of the South County regional tourism district and the Northern Rhode Island
regional tourism district shall be required to apply to and receive approval from the Rhode Island
economic development corporation pursuant to guidelines promulgated by
the Rhode Island economic development corporation. The corporation
shall review the eligibility of the regional tourism district organizations to receive the funds at
least annually.

(9) On or before September 1, 2015 and every September 1 thereafter, all regional
tourism districts created under this sections shall be required to seek and obtain the approval of
the executive office of commerce regarding the incorporation of common statewide marketing
themes, logos, and slogans, among other features, prior to the release of lodging tax funds to the
districts.

42-63.1-12. Distribution of tax to Rhode Island Convention Center Authority. – (a)

For returns and tax received on or before June 30, 2015, the proceeds of the hotel tax
generated by any and all hotels physically connected to the Rhode Island Convention Center shall
be distributed as follows: twenty-seven percent (27%) shall be deposited as general revenues;
thirty-one percent (31%) shall be given to the convention authority of the city of Providence;
twelve percent (12%) shall be given to the greater Providence-Warwick convention and visitor's
bureau; thirty percent (30%) shall be given to the Rhode Island convention center authority to be
used in the furtherance of the purposes set forth in § 42-99-4.

(b) For returns and tax received after June 30, 2015, the proceeds of the hotel tax
generated by any and all hotels physically connected to the Rhode Island Convention Center shall
be distributed as follows: fifteen percent (15%) shall be given to the convention authority of the
city of Providence; twelve percent (12%) shall be given to the greater Providence-Warwick
convention and visitor's bureau; and seventy-three percent (73%) shall be given to the Rhode
Island Commerce Corporation established in § 42-64.

(c) The Rhode Island Convention Center Authority is authorized and empowered to
enter into contracts with the Greater Providence-Warwick Convention and Visitors' Bureau in the
furtherance of the purposes set forth in this chapter.

is hereby amended to read by adding thereto the following section:

42-63.1-14. Offering residential units through a hosting platform. – Cities, towns or
municipalities shall not prohibit an owner from offering a residential unit for tourist or transient
use through a hosting platform, or prohibit a hosting platform from providing a person or entity
the means to rent, pay for or otherwise reserve a residential unit for tourist or transient use.

SECTION 5. Chapter 44-1 of the General Laws entitled “State Tax Officials” is hereby
amended by adding hereto the following section:

44-1-36. Contracts. - (a) Except as set forth in section (b) below, the division of taxation
may enter into contracts with a person (defined herein as an individual, firm, fiduciary,
partnership, corporation, trust, or association, however formed) to be paid on a contingent fee
basis, for services rendered to the division of taxation where the contract is for the collection of
taxes, interest, or penalty or the reduction of refunds claimed. Under such contracts the
contingent fee shall be based on the actual amount of taxes, interest and/or penalties collected
and/or the amount by which the claimed refund is reduced.

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(b) The division of taxation may not enter into a contingent fee contract under which the person directly conducts a field audit.

(c) The division of taxation shall publish an annual report setting forth the number of contracts entered into under paragraph (a), the amount collected and the percentage of the contingency fee arrangement of each contract.

SECTION 6. Chapter 44-11 of the General Laws entitled “Business Corporations Tax” is hereby amended by adding hereto the following section:

44-11-29.2. Notice to tax administrator of sale of assets – Tax due. - (a) The sale or transfer of a controlling interest in any entity for valuable consideration, which possesses, directly or indirectly an interest in real property in this state, shall be fraudulent and void as against the state unless the entity shall, within five (5) days after the sale or transfer, notify the tax administrator in writing of the sale or transfer and of the price, terms and conditions of the sale or transfer and of the character and location of the assets. Whenever an entity shall make such a sale or transfer, there is imposed on said sale or transfer, payable by the entity selling or transferring such controlling interest, a tax at the rate set forth in § 44-25-1(a) on the interest so sold or transferred, directly or indirectly. Whenever an entity shall make such a sale or transfer, the tax imposed by this section shall become due and payable at the time when the tax administrator is notified, or, if he or she is not notified, at the time when he or she should have been notified.

(b) A taxable sale or transfer of a controlling interest may occur in one transaction or in a series of transactions. Transactions which occur within two (2) years of each other are presumed, unless shown to the contrary to the tax administrator’s satisfaction, to be a series of transactions subject to the tax.

(c) A taxable sale or transfer of a controlling interest may be made by one seller or transferor, or may be made by a group of sellers or transferors acting in concert. Sellers or transferors who are related to each other by blood or marriage are presumed, unless shown to the contrary to the tax administrator’s satisfaction, to be acting in concert.

(d) For the tax collected pursuant to section (a) above, the tax administrator shall contribute to the distressed community relief program established pursuant to § 45-13-12 the sum as set forth in § 44-25-1(c) to be distributed pursuant to § 45-13-12 and to the housing resources commission restricted receipts account the sum as set forth in § 44-25-1(c). Funds distributed under this section will be administered by the department of administration, office of housing and community development, through the housing resources commission. The state shall retain sixty cents ($.60) for state use. The balance of the tax shall be remitted to the municipality in which said real estate is located. The tax would be administered and collected under the provisions of
(e) For the purpose of this section the term “controlling interest” means:

1. In the case of a corporation, fifty percent (50%) or more of the total combined voting power of all classes of stock of such corporation; or

2. In the case of a partnership, association, trust or other entity, fifty percent (50%) or more of the capital, profits or beneficial interest in such partnership, association, trusts or other entity.

SECTION 7. Section 44-18-30 of General Laws in Chapter 44-18 entitled “Sales and Use Taxes – Liability and Computation” is hereby amended to read as follows:

44-18-30. Gross receipts exempt from sales and use taxes. – There are exempted from the taxes imposed by this chapter the following gross receipts:

1. Sales and uses beyond constitutional power of state. From the sale and from the storage, use, or other consumption in this state of tangible personal property the gross receipts from the sale of which, or the storage, use, or other consumption of which, this state is prohibited from taxing under the Constitution of the United States or under the constitution of this state.

2. Newspapers.

   (i) From the sale and from the storage, use, or other consumption in this state of any newspaper.

   (ii) "Newspaper" means an unbound publication printed on newsprint, that contains news, editorial comment, opinions, features, advertising matter, and other matters of public interest.

   (iii) "Newspaper" does not include a magazine, handbill, circular, flyer, sales catalog, or similar item unless the item is printed for and distributed as a part of a newspaper.

3. School meals. From the sale and from the storage, use, or other consumption in this state of meals served by public, private, or parochial schools, school districts, colleges, universities, student organizations, and parent-teacher associations to the students or teachers of a school, college, or university whether the meals are served by the educational institutions or by a food service or management entity under contract to the educational institutions.

4. Containers.

   (i) From the sale and from the storage, use, or other consumption in this state of:

   (A) Non-returnable containers, including boxes, paper bags, and wrapping materials that are biodegradable and all bags and wrapping materials utilized in the medical and healing arts, when sold without the contents to persons who place the contents in the container and sell the contents with the container.

   (B) Containers when sold with the contents if the sale price of the contents is not required
(C) Returnable containers when sold with the contents in connection with a retail sale of the contents or when resold for refilling.

(ii) As used in this subdivision, the term “returnable containers” means containers of a kind customarily returned by the buyer of the contents for reuse. All other containers are “non-returnable containers.”

(5)(i) Charitable, educational, and religious organizations. From the sale to, as in defined in this section, and from the storage, use, and other consumption in this state or any other state of the United States of America of tangible personal property by hospitals not operated for a profit; “educational institutions” as defined in subdivision (18) not operated for a profit; churches, orphanages, and other institutions or organizations operated exclusively for religious or charitable purposes; interest-free loan associations not operated for profit; nonprofit, organized sporting leagues and associations and bands for boys and girls under the age of nineteen (19) years; the following vocational student organizations that are state chapters of national vocational students organizations: Distributive Education Clubs of America (DECA); Future Business Leaders of America, Phi Beta Lambda (FBLA/PBL); Future Farmers of America (FFA); Future Homemakers of America/Home Economics Related Occupations (FHA/HERD); Vocational Industrial Clubs of America (VICA); organized nonprofit golden age and senior citizens clubs for men and women; and parent-teacher associations.

(ii) In the case of contracts entered into with the federal government, its agencies or instrumentalities, this state or any other state of the United States of America, its agencies, any city, town, district, or other political subdivision of the states; hospitals not operated for profit; educational institutions not operated for profit; churches, orphanages, and other institutions or organizations operated exclusively for religious or charitable purposes; the contractor may purchase such materials and supplies (materials and/or supplies are defined as those that are essential to the project) that are to be utilized in the construction of the projects being performed under the contracts without payment of the tax.

(iii) The contractor shall not charge any sales or use tax to any exempt agency, institution, or organization but shall in that instance provide his or her suppliers with certificates in the form as determined by the division of taxation showing the reason for exemption and the contractor's records must substantiate the claim for exemption by showing the disposition of all property so purchased. If any property is then used for a nonexempt purpose, the contractor must pay the tax on the property used.

(6) Gasoline. From the sale and from the storage, use, or other consumption in this state.
of: (i) gasoline and other products taxed under chapter 36 of title 31 and (ii) fuels used for the propulsion of airplanes.

(7) Purchase for manufacturing purposes.

(i) From the sale and from the storage, use, or other consumption in this state of computer software, tangible personal property, electricity, natural gas, artificial gas, steam, refrigeration, and water, when the property or service is purchased for the purpose of being manufactured into a finished product for resale and becomes an ingredient, component, or integral part of the manufactured, compounded, processed, assembled, or prepared product, or if the property or service is consumed in the process of manufacturing for resale computer software, tangible personal property, electricity, natural gas, artificial gas, steam, refrigeration, or water.

(ii) "Consumed" means destroyed, used up, or worn out to the degree or extent that the property cannot be repaired, reconditioned, or rendered fit for further manufacturing use.

(iii) "Consumed" includes mere obsolescence.

(iv) "Manufacturing" means and includes manufacturing, compounding, processing, assembling, preparing, or producing.

(v) "Process of manufacturing" means and includes all production operations performed in the producing or processing room, shop, or plant, insofar as the operations are a part of and connected with the manufacturing for resale of tangible personal property, electricity, natural gas, artificial gas, steam, refrigeration, or water and all production operations performed insofar as the operations are a part of and connected with the manufacturing for resale of computer software.

(vi) "Process of manufacturing" does not mean or include administration operations such as general office operations, accounting, collection or sales promotion, nor does it mean or include distribution operations that occur subsequent to production operations, such as handling, storing, selling, and transporting the manufactured products, even though the administration and distribution operations are performed by, or in connection with, a manufacturing business.

(8) State and political subdivisions. From the sale to, and from the storage, use, or other consumption by, this state, any city, town, district, or other political subdivision of this state. Every redevelopment agency created pursuant to chapter 31 of title 45 is deemed to be a subdivision of the municipality where it is located.

(9) Food and food ingredients. From the sale and storage, use, or other consumption in this state of food and food ingredients as defined in § 44-18-7.1(1).

For the purposes of this exemption "food and food ingredients" shall not include candy, soft drinks, dietary supplements, alcoholic beverages, tobacco, food sold through vending machines, or prepared food, as those terms are defined in § 44-18-7.1, unless the prepared food is:
(i) Sold by a seller whose primary NAICS classification is manufacturing in sector 311, except sub-sector 3118 (bakeries);
(ii) Sold in an unheated state by weight or volume as a single item;
(iii) Bakery items, including bread, rolls, buns, biscuits, bagels, croissants, pastries, donuts, danish, cakes, tortes, pies, tarts, muffins, bars, cookies, tortillas; and is not sold with utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or straws.

(10) Medicines, drugs, and durable medical equipment. From the sale and from the storage, use, or other consumption in this state, of;

(i) “Drugs” as defined in § 44-18-7.1(h)(i), sold on prescriptions, medical oxygen, and insulin whether or not sold on prescription. For purposes of this exemption drugs shall not include over-the-counter drugs and grooming and hygiene products as defined in § 44-18-7.1(h)(iii).

(ii) Durable medical equipment as defined in § 44-18-7.1(k) for home use only, including, but not limited to, syringe infusers, ambulatory drug delivery pumps, hospital beds, convalescent chairs, and chair lifts. Supplies used in connection with syringe infusers and ambulatory drug delivery pumps that are sold on prescription to individuals to be used by them to dispense or administer prescription drugs, and related ancillary dressings and supplies used to dispense or administer prescription drugs, shall also be exempt from tax.

(11) Prosthetic devices and mobility enhancing equipment. From the sale and from the storage, use, or other consumption in this state, of prosthetic devices as defined in § 44-18-7.1(t), sold on prescription, including, but not limited to: artificial limbs, dentures, spectacles, eyeglasses, and artificial eyes; artificial hearing devices and hearing aids, whether or not sold on prescription; and mobility enhancing equipment as defined in § 44-18-7.1(p), including wheelchairs, crutches and canes.

(12) Coffins, caskets, and burial garments. From the sale and from the storage, use, or other consumption in this state of coffins or caskets, and shrouds or other burial garments that are ordinarily sold by a funeral director as part of the business of funeral directing.

(13) Motor vehicles sold to nonresidents.

(i) From the sale, subsequent to June 30, 1958, of a motor vehicle to a bona fide nonresident of this state who does not register the motor vehicle in this state, whether the sale or delivery of the motor vehicle is made in this state or at the place of residence of the nonresident. A motor vehicle sold to a bona fide nonresident whose state of residence does not allow a like exemption to its nonresidents is not exempt from the tax imposed under § 44-18-20. In that event,
the bona fide nonresident pays a tax to Rhode Island on the sale at a rate equal to the rate that
would be imposed in his or her state of residence not to exceed the rate that would have been
imposed under § 44-18-20. Notwithstanding any other provisions of law, a licensed motor vehicle
dealer shall add and collect the tax required under this subdivision and remit the tax to the tax
administrator under the provisions of chapters 18 and 19 of this title. When a Rhode Island
licensed, motor vehicle dealer is required to add and collect the sales and use tax on the sale of a
motor vehicle to a bona fide nonresident as provided in this section, the dealer in computing the
tax takes into consideration the law of the state of the nonresident as it relates to the trade-in of
motor vehicles.

(ii) The tax administrator, in addition to the provisions of §§ 44-19-27 and 44-19-28, may
require any licensed motor vehicle dealer to keep records of sales to bona fide nonresidents as the
tax administrator deems reasonably necessary to substantiate the exemption provided in this
subdivision, including the affidavit of a licensed motor vehicle dealer that the purchaser of the
motor vehicle was the holder of, and had in his or her possession a valid out of state motor
vehicle registration or a valid out of state driver's license.

(iii) Any nonresident who registers a motor vehicle in this state within ninety (90) days of
the date of its sale to him or her is deemed to have purchased the motor vehicle for use, storage,
or other consumption in this state, and is subject to, and liable for, the use tax imposed under the
provisions of § 44-18-20.

(14) Sales in public buildings by blind people. From the sale and from the storage, use, or
other consumption in all public buildings in this state of all products or wares by any person
licensed under § 40-9-11.1.

(15) Air and water pollution control facilities. From the sale, storage, use, or other
consumption in this state of tangible personal property or supplies acquired for incorporation into
or used and consumed in the operation of a facility, the primary purpose of which is to aid in the
control of the pollution or contamination of the waters or air of the state, as defined in chapter 12
of title 46 and chapter 25 of title 23, respectively, and that has been certified as approved for that
purpose by the director of environmental management. The director of environmental
management may certify to a portion of the tangible personal property or supplies acquired for
incorporation into those facilities or used and consumed in the operation of those facilities to the
extent that that portion has as its primary purpose the control of the pollution or contamination of
the waters or air of this state. As used in this subdivision, "facility" means any land, facility,
device, building, machinery, or equipment.

(16) Camps. From the rental charged for living quarters, or sleeping, or housekeeping
accommodations at camps or retreat houses operated by religious, charitable, educational, or other organizations and associations mentioned in subdivision (5), or by privately owned and operated summer camps for children.

(17) Certain institutions. From the rental charged for living or sleeping quarters in an institution licensed by the state for the hospitalization, custodial, or nursing care of human beings.

(18) Educational institutions. From the rental charged by any educational institution for living quarters, or sleeping, or housekeeping accommodations or other rooms or accommodations to any student or teacher necessitated by attendance at an educational institution. “Educational institution” as used in this section means an institution of learning not operated for profit that is empowered to confer diplomas, educational, literary, or academic degrees; that has a regular faculty, curriculum, and organized body of pupils or students in attendance throughout the usual school year; that keeps and furnishes to students and others records required and accepted for entrance to schools of secondary, collegiate, or graduate rank; and no part of the net earnings of which inures to the benefit of any individual.

(19) Motor vehicle and adaptive equipment for persons with disabilities.

(i) From the sale of: (A) Special adaptations; (B) The component parts of the special adaptations; or (C) A specially adapted motor vehicle; provided that the owner furnishes to the tax administrator an affidavit of a licensed physician to the effect that the specially adapted motor vehicle is necessary to transport a family member with a disability or where the vehicle has been specially adapted to meet the specific needs of the person with a disability. This exemption applies to not more than one motor vehicle owned and registered for personal, noncommercial use.

(ii) For the purpose of this subsection the term “special adaptations” includes, but is not limited to: wheelchair lifts, wheelchair carriers, wheelchair ramps, wheelchair securements, hand controls, steering devices, extensions, relocations, and crossovers of operator controls, power-assisted controls, raised tops or dropped floors, raised entry doors, or alternative signaling devices to auditory signals.

(iii) From the sale of: (a) special adaptations, (b) the component parts of the special adaptations, for a “wheelchair accessible taxicab” as defined in § 39-14-1, and/or a “wheelchair accessible public motor vehicle” as defined in § 39-14.1-1.

(iv) For the purpose of this subdivision the exemption for a “specially adapted motor vehicle” means a use tax credit not to exceed the amount of use tax that would otherwise be due on the motor vehicle, exclusive of any adaptations. The use tax credit is equal to the cost of the special adaptations, including installation.
(20) **Heating fuels.** From the sale and from the storage, use, or other consumption in this state of every type of fuel used in the heating of homes and residential premises.

(21) **Electricity and gas.** From the sale and from the storage, use, or other consumption in this state of electricity and gas furnished for domestic use by occupants of residential premises.

(22) **Manufacturing machinery and equipment.**

(i) From the sale and from the storage, use, or other consumption in this state of tools, dies, molds, machinery, equipment (including replacement parts), and related items to the extent used in an industrial plant in connection with the actual manufacture, conversion, or processing of tangible personal property, or to the extent used in connection with the actual manufacture, conversion, or processing of computer software as that term is utilized in industry numbers 7371, 7372, and 7373 in the standard industrial classification manual prepared by the Technical Committee on Industrial Classification, Office of Statistical Standards, Executive Office of the President, United States Bureau of the Budget, as revised from time to time, to be sold, or that machinery and equipment used in the furnishing of power to an industrial manufacturing plant. For the purposes of this subdivision, “industrial plant” means a factory at a fixed location primarily engaged in the manufacture, conversion, or processing of tangible personal property to be sold in the regular course of business;

(ii) Machinery and equipment and related items are not deemed to be used in connection with the actual manufacture, conversion, or processing of tangible personal property, or in connection with the actual manufacture, conversion, or processing of computer software as that term is utilized in industry numbers 7371, 7372, and 7373 in the standard industrial classification manual prepared by the Technical Committee on Industrial Classification, Office of Statistical Standards, Executive Office of the President, United States Bureau of the Budget, as revised from time to time, to be sold to the extent the property is used in administration or distribution operations;

(iii) Machinery and equipment and related items used in connection with the actual manufacture, conversion, or processing of any computer software or any tangible personal property that is not to be sold and that would be exempt under subdivision (7) or this subdivision if purchased from a vendor or machinery and equipment and related items used during any manufacturing, converting, or processing function is exempt under this subdivision even if that operation, function, or purpose is not an integral or essential part of a continuous production flow or manufacturing process;

(iv) Where a portion of a group of portable or mobile machinery is used in connection with the actual manufacture, conversion, or processing of computer software or tangible personal
property to be sold, as previously defined, that portion, if otherwise qualifying, is exempt under this subdivision even though the machinery in that group is used interchangeably and not otherwise identifiable as to use.

(23) Trade-in value of motor vehicles. From the sale and from the storage, use, or other consumption in this state of so much of the purchase price paid for a new or used automobile as is allocated for a trade-in allowance on the automobile of the buyer given in trade to the seller, or of the proceeds applicable only to the automobile as are received from the manufacturer of automobiles for the repurchase of the automobile whether the repurchase was voluntary or not towards the purchase of a new or used automobile by the buyer. For the purpose of this subdivision, the word “automobile” means a private passenger automobile not used for hire and does not refer to any other type of motor vehicle.

(24) Precious metal bullion.

(i) From the sale and from the storage, use, or other consumption in this state of precious metal bullion, substantially equivalent to a transaction in securities or commodities.

(ii) For purposes of this subdivision, "precious metal bullion" means any elementary precious metal that has been put through a process of smelting or refining, including, but not limited to, gold, silver, platinum, rhodium, and chromium, and that is in a state or condition that its value depends upon its content and not upon its form.

(iii) The term does not include fabricated precious metal that has been processed or manufactured for some one or more specific and customary industrial, professional, or artistic uses.

(25) Commercial vessels. From sales made to a commercial ship, barge, or other vessel of fifty (50) tons burden or over, primarily engaged in interstate or foreign commerce, and from the repair, alteration, or conversion of the vessels, and from the sale of property purchased for the use of the vessels including provisions, supplies, and material for the maintenance and/or repair of the vessels.

(26) Commercial fishing vessels. From the sale and from the storage, use, or other consumption in this state of vessels and other water craft that are in excess of five (5) net tons and that are used exclusively for "commercial fishing", as defined in this subdivision, and from the repair, alteration, or conversion of those vessels and other watercraft, and from the sale of property purchased for the use of those vessels and other watercraft including provisions, supplies, and material for the maintenance and/or repair of the vessels and other watercraft and the boats nets, cables, tackle, and other fishing equipment appurtenant to or used in connection with the commercial fishing of the vessels and other watercraft. "Commercial fishing” means
taking or attempting to take any fish, shellfish, crustacea, or bait species with the intent of
disposing of it for profit or by sale, barter, trade, or in commercial channels. The term does not
include subsistence fishing, i.e., the taking for personal use and not for sale or barter; or sport
fishing; but shall include vessels and other watercraft with a Rhode Island party and charter boat
license issued by the department of environmental management pursuant to § 20-2-27.1 that meet
the following criteria: (i) The operator must have a current U.S.C.G. license to carry passengers
for hire; (ii) U.S.C.G. vessel documentation in the coast wide fishery trade; (iii) U.S.C.G. vessel
documentation as to proof of Rhode Island home port status or a Rhode Island boat registration to
prove Rhode Island home port status; and (iv) The vessel must be used as a commercial passenger
carrying fishing vessel to carry passengers for fishing. The vessel must be able to demonstrate
that at least fifty percent (50%) of its annual gross income derives from charters or provides
documentation of a minimum of one hundred (100) charter trips annually; and (v) The vessel
must have a valid Rhode Island party and charter boat license. The tax administrator shall
implement the provisions of this subdivision by promulgating rules and regulations relating
thereto.

(27) Clothing and footwear. From the sales of articles of clothing, including footwear,
intended to be worn or carried on or about the human body for sales prior to October 1, 2012.
Effective October 1, 2012, the exemption will apply to the sales of articles of clothing, including
footwear, intended to be worn or carried on or about the human body up to two hundred and fifty
dollars ($250) of the sales price per item. For the purposes of this section, “clothing or footwear”
does not include clothing accessories or equipment or special clothing or footwear primarily
designed for athletic activity or protective use as these terms are defined in section 44-18-7.1(f).
In recognition of the work being performed by the streamlined sales and use tax governing board,
upon passage of any federal law that authorizes states to require remote sellers to collect and
remit sales and use taxes, this unlimited exemption will apply as it did prior to October 1, 2012.
The unlimited exemption on sales of clothing and footwear shall take effect on the date that the
state requires remote sellers to collect and remit sales and use taxes.

(28) Water for residential use. From the sale and from the storage, use, or other
consumption in this state of water furnished for domestic use by occupants of residential
premises.

(29) Bibles. [Unconstitutional; see Ahlburn v. Clark, 728 A.2d 449 (R.I. 1999); see Notes
to Decisions.] From the sale and from the storage, use, or other consumption in the state of any
canonized scriptures of any tax-exempt nonprofit religious organization including, but not limited
to, the Old Testament and the New Testament versions.
(30) **Boats.**

(i) From the sale of a boat or vessel to a bona fide nonresident of this state who does not register the boat or vessel in this state or document the boat or vessel with the United States government at a home port within the state, whether the sale or delivery of the boat or vessel is made in this state or elsewhere; provided, that the nonresident transports the boat within thirty (30) days after delivery by the seller outside the state for use thereafter solely outside the state.

(ii) The tax administrator, in addition to the provisions of §§ 44-19-17 and 44-19-28, may require the seller of the boat or vessel to keep records of the sales to bona fide nonresidents as the tax administrator deems reasonably necessary to substantiate the exemption provided in this subdivision, including the affidavit of the seller that the buyer represented himself or herself to be a bona fide nonresident of this state and of the buyer that he or she is a nonresident of this state.

(31) **Youth activities equipment.** From the sale, storage, use, or other consumption in this state of items for not more than twenty dollars ($20.00) each by nonprofit Rhode Island eleemosynary organizations, for the purposes of youth activities that the organization is formed to sponsor and support; and by accredited elementary and secondary schools for the purposes of the schools or of organized activities of the enrolled students.

(32) **Farm equipment.** From the sale and from the storage or use of machinery and equipment used directly for commercial farming and agricultural production; including, but not limited to: tractors, ploughs, harrows, spreaders, seeders, milking machines, silage conveyors, balers, bulk milk storage tanks, trucks with farm plates, mowers, combines, irrigation equipment, greenhouses and greenhouse coverings, graders and packaging machines, tools and supplies and other farming equipment, including replacement parts appurtenant to or used in connection with commercial farming and tools and supplies used in the repair and maintenance of farming equipment. “Commercial farming” means the keeping or boarding of five (5) or more horses or the production within this state of agricultural products, including, but not limited to, field or orchard crops, livestock, dairy, and poultry, or their products, where the keeping, boarding, or production provides at least two thousand five hundred dollars ($2,500) in annual gross sales to the operator, whether an individual, a group, a partnership, or a corporation for exemptions issued prior to July 1, 2002. For exemptions issued or renewed after July 1, 2002, there shall be two (2) levels. Level I shall be based on proof of annual, gross sales from commercial farming of at least twenty-five hundred dollars ($2,500) and shall be valid for purchases subject to the exemption provided in this subdivision except for motor vehicles with an excise tax value of five thousand dollars ($5,000) or greater. Level II shall be based on proof of annual gross sales from commercial farming of at least ten thousand dollars ($10,000) or greater and shall be valid for
purchases subject to the exemption provided in this subdivision including motor vehicles with an
excise tax value of five thousand dollars ($5,000) or greater. For the initial issuance of the
exemptions, proof of the requisite amount of annual gross sales from commercial farming shall be
required for the prior year; for any renewal of an exemption granted in accordance with this
subdivision at either level I or level II, proof of gross annual sales from commercial farming at
the requisite amount shall be required for each of the prior two (2) years. Certificates of
exemption issued or renewed after July 1, 2002, shall clearly indicate the level of the exemption
and be valid for four (4) years after the date of issue. This exemption applies even if the same
equipment is used for ancillary uses, or is temporarily used for a non-farming or a non-
agricultural purpose, but shall not apply to motor vehicles acquired after July 1, 2002, unless the
vehicle is a farm vehicle as defined pursuant to § 31-1-8 and is eligible for registration displaying
farm plates as provided for in § 31-3-31.

(33) Compressed air. From the sale and from the storage, use, or other consumption in
the state of compressed air.

(34) Flags. From the sale and from the storage, consumption, or other use in this state of
United States, Rhode Island or POW-MIA flags.

(35) Motor vehicle and adaptive equipment to certain veterans. From the sale of a motor
vehicle and adaptive equipment to and for the use of a veteran with a service-connected loss of or
the loss of use of a leg, foot, hand, or arm, or any veteran who is a double amputee, whether
service connected or not. The motor vehicle must be purchased by and especially equipped for
use by the qualifying veteran. Certificate of exemption or refunds of taxes paid is granted under
rules or regulations that the tax administrator may prescribe.

(36) Textbooks. From the sale and from the storage, use, or other consumption in this
state of textbooks by an "educational institution", as defined in subdivision (18) of this section,
and any educational institution within the purview of § 16-63-9(4), and used textbooks by any
purveyor.

(37) Tangible personal property and supplies used in on-site hazardous waste recycling,
reuse, or treatment. From the sale, storage, use, or other consumption in this state of tangible
personal property or supplies used or consumed in the operation of equipment, the exclusive
function of which is the recycling, reuse, or recovery of materials (other than precious metals, as
defined in subdivision (24)(ii) of this section) from the treatment of "hazardous wastes", as
defined in § 23-19.1-4, where the "hazardous wastes" are generated in Rhode Island solely by the
same taxpayer and where the personal property is located at, in, or adjacent to a generating
facility of the taxpayer in Rhode Island. The taxpayer shall procure an order from the director of
the department of environmental management certifying that the equipment and/or supplies as used or consumed, qualify for the exemption under this subdivision. If any information relating to secret processes or methods of manufacture, production, or treatment is disclosed to the department of environmental management only to procure an order, and is a "trade secret" as defined in § 28-21-10(b), it is not open to public inspection or publicly disclosed unless disclosure is required under chapter 21 of title 28 or chapter 24.4 of title 23.

(38) Promotional and product literature of boat manufacturers. From the sale and from the storage, use, or other consumption of promotional and product literature of boat manufacturers shipped to points outside of Rhode Island that either: (i) Accompany the product that is sold; (ii) Are shipped in bulk to out-of-state dealers for use in the sale of the product; or (iii) Are mailed to customers at no charge.

(39) Food items paid for by food stamps. From the sale and from the storage, use, or other consumption in this state of eligible food items payment for which is properly made to the retailer in the form of U.S. government food stamps issued in accordance with the Food Stamp Act of 1977, 7 U.S.C. § 2011 et seq.

(40) Transportation charges. From the sale or hiring of motor carriers as defined in § 39-12-2(l) to haul goods, when the contract or hiring cost is charged by a motor freight tariff filed with the Rhode Island public utilities commission on the number of miles driven or by the number of hours spent on the job.

(41) Trade-in value of boats. From the sale and from the storage, use, or other consumption in this state of so much of the purchase price paid for a new or used boat as is allocated for a trade-in allowance on the boat of the buyer given in trade to the seller or of the proceeds applicable only to the boat as are received from an insurance claim as a result of a stolen or damaged boat, towards the purchase of a new or used boat by the buyer.

(42) Equipment used for research and development. From the sale and from the storage, use, or other consumption of equipment to the extent used for research and development purposes by a qualifying firm. For the purposes of this subdivision, "qualifying firm" means a business for which the use of research and development equipment is an integral part of its operation and "equipment" means scientific equipment, computers, software, and related items.

(43) Coins. From the sale and from the other consumption in this state of coins having numismatic or investment value.

(44) Farm structure construction materials. Lumber, hardware, and other materials used in the new construction of farm structures, including production facilities such as, but not limited to, farrowing sheds, free stall and stanchion barns, milking parlors, silos, poultry barns, laying
houses, fruit and vegetable storages, rooting cellars, propagation rooms, greenhouses, packing rooms, machinery storage, seasonal farm worker housing, certified farm markets, bunker and trench silos, feed storage sheds, and any other structures used in connection with commercial farming.

(45) **Telecommunications carrier access service.** Carrier access service or telecommunications service when purchased by a telecommunications company from another telecommunications company to facilitate the provision of telecommunications service.

(46) **Boats or vessels brought into the state exclusively for winter storage, maintenance, repair or sale.** Notwithstanding the provisions of §§ 44-18-10, 44-18-11 and 44-18-20, the tax imposed by § 44-18-20 is not applicable for the period commencing on the first day of October in any year up to and including the 30th day of April next succeeding with respect to the use of any boat or vessel within this state exclusively for purposes of: (i) Delivery of the vessel to a facility in this state for storage, including dry storage and storage in water by means of apparatus preventing ice damage to the hull, maintenance, or repair; (ii) The actual process of storage, maintenance, or repair of the boat or vessel; or (iii) Storage for the purpose of selling the boat or vessel.

(47) **Jewelry display product.** From the sale and from the storage, use, or other consumption in this state of tangible personal property used to display any jewelry product; provided that title to the jewelry display product is transferred by the jewelry manufacturer or seller and that the jewelry display product is shipped out of state for use solely outside the state and is not returned to the jewelry manufacturer or seller.

(48) **Boats or vessels generally.** Notwithstanding the provisions of this chapter, the tax imposed by §§ 44-18-20 and 44-18-18 shall not apply with respect to the sale and to the storage, use, or other consumption in this state of any new or used boat. The exemption provided for in this subdivision does not apply after October 1, 1993, unless prior to October 1, 1993, the federal ten percent (10%) surcharge on luxury boats is repealed.

(49) **Banks and regulated investment companies interstate toll-free calls.** Notwithstanding the provisions of this chapter, the tax imposed by this chapter does not apply to the furnishing of interstate and international, toll-free terminating telecommunication service that is used directly and exclusively by or for the benefit of an eligible company as defined in this subdivision; provided that an eligible company employs on average during the calendar year no less than five hundred (500) "full-time equivalent employees" as that term is defined in § 42-64.5-2. For purposes of this section, an "eligible company" means a "regulated investment company" as that term is defined in the Internal Revenue Code of 1986, 26 U.S.C. § 1 et seq., or a
corporation to the extent the service is provided, directly or indirectly, to or on behalf of a regulated investment company, an employee benefit plan, a retirement plan or a state-chartered bank.

(50) Mobile and manufactured homes generally. From the sale and from the storage, use, or other consumption in this state of mobile and/or manufactured homes as defined and subject to taxation pursuant to the provisions of chapter 44 of title 31.

(51) Manufacturing business reconstruction materials.

(i) From the sale and from the storage, use, or other consumption in this state of lumber, hardware, and other building materials used in the reconstruction of a manufacturing business facility that suffers a disaster, as defined in this subdivision, in this state. "Disaster" means any occurrence, natural or otherwise, that results in the destruction of sixty percent (60%) or more of an operating manufacturing business facility within this state. "Disaster" does not include any damage resulting from the willful act of the owner of the manufacturing business facility.

(ii) Manufacturing business facility includes, but is not limited to, the structures housing the production and administrative facilities.

(iii) In the event a manufacturer has more than one manufacturing site in this state, the sixty percent (60%) provision applies to the damages suffered at that one site.

(iv) To the extent that the costs of the reconstruction materials are reimbursed by insurance, this exemption does not apply.

(52) Tangible personal property and supplies used in the processing or preparation of floral products and floral arrangements. From the sale, storage, use, or other consumption in this state of tangible personal property or supplies purchased by florists, garden centers, or other like producers or vendors of flowers, plants, floral products, and natural and artificial floral arrangements that are ultimately sold with flowers, plants, floral products, and natural and artificial floral arrangements or are otherwise used in the decoration, fabrication, creation, processing, or preparation of flowers, plants, floral products, or natural and artificial floral arrangements, including descriptive labels, stickers, and cards affixed to the flower, plant, floral product, or arrangement, artificial flowers, spray materials, floral paint and tint, plant shine, flower food, insecticide and fertilizers.

(53) Horse food products. From the sale and from the storage, use, or other consumption in this state of horse food products purchased by a person engaged in the business of the boarding of horses.

(54) Non-motorized recreational vehicles sold to nonresidents.

(i) From the sale, subsequent to June 30, 2003, of a non-motorized recreational vehicle to
a bona fide nonresident of this state who does not register the non-motorized recreational vehicle
in this state, whether the sale or delivery of the non-motorized recreational vehicle is made in this
state or at the place of residence of the nonresident; provided that a non-motorized recreational
vehicle sold to a bona fide nonresident whose state of residence does not allow a like exemption
to its nonresidents is not exempt from the tax imposed under § 44-18-20; provided, further, that in
that event the bona fide nonresident pays a tax to Rhode Island on the sale at a rate equal to the
rate that would be imposed in his or her state of residence not to exceed the rate that would have
been imposed under § 44-18-20. Notwithstanding any other provisions of law, a licensed, non-
motorized recreational vehicle dealer shall add and collect the tax required under this subdivision
and remit the tax to the tax administrator under the provisions of chapters 18 and 19 of this title.

Provided, that when a Rhode Island licensed, non-motorized recreational vehicle dealer is
required to add and collect the sales and use tax on the sale of a non-motorized recreational
vehicle to a bona fide nonresident as provided in this section, the dealer in computing the tax
takes into consideration the law of the state of the nonresident as it relates to the trade-in of motor
vehicles.

(ii) The tax administrator, in addition to the provisions of §§ 44-19-27 and 44-19-28, may
require any licensed, non-motorized recreational vehicle dealer to keep records of sales to bona
fide nonresidents as the tax administrator deems reasonably necessary to substantiate the
exemption provided in this subdivision, including the affidavit of a licensed, non-motorized
recreational vehicle dealer that the purchaser of the non-motorized recreational vehicle was the
holder of, and had in his or her possession a valid out-of-state non-motorized recreational vehicle
registration or a valid out-of-state driver's license.

(iii) Any nonresident who registers a non-motorized recreational vehicle in this state
within ninety (90) days of the date of its sale to him or her is deemed to have purchased the non-
motorized recreational vehicle for use, storage, or other consumption in this state, and is subject
to, and liable for, the use tax imposed under the provisions of § 44-18-20.

(iv) "Non-motorized recreational vehicle" means any portable dwelling designed and
constructed to be used as a temporary dwelling for travel, camping, recreational, and vacation use
that is eligible to be registered for highway use, including, but not limited to, "pick-up coaches"
or "pick-up campers," "travel trailers," and "tent trailers" as those terms are defined in chapter 1
of title 31.

(55) Sprinkler and fire alarm systems in existing buildings. From the sale in this state of
sprinkler and fire alarm systems; emergency lighting and alarm systems; and the materials
necessary and attendant to the installation of those systems that are required in buildings and
occupancies existing therein in July 2003 in order to comply with any additional requirements for
such buildings arising directly from the enactment of the Comprehensive Fire Safety Act of 2003
and that are not required by any other provision of law or ordinance or regulation adopted
pursuant to that Act. The exemption provided in this subdivision shall expire on December 31,
2008.

(56) Aircraft. Notwithstanding the provisions of this chapter, the tax imposed by §§ 44-
18-18 and 44-18-20 shall not apply with respect to the sale and to the storage, use, or other
consumption in this state of any new or used aircraft or aircraft parts.

(57) Renewable energy products. Notwithstanding any other provisions of Rhode Island
general laws, the following products shall also be exempt from sales tax: solar photovoltaic
modules or panels, or any module or panel that generates electricity from light; solar thermal
collectors, including, but not limited to, those manufactured with flat glass plates, extruded
plastic, sheet metal, and/or evacuated tubes; geothermal heat pumps, including both water-to-
water and water-to-air type pumps; wind turbines; towers used to mount wind turbines if
specified by or sold by a wind turbine manufacturer; DC to AC inverters that interconnect with
utility power lines; and manufactured mounting racks and ballast pans for solar collector, module,
or panel installation. Not to include materials that could be fabricated into such racks; monitoring
and control equipment, if specified or supplied by a manufacturer of solar thermal, solar
photovoltaic, geothermal, or wind energy systems or if required by law or regulation for such
systems but not to include pumps, fans or plumbing or electrical fixtures unless shipped from the
manufacturer affixed to, or an integral part of, another item specified on this list; and solar storage
tanks that are part of a solar domestic hot water system or a solar space heating system. If the tank
comes with an external heat exchanger it shall also be tax exempt, but a standard hot water tank is
not exempt from state sales tax.

(58) Returned property. The amount charged for property returned by customers upon
rescission of the contract of sale when the entire amount exclusive of handling charges paid for
the property is refunded in either cash or credit, and where the property is returned within one
hundred twenty (120) days from the date of delivery.

(59) Dietary Supplements. From the sale and from the storage, use, or other consumption
of dietary supplements as defined in § 44-18-7.1(l)(v), sold on prescriptions.

(60) Blood. From the sale and from the storage, use, or other consumption of human
blood.

(61) Agricultural products for human consumption. From the sale and from the storage,
use, or other consumption of livestock and poultry of the kinds of products that ordinarily
constitute food for human consumption and of livestock of the kind the products of which
ordinarily constitutes fibers for human use.

(62) Diesel emission control technology. From the sale and use of diesel retrofit
technology that is required by § 31-47.3-4.

(63) Feed for certain animals used in commercial farming. From the sale of feed for
animals as described in § 44-18-30(61).

(64) Alcoholic beverages. From the sale and storage, use, or other consumption in this
state by a Class A licensee of alcoholic beverages, as defined in § 44-18-7.1, excluding beer and
malt beverages from December 1, 2013, through June 30, 2015; provided, further,
notwithstanding § 6-13-1 or any other general or public law to the contrary, alcoholic beverages,
as defined in § 44-18-7.1, shall not be subject to minimum markup from December 1, 2013,
through June 30, 2015.

(65) Electricity, gas and heating fuels. Effective July 1, 2015, twenty percent (20%) of
the gross receipts from the sale and from the storage, use, or other consumption in this state of
electricity, gas, and every type of fuel used in heating not covered under § 44-18-30(7), § 44-18-30(20) and § 44-18-30(21). Effective July 1, 2016, forty percent (40%) of the gross receipts from
the sale and from the storage, use, or other consumption in this state of electricity, gas, and every
type of fuel used in heating not covered under § 44-18-30(7), § 44-18-30(20) and § 44-18-30(21).

Effective July 1, 2017, sixty percent (60%) of the gross receipts from the sale and from the
storage, use, or other consumption in this state of electricity, gas, and every type of fuel used in
heating not covered under § 44-18-30(7), § 44-18-30(20) and § 44-18-30(21). Effective July 1,
2018, eighty percent (80%) of the gross receipts from the sale and from the storage, use, or other
consumption in this state of electricity, gas, and every type of fuel used in heating not covered
under § 44-18-30(7), § 44-18-30(20) and § 44-18-30(21). Effective July 1, 2019, one hundred
percent (100%) the gross receipts from the sale and from the storage, use, or other consumption in
this state of electricity, gas, and every type of fuel used in heating not covered under § 44-18-
30(7), § 44-18-30(20) and § 44-18-30(21).

titled "Sales and Use Tax – Liability and Computation" are hereby amended to read as follows:

44-18-7.3. Services defined. – (a) "Services" means all activities engaged in for other
persons for a fee, retainer, commission, or other monetary charge, which activities involve the
performance of a service in this state as distinguished from selling property.

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

1. (1) Taxicab and limousine services including but not limited to:
   (i) Taxicab services including taxi dispatchers (485310); and
   (ii) Limousine services (485320).

2. (2) Other road transportation service including but not limited to:
   (i) Charter bus service (485510); and
   (ii) All other transit and ground passenger transportation (485999).

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

(4)(i) "Room reseller" or "reseller" means any person, except a tour operator as defined in § 42-63.1-2, having any right, permission, license, or other authority from or through a hotel as defined in § 42-63.1-2, to reserve, or arrange the transfer of occupancy of, accommodations the reservation or transfer of which is subject to this chapter, such that the occupant pays all or a portion of the rental and other fees to the room reseller or reseller, room reseller or reseller shall include, but not be limited to, sellers of travel packages as defined in this section. Notwithstanding the provisions of any other law, where said reservation or transfer of occupancy is done using a room reseller or reseller, the application of the sales and use under §§ 44-18-18 and 44-18-20, and the hotel tax under § 44-18-36.1 shall be as follows: The room reseller or reseller is required to register with and shall collect and pay to the tax administrator the sales and use and hotel taxes, with said taxes being calculated upon the amount of rental and other fees paid by the occupant to the room reseller or reseller, less the amount of any rental and other fees paid by the room reseller or reseller to the hotel. The hotel shall collect and pay to the tax administrator said taxes upon the amount of rental and other fees paid to the hotel by the room reseller or reseller and/or the occupant. No assessment shall be made by the tax administrator against a hotel because of an incorrect remittance of the taxes under this chapter by a room reseller or reseller. No assessment shall be made by the tax administrator against a room reseller or reseller because of an incorrect remittance of the taxes under this chapter by a hotel. If the hotel has paid the taxes imposed under this chapter, the occupant and/or room reseller or reseller, as applicable, shall reimburse the hotel for said taxes. If the room reseller or reseller has paid said taxes, the occupant shall reimburse the room reseller or reseller for said taxes. Each hotel and room reseller or reseller shall add and collect from the occupant or the room reseller or the reseller the full amount of the taxes imposed on the rental and other fees. When added to the rental and other fees, the taxes shall be a debt owed by the occupant to the hotel or room reseller or reseller, as applicable, and shall be recoverable at law in the same manner as other debts. The amount of the taxes collected by the hotel and/or room reseller or reseller from the occupant
under this chapter shall be stated and charged separately from the rental and other fees, and shall be shown separately on all records thereof, whether made at the time the transfer of occupancy occurs, or on any evidence of the transfer issued or used by the hotel or the room reseller or the reseller. A room reseller or reseller shall not be required to disclose to the occupant the amount of tax charged by the hotel; provided, however, the room reseller or reseller shall represent to the occupant that the separately stated taxes charged by the room reseller or reseller include taxes charged by the hotel. No person shall operate a hotel in this state, or act as a room reseller or reseller for any hotel in the state, unless the tax administrator has issued a permit pursuant to § 44-19-1.

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

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

44-18-36.1. Hotel tax. — (a) There is imposed a hotel tax of five percent (5%) upon the total consideration charged for occupancy of any space furnished by any hotel, or room reseller or reseller as defined in § 44-18-7.3(c), in this state. The hotel tax is in addition to any sales tax imposed. This hotel tax is administered and collected by the division of taxation and unless provided to the contrary in this chapter, all the administration, collection, and other provisions of chapters 18 and 19 of this title apply. Nothing in this chapter shall be construed to limit the powers of the convention authority of the city of Providence established pursuant to the
provisions of chapter 84 of the public laws of 1980, except that distribution of hotel tax receipts shall be made pursuant to chapter 63.1 of title 42 rather than chapter 84 of the public laws of 1980.

(b) There is hereby levied and imposed, upon the total consideration charged for occupancy of any space furnished by any hotel in this state, in addition to all other taxes and fees now imposed by law, a local hotel tax at a rate of one percent (1%). The local hotel tax shall be administered and collected in accordance with subsection (a).

(c) All sums received by the division of taxation from the local hotel tax, penalties or forfeitures, interest, costs of suit and fines shall be distributed at least quarterly, credited and paid by the state treasurer to the city or town where the space for occupancy that is furnished by the hotel is located. Unless provided to the contrary in this chapter, all of the administration, collection, and other provisions of chapters 18 and 19 of this title shall apply.

(d) Notwithstanding the provisions of subsection (a) of this section, the city of Newport shall have the authority to collect from hotels located in the city of Newport the tax imposed by subsection (a) of this section.

(1) Within ten (10) days of collection of the tax, the city of Newport shall distribute the tax as provided in § 42-63.1-3. No later than the first day of March and the first day of September in each year in which the tax is collected, the city of Newport shall submit to the division of taxation a report of the tax collected and distributed during the six (6) month period ending thirty (30) days prior to the reporting date.

(2) The city of Newport shall have the same authority as the division of taxation to recover delinquent hotel taxes pursuant to chapter 44-19, and the amount of any hotel tax, penalty and interest imposed by the city of Newport until collected constitutes a lien on the real property of the taxpayer.

In recognition of the work being performed by the Streamlined Sales and Use Tax Governing Board, upon any federal law which authorizes states to requires remote sellers to collect and remit taxes, effective the first (1st) day of the first (1st) state fiscal quarter following the change, the rate imposed under § 44-18-36.1(b) shall be one and one-half percent (1.5%).

SECTION 9. Chapter 44-19 of the General Laws entitled “Sales and Use Taxes – Enforcement and Collection” is hereby amended by adding hereto the following section:

44-19-43. Managed Audit Program. - (a) The tax administrator may, in a written agreement with a taxpayer, authorize a taxpayer to conduct a managed audit pursuant to this section. The agreement shall specify the period to be audited and the procedure to be followed, and shall be signed by an authorized representative of the tax administrator and the taxpayer.
(b) For purposes of this section, the term "managed audit" means a review and analysis of invoices, checks, accounting records, or other documents or information to determine the correct amount of tax. A managed audit may include, but is not required to include, the following categories of liability under this Chapter, including tax on:

(i) Sales of one or more types of taxable items.
(ii) Purchases of assets.
(iii) Purchases of expense items.
(iv) Purchases under a direct payment permit.
(v) Any other category specified in an agreement authorized by this section. It shall be in the tax administrator’s sole discretion as to which categories of liability shall be included in any managed audit.

(c) The decision to authorize a managed audit rests solely with the tax administrator. In determining whether to authorize a managed audit, the tax administrator may consider, in addition to other facts the tax administrator may consider relevant, any of the following:

(i) The taxpayer's history of tax compliance.
(ii) The amount of time and resources the taxpayer has available to dedicate to the managed audit.
(iii) The extent and availability of the taxpayer's records.
(iv) The taxpayer's ability to pay any expected liability.

(d) The tax administrator may examine records and perform reviews that he determines are necessary before the managed audit is finalized to verify the results of the managed audit. Unless the managed audit or information reviewed by the tax administrator discloses fraud or willful evasion of the tax, the tax administrator may not assess a penalty and may waive all or a part of the interest that would otherwise accrue on any amount identified as due in a managed audit. This subsection (d) does not apply to any amount collected by the taxpayer that was a tax or represented to be a tax that was not remitted to the state.

SECTION 10. Sections 44-20-12 and 44-20-13 of the General Laws in Chapter 44-20 entitled “Cigarette Tax” are hereby amended to read as follows:

44-20-12. Tax imposed on cigarettes sold. -- A tax is imposed on all cigarettes sold or held for sale in the state. The payment of the tax to be evidenced by stamps, which may be affixed only by licensed distributors to the packages containing such cigarettes. Any cigarettes on which the proper amount of tax provided for in this chapter has been paid, payment being evidenced by the stamp, is not subject to a further tax under this chapter. The tax is at the rate of one hundred seventy-five (175) one hundred eighty-seven and one half (187.5) mills for each
44-20-13. Tax imposed on unstamped cigarettes. - A tax is imposed at the rate of one hundred seventy-five (175) one hundred eighty-seven and one half (187.5) mills for each cigarette upon the storage or use within this state of any cigarettes not stamped in accordance with the provisions of this chapter in the possession of any consumer within this state.

SECTION 11. Chapter 44-20 of the General Laws entitled “Cigarette Tax” is hereby amended by adding hereto the following section:

44-20-12.5. Floor stock tax on cigarettes and stamps. – (a) Whenever used in this section, unless the context requires otherwise:

(1) “Cigarette” means any cigarette as defined in § 44-20-1(2);

(2) “Person” means each individual, firm, fiduciary, partnership, corporation, trust, or association, however formed.

(b) Each person engaging in the business of selling cigarettes at retail in this state shall pay a tax or excise to the state for the privilege of engaging in that business during any part of the calendar year 2015. In calendar year 2015, the tax shall be measured by the number of cigarettes held by the person in this state at 12:01 a.m. on August 1, 2015 and is computed at the rate of twelve and one half (12.5) mills for each cigarette on August 1, 2015.

(c) Each distributor licensed to do business in this state pursuant to this chapter shall pay a tax or excise to the state for the privilege of engaging in that business during any part of the calendar year 2015. The tax is measured by the number of stamps, whether affixed or to be affixed to packages of cigarettes, as required by § 44-20-28. In calendar year 2015 the tax is measured by the number of stamps, as defined in § 44-20-1(10), whether affixed or to be affixed, held by the distributor at 12:01 a.m. on August 1, 2015, and is computed at the rate of twelve and one half (12.5) mills per cigarette in the package to which the stamps are affixed or to be affixed.

(d) Each person subject to the payment of the tax imposed by this section shall, on or before August 15, 2015, file a return, under oath or certified under the penalties of perjury, with the tax administrator on forms furnished by him or her, showing the amount of cigarettes and under subsection (b) above the number of stamps under subsection (c) above, in that person’s possession in this state at 12:01 a.m. on August 1, 2015, and the amount of tax due, and shall at the time of filing the return pay the tax to the tax administrator. Failure to obtain forms shall not be an excuse for the failure to make a return containing the information required by the tax administrator.

(e) The tax administrator may prescribe rules and regulations, not inconsistent with law, with regard to the assessment and collection of the tax imposed by this section.
SECTION 12. Section 44-30-2.6 and 44-30-12 of General Laws in Chapter 44-30 entitled “Personal Income Tax” is hereby amended to read as follows:

44-30-2.6. Rhode Island taxable income — Rate of tax. — (a) “Rhode Island taxable income” means federal taxable income as determined under the Internal Revenue Code, 26 U.S.C. § 1 et seq., not including the increase in the basic standard deduction amount for married couples filing joint returns as provided in the Jobs and Growth Tax Relief Reconciliation Act of 2003 and the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA), and as modified by the modifications in § 44-30-12.

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

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

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

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

(A) Tax imposed.

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

<table>
<thead>
<tr>
<th>If taxable income is:</th>
<th>The tax is:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not over $53,150</td>
<td>3.75% of taxable income</td>
</tr>
<tr>
<td>Over $53,150 but not over $128,500</td>
<td>$1,993.13 plus 7.00% of the excess over $53,150</td>
</tr>
<tr>
<td>Over $128,500 but not over $195,850</td>
<td>$7,267.63 plus 7.75% of the excess over $128,500</td>
</tr>
<tr>
<td>Over $195,850 but not over $349,700</td>
<td>$12,487.25 plus 9.00% of the excess over $195,850</td>
</tr>
<tr>
<td>Over $349,700</td>
<td>$26,333.75 plus 9.90% of the excess over $349,700</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>If taxable income is:</th>
<th>The tax is:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not over $42,650</td>
<td>3.75% of taxable income</td>
</tr>
<tr>
<td>Over $42,650 but not over $110,100</td>
<td>$1,599.38 plus 7.00% of the excess over $42,650</td>
</tr>
<tr>
<td>Over $110,100 but not over $178,350</td>
<td>$6,320.88 plus 7.75% of the excess over $110,100</td>
</tr>
<tr>
<td>Over $178,350 but not over $349,700</td>
<td>$11,610.25 plus 9.00% of the excess over $178,350</td>
</tr>
<tr>
<td>Over $349,700</td>
<td>$27,031.75 plus 9.90% of the excess over $349,700</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>If taxable income is:</th>
<th>The tax is:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not over $31,850</td>
<td>3.75% of taxable income</td>
</tr>
<tr>
<td>Over $31,850 but not over $77,100</td>
<td>$1,194.38 plus 7.00% of the excess over $31,850</td>
</tr>
<tr>
<td>Over $77,100 but not over $160,850</td>
<td>$4,361.88 plus 7.75% of the excess over $77,100</td>
</tr>
<tr>
<td>Over $160,850 but not over $349,700</td>
<td>$10,852.50 plus 9.00% of the excess over $160,850</td>
</tr>
<tr>
<td>Over $349,700</td>
<td>$27,849.00 plus 9.90% of the excess over $349,700</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>If taxable income is:</th>
<th>The tax is:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not over $26,575</td>
<td>3.75% of taxable income</td>
</tr>
<tr>
<td>Over $26,575 but not over $64,250</td>
<td>$996.56 plus 7.00% of the excess over $26,575</td>
</tr>
<tr>
<td>If taxable income is:</td>
<td>The tax is:</td>
</tr>
<tr>
<td>----------------------</td>
<td>------------</td>
</tr>
<tr>
<td>Not over $2,150</td>
<td>3.75% of taxable income</td>
</tr>
<tr>
<td>Over $2,150 but not over $5,000</td>
<td>$80.63 plus 7.00% of the excess over $2,150</td>
</tr>
<tr>
<td>Over $5,000 but not over $7,650</td>
<td>$280.13 plus 7.75% of the excess over $5,000</td>
</tr>
<tr>
<td>Over $7,650 but not over $10,450</td>
<td>$485.50 plus 9.00% of the excess over $7,650</td>
</tr>
<tr>
<td>Over $10,450</td>
<td>$737.50 plus 9.90% of the excess over $10,450</td>
</tr>
</tbody>
</table>

(6) Adjustments for inflation. The dollars amount contained in paragraph (A) shall be increased by an amount equal to:

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

(B) Maximum capital gains rates

(1) In general. If a taxpayer has a net capital gain for tax years ending prior to January 1, 2010, the tax imposed by this section for such taxable year shall not exceed the sum of:

- (a) 2.5% of the net capital gain as reported for federal income tax purposes under section 26 U.S.C. 1(h)(1)(a) and 26 U.S.C. 1(h)(1)(b).
- (b) 5% of the net capital gain as reported for federal income tax purposes under 26 U.S.C. 1(h)(1)(c).
- (c) 6.25% of the net capital gain as reported for federal income tax purposes under 26 U.S.C. 1(h)(1)(d).
- (d) 7% of the net capital gain as reported for federal income tax purposes under 26 U.S.C. 1(h)(1)(e).

(2) For tax years beginning on or after January 1, 2010 the tax imposed on net capital gain shall be determined under subdivision 44-30-2.6(c)(2)(A).
itemized deductions as modified by the modifications in § 44-30-12.

(2) Individuals who do not itemize their deductions. In the case of an individual who does not elect to itemize his deductions for the taxable year, they may elect to take a standard deduction.

(3) Basic standard deduction. The Rhode Island standard deduction shall be allowed in accordance with the following table:

<table>
<thead>
<tr>
<th>Filing status</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single</td>
<td>$5,350</td>
</tr>
<tr>
<td>Married filing jointly or qualifying widow(er)</td>
<td>$8,900</td>
</tr>
<tr>
<td>Married filing separately</td>
<td>$4,450</td>
</tr>
<tr>
<td>Head of Household</td>
<td>$7,850</td>
</tr>
</tbody>
</table>

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

(5) Limitation on basic standard deduction in the case of certain dependents. In the case of an individual to whom a deduction under section (E) is allowable to another taxpayer, the basic standard deduction applicable to such individual shall not exceed the greater of:

(a) $850;

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

(6) Certain individuals not eligible for standard deduction. In the case of:

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

(b) Nonresident alien individual;

(c) An estate or trust;

The standard deduction shall be zero.

(7) Adjustments for inflation. Each dollars amount contained in paragraphs (3), (4) and (5) shall be increased by an amount equal to:

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

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

(D) Overall limitation on itemized deductions

(1) General rule.

In the case of an individual whose adjusted gross income as modified by § 44-30-12 exceeds the applicable amount, the amount of the itemized deductions otherwise allowable for the taxable year shall be reduced by the lesser of:
(a) Three percent (3%) of the excess of adjusted gross income as modified by § 44-30-12 over the applicable amount; or
(b) Eighty percent (80%) of the amount of the itemized deductions otherwise allowable for such taxable year.
(2) Applicable amount.
(a) In general.
For purposes of this section, the term "applicable amount" means $156,400 ($78,200 in the case of a separate return by a married individual)
(b) Adjustments for inflation. Each dollar amount contained in paragraph (a) shall be increased by an amount equal to:
(i) Such dollar amount contained in paragraph (a) in the year 1991, multiplied by
(3) Phase-out of Limitation.
(a) In general.
In the case of taxable year beginning after December 31, 2005, and before January 1, 2010, the reduction under section (1) shall be equal to the applicable fraction of the amount which would be the amount of such reduction.
(b) Applicable fraction.
For purposes of paragraph (a), the applicable fraction shall be determined in accordance with the following table:

<table>
<thead>
<tr>
<th>Year</th>
<th>Fraction</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006 and 2007</td>
<td>2/3</td>
</tr>
<tr>
<td>2008 and 2009</td>
<td>1/3</td>
</tr>
</tbody>
</table>

(E) Exemption amount
(1) In general.
Except as otherwise provided in this subsection, the term "exemption amount" means $3,400.
(2) Exemption amount disallowed in case of certain dependents.
In the case of an individual with respect to whom a deduction under this section is allowable to another taxpayer for the same taxable year, the exemption amount applicable to such individual for such individual's taxable year shall be zero.
(3) Adjustments for inflation.
The dollar amount contained in paragraph (1) shall be increased by an amount equal to:
(a) Such dollar amount contained in paragraph (1) in the year 1989, multiplied by
(b) The cost-of-living adjustment determined under section (J) with a base year of 1989.

(4) Limitation.

(a) In general.

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

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

(c) Threshold Amount. For the purposes of this paragraph, the term "threshold amount" shall be determined with the following table:

<table>
<thead>
<tr>
<th>Filing status</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single</td>
<td>$156,400</td>
</tr>
<tr>
<td>Married filing jointly of qualifying widow(er)</td>
<td>$234,600</td>
</tr>
<tr>
<td>Married filing separately</td>
<td>$117,300</td>
</tr>
<tr>
<td>Head of Household</td>
<td>$195,500</td>
</tr>
</tbody>
</table>

(d) Adjustments for inflation.

Each dollars amount contain in paragraph (b) shall be increased by an amount equal to:

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


(5) Phase-out of Limitation.

(a) In general.

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

(b) Applicable fraction.

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

<table>
<thead>
<tr>
<th>For taxable years beginning in calendar year</th>
<th>The applicable fraction is</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006 and 2007</td>
<td>2/3</td>
</tr>
<tr>
<td>2008 and 2009</td>
<td>1/3</td>
</tr>
</tbody>
</table>

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

(a) The tentative minimum tax for the taxable year, over
(b) The regular tax for the taxable year.

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

(a) 6.5 percent of so much of the taxable excess as does not exceed $175,000, plus
(b) 7.0 percent of so much of the taxable excess above $175,000.

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

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

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

(6) Exemption amount. For purposes of this section "exemption amount" means:

<table>
<thead>
<tr>
<th>Filing status</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single</td>
<td>$39,150</td>
</tr>
<tr>
<td>Married filing jointly or qualifying widow(er)</td>
<td>$53,700</td>
</tr>
<tr>
<td>Married filing separately</td>
<td>$26,850</td>
</tr>
<tr>
<td>Head of Household</td>
<td>$39,150</td>
</tr>
<tr>
<td>Estate or trust</td>
<td>$24,650</td>
</tr>
</tbody>
</table>

(7) Treatment of unearned income of minor children

(a) In general.

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

(i) Such child's earned income, plus
(ii) $6,000.

(8) Adjustments for inflation.

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

(a) Such dollar amount contained in paragraphs (6) and (7) in the year 2004, multiplied
by
(b) The cost-of-living adjustment determined under section (J) with a base year of 2004.

(9) Phase-out.
(a) In general.

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

(b) Threshold amount. For purposes of this paragraph, the term "threshold amount" shall be determined with the following table:

<table>
<thead>
<tr>
<th>Filing status</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single</td>
<td>$123,250</td>
</tr>
<tr>
<td>Married filing jointly or qualifying widow(er)</td>
<td>$164,350</td>
</tr>
<tr>
<td>Married filing separately</td>
<td>$82,175</td>
</tr>
<tr>
<td>Head of Household</td>
<td>$123,250</td>
</tr>
<tr>
<td>Estate or Trust</td>
<td>$82,150</td>
</tr>
</tbody>
</table>

(c) Adjustments for inflation

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

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

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

(G) Other Rhode Island taxes

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

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

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

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

(H) Tax for children under 18 with investment income

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

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

(I) Averaging of farm income

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

(a) The Federal averaging of farm income as determined in IRC section 1301.

(J) Cost-of-living adjustment

(1) In general.

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

(a) The CPI for the preceding calendar year exceeds...
(b) The CPI for the base year.

(2) CPI for any calendar year. For purposes of paragraph (1), the CPI for any calendar year is the average of the Consumer Price Index as of the close of the twelve (12) month period ending on August 31 of such calendar year.

(3) Consumer Price Index

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

(4) Rounding.

(a) In general.

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

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

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

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

(2) Child and dependent care credit;

(3) General business credits;

(4) Credit for elderly or the disabled;

(5) Credit for prior year minimum tax;

(6) Mortgage interest credit;

(7) Empowerment zone employment credit;

(8) Qualified electric vehicle credit.

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

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

(N) Rhode Island earned income credit

(1) In general.

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

For tax years beginning on or after January 1, 2016, and before January 1, 2017, a taxpayer entitled to a federal earned income credit shall be allowed a Rhode Island earned income credit equal to twelve and one-half percent (12.5%) of the federal earned income credit. Such credit shall not exceed the amount of the Rhode Island income tax.

For tax years beginning on or after January 1, 2015 a taxpayer entitled to a federal earned income credit shall be allowed a Rhode Island earned income credit equal to fifteen percent (15%) of the federal earned income credit. Such credit shall not exceed the amount of the Rhode Island income tax.

(2) Refundable portion.

In the event the Rhode Island earned income credit allowed under section (J) exceeds the amount of Rhode Island income tax, a refundable earned income credit shall be allowed.

(a) For purposes of paragraph (2) refundable earned income credit means one hundred percent (100%) of the amount by which the Rhode Island earned income credit exceeds the Rhode Island income tax.

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

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

<table>
<thead>
<tr>
<th>RI Taxable Income</th>
<th>RI Income Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over</td>
<td>But not Over</td>
</tr>
<tr>
<td>$0 -</td>
<td>$55,000</td>
</tr>
<tr>
<td>$55,000 -</td>
<td>125,000</td>
</tr>
<tr>
<td>125,000 -</td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>RI Taxable Income</th>
<th>RI Income Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over</td>
<td>But not Over</td>
</tr>
<tr>
<td>$0 -</td>
<td>$2,230</td>
</tr>
<tr>
<td>$2,230 -</td>
<td>7,022</td>
</tr>
<tr>
<td>7,022 -</td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Filing status:</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single</td>
<td>$7,500</td>
</tr>
<tr>
<td>Married filing jointly or qualifying widow(er)</td>
<td>$15,000</td>
</tr>
<tr>
<td>Married filing separately</td>
<td>$7,500</td>
</tr>
<tr>
<td>Head of Household</td>
<td>$11,250</td>
</tr>
</tbody>
</table>

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

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

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

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

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

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

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


(III) For the purposes of this section the cost-of-living adjustment for any calendar year is the percentage (if any) by which the consumer price index for the preceding calendar year exceeds the consumer price index for the base year. The consumer price index for any calendar year is the average of the consumer price index as of the close of the twelve (12) month period ending on August 31, of such calendar year.

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

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

(E) Credits against tax.

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

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

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

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

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

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

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

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

(h) Tax credits for contributions to Scholarship Organizations: Credit shall be allowed for
contributions to scholarship organizations as provided in § 44-62 et seq.

(i) Credit for tax withheld. - Wages upon which tax is required to be withheld shall be
taxable as if no withholding were required, but any amount of Rhode Island personal income tax
actually deducted and withheld in any calendar year shall be deemed to have been paid to the tax
administrator on behalf of the person from whom withheld, and the person shall be credited with
having paid that amount of tax for the taxable year beginning in that calendar year. For a taxable
year of less than twelve (12) months, the credit shall be made under regulations of the tax
administrator.

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

44-30-12. Rhode Island income of a resident individual. -- (a) General. The Rhode
Island income of a resident individual means his or her adjusted gross income for federal income
tax purposes, with the modifications specified in this section.

(b) Modifications increasing federal adjusted gross income. There shall be added to
federal adjusted gross income:

(1) Interest income on obligations of any state, or its political subdivisions, other than
Rhode Island or its political subdivisions;

(2) Interest or dividend income on obligations or securities of any authority, commission, or instrumentality of the United States, but not of Rhode Island or its political subdivisions, to the extent exempted by the laws of the United States from federal income tax but not from state income taxes;

(3) The modification described in § 44-30-25(g);

(4)(i) The amount defined below of a nonqualified withdrawal made from an account in the tuition savings program pursuant to § 16-57-6.1. For purposes of this section, a nonqualified withdrawal is:

(A) A transfer or rollover to a qualified tuition program under Section 529 of the Internal Revenue Code, 26 U.S.C. § 529, other than to the tuition savings program referred to in § 16-57-6.1; and

(B) A withdrawal or distribution which is:

(I) Not applied on a timely basis to pay "qualified higher education expenses" as defined in § 16-57-3(12) of the beneficiary of the account from which the withdrawal is made;

(II) Not made for a reason referred to in § 16-57-6.1(e); or

(III) Not made in other circumstances for which an exclusion from tax made applicable by Section 529 of the Internal Revenue Code, 26 U.S.C. § 529, pertains if the transfer, rollover, withdrawal or distribution is made within two (2) taxable years following the taxable year for which a contributions modification pursuant to subdivision (c)(4) of this section is taken based on contributions to any tuition savings program account by the person who is the participant of the account at the time of the contribution, whether or not the person is the participant of the account at the time of the transfer, rollover, withdrawal or distribution;

(ii) In the event of a nonqualified withdrawal under subparagraphs (i)(A) or (i)(B) of this subdivision, there shall be added to the federal adjusted gross income of that person for the taxable year of the withdrawal an amount equal to the lesser of:

(A) The amount equal to the nonqualified withdrawal reduced by the sum of any administrative fee or penalty imposed under the tuition savings program in connection with the nonqualified withdrawal plus the earnings portion thereof, if any, includible in computing the person's federal adjusted gross income for the taxable year; and

(B) The amount of the person's contribution modification pursuant to subdivision (c)(4) of this section for the person's taxable year of the withdrawal and the two (2) prior taxable years less the amount of any nonqualified withdrawal for the two (2) prior taxable years included in computing the person's Rhode Island income by application of this subsection for those years.
Any amount added to federal adjusted gross income pursuant to this subdivision shall constitute Rhode Island income for residents, nonresidents and part-year residents; and


(6) The amount equal to any unemployment compensation received but not included in federal adjusted gross income.

(7) The amount equal to the deduction allowed for sales tax paid for a purchase of a qualified motor vehicle as defined by the Internal Revenue Code § 164(a)(6).

(c) Modifications reducing federal adjusted gross income. There shall be subtracted from federal adjusted gross income:

(1) Any interest income on obligations of the United States and its possessions to the extent includible in gross income for federal income tax purposes, and any interest or dividend income on obligations, or securities of any authority, commission, or instrumentality of the United States to the extent includible in gross income for federal income tax purposes but exempt from state income taxes under the laws of the United States; provided, that the amount to be subtracted shall in any case be reduced by any interest on indebtedness incurred or continued to purchase or carry obligations or securities the income of which is exempt from Rhode Island personal income tax, to the extent the interest has been deducted in determining federal adjusted gross income or taxable income;

(2) A modification described in § 44-30-25(f) or § 44-30-1.1(c)(1);

(3) The amount of any withdrawal or distribution from the "tuition savings program" referred to in § 16-57-6.1 which is included in federal adjusted gross income, other than a withdrawal or distribution or portion of a withdrawal or distribution that is a nonqualified withdrawal;

(4) Contributions made to an account under the tuition savings program, including the "contributions carryover" pursuant to paragraph (iv) of this subdivision, if any, subject to the following limitations, restrictions and qualifications:

(i) The aggregate subtraction pursuant to this subdivision for any taxable year of the taxpayer shall not exceed five hundred dollars ($500) or one thousand dollars ($1,000) if a joint return;

(ii) The following shall not be considered contributions:

(A) Contributions made by any person to an account who is not a participant of the account at the time the contribution is made;

(B) Transfers or rollovers to an account from any other tuition savings program account or from any other "qualified tuition program" under section 529 of the Internal Revenue Code, 26
(C) A change of the beneficiary of the account;
(iii) The subtraction pursuant to this subdivision shall not reduce the taxpayer's federal adjusted gross income to less than zero (0);
(iv) The contributions carryover to a taxable year for purpose of this subdivision is the excess, if any, of the total amount of contributions actually made by the taxpayer to the tuition savings program for all preceding taxable years for which this subsection is effective over the sum of:
(A) The total of the subtractions under this subdivision allowable to the taxpayer for all such preceding taxable years; and
(B) That part of any remaining contribution carryover at the end of the taxable year which exceeds the amount of any nonqualified withdrawals during the year and the prior two (2) taxable years not included in the addition provided for in this subdivision for those years. Any such part shall be disregarded in computing the contributions carryover for any subsequent taxable year;
(v) For any taxable year for which a contributions carryover is applicable, the taxpayer shall include a computation of the carryover with the taxpayer's Rhode Island personal income tax return for that year, and if for any taxable year on which the carryover is based the taxpayer filed a joint Rhode Island personal income tax return but filed a return on a basis other than jointly for a subsequent taxable year, the computation shall reflect how the carryover is being allocated between the prior joint filers; and
(5) The modification described in § 44-30-25.1(d)(1).
(6) Amounts deemed taxable income to the taxpayer due to payment or provision of insurance benefits to a dependent, including a domestic partner pursuant to chapter 12 of title 36 or other coverage plan,
(7) Modification for organ transplantation. (i) An individual may subtract up to ten thousand dollars ($10,000) from federal adjusted gross income if he or she, while living, donates one or more of his or her human organs to another human being for human organ transplantation, except that for purposes of this subsection, "human organ" means all or part of a liver, pancreas, kidney, intestine, lung, or bone marrow. A subtract modification that is claimed hereunder may be claimed in the taxable year in which the human organ transplantation occurs.
(ii) An individual may claim that subtract modification hereunder only once, and the subtract modification may be claimed for only the following unreimbursed expenses that are incurred by the claimant and related to the claimant's organ donation:
(A) Travel expenses.
(B) Lodging expenses.
(C) Lost wages.

(iii) The subtract modification hereunder may not be claimed by a part-time resident or a nonresident of this state.

(8) For a person who files a return as an unmarried individual, head of household or married filing separate whose federal adjusted gross income for such taxable year is less than fifty thousand dollars, or a married individual filing jointly or individual filing qualifying widow(er) whose federal adjusted gross income for such taxable year is less than sixty thousand dollars, an amount equal to the social security benefits includable in federal adjusted gross income.

(d) Modification for Rhode Island fiduciary adjustment. There shall be added to or subtracted from federal adjusted gross income (as the case may be) the taxpayer's share, as beneficiary of an estate or trust, of the Rhode Island fiduciary adjustment determined under § 44-30-17.

(e) Partners. The amounts of modifications required to be made under this section by a partner, which relate to items of income or deduction of a partnership, shall be determined under § 44-30-15.

SECTION 13. Section 44-64-3 of General Laws in Chapter 44-64 entitled “The Outpatient Health Care Facility Surcharge” is hereby amended to read as follows:

44-64-3. Imposition of surcharge – Outpatient health care facility. – (a) For the purposes of this section, an “outpatient health care facility” means a person or governmental unit that is licensed to establish, maintain, and operate a free-standing ambulatory surgery center or a physician ambulatory surgery center or a podiatry ambulatory surgery center, in accordance with chapter 17 of title 23.

(b) A surcharge at a rate of two percent (2.0%) shall be imposed upon the net patient services revenue received each month by every outpatient health care facility. Every provider shall pay the monthly surcharge no later than the twenty-fifth (25th) day of the month following the month that the gross patient revenue is received. This surcharge shall be in addition to any other authorized fees that have been assessed upon outpatient facilities.

(c) Effective July 1, 2015, a surcharge at a rate of one and one-half percent (1.5%) shall be imposed upon the net patient services revenue received each month by every outpatient health care facility. Every provider shall pay the monthly surcharge no later than the twenty-fifth (25th) day of the month following the month that the gross patient revenue is received. This surcharge shall be in addition to any other authorized fees that have been assessed upon outpatient facilities.
(d) Effective July 1, 2016, a surcharge at a rate of one percent (1.0%) shall be imposed upon the net patient services revenue received each month by every outpatient health care facility. Every provider shall pay the monthly surcharge no later than the twenty-fifth (25th) day of the month following the month that the gross patient revenue is received. This surcharge shall be in addition to any other authorized fees that have been assessed upon outpatient facilities.

(e) Effective July 1, 2017, a surcharge at a rate of one-half percent (0.5%) shall be imposed upon the net patient services revenue received each month by every outpatient health care facility. Every provider shall pay the monthly surcharge no later than the twenty-fifth (25th) day of the month following the month that the gross patient revenue is received. This surcharge shall be in addition to any other authorized fees that have been assessed upon outpatient facilities.

(f) Effective July 1, 2018, the surcharge imposed upon the net patient services revenue under this chapter is hereby repealed.

SECTION 14. Section 44-65-3 of General Laws in Chapter 44-64 entitled “Imaging Services Surcharge” is hereby amended to read as follows:

44-65-3. Imposition of surcharge. – (a) A surcharge shall be imposed upon the net patient revenue received by every provider in each month at a rate of two percent (2.0%). Every provider shall pay the monthly surcharge no later than the twenty-fifth (25th) day of each month following the month of receipt of net patient services revenue. This surcharge shall be in addition to any other fees or assessments upon the provider allowable by law.

(b) Effective July 1, 2015, a surcharge shall be imposed upon the net patient revenue received by every provider in each month at a rate of one and one-half percent (1.5%). Every provider shall pay the monthly surcharge no later than the twenty-fifth (25th) day of each month following the month of receipt of net patient services revenue. This surcharge shall be in addition to any other fees or assessments upon the provider allowable by law.

(c) Effective July 1, 2016, a surcharge shall be imposed upon the net patient revenue received by every provider in each month at a rate of one percent (1.0%). Every provider shall pay the monthly surcharge no later than the twenty-fifth (25th) day of each month following the month of receipt of net patient services revenue. This surcharge shall be in addition to any other fees or assessments upon the provider allowable by law.

(d) Effective July 1, 2017, a surcharge shall be imposed upon the net patient revenue received by every provider in each month at a rate of one-half percent (0.5%). Every provider shall pay the monthly surcharge no later than the twenty-fifth (25th) day of each month following the month of receipt of net patient services revenue. This surcharge shall be in addition to any other fees or assessments upon the provider allowable by law.
(e) Effective July 1, 2018, the surcharge imposed upon the net patient service revenue under this chapter is hereby repealed.

SECTION 15. Title 44 of the General Laws entitled “Taxation” is hereby amended by adding thereto the following chapter:

CHAPTER 70
THE NON-OWNER OCCUPIED PROPERTY TAX

44-70-1. Short title. – This chapter shall be known as “The Non-Owner Occupied Property Tax.”

44-70-2. Purpose. – (a) The state funds cities and towns pursuant to chapter § 45-13.

(b) There is a compelling state interest in protecting the tax base of its cities and towns.

(c) There are numerous non-owner occupied residential properties throughout the cities and towns of Rhode Island assessed at values over $1 million dollars ($1,000,000).

(d) The existence of such properties within a city or town has an impact on the value of real property within the cities and towns and the tax base within these cities and towns.

(e) Non-owner occupied properties sometimes place a greater demand on essential state, city or town services such as police and fire protection than do occupied properties comparably assessed for real estate tax purposes.

(f) The residents of non-owner occupied properties are not vested with a motive to maintain such properties.

(g) The owners of non-owner occupied properties do not always contribute a fair share of the costs of providing the foregoing essential state, city or town services financed in part by real estate tax revenues, which revenues are solely based on the assessed value of properties.

(h) Some properties are deliberately left vacant by their owners in the hope that real estate values will increase, thereby enabling the owners to sell these properties at a substantial profit without making any of the necessary repairs or improvements to the property.

(i) The non-owner occupation of such property whether for profit speculation, tax benefit, or any other purposes is the making use of that property and as such, is a privilege incident to the ownership of the property.

(j) Owners of non-owner occupied properties must be encouraged to use the properties in a positive manner to stop the spread of deterioration, to increase the stock of viable real estate within a city or town, and to maintain real estate values within communities.

(k) Owners of non-owner occupied properties must be required, through a state’s power to tax, to pay a fair share of the cost of providing certain essential state services to protect the public health, safety, and welfare.
(l) For all of the reasons stated within this section, the purpose of this chapter is to impose a state-wide tax upon non-owner occupied residential property assessed at a value of one million dollars ($1,000,000) or more.

**44-70-3. Definitions.** The following words and phrases as used in this chapter have the following meaning:

(a) “Administrator” means the tax administrator within the department of revenue.

(b) “Assessed value” means the assessed value of the real estate as returned by the tax assessor of the city or town where the property is located.

(c) “Person” means any individual, corporation, company, association, partnership, joint stock association, and the legal successor thereof or any other entity or group organization against which a tax may be assessed.

(d) “Non-owner occupied” means that the residential property is not occupied by the owner of the property for a majority of the privilege year. A seasonal or vacation occupancy is deemed non-owner occupied residency for the purposes of this chapter.

(e) “Non-owner occupied tax” means the assessment imposed upon the non-owner occupied residential property assessed at one million dollars ($1,000,000) or more pursuant to this chapter.

(f) “Taxable year” means July 1 through June 30.

**44-70-4. Imposition of Tax.** The tax administrator of the state of Rhode Island is empowered to impose a tax upon the privilege of utilizing property as non-owner occupied residential property within the state during any privilege year commencing with the privilege year beginning July 1, 2015 and every tax year thereafter. The non-owner occupied tax shall be in addition to any other taxes authorized by the general or public laws.

**44-70-5. Exemptions:** This act does not supersede any applicable exemption in the general or public laws; provided, however, that the tax administrator shall be provided with the alleged basis for that exemption in writing and may reject said alleged exemption if he/she deems said exemption is not applicable.

**44-70-6. Rate of tax.** The tax authorized by this chapter shall be measured by the assessed value of the real estate at the rate two dollars and fifty cents ($2.50) for each one thousand dollars ($1,000) or fractional part of the assessed value.

**44-70-7. Returns.** The tax imposed under authority of this chapter shall be due and payable in four (4) equal installments. The first installment shall be paid on or before September 15 of the taxable year, the second installment shall be paid on or before December 15 of the taxable year, the third installment shall be paid on or before March 15 of the taxable year, and
fourth installment shall be paid on or before June 15 of the taxable year.

(b) The tax administrator is authorized to adopt rules, pursuant to this chapter, relative to
the form of the return and the data that it must contained on the return for the correct computation
of the imposed tax. All returns shall be signed by the taxpayer or by its authorized representative,
subject to the pains and penalties of perjury. If a return shows an overpayment of the tax due, the
tax administrator shall refund or credit the overpayment to the taxpayer.

(c) The tax administrator, for good cause shown, may extend the time within which a
taxpayer is required to file a return, and if the return is filed during the period of extension. No
penalty or late filing charge may be imposed for failure to file the return at the time required by
this chapter, but the taxpayer shall be liable for interest as prescribed in this chapter. Failure to
file the return during the period for the extension shall void the extension.

44-70-8. Set-off for delinquent payment of tax. – If a taxpayer shall fail to pay a tax
within thirty (30) days of its due date, the tax administrator may request any agency of state
government making payments to the taxpayer to set-off the amount of the delinquency against
any payment due the taxpayer from the agency of state government and remit the sum to the tax
administrator. Upon receipt of the set-off request from the tax administrator, any agency of state
government is authorized and empowered to set-off the amount of the delinquency against any
payment or amounts due the taxpayer. The amount of set-off shall be credited against the tax due
from the taxpayer.

44-70-9. Tax on available information – Interest on delinquencies – Penalties –
Collection powers. – If any taxpayer shall fail to file a return within the time required by this
chapter, or shall file an insufficient or incorrect return, or shall not pay the tax imposed by this
chapter when it is due, the tax administrator shall assess the tax upon the information as may be
available, which shall be payable upon demand and shall bear interest at the annual rate provided
by § 44-1-7 of the Rhode Island general laws, as amended, from the date when the tax should
have been paid. If any part of the tax made is due to negligence or intentional disregard of the
provisions of this chapter, a penalty of ten percent (10%) of the amount of the determination shall
be added to the tax. The tax administrator shall collect the tax with interest in the same manner
and with the same powers as are prescribed for collection of taxes in this title.

44-70-10. Claims for refund – Hearing upon denial. – (a) Any taxpayer subject to the
provisions of this chapter, may file a claim for refund with the tax administrator at any time
within two (2) years after the tax has been paid. If the tax administrator determines that the tax
has been overpaid, he or she shall make a refund with interest from the date of overpayment.

(b) Any taxpayer whose claim for refund has been denied may, within thirty (30) days
from the date of the mailing by the administrator of the notice of the decision. request a hearing and the administrator shall, as soon as practicable, set a time and place for the hearing and shall notify the taxpayer.

44-70-11. Hearing by tax administrator on application. – Any taxpayer aggrieved by the action of the tax administrator in determining the amount of any tax or penalty imposed under the provisions of this chapter may apply to the tax administrator, within thirty (30) days after the notice of the action is mailed to it, for a hearing relative to the tax or penalty. The tax administrator shall fix a time and place for the hearing and shall so notify the taxpayer. Upon the hearing the tax administrator shall correct manifest errors, if any, disclosed at the hearing and thereupon assess and collect the amount lawfully due together with any penalty or interest thereon.

44-70-12. Appeals. – (a) In any appeal from the imposition of the tax set forth in this chapter, the tax administrator shall find in favor of an appellant who shows that the property assessed:

(1) Was actively occupied by the owner during the privilege year for more than six (6) months; or

(2) Was exempt pursuant to the Rhode Island General or Public laws from the imposition of the tax set forth in that section.

(b) Appeals from administrative orders or decisions made pursuant to any provisions of this chapter shall be to the sixth division district court pursuant to chapter 8 of title 8 of the Rhode Island general laws, as amended. The taxpayer’s right to appeal under this section shall be expressly made conditional upon prepayment of all surcharges, interest, and penalties unless the taxpayer moves for and is granted an exemption from the prepayment requirement pursuant to § 8-8-26 of the Rhode Island general laws, as amended. If the court, after appeal, holds that the taxpayer is entitled to a refund, the taxpayer shall also be paid interest on the amount at the rate provided in § 44-1-7.1 of the Rhode Island general laws, as amended.

44-70-13. Taxpayer records. – Every taxpayer shall:

(1) Keep records as may be necessary to determine the amount of its liability under this chapter, including, but not limited to: rental agreements, payments for rent, bank statements for payment of residential expenses, utility bills, and any other records establishing residency or non-residency.

(2) Preserve those records for the period of three (3) years following the date of filing of any return required by this chapter, or until any litigation or prosecution under this chapter is finally determined.
(3) Make those records available for inspection by the administrator or his/her authorized
agents, upon demand, at reasonable times during regular business hours.

44-70-14. Rules and regulations. – The tax administrator is authorized to make and
promulgate rules, regulations, and procedures not inconsistent with state law and fiscal
procedures as he or she deems necessary for the proper administration of this chapter and to carry
out the provisions, policies, and purposes of this chapter.

44-65-15. Severability. – If any provision of this chapter or the application of this
chapter to any person or circumstances is held invalid, that invalidity shall not affect other
provisions or applications of the chapter that can be given effect without the invalid provision or
application, and to this end the provisions of this chapter are declared to be severable. It is
declared to be the legislative intent that this chapter would have been adopted had those
provisions not been included or that person, circumstance, or time period been expressly excluded
from its coverage.

SECTION 16. This article shall take effect as of July 1, 2015.

ARTICLE 12
RELATING TO TOBACCO SETTLEMENT FINANCING TRUST

SECTION 1. Article 4, Section 7 of Chapter 145 of the Public Laws of 2014, enacted in
Article 4 of 14-H-7133 Sub A as amended and approved on June 19, 2014, is hereby amended to
read as follows:

SECTION 7. – The Corporation shall make the following transfers from the Tobacco
Settlement Financing Trust:

1. Five million dollars ($5,000,000) to the state general fund in FY 2015;
2. Nineteen million dollars ($19,000,000) to the state general fund in FY 2016;
3. Five million dollars ($5,000,000) to the municipal road and bridge revolving fund,
established pursuant to § 24-18-4 of the Rhode Island general laws; and
4. All remaining net bond proceeds to the information technology investment fund,
established pursuant to § 42-11-2.5 of the Rhode Island general laws.

SECTION 2. This article shall take effect upon passage.

ARTICLE 13
RELATING TO RESTRICTED RECEIPT ACCOUNTS

SECTION 1. Section 35-4-27 of the General Laws in Chapter 35-4 entitled “State Funds”
is hereby amended to read as follows:

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

- Executive Office of Health and Human Services
- Organ Transplant Fund
- HIV Care Grant Drug Rebates
- Department of Human Services
- Veterans' home – Restricted account
- Veterans' home – Resident benefits
- Pharmaceutical Rebates Account
- Demand Side Management Grants
- Veteran's Cemetery Memorial Fund
- Donations- New Veterans' Home Construction
- Department of Health
- Providence Water Lead Grant
- Pandemic medications and equipment account
- Miscellaneous Donations/Grants from Non-Profits
- State Loan Repayment Match
- Department of Behavioral Healthcare, Developmental Disabilities and Hospitals
- Eleanor Slater non-Medicaid third-party payor account
- Hospital Medicare Part D Receipts
- RICLAS Group Home Operations
- Commission on the Deaf and Hard of Hearing
- Emergency and public communication access account
- Department of Environmental Management
- National heritage revolving fund
- Environmental response fund II
- Underground storage tanks registration fees
- Rhode Island Historical Preservation and Heritage Commission
- Historic preservation revolving loan fund
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SECTION 2. This article shall take effect upon passage.

ARTICLE 14

RELATING TO STATE BUDGET

SECTION 1. Section 35-6-1 of the General Laws in Chapter 35-6 entitled “Accounts and Control” is hereby amended to read as follows:

35-6-1. Controller – Duties in general. – (a) Within the department of administration there shall be a controller who shall be appointed by the director of administration pursuant to chapter 4 of title 36. The controller shall be responsible for accounting and expenditure control and shall be required to:

(1) Administer a comprehensive accounting and recording system which will classify the transactions of the state departments and agencies in accordance with the budget plan;

(2) Maintain control accounts for all supplies, materials, and equipment for all departments and agencies except as otherwise provided by law;
(3) Prescribe a financial, accounting, and cost accounting system for state departments and agencies;

(4) Preaudit all state receipts and expenditures;

(5) Prepare financial statements required by the several departments and agencies, by the governor, or by the general assembly;

(6) Approve the orders drawn on the general treasurer; provided, that the preaudit of all expenditures under authority of the legislative department and the judicial department by the state controller shall be purely ministerial, concerned only with the legality of the expenditure and availability of the funds, and in no event shall the state controller interpose his or her judgment regarding the wisdom or expediency of any item or items of expenditure;

(7) Prepare and timely file, on behalf of the state, any and all reports required by the United States, including, but not limited to, the internal revenue service, or required by any department or agency of the state, with respect to the state payroll; and

(8) Prepare a preliminary closing statement for each fiscal year. The controller shall forward the statement to the chairpersons of the house finance committee and the senate finance committee, with copies to the house fiscal advisor and the senate fiscal and policy advisor, by September 1 following the fiscal year ending the prior June 30 or thirty (30) days after enactment of the appropriations act, whichever is later. The report shall include but is not limited to:

(i) A report of all revenues received by the state in the completed fiscal year, together with the estimates adopted for that year as contained in the final enacted budget, and together with all deviations between estimated revenues and actual collections. The report shall also include cash collections and accrual adjustments;

(ii) A comparison of actual expenditures with each of the actual appropriations, including supplemental appropriations and other adjustments provided for in the Rhode Island General Laws;

(iii) A statement of the opening and closing surplus in the general revenue account; and

(iv) A statement of the opening surplus, activity, and closing surplus in the state budget reserve and cash stabilization account and the state bond capital fund.

(b) The controller shall provide supporting information on revenues, expenditures, capital projects, and debt service upon request of the house finance committee chairperson, senate finance committee chairperson, house fiscal advisor, or senate fiscal and policy advisor.

(c) Upon issuance of the audited annual financial statement, the controller shall provide a report of the differences between the preliminary financial report and the final report as contained in the audited annual financial statement.
(d) Upon issuance of the audited financial statement and a determination by the director of the office of management and budget that there is no projected deficit for the current fiscal year, the controller shall transfer all general revenues received in the completed fiscal year, net of transfer to the state budget reserve and cash stabilization account as required by § 35-3-20, in excess of those estimates adopted for that year as contained in the final enacted budget to the employees’ retirement system of the state of Rhode Island as defined in § 36-8-2. There shall be no transfer of excess revenues from FY 2014, as determined by the Controller’s fiscal year 2014 final audit, to the employees’ retirement system in FY 2015.

(e) The controller shall create a special fund not part of the general fund and shall deposit amounts equivalent to all deferred contributions under this act into that fund. Any amounts remaining in the fund on June 15, 2010, shall be transferred to the general treasurer who shall transfer such amounts into the retirement system as appropriate.

(f) The controller shall implement a direct deposit payroll system for state employees.

(i) There shall be no service charge of any type paid by the state employee at any time which shall decrease the net amount of the employee’s salary deposited to the financial institution of the personal choice of the employee as a result of the use of direct deposit.

(ii) Employees hired after September 30, 2014, shall participate in the direct deposit system. At the time the employee is hired, the employee shall identify a financial institution that will serve as a personal depository agent for the employee.

(iii) No later than June 30, 2016, each employee hired before September 30, 2014, who is not a participant in the direct deposit system, shall identify a financial institution that will serve as a personal depository agent for the employee.

(iv) The controller shall promulgate rules and regulations as necessary for implementation and administration of the direct deposit system, which shall include limited exceptions to required participation.

SECTION 2. Sections 35-16-1 and 35-16-2 of the General Laws in Chapter 35-17 entitled “Revenue Estimating Conferences” are hereby amended to read as follows:

35-16-1. **Purpose and membership.** — (a) In order to provide for a more stable and accurate method of financial planning and budgeting and to facilitate the adoption of a balanced budget wherein appropriations and expenditures do not exceed anticipated revenues, as is required by the statutes and constitution of Rhode Island, it is hereby declared the intention of the legislature that there be a procedure for the determination of an official estimate of anticipated state revenues upon which the executive budget shall be based and beyond which appropriations by the legislature and expenditures by the state shall not exceed.
(b) The budget office, the house fiscal advisor, and the senate fiscal advisor shall meet in regularly scheduled consensus revenue estimating conferences (R.E.C.). These conferences shall be open public meetings.

(c) The chairpersonship of each regularly scheduled R.E.C. will rotate among the state budget officer, the house fiscal advisor, and the senate fiscal advisor, hereinafter referred to as principals. The schedule shall be arranged so that no chairperson shall preside over two (2) successive regularly scheduled conferences on the same subject.

(d) Representatives of all state agencies, including by way of illustration, and not by way of limitation, the division of taxation, department of transportation, department of business regulation, department of health, and the office of general treasurer and any other state agency or board responsible for a revenue source under consideration by the R.E.C., are to participate in all conferences for which their input is germane. The department of revenue and legislative economist shall provide estimates for state revenues at each R.E.C with associated methodology.

35-16-2. Meetings. – (a) The principals of the R.E.C. shall meet within the first ten (10) days of February, May and November of each year.

(b) The primary purpose of regularly scheduled conferences is to prepare reconcile economic forecasts and forecast revenue estimates between the department of revenue and legislative economist, and review current revenue collections under current tax law. The conference principals can agree, however, to address special legislation or special topics.

(c) Prior to each R.E.C., the principals will determine the documentation and information necessary to support that conference.

(d) No votes will be taken in the revenue estimating conferences. These are truly consensus conferences and all principals must agree and are bound to the conference recommendations.


35-16-5. Staff support for meetings. – (a) The R.E.C. chairperson and his or her staff will be responsible for preparing and distributing work papers before each conference. Each participant and principal will be responsible for providing the chairperson with the appropriate materials for the work papers on a schedule determined by the chairperson. Failure to meet this schedule shall be grounds, at the chairperson's option, to delay the conference.
(b) Work papers will include a side by side comparison of the revenue scenarios advocated by each of the principals. This analysis and its side by side presentation will be completed in time to distribute to each R.E.C. party at least one full day prior to the scheduled meeting date.

c) The principals may request each participant to provide the R.E.C. chairperson and the remaining principals an independent revenue estimate and supporting information for each revenue source under the responsibility of the participant’s agency. This information should be provided on a schedule provided by the conference chairperson and will be included in the conference comparison report.

d) The principals may request that each participant shall notify the R.E.C. chairperson of any prospective administrative changes contemplated by their respective agency which will affect the cash flow of any revenue source under consideration.

e) For general revenue conferences, the principals shall adopt a consensus economic forecast upon which to base revenue estimates. The principals shall obtain the services of economists and economic forecast services as required for this purpose. The consensus economic forecast shall be available to each principal in a timely fashion for each principal to prepare revenue estimates.

35-16-7. Two year budget cycle study. The budget office, the house fiscal advisor, and the senate fiscal advisor along with the house and senate fiscal staff and legal counsel shall study the feasibility and benefits of adopting a two (2) year budget cycle, and shall report in writing to the governor, the speaker of the house of representatives, and the president of the senate on or before January 2, 1994. The report shall address not only the benefits, if any, but also any disadvantages and/or legal impediments, constitutional and/or statutory, to adopting such a budget cycle.


SECTION 5. Sections 35-17-1 and 35-17-2 of the General Laws in Chapter 35-17 entitled “Medical Assistance and Public Assistance Caseload Estimating Conferences” are hereby amended to read as follows:

35-17-1 Purpose and membership. – (a) In order to provide for a more stable and accurate method of financial planning and budgeting, it is hereby declared the intention of the legislature that there be a procedure for the determination of official estimates of anticipated medical assistance expenditures and public assistance caseloads, upon which the executive budget...
shall be based and for which appropriations by the general assembly shall be made.

(b) The state budget officer, the house fiscal advisor, and the senate fiscal advisor shall meet in regularly scheduled caseload estimating conferences (C.E.C.). These conferences shall be open public meetings.

(c) The chairpersonship of each regularly scheduled C.E.C. will rotate among the state budget officer, the house fiscal advisor, and the senate fiscal advisor, hereinafter referred to as principals. The schedule shall be arranged so that no chairperson shall preside over two (2) successive regularly scheduled conferences on the same subject.

(d) Representatives of all state agencies are to participate in all conferences for which their input is germane.

