MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2019

Introduced By: Representative Marvin L. Abney

Date Introduced: January 18, 2018

Referred To: House Finance

(Governor)

It is enacted by the General Assembly as follows:

1. ARTICLE 1 RELATING TO MAKING APPROPRIATIONS IN SUPPORT OF FY 2019
2. ARTICLE 2 RELATING TO STATE FUNDS
3. ARTICLE 3 RELATING TO GOVERNMENT REFORM
4. ARTICLE 4 RELATING TO TAXES AND REVENUE
5. ARTICLE 5 RELATING TO CAPITAL DEVELOPMENT PROGRAM
6. ARTICLE 6 RELATING TO LICENSING
7. ARTICLE 7 RELATING TO FEES
8. ARTICLE 8 RELATING TO MOTOR VEHICLES
9. ARTICLE 9 RELATING TO SCHOOL CONSTRUCTION AND EDUCATION
10. ARTICLE 10 RELATING TO MAKING REVISED APPROPRIATIONS IN SUPPORT OF FY 2018
11. ARTICLE 11 RELATING TO WORKFORCE DEVELOPMENT
12. ARTICLE 12 RELATING TO ECONOMIC DEVELOPMENT
13. ARTICLE 13 RELATING TO MEDICAL ASSISTANCE
14. ARTICLE 14 RELATING TO MEDICAID RESOLUTION
15. ARTICLE 15 RELATING TO CHILDREN AND FAMILIES
16. ARTICLE 16 RELATING TO DEBT MANAGEMENT ACT JOINT RESOLUTIONS
17. ARTICLE 17 RELATING TO THE EDWARD O. HAWKINS AND THOMAS C. SLATER
MEDICAL MARIJUANA ACT

ARTICLE 18 RELATING TO EFFECTIVE DATE
ARTICLE 1

RELATING TO MAKING APPROPRIATIONS IN SUPPORT OF FY 2019

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, 2019. 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 2,869,675

Total – Central Management 2,869,675

Legal Services

General Revenues 2,376,888

Total – Legal Services 2,376,888

Accounts and Control

General Revenues 5,273,496

Restricted Receipt – OPEB Board Administration 225,295

Total – Accounts and Control 5,498,791

Office of Management and Budget

General Revenues 9,039,148

Restricted Receipts 300,046

Other Funds 1,222,835

Total – Office of Management and Budget 10,562,029

Purchasing

General Revenues 2,821,641

Restricted Receipts 540,000

Other Funds 463,729

Total – Purchasing 3,825,370

Human Resources

General Revenues 1,274,257
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<thead>
<tr>
<th></th>
<th>Description</th>
<th>Amount</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>Total – Human Resources</td>
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<tr>
<td>2</td>
<td><strong>Personnel Appeal Board</strong></td>
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<tr>
<td>3</td>
<td>General Revenues</td>
<td>149,477</td>
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<td>4</td>
<td>Total – Personnel Appeal Board</td>
<td>149,477</td>
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<td>5</td>
<td><strong>Information Technology</strong></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>General Revenues</td>
<td>1,470,255</td>
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<td>7</td>
<td>Federal Funds</td>
<td>115,000</td>
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<td>8</td>
<td>Restricted Receipts</td>
<td>10,228,243</td>
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<td>9</td>
<td>Other Funds</td>
<td>88,071</td>
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<td>Total – Information Technology</td>
<td>11,901,569</td>
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<td><strong>Library and Information Services</strong></td>
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<td>Total – Library and Information Services</td>
<td>2,652,768</td>
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<td><strong>Planning</strong></td>
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<td>Air Quality Modeling</td>
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<td>FTA – Metro Planning Grant</td>
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<td>Total Other Funds</td>
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<td>Total – Planning</td>
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<td><strong>General</strong></td>
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<tr>
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<td>27</td>
<td>Miscellaneous Grants/Payments</td>
<td>100,000</td>
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<td>Provided that this amount be allocated to City Year for the Whole School Child Program, which provides individualized support to at-risk students.</td>
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<td>29</td>
<td>Torts – Courts/Awards</td>
<td>400,000</td>
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<td>30</td>
<td>State Employees/Teachers Retiree Health Subsidy</td>
<td>2,321,057</td>
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<td>31</td>
<td>Resource Sharing and State Library Aid</td>
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<td>Library Construction Aid</td>
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<td>General Revenues Total</td>
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<tr>
<td>1</td>
<td>Restricted Receipts</td>
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<td>Rhode Island Capital Plan Funds</td>
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<td>Security Measures State Buildings</td>
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<td>4</td>
<td>Energy Efficiency Improvements</td>
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<td>5</td>
<td>Cranston Street Armory</td>
<td>500,000</td>
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<td>6</td>
<td>State House Energy Management Improvement</td>
<td>150,000</td>
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<td>7</td>
<td>State House Renovations</td>
<td>1,175,000</td>
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<td>8</td>
<td>Zambarano Building Rehabilitation</td>
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<td>9</td>
<td>Cannon Building</td>
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<tr>
<td>10</td>
<td>Old State House</td>
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<td>11</td>
<td>State Office Building</td>
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<tr>
<td>12</td>
<td>Old Colony House</td>
<td>50,000</td>
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<td>13</td>
<td>William Powers Building</td>
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<td>14</td>
<td>Pastore Center Utility System Upgrades</td>
<td>1,300,000</td>
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<td>15</td>
<td>Pastore Center Rehabilitation</td>
<td>2,000,000</td>
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<td>16</td>
<td>Replacement Fuel Tanks</td>
<td>300,000</td>
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<td>Environmental Compliance</td>
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<td>Big River Management Area</td>
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<td>19</td>
<td>Pastore Center Building Demolition</td>
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<td>20</td>
<td>Washington County Government Center</td>
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<td>Veterans Memorial Auditorium</td>
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<td>Chapin Health Laboratory</td>
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<td>Shepard Building Upgrades</td>
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<td>Pastore Center Water Tanks</td>
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<td>RI Convention Center Authority</td>
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<td>26</td>
<td>Dunkin Donuts Center</td>
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<td>Mathias Building Renovations</td>
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<td>28</td>
<td>Pastore Power Plan Rehabilitation</td>
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<td>Accessibility – Facility Renovations</td>
<td>500,000</td>
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<td>Hospital Consolidation</td>
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<td>Information Operations System</td>
<td>800,000</td>
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<td>Other Funds Total</td>
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<td>33</td>
<td>Total – General</td>
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**Debt Service Payments**
<table>
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<th>Description</th>
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<tbody>
<tr>
<td>General Revenues</td>
<td>141,761,915</td>
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<tr>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>Federal Funds</td>
<td>1,870,830</td>
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<td>Other Funds</td>
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<td>Transportation Debt Service</td>
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<td>Investment Receipts – Bond Funds</td>
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<td>Total - Debt Service Payments</td>
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<td>Energy Resources</td>
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<td>Federal Funds</td>
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<td>Restricted Receipts</td>
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<td>Rhode Island Health Exchange</td>
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<td>General Revenue</td>
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<td>Total – Rhode Island Health Exchange</td>
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<tr>
<td>Office of Diversity, Equity &amp; Opportunity</td>
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<td>General Revenues</td>
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<td>Other Funds</td>
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<td>Total – Office of Diversity, Equity &amp; Opportunity</td>
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<td>Capital Asset Management and Maintenance</td>
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<td>General Revenues</td>
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<tr>
<td>Total – Capital Asset Management and Maintenance</td>
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<tr>
<td>Personnel/Operating Reforms</td>
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<tr>
<td>General Revenues</td>
<td>(13,700,000)</td>
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<tr>
<td>Total- Personnel/Operating Reforms</td>
<td>(13,700,000)</td>
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<td>Grand Total – General Revenues - Administration</td>
<td>183,043,234</td>
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<tr>
<td>Grand Total – Administration</td>
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<tr>
<td>Business Regulation</td>
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<td>Central Management</td>
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<td>General Revenues</td>
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<tr>
<td>1</td>
<td>Total – Central Management</td>
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<td><strong>Banking Regulation</strong></td>
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<td>Total – Banking Regulation</td>
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<td><strong>Securities Regulation</strong></td>
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<td>General Revenues</td>
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<td>8</td>
<td>Restricted Receipts</td>
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<td>9</td>
<td>Total – Securities Regulation</td>
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<td><strong>Insurance Regulation</strong></td>
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<td>General Revenues</td>
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<td>Restricted Receipts</td>
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<td>Total – Insurance Regulation</td>
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<td><strong>Office of the Health Insurance Commissioner</strong></td>
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<td>General Revenues</td>
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<tr>
<td>16</td>
<td>Federal Funds</td>
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<td>17</td>
<td>Restricted Receipts</td>
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<tr>
<td>18</td>
<td>Total – Office of the Health Insurance Commissioner</td>
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<tr>
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<td><strong>Board of Accountancy</strong></td>
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<tr>
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<td>General Revenues</td>
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<tr>
<td>21</td>
<td>Total – Board of Accountancy</td>
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<tr>
<td>22</td>
<td><strong>Commercial Licensing, Racing &amp; Athletics</strong></td>
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<tr>
<td>23</td>
<td>General Revenues</td>
</tr>
<tr>
<td>24</td>
<td>Restricted Receipts</td>
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<tr>
<td>25</td>
<td>Total – Commercial Licensing, Racing &amp; Athletics</td>
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<tr>
<td>26</td>
<td><strong>Building, Design and Fire Professionals</strong></td>
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<tr>
<td>27</td>
<td>General Revenues</td>
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<tr>
<td>28</td>
<td>Federal Funds</td>
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<tr>
<td>30</td>
<td>Other Funds</td>
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<td>31</td>
<td>Quonset Development Corporation</td>
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<td>Other Funds Total</td>
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<tr>
<td>33</td>
<td>Total – Building, Design and Fire Professionals</td>
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<td>Grand Total – General Revenues – Business Regulation</td>
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<td>Category</td>
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<tr>
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<td>Grand Total – Business Regulation</td>
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<td><strong>Executive Office of Commerce</strong></td>
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<td><strong>Central Management</strong></td>
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<tr>
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<td>Total – Central Management</td>
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<td><strong>Quasi–Public Appropriations</strong></td>
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<td>Airport Impact Aid</td>
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<td>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 2018 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.</td>
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<tr>
<td>16</td>
<td>STAC Research Alliance</td>
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<td>17</td>
<td>Innovative Matching Grants/Internships</td>
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<td>I-195 Redevelopment District Commission</td>
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<td>19</td>
<td>Chafee Center at Bryant</td>
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<td>20</td>
<td>Polaris Manufacturing Grant</td>
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<td>21</td>
<td>Urban Ventures Grant</td>
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<td><strong>Other Funds</strong></td>
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<td>25</td>
<td>I-195 Commission</td>
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<td>Quonset Piers</td>
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<td>Description</td>
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<td>Quonset Point Infrastructure</td>
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<td>Total – Quasi–Public Appropriations</td>
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<td>7</td>
<td>I-195 Redevelopment Fund</td>
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<td>8</td>
<td>Small Business Assistance</td>
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<td>9</td>
<td>Rebuild RI Tax Credit Fund</td>
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<td>10</td>
<td>Competitive Cluster Grants</td>
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<td>11</td>
<td>Main Street RI Streetscape</td>
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<td>12</td>
<td>First Wave Closing Fund</td>
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<td>13</td>
<td>P-tech</td>
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<td>14</td>
<td>Municipal Technical Assistance</td>
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<tr>
<td>15</td>
<td>Land Assembly</td>
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<td>16</td>
<td>Small Business Promotion</td>
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<td>Manufacturing Investment Tax Credit</td>
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<td>General Revenues Total</td>
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<td>19</td>
<td>Total – Economic Development Initiatives Fund</td>
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<td><em>Commerce Programs</em></td>
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<td>General Revenues</td>
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<td>Air Service Development Fund</td>
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<td>Total – Commerce Programs</td>
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<td>Grand Total - General Revenues - Commerce</td>
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<td>Grand Total – Executive Office of Commerce</td>
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**Children, Youth, and Families**

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**Children's Behavioral Health Services**

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**Juvenile Correctional Services**

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**Child Welfare**

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<td><strong>Community Health and Equity</strong></td>
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<td>Total – Health Laboratories and Medical Examiner</td>
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<td><strong>Grand Total - Health</strong></td>
<td>173,291,532</td>
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<tr>
<td>General Revenues</td>
<td>3,931,863</td>
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<tr>
<td>Of this amount, $300,000 is to support the Domestic Violence Prevention Fund</td>
<td></td>
<td></td>
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<tr>
<td>to provide direct services through the Coalition Against Domestic Violence,</td>
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<td></td>
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<tr>
<td>$250,000 is to support Project Reach activities provided by the RI Alliance</td>
<td></td>
<td></td>
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<tr>
<td>of Boys and Girls Club, $217,000 is for outreach and supportive services</td>
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<td></td>
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<tr>
<td>through Day One, $175,000 is for food collection and distribution through</td>
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<tr>
<td>the Rhode Island Community Food Bank, $300,000 for services provided to the</td>
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<td></td>
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<tr>
<td>homeless at Crossroad Rhode Island, and $520,000 for the Community Action</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fund.</td>
<td></td>
<td></td>
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<td><strong>Total – Child Support Enforcement</strong></td>
<td>9,992,383</td>
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<td><strong>Individual and Family Support</strong></td>
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<td>Blind Vending Facilities</td>
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<td>Total – Individual and Family Support</td>
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<td>8</td>
<td>Of this amount $200,000 to provide support services through Veteran’s organization.</td>
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<td>Health Care Eligibility</td>
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<td>Total – Health Care Eligibility</td>
<td>15,356,646</td>
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<td>Supplemental Security Income Program</td>
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<td>Total – Supplemental Security Income Program</td>
<td>19,574,400</td>
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<td>Rhode Island Works</td>
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<td>Other Programs</td>
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<td>25</td>
<td>Of this appropriation, $90,000 shall be used for hardship contingency payments.</td>
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<td>29</td>
<td>General Revenues</td>
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<td>Of this amount, $140,000 to provide elder services, including respite, through the Diocese of Providence, $40,000 for ombudsman services provided by the Alliance for Long Term in accordance with RIGL 42-66.7, $85,000 for security for housing for the elderly in accordance with RIGL 42-66.1-3, $800,000 for Senior Center Support and $580,000 for elderly nutrition, of which $530,000 is for Meals on Wheels.</td>
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<tr>
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<td>Federal Funds</td>
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<td>Grand Total – General Revenues – Human Services</td>
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<td>5</td>
<td>Grand Total – Human Services</td>
<td>633,824,402</td>
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<td><strong>Behavioral Healthcare, Developmental Disabilities, and Hospitals</strong></td>
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<td>7</td>
<td><strong>Central Management</strong></td>
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<td>8</td>
<td>General Revenues</td>
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<td><strong>Hospital and Community System Support</strong></td>
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<tr>
<td>12</td>
<td>General Revenues</td>
<td>2,569,849</td>
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<td>Other Funds</td>
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<tr>
<td>14</td>
<td>Rhode Island Capital Plan Funds</td>
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<tr>
<td>15</td>
<td>Medical Center Rehabilitation</td>
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<td>16</td>
<td>Other Funds Total</td>
<td>300,000</td>
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<tr>
<td>17</td>
<td>Total – Hospital and Community System Support</td>
<td>2,869,849</td>
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<td>18</td>
<td><strong>Services for the Developmentally Disabled</strong></td>
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<td>19</td>
<td>General Revenues</td>
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<td>Rhode Island Capital Plan Funds</td>
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<td>24</td>
<td>DD Private Waiver Fire Code</td>
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<td>25</td>
<td>Regional Center Repair/Rehabilitation</td>
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<td>26</td>
<td>Community Facilities Fire Code</td>
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<td>27</td>
<td>MR Community Facilities/Access to Independence</td>
<td>500,000</td>
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<td>28</td>
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<td>1,300,000</td>
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<td>29</td>
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<td><strong>Behavioral Healthcare Services</strong></td>
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<td>33</td>
<td>Of this federal funding, $900,000 shall be expended on the Municipal Substance Abuse Task Forces and $128,000 shall be expended on NAMI of RI.</td>
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</tr>
<tr>
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<td>4</td>
<td>MH Community Facilities Repair</td>
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<td>Substance Abuse Asset Protection</td>
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<td>7</td>
<td>Total – Behavioral Healthcare Services</td>
<td>27,546,084</td>
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<td><em>Hospital and Community Rehabilitative Services</em></td>
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<td>13</td>
<td>Rhode Island Capital Plan Funds</td>
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<tr>
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<td>Zambarano Buildings and Utilities</td>
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<td>Eleanor Slater HVAC/Elevators</td>
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<td>Grand Total – General Revenues - BHDDH</td>
<td>179,401,491</td>
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<td>Disabilities, and Hospitals</td>
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<td><em>Office of the Child Advocate</em></td>
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<td>Grand Total – Office of the Child Advocate</td>
<td>1,071,346</td>
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<td><em>Commission on the Deaf and Hard of Hearing</em></td>
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<td>Grand Total – Comm. On Deaf and Hard of Hearing</td>
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<td>31</td>
<td><em>Governor’s Commission on Disabilities</em></td>
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<tr>
<td>32</td>
<td>General Revenues</td>
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<td>Total – Governor’s Commission on Disabilities</td>
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<td>General Revenues</td>
<td>639,764</td>
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<td>4</td>
<td>Grand Total – Office of the Mental Health Advocate</td>
<td>639,764</td>
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<td><strong>Elementary and Secondary Education</strong></td>
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<td>6</td>
<td>Administration of the Comprehensive Education Strategy</td>
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<td>7</td>
<td>General Revenues</td>
<td>20,300,293</td>
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<td>8</td>
<td>Provided that $90,000 be allocated to support the hospital school at Hasbro Children’s Hospital pursuant to RIGL 17-7-20 and that $245,000 be allocated to support child opportunity zones through agreements with the Department of Elementary and Secondary Education to strengthen education, health and social services for students and their families as a strategy to accelerate student achievement.</td>
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<td>HRIC Adult Education Grants</td>
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<td><strong>Davies Career and Technical School</strong></td>
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<td>Federal Funds</td>
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<td>Restricted Receipts</td>
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<td>Other Funds</td>
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<td>19</td>
<td>Rhode Island Capital Plan Funds</td>
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<td>20</td>
<td>Davies HVAC</td>
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<td>Davies Asset Protection</td>
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<td>Other Funds Total</td>
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<td>Total – Davies Career and Technical School</td>
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<td>25</td>
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<td>29</td>
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<td><strong>Metropolitan Career and Technical School</strong></td>
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<td>8</td>
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<tr>
<td>9</td>
<td>MET Asset Protection</td>
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<td>Other Funds Total</td>
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<td>11</td>
<td>Total – Metropolitan Career and Technical School</td>
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<td>Permanent School Fund – Education Aid</td>
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<td>Provided that $300,000 be provided to support the Advanced Coursework Network and $1,120,000 be provided to support Early Childhood Categorical Fund.</td>
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<td><strong>Central Falls School District</strong></td>
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<td>23</td>
<td>School Housing Aid</td>
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<td><strong>Teachers’ Retirement</strong></td>
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<td>27</td>
<td>General Revenues</td>
<td>107,118,409</td>
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<td>28</td>
<td><strong>Public Higher Education</strong></td>
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<td>29</td>
<td>Total – Teachers’ Retirement</td>
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<td>30</td>
<td>Grand Total – General Revenues – Elementary &amp; Secondary Ed</td>
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<td>31</td>
<td>Secondary Ed</td>
<td>1,179,752,845</td>
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<td>32</td>
<td>Grand Total – Elementary and Secondary Education</td>
<td>1,433,886,695</td>
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</table>
Office of the Postsecondary Commissioner

1 General Revenues 16,776,572

2 Provided that $355,000 shall be allocated the Rhode Island College Crusade pursuant to

3 the RIGL 16-70-5 and that $30,000 shall be allocated to Best Buddies Rhode Island to support its

4 programs for children with developmental and intellectual disabilities. It is also provided that

5 $6,350,000 shall be allocated to the Rhode Island Promise Scholarship program.

6 Federal Funds

7 Federal Funds 3,524,589

8 Guaranty Agency Administration 2,259,418

9 Guaranty Agency Operating Fund-Scholarships & Grants 4,000,000

10 Federal Funds Total 9,784,007

11 Restricted Receipts 2,192,590

12 Other Funds

13 Tuition Savings Program – Dual Enrollment 1,800,000

14 Tuition Savings Program – Scholarships and Grants 6,095,000

15 Nursing Education Center – Operating 3,204,732

16 Rhode Island Capital Plan Funds

17 Higher Education Centers 2,000,000

18 Other Funds Total 13,099,732

19 Total – Office of the Postsecondary Commissioner 41,852,901

University of Rhode Island

21 General Revenues

22 General Revenues 78,110,451

23 Provided that in order to leverage federal funding and support economic development,

24 $350,000 shall be allocated to the Small Business Development Center and that $50,000 shall be

25 allocated to Special Olympics Rhode Island to support its mission of providing athletic

26 opportunities for individuals with intellectual and developmental disabilities.

27 Debt Service 23,428,285

28 RI State Forensics Laboratory 1,264,277

29 General Revenues Total 102,803,013

30 Other Funds

31 University and College Funds 659,961,744

32 Debt – Dining Services 999,215

33 Debt – Education and General 3,776,722

34
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<th></th>
<th>Description</th>
<th>Amount</th>
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<tr>
<td>1</td>
<td>Debt – Health Services</td>
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<td>2</td>
<td>Debt – Housing Loan Funds</td>
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<td>3</td>
<td>Debt – Memorial Union</td>
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<td>4</td>
<td>Debt – Ryan Center</td>
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<td>5</td>
<td>Debt – Alton Jones Services</td>
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<td>6</td>
<td>Debt – Parking Authority</td>
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<td>Debt – Sponsored Research</td>
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<td>Debt – Restricted Energy Conservation</td>
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<td>Debt – URI Energy Conservation</td>
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<td>Fine Arts Center Renovation</td>
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<td>Biological Resources Lab</td>
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<td>Total – University of Rhode Island</td>
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<td>Rhode Island College</td>
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<td>Debt – Education and General</td>
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<td>Debt – Housing</td>
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<td>Debt – Student Center and Dining</td>
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<td>Debt – Student Union</td>
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<td>Debt – G.O. Debt Service</td>
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<td>Infrastructure Modernization</td>
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<td>Academic Building Phase I</td>
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<td>Other Funds – Total</td>
<td>144,113,034</td>
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<td>34</td>
<td>Total – Rhode Island College</td>
<td>199,722,892</td>
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Community College of Rhode Island

General Revenues

3 General Revenues 50,935,710
4 Debt Service 1,904,030
5 General Revenues Total 52,839,740
6 Restricted Receipts 694,224
7 Other Funds
8 University and College Funds 104,812,712
9 CCRI Debt Service – Energy Conservation 803,875
10 Rhode Island Capital Plan Funds
11 Asset Protection 2,368,035
12 Knight Campus Lab Renovation 375,000
13 Knight Campus Renewal 3,000,000
14 Other Funds Total 111,359,622
15 Total – Community College of RI 164,893,586
16 Grand Total – General Revenues – Public Higher Ed 228,029,183
17 Grand Total – Public Higher Education 1,199,276,623

RI State Council on the Arts

18 General Revenues
19 Operating Support 824,693
20 Grants 1,165,000
21 Provided that $375,000 be provided to support the operational costs of WaterFire Providence art installations.
22 General Revenues Total 1,989,693
23 Federal Funds 719,053
24 Restricted Receipts 5,000
25 Other Funds
26 Art for Public Facilities 400,000
27 Other Funds Total 400,000
28 Grand Total – RI State Council on the Arts 3,113,746

RI Atomic Energy Commission

29 General Revenues 1,053,231
30 Restricted Receipts 99,000
31 Other Funds
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<td>Other Funds Total</td>
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<td>5</td>
<td>Grand Total – RI Atomic Energy Commission</td>
<td>1,471,110</td>
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<td><strong>RI Historical Preservation and Heritage Commission</strong></td>
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<td>General Revenues</td>
<td>1,187,291</td>
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<td>Provided that $30,000 support the operational costs of the Fort Adam Trust’s restoration activities.</td>
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<td>Building Renovations and Repairs</td>
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<td><strong>Grand Total – General Revenues – Attorney General</strong></td>
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<td><strong>Other Funds</strong></td>
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<td><strong>Rhode Island Capital Plan Funds</strong></td>
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<td><strong>Maximum – General Renovations</strong></td>
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<td><strong>General Renovations Women’s</strong></td>
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<td><strong>ISC Exterior Envelope and HVAC</strong></td>
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<td><strong>Medium Infrastructure</strong></td>
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<td>25</td>
<td><strong>High Security Renovations and Repairs</strong></td>
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<td>26</td>
<td><strong>Other Funds Total</strong></td>
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<td>27</td>
<td><strong>Total – Institutional Support</strong></td>
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<td><strong>Institutional Based Rehab/Population Management</strong></td>
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<td><strong>General Revenues</strong></td>
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<td>Provided that $1,050,000 be allocated to Crossroads Rhode Island for sex offender discharge planning.</td>
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<td><strong>Federal Funds</strong></td>
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<td><strong>Healthcare Services</strong></td>
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<td>Total – Healthcare Services</td>
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<td>Grand Total – Corrections</td>
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<td>General Revenues</td>
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<td>Provided however, that no more than $1,183,205 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 and further provided that $230,000 be allocated to the Rhode Island Coalition Against Domestic Violence for the domestic abuse court advocacy project pursuant to RIGL 12-29-7 and that $90,000 be allocated to Rhode Island Legal Services, Inc. to provide housing and eviction defense to indigent individuals. Defense of Indigents</td>
<td>3,960,979</td>
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<td>General Revenues Total</td>
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<td>Judicial Complexes - HVAC</td>
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<td>Judicial Complexes Asset Protection</td>
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<td>Licht Judicial Complex Restoration</td>
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<td>Licht Window/Exterior Restoration</td>
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<tr>
<td>Total - Supreme Court</td>
<td>41,889,742</td>
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</table>
### Judicial Tenure and Discipline

1. **General Revenues**  
   147,386  

2. Total – Judicial Tenure and Discipline  
   147,386

### Superior Court

3. **General Revenues**  
   23,552,251  

4. **Federal Funds**  
   71,376  

5. **Restricted Receipts**  
   398,089  

6. Total – Superior Court  
   24,021,716

### Family Court

7. **General Revenues**  
   20,897,566  

8. **Federal Funds**  
   2,577,195  

9. Total – Family Court  
   23,474,761

### District Court

10. **General Revenues**  
    13,420,987  

11. **Federal Funds**  
    65  

12. **Restricted Receipts**  
    60,000  

13. Total - District Court  
    13,481,052

### Traffic Tribunal

14. **General Revenues**  
    9,571,159  

15. Total – Traffic Tribunal  
    9,571,159

### Workers’ Compensation Court

16. **Restricted Receipts**  
    8,309,954  

17. Total – Workers’ Compensation Court  
    8,309,954

18. Grand Total – General Revenues - Judiciary  
    100,183,074

19. Grand Total – Judiciary  
    120,895,770

### Military Staff

20. **General Revenues**  
    3,674,200  

21. **Federal Funds**  
    18,480,072  

22. **Restricted Receipts**  
    600,000  

23. **RI Military Family Relief Fund**  
    100,000  

24. **Restricted Receipts Total**  
    100,000

25. **Other Funds**  
    Rhode Island Capital Plan Funds  
    700,000
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<thead>
<tr>
<th></th>
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<td>1</td>
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<td>3</td>
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<td>4</td>
<td>Grand Total – Military Staff</td>
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<td><strong>Public Safety</strong></td>
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<td>6</td>
<td><strong>Central Management</strong></td>
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<td>7</td>
<td>General Revenues</td>
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<td>8</td>
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<td>Total – Central Management</td>
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<td>General Revenues</td>
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<td>Total – E-911 Emergency Telephone System</td>
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<td>13</td>
<td><strong>Security Services</strong></td>
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<td>14</td>
<td>General Revenues</td>
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<td>15</td>
<td>Total – Security Services</td>
<td>24,475,859</td>
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<tr>
<td>16</td>
<td><strong>Municipal Police Training Academy</strong></td>
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<td>17</td>
<td>Federal Funds</td>
<td>372,958</td>
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<td>18</td>
<td>Restricted Receipts</td>
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<td>19</td>
<td>Total – Municipal Police Training Academy</td>
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<td>DPS Asset Protection</td>
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<td>27</td>
<td>Training Academy Upgrades</td>
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<td>Lottery Commission Assistance</td>
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<td>Airport Corporation Assistance</td>
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<td>Weight and Measurement Reimbursement</td>
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<td>Other Funds Total</td>
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</table>
1 Total – State Police  84,179,629
2 Grand Total – General Revenue – Public Safety  101,563,958
3 Grand Total – Public Safety  123,084,682

4 **Office of Public Defender**
5 General Revenues  12,300,887
6 Federal Funds  100,985
7 Grand Total – Office of Public Defender  12,401,872

8 **Emergency Management Agency**
9 General Revenues  2,108,891
10 Federal Funds  16,335,897
11 Restricted Receipts  450,985
12 Other Funds
13 Rhode Island Capital Plan Fund
14 RI State Communications Network System  1,494,414
15 Other Funds Total  1,494,414
16 Total – Emergency Management Agency  20,390,187

9 **Environmental Management**
10 **Office of the Director**
11 General Revenues  6,951,291
12 Of this general revenue amount, $50,000 is appropriated to the Conservation Districts.
13 Federal Funds  212,741
14 Restricted Receipts  3,840,985
15 Total – Office of the Director  11,005,017

18 **Natural Resources**
19 General Revenues  21,782,910
20 Federal Funds  21,587,314
21 Restricted Receipts  3,993,561
22 Other Funds
23 DOT Recreational Projects  2,339,312
24 Blackstone Bikepath Design  2,075,848
25 Transportation MOU  84,527
26 Rhode Island Capital Plan Funds
27 Recreational Facilities Improvements  1,600,000
28 Galilee Piers Upgrade  1,250,000
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<td>1</td>
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<td>Natural Resources Offices/Visitor’s Center</td>
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<td>3</td>
<td>Marine Infrastructure and Pier Development</td>
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<td>State Recreation Building Demolition</td>
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<td>Rhode Island Coastal Storm Risk Study</td>
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<td>Narragansett Bay SAMP</td>
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<td>4</td>
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<td>RIPTA Providence Transit Connector</td>
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<td>18</td>
<td>Highway Improvement Program</td>
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<td>Rhode Island Highway Maintenance Account</td>
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<td>Improvements</td>
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<td>Local Roads and Infrastructure</td>
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<td>Maintenance - Equipment Replacement</td>
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<td>32</td>
<td>Train Station Maintenance and Repairs</td>
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<td>33</td>
<td>Other Funds Total</td>
<td>129,842,649</td>
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</table>
1 Total – Infrastructure Maintenance 129,842,649
2 Grand Total – Transportation 592,433,211
3
4 **Statewide Totals**
5 General Revenues 3,829,280,172
6 Federal Funds 3,091,874,325
7 Restricted Receipts 285,475,852
8 Other Funds 2,171,110,921
9 Statewide Grand Total 9,377,741,270

10 **SECTION 2.** Each line appearing in Section 1 of this Article shall constitute an
11 appropriation.
12
13 **SECTION 3.** Upon the transfer of any function of a department or agency to another
14 department or agency, the Governor is hereby authorized by means of executive order to transfer
15 or reallocate, in whole or in part, the appropriations and the full-time equivalent limits affected
16 thereby.
17
18 **SECTION 4.** From the appropriation for contingency shall be paid such sums as may be
19 required at the discretion of the Governor to fund expenditures for which appropriations may not
20 exist. Such contingency funds may also be used for expenditures in the several departments and
21 agencies where appropriations are insufficient, or where such requirements are due to unforeseen
22 conditions or are non-recurring items of an unusual nature. Said appropriations may also be used
23 for the payment of bills incurred due to emergencies or to any offense against public peace and
24 property, in accordance with the provisions of Titles 11 and 45 of the General Laws of 1956, as
25 amended. All expenditures and transfers from this account shall be approved by the Governor.
26
27 **SECTION 5.** The general assembly authorizes the state controller to establish the internal
28 service accounts shown below, and no other, to finance and account for the operations of state
29 agencies that provide services to other agencies, institutions and other governmental units on a
30 cost reimbursed basis. The purpose of these accounts is to ensure that certain activities are
31 managed in a businesslike manner, promote efficient use of services by making agencies pay the
32 full costs associated with providing the services, and allocate the costs of central administrative
33 services across all fund types, so that federal and other non-general fund programs share in the
34 costs of general government support. The controller is authorized to reimburse these accounts for
35 the cost of work or services performed for any other department or agency subject to the
36 following expenditure limitations:
37
38 | Account                                                        | Expenditure Limit |
39 | State Assessed Fringe Benefit Internal Service Fund            | 41,383,271        |
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<th></th>
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<td>3</td>
<td>State Telecommunications Internal Service Fund</td>
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<td>4</td>
<td>State Automotive Fleet Internal Service Fund</td>
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<td>Surplus Property Internal Service Fund</td>
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<td>6</td>
<td>Health Insurance Internal Service Fund</td>
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<td>State Fleet Revolving Loan Fund</td>
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<td>Other Post-Employment Benefits Fund</td>
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<td>Capitol Police Internal Service Fund</td>
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<td>Corrections Central Distribution Center Internal Service Fund</td>
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<td>Correctional Industries Internal Service Fund</td>
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<td>12</td>
<td>Secretary of State Record Center Internal Service Fund</td>
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<td>Human Resources Internal Service Fund</td>
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<td>14</td>
<td>DCAMM Facilities Internal Service Fund</td>
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<td>15</td>
<td>Information Technology Internal Service Fund</td>
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</table>

**SECTION 6. Legislative Intent** - 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, 2019.

**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, 2019.

**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, 2019.

SECTION 10. Appropriation of CollegeBoundSaver Funds – There is hereby appropriated to the Office of the General Treasurer designated funds received under the CollegeBoundSaver program for transfer to the Division of Higher Education Assistance within the Office of the Postsecondary Commissioner to support student financial aid for the fiscal year ending June 30, 2019.

SECTION 11. 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 2019 FTE POSITION AUTHORIZATION

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<th>Departments and Agencies</th>
<th>Full-Time Equivalent</th>
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<td>Administration</td>
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<td>Business Regulation</td>
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<td>Executive Office of Commerce</td>
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<tr>
<td>Labor and Training</td>
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<td>Revenue</td>
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<td>Legislature</td>
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<td>Office of Health and Human Services</td>
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<td>8</td>
<td>Health</td>
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<td>9</td>
<td>Human Services</td>
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<td>Behavioral Healthcare, Developmental Disabilities, and Hospitals</td>
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<td>11</td>
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<td>12</td>
<td>Commission on the Deaf and Hard of Hearing</td>
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<td>13</td>
<td>Governor’s Commission on Disabilities</td>
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<td>14</td>
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<td>15</td>
<td>Elementary and Secondary Education</td>
</tr>
<tr>
<td>16</td>
<td>School for the Deaf</td>
</tr>
<tr>
<td>17</td>
<td>Davies Career and Technical School</td>
</tr>
<tr>
<td>18</td>
<td>Office of Postsecondary Commissioner</td>
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</table>

Provided that 1.0 of the total authorization would be available only for positions that are supported by third-party funds.

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Provided that 622.8 of the total authorization would be available only for positions that are supported by third-party funds.

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Provided that 76.0 of the total authorization would be available only for positions that are supported by third-party funds.

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Provided that 89.0 of the total authorization would be available only for positions that are supported by third-party funds.

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SECTION 12. The amounts reflected in this Article include the appropriation of Rhode Island Capital Plan funds for fiscal year 2019 and supersede appropriations provided for FY 2019 within Section 11 of Article 1 of Chapter 302 of the P.L. of 2017.