(e) The department of human services, executive office of health and human services shall provide monthly data to the members of the caseload estimating conference by the fifteenth day of the following month. Monthly data shall include, but is not limited to, actual caseloads and expenditures for the following case assistance programs: Rhode Island Works, SSI state program, general public assistance, and child care. The executive office of health and human services shall report relevant caseload information and expenditures for the following medical assistance categories: hospitals, long-term care, managed care, pharmacy, and other medical services, integrated care, and medicaid expansion. In the category of managed care, caseload information and expenditures for the following populations shall be separately identified and reported: children with disabilities, children in foster care, and children receiving adoption assistance. The information shall include the number of Medicaid recipients whose estate may be subject to a recovery, the anticipated recoveries from the estate and the total recoveries collected each month.

35-17-2. Meetings. – (a) The principles of the C.E.C. shall meet within the first ten (10) days of February, May, and November of each year.

(b) The primary purpose of regularly scheduled conferences is to forecast medical assistance and public assistance caseloads and associated expenditures for the medical assistance program administered by the executive office of health and human services, financing for which is appropriated within the budget of the executive of health and human services. The conference principals can agree, however, to address special legislation or special topics.

(c) Prior to each caseload estimating conference, the principals will determine the documentation and information necessary to support that conference.

(d) No votes will be taken in the caseload estimating conferences. These are truly consensus conferences and all principals must agree and are bound to the conference recommendations.
(e) In the interim period between departmental testimony and the day designated for the adoption of consensus estimates, the principals and/or representatives of the state budget office, the house fiscal advisory staff, and the senate fiscal advisory staff may meet with officials of the executive office of health and human services to further review material presented at testimony, propose modifications to estimates contained therein, and ultimately to reach provisional consensus estimates. These estimates will be presented at the caseload estimating conference and will become the officially adopted estimates provided they are unanimously ratified by the principals of the C.E.C. The executive office of health and human services will be granted the opportunity to rebut these estimates in the event of disagreement, and the principals will take these objections into account prior to adopting final estimates.


35-17-4. Impact meetings.—(a) The caseload estimating conference principals, along with the appropriate participants, will meet from time to time to compare current caseload data with the most recent financial projections as required by § 35-3-1(6). Any principal can call an impact meeting at any time.

(b) Following each legislative session, the principals, along with the appropriate participants, shall meet and review all changes in legislation affecting caseloads and shall amend the official recommendations of the caseload estimating conference accordingly.

SECTION 7. Section 35-3-7 of the General Laws in Chapter 35-3 entitled “State Budget” is hereby amended to read as follows:

35-3-7. Submission of budget to general assembly – Contents. – (a) On or before the third Thursday in January February in each year of each January session of the general assembly, the governor shall submit to the general assembly a budget containing a complete plan of estimated revenues and proposed expenditures, with a personnel supplement detailing the number and titles of positions of each agency and the estimates of personnel costs for the next fiscal year, and with the inventory required by § 35-1.1-3(b)(4). Provided, however, in those years that a new governor is inaugurated, the new governor shall submit the budget on or before the first second Thursday in March February. In the budget the governor may set forth in summary and detail:

(1) Estimates of the receipts of the state during the ensuing fiscal year under laws existing at the time the budget is transmitted and also under the revenue proposals, if any, contained in the budget, and comparisons with the estimated receipts of the state during the current fiscal year, as well as actual receipts of the state for the last two (2) completed fiscal years.

(2) Estimates of the expenditures and appropriations necessary in the governor's
judgment for the support of the state government for the ensuing fiscal year, and comparisons with appropriations for expenditures during the current fiscal year, as well as actual expenditures of the state for the last two (2) complete fiscal years.

(3) Financial statements of the:
   (i) Condition of the treasury at the end of the last completed fiscal year;
   (ii) The estimated condition of the treasury at the end of the current fiscal year; and
   (iii) Estimated condition of the treasury at the end of the ensuing fiscal year if the financial proposals contained in the budget are adopted.

(4) All essential facts regarding the bonded and other indebtedness of the state.

(5) A report indicating those program revenues and expenditures whose funding source is proposed to be changed from state appropriations to restricted receipts, or from restricted receipts to other funding sources.

(6) Such other financial statements and data as in the governor's opinion are necessary or desirable.

(b) Any other provision of the general laws to the contrary notwithstanding, the proposed appropriations submitted by the governor to the general assembly for the next ensuing fiscal year should not be more than five and one-half percent (5.5%) in excess of total state appropriations, excluding any estimated supplemental appropriations, enacted by the general assembly for the fiscal year previous to that for which the proposed appropriations are being submitted; provided that the increased state-share provisions required to achieve fifty percent (50%) state financing of local school operations as provided for in P.L. 1985, ch. 182, shall be excluded from the definition of total appropriations.

c. Notwithstanding the provisions of § 35-3-7(a), the governor shall submit to the general assembly a budget for the fiscal year ending June 30, 2006, not later than the fourth (4th) Thursday in January 2005.

d. Notwithstanding the provisions of § 35-3-7(a), the governor shall submit to the general assembly a supplemental budget for the fiscal year ending June 30, 2006, and/or a budget for the fiscal year ending June 30, 2007, not later than Thursday, January 26, 2006.

e. Notwithstanding the provisions of § 35-3-7(a), the governor shall submit to the general assembly a supplemental budget for the fiscal year ending June 30, 2007, and/or a budget for the fiscal year ending June 30, 2008, not later than Wednesday, January 31, 2007.

f. Notwithstanding the provisions of § 35-3-7(a), the governor shall submit to the general assembly a budget for the fiscal year ending June 30, 2012, not later than Thursday, March 10, 2011.
(g) Notwithstanding the provisions of § 35-3-7(a), the governor shall submit to the
general assembly a budget for the fiscal year ending June 30, 2013, not later than Tuesday,

SECTION 8. Section 1 of this article shall take effect as of July 1, 2014; all other sections
shall take effect upon passage.

ARTICLE 15
RELATING TO THE RHODE ISLAND LOCAL AGRICULTURE AND SEAFOOD ACT &
COMMERCIAL FEEDS

SECTION 1. Sections 2-25-5, 2-25-6, and 2-25-7 of the General Laws in Chapter 2-25
titled “The Rhode Island Local Agricultural and Seafood Act” are hereby amended to read as
follows:

2-25-5. Small grants and technical assistance program established. – The department
of environmental management shall establish the local agriculture and seafood small grants and
technical assistance program. Through the program the department shall: (1) Assist in the
marketing of Rhode Island grown agricultural products and local seafood for the purpose of sale
and promotion within the state of Rhode Island or United States; (2) Enhance the economic
competitiveness of Rhode Island grown agricultural products and local seafood; (3) Provide
financial and technical assistance support to organizations and farmers for activities and programs
which enhance the economic viability of local agriculture, and support the development of a
locally based, safe and sustainable food system; (4) Provide individual farm grants to small or
beginning Rhode Island farmers that support the entry or sustainability and commerce within the
respective industry; (5) Work with the state department of health to further develop and support
food safety related programs and standards pertaining to local agriculture and seafood; and (6)
Perform other activities necessary to facilitate the success and viability of the state's agricultural
and seafood sectors.

2-25-6. Local agriculture and seafood small grants and technical assistance fund
established and solicitation of funding. – (a) For the purpose of paying the costs to the
department of environmental management of administering the local agriculture and seafood
small grants and technical assistance program and for the purpose of carrying out the purposes of
the program as stated in subdivisions 2-25-5(3) and 2-25-5(4) a restricted receipt account is
hereby created and known as the "local agriculture and seafood small grants and technical
assistance fund."

(b) The local agriculture and seafood small grants and technical assistance program shall
receive forty dollars ($40.00) of the one-hundred dollar fee ($100.00) required to register
commercial feed products in Rhode Island pursuant to § 4-2-4 (b) in order to carry out the
purposes of the program established in § 2-25-5. The fee shall be deposited into the local
agriculture and seafood small grants and technical assistance fund.

(c) The local agriculture and seafood small grants and technical assistance program
shall be empowered to apply for and receive from any federal, state, or local agency, private
foundation, or individual, any grants, appropriations, or gifts in order to carry out the purposes of
the program established in § 2-25-5.

2-25-7. Use of funds. – (a) A non-profit entity or small or beginning farmer may apply to
the department of environmental management for a grant to be used to fulfill the purposes of the
program as stated in subdivisions 2-25-5(3) and 2-25-5(4). Any grant disbursed under this
program shall not exceed twenty thousand dollars ($20,000) per year or ten percent (10%) of the
total yearly aggregate funding granted to the program from any federal, state, or local agency,
private foundation, or individual, whichever amount is greater. Applications for grants authorized
under this section shall:

(1) Provide a brief summary of the nonprofit entity or small or beginning farmer's
mission, goals, history, programs, and major accomplishments, success stories and qualifications;

(2) Briefly describe the proposed project or program, the capacity to carry out the
program and who will benefit from the program;

(3) Describe the expected outcomes and the indicators of those outcomes;

(4) Outline the timeline to be used in the implementation of the program or project; and

(5) Provide a program or project budget.

(b) The funds shall also be used by the department to provide administrative and
technical support of the program, and to leverage program funds with other potential federal, state
or nonprofit funding sources, and shall serve to develop, implement and enforce when appropriate
food safety related standards and programs related to local agriculture and seafood in
coordination with the Rhode Island department of health and appropriate federal agencies.

SECTION 2. Section 4-2-4 of the General laws in Chapter 4-2 entitled “Commercial
Feeds” is hereby amended to read as follows:

4-2-4. Registration. – (a) No person shall manufacture a commercial feed in this state,
unless he or she has filed with the director on forms provided by the director, his or her name,
place of business and location of each manufacturing facility in this state.

(b) No person shall distribute in this state a commercial feed except a customer formula
feed, which has not been registered pursuant to this section. The application for registration,
accompanied by a sixty-dollar ($60.00) one-hundred dollar ($100.00) per brand registration fee,
shall be submitted in the manner prescribed by the director, on forms furnished by the director. A
tag, label, or facsimile for each brand to be registered must accompany the application. Upon
approval by the director, the registration shall be issued to the applicant. All registrations expire
on the 31st day of December of each year.

(c) The director is empowered to refuse registration of any commercial feed not in
compliance with this chapter and to cancel any registration subsequently found not to be in
compliance with any provisions of this chapter provided, that no registration shall be refused or
canceled unless the registrant has been given an opportunity to be heard before the director and to
amend his or her application in order to comply with the requirements of this chapter.

(d) Changes of either chemical or ingredient composition of a registered commercial feed
may be permitted with no new registration required provided there is satisfactory evidence that
those changes would not result in a lowering of the guaranteed analysis of the product for the
purpose for which designed, and provided a new label is submitted to the director notifying the
director of the change.

(e) All moneys Sixty percent (60%) of the fees received by the director under this chapter
shall be deposited as general revenues, and shall consist of all fertilizer registration and tonnage
fees paid pursuant to §§ 2-7-4 and 2-7-6 and fees paid pursuant to § 4-2-4. Forty percent (40%) of
the fees received under this chapter shall be deposited in the local agriculture and seafood small
grants and technical assistance fund in accordance with § 2-25-6 for the administration of the
local agriculture and seafood small grants and technical assistance program pursuant to § 2-25-5.

(f) All moneys appropriated for the feed and fertilizer quality testing program shall be
made available for the following purposes:

(1) To support the feed and fertilizer testing laboratory for the testing and analysis of
commercial feeds distributed within this state for the expressed purpose of detection of
deficiency.

(2) For payment of ancillary services, personnel and equipment incurred in order to carry
out the purposes of quality assurance defined by this chapter.

SECTION 3. This article shall take effect as of July 1, 2015.

ARTICLE 16
RELATING TO BAYS, RIVERS AND WATERSHEDS

SECTION 1. Chapter 46-31 of the General Laws entitled “The Rhode Island Bays,
Rivers and Watersheds Coordination Team” is hereby repealed in its entirety:

46-31-1. Legislative findings. – The general assembly hereby finds and declares as

follows:
(1) The bays, rivers, and associated watersheds of Rhode Island are unique and unparalleled natural resources that provide significant cultural, ecological, and economic benefit to the state.

(2) Pursuant to the provisions of R.I. Const., art. 1, § 17, it is the duty of the general assembly to provide for the conservation of the air, land, water, plant, animal, mineral, and other natural resources of the state; and to adopt all means necessary and proper by law to protect the natural environment of the people of the state by providing adequate resource planning for the control and regulation of the use of the natural resources of the state, and for the preservation, regeneration, and restoration of the natural environment of the state.

(3) It is in the best interest of the state and its citizens to preserve, protect, and restore our bays, rivers, and associated watersheds.

(4) Sixty percent (60%) of the watershed of Narragansett Bay is within Massachusetts, almost all of the watershed of Mount Hope Bay is within Massachusetts, and five percent (5%) of the watershed of Little Narragansett Bay is within Connecticut; further, a cluster of water-related economic interests spans the three (3) states.

(5) There are a number of separate agencies of the state defined by statute, granted statutory authority, and appropriated state resources for the performance of distinct functions, the development of various programs, and the execution of diverse regulatory powers that affect the bays, rivers, and watersheds of Rhode Island including management, preservation, restoration, and monitoring of the natural resources, and promotion of sustainable economic development of the water cluster. It is important to retain these various agencies as separate and distinct entities. Each agency has essential and distinct responsibilities. However, each of these agencies has limited responsibilities and jurisdictions. No one agency has the statutory authority to adequately address the full range of issues that pertain to the bays, rivers, and watersheds.

(6) The formation of an interagency group for the coordination of the functions, programs, and regulations that affect the bays, rivers, and watersheds is the most effective way to transcend the limited responsibilities and jurisdictions of each agency, address complex issues using an ecosystem-based approach, and provide for continuity over time.

(7) There is a need for coordination of the development and implementation of policies and plans for the management, preservation, restoration, and monitoring of the bays, rivers, and watersheds; and the promotion of sustainable economic development of businesses that rely directly or indirectly on the bays, rivers, and watersheds.

(8) There is a need for the development of a systems-level plan that synthesizes individual plans and coordinates separate authorities. The systems-level plan must establish
overall goals and priorities, set forth a strategy for obtaining goals which delineates specific
responsibilities among agencies, identify funding sources and a timetable for obtaining goals,
provide an estimate of the total projected cost of implementation, and oversee a monitoring
strategy to evaluate progress in implementing the plan and to provide the necessary information
to adapt the plan in response to changing conditions.

(9) The implementation of a systems-level plan needs to include the preparation of
coordinated annual work plans, annual work plan budgets, and multi-year funding plans in order
to identify areas of duplicative or insufficient effort or funding.

(10) The development and implementation of a systems-level plan must be coordinated
with local and federal efforts and efforts in Massachusetts and Connecticut and in some cases
with other states in the region that have connections with the ecosystem and/or the water cluster.
It must be accomplished with input from scientists, policy makers, non-governmental
organizations, and the general public.

(11) There is a need for a structure and process that enhances the efficiency of the goal
setting and oversight roles of the legislature including fiscal and performance accountability.

46-31-2. Definitions. — As used in this chapter, unless the context clearly indicates
otherwise:

(1) “Bays” means the estuaries including Narragansett Bay, Mount Hope Bay, Greenwich
Bay, Little Narragansett Bay, the coastal ponds, the Sakonnet River, and Rhode Island territorial
waters that extend seaward three geographical miles from the shoreline including the area around
Block Island.

(2) “Chair” means the chairperson of the coordination team.

(3) “Coordination” means to harmonize in a common action or effort and/or to function in
a complementary manner.

(4) “Coordination team” or “team” means the Rhode Island Bays, Rivers, and Watersheds
Coordination Team that is the group of senior executive officials created in § 46-31-3.

(5) “Ecosystem-based plan” means a plan that addresses the complex interrelationships
among the ocean, land, air, and all living creatures including humans, and considers the
interactions among multiple activities that affect entire systems.

(6) “River” means a flowing body of water or estuary or a section, portion, or tributary
thereof, including, but not limited to, streams, creeks, brooks, ponds, and small lakes.

(7) “Systems-level plan” means an interagency ecosystem-based plan for the bays, rivers,
and watersheds that:

(i) Establishes overall goals and priorities for the management, preservation, and
restoration of bays, rivers, and watersheds and the promotion of sustainable economic
development of the water cluster;

(ii) Sets forth a strategy for attaining goals which delineates specific responsibilities
among agencies;

(iii) Identifies funding sources and a timetable for attaining goals;

(iv) Provides an estimate of the total projected cost of implementing the plan including
capital improvements; and

(v) Guides a strategy for a monitoring program that evaluates progress in implementing
the plan and to provide the necessary information to adapt the plan in response to changing
conditions.

(8) “Water cluster” means an economically interconnected grouping of businesses,
institutions, and people relying directly or indirectly on the bays, rivers, and watersheds
including, but not limited to, the following sectors:

(i) Recreation, tourism, and public events;

(ii) Fisheries and aquaculture;

(iii) Boat and ship building;

(iv) Boating-related businesses;

(v) Transportation;

(vi) Military;

(vii) Research; and

(viii) Technology development and education.

(9) “Watershed” means a land area which because of its topography, soil type, and
drainage patterns acts as a collector of raw waters which recharge or replenish rivers and existing
or planned public water supplies.

46-31-2. Coordination team and chair position created.—(a) There is hereby created
and established within the office of the governor the “Rhode Island bays, rivers, and watersheds
coordination team”. The coordination team shall include the senior executive official of the
following agencies of the state: the coastal resources management council; the Rhode Island
department of environmental management; the department of administration; the Rhode Island
water resources board; the Rhode Island rivers council; the Rhode Island economic development
corporation; and the Narragansett Bay commission.

(b) A member of the coordination team may designate in writing a designee of that
member’s agency to act in the place of that member.

(c) The members of the coordination team shall serve on said team without additional
compensation.

d. The governor shall appoint a chair of the coordination team, with the advice and consent of the senate, within four (4) months of the passage of this act. The chair shall serve at the pleasure of the governor. Provided, in making the appointment of said chair, the governor shall select an individual from outside of those agencies listed in subsection (a) herein. The governor shall further provide the coordination team with suitable quarters and resources so as to enable it to perform its functions.

e. The chair of the coordination team may request the involvement of other state agencies as may be appropriate to carry out the duties of the team as set forth in this chapter.

(f) The coordination team shall meet initially at the call of the governor until the chair has been appointed and qualified. The team shall remain in existence until such time as it is terminated by action of the general assembly.

46-31-4. Purpose and duties of the coordination team.—(a) The purpose and duties of the coordination team shall include:

(1) Preparing and adopting by rule a systems-level plan as provided for pursuant to the provisions of § 46-31-5;

(2) Coordinating the projects, programs, and activities carried out by the members of the team and its committees that pertain to the implementation of such plan pursuant to the provisions of § 46-31-6; and

(3) Coordinating with other state agencies, local governments, federal agencies, other states, and non-government entities, as necessary, to accomplish the purpose of preparing and implementing a systems-level plan.

(b) The coordination team shall be responsible for recommending to the governor and the general assembly actions necessary to effectuate the coordination of projects, programs, and activities described in this chapter.

c. The coordination team shall provide information to the general assembly on such projects, programs, and activities to assist the general assembly in the general assembly’s exercise of oversight, in order to maximize the efficient use of state and available resources.

d. The coordination team shall meet on a quarterly basis or more often if deemed necessary by its members. In order to constitute a quorum for the transaction of any business, at least two-thirds of the membership of the team must be present.

e. Within the first six (6) months after the passage of this act, the coordination team shall meet monthly at the call of the governor, and shall be chaired by the governor or a designee of the governor until such time when the chair of the team is appointed and qualified.
(f) The team shall convene a joint meeting with the scientific advisory committee and the public advisory committee established pursuant to the provisions of this chapter, at least once per year.

46.31-5 Preparation of a systems-level plan. (a) The coordination team shall be responsible for the preparation of a systems-level plan and may recommend adoption of all or portions of said plan by the state planning council as elements of the state guide plan. Nothing in this chapter shall be interpreted to contravene the statutory authority of the state planning council to adopt a state guide plan and elements thereof.

(b) The systems-level plan shall establish overall goals and priorities for the management, preservation, and restoration of the state's bays, rivers, and watersheds, and the promotion of sustainable economic development of the water cluster.

(c) The systems-level plan shall include a strategy for attaining goals, shall delineate specific responsibilities among agencies, and shall identify funding sources and a timetable for attaining goals.

(d) The systems-level plan shall include an estimate of the total projected cost of implementing the plan including capital improvements.

(e) The systems-level plan shall include, but not be limited to, planning for:

(1) Reduction of pollution from point-source discharges, including, but not limited to, municipal and industrial discharges, and stormwater and combined sewer overflows;

(2) Reduction of pollution from non-point sources, including, but not limited to, on-site individual sewage-disposal systems, residential and agricultural fertilizing practices, animal wastes, recreational boating, and land-use practices;

(3) Protection and restoration of shellfish and finfish;

(4) Protection and restoration of aquatic and terrestrial habitat;

(5) Conservation of open space and promotion of smart-growth practices;

(6) Management of aquatic nuisance species;

(7) Management of dredging and dredged material disposal;

(8) Identification of research needs and priorities;

(9) Promotion of education and outreach;

(10) Promotion of equitable public access; and

(11) Promotion of sustainable economic development of the water cluster.

(f) The systems-level plan shall include the development of strategies for both environmental and economic monitoring programs. The monitoring programs shall evaluate progress in implementing the plan and provide the necessary information to adapt the plan in
response to changing conditions. The implementation of said programs shall be accomplished by
the economic monitoring collaborative created by § 46-31-9(d) and the environmental monitoring
collaborative created by § 46-31-9(e).

(e) A scope of work for the systems-level plan shall be completed within six (6) months
of the passage of this act. A copy of said scope of work shall be submitted for review to the
governor, the speaker of the house of representatives, and the president of the senate.

(h) A draft of the systems-level plan shall be completed on or before January 31, 2006. A
copy of such draft shall be submitted for review to the governor, the speaker of the house of
representatives, and the president of the senate.

(i) The systems-level plan shall be completed on or before June 30, 2006. A copy of such
plan shall be submitted for review to the governor, the speaker of the house of representatives,
and the president of the senate.

46-31.6. Implementation of the systems-level plan.—(a) The team shall be responsible
for coordinating the projects, programs, and activities necessary to implement the systems-level
plan.

(b) In order to facilitate the coordination of the implementation of the systems-level plan,
the team shall prepare an annual work plan. The annual work plan shall prescribe the necessary
projects, programs, and activities each member of the team shall perform for the following fiscal
year to implement the systems-level plan. It shall include, but not be limited to, the systems-level
plan priorities, individual work plan elements, and significant program products including
proposed regulations, grant solicitations, schedules for production of environmental documents,
and project selection processes. The preparation of the annual work plan shall include an
evaluation of any needed revisions to the systems-level plan including changes to the timetable
for attaining goals or adaptations in response to the results of the monitoring programs.

The first annual work plan shall be prepared for work to be completed during fiscal year
2007 and each year thereafter.

(c) In preparing an annual work plan the team shall coordinate the annual work plan
activities with other relevant activities including, but not limited to, those prescribed by other
state, local, federal, and non-governmental organization programs.

(d) The team shall prepare a proposed annual work plan budget for inclusion in the
governor's annual budget as submitted to the general assembly and for submittal to the speaker of
the house of representatives, and the president of the senate which shall identify the total funds
necessary to implement the annual work plan, including any proposed capital improvements. It
shall also include any recommendations for the allocation of appropriated funds among agencies.
to achieve the purpose of this chapter. The first annual work plan budget shall be prepared for
inclusion in the governor's annual budget for 2007, as submitted to the general assembly, and
each year thereafter.

(e) The team shall hold a minimum of one public hearing each year to solicit public
comment on the annual work plan and annual work plan budget.

(f) The team shall coordinate with federal agencies to develop proposed federal
agreements to support the implementation of the systems-level plan.

(g) The team, in consultation with the scientific advisory committee, shall be responsible
for coordinating the work of any entity that receives grants or other funding from the state of
Rhode Island for research related to bay, river, and watershed management. The team shall seek
to prioritize and direct areas of research in order to meet the goals and policies established by the
systems-level plan.

(h) The team may facilitate the resolution of programmatic conflicts that may arise during
the implementation of the systems-level plan between or among members of the team.

(i) The team shall develop a regulatory coordination and streamlining process for the
issuance of permits and approvals required under local, state, and federal law as necessary to
implement the systems-level plan that reduces or eliminates duplicative permitting processes.

(j) Within ninety (90) days after the end of each fiscal year, the team shall submit a
written progress report that describes and evaluates the successes and shortcomings of the
implementation of the annual work plan from the previous fiscal year to the governor, the speaker
of the house of representatives, and the president of the senate. Where prescribed actions have not
been accomplished in accordance with the annual work plan, the responsible members of the
team shall include in the report written explanations for the shortfalls, together with their
proposed remedies. The report shall also include an evaluation of the progress of the coordinative
efforts and shall include any recommendations regarding modifications to the composition of the
team, including, but not limited to, the proposed addition of any new members to the team.

(k) Within six (6) months of the completion of the systems-level plan, the team shall
prepare a report and convene a public forum in order to disseminate information about the current
condition of the environmental health of Rhode Island’s bays, rivers, and watersheds; and the
economic vitality of the water cluster using information collected by the economic and
environmental monitoring collaboratives.

(l) Within four (4) years after the completion of the systems-level plan and every four (4)
years thereafter, the team shall prepare a report and convene a public forum in order to
disseminate information about the current condition of the environmental health of Rhode Island’s
bays, rivers, and watersheds; and the economic vitality of the water cluster using information collected by the economic and environmental monitoring collaboratives. The report shall include an evaluation of the progress made towards attaining the systems-level plan’s goals, and an evaluation of any updates necessary for the strategies for the economic and environmental monitoring programs.

**46-31-7. Duties of chairperson.** (a) In addition to calling the meetings of the team, the chair shall facilitate the coordination necessary for the team to develop the systems-level plan, and to prepare annual work plans, annual work plan budgets, reports, and any other documents requested under the provisions of this chapter.

(b) The chair shall be responsible for presenting the systems-level plan, annual work plans, annual work plan budgets, reports, and other documents to the governor, the speaker of the house of representatives, and the president of the senate.

(c) The chair shall be responsible for the administration of all functions of the team including hiring support staff with appropriations, terminating staff when necessary, preparing budgets, contracting, and delegating administrative functions to support staff.

**46-31-8. Powers of the coordination team.** (a) In order to accomplish the purposes of this chapter and to effectuate the coordination required by this chapter, the coordination team is authorized and directed to exercise the following powers:

(1) Adopt procedures for the conduct of business as needed to carry out the provisions of this chapter;

(2) Request reports from local, state, and federal entities or agencies in order to perform their duties as provided for in this chapter;

(3) Make application for grants, services or other aids as may be available from public or private sources to finance or assist in effectuating any purposes or duties as set forth in this chapter, and receive and accept the same on such terms and conditions as may be required by general laws;

(4) Employ the services of other public, nonprofit or private entities;

(5) Enter into agreements and into contracts consistent with existing contracting practices of the department of administration;

(6) Request assistance from state employees provided that such assistance does not adversely impact the operation of affected agencies; and

(7) Such other powers as may be necessary or convenient to the performance of those functions.

(b) The coordination team may:
(1) Collect, compile, analyze, interpret, summarize, and distribute any information relative to Rhode Island’s bays, rivers, and watersheds and the duties of the team, subject to any privileges or legal requirements of privacy;

(2) Within available funding, employ any technical experts, other agents, and employees, permanent and temporary, that it may require to carry out its functions pursuant to this chapter, and determine their qualifications, duties, and compensation.

(c) The team may have additional powers granted to it from time to time by the legislature as deemed necessary to perform its duties.

(d) Nothing in this statute shall be construed to grant the coordination team the authority to impair, derogate or supersede constitutional, statutory, regulatory or adjudicatory authority or public trust responsibilities of any local, state or federal entity.

46-31-9. Committees. (a) The coordination team may appoint such subcommittees, task forces or advisory committees to make recommendations to the team as it deems necessary to carry out the provisions of this chapter. The coordination team shall annually review the work done by, and the need for, any such subcommittees, task forces, and/or advisory committees, and shall terminate the existence of such entities that are deemed to have fulfilled their purpose and/or are no longer deemed necessary by the team.

(b) A “scientific advisory committee” shall be established to advise the coordination team on research priorities, technical matters, and best management practices. The members of the scientific advisory committee shall be appointed by the governor to serve for terms of two (2) years. The members of said committee shall consist of members of the academic community as well as non-government organizations. The members of the scientific advisory committee shall receive no additional compensation for their services on the committee. The scientific advisory committee shall assist the coordination team in:

(1) Ensuring that peer review is employed in the development of an environmental monitoring strategy;

(2) Providing the team with unbiased reviews of current validated scientific knowledge relevant to their work; and

(3) Assisting with the review of existing or future plans.

The scientific advisory committee shall elect annually from among their members a chair and a vice chair.

(c) A “public advisory committee” shall be established to advise the coordination team on the development and implementation of the systems-level plan, and the preparation of annual work plans and annual work plan budgets. The members of the public advisory committee shall
be appointed by the governor for terms of two (2) years each. The members of said public advisory committee shall include, but not be limited to, representatives from the following groups: commercial fishers, recreational fishers, environmental advocacy organizations, and economic advocacy organizations. The members of the public advisory committee shall receive no additional compensation for their services to the committee. The public advisory committee shall elect annually from among their members a chair and a vice-chair.

(d) An "economic monitoring collaborative" shall be established for the purpose of developing and implementing a strategy for an economic monitoring program as specified by this section. The members of the economic monitoring collaborative shall be appointed by the governor to serve for two (2) years and shall include, but not be limited to, a representative from the Rhode Island economic policy council and a representative from the Department of Environment and Natural Resource Economics at the University of Rhode Island. From among the members, the governor shall appoint a chair. Members of the economic monitoring collaborative shall serve without additional salary but may be paid expenses incurred in the performance of their duties. The strategy for the economic monitoring program shall include baselines, protocols, guidelines, and quantifiable indicators for assessing the economic health and performance of the water cluster. Economic indicators shall include, but not be limited to, the following aspects where or when appropriate and/or available:

(1) Total gross state product originating in the water cluster;

(2) Direct and indirect employment in the water cluster; and

(3) Public expenditures for infrastructure to support the water cluster. The strategy for said economic monitoring program shall be developed by the economic monitoring collaborative and adopted by the coordination team within six (6) months of passage of this act; and shall be reviewed and updated every four (4) years, and included in the reports described in § 46-31-6(1).

(e) An "environmental monitoring collaborative" shall be established for the purpose of developing and implementing a strategy for an environmental monitoring program as specified by this section or as otherwise provided for by statute. The environmental monitoring collaborative shall include, but not be limited to, one representative from each of the following: Coastal Institute at the University of Rhode Island (URI) Bay Campus (Chair); coastal resources management council; department of environmental management; department of health; URI Watershed Watch; URI Graduate School of Oceanography; Narragansett Bay commission; statewide planning program (RIGIS) division; and URI Environmental Data Center. Members of the environmental monitoring collaborative shall serve without additional salary but may be paid expenses incurred in the performance of their duties. The strategy for the environmental monitoring collaborative shall include, but not be limited to, the following aspects where or when appropriate and/or available:

(1) Total gross state product originating in the water cluster;

(2) Direct and indirect employment in the water cluster; and

(3) Public expenditures for infrastructure to support the water cluster.
monitoring program shall be developed in consultation with the scientific advisory committee and shall include baselines, protocols, guidelines, and quantifiable environmental indicators. Environmental indicators shall include, but not be limited to, the following aspects where appropriate for rivers and bays:

1. Land cover or uses within the shoreline buffers;
2. Water temperature, salinity, and pH;
3. Concentrations of nitrogen, phosphorous, dissolved oxygen, and bacteria;
4. Water flows and circulation;
5. Species assemblages and relative abundances of finfish, shellfish, and benthic macroinvertebrates; and

6. Presence of aquatic nuisance species. The strategy for said monitoring program shall be developed by the environmental monitoring collaborative and adopted by the coordination team within six (6) months of passage of this act, and shall be reviewed and updated every four (4) years, and included in the reports described in § 46-31-6(1).

(f) The data collected as part of the economic and environmental monitoring programs shall be analyzed, synthesized, and made accessible to the governor, the general assembly, and the general public.

(g) The committees and collaboratives established pursuant to this chapter shall remain in existence so long as the coordination team is in existence. All committees shall expire and dissolve upon the expiration and/or dissolution of the coordination team.

46-31-10. Compliance with plans by local municipalities. — The statewide planning program established pursuant to the provisions of chapter 11 of title 42 shall advise the coordination team on issues of planning in general and also on local comprehensive plans, and shall consider recommendations for revisions to the state guide plan from the coordination team as necessary to achieve consistency with the systems-level plan for Rhode Island’s bays, rivers, and watersheds. As provided for in chapter 22.2 of title 45, cities and towns shall amend their comprehensive plans to conform with the state guide plan elements adopted or amended to effectuate this chapter, but not later than within one year.

46-31-11. Plans, reports, budgets, and other documents. — All plans, reports, budgets or other documents required to be produced pursuant to this chapter shall be submitted to the speaker of the house of representatives, president of the senate, the chairpersons of the house of representatives and senate finance committees, and the chairpersons of the appropriate house of representatives and senate oversight entities; further, all plans, reports, budgets or other documents required to be produced pursuant to this chapter shall be considered by the house of representatives and senate finance committees, and the chairpersons of the appropriate house of representatives and senate oversight entities.
representatives and senate finance committees in their current and future budget processes.

Adherence to such plans, reporting requirements, and budgets and the timely achievement of
goals contained therein shall be considered by the finance committees and the oversight entities
of the house of representatives and senate, among other relevant factors, in determining
appropriations or other systemic changes.

46-31-12. Staff and budget. — (a) The coordination team may employ staff and make
such expenditures as may be authorized by the general assembly from time to time. The
coordination team shall annually prepare an operating budget for inclusion in the governor's
annual budget as submitted to the general assembly and for submittal to the speaker of the house
of representatives and the president of the senate.

(b) The office of the governor is authorized and directed to establish a position in the
unclassified service for the chair of the coordination team, and to perform such administrative
support functions as may be required.

46-31-12.1. Bays, Rivers and Watersheds Fund. — (a) There is hereby established a
restricted receipt account within the Department of Environmental Management to be called the
Bays, Rivers and Watersheds Fund.

(b) The fund shall consist of any funds which the state may from time to time
appropriate, as well as money received as gifts, grants, bequests, donations or other funds from
any public or private sources, as well as all fees collected pursuant to § 46-23-1(f)(2) for the
leasing of submerged lands for transatlantic cables, and all fees collected pursuant to chapter 46-
12.11 for the disposal of septage.

(c) All funds, monies, and fees collected pursuant to this section shall be deposited in the
Bays, Rivers and Watersheds Fund, and shall be disbursed by the Rhode Island Bays, Rivers, and
Watersheds Coordination Team consistent with the purposes and duties of the team as set forth in
chapter 46-31. All expenditures from the fund shall be subject to appropriation by the general
assembly.

46-31-13. Assistance by state officers, departments, boards and commissions. — (a)
All state agencies may render any services to the coordination team within their respective
functions as may be requested by the team.

(b) Upon request of the coordination team, any state agency is authorized and empowered
to transfer to the team any officers and employees as it may deem necessary from time to time to
assist the team in carrying out its functions and duties pursuant to this chapter.

46-31-14. Severability. — If any provision of this chapter or the application thereof to any
person or circumstances is held invalid, such invalidity shall not affect other provisions or
applications of the chapter, which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

SECTION 2. Title 46 of the General Laws entitled “WATERS AND NAVIGATION” is hereby amended by adding thereto the following chapter:

CHAPTER 46-31.1
THE RHODE ISLAND BAYS, RIVERS AND WATERSHEDS FUND

46-31.1-10. Legislative findings. – The general assembly hereby finds and declares as follows:

(1) The bays, rivers, and associated watersheds of Rhode Island are unique and unparalleled natural resources that provide significant cultural, ecological, and economic benefit to the state.

(2) Pursuant to the provisions of R.I. Const., art. 1, § 17, it is the duty of the general assembly to provide for the conservation of the air, land, water, plant, animal, mineral, and other natural resources of the state; and to adopt all means necessary and proper by law to protect the natural environment of the people of the state by providing adequate resource planning for the control and regulation of the use of the natural resources of the state; and for the preservation, regeneration, and restoration of the natural environment of the state.

(3) It is in the best interest of the state and its citizens to preserve, protect, and restore our bays, rivers, and associated watersheds.

(4) Sixty percent (60%) of the watershed of Narragansett Bay is within Massachusetts, almost all of the watershed of Mount Hope Bay is within Massachusetts, and five percent (5%) of the watershed of Little Narragansett Bay is within Connecticut; further, a cluster of water-related economic interests spans the three (3) states.

(5) There is a need to foster effective management, preservation, restoration, and monitoring of the bays, rivers, and watersheds; and the promotion of sustainable economic development of businesses that rely directly or indirectly on the bays, rivers, and watersheds; and the promotion of sustainable economic development of businesses that rely directly or indirectly on the bays, rivers, and watersheds.

46-31.1-2. Definitions. – As used in this chapter, unless the context clearly indicates otherwise:

(1) "Bays" means the estuaries including Narragansett Bay, Mount Hope Bay, Greenwich Bay, Little Narragansett Bay, the coastal ponds, the Sakonnet River, and Rhode Island territorial waters that extend seaward three geographical miles from the shoreline including the area around Block Island.
(2) "Coordination" means to harmonize in a common action or effort and/or to function in a complementary manner.

(3) "River" means a flowing body of water or estuary or a section, portion, or tributary thereof, including, but not limited to, streams, creeks, brooks, ponds, and small lakes.

(4) "Water cluster" means an economically interconnected grouping of businesses, institutions, and people relying directly or indirectly on the bays, rivers, and watersheds including, but not limited to, the following sectors:

(i) Recreation, tourism, and public events;

(ii) Fisheries and aquaculture;

(iii) Boat and ship building;

(iv) Boating-related businesses;

(v) Transportation;

(vi) Military;

(vii) Research; and

(viii) Technology development and education.

(5) "Watershed" means a land area which because of its topography, soil type, and drainage patterns acts as a collector of raw waters which regorge or replenish rivers and existing or planned public water supplies.

46-31.3. Bays, Rivers and Watersheds Fund. – (a) There is hereby established a restricted receipt account within the Department of Environmental Management to be called the Bays, Rivers and Watersheds Fund;

(b) The fund shall consist of any funds which the state may from time to time appropriate, as well as money received as gifts, grants, bequests, donations or other funds from any public or private sources, as well as all fees collected pursuant to § 46-23-1(f)(2) for the leasing of submerged lands for transatlantic cables, and all fees collected pursuant to chapter 46-12.11 for the disposal of septage;

(c) All funds, monies, and fees collected pursuant to this section shall be deposited in the Bays, Rivers and Watersheds Fund, and shall be utilized by the Department of Environmental Management consistent with the purposes of §46-23.2-1 entitled, “The Comprehensive Watershed and Marine Monitoring Act of 2004”, §46-12, “Water Pollution” and §46-6.2 entitled “Resilient Rhode Island Act of 2014 – Climate Change Coordination Council”, All expenditures from the fund shall be subject to appropriation by the general assembly.

46-31.4. Severability. – If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or
applications of the chapter, which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

SECTION 3. Section 46-12.7-13 of the General Laws in Chapter entitled “Oil Spill Prevention, Administration and Response Fund” is hereby amended to read as follows:

46-12.7-13. Preventative uses of the fund. – (a) Recognizing the importance of the development of readiness and response programs, the legislature may allocate not more than two hundred fifty thousand dollars ($250,000) per annum of the amount then currently in the fund to be devoted to research and development in the causes, effects and removal of pollution caused by oil, petroleum products and their by-products on the marine environment and the monitoring of baseline environmental and economic conditions.

(b) The two hundred fifty thousand dollars ($250,000) per annum allocated for research, development, and monitoring shall be allocated to the Department of Environmental Management Coordination Team established pursuant to chapter 31 of this title and expended by the Coordination Team consistent with the purposes of subsections 46-31-9(d) and 46-31-9(e). §46-23.2-3 entitled “The Comprehensive Watershed and Marine Monitoring Act of 2004”.

(c) The remaining moneys in the fund which the legislature may allocate to research, development, and monitoring shall be used for purposes approved by the director. Such purpose may include, but shall not be limited to:

(1) Sensitive area data management and mapping;

(2) Scientific research and monitoring which is directly relevant to state legislation; and

(3) Development of more effective removal and containment technologies, appropriate for the cleanup and containment of refined fuel oils.

SECTION 4. Sections 46-23.2-2, 46-23.2-5, and 46-23.2-6 of the General Laws in Chapter 46-23.2 entitled “The Comprehensive Watershed and Marine Monitoring Act of 2004” is hereby amended to read as follows:

46-23.2-2. Legislative findings. – (a) The general assembly finds and declares that there is a need for an environmental marine monitoring system in the state that is capable of:

(1) Measuring the changing conditions in the functionality and health of the waters of the state, including, but not limited to, Narragansett Bay and its watersheds, with one purpose being identifying and predicting potential problems in the marine and freshwater habitats;

(2) Providing a data-based management system that employs a central database via the internet to store an internet-based electronic system to monitor, store and disseminate the analysis of this data to decision-makers and the public;

(3) Establishing a mechanism to coordinate and make consistent, monitoring efforts
between government agencies, municipalities, nonprofit organizations and universities; and

(4) Providing the comprehensive data needed to assess a sudden perturbation in the marine and freshwater environments and to contribute to efforts of disaster prevention, preparedness, response and recovery as defined in chapter 15 of title 30 entitled "The Rhode Island Emergency Management Act."

(b) The general assembly recognizes and declares that the health of the waters of the state, including, but not limited to, Narragansett Bay and its watersheds needs to be monitored comprehensively on a long-term basis in order to be proactive in planning and responsive to potential problems in the marine environment, including those that may arise due to a changing climate. The availability of consistent environmental data supports systems level planning and management and provides resource managers, decision-makers and citizens with information on how marine and freshwater habitats are responding to management programs and what adjustments need to be made to existing programs or what new programs must be implemented to achieve a healthy marine and freshwater environments.

(c) The general assembly recognizes the need for an integrated mechanism by which individual monitoring efforts can be coordinated and managed as a system in which the functionality of Narragansett Bay and its watersheds and other watersheds are measured and individual planning and management efforts are adjusted to respond to support effective environmental management, the needs of this marine environment.

46-23.2-5. The Rhode Island environmental monitoring collaborative – Creation. –

(a) There is hereby authorized, created and established the "Rhode Island environmental monitoring collaborative" (also known as the "collaborative") with such powers as are set forth in this chapter, for the purposes of organizing, coordinating, maintaining and supporting the environmental monitoring systems within Narragansett Bay and its watersheds and other watersheds in Rhode Island. The collaborative shall consist of ten (10) members, one representative from each of the following: Coastal Institute at the University of Rhode Island ("URI") Bay Campus (chair); coastal resources management council; department of environmental management, water quality; department of environmental management, fisheries; department of health; URI Watershed Watch; URI Graduate School of Oceanography; Narragansett Bay commission; Statewide Planning Program (RIGIS) Division; and URI Environmental Data Center. Members of the collaborative shall serve without salary but may be paid expenses incurred in the performance of their duties.

(b) The collaborative shall work with other organizations and agencies that monitor Narragansett Bay and its watersheds to perform the powers and duties established herein. These
include, but are not limited to, the Environmental Protection Agency, National Oceanic and Atmospheric Agency, Natural Resources Conservation Service, U.S. Fish and Wildlife, U.S. Geological Survey, Massachusetts Executive Office of Environmental Affairs, Narragansett Bay Estuary Program, Brown University, Roger Williams University, Rhode Island Natural History Survey, Save the Bay, Rhode Island Sea Grant, URI Cooperative Extension, and the Rhode Island Rivers Council.

**46-23.2-6. Powers and duties.** – The collaborative shall have the following powers:

1. To effectuate and implement a state monitoring strategy that addresses critical state resource management needs, including, but not limited to, water quality protection, water pollution control, fisheries and wildlife management, habitat restoration, coastal management, public health protection and emergency response and that assesses and tracks environmental health and function. Within six (6) months of its enactment, the collaborative shall adopt a statewide monitoring strategy that will provide cost-effective and useful policies, standards, protocols and guidelines for monitoring programs undertaken for the waters of the state, that will support system level planning. This strategy shall be reviewed and updated every three (3) five (5) years. This strategy shall include the following elements:
   - An inventory of existing monitoring programs;
   - An outline of additional monitoring programs the state needs;
   - A list of indicators that will be used to measure the health of the marine and freshwater habitats of the state;
   - A list Identification of data standards and protocols that will be used on a reasonable and consistent basis by monitoring programs that contribute data to the state monitoring system;
   - A mechanism plan for data sharing among all monitoring programs that optimizes the ability enables both monitors and users to securely access monitoring data via the Internet and to retain the integrity of such data;
   - A plan to provide data from the state marine environmental monitoring system for disaster prevention, preparedness, response and recovery efforts in the marine environment; and
   - A communications strategy to provide for public access to monitoring data.
2. To assist with the development and implementation of a state water monitoring and assessment program, developed consistent with guidance issued by the United States Environmental Protection Agency, and to augment and implement such a program to achieve the purposes of this strategy set forth in subdivision (1).
3. To prepare an annual report in the month of January to the governor and general assembly on the activities for the preceding year as well as the predicted financial needs of the
system for the upcoming fiscal year.

(4) To enter into data sharing agreements with federal and state agencies, municipalities and nongovernmental organizations for the purposes of coordination and management of monitoring data and programs.

(5) To accept grants, donations and contributions in money, services, materials, or otherwise, from the United States or any of its agencies, from this state and its agencies, or from any other source, and to use or expend those moneys, services, materials or other contributions in carrying out the purposes of this chapter.

(6) To enter into agreements for staff support that it deems necessary for its work, and to contract with consultants for the services it may require to the extent permitted by its financial resources.

SECTION 5. This article shall take effect as of July 1, 2015.

ARTICLE 17

RELATING TO DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES

SECTION 1. Sections 42-72-5 of the General Laws in Chapter 42-72 entitled “Department of Children, Youth and Families” is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(14) To initiate and carry out studies and analysis which will aid in solving local, regional
and statewide problems concerning children;

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

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

(17) To review and coordinate those activities of agencies of the state and of any political
subdivision of the state which affect the full and fair utilization of community resources for
programs for children, and initiate programs that will help assure utilization;
(18) To administer the pilot juvenile restitution program, including the overseeing and coordinating of all local community based restitution programs, and the establishment of procedures for the processing of payments to children performing community service; and

(19) To adopt rules and regulations which:

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

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

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

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

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

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

(24) To be responsible for the delivery of appropriate mental health services to seriously emotionally disturbed children and children with functional developmental disabilities. Appropriate mental health services may include hospitalization, placement in a residential treatment facility, or treatment in a community based setting. The department is charged with the responsibility for developing the public policy and programs related to the needs of seriously emotionally disturbed children and children with functional developmental disabilities.

In fulfilling its responsibilities the department shall:

(i) Plan a diversified and comprehensive network of programs and services to meet the needs of seriously emotionally disturbed children and children with functional developmental disabilities;
(ii) Provide the overall management and supervision of the state program for seriously emotionally disturbed children and children with functional developmental disabilities;

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

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

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

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

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

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

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

The term "functional developmental disability" includes autism spectrum disorders and means a severe, chronic disability of a person which:

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

(b) Is manifested before the person attains age eighteen (18);
(c) Is likely to continue indefinitely;
(d) Results in age-appropriate substantial functional limitations in three (3) or more of
the following areas of major life activity.
   (i) Self-care;
   (ii) Receptive and expressive language;
   (iii) Learning;
   (iv) Mobility;
   (v) Self-direction;
   (vi) Capacity for Independent Living; and
   (vii) Economic self-sufficiency; and
(e) Reflects the person's need for a combination and sequence of special,
   interdisciplinary, or generic care, treatment, or other services which are of life-long or extended
duration and are individually planned and coordinated.

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

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

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

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

(28) In fulfilling the above responsibilities and subject to the provisions of chapter 3 of title 35, the director of the department of children, youth and families shall have the authority to reallocate line item expenditures within a bottom line appropriation for purposes of achieving more effective outcomes for children, youth and families and for supporting productive and efficient operational practices through program innovation practices and performance-based contracting through June 30, 2017. The director’s authority to reallocate line item expenditures is intended to provide the department with the flexibility to implement initiatives that include but are not limited to the following:

(i) Support program innovation, either through new or existing high performing programs;

(ii) Expand the utilization of home-based and/or community-based services;

(iii) Enhance direct service support for children placed in foster homes and adoption; and

(iv) Strengthen the use of assessment tools and protocols for children, youth and families involved with the department.

(29) The director of the department of children, youth and families shall identify and implement fiscal controls to achieve savings throughout the department’s operations and, subject to the approval of the office of management and budget, may reinvest such savings in technology, infrastructure and other related services through June 30, 2017.

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

SECTION 2. This article shall take effect upon passage.

ARTICLE 18

RELATING TO DIVISION OF ADVOCACY

SECTION 1. Sections 23-1.8-1 and 23-1.8-2 of the General Laws in Chapter 23-1.8
entitled “Commission on the Deaf and Hard-of-Hearing” are hereby amended to read as follows:

23-1.8-1. Purpose — Creation of commission. — (a) In view of the barriers and
disadvantages which deafness and hearing impairments impose on those individuals so affected,
and in view of the testimony on deafness received by a legislative study commission, it is hereby
proposed that a permanent Rhode Island commission on the deaf and hard-of-hearing be
established. This commission shall be composed as follows: a thirteen (13) member commission,
eleven (11) of whom are appointed by the governor, one representative appointed by the speaker
of the house and one senator appointed by the president of the senate. Four (4) of the governor's
appointments shall be initially appointed for a term to expire July 1, 1995 and three (3) members
shall be appointed for a term to expire July 1, 1994. Thereafter the commissioners shall serve
staggered two (2) year terms, each member serving until his or her successor is appointed. These
commissioners shall be responsible for the establishment of policies and the appointment of an
executive director who shall be in the unclassified service and other staff as needed and for whom
appropriations are available. They shall meet not less than four (4) times per year, and shall not
be paid for their services, except for reimbursement of expenses incurred by their service. The
commissioners may elect their own officers.

(b) The members appointed by the governor shall include five (5) individuals who are
deaf who use American Sign Language, one individual who is deaf who does not use American
Sign Language, three (3) who are hard-of-hearing, and two (2) who are hearing. Commission
members shall select their own chairperson. Five (5) members shall constitute a quorum.

(c) For budgetary and administrative purposes only, the commission on the deaf and
hard-of-hearing shall be part of the division of advocacy established within the executive office of
health and human services pursuant to § 42-7.2-20.

23-1.8-2. Duties — Activities. — The commission shall be primarily a coordinating and
advocating body, acting on behalf of the special concerns of deaf and hard-of-hearing persons in
Rhode Island. Its activities shall be independent of any existing agency or department within the
state. The commission shall be accountable directly to the executive office of the state, and shall
submit an annual report to the governor. The commission will assume the following duties:

(1) Bring about greater cooperation and coordination among agencies and organizations
now servicing or having the potential to serve the deaf and hard-of-hearing;

(2) Promote greater accessibility to services for the deaf and hard-of-hearing;

(3) Conduct an ongoing needs assessment;

(4) Promote increased awareness and provide information and referrals;

(5) Advocate for the enactment of legislation that would assist the needs of individuals
who are deaf and hard-of-hearing;

(6) Administer a sign language interpreter referral service;

(7) Take necessary action to improve the quality of life for deaf and hard-of-hearing individuals living in Rhode Island;

(8) Develop a statewide coordinating council that will coordinate the implementation of the comprehensive statewide strategic plan for children in Rhode Island who are deaf or have hearing loss. The composition, functions and activities of the statewide coordinating council shall be consistent with the provisions of the strategic plan developed through the Rhode Island department of elementary and secondary education.

(9) Track the yearly services provided by exempted interpreters, as defined in subsection 5-71-15(4).

SECTION 2. Section 40.1-5-13 of the General Laws in Chapter 40.1-5 entitled “Mental Health Law” is hereby amended to read as follows:

40.1-5-13. Mental health advocate. – (a) There is hereby created the office of mental health advocate.

(b) For budgetary and administrative purposes only, the office of the mental health advocate shall be part of the division of advocacy established within the executive office of health and human services pursuant to § 42-7.2-20.

SECTION 3. Chapter 42-7.2 of the General Laws entitled “Office of Health and Human Services” is hereby amended by adding thereto the following section:

42-7.2-20. Creation of the division of advocacy. – There is hereby established within the executive office of health and human services the division of advocacy, which shall consist of the commission on the deaf and hard-of-hearing, the governor’s commission on disabilities, the office of the mental health advocate, and the child advocate office.

SECTION 4. Section 42-7.2-5 of the General Laws in Chapter 42-7.2 entitled “Office of Health and Human Services is hereby amended to read as follows:

42-7.2-5. Duties of the secretary. – The secretary shall be subject to the direction and supervision of the governor for the oversight, coordination and cohesive direction of state administered health and human services and in ensuring the laws are faithfully executed, notwithstanding any law to the contrary. In this capacity, the Secretary of Health and Human Services shall be authorized to:

(1) Coordinate the administration and financing of health care benefits, human services and programs including those authorized by the Global Consumer Choice Compact Waiver and, as applicable, the Medicaid State Plan under Title XIX of the US Social Security Act. However,
nothing in this section shall be construed as transferring to the secretary the powers, duties or
functions conferred upon the departments by Rhode Island public and general laws for the
administration of federal/state programs financed in whole or in part with Medicaid funds or the
administrative responsibility for the preparation and submission of any state plans, state plan
amendments, or authorized federal waiver applications, once approved by the secretary.

(2) Serve as the governor's chief advisor and liaison to federal policymakers on Medicaid
reform issues as well as the principal point of contact in the state on any such related matters.

(3) Review and ensure the coordination of any Global Consumer Choice Compact
Waiver requests and renewals as well as any initiatives and proposals requiring amendments to
the Medicaid state plan or category two (II) or three (III) changes, as described in the special
terms and conditions of the Global Consumer Choice Compact Waiver with the potential to affect
the scope, amount or duration of publicly-funded health care services, provider payments or
reimbursements, or access to or the availability of benefits and services as provided by Rhode
Island general and public laws. The secretary shall consider whether any such changes are legally
and fiscally sound and consistent with the state's policy and budget priorities. The secretary shall
also assess whether a proposed change is capable of obtaining the necessary approvals from
federal officials and achieving the expected positive consumer outcomes. Department directors
shall, within the timelines specified, provide any information and resources the secretary deems
necessary in order to perform the reviews authorized in this section;

(4) Beginning in 2006, prepare and submit to the governor, the chairpersons of the house
and senate finance committees, the caseload estimating conference, and to the joint legislative
committee for health care oversight, by no later than March 15 of each year, a comprehensive
overview of all Medicaid expenditures outcomes, and utilization rates. The overview shall
include, but not be limited to, the following information:

(i) Expenditures under Titles XIX and XXI of the Social Security Act, as amended;
(ii) Expenditures, outcomes and utilization rates by population and sub-population served
(e.g. families with children, children with disabilities, children in foster care, children receiving
adoption assistance, adults with disabilities, and the elderly);
(iii) Expenditures, outcomes and utilization rates by each state department or other
municipal or public entity receiving federal reimbursement under Titles XIX and XXI of the
Social Security Act, as amended; and
(iv) Expenditures, outcomes and utilization rates by type of service and/or service
provider.

The directors of the departments, as well as local governments and school departments,
shall assist and cooperate with the secretary in fulfilling this responsibility by providing whatever
resources, information and support shall be necessary.

(5) Resolve administrative, jurisdictional, operational, program, or policy conflicts
among departments and their executive staffs and make necessary recommendations to the
governor.

(6) Assure continued progress toward improving the quality, the economy, the
accountability and the efficiency of state-administered health and human services. In this
capacity, the secretary shall:

(i) Direct implementation of reforms in the human resources practices of the departments
that streamline and upgrade services, achieve greater economies of scale and establish the
coordinated system of the staff education, cross-training, and career development services
necessary to recruit and retain a highly-skilled, responsive, and engaged health and human
services workforce;

(ii) Encourage the departments to utilize consumer-centered approaches to service design
and delivery that expand their capacity to respond efficiently and responsibly to the diverse and
changing needs of the people and communities they serve;

(iii) Develop all opportunities to maximize resources by leveraging the state's purchasing
power, centralizing fiscal service functions related to budget, finance, and procurement,
centralizing communication, policy analysis and planning, and information systems and data
management, pursuing alternative funding sources through grants, awards and partnerships and
securing all available federal financial participation for programs and services provided through
the departments;

(iv) Improve the coordination and efficiency of health and human services legal functions
by centralizing adjudicative and legal services and overseeing their timely and judicious
administration;

(v) Facilitate the rebalancing of the long term system by creating an assessment and
coordination organization or unit for the expressed purpose of developing and implementing
procedures across departments that ensure that the appropriate publicly-funded health services are
provided at the right time and in the most appropriate and least restrictive setting; and

(vi) Strengthen health and human services program integrity, quality control and
collections, and recovery activities by consolidating functions within the office in a single unit
that ensures all affected parties pay their fair share of the cost of services and are aware of
alternative financing.

(vii) Broaden access to publicly funded food and nutrition services by consolidating
agency programs and initiatives to eliminate duplication and overlap and improve the availability
and quality of services; and

(viii) Assure protective services are available to vulnerable elders and adults with
developmental and other disabilities by reorganizing existing services, establishing new services
where gaps exist and centralizing administrative responsibility for oversight of all related
initiatives and programs.

(7) Prepare and integrate comprehensive budgets for the health and human services
departments and any other functions and duties assigned to the office. The budgets shall be
submitted to the state budget office by the secretary, for consideration by the governor, on behalf
of the state's health and human services in accordance with the provisions set forth in § 35-3-4 of
the Rhode Island general laws.

(8) Utilize objective data to evaluate health and human services policy goals, resource use
and outcome evaluation and to perform short and long-term policy planning and development.

(9) Establishment of an integrated approach to interdepartmental information and data
management that complements and furthers the goals of the CHOICES initiative and that will
facilitate the transition to consumer-centered system of state administered health and human
services.

(10) At the direction of the governor or the general assembly, conduct independent
reviews of state-administered health and human services programs, policies and related agency
actions and activities and assist the department directors in identifying strategies to address any
issues or areas of concern that may emerge thereof. The department directors shall provide any
information and assistance deemed necessary by the secretary when undertaking such
independent reviews.

(11) Provide regular and timely reports to the governor and make recommendations with
respect to the state's health and human services agenda.

(12) Employ such personnel and contract for such consulting services as may be required
to perform the powers and duties lawfully conferred upon the secretary.

(13) Implement the provisions of any general or public law or regulation related to the
disclosure, confidentiality and privacy of any information or records, in the possession or under
the control of the executive office or the departments assigned to the executive office, that may be
developed or acquired for purposes directly connected with the secretary's duties set forth herein.

(14) Hold the director of each health and human services department accountable for
their administrative, fiscal and program actions in the conduct of the respective powers and duties
of their agencies.
(15) For budgetary and administrative purposes only, oversee the division of advocacy established in § 42-7.2-20.

SECTION 5. Section 42-51-1 of the General Laws in Chapter 42-51 entitled “Governor’s Commission on Disabilities” is hereby amended to read as follows:

42-51-1. Establishment of commission. – (a) There is established within the executive department a permanent commission to be known as the "governor's commission on disabilities," hereinafter referred to as "the commission."

(b) For budgetary and administrative purposes only, the governor’s commission on disabilities shall be part of the division of advocacy established within the executive office of health and human services pursuant to § 42-7.2-20.

SECTION 6. Section 42-73-1 of the General Laws in Chapter 42-73 entitled “Child Advocate Office” is hereby amended to read as follows:

42-73-1. Establishment. – (a) There is created the child advocate office.

(b) For budgetary and administrative purposes only, the child advocate office shall be part of the division of advocacy established within the executive office of health and human services pursuant to §42-7.2-20.

SECTION 7. This article shall take effect as of July 1, 2015.

SECTION 8. This article shall take effect upon passage.

ARTICLE 19

RELATING TO CONSOLIDATION OF DEPARTMENT OF HEALTH BOARDS

SECTION 1. Chapter 5-26 of the General Laws entitled “Division of Professional Regulation” is hereby repealed in its entirety.

CHAPTER 5-26

DIVISION OF PROFESSIONAL REGULATION

5-26-1. Establishment of division—Administrator. – Within the department of health there shall be a division of professional regulation, and the director of health shall appoint an administrator of that division, in accordance with the provisions of chapter 4 of title 36. The administrator of the division professional regulation shall act as the administrative agent for the boards established.

5-26-2. Boards of examiners appointed by director of health. – The director of health, with the approval of the governor, shall also appoint to the division of professional regulation a board of nursing registration and education as provided by chapter 34 of this title, and a board of examiners of each of the following arts, practices, sciences, or callings: barbering, podiatry, chiropractic, (except as provided in § 5-30-1.1) psychology, optometry, electrolysis, and physical
therapy; and a board of five (5) examiners in speech pathology, audiology, and embalming. Those
boards shall perform the duties prescribed by chapters 10, 29, 30, (except as provided in § 5-26-
1.1), 32, 33, 34, 35, 40, 44, and 48 of this title.

5-26-3. Qualifications of examiners. — The examiners appointed for each specific art, practice, science, or calling referred to in § 5-26-2 shall be persons competent to give those examinations and shall be appointed from persons licensed to practice such an art, practice, science, or calling in this state, except that one member of each of the chiropractic, and electrolysis boards shall be a physician licensed to practice medicine in the state.

5-26-4. Terms of examiners — Vacancies. — The membership of the boards of examiners mentioned in § 5-26-2 shall be for terms of three (3) years. On the expiration of the term of any member, the director of health, by and with the advice and consent of the governor, shall fill the vacancy by appointment for a term of three (3) years. On the death, resignation, or removal for cause of any member, the director of health, by and with the consent and advice of the governor, shall fill the vacancy by appointment for the unexpired portion of the term. Every member shall serve until his or her successor has been appointed and qualified.

5-26-5. Holding of examinations — Compensation of examiners. — The director of health shall cause examinations to be held as required by law for the various arts and practices enumerated in § 5-26-2. Members of each board of examiners as enumerated in § 5-26-2 shall not be compensated for their service on the board of examiners.

5-26-6. Non-discrimination in licensing or certification. — The division of professional regulation and the licensing and examining boards established in this title shall administer their licensing or certification programs in a manner which does not violate the requirements of 29 U.S.C. § 794, 42 U.S.C. § 12101 et seq., and chapter 87 of title 42.

SECTION 2. TITLE 5 of the General Laws entitled “BUSINESSES AND PROFESSIONS” is hereby amended by adding thereto the following chapter:

CHAPTER 5-26.1

THE DIVISION OF PROFESSIONAL REGULATION AND LICENSING

5-26.1-1. Establishment of the division of professional regulation and licensing — Administrator -- Staff. — (a) Within the department of health there shall be a division of professional regulation and licensing. The director of health shall appoint an administrator of this division, in accordance with the provisions of chapter 4 of title 36.

(b) Subject to appropriation, the director of health may appoint appropriate staff to the division of professional regulation and licensing for the proper administration of this chapter, including a chief field inspector, approved by the governor, to assist the division in the proper
5.26.1-2. Division of professional regulation and licensing powers and duties. – (a)

The division of professional regulation and licensing shall be the licensing and regulatory authority for the following arts, practices, sciences or callings:

(1) Barbers, hairdressers, cosmeticians, manicurists, and estheticians in chapter 10 of title 5;
(2) Chiropractic physicians in chapter 30 of title 5;
(3) Electrolysis in chapter 32 of title 5;
(4) Funeral director/embalmer in chapter 33.2 of title 5;
(5) Opticians in chapter 35.2 in title 5;
(6) Social workers in chapter 39.1 of title 5;
(7) Physical therapists in chapter 40 in title 5;
(8) Occupational therapy in chapter 40.1 in title 5;
(9) Psychologists in chapter 44 of title 5;
(10) Nursing home administrators 45 of title 5;
(11) Speech pathology and audiology in chapter 48 of title 5;
(12) Hearing aid dealers and fitters in chapter 49 of title 5;
(13) Prosthetist in chapter 59 of title 5;
(14) Athletic trainers in chapter 60 in title 5;
(15) Mental health counselors and marriage and family therapists in chapter 63 of title 5;
(16) Licensed dietician in chapter 64 of title 5;
(17) Dietary manager in chapter 64.1 of title 5;
(18) Radiologic technologists in chapter 68 of title 5;
(19) Licensed chemical dependency professionals in chapter 69 of title 5;
(20) Interpreters for the deaf in chapter 71 of title 5;
(21) Applied behavior analysts in chapter 86 of title 5;
(22) Clinical laboratory science practice in chapter 16.3 in title 23;
(23) Assisted living residence administrators in chapter 17.4 of title 23;
(24) Massage therapists in chapter 20.8 in title 23; and
(25) Respiratory care in chapter 39 of title 23;

(b) Over all professions stated in (a), the division of professional regulation and licensing shall:

(1) Approve all written and practical examinations in accordance with (c) below;
(2) Issue all licenses and permits subsequently provided for in this chapter;
(3) Serve as the inspector of sanitation of all individuals and establishments licensed under this chapter;

(4) Make any rules and regulations that the division deems necessary or expedient, in conformity with the provisions of this chapter and not contrary to law, relating to the practice of any of the professions provided in subsection (a), including, but not limited to, the licensing, examination, examination fees, conduct of the business, the establishment, the sanitary requirements in all establishments and of all persons licensed or unlicensed under the provisions of this chapter;

(5) Keep a register of all persons and places of business licensed under this chapter;

(6) Keep complete records of all persons and establishments licensed under this chapter;

(7) Summon witnesses; and

(8) Perform all acts necessary to enforce the provisions of this chapter.

(9) Act as the administrative agent and keep a record of all proceedings of the health professions board of review, issue all notices, attest all records, and perform any other administrative duties that are required by the health professionals board of review, established in accordance with § 5-26.1-3.

(c)(1) If an examination is deemed necessary as a condition of licensing by the director of health, the examination for licensure may be conducted by the division as scheduled by the division as appropriate and according to methods and in any subject fields that is deemed most practical and expeditious to test the applicant's qualifications. Further:

(i) The division may require examinations to be written or oral, or both.

(ii) In any written examination, the division may require that the identity of the applicant shall not be disclosed until after the examination papers have been graded.

(iii) Written examination papers shall be preserved and available for at least two (2) years.

(iv) A candidate shall pass the examination upon receiving the threshold score determined in advance by the division.

(v) Any appeal regarding the examination or score of an individual shall be submitted to the health professions board of review.

(2) A license may be issued by the division without examination in Rhode Island if:

(i) An applicant who has been licensed or certified under the laws of another state, United States territory, or foreign country where the division determines that the requirements are substantially equivalent or stricter to those of this state; or

(ii) An applicant has been licensed or certified after examination by an association...
deemed suitable by the division and the division determines that the examination is substantially
equivalent to, or exceeds, the requirements or examination in the State of Rhode Island.

(d) The division may issue temporary permit or provisional license to practice to a
candidate for licensure who has paid the required fees as set forth in § 23-1-54 and has satisfied
the following requirements:

(1) Filed an application for licensure with all required supporting materials;
(2) Has met all of the requirements determined necessary by the division as specified in
rules and regulations;
(3) Shall only practice under the appropriate supervision of a licensed practitioner as
delineated in the rules and regulations promulgated hereunder;
(4) Shall refrain from using the professional title or representing himself or herself as a
licensed professional, other than by using the title "student", "trainee" or "intern", or "resident";
and
(5) The temporary permit or provisional license shall expire, but may be extended, in
accordance with a time period to be determined by the division under regulation.

(e) Establish standards for continuing education.

(f) (1) Be responsible for investigation and enforcement of all disciplinary actions under
this chapter.
(2) If the division has reason to believe that any person, firm, corporation or association
is conducting any activities requiring licensure without obtaining a license, or who after the
denial, suspension or revocation of a license conducts any activities requiring licensure, or who
conducting activities in an improper manner, in the interest of public health and safety, the
department may issue a cease and desist order to that person, firm, corporation or association
commanding them to halt unlawful activities and to appear within thirty (30) days for a hearing
before the health professions board of review established in accordance with § 5-26.1-
3. Additionally, the division may impose any appropriate sanctions or take further action
consistent with law or regulation.
(3) The order to show cause may be served on any person, firm, corporation or
association named in the order in the same manner that summons in a civil action may be served,
or by mailing a copy of the order, certified mail, return receipt requested, to that person at any
address at which he or she has done business or at which he or she lives. If, upon that hearing, the
board is satisfied that the person is in fact violating any provision of title 5, then the department
may order that person, in writing, to cease and desist from that violation and the department may
impose sanctions or take further action consistent with law or regulations. If that person, firm,
corporation or association fails to comply with an order of the division, the superior court in Providence county has jurisdiction upon complaint of the department to restrain and enjoin that person from further violation.

(g) Effective July 1, 2015, all functions and authority vested in the division of professional regulation under § 5-26 are hereby transferred to the division of professional regulation and licensing hereunder. The division of regulation and licensing shall have authority as expressly provided in the provisions of chapter 26 of title 5. Notwithstanding any other general law to the contrary, the division shall supersede all licensing and regulatory authority previously established pursuant to chapters 10, 30, 32, 33.2, 35.2, 39.1, 40, 40.1, 44, 45, 48, 49, 59, 60, 63, 64, 64.1, 68, 69, 71, and 86 of title 5 and chapters 16.3, 17.4, 20.8, and 39 of title 23, granted to individual boards under these chapters. All administrative appeals and advisory authority conferred by these sections shall now be vested in the health professions board of review established by § 5-26.1-3.

(h) The division shall administer their licensing or certification programs in a manner which does not violate the requirements of 29 U.S.C. § 794, 42 U.S.C. § 12101 et seq., and chapter 87 of title 42.

5-26.1-3. Health professions board of review established. – (a) A single health professions board of review is hereby established for the purpose of appeals, discipline and advisory functions for the arts, practices, sciences, or callings listed in § 5-26.1-2(a).

5-26.1-4. Health professions board of review – Appointments – Terms -- Removal of members – Vacancies – Technical Subcommittee. – (a) With recommendation by the director of health, and approval of the governor, the department shall appoint ten (10) members to the health professions board of review. Four (4) of the members shall be professionals licensed and in good standing in any of the arts, practices, sciences, or callings stated in § 5-26.1-2(a). Three (3) of the members shall be general members of the public and consumers of the professions stated in § 5-26.1-2(a). Three (3) of the members shall be employed in the healthcare industry. The entire membership as a whole shall be diverse and representative of the Rhode Island population to the greatest extent possible. In addition to the ten (10) appointed members, the director of health or his or her designee shall serve as a member and chairperson.

(b) Appointed members of the board of review shall serve until their successors are appointed and qualified and for the following terms:

1) Three (3) members for one (1) year;
2) Three (3) members for two (2) years;
3) Three (3) members for three (3) years; and
4) Beginning July 1, 2018, all members shall serve for three (3) years from their date of appointment.

(c) Upon recommendation of the director of health, any member of the board may be removed by the governor for cause, including, but not limited to failure to attend regularly scheduled meetings or failure to maintain good standing in his or profession. On the death, resignation, or removal for cause of any member of the board, the governor shall fill the vacancy by appointment for a new three (3) year term in accordance with subsection (a).

(d) The director of health shall designate at least one (1) person licensed and in good standing in each profession listed in § 5-26.1-2(a) to serve as a non-voting technical expert to the board in his or her profession as necessary and required by the board.

(e) All members of the board and designated technical experts shall not be compensated for their service.

(d) All members of the board are subject to the provisions of chapter 14 of title 36 and associated provisions.

5-26.1-5. Health professions board of review – Powers and duties. - (a) Upon formal request, the board shall hear an appeal of disciplinary actions taken by the division of professional regulation and licensing related to the professions listed in § 5-26.1-3(a) within thirty (30) days from the issuance of a complaint by the division. Any such hearing shall be conducted in accordance with chapter 35 of title 42, administrative procedures. The board shall render a decision within ten business (10) days from the close of the hearing. The board shall adopt regulations for the conduct of any such hearings. The board may summon witnesses and administer oaths as necessary. If a person fails to comply with an order of the board after being afforded a hearing, the superior court in Providence county has jurisdiction upon complaint of the department of health to restrain and enjoin that person from violating any order.

(b) The board shall hear all licensing and examination appeals pertaining to professions listed in § 5-26.1-2(a) in a manner consistent with subsection (a).

(c) Any aggrieved person, including the division, may appeal from the decision of the board pursuant to § 42-35-15 to the superior court.

(d) The board may serve in an advisory capacity and may make recommendations to the director of health and the division of professional regulation and licensing regarding any selection, review and evaluation of the licensing examinations; regarding any policy that may be necessary to improve the operations of the division of professional regulation and licensing; recommend that the director adopt rules and regulations that set professional practice standards for professions listed in § 5-26.1-2(a). Any recommendations are advisory in nature and are
subject to the approval of the director of health.

(e) The board shall administer their function in a manner which does not violate the requirements of 29 U.S.C. § 794, 42 U.S.C. § 12101 et seq., and chapter 87 of title 42.

SECTION 3. Sections 5-10-1, 5-10-28, 5-10-31 and 5-10-32 of the General Laws entitled “Barbers, Hairdressers, Cosmeticians, Manicurists, and Estheticians” are hereby amended to read as follows:

5-10-1. Definitions. – The following words and phrases, when used in this chapter, are construed as follows:

(1) "Apprentice barber" means an employee whose principal occupation is service with a barber or hairdresser who has held a current license as a barber or hairdresser for at least three (3) years with a view to learning the art of barbering, as defined in subdivision (15) of this section.

(2) "Barber" means any person who shaves or trims the beard, waves, dresses, singes, shampoos, or dyes the hair or applies hair tonics, cosmetic preparations, antiseptics, powders, oil clays, or lotions to scalp, face, or neck of any person; or cuts the hair of any person, gives facial and scalp massages, or treatments with oils, creams, lotions, or other preparations.

(3) "Board" means the health professions board of review, state board of barbering and hairdressing as provided for in this chapter, in Chapter 26.1-3 of title 5.

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

(5) "Division" means the division of professional regulation and licensing within the department of health.

(6) "Esthetician" means a person who engages in the practice of esthetics, and is licensed as an esthetician.

(7) "Esthetician shop" means a shop licensed under this chapter to do esthetics of any person.

(8) "Esthetics" means the practice of cleansing, stimulating, manipulating, and beautifying skin, including, but not limited to, the treatment of such skin problems as dehydration, temporary capillary dilation, excessive oiliness, and clogged pores.

(9) "Hair design shop" means a shop licensed under this chapter to do barbering or hairdressing/cosmetology, or both, to any person.

(10) "Hairdresser and cosmetician" means any person who arranges, dresses, curls, cuts, waves, singes, bleaches, or colors the hair or treats the scalp, or manicures the nails of any person either with or without compensation or who, by the use of the hands or appliances, or of cosmetic preparations, antiseptics, tonics, lotions, creams, powders, oils or clays, engages, with or without compensation, in massaging, cleansing, stimulating, manipulating, exercising, or beautifying or in
doing similar work upon the neck, face, or arms or who removes superfluous hair from the body
of any person.

(11) "Instructor" means any person licensed as an instructor under the provisions of this
chapter.

(12) "Manicuring shop" means a shop licensed under this chapter to do manicuring only
on the nails of any person.

(13) "Manicurist" means any person who engages in manicuring for compensation and is
duly licensed as a manicurist. (14) "School" means a school approved under chapter 40 of title 16,
as amended, devoted to the instruction in and study of the theory and practice of barbering,
hairdressing and cosmetic therapy, esthetics and/or manicuring.

(15) "The practice of barbering" means the engaging by any licensed barber in all or any
combination of the following practices: shaving or trimming the beard or cutting the hair; giving
facial and scalp massages or treatments with oils, creams, lotions, or other preparations either by
hand or mechanical appliances; singeing, shampooing, arranging, dressing, curling, waving,
chemical waving, hair relaxing, or dyeing the hair or applying hair tonics; or applying cosmetic
preparations, antiseptics, powders, oils, clays or lotions to scalp, face, or neck.

(16) "The practice of hairdressing and cosmetic therapy" means the engaging by any
licensed hairdresser and cosmetician in any one or more of the following practices: the
application of the hands or of mechanical or electrical apparatus, with or without cosmetic
preparations, tonics, lotions, creams, antiseptics, or clays, to massage, cleanse, stimulate,
manipulate, exercise, or otherwise to improve or to beautify the scalp, face, neck, shoulders,
arms, bust, or upper part of the body or the manicuring of the nails of any person; or the removing
of superfluous hair from the body of any person; or the arranging, dressing, curling, waving,
weaving, cleansing, cutting, singeing, bleaching, coloring, or similarly treating the hair of any
person.

(17) "The practice of manicuring" means the cutting, trimming, polishing, tinting,
coloring, or cleansing the nails of any person.

5-10-28. Appeals. – Any person aggrieved by any decision or ruling of the Division may
appeal to the board administrator of the division or his or her designee in accordance with § 5-26.1-5.
A further judicial appeal may then be made to the appropriate board of examiners, of the
board’s decision may be brought in accordance with § 5-26.1-5(c). Any person aggrieved by any
decision or ruling of the board may appeal it to the director of the department. Any further appeal
from the action of the director is in accordance with the provisions of chapter 35 of title 42. For
the purpose of this section the division is considered a person.
5-10-31. Prosecution of violations. – Complaints for violations of the provisions of this chapter shall be made by the division, the board of hairdressing, or a member or any person authorized by the division, who shall investigate the complaint and take appropriate action in accordance with regulation and as necessary. Nothing herein shall prevent the division from bringing a complaint on its own accord, and The complainant, other than the division, shall not be required to recognize for costs; provided, that if the division, board or any member refuses or unreasonably neglects to prosecute a violation of this chapter, any person holding any license issued by the division may complain to the attorney general, who shall assign a member of his or her department to investigate the complaint and, if reasonable cause for the complaint is found to exist, shall diligently prosecute the person, association, partnership, or corporation violating the provisions of this chapter or portion of this chapter.

5-10-32. Enforcement of chapter – Annual reports. – The division is specifically charged with the enforcement of this chapter, shall investigate all complaints for violations of the provisions of this chapter, The board shall hold a hearing upon any complaint for any violation of the chapter within thirty (30) days after the filing of the complaint and render a decision, in writing, within ten (10) days from the close of the hearing. If the division board finds that any of the provisions of this chapter have been violated, it the division shall immediately institute any criminal prosecution that the violation warrants.

SECTION 4. Sections 5-10-2, 5-10-3, 5-10-4, 5-10-6 of the General Laws in Chapter 5-10, entitled, “Barbers, Hairdressers, Cosmeticians, Manicurists and Estheticians” are hereby repealed.

5-10-2. Creation of division of professional regulation and board of barbering and hairdressing – Powers and duties. – (a) Within the department of health there is a division of professional regulation and a board of barbering and hairdressing. The division shall:

(1) Approve all written and practical examinations;

(2) Issue all licenses and permits subsequently provided for in this chapter;

(3) Serve as the sole inspector of sanitation of all establishments licensed under this chapter;

(4) Make any rules and regulations that the division deems necessary or expedient, in conformity with the provisions of this chapter and not contrary to law, for the conduct of the business of barbering and hairdressing and cosmetic therapy or esthetics and manicuring, for the use of appliances, apparatus, and electrical equipment and machines and the establishment of sanitary requirements in all establishments and of all persons licensed under the provisions of this chapter;
(5) Keep a register of all persons and places of business licensed under this chapter;

(6) Keep complete records of all persons and establishments licensed under this chapter;

(7) Summon witnesses and administer oaths; and

(8) Do all things and perform all acts necessary to enforce the provisions of this chapter.

(b) The board of barbering and hairdressing shall have a policy-making role in selection of the examinations. Subsequent to the administration of the examination, the board of examiners shall review the examinations to evaluate their effectiveness. The board shall supervise the operations of the division of professional regulation in an advisory capacity in promulgating any policy that is necessary to improve the operations of the division in their areas of expertise. The promulgation of that policy is subject to the approval of the director of the department. Members of the board are subject to the provisions of chapter 14 of title 36.

5-10-3. Board of barbering and hairdressing — Appointments — Organization — Removal of members. — (a) The governor shall appoint seven (7) members to a board of hairdressing who shall be appointed for a term of four (4) years and until their successors are appointed and qualified. The governor shall appoint one public member, three (3) licensed cosmetologists, and three (3) licensed barbers. However, for the initial board appointments the three hairdressing members of the current board of hairdressing and the three (3) barber members of the current board of barbering shall be automatically appointed to the board of barbering and hairdressing to fulfill their unexpired terms. To be eligible for appointment to the board, the appointee shall have been a licensed barber or hairdresser and cosmetician, continuously and actively engaged in that practice for at least five (5) years immediately preceding his or her appointment, and not be connected, either directly or indirectly, with any school of barbering, hairdressing, and cosmetic therapy as defined in § 5-10-1(14), or any establishment dealing in barbering, cosmetic, or hairdressing supplies.

(b) Any member of the board appointed by the governor may be removed by the governor for cause and any vacancy occurring in the membership of the board by that removal shall be filled by the governor by the appointment of a qualified person to serve for the unexpired term.

(c) The division shall keep a record of all proceedings of the board, issue all notices, attest all records, and perform any other duties that are required by the board.

(d) The department is authorized to employ a chief field inspector appointed by the governor and to assist the division in the proper administration of this chapter.

5-10-4. Board of barbering and hairdressing — Compensation of members. — No member of the board shall be compensated for his or her services for attendance at meetings of
the board, attendance at examinations, but shall be reimbursed by the department of health for his
or her traveling and other expenses incurred in the performance of his or her duties provided in
this chapter.

5-10-6. Meetings of board—Time and notice of examinations.—The board shall meet
as often as necessary for the transaction of any business that regularly comes before it. The board
shall hold each year, at any times and places within the state that it designates, at least two (2)
public examinations for the various classes of licenses that it is empowered to issue. Practical
examinations shall be held for those licenses.

SECTION 5. Sections 5-30-6, 5-30-7, 5-30-8, 5-30-9, 5-30-10, 5-30-12, 5-30-13, 5-30-14
and 5-30-15 of the General Laws in Chapter 5-30 entitled “Chiropractic Physicians,” are hereby
amended as follows:

5-30-6. Qualifications and examinations of applicants.—Every person desiring to
begin the practice of chiropractic medicine, except as provided in this chapter, shall present
satisfactory evidence to the division of professional regulation and licensing of the department of
health, verified by oath, that he or she is more than twenty-three (23) years of age, of good moral
character, and that before he or she commenced the study of chiropractic medicine had
satisfactorily completed credit courses equal to four (4) years of pre-professional study acceptable
by an accredited academic college and obtained a bachelor of science or bachelor of arts degree
and subsequently graduated from a school or college of chiropractic medicine approved by the
division of professional regulation and licensing of the department of health, and has completed a
residential course of at least four (4) years, each year consisting of at least nine (9) months study.
Any qualified applicant shall take an examination before the state board of chiropractic examiners
as required by the division of professional regulation and licensing to determine his or her
qualifications to practice chiropractic medicine. Every applicant for an examination shall pay a
fee as set forth in § 23-1-54 for the examination to the division of professional and licensing
regulation. Every candidate who passes the examination shall be recommended by the division of
professional regulation of the department of health to the director of the department of health to
receive a certificate of qualification to practice chiropractic medicine. Nothing herein shall
prevent the division of professional regulation and licensing from issuing a license without
examination in accordance with the provisions of § 5-26.1-2(c)(2) or § 5-30-7.

5-30-7. Certification of chiropractic physicians authorized to practice in other states.

The division of professional regulation and licensing of the department of health may, at its
discretion, dispense with the examination of any chiropractic physician authorized to practice
chiropractic medicine in any other state, and who has been practicing his or her profession in that
state for at least five (5) years and desires to reside permanently and practice his or her profession
in this state, provided the laws of that state require qualifications of a grade equal to those
required in Rhode Island, and provided that equal rights are accorded by that state to chiropractic
physicians of Rhode Island. The chiropractic physician shall make an application to the division
for exemption from examination and the division may in its discretion exempt him or her. If the
division exempts him or her, he or she shall pay a fee as set forth in § 23-1-54 for a certificate of
exemption from that examination, and upon receipt of that fee, the division shall recommend him
or her to the director of the department of health to receive a certificate of qualification to practice
chiropractic medicine.

5-30-8. Certification to practice physiotherapy. – (a) Every person desiring to practice
physiotherapy in addition to chiropractic medicine and who completed a course of four (4) years,
of eight (8) months each, in some school of chiropractic medicine approved by the division of
professional regulation and licensing of the department of health, completed a course of three (3)
years, of nine (9) months each, at some school of chiropractic medicine approved by the division
and an additional year, of at least six (6) months, in physiotherapy and all branches of that field,
at that school, or has served as an intern for six (6) months in any year at an institution approved
by the division, and satisfies the division that he or she is qualified, may take an examination
before the state board of chiropractic examiners to determine his or her qualification to practice
physiotherapy in addition to chiropractic medicine.

(b) Every applicant for that examination shall pay a fee for the examination to the
division of professional regulation and licensing of the department of health, provided that if the
examination is taken at the same time as the examination to determine the applicant's fitness to
practice chiropractic medicine, only one fee as set forth in § 23-1-54 is charged. Every candidate
who passes that examination shall be recommended by the division of professional regulation and
licensing of the department of health to the director of the department of health to receive a
certificate of qualification to practice physiotherapy.

5-30-9. Method and scope of examinations – Reexaminations. – With the exception of
vertebral palpation and adjusting which is by demonstration, the examination provided for in § 5-
30-6 to determine the applicant's qualification to practice chiropractic medicine shall be in
writing, and it shall be given in any subjects that the division of professional regulation and
licensing of the department of health determines, but it must include questions in all of the
following subjects: microbiology, anatomy, histology and embryology, physiology, chemistry,
laboratory diagnosis, hygiene and sanitation, philosophy of chiropractic medicine, spinal analysis,
pathology, physical diagnosis, practice of chiropractic medicine, technique, clinical diagnosis, x-
ray, first aid, gynecology and dietetics. The division utilizes for the examinations in the basic sciences subjects of microbiology, anatomy, physiology, chemistry, and pathology the examination prepared and scored by the examination institute committee of the Federation of State Medical Boards of the United States, Inc., (FLEX) or any other examination that in the opinion of the division of professional regulation and licensing is substantially equivalent to it. The Rhode Island board of medical licensure shall cooperate with the division in making the (FLEX) examination available. In case an applicant fails to pass the first examination, he or she is entitled to reexamination at the next regular examination without further fee. The examination to determine the applicant's fitness to practice physiotherapy shall include questions in any branches of physiotherapy that the division determines. The division shall prepare reasonable questions and shall fairly mark and grade the answers to these questions, all of which shall be done for the purpose of determining whether the applicant is reasonably qualified to practice chiropractic medicine and physiotherapy.

5-30-10. Issuance and registration of certificates. – Upon receipt of any recommendation from the division of professional regulation and licensing board of chiropractic examiners, as provided in §§ 5-30-6 – 5-30-8, the director of the department of health shall issue to the recommended person a certificate to practice chiropractic medicine or physiotherapy within this state, or certificates to practice each of them, in accordance with that recommendation. Those certificates shall be signed by the administrator of the division of professional regulation and licensing members of the board of chiropractic examiners and by the director of the department of health, who shall affix the official seal of the department of health to the certificates. The holder of a certificate authorizing him or her to practice chiropractic medicine, immediately upon receipt of the certificate, shall cause it to be filed for registration in the office of the clerk of the city or town in which he or she resides, and that act shall constitute him or her a regularly registered chiropractic physician.

5-30-12. Annual registration – Payment of fees. – Annually, during the month of October in each year, every person granted a certificate to practice chiropractic medicine shall register his or her name, address, and place of business with the division of professional regulation and licensing of the department of health. The division shall keep a book for that purpose, and each person registering shall pay a fee as set forth in § 23-1-54 and shall receive a certificate of registration for the next succeeding fiscal year, unless the certificate of practice has been suspended or revoked for cause, as provided in § 5-30-13. All fees for examination, for certificate of exemption from examination, and for annual registration shall be deposited as general revenues.
5-30-13. Continuing education requirements – Grounds for refusal, revocation, or suspension of certificates. – (a) The division of professional regulation and licensing of the department of health may, after notice and a hearing, in its discretion refuse to grant the certificate provided for in this chapter to any chiropractic physician if the applicant has not furnished satisfactory evidence that he or she has completed, in the twelve (12) months preceding each renewal date, at least twelve (12) hours of instruction in chiropractic related subjects as conducted by the Chiropractic Society of Rhode Island or the equivalent as approved by the division. Satisfactory evidence of completion of postgraduate study of a type and character, or at an educational session or institution approved by the division, is considered equivalent. Every chiropractic physician licensed to practice within this state, on or before the thirty-first day of October of every third year after the 1980 registration, shall apply to the division for certification of triennial registration with the division board. The division may, after notice and a hearing, in its discretion refuse to grant the certificate provided for in this chapter to any chiropractic physician, if the applicant has not furnished satisfactory evidence to the board of examiners that in the preceding three (3) years the practitioner has completed sixty (60) hours of instruction in chiropractic related subjects prescribed by the rules and regulations, as conducted by the Chiropractic Society of Rhode Island or the equivalent as approved by the division. Satisfactory evidence of completion of postgraduate study of a type and character, or at an educational session or institution approved by the division, is considered equivalent. The division may waive the educational requirements if the division is satisfied that an applicant has suffered a hardship or for any other sufficient reason was prevented from meeting the educational requirements.

(b) The division of professional regulation and licensing of the department of health may, after notice and hearings, in its discretion refuse to grant the certificate provided for in this chapter to any chiropractic physician who is not of good moral character, or who has violated any of the laws of the state involving moral turpitude or affecting the ability of any chiropractic physician to practice chiropractic medicine, or who has been guilty of gross unprofessional conduct or conduct of a character likely to deceive or defraud the public, and may, after notice and hearing, revoke or suspend any certificate issued or granted by it for like cause or for any fraud or deception committed in obtaining the certificate. "Gross unprofessional conduct" is defined as including, but not being limited to:

(1) The use of any false or fraudulent statement in any document connected with the practice of chiropractic medicine.
(2) The obtaining of any fee by willful fraud or misrepresentation either to a patient or
insurance plan.
(3) The willful violation of a privileged communication.
(4) Knowingly performing any act which in any way aids or assists an unlicensed person
to practice chiropractic medicine in violation of this chapter.
(5) The practice of chiropractic medicine under a false or assumed name.
(6) The advertising for the practice of chiropractic medicine in a deceptive or unethical
manner.
(7) The obtaining of a fee as personal compensation or gain for an employer or for a
person on a fraudulent representation that a manifestly incurable condition can be permanently
cured.
(8) Habitual intoxication or addiction to the use of drugs.
(9) Willful or repeated violations of any of the rules or regulations of the state department
of health.
(10) Gross incompetence in the practice of his or her profession.
(11) Repeated acts of immorality or repeated acts of gross misconduct in the practice of
his or her profession.
(12) The procuring or aiding or abetting in procuring a criminal abortion.
(13) A chiropractic physician providing services to a person who is making a claim as a
result of a personal injury who charges or collects from the person any amount in excess of the
reimbursement to the chiropractic physician by the insurer as a condition of providing or
continuing to provide services or treatment.
(c) The division of professional regulation and licensing of the department of health shall
serve a copy of its decision or ruling upon any person whose certificate has been revoked or
refused.

5-30-14. Appeals from director and division. – Any person aggrieved by any decision
or ruling of the director of the department of health, or of the division of professional regulation
and licensing, in regard to any of the provisions of this chapter, may appeal to the health
professions board of review in accordance with § 5-26.1-5. A further judicial appeal of the
board’s decision may be brought pursuant to § 5-26.1-5(c). The superior court in the manner
provided for in chapter 35 of title 42.

5-30-15. Disposition of fees – Compensation of board members. – The administrator
of the division of professional regulation and licensing shall collect all fees for the division under
the provisions of this chapter, and shall remit those fees to the general treasurer monthly. Under
no circumstances shall any fee be returned. Members of the board of chiropractic examiners shall not be compensated for actual attendance at meetings of the board.

SECTION 6. Sections 5-30-1.1, 5-30-2, and 5-30-17 of the General Laws in Chapter 5-30 entitled “Chiropractic Physicians” are hereby repealed:

5-30-1.1. Board of Chiropractic Examiners. (a) Within the division of professional regulation of the department of health, there shall be a state board of chiropractic examiners to be appointed by the director of the department of health with the approval of the governor. The board shall consist of five (5) members who are certified electors in this state, to be appointed to terms of three (3) years each. No member shall serve more than two (2) consecutive full terms. Three (3) members shall be chiropractic physicians licensed to practice in the state of Rhode Island, and two (2) members shall be representatives of the general public.

(b) The current members of the board as provided for in chapter 26 of this title shall continue to serve until the expiration of their terms. One additional chiropractic physician and the public members shall be appointed for initial terms to expire on June 30, 2002.

(c) At the expiration of the terms, the director, with the approval of the governor, shall appoint, at that time, and every three (3) years thereafter, qualified persons for a term of three (3) years. Upon the death, resignation or removal of any member, the director of the department of health, with the approval of the governor, shall appoint to vacancies, as they occur, a qualified person to serve on the board for the remainder of the term and until his or her successor is appointed and qualified.

(d) The director of the department of health may remove any member of the board for neglect of any duty required by law or for any incompetent, unprofessional, or dishonorable conduct. Vacancies shall be filled in the same manner as the original appointment is made for the remainder of the term. Before beginning his or her term of office, each member shall take the oath prescribed by law for state officers, a record of which shall be filed with the secretary of state.

5-30-2. Board of examiners – Rules and regulations – Oaths – Seal. The state board of chiropractic examiners shall make any rules and regulations, not inconsistent with law, that it deems necessary to carry out the provisions of this chapter relating to the practice of chiropractic medicine. Any member of the board has power to administer oaths for all purposes required in the discharge of his or her duties. The board shall adopt a seal to be affixed to all its official documents.

5-30-17. Applicability of chapter 37 of this title to chiropractic medicine. Except as expressly provided in this chapter, all provisions of chapter 37 of this title apply to the practice of
chiropractic medicine, and to persons practicing chiropractic medicine within the state.

SECTION 7. Sections 5-32-2, 5-32-3, 5-32-4, 5-32-6, 5-32-8, 5-32-9, 5-32-11, 5-32-12, 5-32-13, and 5-32-17 in Chapter 5-32 entitled “Electrolysis” are hereby amended to read as follows:

5-32-2. Penalty for unlicensed practice.—Every person who subsequently engages in the practice of electrolysis in this state without being licensed by the division of professional regulation and licensing board of examiners in electrolysis is practicing illegally and, upon conviction, shall be fined not more than twenty-five dollars ($25.00) and every day of the continuation of illegal practice is a separate offense.

5-32-3. Certificates – Applications – Penalty for violations.—The division of professional regulation and licensing of the department of health shall issue certificates to practice electrolysis, as defined in this chapter, to any persons that comply with the provisions of this chapter. Any person who desires to engage in that practice shall submit, in writing, in any form that is required by the division board, an application for a certificate to engage in that practice. The application shall be accompanied by a fee as set forth in § 23-1-54. Any person, firm, corporation or association violating any of the provisions of this chapter commits a misdemeanor and, upon conviction, shall be punished by a fine not to exceed two hundred dollars ($200), or imprisoned for a period not to exceed three (3) months, or both the fine and imprisonment.

5-32-4. Qualifications of applicants.—Licenses to engage in the practice of electrolysis shall be issued to the applicants who comply with the following requirements:

(1) Are citizens or legal residents of the United States.

(2) Have attained the age of eighteen (18) years.

(3) Have graduated from a high school or whose education is the equivalent of a high school education.

(4) Have satisfactorily completed a course of training and study in electrolysis as a registered apprentice under the supervision of a licensed Rhode Island electrologist who is qualified to teach electrolysis to apprentices as prescribed in § 5-32-17 or has graduated from a school of electrolysis after having satisfactorily completed a program consisting of not less than six hundred fifty (650) hours of study and practice in the theory and practical application of electrolysis. That apprenticeship includes at least six hundred and fifty (650) hours of study and practice in the theory and practical application of electrolysis within a term of nine (9) months; provided, that the apprentice registers with the division of professional regulation and licensing of the department of health upon beginning his or her course of instruction, and the licensed person
with whom he or she serves that apprenticeship keeps a record of the hours of that instruction, and upon the completion of that apprenticeship certifies that fact to the division, board of examiners in electrolysis.

(5) Is of good moral character.

(6) Passes an examination approved by the department of health.

5-32-6. Examination of applicants – Expiration and renewal of certificates. – (a) Examination of applicants for certificates shall be held at least twice a year in the city of Providence and may be held elsewhere at the discretion of the division of professional regulation and licensing of the department of health. The division has the power to adopt, change, alter and amend, rules and regulations for the conducting of those examinations, and may fix the fee for reexamination. The division shall issue to each person successfully passing the examination, where an examination is required, and who satisfies the division of his or her qualifications, a certificate, signed by the administrator of the division, entitling him or her to practice that business in this state for the annual period stated in the certificate, or until the certificate is revoked or suspended, as subsequently provided.

(b) All certificates shall expire on the 30th day of April of each year, unless sooner suspended or revoked, and shall be renewed for the next ensuing year by the division upon payment to the division of an annual renewal fee as set forth in § 23-1-54 for each renewal.

5-32-8. Apprenticeship register. – The division of professional regulation and licensing of the department of health shall keep a register in which the names of all persons serving apprenticeships licensed under this chapter shall be recorded. This register is open to public inspection.

5-32-9. Fixed place of business – Sanitary regulation. – The practice of electrolysis shall be engaged in only in a fixed place or establishment, which place or establishment shall be provided with any instruments, implements, and equipment and subject to any sanitary regulation and inspection that the division of professional regulation and licensing of the department of health prescribes.

5-32-11. Display of licenses – Revocation or suspension of licenses for gross unprofessional misconduct. – (a) Every license issued under this chapter shall specify the name of the person to whom it was issued and shall be displayed prominently in the place of business or employment. The division of professional regulation and licensing of the department of health has the power to revoke or suspend any license of registration issued under this chapter for gross unprofessional conduct. Gross unprofessional conduct is defined as including, but not limited to:

(1) The use of any false or fraudulent statement in any document connected with the
practice of electrolysis.

(2) The obtaining of any fee by fraud or misrepresentation either to a patient or insurance plan.

(3) The violation of a privileged communication.

(4) Knowingly performing any act which in any way aids or assists an unlicensed person to practice electrolysis in violation of this chapter.

(5) The practice of electrolysis under a false or assumed name.

(6) The advertising for the practice of electrolysis in a deceptive or unethical manner.

(7) Habitual intoxication or addiction to the use of drugs.

(8) Violations of any of the rules or regulations of the state department of health, or the violation of any section of this chapter.

(9) Gross incompetence in the practice of his or her profession.

(10) Repeated acts of immorality or repeated acts of gross misconduct in the practice of his or her profession.

(b) Any person aggrieved by any decision or of the division of professional regulation, in regard to any of the provisions of this chapter, may appeal to the health professions board of review in accordance with § 5-26.1-5. Before any license is suspended or revoked, its holder shall be notified, in writing, of the charge or charges preferred against him or her and shall have a reasonable time to prepare his or her defense and has the right to be represented by counsel and to be heard and to present his or her defense. Any person whose license has been suspended or revoked may apply to have the license reissued and the license may be reissued to him or her upon a satisfactory showing that the cause for disqualification has ceased. The division of professional regulation of the department of health has power by its administrator to summon any person to appear as a witness and testify at any hearing of the division, to examine witnesses, administer oaths and punish for contempt any person refusing to appear or testify. The division shall serve a copy of its decision or ruling upon any person whose license has been revoked or refused.

5-32-12. Appeals from division. – Any person aggrieved by any decision or ruling of the health professions board of review division of professional regulation of the department of health may appeal that decision in accordance with § 5-26.1-5(c), to the superior court in the manner provided in the Administrative Procedures Act, chapter 25 of title 42.

5-32-13. Annual renewal of certificates. – All certificates issued under the provisions of this chapter shall be renewed annually by the holders of the certificate at an annual renewal fee as set forth in § 23-1-54 by the division of professional regulation and licensing of the department of
5-32-17. Qualifications for teaching electrolysis. – (a) A person in order to qualify as an instructor or teacher of electrolysis to apprentices must:

1. Have been actively engaged as a licensed practitioner of electrolysis for at least five (5) years.
2. Pass a state board examination specifically designed to evaluate his or her qualifications to teach electrolysis.
3. Be a high school graduate or the equivalent.

(b) Upon satisfactorily passing this examination, the division of professional regulation and licensing of the department of health shall issue a license to the person upon the payment of a fee as set forth in § 23-1-54.

(c) A qualified licensed electrologist shall not register more than one apprentice for each nine (9) month training period.

SECTION 8. Sections 5-33.2-1, 5-33.2-5, and 5-33.2-19 of the General Laws in Chapter 5-33.2 entitled “Funeral Director/Embalmer Funeral Service Establishments” are hereby amended to read as follows:

5-33.2-1. Definitions. – As used in this chapter:

(1) "Board" means the health professions board of review state board of funeral directors/embalmers, established in accordance with § 5-26.1-3.

(2) "Cremation" means a two (2) part procedure where a dead human body or body parts are reduced by direct flames to residue which includes bone fragments and the pulverization of the bone fragments to a coarse powdery consistency.

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

(4) "Division" means the division of professional regulation and licensing created under chapter 26.1 of this title.

(5) "Embalmer" means any person who has completed an internship, full course of study at an accredited mortuary science school, has passed the national board examination and is engaged in the practice or profession of embalming, as defined in this section.

(6) "Embalming" means the practice, science or profession of preserving, disinfecting, and preparing in any manner, dead human bodies for burial, cremation or transportation.

(7) "Funeral" means a period following death in which there are religious services or other rites or ceremonies with the body of the deceased present.

(8)(i) "Funeral directing" means:

(A) Conducting funeral services; or
(B) The arrangement for disposition of dead human bodies, except in the case of any
religion where the preparation of the body or the provision of funeral services should be done
according to religious custom or belief.

(ii) Only funeral directors/embalmers, working for a licensed funeral establishment are
allowed to meet with families for the purpose of arranging funerals. Provided, that any person
who assumed an ownership interest from their spouse or any widow or widower of a licensed
funeral director who at the time of November 1, 1995 has been meeting with families to arrange
for the conducting of funeral services are allowed to continue this practice.

(9) "Funeral director/embalmer" means any person engaged, or holding himself or herself
out as engaged in the practice or profession of funeral directing, and the science, practice or
profession of embalming as previously defined, including a funeral director of record, who may
be a funeral director at more than one establishment or any other word or title intending to imply
or designate him or her as a funeral director/embalmer, undertaker, or mortician. The holder of
this license must be the holder of an embalmer's license.

(10) "Funeral director/embalmer intern" means any person engaged in learning the
practice, or profession of funeral directing and the science, practice or profession of embalming
under the instruction and supervision of a funeral director/embalmer licensed and registered under
the provisions of this chapter and actively engaged in the practice, or profession of funeral
directing and embalming in this state.

(11) "Funeral establishment" means a fixed place, establishment or premises, licensed by
the department, devoted to the activities which are incident, convenient, or related to the care and
preparation, arrangement, financial and otherwise, for the funeral, transportation, burial or other
disposition of human dead bodies and including, but not limited to, a suitable room with all
instruments and supplies used for the storage and/or preparation of dead human bodies for burial
or other disposition.

(12) "Funeral merchandise" means those items which are normally presented for sale as
part of the funeral home operation on a for profit basis. These items include caskets, sealed
warranted outer burial containers, and burial clothing. Not included are urns, grave markers, and
non-sealed outer burial containers. All persons engaged in the sale of funeral merchandise must
comply with the provisions of chapter 33 of this title.

(13) "Person" includes individuals, partnership, corporations, limited liability companies,
associations and organization of all kinds.

(14) "Practice of funeral service" means a person engaging in providing shelter, care and
custody of human dead remains; in the practice of preparing of the human dead remains by
embalming or other methods for burial or other disposition; in entering into a funeral service contract; engaging in the functions of funeral directing and/or embalming as presently known including those stipulated within this chapter and as defined in the federal trade commission "funeral rule". The practice of conducting funeral services is conducted in the presence of a licensed funeral director/embalmer.

5-33.2-5. Application for license – Application fee. – Any person who desires to engage in embalming or funeral directing, or both, shall submit, in writing, to the division of professional regulation and licensing, an application for a license. That application shall be accompanied by a fee set by the department of health.

5-33.2-19. Appeals. – Any person aggrieved by any decision or ruling of the division may appeal that decision to the administrator of the division or his or her designee. A further appeal may then be made to the appropriate board of examiners. Any person aggrieved by any decision or ruling of that board may appeal the decision to the director of the department. Any further appeal from the action of the director shall be in accordance with the provisions of chapter 25 of title 42, "Administrative Procedures Act." The division shall be considered a person for the purposes of this section. Any person aggrieved by any decision or of the division in regard to any of the provisions of this chapter, may appeal to the health professions board of review in accordance with § 5-26.1-5. Any person aggrieved by any decision or ruling of the health professions board of review may appeal that decision in accordance with § 5-26.1-5(c).

SECTION 9. Section 5-33.2-2 of the General Laws in Chapter 5-33.2 entitled “Funeral Director/Embalmer Funeral Service Establishments” is hereby repealed.

5-33.2-2. Board of examiners – Qualifications and removal of members – Vacancies. – (a) The members of the board of examiners in embalming shall be residents of this state for at least five (5) years; three (3) of whom shall have had at least five (5) years' practical experience in embalming dead human bodies and in funeral directing, and shall have been actually engaged in these professions in this state and two (2) of whom shall be private citizens who represent the consumer and who are not involved with or affiliated with, financial or otherwise, any funeral establishment and/or funeral director/embalmer. The current members shall serve their present term as they fulfill the requirements of this section. No member shall serve more than two (2) consecutive terms.

(b) The director of the department of health may remove any member of the board for cause. Vacancies are filled pursuant to § 5-26-4.

SECTION 10. Sections 5-35.2-1, 5-35.2-4, 5-35.2-10, 5-35.2-13, and 5-35-14 of the General Laws in Chapter 5-35.2 entitled “Opticians” are hereby amended to read as follows:
5-35.2-1. Definitions. – As used in this chapter:

1. (1) "Advisory committee" means the health professions board of review established in accordance with § 5-26.1-3, advisory committee of opticianry as established herein.

2. (2) "Department" means the department of health.

3. (3) "Director" means the director of the department of health.

4. (4) "Division" means the division of professional regulation and licensing created under chapter 26.1 of this title.

5. (5) "Optician" means a person licensed in this state to practice opticianry pursuant to the provisions of this chapter.

6. (6) "The Practice of Opticianry" means the preparation or dispensing of eyeglasses, spectacles, lenses, or related appurtenances, for the intended wearers, or users, on prescription from licensed physicians or optometrists, or duplications or reproductions of previously prepared eyeglasses, spectacles, lenses, or related appurtenances; or the person who, in accordance with such prescriptions, duplications or reproductions, measures, adapts, fits, and adjusts eyeglasses, spectacles, lenses, including spectacles add powers for task specific use or occupational applications, or appurtenances, to the human face. Provided, however, a person licensed under the provisions of this chapter shall be specifically prohibited from engaging in the practice of ocular refraction, orthoptics, visual training, the prescribing of subnormal vision aids, telescopic spectacles, fitting, selling, replacing, or dispensing contact lenses.

5-35.2-4. Advertising by opticians. – This division, of professional regulation, in addition to conducting the examinations, licensing, and registering of opticians, shall make rules and regulations governing advertising by opticians. The division shall have the power to revoke the license of any optician violating those rules and regulations.

5-35.2-10. Refusal, suspension or revocation of license for unprofessional conduct. –

(a) In addition to any and all other remedies provided in this chapter, the division director may, after notice and hearing, in the division’s director’s discretion, refuse to grants, refuse to renew, suspend, or revoke any license provided for in this chapter to any person who is guilty of unprofessional conduct or conduct of a character likely to deceive or defraud the public, or for any fraud or deception committed in obtaining a license. "Unprofessional conduct" is defined as including, but is not limited to:

1. (1) Conviction of one of the offenses set forth in § 23-17-37;

2. (2) Knowingly placing the health of a client a serious risk without maintaining proper precautions;

3. (3) Advertising by means of false or deceptive statements;

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(4) The use of drugs or alcohol to an extent that impairs that person's ability to properly engage in the profession;

(5) The use of any false or fraudulent statement in any document connected with his or her practice;

(6) The obtaining of any fee by fraud or willful misrepresentation of any kind either to a patient or insurance plan;

(7) Knowingly performing any act which in any way aids or assists an unlicensed person to practice in violation of this chapter;

(8) Violating or attempting to violate, directly or indirectly, or assisting in, or abetting, the violation of, or conspiring to violate, any of the provisions of this chapter or regulations previously or hereafter issued pursuant to this chapter;

(9) Incompetence;

(10) Repeated acts of gross misconduct;

(11) (a) Failure to conform to acceptable and prevailing community standard of opticianry practice.

(b) Any person aggrieved by any decision of the division in regard to any of the provisions of this chapter may appeal to the health professions board of review in accordance with § 5-26.1-5. Any person aggrieved by any decision or ruling of the health professions board of review may appeal that decision in accordance with § 5-26.1-5(c).

5-35.2-13. Prosecution of violations. – It shall be the duty of the division director to enforce the provisions of this chapter and to prosecute every person who violates those provisions. Whenever a complaint is made by the department, or by any of its authorized agents, of any violation of the provisions of this chapter, they shall not be required to furnish surety for costs, nor are they liable for costs on that complaint.

5-35.2-14. Rules and regulations. – The division department, in addition to approving the examinations and licensing of opticians, shall make rules and regulations governing the practice of opticianry. The division department shall have the power to revoke the license of any optician violating those rules and regulations.

SECTION 11. Section 5-35.2-8 of the General Laws in Chapter 5-35.2 entitled “Opticians” is hereby repealed.

5-35.2-8. Advisory committee for opticianry. There is created an advisory committee for opticianry, appointed by the director, to consist of five (5) members, who shall be residents of the state, four (4) of whom shall be licensed as opticians under the provisions of this chapter, and shall have practiced as opticians for a period of at least five (5) years, and one lay person who...
shall be from the public. The members of the advisory committee shall be appointed for terms of
three (3) years; each member may serve a maximum of two (2) full terms. The duties of the
advisory committee for opticianry shall include but not be limited to advising the director on all
matters pertaining to the licensure and regulation of opticianry in this state.

of the General Laws in Chapter 5-39 entitled “Social Workers” are hereby amended to read as
follows:

5-39.1-2. Definitions. – As used in this chapter:

(1) "Board" means the state board of social work examiners for licensure of social
workers, health professions board of review established in accordance with § 5-26.1-3.

(2) "Clinical social work practice" means the professional application of social work
theories, methods, and values in the diagnosis, assessment, and treatment of cognitive, affective,
and behavioral disorders arising from physical, environmental, or emotional conditions. Clinical
social work services include, but are not limited to, diagnosis; assessment; evaluation;
psychotherapy and counseling for individuals, couples, families, and groups; client-centered
advocacy; consultation; and supervision. Clinical social work services do not include
psychological testing, and nothing in this chapter shall be construed to permit social workers to
practice psychology.

(3) "Continuing education hours" means actual hours earned in continuing education
courses, seminars, and workshops.

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

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

(6) "Division" means the division of professional regulation and licensing in the Rhode
Island department of health.

(7)(i) "Experience" means three thousand (3,000) hours of post-master's practice of
clinical social work during a twenty-four (24) to seventy-two (72) month period of time
immediately preceding the date of application for licensure.

(ii) One thousand five hundred (1,500) hours must consist of providing clinical social
work services directly to clients.

(8) "Supervision" means face-to-face contact with a licensed independent clinical social
worker for the purpose of apprising the supervisor of the diagnosis, assessment, and treatment of
each client; receiving oversight and guidance from the supervisor in the delivery of clinical social
work services to each client; and being evaluated by the supervisor. This contact must consist of:

(i) A minimum of two (2) hours of supervision every two (2) weeks;
(ii) A minimum of one hour of supervision per twenty (20) hours of direct contact with 
clients, whether or not the number of hours of supervision required for a two (2) week period 
have been met;

(iii) One-to-one contact with the supervisor at least seventy-five percent (75%) of the 
time with group supervision of no more than ten (10) supervisees during the balance of the time; 
and

(iv) Supervision by an individual other than the applicant's parents, spouse, former 
spouse, siblings, children, employees, or anyone sharing the same household or any romantic, 
domestic, or familial relationship.

5-39.1-5. Agency powers. — The department of health shall promulgate rules and 
regulations that may be reasonably necessary for the administration of this chapter and to further 
its purposes. The division department of health, on the recommendation of the board of social 
work examiners, shall:

(1) Issue licenses to those qualified under this chapter;

(2) Examine individuals seeking licensure and pass on the examinations; and

(3) Determine if applicants are qualified for licensure.

5-39.1-8. Licenses. — (a) The division department shall issue the appropriate license to 
applicants who meet the qualifications of the section.

(b) Prerequisites: "Licensed clinical social worker". A license as a "licensed clinical 
social worker" shall be issued to an applicant who meets the following qualifications:

(1) Has a doctorate in clinical social work from a duly accredited college or university or 
master's degree from a school of social work accredited by the council on social work education, 
and

(2) Has satisfactorily completed an examination for this license, or

(3) Has a comparable license, certification, or registration from the state, or another state 
or territory of the United States that imposes qualifications substantially similar to those of this 
chapter, as determined by the board.

(c) Prerequisites: "Licensed independent clinical social worker". A license for a "licensed 
independent clinical social worker" shall be issued to an applicant who meets the following 
qualifications:

(1) Is licensed under this chapter as a "licensed clinical social worker", and

(2) Has twenty-four (24) months of experience acceptable to the board, under appropriate 
supervision, and

(3) Has fulfilled the continuing education requirements for this license, and
(4) Has satisfactorily completed an examination for this license, or
(5) Has a comparable license, certification, or registration from the state, or another state
or territory of the United States that imposes qualifications substantially similar to those of this
chapter.
(d) In addition to these qualifications, an applicant for any of the these titles must prove
to the board's satisfaction:
(1) An age of at least twenty-one (21) years;
(2) That he or she merits the public trust;
(3) A United States citizenship or proof of other legal resident status;
(4) An absence of conviction of a felony, which is subject to waiver by the board upon
presentation of satisfactory evidence that this conviction does not impair the ability of the person
to conduct with safety to the public the practice authorized by this license. The applicant shall
bear the burden of proving that his or her conviction does not impair his or her ability to conduct
with safety to the public the practice authorized by this license;
(5) An absence of NASW sanction for violation of Code of Ethics, or other state board
sanction which is subject to waiver by the board upon presentation of satisfactory evidence that
this sanction does not impair the ability of the person to conduct with safety to the public the
practice authorized by this license. The applicant bears the burden of proving that his or her
sanction does not impair his or her ability to conduct with safety to the public the practice
authorized by this license;
(6) That the applicant has not been declared mentally incompetent by any court, and if
any decree has ever been rendered, that there has been a subsequent court determination that the
applicant is competent; and
(7) Freedom from use of any controlled substance or any alcoholic beverages to the
extent that the use impairs the ability of the person to conduct with safety to the public the
practice authorized by this license. The applicant bears the burden of proving that he or she is free
from use of any controlled substance or any alcoholic beverages that impair his or her ability to
conduct with safety to the public the practice authorized by this license.

5-39.1-9. Fees and renewal. – The initial fee for application for licensure and the
renewal fee every twenty-four (24) months after initial licensure shall be as set forth in § 23-1.54.
Renewal shall be approved upon payment of the fee and in compliance with any additional
requirements that the division board promulgates.

5-39.1-10. Social worker discipline. – Licensees subject to this chapter shall conduct
their activities, services, and practice in accordance with this chapter and with any rules
promulgated pursuant to this chapter. The division board may recommend to the director refusal
to grant a license to, or may recommend that the director suspend, revoke, condition, limit, qualify, or restrict the license of any individual who the division board, after a hearing, determines:

(1) Is incompetent to practice under the provisions of this chapter, or is found to engage in the practice of social work in a manner harmful or dangerous to a client or to the public;
(2) Has obtained or attempted to obtain a certificate or license, or renewal of a certificate or license, by bribery or fraudulent representation;
(3) Has knowingly made a false statement on a form required by the division board for licensing or renewal of license;
(4) Has failed to obtain the continuing education credits required by the division board;
(5) Has engaged in or solicited sexual relations with a client, or committed an act of sexual abuse or sexual misconduct against a past or current client;
(6) Has failed to remain free from use of any controlled substance or any alcoholic beverages to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by this license. The applicant bears the burden of proving that he or she is free from use of any controlled substance or any alcoholic beverages, which impair his or her ability to conduct with safety to the public the practice authorized by this license;
(7) Has been convicted of a felony, which is subject to waiver by the Division board upon presentation of satisfactory evidence that this conviction does not impair the ability of the person to conduct with safety to the public practice authorized by this license. The applicant bears the burden of proving that his or her conviction does not impair his or her ability to conduct with safety to the public the practice authorized by this license;
(8) Has disciplinary action pending or has revocation, suspension, or probation taken against the licensee license in another state;
(9) Assists or permits unlicensed persons under the licensee's supervision to perform services for which a license is required under this chapter;
(10) Has failed to maintain confidentiality, except as required or permitted by law;
(11) Has engaged in false or misleading advertising;
(12) Has a mental disability, which significantly impairs the ability of the person to conduct with safety to the public the practice authorized by this license. Mental disability includes, but is not limited to, an order by a court that a licensee is in need of mental treatment for incompetence; or
(13) Has violated any of the provisions of this chapter, or the provisions of any code of
ethics adopted by the division board.

5-39.1-11. Complaints. – All complaints concerning a licensee's business or professional practice shall be received by either the board or the division state agency. Each complaint received shall be logged, recording at a minimum the following information:

1. Licensee's name;
2. Name of the complaining party;
3. Date of complaint;
4. Brief statement of complaint; and
5. Disposition.

5-39.1-12. Disciplinary process. – (a) Disciplinary procedures under this chapter shall be conducted by the division in accordance with the process outlined in § 5-26.1-2, Administrative Procedures Act, chapter 35 of title 42.

(b) Any person aggrieved by any determination of the division in regard to any of the provisions of this chapter, may appeal to the health professions board of review in accordance with § 5-26.1-5. The board or its designee shall hear evidence produced in support of the formal charges and contrary evidence produced by the licensee. At the conclusion of the hearing, the board shall make a determination, recommendation to the director who shall issue an order.

(c) Any person further aggrieved by any decision or ruling of the health professions board of review may appeal that decision in accordance with § 5-26.1-5(c). The term “person” in this section includes the Department.

SECTION 13. Section 5-39.1-6 of the General Laws in Chapter 5-39 entitled “Social Workers” is hereby repealed:

5-39.1-6. Board of social work examiners. – (a) Within the department there is established a board of social work examiners.

(b) The governor shall appoint a board consisting of seven (7) members. Two (2) shall be social workers; two (2) shall be licensed clinical social workers; and two (2) shall be licensed independent clinical social workers (for the purposes of initial appointments certified social workers represent licensed clinical social workers and certified independent social workers represent licensed independent social workers). One member shall be a public member. At least one member shall be a NASW member.

(c) All board members shall be appointed for a term of three (3) years. No member shall serve more than nine (9) consecutive years. In the event a member cannot complete his or her term, a successor shall be appointed to serve the unexpired term.

(d) Terms of initial members shall be staggered with two (2) members appointed for a
one year term, two (2) for two (2) years, and three (3) for three (3) year terms.

SECTION 14. Sections 5-40-1, 5-40-6, 5-40-6.1, 5-40-7, 5-40-7.1, 5-40-13, 5-40-14, 5-40-15 and 5-40-16 of the General Laws in Chapter 5-40 entitled “Physical Therapists” are hereby amended to read as follows:

5-40-1. Definitions. – As used in this chapter:
(1) “Board” means the health professions board of review established in accordance with § 5-26.1-3. board of physical therapy established by § 5-40-2.
(2) “Department” means the department of health.
(3) “Division” means the division of professional regulation and licensing in the Rhode Island department of health.

5-40-2. Definitions. – As used in this chapter:
(4) “Examination” means an examination approved by the department in consultation with the board.
(5) “License” means a license issued by the department to practice physical therapy.
(6) “Physical therapist” means an individual who is licensed by the department to practice physical therapy.
(7) “Physical therapist assistant” means an individual who is licensed by the department to assist in the practice of physical therapy under the supervision of a physical therapist.
(8) (i) “Practice physical therapy” means the examination, treatment, and instruction of human beings to detect, assess, prevent, correct, alleviate and limit physical disability, physical dysfunction, and pain from injury, disease and any other bodily conditions, and includes the administration, interpretation, and evaluation of tests and measurements of bodily functions and structures; the planning, administration, evaluation, and modification of treatment and instruction, including the use of physical measures, activities, and devices, for preventive and therapeutic purposes; and the provision of consultative, educational, and other advisory services for the purpose of reducing the incidence and severity of physical disability, physical dysfunction and pain.
(ii) The practice of physical therapy does not include the practice of medicine as defined in chapter 37 of this title.
(9) “Supervision” means that a licensed physical therapist is at all times responsible for supportive personnel and students.

5-40-6. Qualification of physical therapists. – Any applicant for licensure shall submit to the division board written evidence on forms furnished by the department of health, verified by oath, that the applicant meets all of the following requirements:
(1) Is at least eighteen (18) years of age;
(2) Is of good moral character;
(3) Has graduated from an education program in physical therapy accredited by the Commission on Accreditation of Physical Therapy Education (CAPTE) or other accrediting agency as approved by the department in consultation with the board; in the year of the applicant's graduation; and
(4) Has passed the National Physical Therapy Examination (NPTE) of the Federation of State Boards of Physical Therapy (FSBPT) or other physical therapy certification examination as approved by the department in consultation with the board to determine the applicant's fitness to engage in the practice of physical therapy.

5-40-6.1. Qualifications of physical therapist assistants. – Any applicant for licensure shall submit to the division board written evidence on forms furnished by the department of health, verified by oath, that the applicant meets all of the following requirements:
(1) Is at least eighteen (18) years of age;
(2) Is of good moral character;
(3) Has graduated from an educational program in physical therapy accredited by the Commission on Accreditation of Physical Therapy Education (CAPTE) or other accrediting agency as approved by the department in consultation with the board; in the year of said applicant's graduation; and
(4) Has passed the National Physical Therapy Examination (NPTE) of the Federation of State Boards of Physical Therapy (FSBPT) or other physical therapy assistant certification examination as approved by the department in consultation with the board to determine the applicant's fitness to engage in the practice of physical therapy.

5-40-7. Licensing of physical therapists. – (a) By Examination. The applicant is required to pass with a grade determined by the division board, an examination approved by the department in consultation with the board; physical therapists licensed under the provisions of this chapter on August 31, 1982, shall continue to be licensed.
(b) Without Examination by Endorsement. A license to practice physical therapy may be issued without examination to an applicant who has been licensed by examination as a physical therapist under the laws of another state or territory or District of Columbia, if, in the opinion of the division board, the applicant meets the qualifications required of physical therapists in this state.
(c)(1) Graduate Practice. Every graduate of a division board approved physical therapy school who has filed a physical therapy application may, upon receiving a permit from the
department of health, perform as a physical therapist under the supervision of a physical therapist licensed in this state.

(2) During this period, the applicant shall identify him or herself only as a "graduate physical therapist".

(3) If the applicant fails to take the examination, as specified in § 5-40-7(a), within ninety (90) days from effective date of graduate status, without cause, or fails to pass the examination and receive a license, all privileges provided in subdivisions (1) and (2) of this subsection automatically cease.

(d)(1) Foreign-Trained Applicants. If the foreign-trained applicant has successfully met the requirements of the rules and regulations, the applicant's credentials shall be accepted by the division board.

(2) Prior to becoming licensed in this state, the foreign-trained applicant must also meet all of the appropriate requirements described in this section or its equivalent as established in rules and regulations.

5-40-7.1. Licensing of physical therapist assistants. — (a) By Examination. The applicant is required to pass with a grade determined by the division board an examination approved by the department, in consultation with the board.

(b) Without Examination by Endorsement. A license may be issued without examination to an applicant who has been licensed by examination as a physical therapist assistant under the laws of another state or territory or District of Columbia, if, in the opinion of the division board, the applicant meets the qualifications required of physical therapist assistants in this state.

(c)(1) Graduate Practice. Every graduate of a division board approved physical therapist assistant educational program who has filed a physical therapy application may, upon receiving a permit from the department of health, perform as a physical therapist assistant under the supervision of a physical therapist licensed in this state.

(2) During this period, the applicant shall identify him or herself only as a "graduate physical therapist assistant."

(3) If the applicant fails to take the examination, as specified in § 5-40-7(a), within ninety (90) days from the effective date of graduate status, without cause or fails to pass the examination and receive a license, all privileges provided in subdivisions (1) and (2) of this subsection automatically cease.

(d)(1) Foreign-Trained Applicants. If the foreign-trained applicant has successfully met the requirements of the rules and regulations, the applicant's credentials shall be accepted by the division board.
(2) Prior to becoming licensed in this state, the foreign-trained applicant must also meet all of the appropriate requirements described in this section or its equivalent as established in rules and regulations.

5-40-13. Grounds for discipline of licensees. — (a) The division board has power to deny, revoke, or suspend any license issued by the department or applied for in accordance with this chapter, or to discipline a person licensed under this chapter upon proof that said person has engaged in unprofessional conduct including, but not limited to:

(1) Fraud or deceit in procuring or attempting to procure a license or in the practice of physical therapy;

(2) Is habitually intemperate or is addicted to the use of habit forming drugs;

(3) Is mentally and/or professionally incompetent;

(4) Has repeatedly violated any of the provisions of this chapter;

(5) Providing services to a person who is making a claim as a result of a personal injury, who charges or collects from the person any amount in excess of the reimbursement to the physical therapist by the insurer as a condition of providing or continuing to provide services or treatment;

(6) Conviction, including a plea of nolo contendere, of one or more of the offenses listed in § 23-17-37;

(7) Abandonment of a patient;

(8) Promotion by a physical therapist or physical therapist assistant of the sale of drugs, devices, appliances, or goods or services provided for a patient in a manner as to exploit the patient for the financial gain of the physical therapist or physical therapist assistant;

(9) Making or filing false reports or records in the practice of physical therapy;

(10) Repeated failure to file or record, or impede or obstruct a filing or recording, or inducing another person to fail to file or record physical therapy reports;

(11) Failure to furnish patient records upon proper request;

(12) Practice as a physical therapist assistant without supervision by a physical therapist licensed in the state of Rhode Island;

(13) Incompetent or negligent misconduct in the practice of physical therapy;

(14) Revocation, suspension, surrender, or limitation of privilege based on quality of care provided or disciplinary action against a license to practice as a physical therapist or physical therapist assistant in another state, jurisdiction, or country;

(15) Failure to furnish the board, administrator, investigator, or representatives information legally requested by the division board;
(16) Violation of this chapter or any of the rules and regulations or departure from or failure to conform to the current standards of acceptable and prevailing practice and code of ethics of physical therapy.

(b) Whenever a patient seeks or receives treatment from a physical therapist without referral from a doctor of medicine, osteopathy, dentistry, podiatry, chiropractic, physician assistant, or certified registered nurse practitioner, the physical therapist shall:

(1) Disclose to the patient, in writing, the scope and limitations of the practice of physical therapy and obtain their consent in writing; and

(2) Refer the patient to a doctor of medicine, osteopathy, dentistry, podiatry, or chiropractic within ninety (90) days after the date treatment commenced; provided, that a physical therapist is not required to make this a referral after treatment is concluded;

(3) No physical therapist who has less than one year clinical experience as a physical therapist shall commence treatment on a patient without a referral from a doctor of medicine, osteopathy, dentistry, podiatry, chiropractic, physician assistant, or certified registered nurse practitioner.

(c) For purposes of this chapter and notwithstanding any other provisions of this chapter or any rules or regulations adopted by the division board, any person licensed or registered under this chapter who is a bona fide employee or independent contractor of a physician or a physician group entitled to wages and compensation pursuant to such employment or contract, or is a co-owner of a physical therapy practice with a physician group, shall not be deemed to be engaged in conduct unbecoming a person licensed or registered under this chapter, or to be engaged in conduct detrimental to the best interest of the public, or to be in violation of any other provision of this chapter by virtue of any of the above relationships, and shall not be subject to licensure denial, suspension, revocation, or any other disciplinary action or penalty under this chapter:

(1) Solely by virtue of such employment or contract; or

(2) Solely by virtue of the provision of physical therapy services pursuant to a referral from the employing or contracting physician or physician group.

Any such interest referenced in this paragraph shall be in accordance with federal and state law, specifically, including, but not limited to, chapter 5-40-14. Procedure for discipline of physical therapist. – (a) When a written allegation is filed with the division board charging a person with having been guilty of any of the actions specified in § 5-40-13, the division of professional regulation and licensing shall immediately investigate those charges, or, the board, after investigation, may institute charges.

(1) In the event that investigation reveals reasonable grounds for believing that the person
is guilty of the charges, upon the recommendation of the board or the administrator, the director shall fix a time and place for a hearing, and shall serve a copy of the charges together with a notice of the time and the place fixed for the hearing before board, personally upon the accused at least twenty (20) days prior to the time fixed for the hearing.

(2) When personal service cannot be effected and that fact is certified by oath by any person authorized to make service, the division board shall publish once in each of two (2) successive weeks, a notice of the hearing in a newspaper published in the county where the accused last resided according to the records of the division board and shall mail a copy of the charges and of that notice to the accused at his or her last known address. When publication of notice is necessary, the date of the hearing shall not be less than twenty (20) days after the last date of publication of the notice.

(3) At the hearing, the accused has the right to appear personally or by counsel or both, to produce witnesses and evidence on his or her behalf, to cross-examine witnesses, and to have subpoenas issued by the administrator of professional regulation. The attendance of witnesses and the production of books, documents, and papers at the hearing may be compelled by subpoenas issued by the administrator, which shall be served in accordance with law.

(4) At the hearing, the board administrator shall administer oaths as may be necessary for the proper conduct of the hearing.

(5) The board is not bound by the strict rules of procedure or by the laws of evidence in the conduct of its proceedings, but the determination shall be based upon sufficient legal evidence to sustain it.

(6) If the accused is found guilty of the charges, the board may refuse to issue a registration to the applicant or may revoke or suspend their license or otherwise discipline that person.

(c) Upon the revocation or suspension of any license, the license holder shall surrender the license to the administrator of professional regulation who shall strike the name of the holder from the register.

(d) A revoked or suspended license may be reviewed at the discretion of the division board.

5-40-15. Grounds for discipline without a hearing. – (a) In the event a person is hospitalized for mental illness or as an alcoholic as defined in chapter 1.10 of title 23, the division board may, without the necessity of the proceedings provided for in § 5-40-16, suspend, or refuse to renew the license of that person for the duration of his or her confinement or until that person is medically discharged from hospitalization.
(b) A plea of nolo contendere cannot be used as a defense to prevent the board from
suspending or refusing to renew the license.

(c) With the approval of the director, the division may temporarily suspend the license
without a hearing if the division finds that evidence in its possession indicates that a continuing in
practice would constitute an immediate danger to the public. In the event that the division
temporarily suspends the license without a hearing by the board, a hearing must be held within
ten (10) days after the suspension has occurred.

5-40-16. Appeals from board, administrator, or director. – (a) An appeal from any
decision or order of the board, administrator of professional regulation, or director of the
department of health may be, may be brought by an aggrieved person in accordance with § 42-35-15. The term “person” in this section includes the Department claimed by any aggrieved party
within thirty (30) days of that decision or order by filing a claim of appeal and reasons for the
appeal in the office of the clerk of the superior court in the county in which the aggrieved party
resides.

(b) A copy of the aggrieved party’s claim of appeal and the reasons for the appeal shall be
served on the secretary of the board, or administrator of professional regulation. The secretary or
administrator shall promptly certify to the clerk of the superior court a correct and full copy of the
record in connection with the order, including a transcript of the evidence, if the transcript has
been taken, its findings of fact, conclusions, and a copy of the order.

(c) The court shall review the record of the order or decision and in the event it finds that
order or decision unlawful, arbitrary, or unreasonable, may vacate or set aside that order.

(d) The aggrieved party may claim or waive a trial by jury and proceedings shall be the
same as those taken at other criminal or civil proceedings, but no party shall rely on any other
grounds than those stated in his or her reasons of appeal.

(e) The filing of a claim of appeal shall not in itself stay or suspend the operation of
any order or decision of the board, but during the pendency of those proceedings, the superior
court may, in its discretion, stay or suspend in whole or in part, the order or decision. No order of
the court staying or suspending an order or decision shall be made by the court other than on five
(5) days’ notice and after a hearing thereon and the suspension of the order or decision shall be
based upon a finding by the court that great or irreparable damage would result to the aggrieved
party in the absence of that stay or suspension.

(f) An appeal may be taken from the decision of the superior court to the supreme court
of the state in the same manner as an appeal is taken under §42-35-16 28-35-29.

SECTION 15. Sections 5-40-2, 5-40-3, 5-40-4 and 5-40-5 of the General Laws in
Chapter 5-40 entitled “Physical Therapists” are hereby repealed.

5-40-2. Board of physical therapy—Creation—Composition. Within the division of professional regulation of the department of health there is a board of physical therapy consisting of seven (7) members as provided by § 5-40-3.

5-40-3. Board of physical therapy—Composition—Appointment, terms, oath and removal of members.—(a) In the month of June, 1983, and annually thereafter, the director of health, with the approval of the governor, appoints the appropriate number of persons to serve on the board for terms of three (3) years and until his or her successor has been appointed and qualified. The board shall consist of seven (7) members appointed by the director of the department of health with the approval of the governor. Four (4) members shall be licensed physical therapists; one member shall be a licensed physical therapist assistant; one member shall be a physician licensed to practice medicine in this state; and one member shall be a consumer.

(b) No member shall serve for more than two (2) successive terms. The director of health may remove any member from the board for neglect of any duty required by law, or for any incompetency, unprofessional or dishonorable conduct. Vacancies created by voluntary resignation or removal by the director of health shall be filled in the same manner as the original appointment is made for the remainder of the term not exceeding the original two (2) term limitation.

(c) Before beginning a term, each member of the board shall take the oath prescribed by law for state officers which shall be filed with the secretary of state.

5-40-4. Board of physical therapy—Organization and meetings. The board shall organize immediately after the appointment and qualification of its members. The board shall elect annually a chairperson and secretary. The board shall meet at least semiannually. Meetings may also be called at any time by the chairperson, or the director of the department of health, or the administrator of the division of professional regulation, or by written request of two (2) members of the board. A majority of the fully authorized board constitutes a quorum to do business.

The board is authorized to recommend to the director of the department of health for his or her approval the adoption and revision of rules and regulations not inconsistent with law, that are necessary to enable it to carry into effect the provisions of this chapter. The board shall recommend for licensure only qualified applicants. The board shall review applicants at least twice a year. The board shall recommend the tests which applicants for licensure take. The department shall adopt policies to be followed in the examination, licensure, and renewal of license of duly qualified applicants. The board shall conduct hearings upon charges calling for the
discipline of a licensee or revocation of a license. The department has the power to issue subpoenas and compel the attendance of witnesses and administer oaths to persons giving testimony at hearings. The board or the director of the department of health shall prosecute all persons violating this chapter and has the power to incur necessary expenses of prosecution. The board shall keep a record of all of its proceedings. The board may utilize other persons as necessary to carry on the work of the board.

5-40.5. Board of physical therapy — General powers. — The board is authorized to recommend to the director of the department of health for his or her approval the adoption and revision of rules and regulations not inconsistent with law, that are necessary to enable it to carry into effect the provisions of this chapter. The board shall recommend for licensure only qualified applicants. The board shall review applicants at least twice a year. The board shall recommend the tests which applicants for licensure take. The department shall adopt policies to be followed in the examination, licensure, and renewal of license of duly qualified applicants. The board shall conduct hearings upon charges calling for the discipline of a licensee or revocation of a license. The department has the power to issue subpoenas and compel the attendance of witnesses and administer oaths to persons giving testimony at hearings. The board or the director of the department of health shall prosecute all persons violating this chapter and has the power to incur necessary expenses of prosecution. The board shall keep a record of all of its proceedings. The board may utilize other persons as necessary to carry on the work of the board.

SECTION 16. Sections 5-40.1-3, 5-40.1-8, 5-40.1-10, 5-40.1-12, and 5-40.1-14 of the General Laws in Chapter 5-40 entitled “Occupational Therapists” are hereby amended to read as follows:

5-40.1-3. Definitions. — (a) "Administrator" means the administrator of the division of professional regulation.

(b) "Board" means the health professions board of review established in accordance with § 5-26.1-3, board of occupational therapy within the division of professional regulation established pursuant to the provisions of § 5-40.1-4.

(c) "Chapter" refers to chapter 40.1 of this title, entitled "Occupational Therapy", of the general laws of Rhode Island.

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

(e) "Division" means the division of professional regulation and licensing.

(f)(1) "Occupational therapy" (OT) is the use of purposeful activity or interventions designed to achieve functional outcomes which promote health, prevent injury or disability, and develop, improve, sustain, or restore the highest possible level of independence of any individual
who has an injury, illness, cognitive impairment, sensory impairment, psychosocial dysfunction, mental illness, developmental or learning disability, physical disability, or other disorder or condition.

(2) Occupational therapy includes evaluation by means of skilled observation of functional performance and/or assessment through the administration and interpretation of standardized or non-standardized tests and measurements.

(g)(1) "Occupational therapy services" includes, but is not limited to:

(i) Evaluating and providing treatment in consultation with the individual, family, or other appropriate persons;

(ii) Interventions directed toward developing, improving, sustaining, or restoring daily living skills, including self-care skills and activities that involve interactions with others and the environment, work readiness or work performance, play skills or leisure capacities or educational performance skills;

(iii) Developing, improving, sustaining, or restoring sensory-motor, oral-motor, perceptual, or neuromuscular functioning; or emotional, motivational, cognitive, or psychosocial components of performance; and

(iv) Educating the individual, family, or other appropriate persons in carrying out appropriate interventions.

(2) These services may encompass evaluating need; and designing, developing, adapting, applying, or training in the use of assistive technology devices; designing, fabricating or applying rehabilitative technology, such as selected orthotic devices; training in the functional use of orthotic or prosthetic devices; applying therapeutic activities, modalities, or exercise as an adjunct to or in preparation for functional performance; applying ergonomic principles; adapting environments and processes to enhance daily living skills; or promoting health and wellness.

(h) "Occupational therapist" means a person licensed to practice occupational therapy under the provisions of this chapter and the rules and regulations authorized by this chapter.

(i) "Occupational therapy aide" means a person not licensed pursuant to the statutes and rules applicable to the practice of occupational therapy, who works under the supervision of a licensed occupational therapist or occupational therapy assistant, who assists in the practice of occupational therapy and whose activities require an understanding of occupational therapy, but do not require professional or advanced training in the basic anatomical, psychological, and social sciences involved in the practice of occupational therapy.

(j) "Occupational therapy assistant" means a person licensed to practice occupational therapy under the provisions of this chapter and the rules and regulations authorized by this chapter.
chapter.

(k) "Supervision" means that a licensed occupational therapist or occupational therapy assistant is at all times responsible for supportive personnel and students.

5-40.1-8. Requirements for licensure. – (a) Any applicant seeking licensure as an occupational therapist or occupational therapy assistant in this state must:

(1) Be at least eighteen (18) years of age;

(2) Be of good moral character;

(3) Have successfully completed the academic requirements of an education program in occupational therapy accredited by the American Occupational Therapy Association's Accreditation Council for Occupational Therapy Education or other therapy accrediting agency that may be approved by the division board;

(4) Have successfully completed a period of supervised fieldwork experience arranged by the recognized educational institution where he or she met the academic requirements:

(i) For an occupational therapist, a minimum of twenty-four (24) weeks of supervised fieldwork experience shall be required;

(ii) For an occupational therapy assistant, a minimum of twelve (12) weeks shall be required;

(5) Have successfully passed the National Certification Examination for Occupational Therapists, Registered, or National Certification Examination for Occupational Therapy Assistants, of the National Board for Certification in Occupational Therapy (NBCOT) or other occupational therapy certification examination as approved by the division board.

(b) Application for licensure to practice occupational therapy in this state either by endorsement or by examination shall be made on forms provided by the division, which shall be completed, notarized, and submitted to the board thirty (30) days prior to the scheduled date of the board meeting. The application shall be accompanied by the following documents:

(1) Three (3) affidavits from responsible persons attesting to the applicant's good moral character;

(2) For U.S. citizens: a certified copy of birth record or naturalization papers;

(3) For non-U.S. citizens: documented evidence of alien status, such as immigration papers or resident alien card or any other verifying papers acceptable to the administrator;

(4) Documented evidence and supporting transcripts of qualifying credentials as prescribed in this section;

(5) One unmounted passport photograph of the applicant (head and shoulder view) approximately 2x3 inches in size;
(6) A statement from the board of occupational therapy in each state in which the applicant has held or holds licensure, or is otherwise subject to state regulation, to be submitted to the board of this state attesting to the licensure status of the applicant during the time period the applicant held licensure in that state; and

(7) The results of the written national examination of the National Board for Certification in Occupational Therapy (NBCOT).

(c)(1) Applicants seeking licensure as occupational therapists or occupational therapy assistants are required to pass the national written examination of the National Board for Certification in Occupational Therapy (NBCOT) approved by the board to test the applicant's fitness to engage in the practice of occupational therapy pursuant to the provisions of this chapter.

(2) The date, time, and place of examinations shall be available from the National Board for Certification in Occupational Therapy (NBCOT).

(d) In case any applicant fails to satisfactorily pass an examination, the applicant shall be entitled to re-examination.

(e) Occupational therapists and occupational therapy assistants who are licensed or regulated to practice under laws of another state or territory or the District of Columbia may, upon receiving a receipt from the division, perform as an occupational therapist or occupational therapy assistant under the supervision of a qualified and licensed occupational therapist or occupational therapy assistant. If this applicant fails to receive licensure when the board reviews the application, all previously mentioned privileges automatically cease.

(f) Applicants from foreign occupational therapy schools must meet the requirements of the National Board for Certification in Occupational Therapy (NBCOT) and present evidence of passage of the National Certification Examination for Occupational Therapists or the National Certification Examination for Occupational Therapy Assistants of the NBCOT. Applicants must meet all of the appropriate requirements for licensure to the satisfaction of the board and in accordance with the statutory and regulatory provisions of this chapter.

5-40.1-10. Examination. — The applicant shall be required to pass with a grade determined by the division board, an examination approved by the board pursuant to § 5-40.1-8(a)(5).

5-40.1-12. Renewal of licenses – Inactive status. — (a) Upon the recommendation of the division board, the director shall issue to applicants who have satisfactorily met the licensure requirements of this chapter, a license to practice occupational therapy in this state. The license, unless sooner suspended or revoked, shall expire on the thirty-first (31st) day of March, of each even year (biennially).
(1) On or before the first (1st) day of March of each even year, the administrator of the
division shall mail an application for renewal of license to every individual to whom a license has
been issued or renewed during the current licensure period.

(2) Every licensed individual who desires to renew his or her license shall file with the
division a renewal application executed together with the evidence of continuing education
requirements as delineated in subdivision (3) of this subsection and the renewal fee as set forth in
§ 23-1-54 made payable by check to the general treasurer, state of Rhode Island, on or before the
thirty-first (31st) day of March of each even year.

(3) On application for renewal of license, occupational therapists and occupational
therapy assistants must show proof of participation in twenty (20) hours biennially in
presentations, clinical instruction, publications, research, in-service programs, American
Occupational Therapy Association-recognized conferences, university course, and/or self-study
courses.

(4) Upon receipt of a renewal application and payment of fee, the director shall, upon the
recommendation of the board, grant a renewal license effective the thirty-first (31st) day of
March for a period of two (2) years, unless sooner suspended or revoked.

(5) Any individual who allows his or her license to lapse by failing to renew it on or
before the thirty-first (31st) day of March of the next even year as provided in subdivisions (1),
(2) and (3) of this subsection, may be reinstated by the director upon receiving a receipt from the
division for payment of the current renewal fee plus an additional fee as set forth in § 23-1-54
made payable by check to the general treasurer, state of Rhode Island.

(6) An individual using the title "occupational therapist" or "occupational therapy
assistant" during the time his or her license has lapsed is subject to the penalties provided for
violation of those regulations and this chapter.

(b) An individual licensed as an occupational therapist or occupational therapy assistant
in this state who does not intend to engage in the practice of occupational therapy within this state
during any year, may upon request to the division, have his or her name transferred to an inactive
status and shall not be required to register biennially or pay any fee as long as he or she remains
inactive. Any individual whose name has been transferred to an inactive status pursuant to this
section, may be restored to active status to practice occupational therapy without a penalty fee,
upon the filing of an application for licensure renewal, the licensure renewal fee as set forth in §
23-1-54 made payable by check to the general treasurer of the state of Rhode Island, and any
other information that may be requested by the division.

5-40.1-14. Grounds for refusal to renew, suspension, or revocation of license. – (a)
The division board may deny a license or refuse to renew a license or may suspend or revoke a license or may impose probationary conditions if the licensee has been found guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public. Unprofessional conduct includes:

1. Obtaining a license by means of fraud, misrepresentation, or concealment of material facts;
2. Being found guilty of fraud or deceit in connection with his or her services rendered as an occupational therapist or occupational therapy assistant;
3. Committing a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude. In either case, conviction by a court of competent jurisdiction or a plea of "no contest" shall be conclusive evidence that a felony or misdemeanor was committed.
4. Violating any lawful order, rule or regulation rendered or adopted by the board;
5. Failing to report, in writing, to the division board any disciplinary decision issued against the licensee or the applicant in another jurisdiction within thirty (30) days of the disciplinary decisions;
6. Violating any provision of this chapter; and
7. Providing services to a person who is making a claim as a result of a personal injury, who charges or collects from the person any amount in excess of the reimbursement to the occupational therapist by the insurer as a condition of providing or continuing to provide services or treatment.

(b) A denial, refusal to renew, suspension, revocation, or imposition of probationary conditions upon the license may be ordered by the division board or the director of the department of health after a hearing in the manner provided by the Administrative Procedures Act, chapter 35 of title 42.

(c) The American Occupational Therapy Association's "Occupational Therapy Code of Ethics" is adopted as a public statement of the values and principles used in promoting and maintaining high standards of behavior in occupational therapy. These state:

1. Occupational therapy personnel shall demonstrate a concern for the well-being of the recipients of their services;
2. Occupational therapy personnel shall respect the rights of the recipients of their services;
3. Occupational therapy personnel shall achieve and continually maintain high standards of competence;
4. Occupational therapy personnel shall comply with laws and association policies
guiding the profession of occupational therapy;

(5) Occupational therapy personnel shall provide accurate information about occupational therapy services; and

(6) Occupational therapy personnel shall treat colleagues and other professionals with fairness, discretion, and integrity.

SECTION 17. Sections 5-40.1-4, 5-40.1-5 and 5-40.1-15 of the General Laws in Chapter 5-40.1 entitled “Occupational Therapists” are hereby repealed.

5-40.1-4. Board of occupational therapy practice. Creation. Composition. Appointment and term of members. Meetings. Vacancies. (a) There is created within the division of professional regulation in the department of health a board of occupational therapy practice. The board shall consist of five (5) members appointed by the director of the department of health with the approval of the governor. Three (3) members shall be licensed occupational therapists; one member shall be a physician licensed to practice medicine in this state; and one member shall be a consumer.

(b) The director of the department of health, with the approval of the governor, within sixty (60) days following May 11, 1984, shall appoint one board member for a term of one year; two (2) for a term of two (2) years; and two (2) for a term of three (3) years. Appointments made thereafter shall be for three (3) year terms, but no person shall be appointed to serve more than two (2) consecutive terms. Terms shall begin on the first day of the calendar year and end on the last day of the calendar year or until successors are appointed, except for the first appointed members who shall serve through the last calendar day of the year in which they are appointed, before commencing the terms prescribed by this section.

(c) The board shall meet during the first month of each calendar year to select a chairperson and for other purposes. At least one additional meeting shall be held before the end of each calendar year. Other meetings may be convened at the call of the chairperson, the administrator of professional regulation, or upon the written request of any two (2) board members. A majority of the members of the board constitutes a quorum for all purposes.

(d) In the event of a vacancy in one of the positions, the director of the department of health, with the approval of the governor, may appoint a person to fill the unexpired term.

5-40.1-5. Board of occupational therapy practice. Powers and duties. Office. Compensation of members. (a) The board is authorized to recommend to the director of the department of health for his or her approval the adoption and revision of any rules and regulations not inconsistent with law as necessary to enable it to carry into effect the provisions of this chapter.
(b) The board shall recommend only qualified applicants for licensure. The board shall review applicants at least twice a year.

c) The division of professional regulation shall adopt policies to be followed in the examination, licensure, and renewal of licenses of qualified applicants.

d) The board shall conduct hearings upon charges calling for the discipline of licensees or revocation of licenses as shall be necessary, in accordance with the Administrative Procedures Act, chapter 35 of title 42. The administrator of professional regulation has the power to issue subpoenas and compel the attendance of witnesses, and administer oaths to persons giving testimony at hearings.

e) The board shall maintain in the office of the division of professional regulation a register of all persons holding a license.

(f) Members of the board shall receive no compensation for their services.

5-40.1-15. Board of occupational therapy practice — Seal — Authentication of records. — The board shall adopt a seal by which it authenticates its proceedings. Copies of the proceedings, records, and acts of the board and certificates purporting to relate the facts concerning its proceedings, records, and acts signed by the secretary and authenticated by the seal, shall be evidence in all courts of this state.

SECTION 18. Sections 5-44-1, 5-44-9, 5-44-10, 5-44-11, 5-44-13, 5-44-14, 5-44-15, 5-44-18, 5-44-19, 5-44-20, and 5-44-22 of the General Laws in Chapter 5-44 entitled “Psychologists” are hereby amended to read as follows:

5-44-1. Definitions. — As used in this chapter:

(1) "Academic psychologist" means a person employed by or associated with a recognized college or university or other recognized institution who is engaged in teaching, studying, or conducting research in the science of psychology.

(2) "Board" means the health professions board of review established in accordance with § 5-26.1-3, board of psychology established by § 5-44-3.

(3) "Education" means the academic program pursued by a person in obtaining a doctoral degree, that program to include formal course work, seminars, and practica.

(4) "Licensed psychologist" means a person who has been licensed for the practice of psychology under this chapter. "Psychologist" as used in this chapter means a licensed psychologist as defined in this section.

(5) "Practice of psychology" means the rendering of professional psychological services to individuals, groups, families, or any public or private organization for remuneration. Professional psychological services means applying established psychological principles,
methods, or procedures for the purpose of preventing or eliminating symptomatic, maladaptive or undesired behavior and of enhancing interpersonal relationships, work and life adjustment, personal effectiveness, and mental health. The practice of psychology includes, but is not limited to:

(i) Diagnoses and treatment of emotional, mental or behavioral dysfunction, disorder or disability, alcoholism and substance abuse disorders of habit or conduct, as well as of the psychological aspects of physical illness, accident, injury, or disability;

(ii) Psychological testing and evaluation of intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning;

(iii) Psychoeducation evaluation, therapy, remediation and consultation; and

(iv) Counseling, psychotherapy, psychoanalysis, hypnotherapy, biofeedback and behavior analysis and therapy.

(6) "Psychology student", "psychology trainee", "psychology intern", or "psychology resident" means a student, intern, or other person studying or preparing for the profession of psychologist under the supervision of recognized educational or training institutions or facilities.

(7) "Training" means the pre-professional or professional supervised experience received by the person at the pre or post-doctoral level, that experience to have been obtained in an internship, clinic, or other similar professional setting.

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

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

(10) "Division" means the division of professional regulation and licensing within the department of health.

5-44-9. Qualifications of psychologists. – An applicant for licensure shall submit to the division board written evidence acceptable to the department, verified under oath, that the applicant:

(1) Is of good moral character;

(2) Has received a doctorate degree in psychology from a college or university whose program of study for that degree at that time meets or exceeds the stated requirements for approval by the American Psychological Association, or its equivalent in terms of excellence of education and training, or a doctorate degree in an allied field whose education and training requirements are substantially similar to current American Psychological Association standards of accreditation for the granting of a doctorate in psychology;

(3) Has had the requisite supervised experience as deemed acceptable to the board as delineated in the rules and regulations;
(4) Has passed an examination conducted by the board to determine his or her qualification for licensure as a psychologist, or is applying under the provisions of § 5-44-11;

5-44-10. Examinations. – (a) Examinations for licensure shall be conducted by the division as scheduled by the director of the department of health, and shall be offered by the board at least twice a year according to methods and in any subject fields that it deems most practical and expeditious to test the applicant's qualifications.

(1) The division board may require examinations to be written or oral, or both.

(2) In any written examination, the identity of the applicant shall not be disclosed to the division board until after the examination papers have been graded.

(3) Written examination papers shall be preserved and available to the division board for at least two (2) years.

(b) A candidate shall pass the examination by reaching the threshold score and requirements set forth by the Division, upon the affirmative vote of at least two (2) members of the board.

5-44-11. Licensure without examination. – A licensure as a psychologist may be issued to:

(1) An applicant who has been licensed or certified as a psychologist under the laws of another state, United States territory, or foreign country where the division board determines that the requirements are substantially equivalent to those of this state; or

(2) A person who has been certified after examination by the American Board of Examiners in Professional Psychology, if the division board determines that the examination is substantially equivalent to, or exceeds, the requirements of the examination approved by the division board.

5-44-13. Temporary license. – (a) Pursuant to §§ 5-44-6 and 5-44-23(e) of this chapter and rules and regulations promulgated hereunder, a temporary permit to practice psychology under supervision may be granted to a candidate for licensure who has paid the required fee as set forth in § 23-1-54 and has satisfied the following requirements:

(1) Filed an application for licensure with all required supporting materials;

(2) Has received a doctoral degree in accordance with § 5-44-10, and successfully completed one thousand five hundred (1,500) hours of supervision satisfactory to the division board as specified in the rules and regulations;

(3) Shall only practice under the appropriate supervision of a licensed psychologist as delineated in the rules and regulations promulgated hereunder;

(4) Shall refrain from using the title "psychologist" or representing himself or herself as a
psychologist other than by using the title "psychology student", "psychology trainee" or "psychology intern", or "psychology resident"; and

(5) The temporary permit shall be valid for a period of two (2) years from the date of issuance.

(b) Temporary permit holders may request from the division board a one year extension. Such an extension may be granted at the discretion of the division board upon review of the applicant's circumstances. This extension shall only be granted once.

5-44-14. Limitation of practice. – The division board shall ensure through regulations and enforcement that licensees limit their practice to demonstrated areas of competence as documented by relevant professional education, training, and experience.

5-44-15. Expiration and renewal of licenses – Continuing education – Lapsed license. – (a) The license of every person licensed under the provisions of this chapter shall expire on the first day of July of the next even-numbered year following the issuance of his or her license.

(b) On or before the first day of May of each even-numbered year, the department shall mail an application for renewal of license to every person to whom a license has been issued or renewed during the cycle.

(c) Every licensed person who desires to renew his or her license shall file with the department a renewal application, executed, together with a renewal fee as set forth in § 23-1-54, on or before the first day of June in each even-numbered year. Upon receipt of a renewal application and payment of the renewal fee, the accuracy of the application shall be verified and the department may grant a renewal license effective July 1st and expiring the June 30th in each even-numbered year.

(d) Every licensed psychologist who desires to continue licensure as a licensed psychologist shall present satisfactory evidence to the division board and approved by rule or regulation of the division board that the licensed psychologist has completed a prescribed course of continuing licensed psychological education.

(e) Any person who allows his or her license to lapse, by failing to renew it on or before June 1st in each even-numbered year, as provided in this section, may be reinstated by the department on payment of the current renewal fee, plus an additional fee as set forth in § 23-1-54. Any person using the title "psychologist" or offering services defined as the practice of psychology under this chapter during the time his or her license has lapsed is subject to the penalties provided for violation of this chapter.

5-44-18. Grounds for discipline. – The division board has the power to deny, revoke, or
suspend any license issued by the department in accordance with this chapter, or to discipline a
psychologist upon proof that the person:

(1) Is guilty of fraud or deceit in procuring or attempting to procure a license or
temporary license;

(2) Is guilty of a felony or of a crime of immorality;

(3) Is habitually intemperate or is addicted to the use of habit-forming drugs;

(4) Is mentally incompetent;

(5) Is incompetent or negligent in the practice of psychology and has violated the
provisions of chapter 5-44 or the rules and regulations promulgated hereunder;

(6) Has violated the ethical principles governing psychologists and the practice of
psychology, as adopted by the board and in force at the time a charge is made regardless of
whether or not the person is a member of any national, regional, or state psychological
association; provided, that those ethical principles are a national recognized standard; and
departure from or the failure to conform to the minimal standards of acceptable and prevailing
psychology practice.

(7) Has practiced as a psychologist or has performed the duties of a psychologist without
proper supervision by a psychologist licensed under this chapter unless specifically exempted by
this chapter.

(8) Has had their license revoked, suspended, privileges limited or other disciplinary
action in another state or jurisdiction, including the voluntary surrender of a license.

(9) Has failed to furnish the department or its legal representative information requested
by the board as part of a disciplinary action.

5-44-19. Procedure for discipline. – (a) When a sworn complaint is filed with the
division board charging a person with being guilty of any of the actions specified in § 5-44-18,
the department shall immediately investigates those charges, or, the board, investigation, may
institute charges.

(b)(1) If the investigation reveals reasonable grounds for believing that the applicant or
psychologist is guilty of the charges, the division board shall fix a time and place for a hearing,
and shall serve a copy of the charges, together with a notice of the time and the place fixed for the
hearing before the board, personally upon the accused at least twenty (20) days prior to the time
fixed for the hearing.

(2) The board may investigate and will render a decision on any disciplinary complaint
against anyone practicing psychology (regardless of whether he or she was licensed at the time of
the alleged complaint) or that their license has subsequently been surrendered, revoked or not
renewed.

(3) The board at its discretion may dismiss or suspend a complaint without a finding as
delineated in the rules and regulations so that a person who is the subject of the complaint may
participate in colleague assistance program acceptable to the board. The board may suspend a
complaint contingent upon the person complying with directions issued by the board. The board
may reinstate any suspended complaint at anytime it deems that the person is not in compliance
with the directions of the board.

(4) When personal service cannot be effected and that fact is certified by oath by any
person authorized to make service, the division board shall publish once in each of two (2)
successive weeks, a notice of the hearing in a newspaper published in the county where the
accused last resided according to the records of the division board and shall mail a copy of the
charges and of the notice to the accused at his or her last known address.

(5) When publication of notice is necessary, the date of the hearing shall not be less than
twenty (20) days after the last date of publication of the notice.

(c)(1) At the hearing, the accused has the right to appear personally or by counsel or both,
to produce witnesses and evidence on his or her behalf, to cross-examine witnesses, and to have
subpoenas issued by the administrator of professional regulation.

(2) The attendance of witnesses and the production of books, documents, and papers at
the hearing may be compelled by subpoenas issued by the department, which shall be served in
accordance with law.

(3) The board department shall administer oaths as necessary for the proper conduct of
the hearing.

(4) The board is not bound by the strict rules of procedure or by the laws of evidence in
the conduct of its proceedings, but the determination shall be based upon sufficient legal evidence
to sustain it.

(d) If the accused is found guilty of the charges, the board may refuse to issue a
registration to the applicant, or may revoke or suspend his or her license, or discipline that person.

(e) Upon the revocation or suspension of any license, the license holder shall surrender
the license to the department who shall indicate same in the licensure verification database.

(f) A revocation or suspension of license may be reviewed at the discretion of the
division board, or at the initiative of the department who may request order a rehearing of the
issue if he or she finds cause.

5-44-20. Grounds for discipline without a hearing. – With the approval of the director,
the division board may temporarily suspend the license of a psychologist without a hearing if the
division board finds that evidence in its possession indicates that a psychologist continuing in practice would constitute an immediate danger to the public. In the event that the division board temporarily suspends the license of a psychologist without a hearing by the board, a hearing must be held within ten (10) days after the suspension has occurred.

5-44-22. Injunction of violations. – When it appears to the division board that any person is violating any of the provisions of this chapter, the director may institute an action, commenced in the name of the department board, to enjoin that violation in a court of competent jurisdiction. That court may enjoin any person from violating any of the provisions of this chapter, without regard to whether proceedings have been or may be instituted before the board or whether criminal proceedings have been or may be instituted.

SECTION 19. Sections 5-44-3, 5-44-4, 5-44-5, 5-44-6 of the General Laws in Chapter 5-44 entitled “Psychologists” are hereby repealed.

5-44-3. Board of psychology – Creation – Composition. – Within the department of professional regulation in the department of health, there shall be a board of psychology consisting of five (5) members as provided by § 5-44-4.

5-44-4. Board of psychology – Appointment, terms, oath, and removal of members. (a) The director of the department of health shall, with the approval of the governor, appoint five (5) electors as members of the board. One member of the board shall be representative of the public, and four (4) shall be psychologists pursuant to this chapter and each of them shall have been engaged in their profession for at least five (5) years. At least one member of the board shall be an academic psychologist.

(b) The director shall, with the approval of the governor, appoint persons to serve on the board for a term of three (3) years and each member shall serve until his or her successor has been appointed and qualified.

(c) The director may remove any member from the board for neglect of any duty required by law, or for incompetence, or unprofessional or dishonorable conduct. Vacancies shall be filled in the same manner as the original appointment was made, for the remainder of the term.

5-44-5. Board of psychology – Organization and meetings. (a) The board shall organize immediately after the appointment and qualification of its members.

(b) The board shall annually elect a chairperson and secretary. Meetings may be called by the chairperson or the director of the department of health or by written request of three (3) members of the board. A majority of seats filled shall constitute a quorum. The board shall meet as often as necessary.

5-44-6. Board of psychology – General powers. The board of psychology shall:
(1) Be authorized to recommend to the director for his or her approval the adoption and
revision of rules and regulations not inconsistent with law as necessary to enable it to carry into
effect the provisions of this chapter.

(2) Determine the tests which applicants for licensure take. The department shall adopt
policies to be followed in the examinations, licensure, and renewal of licenses of qualified
applicants.

(3) Conduct hearings upon charges calling for the discipline of a license or revocation.
The department has the power to issue subpoenas and compel the attendance of witnesses and
administer oaths to persons giving testimony at hearings.

(4) The board, or the director shall prosecute all persons violating this chapter and has the
power to incur the necessary expenses of prosecution. The board shall keep a record of all its
proceedings.

SECTION 20. Sections 5-45-4, 5-45-6, 5-45-7, and 5-45-12 of the General Laws in
Chapter 5-45 entitled “Nursing Home Administrators” are hereby amended to read as follows:

5-45-4. Definitions. – For the purpose of this chapter, and as used in it:

(1) "Board" means the health professions board of review established in accordance with
§ 5-26.1-3, board of examiners for nursing home administrators established by this chapter.

(2) "Department" means the department of health.

(3) "Designee" means any subordinate official of the department authorized by the
director to carry out any of the powers and responsibilities granted to him or her by this chapter.

(4) "Director" means the director of the department of health.

(5) "Division" means the division of professional regulation and licensing within the
department of health.

(6) "Nursing home" means any facility providing nursing care to any in-patient, which
is required to be licensed under any law or regulation of the state, and which is further defined as
a skilled nursing home by the licensing authority of the state.

(7) "Nursing home administrator" means the individual responsible for planning,
organizing, directing, and controlling the operation of the nursing home, whether or not those
functions are shared by one or more other persons.

5-45-6. Licensing function of department of health – Term of licenses – Appeal of
license denials, suspensions, or revocations. – The department shall license nursing home
administrators in accordance with rules and regulations adopted by the division board with the
approval of the director. A nursing home administrator's license shall be nontransferable and shall
be valid until the following June 30th, or until surrendered for cancellation, or suspended or
revoked for violation of this chapter or any other laws or regulations relating to the proper
operation of a nursing home. Any denial of issuance or renewal, or any suspension or revocation
shall be subject to review by the board upon the timely request of the licensee and pursuant to
Administrative Procedures Act, chapter 35 of title 42.

5-45-7. Qualification for licensure. – In order to be eligible for licensure pursuant to this
chapter, a person shall:

(1) Be not less than eighteen (18) years of age and of good moral character.
(2) Have satisfactorily completed a course of instruction and training approved by the
department. The course shall be designed as to content and administered as to present sufficient
knowledge of the needs properly to be served by nursing homes, laws governing the operation of
nursing homes and the protection of the interests of patients in the nursing homes, and the
elements of good nursing home administration.
(3) Have passed an examination conducted by the division board and designed to test for
competence in the subject matter referred to in subdivision (2) of this section. Where the
department deems it appropriate for purposes of according with religious teachings, the
examination of an individual may exclude any subjects which could be considered in derogation
of, or in conflict with, the teachings and practice of any recognized religious faith. Any license
issued on the basis of that abridged examination shall be annotated to designate the appropriate
limitation of the type of facility of which the licensed individual may be an administrator.
(4) Pay licensure fees as set forth in § 23-1-54.

5-45-12. Disciplinary proceedings – Grounds for discipline. – (a) The department may
suspend, revoke or refuse to renew any license issued under this chapter, or may reprimand,
censure, or discipline a licensee or may require participation in continuing education, or
professional mentoring or may place an administrator on probation in accordance with the
provisions of this section, upon decision and after a board hearing as provided by chapter 35 of
title 42, upon proof that the licensee engaged in unprofessional conduct. Unprofessional conduct
includes, but is not limited to, any of the following:
(1) Being unfit or incompetent by reason of negligence, habits, or other causes;
(2) Violating any of the provisions of this chapter or the rules enacted in accordance with
it; or acting in a manner inconsistent with the health and safety of the patients of the nursing
facility in which he or she is the administrator;
(3) Engaging in fraud or deceit in the practice of nursing home administration, or in his or
her admission to this practice;
(4) Being convicted in a court of competent jurisdiction, either within or without this
state, of a felony.

(5) Failing to conform to minimal standards of acceptable and prevailing practice of nursing home administration.

(b) If a nursing home administrator is placed on probation, the department may require the licensee to:

(1) Report regularly to the department on matters that are the basis of the probation;

(2) Limit practice to the areas prescribed by the department; or

(3) Complete a prescribed program of continuing professional education until the licensee attains a degree of skill satisfactory to the department in those areas that are the basis of the probation.

SECTION 21. Sections 5-45-1 and 5-45-3 of the General Laws in Chapter 5-45 entitled “Nursing Home Administrators” are hereby repealed.

5-45-1. Board of examiners – Creation – Composition – Appointment, terms, oath, and removal of members – Meetings. (a) Within the department of health, there shall be a board of examiners for nursing home administrators. The board shall be appointed by the director of the department of health, with the approval of the governor, and shall consist of seven (7) persons who shall be certified electors of this state.

(1) Three (3) members of the board shall be persons licensed as nursing home administrators pursuant to the provisions of this chapter.

(2) Two (2) members of the board shall be representatives from senior citizen groups.

(3) On June 1, 1979, two (2) additional qualified members are appointed. One shall be a nurse who is licensed in the state, is a graduate of an accredited school of nursing, and has been actively engaged in nursing service for at least two (2) years immediately preceding appointment or reappointment. The other member shall be a physician licensed to practice medicine in this state, who has been actively engaged in the practice of medicine for at least two (2) years immediately preceding appointment or reappointment. The physician and nurse members of the board shall be representative of those persons of the profession concerned with the care and treatment of chronically ill or infirm elderly patients.

(4) A majority of the board members may not be representative of a single profession or category of institution, and members who are not representative of institutions may not have a direct financial interest in any nursing home. Licensed nursing home administrators shall be considered representatives of institutions for the purpose of this section.

(b) Members shall be appointed to a term of three (3) years. No member shall serve more than two (2) terms. The director of the department of health shall, with the approval of the
governor, appoint to vacancies, as they occur, a qualified person to serve on the board for the
remainder of the term and until his or her successor is appointed and qualified.

(c) The director of the department of health may remove, after a hearing and with the
approval of the governor, any member of the board for neglect of any duty required by law or for
any incompetency, unprofessional or dishonorable conduct. Vacancies shall be filled in the same
manner as the original appointment was made for the remainder of the term. Before beginning his
or her term of office, each member shall take the oath prescribed by law for state officers, a
record of which shall be filed with the secretary of state.

(d) The director shall appoint a chairperson. No member shall serve as chairperson for
more than three (3) years.

(e) Four (4) members of the board shall constitute a quorum.

(f) The members of the board shall serve without compensation.

(g) Meetings shall be called by the director of the department of health, or his or her
authorized designee, or by a majority of the members of the board.

(h) The administrator of professional regulation of the department of health, as provided
by chapter 26 of this title shall serve as administrative agent of the board.

5-45-3. Board of examiners – Functions. – (a) It is the function of the board to:

(1) Conduct examinations as required by the department and to act in an advisory
capacity to the department in all matters pertaining to the licensing of nursing home
administrators;

(2) Develop and apply appropriate techniques, including examinations and investigations,
for determining whether an individual meets those standards, subject to the approval of the
director;

(3) Recommend to the department the issuance of licenses and registrations to individuals
determined, after application of those techniques, to meet those standards; and to recommend to
the director the revocation or suspension of licenses or registrations previously issued; and to
recommend disciplinary action to be taken against a nursing home administrator, including
placing a licensee on probation, and ordering continuing education or professional mentoring by
nursing facility professionals in any case where the individual holding that license or registration
is determined substantially to have failed to conform to the requirements of those standards or
when a nursing facility under the administrator's control has been found on its survey to have
continued poor performance or is repeatedly unable to remain in compliance with standards; and

(4) Adopt, on or before January 1, 1995, with the approval of the director of the
department of health, rules and regulations governing a mandatory program of continuing
education for nursing home administrators.

(b) Programs for continuing education for nursing facility administrators may be presented by:

(1) The Rhode Island Health Care Association;
(2) The Rhode Island Association of Facilities for the Aging;
(3) The American College of Health Care Administrators;
(4) The Alliance for Better Nursing Home Care;
(5) Nationally recognized associations of the groups listed in subdivisions (1) – (4) of this subsection;
(6) Any accredited college or university; or
(7) Any organizations authorized and approved by the department.

SECTION 22. Sections 5-48-1, 5-48-7, 5-48-7.1, 5-48-7.2, 5-48-9, 5-48-9.1, 5-48-12, and 5-48-13 of the General Laws in Chapter 5-48 entitled “Speech Pathology and Audiology” are hereby amended to read as follows:

5-48-1. Purpose and legislative intent – Definitions. – (a) It is declared to be a policy of this state that the practice of speech language pathology and audiology is a privilege granted to qualified persons and that, in order to safeguard the public health, safety, and welfare, protect the public from being misled by incompetent, unscrupulous, and unauthorized persons, and protect the public from unprofessional conduct by qualified speech language pathologists and audiologists, it is necessary to provide regulatory authority over persons offering speech language pathology and audiology services to the public.

(b) The following words and terms when used in this chapter have the following meaning unless otherwise indicated within the context:

(1) "Audiologist" means an individual licensed by the board to practice audiology.
(2) "Audiology" means the application of principles, methods, and procedures related to hearing and the disorders of the hearing and balance systems, to related language and speech disorders, and to aberrant behavior related to hearing loss. A hearing disorder in an individual is defined as altered sensitivity, acuity, function, processing, and/or damage to the integrity of the physiological auditory/vestibular systems.
(3) "Audiology support personnel" means individuals who meet minimum qualifications, established by the board, which are less than those established by this chapter as necessary for licensing as an audiologist, who do not act independently, and who work under the direction and supervision of an audiologist licensed under this chapter who has been actively working in the field for twenty-four (24) months after completion of the postgraduate
professional experience and who accepts the responsibility for the acts and performances of the
audiology assistant while working under this chapter.

(4) "Board" means the health professions board of review established in accordance with
§ 5-26.1-3, state board of examiners for speech language pathology and audiology.

(5) "Clinical fellow" means the person who is practicing speech language pathology
under the supervision of a licensed speech language pathologist while completing the
postgraduate professional experience as required by this chapter.

(6) (i) "Department" means the Rhode Island department of health.

(ii) "Division" means the division of professional regulation and licensing within the
department of health.

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

(8) "Person" means an individual, partnership, organization, or corporation, except that
only individuals can be licensed under this chapter.

(9)(i) "Practice of audiology" means rendering or offering to render any service in
audiology, including prevention, screening, and identification, evaluation, habilitation,
rehabilitation; participating in environmental and occupational hearing conservation programs,
and habilitation and rehabilitation programs including hearing aid and assistive listening device
evaluation, prescription, preparation, dispensing, and/or selling and orientation; auditory training
and speech reading; conducting and interpreting tests of vestibular function and nystagmus;
conducting and interpreting electrophysiological measures of the auditory pathway; cerumen
management; evaluating sound environment and equipment; calibrating instruments used in
testing and supplementing auditory function; and planning, directing, conducting or supervising
programs that render or offer to render any service in audiology.

(ii) The practice of audiology may include speech and/or language screening to a pass or
fail determination, for the purpose of initial identification of individuals with other disorders of
communication.

(iii) A practice is deemed to be the "practice of audiology" if services are offered under
any title incorporating such word as "audiology", "audiologist", "audiometry", "audiometrist",
"audiological", "audiometrics", "hearing therapy", "hearing therapist", "hearing clinic", "hearing
clinician", "hearing conservation", "hearing conservationist", "hearing center", "hearing aid
audiologist", or any similar title or description of services.

(10)(i) "Practice of speech language pathology" means rendering or offering to render
any service in speech language pathology including prevention, identification, evaluation,
consultation, habilitation, rehabilitation; determining the need for augmentative communication
systems, dispensing and selling these systems, and providing training in the use of these systems;
and planning, directing, conducting, or supervising programs that render or offer to render any
service in speech language pathology.

(ii) The practice of speech language pathology may include nondiagnostic pure tone air
conduction screening, screening tympanometry, and acoustic reflex screening, limited to a pass or
fail determination, for the purpose of performing a speech and language evaluation or for the
initial identification of individuals with other disorders of communication.

(iii) The practice of speech language pathology also may include aural rehabilitation,
which is defined as services and procedures for facilitating adequate receptive and expressive
communication in individuals with hearing impairment.

(iv) A practice is deemed to be the "practice of speech language pathology" if services are
offered under any title incorporating such words as "speech pathology", "speech pathologist",
"speech therapy", "speech therapist", "speech correction", "speech correctionist", "speech clinic",
"speech clinician", "language pathology", "language pathologist", "voice therapy", "voice
therapist", "voice pathology", "voice pathologist", "logopedics", "logopedist", "communicology",
"communicologist", "aphasiology", "aphasiologist", "phoniatrist", or any similar title or
description of services.

(11) "Regionally accredited" means the official guarantee that a college or university or
other educational institution is in conformity with the standards of education prescribed by a
regional accrediting commission recognized by the United States Secretary of Education.

(12) "Speech language pathologist" means an individual who is licensed by the board to
practice speech language pathology.

(13) "Speech language pathology" means the application of principles, methods, and
procedures for prevention, identification, evaluation, consultation, habilitation, rehabilitation,
instruction, and research related to the development and disorders of human communication.
Disorders are defined to include any and all conditions, whether of organic or non-organic origin,
that impede the normal process of human communication in individuals or groups of individuals
who have or are suspected of having these conditions, including, but not limited to, disorders and
related disorders of:

(i) Speech: articulation, fluency, voice, (including respiration, phonation and resonance);

(ii) Language (involving the parameters of phonology, morphology, syntax, semantics
and pragmatics; and including disorders of receptive and expressive communication in oral,
written, graphic, and manual modalities);

(iii) Oral, pharyngeal, laryngeal, cervical esophageal, and related functions (e.g.,
dysphasia, including disorders of swallowing and oral function for feeding; oro-facial
myofunctional disorders);

(iv) Cognitive aspects of communication (including communication disability and other
functional disabilities associated with cognitive impairment); and

(v) Social aspects of communication (including challenging behavior, ineffective social
skills, lack of communication opportunities).

(14) "Speech language support personnel" means individuals who meet minimum
qualifications established by the board, which are less than those established by this chapter as
necessary for licensing as a speech language pathologist, who do not act independently, and who
work under the direction and supervision of a speech language pathologist licensed under this
chapter who has been actively working in the field for twenty-four (24) months after completion
of the postgraduate professional experience and who accepts the responsibility for the acts and
performances of the speech language pathology assistant while working under this chapter.

Speech language support personnel shall be registered with the board within thirty (30) days of
beginning work, or the supervising speech language pathologist will be assessed a late filing fee
as set forth in § 23-1-54.

5-48-7. Qualifications of applicants for a license as a speech language pathologist. –

To be eligible for licensure by the division board as a speech language pathologist the applicant
must:

(1) Be of good moral character;

(2) Apply to the department, upon a form prescribed by the department;

(3) Submit the appropriate application fee;

(4) Submit an official transcript indicating possession of a master's degree or a doctorate
degree or equivalent in speech language pathology from an educational institution accredited by
the Council on Academic Accreditation (CAA) of the American Speech Language Hearing
Association (ASHA) or other national accrediting association as may be approved by the board.
The degree shall consist of course work in accordance with the current minimum requirements for
the certificate of clinical competence issued by the American Speech Language Hearing
Association (ASHA) or other national accrediting association as may be approved by the board
and delineated in the rules and regulations;

(5) Complete supervised clinical practicum experiences from an educational institution or
its cooperating programs. The content of the practicum shall be in accordance with the current
minimum requirements for the certificate of clinical competence issued by the American Speech
Language Hearing Association (ASHA) or other national accrediting association as may be
approved by the division board and delineated in the rules and regulations;

(6) Pass a national examination in speech language pathology as required by the American Speech Language Hearing Association (ASHA) or other national accrediting association as may be approved by the board and delineated in the rules and regulations;

(7) Present verification of a certificate of clinical competence from the American Speech Language Hearing Association (ASHA) or other national accrediting association as may be approved by the division board; and

(8) If applicable, present evidence from the board of speech language pathology in each state in which the applicant has held or holds licensure to be submitted to the board of this state, attesting to the licensure status of the applicant during the time period the applicant held licensure in said state.

5-48-7.1. Qualifications for a provisional license for a speech language pathologist. –

(a) To be eligible for provisional licensure by the division board, the speech language pathologist applicant must submit an application with the required application fee and be in compliance with the requirements of § 5-48-7(1), (4), (5) and (6).

(b) In addition to the requirements of subsection (a) of this section, content of the supervised postgraduate professional experience shall meet the standards of a trainee or fellow of speech pathology as required by the American Speech Language Hearing Association (ASHA) or other national accrediting association as may be approved by the division board.

(c) If the postgraduate professional experience extends beyond one year, provisional licensure must be renewed annually and not exceed thirty-six (36) months past the initiation of the professional experience.

(d) The provisional licensure shall expire ninety (90) days after the end of the postgraduate professional experience.

5-48-7.2. Qualifications for license as an audiologist. – Persons seeking initial licensure as an audiologist on or after January 1, 2008 shall meet the following requirements:

(1) Be of good moral character;

(2) Apply to the board, upon a form prescribed by the board;

(3) Submit the appropriate application fee;

(4) Submit an official transcript indicating possession of an earned doctorate degree in audiology from a regionally accredited educational institution as delineated in the rules and regulations;

(5) Pass a national examination in audiology approved by the division board and delineated in the rules and regulations;
(6) Present evidence of practicum experience that is equivalent to a minimum of twelve 
(12) months of full-time, supervised experience, that may be completed as part of the graduate 
degree, as delineated in the rules and regulations;

(7) If applicable, present evidence from the board of audiology in each state in which the 
applicant has held or holds licensure to be submitted to the board of this state, attesting to the 
licensure status of the applicant during the time period the applicant held licensure in said state;

(8) Any other requirements as set forth in the rules and regulations.

5-48-9. Fees – Late filing – Inactive status – Filing fees for support personnel 
registration.  (a) The division board may charge an application fee; a biennial license renewal 
fee payable before July 1 of even years (biennially); or a provisional license renewal fee as set 
forth in § 23-1-54 payable annually from the date of issue.

(b) Any person who allows his or her license to lapse by failing to renew it on or before 
the thirtieth (30th) day of June of even years (biennially), may be reinstated by the board on 
payment of the current renewal fee plus an additional late filing fee as set forth in § 23-1-54.

(c) An individual licensed as a speech language pathologist and/or audiologist in this 
state, not in the active practice of speech-language pathology or audiology within this state during 
any year, may upon request to the board, have his or her name transferred to an inactive status 
and shall not be required to register biennially or pay any fee as long as he or she remains 
inactive. Inactive status may be maintained for no longer than two (2) consecutive licensing 
periods, after which period licensure shall be terminated and reapplication to the board shall be 
required to resume practice.

(d) Any individual whose name has been transferred to an inactive status may be restored 
to active status within two (2) licensing periods without a penalty fee, upon the filing of:

(1) An application for licensure renewal, with a licensure renewal fee as set forth in § 23-
1-54 made payable by check to the general treasurer of the state of Rhode Island; and

(2) Any other information that the division board may request.

(e) Audiology and speech language pathology support personnel shall be registered with 
the board within thirty (30) days of beginning work, or the supervising audiologist or speech 
language pathologist shall be assessed a late filing fee as set forth in § 23-1-54.

5-48-9.1. Continuing education.  – (a)(1) On or before the thirtieth (30th) day of June of 
even years, every person licensed to practice speech language pathology and/or audiology within 
this state shall complete not less than twenty (20) clock hours of continuing education within the 
preceding two (2) years and be able to present satisfactory evidence of completion to the division 
board.
(2) Those persons holding licensure in both speech language pathology and audiology must have completed and have evidence of completion of not less than thirty (30) clock hours of continuing education within the preceding two (2) years.

(b) Continuing education hours may not be carried over from one renewal period to the next.

(c) The division board at its discretion may extend, reduce, or waive the requirement for continuing education for hardship or other extenuating circumstances as the division board deems appropriate.

5-48-12. Penalty for violations. – (a) The division board is granted the authority to impose the following disciplinary actions in those instances in which an applicant for a license or a licensee has been guilty of conduct which has endangered, or is likely to endanger, the health, welfare, or safety of the public:

(1) Refuse to issue or renew a license.

(2) Issue a letter of reprimand or concern.

(3) Require restitution of fees.

(4) Impose probationary conditions.

(5) Suspend or revoke a license.

(b) Any person found to be in violation of any provision of this chapter, upon conviction, shall be guilty of a misdemeanor and punished by a fine of not more than one thousand dollars ($1,000).

5-48-13. Revocation and suspension procedure – Reinstatement. – (a)(1) Notice, in writing, of a contemplated revocation or suspension of a license, of this particular cause, and of the date of a hearing, shall be sent by the division through registered or certified mail to the licensee at his or her last known address at least fifteen (15) days before the date of the hearing before the board.

(2) The individual against whom a charge is filed has the right to appear before the board in person or by counsel, or both; may produce witnesses and evidence on his or her behalf; and may question witnesses.

(3) No license shall be revoked or suspended without a hearing, but the nonappearance of the licensee, after notice, shall not prevent a hearing.

(4) All matters upon which the decision is based shall be introduced in evidence at the proceeding.

(5) The licensee shall be notified, in writing, of the board's decision.

(6) The board may make any rules and regulations that it deems proper for the filing of
charges and the conduct of hearings.

(a) After issuing an order of revocation or suspension by the board, the department may also file a petition in equity in the superior court in a county in which the respondent resides or transacts business, to ensure appropriate injunctive relief to expedite and secure the enforcement of its order, pending the final determination.

(b) An application for reinstatement may be made to the board, which may, upon the affirmative vote of at least the majority of its members, which may hear further argument regarding grant a reinstatement.

(c) An appeal from any decision or order of the board may be brought by an aggrieved person in accordance with § 42-35-15. The term “person” in this section includes the department.

SECTION 23. Sections 5-48-2, 5-48-3 and 5-48-4 of the General Laws in Chapter 5-48 entitled “Speech Pathology and Audiology” are hereby repealed.

5-48-2. Board of examiners – Composition – Appointments, terms and qualifications of members. – (a) There exists within the department of health a board of examiners of speech language pathology and audiology. The board shall consist of five (5) persons who are residents of the state, and who have worked within the state for at least one year prior to their appointments.

(1) Two (2) members shall be speech language pathologists who have practiced speech language pathology for at least five (5) years preceding appointment, are currently practicing speech language pathology, and hold active and valid licensure for the practice of speech language pathology in this state.

(2) One member shall be an audiologist who has practiced audiology for at least five (5) years immediately preceding appointment, is currently practicing audiology, and holds active and valid licensure for the practice of audiology in this state.

(3) One member shall be an otolaryngologist who holds certification by the American Academy of Otolaryngology—head and neck surgery, who is currently practicing otolaryngology, and holds active and valid licensure as a physician within this state.

(4) One member shall be a representative of the consumer public who is not associated with or financially interested in the practice or business of speech language pathology or audiology.

(b) All appointments to the board shall be for the term of three (3) years. Members shall serve until the expiration of the term for which they have been appointed or until their appointed successors are qualified.

(c) When a vacancy upon the board occurs, the director of the department of health shall,
with the approval of the governor, appoint persons who are working within the state to fill the remainder of the vacant term.

(d) The board shall reorganize annually during the month of January and shall select a chairperson.

(e) A majority of currently filled positions shall constitute a quorum to do business.

(f) No person shall be appointed to serve more than two (2) consecutive terms.

(g) The first board and all future members shall be appointed by the director of the department of health, with the approval of the governor.

(h) The director of the department of health, with the approval of the governor, may remove any member of the board for dishonorable conduct, incompetency, or neglect of duty.

5483. Board of examiners — Duties and powers — Meetings — Compensation of members. (a) The board shall administer, coordinate, and enforce the provisions of this chapter, evaluate the qualifications of applicants, and may issue subpoenas, examine witnesses, and administer oaths, conduct hearings, and at its discretion investigate allegations of violations of this chapter and impose penalties if any violations of the chapter have occurred.

(b) The board shall conduct hearings and keep records and minutes as necessary to an orderly dispatch of business.

(c) The board shall, with the approval of the director of the department of health, adopt, amend or repeal rules and regulations, including, but not limited to, regulations that delineate qualifications for licensure and establish standards of professional conduct. Following their adoption, the rules and regulations shall govern and control the professional conduct of every person who holds a license to practice speech language pathology or audiology in this state.

(d) The board shall make available complete lists of the names and addresses of all licensed speech language pathologists and/or audiologists.

(e) The board may request legal advice and assistance from the appropriate state legal officer.

(f) Regular meetings of the board shall be held at the times and places that it prescribes, and special meetings may be held upon the call of the chairperson; provided, that at least one regular meeting shall be held each year.

(g) The conferral or enumeration of specific powers in this chapter shall not be construed as a limitation of the general powers conferred by this section. No member of the board shall be liable to civil action for any act performed in good faith in the performance of his or her duties as prescribed by this chapter.

(h) Board members shall serve without compensation.
(1) The board may suspend the authority of any registered speech language pathologist or audiologist to practice speech language pathology or audiology for failure to comply with any of the requirements of this chapter.

5-49-1. Board examiners – Seal – Authentication of records. – The board shall adopt the state seal by which it authenticates its proceedings. Copies of the proceedings, records, and acts of the board, and certificates purporting to relate the facts concerning those proceedings, records, and acts, signed by the secretary and authenticated by that seal, shall be evidence in all courts of this state.

SECTION 24. Sections 5-49-1, 5-49-6, 5-49-7, and 5-49-12 of the General Laws in Chapter 5-49 entitled “Hearing Aid Dealers and Fitters” are hereby amended to read as follows:

5-49-1. Definitions. – As used in this chapter, except as the context may require:

(1) "Audiologist" means a person who has been awarded a certificate of competency by the American Speech and Hearing Association and who is duly licensed by the department.

(2) "Board" means the health professions board of review established in accordance with § 5-26.1-3, board of hearing aid dealers and fitters.

(3) "Department" means the department of health.

(4) "Division" means the division of professional regulation and licensing within the department of health.

(5) "Hearing aid" means any wearable instrument or device designed for or offered for the purpose of aiding or compensating for impaired human hearing, and any parts, attachments, or accessories, including ear mold, but excluding batteries and cords.

(6) "License" means a license issued by the state under this chapter to hearing aid dealers and fitters.

(7) "Practice of fitting and dealing in hearing aids" means the evaluation and measurement of human hearing by means of an audiometer or by any other means solely for the purpose of making selections, adaptations, or sale of hearing aids. The term also includes the making of impressions for ear molds. This term does not include the making of audiograms for a physician or a member of related professions for use in consultation with the hard of hearing.

(8) "Sell" or "sale" means any transfer of title or of the right to use by lease, bailment, or any other contract, excluding wholesale transactions with distributors or dealers.

(9) "Temporary permit" means a permit issued while the applicant is in training to become a licensed hearing aid dealer and fitter.

5-49-6. Issuance of licenses and certificates of endorsement. – (a) The division department shall register each applicant without discrimination who passes an examination as
provided in § 5-49-7. Upon the applicant's payment as set forth in § 23-1-54 per annum for each
year of the term of license, the division department shall issue to the applicant a license signed by
the department. The total fee for the entire term of licensure shall be paid prior to the issuance of
the license.

(b) Whenever the division board determines that another state or jurisdiction has
requirements equivalent to or higher than those in effect pursuant to this chapter, and that this
state or jurisdiction has a program equivalent to or stricter than the program for determining
whether applicants pursuant to this chapter are qualified to dispense and fit hearing aids, the
department may issue certificates of endorsement to applicants who hold current, unsuspended,
and unrevoked certificates or licenses to fit and sell hearing aids in that other state or jurisdiction.

(c) No applicant for certificate of endorsement shall be required to submit to or undergo a
qualifying examination, etc., other than the payment of fees, as set forth in § 23-1-54.

(d) The holder of a certificate of endorsement shall be registered in the same manner as a
licensee. The fee for an initial certificate of endorsement shall be the same as the fee for an initial
license. Fees, grounds for renewal, and procedures for the suspension and revocation of
certificates of endorsement shall be the same as for renewal, suspension, and revocation of a
license.

5-49-7. License by examination. – (a) Applicants who do not meet the experience
qualification of former § 5-49-5 on July 1, 1973, may obtain a license by successfully passing a
qualifying examination, provided the applicant:

(1) Is at least twenty-one (21) years of age;

(2) Is of good moral character;

(3) Has an education equivalent to a four-year course in an accredited high school; and

(4) Is free of contagious or infectious disease.

(b) Applicants for license by examination shall appear at a time, place, and before any
persons that the department designates, to be examined by means of written and practical tests in
order to demonstrate that he or she is qualified to practice the fitting and sale of hearing aids. The
examination administered as directed by the division board shall not be conducted in a manner
that requires college training in order to pass. Nothing in this examination shall imply that the
applicant possess the degree of medical competence normally expected of physicians.

5-49-12. Complaints – Grounds and proceedings for revocation or suspension of
licenses. – (a)(1) Any person wishing to make a complaint against a licensee under this chapter
shall file this complaint, in writing, with the department, within one year from the date of the
action upon which the complaint is based.
(2) If the department determines the charges made in the complaint are sufficient to warrant a hearing to determine whether the license issued under this chapter should be suspended or revoked, it shall make an order fixing a time and place for a hearing before the board and shall require the licensee complained against to appear and defend against the complaint. The order shall have annexed to it a copy of the complaint.

(3) The order and copy of the complaint shall be served upon the licensee, either personally or by registered mail sent to the licensee's last known address, at least twenty (20) days before the date set for the hearing.

(4) Continuances or an adjournment of the hearing shall be made if for good cause.

(5) At the hearing, the licensee complained against may be represented by counsel.

(6) The licensee complained against and the department shall have the right to take depositions in advance of the hearing and after service of the complaint, and either may compel the attendance of witness by subpoenas issued by the department under its seal.

(7) Either party taking depositions shall give at least five (5) days' written notice to the other party of the time and place of those depositions, and the other party has the right to attend (with counsel if desired) and cross-examine.

(8) Judicial appeals from suspension or revocation by the board may be made in accordance with § 42-35-15, through the appropriate administrative procedures act.

(b) Any person registered under this chapter may have his or her license revoked or suspended for a fixed period by the department for any of the following causes:

(1) The conviction of a felony, or a misdemeanor involving moral turpitude. The record of conviction, or a certified copy, certified by the clerk of the court or by the judge in whose court the conviction was had, shall be conclusive evidence of this conviction.

(2) Procuring a license by fraud or deceit practiced upon the department.

(3) Unethical conduct, including:

(i) Obtaining any fee or making any sale by fraud or misrepresentation.

(ii) Knowingly employing, directly or indirectly, any suspended or unregistered person to perform any work covered by this chapter.

(iii) Using, or causing, or promoting the use of, any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia or any other representation, however disseminated or published, which is misleading, deceptive, or untruthful.

(iv) Advertising a particular model or type of hearing aid for sale when purchasers or prospective purchasers responding to the advertisement cannot purchase the advertised model or type, where it is established that the purpose of the advertisement is to obtain prospects for the
sale of a different model or type than that advertised.

(v) Representing that the service or advice of a person licensed to practice medicine will be used or made available in the selection, fitting, adjustment, maintenance, or repair of hearing aids when that is not true.

(vi) Habitual intemperance.

(vii) Gross immorality.

(viii) Permitting another's use of a license.

(ix) Advertising a manufacturer's product or using a manufacturer's name or trademark which implies a relationship with the manufacturer that does not exist.

(x) Directly or indirectly giving or offering to give, or permitting or causing to be given, money or anything of value to any person who advises another in a professional capacity, as an inducement to influence him or her, or have him or her influence others, to purchase or contract to purchase products sold or offered for sale by a hearing aid dealer or fitter, or influencing persons to refrain from dealing in the products of competitors.

(xi) Representing, when this is not the case, that the hearing aid is or will be "custom-made", "made to order", or "prescription-made", or in any other sense specially fabricated for an individual person.

(4) Knowingly placing the health of a client at serious risk without maintaining proper precautions;

(5) Engaging in the fitting and sale of hearing aids under a false name or alias with fraudulent intent.

(6) Selling a hearing aid to a person who has not been given tests utilizing appropriate established procedures and instrumentation in fitting of hearing aids, except in cases of selling replacement hearing aids. Selling a hearing aid to a person who has discharge from the ear, loss of balance and dizzy spells, or a loss of hearing for less than ninety (90) days, unless that person has received a prescription from a physician.

(7) Gross incompetence or negligence in fitting and selling hearing aids.

(8) Violating any provisions of this chapter.


5-49-15. Board—Creation—Composition—Appointment and terms. (a) There is established a board of hearing aid dealers and fitters which guides, advises, and makes recommendations to the department.

(b)(1) Members of the board shall be residents of the state.
(2) The board shall consist of three (3) hearing aid dealers and fitters; one otolaryngologist; one audiologist; and one lay member who shall be a user of hearing aids and not employed in the practice of fitting and dealing in hearing aids.

(3) Each hearing aid dealer and fitter on the board shall have no less than five (5) years experience and hold a valid license as a hearing aid dealer and fitter, as provided under this chapter.

(4) Excepted shall be the hearing aid dealers and fitters of the first board appointed, who have no less than five (5) years of experience and fulfill all qualifications under § 5-49-7 as provided under this chapter.

(c) All members of the board shall be appointed by the governor.

(d) The term of office of each member shall be three (3) years; except that of the members of the first board appointed under this chapter, two (2) shall be appointed for two (2) years, two (2) shall be appointed for three (3) years, and two (2) shall be appointed for four (4) years.

(e) Before a member’s term expires, the governor shall appoint a successor to assume his or her duties on the expiration of his or her predecessor’s term.

(f) A vacancy in the office of a member shall be filled by appointment for the unexpired term.

(g) The members of the board shall annually designate one member to serve as chair and another to serve as secretary-treasurer.

(h) No member of the board who has served two (2) or more full terms may be reappointed to the board until at least one year after the expiration of his or her most recent full term of office.

(i) Members of the board shall not be compensated for their services on the board.