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, 2020, June 30, 2021, June 30, 2022, and June 30, 2023. These amounts supersede appropriations provided within Section 11 of Article 1 of Chapter 302 of the P.L. of 2017. 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></th>
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<th></th>
<th></th>
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<td>DOA – Accessibility</td>
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<td>DPS Asset Protection</td>
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SECTION 13. **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 14. For the Fiscal Year ending June 30, 2019, 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 15. 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 three million dollars ($3,000,000) by June 30, 2019.

SECTION 16. Notwithstanding any provisions of Chapter 55 in Title 42 of the Rhode Island General Laws, the Rhode Island Housing and Mortgage Finance Corporation shall transfer to the State Controller the sum of five million dollars ($5,000,000) by June 30, 2019.

SECTION 17. This article shall take effect as of July 1, 2018.

ARTICLE 2
RELATING TO STATE FUNDS

SECTION 1. Section 16-59-9 of the General Laws in Chapter 16-59 entitled “Board of Governors for Higher Education [See Title 16 Chapter 97 – The Rhode Island Board of Education Act]” is hereby amended to read as follows:


(a) The general assembly shall annually appropriate any sums it deems necessary for support and maintenance of higher education in the state and the state controller is authorized and directed to draw his or her orders upon the general treasurer for the payment of the appropriations or so much of the sums that are necessary for the purposes appropriated, upon the receipt by him or her of proper vouchers as the council on postsecondary education may by rule provide. The council shall receive, review, and adjust the budget for the office of postsecondary commissioner and present the budget as part of the budget for higher education under the requirements of § 35-3-4.

(b) The office of postsecondary commissioner and the institutions of public higher education shall establish working capital accounts.

(c) Any tuition or fee increase schedules in effect for the institutions of public higher education shall be received by the council on postsecondary education for allocation for the fiscal year for which state appropriations are made to the council by the general assembly; provided that
no further increases may be made by the board of education or the council on postsecondary education for the year for which appropriations are made. Except that these provisions shall not apply to the revenues of housing, dining, and other auxiliary facilities at the university of Rhode Island, Rhode Island college, and the community colleges including student fees as described in P.L. 1962, ch. 257 pledged to secure indebtedness issued at any time pursuant to P.L. 1962, ch. 257 as amended.

(d) All housing, dining, and other auxiliary facilities at all public institutions of higher learning shall be self-supporting and no funds shall be appropriated by the general assembly to pay operating expenses, including principal and interest on debt services, and overhead expenses for the facilities, with the exception of the mandatory fees covered by the Rhode Island promise scholarship program as established by § 16-107-3. Any debt-service costs on general obligation bonds presented to the voters in November 2000 and November 2004 or appropriated funds from the Rhode Island capital plan for the housing auxiliaries at the university of Rhode Island and Rhode Island college shall not be subject to this self-supporting requirement in order to provide funds for the building construction and rehabilitation program. The institutions of public higher education will establish policies and procedures that enhance the opportunity for auxiliary facilities to be self-supporting, including that all faculty provide timely and accurate copies of booklists for required textbooks to the public higher educational institution’s bookstore.

(e) The additional costs to achieve self-supporting status shall be by the implementation of a fee schedule of all housing, dining, and other auxiliary facilities, including but not limited to, operating expenses, principal, and interest on debt services, and overhead expenses.

(f) The board of education is authorized to establish a restricted-receipt account for the Westerly Higher Education and Industry Centers established throughout the state (also known as the Westerly Job Skills Center or Westerly Higher Education Learning Center) and to collect lease payments from occupying companies, and fees from room and service rentals, to support the operation and maintenance of the facility facilities. All such revenues shall be deposited to the restricted-receipt account.

SECTION 2. Section 35-3-15 of the General Laws in Chapter 35-3 entitled “State Budget” is hereby amended to read as follows:

35-3-15. Unexpended and unencumbered balances of revenue appropriations.

(a) All unexpended or unencumbered balances of general revenue appropriations, whether regular or special appropriations, at the end of any fiscal year, shall revert to the surplus account in the general fund, and may be reappropriated by the governor to the ensuing fiscal year and made immediately available for the same purposes as the former appropriations; provided,
that the disposition of unexpended or unencumbered appropriations for the general assembly and legislative agencies shall be determined by the joint committee on legislative affairs, and written notification given thereof to the state controller within twenty (20) days after the end of the fiscal year; and furthermore that the disposition of unexpended or unencumbered appropriations for the judiciary, shall be determined by the state court administrator, and written notification given thereof to the state controller within twenty (20) days after the end of the fiscal year.

(b) The governor shall submit a report of such reappropriations to the chairperson of the house finance committee and the chairperson of the senate finance committee of each reappropriation stating the general revenue appropriation, the unexpended or unencumbered balance, the amount reappropriated, and an explanation of the reappropriation and the reason for the reappropriation by August 15th or September 1st of each year.

SECTION 3. Sections 35-4-23 and 35-4-27 of the General Laws in Chapter 35-4 entitled “State Funds” is hereby amended to read as follows:

35-4-23. Rhode Island capital plan funds.

(a) From the proceeds of any receipts transferred pursuant to the provisions of the Rhode Island Constitution, the state controller is authorized to create an account or accounts within the bond capital fund. These accounts shall be used to record expenditures from these receipts, which are authorized to be spent with the approval of the governor. Certain of these funds may be allocated to agencies for the purpose of completing preliminary planning studies for proposed projects. In the event the project is completed with funds appropriated from another source, the preliminary planning funds shall be returned to the bond capital fund and shall be placed in a revolving account for future reallocation. The intended use of the Rhode Island capital plan funds shall be determined through the annual capital and operating budget process.

(b) The budget officer under provisions within § 35-3-7.2, “Budget officer as capital development officer” shall implement an indirect cost not to exceed 10% of the project expenditures for the purpose of funding direct project management costs of state employees.

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
- 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
- Historic Preservation loan fund – Interest revenue
- Department of Public Safety
- Forfeited property – Retained
- Forfeitures – Federal
- Forfeited property – Gambling
- Donation – Polygraph and Law Enforcement Training
Rhode Island State Firefighter's League Training Account

Fire Academy Training Fees Account

Municipal Police Training Tuition and Fees

Attorney General

Forfeiture of property

Federal forfeitures

Attorney General multi-state account

Forfeited property – Gambling

Department of Administration

OER Reconciliation Funding

RI Health Benefits Exchange

Information Technology Investment Fund

Restore and replacement – Insurance coverage

Convention Center Authority rental payments

Investment Receipts – TANS

OPEB System Restricted Receipt Account

Car Rental Tax/Surcharge-Warwick Share

Executive Office of Commerce

Housing Resources Commission Restricted Account

Department of Revenue

DMV Modernization Project

Jobs Tax Credit Redemption Fund

Legislature

Audit of federal assisted programs

Department of Children, Youth and Families

Children's Trust Accounts – SSI

Military Staff

RI Military Family Relief Fund

RI National Guard Counterdrug Program

Treasury

Admin. Expenses – State Retirement System

Retirement – Treasury Investment Options

Defined Contribution – Administration - RR

Violent Crimes Compensation – Refunds
SECTION 4. Section 42-27-6 of the General Laws in Chapter 42-27 entitled “Atomic Energy Commission” is hereby amended to read as follows:


(a) Effective July 1, 2018, all fees collected by the atomic energy commission for use of the reactor facilities and related services shall be deposited as general revenues in a restricted receipt account to support the technical operation and maintenance of the agency’s equipment.

(b) All revenues remaining in the restricted receipt account, after expenditures authorized in subdivision (a) of this section, above two hundred thousand dollars ($200,000) shall be paid into the state’s general fund. These payments shall be made annually on the last business day of the fiscal year.

(c) A charge of up to forty percent (40%), adjusted annually as of July 1, shall be
assessed against all University of Rhode Island (URI) sponsored research activity allocations. The charge shall be applied to the existing URI sponsored research expenditures within the atomic energy commission.

SECTION 5. Title 35 of the General Laws entitled “Public Finance” is hereby amended by adding thereto the following chapter:

CHAPTER 35-4.1

PERFORMANCE IMPROVEMENT FUND ACT

35-4.1-1. Legislative findings.

The general assembly finds and recognizes:

(a) The importance of pursuing data-driven approaches to improving service delivery, and that limited state resources should be allocated based on proven results, not inputs or promised successes.

(b) That pay for success contracts provide an opportunity for the state to address the challenges of improving service delivery with limited resources as these contracts both:

(1) Create incentives for improved performance and reduced costs, allow for more rapid learning about which programs work and which do not, and accelerate the adoption of new, more effective solutions, and

(2) Provide a mechanism to bring upfront financial support from the private and nonprofit sectors to innovative social programs that the state only repays if contractual performance targets are achieved, thereby reducing the state’s financial risk in supporting innovative initiatives.


For the purpose of this chapter:

(a) “Performance targets” means the level of performance, as measured by an independent evaluator, which represent success. Success is defined in the pay for success contract.

(b) “Independent evaluator” means an independent entity selected by the state whose role includes assessing and reporting on the achievement of performance targets at the frequency required in the pay for success contract.

(c) “Success payments” refer to the payments that the state will make only if contractual performance targets are achieved as determined by the independent evaluator and approved by the office of management and budget.

(d) “Pay for success contracts” are contracts designed to improve outcomes and lower costs for contracted government services that are subject to the following requirements:

(1) A determination that the contract will result in significant performance improvements
and budgetary savings across all impacted agencies if the performance targets are achieved;

(2) A requirement that a substantial portion of any payment be conditioned on the achievement of specific outcomes based on defined performance targets;

(3) An objective process by which an independent evaluator will determine whether the performance targets have been achieved;

(4) A calculation of the amount and timing of payments that would be earned by the service provider during each year of the agreement if performance targets are achieved as determined by the independent evaluator; and

(5) Payments shall only be made if performance targets are achieved.


(a) There is hereby created and established in the state treasury a fund to be known as the “government performance improvement fund” to which shall be deposited appropriations as may be made from time to time by the general assembly. All money now or hereafter in the government performance improvement fund are hereby dedicated for the purpose of funding pay for success contracts.

(b) By signing the pay for success contract, the authorizing department or agency is confirming that the contract has met the requirements established in this chapter.

(c) The department of administration is charged with, and may promulgate regulations as necessary for, the administration of this fund for the purposes specified in this section, and may make payments from the fund only in accordance with the terms and conditions of pay for success contracts and upon approval of the director of the office of management and budget. All claims against the fund shall be examined, audited, and allowed in the manner now or hereafter provided by law for claims against the state.

(d) The department of administration shall provide an annual status report for the prior fiscal year on all contracts not later than December 31 of each year to the office of the governor, house and senate finance committees.

SECTION 6. This Article shall take effect upon passage.

ARTICLE 3

RELATING TO GOVERNMENT REFORM

SECTION 1. Sections 5-65-5, 5-65-7 and 5-65-9 of the General Laws in Chapter 5-65 entitled “Contractors’ Registration and Licensing Board” are hereby amended as follows:

5-65-5. Registered application.

(a) A person who wishes to register as a contractor shall submit an application, under oath, upon a form prescribed by the board. The application shall include:
(1) Workers’ compensation insurance account number, or company name if a number has not yet been obtained, if applicable;

(2) Unemployment insurance account number if applicable;

(3) State withholding tax account number if applicable;

(4) Federal employer identification number, if applicable, or if self-employed and participating in a retirement plan;

(5) The individual(s) name and business address and residential address of:

(i) Each partner or venturer, if the applicant is a partnership or joint venture;

(ii) The owner, if the applicant is an individual proprietorship;

(iii) The corporation officers and a copy of corporate papers filed with the Rhode Island secretary of state's office, if the applicant is a corporation;

(iv) Post office boxes are not acceptable as the only address.

(6) A signed affidavit subject to the penalties of perjury of a statement as to whether or not the applicant has previously applied for registration, or is or was an officer, partner, or venturer of an applicant who previously applied for registration and if so, the name of the corporation, partnership, or venture.

(7) Valid insurance certificate for the type of work being performed.

(b) A person may be prohibited from registering or renewing registration as a contractor under the provisions of this chapter or his or her registration may be revoked or suspended if he or she has any unsatisfied or outstanding judgments from arbitration, bankruptcy, courts and/or administrative agency against him or her relating to their work as a contractor, and provided, further, that an affidavit subject to the penalties of perjury a statement shall be provided to the board attesting to the information herein.

(c) Failure to provide or falsified information on an application, or any document required by this chapter is punishable by a fine not to exceed ten thousand dollars ($10,000) and/or revocation of the registration.

(d) Applicant must be at least eighteen (18) years of age.

(e) Satisfactory proof shall be provided to the board evidencing the completion of five (5) hours of continuing education units which will be required to be maintained by residential contractors as a condition of registration as determined by the board pursuant to established regulations.

(f) An affidavit A certification in a form issued by the board shall be completed upon registration or license or renewal to assure contractors are aware of certain provisions of this law and shall be signed by the registrant before a registration can be issued or renewed.

(a) Throughout the period of registration, the contractor shall have in effect public liability and property damage insurance covering the work of that contractor which shall be subject to this chapter in not less than the following amount: five hundred thousand dollars ($500,000) combined single limit, bodily injury and property damage.

(b) In addition, all contractors shall have in effect worker's compensation insurance as required under chapter 29 of title 28. Failure to maintain required insurance shall not preclude claims from being filed against a contractor.

(c) The contractor shall provide satisfactory evidence to the board at the time of registration and renewal that the insurance required by subsection (a) of this section has been procured and is in effect. Failure to maintain insurance shall invalidate registration and may result in a fine to the registrant and/or suspension or revocation of the registration.

5-65-9. Registration fee.

(a) Each applicant shall pay to the board:

(1) For original registration or renewal of registration, a fee of two hundred dollars ($200).

(2) A fee for all changes in the registration, as prescribed by the board, other than those due to clerical errors.

(b) All fees and fines collected by the board shall be deposited as general revenues to support the activities set forth in this chapter until June 30, 2008. Beginning July 1, 2008, all fees and fines collected by the board shall be deposited into a restricted receipt account for the exclusive use of supporting programs established by this chapter.

(c) On or before January 15, 2018, and annually thereafter, the board shall file a report with the speaker of the house and the president of the senate, with copies to the chairpersons of the house and senate finance committees, detailing:

(1) The total number of fines issued, broken down by category, including the number of fines issued for a first violation and the number of fines issued for a subsequent violation;

(2) The total dollar amount of fines levied;

(3) The total amount of fees, fines, and penalties collected and deposited for the most recently completed fiscal year; and

(4) The account balance as of the date of the report.

(d) Each year, the executive director department of business regulation shall prepare a proposed budget to support the programs approved by the board. The proposed budget shall be submitted to the board for its review. A final budget request shall be submitted to the legislature.
as part of the capital projects and property management annual request.

(c) New or renewal registrations may be filed online or with a third-party approved by the board, with the additional cost incurred to be borne by the registrant.

SECTION 2. Sections 5-84-1, 5-84-2, 5-84-3, 5-84-5, 5-84-6 and 5-84-7 of the General Laws in Chapter 5-84 entitled “Division of Design Professionals” are hereby amended as follows:

The title of Chapter 5-84 of the General Laws entitled “Division of Design Professionals” is hereby changed to “Division of Building, Design and Fire Professionals.”

5-84-1. Short title.

This chapter shall be known and may be cited as “The Division of Design Building, Design and Fire Professionals Act.”

Design and Fire Professionals Act.

5-84-2. Division of design building, design and fire professionals.

There has been created within the department of business regulation, a division known as the division of design building, design and fire professionals.

5-84-3. Division membership.

The division consists of the membership of the office of the state fire marshal, the fire safety code board of review and appeal, the office of the state building commissioner, the board of registration for professional engineers, board of registration for professional land surveyors, board of examination and registration of architects, and the board of examiners of landscape architects and the contractors’ registration and licensing board.

5-84-5. Imposition of fines for unregistered activity.

(a) In addition to any other provision of law, if a person or business practices or offers to practice architecture, engineering, land surveying, or landscape architecture in the state without being registered or authorized to practice as required by law, the boards within the division may recommend that the director of the department of business regulations or the director’s designee issue an order imposing a fine; provided, however, that this section shall not apply to issues between the boards referred to in subsection (a) of this section as to the scope of a board registrant’s authority to engage in work relating to another board’s jurisdiction or to issues relating to ISDS designers licensed by the department of environmental management.

(b) A fine ordered under this section may not exceed two thousand five hundred dollars ($2,500) for each offense. In recommending a fine, the board shall set the amount of the penalty imposed under this section after taking into account factors, including the seriousness of the violation, the economic benefit resulting from the violation, the history of violations, and other matters the board considers appropriate.

(c) Before recommending that a fine be order under this section, the board shall provide
the person or business written notice and the opportunity to request, with thirty (30) days of
issuance of notice by the board, a hearing on the record.

d) A person or business aggrieved by the ordering of a fine under this section may file an
appeal with the superior court for judicial review of the ordering of a fine.

e) If a person of business fails to pay the fine within thirty (30) days after entry of an
order under (a) of this section, or if the order is stayed pending an appeal, within ten (10) days
after the court enters a final judgment in favor of the department of an order appealed under (d) of
this section, the director may commence a civil action to recover the amount of the fine.

5-84-6. Cease and Desist Authority.

If the director has reason to believe that any person, firm, corporation, or association is
conducting any activity under the jurisdiction of the division of design building, design and fire
professionals including professional engineering, professional land surveying, architecture, and/or
landscape architecture without obtaining a license or registration, or who after the denial,
suspension, or revocation of a license or registration is conducting that business, the director or
the director’s designee may, either on his or her own initiative or upon recommendation of the
appropriate board, issue an order to that person, firm, corporation, or association commanding
them to appear before the department at a hearing to be held not sooner than ten (10) days nor
later than twenty (20) days after issuance of that order to show cause why the director or the
director’s designee should not issue an order to that person to cease and desist from the violation
of the provisions of this chapter and/or chapters 1, 8, 8.1, 51 and/or 51, 65 of title 5. That order to
show cause may be served on any person, firm, corporation, or association named by any person
in the same manner that a 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 that person
has done business or at which that person lives. If during that hearing the director or the director’s
designee is satisfied that the person is in fact violating any provision of this chapter, the director
or the director’s designee may order that person, in writing, to cease and desist from that violation
and/or impose an appropriate fine under § 5-84-5 or other applicable law and/or refer the matter
to the attorney general for appropriate action under chapters 1, 8, 8.1, 51 and/or 51, 65 of title 5.
All these hearings are governed in accordance with the administrative procedures act. If that
person fails to comply with an order of the department after being afforded a hearing, the superior
court for Providence county has jurisdiction upon complaint of the department to restrain and
enjoin that person from violating chapters 1, 8, 8.1, 51, 65 and/or 84 of title 5.

5-84-7. Electronic applications for certificates of authorization.

All applications to the division of design building, design and fire professionals for
certificates of authorization shall be submitted electronically through the department's electronic-
licensing system, unless special permission to apply in paper format is requested by the applicant
and granted by the director or the director's designee.

SECTION 3. Sections 23-27.3-100.1.3, 23-27.3-107.3, 23-27.3-107.4 and 23-27.3-108.2
of the General Laws in Chapter 23-27.3 entitled “State Building Code” are hereby amended as
follows:

23-27.3-100.1.3. Creation of the state building code standards committee.

(a) There is created as an agency of state government a state building code standards
committee who shall adopt, promulgate, and administer a state building code for the purpose of
regulating the design, construction, and use of buildings or structures previously erected, in
accordance with a rehabilitation building and fire code for existing buildings and structures
developed pursuant to chapter 29.1 of this title, and to make any amendments to them as they,
from time to time, deem necessary or desirable, the building code to include any code, rule, or
regulation incorporated in the code by reference.

(b) A standing subcommittee is made part of the state building code standards committee
to promulgate and administer a state housing and property maintenance code for the purpose of
establishing minimum requirements and standards and to regulate the occupancy and use of
existing premises, structures, buildings, equipment, and facilities, and to make amendments to
them as deemed necessary.

(c) A joint committee, with membership as set forth in § 23-27.3-107.2, from the state
building code standards committee, shall develop and recommend for adoption and promulgation,
a rehabilitation building and fire code for existing buildings and structures, which code shall
include building code elements to be administered by the state building code standards committee
as the authority having jurisdiction over the elements.

(d) The state building code standards committee shall be housed within the office of the
state building commissioner.

23-27.3-107.3. Appointment of personnel by state building commissioner.

(a) The state building commissioner may appoint such other personnel as shall be
necessary for the administration of the code. In the absence of a local building official or an
alternate, as detailed in § 23-27.3-107.2, the commissioner shall assume the responsibility of the
local building official and inspectors as required by § 23-27.3-107.4 and shall designate one of
the following agents to enforce the code:

(1) A member of the commissioner's staff who meets the qualifications of § 23-27.3-
107.5 and is certified in accordance with § 23-27.3-107.6.
23-27.3-107.4. Qualifications and duties of the state building commissioner.

(a) The state building commissioner shall serve as the executive secretary to the state building code standards committee. In addition to the state building commissioner's other duties as set forth in this chapter, the state building commissioner shall assume the authority for the purpose of enforcing the provisions of the state building code in a municipality where there is no local building official.

(b) The state building commissioner shall be a member of the classified service, and for administrative purposes shall be assigned a position in the department of administration business regulation. Qualifications for the position of the state building commissioner shall be established in accordance with provisions of the classified service of the state, and shall include the provision that the qualifications include at least ten (10) years' experience in building or building regulations generally, and that the commissioner be an architect or professional engineer licensed in the state or a certified building official presently or previously employed by a municipality and having at least ten (10) years' experience in the building construction or inspection field.

23-27.3-108.2. State building commissioner's duties.

(a) This code shall be enforced by the state building commissioner as to any structures or buildings or parts thereof that are owned or are temporarily or permanently under the jurisdiction of the state or any of its departments, commissions, agencies, or authorities established by an act of the general assembly, and as to any structures or buildings or parts thereof that are built upon any land owned by or under the jurisdiction of the state.

(b) Permit fees for the projects shall be established by the committee. The fees shall be deposited as general revenues.

(c)(1) The local cities and towns shall charge each permit applicant an additional .1 (.001) percent (levy) of the total construction cost for each permit issued. The levy shall be limited to a maximum of fifty dollars ($50.00) for each of the permits issued for one and two (2) family
dwellings. This additional levy shall be transmitted monthly to the building commission at the
department of administration business regulation, and shall be used to staff and support the
purchase or lease and operation of a web-accessible service and/or system to be utilized by the
state and municipalities for uniform, statewide electronic plan review, permit management and
inspection system and other programs described in this chapter. The fee levy shall be deposited as
general revenues.

(2) On or before July 1, 2013, the building commissioner shall develop a standard
statewide process for electronic plan review, permit management and inspection.

(3) On or before December 1, 2013, the building commissioner, with the assistance of the
office of regulatory reform, shall implement the standard statewide process for electronic plan
review, permit management and inspection. In addition, the building commissioner shall develop
a technology and implementation plan for a standard web-accessible service and/or system to be
utilized by the state and municipalities for uniform, statewide electronic plan review, permit
management and inspection.

(d) The building commissioner shall, upon request by any state contractor described in §
37-2-38.1, review, and when all conditions for certification have been met, certify to the state
controller that the payment conditions contained in § 37-2-38.1 have been met.

(e) The building commissioner shall coordinate the development and implementation of
this section with the state fire marshal to assist with the implementation of § 23-28.2-6.

(f) The building commissioner shall submit, in coordination with the state fire marshal, a
report to the governor and general assembly on or before April 1, 2013 and each April 1st
thereafter, providing the status of the web-accessible service and/or system implementation and
any recommendations for process or system improvement.

Safety” are hereby amended as follows:

23-28.2-1. Establishment of division and office of the state fire marshal.

There shall be a division and office of the state fire marshal within the department of
public safety business regulations’ division of building, design and fire professionals, the head of
which division office shall be the state fire marshal. The state fire marshal shall be appointed by
the governor with the advice and consent of the senate and shall serve for a period of five (5)
years. During the term the state fire marshal may be removed from office by the governor for just
cause. All authority, powers, duties and responsibilities previously vested in the division of fire
safety are hereby transferred to the division office of the state fire marshal.

(a) Within the division office of the state fire marshal, there shall be a bomb disposal unit (bomb squad), accredited by the FBI as a bomb squad, whose duties it will be to handle and dispose of all hazardous devices suspect to be explosive or incendiary in construction which includes any weapons of mass destruction (WMD) that may be explosive or chemical in construction.

(b) The State Fire Marshal shall appoint a bomb technician to supervise the operations of this unit and the technician must be certified by the FBI as a bomb technician. The bomb technician must ensure that all bomb technicians are trained and maintain certification, the bomb squad maintains accreditation, and ensures that all equipment belonging to the bomb squad is maintained and in operating condition at all times. The bomb technician must also provide to cities and towns and local businesses or any other organizations procedures in bomb threats, and procedures where explosive devices or suspect devices are located.

(c) The State Fire Marshal shall appoint from the local communities volunteer assistant deputy state fire marshals, as bomb squad members only, to assist in carrying on the responsibilities of this unit. The volunteers, who must be available for immediate response when called upon, be available to participate in training sessions, shall be approved by their local fire or police chief, and must have their chief sign an agreement (memorandum of understanding) which provides for their release during emergencies and training and assumes liability for any injuries that may occur to them. All bomb squad members shall operate only under the direction of the State Bomb Squad Commander or senior ranking Deputy State Fire Marshal who is certified as a bomb technician. The bomb squad may also request assistance from the local fire and police authorities when handling any explosive or incendiary device, WMD or post incident investigations.


The state fire marshal shall be provided adequate offices by the director of administration through the department of business regulation.


(a) Within the division office of the state fire marshal, there shall be an enforcement unit responsible for the initiation of criminal prosecution of or civil proceedings against any person(s) in violation of the state Fire Safety Code or failure to comply with an order to abate conditions that constitute a violation of the Fire Safety Code, chapters 28.1 – 28.39 of this title, and any rules or regulations added thereunder and/or the general public laws of the state as they relate to fires, fire prevention, fire inspections, and fire investigations. This unit will consist of the state fire
marshal, chief deputy state fire marshal, chief of technical services, explosive technician, assistant explosive technicians, and the arson investigative staff, each of whom must satisfactorily complete at the Rhode Island state police training academy an appropriate course of training in law enforcement or must have previously completed a comparable course. To fulfill their responsibilities, this unit shall have and may exercise in any part of the state all powers of sheriffs, deputy sheriffs, town sergeants, chiefs of police, police officers, and constables.

(b) The State Fire Marshal shall have the power to implement a system of enforcement to achieve compliance with the fire safety code, which shall include inspections as provided for in § 23-28.2-20, the issuance of formal notices of violation in accordance with § 23-28.2-20.1, and the issuance of citations in a form approved by the State Fire Marshal and the Chief Judge of the District Court. The State Fire Marshal, and his or her designee(s) as outlined in this chapter, may use the above systems of enforcement individually or in any combination to enforce the State Fire Safety Code.

(c) The State Fire Marshal and all persons designated specifically in writing by the State Fire Marshal shall have the power to issue the citations referenced in this chapter.

(d) The following categories of violation of the Fire Safety Code that can be identified through inspection shall be considered criminal violations of the Fire Safety Code and be subject to the above issuance of citations:

(1) Impediments to Egress:
   (A) Exit doors locked so as to prevent egress.
   (B) Blocked means of egress (other than locking and includes any portion of the exit access, exit or exit discharge).
   (C) Marking of exits or the routes to exits has become obstructed and is not clearly visible.
   (D) Artificial lighting needed for orderly evacuation is not functioning properly (this section does not include emergency lighting).

(2) Maintenance:
   (A) Required devices, equipment, system, condition, arrangement, or other features not continuously maintained.
   (B) Equipment requiring periodic testing or operation, to ensure its maintenance, is not being tested or operated.
   (C) Owner of building where a fire alarm system is installed has not provided written evidence that there is a testing and maintenance program in force providing for periodic testing of the system.
(D) Twenty-four hour emergency telephone number of building owner or owner's representative is not posted at the fire alarm control unit or the posted number is not current.

(3) Fire Department Access and Water Supply:

(A) The required width or length of a previously approved fire department access road (fire lane) is obstructed by parked vehicles or other impediments.

(B) Fire department access to fire hydrants or other approved water supplies is blocked or impeded.

(4) Fire Protection Systems:

(A) Obstructions are placed or kept near fire department inlet connections or fire protection system control valves preventing them from being either visible or accessible.

(B) The owner, designated agent or occupant of the property has not had required fire extinguishers inspected, maintained or recharged.

(5) Admissions supervised:

(A) Persons responsible for supervising admissions to places of assembly, and/or any sub-classifications thereof, have allowed admissions in excess of the maximum occupancy posted by the State Fire Marshal or his or her designee.

The terms used in the above categories of violation are defined in the definition sections of NFPA 1 and NFPA 101 as adopted pursuant to § 23-28.1-2 of this title.

(e) A building owner, responsible management, designated agent or occupant of the property receiving a citation may elect to plead guilty to the violation(s) and pay the fine(s) through the mail within ten (10) days of issuance, or appear in district court for an arraignment on the citation.

(f) Notwithstanding subsection (e) above, all recipients of third or subsequent citations, within a sixty (60) month period, shall appear in district court for a hearing on the citation. If not paid by mail he, she or it shall appear to be arraigned on the criminal complaint on the date indicated on the citation. If the recipient(s) fails to appear, the district court shall issue a warrant of arrest.

(g) The failure of a recipient to either pay the citation through the mail within ten (10) days, where permitted under this section, or to appear in district court on the date specified shall be cause for the district court to issue a warrant of arrest with the penalty assessed and an additional five hundred dollar ($500) fine.

(h) A building owner, responsible management, designated agent or occupant of the property who receives the citation(s) referenced in this section shall be subject to civil fine(s), which fine(s) shall be used for fire prevention purposes by the jurisdiction that issues the
citation(s), as follows:

(1) A fine of two hundred fifty dollars ($250) for the first violation within any sixty (60)
    month period;

(2) A fine of five hundred dollars ($500) for the second violation within any sixty (60)
    month period;

(3) A fine of one thousand dollars ($1,000) for the third and any subsequent violation(s)
    within any sixty (60) month period;

(i) No citation(s) as defined in this section, shall be issued pursuant to a search conducted
    under an administrative search warrant secured pursuant to § 23-28.2-20(c) of this code. Any
    citation mistakenly issued in violation of this subsection (i) shall be void and unenforceable.

(j) The District Court shall have full equity power to hear and address these matters.

(k) All violations, listed within subsection (d) above, shall further be corrected within a
    reasonable period of time established by the State Fire Marshal or his or her designee.


(a) There shall be a fire education and training unit within the division of fire safety
    office of the state fire marshal headed by a director of fire training. The director of fire training
    shall be appointed by the fire marshal from a list of names submitted by the fire education and
    training coordinating board based on recommendations of a screening committee of that board.
    Other staff and resources, such as part time instructors, shall be requested consistent with the state
    budget process.

(b) This unit shall be responsible for implementing fire education and training programs
    developed by the fire education and training coordinating board.


(a) There is hereby created within the division of fire safety office of the state fire
    marshal a fire education and training coordinating board comprised of thirteen (13) members
    appointed by the governor with the advice and consent of the senate. In making said
    appointments, the governor shall give due consideration to including in the board's membership
    representatives of the following groups:

(1) Chiefs of fire departments with predominately fully paid personnel, defined as
    departments in which the vast majority of members are full-time, salaried personnel.

(2) Chiefs of fire departments with part paid/combination personnel, defined as
    departments in which members consist of both full-time salaried personnel and a large percentage
    of volunteer or call personnel.

(3) Chiefs of fire departments with predominately volunteer personnel, defined as
departments in which the vast majority of members respond voluntarily and receive little or no compensation.

(4) Rhode Island firefighters' instructor's association.

(5) Rhode Island department of environmental management.

(6) Rhode Island fire safety association.

(7) Rhode Island state firefighter's league.

(8) Rhode Island association of firefighters.

(9) Regional firefighters leagues.

(b) The state fire marshal and the chief of training and education shall serve as ex-officio members.

(c) Members of the board as of March 29, 2006 shall continue to serve for the balance of their current terms. Thereafter, members shall be appointed to three (3) year terms. No person shall serve more than two (2) consecutive terms, except that service on the board for a term of less than two (2) years resulting from an initial appointment or an appointment for the remainder of an unexpired term shall not constitute a full term.

(d) Members shall hold office until a successor is appointed, and no member shall serve beyond the time he or she ceases to hold office or employment by reason of which he or she was eligible for appointment.

(e) All gubernatorial appointments made after March 29, 2006 shall be subject to the advice and consent of the senate. No person shall be eligible for appointment to the board after March 29, 2006 unless he or she is a resident of this state.

(f) Members shall serve without compensation, but shall receive travel expenses in the same amount per mile approved for state employees.

(g) The board shall meet at the call of the chairperson or upon written petition of a majority of the members, but not less than six (6) times per year.

(h) Staff support to the board will be provided by the state fire marshal.

(i) The board shall:

(1) Establish bylaws to govern operational procedures not addressed by legislation.

(2) Elect a chairperson and vice-chairperson of the board in accordance with bylaws to be established by the board.

(3) Develop and offer training programs for fire fighters and fire officers based on applicable NFPA standards used to produce training and education courses.

(4) Develop and offer state certification programs for instructors based on NFPA standards.
(5) Monitor and evaluate all programs to determine their effectiveness.

(6) Establish a fee structure in an amount necessary to cover costs of implementing the programs.

(7) Within ninety (90) days after the end of each fiscal year, 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 hearing held, including meeting minutes, 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 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 council; a summary of any training courses held pursuant to the provisions of this section; 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 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 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, approved by the board, and conducted by the chair of the board. The board may approve the use of any board or staff members or other 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 commission's rules and regulations. The state fire marshal 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) In an effort to prevent potential conflicts of interest, any fire education and training coordinating board member shall not simultaneously serve as a paid instructor and/or administrator within the fire education and training unit.

(k) A quorum for conducting all business before the board, shall be at least seven (7) members.

(l) 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.


(a) There is hereby created within the department of public safety business regulation a restricted receipt account to be known as the Rhode Island state firefighter's league grant account. Donations received from the Rhode Island state firefighter's league shall be deposited into this account, and shall be used solely to fund education and training programs for firefighters in the state.

(b) All amounts deposited in the Rhode Island state firefighter's league grant account shall be exempt from the indirect cost recovery provisions of § 35-4-27.

23-28.2-29. Fire academy training fees restricted receipt account.

There is hereby created with the department of public safety business regulation a restricted receipt account to be known as the fire academy training fees account. All receipts collected pursuant to § 23-28.2-23 shall be deposited in this account and shall be used to fund costs associated with the fire training academy. All amounts deposited into the fire academy training restricted receipt account shall be exempt from the indirect cost recovery provisions of § 35-4-27.

SECTION 5. Section 23-34.1-3 of Chapter 23-34.1 of the General Laws entitled “Amusement Ride Safety Act” is hereby amended as follows:

23-34.1-3. Definitions.

As used in this chapter:

(1) "Altered ride" means a ride or device that has been altered with the approval of the manufacturer.

(2) "Amusement attraction" means any building or structure around, over, or through which persons may move to walk, without the aid of any moving device integral to the building or structure, which provides amusement, pleasure, thrills, or excitement. Excluded are air structures ("moonwalks"), arenas, stadiums, theatres, nonmechanical amusement structures commonly located in or around day care centers, schools, commercial establishments, malls, fast food restaurants, and convention halls. This does not include enterprises principally devoted to the exhibition of products of agriculture, industry, education, science, religion, or the arts.