5-49-16. Board—Duties. (a) The board shall:

(1) Advise the department in all matters relating to this chapter;

(2) Prepare the examinations required by this chapter for the department; and

(3) Assist the department in carrying out the provisions of this chapter.

(b) The department shall be guided by the recommendations of the board in all matters relating to this chapter.

5-49-17. Board—Meetings. The board shall meet not less than six (6) times each year at a place, day, and hour determined by the board. The board shall also meet at any other times and places as requested by the department.
5-59.1 entitled “Orthotics and Prosthetics Practices” are hereby amended to read as follows:

5-59.1-3. Definitions. — As used in this chapter:

(1) "ABC" means the American Board for Certification in Orthotics and Prosthetics or its successor agency.

(2) “Board” means the health professions board of review established in accordance with § 5-26.1-3. "BOC" means the Board for Orthotist/Prosthetist Certification or its successor agency.

(3) "Custom fabricated orthotics" or "custom made orthotics" means devices designed and fabricated, in turn, from raw materials for a specific patient and require the generation of an image, form, or mold that replicates the patient's body or body segment and, in turn, involves the rectification of an image.

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

(5) "Director" means the director of the department of health.

(6) "Direct-formed orthoses" means devices formed or shaped during the molding process directly on the patient's body or body segment.

(7) “Division” means the division of professional regulation and licensing in the department of health.

(8) "Licensed Orthotist" means a person licensed under this chapter to practice orthotics.

(9) "Licensed Prosthetist" means a person licensed under this chapter to practice prosthetics.

(10) "Off-the-shelf orthosis" means devices manufactured by companies registered with the Federal Food and Drug Administration other than devices designed for a particular person based on that particular person's condition.

(11) "Orthosis" means a custom fabricated brace or support that is designed based on medical necessity. Orthosis does not include prefabricated or direct-formed orthotic devices, as defined in this section, or any of the following assistive technology devices: commercially available knee orthoses used following injury or surgery; spastic muscle-tone inhibiting orthoses; upper extremity adaptive equipment; finger splints; hand splints; wrist gauntlets; face masks used following burns; wheelchair seating that is an integral part of the wheelchair and not worn by the patient independent of the wheelchair; fabric or elastic supports; corsets; low-temperature formed plastic splints; trusses; elastic hose; canes; crutches; cervical collars; dental appliances; and other similar devises as determined by the director, such as those commonly carried in stock by a pharmacy, department store, corset shop, or surgical supply facility.

(12) "Orthotics" means the science and practice of evaluating, measuring, designing,
fabricating, assembling, fitting, adjusting or, servicing, as well as providing the initial training
necessary to accomplish the fitting of, an orthosis for the support, correction, or alleviation of
neuromuscular or musculoskeletal dysfunction, disease, injury or deformity. The practice of
orthotics encompasses evaluation, treatment, and consultation; with basic observational gait and
postural analysis, orthotists assess and design orthoses to maximize function and provide not only
the support but the alignment necessary to either prevent or correct deformity or to improve the
safety and efficiency of mobility or locomotion, or both. Orthotic practice includes providing
continuing patient care in order to assess its effect on the patient's tissues and to assure proper fit
and function of the orthotic device by periodic evaluation.

"Orthotist" means an allied health professional who is specifically trained and
educated to provide or manage the provision of a custom-designed, fabricated, modified and
fitted external orthosis to an orthotic patient, based on a clinical assessment and a physician's
prescription, to restore physiological function and/or cosmesis, and certified by ABC or BOC.

"Physician" means a doctor of allopathic medicine (M.D.), osteopathic medicine
(D.O.), podiatric medicine (D.P.M.), and chiropractic medicine (D.C.).

"Prefabricated orthoses" or "off-shelf orthoses" means devices that are
manufactured as commercially available stock items for no specific patient.

"Prosthesis" means an artificial limb that is alignable or, in lower extremity
applications, capable of weight bearing. Prosthesis also means an artificial medical device that is
not surgically implanted and that is used to replace a missing limb, appendage, or other external
human body part including an artificial limb, hand, or foot. The term does not include artificial
eyes, ears, noses, dental appliances, osotmy products, or devices such as eyelashes or wigs or
artificial breasts.

"Prosthetics" means the science and practice of evaluation, measuring, designing,
fabricating, assembling, fitting, aligning, adjusting or servicing, as well as providing the initial
training necessary to accomplish the fitting of, a prosthesis through the replacement of external
parts of a human body, lost due to amputation or congenital deformities or absences. The practice
of prosthetics also includes the generation of an image, form, or mold that replicates the patient's
body or body segment and that requires rectification of dimensions, contours and volumes for use
in the design and fabrication of a socket to accept a residual anatomic limb to, in turn, create an
artificial appendage that is designed either to support body weight or to improve or restore
function or cosmesis, or both. Involved in the practice of prosthetics is observational gait analysis
and clinical assessment of the requirements necessary to refine and mechanically fix the relative
position of various parts of the prosthesis to maximize function, stability, and safety of the
patient. The practice of prosthetics includes providing and continuing patient care in order to assess the prosthetic device's effect on the patient's tissues and to assure proper fit and function of the prosthetic device by periodic evaluation.

"Prosthetist" means a practitioner, certified by the ABC or BOC, who provides care to patients with partial or total absence of a limb by designing, fabricating, and fitting devices, known as prostheses. At the request of and in consultation with physicians, the prosthetist assists in formulation of prescriptions for prostheses, and examines and evaluates patients' prosthetic needs in relation to their disease entity and functional loss. In providing the prostheses, he or she is responsible for formulating its design, including selection of materials and components; making all necessary costs, measurements and model modifications; performing fittings including static and dynamic alignments; evaluating the prosthesis on the patient; instructing the patient in its use, and maintaining adequate patient records; all in conformity with the prescription.

5-59.1-6. Qualifications for license. – (a) Qualification for licensing under this chapter shall be the possession of the title "certified prosthetist" or "certified orthotist", as issued by and under the rules of the American Board for Certification in Orthotics and Prosthetics, Inc. or the Board for Orthotist/Prosthetist certification. Evidence of the possession of that title shall be presented to the department.

(b) In order to qualify for a license to practice orthotics or prosthetics a person shall provide proof of:

(1) Possession of a baccalaureate degree from an accredited college or university;

(2) Completion of an orthotic, or prosthetic education program that meets or exceeds the requirements of the National Commission on Orthotic and Prosthetic Education;

(3) Completion of a clinical residency in orthotics and/or prosthetics that meets or exceeds the standards of the National Commission on Orthotic and Prosthetic Education; and

(4) Current certification by ABC or Board for Orthotist/Prosthetist in the discipline for which the application corresponds.

5-59.1-12. Relicensing – Renewal. – Every holder of a license issued under this chapter shall biannually attest to the department as to current certification issued by the American Board of Certification in Orthotics and Prosthetics or the Board for Orthotist/Prosthetist Certification. All licenses issued under this chapter shall expire biannually on the last day of September of every odd numbered year. A biennial renewal fee as set forth in § 23-1-54 shall be required. Every orthotist and prosthetist shall conform to the standards of the American Board for Certification in Orthotics and Prosthetics or Board for Orthotists/Prosthetists.
Certiﬁcation.

SECTION 27. Sections 5-59.1-10 and 5-59.1-17 of the General Laws in Chapter 5-59.1 entitled “Orthotics and Prosthetics Practices” are hereby repealed.

5-59.1-10. Grandfather clause. Any person currently practicing full time in the state of Rhode Island on January 1, 2007 in an orthotic and/or prosthetic facility as a certiﬁed BOC or ABC orthotist and/or prosthetist must ﬁle an application for licensure prior to sixty (60) days after January 1, 2007 to continue practice at his or her identiﬁed level of practice. The applicant must provide veriﬁable proof of active certiﬁcation in orthotics and/or prosthetics by the ABC or BOC. This section shall not be construed to grant licensing to a person who is a certiﬁed or registered orthotic or prosthetic “ﬁtter” or orthotic or prosthetic “assistant.”

5-59.1-17. Advisory Board of orthotics and prosthetics practice – Composition, Appointment and terms, Powers and duties. (a) There is hereby created an advisory licensing board to review applications for licensure to obtain a license as an orthotist or prosthetist pursuant to this chapter of the general laws. The review of each applicant’s licensure shall require that the applicant have completed an NCOPE (National Commission on Orthotic and Prosthetic Education); accredited residency under a board certiﬁed practitioner in the respective discipline; and meet all of the requirements of the chapter. The board shall conduct its interviews and/or investigation and shall report its ﬁndings to the director of the department of health.

(b) The licensing board shall be composed of three (3) persons: the director of the department of health, or his or her designee; one board certiﬁed Rhode Island state licensed prosthetist; and one board certiﬁed Rhode Island state licensed orthotist. The board certiﬁed orthotist and the board certiﬁed prosthetist shall be certiﬁed by the American Board of Certification in orthotics and prosthetics and licensed by the State of Rhode Island, shall serve for three (3) year terms and shall be selected by the board of directors of the Rhode Island Society of Orthotists and Prosthetists, Inc. The members of the board shall serve without compensation.

SECTION 28. Sections 5-60-2, 5-60-9, 5-60-13, 5-60-14, and 5-60-15 of the General Laws in Chapter 5-60 entitled “Athletic Trainers” are hereby amended to read as follows:

5-60-2. Definitions. – As used in this chapter:

(1) “Athletic trainer” means a person with the speciﬁc qualiﬁcations established in § 5-60-10 who, upon the direction of his or her team physician and/or consulting physician, carries out the practice of athletic training to athletic injuries incurred by athletes in preparation of or participation in an athletic program being conducted by an educational institution under the jurisdiction of an interscholastic or intercollegiate governing body, a professional athletic organization, or a board sanctioned amateur athletic organization; provided, that no athlete shall
receive athletic training services if classified as geriatric by the consulting physician. No athlete
shall receive athletic training services if non-athletic or age-related conditions exist or develop
that render the individual debilitated or non-athletic. To carry out these functions, the athletic
trainer is authorized to utilize modalities such as heat, light, sound, cold, electricity, exercise, or
mechanical devices related to care and reconditioning. The athletic trainer, as defined in this
chapter, shall not represent himself or herself or allow an employer to represent him or her to be,
any other classification of healthcare professional governed by a separate and distinct practice act.
This includes billing for services outside of the athletic trainer's scope of practice, including, but
not limited to services labeled as physical therapy.

(2) "Board" means the health professions board of review established in accordance with
§ 5-26.1-3. Rhode Island board of athletic trainers established under § 5-60.4.

(3) "Department of health" means the department of state under which the board of
athletic trainers is listed.

(4) "Director" means the director or state official in charge of the department of health.

(5) “Division” means the division of professional regulation and licensing at the
department of health.

5-60-9. License required to use title "athletic trainer". – No person may use the title
"athletic trainer" or perform the duties of an athletic trainer, unless licensed by the division state
of Rhode Island to perform those duties.

5-60-13. Expiration and renewal of licenses. – A license issued under this chapter shall
expire on the thirtieth day of June of every odd-numbered year. Licenses shall be renewed
according to procedures established by the department and upon payment of the renewal fees
established in § 5-60-11. Beginning with the renewal application due July 1, 2003, and every
renewal year thereafter, each licensed athletic trainer who wishes to continue licensure as an
athletic trainer shall present satisfactory evidence to the division board that he or she has
completed the continuing education requirements established by the division board through
regulation.

5-60-14. Grounds for refusal or revocation of licenses. – The division board may
refuse to issue a license to an applicant or may suspend, revoke, or refuse to renew the license of
any licensee if he or she has:

(1) Been convicted of a felony or misdemeanor involving moral turpitude, the record of
conviction being conclusive evidence of conviction if the department determines after
investigation that the person has not been sufficiently rehabilitated to warrant the public trust;

(2) Secured a license under this chapter by fraud or deceit; or
(3) Violated or conspired to violate this chapter or rules or regulations issued pursuant to this chapter.

5-60-15. Appeals. – An appeal from any decision or order of the division board may be taken by any aggrieved party to the board in the manner provided for in the Administrative Procedures Act, chapter 35 of title 42.

SECTION 29. Sections 5-60-4 and 5-60-5 of the General Laws in Chapter 5-60 entitled “Athletic Trainers” are hereby repealed.

5-60-4. Board – Composition – Appointment, terms, oaths, and removal of members – Officers – Meetings. – (a) The director of the department of health, with the approval of the governor, shall appoint the members of the Rhode Island board of athletic trainers, which shall be composed of three (3) licensed athletic trainers and one public member and one physician licensed to practice medicine and with an interest in sports medicine. In making appointments to the board, the director shall give consideration to recommendations made by professional organizations of athletic trainers and physicians. Each appointee shall be licensed and practicing in the state, except that the director in appointing the athletic trainer members of the first board may appoint any practicing athletic trainer who possesses the qualification required by § 5-60-10.

To qualify as a member, a person must be a citizen of the United States and a resident of the state for five (5) years immediately preceding appointment.

(b) The members of the board shall be appointed for terms of three (3) years which expire on August 1 of even numbered years, except that in making the initial appointments the director shall designate one member to serve one year, two (2) members to serve two (2) years, and two (2) members to serve three (3) years. In the event of death, resignation, or removal of any member, the vacancy shall be filled for the unexpired portion of the term in the same manner as the original appointment. The director may remove any member for cause at any time prior to the expiration of his or her term. No member shall serve for more than two (2) consecutive three (3) year terms.

(c) Each appointee to the board shall qualify by taking the constitutional oath of office within thirty (30) days from the date of his or her appointment. On presentation of the oath, the director shall issue commissions to appointees as evidence of their authority to act as members of the board.

(d) The board shall elect from its members for a term of one year, a chairperson, vice-chairperson, and secretary treasurer, and may appoint committees that it considers necessary to carry out its duties. The board shall meet at least two (2) times a year. Additional meetings may be held on the call of the chairperson or at the written request of any three (3) members of the
board. The quorum required for any meeting of the board shall be three (3) members. No action
by the board or its members has any effect unless a quorum of the board is present.

5-60.5, Board – Powers and duties. – Subject to the approval of the director, the board
has the powers and duties to:

(1) Make rules and regulations consistent with this chapter, which are necessary for the
performance of its duties.

(2) Prescribe application forms for license applicants.

(3) Keep a complete record of all licensed athletic trainers and prepare annually a roster
showing the names and addresses of all licensed athletic trainers, and make available a copy of
the roster to any person requesting it on payment of a fee established by the department sufficient
to cover the costs of the roster.

(4) Keep a permanent record of all proceedings under this chapter.

(5) Issue licenses to qualified applicants.

(6) Conduct hearings to deny, revoke, suspend, or refuse renewal of licenses under this
chapter, and issue subpoenas to compel witnesses to testify or produce evidence at the hearings.

SECTION 30. Sections 5-63.2-2, 5-63.2-8, 5-63.2-9, 5-63.2-10, 5-63.2-13, 5-63.2-14, 5-
63.2-15, 5-63.2-17, 5-63.2-21, 5-63.2-22, 5-63.2-24 and 5-63.2-26 of the General Laws in
Chapter 5-63.2 entitled “Mental Health Counselors and Marriage and Family Therapists” are
hereby amended to read as follows:

5-63.2-2, Definitions. – As used in this chapter:

(1) “Advertise” means, but is not limited to, the issuing or causing to be distributed any
card, sign, or device to any person; or the causing, permitting or allowing any sign or marking on
or in any building, radio or television, or by advertising by any other means designed to secure
public attention.

(2) “Board” means the health professions board of review established in accordance with
§ 5-26.1-3, board of mental health counselors and marriage and family therapists.

(3) “Clinical counselor in mental health” means a person who is licensed pursuant to § 5-
63.2-9, which license is in force and not suspended or revoked as of the particular time in
question.

(4) “Division” means the division of professional regulation and licensing in the
department of health.

(5) “Internship” means a part of an organized graduate program in counseling therapy
and constitutes a supervised experience within a mental health and/or marriage and family setting.

(6) “Marriage and family therapists” means a person who is licensed pursuant to § 5-
63.2-10 which license is in force and not suspended or revoked as of the particular time in
question.

(7) “Person” means any individual, firm, corporation, partnership, organization or
body politic.

(8) “Practice of clinical mental health counseling” means the rendering of professional
services to individuals, families or groups for monetary compensation. These professional
services include:

(i) Applying the principals, methods and theories of counseling and/or psychotherapeutic
techniques to define goals and develop a treatment plan of action aimed toward the prevention,
treatment and resolution of social, mental and emotional dysfunction and intra or interpersonal
disorders in persons diagnosed at intake as non-psychotic and not presenting medical problems;

and

(ii) Engaging in psychotherapy of a non-medical nature utilizing supervision when
appropriate and making referrals to other psychiatric, psychological or medical resources when
the person is diagnosed as psychotic or presenting a medical problem.

(9) “Practice of marriage and family therapy” means the rendering of professional
services to individuals, family groups, couples or organizations for monetary compensation.
These professional services include applying principles, methods and therapeutic techniques for
the purpose of resolving emotional conflicts, modifying perceptions and behavior, enhancing
communications and understanding among all family members and the prevention of family and
individual crisis. Individual marriage and family therapists shall also engage in psychotherapy of
a non-medical and non-psychotic nature with appropriate referrals to psychiatric resources.

(10) “Practicum” means a part of an organized graduate program in counseling therapy
and constitutes a supervised experience within the graduate counseling program.

(11) “Qualified supervision” means the supervision of clinical services in accordance
with standards established by the division Board under the supervision of an individual who has
been recognized by the Board as an approved supervisor.

(12) “Recognized educational institution” means any educational institution which
grants a Bachelor's, Master's, or Doctoral degree and which is recognized by the division Board
of Mental Health Counselors and Marriage and Family Therapy Examiners or a recognized post-
graduate clinical training program as specified in §§ 5-63.2-9(2) and 5-63.2-10(2).

(13) (12) “Use a title or description of” means to hold oneself out to the public as having
a particular status by means of stating on signs, mailboxes, address plates, stationery,
announcements, calling cards or other instruments of professional identification.
5-63.2-8. Register of mental health counselors and marriage and family therapists —

Records — Issuance of licenses. — The division administrator of professional regulations of the department of health shall maintain a register of all clinical mental health counselors and marriage and family therapists licensed under this chapter which shall be open at all reasonable times to public inspection. The division administrator shall be the custodian of all records pertaining to the licensure of clinical mental health counselors and marriage and family therapists. The division shall determine whether a license shall be issued. He or she shall issue licenses only upon the recommendation of the board.

5-63.2-9. Qualifications of licensed clinical mental health counselors. — (a) An applicant for licensure shall submit to the division board written evidence on forms furnished by the division of professional regulation verified under oath that the applicant:

(1) Is of good character; and

(2) Has received a graduate degree specializing in counseling/therapy from a college or university accredited by the New England Association of Schools and Colleges, or an equivalent regional accrediting agency, and which has the approval by a cognizable national or regional certifying authority; and

(3) Has completed sixty (60) semester hours or ninety (90) quarter hours within their graduate counseling/therapy program; and

(4) Has completed a minimum of twelve (12) semester hours or eighteen (18) quarter hours of supervised practicum and a minimum of one calendar year of supervised internship consisting of twenty (20) hours per week or its equivalent with emphasis in mental health counseling supervised by the department within the college or university granting the requisite degree or by an accredited postgraduate clinical training program recognized by the United States Department of Education, or education and/or experience which is deemed equivalent by the division board; and

(5) Has completed a minimum of two (2) years of relevant postgraduate experience, including at least two thousand (2,000) hours of direct client contact offering clinical or counseling or therapy services with emphasis in mental health counseling subsequent to being awarded a master's degree, certificate of advanced graduate study or doctorate; and

(6) A minimum of one hundred (100) hours of post-degree supervised case work spread over a two (2) year period; provided, that the supervision was provided by a person who at the time of rendering the supervision was recognized by the division board as an approved supervisor; and

(7) Has passed to the satisfaction of the division board an examination conducted by it to
determine the applicant's qualification for licensure as a clinical mental health counselor or is applying for licensure under the provisions of § 5-63.2-15.

(b) A candidate shall be held to have qualified for licensure as a clinical mental health counselor upon a determination of qualifications by the division, the affirmative vote of at least four (4) members of the board, two (2) of whom must be mental health counselors on the board.

5-63.2-10. Qualifications of licensed – Marriage and family therapists. – (a) An applicant for licensure shall submit to the division written evidence on forms furnished by the division of professional regulation verified under oath that the applicant:

(1) Is of good character; and
(2) Has completed a graduate degree program specializing in marital and family therapy from a college or university accredited by the New England Association of Schools and Colleges, or an equivalent regional accreditation agency; and
(3) Has completed sixty (60) semester hours or ninety (90) quarter hours within their graduate degree program specializing in marital and family therapy; and
(4) Has completed a minimum of twelve (12) semester hours or eighteen (18) quarter hours of supervised practicum and a one calendar year of supervised internship consisting of twenty (20) hours per week or its equivalent with emphasis in marriage and family therapy supervised by the department within the college or university granting the requisite degree or by an accredited postgraduate clinical training program, approved by the commission on accreditation for marriage and family therapy education recognized by the United States department of education or education and/or experience which is deemed equivalent by the division; and
(5) Has had a minimum of two (2) years of relevant postgraduate experience, including at least two thousand (2,000) hours of direct client contact offering clinical or counseling or therapy services with emphasis in marriage and family therapy subsequent to being awarded a master's degree or doctorate; and
(6) Has had a minimum of one hundred (100) hours of post-degree supervised case spread over two (2) years; provided, that the supervision was provided by a person who at the time of rendering the supervision was recognized by the division as an approved supervisor; and
(7) Has passed to the satisfaction of the board an examination conducted by it to determine the applicant's qualifications for licensure as a marriage and family therapist or is applying for licensure under the provisions of § 5-63.2-15.

(b) A candidate shall be qualified for licensure as a marriage and family therapist upon a
5.63.2-13. Licensure application. — (a) Each person desiring to obtain a license as a practicing marriage and family therapist or clinical mental health counselor shall make application to the division board upon the form and in the manner that the board prescribes and shall furnish satisfactory evidence to the division board that she or he:

1. Is of good moral character;
2. Has not engaged or is not engaged in any practice or conduct which would be a ground for refusing to issue a license under § 5.63.2-21 of this chapter;
3. Is qualified for licensure pursuant to the requirements of this chapter, or is currently certified by the Rhode Island department of health as a mental health counselor or a marriage and family therapist. The transition from certification to licensure does not require an additional fee payment.

(b) Any person who applies to the division board shall be issued a license by the board if she or he meets the qualifications stated in subdivisions (a)(1), (2), and (3) of this section and provides satisfactory evidence to the board that she or he:

1. Meets educational experience qualifications as follows:
   i. Educational requirements: a master's degree or certificate in advanced graduate studies or a doctoral degree in marriage and family therapy or mental health counseling from a recognized educational institution, or a graduate degree in an allied field from a recognized educational institution and graduate level course work which is equivalent to a master's degree in marriage and family therapy or mental health counseling, as determined by the division board.
   ii. Experience requirements: successful completion of two (2) calendar years of work experience in marriage and family therapy or mental health counseling under qualified supervision following receipt of a qualifying degree.
2. Passes an examination administered by the division board.

5.63.2-14. Examination of applicants. — Examination for licensure shall be conducted by the division as scheduled by the director of the department of health and offered by the board at least twice a year according to methods and in each subject fields that the division deems most practical and expeditious to test the applicant's qualifications. The division board may require examinations to be written or oral, or both. In any written examination the identity of the applicant shall not be disclosed to the division board until after the examination papers are graded. Written examination papers shall be preserved and available to the board for at least two (2) years.
5-63.2-15. Licensure by endorsement. – A license as a clinical mental health counselor or marriage and family therapist may be issued, in the discretion of the division board, without examination, to an applicant who is a clinical mental health counselor where the applicant is licensed or certified in another state whose requirements are equivalent to or exceed the requirements established pursuant to this chapter.

5-63.2-17. Expiration and renewal of license. – (a) Every clinical mental health counselor and marriage and family therapist who desires to continue licensure as a licensed clinical mental health counselor and licensed marriage and family therapist shall present satisfactory evidence to the division board and approved by rule or regulation of the division board that the licensed clinical mental health counselor and licensed marriage and family therapist has completed a prescribed course of continuing education. The license of every person licensed under the provisions of this chapter shall expire on the first day of July of the next even year following the date of his or her license; provided, that no license shall expire prior to July 1, 1998. On or before the first day of May in each even year, commencing in the year 1998, the division administrator shall mail an application for renewal of license to every person to whom a license is issued or renewed during the current year, and every licensed person who desires to renew his or her license files with the division the renewal application executed. This application shall include verification of prescribed continuing education requirements, together with a renewal fee as set forth in § 23-1-54 on or before the first day of June in each even year. Upon receipt of the application and payment of the fee, the accuracy of the application shall be verified and the division administrator of professional regulation shall grant a renewal license effective July 1st and expiring twenty-four (24) months later.

(b) Any person who allows his or her license to lapse, by failing to renew it on or before June 1st in each year, as provided in this section, shall be reinstated by the administrator of professional regulation on payment of the current renewal fee plus an additional fee as set forth in § 23-1-54; and verification of prescribed continuing education requirements. Any person using the title "clinical mental health counselor" and/or "marriage and family therapist" during the time his or her license has lapsed shall be subject to the penalties provided for violation of this chapter; provided, that if a person has allowed his or her licensure to lapse for four (4) years or more, he or she shall be reinstated only at the discretion of the director.

5-63.2-21. Grounds for discipline. – The division board has the power to deny, revoke or suspend any registration issued by the department administrator of professional regulation or applied for in accordance with this chapter or to discipline a licensed clinical mental health counselor and/or a licensed marriage and family therapist upon proof that the person:
(1) Is guilty of fraud or deceit in procuring or attempting to procure a registration;

(2) Is guilty of a felony or of a crime of immorality;

(3) Is habitually intemperate or is addicted to the use of habit-forming drugs;

(4) Is mentally incompetent;

(5) Has willfully or repeatedly violated any of the provisions of this chapter;

(6) Is habitually negligent in the performance of his or her duties;

(7) Has willfully or repeatedly violated any of the ethical principles governing mental health counselors and marriage and family therapists and the practice of mental health counseling and marriage and family therapy, as adopted by the department board, and in force at the time a charge is made and determined by the division board, regardless of whether or not the person is a member of any national, regional or state professional association; provided, that the ethical principles are of a nationally-recognized standard of the respective national professional organization.

5-63.2-22. Procedure for discipline. – When a sworn complaint is filed with the division board charging a person with having been guilty of any of the acts specified in § 5-63.2-20, the division of professional regulation shall immediately investigate the charges, and or, the board, after investigation, may institute charges. In the event the investigation reveals reasonable grounds for believing that the applicant or person licensed under this chapter is guilty of the charges, the division the board shall fix a time and place for a hearing, and shall cause a copy of the charges, together with a notice of the time and the place fixed for a hearing, to be personally served upon the accused at least twenty (20) days prior to the time fixed for the hearing. When personal service cannot be effected and the fact is certified by oath by any person authorized to make service, the division board shall cause to be published once in each of two (2) successive weeks, a notice of the hearing in a newspaper published in the county where the accused last resided according to the records of the division board and shall mail a copy of the charges and the notice to the accused at his or her last known address. When publication of notice is necessary, the date of the hearing shall not be less than twenty (20) days after the last date of publication of the notice. At the hearing the accused has the right to appear personally or by counsel or both, to produce witnesses and evidence on his or her behalf, to cross-examine witnesses and to have subpoenas issued by the administrator of professional regulation. The attendance of witnesses and the production of books, documents and papers at the hearing may be compelled by subpoenas issued by the administrator, which is served in accordance with law. At the hearing the board administrator shall administer oaths that are necessary for the proper conduct of the hearing. The board shall not be bound by the strict rules of procedure or by the
laws of evidence in the conduct of its proceedings, but the determination shall be based upon
sufficient legal evidence to sustain it. If the accused is found guilty of the charges, the board may
refuse to issue a registration to the applicant or may revoke or suspend his or her license or
discipline the person. Upon the revocation or suspension of any license the holder shall surrender
the license to the administrator of professional regulation who shall strike the name of the holder
from the register of licensed clinical mental health counselors and/or licensed marriage and
family therapists. A revocation or suspension of a license may be reviewed at the discretion of the
board or at the initiative of the administrator of professional regulation who may order a
rehearing of the issue if he or she finds cause.

5-63.2-24. Injunction of violations. – When it appears to the division board that any
person is violating any of the provisions of this chapter, the director of the department of health
may cause an action to be instituted, commenced in the name of the department board, to enjoin
the violation in a court of competent jurisdiction and the court may enjoin any person from
violating any of the provisions of this chapter without regard to whether proceedings have been or
may be instituted before the board or whether criminal proceedings have been or may be
instituted.

5-63.2-26. Appeals from director and board. – Any person aggrieved by a decision or
ruling of the director of the department of health or the board may appeal to the superior court in
the manner provided in the Administrative Procedures Act, chapter 35 of title 42. The term
“person” shall include the department.

SECTION 31. Sections 5-63.2-3, 5-63.2-4, 5-63.2-5, 5-63.2-6, 5-63.2-7 of the General
Laws in Chapter 5-63.2 entitled “Mental Health Counselors and Marriage and Family Therapists”
are hereby repealed:

5-63.2-3. Board of mental health counselors and marriage and family therapists. Within
the division of professional regulation in the state department of health, there is a board of
mental health counselors and marriage and family therapists consisting of nine (9) members.

5-63.2-4. Composition of board – Appointment, terms and removal of members. The
director of the department of health with the approval of the governor shall appoint nine (9)
electors as members of the board. Three (3) shall be clinical mental health counselors, at least two
(2) of whom shall meet the qualifications of § 5-63.2-9 and have at least five (5) years of private
practice experience in mental health counseling; three (3) shall be marriage and family therapists,
who shall be clinical marriage and family therapists who meet the qualifications of § 5-63.2-10
and have at least five (5) years of private practice experience in marriage and family therapy;
three (3) shall be members of the public. Commencing September 1996, the director of the
department of health shall appoint one clinical mental health counselor for one year, one clinical mental health counselor for two (2) years, one clinical mental health counselor for three (3) years, one marriage and family therapist for one year, one marriage and family therapist for two (2) years, and one marriage and family therapist for three (3) years, and one public member for two (2) years, and two (2) public members for three (3) years. After this all terms of appointments shall be for three (3) years. In no instance shall a person serve more than six (6) consecutive years on the board.

5-63.2.5. Organization and meeting of board. The board shall organize immediately after the appointment and qualification of its members. The board shall annually elect a chairperson and secretary. Meetings may be called by the chairperson or the director of the department of health or by written request of four (4) members of the board. Five (5) members of the board shall constitute a quorum; provided, that a clinical mental health counselor and a marriage and family therapist must be present. The board shall meet as often as necessary.

5-63.2.6. General powers of board. The board is authorized to recommend to the director of the department of health for his or her approval the adoption, and from time to time, the revision of the rules and regulations not inconsistent with law that may be necessary to enable it to carry into effect the provisions of this chapter. The board shall recommend for licensure at least twice a year. It shall determine the tests which applicants for licensure take. The division of professional regulation shall adopt policies to be followed in the examination, licensure and renewal of licenses of qualified applicants. The board shall conduct hearings upon charges calling for the discipline of a licensed clinical mental health counselor or licensed marriage and family therapist or for revocation of a license. The administrator of professional regulation has the power to issue subpoenas and compel the attendance of witnesses and administer oaths to persons giving testimony at hearings. The board or the director of the department of health shall cause the prosecution of all persons violating this chapter and has the power to incur the necessary expenses for the prosecution. The board shall make provisions for continuing educational requirements for licensure. The board shall keep a record of all its proceedings.

5-63.2.7. Reimbursement of board members. Members of the board shall serve without compensation.

SECTION 32. Sections 5-64-3, 5-64-10, 5-64-12, 5-64-13 and 5-64-14 of the General Laws in Chapter 5-64 entitled “Licensed Dietitian” are hereby amended to read as follows:

5-64.3. Definitions. As used in this chapter:

(1) "Board" means the health professions board of review established in accordance with § 5-26.1-3. Rhode Island state board of dietetics.
(2) "Commission of dietetic registration" (CDR) means a commission on dietetic registration that is a member of the National Commission for Health Certifying Agencies.

(3) "Degree" means a degree received from or validated by a college or university that was regionally accredited through the council on postsecondary accreditation and the U.S. Department of Education at the time the degree was conferred.

(4) "Dietetics" means the professional discipline of applying principles derived from the sciences of nutrition, biochemistry, physiology, management, and behavioral and social sciences in the provision of dietetic services.

(5) "Dietitian and/or nutritionist" means a person engaged in the practice of dietetics.

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

(7) "Division" means the division of professional regulation and licensing in the department of health.

(8) "Examination" means the registration examination for dietitians or other exam as determined by and approved by the board.

(9) "Licensed dietitian/nutritionist" means a person licensed under this chapter.

(10) "Registered dietitian" means a person registered by the commission of dietetic registration.

5-64-10. Procedure for discipline. — (a) When a sworn complaint is filed with the division board charging a person with having been guilty of any of the actions specified in § 5-64-9, the division of professional regulation shall immediately investigate the charges, or, the board, after investigation, may institute charges. In the event the investigation reveals reasonable grounds for believing that the applicant or person certified under this chapter is guilty of the charges, the division board shall fix a time and place for a hearing, and shall cause a copy of the charges together with a notice of the time and place fixed for the hearing to be served personally upon the accused at least twenty (20) days prior to the time fixed for the hearing. When personal service cannot be affected and the fact is certified by oath by any person authorized to make service, the division board shall cause to be published once in each of two (2) successive weeks, a notice of the hearing in a newspaper published in the county where the accused last resided according to the records of the division board and shall mail a copy of the charges and the notice to the accused at his or her last known address. When publication of notice is necessary, the date of the hearing shall not be less than twenty (20) days after the last date of publication of the notice. At the hearing the accused has the right to appear personally or by counsel or both, to produce witnesses and evidence on his or her behalf and to cross-examine witnesses. The attendance of witnesses and the production of books, documents, and papers at the
hearing may be compelled by subpoenas issued by the administrator of the division which shall be served in accordance with law. At the hearing the board administrator shall administer oaths that may be necessary for the proper conduct of the hearing. The board division of professional regulation shall not be bound by the strict rules of procedure or by the laws of evidence in the conduct of its proceedings but the determination shall be based upon sufficient legal evidence to sustain it. If the accused is found guilty of the charges, the division of professional regulation may refuse to issue a license or otherwise discipline the person.

(b) Upon the revocation or suspension of any license the holder shall surrender the license to the division administrator of professional regulation who shall strike the name of the holder from the register.

(c) A revocation or suspension of license may be reviewed at the discretion of the division of professional regulation or at the initiative of the administrator of professional regulation who may order a rehearing of the issue if he or she finds cause.

5-64-12. Exemptions. — This chapter shall not be construed as preventing or restricting the practice, services, or activities of:

(1) Any person who does not call himself or herself a dietitian/nutritionist from furnishing nutritional information to customers or any consumer as to the use of foods, food products, or dietary supplements in connection with the marketing and distribution of those products; or to the general public for educational purposes and any person who provides a weight loss program and/or health maintenance counseling as long as the persons do not engage in nutrition counseling for the management of disease, and do not hold themselves out to be dietitians/nutritionists.

(2) A person licensed or certified in this state under any other law from engaging in the profession or occupation for which the person is licensed or certified and any person holding a doctoral degree from an accredited institution in nutrition or a related field as determined by the division board; and any person with a bachelor's degree in home economics from furnishing nutrition information incidental to the practice of his or her profession.

(3) A person employed as a dietitian/nutritionist by the government of the United States or the state or by a participating local agency of the special supplemental food program for women, infants and children, if the person practices solely under direction or control of the organization by which the person is employed.

(4) A student enrolled in a division board approved academic program in dietetics/nutrition.

(5) Family members, friends, or acquaintances who provide gratuitous nutrition advice as
long as the advisor does not hold himself or herself out to be a dietitian/nutritionist.

(6) Not-for-profit health-related agencies, as described in 26 U.S.C. § 501(c)(3), which provide nutrition information in the normal course of doing business.

5-64-13. License expiration, renewal. — All licenses under this chapter shall be renewed biennially and shall be accompanied by a fee of one hundred twenty-five dollars ($125). The application shall be accompanied or supported by evidence of the completion of a minimum of twenty (20) continuing nutrition education credits as approved by the division board, reported biennially every second year after the 1993 recertification period. Failure to file an application for a renewal license to practice and to furnish the evidence shall constitute grounds for revocation, suspension, or refusal to renew the license, unless the division board of dietetics in its discretion determines the failure to be due to reasonable cause or excusable neglect. This applicant shall be given six (6) months to make up the appropriate amount of credits required to bring him or her into compliance. The candidate shall be subject to immediate suspension or revocation of license.

5-64-14. Licensing without examination. — (a) The division board shall recommend for licensure any person:

(1) Who meets the qualifications of § 5-64-6(a)(1) and who submits the required application and fee together with satisfactory evidence to the division board that he or she has been practicing dietetics for at least one year since 1983; or

(2) Who provides evidence of current registration as a registered dietitian by the commission of dietetic registration.

(b) Licensure under the provisions of subdivision (a)(1) of this section cannot be granted after two (2) years following promulgation of rules and regulations.

SECTION 33. Section 5-64-5 of the General Laws in Chapter 5-64 entitled “Licensed Dietitian” is hereby repealed.

5-61.5. Rhode Island state board of dietetics practice. — (a) Within the division of professional regulation in the Rhode Island department of health there is a board of dietetics practice.

(1) The board shall consist of nine (9) members appointed for terms of three (3) years each with no member serving more than two (2) consecutive terms. One shall be the director of the department of health or designee. Five (5) shall be licensed dietitians/nutritionists appointed by the director of the department of health, with the approval of the governor, except that the appointments made initially need not be licensed under this chapter. (In his or her initial appointment the director shall designate the licensed dietitian/nutritionist members of the board as follows: one member to serve for a term of one year; two (2) members to serve for a term of two
(2) years; and two (2) members to serve for a term of three (3) years). One member shall be a physician licensed to practice medicine in this state appointed by the governor. Two (2) shall be consumers appointed by the governor.

(2) The director of the department of health may remove any member of the board for cause.

(3) Vacancies shall be filled for the unexpired portion of any term in the same manner as the original appointment.

(b) The duties of the board shall be:

(1) Recommend to the director rules and regulations necessary to implement this chapter.

(2) Determine the qualification and fitness of applicants and to issue and/or reinstate licenses.

(3) Recommend to the director revocation, suspension and/or denial of a license.

SECTION 34. Sections 5-64.1-3, 5-64.5, 5-64.1-7, and 5-64.1-10 of the General Laws in Chapter 5-64.1 entitled “Dietary Manager” are hereby amended to read as follows:

5-64.1-3. Definitions. – As used in this chapter:

(1) "Board" means the health professions board of review established in accordance with § 5-26.1-3, certifying board for dietary managers. The board has authority over the rules and regulations of the certification program for dietary managers.

(2) "Certified dietary manager" (C.D.M.) means to have entry level competency to perform the duties and responsibilities of a dietary manager; that a person has training and experience, and has passed an entry level credentialing exam to document his or her competency after which participation in continuing education to maintain competency.

(3) "Dietary manager" means a person who:

(i) Integrates and applies principles with education and training at an accredited school, college, or university in purchasing, personnel practices, supervision of people, budgeting and finance, menu planning, and nutrition;

(ii) Directs and coordinates food service activities of a hospital, nursing home, or a related facility;

(iii) Confers with dieticians to ensure that menus and department policies conform to nutritional standards and government and established regulations and procedures;

(iv) Reviews patient diet information and discusses requests, changes, and inconsistencies with patient, professional staff, and/or resident food committee or council;

(v) Plans and coordinates through subordinate supervisors, standards and procedures of food storage, preparation, and service, department and equipment sanitation, employee safety,
and personnel policies and procedures;

(vi) Inspects food and food preparation and storage areas with knowledge of health and sanitation regulations;

(vii) Tastes, smells, and observes food to ensure conformance with recipes and appearance standards;

(viii) Attends meetings with employees, department heads, administration, and dieticians to discuss regulations, procedures, grievances, and recommendations for improving food service;

(ix) Computes operating costs for own information and for information of administration;

(x) In the absence of the dietician, a certified dietary manager is responsible for the department; and

(xi) Oversees all therapeutic diets to be planned in writing, reviewed, approved, and dated by the qualified dietician.

(4) “Division” means the division of professional regulation and licensing in the department of health.

(5) “Facility” or “institution” means an organization or corporation such as hospitals, nursing homes, commercial and/or community feeding.

(6) “Managerial/supervisory experience” means that eighty percent (80%) of the individual's time is spent in a full-time managerial/supervisory capacity.

(7) “Person” or “individual” means an individual person whether a resident of this state or not.

(8) “Registered dietician” means any person registered to practice dietetics as specified by the commission of registration of the American Dietetic Association.

5-64.1-5. Restriction on use of titles. — Only a person certified by the division board as a certified dietary manager shall use the words "Certified Dietary Manager" (C.D.M.) in connection with his or her name or place of business, or may use the words, letters, abbreviations, or insignia indicating or implying that he or she is a certified dietary manager.

5-64.1-7. Eligibility of dietary managers. — (a) A person shall present satisfactory evidence to the division board of having successfully completed the academic requirements of an educational program in dietary management recognized by the division board at an accredited college or university as determined by the division board.

(b) All persons shall meet the qualifications established by the commission of registration of the American Dietetic Association for registered dietitians.

(c) An applicant for certification shall have successfully completed the written examination of the Dietary Manager's Association. The title of C.D.M. must be earned by
successfully completing the examination.

(d) Applicants shall be responsible for applying to take the certifying board for dietary manager's examination which is offered at a predetermined time and place. The application shall be accompanied by a fee as prescribed by the division board, and this fee shall not be refundable.

(e) An applicant shall only be required to take the examination on one occasion; provided, that he or she shall be required to maintain certified status by earning sufficient work time hours as prescribed by the D.M.A., and shall pay annual certification fees when they are due.

(f) Failure to comply with requirements of this section shall result in the loss of certified status, and the person shall be required to successfully complete the exam again.

(g) To maintain certified status, forty-five (45) hours of continuing education must still be earned in each three (3) year certifying period. If this requirement is not met, certified status shall be lost.

(h) The exam may be taken three (3) times. If an applicant fails all three (3) times, he or she has to take some board certified specific refresher courses before being eligible to take the exam again. Application and fees must be submitted each time he or she applies.

(i) Neither D.M.A. nor the division certifying board for dietary managers shall administer the examination. It shall be administered by a recognized testing firm.

(j) Simply graduating from a dietary manager training program only does not constitute certification. The graduate must meet all eligibility requirements for membership in D.M.A. as established in this chapter.

5-64.1-10. Fees. – The division board shall prescribe reasonable fees for, but not limited to:

(1) Initial fees;

(2) Renewal fees;

(3) Late fees;

(4) Certification fees; and

(5) Membership fees.

SECTION 35. Sections 5-68.1-2, 5-68.1-4, 5-68.1-6, 5-68.1-7, 5-68.1-10, 5-68.1-11, and 5-68.1-13 of the General Laws in Chapter 5-68.1 entitled “Radiologic Technologists” are hereby amended to read as follows:

5-68.1-2 Definitions. – As used in this chapter:

(1) "Authorized user" means a licensed practitioner who meets the training and experience requirements defined in rules and regulations promulgated pursuant to chapter 23-1.3.

(2) "Board" means the health professions board of review established in accordance with
§ 5-26.1-3 board of radiologic technology.

(3)(i) "Department" means the Rhode Island department of health.

(ii) "Division" means the division of professional regulation and licensing in the department of health.

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

(5) "Financial interest" means being:

(i) A licensed practitioner of radiologic technology; or

(ii) A person who deals in goods and services that are uniquely related to the practice of radiologic technology; or

(iii) A person who has invested anything of value in a business that provides radiologic technology services.

(6) "License" means a license issued by the director to practice radiologic technology.

(7) "Licensed practitioner" means an individual licensed to practice medicine, chiropractic, or podiatry, or an individual licensed as a registered nurse practitioner or physician assistant in this state.

(8) "Medical physicist" means an individual, other than a licensed practitioner, who practices independently one or more of the subfields of medical physics, and is registered or licensed under rules and regulations promulgated pursuant to section 23-1.3

(9) "National organization" means a professional association or registry, approved by the director, that examines, registers, certifies or approves individuals and education programs relating to operators of sources of radiation.

(10) "Nuclear medicine technologist" means an individual, other than a licensed practitioner, who compounds, calibrates, dispenses and administers radiopharmaceuticals, pharmaceuticals, and radionuclides under the general supervision of an authorized user for benefit of performing a comprehensive scope of nuclear medicine procedures, and who has met and continues to meet the licensure standards of this chapter.

(11) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state or any other state, or political subdivision of any agency thereof and any legal successor, representative, agent or agency of the foregoing.

(12) "Radiation therapist" means an individual, other than a licensed practitioner, who utilizes ionizing radiation under the general supervision of an authorized user for the planning and delivery of therapeutic procedures, and who has met and continues to meet the licensure standards of this chapter.
(13) "Radiology technologist" also known as a "radiographer" means an individual, other than a licensed practitioner, who performs a comprehensive scope of diagnostic radiologic procedures under the general supervision of a licensed practitioner using external ionizing radiation, resulting in radiographic or digital images, and who has met and continues to meet the licensure standard of this chapter.

(14) "Radiologist" means a licensed practitioner specializing in radiology who is certified by or eligible for certification by the American Board of Radiology or the American Osteopathic Board of Radiology, the British Royal College of Radiology, or the Canadian College of Physicians and Surgeons.

(15) "Radiologist assistant" means an individual, other than a licensed practitioner, who performs as an advanced level radiologic technologist and works under the general supervision of a radiologist to enhance patient care by assisting the radiologist in the medical imaging environment, and who has met and continues to meet the licensure standards of this chapter.

(16) "Source of radiation" means any substance or device emitting or capable of producing ionizing radiation, for the purpose of performing therapeutic or diagnostic radiologic procedures on human beings.

(17) "Student" means an individual enrolled in a course of study for medicine or radiologic technology.

(18) "Supervision" means and includes:

(i) "Direct supervision" means supervision and control by a licensed practitioner who assumes legal liability for the services rendered by the radiologic technologist, which supervision requires the physical presence of the licensed practitioner for consultation and direction of the actions of the radiologic technologist.

(ii) "General supervision" means supervision whereby a licensed practitioner, who assumes legal liability for the services rendered, authorizes the services to be performed by the radiologic technologist, which supervision, except in cases of emergency, requires the easy availability or physical presence of the licensed practitioner for consultation and direction of the actions of the radiologic technologist.

568.1 License required. – (a) No individual shall practice radiologic technology or shall represent themselves as practicing radiologic technology, unless they are licensed under this chapter. The provisions of this section do not apply to:

(1) A licensed practitioner when practicing within his or her field of expertise.

(2) A student of medicine, when under the general supervision of an instructor who is a radiologist and when acting within the scope of practice.
(3) A dentist, licensed dental hygienist or certified dental assistant when practicing within his or her field of expertise.

(4) A podiatry assistant who has received a "certificate of completion" from the Community College of Rhode Island or other equivalent training approved by the division board, after having taken and passed the course on "radiography for podiatry assistance" and when acting within the practice of podiatry.

(5) A medical physicist when practicing within his or her field of expertise.

(6) A licensed healthcare provider at a licensed ambulatory care facility on Block Island and where the director of health determines a waiver of the licensure requirements to be in the interest of public health.

(b) Nothing in this chapter is intended to limit, preclude or interfere with the practice of persons and health care providers licensed by appropriate agencies of Rhode Island.

(c) This chapter does not prohibit an individual enrolled in an approved school of radiologic technology, under the direct supervision of a radiologist or a licensed radiologic technologist, from performing those duties essential for completion of a student's clinical service.

(d) This chapter is not intended to supersede the mammography rules and regulations promulgated pursuant to § 23-17-32.

5-68.1-6 Licensing by training and examination. – (a) Any individual desiring to become a licensed radiologic technologist shall make application to the division board on a written form and in the manner that the division board prescribes, shall pay all the required application fees and shall furnish evidence to the board that the applicant:

(1) Has successfully completed a training program approved by the division board;

(2) Has passed the appropriate examination(s) given by the American Registry of Radiologic Technologists, the Nuclear Medicine Technology Certification Board or other national organization specified in rules and regulations adopted pursuant to this chapter; and

(b) Graduate practice. Any graduate of a training program approved by the division board who has filed a completed application (including all documents except for examination scores) for licensing shall be recognized, upon receiving a receipt from the director, as a graduate technologist for a period not to exceed ninety (90) days from the date on the application fee receipt.

(1) This receipt shall authorize the applicant to practice that branch of radiologic technology specified on the application until the results of the exam are distributed and acted upon by the division board, but in no case shall the authorized period exceed ninety (90) days. During this authorized period, the applicant shall identify him or herself only as a "graduate
(2) If the applicant fails to take the examination and receive a license, as specified in subsection 5-68.1-6(a), during this authorized ninety (90) day period or fails to pass the examination, all authorization to practice as a graduate technologist shall immediately become null and void.

(3) Authorization to practice as a graduate technologist shall only be granted by the division board to an individual for a single period not to exceed ninety (90) days, and shall not be extended or renewed.

5-68.1-7 Licensing by endorsement.— Any individual desiring to become a licensed radiologic technologist by endorsement shall make application to the division board on a written form and in a manner that the division board prescribes and shall pay all the required application fees. The applicant shall also furnish evidence to the division board that he or she holds a current certificate, license or registration to practice radiologic technology in another state, and the requirements for such certificate, license or registration, as determined by the division board, are substantially equivalent to those established under this chapter, and rules and regulations promulgated pursuant to this chapter.

5-68.1-10 Fees.— (a) The director, in consultation with the board, shall establish an initial application fee as set forth in § 23-1-54 and a license renewal fee that shall be prescribed in rules and regulations promulgated pursuant to § 5-68.1-15.

(b) The proceeds of any fees collected pursuant to the provisions of this chapter shall be deposited in the general fund as general revenues.

5-68.1-11 Denial, suspension, revocation and reinstatement of licenses.— (a) The division board may recommend refusal, suspension or revocation of any license, in accordance with the provisions of section 42-35, for any of the following causes:

(1) Having a certificate, license or registration to practice radiologic technology revoked, suspended, or otherwise acted against, including being denied certification by a national organization, by a specialty board recognized by the director, or by a certification authority of another state, territory or country;

(2) Fraud in the procurement of any license under this chapter, including, but not limited to, impersonating or acting a proxy for an applicant in an examination for licensure in the field of radiologic technology;

(3) Being convicted or found guilty, regardless of adjudication, in any jurisdiction of a crime that directly relates to the practice of radiologic technology or to the ability to practice radiologic technology. Pleading nolo contendere shall be considered a conviction for the purpose
of this provision.

(4) Incompetence or engaging in negligent or unprofessional conduct, which includes, but
is not limited to, any departure from, or the failure to conform to, the standards of practice of
radiologic technology as established by the director, in which case actual injury need not be
established;

(5) Being unable to practice radiologic technology with reasonable skill and safety to
patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or other materials or as
a result of any mental or physical condition. A licensee affected under this paragraph shall, at
reasonable intervals, be afforded an opportunity to demonstrate that he or she can resume the
competent practice of radiologic technology with reasonable skill and safety.

(6) Making or filing a false report or record that the licensee knows to be false,
intentionally or negligently failing to file a report or record required by state or federal law, or
willfully impeding or obstructing such filing or inducing another to so. Such reports or records
include only those reports or records which are signed in the capacity of the licensee.

(7) (a) Violating, or aiding or abetting any person to violate, any provision of this chapter,
any rule or regulation promulgated pursuant to this chapter, or any lawful order of the director
previously entered in a disciplinary proceeding or failing to comply with a lawfully issued
subpoena of the director.

(b) Any person aggrieved by any determination of the division in regard to any of the
provisions of this chapter, may appeal to the health professions board of review in accordance
with § 5-26.1-5.

(c) Five (5) years from the date of revocation of a license under this chapter,
application may be made for reinstatement, restoration or modification of probation. The division
board has the discretion to accept or reject any application for the reinstatement.

5-68.1-13 Appeals from board or director. Appeals from board. – An appeal from any
decision or order of the board or director may be taken in accordance with the provisions of

SECTION 36. Section 5-68.1-3 of the General Laws in Chapter 5-68 entitled
“Radiologic Technologists” is hereby repealed.

§ 5-68.1-3. Board. – Composition. – Appointment and terms of members. – (a) Within the
Rhode Island department of health there shall be a board of radiologic technology consisting of
seven (7) members as follows:

(1) One member shall be a member of the public who has no financial interest in
radiologic technology other than as a consumer or possible consumer of its services. They shall
have no financial interest personally or through a spouse.

(2) Two (2) members of the board shall be licensed practitioners, one of whom shall be a radiologist who utilizes ionizing radiation in the normal course of his or her practice. Nominations for the licensed practitioner board members shall be submitted by the Rhode Island Medical Society and the Rhode Island Radiological Society to the director for approval.

(3)(i) Three (3) members of the board shall be licensed under this chapter. One shall be from radiography, one shall be from nuclear medicine, and one shall be from radiation therapy.

(ii) The director shall appoint as radiologic technologist members of the board, individuals currently practicing as registered radiologic technologists in Rhode Island.

(4) One member shall be a representative of the hospital association who shall be nominated by the Hospital Association of Rhode Island and submitted to the director for approval.

(5)(i) The director, with the approval of the governor, shall make appointments for a three (3) year term, but no individual shall serve more than two (2) consecutive terms. Members of the board as of the effective date of this chapter, who were previously appointed pursuant to § 5-68-4, shall continue to serve for the remainder of their appointed term.

(ii) In the event of a vacancy in one of the positions, the director, with the approval of the governor, may appoint an individual who shall fill the unexpired term.

(6) The board shall meet during the first month of each calendar year to select a chairperson and for other purposes. At least one additional meeting shall be held during each calendar year. Meetings may also be called at any time by the chairperson, the director or by written request of two (2) members of the board. A majority of the fully authorized board constitutes a quorum.

(b) The duties of the board shall be as follows:

(1) To evaluate the qualifications of applicants and review the required examination results administered by a testing agency approved by the board;

(2) To recommend to the director the issuance of licenses to applicants who meet the requirements of this chapter;

(3) To administer, coordinate and enforce the provisions of this chapter and investigate persons engaging in practices that may violate the provisions of the chapter;

(4) To recommend to the director the denial or revocation of licenses to practice radiologic technology as provided in this chapter, and

(5) To recommend to the director adoption of rules and regulations pursuant to this chapter.
SECTION 37. Sections 5-69-2, 5-69-5, 5-69-8, 5-69-10, 5-69-11, and 5-69-12 of the General Laws in Chapter 5-69 entitled “License Procedure for Chemical Dependency Professionals” are hereby amended to read as follows:

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

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

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

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

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

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

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

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

(8) "Department" means the Rhode Island department of health and “division” means the division of professional regulation and licensing in the department.

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

(10) "Documented professional work experience" means the ICRC/AODA member board approved form completed by employer or approved supervisor verifying dates of employment and responsibilities.

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

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

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

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

(15) "Licensing board" or "Board" means the health professions board of review established in accordance with § 5-26.1-3 the board of licensing for chemical dependency professionals.

(16) "Member Board" means the Rhode Island Board for Certification of Chemical Dependency Professionals.

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

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

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

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

5-69-5 Agency powers. – The department shall promulgate rules and regulations that are reasonably necessary for the administration of this chapter and to further its purposes. The department shall, on recommendation of the licensing board, issue licenses to those qualified
under this chapter. The director of the department of health may issue additional levels of licensing that may be developed, approved, or adopted by both the licensing board division and the ICRC/AODA member board.

5-69-8 Licenses. — (a) The department shall issue the appropriate license to applicants who meet the qualifications for the license as specified:

(1) "Licensed chemical dependency professional". Any individual desiring to obtain a license as a licensed chemical dependency professional shall be currently certified as an advanced chemical dependency professional or advanced chemical dependency professional II in accord with the ICRC/AODA member board standards, as a prerequisite for submitting the application to the division. licensing board.

(2) "Licensed chemical dependency clinical supervisor". Any individual desiring to obtain a license as a licensed chemical dependency clinical supervisor shall be currently certified as an advanced chemical dependency professional or advanced chemical dependency professional II, shall have completed the ICRC/AODA member board standards for chemical dependency clinical supervisor, and shall submit an application to the division. licensing board.

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

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

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

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

(3) Absence of a sanction from the National Association of Alcohol and Drug Abuse Counselors, or ICRC/AODA member board sanction for violation of the code of ethics, or other related state board which shall be waived by the division board upon presentation of satisfactory evidence that the sanction does not impair the ability of the person to conduct with safety to the public the practice authorized by this license. The applicant shall bear the burden of proving that his or her sanction does not impair his or her ability to conduct with safety to the public the practice authorized by this license;

(4) Absence of conviction of a felony, which shall be waived by the division board upon presentation of satisfactory evidence that the conviction does not impair the ability of the person to conduct with safety to the public the practice authorized by this license. The applicant shall bear the burden of proving that his or her conviction does not impair his or her ability to conduct with safety to the public the practice authorized by this license;
(5) That the applicant has not been declared mentally incompetent by any court, and if the
decree has ever been rendered, that there has been a subsequent court determination that the
applicant is competent; and

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

5-69-10 Licensed professionals discipline. – Licensees subject to this chapter shall
conduct their activities, services, and practice in accordance with this chapter and with any rules
promulgated pursuant to this chapter. The division licensing board may recommend to the
director refusal to grant a license to, or to suspend, revoke, condition, limit, qualify, or
restrict the license of any individual who the division licensing board or its designee, after a
hearing by the board, determines:

(1) Is incompetent to practice under the provisions of this chapter, or is found to engage
in the practice of chemical dependency counseling and/or supervision in a manner harmful or
dangerous to a client or to the public;

(2) Has obtained or attempted to obtain a license, or renewal, by bribery or fraudulent
representation;

(3) Has knowingly made a false statement on a form required by the division licensing
board;

(4) Has failed to obtain the continuing education credits necessary for re-licensing;

(5) Has engaged in sexual relations with a current client, solicited sexual relations with a
current client, or committed an act of sexual abuse, or sexual misconduct with a current client;

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

(7) Has been convicted of a felony, which shall be waived by the board upon presentation
of satisfactory evidence that the conviction does not impair the ability of the person to conduct
with safety to the public the practice authorized by this license. The applicant shall bear the
burden of proving that his or her conviction does not impair his or her ability to conduct with
safety to the public the practice authorized by this license;
(8) Has disciplinary action pending or has revocation, suspension, or probation taken against the licensee in Rhode Island or another state or territory of these United States;
(9) Has failed to maintain confidentiality per federal regulation 42 CFR part 2;
(10) Has engaged in false or misleading advertising;
(11) Has a mental disability which significantly impairs the ability or judgment (the order of a court that the licensee is in need of mental treatment for incompetency shall continue the mental disability); and
(12) Has violated any of the provisions of this chapter, or the provisions of any code of ethics adopted by the department, licensing board.

5-69-11 Complaints. – All complaints concerning a licensee's business or professional practice shall be received by either the division, licensing board or the department of health. Each complaint received shall be logged, recording at a minimum the following information:
(1) Licensee's name;
(2) Name of the complaining party;
(3) Date of complaint;
(4) Brief statement of complaint; and
(5) Disposition.

5-69-12 Disciplinary process. – (a) Disciplinary procedures under this chapter shall be conducted in accordance with the Administrative Procedures Act, chapter 35 of title 42.
(b) In accordance with § 5-26.1-5, The licensing board or its designee shall hear evidence produced in support of the formal charges and contrary evidence produced by the licensee. At the conclusion of the hearing, the licensing board shall make a determination regarding the charges, recommendations to the director who shall issue an order.
(c) An appeal from any decision or order of the board may be brought by an aggrieved person in accordance with § 42-35-15. The term “person” in this section includes the department.

5-69-13 Disciplinary sanctions. – (a) The division licensing board may recommend that the director impose any of the following sanctions, singly or in combination, when it finds that a licensee is guilty of any offenses described in this section:
(1) Revocation of the license;
(2) Suspension of the license for any period of time;
(3) Censure of the licensee;
(4) Issue a letter or reprimand;
(5) Place a licensee on probationary status and require the licensee to submit to any of the following:
(i) Report regularly to the licensing board upon matters that are the basis of probation;
(ii) Continue to renew professional education until a satisfactory degree of skill has been
attached in those areas that are the basis of probation;
(iii) Attend employee assistance counseling services.
(6) Refuse to renew a license;
(7) Revoke probation which was granted and impose any other discipline provided in this
section when the requirements of probation are not fulfilled or have been violated.
(b) The director may reinstate any licensee to good standing under this chapter, if after a
hearing the department of health is satisfied that the applicant's renewed practice is in the public
interest.
(c) Upon the suspension or revocation of a license issued under this chapter, a licensee
shall be required to surrender the license to the director and upon failure to do so, the director
shall have the right to seize the license.
(d) The director may make available annually a list of the names and addresses of all
licensees under the provisions of this chapter, and of all persons who have been disciplined within
the preceding twelve (12) months.
(e) Any persons convicted of violating the provisions of this chapter shall be guilty of a
misdemeanor, punishable by a fine of not more than five hundred dollars ($500), imprisonment
for not more than one year, or both.
SECTION 38. Sections 5-69-6 and 5-69-7 of the General Laws in Chapter 5-69 entitled,
“License Procedure for Chemical Dependency Professionals” are hereby repealed.
§ 5-69-6. Licensing board. (a) Within the department there shall be established a board
of licensing for chemical dependency professionals. The governor shall appoint a licensing board
consisting of seven (7) members.
(b) Of the seven (7) licensing board members, three (3) shall be licensed under this
chapter.
(2) Licensing board members shall be:
(i) Two (2) members appointed by the governor shall be representatives of groups that
reflect demographics of person(s) served;
(ii) Three (3) members shall represent the licensed professionals appointed by the director
of health:
(iii) One member shall be an active member or administrator of the Rhode Island board
for certification of chemical dependency professionals appointed by the director of health;
(iv) One member shall be a consumer advocate from an established substance abuse

recovery consumer advocacy group appointed by the director of health.

(3) Licensing board members shall serve without compensation.

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

(5) The term of office shall be three (3) years, except that of the members of the first licensing board. Three (3) shall be appointed for a term of one year, three (3) for a term of two (2) years, three (3) for a term of three (3) years. At least one member representing the general public, and one member representing a minority group, as defined by the federal Department of Health, Education, and Welfare, shall be appointed for the initial term of three (3) full years. Successors to these licensing board positions shall be appointed for a term of three (3) years each, except that any person appointed to fill a vacancy shall be for the unexpired term of office. Upon expiration of the term of office, a member shall continue to serve until a successor is appointed and qualified.

No person shall be appointed for more than two (2) consecutive three (3) year terms.

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

§ 5-60-7 Powers and duties of the licensing board. – (a) The organization, meeting, and management of the licensing board shall be established by regulations promulgated by the department of health.

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

(1) Examine and pass on the qualifications of all applicants identified by the ICRC/AODA member board that all standards have been successfully completed for licensure under this chapter, and recommend to the director that a license shall be issued to each qualified successful applicant, attesting to the applicant's professional qualification to practice as a "licensed chemical dependency professional" or a "licensed chemical dependency clinical supervisor";

(2) Recommend that the director adopt rules and regulations that set ICRC/AODA professional practice standards for licensed chemical dependency professionals and licensed chemical dependency clinical supervisors;

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

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

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

SECTION 39. Sections 5-71-3, 5-71-7, 5-71-8, 5-71-10, and 5-71-13 of the General Laws in Chapter 5-71 entitled “Interpreters for the Deaf” are hereby amended to read as follows:

5-71-3 Definitions. – (1) "Board" means the health professions board of review established in accordance with § 5-26.1-3, state board of examiners for interpreters for the deaf.

(2) "Certified" means any person who is a certified member of the Registry of Interpreters for the Deaf, Inc., (RID), its successor agency or other agencies as approved by the department in consultation with the board.

(3) "Consumer" is an individual who is deaf, hard of hearing or other individual with disabilities whose primary language is sign language (e.g., American Sign Language, manually coded sign systems).

(4) "Department" means the Rhode Island department of health and "division" shall mean the division of professional regulation and licensing.

(5) "Director" means the director of the department of health.

(6) "Educational Interpreter for the Deaf" means an individual who has specialized licensure in the provision of sign language interpreting to students who are deaf, hard-of-hearing or deaf-blind in grades preschool through twelve (12).

(7) "Emergency" means an urgent circumstance that demands immediate action in order for a consumer to avoid imminent harm or loss. In the event of an emergency, the consumer may elect to use the services of a nonlicensed interpreter or transliterator as set forth in regulations promulgated by the department.

(8) "Interpreter for the deaf" means any person who engages in the practice of interpreting for the deaf as defined in subsection (9) below.

(9) "Interpreter trainee" and "interpreter student" means any person, meeting the minimum requirements established by the department in consultation with the board who is currently enrolled in a nationally accredited interpreter training program and participating in the practicum portion of their studies.

(10) "Interpreting for the deaf" means conveying spoken English into American Sign Language (ASL) (voice-to-sign) or conveying American Sign Language into English (sign-to-voice), or interpreting English to and/or from a visual gestural system. Such practice shall not include transliterating for the deaf.

(11) "Screened interpreter or transliterator for the deaf" means any person who presents
proof of an active state screening or its equivalent and presents proof of successful completion of
an examination as approved by the department in consultation with the board.

(12) “Transliterator for the deaf” means any person who engages in the practice of
transliterating for the deaf as defined in subsection (13) below.

(13) “Transliterator for the deaf” means conveying spoken English into Manually coded
English (voice-to-sign), or conveying manually coded English into spoken English (sign-to-
voice), or conveying English on the lips so that it is accessible to speech reading (i.e. oral
transliterating). Such practice shall not include interpreting for the deaf.

5-71-7 Disposition of moneys received. — All moneys received by the division board
shall be deposited in the treasury of the state.

5-71-8 Qualifications of applicants for licenses. — (a) To be eligible for licensure by the
division board as an interpreter for the deaf or transliterator for the deaf, or educational interpreter
for the deaf, the applicant must submit written evidence on forms furnished by the department,
verified by oath, that the applicant meets all of the following requirements:

(1) Is of good moral character;

(2) Meets the certification or screened requirements as defined in regulations
promulgated by the department; and

(3) Pays the department a license fee as set forth in § 23-1-54.

(b) To be eligible for licensure by the board as an educational interpreter for the deaf, the
applicant must meet all of the requirements as described in subsection (a) and must further
present proof of successful completion of the educational interpreter performance assessment
(EIPA), written and performance tests, or a similar test as approved by the division board, at a
performance level established by the division board.

5-71-10 Endorsement. — The department in consultation with the division board shall
promulgate regulations providing for a procedure for waiver of the requirements of § 5-71-9 for
applicants who hold a valid license, certificate, or equivalent issued within another state;
provided, that the requirements under which that license, certificate, or equivalent was issued,
meet or exceed the standards required by this chapter.

5-71-13 Grounds for suspension or revocation of licenses. — (a) The division board
may recommend to the director of the department of health the issuance, renewal, or revocation
of a license, or suspension, placement on probation, censure or reprimand a licensee, or any other
disciplinary action that the division board may deem appropriate, for conduct that may result
from, but not necessarily be limited to:

(1) Obtaining his or her license by means of fraud, misrepresentation, or concealment of
material facts;

(2) Being guilty of fraud, misrepresentation, concealment or material misstatement of
facts or deceit in connection with his or her services rendered as an interpreter for the deaf,
transliterator for the deaf, or educational interpreter for the deaf;

(3) Being guilty of unprofessional conduct as defined by the rules established by the
department in consultation with the board, and/or has violated any standard of professional or
ethical conduct adopted by the National Registry of Interpreters for the Deaf;

(4) Violating the continuing education requirements of this chapter as defined in
subsection 5-71-9(d), and rules and regulations as promulgated by the department;

(5) Violating any lawful order, or any provision of this chapter or of the rules or
regulations promulgated in this chapter;

(6) Aiding or assisting another person in violating any provision of this chapter or any
rule or regulation adopted under this chapter;

(7) Departure from or failure to conform to the current standards of acceptable and
prevailing practice of interpreting for the deaf.

(b) Working under a license that is expired or on inactive status, working under a license
when certification is expired or on inactive status, and practicing interpreting without being
exempt under chapter 5-71 shall be considered to be practicing without a license.

(c) The department shall respond to all recommendations from the board under this
section within thirty (30) calendar days. Disciplinary procedures under this chapter shall be
conducted in accordance with the Administrative Procedures Act, chapter 35 of title 42.

(d) In accordance with § 5-26.1-5, the board shall hear evidence produced in support of
the formal charges and contrary evidence produced by the licensee. At the conclusion of the
hearing, the board shall make a determination regarding the charges.

(e) An appeal from any decision or order of the board may be brought by an aggrieved
person in accordance with § 42-35-15. The term “person” in this section includes the department.

SECTION 40. Sections 5-71-4, 5-71-5 and 5-71-6 of the General Laws in Chapter 5-71
entitled “Interpreters for the Deaf” are hereby repealed.

§ 5-71-4. Board of examiners. Creation. Compensation. Appointment, terms and
qualifications of members. (a) There shall exist within the state department of health a board of
examiners of interpreters for the deaf. The board shall consist of five (5) persons who shall be
residents of the state of Rhode Island for at least two (2) years prior to their appointments: three
(nationally certified interpreters, and two (2) consumers.

(b) All appointments made under this section shall be made by the governor with the
advice and consent of the senate. In making appointments to the board, the governor shall give
consideration to recommendations made by the commission on the deaf and hard of hearing
established pursuant to § 23-18-1. All members shall serve terms of three (3) years. Members
shall serve until the expiration of the term for which they have been appointed or until their
successor is appointed. No person shall be appointed to serve more than two (2) consecutive
terms. When a vacancy upon the board occurs, a replacement shall be appointed for the remainder
of that term as prescribed in this section.

(c) The board shall reorganize annually during the month of December and shall elect a
chairperson and vice chairperson for the subsequent calendar year. The board may elect from
among its members such other officers as it deems necessary.

(d) Three (3) members of the board shall constitute a quorum to do business. A majority
vote of those present shall be required for action.

(e) Members of the board shall be removable by the governor pursuant to the provisions
of § 36-1-7 of the general laws and for cause only, and removal solely for partisan or personal
reasons unrelated to capacity or fitness for the office shall be unlawful.

§ 5-71.5 Board of examiners — Duties and powers — Meetings — Compensation of
members.

(a) The department with the assistance of the board shall administer, coordinate and
enforce the provisions of this chapter, evaluate the qualifications of applicants, and may issue
subpoenas, examine witnesses, and administer oaths, and investigate persons engaging in
practices which violate the provisions of this chapter.

(b) The department shall conduct hearings and shall keep records and minutes that are
necessary for the orderly dispatch of business.

(c) The department shall hold public hearings regarding rules and regulations.

(d) The department in consultation with the board, in accordance with the rule-making
provisions of the Administrative Procedures Act, chapter 35 of title 42, shall adopt responsible
rules and regulations, and may amend or repeal such rules and regulations. Following their
adoption, the rules and regulations shall govern and control the professional conduct of every
person who holds a license to practice interpreting or transliterating for the deaf in the state of
Rhode Island.

(e) Regular meetings of the board shall be held, and special meetings may be held upon
the call of the chairperson as necessary to deal with such issues as violations of this chapter;
provided, that at least one regular meeting is held each calendar year.

(f) The conferral or enumeration of specific powers in this chapter shall not be construed
as a limitation of the general powers conferred by the section. No member of the board shall be
liable to civil action for any act performed in good faith in the performance of his or her duties as
prescribed by this chapter.

(g) Board members shall serve on an honorable basis without compensation.

(h) The board may request legal advice and assistance from the appropriate legal officer.

(i) The board shall conduct a training course for newly appointed and qualified members
within six (6) months of their appointment. The course shall be developed and conducted by the
chair of the commission, approved by the commission, and shall include instruction in the subject
areas of this chapter, and chapters 42-46, 36-14, and 38-2, and the commission’s rules and
regulations. The director of the department of administration shall, within ninety (90) days of
March 29, 2006, prepare and disseminate training materials relating to the provisions of chapters
42-46, 36-14, and 38-2.

(j) Within ninety (90) days after the end of each fiscal year, the board shall approve and
submit an annual report to the governor, the speaker of the house of representatives, the president
of the senate, and the secretary of state of its activities during that fiscal year. The report shall
provide: an operating statement summarizing meetings or hearings held, including meeting
minutes, subjects addressed, decisions rendered, licenses considered and their dispositions, rules
or regulations promulgated, studies conducted, policies and plans developed, approved or
modified, and programs administered or initiated; a consolidated financial statement of all funds
received and expended including the source of the funds, a listing of any staff supported by these
funds, and a summary of any clerical, administrative or technical support received; a summary of
performance during the previous fiscal year including accomplishments, shortcomings and
remedies; a synopsis of hearings, complaints, suspensions or other legal matters related to the
authority of the board; a summary of any training courses held pursuant to the provisions of
paragraph 5-71-5(i); a briefing on anticipated activities in the upcoming fiscal year; and findings
and recommendations for improvements. The report shall be posted electronically on the general
assembly and the secretary of state’s websites as prescribed in § 42-20-8.2. The director of the
department of administration shall be responsible for the enforcement of this provision.

§ 5-71-6. Board of examiners—Seal—Authentication of records.—The board shall adopt
the state seal by which it shall authenticate its proceedings. Copies of the proceedings, records,
and acts of the board, and certificates purporting to relate the facts concerning those proceedings,
records, and acts, signed by the secretary and authenticated by that seal, shall be evidence in all
courts of this state.

SECTION 41. Sections 5-86-2, 5-86-9, 5-86-10, 5-86-12, 5-86-16, 5-86-17, 5-86-18, and
5-86-20 of the General Laws in Chapter 5-86 entitled “Licensing of Applied Behavior Analysts” are hereby amended to read as follows:

**5-86-2 Definitions.** – As used in this chapter, the following terms shall be construed as follows:

1. "Applied behavior analyst" means a person licensed to practice applied behavior analysis under the provisions of this chapter and the rules and regulations authorized by this chapter.

2. "Applied behavior analyst aide" means a person not licensed pursuant to the laws and rules applicable to the practice of applied behavior analysis, who works under the supervision of a licensed applied behavior analyst, who assists in the practice of applied behavior analysis and whose activities require an understanding of applied behavior analysis, but do not require professional or advanced training in the basic anatomical, psychological, and social sciences involved in the practice of applied behavior analysis.

3. "Applied behavior assistant analyst" means a person licensed who practices applied behavior analysis under the provisions of this chapter and the rules and regulations authorized by this chapter.

4. "Board" means the health professions board of review established in accordance with § 5-26.1-3 licencing board of applied behavior analysts within the Rhode Island department of health, established pursuant to the provisions of § 5-86-3 of the chapter.

5. "Department" means the Rhode Island department of health and “division” means the division of professional regulation and licensing with the department.

6. "Director" means the director of the Rhode Island department of health.

7. "Education" means the academic program pursued by the person in obtaining the bachelor's, master's or doctorate degree, that the programs to include formal course work, seminars and practica.

8. "Psychologist with equivalent experience" means a person deemed to hold equivalent licensure as an applied behavior analyst upon satisfying equivalency requirements through submission and satisfaction of written evidence of education and relevant experience to the department pursuant to subsection 5-86-9(c) of this chapter.

9. "Practice of applied behavior analysis" means the design, implementation and evaluation of environmental modifications by a behavior analyst to produce socially significant improvements in human behavior. It includes the empirical identification of functional relations between environment and behavior, known as functional assessment and analysis. Applied behavior analysis interventions are based on scientific research and the direct observation and
measurement of behavior and environment. They utilize contextual factors, establishing
operations, antecedent stimuli, positive reinforcement and other consequences to help people
develop new behaviors, increase or decrease existing behaviors, and emit behaviors under
specific environmental conditions. The practice of applied behavior analysis expressly excludes
psychological testing, neuropsychology, psychotherapy, cognitive therapy, sex therapy,
psychoanalysis, hypnotherapy, and long-term counseling as treatment modalities. Such services
are provided by a person licensed under this chapter only when applied behavior analysis services
are prescribed by a child psychiatrist, a behavioral developmental pediatrician, a child neurologist
or a licensed psychologist with training in child psychology pursuant to § 27-20.11-4.

(10) “Supervised experience” means the practical application of principles, methods and
procedures of the science of applied behavioral analysis in accordance with the requirements of §
5-86-9 of this chapter.

(11) “Supervision” means that a licensed applied behavior analyst is at all times
responsible for supportive personnel and clients.

(12) “These regulations” mean all parts of Rhode Island rules and regulations for
licensing applied behavior analysts, applied behavior assistant analysts, and psychologists with
equivalent experience.

(13) “Training” means the pre-professional or professional supervised experience
received by the person at the pre or post-doctoral level that experience to have been obtained in
an internship, clinic, or other similar professional setting.

5-86-9 Qualifications and examinations for licensing. – (a) An applicant for licensure
as a licensed applied behavior analyst shall submit to the division board written evidence on
forms furnished by the department verified under oath (i.e. notarized) that said applicant:

(1) Be of good moral character;

(2) Has obtained a graduate degree in applied behavior analysis or a related field, as
approved by the division board, from a college or university accredited by the New England
association of schools and colleges, or an equivalent regional accrediting agency, and which has
the approval by a national or regional certifying authority, including but not limited to the
division applied behavior analyst licensing board;

(3) Has successfully completed the amount of coursework in applied behavior analysis
acceptable to the division board;

(4) Has appropriate supervised experience to include either: (i) One year, including one
thousand five hundred (1500) hours of supervised independent fieldwork in applied behavior
analysis. The distribution of supervised independent fieldwork hours must be at least ten (10)

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hours per week, but not more than thirty (30) hours per week, for a minimum of three (3) weeks per month; (ii) One thousand (1000) hours of practicum in behavior analysis within a university experience program approved by the national or regional certifying authority. The distribution of practicum hours must be at least ten (10) hours per week, but not more than twenty-five (25) hours per week, for a minimum of three (3) weeks per month; or (iii) Seven hundred fifty (750) hours of intensive practicum in behavior analysis within a university experience program approved by the national or regional certifying authority. The distribution of intensive practicum hours must be at least ten (10) hours per week, but not more than twenty-five (25) hours per week, for a minimum of three (3) weeks per month;

(5) Has passed the relevant examination administered by an appropriate nationally recognized accrediting organization as approved by the department of health for this function;

(6) Maintain active status and fulfill all relevant requirements for renewal and relicensing with the nationally recognized and accredited organization(s) as approved by the department of health licensing;

(7) Conducts his or her professional activities in accordance with accepted standards for responsible professional conduct, as approved by the Rhode Island applied behavior analyst licensing board; and

(8) Meets the criteria as established in § 5-86-12.

(b) An applicant for licensure as a licensed applied behavior assistant analyst shall submit to the division board written evidence on forms furnished by the department verified under oath (i.e., notarized) that said applicant:

(1) Be of good moral character;

(2) Has obtained a bachelor's degree in behavior analysis or a related field, as approved by the division board, from a college or university accredited by the New England Association of Schools and Colleges, or an equivalent regional accrediting agency, and which has the approval by a national or regional certifying authority, including, but not limited to, the division: applied behavior analyst licensing board;

(3) Has successfully completed the amount of coursework in applied behavior analysis acceptable to the division: board;

(4) Has appropriate supervised experience to include either: (i) One thousand (1000) hours of supervised independent fieldwork in applied behavior analysis. The distribution of supervised independent fieldwork hours must be at least ten (10) hours per week, but not more than thirty (30) hours per week, for a minimum of (3) three weeks per month; (ii) Six hundred seventy (670) hours of practicum in behavior analysis within a university experience program.
approved by the national or regional certifying board. The distribution of practicum hours must be at least ten (10) hours per week, but not more than twenty-five (25) hours per week, for a minimum of three (3) weeks per month; or (iii) Five hundred (500) hours of intensive practicum in behavior analysis within a university experience program approved by the national or regional certifying board. The distribution of intensive practicum hours must be at least ten (10) hours per week, but not more than twenty-five (25) hours per week, for a minimum of three (3) weeks per month.

(5) Is supervised by a licensed applied behavior analyst in a manner consistent with the division’s board’s requirements for supervision of licensed applied behavior assistant analysts;

(6) Has passed the examination administered by an appropriate nationally recognized accrediting organization as approved by department of health licensing for this function;

(7) Maintain active status and fulfill all relevant requirements for renewal and relicensing with the nationally recognized and accredited organization(s) as approved by the department of health licensing;

(8) Conduct his or her professional activities in accordance with accepted standards for responsible professional conduct, as required by the division Rhode Island applied behavior analyst licensure board; and

(9) Meet the criteria as established in § 5-86-11.

(c) applicant shall be judged to hold the equivalent requirement of a licensure as an applied behavior analyst upon submission to the division board, written evidence on forms furnished by the department verified under oath (i.e., notarized), if the following equivalency requirements are met to the satisfaction of the division licensing board:

(1) Has received a doctoral degree in psychology from a college or university accredited by the New England association of schools and colleges, or an equivalent regional accrediting agency, and which has the approval by a national or regional certifying authority;

(2) individually licensed by the department of health as a psychologist subject to chapter 5-44;

(3) Be of good moral character;

(4) Has completed coursework in applied behavior analysis supervised by the department within the college or university granting the requisite degree or by an accredited postgraduate clinical training program recognized by the United States department of education, or education and/or experience which is deemed equivalent by the division board;

(5) Has completed one thousand five hundred (1,500) hours of direct client contact offering applied behavior analysis services subsequent to being awarded a doctoral degree in
psychology;

(6) Conducts his or her professional activities in accordance with accepted standards for responsible professional conduct, as required by the division: Rhode Island applied behavior analyst licensure board; and

(7) Meets the criteria as established in § 5-86-12.

5-86-10 Licensure. – A license may be issued to:

(1) An applicant who meets the requirements for licensure as approved by the department of health and licensed as a licensed applied behavior analyst, licensed applied behavior assistant analyst or psychologist with equivalent experience as stated in this chapter; and

(2) An applicant who has been certified by an appropriate nationally recognized and accredited organization, as approved by the department of health, licensing and licensed as a licensed applied behavior analyst, licensed applied behavior assistant analyst or psychologist with equivalent experience under the laws of another state, United States territory, or foreign country where the division board determines that the requirements are substantially equivalent to those of this state.

5-86-12 Limitation of practice. – The division board shall ensure through regulations and enforcement that licensees limit their practice to demonstrated areas of competence as documented by relevant professional education, training, and experience.

5-86-16 Grounds for discipline. – The division board has the power to deny, revoke, or suspend any license issued by the department in accordance with this chapter, or to discipline a licensee upon proof that the person:

(1) Is guilty of fraud or deceit in procuring or attempting to procure a license or temporary license;

(2) Is guilty of a felony or of a crime of immorality;

(3) Is habitually intemperate or is addicted to the use of habit-forming drugs;

(4) Is mentally incompetent;

(5) Is incompetent or negligent in the practice of applied behavior analysis as determined by the division: Rhode Island applied behavior analyst licensing board;

(6) Has not fulfilled the required continuing education requirements as determined by the division: Rhode Island applied behavior analysis licensing board;

(7) Has violated the ethical principles governing applied behavior analysts and the practice of applied behavior analysis, as adopted by the board and in force at the time a charge is made, provided that those ethical principles are a nationally recognized standard;

(8) Has practiced as a licensed applied behavior assistant analyst or has performed the
duties of a licensed applied behavior assistant analyst without proper supervision by a licensed applied behavior analyst pursuant to § 5-86-26;

(9) Has had their license revoked, suspended, privileges limited or other disciplinary action in another state or jurisdiction, including the voluntary surrender of a license; or

(10) Has failed to furnish the department or its legal representative information requested by the division board as part of a disciplinary action.

5-86-17 Procedure for discipline. – (a) When a sworn complaint is filed with the division board charging a person with being guilty of any of the actions specified in section 5-86-16, the department shall immediately investigates those charges, or, the board, after investigation, may institute charges. The department may coordinate investigations of alleged violations of the Rhode Island applied behavior analyst licensing board with an appropriate nationally recognized accrediting organization.

(b) If the investigation reveals reasonable grounds for believing that the licensee or applicant for licensure is guilty of the charges, the division board shall fix a time and place for a hearing and shall serve a copy of the charges, together with a notice of the time and the place fixed for the hearing before the board, personally upon the accused at least twenty (20) days prior to the time fixed for the hearing.

(c) When personal service cannot be effected and that fact is certified by oath by any person authorized to make service, the division board shall publish once in each of two (2) successive weeks, a notice of the hearing in a newspaper published in the county where the accused last resided according to the records of the division board and shall mail a copy of the charges and of the notice to the accused at his or her last known address.

(d) When publication of notice is necessary, the date of the hearing shall not be less than twenty (20) days after the last date of publication of the notice.

(e) At the hearing, the accused has the right to appear personally or by counsel or both, to produce witnesses and evidence on his or her behalf, to cross-examine witnesses, and to have subpoenas issued by the administrator of professional regulation.

(f) The attendance of witnesses and the production of books, documents, and papers at the hearing may be compelled by subpoenas issued by the department, which shall be served in accordance with law.

(g) The board department shall administer oaths as necessary for the proper conduct of the hearing.

(h) The board is not bound by the strict rules of procedure or by the laws of evidence in the conduct of its proceedings, but the determination shall be based upon sufficient legal evidence.
to sustain it.

(i) If the accused is found guilty of the charges, the board may refuse to issue a license to
the applicant, or may revoke or suspend his or her license, or discipline that person.

(j) Upon the revocation or suspension of any license, the license holder shall surrender
the license to the department, who shall indicate the same in the licensure verification database.

(k) A revocation or suspension of license may be reviewed at the discretion of the
division board, or at the initiative of the department which may order a rehearing of the issue if it
finds cause.

5-86-18 Grounds for discipline without a hearing. — With the approval of the director,
the division board may temporarily suspend the license of a licensed applied behavior analyst,
licensed applied behavior assistant analyst or psychologist with equivalent experience without a
hearing if the division board finds that evidence in its possession indicates that a licensed applied
behavior analyst, licensed applied behavior assistant analyst or psychologist with equivalent
experience continuing in practice would constitute an immediate danger to the public. In the
event that the division board temporarily suspends the license of a licensed applied behavior
analyst, licensed applied behavior assistant analyst or psychologist with equivalent experience
without a hearing by the board, a hearing must be held within ten (10) days after the suspension
has occurred.

5-86-20 Injunction of violations. — When it appears to the division board that any person
is violating any of the provisions of this chapter, the director may institute an action, commenced
in the name of the department board, to enjoin that violation in a court of competent jurisdiction.
That court may enjoin any person from violating any of the provisions of this chapter, without
regard to whether proceedings have been or may be instituted before the board or whether
criminal proceedings have been or may be instituted.

SECTION 42. Sections 5-86-4, 5-86-5, 5-86-6 and 5-86-7 of the General Laws in
Chapter 5-86 entitled “Licensing of Applied Behavior Analysts” are hereby repealed.

§ 5-86-4 Board of applied behavior analysts — Creation — Composition. — Within the
department of professional regulation in the department of health there shall be a Rhode Island
applied behavior analyst licensing board consisting of five (5) members as provided by § 5-86-5.

§ 5-86-5 Board of applied behavior analysts — Appointment, terms, and removal of
members. — (a) The director of the department of health shall, with the approval of the governor,
appoint five (5) electors as members of the board. Three (3) members of the board shall be
licensed applied behavior analysts, one member shall be a licensed applied behavior assistant
analyst, and one shall be a consumer representative holding neither license. The licensed applied

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behavior analysts and licensed applied behavior assistant analyst shall have at least three (3) years professional experience, with credentials comparable as those established in this chapter, be certified for a minimum of five (5) years by an appropriate nationally recognized accrediting organization as approved by the department of health.

(b) The director shall, with the approval of the governor, appoint persons to serve on the board. Two (2) of those members first appointed by the director of the department of health shall serve initial terms of three (3) years; two (2) of those members first appointed by the director of the department of health shall serve an initial term of two (2) years; and one of those members appointed by the director of the department of health shall serve an initial term of one year thereafter, all appointed members of the board shall be appointed to serve for terms of three (3) years.

(c) The board members are eligible to succeed themselves.

(d) The director may remove any member from the board for neglect of any duty required by law, or for incompetence, or unprofessional or dishonorable conduct. Vacancies shall be filled in the same manner as the original appointment was made, for the remainder of the term.

§ 5-86.6 Board of applied behavior analysts—Organization and meetings. (a) The board shall organize immediately after the appointment and qualification of its members.

(b) The board shall annually elect a chairperson and secretary. Meetings may be called by the chairperson or the director of the department of health or by written request of three (3) members of the board. A majority of seats filled shall constitute a quorum. The board shall meet as often as necessary.

§ 5-86.7 Board of applied behavior analysts—General powers. The Rhode Island applied behavior analyst licensing board shall:

(1) Recommend to the director for his or her approval the adoption and revision of rules and regulations not inconsistent with law as necessary to enable it to carry into effect the provisions of this chapter;

(2) Adopt policies to be followed in the licensure and renewal of licenses of qualified applicants in accordance with chapter 42-35, of the administrative procedures act;

(3) Conduct hearings upon charges calling for the discipline of a license or revocation. The department has the power to issue subpoenas and compel the attendance of witnesses and administer oaths to persons giving testimony at hearings; and

(4) The board or the director shall prosecute all persons violating this chapter and has the power to incur the necessary expenses of prosecution. The board shall keep a record of all its proceedings, including, but not limited to, meeting minutes.
SECTION 43. Sections 23-16.3-3, 23-16.3-8, 23-16.3-9, 23-16.3-10, 23-16.3-11, 23-16.3-12, and 23-16.3-13 of the General Laws in Chapter 23-16.3 entitled “Clinical Laboratory Science Practice” are hereby amended to read as follows:

23-16.3-3 Definitions. – The following words and terms when used in this chapter have the following meaning unless otherwise indicated within the context:

(1) “Accredited clinical laboratory program” means a program planned to provide a predetermined amount of instruction and experience in clinical laboratory science that has been accredited by one of the accrediting agencies recognized by the United States Department of Education.

(2) "Board" means the health professions board of review established in accordance with § 5-26.1-3.

(3) "Clinical laboratory" or "laboratory" means any facility or office in which clinical laboratory tests are performed.

(4) "Clinical laboratory science practitioner" or "one who engages in the practice of clinical laboratory science" means a health care professional who performs clinical laboratory tests or who is engaged in management, education, consulting, or research in clinical laboratory science, and includes laboratory directors, supervisors, clinical laboratory scientists (technologists), specialists, and technicians working in a laboratory, but does not include persons employed by a clinical laboratory to perform supportive functions not related to direct performance of laboratory tests and does not include clinical laboratory trainees. Provided, however, nothing contained in this chapter shall apply to a clinical perfusionist engaged in the testing of human laboratory specimens for extracorporeal functions, which shall include those functions necessary for the support, treatment, measurement, or supplementation of the cardiopulmonary or circulatory system of a patient.

(5) "Clinical laboratory scientist" and/or "technologist" means a person who performs clinical laboratory tests pursuant to established and approved protocols requiring the exercise of independent judgment and responsibility, maintains equipment and records, performs quality assurance activities related to test performance, and may supervise and teach within a clinical laboratory setting.

(6) "Clinical laboratory technician" means a person who performs laboratory tests pursuant to established and approved protocols which require limited exercise of independent judgment and which are performed under the personal and direct supervision of a clinical laboratory scientist (technologist), laboratory supervisor, or laboratory director.

(7) "Clinical laboratory test" or "laboratory test" means a microbiological, serological,
chemical, hematological, radiobioassay, cytological, immunological, or other pathological
examination which is performed on material derived from the human body, the test or procedure
conducted by a clinical laboratory which provides information for the diagnosis, prevention, or
treatment of a disease or assessment of a medical condition.

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

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

(10) “Division” means the division of professional regulation and licensing with the
department.

(11) "Limited function test" means a test conducted using procedures which as
determined by the director have an insignificant risk of an erroneous result, including those
which:

(i) Have been approved by the United States Food and Drug Administration for home
use;

(ii) Employ methodologies that are so simple and accurate as to render the likelihood of
erroneous results negligible; or

(iii) The director has determined pose no reasonable risk of harm to the patient if
performed incorrectly.

23-16.3-8 Standards for licensure. – (a) Clinical laboratory scientist (technologist). The
department of health shall issue a clinical laboratory scientist's license to an individual who meets
the qualifications developed by the division board, including at least one of the following
qualifications:

(1) A baccalaureate degree in clinical laboratory science (medical technology) from an
accredited college or university whose curriculum included appropriate clinical education;

(2) A baccalaureate degree in biological, chemical, or physical science from an accredited
college or university, and subsequent to graduation has at least twelve (12) months of appropriate
clinical education in an accredited clinical laboratory science program;

(3) A baccalaureate degree which includes a minimum of thirty-six (36) semester (or
equivalent) hours in the biological, chemical, and physical sciences from an accredited college or
university plus two (2) years of full-time work experience including a minimum of four (4)
months in each of the four (4) major disciplines of laboratory practice (clinical chemistry, clinical
microbiology, hematology, immunology/immunohematology); or

(4) A baccalaureate degree consisting of ninety (90) semester (or equivalent) hours,
three-six (36) of which must be in the biological, chemical, or physical sciences, from an
accredited university, and appropriate clinical education in an accredited clinical laboratory
(5) A clinical laboratory scientist (technologist) who previously qualified under federal regulatory requirements such as 42 CFR § 493.1433 of the March 14, 1990 federal register or other regulations or criteria which may be established by the division board.

(b) Clinical laboratory technician. The department of health shall issue a clinical laboratory technician's license to an individual who meets the qualifications promulgated by the division board, including at least one of the following qualifications:

(1) An associate degree or completion of sixty (60) semester (or equivalent) hours from a clinical laboratory technician program (MLT or equivalent) accredited by an agency recognized by the United States Department of Education that included a structured curriculum in clinical laboratory techniques;

(2) A high school diploma (or equivalent) and (i) completion of twelve (12) months in a technician training program in an accredited school such as CLA (ASCP) clinical laboratory assistant (American Society of Clinical Pathologists), and MLT-C medical laboratory technician-certificate programs approved by the division board; or (ii) successful completion of an official military medical laboratory procedure course of at least fifty (50) weeks duration and has held the military enlisted occupational specialty of medical laboratory specialist (laboratory technician); or

(3) A clinical laboratory technician who previously qualified under federal regulatory requirements such as 42 CFR § 493.1441 of the March 14, 1990 federal register which meet or exceed the requirements for licensure set forth by the division board.

(c) Clinical histologic technician. The department of health shall issue a clinical histologic technician license to an individual who meets the qualifications promulgated by the division board, including at least one of the following:

(1) Associate degree or at least sixty (60) semester hours (or equivalent) from an accredited college/university to include a combination of mathematics and at least twelve (12) semester hours of biology and chemistry, and successfully complete an accredited program in histologic technique or one full year of training in histologic technique under the supervision of a certified histotechnologist or an appropriately certified histopathology supervisor with at least three (3) years experience.

(2) High school graduation (or equivalent) and two (2) years full time acceptable experience under the supervision of a certified/licensed clinical histologic technician at a licensed clinical laboratory in histologic technique.

(d) Cytotechnologist. The department of health shall issue a cytotechnologist license to an individual who meets the qualifications promulgated by the division board including at least
one of the following:

(1) A baccalaureate degree from an accredited college or university with twenty (20) semester hours (30 quarter hours) of biological science, eight (8) semester hours (12 quarter hours) of chemistry, and three (3) semester hours (4 quarter hours) of mathematics and successful completion of a twelve (12) month cytotechnology program.

(2) A baccalaureate degree from an accredited college or university with twenty (20) semester hours (30 quarter hours) of biological science, eight (8) semester hours (12 quarter hours) of chemistry, and three (3) semester hours (4 quarter hours) of mathematics and five (5) years full time acceptable clinical laboratory experience including cytopreparatory techniques, microscopic analysis, and evaluation of the body systems within the last ten (10) years. At least two (2) of these years must be subsequent to the completion of the academic component and at least two (2) years must be under the supervision of a licensed physician who is a pathologist, certified, or eligible for certification, by the American Board of Pathology in anatomic pathology or has other suitable qualifications acceptable to the division.

(3) A cytotechnologist who previously qualified under federal regulatory requirements such as 42 CFR § 493.1437 of the March 14, 1990 federal register.

(e) The board shall recommend standards for any other clinical laboratory science practitioners specializing in areas such as nuclear medical technology, radioimmunoassay, electron microscopy, forensic science, molecular biology, or similar recognized academic and scientific disciplines with approval of the director of health.

23-16.3-9 Waiver of requirements. – The division board shall recommend regulations providing procedures for waiver of the requirements of § 23-16.3-8 for all applicants who hold a valid license or its equivalent issued by another state; provided that the requirements under which that license or its equivalent was issued to meet or exceed the standards required by this chapter with the approval of the director. The division board may also recommend regulations it deems appropriate with respect to individuals who hold valid licenses or their equivalent in other countries.

23-16.3-10 Licensure application procedures. – (a) Licensure applicants shall submit their application for licensure to the department of health upon the forms prescribed and furnished by the department of health, and shall pay the designated application or examination fee.

(b) Upon receipt of application and payment of a fee, the department of health shall issue a license for a clinical laboratory scientist or technologist, a clinical laboratory technician, or an appropriate specialty license to any person who meets the qualifications specified in this chapter and the regulations promulgated under this chapter.
(c) The division board may recommend a procedure for issuance of temporary permits to individuals otherwise qualified under this chapter who intend to engage in clinical laboratory science practice in this state for a limited period of time not to exceed eighteen (18) months.

(d) The division board may recommend a procedure for issuance of provisional licenses to individuals who otherwise qualify under this chapter but are awaiting the results of certification examinations. A provisional license so issued shall be converted to a license under the provisions of § 23-16.3-8 or expire not more than twelve (12) months after issuance. At the discretion of the division board, the provisional license may be reissued at least one time with the director's approval.

23-16.3-11 Licensure renewal. – (a) Licenses issued pursuant to this chapter shall expire on a date and time specified by the department of health.

(b) Every person licensed pursuant to this chapter shall be issued a renewal license every two (2) years upon:

(1) Submission of an application for renewal on a form prescribed by the department of health and payment of an appropriate fee determined by the division recommended by the board;

and

(2) Proof of completion, in the period since the license was first issued or last renewed, of at least thirty (30) hours of continuing education courses, clinics, lectures, training programs, seminars, or other programs related to clinical laboratory practice which are approved or accepted by the division board; or proof of re-certification by a national certification organization that mandates an annual minimum of fifteen (15) hours of continuing education, such as the National Certification Agency for Medical Laboratory Personnel.

(c) The division board may recommend any other evidence of competency it shall deem reasonably appropriate as a prerequisite to the renewal of any license provided for by this chapter, as long as these requirements are uniform as to application, are reasonably related to the measurement of qualification, performance, or competence, and are desirable and necessary for the protection of the public health.

23-16.3-12 Disciplinary requirements. – The division board may recommend to the director of health issuance, renewal, or revocation of a license, or suspension, placement on probation, censure, or reprimand of a licensee, or any other disciplinary action that the board may deem appropriate, including the imposition of a civil penalty, for conduct that may result from, but not necessarily be limited to:

(1) A material misstatement in furnishing information to the department of health;

(2) A violation or negligent or intentional disregard of this chapter, or of the rules or
regulations promulgated under this chapter;

(3) A conviction of any crime under the laws of the United States or any state or territory of the United States which is a felony or which is a misdemeanor, an essential element of which is dishonesty, or of any crime which is directly related to the practice of the profession;

(4) Making any misrepresentation for the purpose of obtaining registration or violating any provision of this chapter;

(5) Violating any standard of professional conduct adopted by the department board;

(6) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public;

(7) Providing professional services while mentally incompetent, under the influence of alcohol or narcotic or controlled dangerous substance that is in excess of therapeutic amounts or without valid medical indication;

(8) Directly or indirectly contracting to perform clinical laboratory tests in a manner which offers or implies an offer of rebate, fee-splitting inducements or arrangements, or other unlawful remuneration; or

(9) Aiding or assisting another person in violating any provision of this chapter or any rule adopted under this chapter.

23-16.3-13 Hearing requirements – Procedure. – (a) The proceedings for the revocation, suspension or limiting of any license may be initiated by any person, corporation, association, or public officer or by the division board by the filing of written charges, but no license shall be revoked, suspended, or limited without a hearing before the board within sixty (60) days after the filing of written charges in accordance with the procedures established by the board. A license may be temporarily suspended without a hearing for the period not to exceed thirty (30) days upon notice to the licensee following a finding by the division board that there exists a significant threat to the public health and approved by the director. In the event of a temporary suspension the board will hear the matter within thirty (30) days and take appropriate action as necessary.

SECTION 44. Sections 23-16.3-6 and 23-16.3-7 of the General Laws in Chapter 23-16.3 entitled “Clinical Laboratory Science Practice” are hereby repealed.

§ 23-16.3-6. Administration. – (a) There is created within the division of professional regulation of the department of health a clinical laboratory advisory board which shall consist of seven (7) persons who have been residents of the state for at least two (2) years prior to their appointment, and who are actively engaged in their areas of practice. The director of the department of health, with the approval of the governor, shall make appointments to the board
from lists submitted by organizations of clinical laboratory science practitioners and
organizations of physicians and pathologists.

(b) The board shall be composed of:

(1) One physician certified by the American Board of Pathology or American Board of
Osteopathic Pathology;

(2) One physician who is not a laboratory director and is not a pathologist;

(3) Four (4) clinical laboratory science practitioners, at least one of whom is a non-
physician laboratory director, one of whom is a clinical laboratory scientist (technologist), and
one of whom is a clinical laboratory technician, and who, except for the initial appointments, hold
active and valid licenses as clinical laboratory science practitioners in this state and one of whom
is a clinical laboratory science practitioner not falling in one of the first three (3) categories; and

(4) One public member who is not associated with or financially interested in the practice
of clinical laboratory science.

(c) Board members shall serve for a term of three (3) years, and until their successors are
appointed and qualified, except that the initial appointments, which shall be made within sixty
(60) days after July 1, 1992, shall be as follows:

(1) One pathologist, one non-physician laboratory director, and one clinical laboratory
scientist, shall be appointed to serve for three (3) years;

(2) One public representative and one non-pathologist physician, shall be appointed to
serve for two (2) years; and

(3) The remaining members shall be appointed to serve for one year.

(d) The membership of the board shall receive no compensation for their services.

(e) Whenever a vacancy shall occur on the board by reason other than the expiration of a
term of office, the director of the department of health with the approval of the governor shall
appoint a successor of like qualifications for the remainder of the unexpired term. No person shall
be appointed to serve more than two (2) successive three (3) year terms.

§ 23-16.3-7. Duties and powers of the clinical laboratory advisory board. — In
addition to any other power conferred upon the board pursuant to this chapter, the board shall
recommend to the director:

(1) Rules and regulations for the implementation of this chapter including, but not limited
to, regulations that delineate qualifications for licensure of clinical laboratory science
practitioners as defined in this chapter, specify requirements for the renewal of licensure,
establish standards of professional conduct, and recommend on the amendment or on the repeal
of the rules and regulations. Following their adoption, the rules and regulations shall govern and
control the professional conduct of every person who holds a license to perform clinical
laboratory tests or otherwise engages in the profession of clinical laboratory science;

(2) Standard written, oral, or practical examinations for purposes of licensure of clinical
laboratory science practitioners as provided for in § 23-16.3-5;

(3) Rules and regulations governing qualifications for licensure of specialists in those
clinical laboratory science specialties that the board may determine in accordance with § 23-16.3-
8(c);

(4) Rules and regulations governing personnel performing tests in limited function
laboratories;

(5) A schedule of fees for applications and renewals;

(6) Establish criteria for the continuing education of clinical laboratory science
practitioners as required for license renewal;

(7) Any other rules and regulations necessary to implement and further the purpose of
this chapter.

SECTION 45. Sections 23-17.4-21.1 and 23-17.4-21.3 of the General Laws in Chapter
23-17.4 entitled “Assisted Living Residence Licensing Act” are hereby repealed.

§ 23-17.4-21.1 Assisted living administrator certification board. — (a) Within the
department there is established an assisted living administrator certification board to be appointed
by the director of health with the approval of the governor consisting of seven (7) members as
follows: two (2) members of the board are persons with at least five (5) years experience in
operating an assisted living residence; one member of the board is an active assisted living
administrator who is not an assisted living owner; two (2) members are persons representing
assisted living consumers or family members; and two (2) members are representatives of the
assisted living industry or are assisted living employees.

(b) Members shall be appointed to three (3) year terms. No member shall serve for more
than two (2) terms. The director, with the approval of the governor, shall appoint all vacancies, as
they occur for the remainder of a term or until a successor is appointed.

(c) The director may remove, after a hearing and with the approval of the governor, any
member of the board for neglect of any duty required by law or for any incompetency,
unprofessional or dishonorable conduct. Before beginning a term, a member shall take an oath
prescribed by law for state officers, a record of which shall be filed with the secretary of state.

(d) The director shall appoint a chairperson.

(e) Four (4) members of the board shall constitute a quorum.

(f) The board shall serve without compensation.
(g) Meetings of the board shall be called by the director or the director’s designee, or a majority of the board members.

(h) The director shall provide for a staff person of the department to serve as an administrative agent for the board.

§ 23-17.4-21.3 Functions of assisted living certification board.— It is the function of the board to:

(1) Conduct examinations as required by the department and to act in an advisory capacity to the department in all matters pertaining to the certification of assisted living administrators;

(2) Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets those standards, subject to the approval of the director;

(3) Recommend to the department the issuance of licenses and registrations to individuals determined, after application of those techniques, to meet those standards; and to recommend to the director the revocation or suspension of licenses or registrations previously issued in any case where the individual holding that license or registration is determined substantially to have failed to conform to the requirements of those standards; and

(4) Adopt, with the approval of the director of health, rules and regulations governing a mandatory program of continuing education for assisted living administrators.

SECTION 46. Sections 23-20.8-1, 23-20.8-3, 23-20.8-5 and 23-20.8-6 of the General Laws in Chapter 23-20 entitled “Licensing of Massage Therapists” are hereby amended to read as follows:

23-20.8-1 Definitions.— As used in this chapter:

(1) "Massage therapist" means a person engaged in the practice of massage and is licensed in accordance with this chapter of the general laws of the state of Rhode Island.

(2) "Practice of massage" means the manual manipulation of the soft tissues of the human body through the systematic application of massage techniques including: effleurage, petrissage, compression, friction, vibration, percussion, pressure, positional holding, movement, range of motion for purposes of demonstrating muscle excursion or muscle flexibility and nonspecific stretching. The term massage includes the external application of lubricants or other topical preparations such as water, heat and cold via the use of the hand, foot, arm or elbow with or without the aid of massage devices for the purpose of aiding muscle relaxation, reducing stress, improving circulation increasing range of motion, relieving muscular pain and the overall enhancement of health. Massage shall not include the touch of genitalia, diagnosis of illness or
disease, the prescribing of drugs, medicines or exercise, high-velocity thrust applied to the joints
or spine, electrical stimulation, application of ultrasound or any services or procedures for which
a license to practice medicine, chiropractic, occupational therapy, physical therapy or podiatry as
required by law.

(3) "Board" means the health professions board of review established in accordance with
§ 5-26.1-3, Rhode Island State Board of Licensed Massage Therapists as established within this
chapter.

(4) “Division” means the division of professional regulation and licensing within the
department of health.

23-20.8-3 Practice of massage – Licensed required – Use of title limited –
Qualifications for licenses continuing education – Fees.

(a) A person shall not practice or
hold himself or herself out to others as practicing massage therapy, or as a massage therapist
without first receiving from the division board a license to engage in that practice.

(b) A person shall hold himself or herself out to others as a massage therapist when the
person adopts or uses any title or description including "massage therapist," "masseur,"
"masseuse," "massagist," "massotherapist," "myotherapist," "body therapist," "massage
technician," "massage practitioner," or any derivation of those terms that implies this practice.

(c) It shall be unlawful to advertise the practice of massage using the term massage or any
other term that implies a massage technique or method in any public or private publication or
communication by a person not licensed by the state of Rhode Island department of health as a
massage therapist. Any person who holds a license to practice as a massage therapist in this state
may use the title "licensed massage therapist” and the abbreviation "LMT." No other persons may
assume such title or use such abbreviation or any other word, letters, signs, or figures to indicate
that the person using the title is a licensed massage therapist. A massage therapist's name and
license number must conspicuously appear on all of the massage therapist's advertisements. A
massage therapist licensed under this chapter must conspicuously display his or her license in his
or her principal place of business. If the massage therapists does not have a principal place of
business or conducts business in any other location, he or she must have a copy of his or her
license available for inspection while performing any activities related to massage therapy.

(d)(1) The division board shall, by rule, establish requirements for continued education.
The division board may establish such requirements to be completed and verified biennially or
annually. The board shall require no more than twelve (12) hours biennially or six (6) hours
annually.

(2) Applicants for biennial licensure renewal shall meet continuing education
requirements as prescribed by the division board. On application for renewal of license, massage therapists shall attest to completion of six (6) hours annually in scope of practice-specific offerings that may include, but not be limited to:

(i) Formal presentations;
(ii) Conferences;
(iii) Coursework from a regionally accredited college/university; and/or
(iv) Self-study course, such as online courses awarding one education hour for each hour completed.

Such programs or offerings shall be approved or sponsored by a division board-approved organization. The board shall require no more than two (2) hours of ethics or standards of practice biennially.

(3) A licensee who fails to complete the continuing education requirements described herein may be subject to disciplinary action pursuant to § 5-40-13 of this chapter.

(4) A license may be denied to any applicant who fails to provide satisfactory evidence of completion of continuing education relevant to massage therapy as required herein.

(5) The division board may waive the requirement for these educational requirements if the board is satisfied that the applicant has suffered hardship, which may have prevented meeting the educational requirements.

(e) The fee for original application for licensure as a massage therapist and for annual license renewal shall be as set forth in § 23-1-54. Fees for all other licenses under this chapter shall be fixed in an amount necessary to cover the cost of administering this chapter.

(f) Any person applying for a license under this chapter shall undergo a criminal background check. Such persons shall apply to the bureau of criminal identification of the state police or local police department for a nationwide criminal records check. Fingerprinting shall be required. Upon the discovery of any disqualifying information as defined in subsection (g), the bureau of criminal identification of the state police or the local police department shall inform the applicant, in writing, of the nature of the disqualifying information and, without disclosing the nature of the disqualifying information, shall notify the board, in writing, that disqualifying information has been found. In those situations in which no disqualifying information has been found, the bureau of criminal identification shall inform the applicant and the board in writing of this fact. An applicant against whom disqualifying information has been found may request that a copy of the criminal background report be sent to the division board, which shall make a judgment regarding the licensure of the applicant. The applicant shall be responsible for payment of the costs of the criminal records check.
(g) "Disqualifying information" means those offenses, including, but not limited to, those offenses defined in sections 11-37, 11-37-8.1, 11-37-8.3, 23-17-37, 11-34 and 11-34.1.

**23-20.8-5 Application for license – Issuance or denial of license – Minimum qualifications.** – (a) Every person desiring to begin the practice of massage therapy, except exempt persons as provided in this chapter, shall present satisfactory evidence to the division of professional regulation of the department of health, verified by oath, that he or she is:

1. Over eighteen (18) years of age;
2. Of good moral character (via background check in accordance with § 23-20.8-3);
3. Has successfully completed an educational program, meeting minimum requirements established by the division board, including at least five hundred (500) hours of in-class, hands-on and supervised coursework and clinical work; and
4. Has successfully completed an examination approved by the division board. Any examination approved by the division board must meet generally recognized standards including development through the use of a job-task analysis and must meet appropriate psychometric standards.

(b) The department may grant a license to any applicant satisfying the requirements of subdivisions 23-20.8-5(a)(1) and (2), has completed all appropriate forms, paid all appropriate fees and has met substantially equivalent standards in obtaining a valid license, permit, certificate or registration issued by any other state or territory of the United States or by a foreign country.

(c) The department shall, within sixty (60) days from the time any application for a license is received, grant the applications and issue a license to practice massage for a year from that date if the department is satisfied that the applicant complies with the rules and regulations promulgated in accordance with this chapter. An applicant, whose criminal records check reveals a conviction for any sexual offense, including, but not limited to, those offenses defined in chapters 34 and 37 of title 11, shall be denied a license under this chapter.

(d) The fee for original application for licensure as a massage therapist and the fee for annual license renewal shall be determined by the division board and shall not exceed one hundred dollars ($100).

**23-20.8-6 Suspension and revocation of licenses.** – Whenever the division board, or board designee has reason to believe or that any person licensed under this chapter to practice massage therapy has been convicted of any sexual offense, or that any person is practicing massage in violation of this chapter or regulations promulgated under this chapter, the division board, or board designee, may, pending an investigation and hearing by the board in accordance with § 5-26.1-5, suspend for a period not exceeding ninety (90) days any license issued under
authority of this chapter and may, after due notice and hearing, revoke the license if he or she
finds that the person practicing massage is in violation of those rules and regulations or any
provision of this chapter. The holder of a license shall upon its revocation promptly surrender it to
the division, board, or board designee.

SECTION 47. Sections 23-20.8-2.1 and 23-20.8-4 of the General Laws in Chapter 23-
20.8 entitled “Licensing of Massage Therapists” are hereby repealed.

§ 23-20.8-2.1 Board of massage therapists. — (a) Within the division of professional
regulation of the department of health, there shall be a state board of massage therapy examiners
to be appointed by the director of the department of health with the approval of the governor. The
board shall consist of seven (7) members who reside in the state of Rhode Island, four (4) of
whom shall be licensed pursuant to this chapter and one of whom shall be a member of the
general public, and who does not have financial interest in the profession, or is married to
someone in the profession. At no time shall more than one board member be an owner of, an
instructor of, or otherwise affiliated with a board-approved massage therapy school or course of
instruction. The four (4) members who are licensed pursuant to this chapter shall represent both
solo practitioners as well as members of a group practice.

(b) The initial board shall be appointed for staggered terms, the longest of which shall not
exceed three (3) years. After the initial appointments, all terms shall be for two (2) years and a
member may be reappointed for a second (2nd) term. No member shall serve more than three (3)
consecutive terms. Upon the death, resignation or removal of any member, the director of the
department of health, with the approval of the governor, shall appoint to fill vacancies, as they
occur, a qualified person to serve on the board for the remainder of his or her term or until his or
her successor is appointed and qualified.

(c) The board shall meet at least quarterly thereafter, shall hold a meeting and elect a
chairman. The board may hold additional meetings at the call of the chair or at the written request
of any three (3) members of the board. The board may appoint such committees as it considers
necessary to carry out its duties. A majority of the sitting members of the board shall constitute a
quorum.

(d) The director of the department of health may remove any member of the board for the
neglect of any duty required by law or for any incompetent, unprofessional, or dishonorable
conduct. Before beginning his or her term of office, each member shall take the oath prescribed
by law, a record of which shall be filed with the secretary of state.

§ 23-20.8-4 Establishment -- Board of massage therapists -- Powers and duties. --
Subject to the provisions of this chapter, the board shall have the following powers and duties:
(1) Adopt rules and regulations governing the licensure of massage therapists in a manner consistent with the provisions of this chapter and in accordance with the procedures outlined in the Administrative Procedures Act;

(2) Establish standards of professional and ethical conduct;

(3) Adopt rules that endorse equivalent licensure examinations of another state or territory of the United States, the District of Columbia, or a foreign country and that may include licensure by reciprocity, hold hearing, as necessary, in accordance with the Administrative Procedures Act;

(4) Maintain a complete record of all licensed massage therapists, ensure license compliance with all established requirements. The board will make an annual report to the governor which shall contain duties performed, actions taken and appropriate recommendations. Consult and advise other regulatory entities as necessary regarding issues pertaining to massage therapy practice, education and/or issues related to the regulation of massage therapists.


23-39-2 Definitions. — As used in this chapter:

(1) "Board" means the health professions board of review established in accordance with § 5-26.1-3: administrative board of respiratory care;

(2) "Department" means the Rhode Island department of health;

(3) "Director" means the director of the Rhode Island health department;

(4) "Division" means the division of professional regulation and licensing within the department;

(5) "Respiratory care" (including respiratory therapy and inhalation therapy) means a health professional, under qualified medical direction, employed in the therapy, management, rehabilitation, diagnostic evaluation, and care of patients with deficiencies and abnormalities which affect the cardiopulmonary system and associated aspects of other system function;

(6) "Respiratory care practitioner" means a person who is licensed to practice respiratory care in Rhode Island. The respiratory care practitioner may transcribe and implement a physician's written and verbal orders pertaining to the practice of respiratory care as defined in this chapter; and

(7) "Respiratory care training program" means a program accredited or recognized by the commission on accreditation of allied health education programs in collaboration with the committee on accreditation for respiratory care or any other accrediting agency that may be
approved by the division board.

23-39-7 Licensing by training and examination. – (a) Any person desiring to become licensed as a respiratory care practitioner shall make application to the division board on a written form in the manner that the division board prescribes, pay all required application fees, and certify and furnish evidence to the division board that the applicant:

1. Has successfully completed a training program as defined in this chapter;
2. Has passed the examination approved by the division board, as specified by rules and regulations of the department, for respiratory care practitioners administered by a nationally recognized organization for respiratory care; and
3. Is of good moral character.

(b) Respiratory care providers who are licensed or otherwise regulated to practice under laws of another state or territory or the District of Columbia may, upon receiving an authorization from the division, perform as a respiratory care practitioner under the supervision of a qualified and licensed respiratory care practitioner. If the applicant fails to receive licensure when the division board reviews the application, all mentioned privileges shall automatically cease.

23-39-9 Other licensing provisions. – (a)(1) Graduate Practice. Every graduate of a division board approved respiratory care school who has filed a respiratory care practitioner application may, upon receiving a receipt from the division of professional regulation, perform as a respiratory care practitioner under the supervision of a respiratory care practitioner licensed in this state.

2. During this period the applicant shall identify himself or herself only as a “graduate respiratory care practitioner.”

3. If the applicant shall fail to take the examination within ninety (90) days from effective date of graduate status, without due cause or fail to pass the examination and receive a license, all privileges described in subsection (a)(1) shall automatically cease.

(b) Unless licensed as a respiratory care practitioner under the respiratory care act, no person shall use any title or abbreviation to indicate that the person is a licensed respiratory care practitioner.

(c) Verification of a valid license issued pursuant to this chapter shall be available at the respiratory care practitioner's place of employment.

(d) Licenses, including initial licenses, shall be issued for a period of two (2) years.

(e) License renewal dates will be set by the division.

(f) Applicants and biennial licensure shall meet the continuing education requirements as prescribed by the director of health.
23-39-11 Fees. – (a) The director, in consultation with the board, shall establish a schedule of reasonable fees for licenses, and for renewal of licenses for respiratory care practitioners.

(b) The initial application fee shall be as set forth in § 23-1-54.

(c) A biennial license renewal fee shall be established in an amount as set forth in § 23-1-54.

23-39-12 Denial, suspension, revocation, and reinstatement of licenses. – (a) The division board may refuse to issue or may suspend or revoke any license in accordance with the procedures set forth in the Administrative Procedures Act, chapter 35 of title 42, for any of the following causes:

(1) Fraud in the procurement of any license under this chapter;

(2) Imposition of any disciplinary action upon a person by any agency of another state which regulates respiratory care but not to exceed the period or extent of that action;

(3) Conviction of a crime which substantially relates to the qualifications, functions or duties of a respiratory care practitioner. The record of conviction or a certified copy thereof shall be conclusive evidence of the conviction;

(4) Impersonating or acting as a proxy for an applicant in any examination given under this chapter;

(5) Habitual or excessive use of intoxicants or drugs;

(6) Gross negligence in his or her practice as a respiratory care practitioner;

(7) Violating any of the provisions of this chapter or any rules or regulations duly adopted under this chapter or aiding or abetting any person to violate the provisions of or any rules or regulations adopted under this chapter;

(8) Engaging in acts of unprofessional conduct as defined by rule and regulation; or

(9) (a) Committing any fraudulent, dishonest or corrupt act which is substantially related to the qualifications, functions, or duties of a respiratory care practitioner.

(b) The proceedings for the denial, revocation, suspension or limiting of any license may be initiated by any person, corporation, association, or public officer or by the division board by the filing of written charges, but no license shall be revoked, suspended, or limited without a hearing before the board within sixty (60) days after the filing of written charges in accordance with the procedures established by the board. A license may be temporarily suspended without a hearing for the period not to exceed thirty (30) days upon notice to the licensee following a finding by the division that there exists a significant threat to the public health and approved by the director. In the event of a temporary suspension, the board shall hear the matter within 30
days and may take appropriate action as necessary.


23-39-5. Board created. (a) Within the division of professional regulation of the health department shall be a board of respiratory care consisting of five (5) members as follows:

(1) One physician licensed in the state who is knowledgeable in respiratory care;
(2) Three (3) licensed respiratory care practitioners;
(3) One public member who is a resident of Rhode Island. The public member shall not have been licensed as a respiratory care practitioner nor shall he or she have any financial interest, direct or indirect, in the occupation regulated.

(b) The director of the department of health, with the approval of the governor, within sixty (60) days following November 1, 1986, shall appoint one board member for a term of one year; two (2) for a term of two (2) years; and two (2) for a term of three (3) years. Appointments made thereafter shall be for three-year terms but no person shall be appointed to serve more than two (2) consecutive terms.

(c) The director, in his or her initial appointment, shall appoint as the respiratory care practitioner one of the members of the board or a person currently practicing as respiratory care practitioners in Rhode Island.

(d) The board shall meet during the first month of each calendar year to select a chairperson and for other purposes. At least one additional meeting shall be held before the end of each calendar year. Other meetings may be convened at the call of the chairperson, the administrator of professional regulation, or upon the written request of any two (2) board members.

(e) In the event of a vacancy in one of the positions, the director of the department of health, with the approval of the governor, may appoint a person who shall fill the unexpired term.

§ 23-39-6. Board duties. The duties of the board shall be as follows:

(1) To evaluate the qualifications of applicants and review the required examination results administered by a testing agency approved by the board;

(2) To recommend issue of licenses to applicants who meet the requirements of this chapter;

(3) To administer, coordinate, and enforce the provision of this chapter and investigate persons engaging in practices which may violate the provisions of this chapter;

(4) To deny, or revoke licenses to practice respiratory care as provided in this chapter;

(5) To annually review the exam accepted by the board; and
(6) To recommend to the director adoption of rules and regulations.

SECTION 50. This article shall take effect upon passage.

ARTICLE 20

RELATING TO PROFESSIONAL LICENSES

SECTION 1. Section 3-7-25 of the General Laws in Chapter 3-7 entitled “Retail Licenses” is hereby amended to read as follows:

3-7-25. Sanitary conditions for dispensing of malt beverages or wine. -- (a) Beer or wine pipe lines, faucets and barrel-tapping devices used for the dispensing of malt beverages or wine in places where the dispensing is carried on by licensees under this chapter shall be cleaned at least once every four (4) weeks by the use of a hydraulic pressure mechanism, hand-pump suction or a force cleaner or other system approved by the department or shall be permanently kept clean by a device approved by the department. After cleaning, the lines shall be rinsed with clear water until all chemicals, if any have been used, are removed. The cleaning equipment must be operated in conformance with the manufacturer's recommendations.

(b) A record, the form of which shall be approved by the department, shall be used to record the dates and the methods used in cleaning of beer or wine pipe lines, coils, tubes and appurtenances. This record shall be signed by the person who performs the cleaning operation and countersigned by the licensee. The records shall be kept on the licensed premises for a period of one year from the date of the last entry and made available at all times for inspection by health enforcement and law enforcement officers.

(c) Line cleaners may be certified by the department and the department shall issue a license and charge a fee not to exceed fifty dollars ($50.00) for each license.

SECTION 2. Sections 5-10-1 and 5-10-9 of the General Laws in Chapter 5-10 entitled “Barbers, Hairdressers, Cosmeticians, Manicurists” are hereby amended to read as follows:

5-10-1. Definitions. -- The following words and phrases, when used in this chapter, are construed as follows:

(1) "Apprentice barber" means an employee whose principal occupation is service with a barber or hairdresser who has held a current license as a barber or hairdresser for at least three (3) years with a view to learning the art of barbering, as defined in subdivision (15) of this section.

(2) "Barber" means any person who shaves or trims the beard, waves, dresses, singes, shampoos, or dyes the hair or applies hair tonics, cosmetic preparations, antiseptics, powders, oil clays, or lotions to scalp, face, or neck of any person; or cuts the hair of any person, gives facial and scalp massages, or treatments with oils, creams, lotions, or other preparations.

(22) "Board" means the state board of barbering and hairdressing as provided for in this
chapter.

(34) “Department” means the Rhode Island department of health.

(45) “Division” means the division of professional regulation within the department of health.

(56) “Esthetician” means a person who engages in the practice of esthetics, and is licensed as an esthetician.

(62) “Esthetician shop” means a shop licensed under this chapter to do esthetics of any person.

(78) “Esthetics” means the practice of cleansing, stimulating, manipulating, and beautifying skin, including, but not limited to, the treatment of such skin problems as dehydration, temporary capillary dilation, excessive oiliness, and clogged pores.

(89) “Hair design shop” means a shop licensed under this chapter to do barbering or hairdressing/cosmetology, or both, to any person.

(910) "Hairdresser and cosmetician" means any person who arranges, dresses, curls, cuts, waves, singes, bleaches, or colors the hair or treats the scalp, or manicures the nails of any person either with or without compensation or who, by the use of the hands or appliances, or of cosmetic preparations, antiseptics, tonics, lotions, creams, powders, oils or clays, engages, with or without compensation, in massaging, cleansing, stimulating, manipulating, exercising, or beautifying or in doing similar work upon the neck, face, or arms or who removes superfluous hair from the body of any person.

(11) “Instructor” means any person licensed as an instructor under the provisions of this chapter.

(1012) "Manicuring shop" means a shop licensed under this chapter to do manicuring only on the nails of any person.

(1144) "Manicurist" means any person who engages in manicuring for compensation and is duly licensed as a manicurist.

(1244) “School” means a school approved under chapter 40 of title 16, as amended, devoted to the instruction in and study of the theory and practice of barbering, hairdressing and cosmetic therapy, esthetics and/or manicuring.

(1345) “The practice of barbering” means the engaging by any licensed barber in all or any combination of the following practices: shaving or trimming the beard or cutting the hair; giving facial and scalp massages or treatments with oils, creams, lotions, or other preparations either by hand or mechanical appliances; singeing, shampooing, arranging, dressing, curling, waving, chemical waving, hair relaxing, or dyeing the hair or applying hair tonics; or applying
cosmetic preparations, antiseptics, powders, oils, clays or lotions to scalp, face, or neck.

(1446) "The practice of hairdressing and cosmetic therapy" means the engaging by any licensed hairdresser and cosmetician in any one or more of the following practices: the application of the hands or of mechanical or electrical apparatus, with or without cosmetic preparations, tonics, lotions, creams, antiseptics, or clays, to massage, cleanse, stimulate, manipulate, exercise, or otherwise to improve or to beautify the scalp, face, neck, shoulders, arms, bust, or upper part of the body or the manicuring of the nails of any person; or the removing of superfluous hair from the body of any person; or the arranging, dressing, curling, waving, weaving, cleansing, cutting, singeing, bleaching, coloring, or similarly treating the hair of any person.

(1545) "The practice of manicuring" means the cutting, trimming, polishing, tinting, coloring, or cleansing the nails of any person.

5-10-9. Classes of licenses. — Licenses shall be divided into the following classes and shall be issued by the division to applicants for the licenses who have qualified for each class of license:

(1) A "hairdresser's and cosmetician's license" shall be issued by the division to every applicant for the license who meets the requirements of § 5-10-8 and has completed a course of instruction in hairdressing and cosmetology consisting of not less than fifteen hundred (1,500) hours of continuous study and practice.

(2) An "instructor's license" shall be granted by the division to any applicant for the license who has held a licensed hairdresser's and cosmetician's license, a barber's license, a manicurist's license, or an esthetician's license issued under the laws of this state or another state, for at least the three (3) years preceding the date of application for an instructor's license and:

(i) Meets the requirements of § 5-10-8;

(ii) Has satisfactorily completed three hundred (300) hours of instruction in hairdressing and cosmetology, barber, manicurist, or esthetician teacher training approved by the division as prescribed by regulation;

(iii) Has satisfactorily passed a written and a practical examination approved by the division to determine the fitness of the applicant to receive an instructor's license;

(iv) Has complied with § 5-10-10; and

(v) Has complied with any other qualifications that the division prescribes by regulation.

(24) A "manicurist license" shall be granted to any applicant for the license who meets the following qualifications:

(i) Meets the requirements of § 5-10-8; and
(ii) Has completed a course of instruction consisting of not less than three hundred (300) hours of professional training in manicuring, in an approved school.

(34) An "esthetician license" shall be granted to any applicant for the license who meets the following qualifications:

(i) Meets the requirements of § 5-10-8;

(ii) Has completed a course of instruction in esthetics consisting of not less than six hundred (600) hours of continuous study and practice over a period of not less than four (4) months in an approved school of hairdressing and cosmetology; and

(iii) Any applicant who holds a diploma or certificate from a skin care school that is recognized as a skin care school by the state or nation in which it is located, and meets the requirements of paragraph (i) of this subdivision, shall be granted a license to practice esthetics; provided, that the skin care school has a requirement that in order to graduate from the school a student must have completed a number of hours of instruction in the practice of skin care, which number is at least equal to the number of hours of instruction required by the division.

(45) A "barber" license shall be issued by the division to every applicant for the license who meets the requirements of § 5-10-8 and:

(i) Has completed a course of instruction in barbering consisting of not less than one thousand five hundred (1,500) hours of continuous study and practice in an approved school;

(ii) Has possessed for at least two (2) years prior to the filing of the application a certificate of registration in full force and effect from the department of health of the state specifying that person as a registered apprentice barber, and the application of that applicant is accompanied by an affidavit or affidavits of his or her employer or former employers or other reasonably satisfactory evidence showing that the applicant has been actually engaged in barbering as an apprentice barber in the state during those two (2) years; or

(iii) A combination of barber school training and apprenticeship training as determined by the rules and regulations prescribed by the division.

SECTION 3.  Section 5-10-13 of the General Laws in Chapter 5-10 entitled “Barbers, Hairdressers, Cosmeticians, Manicurists” is hereby repealed.

5-10-13. Demonstrator's permit.  -- The division may in its discretion issue to any person recognized by the division as an authority on, or an expert in the theory or practice of, barbering, hairdressing, and cosmetic therapy and/or manicuring or esthetics and is the holder of a current esthetician's, manicurist's or a barber's, hairdresser's, and cosmetician's license in this state, another state or the District of Columbia, a demonstrator's permit for not more than six (6) days' duration for educational and instructive demonstrations; provided, that the permit shall not
be used in the sense of a license to practice barbering, manicuring, esthetics or hairdressing and cosmetic therapy. The fee for the permit is as set forth in § 23-1-54.

SECTION 4. Section 5-32-4 of the General Laws in Chapter 5-37 entitled “Electrolysis” is hereby amended to read as follows:

5-32-4. Qualifications of applicants. -- Licenses to engage in the practice of electrolysis shall be issued to the applicants who comply with the following requirements:

(1) Are citizens or legal residents of the United States.

(2) Have attained the age of eighteen (18) years.

(3) Have graduated from a high school or whose education is the equivalent of a high school education.

(4) Have satisfactorily completed a course of training and study in electrolysis as prescribed by rules and regulations promulgated by the department of health authorized by section § 5-32-18 of this chapter, as a registered apprentice under the supervision of a licensed Rhode Island electrologist who is qualified to teach electrolysis to apprentices as prescribed in § 5-32-17 or has graduated from a school of electrolysis after having satisfactorily completed a program consisting of not less than six hundred fifty (650) hours of study and practice in the theory and practical application of electrolysis. That apprenticeship includes at least six hundred and fifty (650) hours of study and practice in the theory and practical application of electrolysis within a term of nine (9) months; provided, that the apprentice registers with the division of professional regulation of the department of health upon beginning his or her course of instruction, and the licensed person with whom he or she serves that apprenticeship keeps a record of the hours of that instruction, and upon the completion of that apprenticeship certifies that fact to the board of examiners in electrolysis.

(5) Is of good moral character.

(6) Passes an examination approved by the department of health.

SECTION 5. Sections 5-32-8 and 5-32-17 of the General Laws in Chapter 5-37 entitled “Electrolysis” are hereby repealed.

5-32-8. Apprenticeship register. -- The division of professional regulation of the department of health shall keep a register in which the names of all persons serving apprenticeships licensed under this chapter shall be recorded. This register is open to public inspection.

5-32-17. Qualifications for teaching electrolysis. -- (a) A person in order to qualify as an instructor or teacher of electrolysis to apprentices must:

(1) Have been actively engaged as a licensed practitioner of electrolysis for at least five
(5) years.

(2) Pass a state board examination specifically designed to evaluate his or her qualifications to teach electrolysis.

(3) Be a high school graduate or the equivalent.

(b) Upon satisfactorily passing this examination, the division of professional regulation of the department of health shall issue a license to the person upon the payment of a fee as set forth in § 23-1-54.

c) A qualified licensed electrologist shall not register more than one apprentice for each nine (9) month training period.

SECTION 6. Chapter 5-32 of the General Laws entitled “Electrolysis” is hereby amended by adding thereto the following section:

5-32-18. Training and study.-- The department of health may promulgate rules and regulations applying to training and study in electrolysis.

SECTION 7. Sections 5-37.2-2, 5-37.2-14, and 5-37.2-15 of the General Laws in Chapter 5-37.2 entitled “The Healing Art of Acupuncture” are hereby amended to read as follows:

5-37.2-2. Definitions.-- Unless the context otherwise requires, the words, phrases, and derivatives employed in this chapter have the meanings ascribed to them in this section:

(1) "Acupuncture" means the insertion of needles into the human body by piercing the skin of the body, for the purpose of controlling and regulating the flow and balance of energy in the body.

(2) "Department" means the state department of health.

(3) "Doctor of acupuncture" means a person licensed under the provisions of this chapter to practice the art of healing known as acupuncture.

(4) "Licensed acupuncture assistant" means a person who assists in the practice of acupuncture under the direct supervision of a person licensed under the provisions of this chapter to practice acupuncture.

5-37.2-14. Recordation and display of licenses – Annual registration fee – Penalties for failure to pay fee.-- (a) Every person holding a license authorizing him or her to practice acupuncture or to serve as an acupuncture assistant in this state shall record his or her license with the city or town hall in the city or town where his or her office and residence are located. Every licensee upon a change of residence or office shall have his or her certificate recorded in the same manner in the municipality to which he or she has changed.

(b) Every license shall be displayed in the office, place of business, or place of employment of the license holder.
(c) Every person holding a license shall pay to the department on or before February 1 of each year, the annual registration fee required pursuant to department rules and regulation. If the holder of a license fails to pay the registration fee his or her license shall be suspended. The license may be reinstated by payment of the required fee within ninety (90) days after February 1.

(d) A license which is suspended for more than three (3) months under the provisions of subsection (c) of this section may be canceled by the board after thirty (30) days notice to the holder of the license.

5-37.2-15. Suspension, revocation, or refusal of license - Grounds. -- The department may either refuse to issue or may suspend or revoke any license for any one or any combination of the following causes:

(1) Conviction of a felony, conviction of any offense involving moral turpitude, or conviction of a violation of any state or federal law regulating the possession, distribution or use of any controlled substance as defined in § 21-28-1.02, as shown by a certified copy of record of the court;

(2) The obtaining of, or any attempt to obtain, a license, or practice in the profession for money or any other thing of value, by fraudulent misrepresentations;

(3) Gross malpractice;

(4) Advertising by means of knowingly false or deceptive statement;

(5) Advertising, practicing, or attempting to practice under a name other than one's own;

(6) Habitual drunkenness or habitual addiction to the use of a controlled substance as defined in § 21-28-1.02;

(7) Using any false, fraudulent, or forged statement or document, or engaging in any fraudulent, deceitful, dishonest, immoral practice in connection with the licensing requirement of this chapter;

(8) Sustaining a physical or mental disability which renders further practice dangerous;

(9) Engaging in any dishonorable, unethical, or unprofessional conduct which may deceive, defraud, or harm the public, or which is unbecoming a person licensed to practice under this chapter;

(10) Using any false or fraudulent statement in connection with the practice of acupuncture or any branch of acupuncture;

(11) Violating or attempting to violate, or assisting or abetting the violation of, or conspiring to violate, any provision of this chapter;

(12) Being adjudicated incompetent or insane;

(13) Advertising in an unethical or unprofessional manner;
(14) Obtaining a fee or financial benefit for any person by the use of fraudulent diagnosis, therapy, or treatment;
(15) Willfully disclosing a privileged communication;
(16) Failure of a licensee to designate his or her school of practice in the professional use of his or her name by the term "doctor of acupuncture" or "acupuncture assistant", as the case may be;
(17) Willful violation of the law relating to the health, safety, or welfare of the public, or of the rules and regulations promulgated by the state board of health;
(18) Administering, dispensing, or prescribing any controlled substance as defined in § 21-28-1.02, except for the prevention, alleviation, or cure of disease or for relief from suffering; and
(19) Performing, assisting, or advising in the injection of any liquid silicone substance into the human body.

SECTION 8. Section 5-37.2-13 of the General Laws in Chapter 5-37.2 entitled “Issuance of license for acupuncture assistant” is hereby repealed.

5-37.2-13. Qualifications of applicants. -- An applicant for a license for acupuncture assistant shall be issued a license by the department if he or she:
(1) Has successfully completed a course of study in acupuncture in any college or school in any country, territory, province, or state requiring any attendance to thirty-six (36) months;
(2) Practiced acupuncture for not less than three (3) years;
(3) Passes the examination of the department for acupuncture assistant; and
(4) Pays any fees as set forth in § 23-1-54.

SECTION 9. Sections 5-40-1, 5-40-3, 5-40-9, 5-40-10, 5-40-11, 5-40-13, and 5-40-17 of the General Laws in Chapter 5-40 entitled “Physical Therapists” are hereby amended to read as follows:

5-40-1. Definitions. -- As used in this chapter:
(1) "Board" means the board of physical therapy established by § 5-40-2.
(2) "Department" means the department of health.
(3) "Examination" means an examination approved by the department in consultation with the board.
(4) "License" means a license issued by the department to practice physical therapy.
(5) "Physical therapist" means an individual who is licensed by the department to practice physical therapy.
(6) "Physical therapist assistant" means an individual who is licensed by the department
to assist in the practice of physical therapy under the supervision of a physical therapist.

(67)(i) "Practice physical therapy" means the examination, treatment, and instruction of human beings to detect, assess, prevent, correct, alleviate and limit physical disability, physical dysfunction, and pain from injury, disease and any other bodily conditions, and includes the administration, interpretation, and evaluation of tests and measurements of bodily functions and structures; the planning, administration, evaluation, and modification of treatment and instruction, including the use of physical measures, activities, and devices, for preventive and therapeutic purposes; and the provision of consultative, educational, and other advisory services for the purpose of reducing the incidence and severity of physical disability, physical dysfunction and pain.

(ii) The practice of physical therapy does not include the practice of medicine as defined in chapter 37 of this title.

(78) "Supervision" means that a licensed physical therapist is at all times responsible for supportive personnel and students.

5-40-3. Board of physical therapy – Composition – Appointment, terms, oath and removal of members. -- (a) In the month of June, 1983, and annually thereafter, the director of health, with the approval of the governor, appoints the appropriate number of persons to serve on the board for terms of three (3) years and until his or her successor has been appointed and qualified. The board shall consist of seven (7) members appointed by the director of the department of health with the approval of the governor. Four (4) Five (5) members shall be licensed physical therapists; one member shall be a licensed physical therapist assistant; one member shall be a physician licensed to practice medicine in this state; and one member shall be a consumer.

(b) No member shall serve for more than two (2) successive terms. The director of health may remove any member from the board for neglect of any duty required by law or for any incompetency, unprofessional or dishonorable conduct. Vacancies created by voluntary resignation or removal by the director of health shall be filled in the same manner as the original appointment is made for the remainder of the term not exceeding the original two (2) term limitation.

(c) Before beginning a term, each member of the board shall takes the oath prescribed by law for state officers which shall be filed with the secretary of state.

5-40-9. Right of use of the title of physical therapist. -- (a) To safeguard the welfare and health of the people of the state, it is unlawful for any person to represent himself or herself as a physical therapist or physical therapist assistant in this state or to use any title, abbreviation,
(a) The certificate of every person licensed under the provisions of this chapter shall expire on the first day of May of the next even year following the date of original licensure. On or before the first day of March of each year, the department shall mail an application for renewal of license to every person to whom a license has been issued or renewed during the current licensure period. Every licensed person who desires to renew his or her license shall provide satisfactory evidence to the department that in the preceding two (2) years the practitioner has completed the twenty-four (24) required continuing education hours as established by the department through rules and regulations and shall file with department a renewal application executed together with a renewal fee as set forth in § 23-1-54 on or before the thirty-first day of March of each even year. The department may extend for only one six (6) month period these educational requirements if the department is satisfied that the applicant has suffered hardship, which prevented meeting the educational requirement.

(b) Upon receipt of the renewal application, and payment of the renewal fee, the accuracy of the application shall be verified and the department shall grant a renewal license effective the second day of May, and expiring on the first day of May of the next even year.

(c) Any person who allows his or her license to lapse by failing to renew it on or before the thirty-first day of March of the next even year, as provided in this section, may be reinstated by the department on payment of the current renewal fee plus an additional fee as set forth in § 23-1-54.

(d) Any person using the title "physical therapist" or "physical therapist assistant" during the time that his or her license has lapsed is subject to the penalties provided for violations in this chapter.
5-40-11. Register of physical therapists – Records – Issuance of licenses. -- (a) The department shall maintain a register of all persons licensed under this chapter which shall be open at all reasonable times to public inspection and the department shall be the custodian of all records pertaining to the licensure of physical therapists or physical therapist assistants.

(b) The director of the department of health shall issue licenses only to applicants who meet the requirements of this chapter.

5-40-13. Grounds for discipline of licensees. -- (a) The board has power to deny, revoke, or suspend any license issued by the department or applied for in accordance with this chapter, or to discipline a person licensed under this chapter upon proof that said person has engaged in unprofessional conduct including, but not limited to:

1. Fraud or deceit in procuring or attempting to procure a license or in the practice of physical therapy;
2. Is habitually intemperate or is addicted to the use of habit forming drugs;
3. Is mentally and/or professionally incompetent;
4. Has repeatedly violated any of the provisions of this chapter;
5. Providing services to a person who is making a claim as a result of a personal injury, who charges or collects from the person any amount in excess of the reimbursement to the physical therapist by the insurer as a condition of providing or continuing to provide services or treatment;
6. Conviction, including a plea of nolo contendere, of one or more of the offenses listed in § 23-17-37;
7. Abandonment of a patient;
8. Promotion by a physical therapist or physical therapist assistant of the sale of drugs, devices, appliances, or goods or services provided for a patient in a manner as to exploit the patient for the financial gain of the physical therapist or physical therapist assistant;
9. Making or filing false reports or records in the practice of physical therapy;
10. Repeated failure to file or record, or impede or obstruct a filing or recording, or inducing another person to fail to file or record physical therapy reports;
11. Failure to furnish patient records upon proper request;
12. Practice as a physical therapist assistant without supervision by a physical therapist licensed in the state of Rhode Island;
13. Incompetent or negligent misconduct in the practice of physical therapy;
14. Revocation, suspension, surrender, or limitation of privilege based on quality of care provided or disciplinary action against a license to practice as a physical therapist or physical therapist assistant;
therapist assistant in another state, jurisdiction, or country;

(15) Failure to furnish the board, administrator, investigator, or representatives information legally requested by the board;

(16) Violation of this chapter or any of the rules and regulations or departure from or failure to conform to the current standards of acceptable and prevailing practice and code of ethics of physical therapy.

(b) Whenever a patient seeks or receives treatment from a physical therapist without referral from a doctor of medicine, osteopathy, dentistry, podiatry, chiropractic, physician assistant, or certified registered nurse practitioner, the physical therapist shall:

(1) Disclose to the patient, in writing, the scope and limitations of the practice of physical therapy and obtain their consent in writing; and

(2) Refer the patient to a doctor of medicine, osteopathy, dentistry, podiatry, or chiropractic within ninety (90) days after the date treatment commenced; provided, that a physical therapist is not required to make this a referral after treatment is concluded;

(3) No physical therapist who has less than one year clinical experience as a physical therapist shall commence treatment on a patient without a referral from a doctor of medicine, osteopathy, dentistry, podiatry, chiropractic, physician assistant, or certified registered nurse practitioner.

(c) For purposes of this chapter and notwithstanding any other provisions of this chapter or any rules or regulations adopted by the board, any person licensed or registered under this chapter who is a bona fide employee or independent contractor of a physician or a physician group entitled to wages and compensation pursuant to such employment or contract, or is a co-owner of a physical therapy practice with a physician group, shall not be deemed to be engaged in conduct unbecoming a person licensed or registered under this chapter, or to be engaged in conduct detrimental to the best interest of the public, or to be in violation of any other provision of this chapter by virtue of any of the above relationships, and shall not be subject to licensure denial, suspension, revocation, or any other disciplinary action or penalty under this chapter:

(1) Solely by virtue of such employment or contract; or

(2) Solely by virtue of the provision of physical therapy services pursuant to a referral from the employing or contracting physician or physician group.

Any such interest referenced in this paragraph shall be in accordance with federal and state law, specifically, including, but not limited to, chapter 5-48.1.

5-40-17. Penalties for violations. -- (a) It is a misdemeanor for any person, firm, corporation, or association to:
(1) Use in connection with his or her name any designation tending to imply that he or
she is a physical therapist or physical therapist assistant unless licensed under the provisions of
this chapter;

(2) Use in connection with his or her name any designation tending to imply that he or
she is a physical therapist or physical therapist assistant during the time his or her license issued
under the provisions of this chapter is suspended or revoked;

(3) Violate any of the provisions of this chapter.

(b) All misdemeanors shall be punishable by a fine of not less than three hundred dollars
($300) for the first offense. Each subsequent offense shall be punishable by a fine of not less than
five hundred dollars ($500), or by imprisonment of not more than one year, or both.

SECTION 10. Sections 5-40-6.1, 5-40-7.1 and 5-40-8.1 of the General Laws in Chapter
5-40 entitled “Physical Therapists” are hereby repealed.

5-40-6.1. Qualifications of physical therapist assistants. — Any applicant for licensure
shall submit to the board written evidence on forms furnished by the department of health,
verified by oath, that the applicant meets all of the following requirements:

(1) Is at least eighteen (18) years of age;

(2) Is of good moral character;

(3) Has graduated from an educational program in physical therapy accredited by the
Commission on Accreditation of Physical Therapy Education (CAPTE) or other accrediting
agency as approved by the department in consultation with the board, in the year of said
applicant's graduation; and

(4) Has passed the National Physical Therapy Examination (NPTE) of the Federation of
State Boards of Physical Therapy (FSBPT) or other physical therapy assistant certification
examination as approved by the department in consultation with the board to determine the
applicant's fitness to engage in the practice of physical therapy.

5-40-7.1. Licensing of physical therapist assistants. — (a) By Examination. The
applicant is required to pass with a grade determined by the board an examination approved by
the department in consultation with the board.

(b) Without Examination by Endorsement. A license may be issued without examination
to an applicant who has been licensed by examination as a physical therapist assistant under the
laws of another state or territory or District of Columbia, if, in the opinion of the board, the
applicant meets the qualifications required of physical therapist assistants in this state.

(c)(1) Graduate Practice. Every graduate of a board approved physical therapist assistant
educational program who has filed a physical therapy application may, upon receiving a permit
from the department of health, perform as a physical therapist assistant under the supervision of a physical therapist licensed in this state.

(2) During this period, the applicant shall identify him or herself only as a “graduate physical therapist assistant.”

(3) If the applicant fails to take the examination, as specified in § 5-40-7(a), within ninety (90) days from the effective date of graduate status, without cause or fails to pass the examination and receive a license, all privileges provided in subdivisions (1) and (2) of this subsection automatically cease.

(d)(1) Foreign-Trained Applicants. If the foreign-trained applicant has successfully met the requirements of the rules and regulations, the applicant’s credentials shall be accepted by the board.

(2) Prior to becoming licensed in this state, the foreign-trained applicant must also meet all of the appropriate requirements described in this section or its equivalent as established in rules and regulations.

5-40.1. Application fee for physical therapist assistants. — When an application is submitted to the department for a license to practice physical therapy in Rhode Island pursuant to this chapter, either by endorsement or by examination, the applicant shall pay a fee as set forth in § 23-1-54 to the general treasurer of the state of Rhode Island.

SECTION 11. Sections 5-40.1-3, 5-40.1-6, 5-40.1-7, 5-40.1-8, 5-40.1-9, 5-40.1-12, 5-40.1-14, and 5-40.1-21 of the General Laws in Chapter 5-40.1 entitled “Occupational Therapy” are hereby amended to read as follows:

5-40.1-3. Definitions. — (a) “Administrator” means the administrator of the division of professional regulation.

(b) “Board” means the board of occupational therapy within the division of professional regulation established pursuant to the provisions of § 5-40.1-4.

(c) “Chapter” refers to chapter 40.1 of this title, entitled “Occupational Therapy”, of the general laws of Rhode Island.

(d) “Director” means the director of the Rhode Island department of health.

(e) “Division” means the division of professional regulation.

(f)(1) “Occupational therapy” (OT) is the use of purposeful activity or interventions designed to achieve functional outcomes which promote health, prevent injury or disability, and develop, improve, sustain, or restore the highest possible level of independence of any individual who has an injury, illness, cognitive impairment, sensory impairment, psychosocial dysfunction, mental illness, developmental or learning disability, physical disability, or other disorder or
condition.

(2) Occupational therapy includes evaluation by means of skilled observation of functional performance and/or assessment through the administration and interpretation of standardized or non-standardized tests and measurements.

(g)(1) "Occupational therapy services" includes, but is not limited to:

(i) Evaluating and providing treatment in consultation with the individual, family, or other appropriate persons;

(ii) Interventions directed toward developing, improving, sustaining, or restoring daily living skills, including self-care skills and activities that involve interactions with others and the environment, work readiness or work performance, play skills or leisure capacities or educational performance skills;

(iii) Developing, improving, sustaining, or restoring sensory-motor, oral-motor, perceptual, or neuromuscular functioning; or emotional, motivational, cognitive, or psychosocial components of performance; and

(iv) Educating the individual, family, or other appropriate persons in carrying out appropriate interventions.

(2) These services may encompass evaluating need; and designing, developing, adapting, applying, or training in the use of assistive technology devices; designing, fabricating or applying rehabilitative technology, such as selected orthotic devices; training in the functional use of orthotic or prosthetic devices; applying therapeutic activities, modalities, or exercise as an adjunct to or in preparation for functional performance; applying ergonomic principles; adapting environments and processes to enhance daily living skills; or promoting health and wellness.

(h) "Occupational therapist" means a person licensed to practice occupational therapy under the provisions of this chapter and the rules and regulations authorized by this chapter.

(i) "Occupational therapy aide" means a person not licensed pursuant to the statutes and rules applicable to the practice of occupational therapy, who works under the supervision of a licensed occupational therapist or occupational therapy assistant, who assists in the practice of occupational therapy and whose activities require an understanding of occupational therapy, but do not require professional or advanced training in the basic anatomical, psychological, and social sciences involved in the practice of occupational therapy.

(j) "Occupational therapy assistant" means a person licensed to practice occupational therapy under the provisions of this chapter and the rules and regulations authorized by this chapter.

(ik) "Supervision" means that a licensed occupational therapist or occupational therapy
assistant is at all times responsible for supportive personnel and students.

5-40.1-6. Licenses required. -- (a) Pursuant to this section, no person may practice occupational therapy, or hold himself or herself out as an occupational therapist or occupational therapy assistant, or as being able to practice as an occupational therapist or occupational therapy assistant, or as being able to practice occupational therapy, or to render occupational therapy services, in this state unless he or she is licensed under the provisions of this chapter and the rules and regulations authorized by this chapter.

(b) Only an individual may be licensed under this chapter.

(c) Only an individual licensed in this state as an occupational therapist may use the words "occupational therapist", "licensed occupational therapist", or "occupational therapist registered" in connection with his or her name or place of business; or may use other words, letters, abbreviations, or insignia indicating or implying that he or she is an occupational therapist.

(d) Only an individual licensed in this state as an occupational therapy assistant may use the words "certified occupational therapy assistant", "occupational therapy assistant", or "licensed occupational therapy assistant" in connection with his or her name or place of business; or may use other words, letters, abbreviations, or insignia indicating or implying that he or she is an occupational therapy assistant.

5-40.1-7. Persons and practices not affected. -- Nothing in this chapter shall be construed as preventing or restricting the practice, services, or activities of:

(1) Any person licensed in this state by any other law from engaging in the profession or occupation for which he or she is licensed;

(2) Any person employed as an occupational therapist or occupational therapy assistant by the government of the United States or any agency of it, if that person provides occupational therapy solely under the direction or control of the organization by which he or she is employed;

(3) Any person pursuing a supervised course of study leading to a degree or certificate in occupational therapy at an accredited or approved educational program, if the person is designated by a title which clearly indicates his or her status as a student or trainee; or

(4) Any person fulfilling the supervised fieldwork experience requirements of § 5-40.1-8(a)(3), if the experience constitutes a part of the experience necessary to meet the requirement of that section.

5-40.1-8. Requirements for licensure. -- (a) Any applicant seeking licensure as an occupational therapist or occupational therapy assistant in this state must:

(1) Be at least eighteen (18) years of age;
(2) Be of good moral character;

(3) Have successfully completed the academic requirements of an education program in occupational therapy accredited by the American Occupational Therapy Association's Accreditation Council for Occupational Therapy Education or other therapy accrediting agency that may be approved by the board;

(4) Have successfully completed a period of supervised fieldwork experience arranged by the recognized educational institution where he or she met the academic requirements:

(i) For an occupational therapist, a minimum of twenty-four (24) weeks of supervised fieldwork experience shall be required;

(ii) For an occupational therapy assistant, a minimum of twelve (12) weeks shall be required;

(5) Have successfully passed the National Certification Examination for Occupational Therapists, Registered, or National Certification Examination for Occupational Therapy Assistants, of the National Board for Certification in Occupational Therapy (NBCOT) or other occupational therapy certification examination as approved by the board.

(b) Application for licensure to practice occupational therapy in this state either by endorsement or by examination shall be made on forms provided by the division, which shall be completed, notarized, and submitted to the board thirty (30) days prior to the scheduled date of the board meeting. The application shall be accompanied by the following documents:

(1) Three (3) affidavits from responsible persons attesting to the applicant's good moral character;

(2) For U.S. citizens: a certified copy of birth record or naturalization papers;

(3) For non-U.S. citizens: documented evidence of alien status, such as immigration papers or resident alien card or any other verifying papers acceptable to the administrator;

(4) Documented evidence and supporting transcripts of qualifying credentials as prescribed in this section;

(5) One unmounted passport photograph of the applicant (head and shoulder view) approximately 2x3 inches in size;

(6) A statement from the board of occupational therapy in each state in which the applicant has held or holds licensure, or is otherwise subject to state regulation, to be submitted to the board of this state attesting to the licensure status of the applicant during the time period the applicant held licensure in that state; and

(7) The results of the written national examination of the National Board for Certification in Occupational Therapy (NBCOT).
(c)(1) Applicants seeking licensure as occupational therapists or occupational therapy assistants are required to pass the national written examination of the National Board for Certification in Occupational Therapy (NBCOT) approved by the board to test the applicant's fitness to engage in the practice of occupational therapy pursuant to the provisions of this chapter.

(2) The date, time, and place of examinations shall be available from the National Board for Certification in Occupational Therapy (NBCOT).

(d) In case any applicant fails to satisfactorily pass an examination, the applicant shall be entitled to re-examination.

(e) Occupational therapists and occupational therapy assistants who are licensed or regulated to practice under laws of another state or territory or the District of Columbia may, upon receiving a receipt from the division, perform as an occupational therapist or occupational therapy assistant under the supervision of a qualified and licensed occupational therapist or occupational therapy assistant. If this applicant fails to receive licensure when the board reviews the application, all previously mentioned privileges automatically cease.

(f) Applicants from foreign occupational therapy schools must meet the requirements of the National Board for Certification in Occupational Therapy (NBCOT) and present evidence of passage of the National Certification Examination for Occupational Therapists or the National Certification Examination for Occupational Therapy Assistants of the NBCOT. Applicants must meet all of the appropriate requirements for licensure to the satisfaction of the board and in accordance with the statutory and regulatory provisions of this chapter.

5-40.1-9. Graduate practice.-- (a) Any individual who graduates from an approved occupational therapy school who has filed a completed application for licensure, may upon receiving a receipt from the division, perform as an occupational therapist or occupational therapy assistant under the supervision of an occupational therapist licensed in this state, until the next scheduled examination.

(b) If this applicant fails to take the next succeeding examination without cause, or fails to pass the examination and received a license, all privileges provided in subsection (a) of this section automatically cease. This applicant shall, during the interim period (between time of application and examination) identify himself or herself only as a "graduate occupational therapist" or "graduate occupational therapy assistant".

5-40.1-12. Renewal of licenses – Inactive status.-- (a) Upon the recommendation of the board, the director shall issue to applicants who have satisfactorily met the licensure requirements of this chapter, a license to practice occupational therapy in this state. The license, unless sooner suspended or revoked, shall expire on the thirty-first (31st) day of March, of each even year.
(biennially).

(1) On or before the first (1st) day of March of each even year, the administrator of the division shall mail an application for renewal of license to every individual to whom a license has been issued or renewed during the current licensure period.

(2) Every licensed individual who desires to renew his or her license shall file with the division a renewal application executed together with the evidence of continuing education requirements as delineated in subdivision (3) of this subsection and the renewal fee as set forth in § 23-1-54 made payable by check to the general treasurer, state of Rhode Island, on or before the thirty-first (31st) day of March of each even year.

(3) On application for renewal of license, occupational therapists and occupational therapy assistants must show proof of participation in twenty (20) hours biennially in presentations, clinical instruction, publications, research, in-service programs, American Occupational Therapy Association-recognized conferences, university course, and/or self-study courses.

(4) Upon receipt of a renewal application and payment of fee, the director shall, upon the recommendation of the board, grant a renewal license effective the thirty-first (31st) day of March for a period of two (2) years, unless sooner suspended or revoked.

(5) Any individual who allows his or her license to lapse by failing to renew it on or before the thirty-first (31st) day of March of the next even year as provided in subdivisions (1), (2) and (3) of this subsection, may be reinstated by the director upon receiving a receipt from the division for payment of the current renewal fee plus an additional fee as set forth in § 23-1-54 made payable by check to the general treasurer, state of Rhode Island.

(6) An individual using the title “occupational therapist” or “occupational therapy assistant” during the time his or her license has lapsed is subject to the penalties provided for violation of those regulations and this chapter.

(b) An individual licensed as an occupational therapist or occupational therapy assistant in this state who does not intend to engage in the practice of occupational therapy within this state during any year, may upon request to the division, have his or her name transferred to an inactive status and shall not be required to register biennially or pay any fee as long as he or she remains inactive. Any individual whose name has been transferred to an inactive status pursuant to this section, may be restored to active status to practice occupational therapy without a penalty fee, upon the filing of an application for licensure renewal, the licensure renewal fee as set forth in § 23-1-54 made payable by check to the general treasurer of the state of Rhode Island, and any other information that may be requested by the division.
5-40.1-14. Grounds for refusal to renew, suspension, or revocation of license. -- (a)

The board may deny a license or refuse to renew a license or may suspend or revoke a license or may impose probationary conditions if the licensee has been found guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public.

Unprofessional conduct includes:

1. Obtaining a license by means of fraud, misrepresentation, or concealment of material facts;
2. Being found guilty of fraud or deceit in connection with his or her services rendered as an occupational therapist or occupational therapy assistant;
3. Committing a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude. In either case, conviction by a court of competent jurisdiction or a plea of "no contest" shall be conclusive evidence that a felony or misdemeanor was committed.
4. Violating any lawful order, rule or regulation rendered or adopted by the board;
5. Failing to report, in writing, to the board any disciplinary decision issued against the licensee or the applicant in another jurisdiction within thirty (30) days of the disciplinary decisions;
6. Violating any provision of this chapter; and
7. Providing services to a person who is making a claim as a result of a personal injury, who charges or collects from the person any amount in excess of the reimbursement to the occupational therapist by the insurer as a condition of providing or continuing to provide services or treatment.

(b) A denial, refusal to renew, suspension, revocation, or imposition of probationary conditions upon the license may be ordered by the board or the director of the department of health after a hearing in the manner provided by the Administrative Procedures Act, chapter 35 of title 42.

(c) The American Occupational Therapy Association's "Occupational Therapy Code of Ethics" is adopted as a public statement of the values and principles used in promoting and maintaining high standards of behavior in occupational therapy. These state:

1. Occupational therapy personnel shall demonstrate a concern for the well-being of the recipients of their services;
2. Occupational therapy personnel shall respect the rights of the recipients of their services;
3. Occupational therapy personnel shall achieve and continually maintain high standards of competence;
(4) Occupational therapy personnel shall comply with laws and association policies guiding the profession of occupational therapy;

(5) Occupational therapy personnel shall provide accurate information about occupational therapy services; and

(6) Occupational therapy personnel shall treat colleagues and other professionals with fairness, discretion, and integrity.

5-40.1-21. Supervision. -- (a) A licensed occupational therapist shall exercise sound judgment and shall provide adequate care in the performance of duties. A licensed occupational therapist shall be permitted to supervise the following: occupational therapists, occupational therapy assistants, occupational therapy aides, care extenders, occupational therapy students, and volunteers, and any other staff as permitted by the director of health.

(b) A licensed occupational therapy assistant shall exercise sound judgment and shall provide adequate care in the performance of duties. A licensed occupational therapy assistant shall be permitted to supervise the following: occupational therapy aides, care extenders, students, and volunteers.

(c) Subject to the requirements of this section, a licensed occupational therapy assistant may practice limited occupational therapy only under the supervision of a licensed occupational therapist. Supervision requires at a minimum that the supervising licensed occupational therapist meet in person with the licensed occupational therapy assistant to provide initial direction and periodic on-site supervision. The supervising licensed occupational therapist working with the licensed occupational therapy assistant shall determine the amount and type of supervision necessary in response to the experience and competence of the licensed occupational therapy assistant and the complexity of the treatment program. The supervisor and the licensed occupational therapy assistant shall be jointly responsible for maintaining records, including patient records, to document compliance with this regulation.

(d) A licensed occupational therapy assistant:

(1) May not initiate a treatment program until the patient has been evaluated and the treatment planned by the licensed occupational therapist;

(2) May not perform an evaluation, but may assist in the data gathering process and administer specific assessments where clinical competency has been demonstrated, under the direction of the licensed occupational therapist;

(3) May not analyze or interpret evaluation data;

(4) May participate in the screening process by collecting data and communicate the information gathered to the licensed occupational therapist;
(5) Monitors the need for reassessment and report changes in status that might warrant reassessment or referral under the supervision of the licensed occupational therapist; and

(6) Immediately discontinues any treatment procedure, which appears harmful to the patient and immediately notifies the supervising occupational therapist.

(e)(1) An occupational therapy aide shall be a worker trained on the job. A licensed occupational therapist or licensed occupational therapy assistant using occupational therapy aide personnel to assist with the provision of occupational therapy services must provide close supervision in order to protect the health and welfare of the consumer.

(2) The primary function of an occupational therapy aide functioning in an occupational therapy setting shall be to perform designated routine tasks related to the operation of an occupational therapy service. These tasks may include, but are not limited to, routine department maintenance, transporting patients/clients, preparing or setting up treatment equipment and work area, assisting patients/clients with their personal needs during treatment, assisting in the construction of adaptive equipment, and carrying out a predetermined segment or task in the patient's care.

(f) The licensed occupational therapist or occupational therapy assistant shall not delegate to an occupational therapy aide:

(1) Performance of occupational therapy evaluation procedures;

(2) Initiation, planning, adjustment, modification, or performance of occupational therapy procedures requiring the skills or judgment of a licensed occupational therapist or licensed occupational therapy assistant;

(3) Making occupational therapy entries directly in patients' or clients' official records; and

(4) Acting on behalf of the occupational therapist in any matter related to occupational therapy, which requires decision making or professional judgment.

SECTION 12. Chapter 5-40.1 of the General Laws entitled “Occupational Therapy” is hereby amended by adding thereto the following section:

5-40.1-22. Other personnel. -- The director may promulgate rules and regulations concerning other personnel in the occupational therapy field, including, but not limited to, roles such as “occupational therapist assistant” and “occupational therapy aide.”

SECTION 13. Sections 5-48-1 and 5-48-9 of the General Laws in Chapter 5-48 entitled “Speech Pathology and Audiology” are hereby amended to read as follows:

5-48-1. Purpose and legislative intent - Definitions, -- (a) It is declared to be a policy of this state that the practice of speech language pathology and audiology is a privilege granted to
qualified persons and that, in order to safeguard the public health, safety, and welfare, protect the
public from being misled by incompetent, unscrupulous, and unauthorized persons, and protect
the public from unprofessional conduct by qualified speech language pathologists and
audiologists, it is necessary to provide regulatory authority over persons offering speech language
pathology and audiology services to the public.

(b) The following words and terms when used in this chapter have the following meaning
unless otherwise indicated within the context:

(1) "Audiologist" means an individual licensed by the board to practice audiology.

(2) "Audiology" means the application of principles, methods, and procedures related to
hearing and the disorders of the hearing and balance systems, to related language and speech
disorders, and to aberrant behavior related to hearing loss. A hearing disorder in an individual is
defined as altered sensitivity, acuity, function, processing, and/or damage to the integrity of the
physiological auditory/vestibular systems.

(3) "Audiology support personnel" means individuals who meet minimum
qualifications, established by the board, which are less than those established by this chapter as
necessary for licensing as an audiologist, who do not act independently, and who work under the
direction and supervision of an audiologist licensed under this chapter who has been actively
working in the field for twenty-four (24) months after completion of the postgraduate
professional experience and who accepts the responsibility for the acts and performances of the
audiology assistant while working under this chapter.

(34) "Board" means the state board of examiners for speech language pathology and
audiology.

(45) "Clinical fellow" means the person who is practicing speech language pathology
under the supervision of a licensed speech language pathologist while completing the
postgraduate professional experience as required by this chapter.

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

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

(78) "Person" means an individual, partnership, organization, or corporation, except that
only individuals can be licensed under this chapter.

(89)(i) "Practice of audiology" means rendering or offering to render any service in
audiology, including prevention, screening, and identification, evaluation, habilitation,
rehabilitation; participating in environmental and occupational hearing conservation programs,
and habilitation and rehabilitation programs including hearing aid and assistive listening device
evaluation, prescription, preparation, dispensing, and/or selling and orientation; auditory training
and speech reading; conducting and interpreting tests of vestibular function and nystagmus;
conducting and interpreting electrophysiological measures of the auditory pathway; cerumen
management; evaluating sound environment and equipment; calibrating instruments used in
testing and supplementing auditory function; and planning, directing, conducting or supervising
programs that render or offer to render any service in audiology.

(ii) The practice of audiology may include speech and/or language screening to a pass or
fail determination, for the purpose of initial identification of individuals with other disorders of
communication.

(iii) A practice is deemed to be the "practice of audiology" if services are offered under
any title incorporating such word as "audiology", "audiologist", "audiometry", "audiometrist",
"audiological", "audiometrics", "hearing therapy", "hearing therapist", "hearing clinic", "hearing
clinician", "hearing conservation", "hearing conservationist", "hearing center", "hearing aid
audiologist", or any similar title or description of services.

(ii) The practice of speech language pathology may include nondiagnostic pure tone air
conduction screening, screening tympanometry, and acoustic reflex screening, limited to a pass or
fail determination, for the purpose of performing a speech and language evaluation or for the
initial identification of individuals with other disorders of communication.

(iii) The practice of speech language pathology also may include aural rehabilitation,
which is defined as services and procedures for facilitating adequate receptive and expressive
communication in individuals with hearing impairment.

(iv) A practice is deemed to be the "practice of speech language pathology" if services are
offered under any title incorporating such words as "speech pathology", "speech pathologist",
"speech therapy", "speech therapist", "speech correction", "speech correctionist", "speech clinic",
"speech clinician", "language pathology", "language pathologist", "voice therapy", "voice
therapist", "voice pathology", "voice pathologist", "logopedics", "logopedist", "communicology",
"communicologist", "aphasiology", "aphasiologist", "phoniatrist", or any similar title or
description of services.

(111) "Practice of speech language pathology" means rendering or offering to render
any service in speech language pathology including prevention, identification, evaluation,
consultation, habilitation, rehabilitation; determining the need for augmentative communication
systems, dispensing and selling these systems, and providing training in the use of these systems;
and planning, directing, conducting, or supervising programs that render or offer to render any
service in speech language pathology.
or other educational institution is in conformity with the standards of education prescribed by a regional accrediting commission recognized by the United States Secretary of Education.

(11) "Speech language pathologist" means an individual who is licensed by the board to practice speech language pathology.

(12) "Speech language pathology" means the application of principles, methods, and procedures for prevention, identification, evaluation, consultation, habilitation, rehabilitation, instruction, and research related to the development and disorders of human communication. Disorders are defined to include any and all conditions, whether of organic or non-organic origin, that impede the normal process of human communication in individuals or groups of individuals who have or are suspected of having these conditions, including, but not limited to, disorders and related disorders of:

(i) Speech: articulation, fluency, voice, (including respiration, phonation and resonance);

(ii) Language (involving the parameters of phonology, morphology, syntax, semantics and pragmatics; and including disorders of receptive and expressive communication in oral, written, graphic, and manual modalities);

(iii) Oral, pharyngeal, laryngeal, cervical esophageal, and related functions (e.g., dysphasia, including disorders of swallowing and oral function for feeding; oro-facial myofunctional disorders);

(iv) Cognitive aspects of communication (including communication disability and other functional disabilities associated with cognitive impairment); and

(v) Social aspects of communication (including challenging behavior, ineffective social skills, lack of communication opportunities).

(14) "Speech language support personnel" means individuals who meet minimum qualifications established by the board, which are less than those established by this chapter as necessary for licensing as a speech language pathologist, who do not act independently, and who work under the direction and supervision of a speech language pathologist licensed under this chapter who has been actively working in the field for twenty-four (24) months after completion of the postgraduate professional experience and who accepts the responsibility for the acts and performances of the speech language pathology assistant while working under this chapter. Speech language support personnel shall be registered with the board within thirty (30) days of beginning work, or the supervising speech language pathologist will be assessed a late filing fee as set forth in § 23-1-54.

5-48-9. Fees – Late filing – Inactive status. -- Filing fees for support personnel registration. -- (a) The board may charge an application fee; a biennial license renewal fee payable
before July 1 of even years (biennially); or a provisional license renewal fee as set forth in § 23-1-54 payable annually from the date of issue.

(b) Any person who allows his or her license to lapse by failing to renew it on or before the thirtieth (30th) day of June of even years (biennially), may be reinstated by the board on payment of the current renewal fee plus an additional late filing fee as set forth in § 23-1-54.

(c) An individual licensed as a speech language pathologist and/or audiologist in this state, not in the active practice of speech-language pathology or audiology within this state during any year, may upon request to the board, have his or her name transferred to an inactive status and shall not be required to register biennially or pay any fee as long as he or she remains inactive. Inactive status may be maintained for no longer than two (2) consecutive licensing periods, after which period licensure shall be terminated and reapplication to the board shall be required to resume practice.

(d) Any individual whose name has been transferred to an inactive status may be restored to active status within two (2) licensing periods without a penalty fee, upon the filing of:

(1) An application for licensure renewal, with a licensure renewal fee as set forth in § 23-1-54 made payable by check to the general treasurer of the state of Rhode Island; and

(2) Any other information that the board may request.

(e) Audiology and speech language pathology support personnel shall be registered with the board within thirty (30) days of beginning work, or the supervising audiologist or speech language pathologist shall be assessed a late filing fee as set forth in § 23-1-54.


5-58-1. Licensing of auctioneers and apprentices. — (a) Any person desiring to hold an auctioneer's license or apprentice auctioneer's permit shall make written application for that license or permit on appropriate forms provided by the director of the department of business regulations. Each applicant shall be a person who has a good reputation for honesty, truthfulness, and fair dealing; good moral character, and is competent and financially qualified to conduct the business of an auctioneer or apprentice all of which may be considered by the director along with any other information the director deems appropriate in determining whether the granting of the application is in the public interest. Other information deemed appropriate includes, but is not limited to, a criminal records check. The director shall process the criminal records check for all resident applicants for an auctioneer's license. Non resident applicants for an auctioneer's license shall apply to the bureau of criminal identification of the state police for a nationwide criminal records check. The bureau of criminal identification of the state police shall forward the results of
the criminal records check to the director. The director may deny any application for a license if
the director finds, based upon the results of the criminal records check, that the applicant has been
convicted of a felony. Each application for an auctioneer, apprentice auctioneer, or nonresident
auctioneer's license shall be accompanied by an application fee of ten dollars ($10.00).

(b) Prior to the taking of the examination, each applicant shall pay an examination fee in
an amount to be established by the director of business regulation. Each applicant granted an
auctioneer's license shall pay a licensing fee of two hundred dollars ($200) per annum. Each
nonresident auctioneer applicant granted a license shall pay a licensing fee of three hundred
dollars ($300) per annum. Each applicant granted an apprentice auctioneer permit shall pay a
permit fee of twenty dollars ($20.00) per annum. There is a five dollar ($5.00) charge for issuance
of a duplicate license or permit to replace a lost, damaged, or destroyed original or renewal
license or permit. Fees for the replacement and for an original or renewal license or permit shall
be paid into the general fund. The director shall promulgate rules and regulations mandating the
term of the license or permit for each category of license or permit issued pursuant to this chapter.
No license or permit shall remain in force for a period in excess of three (3) years. The fee for the
initial license or renewal shall be determined by multiplying the per annum fee by the number of
years in the term of license or renewal. The entire fee for the full term of licensure must be paid
in full prior to issuing the renewal or initial license.

5-58-2. Auctioneer's and apprentice's bond. -- Every auctioneer, upon approval of
application and prior to issuance of a license or an apprentice permit, shall deliver and file with
the department of business regulation a surety company bond in favor of the people of the state of
Rhode Island in the principle amount not exceeding ten thousand dollars ($10,000) nor less than
two thousand dollars ($2,000), at the discretion of the director; and payable to any party injured
under the terms of the bond. The bond does not limit or impact any right of recovery available
pursuant to law nor is the amount of the bond relevant in determining the amount of damage or
other relief to which any claimant shall be entitled.

5-58-6. Announcement of conditions of sale. -- Every auctioneer before exposing any
real or personal estate to public sale shall make out, in writing, and sign and publicly read the
conditions of sale.

5-58-7. Auctioneer's commission and apprentice's wage. -- Whenever the whole
amount of sales at any public auction does not exceed four hundred dollars ($400), the auctioneer
has for making that sale two and one half percent (2 1/2%) commission; if the amount of the sale
exceeds that sum and does not exceed twenty thousand dollars ($20,000), he or she shall have
only one percent (1%) on the excess; and if the amount of the sale does not exceed thirty,
thousand dollars ($30,000), he or she shall have three-fourths percent (3/4\%) on the excess; and if the amount of the sale exceeds thirty thousand dollars ($30,000), he or she has one-fourth percent (1/4\%) on the excess. Nothing contained in this section shall be construed to prevent any person interested in selling any property by auction from making a special contract with the auctioneer for selling the property. Notwithstanding the preceding, agreement to change the previously stated fee schedule may be made between auctioneers and either owners or consignees of owners, only if those changes are specifically agreed to, in writing, by the parties. Auctioneers shall enter into a written contract with owners or consignees of property sold at auction which contract shall establish terms for any remuneration paid to the auctioneer for his or her services. A copy of the contract shall be kept in the possession of the auctioneer for a period of three (3) years and shall be made available for inspection by the director at his or her discretion. Apprentices employed by licensed auctioneers in accordance with standards prescribed in regulations promulgated under this chapter shall be paid for their services at a rate not less than the minimum wage established by law. No apprentice shall enter into a verbal or written contract or agreement for remuneration for services rendered when remuneration is separate, apart from, or in addition to wages paid to the apprentice by the employing auctioneer.

5-58-8. Regulation of sales. -- The director of business regulation has the authority to promulgate rules and regulations which are reasonable, proper, and necessary to enforce the provisions of this chapter, to establish procedures for the preparation and processing of examinations, applications, licenses, and permits for the conduct of auction sales; to deny, suspend, or revoke licenses, or permits, to issue cease and desist orders, to assess administrative penalties of up to one thousand dollars ($1,000) and to establish procedures for renewals, appeals, hearings, and rulemaking proceedings.

5-58-9. Officers of mortgagee forbidden to act as auctioneer in foreclosure. -- Officers of mortgagee forbidden to act as auctioneer in foreclosure. No officer of any corporation shall act as an auctioneer in the foreclosure of any mortgage held by that corporation.

5-58-10. Penalty for violations. -- Any person acting as auctioneer or apprentice auctioneer without a license is guilty of a misdemeanor. Anyone who is convicted shall be punished by a fine not to exceed five hundred dollars ($500), or by imprisonment for a term not to exceed ninety (90) days, or both the fine and imprisonment for each violation.

5-58-11. Severability. -- If any provision of this chapter or any rule or regulation made, or the application under this chapter to any person or circumstances, is held invalid by a court of competent jurisdiction, the remainder of the chapter, rule, or regulation, and the application of that provision to other persons or circumstances, shall not be affected.
SECTION 15. Chapter 5-59.1 of the General Laws entitled “Rhode Island Orthotics and Prosthetics Practices” is hereby repealed in its entirety.

5-59.1-1. Legislative intent. -- The purpose of this chapter is to safeguard the public health to regulate the practice of orthotics and prosthetics by untrained and unethical persons.

5-59.1-2. Short title. -- This act shall be known and may be cited as “The Rhode Island Orthotics and Prosthetics Practices Act”.

5-59.1-3. Definitions. -- As used in this chapter:

(1) “ABC” means the American Board for Certification in Orthotics and Prosthetics or its successor agency.

(2) “BOC” means the Board for Orthotist/Prosthetist Certification or its successor agency.

(3) “Custom fabricated orthotics” or “custom made orthotics” means devices designed and fabricated, in turn, from raw materials for a specific patient and require the generation of an image, form, or mold that replicates the patient’s body or body segment and, in turn, involves the rectification of an image.

(4) “Department” means the Rhode Island department of health.

(5) “Director” means the director of the department of health.

(6) “Direct-formed orthoses” means devices formed or shaped during the molding process directly on the patient’s body or body segment.

(7) “Licensed Orthotist” means a person licensed under this chapter to practice orthotics.

(8) “Licensed Prosthetist” means a person licensed under this chapter to practice prosthetics.

(9) “Off-the-shelf orthosis” means devices manufactured by companies registered with the Federal Food and Drug Administration other than devices designed for a particular person based on that particular person’s condition.

(10) “Orthosis” means a custom fabricated brace or support that is designed based on medical necessity. Orthosis does not include prefabricated or direct-formed orthotic devices, as defined in this section, or any of the following assistive technology devices: commercially available knee orthoses used following injury or surgery; spastic muscle tone inhibiting orthoses; upper extremity adaptive equipment; finger splints; hand splints; wrist gauntlets; face masks used following burns; wheelchair seating that is an integral part of the wheelchair and not worn by the patient independent of the wheelchair; fabric or elastic supports; corsets; low temperature formed plastic splints; trusses; elastic hose; canes; crutches; cervical collars; dental appliances; and other similar devices as determined by the director, such as those commonly carried in stock by a pharmacy, department store, corset shop, or surgical supply facility.
(11) "Orthotics" means the science and practice of evaluating, measuring, designing, fabricating, assembling, fitting, adjusting or servicing, as well as providing the initial training necessary to accomplish the fitting of, an orthosis for the support, correction, or alleviation of neuromuscular or musculoskeletal dysfunction, disease, injury or deformity. The practice of orthotics encompasses evaluation, treatment, and consultation; with basic observational gait and postural analysis, orthotists assess and design orthoses to maximize function and provide not only the support but the alignment necessary to either prevent or correct deformity or to improve the safety and efficiency of mobility or locomotion, or both. Orthotic practice includes providing continuing patient care in order to assess its effect on the patient's tissues and to assure proper fit and function of the orthotic device by periodic evaluation.

(12) "Orthotist" means an allied health professional who is specifically trained and educated to provide or manage the provision of a custom designed, fabricated, modified and fitted external orthosis to an orthotic patient, based on a clinical assessment and a physician's prescription, to restore physiological function and/or cosmesis, and certified by ABC or BOC.

(13) "Physician" means a doctor of allopathic medicine (M.D.), osteopathic medicine (D.O.), podiatric medicine (D.P.M.), and chiropractic medicine (D.C.).

(14) "Prefabricated orthoses" or "off-shelf orthoses" means devices that are manufactured as commercially available stock items for no specific patient.

(15) "Prosthesis" means an artificial limb that is alignable or, in lower extremity applications, capable of weight bearing. Prosthesis also means an artificial medical device that is not surgically implanted and that is used to replace a missing limb, appendage, or other external human body part including an artificial limb, hand, or foot. The term does not include artificial eyes, ears, noses, dental appliances, osteomy products, or devices such as eyelashes or wigs or artificial breasts.

(16) "Prosthetics" means the science and practice of evaluation, measuring, designing, fabricating, assembling, fitting, aligning, adjusting or servicing, as well as providing the initial training necessary to accomplish the fitting of, a prosthesis through the replacement of external parts of a human body, lost due to amputation or congenital deformities or absences. The practice of prosthetics also includes the generation of an image, form, or mold that replicates the patient's body or body segment and that requires rectification of dimensions, contours and volumes for use in the design and fabrication of a socket to accept a residual anatomic limb to, in turn, create an artificial appendage that is designed either to support body weight or to improve or restore function or cosmesis, or both. Involved in the practice of prosthetics is observational gait analysis and clinical assessment of the requirements necessary to refine and mechanically fix the relative
position of various parts of the prosthesis to maximize function, stability, and safety of the patient. The practice of prosthetics includes providing and continuing patient care in order to assess the prosthetic device’s effect on the patient’s tissues and to assure proper fit and function of the prosthetic device by periodic evaluation.

(17) “Prosthetist” means a practitioner, certified by the ABC or BOC, who provides care to patients with partial or total absence of a limb by designing, fabricating, and fitting devices, known as prostheses. At the request of and in consultation with physicians, the prosthetist assists in formulation of prescriptions for prostheses, and examines and evaluates patients’ prosthetic needs in relation to their disease entity and functional loss. In providing the prostheses, he or she is responsible for formulating its design, including selection of materials and components; making all necessary costs, measurements and model modifications; performing fittings including static and dynamic alignments; evaluating the prosthesis on the patient; instructing the patient in its use, and maintaining adequate patient records; all in conformity with the prescription.

5-59.1-4. Licensing of practitioners. — The department shall issue to those persons eligible under the provisions of this chapter certificate licenses attesting to their qualifications to practice as certified licensed orthotists or prosthetists.

5-59.1-5. Application for orthotic or prosthetic license. — Any person who desires to be licensed as set forth in § 5-59.1-4 shall in writing submit an application on forms provided by the department for a license accompanied by a fee as set forth in § 23-1-54 with all other credentials that the department requires and as required by this chapter. All the proceeds of any fees collected pursuant to the provisions of this chapter shall be deposited as general revenues.

5-59.1-6. Qualifications for license. — (a) Qualification for licensing under this chapter shall be the possession of the title “certified prosthetist” or “certified orthotist”, as issued by and under the rules of the American Board for Certification in Orthotics and Prosthetics, Inc. or the Board for Orthotist/Prosthetist certification. Evidence of the possession of that title shall be presented to the department.

(b) In order to qualify for a license to practice orthotics or prosthetics a person shall provide proof of:

(1) Possession of a baccalaureate degree from an accredited college or university;

(2) Completion of an orthotic, or prosthetic education program that meets or exceeds the requirements of the National Commission on Orthotic and Prosthetic Education;

(3) Completion of a clinical residency in orthotics and/or prosthetics that meets or exceeds the standards of the National Commission on Orthotic and Prosthetic Education; and

(4) Current certification by ABC or BOC in the discipline for which the application
5-59.1.7. Use of "licensed prosthetist" or "licensed orthotist" title—No person offering service to the public shall use the title licensed prosthetist or licensed orthotist or shall use the abbreviation "L.P." or "L.O.", or in any other way represent themselves as licensed practitioners unless they hold a current license as provided in this chapter.

5-59.1.8. Exceptions—This chapter shall not be construed to prohibit:

(a) A physician licensed in this state from engaging in the practice for which he or she is licensed;

(b) The practice of orthotics or prosthetics by a person who is employed by the federal government while in the discharge of the employee's official duties;

(c) The practice of orthotics or prosthetics by a resident continuing his or her clinical education in a residency accredited by the National Commission on Orthotic and Prosthetic Education;

(d) Consistent with his or her license, a licensed pharmacist, physical or occupational therapist, or certified athletic trainer from engaging in his or her profession; or

(e) Measuring, fitting, or adjusting an off-the-shelf orthosis by employees or authorized representatives of an orthosis manufacturer, which is registered with the Federal Food and Drug Administration when such employee or representative is supervised by a physician.

5-59.1.9. License and biannual renewal required—No person may practice orthotics or prosthetics without a license issued under authority of this chapter, which license has not been suspended or revoked as provided under this chapter, without renewal biannually, as provided in § 5-59.1.12.

5-59.1.10. Grandfather clause—Any person currently practicing full-time in the state of Rhode Island on January 1, 2007 in an orthotist and/or prosthetic facility as a certified BOC or ABC orthotist and/or prosthetist must file an application for licensure prior to sixty (60) days after January 1, 2007 to continue practice at his or her identified level of practice. The applicant must provide verifiable proof of active certification in orthotics and/or prosthetics by the ABC or BOC. This section shall not be construed to grant licensing to a person who is a certified or registered orthotic or prosthetic "fitter" or orthotic or prosthetic "assistant."

5-59.1.11. Limitation on provisions of care and services—A licensed orthotist and/or prosthetist may provide care and services only if care and services are provided pursuant to an order from a licensed physician, unless the item which may be purchased without a prescription.

5-59.1.12. Relicensing—Renewal—Every holder of a license issued under this chapter shall biannually attest to the department as to current certification issued by the American Board...
of Certification in Orthotics and Prosthetics or the Board for Orthotists/Prosthetist Certification.

All licenses issued under this chapter shall expire biannually on the last day of September of every odd numbered year. A biennial renewal fee as set forth in § 23-1-54 shall be required.

Every orthotist and prosthetist shall conform to the standards of the American Board for Certification in Orthotics and Prosthetics or Board for Orthotists/Prosthetists Certification.

5-59.1-13. Rules and regulations. — The department is authorized to promulgate such regulations as it deems necessary to implement the provisions of this chapter.

5-59.1-14. Responsibilities of the department. — In addition to other authority provided by law, the department has the authority to:

(1) Register applicants, issue licenses to applicants who have met the education, training and requirements for licensure, and deny licenses to applicants who do not meet the minimum qualifications;

(2) Maintain the official department records of all applicants and licensees;

(3) Establish requirements and procedures for an inactive license; and

(4) Seek the advice and knowledge of the prosthetic and orthotic associations in this state on any matter relating to the enforcement of this chapter.

5-59.1-15. Penalty for violations. — Any person, firm, corporation or association violating any of the provisions of this chapter is deemed to have committed a misdemeanor and upon conviction shall be punished by a fine not to exceed two hundred dollars ($200), or imprisonment for a period not to exceed three (3) months, or both, and for a second or subsequent violation by a fine of not less than three hundred dollars ($300) nor more than five hundred dollars ($500), or imprisonment for one year, or both the fine and imprisonment.

5-59.1-16. Severability. — If any provision of this chapter or of any rule or regulation made under this chapter, or the application of this chapter to any person or circumstances, is held invalid by a court of competent jurisdiction, the remainder of the chapter, rule or regulation, and the application of that provision to other persons or circumstances shall not be affected.

5-59.1-17. Advisory Board of orthotics and prosthetics practice — Composition — Appointment and terms — Powers and duties. — (a) There is hereby created an advisory licensing board to review applications for licensure to obtain a license as an orthotist or prosthetist pursuant to this chapter of the general laws. The review of each applicant's licensing shall require that the applicant have completed an NCOPE (National Commission on Orthotic and Prosthetic Education); accredited residency under a board certified practitioner in the respective discipline; and meet all of the requirements of the chapter. The board shall conduct its interviews and/or investigation and shall report its findings to the director of the department of health.
(b) The licensing board shall be composed of three (3) persons: the director of the department of health, or his or her designee; one board certified Rhode Island state licensed prosthetist; and one board certified Rhode Island state licensed orthotist. The board certified orthotist and the board certified prosthetist shall be certified by the American Board of Certification in orthotics and prosthetics and licensed by the State of Rhode Island, shall serve for three (3) year terms and shall be selected by the board of directors of the Rhode Island Society of Orthotists and Prosthetists, Inc. The members of the board shall serve without compensation.

SECTION 16. Chapter 5-60 of the General Laws entitled “Athletic Trainers” is hereby repealed in its entirety.

5-60-1. Short title—This chapter shall be known and may be cited as the “Rhode Island Athletic Trainers Chapter”.

5-60-2. Definitions—As used in this chapter:

(1) “Athletic trainer” means a person with the specific qualifications established in § 5-60-10 who, upon the direction of his or her team physician and/or consulting physician, carries out the practice of athletic training to athletic injuries incurred by athletes in preparation of or participation in an athletic program being conducted by an educational institution under the jurisdiction of an interscholastic or intercollegiate governing body, a professional athletic organization, or a board sanctioned amateur athletic organization; provided, that no athlete shall receive athletic training services if classified as geriatric by the consulting physician. No athlete shall receive athletic training services if non-athletic or age-related conditions exist or develop that render the individual debilitated or non-athletic. To carry out these functions, the athletic trainer is authorized to utilize modalities such as heat, light, sound, cold, electricity, exercise, or mechanical devices related to care and reconditioning. The athletic trainer, as defined in this chapter, shall not represent himself or herself or allow an employer to represent him or her to be, any other classification of healthcare professional governed by a separate and distinct practice act. This includes billing for services outside of the athletic trainer’s scope of practice, including, but not limited to services labeled as physical therapy.

(2) “Board” means the Rhode Island board of athletic trainers established under § 5-60-4.

(3) “Department of health” means the department of state under which the board of athletic trainers is listed.

(4) “Director” means the director or state official in charge of the department of health.

5-60-3. Practices not authorized—Nothing in this chapter shall be construed to authorize the practice of medicine, or any of its branches, by any person not licensed by the department of health.
5.60-1. Board — Composition — Appointment, terms, oaths, and removal of members

Officers — Meetings. — (a) The director of the department of health, with the approval of the governor, shall appoint the members of the Rhode Island board of athletic trainers, which shall be composed of three (3) licensed athletic trainers and one public member and one physician licensed to practice medicine and with an interest in sports medicine. In making appointments to the board, the director shall give consideration to recommendations made by professional organizations of athletic trainers and physicians. Each appointee shall be licensed and practicing in the state, except that the director in appointing the athletic trainer members of the first board may appoint any practicing athletic trainer who possesses the qualification required by § 5.60-10.

To qualify as a member, a person must be a citizen of the United States and a resident of the state for five (5) years immediately preceding appointment.

(b) The members of the board shall be appointed for terms of three (3) years which expire on August 1 of even numbered years, except that in making the initial appointments the director shall designate one member to serve one year, two (2) members to serve two (2) years, and two (2) members to serve three (3) years. In the event of death, resignation, or removal of any member, the vacancy shall be filled for the unexpired portion of the term in the same manner as the original appointment. The director may remove any member for cause at any time prior to the expiration of his or her term. No member shall serve for more than two (2) consecutive three (3) year terms.

(c) Each appointee to the board shall qualify by taking the constitutional oath of office within thirty (30) days from the date of his or her appointment. On presentation of the oath, the director shall issue commissions to appointees as evidence of their authority to act as members of the board.

(d) The board shall elect from its members for a term of one year, a chairperson, vice-chairperson, and secretary treasurer, and may appoint committees that it considers necessary to carry out its duties. The board shall meet at least two (2) times a year. Additional meetings may be held on the call of the chairperson or at the written request of any three (3) members of the board. The quorum required for any meeting of the board shall be three (3) members. No action by the board or its members has any effect unless a quorum of the board is present.

5.60-5. Board — Powers and duties. — Subject to the approval of the director, the board has the powers and duties to:

(1) Make rules and regulations consistent with this chapter, which are necessary for the performance of its duties.

(2) Prescribe application forms for license applicants.
(3) Keep a complete record of all licensed athletic trainers and prepare annually a roster showing the names and addresses of all licensed athletic trainers, and make available a copy of the roster to any person requesting it on payment of a fee established by the department sufficient to cover the costs of the roster.

(4) Keep a permanent record of all proceedings under this chapter.

(5) Issue licenses to qualified applicants.

(6) Conduct hearings to deny, revoke, suspend, or refuse renewal of licenses under this chapter, and issue subpoenas to compel witnesses to testify or produce evidence at the hearings.

5-60-9. License required to use title "athletic trainer". -- No person may use the title "athletic trainer" or perform the duties of an athletic trainer, unless licensed by the state of Rhode Island to perform those duties.

5-60-10. Qualifications of athletic trainers. -- (a) An applicant for an athletic trainer license must possess one of the following qualifications:

(1) Give proof of graduation from an accredited college or university and have met the following minimum athletic training curriculum requirements established by the board, by completing the following specific course requirements:

(i) Human anatomy;

(ii) Human physiology;

(iii) Physiology of exercise;

(iv) Applied anatomy and kinesiology;

(v) Psychology (2 courses);

(vi) First aid and CPR;

(vii) Nutrition;

(viii) Remedial exercise;

(ix) Personal, community, and school health;

(x) Techniques of athletic training;

(xi) Advanced techniques of athletic training; and

(xii) Clinical experience in accordance with national standards and as approved by the director.

(2) Show proof acceptable to the board of education and experience of equal caliber to that specified in subdivision (1) of this subsection.

(3) Have passed the required examination, approved by the department.

(b) On and after January 1, 2004, an applicant for initial licensure shall be required to demonstrate:
proof of graduation from an accredited college or university and shall have met minimum athletic training requirements as established by department regulation; and

(2) Proof of having passed the required examination, approved by the department, and shall have been certified by the national certifying body recognized by the National Athletic Trainers Association (NATA).

5-60-11. Fees.— Applicants for athletic trainer licenses shall pay a license fee, and, if applicable, a biennial license renewal fee as set forth in § 23-1-54. Any person allowing their license to lapse shall pay a late fee as set forth in § 23-1-54.

5-60-12. Applications for licenses.— (a) An applicant for an athletic trainer license shall submit an application to the department on the prescribed forms and shall submit the fee listed in § 5-60-11.

(b) The applicant shall be entitled to an athletic trainer license if he or she possesses the qualifications enumerated in § 5-60-10, pays the license fee established in § 5-60-11 and has not committed an act which constitutes grounds for denial of a license under § 5-60-14.

5-60-13. Expiration and renewal of licenses.— A license issued under this chapter shall expire on the thirtieth day of June of every odd-numbered year. Licenses shall be renewed according to procedures established by the department and upon payment of the renewal fees established in § 5-60-11. Beginning with the renewal application due July 1, 2003, and every renewal year thereafter, each licensed athletic trainer who wishes to continue licensure as an athletic trainer shall present satisfactory evidence to the board that he or she has completed the continuing education requirements established by the board through regulation.