(3) "Amusement ride" means any mechanical device which carries, suspends or conveys passengers along, around, or over a fixed or restricted route or course or within a defined area, for the purpose of giving its passengers amusement, pleasure, thrills, or excitement. For the purposes of this act, any dry slide over twenty (20) feet in height is also included. This term shall not include hayrides (whether pulled by motor vehicle or horse), any coin-operated ride that is
manually, mechanically or electrically operated and customarily placed in a public location and
does not normally require the supervision or services of an operator or nonmechanical
devices with nonmoving parts, including, but not limited to, walk-through amusement attractions,
slides, and air structures ("moonwalks").

(4) "Bazaar" means an enterprise principally devoted to the exhibition of products of
crafts and art, to which the operation of amusement rides or devices or concession booths is an
adjunct.

(5) "Carnival" means a transient enterprise offering amusement or entertainment to the
public in, upon or by means of amusement devices, rides or concession booths.

(6) "Certificate to operate" means that document which indicates that the temporary
amusement device has undergone the inspection required after setup. It shall show the date of
inspection, the location of the inspection, the name of the inspector, and the maximum amount of
weight allowed per car or rideable unit.

(7) "Commissioner" means the state building commissioner.

(8) "Department" means the department of administration business regulation.

(9) "Director" means the director of the department of administration business regulation.

(10) "Fair" means an enterprise principally devoted to the exhibition of products of
agriculture or industry, to which the operation of amusement rides or devices or concession
booths is an adjunct.

(11) "Home-made ride or device" means a ride or device that was not manufactured by a
recognized ride or device manufacturer or any ride or device which has been substantially altered
without the approval of the manufacturer.

(12) "Inspection" means the physical examination of an amusement ride or device made
by the commissioner, or his authorized representative, prior to operating the amusement device
for the purpose of approving the application for a license.

(13) "Kiddie ride" means a device designed primarily to carry a specific number of
children in a fixture suitable for conveying children up to forty-two inches (42") in height or ride
manufacturer specifications.

(14) "Major alteration" means a change in the type, capacity, structure or mechanism of
an amusement device. This includes any change that would require approval of the ride
manufacturer or an engineer.

(15) "Major ride" means a device designed to carry a specific maximum number of
passengers, adults and children, in a fixture suitable for conveying persons.

(16) "Manager" means a person having possession, custody, or managerial control of an
amusement device, amusement attraction, or temporary structure, whether as owner, lessee, or agent or otherwise.

(17) "Owner" means the person or persons holding title to, or having possession or control of the amusement ride or device or concession booth.

(18) "Permanent amusement ride" means an amusement ride which is erected to remain a lasting part of the premises.

(19) "Permit" means that document which signifies that the amusement device or amusement attraction has undergone and passed its annual inspection. The department shall affix a decal which clearly shows the month and year of expiration.

(20) "Qualified licensed engineer" means a licensed mechanical engineer who has at least five (5) years of experience in his or her field and has experience in amusement ride inspection.

(21) "Reinspection" means an inspection which is made at any time after the initial inspection.

(22) "Repair" means to restore an amusement ride to a condition equal to or better than the original design specifications.

(23) "Ride file jacket" means a file concerning an individual amusement ride or device which contains nondestructive test reports on the testing firm's official letterhead; the name of the ride, the manufacturer and date of manufacture; maintenance records; records of any alterations; ride serial number; daily check lists and engineer's reports and proof of insurance. Non-destructive test reports shall not be required on any rides which are nonmechanical and which are not provided by the manufacturer with said amusement ride.

(24) "Ride operator" means the person in charge of an amusement ride or device and who causes the amusement ride or device to operate.

(25) "Serious injury" means an injury requiring a minimum of one overnight stay in a hospital for treatment or observation.

(26) "Stop order" means any order issued by an inspector for the temporary cessation of a ride or device.

(27) "Temporary amusement device" means a device which is used as an amusement device or amusement attraction that is regularly relocated from time to time, with or without disassembly.

SECTION 6. Section 42-7.3-3 of the General Laws in Chapter 42-7.3 entitled "Department of Public Safety" is hereby amended as follows:

42-7.3-3. Powers and duties of the department.

The department of public safety shall be responsible for the management and
administration of the following divisions and agencies:

(a) Office of the capitol police (chapter 2.2 of title 12).

(b) State fire marshal (chapter 28.2 of title 23).

(c) E-911 emergency telephone system division (chapter 28.2 of title 39).

(d) Rhode Island state police (chapter 28 of title 42).

(e) Municipal police training academy (chapter 28.2 of title 42).

(f) Division of sheriffs (chapter 7.3 of title 42).

SECTION 7. Section 42-11-2.9 of the General Laws in Chapter 42-11 entitled “Department of Administration” is hereby amended as follows:

42-11-2.9. Division of capital asset management and maintenance established.

(a) Establishment. Within the department of administration there shall be established the division of capital asset management and maintenance (“DCAMM”). Any prior references to the division of facilities management and/or capital projects, if any, shall now mean DCAMM. Within the DCAMM there shall be a director of DCAMM who shall be in the classified service and shall be appointed by the director of administration. The director of DCAMM shall have the following responsibilities:

(1) Oversee, coordinate, and manage the operating budget, personnel, and functions of DCAMM in carrying out the duties described below;

(2) Review agency capital-budget requests to ensure that the request is consistent with strategic and master facility plans for the state of Rhode Island;

(3) Promulgate and adopt regulations necessary to carry out the purposes of this section.

(b) Purpose. The purpose of the DCAMM shall be to manage and maintain state property and state-owned facilities in a manner that meets the highest standards of health, safety, security, accessibility, energy efficiency, and comfort for citizens and state employees and ensures appropriate and timely investments are made for state property and facility maintenance.

(c) Duties and responsibilities of DCAMM. DCAMM shall have the following duties and responsibilities:

(1) To oversee all new construction and rehabilitation projects on state property, not including property otherwise assigned outside of the executive department by Rhode Island general laws or under the control and supervision of the judicial branch;

(2) To assist the department of administration in fulfilling any and all capital-asset and maintenance-related statutory duties assigned to the department under chapter 8 of title 37 (public buildings) or any other provision of law, including, but not limited to, the following statutory duties provided in § 42-11-2:
(i) To maintain, equip, and keep in repair the state house, state office buildings, and other premises, owned or rented by the state, for the use of any department or agency, excepting those buildings, the control of which is vested by law in some other agency;

(ii) To provide for the periodic inspection, appraisal, or inventory of all state buildings and property, real and personal;

(iii) To require reports from state agencies on the buildings property in their custody;

(iv) To issue regulations to govern the protection and custody of the property of the state;

(v) To assign office and storage space, and to rent and lease land and buildings, for the use of the several state departments and agencies in the manner provided by law;

(vi) To control and supervise the acquisition, operation, maintenance, repair, and replacement of state-owned motor vehicles by state agencies;

(3) To generally manage, oversee, protect, and care for the state's properties and facilities, not otherwise assigned by Rhode Island general laws, including, but not limited to, the following duties:

(i) Space management, procurement, usage, and/or leasing of private or public space;

(ii) Care, maintenance, cleaning, and contracting for such services as necessary for state property;

(iii) Capital equipment replacement;

(iv) Security of state property and facilities unless otherwise provided by law;

(v) Ensuring Americans with Disabilities Act (ADA) compliance;

(vi) Responding to facilities emergencies;

(vii) Managing traffic flow on state property;

(viii) Grounds keeping/landscaping/snow-removal services;

(ix) Maintenance and protection of artwork and historic artifacts;

(4) To manage and oversee state fleet operations.

(d) All state agencies shall participate in a statewide database and/or information system for capital assets, that shall be established and maintained by DCAMM.

(e) Offices and boards assigned to DCAMM. DCAMM shall oversee the following boards, offices, and functions:

(1) Office of planning, design, and construction (PDC);

(2) Office of facilities management and maintenance (OFMM);

(3) Contractors’ registration and licensing board (§ 5-65-1 seq.);

(4) State building code (§ 23-27.3-1 et seq.);

(5) Office of risk management (§ 37-11-1 et seq.);
(f) The boards, offices, and functions assigned to DCAMM shall:

(1) Exercise their respective powers and duties in accordance with their statutory authority and the general policy established by the director of DCAMM or in accordance with the powers and authorities conferred upon the director of DCAMM by this section;

(2) Provide such assistance or resources as may be requested or required by the director of DCAMM or the director of administration;

(3) Provide such records and information as may be requested or required by the director of DCAMM or the director of administration; and

(4) Except as provided herein, no provision of this chapter or application thereof shall be construed to limit or otherwise restrict the offices stated above from fulfilling any statutory requirement or complying with any valid rule or regulation.

SECTION 8. Sections 42-14-1, 42-14-2, 42-14-4, 42-14-5, 42-14-6, 42-14-7, 42-14-8, 42-14-11, 42-14-16 and 42-14-16.1 of the General Laws in Chapter 42-14 entitled “Department of Business Regulation” are hereby amended as follows:

42-14-1. Establishment – Head of department.

There shall be a department of business regulation. The head of the department shall be the director of business regulation who shall carry out this chapter, chapters 1, 2, and 4—12, inclusive, of title 3; chapters 3, 20.5, 38, 49, 52, 53 and 58 of title 5; chapter 31 of title 6; chapter 11 of title 7; chapters 1—29, inclusive, of title 19, except § 19-24-6; chapter 28.6 of title 21; chapter 26 of title 23; chapters 1—36, inclusive, of title 27. The director of business regulation shall also and perform the duties required by any and all other provisions of the general laws and public laws insofar as those provisions relate to the director of revenue and regulation, chief of the division of banking and insurance, chief of the division of intoxicating beverages, and each of the divisions and regulatory areas within the jurisdiction of the department, except as otherwise provided by this title.

42-14-2. Functions of department.

(a) It shall be the function of the department of business regulation:

(1) To regulate and control banking and insurance, foreign surety companies, sale of securities, building and loan associations, fraternal benefit and beneficiary societies;

(2) To regulate and control the manufacture, transportation, possession, and sale of alcoholic beverages;
(3) To license and regulate the manufacture and sale of articles of bedding, upholstered
furniture, and filling materials;

(4) To regulate the licensing of compassion centers, licensed cultivators, and cooperative
cultivations pursuant to chapter 28.6 of title 21 of the general laws to license, regulate and control
all areas as required by this chapter and any and all other provisions of the general laws and
public laws.

(b) Whenever any hearing is required or permitted to be held pursuant to law or
regulation of the department of business regulation, and whenever no statutory provision exists
providing that notice be given to interested parties prior to the hearing, no such hearing shall be
held without notice in writing being given at least ten (10) days prior to such hearing to all
interested parties. For purposes of this section, an "interested party" shall be deemed to include
the party subject to regulation hereunder, the Rhode Island consumers’ council, and any party
entitled to appear at the hearing. Notice to the party that will be subject to regulation, the Rhode
Island consumers’ council [Repealed], and any party who has made known his or her intention to
appear at the hearing shall be sufficient if it be in writing and mailed, first class mail, to the party
at his or her regular business address. Notice to the general public shall be sufficient hereunder if
it be by publication in a newspaper of general circulation in the municipality affected by the
regulation posted on the department’s website.

42-14-4. Banking and insurance financial services divisions.

Within the department of business regulation there shall be a division of financial
services that oversees the regulation and control of banking division and an insurance division
and such other matters within the jurisdiction of the department as determined by the director.
The divisions shall have offices which shall be assigned to them by the department of
administration.

A’s Superintendents shall be in charge of each division, of banking and insurance
reporting to the director, deputy director and/or health insurance commissioner as appropriate
shall be in charge of all matters relating to banking and insurance.

42-14-5. Administrator Superintendents of banking and insurance.

(a) The director of business regulation shall, in addition to his or her regular duties, act as
administrator of banking and insurance and superintendents of banking and insurance shall
administer the functions of the department relating to the regulation and control of banking and
insurance, foreign surety companies, sale of securities, building and loan associations, and
fraternal benefit and beneficiary societies.

(b) Wherever the words “banking administrator” or “banking commissioner” or
“insurance administrator” or “insurance commissioner” occur in this chapter or any general law, public law, act, or resolution of the general assembly or department regulation, they shall be construed to mean superintendent of banking commissioner and superintendent of insurance commissioner except as delineated in subsection (d) below.

(c) "Health insurance" shall mean "health insurance coverage," as defined in §§ 27-18.5-2 and 27-18.6-2, "health benefit plan," as defined in § 27-50-3 and a "medical supplement policy," as defined in § 27-18.2-1 or coverage similar to a Medicare supplement policy that is issued to an employer to cover retirees, and dental coverage, including, but not limited to, coverage provided by a nonprofit dental service plan as defined in subsection 27-20.1-1(3).

(d) Whenever the words "commissioner," "insurance commissioner," "Health insurance commissioner" or "director" appear in Title 27 or Title 42, those words shall be construed to mean the health insurance commissioner established pursuant to § 42-14.5-1 with respect to all matters relating to health insurance. The health insurance commissioner shall have sole and exclusive jurisdiction over enforcement of those statutes with respect to all matters relating to health insurance.

(e) Whenever the word “director” appears or is a defined term in Title 19, this word shall be construed to mean the superintendent of banking established pursuant to this section.

(f) Whenever the word “director” or “commissioner” appears or is a defined term in Title 27, this word shall be construed to mean the superintendent of insurance established pursuant to this section except as delineated in subsection (d) above.

42-14-6. Restrictions on interests of administrator superintendents.

The administrator superintendents of banking and insurance shall not engage in any other business or be an officer of or directly or indirectly interested in any national bank doing business in this state, or in any bank, savings bank, or trust company organized under the laws of this state, nor be directly or indirectly interested in any corporation, business, or occupation that requires his or her official supervision; absent compliance with § 42-14-6.1, no superintendent shall become indebted to any bank, savings bank, or trust company organized under the laws of this state, nor shall he or she engage or be interested in the sale of securities as a business, or in the negotiation of loans for others.

42-14-7. Deputies to administrator superintendents.

The administrator superintendent of banking and the superintendent of insurance may appoint one or more deputies to assist him or her in the performance of his or her duties, who shall be removable at the pleasure of the administrator superintendent, and the administrator superintendent in his or her official capacity shall be liable for any deputy's misconduct or neglect.
of duty in the performance of his or her official duties. Service of process upon any deputy, or at
the office of the administrator superintend upon some person there employed, at any time,
shall be as effectual as service upon the administrator superintendent.

42-14-8. Clerical assistance and expenses.
The administrator superintendent of banking and the superintendent of insurance may
employ such clerical assistance and incur such office and traveling expenses for him or herself,
his or her deputies and assistants as may be necessary in the performance of his or her other
duties, and as provided by this title, within the amounts appropriated therefor.

(a) In connection with any matters having to do with the discharge of his or her duties
pursuant to this chapter, the director or his or her designee, in all cases of every nature pending
before him or her, is hereby authorized and empowered to summon witnesses to attend and testify
in like manner as in either the supreme or the superior courts. The director or his or her designee
is authorized to compel the production of all papers, books, documents, records, certificates or
other legal evidence that may be necessary for the determination and the decision of any question
or the discharge of any duty required by law of the department, including the functions of the
director as a member of the board of bank incorporation and board of building-loan association
superintendents of banking and insurance, by issuing a subpoena duces tecum
signed by the director or his or her designee.

(b) Every person who disobeys this writ shall be considered in contempt of the
department, and the department may punish that and any other contempt of the authority in like
manner as contempt may be punished in either the supreme or the superior court.

(c) Any person who shall willfully swear falsely in any proceedi
before the department shall be deemed guilty of the crime of perjury.

42-14-16. Insurance – Administrative penalties.
(a) Whenever the director or his or her designee shall have cause to believe that a
violation of title 27 and/or chapters 14, 14.5, 62 or 128.1 of title 42 or the regulations
promulgated thereunder has occurred by a licensee, or any person or entity conducting any
activities requiring licensure under title 27, the director or his or her designee may, in accordance
with the requirements of the Administrative Procedures Act, chapter 35 of this title:

(1) Revoke or suspend a license;

(2) Levy an administrative penalty in an amount not less than one hundred dollars ($100)
 nor more than fifty thousand dollars ($50,000);

(3) Order the violator to cease such actions;
(4) Require the licensee or person or entity conducting any activities requiring licensure under title 27 to take such actions as are necessary to comply with title 27 and/or chapters 14, 14.5, 62, or 128.1 of title 42, or the regulations thereunder; or

(5) Any combination of the above penalties.

(b) Any monetary penalties assessed pursuant to this section shall be as general revenues.

**42-14-16.1. Order to cease and desist.**

(a) If the director or his or her designee has reason to believe that any person, firm, corporation or association is conducting any activities requiring licensure under title 27 or any other provisions of the general laws or public laws within the jurisdiction of the department without obtaining a license, or who after the denial, suspension or revocation of a license conducts any activities requiring licensure under title 27 or any other provisions of the general laws or public laws within the jurisdiction of the department, the department may issue its order to that person, firm, corporation or association commanding them to appear before the department at a hearing to be held no sooner than ten (10) days nor later than twenty (20) days after issuance of that order to show cause why the department should not issue an order to that person to cease and desist from the violation of the provisions of title 27 applicable law.

(b) 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 department is satisfied that the person is in fact violating any provision of title 27 applicable law, then the department may order that person, in writing, to cease and desist from that violation.

(c) All hearings shall be governed in accordance with chapter 35 of this title, the "Administrative Procedures Act." If that person fails to comply with an order of the department after being afforded a hearing, the superior court in Providence county has jurisdiction upon complaint of the department to restrain and enjoin that person from violating this chapter.

**SECTION 9.** Section 42-28-3 of the General Laws in Chapter 42-28 entitled “State Police” is hereby amended as follows:

**42-28-3. Scope of responsibilities.**

(a) The Rhode Island state police and the superintendent shall be charged with the responsibility of:

(1) Providing a uniformed force for law enforcement;

(2) Preparing rules and regulations for law enforcement;

(3) Maintaining facilities for crime detection and suppression; and
(4) Controlling traffic and maintaining safety on the highways.

(b) The superintendent shall be ex officio state fire marshal.

(c) The superintendent shall also serve as the director of the department of public safety.

SECTION 10. Section 36-10-14 of the General Laws in Chapter 36-10 entitled “Retirement System – Contributions and Benefits” is hereby amended to read as follows:

36-10-14. Retirement for accidental disability. (a) Medical examination of an active member for accidental disability and investigation of all statements and certificates by him or her or in his or her behalf in connection therewith shall be made upon the application of the head of the department in which the member is employed or upon application of the member, or of a person acting in his or her behalf, stating that the member is physically or mentally incapacitated for the performance of service as a natural and proximate result of an accident while in the performance of duty, and certify the definite time, place, and conditions of the duty performed by the member resulting in the alleged disability, and that the alleged disability is not the result of willful negligence or misconduct on the part of the member, and is not the result of age or length of service, and that the member should, therefore, be retired.

(b) The application shall be made within five (5) years of the alleged accident from which the injury has resulted in the members present disability and shall be accompanied by an accident report and a physicians report certifying to the disability; provided that if the member was able to return to his or her employment and subsequently reinjures or aggravates the same injury, the application shall be made within the later of five (5) years of the alleged accident or three (3) years of the reinjury or aggravation. The application may also state the member is permanently and totally disabled from any employment.

(c) Notwithstanding subsection (b), state employees who are receiving benefits under the injured on duty provisions of RIGL §45-19-1 shall be subject to the provisions of Section RIGL §45-19-1[j] for all matters relating to the application and processing of disability benefits.

(d) If a medical examination conducted by three (3) physicians engaged by the retirement board and such investigation as the retirement board may desire to make shall show that the member is physically or mentally incapacitated for the performance of service as a natural and proximate result of an accident, while in the performance of duty, and that the disability is not the result of willful negligence or misconduct on the part of the member, and is not the result of age or length of service, and that the member has not attained the age of sixty-five (65), and that the member should be retired, the physicians who conducted the examination shall so certify to the retirement board stating the time, place, and conditions of service performed by the member resulting in the disability and the retirement board may grant the member an accidental disability...
benefit.

The retirement board shall establish uniform eligibility requirements, standards, and criteria for accidental disability which shall apply to all members who make application for accidental disability benefits.

SECTION 11. Section 45-19-1 of the General Laws in Chapter 45-19 entitled “Relief of Injured and Deceased Fire Fighters and Police Officer is hereby amended to read as follows:

45-19-1. Salary payment during line of duty illness or injury.

(a) Whenever any police officer of the Rhode Island Airport Corporation or whenever any police officer, fire fighter, crash rescue crewperson, fire marshal, chief deputy fire marshal, or deputy fire marshal of any city, town, fire district, or the state of Rhode Island is wholly or partially incapacitated by reason of injuries received or sickness contracted in the performance of his or her duties or due to their rendering of emergency assistance within the physical boundaries of the state of Rhode Island at any occurrence involving the protection or rescue of human life which necessitates that they respond in a professional capacity when they would normally be considered by their employer to be officially off-duty, the respective city, town, fire district, state of Rhode Island or Rhode Island Airport Corporation by which the police officer, fire fighter, crash rescue crewperson, fire marshal, chief deputy fire marshal, or deputy fire marshal, is employed, shall, during the period of the incapacity, pay the police officer, fire fighter, crash rescue crewperson, fire marshal, chief deputy fire marshal, or deputy fire marshal, the salary or wage and benefits to which the police officer, fire fighter, crash rescue crewperson, fire marshal, chief deputy fire marshal, or deputy fire marshal, would be entitled had he or she not been incapacitated, and shall pay the medical, surgical, dental, optical, or other attendance, or treatment, nurses, and hospital services, medicines, crutches, and apparatus for the necessary period, except that if any city, town, fire district, the state of Rhode Island or Rhode Island Airport Corporation provides the police officer, fire fighter, crash rescue crewperson, fire marshal, chief deputy fire marshal, or deputy fire marshal, with insurance coverage for the related treatment, services, or equipment, then the city, town, fire district, the state of Rhode Island or Rhode Island Airport Corporation is only obligated to pay the difference between the maximum amount allowable under the insurance coverage and the actual cost of the treatment, service, or equipment. In addition, the cities, towns, fire districts, the state of Rhode Island or Rhode Island Airport Corporation shall pay all similar expenses incurred by a member who has been placed on a disability pension and suffers a recurrence of the injury or illness that dictated his or her disability retirement, subject to the provisions of subsection (j) herein.

(b) As used in this section, “police officer” means and includes any chief or other
member of the police department of any city or town regularly employed at a fixed salary or wage
and any deputy sheriff, member of the fugitive task force, or capitol police officer, permanent
environmental police officer or criminal investigator of the department of environmental
management, or airport police officer.

(c) As used in this section, "fire fighter" means and includes any chief or other member of
the fire department or rescue personnel of any city, town, or fire district, and any person
employed as a member of the fire department of the town of North Smithfield, or fire department
or district in any city or town.

(d) As used in this section, "crash rescue crewperson" means and includes any chief or other member of
the emergency crash rescue section, division of airports, or department of
transportation of the state of Rhode Island regularly employed at a fixed salary or wage.

(e) As used in this section, "fire marshal," "chief deputy fire marshal", and "deputy fire
marshal" mean and include the fire marshal, chief deputy fire marshal, and deputy fire marshals
regularly employed by the state of Rhode Island pursuant to the provisions of chapter 28.2 of title

(f) Any person employed by the state of Rhode Island, except for sworn employees of the
Rhode Island State Police, who is otherwise entitled to the benefits of chapter 19 of this title shall
be subject to the provisions of chapters 29 – 38 of title 28 for all case management procedures
and dispute resolution for all benefits.

(g) In order to receive the benefits provided for under this section, a police officer or
firefighter must prove to their employer that he or she had reasonable grounds to believe that
there was an emergency which required an immediate need for their assistance for the protection
or rescue of human life.

(h) Any claims to the benefits provided for under this section resulting from the rendering
of emergency assistance in the state of Rhode Island at any occurrence involving the protection or
rescue of human life while off-duty, shall first require those covered by this section to submit a
sworn declaration to their employer attesting to the date, time, place and nature of the event
involving the protection or rescue of human life causing the professional assistance to be rendered
and the cause and nature of any injuries sustained in the protection or rescue of human life. Sworn
declarations shall also be required from any available witness to the alleged emergency involving
the protection or rescue of human life.

(i) All declarations required under this section shall contain the following language:
"Under penalty of perjury, I declare and affirm that I have examined this declaration,
including any accompanying schedules and statements, and that all statements contained herein
are true and correct."

(j) Any person receiving injured on duty benefits pursuant to this section, and subject to
the jurisdiction of the state retirement board for accidental retirement disability, for an injury
occurring on or after July 1, 2011, shall apply for an accidental disability retirement allowance
from the state retirement board not later than the later of eighteen (18) months after the date of the
person’s injury that resulted in said person’s injured on duty status or sixty (60) days from the
date on which a treating physician or an independent medical examiner certifies that the
person has reached maximum medical improvement. Nothing herein shall be construed to limit or
alter any and all rights of the parties with respect to independent medical examinations or
otherwise, as set forth in the applicable collective bargaining agreement. Notwithstanding the
foregoing, any person receiving injured on duty benefits as the result of a static and incapacitating
injury whose permanent nature is readily obvious and ascertainable shall be required to apply for
an accidental disability retirement allowance within sixty (60) days from the date on which a treating physician or an independent medical examiner certifies that the person’s injury is
permanent, or sixty (60) days from the date on which such determination of permanency is made
in accordance with the independent medical examination procedures as set forth in the applicable
collective bargaining agreement. Nothing herein shall be construed to limit or alter any and all
rights of the parties with respect to independent medical examinations or otherwise, as set forth in
the applicable collective bargaining agreement.

(1) If a person with injured on duty status fails to apply for an accidental disability
retirement allowance from the state retirement board within the time frame set forth above, that
person’s injured on duty payment shall terminate. Further, any person suffering a static and
incapacitating injury as set forth in subsection (j) above and who fails to apply for an accidental
disability benefit allowance as set forth in subsection (j) shall have his or her injured on duty
payment terminated.

(2) A person who so applies shall continue to receive injured on duty payments, and the
right to continue to receive IOD payments of a person who so applies shall terminate in the event
of the final ruling of the workers’ compensation court, any other court of competent jurisdiction,
or the state retirement board allowing accidental disability benefits. Nothing herein shall be
construed to limit or alter any and all rights of the parties with respect to independent medical
examination or otherwise, as set forth in the applicable collective bargaining agreement.

SECTION 12. Chapter 39-3 of the General Laws entitled “Regulatory Powers of
Administration” is hereby amended by adding thereto the following section:

39-3-45. Transfer of powers, functions and resources from the water resources
(a) There are hereby transferred to the division of public utilities and carriers those powers and duties formerly administered by the employees of the water resources board as provided for in chapter 46-15 (“Water Resources Management”) through 46-15.8 (“Water Use and Efficiency Act”), inclusive, and any other applicable provisions of the general laws; provided, however, the governor shall submit to the 2019 assembly any recommended statutory changes necessary to facilitate the merger.

(b) All resources of the water resources board, including, but not limited to, property, employees and accounts, are hereby transferred to the division of public utilities and carriers.

(c) As part of the above transfer, except for the general manager, all employees of the water resources board currently subject to the provisions of chapter 4 of title 36 shall continue to be subject to those provisions.

SECTION 13. Section 42-11-10 of the General Laws in Chapter 42-11 entitled “Department of Administration” is hereby amended to read as follows:

42-11-10. Statewide planning program.

(a) Findings. - The general assembly finds that the people of this state have a fundamental interest in the orderly development of the state; the state has a positive interest and demonstrated need for establishment of a comprehensive strategic state planning process and the preparation, maintenance, and implementation of plans for the physical, economic, and social development of the state; the continued growth and development of the state presents problems that cannot be met by the cities and towns individually and that require effective planning by the state; and state and local plans and programs must be properly coordinated with the planning requirements and programs of the federal government.

(b) Establishment of statewide planning program.

(1) A statewide planning program is hereby established to prepare, adopt, and amend strategic plans for the physical, economic, and social development of the state and to recommend these to the governor, the general assembly, and all others concerned.

(2) All strategic planning, as defined in subsection (c) of this section, undertaken by the executive branch for those departments and other agencies enumerated in subsection (g) of this section, all departments and agencies of the executive branch unless specifically exempted, shall be conducted by or under the supervision of the statewide planning program. The statewide planning program shall consist of a state planning council, and the office of strategic planning and the office of systems planning of the division of planning, which shall be a division within the department of administration.
(c) Strategic planning. Strategic planning includes the following activities:

1. Establishing or identifying general goals.
2. Refining or detailing these goals and identifying relationships between them.
3. Formulating, testing, and selecting policies and standards that will achieve desired objectives.
4. Preparing long-range or system plans or comprehensive programs that carry out the policies and set time schedules, performance measures, and targets.
5. Preparing functional short-range plans or programs that are consistent with established or desired goals, objectives, and policies, and with long-range or system plans or comprehensive programs where applicable, and that establish measurable intermediate steps toward their accomplishment of the goals, objectives, policies, and/or long-range system plans.
6. Monitoring the planning of specific projects and designing of specific programs of short duration by the operating departments, other agencies of the executive branch, and political subdivisions of the state to insure that these are consistent with and carry out the intent of applicable strategic plans.
7. Reviewing the execution of strategic plans and the results obtained and making revisions necessary to achieve established goals.

(d) State guide plan. Components of strategic plans prepared and adopted in accordance with this section may be designated as elements of the state guide plan. The state guide plan shall be comprised of functional elements or plans dealing with land use; physical development and environmental concerns; economic development; housing production; energy supply, including the development of renewable energy resources in Rhode Island, and energy access, use, and conservation; human services; and other factors necessary to accomplish the objective of this section. The state guide plan shall be a means for centralizing, integrating, and monitoring long-range goals, policies, plans, and implementation activities related thereto. State agencies concerned with specific subject areas, local governments, and the public shall participate in the state guide planning process, which shall be closely coordinated with the budgeting process.

(e) Membership of state planning council. The state planning council shall consist of the following members:

1. The director of the department of administration as chairperson;
2. The director, policy office, in the office of the governor, as vice-chairperson;
3. The governor, or his or her designee;
4. The budget officer;
5. The chairperson of the housing resources commission;
(6) The chief of statewide highest-ranking administrative officer of the division of planning, as secretary;

(7) The president of the League of Cities and Towns or his or her designee and one official of local government, who shall be appointed by the governor from a list of not less than three (3) submitted by the Rhode Island League Cities and Towns; and

(8) The executive director of the League of Cities and Towns;

(9) One representative of a nonprofit community development or housing organization;

(10) Four (4) Six (6) public members, appointed by the governor one of whom shall be an employer with fewer than fifty (50) employees and one of whom shall be an employer with greater than fifty (50) employees;

(11) Two (2) representatives of a private, nonprofit environmental advocacy organization, both to be appointed by the governor; and

(12) The director of planning and development for the city of Providence.

(13) The director of the department of transportation;

(14) The director of the department of environmental management;

(15) The director of the department of health;

(16) The chief executive officer of the commerce corporation;

(17) The commissioner of the Rhode Island office of energy resources;

(18) The chief executive officer of the Rhode Island public transit authority;

(19) The executive director of Rhode Island housing; and

(20) The executive director of the coastal resources management council.

(f) Powers and duties of state planning council. The state planning council shall have the following powers and duties:

(1) To adopt strategic plans as defined in this section and the long-range state guide plan, and to modify and amend any of these, following the procedures for notification and public hearing set forth in section 42-35-3, and to recommend and encourage implementation of these goals to the general assembly, state and federal agencies, and other public and private bodies; and to ensure that strategic plans and the long-range state guide plan are consistent with the findings, intent, and goals set forth in § 45-22.2-3, the “Rhode Island Comprehensive Planning and Land Use Regulation Act”;

(2) To coordinate the planning and development activities of all state agencies, in accordance with strategic plans prepared and adopted as provided for by this section;

(3) To review and comment on the proposed annual work program of the statewide planning program;
(4) To adopt rules and standards and issue orders concerning any matters within its jurisdiction as established by this section and amendments to it;

(5) To establish advisory committees and appoint members thereto representing diverse interests and viewpoints as required in the state planning process and in the preparation or implementation of strategic plans. The state planning council shall appoint a permanent committee comprised of:

(i) Public members from different geographic areas of the state representing diverse interests, and

(ii) Officials of state, local and federal government, which shall review all proposed elements of the state guide plan, or amendment or repeal of any element of the plan, and shall advise the state planning council thereon before the council acts on any such proposal. This committee shall also advise the state planning council on any other matter referred to it by the council; and

(6) To establish and appoint members to an executive committee consisting of major participants of a Rhode Island geographic information system with oversight responsibility for its activities.

(7) To adopt, on or before July 1, 2007, and to amend and maintain as an element of the state guide plan or as an amendment to an existing element of the state guide plan, standards and guidelines for the location of eligible renewable energy resources and renewable energy facilities in Rhode Island with due consideration for the location of such resources and facilities in commercial and industrial areas, agricultural areas, areas occupied by public and private institutions, and property of the state and its agencies and corporations, provided such areas are of sufficient size, and in other areas of the state as appropriate.

(8) To act as the single, statewide metropolitan planning organization for transportation planning, and to promulgate all rules and regulations that are necessary thereto.

(g) Division of planning.

(1) The division of planning shall be the principal staff agency of the state planning council for preparing and/or coordinating strategic plans for the comprehensive management of the state's human, economic, and physical resources. The division of planning shall recommend to the state planning council specific guidelines, standards, and programs to be adopted to implement strategic planning and the state guide plan and shall undertake any other duties established by this section and amendments thereto.

(2) The division of planning shall maintain records (which shall consist of files of complete copies) of all plans, recommendations, rules, and modifications or amendments thereto.
adopted or issued by the state planning council under this section. The records shall be open to
the public.

(3) The division of planning shall manage and administer the Rhode Island geographic
information system of land-related resources, and shall coordinate these efforts with other state
departments and agencies, including the University of Rhode Island, which shall provide
technical support and assistance in the development and maintenance of the system and its
associated data base.

(4) The division of planning shall coordinate and oversee the provision of technical
assistance to political subdivisions of the state in preparing and implementing plans to accomplish
the purposes, goals, objectives, policies, and/or standards of applicable elements of the state guide
plan and shall make available to cities and towns data and guidelines that may be used in
preparing comprehensive plans and elements thereof and in evaluating comprehensive plans and
elements thereby.


(i) The division of planning shall be the principal staff agency of the water resources
board established pursuant to chapter 46-15 (“Water Resources Board”) and the water resources
board corporate established pursuant to chapter 46-15.1 (“Water Supply Facilities”).

"Department of Administration" is hereby repealed.

42-11-10.1. Transfer of powers, functions and resources from the water resources
board.—

(a) There are hereby transferred to the division of planning within the department of
administration those powers and duties formerly administered by the employees of the water
resources board as provided for in chapter 46-15 ("Water Resources Board") through 46-15.8
("Water Use and Efficiency Act"), inclusive, and any other applicable provisions of the general
laws; provided, however, the governor shall submit to the 2012 assembly any recommended
statutory changes necessary to facilitate the merger.

(b) All resources of the water resources board, including, but not limited to, property,
employees and accounts, are hereby transferred to the division of planning.

(c) As part of the above transfer, except for the general manager, all employees of the
water resources board currently subject to the provisions of chapter 4 of title 36 shall continue to
be subject to those provisions.

"Water Supply Facilities" is hereby amended to read as follows:
The Rhode Island water resources board, established pursuant to this chapter and chapter 15 of this title, department of administration shall be the only designated agency which will administer those lands acquired for the Big River Reservoir as established under section 23 of chapter 133 of the Public Laws of 1964. The director of the department of environmental management and the director's authorized agents, employees, and designees shall, together with the water resources board department of administration in accordance with the Big River management area land use plan for the lands, protect the natural resources of the Big River Reservoir lands. The lands of the Big River Reservoir are subject to enforcement authority of the department of environmental management, as provided for in chapter 17.1 of title 42, and as provided for in title 20 of the General Laws.