5-60-14. Grounds for refusal or revocation of licenses.— The board may refuse to issue a license to an applicant or may suspend, revoke, or refuse to renew the license of any licensee if he or she has:

(1) Been convicted of a felony or misdemeanor involving moral turpitude, the record of conviction being conclusive evidence of conviction if the department determines after investigation that the person has not been sufficiently rehabilitated to warrant the public trust;

(2) Secured a license under this chapter by fraud or deceit; or

(3) Violated or conspired to violate this chapter or rules or regulations issued pursuant to this chapter.

5-60-15. Appeals.— An appeal from any decision or order of the board may be taken by any aggrieved party in the manner provided for in the Administrative Procedures Act, chapter 35 of title 42.

5-60-17. Penalty for violations.— Any person who violates a provision of this chapter is
guilty of a misdemeanor offense and upon conviction shall be punishable by a fine not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500).

5-60-18. Receipts. — Any § 5-60-18 Receipts. — The proceeds of any fees collected pursuant to the provisions of this chapter shall be deposited as general revenues.

5-60-19. Severability. — If any provision of this chapter, or the application of this chapter to any person or circumstances, is held invalid, that invalidity shall not affect other provisions or application of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

SECTION 17. Sections 5-68.1-2, 5-68.1-5, 5-68.1-8, and 5-68.1-9 of the General Laws in Chapter 5-68.1 entitled “Radiologic Technologists” are hereby amended to read as follows:

5-68.1-2. Definitions. — As used in this chapter:

(1) “Authorized user” means a licensed practitioner who meets the training and experience requirements defined in rules and regulations promulgated pursuant to chapter 23-1.3.

(2) "Board" means the board of radiologic technology.

(3) “Department” means the Rhode Island department of health.

(4) “Director” means the director of the Rhode Island department of health.

(5) “Financial interest” means being:

(i) A licensed practitioner of radiologic technology; or

(ii) A person who deals in goods and services that are uniquely related to the practice of radiologic technology; or

(iii) A person who has invested anything of value in a business that provides radiologic technology services.

(6) "License" means a license issued by the director to practice radiologic technology.

(7) "Licensed practitioner” means an individual licensed to practice medicine, chiropractic, or podiatry, or an individual licensed as a registered nurse practitioner or physician assistant in this state.

(8) “Medical physicist” means an individual, other than a licensed practitioner, who practices independently one or more of the subfields of medical physics, and is registered or licensed under rules and regulations promulgated pursuant to section 23-1.3

(9) "National organization" means a professional association or registry, approved by the director, that examines, certifies, or approves individuals and education programs relating to operators of sources of radiation.

(10) “Nuclear medicine technologist” means an individual, other than a licensed practitioner, who compounds, calibrates, dispenses and administers radiopharmaceuticals,
pharmaceuticals, and radionuclides under the general supervision of an authorized user for benefit
of performing a comprehensive scope of nuclear medicine procedures, and who has met and
continues to meet the licensure standards of this chapter.

(11) "Person" means any individual, corporation, partnership, firm, association, trust,
estate, public or private institution, group, agency, political subdivision of this state or any other
state, or political subdivision of any agency thereof and any legal successor, representative, agent
or agency of the foregoing.

(12) "Radiation therapist" means an individual, other than a licensed practitioner, who
utilizes ionizing radiation under the general supervision of an authorized user for the planning and
delivery of therapeutic procedures, and who has met and continues to meet the licensure
standards of this chapter.

(13) "Radiology technologist" also known as a "radiographer" means an individual, other
than a licensed practitioner, who performs a comprehensive scope of diagnostic radiologic
procedures under the general supervision of a licensed practitioner using external ionizing
radiation, resulting in radiographic or digital images, and who has met and continues to meet the
licensure standard of this chapter.

(14) "Radiologist" means a licensed practitioner specializing in radiology who is certified
by or eligible for certification by the American Board of Radiology or the American Osteopathic
Board of Radiology, the British Royal College of Radiology, or the Canadian College of
Physicians and Surgeons.

(15) "Radiologist assistant" means an individual, other than a licensed practitioner, who
performs as an advanced level radiologic technologist and works under the general supervision of
a radiologist to enhance patient care by assisting the radiologist in the medical imaging
environment, and who has met and continues to meet the licensure standards of this chapter.

(16) "Source of radiation" means any substance or device emitting or capable of
producing ionizing radiation, for the purpose of performing therapeutic or diagnostic radiologic
procedures on human beings.

(17) "Student" means an individual enrolled in a course of study for medicine or
radiologic technology.

(i) "Direct supervision" means supervision and control by a licensed practitioner who
assumes legal liability for the services rendered by the radiologic technologist, which supervision
requires the physical presence of the licensed practitioner for consultation and direction of the
actions of the radiologic technologist.
(ii) “General supervision” means supervision whereby a licensed practitioner, who assumes legal liability for the services rendered, authorizes the services to be performed by the radiologic technologist, which supervision, except in cases of emergency, requires the easy availability or physical presence of the licensed practitioner for consultation and direction of the actions of the radiologic technologist.

5-68.1-5. Licensure standards. – (a) The director shall develop standards for licensure of the following categories of radiologic technology:

(1) Radiographer;

(2) Nuclear medicine technologist;

(3) Radiation therapist; and

(4) Radiologist assistant.

(b) The director may promulgate rules and regulations which authorize additional categories of licensure, consistent with a radiologic technology certification established by the American Registry of Radiologic Technologists, the Nuclear Medicine Technology Certification Board or other national organization.

(c) The director may promulgate rules and regulations that establish requirements for radiologic technologist authorization to operate hybrid imaging modalities, including, but not limited to, a combination nuclear medicine-computed tomography device.

5-68.1-8. Other licensing provisions. – (a) Each radiologic technologist license issued by the director shall only specify one category of radiologic technology. An individual qualified to practice more than one category of radiologic technology shall submit a separate application for each category to be licensed. Each radiologic technologist license issued by the director shall indicate, as appropriate, that the individual is a licensed radiographer, a licensed nuclear medicine technologist, a licensed radiation therapist, a licensed radiologist assistant or other category of radiologic technology license established by the director pursuant to subsection 5-68.1-5(c).

(b) Unless licensed as a radiologic technologist pursuant to this chapter, no individual shall use any title or abbreviation to indicate that the individual is a licensed radiologic technologist.

(1) An individual holding a license as a radiographer may use the title "Licensed Radiologic Technologist-Radiographer" or the letters "LRT-R" after his or her name.

(2) An individual holding a license as a radiation therapy technologist may use the title "Licensed Radiologic Technologist-Therapy" or the letters "LRT-T" after his or her name.

(3) An individual holding a license as a nuclear medicine technologist may use the title "Licensed Radiologic Technologist-Nuclear Medicine" or the letters "LRT-N" after his or her
(4) An individual holding a license as a radiologist assistant may use the title "Licensed Radiologist Assistant" or the letters "LRA" after his or her name.

(c) A valid license issued pursuant to this chapter shall be carried on the person of the radiologic technologist while performing the duties for which the license is required.

(d) Licenses, with the exception of initial licenses, shall be issued for a period of two (2) years.

(e) The director shall promulgate rules and regulations which specify a renewal date for all licenses issued pursuant to this chapter.

(f) The director shall promulgate rules and regulations which specify the minimum continuing education credits required for renewal of a radiologic technologist license. Failure to attest to completion of the minimum continuing education credits shall constitute grounds for revocation, suspension or refusal to renew the license.

5-68.1-9. Special requirements pertaining to licensure of radiologist assistants. — (a) The director shall promulgate rules and regulations that delineate the specific duties allowed for a licensed radiologist assistant. These duties shall be consistent with guidelines adopted by the American College of Radiology, the American Society of Radiologic Technologists and the American Registry of Radiologic Technologists, with the level of supervision required by such guidelines.

(b) A licensed radiologist assistant is specifically not authorized to:

(1) Perform nuclear medicine or radiation therapy procedures unless currently licensed and trained to perform those duties under the individual’s nuclear medicine technologist or radiation therapy technologist license;

(2) Interpret images;

(3) Make diagnoses; and

(4) Prescribe medications or therapies.

SECTION 18. Section 16-11.1-1 of the General Laws in Chapter 16-11.1 entitled “Certification of Athletic Coaches” is hereby amended to read as follows:

CHAPTER 16-11.1

Certification of Athletic Coaches

16-11.1-1. Certification of athletic coaches – Athletic coaches - Red cross [First aid course required. – The department of elementary and secondary education shall promulgate rules and regulations concerning the necessary requirements for first aid certification for any person who coaches in any athletic program in any school supported wholly or in part by public
money. No person shall coach in any athletic program in any school supported wholly or in part
by public money unless the person shall have acquired a certificate of qualification issued by or
under the authority of the department of elementary and secondary education which indicates that
the person has, no more than three (3) years prior to the application for certification, successfully
completed the minimum of a red cross first aid course or a comparable course approved by the
department of elementary and secondary education. Participating schools shall require annual
proof of current and valid first aid training from all coaches in their athletic programs.

is hereby amended to read as follows:

($10.00);
(2) Fur trapper – Non-resident: thirty dollars ($30.00);
(3) Fur buyer – Resident: ten dollars ($10.00);
(4) Fur buyer – Non-resident: thirty dollars ($30.00).
(b) Fur trapper and fur buyer licenses expire on the last day of March of each year.

SECTION 20. Chapter 23-16.3 of the General Laws entitled “Clinical Laboratory
Science Practice” is hereby repealed in its entirety.

23-16.3-1. Short title. – This chapter shall be known and may be cited as the “Clinical
Laboratory Science Practice Act”.

23-16.3-2. Declaration of policy and statement of purpose. – It is declared to be a
policy of the state that the practice of clinical laboratory science by health care professionals
affects the public health, safety, and welfare and is subject to control and regulation in the public
interest. It is further declared that clinical laboratories and clinical laboratory science practitioners
provide essential services to practitioners of the healing arts by furnishing vital information which
may be used in the diagnosis, prevention, and treatment of disease or impairment and the
assessment of the health of humans. The purpose of this chapter is to provide for the better
protection of public health by providing minimum qualifications for clinical laboratory science
practitioners, and by ensuring that clinical laboratory tests are performed with the highest degree
of professional competency by those engaged in providing clinical laboratory science services in
the state.

23-16.3-3. Definitions. – The following words and terms when used in this chapter have
the following meaning unless otherwise indicated within the context:
(1) “Accredited clinical laboratory program” means a program planned to provide a
predetermined amount of instruction and experience in clinical laboratory science that has been
accredited by one of the accrediting agencies recognized by the United States Department of Education.

(2) “Board” means the clinical laboratory science board appointed by the director of health.

(3) “Clinical laboratory” or “laboratory” means any facility or office in which clinical laboratory tests are performed.

(4) “Clinical laboratory science practitioner” or “one who engages in the practice of clinical laboratory science” means a health care professional who performs clinical laboratory tests or who is engaged in management, education, consulting, or research in clinical laboratory science, and includes laboratory directors, supervisors, clinical laboratory scientists (technologists), specialists, and technicians working in a laboratory, but does not include persons employed by a clinical laboratory to perform supportive functions not related to direct performance of laboratory tests and does not include clinical laboratory trainees. Provided, however, nothing contained in this chapter shall apply to a clinical perfusionist engaged in the testing of human laboratory specimens for extracorporeal functions, which shall include those functions necessary for the support, treatment, measurement, or supplementation of the cardiopulmonary or circulatory system of a patient.

(5) “Clinical laboratory scientist” and/or ”technologist” means a person who performs clinical laboratory tests pursuant to established and approved protocols requiring the exercise of independent judgment and responsibility, maintains equipment and records, performs quality assurance activities related to test performance, and may supervise and teach within a clinical laboratory setting.

(6) ”Clinical laboratory technician” means a person who performs laboratory tests pursuant to established and approved protocols which require limited exercise of independent judgment and which are performed under the personal and direct supervision of a clinical laboratory scientist (technologist), laboratory supervisor, or laboratory director.

(7) “Clinical laboratory test” or ”laboratory test” means a microbiological, serological, chemical, hematological, radiobiological, cytological, immunological, or other pathological examination which is performed on material derived from the human body, the test or procedure conducted by a clinical laboratory which provides information for the diagnosis, prevention, or treatment of a disease or assessment of a medical condition.

(8) “Department” means the Rhode Island department of health.

(9) “Director” means the director of the Rhode Island department of health.

(10) ”Limited-function test” means a test conducted using procedures which as
determined by the director have an insignificant risk of an erroneous result, including those which:

(i) Have been approved by the United States Food and Drug Administration for home use;

(ii) Employ methodologies that are so simple and accurate as to render the likelihood of erroneous results negligible; or

(iii) The director has determined pose no reasonable risk of harm to the patient if performed incorrectly.

23-16.3-4. Exceptions. — This chapter shall not apply to:

(1) Any person performing clinical laboratory tests within the scope of his or her practice and for which he or she is licensed pursuant to any other provisions of the general laws.

(2) Clinical laboratory science practitioners employed by the United States government or any bureau, division, or agency of the United States government while in the discharge of the employee’s official duties.

(3) Clinical laboratory science practitioners engaged in teaching or research, provided that the results of any examination performed are not used in health maintenance, diagnosis, or treatment of disease.

(4) Students or trainees enrolled in a clinical laboratory science education program provided that these activities constitute a part of a planned course in the program, that the persons are designated by title such as intern, trainee, or student, and the persons work directly under the supervision of an individual licensed by this state to practice laboratory science.

(5) Individuals performing limited function tests.

23-16.3-5. License required. — (a) No person shall practice clinical laboratory science or hold himself or herself out as a clinical laboratory science practitioner in this state unless he or she is licensed pursuant to this chapter.

(b) All persons who were engaged in the practice of clinical laboratory science on July 1, 1992, who are certified by or eligible for certification by an agency approved by the department of health, and who have applied to the department of health on or before July 1, 1994, and have complied with all necessary requirements for the application, may continue to perform clinical laboratory tests until July 1, 1995 unless the application is denied by the department of health, or the withdrawal of the application, whichever occurs first.

(c) Persons not meeting the education, training, and experience qualifications for any license described in this chapter may be considered to have met the qualifications providing they have:
(1) Three (3) years acceptable experience between January 1, 1986 and January 1, 1996 and submits to the department of health the job description of the position which the applicant has most recently performed attested to by his or her employer and notarized; or

(2) No less than twelve (12) years acceptable experience prior to 1993 and submits to the department of health the job description of the position which the applicant has most recently performed attested to by his or her employer and notarized on or before December 1, 2001.

(d) After December 1, 2001, no initial license shall be issued until an applicant meets all of the requirements under this chapter, and successfully completes a nationally recognized certification examination, such as NCA, DHHS, ASCP, state civil service examination, or others including appropriate categorical and specialty exams. Provided, however, that the provisions of this subsection shall not be available to any individual who has been previously denied a license as a clinical laboratory science practitioner by the department of health.

23-16.3-6. Administration. — (a) There is created within the division of professional regulation of the department of health a clinical laboratory advisory board which shall consist of seven (7) persons who have been residents of the state for at least two (2) years prior to their appointment, and who are actively engaged in their areas of practice. The director of the department of health, with the approval of the governor, shall make appointments to the board from lists submitted by organizations of clinical laboratory science practitioners and organizations of physicians and pathologists.

(b) The board shall be composed of:

(1) One physician certified by the American Board of Pathology or American Board of Osteopathic Pathology;

(2) One physician who is not a laboratory director and is not a pathologist;

(3) Four (4) clinical laboratory science practitioners, at least one of whom is a non-physician laboratory director, one of whom is a clinical laboratory scientist (technologist), and one of whom is a clinical laboratory technician, and who, except for the initial appointments, hold active and valid licenses as clinical laboratory science practitioners in this state and one of whom is a clinical laboratory science practitioner not falling in one of the first three (3) categories; and

(4) One public member who is not associated with or financially interested in the practice of clinical laboratory science.

(c) Board members shall serve for a term of three (3) years, and until their successors are appointed and qualified, except that the initial appointments, which shall be made within sixty (60) days after July 1, 1992, shall be as follows:

(1) One pathologist, one non-physician laboratory director, and one clinical laboratory
scientist, shall be appointed to serve for three (3) years;

(2) One public representative and one non-pathologist physician, shall be appointed to
serve for two (2) years; and

(3) The remaining members shall be appointed to serve for one year.

(d) The membership of the board shall receive no compensation for their services.

(e) Whenever a vacancy shall occur on the board by reason other than the expiration of a
term of office, the director of the department of health with the approval of the governor shall
appoint a successor of like qualifications for the remainder of the unexpired term. No person shall
be appointed to serve more than two (2) successive three (3) year terms.

23-16.3-7. Duties and powers of the clinical laboratory advisory board.— In addition
to any other power conferred upon the board pursuant to this chapter, the board shall recommend
to the director:

(1) Rules and regulations for the implementation of this chapter including, but not limited
to, regulations that delineate qualifications for licensure of clinical laboratory science
practitioners as defined in this chapter, specify requirements for the renewal of licensure,
establish standards of professional conduct, and recommend on the amendment or on the repeal
of the rules and regulations. Following their adoption, the rules and regulations shall govern and
control the professional conduct of every person who holds a license to perform clinical
laboratory tests or otherwise engages in the profession of clinical laboratory science;

(2) Standard written, oral, or practical examinations for purposes of licensure of clinical
laboratory science practitioners as provided for in § 23-16.3-5;

(3) Rules and regulations governing qualifications for licensure of specialists in those
clinical laboratory science specialties that the board may determine in accordance with § 23-16.3-
8(c);

(4) Rules and regulations governing personnel performing tests in limited function
laboratories;

(5) A schedule of fees for applications and renewals;

(6) Establish criteria for the continuing education of clinical laboratory science
practitioners as required for license renewal;

(7) Any other rules and regulations necessary to implement and further the purpose of
this chapter.

23-16.3-8. Standards for licensure.—(a) Clinical laboratory scientist (technologist). The
department of health shall issue a clinical laboratory scientist's license to an individual who meets
the qualifications developed by the board, including at least one of the following qualifications:
(1) A baccalaureate degree in clinical laboratory science (medical technology) from an accredited college or university whose curriculum included appropriate clinical education;

(2) A baccalaureate degree in biological, chemical, or physical science from an accredited college or university, and subsequent to graduation has at least twelve (12) months of appropriate clinical education in an accredited clinical laboratory science program;

(3) A baccalaureate degree which includes a minimum of thirty-six (36) semester (or equivalent) hours in the biological, chemical, and physical sciences from an accredited college or university plus two (2) years of full-time work experience including a minimum of four (4) months in each of the four (4) major disciplines of laboratory practice (clinical chemistry, clinical microbiology, hematology, immunology/immunohematology);

(4) A baccalaureate degree consisting of ninety (90) semester (or equivalent) hours, thirty-six (36) of which must be in the biological, chemical, or physical sciences, from an accredited university, and appropriate clinical education in an accredited clinical laboratory science program.

(5) A clinical laboratory scientist (technologist) who previously qualified under federal regulatory requirements such as 42 CFR § 493.1433 of the March 14, 1990 federal register or other regulations or criteria which may be established by the board.

(b) Clinical laboratory technician. The department of health shall issue a clinical laboratory technician's license to an individual who meets the qualifications promulgated by the board, including at least one of the following qualifications:

(1) An associate degree or completion of sixty (60) semester (or equivalent) hours from a clinical laboratory technician program (MLT or equivalent) accredited by an agency recognized by the United States Department of Education that included a structured curriculum in clinical laboratory techniques;

(2) A high school diploma (or equivalent) and (i) completion of twelve (12) months in a technician training program in an accredited school such as CLA (ASCP) clinical laboratory assistant (American Society of Clinical Pathologists), and MLT-C medical laboratory technician certificate programs approved by the board; or (ii) successful completion of an official military medical laboratory procedure course of at least fifty (50) weeks duration and has held the military enlisted occupational specialty of medical laboratory specialist (laboratory technician); or

(3) A clinical laboratory technician who previously qualified under federal regulatory requirements such as 42 CFR § 493.1441 of the March 14, 1990 federal register which meet or exceed the requirements for licensure set forth by the board.

(c) Clinical histologic technician. The department of health shall issue a clinical
histologic technician license to an individual who meets the qualifications promulgated by the board, including at least one of the following:

(1) Associate degree or at least sixty (60) semester hours (or equivalent) from an accredited college/university to include a combination of mathematics and at least twelve (12) semester hours of biology and chemistry, and successfully complete an accredited program in histologic technique or one full year of training in histologic technique under the supervision of a certified histotechnologist or an appropriately certified histopathology supervisor with at least three (3) years experience.

(2) High school graduation (or equivalent) and two (2) years full time acceptable experience under the supervision of a certified/licensed clinical histologic technician at a licensed clinical laboratory in histologic technique.

(d) Cytotechnologist. The department of health shall issue a cytotechnologist license to an individual who meets the qualifications promulgated by the board including at least one of the following:

(1) A baccalaureate degree from an accredited college or university with twenty (20) semester hours (30 quarter hours) of biological science, eight (8) semester hours (12 quarter hours) of chemistry, and three (3) semester hours (4 quarter hours) of mathematics and successful completion of a twelve (12) month cytotechnology program.

(2) A baccalaureate degree from an accredited college or university with twenty (20) semester hours (30 quarter hours) of biological science, eight (8) semester hours (12 quarter hours) of chemistry, and three (3) semester hours (4 quarter hours) of mathematics and five (5) years full-time acceptable clinical laboratory experience including cytopreparatory techniques, microscopic analysis, and evaluation of the body systems within the last ten (10) years. At least two (2) of these years must be subsequent to the completion of the academic component and at least two (2) years must be under the supervision of a licensed physician who is a pathologist, certified, or eligible for certification, by the American Board of Pathology in anatomic pathology or has other suitable qualifications acceptable to the board.

(3) A cytotechnologist who previously qualified under federal regulatory requirements such as 42 CFR § 493.1437 of the March 14, 1990 federal register.

(e) The board shall recommend standards for any other clinical laboratory science practitioners specializing in areas such as nuclear medical technology, radioimmunoassay, electron microscopy, forensic science, molecular biology, or similar recognized academic and scientific disciplines with approval of the director of health.

23-16.3-9. Waiver of requirements.—The board shall recommend regulations providing
procedures for waiver of the requirements of § 23-16.3-8 for all applicants who hold a valid license or its equivalent issued by another state; provided that the requirements under which that license or its equivalent was issued to meet or exceed the standards required by this chapter with the approval of the director. The board may also recommend regulations it deems appropriate with respect to individuals who hold valid licenses or their equivalent in other countries.

23-16.3-10. Licensure application procedures. — (a) Licensure applicants shall submit their application for licensure to the department of health upon the forms prescribed and furnished by the department of health, and shall pay the designated application or examination fee.

(b) Upon receipt of application and payment of a fee, the department of health shall issue a license for a clinical laboratory scientist or technologist, a clinical laboratory technician, or an appropriate specialty license to any person who meets the qualifications specified in this chapter and the regulations promulgated under this chapter.

(c) The board may recommend a procedure for issuance of temporary permits to individuals otherwise qualified under this chapter who intend to engage in clinical laboratory science practice in this state for a limited period of time not to exceed eighteen (18) months.

(d) The board may recommend a procedure for issuance of provisional licenses to individuals who otherwise qualify under this chapter but are awaiting the results of certification examinations. A provisional license so issued shall be converted to a license under the provisions of § 23-16.3-8 or expire not more than twelve (12) months after issuance. At the discretion of the board, the provisional license may be reissued at least one time with the director's approval.

23-16.3-11. Licensure renewal. — (a) Licenses issued pursuant to this chapter shall expire on a date and time specified by the department of health.

(b) Every person licensed pursuant to this chapter shall be issued a renewal license every two (2) years upon:

(1) Submission of an application for renewal on a form prescribed by the department of health and payment of an appropriate fee recommended by the board; and

(2) Proof of completion, in the period since the license was first issued or last renewed, of at least thirty (30) hours of continuing education courses, clinics, lectures, training programs, seminars, or other programs related to clinical laboratory practice which are approved or accepted by the board; or proof of re-certification by a national certification organization that mandates an annual minimum of fifteen (15) hours of continuing education, such as the National Certification Agency for Medical Laboratory Personnel.

(c) The board may recommend any other evidence of competency it shall deem reasonably appropriate as a prerequisite to the renewal of any license provided for by this chapter.
as long as these requirements are uniform as to application, are reasonably related to the
measurement of qualification, performance, or competence, and are desirable and necessary for
the protection of the public health.

23-16.3.12. Disciplinary requirements. — The board may recommend to the director of
health issuance, renewal, or revocation of a license, or suspension, placement on probation,
censure, or reprimand of a licensee, or any other disciplinary action that the board may deem
appropriate, including the imposition of a civil penalty, for conduct that may result from, but not
necessarily be limited to:

(1) A material misstatement in furnishing information to the department of health;

(2) A violation or negligent or intentional disregard of this chapter, or of the rules or
regulations promulgated under this chapter;

(3) A conviction of any crime under the laws of the United States or any state or territory
of the United States which is a felony or which is a misdemeanor, an essential element of which
is dishonesty, or of any crime which is directly related to the practice of the profession;

(4) Making any misrepresentation for the purpose of obtaining registration or violating
any provision of this chapter;

(5) Violating any standard of professional conduct adopted by the board;

(6) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to
deceive, defraud, or harm the public;

(7) Providing professional services while mentally incompetent, under the influence of
alcohol or narcotic or controlled dangerous substance that is in excess of therapeutic amounts or
without valid medical indication;

(8) Directly or indirectly contracting to perform clinical laboratory tests in a manner
which offers or implies an offer of rebate, fee-splitting inducements or arrangements, or other
unlawful remuneration; or

(9) Aiding or assisting another person in violating any provision of this chapter or any
rule adopted under this chapter.

23-16.3.13. Hearing requirements — Procedure. — (a) The proceedings for the
revocation, suspension or limiting of any license may be initiated by any person, corporation,
association, or public officer or by the board by the filing of written charges with the board, but
no license shall be revoked, suspended, or limited without a hearing before the board within sixty
(60) days after the filing of written charges in accordance with the procedures established by the
board. A license may be temporarily suspended without a hearing for the period not to exceed
thirty (30) days upon notice to the licensee following a finding by the board that there exists a
significant threat to the public health and approved by the director.

(b) Any appeal from the action of the board shall be in accordance with the provisions of chapter 35 of title 42.

23-16.3-14. Roster of licenses. — The department of health shall maintain a roster of the names and addresses of persons currently licensed and registered under the provision of this chapter, and of all persons whose licenses have been suspended or revoked within the previous year.

23-16.3-15. Receipts. — The proceeds of any fees collected pursuant to the provisions of this chapter shall be deposited as general revenues.

23-16.3-16. Severability. — If any provision of this chapter or the application of any provision to any person or circumstance shall be held invalid, that invalidity shall not affect the provisions or application of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of the chapter are declared to be severable.


23-19.3-1. Definitions. — The following words as used in this chapter shall, unless the context requires otherwise, have the following meanings:

(1) “Division” means the division of professional regulation in the department of health.

(2) “Sanitarian” means a person with broad basic education experience in the field of environmental health sciences and technology, and who is qualified to carry out instructional and surveillance duties and enforce the laws in the field of environmental health.

23-19.3-2. Division of professional regulation — Powers and duties. — The division of professional regulation shall have the following powers and duties:

(1) To prepare and establish regulations governing registration of sanitarians.

(2) To appoint persons to prepare and administer examinations to applicants for registration as sanitarians.

23-19.3-3. Qualification for registration. — The division of professional regulation shall establish the minimum educational and experience qualifications which applicants must possess before being allowed to take the examinations for registration as sanitarians and may, in a similar manner, provide for the issuance of certificates of registration without examination to persons holding certificates of registration or licenses as sanitarians under the laws of another state, where the requirements are substantially equivalent or exceed the requirements of this state.

23-19.3-4. Ad hoc committee. — The director of health may establish, as the director deems necessary, an ad hoc committee of three professional environmental health scientists who...
are registered sanitarians with 10 or more years' experience in the field of environmental health services to assist the division of professional regulation in establishing any standards deemed necessary to carry out the provisions of this chapter.

23-19.3-5. Application for registration — Examination — Issuance of certificate. — (a) A person who desires to be registered as a sanitarian shall file with the division of professional regulation an application upon a form to be prescribed and furnished by the division of professional regulation. He or she shall include in the application, under oath, his or her qualifications as a sanitarian. The application shall be accompanied by a registration fee as set forth in § 23-1-54.

(b) If the division of professional regulation deems the education qualifications of the applicant are satisfactory and if he or she passes an examination, both written and oral, satisfactory to the division of professional regulation, the division shall issue him or her a certificate of registration. The certificate of registration shall expire at the end of the calendar year, and may be renewed on or before January fifteenth (15th) of the following year. The fee for renewal of a certificate of registration shall be as set forth in § 23-1-54.

23-19.3-6. Designation of registered sanitarian. — Any person to whom a certificate of registration as a sanitarian has been issued shall have the right to use after his name the title “registered sanitarian” or the letters “R.S.” No other person shall assume the title or use the letters or any other words, letters, or writing to indicate that he or she is a registered sanitarian.

23-19.3-7. Restricted receipts. — From the proceeds of any fees collected pursuant to the provisions of this chapter, there is created a restricted receipts account which shall be used for the general purposes of the division of professional regulation within the Rhode Island department of health.

(a) No person, firm, corporation, partnership, or association shall engage in the business of pumping, cleaning, and/or transporting septage, industrial wastes, or oil waste unless a license is obtained from the department of environmental management.

(b) Any person, firm, corporation, partnership or association who desires to engage in this business shall submit in writing in any form as is required by the department, an application for a license to engage in this business.

SECTION 22. Chapter 23-20.8.1 of the General Laws entitled “Registration of Music Therapists” is hereby repealed in its entirety.

23-20.8.1-1. Definitions. — As used in this chapter:

(1) “Board certified music therapist” means an individual who has completed the education and clinical training requirements established by the American Music Therapy
Association; has passed the certification board for music therapists certification examination; or
transitioned into board certification, and remains actively certified by the certification board for
music therapists.

(2) "Music therapist" means a person registered to practice music therapy pursuant to this
chapter.

(3) "Music therapy" means the clinical and evidence based use of music interventions to
accomplish individualized goals within a therapeutic relationship through an individualized music
therapy treatment plan for the client that identifies the goals, objectives, and potential strategies of
the music therapy services appropriate for the client using music therapy interventions, which
may include music improvisation, receptive music listening, song writing, lyric discussion, music
and imagery, music performance, learning through music, and movement to music. Music therapy
is a distinct and separate profession from other licensed, certified, or regulated professions,
including speech-language pathology. The practice of music therapy does not include the
diagnosis of any physical, mental, or communication disorder. This term may include:

(i) Accepting referrals for music therapy services from medical, developmental, mental
health, or education professionals; family members; clients; or caregivers. Before providing
music therapy services to a client for a medical, developmental, or mental health condition, the
registrant shall collaborate, as applicable, with the client's physician, psychologist, or mental
health professional to review the client's diagnosis, treatment needs, and treatment plan. During
the provision of music therapy services to a client, the registrant shall collaborate, as applicable,
with the client's treatment team;

(ii) Conducting a music therapy assessment of a client to collect systematic,
comprehensive, and accurate information necessary to determine the appropriate type of music
therapy services to provide for the client;

(iii) Developing an individualized music therapy treatment plan for the client;

(iv) Carrying out an individualized music therapy treatment plan that is consistent with
any other medical, developmental, mental health, or educational services being provided to the
client;

(v) Evaluating the client's response to music therapy and the individualized music therapy
treatment plan and suggesting modifications, as appropriate;

(vi) Developing a plan for determining when the provision of music therapy services is
no longer needed in collaboration with the client, any physician, or other provider of healthcare or
education of the client, any appropriate member of the family of the client, and any other
appropriate person upon whom the client relies for support.
(vii) Minimizing any barriers so that the client may receive music therapy services in the least restrictive environment; and

(viii) Collaborating with and educating the client and the family or caregiver of the client or any other appropriate person about the needs of the client that are being addressed in music therapy and the manner in which the music therapy addresses those needs.

(4) "Office" means the department of health.

(5) "Director" means the director of the department of health or his or her designee.

23-20.8.1-2. Applicability and scope. After January 1, 2015, a person shall not practice music therapy or represent himself or herself as being able to practice music therapy in this state unless the person is registered pursuant to this chapter. Nothing in this chapter may be construed to prohibit or restrict the practice, services, or activities of the following:

(1) Any person licensed, certified, or regulated under the laws of this state in another profession or occupation or personnel supervised by a licensed professional in this state performing work, including the use of music, incidental to the practice of his or her licensed, certified, or regulated profession or occupation, if that person does not represent himself or herself as a music therapist;

(2) Any person whose training and national certification attests to the individual's preparation and ability to practice his or her certified profession or occupation if that person does not represent himself or herself as a music therapist;

(3) Any practice of music therapy as an integral part of a program of study for students enrolled in an accredited music therapy program if the student does not represent himself or herself as a music therapist;

(4) Any person who practices music therapy under the supervision of a registered music therapist if the person does not represent himself or herself as a music therapist.

23-20.8.1-3. Issuance of registration—Minimum qualifications. (a) The director shall issue a registration to an applicant for a music therapy registration when such applicant has completed and submitted an application, upon a form and in such manner as the director prescribes, accompanied by applicable fees, and evidence satisfactory to the director that:

(1) The applicant is at least eighteen (18) years of age;

(2) The applicant holds a bachelor's degree or higher in music therapy, or its equivalent, from a program approved by the American Music Therapy Association, or any successor organization within an accredited college or university;

(3) The applicant successfully completes a minimum of twelve hundred (1,200) hours of clinical training, with at least one hundred eighty (180) hours in pre-internship experiences and at
least nine hundred (900) hours in internship experiences; provided that the internship is approved by an academic institution, the American Music Therapy Association or its successor association, or both;

(4) The applicant is in good standing based on a review of the applicant’s music therapy practice history in other jurisdictions, including a review of any alleged misconduct or neglect in the practice of music therapy on the part of the applicant;

(5) The applicant provides proof of passing the examination for board certification offered by the certification board for music therapists, or any successor organization, or provides proof of being transitioned into board certification, and provides proof that the applicant is currently a board-certified music therapist.

(b) The director shall issue a registration to an applicant for a music therapy registration when such applicant has completed and submitted an application upon a form, and in such manner as the director prescribes, accompanied by applicable fees, and evidence satisfactory to the director that the applicant is registered and in good standing as a music therapist in another jurisdiction where the qualifications required are equal to, or greater than, those required in this chapter at the date of application.

23-20.8.1-4. Suspension and revocation of registration. — (a) Every registration issued under this chapter shall be renewed biennially. A registration shall be renewed upon payment of a renewal fee if the applicant is not in violation of any of the terms of this chapter at the time of application for renewal. The following shall also be required for registration renewal: proof of maintenance of the applicant’s status as a board certified music therapist.

(b) A registrant shall inform the director of any changes to his or her address. Each registrant shall be responsible for timely renewal of his or her registration.

(c) Failure to renew a registration shall result in forfeiture of the registration. Registrations that have been forfeited may be restored within one year of the expiration date upon payment of renewal and restoration fees. Failure to restore a forfeited registration within one year of the date of its expiration shall result in the automatic termination of the registration and the director may require the individual to reapply for registration as a new applicant.

23-20.8.1-5. Waiver of examination. — The director shall waive the examination requirement for an applicant until January 1, 2015, who is:

(1) A board-certified music therapist; or

(2) Designated as a registered music therapist, certified music therapist, or advanced certified music therapist and in good standing with the national music therapy registry.

23-20.8.1-6. Rules and regulations. — The director is authorized to adopt, modify,
repeal, and promulgate rules and regulations in accordance with the purposes of this chapter, and only after procedures in accordance with the administrative procedures act (chapter 35 of title 42) have been followed. The director is further authorized to assess fees for registrations issued in accordance with rules and regulations promulgated pursuant to the authority conferred by this chapter, provided that those fees are assessed only after procedures in accordance with the administrative procedures act (chapter 35 of title 42) have been followed. All fees shall be deposited into the general fund as general revenue.

SECTION 23. Section 23-22.5-1 of the General Laws in Chapter 23-22.5 entitled “Drowning Prevention and Lifesaving” is hereby amended to read as follows:

23-22.5-1. Rules, regulations, and orders – Facilities to which applicable. – (a) The department of environmental management is authorized and empowered to adopt and prescribe rules of procedure and regulations and to amend, change, and/or repeal these rules and regulations and make any orders and perform any actions that it may deem necessary to the proper administration and supervision of drowning prevention, lifesaving, first aid and safety personnel and equipment of all camps, camp grounds, bathhouses, bathing resorts, seaside motels or boarding houses, seaside park areas, swimming pools, other beach and swimming areas, surfing areas, amusement parks, and skiing areas which serve all and/or any part of the general public by fee, membership, or invitation. The provisions of this chapter shall not apply to facilities maintained by a person without charge or assessment to the general public and which are for the sole use of his or her family, private guests, or tenants.

(b) The department shall charge an annual fee of ten dollars ($10.00) for lifeguard certification required by the rules and regulations. The funds shall be appropriated to the “user fees at state beaches, parks and recreation areas – development fund” established under § 42-17.1-20.

SECTION 24. Section 41-5-21 of the General Laws in Chapter 41-5 entitled “Boxing and Wrestling” is hereby amended to read as follows:

41-5-21. Application of chapter to wrestling and kickboxing matches. – (a) The division of racing and athletics shall have and exercise the same authority, supervision, and control over wrestling and kickboxing matches and exhibitions as is conferred upon the division by this chapter over boxing and sparring matches and exhibitions, and the provisions of this chapter, except those of § 41-5-12, shall apply in all respects to wrestling and kickboxing matches and exhibitions to the same extent and with the same force and effect as they apply to boxing and sparring matches.

(b) Whenever in this chapter, except in § 41-5-12, the words "boxing or sparring match or
"wrestling or kickboxing match or exhibition" or the plural form thereof, and the word "boxer" shall be construed to include "wrestler or kickboxer," unless the context otherwise requires, and any person holding, conducting, or participating in a wrestling or kickboxing match or exhibition shall be subject to the same duties, liabilities, licensing requirements, penalties, and fees as are imposed by this chapter upon any person holding, conducting, or participating in a boxing or sparring match or exhibition.

(c) For the purpose of this chapter a "professional wrestler" is defined as one who competes for a money prize or teaches or pursues or assists in the practice of wrestling as a means of obtaining a livelihood or pecuniary gain; and a "professional kickboxer" is defined as one who competes for a money prize or teaches or pursues or assists in the practice of kickboxing as a means of obtaining a livelihood or pecuniary gain.

(d) The division of racing and athletics may waive the provisions of this chapter within its discretion in the case of wrestling as a form of pre-determined entertainment.

SECTION 25. This article shall take effect upon passage.

ARTICLE 21
RELATING TO TRANSPORTATION

SECTION 1. Section 39-18.1-4 of the General Laws in Chapter 39-18.1 entitled “Transportation Investment and Debt Reduction Act of 2011” is hereby amended to read as follows:

39-18.1-4. Rhode Island highway maintenance account created. – (a) There is hereby created a special account in the intermodal surface transportation fund as established in section 31-36-20 that is to be known as the Rhode Island highway maintenance account.

(b) The fund shall consist of all those moneys which the state may from time to time direct to the fund, including, not necessarily limited to, moneys derived from the following sources:

1. There is imposed a surcharge of thirty dollars ($30.00) per vehicle or truck, other than those with specific registrations set forth below in subsection (b)(1)(i). Such surcharge shall be paid by each vehicle or truck owner in order to register that owner's vehicle or truck and upon each subsequent biennial registration. This surcharge shall be phased in at the rate of ten dollars ($10.00) each year. The total surcharge will be ten dollars ($10.00) from July 1, 2013 through June 30, 2014, twenty dollars ($20.00) from July 1, 2014 through June 30, 2015, and thirty dollars ($30.00) from July 1, 2015 through June 30, 2016 and each year thereafter.

2. (i) For owners of vehicles or trucks with the following plate types, the surcharge shall be
as set forth below and shall be paid in full in order to register the vehicle or truck and upon each
subsequent renewal:

<table>
<thead>
<tr>
<th>Plate Type</th>
<th>Surcharge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antique</td>
<td>$5.00</td>
</tr>
<tr>
<td>Farm</td>
<td>$10.00</td>
</tr>
<tr>
<td>Motorcycle</td>
<td>$13.00</td>
</tr>
</tbody>
</table>

(ii) For owners of trailers, the surcharge shall be one-half \((1/2)\) of the biennial
registration amount and shall be paid in full in order to register the trailer and upon each
subsequent renewal.

(2) There is imposed a surcharge of fifteen dollars \(($15.00)\) per vehicle or truck, other
than those with specific registrations set forth in subsection (b)(2)(i) below, for those vehicles or
trucks subject to annual registration, to be paid annually by each vehicle or truck owner in order
to register that owner's vehicle, trailer or truck and upon each subsequent annual registration. This
surcharge will be phased in at the rate of five dollars \(($5.00)\) each year. The total surcharge will
be five dollars \(($5.00)\) from July 1, 2013 through June 30, 2014, ten dollars \(($10.00)\) from July 1,
2014 through June 30, 2015, and fifteen dollars \(($15.00)\) from July 1, 2015 through June 30, 2016
and each year thereafter.

(i) For registrations of the following plate types, the surcharge shall be as set forth below
and shall be paid in full in order to register the plate, and upon each subsequent renewal:

<table>
<thead>
<tr>
<th>Plate Type</th>
<th>Surcharge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boat Dealer</td>
<td>$6.25</td>
</tr>
<tr>
<td>Cycle Dealer</td>
<td>$6.25</td>
</tr>
<tr>
<td>In-transit</td>
<td>$5.00</td>
</tr>
<tr>
<td>Manufacturer</td>
<td>$5.00</td>
</tr>
<tr>
<td>New Car Dealer</td>
<td>$5.00</td>
</tr>
<tr>
<td>Used Car Dealer</td>
<td>$5.00</td>
</tr>
<tr>
<td>Racer Tow</td>
<td>$5.00</td>
</tr>
<tr>
<td>Transporter</td>
<td>$5.00</td>
</tr>
<tr>
<td>Bailee</td>
<td>$5.00</td>
</tr>
</tbody>
</table>

(ii) For owners of trailers, the surcharge shall be one-half \((1/2)\) of the annual registration
amount and shall be paid in full in order to register the trailer and upon each subsequent renewal.

(iii) For owners of school buses, the surcharge will be phased in at the rate of six dollars
and twenty-five cents \(($6.25)\) each year. The total surcharge will be six dollars and twenty-five
cents \(($6.25)\) from July 1, 2013 through June 30, 2014 and twelve dollars and fifty cents \($12.50\)
from July 1, 2014 through June 30, 2015 and each year thereafter.

(3) There is imposed a surcharge of thirty dollars ($30.00) per license to operate a motor
vehicle to be paid every five (5) years by each licensed operator of a motor vehicle. This
surcharge will be phased in at the rate of ten dollars ($10.00) each year. The total surcharge will
be ten dollars ($10.00) from July 1, 2013 through June 30, 2014, twenty dollars ($20.00) from
July 1, 2014 through June 30, 2015, and thirty dollars ($30.00) from July 1, 2015 through June
30, 2016 and each year thereafter. In the event that a license is issued or renewed for a period of
less than five (5) years, the surcharge will be prorated according to the period of time the license
will be valid.

(c) All funds collected pursuant to this section shall be deposited in the Rhode Island
highway maintenance account and shall be used only for the purposes set forth in this chapter.

(d) Unexpended balances and any earnings thereon shall not revert to the general fund but
shall remain in the Rhode Island highway maintenance account. There shall be no requirement
that monies received into the Rhode Island highway maintenance account during any given
calendar year or fiscal year be expended during the same calendar year or fiscal year.

(e) The Rhode Island highway maintenance account shall be administered by the director,
who shall allocate and spend monies from the fund only in accordance with the purposes and
procedures set forth in this chapter.

(4) All fees assessed pursuant to § 31-47.1-11, and chapters 3, 6, 10, and 10.1 of title 31
shall be deposited into the Rhode Island highway maintenance account effective July 1, 2016,
provided that for fiscal years 2016, 2017 and 2018 these fees be transferred as follows:

(i) From July 1, 2015 through June 30, 2016, twenty-five percent (25%) will be
deposited;

(ii) (i) From July 1, 2016 through June 30, 2017, seventy-five percent (75%) will be
deposited; and

(iii) From July 1, 2017 and each year thereafter, one hundred percent (100%) will be
deposited;

(5) All remaining funds from previous general obligation bond issues that have not
otherwise been allocated.

SECTION 2. This article shall take effect as of July 1, 2015.

ARTICLE 22

RELATING TO PERSONNEL REFORM

SECTION 1. Section 16-59-22 of the General Laws in Chapter 16-59 entitled “Board of
Governors for Higher Education” is hereby amended to read as follows:
16-59-22. Applicability of merit system – Teacher certification – List of positions

transferable to classified service. – (a) The appointment, promotion, salaries, tenure, and
dismissal of all employees of the Rhode Island board of governors for higher education including
all administrative, instructional, and research employees, and secretarial, maintenance and
services employees not exceeding ten (10) in number, of the state colleges and university, as well
as the office of higher education, shall not be subject in any manner or degree to control by the
personnel administrator, or merit system law, chapter 4 of title 36, or by any officer or board
other than the council on postsecondary education. The certification of teachers at the University
of Rhode Island is abolished, except for teachers that elect to come or remain under it.

(b) All positions that are exempt from the Merit System Law, chapter 4 of title 36, which
become vacant or that are to be established, must be forwarded to the personnel administrator,
who in consultation with the deputy assistant commissioner of education in charge of personnel
and labor relations shall determine whether the position(s) in question shall remain in the council
on postsecondary education non-classified service or be established in the classified service of the
state.

(c) No position presently in the classified service of the state subject to the Merit System
Law, chapter 4 of title 36, shall be changed or modified so as to establish the position in the
council on postsecondary education non-classified service.

(d) Faculty positions, presidents, vice presidents, deans, assistant deans, and student
employees of the higher education institutions shall not be covered by the preceding provisions
and shall remain in the council on postsecondary education non-classified service.

SECTION 2. Section 36-3-10 of the General Laws in Chapter 36-3 entitled “Division of
Personnel Administration” is hereby amended to read as follows:

36-3-10. Appeals to appeal board. – (a) The personnel appeal board shall hear appeals:

(1) By any person with provisional, probationary, or permanent status in a position in the
classified service aggrieved by an action of the administrator of adjudication for the department
of administration on matters of personnel administration.

(2) By any person with provisional, probationary, or permanent status in a position in the
classified service who has been discharged, demoted, suspended, or laid off by any appointing
authority.

(3) By any person who holds the belief that he or she has been discriminated against
because of his or her race, sex, age, disability, or his or her political or religious beliefs in any
personnel action.

(4) By any person who by the personnel policy of the state of Rhode Island or by
contractual agreement with the state of Rhode Island is vested with the right of appeal to the
board.

(b) Appeals shall be taken in accordance with the provisions of this chapter and chapter 4
of this title of the personnel rules provided, however, that the personnel appeal board may dismiss
the appeal of a person who has already appealed or seeks to appeal the same matter under
provisions of a contractual agreement or other law or regulation.

(c) An action of the personnel administrator or an appointing authority which is
appealable to the personnel appeal board pursuant to this chapter or chapter 36-4 of this title may
be reversed or modified on appeal to the personnel appeal board only if the board finds the action
to have been arbitrary, capricious, or contrary to rule or law.

SECTION 3. Sections 36-4-2, 36-4-7, 36-4-16.5, 36-4-17.2, 36-4-24, 36-4-25, 36-4-28,
36-4-29, 36-4-37, and 36-4-42 of the General Laws in Chapter 36-4 entitled “Merit System” are
hereby amended to read as follows:

36-4-2. Positions in unclassified service. – The classified service shall comprise all
positions in the state service now existing or hereinafter established, except the following specific
positions which with other positions heretofore or hereinafter specifically exempted by legislative
act shall constitute the unclassified service:

(1) Officers and legislators elected by popular vote and persons appointed to fill
vacancies in elective offices.

(2) Employees of both houses of the general assembly.

(3) Officers, secretaries, and employees of the office of the governor, office of the
lieutenant governor, department of state, department of the attorney general, and the treasury
department.

(4) Members of boards and commissions appointed by the governor, members of the
state board of elections and the appointees of the board, members of the commission for human
rights and the employees of the commission, and directors of departments.

(5) The following specific offices:

(i) In the department of administration: director, chief information officer; director of
office of management and budget, and director of performance management; and in the health
benefits exchange created by executive order 11-09 and funded in the state budget: director,
deputy director, administrative assistant, senior policy analyst, chief strategic planning
monitoring and evaluation;

(ii) In the department of business regulation: director;

(iii) In the department of elementary and secondary education: commissioner of
elementary and secondary education;

(iv) In the department of higher education: commissioner of higher education;
(v) In the department of health: director;
(vi) In the department of labor and training: director, administrative assistant, administrator of the labor board and legal counsel to the labor board;
(vii) In the department of environmental management: director;
(viii) In the department of transportation: director;
(ix) In the department of human services: director and director of veterans' affairs;
(x) In the state properties committee: secretary;
(xi) In the workers' compensation court: judges, administrator, deputy administrator, clerk, assistant clerk, clerk secretary;
(xii) In the division of elderly affairs: director;
(xiii) In the department of behavioral healthcare, developmental disabilities and hospitals: director;
(xiv) In the department of corrections: director, assistant director (institutions/operations), assistant director (rehabilitative services), assistant director (administration), and wardens;
(xv) In the department of children, youth and families: director, one assistant director, one associate director, and one executive director;
(xvi) In the public utilities commission: public utilities administrator;
(xvii) In the water resources board: general manager;
(xviii) In the human resources investment council: executive director.
(xix) In the office of health and human services: secretary of health and human services.

(6) Chief of the hoisting engineers, licensing division, and his or her employees; executive director of the veterans memorial building and his or her clerical employees.

(7) One confidential stenographic secretary for each director of a department and each board and commission appointed by the governor.

(8) Special counsel, special prosecutors, regular and special assistants appointed by the attorney general, the public defender and employees of his or her office, and members of the Rhode Island bar occupying a position in the state service as legal counsel to any appointing authority.

(9) The academic and/or commercial teaching staffs of all state institution schools, with the exception of those institutions under the jurisdiction of the board of regents for elementary and secondary education and the board of governors for higher education.
(10) Members of the military or naval forces, when entering or while engaged in the
military or naval service.

(11) Judges, referees, receivers, clerks, assistant clerks, and clerical assistants of the
supreme, superior, family, and district courts, the traffic tribunal, security officers of the traffic
tribunal, jurors and any persons appointed by any court.

(12) Election officials and employees.

(13) Deputy sheriffs and other employees of the sheriffs division within the department
of public safety.

(14) Patient or inmate help in state charitable, penal, and correctional institutions and
religious instructors of these institutions and student nurses in training, residents in psychiatry in
training, and clinical clerks in temporary training at the institute of mental health within the state
of Rhode Island medical center.

(15)(i) Persons employed to make or conduct a temporary and special inquiry,
investigation, project or examination on behalf of the legislature or a committee therefor, or on
behalf of any other agency of the state if the inclusion of these persons in the unclassified service
is approved by the personnel administrator. The personnel administrator shall notify the house
fiscal advisor and the senate fiscal advisor whenever he or she approves the inclusion of a person
in the unclassified service.

(ii) The duration of the appointment of a person, other than the persons enumerated in
this section, shall not exceed ninety (90) days or until presented to the department of
administration. The department of administration may extend the appointment another ninety (90)
days. In no event shall the appointment extend beyond one hundred eighty (180) days.

(16) Members of the division of state police within the department of public safety.

(17) Executive secretary of the Blackstone Valley district commission.

(18) Artist and curator of state owned art objects.

(19) Mental health advocate.

(20) Child advocate.

(21) The position of aquaculture coordinator and marine infrastructure specialist within
the coastal resources management council.

(22) Employees of the office of the health insurance commissioner.

(23) In the department of revenue: the director, secretary, attorney.

(24) In the department of public safety: the director.

(25) Positions deemed unclassified by the director of administration pursuant to § 36-4-2.2.
36-4-7. Probationary period in noncompetitive branch – Acquisition of full status. –

Persons appointed to positions in the noncompetitive branch shall serve a probationary period of six (6)–twelve (12) months during which time the appointing authority shall report to the personnel administrator every sixty (60) one hundred and twenty (120) days concerning the work of the employee and at the end of the probationary period no further salary or other compensation shall be paid to the employee unless the appointing authority has filed with the personnel administrator a statement, in writing, that the services of the employee have been satisfactory and that it is desired that his or her services be continued. The probationary period is further defined to be one hundred and thirty (130) two hundred and sixty (260) days worked in the non-competitive position to which the person has been appointed. Upon completion of the probationary period and receipt of the statement of satisfactory service by the personnel administrator and having fulfilled the requirements for character and physical condition, the employee shall be deemed to have acquired full status and shall enjoy all the rights and privileges of that status. Whenever a class of positions shall be assigned to the noncompetitive branch, every employee holding a position in that class at the time of assignment who is a temporary employee and has served in that class for six (6)–twelve (12) months or more shall be considered to have completed the required probationary period and upon receipt of a statement from his or her appointing authority that his or her services have been satisfactory shall be deemed to have acquired full status and shall enjoy all the rights and privileges of that status. A temporary employee who has served at least four (4) eight (8) months but has not completed six (6)–twelve (12) months shall be deemed to have served four (4) eight (8) months of the required probationary period and his or her appointing authority shall submit a report concerning the work of the employee to the personnel administrator and shall at the end of sixty (60) one hundred and twenty (120) days submit a final probationary report for the employee. An employee who has served at least two (2) four (4) months but has not completed four (4) eight (8) months shall be deemed to have served two (2) four (4) months of the required probationary period and his or her appointing authority shall submit a report concerning the work of the employee to the personnel administrator and shall subsequently submit a probationary report at the end of the next sixty (60) one hundred and twenty (120) days and a final probationary report at the end of six (6)–twelve (12) months of service.

36-4-16.5. Certain unclassified positions excluded. – Sections 36-4-16.2 and 36-4-16.4 of this chapter shall have no application to those positions enumerated in subdivisions 36-4-2(1), 36-4-2(2) and 36-4-2(3), and the department of administration shall have no jurisdiction over the status, tenure or salaries of those said enumerated positions.
Section 36-4-16.2 of this chapter shall have no application to state executive department
director positions.

36-4-17.2. Future longevity payments. – Beginning on July 1, 2011, notwithstanding
any rule, regulation, or provision of the public laws or general laws to the contrary, there shall be
no further longevity increases for state employees; provided, however, for employees with
longevity provisions pursuant to a collective bargaining agreement in effect on June 1, 2011,
longevity increases shall cease beginning on July 1, 2011 or beginning upon the expiration of the
applicable collective bargaining agreement, whichever occurs later. Effective through June 30,
2015, to the extent an employee has previously accrued longevity payments, the employee
shall continue to receive the same longevity percentage in effect on June 30, 2011, or in the case
of an employee with longevity provisions pursuant to a collective bargaining agreement in effect
on June 1, 2011, the same longevity percentage in effect on June 30, 2011 or upon the expiration
of the applicable collective bargaining agreement, whichever occurs later. Effective on July 1,
2015, to the extent an employee has previously accrued longevity payments, the employee’s
longevity payments shall be equal to the longevity amount earned by the employee for the last
pay period in June, 2015, or in the case of an employee with longevity provisions pursuant to a
collective bargaining agreement in effect on June 30, 2015, longevity payments shall be equal to
the longevity amount earned by the employee for the last pay period in June, 2015 or the last pay
period prior to the expiration of the applicable collective bargaining agreement, whichever occurs
later. The longevity amount shall not be included as part of the employee’s base rate salary.

36-4-24. Removal of disqualified names from lists. – The personnel administrator may
remove the name of any person from any list or lists who is physically so disabled as to be
rendered unfit for performance of the required duties; or who is addicted to the use of narcotics or
excessive use of intoxicating liquors; or who has been found guilty of any infamous or
notoriously disgraceful conduct; or who has made false statement of material fact in his or her
application; or who has terminated or retired from state service, except as provided under § 36-4-
23.1; and those individuals who have had their certification notices returned with no forwarding
address provided the notice was sent by certified mail.

36-4-25. Designation of appropriate list for filling of vacancies. – The preferred
reemployment list shall have precedence over all other lists for the filling of vacancies of
comparable or less comparable positions in state service until the list is exhausted. Vacancies in
positions in the classified service shall be filled as far as practicable by promotional
appointments. Whenever a vacancy does exist in any position in the classified service, the
appointing authority may choose to use either the employment, or promotion, or reemployment
list to fill the vacancy and shall request the personnel administrator to certify the names of persons eligible for appointment from the designated list; provided, however, that in the event of the reorganization of a department or division, or the abolishment of a position or positions in state service, any classified employee with permanent status affected thereby shall be placed in a comparable position within the department or division. If, however, placement within the department or division is not possible, then the affected employee shall be placed in a comparable position elsewhere in state service. Whenever a position is allocated or reallocated upward, the classified employee with permanent status holding that position shall be given an opportunity to qualify for the allocated or reallocated position by taking a qualifying examination and shall be placed on leave of absence from the old position until the employee has gained status or failed to qualify for the position.

36-4-28. Probationary period. — All original appointments and promotional appointments to the classified service shall be for a probationary period of six (6) twelve (12) months, during which time the appointment authority shall report to the personnel administrator every sixty (60) one hundred and twenty (120) days concerning the work of the employee and at the expiration of the probationary period unless the appointing authority files with the personnel administrator a statement in writing that the services of the employee during the probationary period have not been satisfactory and that it is not desired that he or she be continued in the service, he or she shall receive permanent status in this classification. Any employee may be dismissed by the appointing authority during the probationary period for reasons relating to the employee's qualifications or for the good of the service stated by the appointing authority in writing and filed with the personnel administrator. The probationary period is further defined to be one hundred and thirty (130) two hundred and sixty (260) days worked in the classified position to which the person has been appointed.

36-4-29. Restoration to former position of promotional appointees dismissed during probation. — Any promotional appointee who is dismissed from the position to which he or she was promoted during the probationary period or at the conclusion thereof by reason of the failure of the appointing authority to file a request for his or her continuance in the position shall may be restored to the position from which he or she was promoted even though it should be necessary to lay off a person holding his or her former position.

36-4-37. Layoffs. — Preference for retention or reemployment. — An appointing authority may lay off a classified employee whenever he or she deems it necessary because of a material change in duties or organization, or shortage or stoppage of work or funds. In every case of layoff, the appointing authority shall, before the effective date of the layoff, give written notice
of his or her action to the personnel administrator and the employee and shall certify that
consideration has been given to length and quality of service of all employees in the affected class
under his or her jurisdiction. No employee with full status shall be laid off while probational,
provisional, or temporary employees are employed by the same appointing authority in the same
class of positions. No probationary employee shall be laid off while provisional or temporary
employees are employed by the same appointing authority in the same class of positions. No
provisional employee shall be laid off while temporary employees are employed by the same
appointing authority in the same class of positions. Nor shall any temporary appointment be made
to any position in the class by the appointing authority while any employee who has been laid off
by the appointing authority is available for certification from a reemployment list. Any person
who has held full status and who has been laid off shall have his or her name placed on the
appropriate reemployment list.

36-4-42. Appeal from appointing authority to appeal board. – Any state employee
with provisional, probationary, or permanent status who feels aggrieved by an action of an
appointing authority resulting in a demotion, suspension, layoff, or dismissal or by any personnel
action which an appointing authority might take which causes the person to believe that he or she
had been discriminated against because of his or her race, sex, age, disability, or his or her
political or religious beliefs, may, within thirty (30) calendar days of the mailing of the notice of
that action, appeal in writing to the personnel appeal board for a review or public hearing. Within
thirty (30) days after conclusion of the hearing the personnel appeal board shall render a decision
and shall notify the affected employee and other interested parties of the decision which may
confirm or reduce the demotion, suspension, layoff, or dismissal of the employee or may reinstate
the employee and the board may order payment of part or all of the salary to the employee for the
period of time he or she was demoted, suspended, laid off, or dismissed, shall affirm the
demotion, suspension, layoff, or dismissal of the employee unless the board finds the action of the
appointing authority to have been arbitrary, capricious, or contrary to rule or law.

The decision of the board shall be final and binding upon all parties concerned, and upon
the finding of the personnel administrator, or upon appeal, in favor of the employee, the employee
shall be forthwith returned to his or her office or position without loss of compensation, seniority,
or any other benefits he or she may have enjoyed, or under such terms as the appeal board shall
determine. The employee who is returned to his or her office or position by the appeal board
following a review or public hearing shall be granted by the state of Rhode Island counsel fees,
payable to his or her representative counsel, of fifty dollars ($50.00) for each day his or her
counsel is required to appear before the appeal board in the behalf of the aggrieved employee.
SECTION 4. Chapter 36-4 of the General Laws entitled “Merit System” is hereby amended by adding thereto the following section:

36-4-2.2. Additional positions in unclassified service. – (a) Whenever a senior agency level position within a state department is created, is vacant or becomes vacant, the director of administration may deem the position unclassified, provided that the individual filling the position has been notified of such classification prior to his or her engagement.

(b) For purposes of this section, the term “state department” shall include the departments enumerated by § 42-6-1 and any executive office, such as the executive office of health and human services, provided that the head of the department or executive office is appointed by the governor.

(c) For purposes of this section, a “senior agency level position” includes, but is not limited to, classifications in the following functional areas within state service:

1. Director;
2. Deputy director;
3. Executive director;
4. Chief of staff;
5. Chief financial officer;
6. Budget officer;
7. Chief legal counsel;
8. Legislative director;
9. Policy director;
10. Communications director; and
11. Public information officer.

(d) In no event shall this section authorize the director of administration to change a position that is unclassified pursuant to § 36-4-2 to a classified position.

(e) This section shall only apply to positions that are ineligible for union membership by virtue of their managerial, supervisory, administrative, or confidential status. No reclassification made pursuant to this section shall circumvent the terms and conditions of a valid collective bargaining agreement.

(f) Sections 36-4-16.2 and 36-4-16.4 of this chapter shall have no application to those positions deemed unclassified pursuant to this section.

(g) The director of administration shall set the compensation for those positions deemed unclassified pursuant to this section.

SECTION 5. Sections 36-4-16.4, 36-4-23 and 36-4-23.1 of the General Laws in Chapter
36-4 entitled “Merit System” are hereby repealed.

36-4-16.1 Salaries of directors. (a) In the month of March of each year, the department of administration shall conduct a public hearing to determine salaries to be paid to directors of all state executive departments for the following year, at which hearing all persons shall have the opportunity to provide testimony, orally or in writing. In determining these salaries, the department of administration will take into consideration the duties and responsibilities of the aforesaid officers, as well as such related factors as salaries paid executive positions in other states and levels of government, and in comparable positions anywhere which require similar skills, experience, or training. Consideration shall also be given to the amounts of salary adjustments made for other state employees during the period that pay for directors was set last.

(b) Each salary determined by the department of administration will be in a flat amount, exclusive of any other monetary provisions such as longevity, educational incentive awards, or other fringe additives accorded other state employees under provisions of law, and for which directors are eligible and entitled.

(c) In no event will the department of administration lower the salaries of existing directors during their term of office.

(d) Upon determination by the department of administration, the proposed salaries of directors will be referred to the general assembly by the last day in April of that year to go into effect thirty (30) days hence, unless rejected by formal action of the house and the senate acting concurrently within that time.

36-4-23 Preferred reemployment list. Any person in the classified service who holds permanent status and is laid off as a result of reorganization, abolishment of positions by reason of reduction of force due to lack of work or lack of funds shall be placed on the list in the order of length of service and appointment therefrom shall be in the same order.

36-4-23.1 Reemployment lists. Any person who holds full status in the classified service and resigns in good standing shall be entitled to have his or her name placed on an appropriate reemployment list, provided that the person so requests in writing within three (3) years of the date of his or her termination from the state service. Any person with full status who has resigned and whose appointing authority has failed to certify that he or she has resigned in good standing or any person with full status who has been dismissed from the classified service may request in writing within three (3) years of the date of his or her termination that his or her name be placed on the appropriate reemployment list and the request may be granted at the discretion of the personnel administrator. Each name placed on a reemployment list shall be
stricken therefrom at the expiration of three (3) years from the official termination date.

SECTION 6. Sections 36-6-3, 36-6-5, and 36-6-22 of the General Laws in Chapter 36-6 entitled “Salaries and Traveling Expenses” are hereby amended to read as follows:

36-6-3. Salaries of directors of state departments. – The general officers of the state shall receive such annual salaries as the general assembly may by law determine. Directors shall receive such annual salaries as may be from time to time established by the unclassified pay plan board which shall consist of seven (7) members as provided in § 36-4-16, determined by the director of administration. The state controller is hereby authorized and directed to draw his or her orders upon the general treasurer for the payment of such sums, or so much thereof, as may be required from time to time, upon receipt by him or her of properly authenticated vouchers.

36-6-5. Manner of compensation prescribed by appropriation law. – All officials and employees shall be compensated in the manner provided by the annual appropriation act or as may hereafter otherwise be prescribed by law. This section shall not apply to the directors of the several departments of the state of Rhode Island or to the general officers of the state of Rhode Island whose salaries shall be fixed by the general assembly.

36-6-22. Longevity payments. – Beginning on July 1, 2011, notwithstanding any rule, regulation, or provision of the public laws or general laws to the contrary, there shall be no further longevity increases for officers, secretaries, and employees of the legislative branch, the judicial branch, the office of the governor, the office of the lieutenant governor, the department of state, the department of the attorney general, and the treasury department; provided, however, for employees with longevity provisions pursuant to a collective bargaining agreement in effect on June 1, 2011, longevity increases shall cease beginning on July 1, 2011 or beginning upon the expiration of the applicable collective bargaining agreement, whichever occurs later. Effective through June 30, 2015, to the extent an employee has previously accrued longevity payments, the employee shall continue to receive the same longevity percentage in effect on June 30, 2011, or in the case of an employee with longevity provisions pursuant to a collective bargaining agreement in effect on June 1, 2011, the same longevity percentage in effect on June 30, 2011 or upon the expiration of the applicable collective bargaining agreement, whichever occurs later. Effective July 1, 2015, to the extent an employee has previously accrued longevity payments, the employee’s longevity payments shall be equal to the longevity amount earned by the employee for the last pay period in June, 2015, or in the case of an employee with longevity provisions pursuant to a collective bargaining agreement in effect on June 30, 2015, longevity payments shall be equal to the longevity amount earned by the employee for the last pay period in June, 2015 or the last pay period prior to the expiration of the applicable collective bargaining agreement.
agreement, whichever occurs later. The longevity amount shall not be included as part of the
employee’s base rate salary.

SECTION 7. Sections 36-12-1, 36-12-2, 36-12-2.2, and 36-12-4 of the General Laws in
Chapter 36-12 entitled “Insurance Benefits” are hereby amended to read as follows:

36-12-1. Definitions. – The following words, as used in §§ 36-12-1 – 36-12-14, shall
have the following meanings:

(1) "Employer", means the state of Rhode Island.

(2) "Employee", means all persons who are classified employees as the term "classified
employee" is defined under § 36-3-3, and all persons in the unclassified and non-classified
service of the state; provided, however, that the following shall not be included as "employees"
under §§ 36-12-1 – 36-12-14:

(i) Part-time personnel whose work week is less than twenty (20) hours a week and
limited period and seasonal personnel;

(ii) Members of the general assembly, its clerks, doorkeepers, and pages.

(3) "Dependents" means an employee's spouse, domestic partner and unmarried children
under nineteen (19) years of age. Domestic partners shall certify by affidavit to the benefits
director of the division of personnel that the (i) partners are at least eighteen (18) years of age and
are mentally competent to contract, (ii) partners are not married to anyone, (iii) partners are not
related by blood to a degree which would prohibit marriage in the state of Rhode Island, (iv)
partners reside together and have resided together for at least one year, (v) partners are financially
interdependent as evidenced by at least two (2) of the following: (A) domestic partnership
agreement or relationship contract; (B) joint mortgage or joint ownership of primary residence,
(C) two (2) of: (I) joint ownership of motor vehicle; (II) joint checking account; (III) joint credit
account; (IV) joint lease; and/or (D) the domestic partner has been designated as a beneficiary for
the employee's will, retirement contract or life insurance. Misrepresentation of information in the
affidavit will result in an obligation to repay the benefits received, and a civil fine not to exceed
one thousand dollars ($1000) enforceable by the attorney general and payable to the general fund.
The employee will notify the benefits director of the division of personnel by completion of a
form prescribed by the benefits director when the domestic partnership ends.

(4) "Retired employee", means all persons retired from the active service of the state,
who, immediately prior to retirement, were employees of the state as determined by the
retirement board under § 36-8-1, and also all retired teachers who have elected to come under the
employees' retirement system of the state of Rhode Island.

(5) "State retiree", means all persons retired from the active service of the state who,
immediately prior to retirement, were employees of the state as determined by the retirement board under § 36-8-1.

(6) "Teacher retiree", means all retired teachers who have elected to come under the employees' retirement system of the state of Rhode Island.

(7) "Long-term health care insurance", means any insurance policy or rider advertised, marketed, offered, or designed to provide coverage for not less than twelve (12) consecutive months for each covered person on an expense incurred, indemnity, prepaid, or other basis for one or more necessary or medically necessary diagnostic, preventive, therapeutic, rehabilitative, maintenance, or personal care services, provided in a setting other than an acute care unit of a hospital. The term includes: group and individual policies or riders whether issued by insurers, fraternal benefit societies, nonprofit health, hospital, and medical service corporations; prepaid health plans, health maintenance organizations; or any similar organization. Long-term health care insurance shall not include: any insurance policy which is offered primarily to provide basic medicare supplement coverage; basic hospital expense coverage; basic medical-surgical expense coverage; hospital confinement indemnity coverage; major medical expense coverage; disability income protection coverage; accident only coverage; specified disease or specified accident coverage; or limited benefit health coverage. This list of excluded coverages is illustrative and is not intended to be all inclusive.

(8) "Non-Medicare-eligible retiree health care insurance", means the health benefit employees who retire from active service of the state (subsequent to July 1, 1989), who immediately prior to retirement were employees of the state as determined by the retirement board pursuant to § 36-8-1, shall be entitled to receive until attaining Medicare eligibility. This health care insurance shall be equal to semi-private hospital care, surgical/medical care and major medical with a one hundred seventy-five dollar ($175) calendar year deductible. The aforementioned program will be provided on a shared basis in accordance with § 36-12-4.

(9) "Medicare-eligible retiree health care insurance", means the health benefit employees who retire from active service of the state (subsequent to July 1, 1989), who immediately prior to retirement were employees of the state as determined by the retirement board pursuant to § 36-8-1, shall have access to when eligible for Medicare. This health care insurance shall include plans providing hospital care, surgical/medical services, rights and benefits which, when taken together with their federal Medicare program benefits, 42 U.S.C. § 1305 et seq., shall be comparable to those provided for retirees prior to the attainment of Medicare eligibility.

(10) "Health reimbursement arrangement", or "HRA" means an account that:

(i) Is paid for and funded solely by state contributions;
(ii) Reimburses a Medicare-eligible state retiree for medical care expenses as defined in § 213(d) of the Internal Revenue Code of 1986, as amended, which includes reimbursements for health care insurance premiums;

(iii) Provides reimbursements up to a maximum dollar amount for a coverage period; and

(iv) Provides that any unused portion of the maximum dollar amount at the end of a coverage period is carried forward to increase the maximum reimbursement amount in subsequent coverage periods.

36-12-2. Hospital care and surgical-medical service benefits. – (a) Employees of the state of Rhode Island shall receive, in addition to wages, salaries, and any other remuneration or benefits, hospital care and surgical-medical services, rights, and benefits purchased by the director of administration pursuant to § 36-12-6, with the specific condition that the benefits and services provided by the carrier(s) will be substantially equivalent to those set forth in any collective bargaining agreement(s) executed between the state of Rhode Island and authorized representatives of the unions representing state employees or the health care coverage presently being provided.

(b) The state will work diligently with leadership of organized labor in order to ensure competitive, cost effective health care services for all employees of the state who may be eligible for those benefits.

(c) Any new plan must accept pre-existing conditions for those individuals who will be covered by the new policy.

(d) Part-time employees whose work week is less than twenty (20) hours a week may purchase the benefits set forth above. The employees shall pay the same rate for the benefits as the group rate paid by the state for the benefits. Payments for the benefits may be deducted in accordance with the provisions of § 36-12-3.

36-12-2.2. Disabled retired employees – Hospital care and surgical-medical service benefits. – Notwithstanding any other provision of the law to the contrary, an employee of the state of Rhode Island who retires under the provisions of title 36 of the Rhode Island general laws with a disability pension benefit shall receive only the following state-sponsored health care and subsidies:

(1) Disabled retired employees who retire on or before September 30, 2008, and who are at least sixty (60) years of age as of September 30, 2008.

   (i) Any disabled retired employee of the state of Rhode Island who retires on or before September 30, 2008, and is at least sixty (60) years of age as of September 30, 2008, will be eligible until age sixty-five (65) to continue to purchase hospital care and surgical-medical
Furthermore, if he/she retired subsequent to July 1, 1989, he/she shall receive for himself or herself a subsidy on the individual medical plan in accordance with the following formula until attaining age sixty-five (65):

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>State’s Share</th>
<th>Employee’s Share</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-15</td>
<td>50%</td>
<td>50%</td>
</tr>
<tr>
<td>16-22</td>
<td>70%</td>
<td>30%</td>
</tr>
<tr>
<td>23-27</td>
<td>80%</td>
<td>20%</td>
</tr>
<tr>
<td>28+</td>
<td>100%</td>
<td>0%</td>
</tr>
</tbody>
</table>

(ii) Any disabled retired employee of the state of Rhode Island who retires on or before September 30, 2008, and is at least sixty-five (65) years of age as of September 30, 2008, will be eligible to continue to purchase hospital care and surgical-medical service benefits as set forth in § 36-12-2 and as are received by classified employees. Furthermore, if he/she retired subsequent to July 1, 1989, he/she shall receive for himself or herself a subsidy on his or her individual medical plan in accordance with the following formula applied to the cost of the Medicare supplemental plan:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>State’s Share</th>
<th>Employee’s Share</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-15</td>
<td>50%</td>
<td>50%</td>
</tr>
<tr>
<td>16-22</td>
<td>70%</td>
<td>30%</td>
</tr>
<tr>
<td>20-27</td>
<td>90%</td>
<td>10%</td>
</tr>
<tr>
<td>28+</td>
<td>100%</td>
<td>0%</td>
</tr>
</tbody>
</table>

(iii) Payment for the coverage shall be based on the group rate used by the state for non-Medicare eligible retirees at the same group rate used by the state in making payment for state employees.

(2) Disabled retired employees who retire after September 30, 2008, or are under sixty (60) years of age on September 30, 2008. Any disabled retired employee of the state of Rhode Island who retires after September 30, 2008, or any disabled retired employee of the state of Rhode Island who is under sixty (60) years of age on September 30, 2008, will be eligible to receive state-sponsored medical coverage and subsidies as follows:

(i) If the retiree is under fifty-nine (59) years of age, the retiree shall have the right to purchase hospital care and surgical-medical service benefits as set forth in § 36-12-2 and as are received by classified employees. Payment for the coverage shall be based on the group rate used by the state for non-Medicare eligible retirees at the same group rate used by the state in making payment for state employees.
(ii) Furthermore, if the retiree is under fifty-nine (59) years of age, and retired after July 1, 1989, and before September 30, 2008, and the retiree had a minimum of twenty-eight (28) years of total service, he/she shall receive for himself or herself a ninety percent (90%) subsidy on the individual medical plan until attaining age fifty-nine (59).

(iii) If the retiree is under fifty-nine (59) years of age, and retired after July 1, 1989, and before September 30, 2008, and the retiree had a minimum of twenty-eight (28) years of total service, he/she shall receive for himself or herself a ninety percent (90%) subsidy on the individual medical plan until attaining age fifty-nine (59).

(iii) At age fifty-nine (59) the retiree and his/her dependents shall be eligible only for enrollment in the medical plans available to non-disabled state employee retirees. If the retiree has a minimum of ten (10) years of contributory service, and up to twenty (20) years of total service, the retiree will be eligible for a fifty percent (50%) state subsidy on the cost of the individual retiree medical plan. If the retiree has a minimum of ten (10) years of contributory service, and twenty (20) years or more of total service, the retiree will be eligible for an eighty percent (80%) state subsidy on the cost of the individual retiree medical plan. The retiree is responsible for full payment for any additional dependent plans.

(3) Disabled retired employees who retire after September 30, 2008, or are under sixty-five (65) years of age on September 30, 2008. Any disabled retired employee of the state of Rhode Island who retires after September 30, 2008, or any disabled retired employee of the state of Rhode Island who is under sixty-five (65) years of age on September 30, 2008, will be eligible to receive only the following state-sponsored medical coverage and subsidies upon attaining age sixty-five (65):

(i) If the retiree is eligible for Medicare at age sixty-five (65), the retiree and spouse shall enroll in a state-sponsored Medicare supplemental plan.

(ii) If a retiree is not eligible for Medicare at age sixty-five (65), the retiree may remain in the same medical plan that the retiree was enrolled in prior to attaining age sixty-five (65).

(iii) If the retiree has a minimum of ten (10) years of contributory service, and up to twenty (20) years of total service, the retiree will receive a fifty percent (50%) state subsidy based on the cost of the individual Medicare supplemental plan. If the retiree has a minimum of ten (10) years of contributory service and twenty (20) years or more of total service, the retiree will be eligible for an eighty percent (80%) state subsidy based on the cost of the individual Medicare supplemental plan. The retiree is responsible for full payment for any additional dependent plans.

(4) Payments for retiree and dependent medical coverage may, at the discretion of the director of the department of administration or his or her designee, be deducted from the purchaser's retirement benefits received pursuant to chapter 10 of this title.

36-12-4. Coverage of Non-Medicare-eligible retired employees.—(a) Non-Medicare-eligible retired employees who retired on or before September 30, 2008. Any retired employee who retired on or before September 30, 2008 shall be entitled, until attaining Medicare eligibility,
to be covered under § 36-12-1 – 36-12-5 for himself and herself and, if he or she so desires, his
or her non-Medicare-eligible dependents, upon agreeing to pay the total cost of his or her contract
based on the group rate for non-Medicare eligible retirees at the group rate for active state
employees. Payments of any non-Medicare-eligible retired employee for coverage shall may, at
the discretion of the director of the department of administration or his or her designee, be
deducted from his or her retirement allowance and remitted from time to time in payment for such
contract. In addition, any retired employee who retired on or before September 30, 2008 shall be
permitted to purchase coverage for his or her non-Medicare-eligible dependents upon agreeing to
pay the additional cost of the contract based on the group rate for non-Medicare eligible retirees
at the group rate for active state employees. Payment for coverage for these dependents shall
may, at the discretion of the director of the department of administration or his or her designee, be
deducted from his or her retirement allowances and remitted as required in payment for the
contract.

(b) Non-Medicare-eligible state retirees who retired subsequent to July 1, 1989, and on
or before September 30, 2008. Non-Medicare-eligible state retirees who retired subsequent to
July 1, 1989, and on or before September 30, 2008, from active service of the state, and who were
employees of the state as determined by the retirement board under § 36-8-1, shall be entitled to
receive for himself or herself non-Medicare-eligible a retiree health care insurance benefit as
described in § 36-12-1 in accordance with the following formula:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Age at Retirement</th>
<th>State’s Share</th>
<th>Employee’s Share</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-15</td>
<td>60</td>
<td>50%</td>
<td>50%</td>
</tr>
<tr>
<td>16-22</td>
<td>60</td>
<td>70%</td>
<td>30%</td>
</tr>
<tr>
<td>23-27</td>
<td>60</td>
<td>80%</td>
<td>20%</td>
</tr>
<tr>
<td>28+</td>
<td>--</td>
<td>90%</td>
<td>10%</td>
</tr>
<tr>
<td>28+</td>
<td>60</td>
<td>100%</td>
<td>0%</td>
</tr>
<tr>
<td>35+</td>
<td>any</td>
<td>100%</td>
<td>0%</td>
</tr>
</tbody>
</table>

If the retired employee is receiving a subsidy on September 30, 2008, the state will
continue to pay the same subsidy share until the retiree attains age sixty-five (65).

Until December 31, 2013, when the state retiree reaches that age which will qualify him
or her for Medicare supplement, the formula shall be:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>State’s Share</th>
<th>Employee’s Share</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-15</td>
<td>50%</td>
<td>50%</td>
</tr>
<tr>
<td>16-19</td>
<td>70%</td>
<td>30%</td>
</tr>
<tr>
<td>20-27</td>
<td>90%</td>
<td>10%</td>
</tr>
</tbody>
</table>
(c) Non-Medicare-eligible retired employees who retire on or after October 1, 2008. Any retired employee who retires on or after October 1, 2008 shall be entitled, until attaining Medicare eligibility, to be covered under §§ 36-12-1 – 36-12-5 for himself and herself and, if he or she so desires, his or her non-Medicare-eligible dependents, upon agreeing to pay the total cost of the contract in the plan in which he or she enrolls. Payments of any non-Medicare-eligible retired employee for coverage shall may, at the discretion of the director of the department of administration or his or her designee, be deducted from his or her retirement allowance and remitted from time to time in payment for such contract. Any retired employee who retires on or after October 1, 2008, shall be permitted to purchase coverage for his or her non-Medicare-eligible dependents upon agreeing to pay the additional cost of the contract at the group rate for the plan in which the dependent is enrolled. Payment for coverage for dependents shall may, at the discretion of the director of the department of administration or his or her designee, be deducted from the retired employee's retirement allowances and remitted as required in payment for the contract. The Director of Administration shall develop and present to the chairpersons of the House Finance Committee and the Senate Finance Committee by May 23, 2008 a retiree health plan option or options to be offered to retirees eligible for state-sponsored medical coverage who are under age sixty-five (65) or are not eligible for Medicare. This plan will have a reduced benefit level and will have an actuarially based premium cost not greater than the premium cost of the plan offered to the active state employee population. This new plan option will be available to employees retiring after September 30, 2008, and their dependents.

(d) Non-Medicare-eligible state retirees who retire on or after October 1, 2008. Non-Medicare-eligible state retirees who retire on or after October 1, 2008 from active service of the state, and who were employees of the state as determined by the retirement board under § 36-8-1, and who have a minimum of twenty (20) years of service, and who are a minimum of fifty-nine (59) years of age, shall be entitled to receive for himself or herself a non-Medicare-eligible retiree health insurance benefit as described in § 36-12-1. The state will subsidize 80% of the cost of the health insurance plan for individual coverage in which the state retiree is enrolled. Payments for coverage shall may, at the discretion of the director of the department of administration or his or her designee, be deducted from his or her retirement allowance and remitted from time to time in payment for such contract.

(e) Medicare-eligible state retirees who retire on or after October 1, 2008. Until December 31, 2013, the state shall subsidize eighty percent (80%) of the cost of the Medicare-eligible health insurance plan for individual coverage in which the state retiree is enrolled,
provided the employee retired on or after October 1, 2008; has a minimum of twenty (20) years of
service; and is a minimum of fifty-nine (59) years of age. Payments for coverage shall may, at the
discretion of the director of the department of administration or his or her designee, be deducted
from his or her retirement allowance and remitted from time to time in payment for such health
insurance plan.

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

SECTION 8. This article shall take effect upon passage, except for Section 1 which shall
take effect on passage for new employees hired after July 1, 2015 and shall take effect on
September 1, 2015 for existing classified employees.

ARTICLE 23
RELATING TO CORRECTIONS

entitled “Weapons” are hereby amended to read as follows:

11-47-17 Qualifications required of law enforcement officers appointed after June
17, 1959. — Except as provided in § 11-47-15.3, all law enforcement officers of this state and its
political subdivisions whose permanent appointment shall take place after June 17, 1959, will be
required to qualify with the pistol or revolver with which they are armed prior to their permanent
appointment, that qualification to be the same as that required in § 11-47-15. Constables, special
officers, and all law enforcement officers who by law are authorized to carry side-arms and
whose appointments are made on a recurring basis will be required to qualify not later than one
year following the date of enactment of this section, and their commissions or warrants will be
plainly marked or stamped "QUALIFIED WITH PISTOL OR REVOLVER" and will be signed
and dated by the certifying authority attesting to that fact. The failure of any law enforcement
officer to qualify under the provisions of this section revokes his or her privilege of carrying a
pistol or revolver, whether concealed or not, on or about his or her person. All law enforcement
officers of this state and its political subdivisions will repeat this qualification at periods of not
more than one year, except for correctional officers who shall not qualify on an annual basis but instead shall qualify every two (2) years.

11-47-17.1 Mandatory or discretionary nature of § 11-47-15.1 requirements. —
Qualification reports to be filed. — (a) All law enforcement officers of this state and its political
subdivisions, whose permanent appointment shall take place later than June 6, 1970, shall be
required to qualify with the pistol or revolver with which they are armed prior to their permanent
appointment, that qualification to be as required in §§ 11-47-15.1 and 11-47-15.3. All permanent
appointed law enforcement officers of this state and its political subdivisions who are required to
qualify under § 11-47-17 may, at the discretion of the officer, qualify under either § 11-47-15, 11-
47-15.1 or 11-47-15.3. The failure of any law enforcement officer to qualify under the provisions
of this section revokes his or her privilege of carrying a pistol or revolver, whether concealed or
not, on or about his or her person. Qualification under this section will be required at periods of
not more than one year, except for correctional officers who must repeat this qualification every
two (2) years, who shall not qualify on an annual basis but instead shall qualify every two (2)
years only.

(b) Copies of all of the qualification reports shall be filed with the office of the attorney
general.

SECTION 2. This article shall take effect as of July 1, 2015.

ARTICLE 24

RELATING TO INFRASTRUCTURE BANK

SECTION 1. Sections 24-18-2 and 24-18-3 of the General Laws in Chapter 24-18
entitled “Municipal Road and Bridge Revolving Fund” are hereby amended to read as follows:

24-18-2. Legislative findings. – The general assembly finds and declares that:

(1) Transportation plays a critical role in enabling economic activity in the state of Rhode
Island;

(2) Cities and towns can lower the costs of borrowing for road and bridge projects
through cooperation with the Clean Water Finance Agency Rhode Island infrastructure bank;

(3) The clean water and drinking water fund programs administered by the Clean Water
Finance Agency Rhode Island infrastructure bank benefit from the highest bond rating of any
public entity in the state of Rhode Island; and

(4) Greater coordination among cities and towns will enable more efficient allocation of
infrastructure resources by the state of Rhode Island.

24-18-3. Definitions. – As used in this chapter, the following terms, unless the context
requires a different interpretation, shall have the following meanings:

(1) "Agency" means the Clean Water Finance Agency Rhode Island infrastructure bank
as set forth in chapter 46-12.2;

(2) "Annual construction plan" means the finalized list of approved projects to commence
construction each calendar year;
(3) "Approved project" means any project approved by the agency for financial assistance;

(4) "Department" means the department of transportation, or, if the department shall be abolished, the board, body, or commission succeeding to the principal functions thereof or upon whom the powers given by chapter 5 of title 37 to the department shall be given by law.

(5) "Eligible project" means an infrastructure plan, or portion of an infrastructure plan, that meets the project evaluation criteria;

(6) "Financial assistance" means any form of financial assistance other than grants provided by the agency to a city or town in accordance with this chapter for all or any part of the cost of an approved project, including, without limitation, temporary and permanent loans, with or without interest, guarantees, insurance, subsidies for the payment of debt service on loans, lines of credit, and similar forms of financial assistance;

(7) "Infrastructure plan" means a project proposed by a city or town that would make capital improvements to roads, bridges and appurtenances thereto consistent with project evaluation criteria;

(8) "Market rate" means the rate the city or town would receive in the open market at the time of the original loan agreement as determined by the agency in accordance with its rules and regulations;

(9) "Project evaluation criteria" means the criteria used by the department to evaluate infrastructure plans and rank eligible projects and shall include the extent to which the project generates economic benefits, the extent to which the project would be able to proceed at an earlier date, the likelihood that the project would provide mobility benefits, the cost effectiveness of the project, the likelihood that the project would increase safety, and the project's readiness to proceed within the forthcoming calendar year;

(10) "Project priority list" means the list of eligible projects ranked in the order in which financial assistance shall be awarded by the agency pursuant to section 7 of this chapter;

(11) "Revolving fund" means the municipal road and bridge revolving fund established under section 4 of this chapter; and

(12) "Subsidy assistance" means credit enhancements and other measures to reduce the borrowing costs for a city or town.

SECTION 2. Section 35-3-7.2 of the General Laws in Chapter 35-3 entitled "State Budget" is hereby amended to read as follows:

35-3-7.2, Budget officer as capital development officer. – The budget officer shall be a capital development program officer who shall be responsible for:
(1) The review of all capital development requests submitted by the various state
departments, as set forth in chapter 6 of title 42, which shall include all independent boards and
commissions and the capital development plans of the Narragansett Bay Commission, Rhode
Island Clean Water Finance Agency, Rhode Island infrastructure bank, the Lottery Commission,
and all other public corporations, as defined in chapter 18 of this title which plans would be
subject to the provisions of § 35-18-3; provided, that, except as provided for in this section,
nothing in this section shall be construed to limit the powers of the board of governors for higher
education as outlined in chapter 59 of title 16. Capital development requests and plans shall be
submitted in such form, with such explanation, in such number of copies, and by such date as the
budget officer may require. Copies shall also be provided directly to the house fiscal advisor and
the senate fiscal advisor.

(2) Preparation of a capital budget which shall specify which capital items are proposed
for presentation to the electorate at the next general election.

(3) The activities which will promote capital development planning and develop criteria
which can be used to determine appropriate levels of bonded indebtedness.

(4) Acting as chairperson of the capital development planning and oversight commission
which is to be appointed by the governor. The commission, in addition to recommending to the
governor the biennial capital budget, shall implement a long range capital development planning
process and shall be responsible for the development of an inventory of state assets to determine
the need and prioritization of capital improvements.

(5) Working with the board of governors for higher education in the development by the
board of that portion of the board's capital development program involving annual general
revenues.

Corporation Debt Management” is hereby amended to read as follows:

35-18-3. Approval by the general assembly. – (a) No elected or appointed state official
may enter into any financing lease or into any guarantee with any person without the prior
approval of the general assembly unless:

(1) The governor certifies that federal funds will be available to make all of the payments
which the state is or could be obligated to make under the financing lease or guarantee; or

(2) The general assembly has adjourned for the year with the expectation that it will not
meet again until the following year and the governor certifies that action is necessary, because of
events occurring after the general assembly has adjourned, to protect the physical integrity of an
essential public facility, to ensure the continued delivery of essential public services, or to
maintain the credit worthiness of the state in the financial markets.

(b) No bonds may be issued or other obligation incurred by any public corporation to finance, in whole or in part, the construction, acquisition, or improvement of any essential public facility without the prior approval of the general assembly, unless:

(1) The governor certifies that federal funds will be available to make all of the payments required to be made by the public corporation in connection with the bond or obligation. The certification shall be transmitted to the speaker of the house and the president of the senate with copies to the chairpersons of the respective finance committees and fiscal advisors; or

(2) The general assembly has adjourned for the year with the expectation that it will not meet again until the following year and the governor certifies that action is necessary, because of events occurring after the general assembly has adjourned, to protect the physical integrity of an essential public facility, to ensure the continued delivery of essential public services, or to maintain the credit worthiness of the state in the financial markets. The certification shall be transmitted to the speaker of the house and the president of the senate, with copies to the chairpersons of the respective finance committees and fiscal advisors.

(c) In addition to, and not by way of limitation on, the exemptions provided in subsections (a) and (b), prior approval by the general assembly shall not be required under this chapter for bonds or other obligations issued by, or financing leases or guarantee agreements entered into by:

(1) The Rhode Island industrial facilities corporation; provided financing leases, bonds or other obligations are being issued for an economic development project;

(2) The Rhode Island Clean Water Finance Agency

(3) The Rhode Island housing and mortgage finance corporation;

(4) The Rhode Island student loan authority;

(5) Any public corporation to refund any bond or other obligation issued by the public corporation to finance the acquisition, construction, or improvement of an essential public facility provided that the governor certifies to the speaker of the house and the president of the senate, with copies to the chairpersons of the respective finance committees and fiscal advisors that the refunding shall provide a net benefit to the issuer; provided, however, obligations of the Rhode Island resource recovery corporation outstanding on July 31, 1999, may be refunded by the issuance of obligations on or before August 1, 1999;

(6) The Narragansett Bay water quality management district commission;

(7) The Rhode Island health and educational building corporation, except bonds or other obligations issued in connection with the acquisition, construction, or improvement of any facility
used by any state agency, department, board, or commission, including the board of governors for
higher education, to provide services to the public pursuant to the requirements of state or federal
law, and all fixtures for any of those facilities; and

(8) The state to refund any financing leases entered into with the authorization of the
general assembly, provided that the governor certifies to the speaker of the house and the
president of the senate, with copies to the chairpersons of the respective finance committees and
fiscal advisors, that the refunding shall provide a net benefit to the state.

(d) Nothing contained in this section applies to any loan authorized to be borrowed under
Article VI, § 16 or 17 of the Rhode Island Constitution.

(e) Nothing in this section is intended to expand in any way the borrowing authority of
any public corporation under its charter.

(f)(1) Any certification made by the governor under subsection (a), (b), or (c) of this
section may be relied upon by any person, including without limitation, bond counsel.

(2) The certifications shall be transmitted to the speaker of the house and the president of
the senate with copies to the chairpersons of the respective finance committees and fiscal
advisors.

(g) Except as provided for in this chapter, the requirements of this chapter supersede any
other special or general provision of law, including any provision which purports to exempt sales
or leases between the state and a public corporation from the operation of any law.

SECTION 4. Section 39-1-27.7 of the General Laws in Chapter 39-1 entitled “Public
Utilities Commission” is hereby amended to read as follows:

39-1-27.7. System reliability and least-cost procurement. – Least-cost procurement
shall comprise system reliability and energy efficiency and conservation procurement as provided
for in this section and supply procurement as provided for in § 39-1-27.8, as complementary but
distinct activities that have as common purpose meeting electrical and natural gas energy needs in
Rhode Island, in a manner that is optimally cost-effective, reliable, prudent and environmentally
responsible.

(a) The commission shall establish not later than June 1, 2008, standards for system
reliability and energy efficiency and conservation procurement, which shall include standards and
guidelines for:

(1) System reliability procurement, including but not limited to:

(i) Procurement of energy supply from diverse sources, including, but not limited to,
renewable energy resources as defined in chapter 26 of this title;

(ii) Distributed generation, including, but not limited to, renewable energy resources and
thermally leading combined heat and power systems, which is reliable and is cost-effective, with measurable, net system benefits;

(iii) Demand response, including, but not limited to, distributed generation, back-up generation and on-demand usage reduction, which shall be designed to facilitate electric customer participation in regional demand response programs, including those administered by the independent service operator of New England ("ISO-NE") and/or are designed to provide local system reliability benefits through load control or using on-site generating capability;

(iv) To effectuate the purposes of this division, the commission may establish standards and/or rates (A) for qualifying distributed generation, demand response, and renewable energy resources; (B) for net-metering; (C) for back-up power and/or standby rates that reasonably facilitate the development of distributed generation; and (D) for such other matters as the commission may find necessary or appropriate.

(2) Least-cost procurement, which shall include procurement of energy efficiency and energy conservation measures that are prudent and reliable and when such measures are lower cost than acquisition of additional supply, including supply for periods of high demand.

(b) The standards and guidelines provided for by subsection (a) shall be subject to periodic review and as appropriate amendment by the commission, which review will be conducted not less frequently than every three (3) years after the adoption of the standards and guidelines.

(c) To implement the provisions of this section:

(1) The commissioner of the office of energy resources and the energy efficiency and resources management council, either or jointly or separately, shall provide the commission findings and recommendations with regard to system reliability and energy efficiency and conservation procurement on or before March 1, 2008, and triennially on or before March 1, thereafter through March 1, 2017. The report shall be made public and be posted electronically on the website to the office of energy resources.

(2) The commission shall issue standards not later than June 1, 2008, with regard to plans for system reliability and energy efficiency and conservation procurement, which standards may be amended or revised by the commission as necessary and/or appropriate.

(3) The energy efficiency and resources management council shall prepare by July 15, 2008, a reliability and efficiency procurement opportunity report which shall identify opportunities to procure efficiency, distributed generation, demand response and renewables, which report shall be submitted to the electrical distribution company, the commission, the office of energy resources and the joint committee on energy.
(4) Each electrical and natural gas distribution company shall submit to the commission on or before September 1, 2008, and triennially on or before September 1, thereafter through September 1, 2017, a plan for system reliability and energy efficiency and conservation procurement. In developing the plan, the distribution company may seek the advice of the commissioner and the council. The plan shall include measurable goals and target percentages for each energy resource, pursuant to standards established by the commission, including efficiency, distributed generation, demand response, combined heat and power, and renewables. The plan shall be made public and be posted electronically on the website to the office of energy resources, and shall also be submitted to the general assembly.

(5) The commission shall issue an order approving all energy efficiency measures that are cost effective and lower cost than acquisition of additional supply, with regard to the plan from the electrical and natural gas distribution company, and reviewed and approved by the energy efficiency and resources management council, and any related annual plans, and shall approve a fully reconciling funding mechanism to fund investments in all efficiency measures that are cost effective and lower cost than acquisition of additional supply, not greater than sixty (60) days after it is filed with the commission.

(6)(i) Each electrical and natural gas distribution company shall provide a status report, which shall be public, on the implementation of least cost procurement on or before December 15, 2008, and on or before February 1, 2009, to the commission, the division, the commissioner of the office of energy resources and the energy efficiency and resources management council which may provide the distribution company recommendations with regard to effective implementation of least cost procurement. The report shall include the targets for each energy resource included in the order approving the plan and the achieved percentage for energy resource, including the achieved percentages for efficiency, distributed generation, demand response, combined heat and power, and renewables as well as the current funding allocations for each eligible energy resource and the businesses and vendors in Rhode Island participating in the programs. The report shall be posted electronically on the website of the office of energy resources.

(ii) Beginning on November 1, 2012 or before, each electric distribution company shall support the installation and investment in clean and efficient combined heat and power installations at commercial, institutional, municipal, and industrial facilities. This support shall be documented annually in the electric distribution company's energy efficiency program plans. In order to effectuate this provision, the energy efficiency and resource management council shall seek input from the public, the gas and electric distribution company, the economic development
corporation, and commercial and industrial users, and make recommendations regarding services
to support the development of combined heat and power installations in the electric distribution
company's annual and triennial energy efficiency program plans.

(iii) The energy efficiency annual plan shall include, but not be limited to, a plan for
identifying and recruiting qualified combined heat and power projects, incentive levels, contract
terms and guidelines, and achievable megawatt targets for investments in combined heat and
power systems. In the development of the plan, the energy efficiency and resource management
council and the electric distribution company shall factor into the combined heat and power plan
and program, the following criteria: (A) Economic development benefits in Rhode Island,
including direct and indirect job creation and retention from investments in combined heat and
power systems; (B) Energy and cost savings for customers; (C) Energy supply costs; (D)
Greenhouse gas emissions standards and air quality benefits; and (E) System reliability benefits.

(iv) The energy efficiency and resource management council shall conduct at least one
public review meeting annually, to discuss and review the combined heat and power program,
with at least seven (7) business day's notice, prior to the electric and gas distribution utility
submitting the plan to the commission. The commission shall evaluate the submitted combined
heat and power program as part of the annual energy efficiency plan. The commission shall issue
an order approving the energy efficiency plan and programs within sixty (60) days of the filing.

(d) If the commission shall determine that the implementation of system reliability and
energy efficiency and conservation procurement has caused or is likely to cause under or over-
recovery of overhead and fixed costs of the company implementing said procurement, the
commission may establish a mandatory rate adjustment clause for the company so affected in
order to provide for full recovery of reasonable and prudent overhead and fixed costs.

(e) The commission shall conduct a contested case proceeding to establish a performance
based incentive plan which allows for additional compensation for each electric distribution
company and each company providing gas to end-users and/or retail customers based on the level
of its success in mitigating the cost and variability of electric and gas services through
procurement portfolios.

SECTION 5. Section 39-2-1.2 of the General Laws in Chapter 39-2 entitled “Duties of
Utilities and Carriers” is hereby amended as follows:

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

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

(b) Effective as of January 1, 2008, and for a period of ten thirty (30) years thereafter, each electric distribution company shall include a charge per kilowatt-hour delivered to fund demand side management programs (the “electric demand side charge”). Effective as of January 1, 2008, and for a period of ten (10) years thereafter, each electric distribution company shall include a charge of 0.3 mills per kilowatt-hour delivered to fund renewable energy programs. The electric distribution company shall establish and, after July 1, 2007, maintain two (2) separate accounts, one for demand side management programs (the “demand side account”), which shall be funded by the electric demand side charge and administered and implemented by the distribution company, subject to the regulatory reviewing authority of the commission, and one for renewable energy programs, which shall be administered by the economic development corporation pursuant to § 42-64-13.2 and, shall be held and disbursed by the distribution company as directed by the economic development corporation for the purposes of developing, promoting and supporting renewable energy programs.

During the ten (10) year period time periods established in section 39-2-1.2(b), the commission may, in its discretion, after notice and public hearing, increase the sums for demand side management and renewable resources; thereafter, In addition, the commission shall, after notice and public hearing, determine the appropriate charges for these programs. The office of energy resources and/or the administrator of the renewable energy programs may seek to secure for the state an equitable and reasonable portion of renewable energy credits or certificates created by private projects funded through those programs. As used in this section, "renewable energy resources" shall mean: (1) power generation technologies as defined in § 39-26-5, "eligible renewable energy resources", including off grid and on-grid generating technologies located in Rhode Island as a priority; (2) research and development activities in Rhode Island pertaining to eligible renewable energy resources and to other renewable energy technologies for electrical generation; or (3) projects and activities directly related to implementing eligible renewable energy resources projects in Rhode Island. Technologies for converting solar energy
for space heating or generating domestic hot water may also be funded through the renewable energy programs. Fuel cells may be considered an energy efficiency technology to be included in demand sided management programs. Special rates for low-income customers in effect as of August 7, 1996 shall be continued, and the costs of all of these discounts shall be included in the distribution rates charged to all other customers. Nothing in this section shall be construed as prohibiting an electric distribution company from offering any special rates or programs for low-income customers which are not in effect as of August 7, 1996, subject to the approval by the commission.

(1) The renewable energy investment programs shall be administered pursuant to rules established by the economic development corporation, Rhode Island commerce corporation. Said rules shall provide transparent criteria to rank qualified renewable energy projects, giving consideration to:

(i) the feasibility of project completion;
(ii) the anticipated amount of renewable energy the project will produce;
(iii) the potential of the project to mitigate energy costs over the life of the project; and
(iv) the estimated cost per kilo-watt hour (kwh) of the energy produced from the project.

(c) [Deleted by P.L. 2012, ch. 241, § 14].

d) The executive director of the economic development corporation is authorized and may enter into a contract with a contractor for the cost effective administration of the renewable energy programs funded by this section. A competitive bid and contract award for administration of the renewable energy programs may occur every three (3) years and shall include as a condition that after July 1, 2008 the account for the renewable energy programs shall be maintained and administered by the economic development corporation as provided for in subdivision (b) above.

d) Effective January 1, 2007, and for a period of eleven thirty-one (11) years thereafter, each gas distribution company shall include, with the approval of the commission, a charge per deca therm delivered to fund demand side management programs (the “gas demand side charge”), including, but not limited to, programs for cost effective energy efficiency, energy conservation, combined heat and power systems, and weatherization services for low income households.

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

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

(i) gas used for distribution generation; and

(ii) gas used for the manufacturing processes, where the customer has established a self
directed program to invest in and achieve best effective energy efficiency in accordance with a
plan approved by the commission and subject to periodic review and approval by the
commission, which plan shall require annual reporting of the amount invested and the return on
investments in terms of gas savings.

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

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

(i) Effective January 1, 2013, the commission shall annually allocate from the
administrative funding amount allocated in (i) from the demand-side management program as
described in subsection (i) as follows: fifty sixty percent (560%) for the purposes identified in
subsection (i) and forty-five percent (450%) annually to the office of energy resources for
activities associated with planning management, and evaluation of energy efficiency programs,
renewable energy programs, system reliability, least-cost procurement, and with regulatory
proceedings, contested cases, and other actions pertaining to the purposes, powers and duties of
the office of energy resources.

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On April 15, of each year the office and the council shall submit to the governor, the president of the senate, and the speaker of the house of representatives, separate financial and performance reports regarding the demand-side management programs, including the specific level of funds that were contributed by the residential, municipal, and commercial and industrial sectors to the overall programs; the businesses, vendors, and institutions that received funding from demand-side management gas and electric funds used for the purposes in section 39-2-1.2; and the businesses, vendors, and institutions that received the administrative funds for the purposes in sections 39-2-1.2(j) and 39-2-1.2(j). These reports shall be posted electronically on the websites of the office of energy resources and the energy efficiency resource management council.

(k) Effective August 1, 2015 each electric distribution company shall remit five (5) percent of the monthly programmatic proceeds of the electric demand side charge to the Rhode Island infrastructure bank. These proceeds shall be returned to the remitting electric distribution company to fund that electric distribution company’s demand side management programs in accordance with Section 46-12.2-14.1.

(l) Effective August 1, 2015 each gas distribution company shall remit five (5) percent of the monthly programmatic proceeds of the gas demand side charge to the Rhode Island infrastructure bank. These proceeds shall be returned to the remitting gas distribution company to fund that gas distribution company’s demand side management programs in accordance with Section 46-12.2-14.1.

SECTION 6. Section 39-26-7 of the General Laws in Chapter 39-26 entitled “Renewable Energy Standard” is hereby amended to read as follows:

39-26-7. Renewable energy development fund -- (a) There is hereby authorized and created within the Rhode Island commerce corporation a renewable energy development fund for the purpose of increasing the supply of NE-GIS certificates available for compliance in future years by obligated entities with renewable energy standard requirements, as established in this chapter. The fund shall be located at and administered by the Rhode Island commerce corporation in accordance with § 42-64-13.2. The Rhode Island commerce corporation shall:

Administer the fund and adopt plans and guidelines for the management and use of the fund in accordance with § 42-64-13.2 coordination with the office of energy resources and the Rhode Island infrastructure bank in accordance with section 42-64-13.2, and

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

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

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

(2) Establishing and maintaining a residential renewable energy program using eligible technologies in accordance with § 39-26-5;

(3) Providing technical and financial assistance to municipalities for interconnection and feasibility studies, and/or the installation of renewable energy projects;

(4) Implementing and supporting commercial and residential property assessed clean energy projects;

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

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

(7) Paying administrative costs of the fund incurred by the Rhode Island commerce corporation, economic development corporation, the board of trustees, or the Rhode Island infrastructure bank and the office of energy resources, not to exceed ten percent (10%) of the income of the fund, including, but not limited to, alternative compliance payments. All funds transferred from the economic development corporation Rhode Island commerce corporation to support the Rhode Island infrastructure bank and the office of energy resources' administrative costs shall be deposited as restricted receipts.

(d) All applications received for the use of the fund shall be reviewed by the Rhode Island commerce corporation in consultation with the office of energy resources and the Rhode Island infrastructure bank.

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


SECTION 8. Sections 39-26.5-1, 39-26.5-2, 39-26.5-3, 39-26.5-5, 39-26.5-6, 39-26.5-7, 39-26.5-8, 39-26.5-9, 39-26.5-10 and 39-26.5-11, of the General Laws in Chapter 39-26.5 entitled “Property Assessed Clean Energy -- Residential Program” are hereby amended to read as follows:

39-26.5-1. Legislative findings. -- It is hereby found and declared:

(1) Investing in energy efficiency and renewable energy improvements is financially beneficial over time, as well as good for the environment;

(2) Upfront costs are a barrier to investments in major energy improvements for both commercial and residential property owners;

(3) There are few financing options available that combine easy qualification, an attractive interest rate, and a relatively long repayment term;

(4) Property-assessed clean energy, hereinafter referred to as PACE, is a voluntary financing mechanism which allows homeowners both residential and commercial property owners to access affordable, long-term financing for energy upgrades to renewable energy and energy efficiency upgrades including system reliability upgrades, alternative fuel infrastructure upgrades, and other eligible environmental and health and safety upgrades on their property;

(5) PACE financing offers incremental special assessment payments that are low and fixed for up to twenty (20) years, with no upfront costs; the PACE special assessment fees transfer to the new owner when a property is sold, or the assessment obligation can be paid in full at transfer; and electricity and fuel bills are lower than they would be without the improvements; and

(6) PACE financing will allow create a means for Rhode Island cities and towns to contribute in order to provide a mechanism to help meet increase community sustainability, greenhouse gas emissions reductions, and meet other energy goals and will also provide a valuable service to the citizens of their communities.

39-26.5-2. Definitions. -- As used in this chapter, the following definitions apply:

(1) “Commercial property” means a property operated for commercial purposes, or a residential property which contains five (5) or more housing units.

(2) “Distributed generation system” means an electrical generation facility located in the electric distribution company’s load zone with a nameplate capacity no greater than five megawatts (5 MW), using eligible renewable energy resources as defined by § 39-26-5, including biogas created as a result of anaerobic digestion, but, specifically excluding all other listed eligible biomass fuels, and connected to an electrical power system owned, controlled, or operated by the electric distribution company.

(3) “Dwelling” means a residential structure or mobile home which contains one to
four (4) family housing units, or individual units of condominiums or cooperatives,

(4) “Eligible net metering system” means a facility generating electricity as defined in § 39-26.4-2.

(5) “Eligible renewable energy resources” means resources as defined in § 39-26-5.

(6) “Energy efficient projects” means those projects that are eligible under § 39-1-27.7 or projects that have been defined as eligible in the PACE rules and regulations.

(7) “Institution” means a private entity or quasi state agency.

(8) “Loan loss reserve fund or “LRF” means funds set aside to cover losses in the event of loan defaults.

(9) “Municipality and towns and cities” means any Rhode Island town or city with powers set forth in title 45 of the general laws.

(10) “Net metering” means using electricity as defined in section 39-26.4-2.

(11) “Office of energy resources” or “office” means the Rhode Island office of energy resources within the department of administration.

(12) “PACE assessment” or “assessment” means the special assessment placed on a PACE property in accordance with § 39-26.5-4 owner’s property tax bill to be collected by the PACE municipality in which that PACE property is located and remitted to the lender that has financed that PACE property owner’s PACE Loan.

(13) “PACE lien” means the non-accelerating lien placed on a PACE property in accordance with the rules and regulations promulgated by the office subject to Section 39-26.5-11, in order to secure the repayment of a PACE loan made in connection to that PACE property and to secure the payment of each PACE assessment to be made by that PACE property owner as each assessment comes due.

(14) “PACE loan” means a loan, approved by the office, made in accordance with this chapter and the rules and regulations promulgated by the office in accordance therewith.

(15) “PACE municipality” means a municipality voluntarily designated by its city or town council as a property-assessed clean energy municipality.

(16) “PACE property” or “property” means any dwelling or commercial property which
is the subject of an application filed pursuant to section § 39-26.5-4.

(17) “Past due balances” means the sum of the due and unpaid assessments on a PACE Property as of the time the ownership of that PACE property is transferred. “Past due balances” does not mean the unaccelerated balance of the PACE loan at the time that property is transferred.

(18) “Property-assessed clean energy” or “PACE” is a voluntary financing mechanism which allows both residential and commercial property owners to access affordable, long-term financing for energy efficiency and renewable energy improvements to upgrades, and other eligible environmental and health and safety upgrades on their property.

(19) “Rhode Island infrastructure bank” means the Rhode Island infrastructure bank (“RIIB”). For the purposes of this chapter, Rhode Island infrastructure bank shall include other related state agencies and/or third party administrators, as may be engaged by the Rhode Island infrastructure bank for the purposes of providing the services envisioned by the rules and regulations promulgated in accordance with section 39-26.5-11.

39-26.5-3. Property-Assessed Clean Energy Municipality. – A town or city council by resolution may designate the municipality as a property assessed clean energy municipality, also referred to as a “PACE municipality.”

39-26.5-5. Rights of dwelling owners PACE Property Owners Rights of PACE Property Owners. – A dwelling PACE property owner who has entered into a written agreement with a municipality under section 39-26.5-4 may enter into a contract for the installation or construction of a project relating to renewable energy as defined in section 39-26-5, or relating to energy efficiency as defined in section 39-1-27.7 or as defined by the office Rhode Island infrastructure bank under subsection 39-26.5-8(a)11.

39-26.5-6. Priority of PACE assessment lien. – (a) A lien for a PACE assessment lien on a dwelling shall be: subordinate to all liens on the property dwelling in existence at the time the lien for the assessment in filed; subordinate to a first mortgage on the property dwelling recorded after such filing; and superior to any other lien on the property dwelling recorded after such filing. This subsection shall not affect the status or priority of any other municipal or statutory lien.

(b) At the time of a transfer of property ownership of a dwelling, including by foreclosure, the past due balances of any special assessment under this chapter shall be due for payment. In the event of a foreclosure action, the past due balances shall include all payments on a PACE assessment that are due and unpaid as of the date of the foreclosure. Unless otherwise agreed by the PACE lender, all payments on the PACE assessment that become due after the date of transfer by foreclosure or otherwise shall continue to be secured by a lien on the PACE
property and shall be the responsibility of the transferee.

(c) A PACE lien on a commercial property shall be: senior to all liens on the commercial property in existence at the time the PACE lien is created; senior to all liens created or recorded after the time the PACE lien is created; and on parity with a municipal tax lien.

(d) At the time of a transfer of property ownership of a commercial property, including by foreclosure, the past due balances of any special assessment under this chapter shall be due for payment. Unless otherwise agreed by the PACE lender, all payments on the PACE assessment that become due after the date of transfer by foreclosure or otherwise shall remain a lien on the PACE property and shall be the responsibility of the transferee.

39-26.5-7 Loan loss reserve fund. – (a) the office shall Rhode Island infrastructure bank may contract with one or more approved institutions, approved financial institution to create one or more Loan loss Reserve Funds (LRF).

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

39-26.5-8. Assistance to municipalities. – The office Rhode Island infrastructure bank shall:

(1) (a) Commencing on/or before July 1, 2014 and thereafter publish Publish on its website a list of the types of PACE eligible energy efficiency, and renewable energy, other projects as defined in rules and regulations promulgated under 39-26.5-11;

(2) (b) Provide information concerning implementation of this chapter to each municipality that requests such information;

(3) (c) Offer administrative and technical assistance to and offer to manage the PACE program on behalf of any PACE municipality that voluntarily participates in the PACE program; and

(4) (d) Develop and offer informational resources to help residents make best use of the PACE program.

39-26.5-9. Monitoring, reporting, compliance, underwriting criteria. – The Rhode Island infrastructure bank shall determine compliance with the underwriting criteria, standards, and procedures established within this chapter and shall include an accounting of the PACE
program in the annual report due on April 15th of each year to the general assembly under subsection 39-2-1.2(k) under § 46-12.2-24.1. The report shall describe the implementation and operation of the PACE program receipts, disbursements and earnings.

39-26.5-11. Rules and regulations. – The office is authorized to Rhode Island infrastructure bank shall consult with the office of energy resources and other relevant state agencies and shall promulgate necessary rules and regulations, including but not limited to those listed in section 39-26.5-4, in order to assure that PACE programs shall be successfully instituted in Rhode Island; such in accordance with the terms of this chapter. Such rules should ensure that the PACE program does not adversely affect the implementation of any other energy program in whose coordination the office Rhode Island infrastructure bank or the office of energy resources is involved.


39-26.5-4. Written agreements, consent of dwelling owners, energy savings analysis. After January 1, 2014, a PACE municipality may enter into a written agreement with any dwelling owner within the municipality who has:

(1) An energy savings analysis approved by the office or an analysis performed under plans approved by the commission pursuant to section 39-1-27.2;

(2) An energy efficiency and/or renewable energy project description approved by the office; and

(3) A commitment from a financial institution to provide funds to complete the project.

The agreement will require the dwelling owner to consent to be subject to the terms of the lien as set forth in Section 39-26.5-6.

SECTION 10. Chapter 39-26.5 of the General Laws entitled, “Property Assessed Clean Energy – Residential Program” is hereby amended by adding thereto the following section:

39-26.5-4.1. Application, project eligibility, agreement with municipality. – (a) The office, in consultation with the office of energy resources, shall be responsible for promulgating regulations that establish:

The necessary application requirements and procedures for any dwelling owner or commercial property owner seeking PACE financing.

The necessary qualifications and requirements for a proposed PACE project.

(b) The office shall be responsible for promulgating the agreements and forms, to be signed by PACE property owners, PACE municipalities, and PACE lenders, necessary to effectuate the PACE program.
SECTION 11. Section 42-64-13.2 of chapter 42-64 of the General Laws entitled “Rhode Island Commerce Corporation” is hereby repealed.

42-64-13.2 Renewable energy investment coordination. (a) Intent. To develop an integrated organizational structure to secure for Rhode Island and its people the full benefits of cost-effective renewable energy development from diverse sources.

(b) Definitions. For purposes of this section, the following words and terms shall have the meanings set forth in RIGL 42-64-3 unless this section provides a different meaning. Within this section, the following words and terms shall have the following meanings:

(1) “Corporation” means the Rhode Island economic development corporation.

(2) “Municipality” means any city or town, or other political subdivision of the state.

(3) “Office” means the office of energy resources established by chapter 42-140.

(c) Renewable energy development fund. The corporation shall, in the furtherance of its responsibilities to promote and encourage economic development, establish and administer a renewable energy development fund as provided for in section 39-26-7, may exercise the powers set forth in this chapter, as necessary or convenient to accomplish this purpose, and shall provide such administrative support as may be needed for the coordinated administration of the renewable energy standard as provided for in chapter 39-26 and the renewable energy program established by section 39-2-1.2. The corporation may upon the request of any person undertaking a renewable energy facility project, grant project status to the project, and a renewable energy facility project, which is given project status by the corporation, shall be deemed an energy project of the corporation.

(d) Duties. The corporation shall, with regards to renewable energy project investment:

(1) Establish by rule, in consultation with the office, standards for financing renewable energy projects from diverse sources.

(2) Enter into agreements, consistent with this chapter and renewable energy investment plans adopted by the office, to provide support to renewable energy projects that meet applicable standards established by the corporation. Said agreements may include contracts with municipalities and public corporations.

(e) Conduct of activities.

(1) To the extent reasonable and practical, the conduct of activities under the provisions of this chapter shall be open and inclusive; the director shall seek, in addressing the purposes of this chapter, to involve the research and analytic capacities of institutions of higher education within the state, industry, advocacy groups, and regional entities, and shall seek input from stakeholders including, but not limited to, residential and commercial energy users.
(2) By January 1, 2009, the director shall adopt:

(A) Goals for renewable energy facility investment which is beneficial, prudent, and from
diverse sources;

(B) A plan for a period of five (5) years, annually upgraded as appropriate, to meet the
aforementioned goals; and

(C) Standards and procedures for evaluating proposals for renewable energy projects in
order to determine the consistency of proposed projects with the plan.

(f) Reporting. On March 1, of each year after the effective date of this chapter, the
corporation shall submit to the governor, the president of the senate, the speaker of the house of
representatives, and the secretary of state, a financial and performance report. These reports shall
be posted electronically on the general assembly and the secretary of state's websites as
prescribed in § 42-20.8.2. The reports shall set forth:

(1) The corporation's receipts and expenditures in each of the renewable energy program
funds administered in accordance with this section.

(2) A listing of all private consultants engaged by the corporation on a contract basis and
a statement of the total amount paid to each private consultant from the two (2) renewable energy
funds administered in accordance with this chapter; a listing of any staff supported by these
funds, and a summary of any clerical, administrative or technical support received; and

(3) A summary of performance during the prior year including accomplishments and
shortcomings; project investments, the cost-effectiveness of renewable energy investments by the
corporation; and recommendations for improvement.

SECTION 12. Section 42-155-3 of the General Laws in Chapter 42-155 entitled “Quasi-
Public Corporations Accountability and Transparency Act” is hereby amended to read as follows:

42-155-3. Definitions. [Effective January 1, 2015.]. — (a) As used in this chapter,
"quasi-public corporation” means any body corporate and politic created, or to be created,
pursuant to the general laws, including, but not limited to, the following:

(1) Capital center commission;

(2) Rhode Island convention center authority;

(3) Rhode Island industrial facilities corporation;

(4) Rhode Island industrial-recreational building authority;

(5) Rhode Island small business loan fund corporation;

(6) Quonset development corporation;

(7) Rhode Island airport corporation;

(8) I-195 redevelopment district commission;
(9) Rhode Island health and educational building corporation; 
(10) Rhode Island housing and mortgage finance corporation; 
(11) Rhode Island higher education assistance authority; 
(12) Rhode Island student loan authority; 
(13) Narragansett bay commission; 
(14) Rhode Island Clean Water Finance Agency Rhode Island infrastructure bank; 
(15) Rhode Island water resources board; 
(16) Rhode Island resource recovery corporation; 
(17) Rhode Island public rail corporation; 
(18) Rhode Island public transit authority; 
(19) Rhode Island turnpike and bridge authority; 
(20) Rhode Island tobacco settlement financing corporation; and 
(21) Any subsidiary of the Rhode Island commerce corporation. 

(b) Cities, towns, and any corporation created that is an instrumentality and agency of a city or town, and any corporation created by a state law that has been authorized to transact business and exercise its powers by a city or town pursuant to ordinance or resolution, and fire and water districts are not subject to the provisions of this chapter. 

(c) The Rhode Island commerce corporation, being subject to similar transparency and accountability requirements set forth in chapter 64 of title 42; the Rhode Island public rail corporation established in chapter 64.2 of title 42; Block Island power authority; and the Pascoag utility district shall not be subject to the provisions of this chapter. 

SECTION 13. Section 45-12-33 of the General Laws in Chapter 45-12 entitled “Indebtedness of Towns and Cities” is hereby amended to read as follows: 

45-12-33. Borrowing for road and bridge projects financed through the “municipal road and bridge revolving fund” – (a) In addition to other authority previously granted, during calendar year 2014 a city or town may authorize the issuance of bonds, notes, or other evidences of indebtedness to evidence loans from the municipal road and bridge revolving fund administered by the Rhode Island Clean Water Finance Agency Rhode Island infrastructure bank in accordance with chapter 18 of title 24 of the general laws. 

(b) These bonds, notes, or other evidences of indebtedness are subject to the maximum aggregate indebtedness permitted to be issued by any city or town under § 45-12-2. 

(c) The denominations, maturities, interest rates, methods of sale, and other terms, conditions, and details of any bonds or notes issued under the provisions of this section may be fixed by resolution of the city or town council authorizing them, or if no provision is made in the
resolution, by the treasurer or other officer authorized to issue the bonds, notes or evidences of
indebtedness; provided, that the payment of principal shall be by sufficient annual payments that
will extinguish the debt at maturity, the first of these annual payments to be made not later than
three (3) years, and the last payment not later than twenty (20) years after the date of the bonds.

The bonds, notes, or other evidences of indebtedness may be issued under this section by
any political subdivision without obtaining the approval of its electors, notwithstanding the
provisions of §§ 45-12-19 and 45-12-20 and notwithstanding any provision of its charter to the
contrary.

titled “Maintenance of Marine Waterways and Boating Facilities” are hereby amended to read
as follows:

46-6.1-3. Purpose. – The purposes of this chapter are:

(1) To establish an integrated, coherent plan for dredging and dredge material
management, which includes beneficial use, dewatering, in-water disposal, and upland disposal as
appropriate, that sets forth the state's program for these activities and provides guidance to
persons planning to engage in these activities and to designate the council as the lead agency for
implementing the purposes of this chapter.

(2) To provide for coordinated, timely decision-making by state agencies on applications
for dredging, dewatering, and for the beneficial use and in-water and upland disposal of dredged
materials, with the goals of providing action, following a determination that the application is
complete, on applications for these activities within one hundred eighty (180) days for
applications pertaining to maintenance dredging projects and within five hundred forty (540) days
for expansion projects.

(3) To establish, for the purposes of this chapter and consistent with the requirements of
the Marine Infrastructure Maintenance Act of 1996, the following in order of priority in planning
for and management of dredged material, depending on the nature and characteristics of the
dredged material and on reasonable cost.

(i) Beneficial use, including specifically beach nourishment and habitat restoration and
creation, in the coastal zone;

(ii) Beneficial use in upland areas;

(iii) Disposal.

(4) To encourage the development of the infrastructure needed to dewater dredged
materials, and to facilitate beneficial use of dredged materials in upland areas.

(5) To encourage and facilitate the beneficial use of dredged materials by private parties.
To authorize the establishment of a means of supporting projects for dewatering dredged material and for beneficial use and disposal of dredged material at sites above mean high water by the Rhode Island Clean Water Finance Agency. Rhode Island infrastructure bank.

46-6.1-9. Cooperation of other agencies. — (a) In order to accomplish the purposes of this chapter to provide for beneficial use, dewatering, and disposal of dredged material:

(1) State agencies, departments, corporations, authorities, boards, commissions, including, but not limited to, the department of administration, the department of transportation, the Rhode Island Clean Water Finance Agency, Rhode Island infrastructure bank, the economic development corporation, the Narragansett Bay commission, and the Rhode Island resource recovery corporation, and political subdivisions, shall cooperate with the council in developing and implementing the comprehensive plan for dredged material management;

(2) The council shall seek federal acceptance of the comprehensive plan for dredged material management as an element of the state's coastal zone management program and shall pursue such federal approvals and general permits as may facilitate expeditious action on dredging applications that are consistent with the plan;

(3) The economic development corporation shall:

(i) Make available by October 31, 2004, a site to use as a dewatering site for dredged material, which site shall be available for dewatering dredged material until at least September 30, 2012, and may continue to be available thereafter for periods of not less than six (6) months, upon the request of the council and the approval of the corporation; and

(ii) With advice from the council and the department, develop and implement a program to market dredged material for beneficial use by private persons, including but limited to brownfield reclamation projects; and

(4) The council, with the cooperation of the department and the Clean Water Finance Agency, Rhode Island infrastructure bank, shall develop a proposal for a fund, which may be used as provided for in § 46-12.2-4.1, to support projects for dewatering dredged material for beneficial use and disposal of dredged material at sites above mean high water and for confined aquatic disposal of dredged materials, which proposal shall be submitted to the general assembly not later than February 15, 2002.

(b) The fund shall not be established or go into effect unless it has been approved by the general assembly.

SECTION 15. Section 46-12.10-1 of the General Laws in Chapter 46-12.10 entitled “Commission to Study Feasibility and Funding of Homeowners Assistance Fund for Septic Systems” is hereby amended to read as follows:
46-12.10-1. Legislative findings. – The General Assembly hereby recognizes and declares that:

(a) There exists and will continue to exist within the state of Rhode Island the need to construct, maintain and repair facilities and projects for the abatement of pollution caused by domestic wastewater discharges, including, but not limited to, septic systems and cesspools.

(b) It is found that there are presently ninety thousand (90,000) cesspools within the State of Rhode Island.

(c) Failed and poorly functioning ISDS systems contribute directly to pollution in such environmentally sensitive areas as Greenwich Bay, coastal salt ponds and other water resources.

(d) It is further found that there is a need to establish a fund that shall provide to communities financial assistance to create and adopt a community septic system management plan and provide the corpus of a fund within the existing State SRF as administered by the Clean Water Finance Agency Rhode Island infrastructure bank that shall enable communities to offer to homeowners within those communities the opportunity to access low-cost loans for repair or replacement of failed or poorly functioning septic systems.


SECTION 17. Sections 46-12.2-1, 46-12.2-2, 46-12.2-3, 46-12.2-4, 46-12.2-6, 46-12.2-8, 46-12.2-9, 46-12.2-10 and 46-12.2-11 of the General Laws in Chapter 46-12.2 entitled “Rhode Island Clean Water Financing Agency” are hereby amended to read as follows:

46-12.2-1. Legislative findings. – (a) It is hereby found that there exists and will in the future exist within the state of Rhode Island the need to construct facilities and to facilitate projects for the abatement of pollution caused by wastewater and for the enhancement of the waters of the state, and for the completion of renewable energy and energy efficiency projects in order to save property owners money and to encourage job and business growth in Rhode Island. And that the traditional source for funding construction of such facilities and projects under the grant program of title II of the Clean Water Act, 33 U.S.C. §§1281-1299, will terminate at the end of fiscal year 1990.

(b) It is hereby further found that to meet water quality goals under federal and state law, and to secure maximum benefit of funding programs available under federal and state law pertaining to wastewater pollution abatement projects, it is necessary to establish a revolving loan fund program in accordance with federal and state law to provide a perpetual source of low cost financing for water pollution abatement projects.

(c) It is hereby further found that to secure maximum benefit to the state from funding
programs available under federal and state law and, to the extent permissible to attract private
capital, for water pollution abatement projects, for safe drinking water projects, for municipal
road and bridge projects, and other infrastructure related projects, it is necessary to establish a
finance agency to administer the revolving loan funds and other financing mechanisms, and for
the finance agency to work with the department of environmental management, Rhode Island
department of transportation, the Rhode Island office of energy resources and other federal and
state agencies for proper administration of the revolving loan funds and other financing
mechanisms.

(d) It is hereby further found that cities and towns can lower the costs of borrowing for
road and bridge projects through cooperation with the Rhode Island infrastructure bank and that
greater coordination among cities and towns will enable more efficient allocation of infrastructure
resources by the state of Rhode Island.

(e) It is hereby further found that the geographic size of and population of Rhode Island,
while often derided as an impediment to economic growth, are potential assets, not handicaps, to
better infrastructure development.

(f) It is hereby further found that initiatives for infrastructure finance can best be
accomplished through a new, streamlined entity that seeks to foster and develop a public-private
sector partnership that takes advantage of all of Rhode Island’s strengths.

(g) It is hereby further found that expanding the Rhode Island clean water finance agency
and renaming it the Rhode Island infrastructure bank provides the best avenue towards fostering
the creation of jobs and the realization of energy cost savings through the facilitation of
infrastructure improvements.

46-12.2-2. Definitions. – As used in this chapter, unless the context clearly indicates
otherwise, the following words and phrases shall have the following meanings:

(1) “Agency” means the Rhode Island clean water finance agency Rhode Island
infrastructure bank.

(2) “Approved project” means any project or portion thereof that has been issued a
certificate of approval by the department, or other comparable evidence of approval by any other
agency or political subdivision or instrumentality of the state, for financial assistance from the
agency;

(3) “Board” means board of directors of the agency;

(4) “Bond act” means any general or special law authorizing a local governmental unit to
incur indebtedness for all or any part of the cost of projects coming within the scope of a water
pollution abatement project, or for other projects related to this chapter, including but not limited
(5) "Bonds" means bonds, notes, or other evidence of indebtedness of the agency;

(6) "Certificate of approval" means the certificate of approval contemplated by § 46-12.2-8, or other comparable evidence of approval issued by any agency or political subdivision or instrumentality of the state;

(7) "Chief executive officer" means the mayor in any city, the president of the town council in any town, and the executive director of any authority or commission, unless some other officer or body is designated to perform the functions of a chief executive officer under any bond act or under the provisions of a local charter or other law;


(9) “Corporation” means any corporate person, including, but not limited to, bodies politic and corporate, corporations, societies, associations, partnerships, sole proprietorships and subordinate instrumentalities of any one or more political subdivisions of the state;

(910) "Cost" as applied to any approved project, means any or all costs, whenever incurred, approved by the agency in accordance with section eight of this chapter, of planning, designing, acquiring, constructing, and carrying out and placing the project in operation, including, without limiting the generality of the foregoing, amounts for the following: planning, design, acquisition, construction, expansion, improvement and rehabilitation of facilities; acquisition of real or personal property; demolitions and relocations; labor, materials, machinery and equipment; services of architects, engineers, and environmental and financial experts and other consultants; feasibility studies, plans, specifications, and surveys; interest prior to and during the carrying out of any project and for a reasonable period thereafter; reserves for debt service or other capital or current expenses; costs of issuance of local governmental obligations or non-governmental obligations issued to finance the obligations including, without limitation, fees, charges, and expenses and costs of the agency relating to the loan evidenced thereby, fees of trustees and other depositories, legal and auditing fees, premiums and fees for insurance, letters or lines of credit or other credit facilities securing local governmental obligations or non-governmental obligations and other costs, fees, and charges in connection with the foregoing; and working capital, administrative expenses, legal expenses, and other expenses necessary or incidental to the aforesaid, to the financing of a project and to the issuance therefor of local government obligations under the provisions of this chapter;
"Department" means the department of environmental management;

"Energy efficiency savings" means the savings derived from the implementation of energy efficient and renewable energy upgrades to public buildings;

"Financial assistance" means any form of financial assistance other than grants provided by the agency to a local governmental unit or corporation in accordance with this chapter for all or any part of the cost of an approved project, including, without limitation, grants, temporary and permanent loans, with or without interest, guarantees, insurance, subsidies for the payment of debt service on loans, lines of credit, and similar forms of financial assistance; provided, however, notwithstanding the foregoing, for purposes of capitalization grant awards made available to the agency, pursuant to the American Recovery and Reinvestment Act of 2009 (P.L. 111-5), or as otherwise required in connection with other capitalization grant awards made available to the agency, financial assistance shall also include principal forgiveness and negative interest loans;

"Fully marketable form" means a local governmental obligation in form satisfactory to the agency duly executed and accompanied by an opinion of counsel of recognized standing in the field of municipal law whose opinions have been and are accepted by purchasers of like obligations to the effect that the obligation is a valid and binding obligation of the local governmental unit issuing the obligation, enforceable in accordance with its terms;

"General revenues" , when used with reference to a local governmental unit, means revenues, receipts, assessments, and other moneys of the local governmental unit received from or on account of the exercise of its powers and all rights to receive the same, including without limitation:

(i) Taxes,

(ii) Wastewater system revenues,

(iii) Assessments upon or payments received from any other local governmental unit which is a member or service recipient of the local governmental unit, whether by law, contract, or otherwise,

(iv) Proceeds of local governmental obligations and loans and grants received by the local governmental unit in accordance with this chapter,

(v) Investment earnings,

(vi) Reserves for debt service or other capital or current expenses,

(vii) Receipts from any tax, excise, or fee heretofore or hereafter imposed by any general or special law all or a part of the receipts of which are payable or distributable to or for the account of the local governmental unit,
(viii) Local aid distributions, and

(ix) Receipts, distributions, reimbursements, and other assistance received by or for the
account of the local governmental unit from the United States or any agency, department, or
instrumentality thereof;

(16) "Loan" means a loan by the agency to a local governmental unit or corporation for
costs of an approved project, including, without limitation, temporary and permanent loans, and
lines of credit;

(17) "Loan agreement" means any agreement entered into by the agency with a local
governmental unit or corporation pertaining to a loan, other financial assistance, local
governmental obligations, or non-governmental obligations, including, without limitation, a loan
agreement, trust agreement, security agreement, reimbursement agreement, guarantee agreement,
lease agreement, or similar instrument;

(18) "Local aid distributions" means receipts, distributions, reimbursements, and other
assistance payable by the state to or for the account of a local governmental unit, except such
receipts, distributions, reimbursements, and other assistance restricted by law to specific
statutorily defined purposes;

(19) "Local governmental obligations" means bonds, notes, lease obligations, and other
evidences of indebtedness in fully marketable form issued by a local governmental unit to
evidence a loan from the agency in accordance with this chapter or otherwise as provided herein;

(20) "Local governmental unit" means any town, city, district, commission, agency,
authority, board, or other political subdivision or instrumentality of the state or of any political
subdivision thereof responsible for the ownership or operation of a water pollution abatement
project, including the Narragansett Bay water quality management district commission; and, for
purposes of dam safety or dam maintenance projects, any person seeking financial assistance as a
joint applicant with any of the above entities;

(21) "Local interest subsidy trust fund" means the local interest subsidy trust fund
established under § 46-12.2-6;

(22) "Non-governmental obligations" means bonds, notes, or other evidences of
indebtedness in fully marketable form issued by a corporation to evidence a loan from the agency
in accordance with this chapter or otherwise as provided herein;

(23) "Person" means any natural or corporate person, including bodies politic and
corporate, public departments, offices, agencies, authorities, and political subdivisions of the
state, corporations, societies, associations, and partnerships, and subordinate instrumentalties of
any one or more political subdivisions of the state;
"Priority determination system" means the system by which water pollution abatement projects are rated on the basis of environmental benefit and other criteria for funding assistance pursuant to rules and regulations promulgated by the department as they may be amended from time to time;

"Qualified energy conservation bond" or “QECB” means those bonds designated by 26 USC 54D.

"Revenues", when used with reference to the agency, means any receipts, fees, payments, moneys, revenues, or other payments received or to be received by the agency in the exercise of its corporate powers under this chapter, including, without limitation, loan repayments, payments on local governmental obligations, non-governmental obligations, grants, aid, appropriations, and other assistance from the state, the United States, or any agency, department, or instrumentality of either or of a political subdivision thereof, bond proceeds, investment earnings, insurance proceeds, amounts in reserves, and other funds and accounts established by or pursuant to this chapter or in connection with the issuance of bonds, including, without limitation, the water pollution control revolving fund, the Rhode Island water pollution control revolving fund, and the local interest subsidy fund, and any other fees, charges or other income received or receivable by the agency;

"Rhode Island water pollution control revolving fund” means the Rhode Island water pollution control revolving fund established pursuant to § 46-12.2-6;

"Trust agreement” means a trust agreement, loan agreement, security agreement, reimbursement agreement, currency or interest rate exchange agreement, or other security instrument, and a resolution, loan order, or other vote authorizing, securing, or otherwise providing for the issue of bonds, loans, or local governmental obligations or non-governmental obligations;

"Wastewater system revenues" means all rates, rents, fee assessments, charges, and other receipts derived or to be derived by a local governmental unit from wastewater collection and treatment facilities and water pollution abatement projects under its ownership or control, or from the services provided thereby, including, without limitation, proceeds of grants, gifts, appropriations, and loans, including the proceeds of loans or grants awarded by the agency or the department in accordance with this chapter, investment earnings, reserves for capital and current expenses, proceeds of insurance or condemnation, and the sale or other disposition of property; wastewater system revenues may also include rates, rents, fees, charges, and other receipts derived by the local governmental unit from any water supply of distribution facilities or other revenue producing facilities under its ownership or control; wastewater system revenues...
shall not include any ad valorem taxes levied directly by the local governmental unit on any real
and personal property;

(3026) “Water pollution abatement project” or “project” means any project eligible
pursuant to Title VI of the Clean Water Act including, but not limited to, wastewater treatment or
conveyance project that contributes to removal, curtailment, or mitigation of pollution of the
surface water of the state, and conforms with any applicable comprehensive land use plan which
has been adopted or any dam safety, removal or maintenance project; it also means a project to
enhance the waters of the state, which the agency has been authorized by statute to participate in;
it also means a project related to brownfields remediation and/or development subject to
consultation with the Rhode Island commerce corporation and department of environmental
management, or any other project which the agency has been authorized to participate in;

(3127) “Water pollution control revolving fund” means the water pollution control
revolving fund contemplated by title VI of the Water Quality Act and established under § 46-
12.2-6;

(3228) “Water Quality Act” means the Water Quality Act of 1987, Pub. L. No. 100-4,

46-12.2-3. Establishment of agency—Composition of agency—Appointment of
directors of the Rhode Island infrastructure bank. Establishment, composition
Appointment of directors of the Rhode Island infrastructure bank. (a) There is hereby
created a body politic and corporate and The agency known as the “Rhode Island clean water
finance agency” shall now be known as the “Rhode Island infrastructure bank.” Whenever in any
general law, public law, rule, regulation and/or bylaw, reference is made to the Rhode Island
clean water finance agency, by name or otherwise, the reference shall be deemed to refer to and
mean the “Rhode Island infrastructure bank.” The agency shall take all necessary actions to
effectuate this name change, including, but not limited to, changing the name of the agency on
file with any government office. The Rhode Island infrastructure bank shall remain a public
instrumentality of the state having distinct legal existence from the state and not constituting a
department of the state government, to be known as the Rhode Island clean water finance agency.
The exercise by the this agency of the powers conferred by this chapter shall be deemed to be the
performance of an essential public function.

(b) Nothing in this act shall be construed to change or modify the corporate existence of
the former Rhode Island clean water finance agency, which shall now be known as the “Rhode
Island infrastructure bank,” or to change or modify any contracts or agreements of any kind by,
for, between, or to which the Rhode Island clean water finance agency is a party.
The powers of the agency shall be exercised by or under the supervision of a board of directors consisting of five-seven members, four of whom shall be members of the public appointed by the governor, with the advice and consent of the senate. The governor in making these appointments shall give due consideration to persons skilled and experienced in law, finance, and public administration and give further due consideration to a recommendation by the general treasurer for one of those appointments. The newly appointed member will serve for a limited term to expire in March of 2006. All appointments made by the governor shall serve for a term of two years. No one shall be eligible for appointment unless he or she is a resident of this state. The members of the board of directors as of the effective date of this act [July 15, 2005] who were appointed to the board of directors by members of the general assembly shall cease to be members of the board of directors on the effective date of this act. As of the effective date of this act, the general treasurer or his or her designee, who shall be a subordinate within the general treasurer's department, shall serve on the board of directors as an ex-officio member. The commerce secretary, or his or her designee, and the director of the department of environmental management, or his or her designee, shall also serve on the board of directors as ex officio members. Those members of the board of directors as of the effective date of this act who were appointed to the board of directors by the governor shall continue to serve the balance of their current terms.

Each member of the board of directors shall serve until his or her successor is appointed and qualified. The appointed member of the board of directors shall be eligible for reappointment. Any member of the board of directors appointed to fill a vacancy of a public member on the board shall be appointed by the governor, with the advice and consent of the senate, for the unexpired term of the vacant position in the same manner as the member's predecessor as set forth in subsection 46-12.2-3(b). The public members of the board of directors shall be removable by the governor, pursuant to § 36-1-7 and for cause only, and removal solely for partisan or personal reasons unrelated to capacity or fitness for the office shall be unlawful. The governor shall designate one member of the board of directors to be the chairperson of the agency to serve in such capacity during his or her term as a member. The board of directors may elect from among its members such other officers as they deem necessary. Three members of the board of directors shall constitute a quorum. A majority vote of those present shall be required for action. No vacancy in the membership of the board of directors shall impair the right of a quorum to exercise the powers of the board of directors. The members of the board of directors shall serve without compensation, but each member shall be reimbursed for all reasonable expenses incurred in the performance of his or her duties.
Notwithstanding any other provision of general or special law to the contrary, any member of the board of directors, who is also an officer or employee of the state or of a local governmental unit or other public body, shall not thereby be precluded from voting for or acting on behalf of the agency, the state, or local governmental unit or other public body on any matter involving the agency, the state, or that local governmental unit or other public body, and any director, officer, employee, or agent of the agency shall not be precluded from acting for the agency on any particular matter solely because of any interest therein which is shared generally with a substantial segment of the public.

**46-12.2-4 General powers and duties of agency.** – (a) The agency shall have all powers necessary or convenient to carry out and effectuate the purposes and provisions of this chapter and chapter chapter 24-18 and chapter 39-26.5, including, without limiting the generality of the foregoing, the powers and duties:

1. To adopt and amend bylaws, rules, regulations, and procedures for the governance of its affairs, the administration of its financial assistance programs, and the conduct of its business;
2. To adopt an official seal;
3. To maintain an office at such place or places as it may determine;
4. To adopt a fiscal year;
5. To adopt and enforce procedures and regulations in connection with the performance of its functions and duties;
6. To sue and be sued;
7. To employ personnel as provided in § 46-12.2-5, and to engage accounting, management, legal, financial, consulting and other professional services;
8. Except as provided in this chapter, to receive and apply its revenues to the purposes of this chapter without appropriation or allotment by the state or any political subdivision thereof;
9. To borrow money, issue bonds, and apply the proceeds thereof, as provided in this chapter and chapter 24-18, and to pledge or assign or create security interests in revenues, funds, and other property of the agency and otherwise as provided in this chapter and chapter 24-18, to pay or secure the bonds; and to invest any funds held in reserves or in the water pollution control revolving fund, the Rhode Island water pollution control revolving fund, the municipal road and bridge fund established under chapter 24-18, any other funds established in accordance with this chapter, or the local interest subsidy trust fund, or any revenues or funds not required for immediate disbursement, in such investments as may be legal investments for funds of the state;
10. To obtain insurance and to enter into agreements of indemnification necessary or convenient to the exercise of its powers under this chapter and chapter 24-18;
(11) To apply for, receive, administer, and comply with the conditions and requirements respecting any grant, gift, or appropriation of property, services, or moneys;

(12) To enter into contracts, arrangements, and agreements with other persons, and execute and deliver all instruments necessary or convenient to the exercise of its powers under this chapter and chapter 24-18; such contracts and agreements may include without limitation, loan agreements with a local governmental unit or corporation, capitalization grant agreements, intended use plans, operating plans, and other agreements and instruments contemplated by title VI of the Clean Water Act, 33 U.S.C. § 1381 et seq., or this chapter, agreement and instruments contemplated by chapter 24-18, grant agreements, contracts for financial assistance or other forms of assistance from the state or the United States, and trust agreements and other financing agreements and instruments pertaining to bonds;

(13) To authorize a representative to appear on its own behalf before other public bodies, including, without limiting the generality of the foregoing, the congress of the United States, in all matters relating to its powers and purposes;

(14) To provide financial assistance to a local governmental unit, or, subject to consultation with the Rhode Island commerce corporation, to a corporation to finance costs of approved projects, and to thereby acquire and hold local governmental obligations and non-governmental obligations at such prices and in such manner as the agency shall deem advisable, and sell local governmental obligations and non-governmental obligations acquired or held by it at prices without relation to cost and in such manner as the agency shall deem advisable, and to secure its own bonds with such obligations all as provided in this chapter and chapter 24-18;

(15) To be the sole Rhode Island governmental provider of financial assistance with regards to those water pollution abatement projects concerning brownfields revolving funds,

(16) To establish and collect such fees and charges as the agency shall determine to be reasonable;

(17) To acquire, own, lease as tenant, or hold real, personal or mixed property or any interest therein for its own use; and to improve, rehabilitate, sell, assign, exchange, lease as landlord, mortgage, or otherwise dispose of or encumber the same;

(18) To do all things necessary, convenient, or desirable for carrying out the purposes of this chapter and chapter 24-18 or the powers expressly granted or necessarily implied by this chapter and chapter 24-18;

(19) To conduct a training course for newly appointed and qualified members and new designees of ex-officio members within six (6) months of their qualification or designation. The course shall be developed by the executive director, approved by the board of directors, and
conducted by the executive director. The board of directors may approve the use of any board of
directors or staff members or other individuals to assist with training. The training course shall
include instruction in the following areas: the provisions of chapters 46-12.2, 42-46, 36-14, and
38-2; and the agency’s rules and regulations. The director of the department of administration
shall, within ninety (90) days of the effective date of this act [July 15, 2005], prepare and
disseminate, training materials relating to the provisions of chapters 42-46, 36-14 and 38-2; and
(19) (20) Upon the dissolution of the water resources board (corporate) pursuant to § 46-
15.1-22, to have all the powers and duties previously vested with the water resources board
(corporate), as provided pursuant to chapter 46-15.1.
(20) (21) To meet at the call of the chair at least eight (8) times per year. All meetings
shall be held consistent with chapters 42-46.
(22) To be the sole issuer of OECBs from the state of Rhode Island’s allocation,
including any portions of which have been reallocated to the state by local governments, for any
project authorized to be financed with the proceeds thereof under the applicable provisions of 26
USC 54D.
(b) Notwithstanding any other provision of this chapter, the agency shall not be
authorized or empowered:
(1) To be or to constitute a bank or trust company within the jurisdiction or under the
control of the department of banking and insurance of the state, or the commissioner thereof, the
comptroller of the currency of the United States of America, or the Treasury Department thereof;
or
(2) To be or constitute a bank, banker or dealer in securities within the meaning of, or
subject to the provisions of, any securities, securities exchange, or securities dealers’ law of the
United States or the state.
46-12.2-6. Establishment of the water pollution control revolving fund, the Rhode
Island water pollution control revolving fund and the local interest subsidy trust fund –
Sources of funds – Permitted uses. – (a) The agency shall be the instrumentality of the state for
administration of the water pollution control revolving fund, the Rhode Island water pollution
control revolving fund, and the local interest subsidy trust fund, and such other funds it holds or
for which it is responsible, and, in conjunction with the department, is empowered to and shall
take all action necessary or appropriate to secure to the state the benefits of title VI of the Clean
Water Act, 33 U.S.C. § 1381 et seq., and other federal or state legislation pertaining to the funds
and to the financing of approved projects. Without limiting the generality of the foregoing and
other powers of the agency provided in this chapter, the agency is empowered to and shall:
(1) Cooperate with appropriate federal agencies in all matters related to administration of
the water pollution control revolving fund and, pursuant to the provisions of this chapter,
administer the fund and receive and disburse such funds from any such agencies and from the
state as may be available for the purpose of the fund.

(2) Administer the Rhode Island water pollution control revolving fund and the local
interest subsidy trust fund, and receive and disburse such funds from the state as may be available
for the purpose of the funds subject to the provisions of this chapter.

(3) In cooperation with the department, prepare, and submit to appropriate federal
agencies applications for capitalization grants under title VI of the Clean Water Act, 33 U.S.C. §
1381 et seq., and enter into capitalization grant agreements, operating agreements, and other
agreements with appropriate federal and state agencies, and accept and disburse, as provided
herein, any capitalization grant awards made under title VI of the Clean Water Act, 33 U.S.C. §
1381 et seq.

(4) Cooperate with the department in the preparation and submission to appropriate
federal and state agencies of intended use plans identifying the use of capitalization grant awards
and other moneys in the water pollution control revolving fund.

(5) In cooperation with the department, prepare and submit to appropriate federal
agencies, the department and the governor, annual and other reports and audits required by law.

(6) Subject to the provisions of this chapter both to make, and enter into binding
commitments to provide financial assistance to a local governmental units or corporation from
amounts on deposit in the water pollution control revolving fund, the Rhode Island water
pollution control revolving fund and from other funds of the agency; and to provide, and enter
into binding commitments to provide subsidy assistance for loans and local governmental
obligations and non-governmental obligations from amounts on deposit in the local interest
subsidy trust fund.

(7) Establish and maintain fiscal controls and accounting procedures conforming to
generally accepted government accounting standards sufficient to ensure proper accounting for
receipts in and disbursements from the water pollution control revolving fund, the Rhode Island
water pollution control revolving fund, the local interest subsidy trust fund and other funds it
holds or for which it is responsible and, adopt such rules, regulations, procedures, and guidelines
which it deems necessary to assure that local governmental units and corporations
administer and maintain approved project accounts and other funds and accounts relating to
financial assistance in accordance with generally accepted government accounting standards.

(b) The agency shall establish and set up on its books a special fund, designated the
water pollution control revolving fund, to be held in trust and to be administered by the agency
solely as provided in this chapter and in any trust agreement securing bonds of the agency. The
agency shall credit to the water pollution control revolving fund or one or more accounts therein:

(1) All federal capitalization grant awards received under title VI of the Clean Water
Act, 33 U.S.C. § 1381 et seq., provided the agency shall transfer to the department the amount
allowed by § 603(d)(7) of the Water Quality Act, 33 U.S.C. § 1383(d)(7), to defray
administration expenses;

(2) All amounts appropriated or designated to the agency by the state for purposes of the
fund;

(3) To the extent required by federal law, loan repayments and other payments received
by the agency on any loans, local governmental obligations and non-governmental
obligations;

(4) All investment earnings on amounts credited to the fund to the extent required by
federal law;

(5) All proceeds of bonds of the agency to the extent required by any trust agreement for
such bonds;

(6) All other monies which are specifically designated for this fund, including, amounts
from the Rhode Island Clean Water Act environmental trust fund, gifts, bequests, administrative,
civil and criminal penalties, or other funds from any public or private sources; and

(7)(i) Any other amounts required by the provisions of this chapter, agreement, or any
other law or by any trust agreement pertaining to bonds to be credited to the fund or which the
agency in its discretion shall determine to credit thereto.

(ii) At the request of the governor, the agency shall take all action necessary to transfer
the state's allotment under title II of the Clean Water Act, 33 U.S.C. § 1281 et seq., for federal
fiscal year 1989 and each federal fiscal year thereafter, to the purposes of the water pollution
control revolving fund, provided that any portion of any allotment which, under the provisions of
the Clean Water Act, 33 U.S.C. § 1251 et seq., may not be transferred to or used for the purposes
of the water pollution control revolving fund, shall continue to be received and administered by
the department as provided by law.

(c) The agency shall establish and set up on its books a special fund, designated the
Rhode Island water pollution control revolving fund, to be held in trust and to be administered by
the agency solely as provided in this chapter and in any trust agreement securing bonds of the
agency. The agency shall credit to the Rhode Island water pollution control revolving fund or one
or more accounts therein:
(1) All amounts appropriated or designated to the agency by the state for purposes of the fund;

(2) At its discretion, and to the extent allowed by law, loan repayments and other payments received by the agency on any loans, and local governmental obligations and non-governmental obligations;

(3) At its discretion, all investment earnings and amounts credited to the fund;

(4) All proceeds of bonds of the agency to the extent required by any trust agreement for such bonds;

(5) All other monies which are specifically designated for this fund, including, amounts from the Rhode Island Clean Water Act environmental trust fund, gifts, bequests, administrative, civil and criminal penalties, or other funds from any public or private sources; and

(6) Any other amounts required by provisions of this chapter or agreement, or any other law or any trust agreement pertaining to bonds to be credited to the fund or which the agency in its discretion shall determine to credit thereto.

(d) Except to the extent limited by federal law, and subject to the provisions of this chapter, to the provisions of any agreement with the state authorized by § 46-12.2-7, and to any agreements with the holders of any bonds of the agency or any trustee therefor, amounts held by the agency for the account of either the water pollution control revolving fund or the Rhode Island water pollution control revolving fund shall be applied by the agency, either by direct expenditure, disbursement, or transfer to one or more other funds and accounts held by the agency or maintained under any trust agreement pertaining to bonds, either alone or with other funds of the agency, to the following purposes:

(1) To provide financial assistance to a local governmental unit or corporation to finance costs of approved projects, and to refinance the costs of the projects, subject to such terms and conditions, if any, as are determined by the department and/or the agency in accordance with § 46-12.2-8;

(2) To purchase or refinance debt obligations of the a local governmental unit or corporation, or to provide guarantees, insurance or similar forms of financial assistance for the obligations;

(3) To fund reserves for bonds of the agency and to purchase insurance and pay the premiums therefor, and pay fees and expenses of letters or lines of credit and costs of reimbursement to the issuers thereof for any payments made thereon or on any insurance, and to otherwise provide security for, and a source of payment for, by pledge, lien, assignment, or otherwise as provided in § 46-12.2-14, bonds of the agency issued in accordance with this...
chapter; and

(4)(i) To pay expenses of the agency and the department in administering the funds and
the financial assistance programs of the agency authorized by this chapter. As part of the annual
appropriations bill, the department shall set forth the gross amount of expenses received from the
agency and a complete, specific breakdown of the sums retained and/or expended for
administrative expenses.

(ii) By way of illustration, not by limitation, in the personnel area, the breakdown of
administrative expenses should contain the number of personnel paid, the position numbers of the
personnel, and whether or not the position is a new position or a position which had been funded
previously by federal funds or a position which had been previously created but unfunded.

(e) The agency shall also establish and set up on its books a special fund, designated the
local interest subsidy trust fund, to be held in trust and to be administered by the agency solely as
provided in this chapter and in any trust agreement securing bonds of the agency. The agency
may maintain a separate account in the local interest subsidy trust fund for each local
governmental unit or corporation which has received a loan from the agency, in accordance with
this chapter, to separately account for or otherwise segregate all or any part of the amounts
credited to the fund and receipts in and disbursements from the fund. To the extent that the
agency is required by this chapter, by any loan agreement or by any trust agreement, it shall, and,
to the extent that it is permitted, it may in its discretion, credit to the local interest subsidy trust
fund, and to one or more of the accounts or subaccounts therein:

1. All amounts appropriated or designated to the agency by the state for purposes of the
   fund;

2. Loan repayments and other payments received on loans, and local governmental
   obligations, and non-governmental obligations;

3. Investment earnings on amounts credited to the local interest subsidy trust fund;

4. Proceeds of agency bonds;

5. All other monies which are specifically designated for this fund including, amounts
   from the Rhode Island Clean Water Act environmental trust fund, gifts, bequests, administrative,
civil and criminal penalties, or other funds from any public or private sources; and

6. Any other amounts permitted by law.

(f) Subject to any agreement with the state authorized by § 46-12.2-7, to the provisions of
§ 46-12.2-8, and to any agreement with the holders of any bonds of the agency or any trustee
therefor, amounts held by the agency for the account of the local interest subsidy trust fund shall
be applied by the agency, either by direct expenditure, disbursement, or transfer to one or more
other funds and accounts held by the agency or maintained under any trust agreement pertaining

to bonds, either alone or with other funds of the agency, to the following purposes:

(1) To pay or provide for all or a portion of the interest otherwise payable by a local
governmental units or corporation on loans, and local governmental obligations, and non-
governmental obligations, in the amounts and on terms determined by the agency in accordance
with § 46-12.2-8;

(2) To provide a reserve for, or to otherwise secure, amounts payable by a local
governmental units or corporation on loans, and local governmental obligations and non-
governmental obligations outstanding in the event of default thereof; amounts in any account in
the local interest subsidy trust fund may be applied to defaults on loans outstanding to the local
governmental unit or corporation for which the account was established and, on a parity basis
with all other accounts, to defaults on any loans, or local governmental obligations, or non-
governmental obligations outstanding; and

(3) To provide a reserve for, or to otherwise secure, by pledge, lien, assignment, or
otherwise as provided in § 46-12.2-14, any bonds of the agency.

(g) Subject to any express limitation of this chapter pertaining to expenditure or
disbursement of funds or accounts held by the agency, funds or accounts held by the agency may
be transferred to any other fund or account held by the agency and expended or disbursed for
purposes permitted by the fund or account.

46-12.2-8. Procedures for application, approval, and award of financial assistance. –

(a) Any local governmental unit or corporation may apply to the agency for financial assistance in
accordance with this chapter to finance all or any part of the cost of a water pollution abatement
project. The agency shall not award financial assistance to a local governmental unit or
corporation until and unless the department shall have issued a certificate of approval of the
project or portion thereof.

(b) If the department shall determine, in accordance with rules and regulations
promulgated pursuant to this chapter, that an application for financial assistance or portion thereof
shall be approved, it shall deliver to the agency a certificate of approval of the project or a portion
thereof which shall specify the project or portion thereof eligible for financial assistance and such
other terms, conditions and limitations with respect to the construction and operation of the
project as the department shall determine. The agency shall specify, among other things, the type
and amount of financial assistance to be provided, the costs thereof eligible for financial
assistance, the amounts, if any, of the financial assistance, to be provided from the water pollution
control revolving fund and/or the Rhode Island water pollution control revolving fund, the
amount, if any, of subsidy assistance to be granted from the local interest subsidy trust fund, the
amount, if any, of other financial assistance permitted by this chapter to be provided, and such
other terms, conditions, and limitations on the financial assistance, the expenditure of loan
proceeds, and the construction and operation of the project as the agency shall determine or
approve.

(c) Any water pollution abatement project or portion thereof included on the priority list
established by the department for federal fiscal year 1989 or any federal fiscal year thereafter
shall be eligible for financial assistance in accordance with this chapter.

(d) In addition to the authority provided by law, the department shall be responsible for,
and shall have all requisite power to, review and approve reports and plans for water pollution
abatement projects and approved projects, or any part thereof, for which financial assistance has
been applied or granted in accordance with this chapter, to enter into contracts with a local
governmental units or corporation relative to approved projects, including, without limiting the
generality of the foregoing, the costs of approved projects eligible for financial assistance, grants,
and other terms, conditions and limitations with respect to the construction and operation of the
project, and to inspect the construction and operation thereof of projects in compliance with
approved plans. Without limiting the generality of the foregoing, in connection with the exercise
of its powers and performance of its duties under this chapter, the department shall have all the
powers provided by law to the department and its director. The department shall adopt rules,
regulations, procedures, and guidelines to carry out the purposes of this chapter and for the proper
administration of its powers and duties under this chapter. The rules, regulations, procedures, and
guidelines shall include among other things, criteria for determining those water pollution
abatement projects to be approved for financial assistance (the criteria shall include the priority
determination system), specification of eligible costs of the projects, and provisions for
compliance by projects constructed in whole or in part with funds directly made available under
this chapter by federal capitalization grants with the requirements of the Clean Water Act, 33
U.S.C. § 1351 et seq., and other federal laws applicable to the project. The department shall
cooperate with the agency in the development of capitalization grant applications, operating
plans, and intended use plans for federal capitalization grant awards under title VI of the Clean
Water Act, 33 U.S.C. § 1381 et seq., and may enter into such agreements and other undertakings
with the agency and federal agencies as necessary to secure to the state the benefits of title VI of
the Clean Water Act, 33 U.S.C. § 1381 et seq. In order to provide for the expenses of the
department under this chapter, the agency shall transfer to the department for application to the
expenses an amount from the water pollution control revolving fund equal to the maximum
amount authorized by federal law, and such additional amounts as may be needed from the Rhode Island water pollution control fund and from any other monies available. The agency and the department shall enter into an operating agreement and amend the same, from time to time, allocating their respective rights, duties, and obligations with respect to the award of financial assistance and grants to finance approved projects under this chapter and establishing procedures for the application, approval, and oversight of projects, financial assistance, and grants.

(e) Upon issuance of a certificate of approval, the agency shall award as soon as practicable the financial assistance to the local governmental unit or corporation for any approved project specified in the certificate; provided, however, the agency may decline to award any financial assistance which the agency determines will have a substantial adverse effect on the interests of holders of bonds or other indebtedness of the agency or the interests of other participants in the financial assistance program, or for good and sufficient cause affecting the finances of the agency. All financial assistance shall be made pursuant to a loan agreement between the agency and the local governmental unit or corporation, acting by and through the officer or officers, board, committee, or other body authorized by law, or otherwise its chief executive officer, according to the terms and conditions of the certificate of approval and such other terms and conditions as may be established by the agency, and each loan shall be evidenced and secured by the issue to the agency of local governmental obligations or non-governmental obligations in fully marketable form in principal amount, bearing interest at the rate or rates specified in the applicable loan agreement, and shall otherwise bear such terms and conditions as authorized by this chapter and the loan agreement.

(f) The agency shall adopt rules, regulations, procedures, and guidelines for the proper administration of its financial assistance programs and the provision of financial assistance under this chapter. The rules, regulations, procedures, and guidelines shall be consistent with the requirements of title VI of the Clean Water Act, 33 U.S.C. § 1381 et seq., and any rules, regulations, procedures, and guidelines adopted by the department, and may include, without limitation, forms of financial assistance applications, loan agreements, and other instruments, and provision for submission to the agency and the department by a local governmental unit or corporation of the information regarding the proposed water pollution abatement project, the wastewater system of which it is a part, and the local governmental unit or corporation as the agency or the department shall deem necessary, to determine the eligibility of a project for financial assistance under this chapter, the financial feasibility of a project, and the sufficiency of general revenues or wastewater system revenues to secure and pay the loan and the local governmental obligations or non-governmental obligations issued to evidence the project.
(g) Subject to the provisions of any trust agreement securing bonds of the agency, when
the agency shall have awarded a loan eligible for subsidy assistance from funds held by the
agency for the credit of the local interest subsidy trust fund, the agency shall credit to the
applicable account in the fund maintained in accordance with § 46-12.2-6(e), the amount, if any,
as provided in the loan agreement to defray all or a portion of the interest otherwise payable by
the local governmental unit or corporation on the loan.

(h) In addition to other remedies of the agency under any loan agreement or otherwise
provided by law, the agency may also recover from a local governmental unit or corporation, in
an action in superior court, any amount due the agency together with any other actual damages
the agency shall have sustained from the failure or refusal of the local governmental unit or
corporation to make the payments.

46-12.2-9. Authorization to expend funds available for local grants. – In addition to
the financial assistance provided by the agency to a local governmental unit or corporation for
approved projects in accordance with this chapter, the department is hereby authorized to expend
funds otherwise available for grants a local governmental units or corporation to the extent
permitted by federal and state law.

46-12.2-10. Powers of local governmental units. – Notwithstanding any provision of
general law, special law or municipal charter to the contrary:

(1) In addition to authority granted otherwise by this chapter and in any bond act or other
law, a local governmental unit, acting by and through the officer or officers, board, committee, or
other body authorized by law, if any, or otherwise the chief executive officer, shall have the
power to:

(i) Issue local governmental obligations as provided herein: (A) if and to the amount
authorized by a bond act; or (B) without limitation as to the amount, if issued as limited
obligations, pursuant to §46-12.2-12 or §46-12.2-12.1; or (C) without limitation as to the amount,
if issued as a financing lease or other appropriation obligation;

(ii) Plan, design, acquire, construct, operate, maintain, and otherwise undertake any water
pollution abatement project subject to the rules, regulations, procedures, and guidelines of the
department, if applicable, in effect from time to time and the requirements of any other applicable
law;

(iii) Apply for, accept, and expend, financial assistance and grants for the purpose of
financing costs of water pollution abatement projects subject to the rules, regulations, procedures,
and guidelines of the agency and the department, if applicable, in effect from time to time, the
provisions of the applicable loan agreement, and the requirements of other applicable law;
(iv) Authorize, execute, deliver, and comply with loan agreements, trust agreements, grant agreements, financing leases, appropriation agreements, and other agreements, and instruments with the agency, the department, and other persons relating to financial assistance and grants hereunder, and the issue of local governmental obligations to evidence loans, and perform the same;

(v) Receive, apply, pledge, assign, and grant security interests in its general revenues and wastewater system revenues to secure its obligations under local governmental obligations and other financial assistance; and

(vi) Fix, revise, charge, and collect such fees, rates, rents, assessments, and other charges of general or special application for the costs and/or use of any approved project, the any wastewater system of which it is a part, and any other revenue producing facilities from which the local governmental unit may derive wastewater system revenues, or for the services provided thereby, as it shall deem necessary to meet its obligations under any loan agreement or local governmental obligations outstanding or otherwise to provide for the costs and/or operation of the project and any wastewater the system.

(2) In order to provide for the collection and enforcement of fees, rates, rents, assessments, and other charges for the operation of any approved project, any the wastewater system of which it is a part, and any other revenue producing facilities from which the local governmental units may derive wastewater system revenues, in addition to any other authority provided by law or any bond act applicable to a particular local governmental unit, local governmental units are hereby granted all the powers and privileges granted to them by the general laws of the state with respect to any similar fee, rate, rent, assessment, or other charge. All unpaid fees, rates, rents, assessments, and other charges shall be a lien upon the real estate served for which the unpaid fees, rates, rents, assessments, or other charges have been made. A lien shall arise and attach as of the due date of each unpaid fee, rate, rent, assessment, or other charge. The lien shall be superior to any other lien other than a tax lien, encumbrance, or interest in the real estate, whether by way of mortgage, attachment, or otherwise, except easements and restrictions. In the case of a life estate, the interest of the tenant for life shall first be liable for the unpaid fees, rates, rents, assessments, or other charges. The local governmental unit may enforce the lien by advertising and selling any real estate liable for unpaid fees, rents, assessments, and other charges in the manner provided for the enforcement of liens for unpaid taxes by chapter 9 of title 44, as amended from time to time.

(3) Any city or town and any other local governmental unit acting by and through the officer or officers, board, committee, other body authorized by law, or otherwise the chief
executive officer, may enter into agreements with the agency or the department, if applicable,
regarding the operation of a pricing system adopted under any applicable law for the services
provided by any approved project, the wastewater system of which it is a part, and any other
revenue producing facilities from which the local governmental unit may derive wastewater
system revenues. The agreements may include, without limitation, provisions defining the costs
of services, the approved project, and the wastewater system and other facilities, and covenants or
agreements, regarding the fixing and collection of fees, rates, rents, assessments and other
charges for the costs and the maintenance of the pricing system at levels sufficient to pay or
provide for all the costs and any payments due the agency under any loan agreement or local
governmental obligations.

(4) Any city or town and any other local governmental unit acting by and through the
officer or officers, board, committee, or other body authorized by law, or otherwise the chief
executive officer, may enter into agreements with the agency and the department, if applicable,
regarding the operation of an enterprise fund established for any approved project, any the
wastewater system of which it is a part, and any other revenue producing facilities from which the
local governmental unit may derive wastewater system revenues. The agreements may include,
without limitation, fiscal and accounting controls and procedures, provisions regarding the
custody, safeguarding, and investment of wastewater system revenues, and other amounts
credited thereto, the establishment of reserves and other accounts and funds, and the application
of any surplus funds.

(5) The provisions of any charter, other laws or ordinances, general, special, or local, or
of any rule or regulation of the state or any municipality, restricting or regulating in any manner
the power of any municipality to lease (as lessee or lessor) or sell property, real, personal, or
mixed, shall not apply to leases and sales made with the agency pursuant to this chapter.

(6) Any municipality, notwithstanding any contrary provision of any charter, other laws
or ordinances, general, special or local, or of any rule or regulations of the state or any
municipality, is authorized and empowered to lease, lend, pledge, grant, or convey to the agency,
at its request, upon terms and conditions that the chief executive officer, if any, or where no chief
executive officer exists, the city or town council of the municipality, may deem reasonable and
fair and without the necessity for any advertisement, order of court, or other action or formality,
any real property or personal property which may be necessary or convenient to effectuation of
the authorized purpose of the agency, including public roads and other real property already
devoted to public use; and, subject to what has been stated, the municipality consents to the use of
all lands owned by the municipality which are deemed by the agency to be necessary for the
In addition to the powers of any local governmental unit provided in any bond act, whenever a local governmental unit has applied for and accepted a loan from the agency and entered into a loan agreement therefor, any local governmental obligations issued by the local governmental unit to evidence the loan may be issued in accordance with, and subject to the limitations of this chapter, notwithstanding the provisions of the bond act authorizing the obligation or any other general or special law or provision of municipal charter to the contrary. The provisions of this chapter shall apply to the issuance of local governmental obligations under authority of any bond act heretofore enacted and under authority of any bond act hereafter enacted unless the bond act expressly provides that the provisions of this chapter shall not so apply. Notwithstanding the foregoing, no local governmental obligation issued as a general obligation bond shall be issued unless authorized by a vote of the body or bodies required by the charter, ordinances, or laws governing the local governmental unit, or the applicable bond act for the authorization of indebtedness of the local governmental unit.

(b) Local governmental obligations issued by any local governmental unit shall be dated, may bear interest at such rate or rates, including rates variable, from time to time, subject to such minimum or maximum rate, if any, as may be determined by such index or other method of determination provided in the applicable loan agreement, shall mature in such amount or amounts and at such time or times, not later than the maximum dates, if any, provided herein, and may be made redeemable in whole or in part before maturity at the option of the local governmental unit or at the option of the agency, at such price or prices and under such terms and conditions as may be fixed in the loan agreement prior to the issue of the local governmental obligations. Local governmental obligations may be issued as serial bonds or term bonds or any combination thereof with such provision, if any, for sinking funds for the payment of bonds as the local governmental unit and the agency may agree. The local governmental obligations may be sold at private sale and may be in such form, payable to the bearer thereof or the registered owner, whether certificated or uncertificated, be in such denominations, payable at such place or places, within or without the state, and otherwise bear such terms and conditions, not inconsistent with this chapter, as provided in the applicable loan agreement or as the agency and the local governmental unit shall otherwise agree. The local governmental obligations may be issued in principal amount equal to the loan evidenced thereby or at such discount as the agency and the local governmental unit shall agree.

(c) Local governmental obligations shall be payable within a period not exceeding the
greater of the period, if any, specified in the applicable bond act or the useful life of the approved
project financed by such obligations as determined by the department, or, if incurred to finance
more than one project, the average useful life of the projects. Except as otherwise provided in this
chapter, the local governmental obligations shall be payable by such equal, increasing, or
decreasing installments of principal, annual or otherwise, as will extinguish the obligations at
maturity, the first installment to be payable no later than one three years after the date of issuance
of the obligations or one year after the date of completion of the approved project financed by the
obligations, as determined by the department, whichever date is later, and the remaining
installments of principal, if any, to be in such amounts and payable on such dates as the agency
and the local governmental unit shall agree.

(d) If a local governmental unit has authorized borrowing in accordance with this chapter
and the issuance of local governmental obligations to evidence the borrowing under any bond act,
the local governmental unit may, subject to the applicable loan agreement and with the approval
of the agency, issue notes to the agency to evidence the loan. The issuance of the notes shall be
governed by the provisions of this chapter relating to the issue of bonds other than notes, to the
extent applicable, provided the maturity date of the notes shall not exceed five (5) years from the
date of issue of the notes, or the expected date of completion of the approved project financed
thereby as determined by the department, if later. Notes issued for less than the maximum
maturity date may be renewed by the issue of other notes maturing no later than the maximum
maturity date.

(e) A local governmental unit may issue local governmental obligations to refund or pay
at maturity or earlier redemption any local governmental obligations outstanding under any loan
agreement, or to refund or pay any other debt of the local governmental unit issued to finance the
approved project to which the loan agreement pertains. The refunding local governmental
obligations may be issued in sufficient amounts to pay or provide for the principal of the
obligations refunded, any redemption premium thereon, any interest accrued and to accrue to the
date of payment of the obligations, the costs of issuance of the refunding obligations and any
reserves required by the applicable loan agreement. The issue of refunding local governmental
obligations, the amount and dates of maturity or maturities and other details thereof, the security
therefor, and the rights, duties, and obligations of the local governmental unit in respect to the
same shall be governed by the provisions of this chapter relating to the issue of local
governmental obligations other than refunding obligations as this chapter may be applicable.

(f) Except as otherwise provided in § 46-12.2-12 and § 46-12.2-12.1, the applicable bond
act, or by agreement between the agency and a local governmental unit, all local governmental
obligations issued in accordance with this section shall be general obligations of the local
governmental unit issuing the obligations for which its full faith and credit are pledged and for the
payment of which all taxable property in the local governmental unit shall be subject to ad
valorem taxation without limit as to rate or amount except as otherwise provided by law.

46-12.2-13 Trust agreements pertaining to local governmental obligations. – (a)
Notwithstanding any general or special law to the contrary, local governmental obligations issued
in accordance with this chapter may be secured by one or more trust agreements, including, or in
addition to the applicable loan agreement, between the local governmental unit and a corporate
trustee, which may be a trust company or bank having the powers of a trust company within or
without the state, or directly between the agency and the local governmental unit. Any trust
agreement shall be in such form and shall be executed as provided in the applicable loan
agreement or as otherwise agreed to between the agency and the local governmental unit.

(b) Any trust agreement directly or indirectly securing local governmental obligations
may, in addition to other security provided by law, pledge or assign, and create security interests
in, all or any part of the general revenues of the local governmental unit. Any trust agreement
may contain such provisions for protecting and enforcing the rights, security, and remedies of the
agency, or other holders of the local governmental obligations, as may be determined by the
agency including, without limitation, provisions defining defaults and providing for remedies in
the event thereof, which may include the acceleration of maturities to the extent permitted by law,
and covenants setting forth the duties of, and limitations on, the local governmental unit in
relation to the custody, safeguarding, investment, and application of moneys, including general
revenues and wastewater system revenues, the issue of additional and refunding local
governmental obligations and other bonds, notes, or obligations on a parity or superior thereto,
the establishment of reserves, the establishment of sinking funds for the payment of local
governmental obligations, and the use of surplus proceeds of local governmental obligations. A
trust agreement securing local governmental obligations issued in accordance with § 46-12.2-12
may also include covenants and provisions not in violation of law regarding the acquisition,
construction, operation, and carrying out of the approved project financed by the obligations, the
wastewater system of which it is a part, and any other revenue producing facilities from which the
local governmental unit may derive wastewater system revenues, the fixing and collection of
wastewater system revenues, and the making and amending of contracts relating thereto.

(c) In addition to other security provided herein or otherwise by law, any local
governmental obligations issued under authority of this chapter may be secured, in whole or in
part, by insurance or by letters or lines of credit or other credit facilities issued by any insurance
company, bank, trust company, or other financial institution, within or without the state, and a local governmental unit may pledge subject to applicable voter approval requirements, or assign appropriate any of its general revenues or wastewater system revenues, as appropriate, as security for the reimbursement to the issuers of insurance, letters, or lines of credit or other credit facilities of any payments made thereunder.

(d) Any trust agreement may set forth the rights and remedies of the agency or other holders of the local governmental obligations secured thereby and of any trustee or other fiduciary thereunder.

(e) In addition to any other remedies provided under the applicable loan agreement or otherwise by law, the agency and any other holder of local governmental obligations issued under the provisions of this chapter, and any trustee under any trust agreement securing the obligations may bring suit in the superior court upon the local governmental obligations, and may, either at law or in equity, by suit, action, mandamus, or other proceeding for legal or equitable relief, including, in the case of local governmental obligations issued in accordance with § 46-12.2-12, proceedings for the appointment of a receiver to take possession and control of the approved project financed thereby, the wastewater system of which it is a part, or any other revenue producing facilities from which the local governmental unit may derive wastewater system revenues, to operate and maintain the system or facility in compliance with law, to make any necessary repairs, renewals, and replacements and to fix, revise, and collect wastewater system revenues, protect, and enforce any and all rights under the laws of the state or granted in this chapter or under any trust agreement, and may enforce and compel the performance of all duties required by this chapter, the loan agreement, the applicable bond act, or the trust agreement to be performed by the local governmental unit or any officer thereof.

(f) A pledge of general revenues or wastewater system revenues in accordance with this chapter shall constitute a sufficient appropriation thereof for the purposes of any provision for appropriation for so long as the pledge shall be in effect, and, notwithstanding any general or special law or municipal charter to the contrary, the revenues shall be applied as required by the pledge and the trust agreement evidencing the revenues without further appropriation.

(g) A pledge or assignment of general revenues, other than wastewater system revenues, may be made only to secure general obligations of a local governmental unit.

SECTION 18. Chapter 46-12.2 of the General Laws entitled “Rhode Island Clean Water Financing Agency” is hereby amended by adding thereto the following sections:

46-12.2-4.2 Establishment of the efficient buildings fund. – (a) The Rhode Island infrastructure bank shall be authorized to create a fund, to be known as the efficient buildings...
fund, and, in consultation with the office of energy resources including with regards to the
development of a project priority list, to provide technical, funding and administrative assistance
to public entities for energy efficient and renewable energy upgrades to public buildings and
infrastructure. Eligibility for receipt of this support by a municipality shall be conditioned upon
that municipality reallocating their remaining proportional QECB allocation to the state of Rhode
Island.

(b) The Rhode Island infrastructure bank may create one or more loan loss reserve funds
to serve as further security for the debt funding the efficient buildings fund.

(c) To the extent possible, and consistent with law, the infrastructure bank shall
courage the use of project labor agreements and local hiring on appropriate projects.

46-12.2-12.1 Power of local governmental units to issue limited obligations payable

from energy efficiency savings. — (a) If required by the applicable loan agreement, and
notwithstanding any general or special law or municipal charter to the contrary, local
governmental obligations shall be issued as limited obligations payable solely from energy
efficiency savings pledged to their payment. Notwithstanding § 45-12.2-2 or any general or
special law or municipal charter to the contrary, all local governmental units shall have the power
to issue local governmental obligations payable solely from energy efficiency savings pursuant to
this section without limit as to amount, and the amount of principal and premium, if any, and
interest on the obligations shall not be included in the computation of any limit on the
indebtedness of the local governmental unit or on the total taxes which may be levied or assessed
by the local governmental unit in any year or on any assessment, levy, or other charge made by
the local governmental unit on any other political subdivision or instrumentality of the state. This
chapter shall constitute the bond act for the issuance of the local governmental obligations
payable solely from energy efficiency savings by local governmental units. Any local
governmental obligations issued in accordance with this section that is payable solely from
energy efficiency savings shall recite on its face that it is a limited obligation payable solely from
energy efficiency savings pledged to its payment.

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

(c) A local government unit may appropriate general revenues on an annual basis to pay
any financing, lease, or appropriation obligation, provided that an event of non-appropriation
46-12.2-14.1 Electric and gas demand side charge proceeds as further security for
debt funding energy efficiency improvements in public buildings. – Upon receipt of the
electric and gas demand side charge proceeds identified in §§ 39-2-1.2(l-m) (collectively, the
“surcharge proceeds”), the Rhode Island infrastructure bank shall forward these funds back to the
remitting distribution companies subject to the following limitations:

The Rhode Island infrastructure bank shall maintain a separate account to exclusively
hold the surcharge proceeds (the “surcharge account”):

At no point shall the balance of the surcharge account be less than two times the balance
required to make all debt service payments, on debts that are secured by the surcharge account,
coming due in the next one hundred eighty five (185) days:

The surcharge account shall only be used to secure debt incurred in connection with
Section 46-12.2-4.2 or to prevent a default in connection therewith;

Any lien arising against the surcharge account in connection with debt incurred by the
Rhode Island infrastructure bank shall have a first priority.

SECTION 19. Sections 46-12.8-1 and 46-12.8-2 of the General Laws in Chapter 46-
12.10 entitled “Water Projects Revolving Loan Fund” are hereby amended to read as follows:

46-12.8-1 Legislative findings. – (a) It is hereby found that there exists and will in the
future exist within the state of Rhode Island the need to construct and reconstruct facilities related
to and acquire watershed protection land in connection with the provision of safe drinking water
throughout the state of Rhode Island.

(b) It is hereby further found that to provide financial assistance for the acquisition,
design, planning, construction, enlargement, repair, protection or improvement of public drinking
water supplies or treatment facilities, including any of those actions required under the federal
Safe Drinking Water Act of 1974, 42 U.S.C., §§ 300f – 300j-9, including the Safe Drinking
Water Act (SDWA) amendments of 1996 (Pub. L. 104-182) and any amendments thereto, it is
necessary to establish a revolving loan fund program to provide a perpetual source of low cost
financing for safety drinking water projects.

(c) It is hereby further found that to secure maximum benefit to the state from a safe
drinking water revolving loan fund, it is necessary to place such fund within the jurisdiction and
control of the Rhode Island clean water finance agency infrastructure bank, which agency
presently runs the state’s revolving fund with respect to the state’s wastewater pollution abatement
program, which agency shall exclusively administer the financing portion of the safe drinking
water revolving loan fund, but which shall nevertheless work, as necessary, with the department
of environmental management, the water resources board, the Rhode Island department of health,
the division of public utilities and carriers and any other agency or instrumentality of the state or
federal government with responsibility for the development or supervision of water supply
facilities within the state.

46-12.8-2 Definitions. — (a) "Agency" means the Rhode Island clean water finance
agency infrastructure bank.

(b) "Approved project" means any project or portion thereof of a governmental unit or
privately organized water supplier that has been issued a certificate of approval by the department
for assistance through the agency.

(c) "Department" means the department of health.

(d) "Local governmental obligations" means bonds, notes or other evidences of
indebtedness in fully marketable form issued by a governmental unit to evidence a loan from the
agency in accordance with this chapter or otherwise as provided herein.

(e) "Local governmental unit" means any town, city, district, commission, agency,
authority, board of other political subdivision or instrumentality of the state or of any political
subdivision thereof responsible for the ownership or operation of water supply facilities within
the state.

(f) "Obligations of private water companies" means bonds, notes or other evidences of
indebtedness, of private water companies, in fully marketable form.

(g) "Privately organized water supplier" means any water company not owned or
operated by a local governmental unit, existing under the laws of the state, and in the business of
operating a safe drinking water facility.

(h) "Water supply facility or facilities" means water reservoirs, wells and well sites,
transmission or distribution system, any and all real estate or interests in real estate held in
connection therewith, all equipment and improvements held in connection therewith, and any
property or interests therein, real, personal or mixed, used or held on to be used in connection
therewith.

(i) "Financial assistance" means any form of financial assistance other than grants
provided by the agency to a local governmental unit or private water company in accordance with
this chapter for all or any part of the cost of an approved project, including, without limitation,
temporary and permanent loans, with or without interest, guarantees, insurance, subsidies for the
payment of debt service on loans, lines of credit, and similar forms of financial assistance;
provided, however, notwithstanding the foregoing, for purposes of capitalization grant awards
made available to the agency pursuant to the American Recovery and Reinvestment Act of 2009
(P.L. 111-5), or as otherwise required in connection with other capitalization grant awards made
available to the agency, financial assistance shall also include principal forgiveness and negative
interest loans.

“Water Supply Facilities” is hereby amended to read as follows:

46-15.1-22. Discontinuation of borrowing authority and abolishment of water
resources board (corporate).—(a) Notwithstanding any law to the contrary, including, but not
limited to, § 46-15.1-10, upon the effective date of this section, the water resources board
(corporate), established as a body politic and corporate and public instrumentality pursuant to this
chapter, shall be prohibited from borrowing money or issuing bonds for any purpose.

(b) The water resources board (corporate) shall continue to repay existing debt until all
such debt is fully repaid. Upon the repayment by the water resources board (corporate) of all such
existing obligations, the water resources board (corporate) shall be dissolved and all existing
functions and duties of the water resources board (corporate) shall be transferred to the Rhode
Island clean-water finance agency infrastructure bank, a body politic and corporate and public
instrumentality of the state established pursuant to chapter 46-12.2.

“Public Drinking Water Supply System Protection” is hereby amended to read as follows:

46-15.3-25. Transfer of charges to Rhode Island Clean Water Finance Agency
Rhode Island infrastructure bank. Transfer of charges to Rhode Island infrastructure bank.
— Notwithstanding any law, rule or regulation to the contrary, upon the dissolution of the water
resources board (corporate) pursuant to § 46-15.1-22, any charges remitted to the water resources
board (corporate) pursuant to this chapter shall be remitted to the Rhode Island clean-water
finance agency infrastructure bank, a body politic and corporate and public instrumentality of the
state established pursuant to chapter 46-12.2.

SECTION 22. This article shall take effect upon passage.

ARTICLE 25

RELATING TO STATE POLICE PENSIONS

Police” is hereby amended to read as follows:

42-28-22.1 Retirement contribution.—(a) Legislative findings. The general assembly
finds that:

(1) A trust was created for retirement purposes for members of the state police who were
hired after July 1, 1987; however, as of January 1, 2015, there was an unfunded liability of
approximately $200 million attributable to the retirement benefits for members of the state police hired on or before July 1, 1987, and no trust had been created for them.

(2) Unless a trust is established, these members’ benefits will continue to be funded on a pay-as-you-go basis and would not be recognized as a liability on the state’s financial statements under generally accepted accounting purposes.

(3) An investigation of Google, Inc., conducted by the Rhode Island U.S. attorney’s office and the Rhode Island task force of the U.S. food and drug administration’s office of criminal investigations, the department of the attorney general, and state and local police netted settlement amounts of approximately $230 million to the state, of which $45.0 million has been allocated for use by the state police.

(4) The allocation of Google settlement monies to the state police presents a unique opportunity to reduce the amount of the unfunded liability attributable to the retirement benefits for members of the state police hired on or before July 1, 1987.

(5) It is in the best interests of the members of the state police and the taxpayers of this state to reduce the amount of the unfunded liability attributable to retirement benefits for these police officers by creating a separate trust and to fund those benefits on an actuarial basis.

(a)(b) Each member of the state police initially hired after July 1, 1987 shall have deducted from "compensation" as defined in § 36-8-1(8) beginning July 1, 1989, an amount equal to a rate percent of such compensation of eight and three quarters percent (8.75%). The receipts collected from members of the state police shall be deposited in a restricted revenue account entitled "state police retirement benefits". The proceeds deposited in this account shall be held in trust for the purpose of paying retirement benefits under this section to participating members of the state police or their beneficiaries. The retirement board shall establish rules and regulations to govern the provisions of this section.

(c) A member of the state police initially hired after July 1, 1987 who withdraws from service or ceases to be a member for any reason other than death or retirement, will, at the member's request, be paid on demand a refund consisting of the accumulated contributions standing to his or her credit in his or her individual account in the state police retirement benefits account. Any member receiving a refund shall thereby forfeit and relinquish all accrued rights as a member of the system together with credits for total service previously granted to the member; provided, however, that if any member who has received a refund shall subsequently reenter the service and again become a member of the system, he or she shall have the privilege of restoring all moneys previously received or disbursed to his or her credit as refund of contributions, plus regular interest for the period from the date of refund to the date of restoration.
(d) Upon the repayment of the refund as herein provided in subsection (c) above, the member shall again receive credit for the amount of total service which he or she had previously forfeited by the acceptance of the refund.

(e) The state shall deposit contributions for members of the state police initially hired on or before July 1, 1987, from time to time (as provided in § 42-28-22.2) to be held in trust. The proceeds of this trust shall pay retirement benefits under this section to participating members of the state police or their beneficiaries. The retirement board shall establish rules and regulations to govern the provisions of this section.

SECTION 2. Section 42-28-22.2 of the General Laws in Chapter 42-28 entitled “State Police” is hereby amended to read as follows:

42-28-22.2 State contributions. -- The state of Rhode Island shall make its contribution for the maintaining of the system established by § 42-28-22.1 and providing the annuities, benefits, and retirement allowances in accordance with the provisions of this chapter by

(a) annually appropriating an amount which will pay a rate percent of the compensation paid after July 1, 1989 to members of the state police hired after July 1, 1987 and

(b) appropriating an amount which will amortize the unfunded liability associated with the benefits payable to members of the state police hired on or before July 1, 1987. This rate percent The dollar amount specified in subsection (b) above shall be computed on an actuarial basis using an eighteen (18) year amortization schedule commencing on July 1, 2015, taking into account an initial supplemental contribution from the state, and certified in accordance with the procedures set forth in §§ 36-8-13 and 36-10-2 under rules and regulations promulgated by the retirement board pursuant to § 36-8-3.

SECTION 3. Section 36-8-1 of the General Laws in Chapter 36-8 entitled “Retirement System – Administration” is hereby amended to read as follows:

36-8-1 Definition of terms. – The following words and phrases as used in chapters 8 to 10 of this title unless a different meaning is plainly required by the context, shall have the following meanings:

(1) "Accumulated contributions" shall mean the sum of all the amounts deducted from the compensation of a member and credited to his or her individual pension account.

(2) "Active member" shall mean any employee of the state of Rhode Island as defined in this section for whom the retirement system is currently receiving regular contributions pursuant to §§ 36-10-1 and 36-10-1.1.

(3) "Actuarial equivalent" shall mean an allowance or benefit of equal value to any other allowance or benefit when computed upon the basis of the actuarial tables in use by the system.
(4) "Annuity reserve" shall mean the present value of all payments to be made on account
of any annuity, benefit, or retirement allowance granted under the provisions of chapter 10 of this
title computed upon the basis of such mortality tables as shall be adopted from time to time by the
retirement board with regular interest.

(5)(a) "Average compensation" for members eligible to retire as of September 30, 2009
shall mean the average of the highest three (3) consecutive years of compensation, within the total
service when the average compensation was the highest. For members eligible to retire on or after
October 1, 2009, "Average compensation" shall mean the average of the highest five (5)
consecutive years of compensation within the total service when the average compensation was
the highest.

(b) For members who become eligible to retire on or after July 1, 2012, if more than one
half (1/2) of the member's total years of service consist of years of service during which the
member devoted less than thirty (30) business hours per week to the service of the state, but the
member's average compensation consists of three (3) or more years during which the member
devoted more than thirty (30) business hours per week to the service of the state, such member's
average compensation shall mean the average of the highest ten (10) consecutive years of
compensation within the total service when the average compensation was the highest.

(6) "Beneficiary" shall mean any person in receipt of a pension, an annuity, a retirement
allowance, or other benefit as provided by chapter 10 of this title.

(7) "Casual employee" shall mean those persons hired for a temporary period, a period of
emergency or an occasional period.

(8) "Compensation" as used in chapters 8 – 10 of this title, chapters 16 and 17 of title 16,
and chapter 21 of title 45 shall mean salary or wages earned and paid for the performance of
duties for covered employment, including regular longevity or incentive plans approved by the
board, but shall not include payments made for overtime or any other reason other than
performance of duties, including but not limited to the types of payments listed below:

(i) Payments contingent on the employee having terminated or died;

(ii) Payments made at termination for unused sick leave, vacation leave, or compensatory
time;

(iii) Payments contingent on the employee terminating employment at a specified time in
the future to secure voluntary retirement or to secure release of an unexpired contract of
employment;

(iv) Individual salary adjustments which are granted primarily in anticipation of the
employee's retirement;
(v) Additional payments for performing temporary or extra duties beyond the normal or
regular work day or work year.

(9) "Employee" shall mean any officer or employee of the state of Rhode Island whose
business time is devoted exclusively to the services of the state, but shall not include one whose
duties are of a casual or seasonal nature. The retirement board shall determine who are employees
within the meaning of this chapter. The governor of the state, the lieutenant governor, the
secretary of state, the attorney general, the general treasurer, and the members of the general
assembly, ex officio, shall not be deemed to be employees within the meaning of that term unless
and until they elect to become members of the system as provided in § 36-9-6, but in no case shall
it deem as an employee, for the purposes of this chapter, any individual who devotes less than
twenty (20) business hours per week to the service of the state, and who receives less than the
equivalent of minimum wage compensation on an hourly basis for his or her services, except as
provided in § 36-9-24. Any commissioner of a municipal housing authority or any member of a
part-time state, municipal or local board, commission, committee or other public authority shall
not be deemed to be an employee within the meaning of this chapter.

(10) "Full actuarial costs" or "full actuarial value" shall mean the lump sum payable by a
member claiming service credit for certain employment for which that payment is required which
is determined according to the age of the member and the employee's annual rate of compensation
at the time he or she applies for service credit and which is expressed as a rate percent of the
employee's annual rate of compensation to be multiplied by the number of years for which he or
she claims service credit as prescribed in a schedule adopted by the retirement board from time to
time on the basis of computation by the actuary. Except as provided in §§ 16-16-7.1, 36-5-3, 36-
9-31, 36-10-10.4, 45-21-53, 36-10-8, 45-21-29, 8-3-16(b), 8-8-10.1(b), 42-28-22.1(b) and 28-
30-18.1(b):

(i) all service credit purchases requested after June 16, 2009 and prior to July 1, 2012,
shall be at full actuarial value; and

(ii) all service credit purchases requested after June 30, 2012 shall be at full actuarial
value which shall be determined using the system's assumed investment rate of return minus one
percent (1%).

The rules applicable to a service credit purchase shall be the rules of the retirement
system in effect at the time the purchase application is submitted to the retirement system.

(11) "Inactive member" shall mean a member who has withdrawn from service as an
employee but who has not received a refund of contributions.

(12) "Members" shall mean any person included in the membership of the retirement
(13) "Prior service" shall mean service as a member rendered before July 1, 1936, certified on his or her prior service certificate and allowable as provided in § 36-9-28.

(14) "Regular interest" shall mean interest at the assumed investment rate of return, compounded annually, as may be prescribed from time to time by the retirement board.

(15) "Retirement allowance" shall mean annual payments for life made after retirement under and in accordance with chapters 8 to 10 of this title. All allowances shall be paid in equal monthly installments beginning as of the effective date thereof; provided, that a smaller pro rata amount may be paid for part of a month where separation from service occurs during the month in which the application was filed, and when the allowance ceases before the last day of the month.

(16) "Retirement board" or "board" shall mean the board provided in § 36-8-3 to administer the retirement system.

(17) "Retirement system" shall mean the employees' retirement system of the state of Rhode Island as defined in § 36-8-2.

(18) "Service" shall mean service as an employee of the state of Rhode Island as described in subdivision (9) of this section.

(19) "Social Security retirement age" shall mean a member's full retirement age as determined in accordance with the federal Old Age, Survivors and Disability Insurance Act, not to exceed age sixty-seven (67).

(20) "Total service" shall mean prior service as defined above, plus service rendered as a member on or after July 1, 1936.

SECTION 4. This article shall take effect upon passage.

ARTICLE 26
RELATING TO DIVISION OF MOTOR VEHICLES

SECTION 1. Section 31-3-33 of the General Laws in Chapter 31-3 entitled “Registration of Vehicles” is hereby amended to read as follows:

31-3-33 Renewal of registration. — (a) Application for renewal of a vehicle registration shall be made by the owner on a proper application form and by payment of the registration fee for the vehicle as provided by law.