SECTION 16. Section 42-133-6 of the General Laws in Chapter entitled “Tobacco Settlement Financing Corporation Act” is hereby amended to read as follows:


(a)(1) The powers of the corporation shall be vested in a board consisting of five (5) members, which shall constitute the governing body of the corporation, and which shall be comprised as follows: two (2) members of the state investment commission to be appointed by the governor who shall give due consideration to the recommendation of the chair of the investment commission, the state budget officer, who shall serve as chairperson, the general treasurer or designee, the director of revenue or designee and three (3) two (2) members of the general public appointed by the governor with the advice and consent of the senate. Each public member shall serve for a term of four (4) years, except that any member appointed to fill a vacancy shall serve only until the expiration of the unexpired term of such member's predecessor in office. Each member shall continue to hold office until a successor has been appointed. Members shall be eligible for reappointment. No person shall be eligible for appointment unless such person is a resident of the state. Each member, before entering upon the duties of the office of member, shall swear or solemnly affirm to administer the duties of office faithfully and impartially, and such oath or affirmation shall be filed in the office of the secretary of state.

(2) Those members of the board as of July 9, 2005 who were appointed to the board by members of the general assembly shall cease to be members of the board on July 9, 2005, and the governor shall thereupon seek recommendations from the chair of the state investment commission for him or her duly to consider for the appointment of two (2) members thereof. Those members of the board as of July 9, 2005 who were appointed to the board by the governor...
shall continue to serve the balance of their current terms.

(2) Newly appointed and qualified public 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 subject area of chapters 46 of this title, 133 of this title, 14 of title 36, and 2 of title 38; and the board's rules and regulations. The director of the department of administration shall, within ninety (90) days of July 9, 2005, prepare and disseminate training materials relating to the provisions of chapters 46 of this title, 14 of title 36 and 2 of title 38.

(b) Members shall receive no compensation for the performance of their duties.

(c) The board shall elect one of its members to serve as chairperson. Three (3) members shall constitute a quorum, and any action to be taken by the corporation under the provisions of this chapter may be authorized by resolution approved by a majority of the members present and voting at any regular or special meeting at which a quorum is present.

(d) In addition to electing a chairperson, the board shall appoint a secretary and such additional officers as it shall deem appropriate.

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

(f) Any action required by this chapter to be taken at a meeting of the board shall comply with chapter 46 of this title, entitled "Open Meetings."

(g) To the extent that administrative assistance is needed for the functions and operations of the board, the corporation may by contract or agreement obtain this assistance from the director of administration, the attorney general, and any successor officer at such cost to the corporation as shall be established by such contract or agreement. The board, however, shall remain responsible for, and provide oversight of, proper implementation of this chapter.

(h) Members of the board and persons acting on the corporation's behalf, while acting within the scope of their employment or agency, are not subject to personal liability resulting from carrying out the powers and duties conferred on them under this chapter.

(i) The state shall indemnify and hold harmless every past, present, or future board member, officer or employee of the corporation who is made a party to or is required to testify in any action, investigation, or other proceeding in connection with or arising out of the performance or alleged lack of performance of that person's duties on behalf of the corporation. These persons shall be indemnified and held harmless, whether they are sued individually or in their capacities as board members, officers or employees of the corporation, for all expenses, legal fees and/or costs incurred by them during or resulting from the proceedings, and for any award or judgment.
arising out of their service to the corporation that is not paid by the corporation and is sought to be enforced against a person individually, as expenses, legal fees, costs, awards or judgments occur; provided, that neither the state nor the corporation shall indemnify any member, officer, or employee:

(1) For acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law;

(2) For any transaction from which the member derived an improper personal benefit; or

(3) For any malicious act.

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

SECTION 17. Sections 44-31.2-2 and 44-31.2-6 of the General Laws in Chapter 44-31.2 entitled “Motion Picture Production Tax Credits” are hereby amended to read as follows:


For the purposes of this chapter:

(1) "Accountant's certification" as provided in this chapter means a certified audit by a Rhode Island certified public accountant licensed in accordance with chapter 3.1 of title 5.

(2) "Application year" means within the calendar year the motion picture production company files an application for the tax credit.

(3) "Base investment" means the actual investment made and expended by a state-certified production in the state as production-related costs.

(4) "Documentary production" means a non-fiction production intended for educational or commercial distribution that may require out-of-state principal photography.

(5) "Domiciled in Rhode Island" means a corporation incorporated in Rhode Island or a partnership, limited liability company, or other business entity formed under the laws of the state of Rhode Island for the purpose of producing motion pictures as defined in this section, or an individual who is a domiciled resident of the state of Rhode Island as defined in chapter 30 of this title.

(6) "Final production budget" means and includes the total pre-production, production, and post-production out-of-pocket costs incurred and paid in connection with the making of the motion picture. The final production budget excludes costs associated with the promotion or marketing of the motion picture.

(7) "Motion picture" means a feature-length film, documentary production, video, television series, or commercial made in Rhode Island, in whole or in part, for theatrical or
television viewing or as a television pilot or for educational distribution. The term "motion
picture" shall not include the production of television coverage of news or athletic events, nor
shall it apply to any film, video, television series, or commercial or a production for which
records are required under 18 U.S.C. § 2257, to be maintained with respect to any performer in
such production or reporting of books, films, etc. with respect to sexually explicit conduct.

(8) "Motion picture production company" means a corporation, partnership, limited
liability company, or other business entity engaged in the business of producing one or more
motion pictures as defined in this section. Motion picture production company shall not mean or
include:

(a) Any company owned, affiliated, or controlled, in whole or in part, by any company or
person who or that is in default:

(i) On taxes owed to the state; or
(ii) On a loan made by the state in the application year; or
(iii) On a loan guaranteed by the state in the application year; or

(b) Any company or person who or that has discharged an obligation to pay or repay
public funds or monies by:

(i) Filing a petition under any federal or state bankruptcy or insolvency law;
(ii) Having a petition filed under any federal or state bankruptcy or insolvency law
against such company or person;

(iii) Consenting to, or acquiescing or joining in, a petition named in (i) or (ii);
(iv) Consenting to, or acquiescing or joining in, the appointment of a custodian, receiver,
trustee, or examiner for such company's or person's property; or
(v) Making an assignment for the benefit of creditors or admitting in writing or in any
legal proceeding its insolvency or inability to pay debts as they become due.

(9) "Primary locations" means the locations that (1) At least fifty-one percent (51%) of
the motion picture principal photography days are filmed; or (2) At least fifty-one percent (51%)
of the motion picture's final production budget is spent and employs at least five (5) individuals
during the production in this state; or (3) For documentary productions, the location of at least
fifty-one percent (51%) of the total productions days, which shall include pre-production and
post-production locations.

(10) "Rhode Island film and television office" means an office within the department of
administration Rhode Island Council on the Arts that has been established in order to promote
and encourage the locating of film and television productions within the state of Rhode Island.
The office is also referred to within as the "film office".
(11) "State-certified production" means a motion picture production approved by the Rhode Island film office and produced by a motion picture production company domiciled in Rhode Island, whether or not such company owns or controls the copyright and distribution rights in the motion picture; provided, that such company has either:

(a) Signed a viable distribution plan; or

(b) Is producing the motion picture for:

(i) A major motion picture distributor;

(ii) A major theatrical exhibitor;

(iii) Television network; or

(iv) Cable television programmer.

(12) "State-certified production cost" means any pre-production, production, and post-production cost that a motion picture production company incurs and pays to the extent it occurs within the state of Rhode Island. Without limiting the generality of the foregoing, "state-certified production costs" include: set construction and operation; wardrobes, make-up, accessories, and related services; costs associated with photography and sound synchronization, lighting, and related services and materials; editing and related services, including, but not limited to: film processing, transfers of film to tape or digital format, sound mixing, computer graphics services, special effects services, and animation services, salary, wages, and other compensation, including related benefits, of persons employed, either directly or indirectly, in the production of a film including writer, motion picture director, producer (provided the work is performed in the state of Rhode Island); rental of facilities and equipment used in Rhode Island; leasing of vehicles; costs of food and lodging; music, if performed, composed, or recorded by a Rhode Island musician, or released or published by a person domiciled in Rhode Island; travel expenses incurred to bring persons employed, either directly or indirectly, in the production of the motion picture, to Rhode Island (but not expenses of such persons departing from Rhode Island); and legal (but not the expense of a completion bond or insurance and accounting fees and expenses related to the production's activities in Rhode Island); provided such services are provided by Rhode Island licensed attorneys or accountants.

44-31.2-6 Certification and administration.

(a) Initial certification of a production. The applicant shall properly prepare, sign and submit to the film office an application for initial certification of the Rhode Island production. The application shall include such information and data as the film office deems necessary for the proper evaluation and administration of said application, including, but not limited to, any information about the motion picture production company, and a specific Rhode Island motion
picture. The film office shall review the completed application and determine whether it meets
the requisite criteria and qualifications for the initial certification for the production. If the initial
certification is granted, the film office shall issue a notice of initial certification of the motion
picture production to the motion picture production company and to the tax administrator. The
notice shall state that, after appropriate review, the initial application meets the appropriate
criteria for conditional eligibility. The notice of initial certification will provide a unique
identification number for the production and is only a statement of conditional eligibility for the
production and, as such, does not grant or convey any Rhode Island tax benefits.

(b) Final certification of a production. Upon completion of the Rhode Island production
activities, the applicant shall request a certificate of good standing from the Rhode Island division
of taxation. Such certificates shall verify to the film office the motion picture production
company's compliance with the requirements of subsection 44-31.2-2(5). The applicant shall
properly prepare, sign and submit to the film office an application for final certification of the
production and which must include the certificate of good standing from the division of taxation.
In addition, the application shall contain such information and data as the film office determines
is necessary for the proper evaluation and administration, including, but not limited to, any
information about the motion picture production company, its investors and information about the
production previously granted initial certification. The final application shall also contain a cost
report and an "accountant's certification". The film office and tax administrator may rely without
independent investigation, upon the accountant's certification, in the form of an opinion,
confirming the accuracy of the information included in the cost report. Upon review of a duly
completed and filed application, the film office will make a determination pertaining to the final
certification of the production. Within ninety (90) days after the division of taxation's receipt of
the motion picture production company final certification and cost report, the division of taxation
shall issue a certification of the amount of credit for which the motion picture production
company qualifies under § 44-31.2-5. To claim the tax credit, the division of taxation's
certification as to the amount of the tax credit shall be attached to all state tax returns on which
the credit is claimed.

(c) Final certification and credits. Upon determination that the motion picture production
company qualifies for final certification, the film office shall issue a letter to the production
company indicating "certificate of completion of a state certified production". A motion picture
production company is prohibited from using state funds, state loans or state guaranteed loans to
qualify for the motion picture tax credit. All documents that are issued by the film office pursuant
to this section shall reference the identification number that was issued to the production as part
of its initial certification.

(d) The director of the department of administration, the Rhode Island Council on the Arts, in consultation as needed with the tax administrator, shall promulgate such rules and regulations as are necessary to carry out the intent and purposes of this chapter in accordance with the general guidelines provided herein for the certification of the production and the resultant production credit.

(e) The tax administrator of the division of taxation, in consultation with the director of the Rhode Island film and television office, shall promulgate such rules and regulations as are necessary to carry out the intent and purposes of this chapter in accordance with the general guidelines for the tax credit provided herein.

(f) Any motion picture production company applying for the credit shall be required to reimburse the division of taxation for any audits required in relation to granting the credit.

SECTION 18. Section 42-63.1-3 of the General Laws in Chapter 42-63.1 entitled “Tourism and Development” is hereby amended to read as follows:

42-63.1-3. Distribution of tax.

(a) For returns and tax payments received on or before December 31, 2015, except as provided in § 42-63.1-12, the proceeds of the hotel tax, excluding such portion of the hotel tax collected from residential units offered for tourist or transient use through a hosting platform, 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, and that the receipts attributable to the district as defined in § 42-63.1-5(a)(8) shall be given to the Rhode Island commerce corporation as established in chapter 64 of title 42.

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. The tax administrator is authorized to withhold and offset from any distribution
pursuant to this section any amounts owed to state agencies consistent with the requirements of

(3) Twenty-one (21%) of the hotel tax shall be given to the Rhode Island commerce
corporation established in chapter 64 of title 42, and seven percent (7%) to the Greater
Providence-Warwick Convention and Visitors’ Bureau.

(b) For returns and tax payments received after December 31, 2015, except as provided in
§ 42-63.1-12, the proceeds of the hotel tax, excluding such portion of the hotel tax collected from
residential units offered for tourist or transient use through a hosting platform, 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-two percent (42%) 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, five percent (5%) of the tax shall be given to the Greater
Providence-Warwick Convention and Visitors Bureau established in § 42-63.1-11, and twenty-
eight percent (28%) of the tax shall be given to the Rhode Island commerce corporation
established in chapter 64 of title 42.

(2) For the tax generated by the hotels in the Providence district as defined in § 42-63.1-5,
twenty eight percent (28%) 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 (23%) of the tax shall be given to the Greater Providence-
Warwick Convention and Visitors Bureau established in § 42-63.1-11, and twenty-four (24%) of
the tax shall be given to the Rhode Island commerce corporation established in chapter 64 of title
42.

(3) For the tax generated by the hotels in the Warwick district as defined in § 42-63.1-5,
twenty-eight percent (28%) 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 twenty-
four (24%) of the tax shall be given to the Rhode Island commerce corporation established in
chapter 64 of title 42.

(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

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generated the tax, is physically located, five percent (5%) of the tax shall be given to the Greater Providence-Warwick Convention and Visitors Bureau established in § 42-63.1-11, and seventy percent (70%) of the tax shall be given to the Rhode Island commerce corporation established in chapter 64 of title 42.

(5) With respect to the tax generated by hotels in districts other than those set forth in subdivisions (b)(1) through (b)(4), forty-two percent (42%) 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, five percent (5%) of the tax shall be given to the Greater Providence-Warwick Convention and Visitors Bureau established in § 42-63.1-11, and twenty-eight (28%) of the tax shall be given to the Rhode Island commerce corporation established in chapter 64 of title 42.

(c) The proceeds of the hotel tax collected from residential units offered for tourist or transient use through a hosting platform shall be distributed as follows by the division of taxation and the city of Newport: twenty-five percent (25%) of the tax shall be given to the city or town where the residential unit, which generated the tax, is physically located, and seventy-five percent (75%) of the tax shall be given to the Rhode Island commerce corporation established in chapter 64 of title 42.

(d) The Rhode Island commerce corporation shall be required in each fiscal year to spend on the promotion and marketing of Rhode Island as a destination for tourists or businesses an amount of money of no less than the total proceeds of the hotel tax it receives pursuant to this chapter for such fiscal year.

(e) Notwithstanding the foregoing provisions of this section, for returns and tax payments received on or after July 1, 2016 and on or before June 30, 2017, except as provided in § 42-63.1-12, the proceeds of the hotel tax, excluding such portion of the hotel tax collected from residential units offered for tourist or transient use through a hosting platform, shall be distributed in accordance with the distribution percentages established in § 42-63.1-3(a)(1) through § 42-63.1-3(a)(3) by the division of taxation and the city of Newport.

SECTION 19. Section 44-13-13 of the General Laws in Chapter 44-13 entitled “Public Service Corporation Tax” is hereby amended to read as follows:

**44-13-13. Taxation of certain tangible personal property.**

The lines, cables, conduits, ducts, pipes, machines and machinery, equipment, and other tangible personal property within this state of telegraph, cable, and telecommunications corporations and express corporations, used exclusively in the carrying on of the business of the
corporation shall be exempt from local taxation; provided, that nothing in this section shall be construed to exempt any "community antenna television system company" (CATV) from local taxation; and provided, that the tangible personal property of companies exempted from local taxation by the provisions of this section shall be subject to taxation in the following manner:

(1) Definitions. Whenever used in this section and in §§ 44-13-13.1 and 44-13-13.2, unless the context otherwise requires:

(i) "Average assessment ratio" means the total assessed valuation as certified on tax rolls for the reference year divided by the full market value of the valuation as computed by the Rhode Island department of revenue in accordance with § 16-7-21;

(ii) "Average property tax rate" means the statewide total property levy divided by the statewide total assessed valuation as certified on tax rolls for the most recent tax year;

(iii) "Company" means any telegraph, cable, telecommunications, or express company doing business within the state of Rhode Island;

(iv) "Department" means the department of revenue;

(v) "Population" shall mean the population as determined by the most recent census;

(vi) "Reference year" means the calendar year two (2) years prior to the calendar year preceding that in which the tax payment provided for by this section is levied;

(vii) "Value of tangible personal property" of companies means the net book value of tangible personal property of each company doing business in this state as computed by the department of revenue. "Net book value" means the original cost less accumulated depreciation; provided, that no tangible personal property shall be depreciated more than seventy-five percent (75%) of its original cost.

(2) On or before March 1 of each year, each company shall declare to the department, on forms provided by the department, the value of its tangible personal property in the state of Rhode Island on the preceding December 31.

(3) On or before April 1, 1982 and each April 1 thereafter of each year, the division of property valuation shall certify to the tax administrator the average property tax rate, the average assessment ratio, and the value of tangible personal property of each company.

(4) The tax administrator shall apply the average assessment ratio and the average tax rate to the value of tangible personal property of each company and, by April 15 of each year, shall notify the companies of the amount of tax due. For each filing relating to tangible personal property as of December 31, 2008 and thereafter the tax rate applied by the tax administrator shall be not less than the rate applied in the prior year.

(5) The tax shall be due and payable within sixty (60) days of the mailing of the notice by
the tax administrator. If the entire tax is not paid to the tax administrator when due, there shall be
added to the unpaid portion of the tax, and made a part of the tax, interest at the rate provided for
in § 44-1-7 from the date the tax was due until the date of the payment. The amount of any tax,
including interest, imposed by this section shall be a debt due from the company to the state, shall
be recoverable at law in the same manner as other debts, and shall, until collected, constitute a
lien upon all the company's property located in this state.

(6) The proceeds from the tax shall be allocated in the following manner:

(i) Payment of reasonable administrative expenses incurred by the department of revenue,
not to exceed three quarters of one percent (.75%), the payment to be identified as general
revenue and appropriated directly to the department;

(ii) The remainder of the proceeds shall be deposited in a restricted revenue account and
shall be apportioned to the cities and towns within this state on the basis of the ratio of the city or
town population to the population of the state as a whole. Estimated revenues shall be distributed
to cities and towns by July 30 and may be recorded as a receivable by each city and town for the
prior fiscal year. The Department is authorized to withhold and offset from any distribution
pursuant to this section any amounts owed to state agencies consistent with the requirements of

and Use Taxes – Liability and Computation” is hereby amended to read as follows:

44-18-18.1. Local meals and beverage tax.

(a) There is hereby levied and imposed, upon every purchaser of a meal and/or beverage,
in addition to all other taxes and fees now imposed by law, a local meals and beverage tax upon
each and every meal and/or beverage sold within the state of Rhode Island in or from an eating
and/or drinking establishment, whether prepared in the eating and/or drinking establishment or
not and whether consumed at the premises or not, at a rate of one percent of the gross receipts.
The tax shall be paid to the tax administrator by the retailer at the time and in the manner
provided.

(b) All sums received by the division of taxation under this section as taxes, penalties, or
forfeitures, interest, costs of suit, and fines shall be distributed at least quarterly and credited and
paid by the state treasurer to the city or town where the meals and beverages are delivered. The
tax administrator is authorized to withhold and offset from any distribution pursuant to this
section any amounts owed to state agencies consistent with the requirements of R.I. Gen. Laws §
45-13-1.1.

(c) When used in this section, the following words have the following meanings:
(1) "Beverage" means all nonalcoholic beverages, as well as alcoholic beverages, beer, lager beer, ale, porter, wine, similar fermented malt, or vinous liquor.

(2) "Eating and/or drinking establishment" means and includes restaurants, bars, taverns, lounges, cafeterias, lunch counters, drive-ins, roadside ice cream and refreshment stands, fish-and-chip places, fried chicken places, pizzerias, food-and-drink concessions, or similar facilities in amusement parks, bowling alleys, clubs, caterers, drive-in theatres, industrial plants, race tracks, shore resorts or other locations, lunch carts, mobile canteens and other similar vehicles, and other like places of business that furnish or provide facilities for immediate consumption of food at tables, chairs, or, counters or from trays, plates, cups, or other tableware, or in parking facilities provided primarily for the use of patrons in consuming products purchased at the location. Ordinarily, eating establishment does not mean and include food stores and supermarkets. Eating establishments does not mean "vending machines," a self-contained automatic device that dispenses for sale foods, beverages, or confection products. Retailers selling prepared foods in bulk, either in customer-furnished containers or in the seller's containers, for example "Soup and Sauce" establishments, are deemed to be selling prepared foods ordinarily for immediate consumption and, as such, are considered eating establishments.

(3) "Meal" means any prepared food or beverage offered or held out for sale by an eating and/or drinking establishment for the purpose of being consumed by any person to satisfy the appetite and that is ready for immediate consumption. All such food and beverage, unless otherwise specifically exempted or excluded herein shall be included, whether intended to be consumed on the seller's premises or elsewhere, whether designated as breakfast, lunch, snack, dinner, supper, or by some other name, and without regard to the manner, time, or place of service.

(d) This local meals and beverage tax shall be administered and collected by the division of taxation, and unless provided to the contrary in this chapter, all of the administration, collection, and other provisions of chapters 18 and 19 of this title apply.

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, the rate imposed under this section shall be increased from one percent (1%) to one and one-half percent (1.5%). The one and one-half percent (1.5%) rate shall take effect on the date that the state requires remote sellers to collect and remit sales and use taxes.

SECTION 21. Section 45-13-1.1 of the General Laws in Chapter 45-13 entitled “Aid reduced by amounts owed state entities” is hereby amended to read as follows:
4-513-11. Aid reduced by amounts owed state entities.

If any city or town fails to pay any assessment, bill, or charge levied, presented, or imposed by any public or quasi-public board, commission, corporation, council, authority, agency, department, committee or other similar body organized under the laws of this state, within ninety (90) one hundred eighty (180) days of the presentment for payment of the assessment, bill, or charge to the city or town, then there shall be deducted from any state aid determined to be due under the provisions of this chapter, or from any funds distributed pursuant to chapters 44-18 (sales and use tax) and 44-13 (public service corporation tax) of Title 44, and an amount equal to that due and owing any or all of those commissions; provided, that the amount of any deduction shall be reduced by the amount of any bill or charge presented for payment by city or town to the state, which bill or charge has not been paid by the state within ninety (90) one hundred eighty (180) days of presentment.

SECTION 22. This Article shall take effect upon passage.

ARTICLE 4
RELATING TO TAXES AND REVENUE

SECTION 1. Sections 42-61-4 and 42-61-15 of the General Laws in Chapter 61 entitled “State Lottery” are hereby amended to read as follows:

42-61-4. Powers and duties of director.

The director shall have the power and it shall be his or her duty to:

(1) Supervise and administer the operation of lotteries in accordance with this chapter, chapter 61.2 of this title and with the rules and regulations of the division;

(2) Act as the chief administrative officer having general charge of the office and records and to employ necessary personnel to serve at his or her pleasure and who shall be in the unclassified service and whose salaries shall be set by the director of the department of revenue, pursuant to the provisions of § 42-61-3.

(3) In accordance with this chapter and the rules and regulations of the division, license as agents to sell lottery tickets those persons, as in his or her opinion, who will best serve the public convenience and promote the sale of tickets or shares. The director may require a bond from every licensed agent, in an amount provided in the rules and regulations of the division.

Every licensed agent shall prominently display his or her license, or a copy of their license, as provided in the rules and regulations of the committee;

(4) Confer regularly as necessary or desirable, and not less than nine (9) times per year, with the permanent joint committee on state lottery on the operation and administration of the lotteries; make available for inspection by the committee, upon request, all books, records, files,
and other information, and documents of the division; advise the committee and recommend
those matters that he or she deems necessary and advisable to improve the operation and
administration of the lotteries;

(5) Suspend or revoke any license issued pursuant to this chapter, chapter 61.2 of this title
or the rules and regulations promulgated under this chapter and chapter 61.2 of this title;

(6) Enter into contracts for the operation of the lotteries, or any part of the operation of
the lotteries, and into contracts for the promotion of the lotteries;

(7) Ensure that monthly financial reports are prepared providing gross monthly revenues,
prize disbursements, other expenses, net income, and the amount transferred to the state general
fund for keno and for all other lottery operations; submit this report to the state budget officer, the
auditor general, the permanent joint committee on state lottery, the legislative fiscal advisors, and
the governor no later than the twentieth business day following the close of the month; the
monthly report shall be prepared in a manner prescribed by the members of the revenues
estimating conference; at the end of each fiscal year the director shall submit an annual report
based upon an accrual system of accounting which shall include a full and complete statement of
lottery revenues, prize disbursements and expenses, to the governor and the general assembly,
which report shall be a public document and shall be filed with the secretary of state;

(8) Carry on a continuous study and investigation of the state lotteries throughout the
state, and the operation and administration of similar laws, which may be in effect in other states
or countries; and the director shall continue to exercise his authority to study, evaluate and where
deemed feasible and advisable by the director, implement lottery-related initiatives, including but
not limited to, pilot programs for limited periods of time, with the goal of generating additional
revenues to be transferred by the Lottery to the general fund pursuant to R.I. Gen. Laws §42-61-15(3).
Each such initiative shall be subjectively evaluated from time to time using measurable
criteria to determine whether the initiative is generating revenue to be transferred by the Lottery
to the general fund. Nothing herein shall be deemed to permit the implementation of an initiative
that would constitute an expansion of gambling requiring voter approval under applicable Rhode
Island law.

(9) Implement the creation and sale of commercial advertising space on lottery tickets as
authorized by § 42-61-4 of this chapter as soon as practicable after June 22, 1994;

(10) Promulgate rules and regulations, which shall include, but not be limited to:

(i) The price of tickets or shares in the lotteries;

(ii) The number and size of the prizes on the winning tickets or shares;

(iii) The manner of selecting the winning tickets or shares;
(iv) The manner of payment of prizes to the holders of winning tickets or shares;

(v) The frequency of the drawings or selections of winning tickets or shares;

(vi) The number and types of location at which tickets or shares may be sold;

(vii) The method to be used in selling tickets or shares;

(viii) The licensing of agents to sell tickets or shares, except that a person under the age of eighteen shall not be licensed as an agent;

(ix) The license fee to be charged to agents;

(x) The manner in which the proceeds of the sale of lottery tickets or shares are maintained, reported, and otherwise accounted for;

(xi) The manner and amount of compensation to be paid licensed sales agents necessary to provide for the adequate availability of tickets or shares to prospective buyers and for the convenience of the general public;

(xii) The apportionment of the total annual revenue accruing from the sale of lottery tickets or shares and from all other sources for the payment of prizes to the holders of winning tickets or shares, for the payment of costs incurred in the operation and administration of the lotteries, including the expense of the division and the costs resulting from any contract or contracts entered into for promotional, advertising, consulting, or operational services or for the purchase or lease of facilities, lottery equipment, and materials, for the repayment of moneys appropriated to the lottery fund;

(xiii) The superior court upon petition of the director after a hearing may issue subpoenas to compel the attendance of witnesses and the production of documents, papers, books, records, and other evidence in any matter over which it has jurisdiction, control or supervision. If a person subpoenaed to attend in the proceeding or hearing fails to obey the command of the subpoena without reasonable cause, or if a person in attendance in the proceeding or hearing refuses without lawful cause to be examined or to answer a legal or pertinent question or to exhibit any book, account, record, or other document when ordered to do so by the court, that person may be punished for contempt of the court;

(xiv) The manner, standards, and specification for the process of competitive bidding for division purchases and contracts; and

(xv) The sale of commercial advertising space on the reverse side of, or in other available areas upon, lottery tickets provided that all net revenue derived from the sale of the advertising space shall be deposited immediately into the state's general fund and shall not be subject to the provisions of § 42-61-15.

(a) There is created the state lottery fund, into which shall be deposited all revenues received by the division from the sales of lottery tickets and license fees. The fund shall be in the custody of the general treasurer, subject to the direction of division for the use of the division, and money shall be disbursed from it on the order of the controller of the state, pursuant to vouchers or invoices signed by the director and certified by the director of administration. The moneys in the state lottery fund shall be allotted in the following order, and only for the following purposes:

(1) Establishing a prize fund from which payments of the prize awards shall be disbursed to holders of winning lottery tickets on checks signed by the director and countersigned by the controller of the state or his or her designee.

(i) The amount of payments of prize awards to holders of winning lottery tickets shall be determined by the division, but shall not be less than forty-five percent (45%) nor more than sixty-five percent (65%) of the total revenue accruing from the sale of lottery tickets.

(ii) For the lottery game commonly known as "Keno", the amount of prize awards to holders of winning Keno tickets shall be determined by the division, but shall not be less than forty-five percent (45%) nor more than seventy-two percent (72%) of the total revenue accruing from the sale of Keno tickets.

(2) Payment of expenses incurred by the division in the operation of the state lotteries including, but not limited to, costs arising from contracts entered into by the director for promotional, consulting, or operational services, salaries of professional, technical, and clerical assistants, and purchases or lease of facilities, lottery equipment, and materials; provided however, solely for the purpose of determining revenues remaining and available for transfer to the state's general fund, beginning in fiscal year 2015, expenses incurred by the division in the operation of state lotteries shall reflect (i) beginning in fiscal year 2015, the actuarially determined employer contribution to the Employees' Retirement System consistent with the state's adopted funding policy and (ii) beginning in fiscal year 2018, the actuarially determined employer contribution to the State Employees and Electing Teachers' OPEB System consistent with the state’s adopted funding policy. For financial reporting purposes, the state lottery fund financial statements shall be prepared in accordance with generally accepted accounting principles as promulgated by the Governmental Accounting Standards Board; and

(3) Payment into the general revenue fund of all revenues remaining in the state lottery fund after the payments specified in subdivisions (a)(1) – (a)(2) of this section.

(b) The auditor general shall conduct an annual post audit of the financial records and operations of the lottery for the preceding year in accordance with generally accepted auditing
standards and government auditing standards. In connection with the audit, the auditor general may examine all records, files, and other documents of the division, and any records of lottery sales agents that pertain to their activities as agents, for purposes of conducting the audit. The auditor general, in addition to the annual post audit, may require or conduct any other audits or studies he or she deems appropriate, the costs of which shall be borne by the division.

(c) Payments into the state's general fund specified in subsection (a)(3) of this section shall be made on an estimated quarterly basis. Payment shall be made on the tenth business day following the close of the quarter except for the fourth quarter when payment shall be on the last business day.

SECTION 2. Chapter 42-61.2 of the General Laws entitled “Video-Lottery Terminal” is hereby amended by adding thereto the following section:

42-61.2-2.4. State to conduct sports wagering hosted by Twin River and the Tiverton Gaming Facility.

(a) Article VI, Section 22 of the Rhode Island Constitution provides that “[n]o act expanding the types or locations of gambling permitted within the state or within any city or town . . . shall take effect until it has been approved by the majority of those electors voting in a statewide referendum and by the majority of those electors voting in said referendum in the municipality in which the proposed gambling would be allowed . . .”

(b) In the 2012 general election, a majority of Rhode Island voters statewide and in the Town of Lincoln approved the following referendum question (among others):

“Shall an act be approved which would authorize the facility known as “Twin River” in the town of Lincoln to add state-operated casino gaming, such as table games, to the types of gambling it offers?”

(c) Similarly, in the 2016 general election, a majority of Rhode Island voters statewide and in the Town of Tiverton approved the following referendum question (among others):

“Shall an act be approved which would authorize a facility owned by Twin River-Tiverton, LLC, located in the Town of Tiverton at the intersection of William S. Canning Boulevard and Stafford Road, to be licensed as a pari-mutuel facility and offer state-operated video-lottery games and state-operated casino gaming, such as table games?”

(d) In the voter information handbooks setting forth and explaining the question in each instance, “casino gaming” was defined to include games “within the definition of Class III gaming as that term is defined in section 2703(8) of Title 25 of the United States Code and which is approved by the State of Rhode Island through the Lottery Division.” “Casino gaming” is also defined to include games within the definition of class III gaming in section 42-61.2-1 of the
general laws.

(e) Section 2703(8) of Title 25 US Code (part of the Indian Gaming Regulatory Act, or
“IGRA”) provides that the term “class III gaming” means “all forms of gaming that are not class I
gaming or class II gaming.” The regulations promulgated under IGRA (25 CFR 502.4) expressly
state that Class III gaming includes sports wagering.

(f) Thus, voters state-wide and locally approved state-operated sports wagering to be
offered by the Twin River and Tiverton gaming facilities. Voter approval of sports wagering shall
be implemented by providing an infrastructure for state-operated sports wagering offered by the
Twin River gaming facilities in Lincoln and Tiverton, by authorizing necessary amendments to
certain contracts and by authorizing the division of lotteries to promulgate regulations to direct
and control state-operated sports wagering, such infrastructure and authorizations to become
effective when federal law is enacted or repealed or the United States Supreme Court affirms the
authority of states to regulate sports wagering within their respective borders.

(g) State operated sports wagering shall be operated by the state through the division of
lotteries. Sports wagering may be conducted at (i) the Twin River Gaming Facility, located in
Lincoln at 100 Twin River Road and owned by UTGR, Inc., a licensed video lottery and table
game retailer, and at (ii) the Tiverton Gaming Facility, located in Tiverton at the intersection of
William S. Canning Boulevard and Stafford Road, and owned by Twin River-Tiverton, once
Twin River-Tiverton is licensed as a video lottery and table game retailer, provided that a federal
law has been enacted or repealed or a United States Supreme Court decision affirms the authority
of states to regulate sports wagering within their respective borders.

(h) Subject to the change in federal law referenced in subsection (a) above, the state
through the division of lotteries shall exercise its existing authority to implement, operate,
conduct and control sports wagering at the Twin River gaming facility and the Twin River-
Tiverton gaming facility in accordance with the provisions of this chapter and the rules and
regulations of the division of lotteries.

(i) Notwithstanding the provisions of this section, sports wagering shall be prohibited in
connection with any collegiate sports or athletic event that takes place in Rhode Island or a sports
contest or athletic event in which any Rhode Island college team participates, regardless of where
the event takes place.

(j) No other law providing any penalty or disability for conducting, hosting, maintaining,
supporting or participating in sports wagering, or any acts done in connection with sports
wagering, shall apply to the conduct, hosting, maintenance, support or participation in sports
wagering pursuant to this chapter.
SECTION 3. Sections 42-142-1 and 42-142-2 of the General Laws in Chapter entitled “Department of Revenue” are hereby amended to read as follows:

42-142-1. Department of revenue.

(a) There is hereby established within the executive branch of state government a department of revenue.

(b) The head of the department shall be the director of revenue, who shall be appointed by the governor, with the advice and consent of the senate, and shall serve at the pleasure of the governor.

(c) The department shall contain the division of taxation (chapter 1 of title 44), the division of motor vehicles (chapter 2 of title 31), the division of state lottery (chapter 61 of title 42), the office of revenue analysis (chapter 142 of title 42), and a collection unit (chapter 142 of title 42). Any reference to the division of property valuation, division of property valuation and municipal finance, or office of municipal affairs in the Rhode Island general laws shall mean the division of municipal finance.


The department of revenue shall have the following powers and duties:

(a) To operate a division of taxation;

(b) To operate a division of motor vehicles;

(c) To operate a division of state lottery;

(d) To operate an office of revenue analysis; and

(e) To operate a division of property valuation; and

(f) To operate a collection unit.

SECTION 4. Chapter 42-142 of the General Laws entitled “Department of Revenue” is hereby amended by adding thereto the following section:


(a) The director of the department of revenue is authorized to establish within the department of revenue a collections unit for the purpose of assisting state agencies in the collection of debts owed to the state. The director of the department of revenue may enter into an agreement with any state agency(ies) to collect any delinquent debt owed to the state.

(b) The director of the department of revenue shall initially implement a pilot program to assist the agency(ies) with the collection of delinquent debts owed to the state.

(c) The agency(ies) participating in the pilot program shall refer to the collection unit within department of revenue, debts owed by delinquent debtors where the nature and amount of the debt owed has been determined and reconciled by the agency and the debt is (i) the subject of
a written settlement agreement and/or written waiver agreement and the delinquent debtor has
failed to timely make payments under said agreement and/or waiver and is therefore in violation
of the terms of said agreement and/or waiver; (ii) the subject of a final administrative order or
decision and the debtor has not timely appealed said order or decision; (iii) the subject of final
order, judgement or decision of a court of competent jurisdiction and the debtor has not timely
appealed said order, judgement or decision. The collections unit shall not accept a referral of any
delinquent debt unless it satisfies (c)(i), (ii) or (iii) above.

(d) Any agency(ies) entering into an agreement with the department of revenue to allow
the collection unit of the department to collect a delinquent debt owed to the state shall indemnify
the department of revenue against injuries, actions, liabilities, or proceedings arising from the
collection, or attempted collection, by the collection unit of the debt owed to the state.

(e) Before referring a delinquent debt to the collection unit, the agency(ies) must (i)
notify the debtor of its intention to submit the debt to the collection unit for collection and of the
debtor’s right to appeal that decision not less than thirty (30) days before the debt is submitted to
the collection unit.

(f) At such time as the agency(ies) refers a delinquent debt to the collection unit, the
agency shall (i) represent in writing to the collection unit that it has complied with all applicable
state and federal laws and regulations relating to the collection of the debt, including, but not
limited to, the requirement to provide the debtor with the notice of referral to the collection unit
under section (e) above; and (ii) provide the collection unit personnel with all relevant supporting
documentation including, not limited to notices, invoices, ledgers, correspondence, agreements,
waivers, decisions, orders and judgements necessary for the collection unit to attempt to collect
the delinquent debt.

(g) The referring agency(ies) shall assist the collection unit by providing any and all
information, expertise and resources deemed necessary by the collection unit to collect the
delinquent debts referred to the collection unit.

(h) Upon receipt of a referral of a delinquent debt from an agency(ies), the amount of the
delinquent debt shall accrue interest at an annual rate with such rate determined by adding two (2)
percent to the prime rate which was in effect on October 1 of the preceding year; provided
however, in no event shall the rate of interest exceed twenty-two (21%) per annum nor be less
than eighteen percent (18%) per annum.

(i) Upon receipt of a referral of a delinquent debt from the agency(ies), the collection unit
shall provide the delinquent debtor with a “Notice of Referral” advising the debtor that: (i) the
delinquent debt has been referred to the collection unit for collection; (ii) if payment in full of the
delinquent debt has not been received by the collection unit within thirty (30) days of the date of
the Notice of Referral, the debtor will be responsible to pay a fee of twelve percent (12%) of the
amount of the outstanding delinquent debt, with such fee to be applied to the costs and expenses
of the collection unit, including costs and expenses incurred to take further collection efforts; this
fee shall be in addition to any principal and interest owed; and (iii) the collection unit will initiate,
in its names, any action that is available under state law for the collection of the delinquent debt,
including, but not limited to, referring the debt to a third party to initiate said action.

(j) In the event that the delinquent debtor has not paid the delinquent debt in full within
thirty (30) days of the issuance of a “Notice of Referral” pursuant to subsection (i) above, the
collection unit shall impose upon each delinquent debtor a fee equal to twelve percent (12%) of
the amount of the outstanding delinquent debt.

(k) Upon receipt of a referral of a delinquent debt from an agency(ies), the collection unit
shall have the authority to institute, in its name, any action(s) that are available under state law for
collection of the delinquent debt and interest, penalties and/or fees thereon and to, with or without
suit, settle the delinquent debt.

(l) In exercising its authority under this section, the collection unit shall comply with all
state and federal laws and regulations related to the collection of debts.

(m) The director of the department may enter into contracts with any person or entity to
be paid on a contingent or fee or other basis, for services rendered to the collection unit where the
contract is for the collection of delinquent debt, interest, penalty and/or fee owed by the debtor.
Under such contracts, the contingent fee shall be based on the actual amount of the debt, interest,
penalties or fee collected.

(n) Upon the receipt of payment from a delinquent debtor, whether a full or partial
payment, the collection unit shall disburse/deposit the proceeds of said payment in the following
order:

(i) to any person or entity owed for services under a contract entered into pursuant to
section (m) above;

(ii) to the appropriate federal account to reimburse the federal government funds owed to
them by the state from funds recovered;

(iii) into a restricted receipt account in the department of revenue, twelve percent (12%)
of the total amount collected from the delinquent debtor to be used to help defray the costs and
expenses of operating the collection unit; and

(iv) the balance of the amount collected to the referring agency.

(o) Notwithstanding the above, the establishment of a collection unit within the
department of revenue shall be contingent upon an annual appropriation by the general assembly of amounts necessary and sufficient to cover the costs and expenses to establish, maintain and operate the collection unit including, but not limited, computer hardware and software, maintenance of the computer system to manage the system and personnel perform work within the collection unit. In the event that the amount of the annual appropriation was sufficient to fund the costs and expenses of operating the collection unit in any year, the amount in the restricted receipt at the end of that fiscal year shall be deposited into the general fund or credited against any future appropriation by the general assembly.

(p) In addition to the implementation of any pilot program, the collection unit shall comply with the provisions of this section in the collection of all delinquent debts under to this section.

(q) The department of revenue is authorized to promulgate rules and regulations as it deems appropriate with respect to the collection unit.


44-18-7. Sales defined.

"Sales" means and includes:

(1) Any transfer of title or possession, exchange, barter, lease, or rental, conditional or otherwise, in any manner or by any means of tangible personal property for a consideration. "Transfer of possession", "lease", or "rental" includes transactions found by the tax administrator to be in lieu of a transfer of title, exchange, or barter.

(2) The producing, fabricating, processing, printing, or imprinting of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the producing, fabricating, processing, printing, or imprinting.

(3) The furnishing and distributing of tangible personal property for a consideration by social, athletic, and similar clubs and fraternal organizations to their members or others.

(4) The furnishing, preparing, or serving for consideration of food, meals, or drinks, including any cover, minimum, entertainment, or other charge in connection therewith.

(5) A transaction whereby the possession of tangible personal property is transferred, but the seller retains the title as security for the payment of the price.

(6) Any withdrawal, except a withdrawal pursuant to a transaction in foreign or interstate commerce, of tangible personal property from the place where it is located for delivery to a point in this state for the purpose of the transfer of title or possession, exchange, barter, lease, or rental,
conditional or otherwise, in any manner or by any means whatsoever, of the property for a
consideration.

(7) A transfer for a consideration of the title or possession of tangible personal property,
which has been produced, fabricated, or printed to the special order of the customer, or any
publication.

(8) The furnishing and distributing of electricity, natural gas, artificial gas, steam,
refrigeration, and water.

(9)(i) The furnishing for consideration of intrastate, interstate and international
 telecommunications service sourced in this state in accordance with subsections 44-18.1(15) and
(16) and all ancillary services, any maintenance services of telecommunication equipment other
than as provided for in subdivision 44-18-12(b)(ii). For the purposes of chapters 18 and 19 of this
title only, telecommunication service does not include service rendered using a prepaid telephone
calling arrangement.

(ii) Notwithstanding the provisions of paragraph (i) of this subdivision, in accordance
with the Mobile Telecommunications Sourcing Act (4 U.S.C. §§ 116 – 126), subject to the
specific exemptions described in 4 U.S.C. § 116(c), and the exemptions provided in §§ 44-18-8
and 44-18-12, mobile telecommunications services that are deemed to be provided by the
customer's home service provider are subject to tax under this chapter if the customer's place of
primary use is in this state regardless of where the mobile telecommunications services originate,
terminate or pass through. Mobile telecommunications services provided to a customer, the
charges for which are billed by or for the customer's home service provider, shall be deemed to be
provided by the customer's home service provider.

(10) The furnishing of service for transmission of messages by telegraph, cable, or radio
and the furnishing of community antenna television, subscription television, and cable television
services.

(11) The rental of living quarters in any hotel, rooming house, or tourist camp.

(12) The transfer for consideration of prepaid telephone calling arrangements and the
recharge of prepaid telephone calling arrangements sourced to this state in accordance with §§
calling service and prepaid wireless calling service.

(13) The sale, storage, use or other consumption of over-the-counter drugs as defined in
paragraph 44-18-7.1(h)(ii).

(14) The sale, storage, use or other consumption of prewritten computer software
delivered electronically or by load and leave as defined in paragraph 44-18-7.1(g)(v).
(15) The sale, storage, use or other consumption of vendor-hosted prewritten computer software as defined in paragraph 44-18.7.1(g)(vii).

(16) The sale, storage, use or other consumption of medical marijuana as defined in § 21-28.6-3. (17) The furnishing of services in this state as defined in § 44-18.7.3.


(a) "Agreement" means the streamlined sales and use tax agreement.

(b) "Alcoholic beverages" means beverages that are suitable for human consumption and contain one-half of one percent (.5%) or more of alcohol by volume.

(c) "Bundled transaction" is the retail sale of two or more products, except real property and services to real property, where (1) The products are otherwise distinct and identifiable, and (2) The products are sold for one non-itemized price. A "bundled transaction" does not include the sale of any products in which the "sales price" varies, or is negotiable, based on the selection by the purchaser of the products included in the transaction.

(i) "Distinct and identifiable products" does not include:

(A) Packaging – such as containers, boxes, sacks, bags, and bottles – or other materials – such as wrapping, labels, tags, and instruction guides – that accompany the "retail sale" of the products and are incidental or immaterial to the "retail sale" thereof. Examples of packaging that are incidental or immaterial include grocery sacks, shoeboxes, dry cleaning garment bags, and express delivery envelopes and boxes.

(B) A product provided free of charge with the required purchase of another product. A product is "provided free of charge" if the "sales price" of the product purchased does not vary depending on the inclusion of the products "provided free of charge."

(C) Items included in the member state's definition of "sales price," pursuant to appendix C of the agreement.

(ii) The term "one non-itemized price" does not include a price that is separately identified by product on binding sales or other supporting sales-related documentation made available to the customer in paper or electronic form including, but not limited to, an invoice, bill of sale, receipt, contract, service agreement, lease agreement, periodic notice of rates and services, rate card, or price list.

(iii) A transaction that otherwise meets the definition of a "bundled transaction" as defined above, is not a "bundled transaction" if it is:

(A) The "retail sale" of tangible personal property and a service where the tangible personal property is essential to the use of the service, and is provided exclusively in connection with the service, and the true object of the transaction is the service; or
(B) The "retail sale" of services where one service is provided that is essential to the use or receipt of a second service and the first service is provided exclusively in connection with the second service and the true object of the transaction is the second service; or

(C) A transaction that includes taxable products and nontaxable products and the "purchase price" or "sales price" of the taxable products is de minimis.

1. De minimis means the seller's "purchase price" or "sales price" of the taxable products is ten percent (10%) or less of the total "purchase price" or "sales price" of the bundled products.

2. Sellers shall use either the "purchase price" or the "sales price" of the products to determine if the taxable products are de minimis. Sellers may not use a combination of the "purchase price" and "sales price" of the products to determine if the taxable products are de minimis.

3. Sellers shall use the full term of a service contract to determine if the taxable products are de minimis; or

(D) The "retail sale" of exempt tangible personal property and taxable tangible personal property where:

1. The transaction includes "food and food ingredients", "drugs", "durable medical equipment", "mobility enhancing equipment", "over-the-counter drugs", "prosthetic devices" (all as defined in this section) or medical supplies; and

2. Where the seller's "purchase price" or "sales price" of the taxable tangible personal property is fifty percent (50%) or less of the total "purchase price" or "sales price" of the bundled tangible personal property. Sellers may not use a combination of the "purchase price" and "sales price" of the tangible personal property when making the fifty percent (50%) determination for a transaction.

(d) "Certified automated system (CAS)" means software certified under the agreement to calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state, and maintain a record of the transaction.

(e) "Certified service provider (CSP)" means an agent certified under the agreement to perform all the seller's sales and use tax functions, other than the seller's obligation to remit tax on its own purchases.

(f) Clothing and Related Items

(i) "Clothing" means all human wearing apparel suitable for general use.

(ii) "Clothing accessories or equipment" means incidental items worn on the person or in conjunction with "clothing." "Clothing accessories or equipment" does not include "clothing", "sport or recreational equipment", or "protective equipment."
(iii) “Protective equipment” means items for human wear and designed as protection of the wearer against injury or disease or as protections against damage or injury of other persons or property but not suitable for general use. "Protective equipment" does not include "clothing", "clothing accessories or equipment", and "sport or recreational equipment."

(iv) "Sport or recreational equipment" means items designed for human use and worn in conjunction with an athletic or recreational activity that are not suitable for general use. "Sport or recreational equipment" does not include "clothing", "clothing accessories or equipment", and "protective equipment."

(g) Computer and Related Items

(i) "Computer" means an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions.

(ii) "Computer software" means a set of coded instructions designed to cause a "computer" or automatic data processing equipment to perform a task.

(iii) "Delivered electronically" means delivered to the purchaser by means other than tangible storage media.

(iv) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(v) "Load and leave" means delivery to the purchaser by use of a tangible storage media where the tangible storage media is not physically transferred to the purchaser.

(vi) "Prewritten computer software" means "computer software," including prewritten upgrades, that is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two (2) or more "prewritten computer software" programs or prewritten portions thereof does not cause the combination to be other than "prewritten computer software." "Prewritten computer software" includes software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the specific purchaser. Where a person modifies or enhances "computer software" of which the person is not the author or creator, the person shall be deemed to be the author or creator only of such person's modifications or enhancements. "Prewritten computer software" or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains "prewritten computer software"; provided, however, that where there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for such modification or enhancement, such modification or enhancement shall not constitute "prewritten computer software."
(vii) “Vendor-hosted prewritten computer software” means prewritten computer software that is accessed through the Internet and/or a vendor-hosted server regardless of whether the access is permanent or temporary and regardless of whether any downloading occurs.

(h) Drugs and Related Items

(i) "Drug" means a compound, substance, or preparation, and any component of a compound, substance, or preparation, other than "food and food ingredients," "dietary supplements" or "alcoholic beverages":

(A) Recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, and supplement to any of them; or

(B) Intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; or

(C) Intended to affect the structure or any function of the body.

"Drug" shall also include insulin and medical oxygen whether or not sold on prescription.

(ii) "Over-the-counter drug" means a drug that contains a label that identifies the product as a drug as required by 21 C.F.R. § 201.66. The "over-the-counter drug" label includes:

(A) A "Drug Facts" panel; or

(B) A statement of the "active ingredient(s)" with a list of those ingredients contained in the compound, substance, or preparation.

"Over-the-counter drug" shall not include "grooming and hygiene products."

(iii) "Grooming and hygiene products" are soaps and cleaning solutions, shampoo, toothpaste, mouthwash, antiperspirants, and suntan lotions and screens, regardless of whether the items meet the definition of "over-the-counter drugs."

(iv) "Prescription" means an order, formula, or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed practitioner authorized by the laws of the member state.

(i) "Delivery charges" means charges by the seller of personal property or services for preparation and delivery to a location designated by the purchaser of personal property or services including, but not limited to: transportation, shipping, postage, handling, crating, and packing.

"Delivery charges" shall not include the charges for delivery of "direct mail" if the charges are separately stated on an invoice or similar billing document given to the purchaser.

(j) "Direct mail" means printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addressees on a mailing list provided by the purchaser or at the direction of the purchaser when the cost of the items are not billed directly to
the recipients. "Direct mail" includes tangible personal property supplied directly or indirectly by
the purchaser to the direct mail seller for inclusion in the package containing the printed material.
"Direct mail" does not include multiple items of printed material delivered to a single address.

(k) "Durable medical equipment" means equipment including repair and replacement
parts for same which:

(i) Can withstand repeated use; and
(ii) Is primarily and customarily used to serve a medical purpose; and
(iii) Generally is not useful to a person in the absence of illness or injury; and
(iv) Is not worn in or on the body.

Durable medical equipment does not include mobility enhancing equipment.

(l) Food and Related Items

(i) "Food and food ingredients" means substances, whether in liquid, concentrated, solid,
frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are
consumed for their taste or nutritional value and seeds and plants used to grow food and food
ingredients. "Food and food ingredients" does not include "alcoholic beverages", "tobacco",
"candy", "dietary supplements", and "soft drinks", "marijuana seeds or plants."

(ii) "Prepared food" means:

(A) Food sold in a heated state or heated by the seller;
(B) Two (2) or more food ingredients mixed or combined by the seller for sale as a single
item; or
(C) Food sold with eating utensils provided by the seller, including: plates, knives, forks,
spoons, glasses, cups, napkins, or straws. A plate does not include a container or packaging used
to transport the food.

"Prepared food" in (B) does not include food that is only cut, repackaged, or pasteurized
by the seller, and eggs, fish, meat, poultry, and foods containing these raw animal foods requiring
cooking by the consumer as recommended by the Food and Drug Administration in chapter 3,
part 401.11 of its Food Code so as to prevent food borne illnesses.

(iii) "Candy" means a preparation of sugar, honey, or other natural or artificial sweeteners
in combination with chocolate, fruits, nuts, or other ingredients or flavorings in the form of bars,
drops, or pieces. "Candy" shall not include any preparation containing flour and shall require no
refrigeration.

(iv) "Soft drinks" means non-alcoholic beverages that contain natural or artificial
sweeteners. "Soft drinks" do not include beverages that contain milk or milk products, soy, rice,
or similar milk substitutes, or greater than fifty percent (50%) of vegetable or fruit juice by
(v) "Dietary supplement" means any product, other than "tobacco", intended to supplement the diet that:

(A) Contains one or more of the following dietary ingredients:

1. A vitamin;
2. A mineral;
3. An herb or other botanical;
4. An amino acid;
5. A dietary substance for use by humans to supplement the diet by increasing the total dietary intake; or
6. A concentrate, metabolite, constituent, extract, or combination of any ingredient described above; and

(B) Is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or if not intended for ingestion in such a form, is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet; and

(C) Is required to be labeled as a dietary supplement, identifiable by the "supplemental facts" box found on the label and as required pursuant to 21 C.F.R. § 101.36.

(m) "Food sold through vending machines" means food dispensed from a machine or other mechanical device that accepts payment.

(n) "Hotel" means every building or other structure kept, used, maintained, advertised as, or held out to the public to be a place where living quarters are supplied for pay to transient or permanent guests and tenants and includes a motel.

(i) "Living quarters" means sleeping rooms, sleeping or housekeeping accommodations, or any other room or accommodation in any part of the hotel, rooming house, or tourist camp that is available for or rented out for hire in the lodging of guests.

(ii) "Rooming house" means every house, boat, vehicle, motor court, or other structure kept, used, maintained, advertised, or held out to the public to be a place where living quarters are supplied for pay to transient or permanent guests or tenants, whether in one or adjoining buildings.

(iii) "Tourist camp" means a place where tents or tent houses, or camp cottages, or cabins or other structures are located and offered to the public or any segment thereof for human habitation.

(o) "Lease or rental" means any transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration. A lease or rental may include future
options to purchase or extend. Lease or rental does not include:

(i) A transfer of possession or control of property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments;

(ii) A transfer of possession or control of property under an agreement that requires the transfer of title upon completion of required payments and payment of an option price does not exceed the greater of one hundred dollars ($100) or one percent of the total required payments; or

(iii) Providing tangible personal property along with an operator for a fixed or indeterminate period of time. A condition of this exclusion is that the operator is necessary for the equipment to perform as designed. For the purpose of this subsection, an operator must do more than maintain, inspect, or set-up the tangible personal property.

(iv) Lease or rental does include agreements covering motor vehicles and trailers where the amount of consideration may be increased or decreased by reference to the amount realized upon sale or disposition of the property as defined in 26 U.S.C. § 7701(h)(1).

(v) This definition shall be used for sales and use tax purposes regardless if a transaction is characterized as a lease or rental under generally accepted accounting principles, the Internal Revenue Code, the Uniform Commercial Code, or other provisions of federal, state, or local law.

(vi) This definition will be applied only prospectively from the date of adoption and will have no retroactive impact on existing leases or rentals. This definition shall neither impact any existing sale-leaseback exemption or exclusions that a state may have, nor preclude a state from adopting a sale-leaseback exemption or exclusion after the effective date of the agreement.

(p) "Mobility enhancing equipment" means equipment, including repair and replacement parts to same, that:

(i) Is primarily and customarily used to provide or increase the ability to move from one place to another and that is appropriate for use either in a home or a motor vehicle; and

(ii) Is not generally used by persons with normal mobility; and

(iii) Does not include any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer.

Mobility enhancing equipment does not include durable medical equipment.

(q) "Model 1 Seller" means a seller that has selected a CSP as its agent to perform all the seller's sales and use tax functions, other than the seller's obligation to remit tax on its own purchases.

(r) "Model 2 Seller" means a seller that has selected a CAS to perform part of its sales and use tax functions, but retains responsibility for remitting the tax.

(s) "Model 3 Seller" means a seller that has sales in at least five member states, has total
annual sales revenue of at least five hundred million dollars ($500,000,000), has a proprietary
system that calculates the amount of tax due each jurisdiction, and has entered into a performance
agreement with the member states that establishes a tax performance standard for the seller. As
used in this definition, a seller includes an affiliated group of sellers using the same proprietary
system.

(i) "Prosthetic device" means a replacement, corrective, or supportive device including
repair and replacement parts for same worn on or in the body to:

(ii) Artificially replace a missing portion of the body;

(iii) Prevent or correct physical deformity or malfunction; or

(u) "Purchaser" means a person to whom a sale of personal property is made or to whom
a service is furnished.

(v) "Purchase price" applies to the measure subject to use tax and has the same meaning
as sales price.

(w) "Seller" means a person making sales, leases, or rentals of personal property or
services.

(x) "State" means any state of the United States and the District of Columbia.

(y) "Telecommunications" tax base/exemption terms

(i) Telecommunication terms shall be defined as follows:

(A) "Ancillary services" means services that are associated with or incidental to the
provision of "telecommunications services", including, but not limited to, "detailed
telecommunications billing", "directory assistance", "vertical service", and "voice mail services".

(B) "Conference bridging service" means an "ancillary service" that links two (2) or more
participants of an audio or video conference call and may include the provision of a telephone
number. "Conference bridging service" does not include the "telecommunications services" used
to reach the conference bridge.

(C) "Detailed telecommunications billing service" means an "ancillary service" of
separately stating information pertaining to individual calls on a customer's billing statement.

(D) "Directory assistance" means an "ancillary service" of providing telephone number
information, and/or address information.

(E) "Vertical service" means an "ancillary service" that is offered in connection with one
or more "telecommunications services", which offers advanced calling features that allow
customers to identify callers and to manage multiple calls and call connections, including
"conference bridging services".
(F) "Voice mail service" means an "ancillary service" that enables the customer to store, send, or receive recorded messages. "Voice mail service" does not include any "vertical services" that the customer may be required to have in order to utilize the "voice mail service".

(G) "Telecommunications service" means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points. The term "telecommunications service" includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether such service is referred to as voice over internet protocol services or is classified by the Federal Communications Commission as enhanced or value added. "Telecommunications service" does not include:

(1) Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a purchaser where such purchaser's primary purpose for the underlying transaction is the processed data or information;

(2) Installation or maintenance of wiring or equipment on a customer's premises;

(3) Tangible personal property;

(4) Advertising, including, but not limited to, directory advertising;

(5) Billing and collection services provided to third parties;

(6) Internet access service;

(7) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services shall include, but not be limited to, cable service as defined in 47 U.S.C. § 522(6) and audio and video programming services delivered by commercial mobile radio service providers as defined in 47 C.F.R. § 20.3;

(8) "Ancillary services";

(9) Digital products "delivered electronically", including, but not limited to: software, music, video, reading materials or ring tones.

(H) "800 service" means a "telecommunications service" that allows a caller to dial a toll-free number without incurring a charge for the call. The service is typically marketed under the name "800", "855", "866", "877", and "888" toll-free calling, and any subsequent numbers designated by the Federal Communications Commission.

(I) "900 service" means an inbound toll "telecommunications service" purchased by a
subscriber that allows the subscriber's customers to call in to the subscriber's prerecorded
announcement or live service. "900 service" does not include the charge for: collection services
provided by the seller of the "telecommunications services" to the subscriber, or service or
product sold by the subscriber to the subscriber's customer. The service is typically marketed
under the name "900 service," and any subsequent numbers designated by the Federal
Communications Commission.

(J) "Fixed wireless service" means a "telecommunications service" that provides radio
communication between fixed points.

(K) "Mobile wireless service" means a "telecommunications service" that is transmitted,
conveyed, or routed regardless of the technology used, whereby the origination and/or
termination points of the transmission, conveyance, or routing are not fixed, including, by way of
example only, "telecommunications services" that are provided by a commercial mobile radio
service provider.

(L) "Paging service" means a "telecommunications service" that provides transmission of
coded radio signals for the purpose of activating specific pagers; such transmissions may include
messages and/or sounds.

(M) "Prepaid calling service" means the right to access exclusively "telecommunications
services", which must be paid for in advance and that enables the origination of calls using an
access number or authorization code, whether manually or electronically dialed, and that is sold
in predetermined units or dollars of which the number declines with use in a known amount.

(N) "Prepaid wireless calling service" means a "telecommunications service" that
provides the right to utilize "mobile wireless service", as well as other non-telecommunications
services, including the download of digital products "delivered electronically", content and
"ancillary services" which must be paid for in advance that is sold in predetermined units of
dollars of which the number declines with use in a known amount.

(O) "Private communications service" means a telecommunications service that entitles
the customer to exclusive or priority use of a communications channel or group of channels
between or among termination points, regardless of the manner in which such channel or
channels are connected, and includes switching capacity, extension lines, stations, and any other
associated services that are provided in connection with the use of such channel or channels.

(P) "Value-added non-voice data service" means a service that otherwise meets the
definition of "telecommunications services" in which computer processing applications are used
to act on the form, content, code, or protocol of the information or data primarily for a purpose
other than transmission, conveyance, or routing.
(ii) "Modifiers of Sales Tax Base/Exemption Terms" – the following terms can be used to further delineate the type of "telecommunications service" to be taxed or exempted. The terms would be used with the broader terms and subcategories delineated above.

(A) "Coin-operated telephone service" means a "telecommunications service" paid for by inserting money into a telephone accepting direct deposits of money to operate.

(B) "International" means a "telecommunications service" that originates or terminates in the United States and terminates or originates outside the United States, respectively. United States includes the District of Columbia or a U.S. territory or possession.

(C) "Interstate" means a "telecommunications service" that originates in one United States state, or a United States territory or possession, and terminates in a different United States state or a United States territory or possession.

(D) "Intrastate" means a "telecommunications service" that originates in one United States state or a United States territory or possession, and terminates in the same United States state or a United States territory or possession.

(E) "Pay telephone service" means a "telecommunications service" provided through any pay telephone.

(F) "Residential telecommunications service" means a "telecommunications service" or "ancillary services" provided to an individual for personal use at a residential address, including an individual dwelling unit such as an apartment. In the case of institutions where individuals reside, such as schools or nursing homes, "telecommunications service" is considered residential if it is provided to and paid for by an individual resident rather than the institution.

The terms "ancillary services" and "telecommunications service" are defined as a broad range of services. The terms "ancillary services" and "telecommunications service" are broader than the sum of the subcategories. Definitions of subcategories of "ancillary services" and "telecommunications service" can be used by a member state alone or in combination with other subcategories to define a narrower tax base than the definitions of "ancillary services" and "telecommunications service" would imply. The subcategories can also be used by a member state to provide exemptions for certain subcategories of the more broadly defined terms.

A member state that specifically imposes tax on, or exempts from tax, local telephone or local telecommunications service may define "local service" in any manner in accordance with § 44-18.1-28, except as limited by other sections of this Agreement.

(z) "Tobacco" means cigarettes, cigars, chewing, or pipe tobacco, or any other item that contains tobacco.

**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) Taxicab and limousine services including but not limited to:
   (i) Taxicab services including taxi dispatchers (485310); and
   (ii) Limousine services (485320).

(2) Other road transportation service including but not limited to:
   (i) Charter bus service (485510);
   (ii) "Transportation network companies" (TNC) defined as an entity that uses a digital network to connect transportation network company riders to transportation network operators who provide prearranged rides. Any TNC operating in this state is a retailer as provided in § 44-18-15 and is required to file a business application and registration form and obtain a permit to make sales at retail with the tax administrator, to charge, collect, and remit Rhode Island sales and use tax; and
   (iii) All other transit and ground passenger transportation (485999).

(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 tax 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.

(5) Investigation, Guard, and Armored Car Services (56161).

(c) All services as defined herein are required to file a business application and registration form and obtain a permit to make sales at retail with the tax administrator, to charge, collect, and remit Rhode Island sales and use tax.

(d) 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.

44-18-8. Retail sale or sale at retail defined.

A "retail sale" or "sale at retail" means any sale, lease or rentals of tangible personal property, prewritten computer software delivered electronically or by load and leave, vendor-hosted prewritten computer software, or services as defined in § 44-18-7.3 for any purpose other than resale, sublease or subrent in the regular course of business. The sale of tangible personal property to be used for purposes of rental in the regular course of business is considered to be a sale for resale. In regard to telecommunications service as defined in § 44-18-7(9), retail sale does not include the purchase of telecommunications service by a telecommunications provider from another telecommunications provider for resale to the ultimate consumer; provided, that the purchaser submits to the seller a certificate attesting to the applicability of this exclusion, upon receipt of which the seller is relieved of any tax liability for the sale.


(a) "Retailer" includes:

(1) Every person engaged in the business of making sales at retail including prewritten computer software delivered electronically or by load and leave, vendor-hosted prewritten computer software, sales of services as defined in § 44-18-7.3, and sales at auction of tangible personal property owned by the person or others.

(2) Every person making sales of tangible personal property including prewritten computer software delivered electronically or by load and leave, or vendor-hosted prewritten computer software, or sales of services as defined in § 44-18-7.3, through an independent contractor or other representative, if the retailer enters into an agreement with a resident of this state, under which the resident, for a commission or other consideration, directly or indirectly refers potential customers, whether by a link on an Internet website or otherwise, to the retailer, provided the cumulative gross receipts from sales by the retailer to customers in the state who are referred to the retailer by all residents with this type of an agreement with the retailer, is in excess of five thousand dollars ($5,000) during the preceding four (4) quarterly periods ending on the
last day of March, June, September and December. Such retailer shall be presumed to be
soliciting business through such independent contractor or other representative, which
presumption may be rebutted by proof that the resident with whom the retailer has an agreement
did not engage in any solicitation in the state on behalf of the retailer that would satisfy the nexus
requirement of the United States Constitution during such four (4) quarterly periods.

(3) Every person engaged in the business of making sales for storage, use, or other
consumption of: (i) tangible personal property, (ii) sales at auction of tangible personal property
owned by the person or others, (iii) prewritten computer software delivered electronically or by
load and leave, (iv) vendor-hosted prewritten computer software, and (iv) services as defined in
§ 44-18-7.3.

(4) A person conducting a horse race meeting with respect to horses, which are claimed
during the meeting.

(5) Every person engaged in the business of renting any living quarters in any hotel as
defined in § 42-63.1-2, rooming house, or tourist camp.

(6) Every person maintaining a business within or outside of this state who engages in the
regular or systematic solicitation of sales of tangible personal property, prewritten computer
software delivered electronically or by load and leave, vendor-hosted prewritten computer
software:

(i) Advertising in newspapers, magazines, and other periodicals published in this state,
sold over the counter in this state or sold by subscription to residents of this state, billboards
located in this state, airborne advertising messages produced or transported in the airspace above
this state, display cards and posters on common carriers or any other means of public conveyance
incorporated or operated primarily in this state, brochures, catalogs, circulars, coupons,
handouts, samples, and similar advertising material mailed to, or distributed within this state to
residents of this state;

(ii) Telephone;

(iii) Computer assisted shopping networks; and

(iv) Television, radio or any other electronic media, which is intended to be broadcast to
consumers located in this state.

(b) When the tax administrator determines that it is necessary for the proper
administration of chapters 18 and 19 of this title to regard any salespersons, representatives,
truckers, peddlers, or canvassers as the agents of the dealers, distributors, supervisors, employers,
or persons under whom they operate or from whom they obtain the tangible personal property
sold by them, irrespective of whether they are making sales on their own behalf or on behalf of
the dealers, distributors, supervisors, or employers, the tax administrator may so regard them and
may regard the dealers, distributors, supervisors, or employers as retailers for purposes of
chapters 18 and 19 of this title.

(a) An excise tax is imposed on the storage, use, or other consumption in this state of
tangible personal property; prewritten computer software delivered electronically or by load and
leave; vendor-hosted prewritten computer software; or services as defined in § 44-18-7.3,
including a motor vehicle, a boat, an airplane, or a trailer, purchased from any retailer at the rate
of six percent (6%) of the sale price of the property.
(b) An excise tax is imposed on the storage, use, or other consumption in this state of a
motor vehicle, a boat, an airplane, or a trailer purchased from other than a licensed motor vehicle
dealer or other than a retailer of boats, airplanes, or trailers respectively, at the rate of six percent
(6%) of the sale price of the motor vehicle, boat, airplane, or trailer.
(c) The word "trailer," as used in this section and in § 44-18-21, means and includes those
defined in § 31-1-5(a) – (e) and also includes boat trailers, camping trailers, house trailers, and
mobile homes.
(d) Notwithstanding the provisions contained in this section and in § 44-18-21 relating to
the imposition of a use tax and liability for this tax on certain casual sales, no tax is payable in
any casual sale:
(1) When the transferee or purchaser is the spouse, mother, father, brother, sister, or child
of the transferor or seller;
(2) When the transfer or sale is made in connection with the organization, reorganization,
dissolution, or partial liquidation of a business entity, provided:
(i) The last taxable sale, transfer, or use of the article being transferred or sold was
subjected to a tax imposed by this chapter;
(ii) The transferee is the business entity referred to or is a stockholder, owner, member, or
partner; and
(iii) Any gain or loss to the transferor is not recognized for income tax purposes under the
provisions of the federal income tax law and treasury regulations and rulings issued thereunder;
(3) When the sale or transfer is of a trailer, other than a camping trailer, of the type
ordinarily used for residential purposes and commonly known as a house trailer or as a mobile
home; or
(4) When the transferee or purchaser is exempt under the provisions of § 44-18-30 or
other general law of this state or special act of the general assembly of this state.
(e) The term "casual" means a sale made by a person other than a retailer, provided, that
in the case of a sale of a motor vehicle, the term means a sale made by a person other than a
licensed motor vehicle dealer or an auctioneer at an auction sale. In no case is the tax imposed
under the provisions of subsections (a) and (b) of this section on the storage, use, or other
consumption in this state of a used motor vehicle less than the product obtained by multiplying
the amount of the retail dollar value at the time of purchase of the motor vehicle by the applicable
tax rate; provided, that where the amount of the sale price exceeds the amount of the retail dollar
value, the tax is based on the sale price. The tax administrator shall use as his or her guide the
retail dollar value as shown in the current issue of any nationally recognized, used-vehicle guide
for appraisal purposes in this state. On request within thirty (30) days by the taxpayer after
payment of the tax, if the tax administrator determines that the retail dollar value as stated in this
subsection is inequitable or unreasonable, he or she shall, after affording the taxpayer reasonable
opportunity to be heard, re-determine the tax.