(b) The division of motor vehicles may receive applications for renewal of registration, and may grant the renewal and issue new registration cards and plates at any time prior to expiration of registration.

(c) Upon renewal, owners will be issued a renewal sticker for each registration plate.
which shall be placed at the bottom right hand corner of the plate. Owners shall be issued a new
fully reflective plate beginning September 1, 2015 at the time of initial registration or at the
renewal of an existing registration and reissuance will be conducted no less than every ten (10)
years.

SECTION 2. This article shall take effect upon passage.

ARTICLE 27

RELATING TO LEGAL NOTICES

SECTION 1. Title 42 of the General Laws entitled “State Affairs and Government” is
hereby amended by adding thereto the following chapter:

CHAPTER 11.4

MODERNIZATION OF LEGAL NOTICES AND ADVERTISEMENTS

42-11.4-1. Legislative Findings. -- It is hereby found and declared as follows: (a)
Throughout the Rhode Island General Laws, there are over two hundred and fifty (250) discrete
requirements for legal notices or advertisements to be published in newspapers. While the
responsible parties, geographies (e.g., statewide or local), and frequencies of notice vary widely
among these hundreds of different requirements, their common goal is to notify the public about
informational requirements under law and to give the public a meaningful opportunity to
participate in its government. However, modes of communication change over time, and along
with these changes there is an obligation to openness for technological innovation,

(b) The United States Census Bureau reports that computer possession and household
internet usage have consistently risen over time. For example, in 1997, there was a computer in
thirty six and six-tenths percent (36.6%) of U.S. households, with eighteen percent (18%) of U.S.
households reporting internet usage. By 2011, there was a computer in seventy five and six-tenths
percent (75.6%) of U.S. households, with seventy one and seven-tenths percent (71.7%) of U.S.
households reporting internet usage. The Bureau reported similar rates of household internet
connection of Rhode Islanders in 2011 (seventy two and two-tenths percent (72.2%)). These
increases are inclusive, cutting across age, education attainment, income, and racial and ethnic
boundaries.

(c) Using the internet to conduct civic transactions is a common practice according to a
2010 Pew Research Center’s Internet & American Life Project survey, which reported that eighty
two percent (82%) of U.S. internet users looked for information or completed a transaction on a
government website in the preceding twelve (12) months. This data is consistent with the
experience in Rhode Island, where executive agencies have rolled out several new initiatives over
the past few years that illustrate this trend: the expansion of online services at the division of

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motor vehicles; the introduction of a transparency portal (one of the first in the country) to
provide more information regarding the operation and management of government; the creation
of a new division of veterans' affairs website; and the launch of an e-Licensing initiative by the
department of business regulation, working with the office of digital excellence and the division
of information technology.

(d) Further, Rhode Island is particularly well poised to harness the power of
communicating digitally because of its depth of digital infrastructure. The New York Times
reported in 2011 that Rhode Island had the fastest internet speed for residential customers in the
country; and “broadband service,” which describes high-speed internet, digital cable and digital
phone services traveling through a single pipeline, is available to ninety seven percent (97%) of
Rhode Islanders, with eighty three percent (83%) of Rhode Islanders having the choice of at least
two (2) broadband providers, according to the Broadband Rhode Island initiative.

(e) While the use of the internet has grown nationally and in Rhode Island over time, with
investments in expansion of online services and digital infrastructure, readership of daily
newspapers has shown a steady slide in paid circulation. For example, the Pew Research Center's
Project for Excellence in Journalism reported in 2011 that daily newspaper circulation, which
stood at sixty two million three hundred thousand (62,300,000) in 1990, had fallen to forty three
million four hundred thousand (43,400,000) in 2010, a decline of thirty percent (30%). In 1990,
evening papers, which began to decline in the 1970s, made up about a third of daily circulation.

In 2009, this ratio had dropped to just over ten percent (10%).

(f) Moreover, a national survey by the Pew Research Center for the People and the Press
in 2010 found that “more people continue to cite the internet than newspapers as their main
source of news, reflecting both the growth of the internet, and the gradual decline in newspaper
readership [from thirty four percent (34%) in 2007 to thirty one percent (31%) now].”

(g) Given historical and current trends, offering an electronic means of publishing notices
and advertisements is a common-sense, efficient way to disseminate vital information to the
public for several reasons:

i. Publication of legal notices and advertisements by electronic means is more likely to
reach citizens, providing them with crucial information about information required to be
disclosed under law and a better opportunity to participate in government;

ii. Expanding the amount of information available electronically will allow for new forms
of connection between citizens and government, through e-mail alerts and enhanced search
opportunities; and

iii. Posting legal notices and advertisements electronically may ease the regulatory
burden of compliance for businesses, especially small businesses, and governmental agencies by
offering a cost-effective alternative to newspaper publication that capitalizes on the state’s
existing technological assets and investments.

42-11.4-2. Definitions. -- As used within this chapter:
(a) “Department” shall mean the department of administration; and
(b) “Person” shall mean any individual, corporation, partnership, association,
municipality, other public body, legal entity, employee or agent of the person.

42-11.4-3. Authorized website transitional notice. -- (a) Notwithstanding any provision
of the general or public laws to the contrary, any notice or other written matter required to be
published by any law of this state in a newspaper shall be deemed to satisfy such requirement if
posted on an “authorized website,” as defined in the rules and regulations promulgated in
accordance with section 42-11.4-7.
(b) Before any person may post a notice or advertisement on an authorized website, such
person must announce its intention to do so in the following ways and for the following periods
of time:
(i) by publishing an announcement at least three (3) times a week for three (3)
consecutive weeks in the newspaper or newspapers - where notice or advertisement is currently
required to be published;
(ii) by publishing an announcement on the secretary of state’s website for at least three
(3) consecutive weeks; and
(iii) by publishing an announcement on the Rhode Island transparency portal
(http://www.transparency.ri.gov/) for at least three (3) consecutive weeks.

42-11.4-4. Required posting. -- Posting a notice or advertisement on the secretary of
state’s website pursuant to section 42-46-6 shall not be sufficient to meet the requirements for
posting on an authorized website pursuant to section 42-11.4-7.

42-11.4-5. Costs. -- Any costs associated with posting the notice or advertisement on the
authorized website shall be borne by the party required to post the notice or advertisement as set
forth in the rules and regulations promulgated in accordance with section 42-11.4-7.

42-11.4-6. Burden of proof. -- In all actions brought under this chapter, the burden shall
be on the party required to provide notice or advertisement to demonstrate notice or
advertisement was sufficient pursuant to the rules and regulations set forth in accordance with
section 42-11.4-7.

42-11.4-7. Rules and regulations. -- (a) No later than one hundred and twenty (120)
days after the passage of this act, the department shall promulgate rules and regulations, after
review and recommendation by the office of digital excellence, to implement the provisions of this chapter.

(b) Such rules and regulations shall include:

(i) a mechanism by which the authorized website can send a subscribing person e-mail alerts (as specified by such subscribing person), including a choice of how often to receive such alerts and the option to terminate such alerts;

(ii) the ability to search the authorized website by statutory cite, keyword, or date of posting; and

(iii) the particular specifications, if any, required for mobile electronic devices to access the authorized website and utilize its functionalities.

42-11.4-8. Penalties. -- Any person aggrieved as a result of violations of the provisions of this chapter may file a complaint with the department of attorney general. The attorney general shall investigate the complaint and, if the department of attorney general determines that the allegations of the complaint are meritorious, such person may file a complaint on behalf of the complainant in the superior court against the entities alleged to have violated the requirements of this chapter.

SECTION 2. This article shall take effect upon passage.

ARTICLE 28

RELATING TO HEALTH REFORM ASSESSMENT

SECTION 1. Section 42-7.2-5 of the General Laws in Chapter 42-7.2 entitled “Office of Health and Human Services” is hereby amended to read as follows:

42-7.2-5. Duties of the secretary. -- The secretary shall be subject to the direction and supervision of the governor for the oversight, coordination and cohesive direction of state administered health and human services and in ensuring the laws are faithfully executed, notwithstanding any law to the contrary. In this capacity, the Secretary of Health and Human Services shall be authorized to:

(1) Coordinate the administration and financing of health care benefits, human services and programs including those authorized by the Global Consumer Choice Compact Waiver and, as applicable, the Medicaid State Plan under Title XIX of the US Social Security Act. However, nothing in this section shall be construed as transferring to the secretary the powers, duties or functions conferred upon the departments by Rhode Island public and general laws for the administration of federal/state programs financed in whole or in part with Medicaid funds or the administrative responsibility for the preparation and submission of any state plans, state plan amendments, or authorized federal waiver applications, once approved by the secretary.
(2) Serve as the governor's chief advisor and liaison to federal policymakers on Medicaid reform issues as well as the principal point of contact in the state on any such related matters.

(3) Review and ensure the coordination of any Global Consumer Choice Compact Waiver requests and renewals as well as any initiatives and proposals requiring amendments to the Medicaid state plan or category two (II) or three (III) changes, as described in the special terms and conditions of the Global Consumer Choice Compact Waiver with the potential to affect the scope, amount or duration of publicly-funded health care services, provider payments or reimbursements, or access to or the availability of benefits and services as provided by Rhode Island general and public laws. The secretary shall consider whether any such changes are legally and fiscally sound and consistent with the state's policy and budget priorities. The secretary shall also assess whether a proposed change is capable of obtaining the necessary approvals from federal officials and achieving the expected positive consumer outcomes. Department directors shall, within the timelines specified, provide any information and resources the secretary deems necessary in order to perform the reviews authorized in this section;

(4) Beginning in 2006, prepare and submit to the governor, the chairpersons of the house and senate finance committees, the caseload estimating conference, and to the joint legislative committee for health care oversight, by no later than March 15 of each year, a comprehensive overview of all Medicaid expenditures outcomes, and utilization rates. The overview shall include, but not be limited to, the following information:

   (i) Expenditures under Titles XIX an XXI of the Social Security Act, as amended;

   (ii) Expenditures, outcomes and utilization rates by population and sub-population served (e.g. families with children, children with disabilities, children in foster care, children receiving adoption assistance, adults with disabilities, and the elderly);

   (iii) Expenditures, outcomes and utilization rates by each state department or other municipal or public entity receiving federal reimbursement under Titles XIX and XXI of the Social Security Act, as amended; and

   (iv) Expenditures, outcomes and utilization rates by type of service and/or service provider.

The directors of the departments, as well as local governments and school departments, shall assist and cooperate with the secretary in fulfilling this responsibility by providing whatever resources, information and support shall be necessary.

(5) Resolve administrative, jurisdictional, operational, program, or policy conflicts among departments and their executive staffs and make necessary recommendations to the governor.
(6) Assure continued progress toward improving the quality, the economy, the accountability and the efficiency of state-administered health and human services. In this capacity, the secretary shall:

(i) Direct implementation of reforms in the human resources practices of the departments that streamline and upgrade services, achieve greater economies of scale and establish the coordinated system of the staff education, cross-training, and career development services necessary to recruit and retain a highly-skilled, responsive, and engaged health and human services workforce;

(ii) Encourage the departments to utilize consumer-centered approaches to service design and delivery that expand their capacity to respond efficiently and responsibly to the diverse and changing needs of the people and communities they serve;

(iii) Develop all opportunities to maximize resources by leveraging the state's purchasing power, centralizing fiscal service functions related to budget, finance, and procurement, centralizing communication, policy analysis and planning, and information systems and data management, pursuing alternative funding sources through grants, awards and partnerships and securing all available federal financial participation for programs and services provided through the departments;

(iv) Improve the coordination and efficiency of health and human services legal functions by centralizing adjudicative and legal services and overseeing their timely and judicious administration;

(v) Facilitate the rebalancing of the long term system by creating an assessment and coordination organization or unit for the expressed purpose of developing and implementing procedures across departments that ensure that the appropriate publicly-funded health services are provided at the right time and in the most appropriate and least restrictive setting; and

(vi) Strengthen health and human services program integrity, quality control and collections, and recovery activities by consolidating functions within the office in a single unit that ensures all affected parties pay their fair share of the cost of services and are aware of alternative financing.

(vii) Broaden access to publicly funded food and nutrition services by consolidating agency programs and initiatives to eliminate duplication and overlap and improve the availability and quality of services; and

(viii) Assure protective services are available to vulnerable elders and adults with developmental and other disabilities by reorganizing existing services, establishing new services where gaps exist and centralizing administrative responsibility for oversight of all related
initiatives and programs.

(7) Prepare and integrate comprehensive budgets for the health and human services departments and any other functions and duties assigned to the office. The budgets shall be submitted to the state budget office by the secretary, for consideration by the governor, on behalf of the state's health and human services in accordance with the provisions set forth in § 35-3-4 of the Rhode Island general laws.

(8) Impose a health reform assessment across all health insurance carriers as defined by 27-18-1.1 offering health plans as defined by 27-18-1.1 in the small employer health insurance market as defined in chapter 50 of title 27 and the individual health insurance market as defined in chapter 18.5 of title 27.

(i) The assessment shall be administered as follows:

(A) The secretary shall determine separate rates for products offered in the small employer market and products offered in the individual health insurance market.

(1) The total assessment imposed by the secretary shall be equal to the budget for the Rhode Island health benefits exchange for the applicable fiscal year(s).

(2) The amount assessed upon each market shall be in proportion to the anticipated enrollment for that market in the upcoming coverage year on the Rhode Island health benefits exchange.

(3) The assessment in each market shall be expressed as a percentage of premium.

(4) The percentage of premium assessed in each market shall be based upon the total premium dollars expected to be collected in the upcoming coverage year by health insurance carriers in that market.

(5) For products with a coverage start date of January 1, 2016 the secretary shall determine the rates no later than fifteen (15) days following the passage of this statute. The secretary may in determining the rate of assessment for coverage year 2016 consider any anticipated operating expenses to be incurred by the Rhode Island health benefits exchange prior to January 1, 2016 and may grant requests by the agency to use assessment funds in advance to cover such costs.

(6) For products with a coverage start date of January 1, 2017 the secretary shall determine the rates by January 1, 2016.

(B) Every health insurance carrier assessed under this section shall, on or before the last day of July, October, January and April of each year, make a payment to the secretary for the quarter ending on that day.

(C) The assessment set forth herein shall be in addition to any other fees or assessments
imposed upon health insurance carriers by law.

(ii) For all coverage years beginning January 1, 2018 or later, the assessment rate shall be
announced by the secretary no later than the first day of the preceding year.

(iii) Payments made by health insurance carriers under this section may be made by
electronic transfer of monies to the general treasurer. The general treasurer shall take all steps
necessary to facilitate the transfer of monies to the department of administration to be drawn upon
solely for the purposes of supporting the ongoing operations of the Rhode Island health benefits
exchange. All funds shall be deposited into a restricted receipt account entitled the Rhode Island
health benefits exchange within the department of administration. The restricted receipt account
shall be exempt from the indirect cost recovery assessment established pursuant to § 35-4-27.

(iv) The secretary shall administer the assessment in such a way as will ensure that a
request by the Rhode Island health benefits exchange for advance use of assessment funds to
cover operating expenses incurred in preceding fiscal year may be granted.

(v) Should any health insurance carrier fall more than thirty (30) days in arrears with
respect to assessment payments due to the secretary under this section the secretary may request
the Rhode Island health benefits exchange to set-off the amount of the delinquency against any
payments due to that health insurance carrier and remit such sums to the secretary. The health
benefits exchange is authorized and empowered to set-off amounts due under this section against
any payments due to health insurance carriers.

(vi) All health insurance carriers assessed under this section may fairly pass on the cost of
the assessment in the form of the premium rates it offers in the markets implicated by the health
reform assessment.

(9) Utilize objective data to evaluate health and human services policy goals, resource
use and outcome evaluation and to perform short and long-term policy planning and
development.

(10) Establishment of an integrated approach to interdepartmental information and
data management that complements and furthers the goals of the CHOICES initiative and that
will facilitate the transition to consumer-centered system of state administered health and human
services.

(11) At the direction of the governor or the general assembly, conduct independent
reviews of state-administered health and human services programs, policies and related agency
actions and activities and assist the department directors in identifying strategies to address any
issues or areas of concern that may emerge thereof. The department directors shall provide any
information and assistance deemed necessary by the secretary when undertaking such
independent reviews.

(11) Provide regular and timely reports to the governor and make recommendations with respect to the state's health and human services agenda.

(12)(13) Employ such personnel and contract for such consulting services as may be required to perform the powers and duties lawfully conferred upon the secretary.

(12)(14) Implement the provisions of any general or public law or regulation related to the disclosure, confidentiality and privacy of any information or records, in the possession or under the control of the executive office or the departments assigned to the executive office, that may be developed or acquired for purposes directly connected with the secretary's duties set forth herein.

(14)(15) Hold the director of each health and human services department accountable for their administrative, fiscal and program actions in the conduct of the respective powers and duties of their agencies.

SECTION 2. This article shall take effect as of July 1, 2015.

ARTICLE 29

RELATING TO COMMERCE CORPORATION AND ECONOMIC DEVELOPMENT

SECTION 1. Section 42-64-13 of the General Laws in Chapter 42-13 entitled “Rhode Island Commerce Corporation” is hereby amended as follows:

42-64-13. Relations with municipalities. - (a) (1) With respect to projects situated on federal land, the Rhode Island commerce corporation is authorized to plan, construct, reconstruct, rehabilitate, alter, improve, develop, maintain, and operate projects: (i) in conformity with the applicable provisions of chapter 1 of title 2 except that the projects shall not require the approval of a town or city council provided for in § 2-1-21, and (ii) without regard to the zoning or other land use ordinances, codes, plans, or regulations of any municipality or political subdivision; provided, however, that the exemption from the zoning or other land use ordinances, codes, plans, or regulations shall be subject to the corporation's compliance with the provisions of this subsection. Projects which are planned, constructed, reconstructed, rehabilitated, altered, improved, or developed by the corporation on federal land in accordance with the provisions of this subsection may be maintained and operated by lessees from and successors in interest to the corporation in the same manner as if the projects had been in existence prior to the enactment of the zoning or other land use ordinances, codes, plans, or regulations which, but for this chapter, would otherwise be applicable. With respect to other projects of the commerce corporation, or projects receiving state incentives as administered by the commerce corporation, developers are authorized to plan, construct, reconstruct, rehabilitate, alter, improve, develop, maintain, and
operate project subject only to the state building code and the state fire code, and all inspections regarding any such project shall be conducted by the state building commissioner or his designee without regard to the building and fire codes of any municipality or political subdivision; provided, however, that the exemption from the building and fire codes shall be subject to the corporation's compliance with the provisions of this subsection. Provided further that any municipality with a population in excess of 150,000 may opt, at the election of its chief elected official, to have the state building commissioner and/or the state fire marshal assume the responsibility for review and inspections of projects, and in such case only the state building and state fire codes shall be applicable to projects located within said municipality.

(2) As used in this section, "the comprehensive plan" means a comprehensive plan adopted pursuant to chapter 22 of title 45 by a planning board or commission; "the applicable comprehensive plan" shall mean the comprehensive plan of any municipality within which any project is to be situated, in whole or in part; and "the project plan" shall mean a general description of a proposed project situated on federal land, describing in reasonable detail its location, nature, and size. A zoning ordinance adopted by a municipality pursuant to chapter 24 of title 45 shall not be deemed to be a comprehensive plan nor a statement of the land use goals, objectives, and standards.

(3) If any project plan of the corporation with respect to projects situated on federal land conforms to the land use goals, objectives, and standards of the applicable comprehensive plan as of the time of the corporation's adoption of the project plan, or if there is no applicable comprehensive plan, then before proceeding with the project described in the project plan, the corporation shall refer the project plan to the appropriate community advisory committee which may thereafter hold any public hearings as it may deem to be desirable for the purpose of permitting the public to comment on the project plan. The community advisory committee shall not later than forty-five (45) days after its receipt of the project plan, transmit its comments on the project plan, in either written or oral form, to the corporation and thereupon, or upon the community advisory committee's failure to take any action within the time specified, the corporation shall be authorized to proceed with the project described in the project plan without regard to the zoning or other land use ordinances, codes, plans, or regulations of a municipality within which the project is to be situated in whole or in part.

(4) If any project plan of the corporation with respect to projects situated on federal land does not conform to the land use goals, objectives, and standards of the applicable comprehensive plan as of the time of the corporation's adoption of the project plan, then, before proceeding with the project described in the project plan, the corporation shall refer the project plan to the local
governing body of any municipality within which any project is to be situated, in whole or in part.

The local governing body may thereafter hold any public hearings as it may deem to be desirable for the purpose of permitting the public to comment on the project plan. The local governing body shall, not later than forty-five (45) days after its receipt of the project plan, advise the corporation of its approval or disapproval of that plan. If it shall disapprove the project plan, the corporation shall nevertheless be authorized to proceed with the project described in the project plan (without regard to the zoning or other land use ordinances, codes, plans, or regulations of a municipality within which the project is to be situated in whole or in part) upon the subsequent affirmative vote of a majority of the members of the board of directors then holding office as directors taken at a meeting open to the public. If the local governing body approves the project plan or fails to take any action within the time specified, the corporation shall be authorized to proceed with the project described in the project plan without regard to the zoning or other land use ordinances, codes, plans, or regulations of a municipality within which the project is to be situated in whole or in part.

(5) The project plan's conformity with the applicable comprehensive plan shall be determined by the board of directors of the corporation and its determination shall be binding and conclusive for all purposes.

(b) With respect to projects situated on real property other than federal land, the corporation shall plan, construct, reconstruct, rehabilitate, alter, improve, develop, maintain, and operate projects in conformity with the applicable zoning or other land use ordinances, codes, plans, or regulations of any municipality or political subdivision of the state in which those projects are situated.

(c) The corporation shall, in planning, constructing, reconstructing, rehabilitating, altering, or improving any project, comply with all requirements of state and federal laws, codes, or regulations applicable to that planning, construction, reconstruction, rehabilitation, alteration, or improvement. The corporation shall adopt a comprehensive building code (which may, but need not be, the BOCA Code) with which all projects shall comply. That adoption shall not preclude the corporation's later adoption of a different comprehensive building code or of its alteration, amendment, or supplementation of any comprehensive building code so adopted. Except as otherwise specifically provided to the contrary, no municipality or other political subdivision of the state shall have the power to modify or change in whole or in part the drawings, plans, or specifications for any project of the corporation; nor to require that any person, firm, or corporation employed with respect to that project perform work in any other or different manner than that provided by those drawings, plans, and specifications; nor to require
that any such person, firm, or corporation obtain any approval, permit, or certificate from the
municipality or political subdivision in relation to the project; and the doing of that work by any
person, firm, or corporation in accordance with the terms of those drawings, plans, specifications,
or contracts shall not subject the person, firm, or corporation to any liability or penalty, civil or
criminal, other than as may be stated in the contracts or may be incidental to the proper
enforcement thereof; nor shall any municipality or political subdivision have the power to require
the corporation, or any lessee or successor in interest, to obtain any approval, permit, or
certificate from the municipality or political subdivision as a condition of owning, using,
maintaining, operating, or occupying any project acquired, constructed, reconstructed,
rehabilitated, altered, or improved by the corporation or pursuant to drawings, plans, and
specifications made or approved by the corporation; provided, however, that nothing contained in
this subsection shall be deemed to relieve any person, firm, or corporation from the necessity of
obtaining from any municipality or other political subdivision of the state any license which, but
for the provisions of this chapter, would be required in connection with the rendering of personal
services or sale at retail of tangible personal property.

(d) Except to the extent that the corporation shall expressly otherwise agree, a
municipality or political subdivision, including, but not limited to, a county, city, town, or district,
in which a project of the corporation is located, shall provide for the project, whether then owned
by the corporation or any successor in interest, police, fire, sanitation, health protection, and other
municipal services of the same character and to the same extent as those provided for other
residents of that municipality or political subdivision, but nothing contained in this section shall
be deemed to require any municipality or political subdivision to make capital expenditures for
the sole purpose of providing any of these services for that project.

(e) In carrying out a project, the corporation shall be empowered to enter into contractual
agreements with municipalities and public corporations and those municipalities and public
corporations are authorized and empowered, notwithstanding any other law, to enter into any
contractual agreements with the corporation and to do all things necessary to carry out their
obligations under the agreements.

(f) Notwithstanding the provisions of any general, special, or local law or charter,
municipalities and public corporations are empowered to purchase, or to lease for a term not
exceeding ninety-nine (99) years, projects of the corporation, upon any terms and conditions as
may be agreed upon by the municipality or public corporation and the corporation.

SECTION 2. Chapter 42-64.19 of the General Laws in Chapter 42-64.3 entitled
“Executive Office of Commerce” is hereby amended by adding thereto the following section:
42-64.19-13. Tax incentive reporting. -- (a) Any person or entity who has or is receiving a business tax credit, modification and/or incentive under any provision of the general laws shall provide information to the secretary of commerce related to the use and effect of funds pertaining to the credit, modification and/or incentive. The secretary of commerce shall promulgate rules or regulations regarding the type of information to be provided, the procedure for collecting the information and consequences for failure to provide any such information in a timely manner. All personal, proprietary or other confidential information received from such person relating to this section shall be held in confidence by the executive office of commerce and shall be exempt from disclosure in accordance with chapter 2 of title 38.

(b) In the event that a person or entity fails to provide the information requested under this subsection within sixty (60) days from the date of the request, or such longer time as the secretary of commerce or his or her designee shall grant, the secretary shall notify the division of taxation in writing to withhold or deny any further business tax credit, modification and/or incentive credit benefits of such person or entity. Ten (10) days advance written notice of a failure to cooperate from the executive office of commerce shall be sent to the person or entity prior to notifying the division of taxation. The suspension of benefits hereunder shall be lifted upon the secretary of commerce or his or her designee notifying in writing the division of taxation that such information was provided, does not exist or cannot be compiled.

(c) Any dispute relating to this section shall be conducted by the secretary of commerce in accordance with chapter 35 of title 42, administrative procedures.

SECTION 3. Title 42 of the General Laws entitled “State Affairs and Government” is hereby amended by adding thereto the following chapter:

CHAPTER 64.20

REBUILD RHODE ISLAND TAX CREDIT

42-64.20-1. Short title. -- This chapter shall be known and may be cited as the "Rebuild Rhode Island Tax Credit Act."

42-64.20-2. Findings and declarations.-- (a) It is hereby found and declared that due to long-term and short-term stagnant or declining economic trends in Rhode Island, businesses in the state have found it difficult to make investments that would stimulate economic activity and create new jobs for the citizens of the state. Moreover, such economic trends have caused business closures or out-of-state business relocations, while other out-of-state businesses are deterred from relocating to this state. This situation has contributed to a high rate of unemployment in the state. Consequently, a need exists to promote the retention and expansion of existing jobs, stimulate the creation of new jobs, attract new business and industry to the state,
and stimulate growth in real estate developments and/or businesses that are prepared to make meaningful investment and foster job creation in Rhode Island.

(b) Through the establishment of a rebuild Rhode Island tax credit program, Rhode Island can take steps to stimulate business development; retain and attract new business and industry to the state; create good-paying jobs for its residents; assist with business, commercial, and industrial real estate development; and generate revenues for necessary state and local governmental services.

42-64.20-3. Definitions. -- As used in this chapter:

(1) “Affiliate” means an entity that directly or indirectly controls, is under common control with, or is controlled by the business. Control exists in all cases in which the entity is a member of a controlled group of corporations as defined pursuant to section 1563 of the Internal Revenue Code of 1986 (26 U.S.C. § 1563) or the entity is an organization in a group of organizations under common control as defined pursuant to subsection (b) or (c) of section 414 of the Internal Revenue Code of 1986 (26 U.S.C. § 414). A taxpayer may establish by clear and convincing evidence, as determined by the tax administrator, that control exists in situations involving lesser percentages of ownership than required by those statutes. An affiliate of a business may contribute to meeting either the capital investment or full-time employee requirements of a business that applies for a credit under general laws section 46-64.20-5.

(2) “Applicant” means a developer applying for a rebuild Rhode Island tax credit under this chapter.

(3) “Business” means a corporation as defined in general laws section 44-1-1(4), or is a partnership, an S corporation, a non-profit corporation, a sole proprietorship, or a limited liability corporation. A business shall include an affiliate of the business if that business applies for a credit based upon any capital investment made by an affiliate.

(4) “Capital investment” in a real estate project means expenses by a business or any affiliate of the business incurred after application for:

(i) Site preparation and construction, repair, renovation, improvement, equipping, or furnishing on real property or of a building, structure, facility, or improvement to real property;

(ii) Obtaining and installing furnishings and machinery, apparatus, or equipment, including but not limited to material goods for the operation of a business on real property or in a building, structure, facility, or improvement to real property.

In addition to the foregoing, if a business acquires or leases a qualified project, the capital investment made or acquired by the seller or owner, as the case may be, if pertaining primarily to the premises of the qualified project, shall be considered a capital investment by the business.
and, if pertaining generally to the qualified project being acquired or leased, shall be allocated to
the premises of the qualified project on the basis of the gross leasable area of the premises in
relation to the total gross leasable area in the qualified project. The capital investment described
herein shall be defined through rules and regulations promulgated by the commerce corporation.

(5) “Commerce corporation” means the Rhode Island commerce corporation established
pursuant to general laws section 42-64-1 et. seq.

(6) “Commercial” shall mean non-residential development.

(7) “Hope community” means a community where family poverty levels exceed the state
median. Upon passage, these communities include Providence, Central Falls, West Warwick,
Pawtucket and Woonsocket.

(8) “Eligibility period” means the period in which a business may claim a tax credit under
this act, beginning with the tax period in which the commerce corporation accepts certification of
the business that it has met the requirements of the act and extending thereafter for a term of five
years.

(9) “Full-time employee” means a person who is employed by a business for
consideration for at least 35 hours a week, or who renders any other standard of service generally
accepted by custom or practice as full-time employment, or who is employed by a professional
employer organization pursuant to an employee leasing agreement between the business and the
professional employer organization for at least 35 hours a week, or who renders any other
standard of service generally accepted by custom or practice as full-time employment, and whose
wages are subject to withholding.

(10) “Affordable housing” means housing affordable according to recognized standards
for home ownership and rental costs.

(11) “Mixed use” means a development comprising both commercial and residential
components.

(12) “Partnership” means an entity classified as a partnership for federal income tax
purposes.

(13) “Project area” means land or lands under common ownership or control in which a
qualified project is located.

(14) “Project cost” means the costs incurred in connection with the qualified project or
qualified residential or mixed use project by the applicant until the issuance of a permanent
certificate of occupancy, or until such other time specified by the commerce corporation, for a
specific investment or improvement, as defined through rules and regulations promulgated by the
commerce corporation.
(15) “Financing gap” means

(i) The part of the total project cost that remains to be financed after all other sources of capital have been accounted for, including, but not limited to, developer-contributed capital, which shall be defined through rules and regulations promulgated by the commerce corporation; or

(ii) The amount by which total project cost exceeds the cost of an out-of-state alternative location for a commercial project.

(16) “Qualified project” shall mean any project meeting the requirements of this chapter.

(17) “Residential” means a development of residential dwelling units.

(18) “Redevelopment project” means a specific construction project or improvement, including lands, buildings, improvements, real and personal property or any interest therein, including lands under water, riparian rights, space rights and air rights, acquired, owned, leased, developed or redeveloped, constructed, reconstructed, rehabilitated or improved, undertaken by a developer, owner or tenant, or both, within a project area as set forth in an application to be made to the commerce corporation.

(19) “Targeted industry” means any advanced, promising or otherwise prioritized industry identified in the economic development vision and policy promulgated pursuant General Laws section 42-64.17-1.

(20) “Transit oriented development area” means an area in proximity to transit infrastructure that will be further defined by regulation of the commerce corporation in consultation with the Rhode Island department of transportation.

42-64.20-4. Establishment of program. - The rebuild Rhode Island tax credit program is hereby established as a program under the jurisdiction and administration of the commerce corporation. The program may provide tax credits to businesses meeting the requirements of this chapter for an eligibility period of five (5) years. On an annual basis, the commerce corporation shall confer with the executive office of commerce, the department of administration, and the division of taxation regarding the availability of funds for the award of new tax credits.

42-64.20-5. Tax credits. - (a) An applicant meeting the requirements of this chapter may be allowed a credit as set forth hereinafter against taxes imposed upon such person under applicable provisions of title 44 of the general laws for a qualified project.

(b) To be eligible as a qualified project entitled to tax credits, an applicant's chief executive officer or equivalent officer shall demonstrate to the commerce corporation, at the time of application, that:

(1) The applicant has committed capital investment or owner equity in not less than
(2) Based upon an analysis, there is a financing gap for the project, in that, after taking into account all available private and public funding sources, the project is likely to be realized with the provision of tax credits at the level requested, but is not likely to be accomplished by private enterprise without the tax credits;

(3) The real estate project is a new or rehabilitated qualified development, new or rehabilitated qualified residential project, new or rehabilitated mixed use project, or is a new or rehabilitated project in a Hope Community; and

(4) The real estate project fulfills the state’s policy and planning objectives and priorities in that:

(i) The applicant will, at the discretion of the commerce corporation, obtain a tax stabilization agreement from the municipality in which the real estate project is located on such terms as the commerce corporation deems acceptable;

(ii) It (A) is a commercial development consisting of at least 25,000 square feet and containing at least 25 full-time employees or such additional full-time employees as the commerce corporation may determine; (B) is a multi-family residential development in a new, adaptive reuse, or historic structure consisting of at least 20,000 square feet and having at least 20 residential units in a hope community; or (C) is a mixed use development in a new, adaptive reuse, or historic structure consisting of at least 25,000 square feet, subject to further definition through rules and regulations promulgated by the commerce corporation; and

(iii) Involves a total project cost of not less than $5,000,000, except for a project in a hope community or redevelopment area designated under section 45-32-4 of the general laws in which event the commerce corporation shall have the discretion to modify the total project cost minimum threshold.

(c) For qualified projects, the maximum tax credit allowed under this chapter shall be the lesser of (1) thirty percent (30%) of the total project cost; or (2) the amount needed to close a demonstrable financing gap (after taking into account all other private and public funding sources available to the project), as determined by the commerce corporation.

(d) Tax credits allowed pursuant to this chapter shall be allowed for the taxable year in which a certificate of occupancy issues for the project.

(e) The amount of a tax credit allowed under this chapter shall be allowable to the taxpayer in five increments.

(f) If the portion of the tax credit allowed under this chapter exceeds the taxpayer's total tax liability for the year in which the relevant portion of the credit is allowed, the amount that
exceeds the taxpayer's tax liability may be carried forward for credit against the taxes imposed for
the succeeding four (4) years, or until the full credit is used, whichever occurs first for the tax
credits. Credits allowed to a partnership, a limited liability company taxed as a partnership, or
multiple owners of property shall be passed through to the persons designated as partners,
members or owners respectively pro rata or pursuant to an executed agreement among such
persons designated as partners, members or owners documenting an alternate distribution method
without regard to their sharing of other tax or economic attributes of such entity.

(g) The commerce corporation in consultation with the division of taxation shall
establish, by regulation, the process for the assignment, transfer or conveyance of tax credits.

(h) For purposes of this chapter, any assignment or sales proceeds received by the
taxpayer for its assignment or sale of the tax credits allowed pursuant to this section shall be
exempt from taxation under title 44 of the general laws. If a tax credit is subsequently revoked or
adjusted, the seller's tax calculation for the year of revocation or adjustment shall be increased by
the total amount of the sales proceeds, without proration, as a modification under chapter 30 of
title 44 of the general laws. In the event that the seller is not a natural person, the seller's tax
calculation under chapters 11, 13, 14, or 17 of title 44 of the general laws, as applicable, for the
year of revocation, or adjustment, shall be increased by including the total amount of the sales
proceeds without proration.

(i) The tax credit allowed under this chapter may be used as a credit against corporate
income taxes imposed under chapters 11, 13, 14, or 17 of title 44, or may be used as a credit
against personal income taxes imposed under chapter 30 of title 44 against owners of pass-
through entities such as a partnership, a limited liability company taxed as a partnership, or
multiple owners of property.

(j) In the case of a corporation, this credit is only allowed against the tax of a corporation
included in a consolidated return that qualifies for the credit and not against the tax of other
corporations that may join in the filing of a consolidated tax return.

(k) Prior to assignment or transfer of a tax credit granted under this chapter, the state shall
be entitled to redeem such credit in whole or in part for ninety percent (90%) of the value of the
tax credit. The division of taxation shall establish by regulation a redemption process for tax
credits.

(l) Projects eligible to receive a tax credit under this chapter, may at the discretion of the
commerce corporation, be exempt from sales and use taxes imposed on the purchase of furniture,
fixtures and equipment, except automobiles, trucks or other motor vehicles, or other materials that
otherwise are depreciable and have a useful life of one year or more that are essential to and will
be utilized in the qualified project.

(m) The tax credit available under this chapter shall not exceed twenty percent (20%), provided, however, that the applicant shall be eligible for additional tax credit of not more than ten percent (10%) if the applicant meets any of the following criteria or such other additional criteria determined by the commerce corporation from time to time in response to evolving economic or market conditions:

(1) For redevelopment projects involving adaptive re-use of historic structures;
(2) For qualified projects undertaken by or for targeted industries;
(3) For qualified projects in transit oriented development areas;
(4) For residential projects in which at least twenty percent (20%) of the residential units are for affordable housing or workforce housing;
(5) For projects involving property subject to the requirements of the industrial property remediation and reuse act, sections 23-19.14-1, et seq. of the general laws; and
(6) For projects involving qualified business facilities constructed in accordance with the minimum environmental and sustainability standards, as certified by the commerce corporation pursuant to LEED or other equivalent standards.

(n) The commerce corporation shall promulgate rules and regulations for the administration and certification of additional tax credit under subsection (m) of this section, including criteria for the eligibility, evaluation, prioritization, and approval of projects that qualify for such additional tax credit.

(o) The commerce corporation shall have no obligation to make any award or grant any benefits under this chapter.

42-64.20-6. Implementation guidelines, directives, criteria, rules, regulations. -- (a)
The commerce corporation may adopt implementation guidelines, directives, criteria, and rules and regulations pursuant to section 42-35-3 of the general laws, as are necessary to implement this chapter, including, but not limited to: examples of the enumeration of specific targeted industries; specific delineation of incentive areas; the determination of additional limits; the promulgation of procedures and forms necessary to apply for a tax credit, including the enumeration of the certification procedures; the allocation of new tax credits in consultation with the executive office of commerce, division of taxation and department of administration; and provisions for tax credit applicants to be charged an initial application fee, and ongoing service fees, to cover the administrative costs related to the tax credit.

(b) The rules that the commerce corporation promulgates shall incorporate the following:
(1) Procedures for implementing this act shall include processes whereby any credit
allowed under this program must be approved by the commerce corporation board. Before the commerce corporation board meets to consider an application for a credit under this chapter, both the director of the office of management and budget and the director of the department of revenue shall provide written analysis to the commerce corporation board regarding the application. The analysis from the office of management and budget should include the impact that granting the application would have on the budget for the state of Rhode Island both in the fiscal year in which the application is considered, and in subsequent fiscal years. The director of the department of administration shall submit to the commerce corporation a letter of opinion regarding the financial capacity of the state to grant the credits under this chapter. The commerce corporation shall not be authorized to grant credits to new qualified project(s) under this chapter if the department of administration determines that the credits would exceed the existing and anticipated revenue capacity of the state. Such determination by the department of administration shall be made in a timely manner.

(2) As the commerce corporation board determines whether to grant credits under this chapter, it shall consider the purposes for which this chapter is established, which include (but are not necessarily limited to) the following: (i) to create jobs with an emphasis on high-quality jobs; and (ii) to spur economic growth and new development in Rhode Island.

(c) The division of taxation may adopt implementation guidelines, directives, criteria, and rules and regulations pursuant to section 42-35-3 of the general laws, as are necessary for the implementation of the division’s responsibilities under this chapter.

42-64.20-7. Program integrity. -- Program integrity being of paramount importance, the commerce corporation shall establish procedures to ensure ongoing compliance with the terms and conditions of the program established herein, including procedures to safeguard the expenditure of public funds and to ensure that the funds further the objectives of the program.

SECTION 4. Title 42 of the General Laws entitled “State Affairs and Government” is hereby amended by adding thereto the following chapter:

CHAPTER 64.21

TAX INCREMENT FINANCING

42-64.21-1. Short title. -- This act shall be known and may be cited as the “Rhode Island Tax Increment Financing Act of 2015.”

42-64.21-2. Legislative findings.-- (a) It is hereby found and declared that due to long-term and short-term stagnant or declining economic trends in Rhode Island, businesses in the state have found it difficult to make investments that would stimulate economic activity and create new jobs for the citizens of the state. Moreover, such economic trends have caused
business closures or out-of-state business relocations, while other out-of-state businesses are
deterred from relocating to this state. This situation has contributed to a high rate of
unemployment in the state. Consequently, a need exists to promote the retention and expansion
of existing jobs, stimulate the creation of new jobs, attract new business and industry to the state,
and stimulate growth in real estate developments and/or businesses that are prepared to make
meaningful investment and foster job creation in Rhode Island.

(b) Through the establishment of a tax increment financing program, Rhode Island can
take steps to stimulate business development; retain and attract new business and industry to the
state; create good-paying jobs for its residents; assist with business, commercial, and industrial
real estate development; and generate revenues for necessary state and local governmental
services.

42-64.21-3. Definitions. -- (1) “Applicant” means a developer proposing to enter into a
TIF agreement.

(2) “Commerce corporation” means the Rhode Island commerce corporation established
pursuant to general laws section 42-64-1 et. seq.

(3) “Developer” means any person, entity, or political subdivision that enters or proposes
to enter into a redevelopment incentive grant agreement pursuant to the provisions of this chapter.

(4) “Hope Community” means a community where family poverty levels exceed the state
median. Upon passage, these communities include Providence, Central Falls, West Warwick,
Pawtucket and Woonsocket.

(5) “Eligible revenue” means the incremental revenues set forth in section 42-64.21-5 of
this chapter.

(6) “Incremental” means (i) net new revenue to the State of Rhode Island as defined by
the commerce corporation, in consultation with the department of revenue as established in
Chapter 42-142 of the general laws, or (ii) existing revenue at substantial risk of loss to the State
of Rhode Island as defined by the commerce corporation in consultation with the department of
revenue.

(7) “TIF payment” means reimbursement of all or a portion of the project financing gap
of a redevelopment project from the division of taxation as provided under this chapter.

(8) “Project area” means land or lands under common ownership or control as certified
by the commerce corporation.

(9) “Project financing gap” means (i) the part of the total project cost that remains to be
financed after all other sources of capital have been accounted for, including, but not limited to,
developer-contributed capital, which shall be defined through rules and regulations promulgated
by the commerce corporation and (ii) the amount by which total project cost exceeds the cost of
an alternative out-of-state location for a redevelopment project.

(10) “Qualifying TIF area” shall mean an area containing a redevelopment project
identified by the commerce corporation as a priority because of its potential to generate, preserve
or otherwise enhance jobs or its potential to produce, preserve or otherwise enhance housing
units. The commerce corporation shall take into account the following factors in determining
whether a redevelopment project is a priority:

(i) Generation or preservation of manufacturing jobs;

(ii) Promotion of targeted industries;

(iii) Location in a port or airport district;

(iv) Location in an industrial or research park;

(v) Location in a transit oriented development area;

(vi) Location in a Hope Community;

(vii) Location in an area designated by a municipality as a redevelopment area under
section 45-32-4 of the general laws; and

(viii) Location in an area located within land approved for closure under any federal
commission on base realignment and closure action.

(11) “TIF agreement” means an agreement between the commerce corporation and a
developer, under which, in exchange for the benefits of the funding derived from qualification
under this chapter, the developer agrees to perform any work or undertaking necessary for a
redevelopment project, including the clearance, development or redevelopment, construction, or
rehabilitation of any structure or improvement of commercial, industrial, or residential property;
public infrastructure; preexisting municipally-owned stadium of 10,000 seats or greater; or
utilities within a qualifying TIF area.

(12) “Redevelopment project” means a specific work or improvement, including lands,
buildings, improvements, real and personal property or any interest therein, including lands under
water, riparian rights, space rights and air rights, acquired, owned, developed or redeveloped,
constructed, reconstructed, rehabilitated or improved, or undertaken by a developer within a
project area.

(13) “Revenue increment base” means the amounts of all eligible revenues from sources
within the redevelopment project area in the calendar year preceding the year in which the TIF
agreement is executed, as certified by the division of taxation.

42-64.21-4. TIF program. -- The commerce corporation shall establish a TIF program
for the purpose of encouraging redevelopment projects in qualifying TIF areas.
42-64.21-5. Financing. -- (a) Up to the limits established in subsection (c) of this section and in accordance with a TIF agreement, the division of taxation shall pay to the developer incremental state revenues directly realized from businesses operating on the redevelopment project premises from the taxes assessed and collected under chapters 11, 13, 14, 17, 18, 19, and 30 of Title 44 of the general laws or realized from such venue ticket sales or parking taxes as may be established and levied under state law.

(b) The division of taxation shall annually, on or before December first, provide the governor with the sum, if any, to be appropriated to fund the program. The governor shall submit to the general assembly printed copies of a budget including the total of the sums, if any, as part of the governor’s budget required to be appropriated for the program created under this chapter.

(c) Up to 75 percent of the projected annual incremental revenues may be allocated under a TIF agreement. The incremental revenue for the revenues listed in subsection (a) of this section shall be calculated as the difference between the amount collected in any fiscal year from any eligible revenue source included in the TIF agreement, less the revenue increment base for that eligible revenue.

(d) Under conditions defined by the commerce corporation and in consultation with the department of revenue, those taxes eligible for inclusion in this TIF program may instead be exempted up to the levels permitted by this act in cases of significant taxpayers. Such significant taxpayers may instead be required to contribute payments in lieu of taxes (PILOTs) into a dedicated fund established by the commerce corporation. Such payments shall be up to 75 percent of the amount that would otherwise be due to the state in the form of taxation as per the provisions this statute. Such dedicated funds must be used for the redevelopment project purposes described in this act. The commerce corporation may issue revenue bonds secured by this dedicated fund. Such bonds shall not be a general obligation of the state.

(e) The commerce corporation shall promulgate an application form and procedure for the program.

42-64.21-6. Agreements permitted. -- (a) The commerce corporation is authorized to enter into a TIF agreement with a developer for any redevelopment project located within a qualifying TIF area. The TIF agreement between the commerce corporation and the developer shall contain a provision acknowledging that the benefits of said agreement, with the exception of 42-64.21-5 (d) of this chapter, are subject to such annual appropriation.

(b) The decision whether or not to enter into a TIF agreement is solely within the discretion of the commerce corporation.

(c) The TIF agreement shall specify the amount to be awarded the developer, the
frequency of payments, and the length of time, which shall not exceed 20 years, during which the
reimbursement shall be granted. In no event shall the amount of the reimbursements under a TIF
agreement exceed 30 percent of the total cost of the project and provided further, that the
commerce corporation may exempt public infrastructure, a preexisting municipally-owned
stadium of 10,000 seats or greater, or utilities as defined above from said 30 percent cap.

(d) The commerce corporation may enter into a TIF agreement only if it determines that
TIF payments are needed to cover a project financing gap except in cases of public infrastructure,
a preexisting municipally-owned stadium of 10,000 seats or greater, or utilities as defined above.

(e) A developer that has entered into a TIF agreement with the commerce corporation
pursuant to this section may, upon notice to and consent of the corporation, pledge and assign as
security for any loan, any or all of its right, title and interest in and to the TIF agreement and in
the TIF payments due thereunder, and the right to receive same, along with the rights and
remedies provided to the developer under such agreement. Any such assignment shall be an
absolute assignment for all purposes, including the federal bankruptcy code.

(f) Any pledge of TIF payments made by the developer shall be valid and binding from
the time when the pledge is made and filed in the records of the commerce corporation. The TIF
agreement and payments so pledged and thereafter received by the developer shall immediately
be subject to the lien of the pledge without any physical delivery thereof or further act, and the
lien of any pledge shall be valid and binding as against all parties having claims of any kind in
tort, contract, or otherwise against the developer irrespective of whether the parties have notice
thereof. Neither the TIF agreement nor any other instrument by which a pledge under this section
is created need be filed or recorded except with the commerce corporation.

(g) The commerce corporation shall be entitled to impose an application fee and impose
other charges upon developers associated with the review of a project and the administration of
the program.

42-64.21-7. Program integrity. -- Program integrity being of paramount importance, the
commerce corporation shall establish procedures to ensure ongoing compliance with the terms
and conditions of the program established herein, including procedures to safeguard the
expenditure of public funds and to ensure that the funds further the objectives of the program.

SECTION 5. Title 42 of the General Laws entitled “State Affairs and Government” is
hereby amended by adding thereto the following chapter:

CHAPTER 64.22
TAX STABILIZATION INCENTIVE

42-64.22-1. Findings and declarations. -- The General Assembly finds and declares:
(a) The general assembly seeks to enact several economic stimulus laws to assist Rhode Island businesses and municipalities, including legislation providing incentives to encourage economic and real estate development and to create jobs throughout this state.

(b) In order to encourage this economic growth, the general assembly seeks to enhance and strengthen several of the current statutes governing economic development in this state. The general assembly’s goal is to create an economic stimulus program to promote development and growth and address the economic challenges currently impacting the State and local municipalities.

42-64.22-2. Definitions. -- As used in this chapter:

(1) “Applicant” means a qualifying community or hope community applying for incentives under this chapter.

(2) “Capital investment” in a qualified project means expenses by a business or any affiliate of the business incurred after application for:

(i) Site preparation and construction, repair, renovation, improvement, equipping, or furnishing on real property or of a building, structure, facility, or improvement to real property;

and/or

(ii) Obtaining and installing furnishings and machinery, apparatus, or equipment, including but not limited to material goods for the operation of a business on real property or in a building, structure, facility, or improvement to real property.

In addition to the foregoing, if a business acquires or leases a qualified business facility, the capital investment made or acquired by the seller or owner, as the case may be, if pertaining primarily to the premises of the qualified business facility, shall be considered a capital investment by the business and, if pertaining generally to the qualified business facility being acquired or leased, shall be allocated to the premises of the qualified business facility on the basis of the gross leasable area of the premises in relation to the total gross leasable area in the qualified business facility. The capital investment described herein may include any capital investment made or acquired within twenty-four (24) months prior to the date of application so long as the amount of capital investment made or acquired by the business, any affiliate of the business, or any owner after the date of application equals at least fifty percent (50%) of the amount of capital investment, allocated to the premises of the qualified business facility being acquired or leased on the basis of the gross leasable area of such premises in relation to the total gross leasable area in the qualified business facility made or acquired prior to the date of application.

(3) “Commerce corporation” means the Rhode Island commerce corporation established...
pursuant to general laws §42-64-1 et. seq.

(4) “Developer” means any person who develops or proposes to develop a qualified project, or its successors or assigns, including but not limited to a lender that completes a real estate project, operates a real estate project, or completes and operates a real estate project.

(5) “Hope Community” means a community where family poverty levels exceed the state median. Upon passage, these communities include Providence, Central Falls, West Warwick, Pawtucket and Woonsocket.

(6) “Eligibility period” means the period in which a qualified community and/ or Hope Community may apply for reimbursement under this chapter. The eligibility period shall be subject to the term defined in the qualifying tax stabilization agreement granted by said community. The amounts subject to reimbursement shall cease upon any termination or cessation of the underlying qualified tax stabilization agreement.

(7) “Forgone tax revenue” means the amount of revenue that a municipality would have received from a qualifying project had a tax stabilization agreement not been in place, less the amount of revenue the municipality would be expected to receive from that qualifying project with a tax stabilization agreement in place.

(8) “Project cost” means the costs incurred in connection with a project by an applicant until the issuance of a permanent certificate of occupancy, or until such other time specified by the commerce corporation.

(9) “Qualifying communities” are those communities not defined as a hope community.

(10) “Qualifying projects” include:

(i) Rehabilitation of an existing structure where total cost of development budget exceeds fifty percent (50%) of adjusted basis in such a qualifying property as of the date that the parties applied for said qualifying tax stabilization agreement; or

(ii) Construction of a new building wherein:

(a) The subject community has issued a tax stabilization agreement, as set forth herein and pursuant to § 44-3-9 of the general laws as well as other applicable rules, regulations and, procedures;

(b) Construction commences within twelve (12) months of the subject tax stabilization agreement being approved; and

(c) Completion of the proposed development project occurs within thirty six (36) months, subject to the approval of qualifying or hope communities.

(11) “Qualifying property” means any building or structure used or intended to be used essentially for offices or commercial enterprises or residential purposes.
(12) “Qualifying tax stabilization agreement” are those tax stabilization agreements with a minimum term of twelve (12) years, granted by a qualified and/or hope community in connection with a qualifying project.

42-64.22-3. Establishment of program. -- (a) The Tax Stabilization Incentive Program is hereby created to provide incentives to Rhode Island municipalities to enter into qualifying property tax stabilization agreements in connection with qualifying projects set forth herein.

(b) Under the program, qualified and Hope Communities in the state of Rhode Island that grant qualifying tax stabilization agreements, subject to the provisions of § 44-3-9 of the Rhode Island general laws, in connection with a qualifying project, may apply to the commerce corporation for certification for partial reimbursement of the real estate taxes and/or personal property taxes that would have otherwise been paid had the qualified and/or hope communities not granted said tax stabilization agreement.

42-64.22-4. Incentives for municipalities. -- The qualifying community or hope community grants a qualifying tax stabilization agreement in connection with a qualifying project, upon certification by the commerce corporation and subject to availability of appropriated funds, the commerce corporation shall provide a partial reimbursement of no more than ten percent (10%) of the qualified community and/or hope community’s forgone tax revenue. The qualification for reimbursement shall cease upon any termination or cessation of the underlying tax stabilization agreement or upon exhaustion of funds appropriated pursuant to this section.

42-64.22-5. Eligibility requirements for qualifying communities. -- In order for a qualifying community to be eligible to receive incentives under this chapter, in addition to the provisions set forth herein, the tax stabilization agreement must be for a qualified project resulting in the creation of at least fifty (50) new full-time jobs, and the developer must commit a capital investment of not less than ten million dollars ($10,000,000.00) towards the project cost.

42-64.22-6. Eligibility requirements for hope communities. -- In order for a hope community to be eligible to receive incentives under this chapter, in addition to the provisions set forth herein, the tax stabilization agreement must be for a qualified project resulting in the creation of at least twenty-five (25) new full-time jobs, and the developer must commit a capital investment of not less than five million dollars ($5,000,000.00) towards the project cost.

42-64.22-7. Alternative eligibility requirements. -- (a) Qualified communities may receive incentives under this chapter, where the tax stabilization agreement is for a qualified project involving an adaptive re-use of a historic structure or results in the creation of at least twenty (20) units of residential housing; provided that at least twenty percent (20%) of the
residential units are for affordable or workforce housing.

(b) Hope communities may receive incentives under this chapter, where the tax stabilization agreement for a qualified project results in the creation of at least twenty (20) units of residential housing.

42-64.22-8. Reimbursement. -- The aggregate value of all reimbursements approved by the commerce corporation pursuant to this chapter during the eligibility period shall not exceed the lesser of ten (10%) percent of the qualifying and/or hope communities’ forgone tax revenue or annual appropriations received by the commerce corporation for the program.

42-64.22-9. Applicability. -- The amounts subject to reimbursement under this chapter shall apply to any real and/or personal property tax abatement provided pursuant to a tax stabilization agreement, granted pursuant to section 44-3-9 of the general laws, after January 1, 2015. The amounts subject to reimbursement shall also include any reduction in the then current real property taxes and/or personal property taxes, as well as a reduction in the prospective amounts that would be due in connection with the completion of the qualifying project.

42-64.22-10. Approval. -- The commerce corporation’s approval of reimbursement to the qualifying or hope communities may be made in accordance with or conditional upon the conditions set forth under section 44-3-9 of the general laws and other guidelines, criteria, and priorities that may be adopted by the commerce corporation. In order to distribute funds under the chapter, the commerce corporation shall enter into an agreement with the community setting forth the terms of the reimbursements subject hereto. The commerce corporation may require communities to provide reports and documentation regarding any reimbursements provided under this chapter.

42-64.22-11. Restrictions. -- Nothing in this section shall be construed to interfere, restrict or prevent any qualifying community or hope community from granting tax stabilization agreements pursuant to section 44-3-9 of the general laws or other applicable sections of title 44 of the general laws.

42-64.22-12. Implementation guidelines, directives, criteria, rules, regulations. -- (a) The commerce corporation shall establish further guidelines, directives, criteria, rules and regulations in regards to the implementation of this chapter.

(b) The adoption and implementation of rules and regulations shall be made pursuant to section 42-35-3 of the general laws as are necessary for the implementation of the commerce corporation’s responsibilities under this chapter.

42-64.22-13. Program integrity. -- Program integrity being of paramount importance, the commerce corporation shall establish procedures to ensure ongoing compliance with the terms
and conditions of the program established herein, including procedures to safeguard the
expenditure of public funds and to ensure that the funds further the objectives of the program.

SECTION 6. Title 42 of the General Laws entitled “State Affairs and Government” is
hereby amended by adding thereto the following chapter:

CHAPTER 64.23
FIRST WAVE CLOSING FUND

42-64.23-1. Short title.-- This chapter shall be known as the “First Wave Closing Fund
Act.”

42-64.23-2. Legislative findings.-- The general assembly finds and declares:

(a) It is hereby found and declared that due to long-term and short-term stagnant or
declining economic trends in Rhode Island, businesses in the state have found it difficult to make
investments that would stimulate economic activity and create new jobs for the citizens of the
state. Moreover, such economic trends have caused business closures or out-of-state business
relocations, while other out-of-state businesses are deterred from relocating to this state. This
situation has contributed to a high rate of unemployment in the state. Consequently, a need exists
to promote the retention and expansion of existing jobs, stimulate the creation of new jobs, attract
new business and industry to the state, and stimulate growth in real estate developments and/or
businesses that are prepared to make meaningful investments and foster job creation in Rhode
Island.

(b) Through the establishment of an economic development closing fund, Rhode Island
can take steps to stimulate business development; retain and attract new business and industry to
the state; create good-paying jobs for its residents; assist with business, commercial, and
industrial real estate development; and generate revenues for necessary state and local
governmental services.

42-64.23-3. Definitions.-- As used in this chapter:

(1) “Affiliate” means an entity that directly or indirectly controls, is under common
control with, or is controlled by the business. Control exists in all cases in which the entity is a
member of a controlled group of corporations as defined pursuant to section 1563 of the Internal
Revenue Code of 1986 (26 U.S.C. § 1563) or the entity is an organization in a group of
organizations under common control as defined pursuant to subsection (b) or (c) of section 414 of
the Internal Revenue Code of 1986 (26 U.S.C. § 414). A taxpayer may establish by clear and
convincing evidence, as determined by the commerce corporation in its sole discretion, that
control exists in situations involving lesser percentages of ownership than required by those
statutes. An affiliate of a business may contribute to meeting full-time employee requirements of
a business that applies for a credit under this chapter.

(2) “Applicant” means a business applying for assistance under this chapter.

(3) “Business” means a corporation as defined in general laws section 44-1-1(4), or is a partnership, an S corporation, a non-profit corporation, a sole proprietorship or a limited liability company.

(4) “Investment” in a development project means expenses by a business or any affiliate incurred after application including, but without limitation, for:

(i) Site preparation and construction, repair, renovation, improvement, equipping, or furnishing on real property or of a building, structure, facility, or improvement to real property;

and/or

(ii) Obtaining and installing furnishings and machinery, apparatus, or equipment, including but not limited to material goods for the operation of a business on real property or in a building, structure, facility, or improvement to real property.

(5) “Commerce corporation” means the Rhode Island commerce corporation established by general laws section 42-64-1 et. seq.

(6) “Developer” means any person, firm, or business that develops or proposes to develop a development project and/or to make a substantial investment that will result in the creation and/or retention of jobs for full-time employees.

(7) “Development project” means a real estate based development or other investment.

(8) “Full-time employee” means a person who is employed by a business for consideration for at least 35 hours a week, or who renders any other standard of service generally accepted by custom or practice as full-time employment, or who is employed by a professional employer organization pursuant to an employee leasing agreement between the business and the professional employer organization for at least 35 hours a week, or who renders any other standard of service generally accepted by custom or practice as full-time employment, whose wages are subject to withholding.

(9) “Project cost” means the costs incurred in connection with a project by an applicant until the issuance of a permanent certificate of occupancy, or until such other time specified by the commerce corporation.

(10) “Project financing gap” means:

(i) The part of the total project cost that remains to be financed after all other sources of capital have been accounted for, which shall be defined through rules and regulations promulgated by the commerce corporation; or

(ii) The amount by which Rhode Island is required to invest in a project to gain a
competitive advantage over an alternative location in another state.

42-64.23-4. Establishment of fund; purposes; composition. -- (a) There is hereby established the first wave closing fund (the “Fund”) to be administered by the commerce corporation as set forth in this chapter.

(b) The purpose of the fund is to provide lynchpin financing unavailable from other sources, bringing to closure transactions that are of a critical or catalytic nature for Rhode Island’s economy and communities.

(c) The fund shall consist of:

(1) Money appropriated in the state budget to the fund;

(2) Money made available to the fund through federal programs or private contributions;

(3) Repayments of principal and interest from loans made from the fund;

(4) Proceeds from the sale, disposition, lease, or rental of collateral related to financial assistance provided under this chapter;

(5) Application or other fees paid to the fund to process requests for financial assistance;

(6) Recovery made by the commerce corporation, or the sale of an appreciated asset in which the commerce corporation has acquired an interest under this chapter; and

(7) Any other money made available to the fund.

42-64.23-5. Powers of commerce corporation. -- (a) The commerce corporation board shall promulgate regulations setting forth criteria for approving awards under the fund and such criteria shall ensure that awards from the fund are economically advantageous to the citizens of Rhode Island. To qualify for the benefits of this chapter, an applicant shall submit an application to the commerce corporation. Upon receipt of a proper application from an applicant, the commerce corporation board may approve a loan, a conditional grant or other investment. In making each award, the commerce corporation shall consider, among other factors, the:

(1) Economic impact of the project, including costs and benefits to the state;

(2) The amount of the project financing gap;

(3) Strategic importance of the project to the state, region, or locality;

(4) Quality and number of jobs produced;

(5) Quality of industry and project; and

(6) Competitive offers regarding the project from another state or country.

(b) The proceeds of the funding approved by the commerce corporation under this chapter may be used for (1) working capital, equipment, furnishings, fixtures; (2) the construction, rehabilitation, purchase of real property; (3) as permanent financing; or (4) such other purposes that the commerce corporation approves.
(c) The commerce corporation shall have no obligation to make any award or grant any benefits under this chapter.

(d) The commerce corporation shall publish a report on the fund at the end of each fiscal year. The report shall contain information on the commitment, disbursement, and use of funds allocated under the Fund. The report shall also, to the extent practicable, track the economic impact of projects that have been completed using the fund. The report is due no later than sixty (60) days after the end of the fiscal year, and shall be provided to the speaker of the house of representatives and the president of the senate.

42-64.23-6. Implementation guidelines, directives, criteria, rules, regulations. -- The commerce corporation may adopt implementation guidelines, directives, criteria, rules and regulations pursuant to section 42-35-3 of the General Laws as are necessary for the implementation and administration of the fund.

42-64.23-7. Program integrity. -- Program integrity being of paramount importance, the commerce corporation shall establish procedures to ensure ongoing compliance with the terms and conditions of the program established herein, including procedures to safeguard the expenditure of public funds and to ensure that the funds further the objectives of the program.

SECTION 7. Title 42 of the General Laws entitled “State Affairs and Government” is hereby amended by adding thereto the following chapter:

CHAPTER 64.24

I-195 REDEVELOPMENT PROJECT FUND

42-64.24-1. Short title. -- This chapter shall be known as the “I-195 Redevelopment Project Fund.”

42-64.24-2. Legislative findings. -- The general assembly finds and declares:

(a) That due to global economic trends, businesses in Rhode Island have found it difficult to invest in development projects and other significant capital investments in and surrounding the I-195 land within the City of Providence. Investment in such projects would stimulate economic activity, facilitate the creation of new jobs for the citizens of the state and promote economic growth and development.

(b) Through the establishment of the I-195 redevelopment project fund, Rhode Island can take steps to attract and grow new businesses and industries to and for the state; create good-paying jobs for its residents; assist with business and real estate development; and generate revenues for necessary state and local governmental services.

42-64.24-3. Definitions. -- As used in this act:

(1) “Applicant” means a developer or occupant applying for a loan or conditional loan
under this chapter.

(2) “Business” means a corporation as defined in general laws section 44-1-1(4), or is a partnership, an S corporation, a non-profit corporation, sole proprietorship or a limited liability corporation.

(3) “Capital investment” in a redevelopment project means costs or expenses by a business or any affiliate of the business incurred after application for:

(i) Site preparation and construction, repair, renovation, improvement, equipping, or furnishing on real property or of a building, structure, facility, or improvement to real property;

(ii) Obtaining and installing furnishings and machinery, apparatus, or equipment, including but not limited to material goods for the operation of a business on real property or in a building, structure, facility, or improvement to real property.

(4) “Commission” shall mean the I-195 district commission.

(5) “Developer” means any person, firm, or business that develops or proposes to develop a redevelopment project and/or to make a substantial capital investment that will result in the creation and/or retention of jobs or generation of revenue.

(6) “I-195 land” means the surplus land within the city of Providence owned by the I-195 district commission and the area within a one-quarter mile radius of the outermost boundary of said surplus land as further delineated by regulation of the commission.

(7) “Occupant” shall mean a business as a tenant, owner, or joint venture partner, occupying space pursuant to a lease or other occupancy agreement on the I-195 land or a project developed on such land.

(8) “Personal property” shall mean furniture, fixtures and equipment, except automobiles, trucks or other motor vehicles, or materials that otherwise are depreciable and have a useful life of one year or more, that are utilized for the redevelopment project for any given phase of the redevelopment project inclusive of a period not to exceed six (6) months after receipt of a certificate of occupancy for the given phase of the development.

(9) “Project cost” means the costs incurred in connection with a project by an applicant until the issuance of a permanent certificate of occupancy, or until such other time specified by the commerce corporation.

(10) “Project financing gap” means (i) the part of the total project cost, including return on investment, that remains to be funded after all other sources of capital have been accounted for, including but not limited to, developer-contributed capital, which shall be defined by the commission; or (ii) the amount by which total project cost exceeds the cost of an alternative location for an out-of-state development project.
42-64.24-4. Establishment of the Fund; uses; composition. -- (a) The I-195 Redevelopment Project Fund (the “Fund”) is hereby established under the jurisdiction of and shall be administered by the commission in order to further the goals set forth in Chapter 42-64.14 of the general laws and to promote, among other purposes, the development and attraction of advanced industries and innovation on and near the I-195 land in order to enhance Rhode Island’s economic vitality.

(b) The uses of the fund include but are not limited to:

1. Contributing to capital investment requirements for anchor institutions or other catalytic project components chosen in accordance with a vision developed, by the commission for location on the I-195 land, adjacent and proximate parcels;

2. Filling project financing gaps for real estate projects on the I-195 land, adjacent and proximate parcels;

3. Financing land acquisition in areas adjacent to and proximate to the I-195 land including street rights of way and abandonment costs;

4. Financing public infrastructure and public facilities to support or enhance development including, but not limited to, transportation, parks, greenways, performance venues, meeting facilities, community facilities, and public safety precincts.

(c) This statute shall not be construed as authorizing expenditure from this fund for the purpose of financing a stadium or other such facility built primarily for sporting activity.

(d) The fund shall consist of:

1. Money appropriated in the state budget to the fund;

2. Money made available to the Fund through federal programs or private contributions;

3. Repayments of principal and interest from loans made from the fund;

4. Proceeds from the sale, disposition, lease, or rental of collateral related to financial assistance provided under this chapter;

5. Application or other fees paid to the fund to process requests for financial assistance;

6. Recovery made by the commission or on the sale of an appreciated asset in which the commission has acquired an interest under this chapter; and

7. Any other money made available to the fund.

42-64.24-5. Assistance; powers of commission, reports. -- (a) An applicant seeking assistance under this chapter shall submit a request to the commission pursuant to an application procedure prescribed by the commission.

(b) Any approval for funding under this chapter may only be granted by the commission and shall require the concurrence of the secretary of commerce.
(c) The commission may set the terms and conditions for assistance under this chapter. Except as provided in subsection (b) of this section, any decision to grant or deny such assistance lies within the sole discretion of the commission.

(d) The commission shall publish a report on the fund at the end of each fiscal year. The report shall contain information on the commitment, disbursement, and use of funds allocated under the fund. The report shall also, to the extent practicable, track the economic impact of projects that have been completed using the fund. The report is due no later than sixty (60) days after the end of the fiscal year, and shall be provided to the speaker of the house of representatives, the president of the senate and the secretary of commerce.

42-64.24-6. Implementation guidelines, directives, criteria, rules, regulations. -- The commission shall adopt implementation guidelines, directives, criteria, rules and regulations pursuant to section 42-35-3 of the general laws as are necessary for the implementation of the commission’s responsibilities under this chapter and impose such fees and charges as are necessary to pay for the administration and implementation of this program.

42-64.24-7. Program integrity. -- Program integrity being of paramount importance, the commerce corporation shall establish procedures to ensure ongoing compliance with the terms and conditions of the program established herein, including procedures to safeguard the expenditure of public funds and to ensure that the funds further the objectives of the program.

SECTION 8. Title 42 of the General Laws entitled “State Affairs and Government” is hereby amended by adding thereto the following chapter:

CHAPTER 64.25
SMALL BUSINESS ASSISTANCE

42-64.25-1. Short title. -- This chapter shall be known as the “Small Business Assistance Program Act.”

42-64.25-2. Statement of intent. -- The general assembly hereby finds and declares that small businesses are the economic backbone of the state and the source of a majority of new jobs. The general assembly further finds that too many such businesses often have difficulty obtaining capital from traditional banking organizations to start up, improve or expand operations. Providing greater access to capital would enable the formation and expansion of small businesses across the state and provide job opportunities to the state’s citizens. The purpose of this act is to assist small businesses that encounter difficulty in obtaining adequate credit or adequate terms for such credit. Among the small businesses that this act aims to assist are minority business enterprises and women-owned business enterprises.

42-64.25-3. Establishment of small business capital access fund. -- The small business
The capital access fund program is hereby created within the Rhode Island commerce corporation. The commerce corporation is authorized, within available appropriations, to provide direct assistance and/or partner with lending organizations to provide funding for loans to small businesses located in Rhode Island. As used in this chapter, a “small business” means a business that is resident in Rhode Island and employs two hundred (200) or fewer persons. The commerce corporation is authorized, from time to time, to establish rules and regulations for the administration of the program.

42-64.25-4. Qualification of lending organizations. -- The commerce corporation may elect to partner with an outside lending organization and authorize that organization to receive and administer program funds. Before partnering with an outside lending organization, the commerce corporation may identify eligible lending organizations through one or more competitive statewide or regional solicitations.

42-64.25-5. Program loan structures. -- Loan programs shall be structured by the commerce corporation that may include, but not be limited to, the following programs:
(a) financing programs for companies that require additional capital outside of conventional senior debt or equity financing channels; (b) direct lending of subordinated and mezzanine debt; (c) collateral support in the form of credit enhancement; (d) pledge of cash collateral accounts to lending institutions to enhance collateral coverage of individual loans; and (e) technical assistance to small businesses.

42-64.25-6. Micro loan allocation. -- Notwithstanding anything to the contrary in this chapter, ten percent (10%) of program funds will be allocated to “micro loans” with a principal amount between two thousand dollars and twenty-five thousand dollars. Micro loans will be administered by lending organizations, which will be selected by the commerce corporation on a competitive basis and shall have experience in providing technical and financial assistance to microenterprises.

42-64.25-7. Lending organization reports. -- Any participating lending organizations shall submit to the commerce corporation annual reports stating the following: the number of program loans made; the amount of program funding used for loans; the use of loan proceeds by the borrowers; the number of jobs created or retained; a description of the economic development generated; the status of each outstanding loan; and such other information as the commerce corporation may require.

42-64.25-8. Audits. -- The commerce corporation may conduct audits of any participating lending organization in order to ensure compliance with the provisions of this chapter, any regulations promulgated with respect thereto and agreements between the lending
organizations and the commerce corporation on all aspects of the use of program funds and
program loan transactions. In the event that the commerce corporation finds noncompliance, the
commerce corporation may terminate the lending organization’s participation in the program.

42-64.25-9. Termination. -- Upon termination of a lending organization’s participation
in the program, the lending organization shall return to the commerce corporation, promptly after
its demand therefor, an accounting of all program funds received by the lending organization,
including a transfer of all currently outstanding loans that were made using program funds.
Notwithstanding such termination, the lending organization shall remain liable to the commerce
corporation with respect to any unpaid amount due from the lending organization pursuant to the
terms of the commerce corporation’s provision of funds to the lending organization.

42-64.25-10. Discretion. -- The commerce corporation shall have no obligation to grant
any loan under this chapter or provide any funding to a lending organization.

42-64.25-11. Program integrity. -- Program integrity being of paramount importance,
the commerce corporation shall establish procedures to ensure ongoing compliance with the terms
and conditions of the program established herein, including procedures to safeguard the
expenditure of public funds and to ensure that the funds further the objectives of the program.

SECTION 9. Title 42 of the General Laws entitled “State Affairs and Government” is
hereby amended by adding thereto the following chapter:

CHAPTER 64.26

STUDENT LOAN REIMBURSEMENT FUND

42-64.26-1. Short title. -- This chapter shall be known as the “Competitive Student Loan
Reimbursement Fund.”

42-64.26-2. Legislative findings.-- The general assembly finds and declares:

(a) Establishing a competitive student loan reimbursement fund for qualified graduates in
fields related to science, technology, engineering, and mathematics and in other careers aligned
with the state’s strategic economic plan would assist the state’s employers in attracting the most
qualified candidates in such fields.

(b) A well-educated citizenry is critical to this state’s ability to compete in the national
and global economies.

(c) Higher education both benefits individual students and is a public good benefitting
the state as a whole.

(d) Excessive student loan debt is impeding economic growth in this state. Faced with
excessive repayment burdens, many individuals are unable to start businesses, invest, or buy
homes, and may be forced to leave the state in search of higher paying jobs elsewhere.
Relieving student loan debt would give these individuals greater control over their earnings, would increase entrepreneurship and demand for goods and services, and would enable employers in this state to recruit and/or retain graduates in the fields of science, technology, engineering, mathematics, and other careers aligned with the state’s strategic economic plan.”

42-64.26-3. Definitions. -- As used in this chapter:

(1) “Applicant” means an individual who meets the eligibility requirements and who applies for reimbursement of education loan repayment expenses under this chapter.

(2) “Award” means an award by the commerce corporation to a successful applicant that has been chosen to receive student loan reimbursement under this chapter.

(3) “Awardee” means an applicant that has been chosen to receive student loan reimbursement under this chapter.

(4) “Commerce corporation” means the Rhode Island commerce corporation established pursuant to general laws section 42-64-1 et. seq.

(5) “Eligible expenses” or “education loan repayment expenses” means annual higher education loan repayment expenses, including, without limitation, principal, interest and fees, as may be applicable, incurred by an applicant and which the applicant is obligated to repay for attendance at a post-secondary institution of higher learning.

(6) “Eligibility period” means a term of up to four consecutive service periods beginning with the date that the commerce corporation specifies in the award to an awardee and expiring at the conclusion of the fourth service period after such date specified.

(7) “Eligibility requirements” means those qualifications or criteria, as established from time-to-time by rule adopted by the commerce corporation, that are required for an applicant to be eligible for an award under this chapter, which shall include without limitation:

(i) That the applicant shall have graduated from an accredited two-year, four-year or graduate post-secondary institution of higher learning with an associates, bachelors, graduate, or post-graduate degree and at which the applicant incurred education loan repayment expenses;

(ii) That the applicant shall be a full-time employee with an employer located in this state throughout the eligibility period in one or more of the following careers or fields: life, natural or environmental sciences; computer technology or other technological field; engineering; medicine; or such other careers or fields as are aligned with the state’s economic strategic plan, as may be published from time-to-time by the commerce corporation;

(iii) That the applicant shall reside in this state throughout the eligibility period; and

(iv) That at least two-thirds (2/3) of the awardees shall either be permanent residents of the state of Rhode Island or shall have attended an institution of higher education located in
Rhode Island when they incurred the education loan expenses to be repaid.

(8) “Full-time employee” means a person who is self-employed or is employed by a business for consideration for at least thirty-five (35) hours per week, or who renders any other standard of service generally accepted by custom or practice as full-time employment, or who is employed by a professional employer organization pursuant to an employee leasing agreement between the business and the professional employer organization for at least thirty-five (35) hours per week, or who renders any other standard of service generally accepted by custom or practice as full-time employment, and whose wages are subject to withholding.

(9) “Service period” means a twelve-month period beginning on the date specified in an award under this chapter.

(10) “Student loan” means a loan to an individual by a public authority or private lender to assist the individual to pay for tuition, books, and living expenses in order to attend a post-secondary institution of higher learning.

42-64.26-4. Establishment of fund; purposes; composition. -- (a) There is hereby established a “competitive student loan reimbursement fund (the “fund”) to be administered by the commerce corporation as set forth in this chapter.

(b) The purpose of the fund is to expand employment opportunities in the state and to retain talented individuals in the state by providing reimbursement of education loan repayment expenses to applicants who meet the eligibility requirements under this chapter.

(c) The fund shall consist of:

(1) money appropriated in the state budget to the fund;

(2) money made available to the Fund through federal programs or private contributions;

(3) application or other fees paid to the fund to process applications for awards under this chapter; and

(4) any other money made available to the fund.

42-64.26-5. Administration. -- (a) Application.

(1) Form. -- An applicant for an award under this chapter shall submit to the commerce corporation an application in the manner that the commerce corporation shall prescribe.

(2) Fees. -- The applicant shall pay a fee to the fund at the time of submission of the application in such amount as the commerce corporation shall specify, not to exceed $50.00.

(b) Upon receipt of a proper application from an applicant who meets all of the eligibility requirements, the commerce corporation shall select applicants on a competitive basis to receive awards to reimburse awardees for up to one hundred percent (100%) of the education loan repayment expenses incurred by such awardee during each service period completed for up to
four consecutive service periods; provided, that the awardee continues to meet the eligibility
requirements throughout the eligibility period. The commerce corporation shall only issue
awards up to the amount contained in the Fund.

(c) The proceeds of an award approved by the commerce corporation under this chapter
shall be used exclusively to reimburse the awardee for up to one hundred percent (100%) of the
education loan repayment expenses incurred by such awardee during each service period
completed for up to four consecutive service periods. Annual payment under an award shall be
made to the awardee upon proof that the awardee has actually incurred and paid such education
loan repayment expenses.

(d) In administering awards and carrying out the purposes of this chapter, the commerce
corporation shall have broad powers, including without limitation:

(1) To require suitable proof that an applicant meets the eligibility requirements for an
award under this chapter;

(2) To solicit input from employers regarding the administration of awards;

(3) To determine the contents of applications and other materials to be submitted in
support of an application for an award under this chapter;

(4) To select applicants, upon a competitive basis, at the discretion of the board of the
commerce corporation, who shall receive awards under this chapter;

(5) To collect reports and other information during the eligibility period for each award
to verify that an awardee continues to meet the eligibility requirements for an award; and

(6) To require such other information and to perform such other actions as the commerce
corporation in its discretion shall determine in order to carry out the policies, goals, and purposes
of this chapter.

42-64.26-6. Reporting. -- (a) The commerce corporation shall require awardees to
submit annual reports, in such form and on such dates as the commerce corporation shall require,
in order to confirm that the awardees continue to meet all of the eligibility requirements of this
chapter and as a prerequisite to funding any reimbursement award under this chapter.

(b) Notwithstanding any other provision of law, no awardee shall receive an award
without first consenting to the public disclosure of the receipt of any award given under this act.
The commerce corporation shall annually publish a list of awardees on the commerce corporation
website and in such other locations as it deems appropriate.

42-64.26-7. Remedies. -- (a) If an awardee of an award under this chapter violates any
provision of the award or ceases to meet the eligibility requirements of this chapter, the
commerce corporation may, on reasonable notice to the awardee:
(1) Withhold further award until the loan recipient complies with the eligibility or other requirements of the award;

(2) Terminate the award; or

(3) Exercise any other remedy provided in the award documents.

42-64.26-8. Implementation guidelines, directives, criteria, rules, regulations. -- (a) The commerce corporation may adopt implementation guidelines, directives, criteria, rules and regulations pursuant to section 42-35-3 of the general laws as are necessary for the implementation of the administration of the fund.

(b) The commerce corporation shall adopt guidelines to assure integrity and eliminate potential conflict of interest in the evaluation and selection of awardees.

42-64.26-9. High school, college, and employer partnerships. -- The commerce corporation shall be authorized to grant funds to support partnerships among individual high schools, the community college of Rhode Island, other institutions of higher education, and employers to offer courses towards a high school diploma and associate’s degree, as well as internships and mentorships that help lead to employment after graduation.

Such funds may be used for purposes including but not limited to establishing partnerships, hiring coordinators, compensating partnership instructors and administrators, purchasing books and other educational supplies, underwriting coursework, and covering additional instructional, coordination, and related expenses.

42-64.26-10. Program integrity. -- Program integrity being of paramount importance, the commerce corporation shall establish procedures to ensure ongoing compliance with the terms and conditions of the program established herein, including procedures to safeguard the expenditure of public funds and to ensure that the funds further the objectives of the program.

SECTION 10. Title 42 of the General Laws entitled “State Affairs and Government” is hereby amended by adding thereto the following chapter:

CHAPTER 64.27

MAIN STREET RHODE ISLAND STREETSCAPE IMPROVEMENT FUND

42-64.27-1. Statement of intent. -- It is the intention of the general assembly to foster private-public partnerships in relation to improvement of streetscapes in local business districts by creating a funding program to stimulate investment in such improvements, thus enhancing the environment for business and attracting further investment.

42-64.27-2. Fund established. -- The main street RI streetscape improvement fund is hereby created within the Rhode Island commerce corporation. The commerce corporation is authorized, within available appropriations, to award loans, matching grants, and other forms of
financing to facilitate improvement of streetscapes such as but not limited to (1) enhanced sidewalks, (2) new wayfinding signage, (3) upgraded building facades, and (4) improved street and public space lighting, in support of creating an attractive environment for small business development and commerce. Applications and awards of grants or loans shall be on a rolling basis. There is established an account in the name of the “main street RI streetscape improvement fund” under the control of the commerce corporation, and the commerce corporation shall pay into such account any eligible funds available to the commerce corporation from any source, including funds appropriated by the state and any grants made available by the United States or any agency of the United States.

42-64.27-3. Rules and regulations. -- The commerce corporation is hereby authorized to promulgate such rules and regulations as are necessary to fulfill the purposes of this chapter, including the criteria by which grant or loan applications will be judged and awarded.

42-64.27-4. Program integrity. -- Program integrity being of paramount importance, the commerce corporation shall establish procedures to ensure ongoing compliance with the terms and conditions of the program established herein, including procedures to safeguard the expenditure of public funds and to ensure that the funds further the objectives of the program.

SECTION 11. Title 42 of the General Laws entitled “State Affairs and Government” is hereby amended by adding thereto the following chapter:

CHAPTER 64.28

INNOVATION INITIATIVE

42-64.28-1. Legislative findings. -- (a) While large enterprises have the expert personnel and financial resources to make strategic investments in innovation, few small businesses have the resources to do so. The resulting underinvestment in innovation stunts the growth of Rhode Island’s economy, inhibits the potential of small businesses and impedes local universities and other technological resources from providing technological input and other developmental assistance to such small businesses. It is the intention of the general assembly to foster innovation in small businesses and increase demand for technological services by creating an innovation initiative. This initiative will further advance the competitiveness of Rhode Island’s companies in the national and global economies and result in the creation and/or retention of jobs and tax revenues for the state.

42-64.28-2 Definitions. -- As used in this chapter:

(1) “Commerce corporation” means the Rhode Island commerce corporation established pursuant to General Laws section 42-64-1 et. seq.

(2) “Small business” means a business that is resident in Rhode Island, has its business
facility located within the state, and employs five hundred (500) or fewer persons.

(3) “Match” shall mean a funding match, or in kind services provided by a third party.

42-64.28-3. Programs established. -- (a) The Rhode Island commerce corporation shall establish a voucher program and an innovation network program as provided under this chapter. The programs are subject to available appropriations and such other funding as may be dedicated to the programs.

(b) There is established an account in the name of the “innovation initiative fund (the “fund”) under the control of the commerce corporation to fund the programs.

1 The fund shall consist of:

(i) money appropriated in the state budget to the fund;

(ii) money made available to the Fund through federal grants, programs or private contributions;

(iii) application or other fees paid to the Fund to process applications for awards under this chapter; and

(iv) any other money made available to the fund.

(c) Voucher program – The commerce corporation is authorized, to develop and implement an innovation voucher program to provide financing to small businesses to purchase research and development support or other forms of technical assistance and services from Rhode Island institutions of higher education and other providers.

(d) Innovation network program – The commerce corporation is authorized to provide innovation grants to organizations, including non-profit organizations, for-profit organizations, universities, and co-working space operators that offer technical assistance, space on flexible terms, and access to capital to businesses in advanced or targeted industries. The commerce corporation shall only issue grants under this section when those grants are matched by private sector or non-profit partners. The commerce corporation shall establish guidelines for appropriate matching criteria under this section, including necessary matching ratios.

42-64.28-4. Eligible uses. -- (a) Vouchers available under this chapter shall be used exclusively by small businesses to access technical assistance and other services including, but not limited to, research, technological development, product development, commercialization, market development, technology exploration, and improved business practices that implement strategies to grow business and create operational efficiencies.

(b) Matching fund awards shall be used exclusively by small businesses in industries designated from time-to-time by the corporation, including without limitation, life science and healthcare; food and agriculture; clean technology and energy efficiency; and cyber security to
pay for and access technological assistance, to procure space on flexible terms, and to access capital from organizations, including non-profit organizations, for-profit organizations, universities, and co-working space businesses.

42-64.28-5. Qualification. -- To qualify for a voucher or for a matching fund award under this chapter, a business must make application to the commerce corporation, and upon selection, shall enter into an agreement with the commerce corporation. The commerce corporation shall have no obligation to issue any voucher, make any award or grant any benefits under this chapter.

42-64.28-6. Voucher Amounts and matching fund awards. -- (a) Voucher award amounts to a selected applicant shall be determined by the corporation, to be in the minimum amount of five thousand dollars ($5,000) and the maximum amount of fifty thousand dollars ($50,000), subject to appropriations or other available moneys in the Fund.

(b) Matching fund awards shall be awarded to organizations in an amount approved by the corporation, subject to appropriations or other available moneys in the Fund.

42-64.28-7. Rules and regulations. -- The commerce corporation is hereby authorized to promulgate such rules and regulations as are necessary to fulfill the purposes of this chapter, including the criteria by which voucher and matching fund applications will be judged, awards will be approved, and vendors of services will be approved.

42-64.28-8. Program integrity. -- Program integrity being of paramount importance, the commerce corporation shall establish procedures to ensure ongoing compliance with the terms and conditions of the program established herein, including procedures to safeguard the expenditure of public funds and to ensure that the funds further the objectives of the program.

42-64.28-9. Annual Report.-- The commerce corporation shall submit a report annually on December thirty-first to the speaker of the house and the president of the senate detailing: (1) the total amount of innovation vouchers and matching funds awarded; (2) the number of innovation vouchers and matching fund awards approved, (3) the amount of each voucher or matching fund award and a description of services purchased; and (4) such other information as the commerce corporation deems necessary.

SECTION 12. Title 42 of the General Laws entitled “State Affairs and Government” is hereby amended by adding thereto the following chapter:

CHAPTER 64.29

INDUSTRY CLUSTER GRANTS

42-64.29-1. Statement of intent. -- Robust industry clusters – geographic concentrations of interconnected firms and related institutions in a field – drive competitiveness and innovation
by fostering dynamic interactions among businesses such as labor force pooling, supplier specialization, collaborative problem solving, technology exchange and knowledge sharing. It is the intention of the general assembly to foster such industry clusters by creating a grant program to stimulate cluster initiatives and enhance industry competitiveness.

42-64.29-2. Fund established. -- The industry cluster grant fund (the “fund”) is hereby created within the Rhode Island commerce corporation. The commerce corporation is authorized, within available appropriations, to award grants to organizations on a competitive basis as more particularly set forth in this chapter. Applications and awards of grants shall be on a rolling basis, and the commerce corporation shall only issue grants up to the amount contained in the fund.

There is established an account in the name of the fund under the control of the commerce corporation, and the commerce corporation shall pay into such account any eligible funds available to the commerce corporation from any source, including funds appropriated by the state and any grants made available by the United States Government or any agency of the United States Government.

42-64.29-3. Startup and technical assistance grants. -- Startup and technical assistance grants of seventy-five thousand dollars to two hundred fifty thousand dollars shall be made available to support activities within the industry cluster that enable collaboration among businesses and other institutions in order to advance innovation and increase sector profitability.

Eligible organizations may be regional or statewide in scope and may include, but not solely be composed of, relevant companies or institutions outside of Rhode Island. The commerce corporation shall establish, by regulation, both (a) the criteria for issuing grants under this section; and (b) a process for receiving and reviewing applications for grants under this section.

42-64.29-4. Competitive program grants. -- (a) Competitive program grants of one hundred thousand dollars to five hundred thousand dollars shall be made available to support activities to overcome identified cluster gaps and documented constraints on cluster growth or to improve clusters’ effectiveness. The commerce corporation shall establish, by regulation, both (1) the criteria for issuing competitive program grants under this section; and (2) a process for receiving and reviewing applications for grants under this section. The criteria that the commerce corporation establishes to evaluate applications for grants under this section shall include objective evidence of the entity's organizational capacity, degree of internal acceptance of the proposed program, economic rationale for the proposed activity to be funded and the entity's ability to raise future funds to sustain the activity when the grant has been expended.

(b) The commerce corporation shall have no obligation to make any award or grant any benefits under this chapter.
42-64.29. Rules and regulations. -- The commerce corporation is hereby authorized to promulgate such rules and regulations as are necessary to fulfill the purposes of this chapter, including the criteria by which grant applications will be judged and awarded.

42-64.29-6. Program integrity. -- Program integrity being of paramount importance, the commerce corporation shall establish procedures to ensure ongoing compliance with the terms and conditions of the program established herein, including procedures to safeguard the expenditure of public funds and to ensure that the funds further the objectives of the program.

42-64.29-7. Annual report. -- (a) The commerce corporation shall submit a report annually on December thirty-first detailing: (1) the total amount of grants awarded; (2) the number of grants awarded; (3) the amount of each grant and the private funds matching such grants; (4) the recipients of the grants; (5) the specific activities undertaken by recipients of grants; and (6) such other information as the commerce corporation deems necessary.

(b) The report required under subsection (a) of this section is due no later than sixty (60) days after the end of the fiscal year, and shall be provided to the speaker of the house of representatives and the president of the senate.

SECTION 13. Title 42 of the General Laws entitled “State Affairs and Government” is hereby amended by adding thereto the following chapter:

CHAPTER 64.30
ANCHOR INSTITUTION TAX CREDIT

42-64.30-1. Short title. -- This chapter shall be known and may be cited as the “anchor institution tax credit act.”

42-64.30-2. Statement of intent. -- It is to the advantage of the state of Rhode Island and its people to attract businesses to locate in Rhode Island thereby increasing the vitality of the Rhode Island economy. It is the intention of the general assembly to give existing Rhode Island businesses an incentive to encourage businesses in their supply chain, service providers or customers to relocate to Rhode Island by giving existing Rhode Island businesses a tax credit when they are able to bring about a business relocation to this state.

42-64.30-3. Definitions. -- As used in this act:

(1) “Commerce corporation” means the Rhode Island commerce corporation established pursuant to general laws section 42-64-1 et. seq.

(2) “Eligibility period” means the period in which a Rhode Island business may claim a tax credit under this act, beginning with the tax period in which the commerce corporation accepts certification by the Rhode Island business that it has played a substantial role in the decision of a qualified business to relocate to Rhode Island and extending thereafter for a term of
five (5) years.

(3) “Hope community” means a community where family poverty levels exceed the state median. Upon passage, these communities currently include Providence, Central Falls, West Warwick, Pawtucket and Woonsocket.

(4) “Qualifying relocation” means a qualified business with the minimum number of employees as set forth in 42-64.30-5(a)(1) and (2), which moves an existing facility to the state of Rhode Island or constructs a new facility to supply goods or services to a Rhode Island business.

(5) “Qualified business” means an entity that supplies goods or services to a Rhode Island business or is a material service provider or a material customer of a Rhode Island business, or is an affiliate of such supplier, service provider or customer.

(6) “Rhode Island business” means a business enterprise physically located in, and authorized to do business in, the state of Rhode Island.

(7) “Taking Possession” means executing a lease, acquiring title or otherwise committing to occupy as defined by the commerce corporation.

42-64.30-4. Establishment of anchor institution tax credit. -- The tax credit program is hereby established as a program under the jurisdiction of the commerce corporation and shall be administered by the commerce corporation. The purposes of the program are to encourage economic development and job creation in connection with the relocation of qualified businesses to the state of Rhode Island by providing an incentive to existing Rhode Island businesses to encourage a qualified business to relocate Rhode Island. To implement these purposes, the program may provide tax credits to eligible businesses for a period of five (5) years.

42-64.30-5. Allowance of tax credits. -- (a) A Rhode Island business, upon application to and approval from the commerce corporation, shall be allowed a credit as set forth hereinafter against taxes imposed under applicable provisions of title 44 of the general laws for having played a substantial role in the decision of a qualified business to relocate a minimum number of jobs as provided below:

(1) For the years 2015 through 2018, not less than ten (10) employees to Rhode Island;

(2) For the years 2019 through 2020, not less than twenty-five (25) employees to Rhode Island.

(b) To be eligible for the tax credit, an existing Rhode Island business must demonstrate to the commerce corporation, in accordance with regulations promulgated by the commerce corporation, that it played a substantial role in the decision of a qualified business to relocate.

(c) If the commerce corporation approves an application, then an eligible Rhode Island
business which has procured a qualifying relocation shall be entitled to a tax credit. The amount
of the tax credit shall be based upon criteria to be established by the commerce corporation. Such
criteria shall include the number of jobs created, types of jobs and compensation, industry sector
and whether the relocation benefits a hope community.

(d) In determination of the tax credit amount, the commerce corporation may take into
account such factors as area broker’s fees, the strategic importance of the businesses involved,
and the economic return to the state. The tax credits issued under this chapter shall not exceed the
funds appropriated for these credit(s).

(e) Tax credits allowed pursuant to this chapter shall be allowed for the taxable year in
which the existing Rhode Island business demonstrates, to the satisfaction of the commerce
corporation, both (1) that a certificate of occupancy issues for the project or as of a lease
commencement date or other such related commitment; and (2) that the qualified business has
created the number of net new jobs required by section 42-64.30-5(a)(1) and (2).

(f) The tax credit allowed under this chapter may be used as a credit against corporate
income taxes imposed under chapters 11, 12, 13, 14, or 17, of title 44.

(g) In the case of a corporation, this credit is only allowed against the tax of a
 corporation included in a consolidated return that qualifies for the credit and not against the tax of
other corporations that may join in the filing of a consolidated tax return.

(h) If the existing Rhode Island business has not claimed the tax credit allowed under
this chapter in whole or part, the existing Rhode Island business eligible for the tax credit shall,
prior to assignment or transfer to a third party, file a request with the division of taxation to
redeem the tax credit in whole or in part to the state. Within ninety (90) days from the
submission of a request to the division of taxation to redeem the tax credits, the division shall be
entitled to redeem the tax credits in exchange for payment by the state to the existing Rhode
Island business of (1) one hundred percent (100%) of the value of the portion of the tax credit
redeemed, or (2) for tax credits redeemed in whole, one hundred percent (100%) of the total
remaining value of the tax credit; provided, however, that the redemption shall be prorated
equally over each year of the remaining term of the eligible period of the tax credit.

(i) Any redemption under subsection (h) of this section shall be subject to annual
appropriation by the general assembly.

42-64.30-6. Administration. -- (a) To be eligible to receive a tax credit authorized by
this chapter, an existing Rhode Island business shall apply to the commerce corporation prior to
the qualified business commencing a relocation search within the state for a certification that the
existing Rhode Island business qualifies for tax credits under this chapter.
(b) The commerce corporation and the division of taxation shall be entitled to rely on the facts represented in the application and upon the certification of a certified public accountant licensed in the state of Rhode Island with respect to the requirements of this chapter.

c) The tax credits provided for under this chapter shall be granted at the discretion of the commerce corporation.

d) If information comes to the attention of the commerce corporation or the division of taxation at any time up to and including the last day of the eligibility period that is materially inconsistent with representations made in an application, the commerce corporation or the division of taxation may deny the requested certification, or revoke a certification previously given, with any processing fees paid to be forfeited.

42-64.30-7. Rules and regulations. -- The commerce corporation is hereby authorized to promulgate such rules and regulations as are necessary to fulfill the purposes of this chapter, including the criteria by which applications for tax credit will be evaluated and approved and to provide for repayment of credits received if the qualified business leaves Rhode Island within a period of time to be established by the commerce corporation. The division of taxation is hereby authorized to promulgate such rules and regulations as are necessary to fulfill the purposes of this chapter.

42-64.30-8. Program integrity. -- Program integrity being of paramount importance, the commerce corporation shall establish procedures to ensure ongoing compliance with the terms and conditions of the program established herein, including procedures to safeguard the expenditure of public funds and to ensure that the funds further the objectives of the program.

42-64.30-9. Reports. -- On an annual basis, the commerce corporation shall provide a report to the speaker of the house of representatives and the president of the senate identifying which Rhode Island businesses received tax credits under this act, the amount of those tax credits, and the resulting economic impact on the state of Rhode Island.

SECTION 14. This article shall take effect upon passage.

ARTICLE 30

RELATING TO EFFECTIVE DATE

SECTION 1. This act shall take effect as of July 1, 2015, except as otherwise provided herein.

SECTION 2. This article shall take effect upon passage.