(f) Every person making more than five (5) retail sales of tangible personal property or
prewritten computer software delivered electronically or by load and leave, or vendor-hosted
prewritten computer software, or services as defined in § 44-18-7.3 during any twelve-month (12)
period, including sales made in the capacity of assignee for the benefit of creditors or receiver or
trustee in bankruptcy, is considered a retailer within the provisions of this chapter.

(g)(1) "Casual sale" includes a sale of tangible personal property not held or used by a
seller in the course of activities for which the seller is required to hold a seller's permit or permits
or would be required to hold a seller's permit or permits if the activities were conducted in this
state, provided that the sale is not one of a series of sales sufficient in number, scope, and
character (more than five (5) in any twelve-month (12) period) to constitute an activity for which
the seller is required to hold a seller's permit or would be required to hold a seller's permit if the
activity were conducted in this state.

(2) Casual sales also include sales made at bazaars, fairs, picnics, or similar events by
nonprofit organizations, that are organized for charitable, educational, civic, religious, social,
recreational, fraternal, or literary purposes during two (2) events not to exceed a total of six (6)
days duration each calendar year. Each event requires the issuance of a permit by the division of
taxation. Where sales are made at events by a vendor that holds a sales tax permit and is not a
nonprofit organization, the sales are in the regular course of business and are not exempt as casual
sales.

(h) The use tax imposed under this section for the period commencing July 1, 1990, is at
the rate of seven percent (7%). 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, effective the first (1st) day of the
first (1st) state fiscal quarter following the change, the rate imposed under § 44-18-18 shall be
reduced from seven percent (7.0%) to six and one-half percent (6.5%). The six and one-half
percent (6.5%) rate shall take effect on the date that the state requires remote sellers to collect and
remit sales and use taxes.


(a) Every person storing, using, or consuming in this state tangible personal property,
including a motor vehicle, boat, airplane, or trailer, purchased from a retailer, and a motor
vehicle, boat, airplane, or trailer, purchased from other than a licensed motor vehicle dealer or
other than a retailer of boats, airplanes, or trailers respectively; or storing, using or consuming
specified prewritten computer software delivered electronically or by load and leave, or vendor-
hosted prewritten computer software, or services as defined in § 44-18-7.3 is liable for the use
tax. The person's liability is not extinguished until the tax has been paid to this state, except that a
receipt from a retailer engaging in business in this state or from a retailer who is authorized by the
tax administrator to collect the tax under rules and regulations that he or she may prescribe, given
to the purchaser pursuant to the provisions of § 44-18-22, is sufficient to relieve the purchaser
from further liability for the tax to which the receipt refers.

(b) Each person before obtaining an original or transferral registration for any article or
commodity in this state, which article or commodity is required to be licensed or registered in the
state, shall furnish satisfactory evidence to the tax administrator that any tax due under this
chapter with reference to the article or commodity has been paid, and for the purpose of effecting
compliance, the tax administrator, in addition to any other powers granted to him or her, may
invoke the provisions of § 31-3-4 in the case of a motor vehicle. The tax administrator, when he
or she deems it to be for the convenience of the general public, may authorize any agency of the
state concerned with the licensing or registering of these articles or commodities to collect the use
tax on any articles or commodities which the purchaser is required by this chapter to pay before
receiving an original or transferral registration. The general assembly shall annually appropriate a
sum that it deems necessary to carry out the purposes of this section. Notwithstanding the
provisions of §§ 44-18-19, 44-18-22, and 44-18-24, the sales or use tax on any motor vehicle
and/or recreational vehicle requiring registration by the administrator of the division of motor
vehicles shall not be added by the retailer to the sale price or charge but shall be paid directly by
the purchaser to the tax administrator, or his or her authorized deputy or agent as provided in this
section.
(c) In cases involving total loss or destruction of a motor vehicle occurring within one hundred twenty (120) days from the date of purchase and upon which the purchaser has paid the use tax, the amount of the tax constitutes an overpayment. The amount of the overpayment may be credited against the amount of use tax on any subsequent vehicle which the owner acquires to replace the lost or destroyed vehicle or may be refunded, in whole or in part.


Every retailer engaging in business in this state and making sales of tangible personal property or prewritten computer software delivered electronically or by load and leave, or vendor-hosted prewritten computer software, or services as defined in § 44-18-7.3, for storage, use, or other consumption in this state, not exempted under this chapter shall, at the time of making the sales, or if the storage, use, or other consumption of the tangible personal property, prewritten computer software delivered electronically or by load and leave, vendor-hosted prewritten computer software, or services as defined in § 44-18-7.3, is not then taxable under this chapter, at the time the storage, use, or other consumption becomes taxable, collect the tax from the purchaser and give to the purchaser a receipt in the manner and form prescribed by the tax administrator.


As used in §§ 44-18-21 and 44-18-22 the term "engaging in business in this state" means the selling or delivering in this state, or any activity in this state related to the selling or delivering in this state of tangible personal property or prewritten computer software delivered electronically or by load and leave, or vendor-hosted prewritten computer software, for storage, use, or other consumption in this state; or services as defined in § 44-18-7.3 in this state. This term includes, but is not limited to, the following acts or methods of transacting business:

(1) Maintaining, occupying, or using in this state permanently or temporarily, directly or indirectly or through a subsidiary, representative, or agent by whatever name called and whether or not qualified to do business in this state, any office, place of distribution, sales or sample room or place, warehouse or storage place, or other place of business;

(2) Having any subsidiary, representative, agent, salesperson, canvasser, or solicitor permanently or temporarily, and whether or not the subsidiary, representative, or agent is qualified to do business in this state, operate in this state for the purpose of selling, delivering, or the taking of orders for any tangible personal property, or prewritten computer software delivered electronically or by load and leave, or vendor-hosted prewritten computer software, or services as defined in § 44-18-7.3;

(3) The regular or systematic solicitation of sales of tangible personal property, or
prewritten computer software delivered electronically or by load and leave, or vendor-hosted

(i) Advertising in newspapers, magazines, and other periodicals published in this state, sold over the counter in this state or sold by subscription to residents of this state, billboards located in this state, airborne advertising messages produced or transported in the air space above this state, display cards and posters on common carriers or any other means of public conveyance incorporated or operating primarily in this state, brochures, catalogs, circulars, coupons, pamphlets, samples, and similar advertising material mailed to, or distributed within this state to residents of this state;

(ii) Telephone;

(iii) Computer-assisted shopping networks; and

(iv) Television, radio or any other electronic media, which is intended to be broadcast to consumers located in this state.

44-18-25. Presumption that sale is for storage, use, or consumption – Resale certificate.

It is presumed that all gross receipts are subject to the sales tax, and that the use of all tangible personal property, or prewritten computer software delivered electronically or by load and leave, or vendor-hosted prewritten computer software, or services as defined in § 44-18-7.3, are subject to the use tax, and that all tangible personal property, or prewritten computer software delivered electronically or by load and leave, or vendor-hosted prewritten computer software, or services as defined in § 44-18-7.3, sold or in processing or intended for delivery or delivered in this state is sold or delivered for storage, use, or other consumption in this state, until the contrary is established to the satisfaction of the tax administrator. The burden of proving the contrary is upon the person who makes the sale and the purchaser, unless the person who makes the sale takes from the purchaser a certificate to the effect that the purchase was for resale. The certificate shall contain any information and be in the form that the tax administrator may require.


Every retailer selling tangible personal property or prewritten computer software delivered electronically or by load and leave or vendor-hosted prewritten computer software for storage, use, or other consumption in this state, as well as services as defined in § 44-18-7.3, in this state, or renting living quarters in any hotel as defined in § 42-63.1-2, rooming house, or tourist camp in this state must register with the tax administrator and give the name and address of all agents operating in this state, the location of all distribution or sales houses or offices, or of any hotel as defined in § 42-63.1-2, rooming house, or tourist camp or other places of business in...
this state, and other information that the tax administrator may require.

SECTION 6. Sections 44-20-1, 44-20-8.2, 44-20-12, 44-20-13 and 44-20-13.2 of the General Laws in Chapter 44-20 entitled “Cigarette and Other Tobacco Products Tax” are hereby amended to read as follows:

44-20-1. Definitions. Whenever used in this chapter, unless the context requires otherwise:

(1) "Administrator" means the tax administrator;

(2) "Cigarettes" means and includes any cigarettes suitable for smoking in cigarette form, and each sheet of cigarette rolling paper, including but not limited to, paper made into a hollow cylinder or cone, made with paper or any other material, with or without a filter suitable for use in making cigarettes;

(3) "Dealer" means any person whether located within or outside of this state, who sells or distributes cigarettes and/or other tobacco products to a consumer in this state;

(4) "Distributor" means any person:

(A) Whether located within or outside of this state, other than a dealer, who sells or distributes cigarettes and/or other tobacco products within or into this state. Such term shall not include any cigarette or other tobacco product manufacturer, export warehouse proprietor, or importer with a valid permit under 26 U.S.C. § 5712, if such person sells or distributes cigarettes and/or other tobacco products in this state only to licensed distributors, or to an export warehouse proprietor or another manufacturer with a valid permit under 26 U.S.C. § 5712;

(B) Selling cigarettes and/or other tobacco products directly to consumers in this state by means of at least twenty-five (25) vending machines;

(C) Engaged in this state in the business of manufacturing cigarettes and/or other tobacco products or any person engaged in the business of selling cigarettes and/or other tobacco products to dealers, or to other persons, for the purpose of resale only; provided, that seventy-five percent (75%) of all cigarettes and/or other tobacco products sold by that person in this state are sold to dealers or other persons for resale and selling cigarettes and/or other tobacco products directly to at least forty (40) dealers or other persons for resale; or

(D) Maintaining one or more regular places of business in this state for that purpose; provided, that seventy-five percent (75%) of the sold cigarettes and/or other tobacco products are purchased directly from the manufacturer and selling cigarettes and/or other tobacco products directly to at least forty (40) dealers or other persons for resale;

(5) “Electronic cigarette” means: (i) a personal vaporizer, electronic nicotine delivery system or an electronic inhaler which generally utilizes a heating element that vaporizes a liquid
solution containing nicotine or nicotine derivative; (ii) the liquid solution containing nicotine or nicotine derivative; or, (iii) any combination thereof.

(5) "Importer" means any person who imports into the United States, either directly or indirectly, a finished cigarette or other tobacco product for sale or distribution;

(6) "Licensed", when used with reference to a manufacturer, importer, distributor or dealer, means only those persons who hold a valid and current license issued under § 44-20-2 for the type of business being engaged in. When the term "licensed" is used before a list of entities, such as "licensed manufacturer, importer, wholesale dealer, or retailer dealer," such term shall be deemed to apply to each entity in such list;

(8) "Manufacturer" means any person who manufactures, fabricates, assembles, processes, or labels a finished cigarette and/or other tobacco products;

(9) "Other tobacco products" (OTP) means any cigars (excluding Little Cigars, as defined in § 44-20.2-1, which are subject to cigarette tax), cheroots, stogies, smoking tobacco (including granulated, plug cut, crimp cut, ready rubbed and any other kinds and forms of tobacco suitable for smoking in a otherwise), chewing tobacco (including Cavendish, twist, plug, scrap and any other kinds and forms of tobacco suitable for chewing), any and all forms of hookah, shisha and "mu'assal" tobacco, snuff, Electronic cigarettes, and shall include any other articles or products made of or containing tobacco, in whole or in part, or any tobacco substitute, except cigarettes;

(10) "Person" means any individual, including an employee or agent, firm, fiduciary, partnership, corporation, trust, or association, however formed;

(11) "Pipe" means an apparatus made of any material used to burn or vaporize products so that the smoke or vapors can be inhaled or ingested by the user;

(12) "Place of business" means any location where cigarettes and/or other tobacco products are sold, stored, or kept, including, but not limited to; any storage room, attic, basement, garage or other facility immediately adjacent to the location. It also includes any receptacle, hide, vessel, vehicle, airplane, train, or vending machine;

(13) "Sale" or "sell" means gifts, exchanges, and barter of cigarettes and/or other tobacco products. The act of holding, storing, or keeping cigarettes and/or other tobacco products at a place of business for any purpose shall be presumed to be holding the cigarettes and/or other tobacco products for sale. Furthermore, any sale of cigarettes and/or other tobacco products by the servants, employees, or agents of the licensed dealer during business hours at the place of business shall be presumed to be a sale by the licensee;

(14) "Stamp" means the impression, device, stamp, label, or print manufactured,
printed, or made as prescribed by the administrator to be affixed to packages of cigarettes, as
evidence of the payment of the tax provided by this chapter or to indicate that the cigarettes are
intended for a sale or distribution in this state that is exempt from state tax under the provisions of
state law; and also includes impressions made by metering machines authorized to be used under
the provisions of this chapter.

44-20-8.2. Transactions only with licensed manufacturers, importers, distributors,
and dealers.

A manufacturer or importer may sell or distribute cigarettes and/or other tobacco
products to a person located or doing business within this state, only if such person is a licensed
importer or distributor. An importer may obtain cigarettes and/or other tobacco products only
from a licensed manufacturer. A distributor may sell or distribute cigarettes and/or other tobacco
products to a person located or doing business within the state, only if such person is a licensed
distributor or dealer. A distributor may obtain cigarettes and/or other tobacco products only from
a licensed manufacturer, importer, or distributor. A dealer may obtain cigarettes and/or other
tobacco products only from a licensed distributor.

44-20-13.2. Tax imposed on other tobacco products, smokeless tobacco, cigars, and
pipe tobacco products.

(a) A tax is imposed on all other tobacco products, smokeless tobacco, cigars, electronic
cigarettes, and pipe tobacco products sold, or held for sale in the state by any person, the payment
of the tax to be accomplished according to a mechanism established by the administrator, division
of taxation, department of revenue. The tax imposed by this section shall be as follows:

(1) At the rate of eighty percent (80%) of the wholesale cost of other tobacco products,
cigars, pipe tobacco products and smokeless tobacco other than snuff.

(2) Notwithstanding the eighty percent (80%) rate in subsection (a) above, in the case of
cigars, the tax shall not exceed fifty cents ($0.50) eighty cents ($0.80) for each cigar.

(3) At the rate of one dollar ($1.00) per ounce of snuff, and a proportionate tax at the like
rate on all fractional parts of an ounce thereof. Such tax shall be computed based on the net
weight as listed by the manufacturer; provided, however, that any product listed by the
manufacturer as having a net weight of less than 1.2 ounces shall be taxed as if the product has a
net weight of 1.2 ounces.

(b) Any dealer having in his or her possession any other tobacco, cigars, and pipe tobacco
products with respect to the storage or use of which a tax is imposed by this section shall, within
five (5) days after coming into possession of the other tobacco, cigars, and pipe tobacco in this
state, file a return with the tax administrator in a form prescribed by the tax administrator. The
return shall be accompanied by a payment of the amount of the tax shown on the form to be due.

Records required under this section shall be preserved on the premises described in the relevant license in such a manner as to ensure permanency and accessibility for inspection at reasonable hours by authorized personnel of the administrator.

(c) The proceeds collected are paid into the general fund.

SECTION 7. Sections 44-20-12 and 44-20-13 of the General Laws in Chapter 44-20 entitled “Cigarette and Other Tobacco Products 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 two hundred twelve and one-half (212.5) mills for each cigarette.


A tax is imposed at the rate of two hundred twelve and one-half (212.5) 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 8. Chapter 44-20 of the General Laws entitled “Cigarette and Other Tobacco Products Tax” is hereby amended by adding thereto the following section:

44-20-12.7. Floor stock tax on cigarettes and stamps.

(a) 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 2018. In calendar year 2018, 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, 2018 and is computed at the rate thirty-seven and one-half (37.5) mills for each cigarette on August 1, 2018.

(b) 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 2018. 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 2018 the tax is measured by the number of stamps), whether affixed or to be affixed, held by the distributor at 12:01 a.m. on August 1, 2018, and is computed at the rate of thirty-seven and one-half mills per cigarette in the package to which the stamps are affixed or to be affixed.
(c) Each person subject to the payment of the tax imposed by this section shall, on or before August 15, 2018, 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 the number of stamps in that person's possession in this state at 12:01 a.m. on August 1, 2018, as described in this section above, 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.

(d) 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 9. This Article shall take effect as of July 1, 2018, except for Section 7 and Section 8, which will take effect on August 1, 2018.

ARTICLE 5

RELATING TO CAPITAL DEVELOPMENT PROGRAM

SECTION 1. Proposition to be submitted to the people. -- At the general election to be held on the Tuesday next after the first Monday in November 2018, there shall be submitted to the people (“People”) of the State of Rhode Island (“State”), for their approval or rejection, the following proposition:

"Shall the action of the general assembly, by an act passed at the January 2018 session, authorizing the issuance of bonds, refunding bonds, and/or temporary notes of the State of Rhode Island for the capital projects and in the amount with respect to each such project listed below be approved, and the issuance of bonds, refunding bonds, and/or temporary notes authorized in accordance with the provisions of said act?"

Project

(1) Rhode Island School Buildings $250,000,000

Approval of this question will allow the State of Rhode Island to issue general obligation bonds, refunding bonds, and/or temporary notes in an amount not to exceed two-hundred-fifty million dollars ($250,000,000) over a five (5) year period, and not to exceed one-hundred million dollars ($100,000,000) in any one (1) year, to provide direct funding for foundational level school housing aid and the school building authority capital fund with the amount of the allocation between the two (2) programs to be determined by the School Building Authority as designated in Chapter 105, Title 16 of the General Laws.

(2) Higher Education Facilities $70,000,000

Approval of this question will allow the State of Rhode Island to issue general obligation bonds, refunding bonds, and/or temporary notes in an amount not to exceed seventy million
dollars ($70,000,000) to higher education facilities, to be allocated as follows:

(a) University of Rhode Island Narragansett Bay Campus $45,000,000

Provides forty-five million dollars ($45,000,000) to fund repairs and construct new facilities on the University of Rhode Island’s Narragansett Bay campus in support of the educational and research needs for the marine disciplines.

(b) Rhode Island College School of Education and Human Development $25,000,000

Provides twenty-five million dollars ($25,000,000) to fund the renovation of Horace Mann Hall on the campus of Rhode Island College, which houses the School of Education and Human Development.

(3) Green Economy and Clean Water $48,500,000

Approval of this question will allow the State of Rhode Island to issue general obligation bonds, refunding bonds, and/or temporary notes in an amount not to exceed forty-eight million five hundred thousand dollars ($48,500,000) for environmental and recreational purposes, to be allocated as follows:

(a) Coastal Resiliency and Public Access Projects $5,000,000

Provides five million dollars ($5,000,000) for up to seventy-five percent (75%) matching grants to public and non-profit entities for restoring and/or improving resiliency of vulnerable coastal habitats, and restoring rivers and stream floodplains. These funds are expected to leverage significant matching funds to support local programs to improve community resiliency and public safety in the face of increased flooding, major storm events, and environmental degradation.

(b) Capital for Clean Water and Drinking Water $6,100,000

Provides six million one hundred thousand dollars ($6,100,000) for clean water and drinking water infrastructure improvements. Projects range from wastewater treatment upgrades and storm water quality improvements to combine sewer overflow abatement projects.

(c) Wastewater Treatment Facility Resilience Improvements $5,000,000

Provides five million dollars ($5,000,000) for up to fifty percent (50%) matching grants for wastewater treatment facility resiliency improvements for facilities vulnerable to increased flooding, major storm events and environmental degradation.

(d) Dam Safety $4,400,000

Provides four million four hundred thousand dollars ($4,400,000) for repairing and/or removing state-owned dams.

(e) State Recreation Projects Program $10,000,000

Provides ten million dollars ($10,000,000) for capital improvements to state recreational facilities, including Fort Adams State Park.
(f) State Bikeway Development Program $5,000,000
Provides five million dollars ($5,000,000) for the State to design, repair, and construct bikeways, including the East Bay bike path.

(g) Brownfield Remediation and Economic Development $4,000,000
Provides four million dollars ($4,000,000) for up to eighty percent (80%) matching grants to public, private, and/or non-profit entities for brownfield remediation projects.

(h) Local Recreation Projects $5,000,000
Provides five million dollars ($5,000,000) for up to eighty percent (80%) matching grants for municipalities to acquire, develop, or rehabilitate local recreational facilities to meet the growing needs for active recreational facilities.

(i) Access to Farmland $2,000,000
Provides two million dollars ($2,000,000) to protect the State’s working farms through the State Farmland Access Program and the purchase of Development Rights by the Agricultural Lands Preservation Commission.

(j) Local Open Space $2,000,000
Provides two million dollars ($2,000,000) for up to fifty percent (50%) matching grants to municipalities, local land trusts and nonprofit organizations to acquire fee-simple interest, development rights, or conservation easements on open space and urban parklands.

SECTION 2. Ballot labels and applicability of general election laws. -- The Secretary of State shall prepare and deliver to the State Board of Elections ballot labels for each of the projects provided for in Section 1 hereof with the designations “approve” or “reject” provided next to the description of each such project to enable voters to approve or reject each such proposition. The general election laws, so far as consistent herewith, shall apply to this proposition.

SECTION 3. Approval of projects by people. -- If a majority of the People voting on the proposition in Section 1 hereof shall vote to approve any project stated therein, said project shall be deemed to be approved by the People. The authority to issue bonds, refunding bonds and/or temporary notes of the State shall be limited to the aggregate amount for all such projects as set forth in the proposition, which has been approved by the People.

SECTION 4. Bonds for capital development program. -- The General Treasurer is hereby authorized and empowered, with the approval of the Governor, and in accordance with the provisions of this Act to issue capital development bonds in serial form, in the name of and on behalf of the State of Rhode Island, in amounts as may be specified by the Governor in an aggregate principal amount not to exceed the total amount for all projects approved by the People.
and designated as "capital development loan of 2018 bonds." Provided, however, that the aggregate principal amount of such capital development bonds and of any temporary notes outstanding at any one time issued in anticipation thereof pursuant to Section 7 hereof shall not exceed the total amount for all such projects approved by the People. All provisions in this Act relating to "bonds" shall also be deemed to apply to "refunding bonds."

Capital development bonds issued under this Act shall be in denominations of one thousand dollars ($1,000) each, or multiples thereof, and shall be payable in any coin or currency of the United States which at the time of payment shall be legal tender for public and private debts. These capital development bonds shall bear such date or dates, mature at specified time or times, but not mature beyond the end of the twentieth (20th) State fiscal year following the fiscal year in which they are issued; bear interest payable semi-annually at a specified rate or different or varying rates: be payable at designated time or times at specified place or places; be subject to express terms of redemption or recall, with or without premium; be in a form, with or without interest coupons attached; carry such registration, conversion, reconversion, transfer, debt retirement, acceleration and other provisions as may be fixed by the General Treasurer, with the approval by the Governor, upon each issue of such capital development bonds at the time of each issue. Whenever the Governor shall approve the issuance of such capital development bonds, the Governor’s approval shall be certified to the Secretary of State; the bonds shall be signed by the General Treasurer and countersigned by Secretary of State and shall bear the seal of the State. The signature approval of the Governor shall be endorsed on each bond.

SECTION 5. **Refunding bonds for 2018 capital development program.** -- The General Treasurer is hereby authorized and empowered, with the approval of the Governor, and in accordance with the provisions of this Act, to issue bonds to refund the 2018 capital development program bonds, in the name of and on behalf of the state, in amounts as may be specified by the Governor in an aggregate principal amount not to exceed the total amount approved by the People, to be designated as "capital development program loan of 2018 refunding bonds" (hereinafter "Refunding Bonds").

The General Treasurer with the approval of the Governor shall fix the terms and form of any Refunding Bonds issued under this Act in the same manner as the capital development bonds issued under this Act, except that the Refunding Bonds may not mature more than twenty (20) years from the date of original issue of the capital development bonds being refunded.

The proceeds of the Refunding Bonds, exclusive of any premium and accrual interest and net the underwriters’ cost, and cost of bond insurance, shall, upon their receipt, be paid by the General Treasurer immediately to the paying agent for the capital development bonds which are...
to be called and prepaid. The paying agent shall hold the Refunding Bond proceeds in trust until they are applied to prepay the capital development bonds. While such proceeds are held in trust, the proceeds may be invested for the benefit of the State in obligations of the United States of America or the State of Rhode Island.

If the General Treasurer shall deposit with the paying agent for the capital development bonds the proceeds of the Refunding Bonds, or proceeds from other sources, amounts that, when invested in obligations of the United States or the State of Rhode Island, are sufficient to pay all principal, interest, and premium, if any, on the capital development bonds until these bonds are called for prepayment, then such capital development bonds shall not be considered debts of the State of Rhode Island for any purpose starting from the date of deposit of such moneys with the paying agent. The Refunding Bonds shall continue to be a debt of the State until paid.

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

SECTION 6. Proceeds of capital development program. — The General Treasurer is directed to deposit the proceeds from the sale of capital development bonds issued under this Act, exclusive of premiums and accrued interest and net the underwriters’ cost, and cost of bond insurance, in one or more of the depositories in which the funds of the State may be lawfully kept in special accounts (hereinafter cumulatively referred to as "such capital development bond fund") appropriately designated for each of the projects set forth in Section 1 hereof which shall have been approved by the People to be used for the purpose of paying the cost of all such projects so approved.

All monies in the capital development bond fund shall be expended for the purposes specified in the proposition provided for in Section 1 hereof under the direction and supervision of the Director of Administration (hereinafter referred to as "Director"). The Director or his or her designee shall be vested with all power and authority necessary or incidental to the purposes of this Act, including but not limited to, the following authority: (a) to acquire land or other real property or any interest, estate or right therein as may be necessary or advantageous to accomplish the purposes of this Act; (b) to direct payment for the preparation of any reports, plans and specifications, and relocation expenses and other costs such as for furnishings, equipment designing, inspecting and engineering, required in connection with the implementation of any projects set forth in Section 1 hereof; (c) to direct payment for the costs of construction, rehabilitation, enlargement, provision of service utilities, and razing of facilities, and other improvements to land in connection with the implementation of any projects set forth in Section 1 hereof; and (d) to direct payment for the cost of equipment, supplies, devices, materials and labor.
for repair, renovation or conversion of systems and structures as necessary for the 2018 capital development program bonds or notes hereunder from the proceeds thereof. No funds shall be expended in excess of the amount of the capital development bond fund designated for each project authorized in Section 1 hereof. With respect to the bonds and temporary notes described in Section 1, the proceeds shall be used for the following purposes:

Question 1, relating to bonds in the amount of two hundred-fifty million dollars ($250,000,000) to provide funding for the construction, renovation, and rehabilitation of the state’s public schools.

Question 2, relating to bonds in the amount of seventy million dollars ($70,000,000) to provide funding for higher education facilities to be allocated as follows:

(a) Rhode Island College School of Education and Human Development $25,000,000

Provides twenty-five million dollars ($25,000,000) to renovate Horace Mann Hall on the campus of Rhode Island College in Providence. Horace Mann Hall houses the Feinstein School of Education and Human Development, the historical leader in producing Rhode Island’s public school teachers. The facility has exceeded its useful life with no major renovations since it was constructed in 1969. The renovation will allow the Feinstein School of Education and Human Development to ensure its curriculum and programming are among the best in the nation and create a top learning environment for students.

(b) University of Rhode Island Narragansett Bay Campus $45,000,000

Provides forty-five million dollars ($45,000,000) to renovate, build additions, and construct new facilities, including a new Ocean Innovation Center building, to support the ongoing and evolving educational and research needs in marine biology, oceanography, oceanic instrumentation and other marine disciplines at the Narragansett Bay Campus. Constructing new facilities will allow the University to accommodate a new one hundred twenty-five million dollars ($125,000,000) National Science Foundation federal research vessel and other University-supported research vessels at the University’s Narragansett Bay campus facilities.

Question 3, relating to bonds in the amount of exceed forty-eight million five hundred thousand dollars ($48,500,000) for environmental and recreational purposes, to be allocated as follows:

(a) Coastal Resiliency and Public Access Projects $5,000,000

Provides five million dollars ($5,000,000) for up to seventy-five percent (75%) matching grants to public and non-profit entities for restoring and/or improving resiliency of vulnerable coastal habitats, and restoring rivers and stream floodplains.

(b) Capital for Clean Water and Drinking Water $6,100,000
Provides six million one hundred thousand dollars ($6,100,000) for clean water and drinking water infrastructure improvements such as from wastewater treatment upgrades and storm water quality improvements to combined sewer overflow abatement projects.

(c) Wastewater Treatment Facility Resilience Improvements $5,000,000

Provides five million dollars ($5,000,000) for up to fifty percent (50%) matching grants for wastewater treatment facility resiliency improvements for facilities vulnerable to increased flooding, major storm events, and environmental degradation.

(d) Dam Safety $4,400,000

Provides four million four hundred thousand dollars ($4,400,000) for repairing and/or removing State-owned dams.

(e) State Recreation Projects Program $10,000,000

Provides ten million dollars ($10,000,000) for capital improvements to State recreational facilities, including Fort Adams State Park.

(f) State Bikeway Development Program $5,000,000

Provides five million dollars ($5,000,000) for the State to design, repair, and construct bikeways, including the East Bay bike path.

(g) Brownfield Remediation and Economic Development $4,000,000

Provides four million dollars ($4,000,000) for up to eighty percent (80%) matching grants to public, private, and/or non-profit entities for brownfield remediation projects.

(h) Local Recreation Projects $5,000,000

Provides five million dollars ($5,000,000) for up to eighty percent (80%) matching grants for municipalities to acquire, develop, or rehabilitate local recreational facilities to meet the growing needs for active recreational facilities.

(i) Access to Farmland $2,000,000

Provides two million dollars ($2,000,000) to protect the State’s working farms through the State Farmland Access Program and the purchase of Development Rights by the Agricultural Lands Preservation Commission.

(j) Local Open Space $2,000,000

Provides two million dollars ($2,000,000) for up to fifty percent (50%) matching grants to municipalities, local land trusts and nonprofit organizations to acquire fee-simple interest, development rights, or conservation easements on open space and urban parklands.

SECTION 7. Sale of bonds and notes. -- Any bonds or notes issued under the authority of this Act shall be sold at not less than the principal amount thereof, in such mode and on such terms and conditions as the General Treasurer, with the approval of the Governor, shall deem to
be in the best interests of the State.

Any premiums and accrued interest, net of the cost of bond insurance and underwriter’s discount, which may be received on the sale of the capital development bonds or notes shall become part of the Rhode Island Capital Plan Fund of the State, unless directed by federal law or regulation to be used for some other purpose.

In the event that the amount received from the sale of the capital development bonds or notes exceeds the amount necessary for the purposes stated in Section 6 hereof, the surplus may be used to the extent possible to retire the bonds as the same may become due, to redeem them in accordance with the terms thereof or otherwise to purchase them as the General Treasurer, with the approval of the Governor, shall deem to be in the best interests of the state.

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

SECTION 8. Bonds and notes to be tax exempt and general obligations of the State.

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

SECTION 9. Investment of moneys in fund.

- All moneys in the capital development fund not immediately required for payment pursuant to the provisions of this act may be invested by the investment commission, as established by Chapter 10 of Title 35, entitled “State Investment Commission,” pursuant to the provisions of such chapter; provided, however, that the securities in which the capital development fund is invested shall remain a part of the capital development fund until exchanged for other securities; and provided further, that the income from investments of the capital development fund shall become a part of the general fund of the State and shall be applied to the payment of debt service charges of the State, unless directed by federal law or regulation to be used for some other purpose, or to the extent necessary, to rebate to the United States treasury any income from investments (including gains from the disposition of investments) of proceeds of bonds or notes to the extent deemed necessary to exempt (in whole or in part) the interest paid on such bonds or notes from federal income taxation.

SECTION 10. Appropriation.

- To the extent the debt service on these bonds is not otherwise provided, a sum sufficient to pay the interest and principal due each year on bonds and
notes hereunder is hereby annually appropriated out of any money in the treasury not otherwise appropriated.

SECTION 11. Advances from general fund. -- The General Treasurer is authorized, with the approval of the Director and the Governor, in anticipation of the issue of notes or bonds under the authority of this Act, to advance to the capital development bond fund for the purposes specified in Section 6 hereof, any funds of the State not specifically held for any particular purpose; provided, however, that all advances made to the capital development bond fund shall be returned to the general fund from the capital development bond fund forthwith upon the receipt by the capital development fund of proceeds resulting from the issue of notes or bonds to the extent of such advances.

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

SECTION 13. Effective Date. -- Sections 1, 2, 3, 11 and 12 of this article shall take effect upon passage. The remaining sections of this article shall take effect when and if the State Board of Elections shall certify to the Secretary of State that a majority of the qualified electors voting on the proposition contained in Section 1 hereof have indicated their approval of all or any projects thereunder.

ARTICLE 6

RELATING TO LICENSING

SECTION 1. Section 3-5-18 of the General Laws in Chapter 3-5 entitled “Licenses Generally” is hereby amended to read as follows:

3-5-18. Signature on licenses – Posting and exhibition.

(a) All retail licenses issued under chapter 7 of this title shall bear the signature written by.
hand, or electronic signature, of the clerk of the licensing board, body, or officials issuing them, and shall not be printed, stamped, typewritten, engraved, photographed or cut from one instrument and attached to another and shall be displayed by the licensee, on the premises and shall be exhibited on demand to any deputy sheriff, to any city or town sergeant, constable, officer or member of the city or town police or to any member of the department of state police or agent of the department.

(b) All retail licenses shall be displayed within the premises but need not be posted. The license shall be exhibited to any deputy sheriff of the county, to any city or town sergeant, constable, officer or member of the city or town police or to any member of the department of state police or agent of the department who request proof that the establishment is duly licensed.

SECTION 2. Section 3-6-13 of the General Laws in Chapter 3-6 entitled “Manufacturing and Wholesale Licenses” is hereby repealed.

3-6-13. License bonds to state.

As conditions precedent to the issuance by the department of any manufacturer's license, rectifier’s license, wholesaler’s Class A license, wholesaler’s Class B license, and wholesaler’s Class C license under the provisions of this chapter, the person applying for a license shall give bond to the general treasurer of the state in a penal sum in the amount that the department of business regulation requests with at least two (2) resident sureties satisfactory to the department of business regulation, or a surety company authorized to do business in this state as surety, which bond shall be on condition that the licensee will not violate, or suffer to be violated, on any licensed premises under his or her control any of the provisions of this chapter or of chapter 5 of this title or of chapters 10, 24, or 45 of title 11 or §§ 11-2-1, 11-9-13, 11-9-15, 11-11-5, 11-18-2–11-18-4, 11-20-1, 11-20-2, 11-23-4, 11-31-1, or 11-37-2–11-37-4 and on condition that the licensee will pay all costs and damages incurred by any violation of any of those chapters or sections and shall also pay to the division of taxation the license fee required by this chapter.

SECTION 3. Sections 3-6-1, 3-6-1.2, 3-6-3, 3-6-9, 3-6-10, 3-6-11, 3-6-12 of the General Laws in Chapter 3-6 entitled “Manufacturing and Wholesale Licenses” are hereby amended to read as follows:

3-6-1. Manufacturer's license.

(a) A manufacturer's license authorizes the holder to establish and operate a brewery, distillery, or winery at the place described in the license for the manufacture of beverages within this state. The license does not authorize more than one of the activities of operator of a brewery or distillery or winery and a separate license shall be required for each plant.

(b) The license also authorizes the sale at wholesale, at the licensed place by the
manufacturer of the product of the licensed plant, to another license holder and the transportation
and delivery from the place of sale to a licensed place or to a common carrier for that delivery.
The license does authorize the sale of beverages for consumption on premises where sold;
provided that the manufacturer does not sell an amount in excess of thirty-six ounces (36 oz.) of
malt beverage or four and one-half ounces (4.5 oz.) of distilled spirits per visitor, per day, or a
combination not greater than three (3) drinks where a drink is defined as twelve ounces (12 oz.)
of beer or one and one-half ounces (1.5 oz.) of spirits, for consumption on the premises. The
license also authorizes the sale of beverages produced on the premises in an amount not in excess
of two hundred eighty-eight ounces (288 oz.) of malt beverages, or seven hundred fifty milliliters
(750 ml) of distilled spirits per visitor, per day, to be sold in containers that may hold no more
than seventy-two ounces (72 oz.) each. These beverages may be sold to the consumers for off-
promises consumption, and shall be sold pursuant to the laws governing retail Class A
establishments. The containers for the sale of beverages for off-premises consumption shall be
sealed. The license does not authorize the sale of beverages in this state for delivery outside this
state in violation of the law of the place of delivery. The license holder may provide to visitors, in
conjunction with a tour and/or tasting, samples, clearly marked as samples, not to exceed three
hundred seventy-five milliliters (375 ml) per visitor for distilled spirits and seventy-two ounces
(72 oz.) per visitor for malt beverages at the licensed plant by the manufacturer of the product of
the licensed plant to visitors for off-premises consumption. The license does not authorize
providing samples to a visitor of any alcoholic beverages for off-premises consumption that are
not manufactured at the licensed plant.

(c) The annual fee for the license is three thousand dollars ($3,000) for a distillery
producing more than fifty thousand (50,000) gallons per year and five hundred dollars ($500) for
a distillery producing less than or equal to fifty thousand (50,000) gallons per year; five hundred
dollars ($500) for a brewery; and one thousand five hundred dollars ($1,500) for a winery
producing more than fifty thousand (50,000) gallons per year and five hundred dollars ($500) per
year for a winery producing less than fifty thousand (50,000) gallons per year. All those fees are
prorated to the year ending December 1 in every calendar year and shall be paid to the division of
taxation and be turned over to the general treasurer for the use of the state.

3-6-1.2. Brewpub manufacturer's license.

(a) A brewpub manufacturer's license shall authorize the holder to establish and operate a
brewpub within this state. The brewpub manufacturer's license shall authorize the retail sale of
the beverages manufactured on the location for consumption on the premises. The license shall
not authorize the retail sale of beverages from any location other than the location set forth in the
license. A brewpub may sell at retail alcoholic beverages produced on the premises by the half-
gallon bottle known as a "growler" to consumers for off the premises consumption to be sold
pursuant to the laws governing retail Class A establishments.

(b) The license shall also authorize the sale at wholesale at the licensed place by the
manufacturer of the product of his or her licensed plant as well as beverages produced for the
brewpub and sold under the brewpub's name to a holder of a wholesaler's license and the
transportation and delivery from the place of sale to the licensed wholesaler or to a common
carrier for that delivery.

(c) The brewpub manufacturer's license further authorizes the sale of beverages
manufactured on the premises to any person holding a valid wholesaler's and importer's license
under § 3-6-9 or 3-6-11.

(d) The annual fee for the license is one thousand dollars ($1,000) for a brewpub
producing more than fifty thousand (50,000) gallons per year and five hundred dollars ($500) per
year for a brewpub producing less than fifty thousand (50,000) gallons per year. The annual fee is
prorated to the year ending December 1 in every calendar year and paid to the division of taxation
and turned over to the general treasurer for the use of the state.

3-6-3. Rectifier's license.

The department is authorized to issue rectifiers' licenses in accordance with the
provisions of §§ 3-6-4 – 3-6-8. The fee provided shall be prorated to the year ending December 1
in every calendar year and paid to the division of taxation and turned over to the general
treasurer for the use of the state.

3-6-9. Wholesaler's license – Class A.

A wholesaler's license, Class A, authorizes the holder to keep for sale and to sell malt
beverages and wines at wholesale at the place described to holders of licenses under this title
within this state and to holders of wholesale licenses in other states and the transportation and
delivery from the place of sale to those license holders or to a common carrier for that delivery.
Sales by a wholesaler in this state to a holder of a wholesale license in another state shall be only
to a wholesaler who is a distributor of the same brand of malt beverages or wines subject to
permission by the department. The license shall not authorize the sale of malt beverages or wines
for consumption on the premises where sold nor their sale for their delivery outside this state in
violation of the law of the place of delivery. The annual fee for the license is two thousand dollars
($2,000) prorated to the year ending December 1 in every calendar year, and shall be paid to the
division of taxation and turned over to the general treasurer for the use of the state. Whenever any
malt beverages or wines are sold outside the state pursuant to this section, refunds or credits of
import fees previously paid on those malt beverages or wines shall be made to holders of
wholesaler's licenses under this title in accordance with regulations promulgated by the division
of taxation.

3-6-10. Wholesaler's license – Class B.
(a) A wholesaler's license, Class B, authorizes the holder to keep for sale and to sell malt
and vinous beverages and distilled spirits at wholesale, at the place described in the license, to
holders of licenses under this title within this state and to holders of wholesale licenses in other
states and authorizes the transportation and delivery from the place of sale to those license
holders or to a common carrier for that delivery. Sales by a wholesaler in this state to a holder of
a wholesale license in another state shall be only to a wholesaler who is a distributor of the same
brand of malt beverages, vinous beverages, and distilled spirits subject to permission by the state
liquor control administrator. The license shall not authorize the sale of beverages for consumption
on the premises where sold nor the sale of beverages for delivery outside this state in violation of
the law of the place of delivery.
(b) The annual fee for the license is four thousand dollars ($4,000) prorated to the year
ending December 1 in every calendar year, and shall be paid to the division of taxation and turned
over to the general treasurer for the use of the state. Refunds or credits of import fees previously paid on malt beverages, vinous beverages and distilled spirits
shall be made to holders of wholesaler's licenses under this title in accordance with regulations
promulgated by the division of taxation.

3-6-11. Wholesaler's Class C license.
A wholesaler's Class C license authorizes the holder to manufacture, transport, import,
export, deliver, and sell alcohol for mechanical, manufacturing, medicinal, or chemical purposes
only, or to any registered pharmacist, licensed pharmacy, drug store, or apothecary shop, or to
any registered physician or dentist, or to any hospital or educational or scientific institution, for
use other than beverage purposes. The annual fee for the license is two hundred dollars ($200)
and shall be paid to the division of taxation and turned over to the general treasurer for the use of
the state.

3-6-12. Agents' licenses.
Any person who represents a distillery, winery, or brewery is deemed and taken to be
acting as an agent for and on behalf of that distillery, winery, or brewery, and is required to have
received from the department a license to act as an agent. The annual fee for that license is fifty
dollars ($50.00) paid to the division of taxation. The department may, after notice, suspend or
revoke any license for cause.

SECTION 4. Section 3-7-15 of the General Laws in Chapter 3-7 entitled “Retail Licenses” is hereby amended to read as follows:

3-7-15. Class G license.

(a) A Class G retailer's license shall be issued only to any dining car company, sleeping car company, parlor car company, and railroad company operating in this state, or any company operating passenger carrying marine vessels in this state, or any airline operating in this state, and authorizes the holder of the license to keep for sale and to sell in its dining cars, sleeping cars, buffet cars, club cars, lounge cars and any other cars used for the transportation or accommodation of passengers, and in or on any passenger-carrying marine vessel, and in any airplane, beverages for consumption therein or thereon, but only when actually en route.

(b) In addition, the holder of the Class G license for a passenger-carrying marine vessel may serve alcoholic beverages at retail aboard the vessel during the period thirty (30) minutes prior to the scheduled departure and until departure, provided that the local licensing board annually consents.

(c) Each company or airline to which the license is issued shall pay to the department an annual fee of two hundred fifty dollars ($250) for the license, and one dollar ($1.00) for each duplicate of the license, which fees are paid into the state treasury.

(d) The license expires one year from its date and is good throughout the state as a state license, and only one license is required for all cars or airplanes, but a license issued to any company or person operating passenger-carrying marine vessels in this state shall authorize the sale of beverages only in the passenger-carrying marine vessel designated and no further license shall be required or tax levied by any city or town for the privilege of selling beverages for consumption in those cars or on those vessels or in those airplanes. Each licensed dining car company, sleeping car company, and railroad car company shall keep a duplicate of the license posted in each car where beverages are sold. The department shall issue duplicates of the license from time to time upon the request of any licensed company upon the payment of the fee of one dollar ($1.00).

SECTION 5. Sections 5-10-16 and 5-10-33 of General Laws in Chapter 5-10 entitled “Barbers, Hairdressers, Cosmeticians, Manicurists and Estheticians” are hereby repealed.

5-10-16. Application of zoning laws.

The practice of barbering, manicuring and/or hairdressing, and cosmetic therapy shall be considered a business under the zoning laws of the several cities and towns, and licenses are issued only in compliance with the zoning laws of the city or town in which the shop, place of
business, or establishment is located.

5-10-33. Payment of fees.

All fees that are required to be paid under the provisions of this chapter shall be paid to the department of health and deposited as general revenues.

SECTION 6. Sections 5-10-1, 5-10-2, 5-10-4, 5-10-8, 5-10-9, 5-10-9.1, 5-10-10, 5-10-11, 5-10-15, 5-10-23, 5-10-25, 5-10-28, 5-10-32, and 5-10-39 of the General Laws in Chapter 5-10 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 who has held a current license as a barber 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 state board of barbering and hairdressing as provided for in this chapter.

(4) "Department" means the Rhode Island department of health business regulation.

(5) "Division" means the division of professional regulation commercial licensing within the department of health business regulation.

(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 mancizes 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.

5-10-2. Creation of division of professional regulation commercial licensing and board
of barbering and hairdressing – Powers and duties.

(a) Within the department of health business regulation there is a division of professional
regulation commercial licensing 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 provide the division of professional regulation commercial licensing in an advisory capacity advice 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.

5-10-4. 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 business regulation for his or her traveling and other expenses incurred in the performance of his or her duties provided in this chapter.

5-10-8. Issuance of licenses – Qualifications of applicants.

(a) The division shall issue licenses to persons engaged in, or desiring to engage in, the practice of barbering, hairdressing and cosmetic therapy and/or manicuring or esthetics and for instructing in any approved school of barbering or hairdressing and cosmetic therapy and manicuring or esthetics; provided, that no license shall be issued to any person under this chapter unless the applicant for the license:
1. Is at least eighteen (18) years of age;
(2) Is a citizen of the United States of America or has legal entry into the country;

(3) Is of good moral character;

(4) Is a high school graduate or holds the equivalent of prior experience in the practice for which the license is sought;

(5) Has satisfactorily completed the course of instruction in an approved school of barbering, hairdressing and cosmetic therapy and/or manicuring or esthetics;

(6) Has satisfactorily passed a written and a practical examination approved by the division to determine the fitness of the applicant to receive a license; and

(7) Has complied with § 5-10-10 and any other qualifications that the division prescribes by regulation.

(b) Notwithstanding the provision of subdivision (a)(4), on and after July 1, 1997, an applicant seeking licensure as a barber must be a high school graduate or hold the equivalent combination of education and experience.

(c) The division may license, on a case-by-case basis, with or without examination, any individual who has been licensed as an esthetician, barber, cosmetologist, electrologist or manicurist under the laws of another state, which, in the opinion of the division, maintains a standard substantially equivalent to that of the state of Rhode Island.

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) twelve hundred (1,200) 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 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.

(3) 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.

(4) 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 (i), 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.

(5) 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, from 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.

5-10-9.1. License portability.

Notwithstanding any general law, special law, public law, or rule or regulation to the
contrary, any licensed barber, hairdresser, cosmetician, manicurist, or esthetician who operates as
an independent contractor at any "hair-design shop" licensed pursuant to § 5-10-15, shall be
permitted to relocate, without obtaining a new license, to another licensed, hair-design shop once
during the term of their one-year license issued by the department of health business regulation.

5-10-10. Application form – Fee – Expiration and renewal of licenses – Fees.

(a) Applications for licenses under § 5-10-9 shall be made upon any forms that are
prescribed by the division and are accompanied by an application fee established in regulation.
The license of every person licensed under §§ 5-10-8 and 5-10-9 shall expire on the thirtieth
(30th) day of October of every other year following the date of license. This is determined on an
odd-even basis. On or before the first day of September of every year, the administrator of
professional regulation department shall mail an application for provide notice of renewal of
license to people scheduled to be licensed that year on an odd or even basis as to the license
number. Every person who wishes to renew his or her license must file with the administrator of
professional regulation department a renewal application duly executed together with the renewal
fee as set forth in § 23-1-54 by the department. Applications, accompanied by the fee for renewal,
shall be filed with the division on or before the fifteenth (15th) day of October in each renewal
year. Upon receipt of the application and fee, the administrator of professional regulation
department shall grant a renewal license effective October 1st and expiring two (2) years later on
September 30th.

(b) Every person who fails to renew his or her license on or before September 30th
following the date of issuance as provided in subsection (a) of this section may be reinstated by
the division upon payment of the current renewal fee and a late fee as set forth in § 23-1-54 by the
department.

(c) The license shall be on the person at all times while performing the services for which
they are licensed.

5-10-11. Persons licensed in other states.

(a) Any person licensed to practice barbering, hairdressing, and cosmetic therapy and/or
manicuring or esthetics in another state where the requirements are the equivalent of those of this
state is entitled to a license as a barber, hairdresser, and cosmetician and/or manicurist or
esthetician operator upon the acceptance of his or her credentials by the division; provided, that
the state in which that person is licensed extends a similar privilege to licensed barbers,
hairdressers, and cosmetic therapists and/or manicurists or esthetics of this state. If a person
applies for a hairdressing license who was licensed in another state where the requirements are
not equivalent to those of this state, the division shall give to that person one hundred (100) hours
instructional credit for three (3) months that the person was licensed and in actual practice, up to a
limit of five hundred (500) hours, in order for that person to meet the requirements for a
hairdressing license in this state as established under the provisions of §§ 5-10-8 and 5-10-9.

(b) If a person applies for a manicurist or esthetician license and is currently licensed in
another state, that person may be granted a license if he or she passes the written and practical
examinations conducted by the division.

(c) The fee for the application is as set forth in § 23-1-54 by the department; provided,
that the provisions of this chapter shall not be construed as preventing persons who have been
licensed by examination under the laws of other states of the United States or territories and the
District of Columbia from practicing barbering, hairdressing, and cosmetic therapy and/or
manicuring or esthetics in this state for a period of three (3) months; provided, that they apply for
and are licensed in this state within three (3) months from the commencement of their
employment. Nor shall it be construed as prohibiting persons who have been licensed under the
laws of another country or territory from practicing barbering, hairdressing, and cosmetic therapy
and/or manicuring or esthetics in this state; provided, that practice is in conformity with the rules
and regulations of the division; and provided, that in no case shall that practice cover a period of
more than three (3) months from the commencement of that employment.

5-10-15. Licensing of shops.

(a) No shop, place of business or establishment shall be opened or conducted within the
state by any person, association, partnership, corporation, or otherwise for the practice of
barbering, manicuring and/or hairdressing and cosmetic therapy or esthetics until the time that
application for a license to operate that shop, place of business or establishment for the practice of
manicuring and/or hairdressing and cosmetic therapy or esthetics is made, to the division, in the
manner and on the forms that it prescribes, and a license, under the terms and conditions, not
contrary to law, that the division requires shall be granted for it and a license issued.

(1) No licenses shall be granted to any shop, place of business, or establishment for the
practice of hairdressing and cosmetic therapy unless the proprietor or a supervising manager in
the practice of barbering, hairdressing and cosmetic therapy, of the shop, place of business, or
establishment is licensed and has been licensed as a licensed barber or hairdresser and
cosmetician for a period of at least one year immediately prior to the filing of the application for
the license.

(2) No license shall be granted to any shop, place of business, or establishment for the
practice of manicuring or esthetics unless the proprietor or a supervising manager of the
proprietor is licensed and has been licensed as a licensed barber, hairdresser and cosmetician,
manicurist or esthetician for a period of at least one year immediately prior to the filing of the application for the license.

(3) The supervising manager shall be registered with the division as the manager of a licensed shop and shall only be registered to manage one shop at a time. The proprietor of the licensed shop and the manager shall notify the division, in writing, within ten (10) days upon the termination of employment as the manager of the licensed shop. The license of the shop shall expire forty-five (45) days after the division is notified by the proprietor if no new manager is registered with the division as the supervising manager of the shop.

(b) All licenses issued under this section shall terminate on the first day of July following the date of issue. The fee for the license is as set forth in § 23-1-54 by the department.

5-10-23. Fixed place of business.

(a) Except as provided in this section, manicuring, esthetics, barbering and/or hairdressing and cosmetic therapy, as defined in this chapter, shall be practiced only in a shop licensed under § 5-10-15. Nothing contained in this chapter shall be construed to prohibit the practice of barbering, manicuring, and hairdressing and cosmetic therapy and esthetics in the same shop or place of business.

(b) Nothing in this section shall restrict a hairdresser licensed pursuant to this chapter, operating in a licensed nursing service agency, from providing services to an individual who is homebound at their home. For purposes of this section, "homebound" is defined as any person who is considered housebound for purpose of federal Medicare eligibility.

(c) Nothing in this section shall restrict any person licensed pursuant to this chapter from providing services to an individual who is homebound at their home as verified by a licensed health care professional.

(d) Nothing in this section shall restrict or prohibit any person licensed pursuant to this chapter from providing services to an individual residing in any Department of Housing and Urban Development (H.U.D.) recognized housing for the elderly in the H.U.D. recognized housing in which the individual resides. Those services shall be provided in a separate room inspected by the department of health business regulation. Students enrolled in programs of hairdressing, barbering and/or cosmetology are prohibited in H.U.D. recognized housing.

(e) Nothing in this section shall restrict or prohibit any person licensed pursuant to this chapter from providing services to an individual outside a licensed shop as part of a special occasion event, such as a wedding or prom, so long as those services are limited to hair styling and makeup, and the health and sanitation standards expected of licensees in licensed shops are followed.
5-10-25. Inspection powers of the division – Denial of access.

Any person employed, authorized and empowered by the division of professional regulation may enter any shop, place of business, or establishment licensed under the provisions of this chapter during the hours the shop, place of business, establishment, or school of barbering, manicuring, or hairdressing and cosmetic therapy is open for business, for the purpose of inspecting its sanitary conditions and ascertaining if the provisions of this chapter and the rules and regulations for the practice of barbering, hairdressing, and cosmetic therapy as established by the division are being observed in the operation of that shop or place of business, and failure or refusal of the person in charge of that shop, place of business, establishment, or school to permit inspection at all reasonable times is deemed sufficient cause for the revocation of any license issued to that shop, place of business, or establishment and any certificate of approval issued by the division.

5-10-28. Appeals.

Any person aggrieved by any decision or ruling of the division may appeal it 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 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.

5-10-32. 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, and 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 finds that any of the provisions of this chapter have been violated, it shall immediately institute any criminal prosecution that the violation warrants.

5-10-39. 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 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 by the department.

SECTION 7. Section 5-25-10 of the General Laws in Chapter 5-25 entitled “Veterinary Practice” is hereby amended to read as follows:

5-25-10. Qualifications for licensure.

Any applicant for licensure shall submit to the department written evidence on forms furnished by the department verified by oath that the applicant meets all of the following requirements:

(1) Is a graduate of a school or college of veterinary medicine recognized and accredited by the American Veterinary Medical Association and by the department or certification by the Educational Council for Foreign Veterinary Graduates;

(2) Pays an application fee as set forth in § 23-1-54 at the time of submitting the application, which, in no case is returned to the applicant;

(3) Is of good moral character, evidenced in the manner prescribed by the department;

and

(4) Complies with any other qualifications that the department prescribes by regulation;

and

(5) Comply with the continuing education requirements adopted by the department.

SECTION 8. Section 5-30-6 of the General Laws in Chapter 5-30 entitled “Chiropractic Physicians” is hereby amended to read 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 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 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 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 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.

SECTION 9. Sections 5-26-2 and 5-26-3 of the General Laws in Chapter 5-26 entitled “Division of Profession Regulation” are hereby amended to read as follows:

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 40, 29, 30, (except as provided in § 5-30-1.1), 32, 33, 34, 35, 40, and 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.

SECTION 10. Sections 5-32-2, 5-32-3, 5-32-4, 5-32-6, 5-32-7, 5-32-9, 5-32-11, 5-32-12, 5-32-13, 5-32-19 and 5-32-20 of the General Laws in Chapter 5-32 entitled “Electrolysis” are hereby amended to read as follows:


Every person who subsequently engages in the practice of electrolysis in this state without being licensed by the 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 violation.

5-32-3. Certificates – Applications – Penalty for violations.

The division of professional regulation commercial licensing of the department of health business regulation 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 department, 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 by the department of business regulation. 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 § 5-32-20, 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 they serve 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 Business Regulation.


(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 commercial licensing of the department of health business regulation. 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 an authorized person 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 by the department for each renewal.

5-32-7. Certification of licensees from other states.
Any person licensed to practice electrolysis in any other state or states, who is, or in good faith intends to become, a resident of this state, where the requirements are the equivalent of those of this state and who meets the requirements of this chapter shall be entitled to take that examination and, if he or she passes that examination, shall be, upon the payment of a fee as set forth in § 23-1-54 by the department of business regulation, entitled to be licensed under the provisions of this chapter.

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 commercial licensing of the department of health business regulation 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 commercial licensing of the department of health business regulation 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 to the extent it impairs the licensee’s ability to engage in the practice of his or her profession.
(8) Violations of any of the rules or regulations of the state department of health-business regulation, 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) 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 and afforded an opportunity for hearing in accordance with the Administrative Procedures Act, chapter 35 of title 42. 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 commercial licensing of the department of health-business regulation 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 provide 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 division of professional regulation commercial licensing of the department of health-business regulation may appeal that decision to the superior court in the manner provided in the Administrative Procedures Act, chapter 35 of title 42.


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 of the department of health.


The division of professional regulation commercial licensing of the department of health business regulation shall keep a register in which record of the names of all persons serving apprenticeships licensed under this chapter shall be recorded. This register is open to public inspection.


(a) A person, in order to qualify as an instructor or teacher of electrolysis to apprentices,
(1) Have been actively engaged as a licensed practitioner of electrolysis for at least five
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
commercial licensing of the department of health business regulation shall issue a license to the
person upon the payment of a fee as set forth in § 22-1-54 by the department.
(c) A qualified licensed electrologist shall not register more than one apprentice for each
nine-month (9) training period.
SECTION 11. Sections 5-33.2-1, 5-33.2-2, 5-33.2-3, 5-33.2-5, 5-33.2-12, 5-33.2-13, 5-
33.2-13.1, 5-33.2-13.2, 5-33.2-15, 5-33.2-16, 5-33.2-18, 5-33.2-19, 5-33.2-20 and 5-33.2-22 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 state board of funeral directors/embalmers.
(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 business regulation.
(4) “Division” means the division of professional regulation commercial licensing created
under chapter 26 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.

5-33.2-2. 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 business regulation may remove any member of the board for cause. Vacancies are filled pursuant to § 5-26-4 by the director of the department.

5-33.2-3. Rules and regulations.

The director of the department of health business regulation has the power to adopt any rules and regulations not inconsistent with law, which he or she deems necessary, in carrying out the purposes of this chapter and for the prevention of and transmission of disease.

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, an application for a license. That application shall be accompanied by a fee set by the department of health business regulation.

5-33.2-12. Funeral establishment and branch offices licenses.

(a) No person, association, partnership, corporation, limited liability company or otherwise, shall conduct, maintain, manage, or operate a funeral establishment or branch office unless a license for each funeral establishment and branch office has been issued by the department and is conspicuously displayed. In the case of funeral services conducted under the license of a funeral establishment held in any private residence, public building or church, no separate establishment license shall be required. A licensed funeral establishment must be distinct and separate from other non-funeral service related activity for which it is licensed. No license to operate a funeral establishment shall be issued by the department unless the applicant for the funeral establishment license has registered with the department a licensed funeral director/embalmer who shall be in charge as the funeral director of record. The branch office of a funeral establishment must have a separate branch office establishment license but not a separate
funeral director of record. One branch office shall be allowed to operate under the funeral
establishment license, and this one branch office may be permitted to operate without a
preparation room. Applications for the funeral establishment license and branch office shall be
made on forms furnished by the division accompanied by the application fees as set forth in § 22.
4-34 by the department. Upon receipt of a completed application and the recommendation of the
board, the division shall issue a license. All funeral establishment and branch office licenses shall
expire on the thirty-first day of December of each year, unless sooner suspended or revoked. A
license shall be issued to a specific licensee for a specific location and is not transferable. The
funeral establishment licensee shall notify the division, in writing, delivered in person or by
certified mail, within ten (10) days from the date of termination of employment, for any cause, of
the funeral director/embalmer of record with the division for the funeral establishment. The
license of the funeral establishment shall expire forty-five (45) days from the date the division
was notified by the licensee, if no new funeral director/embalmer is registered with the division.
No funeral services shall be conducted at the funeral establishment without a funeral
director/embalmer being registered with the division as the funeral director of record for that
funeral establishment. Two (2) licensed funeral directors may operate jointly at one location if
one of their existing funeral establishments closes its place of business and joins an existing
licensed funeral establishment. Each firm will hold its own separate establishment license. One
cannot operate a branch office by invoking this section. Human dead remains shall not be held
more than forty-eight (48) hours without embalming or without refrigeration for the purpose of
maintaining public health. A funeral establishment must at the minimum contain a preparation
room equipped with tile, cement, or composition floor, necessary drainage and ventilation, and
containing necessary instruments and supplies for the preparation and embalming of dead human
remains for burial, transportation, or other disposition.

(b) Any person who inherits any ownership interest to a funeral establishment may
continue to conduct the business of that establishment as their ownership interest would allow
upon the following:

(1) Filing with the division a statement of change of fact concerning that inheritance.

(2) Conducting the business of the establishment in compliance with all the requirements
of this chapter.

5-33.2-13. Funeral establishment and branch officer – Crematories – Inspections –
Denial of access.

(a) Any licensed funeral director/embalmer employed, authorized and empowered by the
division of professional regulation commercial licensing may enter any funeral establishment,
funeral establishment branch office or crematory licensed under the provisions of this chapter, during the hours the funeral establishment, funeral establishment branch office or crematory is open for business, for the purpose of inspecting the sanitary conditions, complaint investigations, and ascertaining if the provisions of this chapter and the rules and regulations are being observed in the operation of the funeral establishment, funeral establishment branch office or crematory. The inspector may request permission from the department to be accompanied by another employee of the department of health prior to an inspection. Failure or refusal of the person in charge of that funeral establishment, funeral establishment branch office or crematory to permit the inspection at all reasonable times shall be deemed sufficient cause for the revocation of any license issued to the funeral establishment, funeral establishment branch office or crematory and any certificate of approval issued by the division.

(b) Funeral establishments and branch offices and crematories licensed under the provisions of this chapter shall be inspected at least twice once each year. Inspections shall include all areas of sanitation and public health, complaint investigations, as well as conformity with applicable section of this chapter and the rules and regulations.


No crematory owned or operated by or located on property licensed as a funeral establishment or at another location or by a cemetery shall conduct cremations without first having applied for and obtained a license from the department. Applications for the crematory license shall be made on forms furnished by the division accompanied by the application fee as set forth in § 23-1-54 by the department. Upon receipt of a completed application, the department shall issue a license. A license shall be issued to a specific licensee for a specific location and is not transferable. The facility and licensee shall meet all requirements as prescribed by the rules and regulations established by the department, not inconsistent with this chapter.

5-33.2-13.2. Cremation of human remains.

(a)(1) Cremation shall not take place until the necessary permits and consents are issued pursuant to § 23-3-18.

(2) A crematory shall not take custody of unidentified human remains.

(3) Human remains designated for cremation shall be cremated without unreasonable delay.

(4) When the crematory is unable to cremate the human remains immediately upon taking custody, the crematory shall provide a holding facility that complies with any applicable public health law that preserves the dignity of the human remains.

(5) Holding facilities must be secure from access by all unauthorized persons;
(6) A crematory shall not simultaneously cremate more than one human remain within the same cremation chamber. The processing, packaging, storage and disposition of cremated remains shall be as prescribed in the rules and regulations promulgated by the department of health, business regulation division of professional regulation, commercial licensing.

(7) A crematory or funeral home shall be authorized to dispose of the cremated remains which have been abandoned at the crematory or funeral home for more than six (6) months. All reasonable attempts must be made and diligence exercised to contact the person in charge who authorized the cremation.

(b) This section does not apply to the cremation of various body parts from different human bodies.

5-33.2-15. Annual renewal of licenses.

All licenses issued under the provisions of this chapter must be renewed annually by their holders, who shall pay to the division a yearly renewal fee for the renewal of a funeral director/embalmer's license, and additional fees for each funeral establishment branch office license and for the crematory license. These fees are as set forth in § 23-1-54 by the department. On or before the fifteenth day of November in each year, the division shall mail to notify each licensed funeral director/embalmer and to each licensed funeral establishment, funeral establishment branch office and crematory an application for the renewal of their obligation to renew. Applications, accompanied by the fee for renewal, shall be filed with the division on or before the thirty-first day of December in each year. Applications filed after the thirty-first of December and on or before the fifteenth of January must be accompanied by a late fee as set forth in § 23-1-54 by the department for funeral director/embalmers and funeral establishments in addition to the previously established renewal fees. Any funeral director/embalmer who acts or holds himself or herself out as a funeral director/embalmer after his or her certificate has been lapsed shall be punished as provided in this chapter. Any funeral establishment, funeral establishment branch office or crematory who acts or holds itself out as a funeral establishment after its license has lapsed shall be punished as provided in this chapter.

5-33.2-16. Funeral director/Embalmer – Internship.

(a) Nothing in this chapter shall be construed as prohibiting any person from serving as a funeral director/embalmer intern. Before an internship begins the person desiring to become an intern shall register with the division on any forms that it prescribes. No person under the age of eighteen (18) years shall be permitted to register as an intern. The division may make any rules and regulations that it deems advisable for the supervision of interns. All persons registering as an intern shall pay a fee as set forth in § 23-1-54 by the department at the time of the registration.
That intern is not permitted to advertise or hold himself or herself out to the public as a registered funeral director/embalmer. The term of internship shall be not less than one year; provided, that if an intern after having served his or her internship fails to pass the examination for a funeral director/embalmer's license or fails to embalm fifty (50) human remains during their internship, he or she may continue their internship. The total term of internship must be completed within five (5) years from the date of original registration.

(b) The intern must have assisted in embalming at least fifty (50) bodies if the period for registered internship is to be satisfied in one year. If the internship is for more than one year, the applicant must embalm at least twenty-five (25) bodies for each year of their internship. Each licensed funeral establishment embalming up to one hundred fifty (150) human remains per year shall be allowed to register one intern at one time. Each establishment embalming more than one hundred fifty (150) but less than three hundred (300) human remains per year shall be allowed to register two (2) interns at one time. Each establishment embalming three hundred (300) or more human remains per year shall be allowed to register three (3) interns at one time.

5-33.2-18. Summons of witnesses.

The division department has power by its administrator to summon any person to appear as a witness and testify at any hearing of the division under the provisions of this chapter and to examine and to administer oaths to those witnesses.

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 35 of title 42, "Administrative Procedures Act." The division shall be considered a person for the purposes of this section.

5-33.2-20. Restricted receipts accounts for fees.

All the proceeds of any fees collected pursuant to the provisions of this chapter, shall be placed in a restricted receipts accounts, which is used for the general purposes of the division of professional regulation commercial licensing with the department of health Business Regulation.

5-33.2-22. Complaints of violations.

(a) Complaints for violation of the provisions of this chapter or of any lawful rules or regulation made under this chapter by the division may be made by the administrator of the division or by any person authorized by the administrator or a member of the public, who shall be exempt from giving surety for costs on that complaint.
(b) All complaints filed with the division charging a person or establishment with having been guilty of any actions specified in this chapter or the rules and regulations must be sworn and notarized. Complaints for violation of the provisions of this chapter or of any lawful rules or regulation made under this chapter by the division may be made by the administrator or a member of the public, who shall be exempt from giving surety for costs on that complaint.

SECTION 12. Sections 5-35.2-1, 5-35.2-2, 5-35.2-3, 5-35.2-4, 5-35.2-6, 5-35.2-11 and 5-35.2-12 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) "Advisory committee" means the advisory committee of opticianry as established herein.

(2) "Department" means the department of health business regulation.

(3) "Director" means the director of the department of health business regulation.

(4) "Optician" means a person licensed in this state to practice opticianry pursuant to the provisions of this chapter.

(5) "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.

5-35.2-2. Qualification of optician applicants.

(a) Every applicant for licensure shall present satisfactory evidence, in the form of affidavits properly sworn to, that he or she:

(1) Is of good moral character; and

(2) Has graduated from a two (2) year school of opticianry approved by the New England Association of Schools and Colleges or an equivalent regional accrediting authority or other accrediting authority as may be approved by the department with consultation from the advisory
committee; and

(3) Has successfully passed the national opticianry competency examination or any other
written examination approved by the department with consultation from the advisory committee;
and

(4) Has successfully passed a practical examination approved by the department with
consultation from the advisory committee.

(b) Every applicant for licensure who is or has been licensed in an alternate jurisdiction
shall present satisfactory evidence in the form of affidavits properly sworn to that he or she:

(1) Is of good moral character; and

(2) Has graduated from high school; and

(3) Has graduated from a two (2) year school of opticianry approved by the New England
Association of Schools and Colleges or an equivalent regional accrediting authority or other
accrediting authority as may be approved by the department with consultation from the advisory
committee; or has successfully completed a two (2) year opticianry apprenticeship program; and

(4) Has held a valid license to practice opticianry in another state for at least one year and
was in good standing during that time; and

(5) Has practiced opticianry in this or any other state for a period of not less than one
year; and

(6) Has successfully passed the national opticianry competency examination or any other
written examination approved by the department with consultation from the advisory committee;
and

(7) Has successfully passed a practical exam approved by the department with
consultation from the advisory committee.

5-35.2-3. Optician's biennial license fee.

Every applicant shall pay to the department a fee as set forth in § 23-1-54 by the
department which shall accompany his or her application for a license. No one shall be permitted
to practice opticianry without a valid license.

5-35.2-4. Advertising by opticians.

This division of professional regulation commercial licensing, 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.

5-35.2-6. Freedom of choice for eye care.

Where the contracts call for the expenditure of public or private funds involving
Medicaid and Rite Care, Medicare, or supplemental coverage for any purpose relating to
eyewear, and as it pertains to opticianry, the distribution, dispensing, filling, duplication and
fabrication of eyeglasses or optical prosthesis by opticians as defined in § 5-35.1-1, 5-35.2-1.
those health plans or contracts are required to notify by publication in a public newspaper
published within and circulated and distributed throughout the state of Rhode Island, to all
providers, including, but not limited to, opticians, within the health plan's or contract's geographic
service area, of the opportunity to apply for credentials, and there is no discrimination as to the
rate or reimbursement for health care provided by an optician for similar services as rendered by
other professions pursuant to this section. Nothing contained in the chapter shall require health
plans to contract with any particular class of providers.


(a) No person shall distribute, sell, or delivery any eyeglasses or sunglasses unless those
eyeglasses or sunglasses are fitted with heat-treated glass lenses, plastic lenses, laminated lenses,
or lenses made impact resistant by other methods. The provisions of this subsection do not apply
if a physician or optometrist, having found that those lenses will not fulfill the visual
requirements of a particular patient, directs, in writing, the use of other lenses and gives written
notification to the patient. Before they are mounted in frames, all impact-resistant eyeglasses and
sunglass lenses, except plastic lenses, laminated lenses, and raised ledge multifocal lenses must
withstand an impact test of a steel ball five-eighths (5/8) of an inch in diameter weighing
approximately fifty-six hundredths of an ounce (0.56 oz) dropped from a height of fifty inches
(50”). Raised ledge multifocal lenses are capable of withstanding the impact test but do not need
to be tested beyond initial design testing. To demonstrate that all plastic lenses and laminated
lenses are capable of withstanding the impact test, the manufacturer of the lenses shall subject to
the impact test a statistically significant sampling of lenses from each production batch, and the
tested lenses are representative of the finished forms as worn by the wearer. Plastic prescription
and plastic non-prescription lenses, tested on the basis of statistical significance, may be tested in
uncut finished or semi-finished form at the point of original manufacture.

(b) Any person convicted of violating the provisions of this section shall be
punished by a fine of not less than five hundred dollars ($500) for each violation.

5-35.2-12. Penalty for violations.

Any person who violates the provisions of this chapter shall be punished by a fine or not
more than two hundred dollars ($200) or shall be imprisoned for not more than three (3) months
for each offense violation.

SECTION 13. Sections 5-48-1, 5-48-2, 5-48-3 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) "Board" means the state board of examiners for speech language pathology and audiology.

(4) "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.

(5) "Department" means the Rhode Island department of health business regulation.

(6) "Director" means the director of the Rhode Island department of health business regulation.

(7) "Person" means an individual, partnership, organization, or corporation, except that only individuals can be licensed under this chapter.

(8)(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.

(9)(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.

(10) "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.

(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).

5-48-2. Board of examiners – Composition – Appointments, terms and qualifications of members.

(a) There exists within the department of health business regulation 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.


(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.

(i) 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.


(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 by the department 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 by the department.

(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 by the department made payable by check to the general treasurer of the state of Rhode Island; and
(2) Any other information that the board may request.

SECTION 14. Sections 5-49-1, 5-49-2.1, 5-49-2.2, 5-49-2.3, 5-49-3, 5-49-6, 5-49-8, 5-49-10, 5-49-11, 5-49-12, 5-49-17 and 5-49-19 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 board of hearing aid dealers and fitters.

(3) "Department" means the department of health, business regulation.

(4) "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.

(5) "License" means a license issued by the state under this chapter to hearing aid dealers and fitters.

(6) "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.

(7) "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.

(8) "Temporary permit" means a permit issued while the applicant is in training to become a licensed hearing aid dealer and fitter.

**5-49-2.1. Certificates of need.**

(a) No person, firm, association, or corporation shall sell or attempt to sell, or make available, any hearing aid instrument or hearing prosthetic device to a prospective consumer or purchaser, unless that consumer or purchaser has first obtained and presented to the seller a certificate of need on forms prescribed and furnished by the director of the department of health, business regulation.

(b) The certificate shall be signed by a physician licensed in the state under the provisions of chapter 37 of this title and attest that, pursuant to an otological examination, it is his or her diagnosis that the prospective patient-purchaser has a hearing impediment of a nature as to indicate the need for a hearing aid instrument or hearing prosthetic device.
5-49-2.2. Records of transactions.

(a) Every person, firm, association, or corporation shall keep a permanent record of all sales or other transactions where a hearing aid instrument or hearing prosthetic device is made available.

(b) Each record of a transaction shall have attached to it the certificate of need presented by the prospective purchaser.

(c) Each record of a transaction shall be retained for a period of five (5) years, and shall be kept open for inspection by any official designated by the director of the department of health business regulation.

5-49-2.3. Penalty for violations of Sections 5-49-2.1 and 5-49-2.2.

Any person, firm, association, or corporation who sells or attempts to sell, or makes available, a hearing aid instrument or hearing prosthetic device without a certificate of need, and/or fails to keep records as prescribed in § 5-49-2.2, and any physician who issues a certificate of need not in conformance with Section 5-49-2.1, is guilty of a misdemeanor and, upon conviction, shall be fined not more than five hundred dollars ($500) for each offense violation.

Each violation of a provision of this chapter shall constitute a separate offense.

5-49-3. Receipt required to be furnished to a person supplied with hearing aid.

(a) Any person who practices the fitting and sale of hearing aids shall deliver to each person supplied with a hearing aid a receipt, which shall contain the licensee’s signature and show his or her business address and the number of his or her certificate, together with specifications as to the make and model of the hearing aid furnished, and the full terms of sale clearly stated. If a hearing aid which is not new is sold, the receipt and the container shall be clearly marked as “used” or “reconditioned” whichever is applicable, with terms of guarantee, if any.

(b) The receipt shall bear in no smaller type than the largest used in the body copy portion the following: "The purchaser has been advised at the outset of his or her relationship with the hearing aid dealer that any examination(s) or representation(s) made by a licensed hearing aid dealer and fitter in connection with the fitting and selling of this hearing aid(s) is not an examination, diagnosis, or prescription by a person licensed to practice medicine in this state and therefore must not be regarded as medical opinion or advice."

(c) The receipt, covering agreements consummated at any place other than at an address of the seller, shall contain the following statement: "You may cancel this agreement if it has been consummated by a party at any place other than at a business address of the seller by a written notice directed to a business address of the seller by certified mail, registered mail, telegram, or delivery, not later than midnight of the third business day following the signing of the
agreement."

d) The receipt shall contain language that verifies that the client has been informed about the benefits of audio switch technology, including increased access to telephones and assistive listening systems required under the "American with Disabilities Act of 1990", and section 504 of the Rehabilitation Act of 1973. The client shall be informed that an audio switch is also referred to as a telecoil, t-coil or t-switch.

e) The receipt shall contain language that informs the client about the Rhode Island adaptive telephone equipment loan program committee established by chapter 39-23 that provides assistive communications devices to residents of this state who have hearing loss and about the Rhode Island commission on the deaf and hard of hearing established by chapter 23-1.8 that provides resources related to hearing loss.

f) Any person engaging in the fitting and sale of hearing aids will, when dealing with a child ten (10) years of age or under, ascertain whether the child has been examined by an otolaryngologist, or primary care physician and an audiologist for his or her recommendation within ninety (90) days prior to the fitting. If that is not the case, a recommendation to do so must be made, and this examination must be conducted before the sale of any hearing aid.

(g) Prior to delivery of services or products to the prospective purchaser, a licensee shall provide discussion of amplification or aural rehabilitation options appropriate to the hearing loss and communication needs presented by the patient.

(h) A licensee delivers information, either written or oral, appropriate to the patient's needs and options under discussion, including, but not limited to, types of circuitry, telecoils, or programmability, and if applicable, estimated unit prices for the following service, hearing aid(s), accessories, service contracts, hearing aid (loss and damage) insurance, health care coverage, warranty, financing, and related goods and services.

(i) At the time of delivery of selected amplification, the dispenser shall deliver a written delivery receipt containing the following:

1. Business name, full address, and department of health/license number of the dispenser;

2. Name, full address of patient and purchaser;

3. The instrument identification including manufacturer, model, serial number;

4. Identification of used or reconditioned units;

5. The total price and applicable warranty time periods of instrumentation and accessories such as earmolds, batteries, cords, etc.;

6. Any additional insurance that has been placed on the instrument;
(7) All services included by the dispenser program as part of the complete amplification package, i.e. follow-up visits, or reprogramming visits in the event the instrument is programmable;

(8) A notice conspicuously in type that is at least four (4) points larger than the surrounding text: "A hearing aid will not restore normal hearing. The purchaser has a thirty (30) day trial period during which time the purchaser may return the instrument, in the original condition less normal wear, with no further financial obligation. This product is protected by chapter 45 of title 6 entitled "Enforcement of Assistive Technology Warranties", which shall be made available by the dispenser, upon request". The purchaser has access to the dispenser during the trial period, in order to receive appropriate follow-up monitoring, i.e. modification, adjustment, reprogramming, or shell refit, in order to optimize comfort and instrument benefit. The trial period may be extended beyond thirty (30) days if agreed to, in writing, by the dispenser and the consumer.

(9) All professional and service fees shall be clearly stated in the contract. Refund shall be made to the customer within ten (10) days of return;

(10) Signature of dispenser and name in print;

(11) Signature of patient;

(12) Date of purchase; and

(13) Department of health license number.

(14) Language that verifies that the client has been informed of subsections 5-49-3(d) and (e).

5-49-6. Issuance of licenses and certificates of endorsement.

(a) The 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 by the department of a fee per annum for each year of the term of license, the 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 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 by the department.

(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.

5-49-8. Temporary permits.

(a) An applicant who fulfills the requirements regarding age, character, education, and health as provided in § 5-49-7, may obtain a temporary permit upon application to the department. Previous experience or a waiting period shall not be required to obtain a temporary permit.

(b) Upon receiving an application as provided under this section, and accompanied by a fee as set forth in § 23-1-54 by the department, the department shall issue a temporary permit which entitles the applicant to engage in the fitting and sale of hearing aids for a period of one year.

(c) A person holding a valid hearing aid dealer's and fitter's license is responsible for the supervision and training of that applicant and maintain adequate personal contact.

(d) If a person who holds a temporary permit under this section has not successfully passed the licensing examination within one year from the date of issuance of the permit, the temporary permit may be renewed or reissued once upon payment of a fee as set forth in § 23-1-54 by the department.

5-49-10. Notice to department of place of business – Notice to holders of license.

(a) A person who holds a license shall notify the department, in writing, of the regular address of the place or places where he or she engages or intends to engage in the fitting or the sale of hearing aids.

(b) The department shall keep a record of the place of business of licensees.

(c) Any notice required to be given by the department to a person who holds a license shall be mailed to him or her by certified mail, at the address of the last place of business which he or she has provided the department.


(a) The department shall promulgate rules and regulations mandating the term of license for each category of license issued pursuant to this chapter. No license shall remain in force for a period in excess of two (2) years.
(1) Each person who engages in the fitting and sale of hearing aids shall pay to the department a per annum fee, as set forth in § 23-1-54 by the department per annum for each year of the term of license, for a renewal of his or her license.

(2) The renewal certificate shall be conspicuously posted in his or her office or place of business at all times.

(3) Where more than one office is operated by the licensee, duplicate certificates shall be issued by the department for posting in each location.

(b) A thirty (30) day grace period shall be allowed during which time licenses may be renewed on payment of a per annum fee to the department as set forth in § 23-1-54 by the department per annum for each year of the term of renewal.

(c) After expiration of the grace period, the department may renew those certificates upon payment to the department of a per annum fee as set forth in § 23-1-54 by the department per annum for each year of the term of renewal.

(d) The total fee for the entire term of license or renewal shall be paid prior to the issuance of the license.

(e) No person who applies for renewal, whose license has expired, shall be required to submit to any examination as a condition to renewal; provided, that the renewal application is made within two (2) years from the date of that expiration.

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 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 certified 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

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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) Appeals from suspension or revocation may be made 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 to the extent it impairs the licensee’s ability to engage in the
practice of his or her profession.

(vii) Gross immorality.

Permitting another’s use of a license.

Advertising a manufacturer's product or using a manufacturer's name or
trademark which implies a relationship with the manufacturer that does not exist.

(ii) 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.

5-49-17. Board – Meetings.

The board shall meet not less than six (6) times each year on the call of the chairperson or
at the written request of any three (3) members of the board 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.


Violation of any provisions of this chapter shall be punishable, upon conviction, by a fine
of not more than five hundred dollars ($500) or by imprisonment for not more than ninety (90)
days, or both for each violation.

SECTION 15. Sections 5-60-2, 5-60-4 and 5-60-11 of the General Laws in Chapter 5-60
titled “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 Rhode Island board of athletic trainers established under § 5-60-4.
(3) "Department of health business regulation" 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 business regulation.

5-60-4. Board – Composition – Appointment, terms, oaths, and removal of members – Officers – Meetings.

(a) The director of the department of health business Regulation, 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.

5-60-11. 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 by the department. Any person allowing
their license to lapse shall pay a late fee as set forth in § 23-1-54 by the department.

SECTION 16. Sections 5-71-3, 5-71-4, 5-71-5, 5-71-6, 5-71-8, 5-71-9 and 5-71-13 of the
General Laws in Chapter 5-71 entitled “Licensure of Interpreters for the Deaf” are hereby
amended to read as follows:

5-71-3. Definitions.
(1) "Board" means the state board of examiners for interpreters for the deaf.
(2) "Certified" means any individual 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) "Certified deaf interpreter", "deaf interpreter", or "deaf intermediary interpreter"
means any individual who is deaf or hard of hearing and who is a certified member of the
Registry of Interpreters for the Deaf, Inc. (RID) or its successor agency approved by the
department in consultation with the board.
(4) "Consumer" is an individual who is deaf, deaf-blind, hard of hearing, hearing, or an
individual with a disability who does not share a common means of communication. This may
include, without limitation, American Sign Language (ASL), visual, gestural, auditory, and tactile
made of communication.
(5) "Department" means the Rhode Island department of health business regulation.
(6) "Director" means the director of the department of business regulation.

(7) "Educational Interpreter" means an individual who has specialized certification (elementary and secondary education for grades kindergarten (K) through twelve (12)) and is a certified member of RID or its successor agency approved by the department in consultation with the board in the provision of sign language interpreting to students who are deaf, hard of hearing, or deaf-blind in grades preschool through twelve (12).

(8) "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 as set forth in regulations promulgated by the department.

(9) "Interpreter" means any person who engages in the practice of interpreting as defined in subdivisions (10), (11), (14), and (15).

(10) "Interpreting" means conveying spoken English into American Sign Language (ASL), or conveying American Sign Language into English, or interpreting English to and/or from a visual gestural system.

(11) "Intermediary interpreting" means interpreting services rendered by a deaf person to facilitate communication between another deaf person and a licensed interpreter.

(12) "Screened interpreter" 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.

(13) "Screened deaf interpreter" means any person who is deaf or hard of hearing and 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.

(14) "Transliterating" means conveying spoken English into manually coded English, 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 (e.g. oral transliterating, or any auditory communication as a visual form in English such as cued speech).

(15) "Deaf-blind interpreting" means linguistic information through sign language acquired by individuals who are deaf-blind through their preferred methods depending on the causes of their combined vision and hearing loss, their background, and their education, such as close-vision interpreting and tactile interpreting, while spoken language is conveyed into sign language (e.g. ASL), and sign language (ASL) is conveyed into spoken language.

5-71-4. Board of examiners – Creation – Compensation – Appointment, terms and qualifications of members.
(a) There shall exist within the state department of health, Business Regulation 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 (3) 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 § 23-1.8-1. 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, administer oaths, and investigate persons engaging in practices that 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 those 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 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 often as necessary to for the transaction of any business within the jurisdiction of the board, 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 board, approved by the department, and shall include instruction in the subject areas of this chapter, and chapter 46 of title 42, chapter 14 of title 36, and chapter 2 of title 3, and the board’s rules and regulations. The director of the department of health shall, within ninety (90) days, prepare and disseminate training materials relating to the provisions of chapter 46 of title 42, chapter 14 of title 36, and chapter 2 of title 38.

(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 5.71.50; 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 health 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 shall be deemed and authenticated by that seal, and shall be evidence in all courts of this state.

5-71-8. Qualifications of applicants for licenses.

(a) To be eligible for licensure by the board as an interpreter for the deaf or transliterator, 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 screened requirements as defined in regulations promulgated by the department or meets the certification requirements set forth by RID or its successor agency approved by the department in consultation with the board;
3. Pays the department a license fee as set forth in § 23-1-54 by the department;
4. Adheres to the National Association of the Deaf (NAD) and the Registry of Interpreters for the Deaf, Inc., (RID) code of professional conduct; and
5. Provides verification of a background check with the bureau of criminal investigation in the office of attorney general at the time of the initial application for license.

(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 board, at a performance level established by the board.

(c) An individual whose license, certification, permit, or equivalent form of permission issued within another state has been revoked, suspended, or currently placed on probation shall not be eligible for consideration for licensure unless they have first disclosed to the department about such disciplinary actions.

5-71-9. Licensure and regulations of interpreters for the deaf.

(a) Licensure shall be granted when a person meets the certification requirements as defined in regulations promulgated by the department. A person only needs one license under "certified" or "screened" if he or she is qualified as defined in § 5-71-8(a) and recognized by the RID and the NAD or its successor agency approved by the department in consultation with the board as outlined in § 5-71-3.

(b) No person shall practice or hold him or herself out as being able to practice
interpreting, educational interpreting, or intermediary interpreting as defined in § 5-71-3 unless he or she shall be licensed in accordance with the provisions of this chapter. No person shall hold himself or herself out as being an educational interpreter as defined in § 5-71-3 unless he or she is licensed in accordance with the provisions of this chapter.

(c) All licensed interpreters upon commencing to practice, and upon any change in address, shall promptly notify the department of said change in home or office address and shall furnish any other information to the department that it may require. All licensed interpreters shall annually, before July 1st, pay the department a license renewal fee, as set forth in § 23-1-54 by the department, for each license. The department may suspend the authority of any licensed interpreter to practice for failure to comply with any of the requirements of this chapter or the regulations promulgated thereunder. The department makes available for public inspection a complete list of the names of all interpreters licensed and practicing in the state.

(d) Three (3) types of licensure may be issued to interpreters:

(1) A certified license shall be granted to interpreters who have met the certification requirements as set forth in regulations promulgated by the department. The two (2) licenses under "certified" are called "certified interpreter" and "certified deaf interpreter";

(2) A screened license of limited duration determined by the board shall be granted to interpreters who have met the educational requirements as set forth in regulations promulgated by the department and who have successfully completed a recognized state screening or state equivalent as determined by the department in consultation with the board. The two (2) licenses under "screened" are called "screened interpreter" and "screened deaf interpreter";

(3) An educational interpreter license may be granted to interpreters who meet the requirements of § 5-71-8(b). This license is called "educational interpreter".

(e) All certified licensed interpreters shall be required to complete continuing education as set forth by RID or its successor agency approved by the department in consultation with the board. All licensed screened interpreters shall be required to complete continuing education as set forth in the regulations promulgated by the department.

5-71-13. Grounds for suspension or revocation of licenses.

(a) The board may recommend to the director of the department of health—business regulation 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 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;

(3) Being guilty of unprofessional conduct as defined by the rules established by the department in consultation with the board, and/or violating 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 § 5-71-9(e), 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.

(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 § 5-71-10 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.

SECTION 17. Section 5-34-10 of the General Laws in Chapter 5-34 entitled “Nurses” is hereby amended to read as follows:

5-34-10. Qualifications of professional nurse applicants.

An applicant for licensure to practice as a professional nurse shall submit to the board written evidence on forms furnished by the division of professional regulation, verified by oath, that the applicant:

(1) Has completed at least an approved high school course of study or the equivalent supported by diploma or certificate of the course of study as determined by the rules and regulations of the state board of education;

(2) Has successfully completed the prescribed curriculum in an approved basic professional nursing education program and holds a diploma from the program; and

(3) Is of good moral character.

SECTION 18. Section 5-35.1-3 of the General Laws in Chapter 5-35.1 entitled “Optometrists” is hereby amended to read as follows:

5-35.1-3. Application for examination and license.

Every person desiring to be licensed to practice optometry as provided in this chapter
shall file with the department, in the form prescribed by the department, an application, verified by oath, presenting the facts which entitle the applicant to a license to practice optometry under this chapter. No one shall be permitted to practice optometry in this state without a valid license.

SECTION 19. Section 5-37.2-12.1 of the General Laws in Chapter 5-37.2 entitled “The Healing Art of Acupuncture and Oriental Medicine” is hereby amended to read as follows:

5-37.2-12.1. Examination requirements and issuance of license.

(a) No person shall be licensed as a doctor of acupuncture and Oriental medicine unless he or she has passed the examination by the National Commission of Certification of Acupuncture and Oriental Medicine or successor entity.

(b) Before any applicant is eligible for licensure, he or she shall furnish satisfactory proof that he or she:

(1) Is a United States citizen or legal alien;
(2) Has demonstrated proficiency in the English language;
(3) Is at least twenty one (21) years of age;
(4) Is of good moral character;
(5) Has completed an accredited program of at least thirty-six (36) months and not less than twenty-five hundred (2,500) hours of training and has received a certificate or diploma from an institute approved by the Accreditation Commission for Schools and Colleges of Acupuncture and Oriental Medicine, according to the provisions of this chapter; provided, that this subdivision does not apply to anyone licensed to practice under chapter 37 of this title who is qualified to take and pass the test by the National Commission for the Certification of Acupuncture and Oriental Medicine;
(6) Has completed a clinical internship training that is designated as appropriate by the National Commission for the Certification of Acupuncture and Oriental Medicine; and
(7) Has three (3) letters of reference from reputable individuals other than relatives and at least two (2) of which are from licensed or registered doctors of acupuncture and Oriental medicine.

SECTION 20. Sections 5-40-6 and 5-40-6.1 of the General Laws in Chapter 5-40 entitled “Physical Therapists” are hereby amended to read as follows:

5-40-6. Qualification of physical therapists.

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 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 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.

SECTION 21. Section 5-40.1-8 of the General Laws in Chapter 5-40.1 entitled "Occupational Therapy" is hereby amended to read as follows:

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, is of good moral character, evidenced in the manner prescribed by the department.

(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.

SECTION 22. Section 5-44-9 of the General Laws in Chapter 5-44 entitled “Psychologists” is hereby amended to read as follows:

5-44-9. Qualifications of psychologists.

An applicant for licensure shall submit to the 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;

SECTION 23. Sections 5-63.2-9 and 5-63.2-10 of the General Laws in Chapter 5-63.2
entitled “Mental Health Counselors and Marriage and Family Therapists” is hereby amended to read as follows:

5-63.2-9. Qualifications of licensed clinical mental health counselors.

(a) An applicant for licensure shall submit to the 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 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 board as an approved supervisor; and

(7) Has passed to the satisfaction of the 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 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 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 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 board; 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 board 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 the affirmative vote of at least four (4) members of the board, two (2) of whom must be marriage and family therapists on the board.

SECTION 24. Section 5-86-9 of the General Laws in Chapter 5-86 entitled “Licensing of Applied Behavior Analysts” is hereby amended to read as follows:

5-86.9. Qualifications and examinations for licensing.

(a) An applicant for licensure as a licensed applied behavior analyst shall submit to the 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 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 applied behavior analyst licensing board;

(3) Has successfully completed the amount of coursework in applied behavior analysis acceptable to the board;

(4) Has appropriate supervised experience to include either: (i) One year, including one thousand five hundred (1,500) 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 three (3) weeks per month; (ii) One thousand (1,000) 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 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 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 applied behavior analyst licensing board;

(3) Has successfully completed the amount of coursework in applied behavior analysis acceptable to the board;

(4) Has appropriate supervised experience to include either: (i) One thousand (1,000) 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 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 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 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 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) Be 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 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 Rhode Island applied behavior analyst licensure board; and
(7) Meets the criteria as established in 5-86-12.

SECTION 25. Section 21-9-3 of the General Laws in Chapter 21-9 entitled “Frozen Desserts” is hereby amended to read as follows:

21-9-3. License fee.
(a) The annual fees for the following licenses shall be as set forth in § 23-1-54:
(1) Instate wholesale frozen dessert processors;
(2) Out of state wholesale frozen dessert processors; and
(3) Retail frozen dessert processors.
(b) Where a retail frozen dessert processor is also registered as a food service establishment under §21-27-10 within a single location, the business shall not be required to pay more than one single fee for the highest classified activity listed in §21-27-10(e) or subsection (a) of this section.

SECTION 26. Section 21-27-11.5 of the General Laws in Chapter 21-27 entitled “Sanitation in Food Establishments” is hereby amended to read as follows:

Every holder of a certificate issued pursuant to these sections shall triennially, every five years, present evidence to the division of continued eligibility as established by regulations. All certificates issued pursuant to these sections shall expire triennially, every five years on a date as
established in the rules and regulations unless sooner suspended or revoked. Application for
certification renewal shall be made as described in the rules and regulations. A
triennial renewal fee shall be required every five years. Managers of municipal or state food establishments shall be
exempt from payment of the fee set forth in this section.

SECTION 27. Section 23-1-54 of the General Laws in Chapter 23-1 entitled “Department
do Health” is hereby amended to read as follows:

**23-1-54. Fees payable to the department of health.**

Fees payable to the department shall be as follows:

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<th>PROFESSION</th>
<th>RIGL Section</th>
<th>Description of Fee</th>
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<td>Licensed chemical dependency professionals</td>
<td>5-69-9</td>
<td>Renewal fee</td>
</tr>
<tr>
<td>5</td>
<td>Licensed chemical</td>
<td>5-69-9</td>
<td>Application fee</td>
</tr>
<tr>
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<td>Licensed chemical</td>
<td>5-69-9</td>
<td>Renewal fee</td>
</tr>
<tr>
<td>7</td>
<td>Licensed chemical</td>
<td>5-69-9</td>
<td>Renewal fee</td>
</tr>
<tr>
<td>8</td>
<td>licensed clinical supervisor</td>
<td></td>
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<td>9</td>
<td>Licensed chemical</td>
<td>5-69-9</td>
<td>Renewal fee</td>
</tr>
<tr>
<td>10</td>
<td>licensed clinical supervisor</td>
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<td>Deaf interpreters</td>
<td>5-71-8(3)</td>
<td>License fee maximum</td>
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<td>Deaf interpreters</td>
<td>5-71-8(3)</td>
<td>License renewal fee</td>
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<td>Milk producers</td>
<td>21-2-7(g)(1)</td>
<td>In-state milk processor</td>
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<td>21-2-7(g)(2)</td>
<td>Out-of-state milk processor</td>
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<td>21-2-7(g)(3)</td>
<td>Milk distributors</td>
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<td>Frozen desserts</td>
<td>21-9-3(1)</td>
<td>In-state wholesale</td>
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<td>Frozen desserts</td>
<td>21-9-3(2)</td>
<td>Out-of-state wholesale</td>
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<tr>
<td>18</td>
<td>Frozen desserts</td>
<td>21-9-3(3)</td>
<td>Retail frozen dess processors</td>
</tr>
<tr>
<td>19</td>
<td>Meats</td>
<td>21-11-4</td>
<td>Wholesale</td>
</tr>
<tr>
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<td>Meats</td>
<td>21-11-4</td>
<td>Retail</td>
</tr>
<tr>
<td>21</td>
<td>Shellfish packing houses</td>
<td>21-14-2</td>
<td>License fee:</td>
</tr>
<tr>
<td>22</td>
<td></td>
<td></td>
<td>Shipper/reshipper</td>
</tr>
<tr>
<td>23</td>
<td>Shellfish packing houses</td>
<td>21-14-2</td>
<td>License fee:</td>
</tr>
<tr>
<td>24</td>
<td></td>
<td></td>
<td>Shucker packer/repacker</td>
</tr>
<tr>
<td>25</td>
<td>Non-alcoholic bottled</td>
<td>21-23-2</td>
<td>Bottler permit</td>
</tr>
<tr>
<td>26</td>
<td>Beverages, Drinks &amp; juices</td>
<td></td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>Non-alcoholic bottled</td>
<td>21-23-2</td>
<td>Bottle apple cider fee</td>
</tr>
<tr>
<td>28</td>
<td>beverages, drinks and juices</td>
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<td></td>
</tr>
<tr>
<td>29</td>
<td>Farm home food manufacturers</td>
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<td>30</td>
<td>Food businesses</td>
<td>21-27-10(e)(1)</td>
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<td>31</td>
<td>Food businesses</td>
<td>21-27-10(e)(2)</td>
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<td>32</td>
<td>Food businesses</td>
<td>21-27-10(e)(3)</td>
<td>Food service establishments</td>
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<td>Food businesses</td>
<td>21-27-10(e)(3)</td>
<td>Food service establishments</td>
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<td></td>
<td>Category</td>
<td>Description</td>
<td>Fee</td>
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<td>-----------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>1</td>
<td>Food businesses</td>
<td>&gt;50 seats</td>
<td>$240.00</td>
</tr>
<tr>
<td>2</td>
<td>Food businesses</td>
<td>21-27-10(e)(3) Mobile food service units</td>
<td>$100.00</td>
</tr>
<tr>
<td>3</td>
<td>Food businesses</td>
<td>21-27-10(e)(3) Industrial caterer or food vending</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td>Machine commissary</td>
<td>$280.00</td>
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<td>5</td>
<td>Food businesses</td>
<td>21-27-10(e)(3) Cultural heritage educational</td>
<td></td>
</tr>
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<td>6</td>
<td></td>
<td>Facility</td>
<td>$80.00</td>
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<td>7</td>
<td>Food businesses</td>
<td>21-27-10(e)(4) Vending Machine Location</td>
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<td>8</td>
<td></td>
<td>&gt; 3 units</td>
<td>$50.00</td>
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<td>9</td>
<td>Food businesses</td>
<td>21-27-10(e)(4) Vending Machine</td>
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</tr>
<tr>
<td>10</td>
<td></td>
<td>Location 4-10 units</td>
<td>$100.00</td>
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<td>11</td>
<td>Food businesses</td>
<td>21-27-10(e)(4) Vending Machine Location = 11 units</td>
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</tr>
<tr>
<td>12</td>
<td></td>
<td></td>
<td>$120.00</td>
</tr>
<tr>
<td>13</td>
<td>Food businesses</td>
<td>21-27-10(e)(5) Retail Mkt</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td></td>
<td>1-2 cash registers</td>
<td>$120.00</td>
</tr>
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<td>15</td>
<td>Food businesses</td>
<td>21-27-10(e)(5) Retail Market</td>
<td></td>
</tr>
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<td>16</td>
<td></td>
<td>3-5 cash registers</td>
<td>$240.00</td>
</tr>
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<td>Food businesses</td>
<td>21-27-10(e)(5) Retail Market = 6</td>
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<td>18</td>
<td></td>
<td>Cash registers</td>
<td>$510.00</td>
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<td>Food businesses</td>
<td>21-27-10(e)(6) Retail food peddler</td>
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<td>21-27-10(e)(7) Food warehouses</td>
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<td>21-27-11.2 Certified food safety mgr</td>
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<td>License verification fee</td>
<td>23-1-16.1 All license types</td>
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<td>23</td>
<td>Tattoo and body piercing</td>
<td>23-1-39 Annual registration fee:</td>
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</tr>
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<td>24</td>
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<td>Person</td>
<td>$90.00</td>
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<td>25</td>
<td>Tattoo and body piercing</td>
<td>23-1-39 Annual registration fee:</td>
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<td>26</td>
<td></td>
<td>establishment</td>
<td>$90.00</td>
</tr>
<tr>
<td>27</td>
<td>Vital records</td>
<td>23-3-25(a)(1) Certificate of birth, fetal death, Death, marriage, birth, or</td>
<td></td>
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<tr>
<td>28</td>
<td></td>
<td>CIF, Cannot be found</td>
<td>$20.00</td>
</tr>
<tr>
<td>29</td>
<td>Vital records</td>
<td>23-3-25(a)(1) Each duplicate of certificate</td>
<td></td>
</tr>
<tr>
<td>30</td>
<td></td>
<td>of birth, fetal death, death, marriage,</td>
<td></td>
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<tr>
<td>31</td>
<td>Vital records</td>
<td>23-3-25(a)(1) Birth, or certification that such record</td>
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<tr>
<td>32</td>
<td></td>
<td>cannot be found</td>
<td>$15.00</td>
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<tr>
<td></td>
<td>Description</td>
<td>Fee or Details</td>
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<td></td>
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<tr>
<td>1</td>
<td>Vital records</td>
<td>23-3-25(a)(2) Each additional calendar year</td>
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<tr>
<td>2</td>
<td>Search, if within 3 months of original search and if receipt of original</td>
<td>$2.00</td>
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</tr>
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<td>3</td>
<td>Vital records</td>
<td>23-3-25(a)(3) Expedited service $7.00</td>
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<td>4</td>
<td>Vital records</td>
<td>23-3-25(a)(4) Adoptions, legitimations, or $15.00</td>
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<td>5</td>
<td>Vital records</td>
<td>23-3-25(a)(5) Authorized corrections, $10.00</td>
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<td>Vital records</td>
<td>23-3-25(a)(6) Filing of delayed record and $20.00</td>
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<td>7</td>
<td>Vital records</td>
<td>23-3-25(a)(6) Issuance of certified copy $20.00</td>
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<td>8</td>
<td>Vital records</td>
<td>23-3-25(a)(6) of a delayed record $20.00</td>
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<td>9</td>
<td>Medical Examiner</td>
<td>23-4-13 Autopsy reports $40.00</td>
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<td>10</td>
<td>Medical Examiner</td>
<td>23-4-13 Cremation certificates and statistics $30.00</td>
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<td>11</td>
<td>Medical Examiner</td>
<td>23-4-13 Testimony in civil suits: Minimum/day $650.00</td>
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<td>12</td>
<td>Medical Examiner</td>
<td>23-4-13 Testimony in civil suits: Maximum/day $3,250.00</td>
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<td>Medical Examiner</td>
<td>23-4-13 Annual fee: ambulance $275.00</td>
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<td>14</td>
<td>Emergency medical technicians</td>
<td>23-4-13 Service maximum $540.00</td>
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<td>15</td>
<td>Emergency medical technicians</td>
<td>23-4-10(2) Exam fee maximum: EMT $120.00</td>
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<td>16</td>
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<td>23-4-10(2) Vehicle inspection $190.00</td>
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<td>Emergency medical technicians</td>
<td>23-4-10(2) Triennial fee: EMT license $120.00</td>
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<td>18</td>
<td>Emergency medical technicians</td>
<td>23-4-10(2) Maximum $120.00</td>
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<td>Emergency medical technicians</td>
<td>23-4-10(2) Vehicle inspection $190.00</td>
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<td>Clinical laboratories</td>
<td>23-16.2-4(a) Clinical laboratory license per specialty $650.00</td>
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<td>23-16.2-4(a) Laboratory station license $650.00</td>
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<td>23-16.2-4(b) Permit fee $70.00</td>
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<td>Health care facilities</td>
<td>23-17-38</td>
<td>Hospital: base fee annual</td>
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<td>23-17-38</td>
<td>Hospital: annual per bed</td>
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<td>23-17-38</td>
<td>ESRD: annual</td>
</tr>
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<td>23-17-38</td>
<td>Home nursing-care/home</td>
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<td></td>
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<td>care providers</td>
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<td>23-17-38</td>
<td>OACF: annual</td>
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<td>Assisted living residences/</td>
<td>23-17.4-15.2(d)</td>
<td>License application fee:</td>
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<tr>
<td></td>
<td>administrators</td>
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<td>7</td>
<td>Assisted living residences/</td>
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</tr>
<tr>
<td></td>
<td>administrators</td>
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</tr>
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<td>8</td>
<td>Assisted living residences</td>
<td>23-17.4-31</td>
<td>Annual facility fee: base</td>
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<td>9</td>
<td>Assisted living residences</td>
<td>23-17.4-31</td>
<td>Annual facility per bed</td>
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<td>23-17.4-31</td>
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<td>23-17.4-31</td>
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<td>Sanitarians</td>
<td>23-19.3-5(a)</td>
<td>Registration fee</td>
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<td>13</td>
<td>Sanitarians</td>
<td>23-19.3-5(b)</td>
<td>Registration renewal</td>
</tr>
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<td>14</td>
<td>Massage therapy</td>
<td>23-20.8-3(e)</td>
<td>Massage therapist appl fee</td>
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<td>Massage therapy</td>
<td>23-20.8-3(e)</td>
<td>Massage therapist renewal fee</td>
</tr>
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<td>16</td>
<td>Recreational facilities</td>
<td>23-21-2</td>
<td>Application fee</td>
</tr>
<tr>
<td>17</td>
<td>Swimming pools</td>
<td>23-22-6</td>
<td>Application license: first pool</td>
</tr>
<tr>
<td>18</td>
<td>Swimming pools</td>
<td>23-22-6</td>
<td>Additional pool</td>
</tr>
<tr>
<td>19</td>
<td>Swimming pools</td>
<td>23-22-6</td>
<td>fee at same location</td>
</tr>
<tr>
<td>20</td>
<td>Swimming pools</td>
<td>23-22-6</td>
<td>Seasonal application license: first pool</td>
</tr>
<tr>
<td>21</td>
<td>Swimming pools</td>
<td>23-22-6</td>
<td>Seasonal additional pool</td>
</tr>
<tr>
<td>22</td>
<td>Swimming pools</td>
<td>23-22-6</td>
<td>fee at same location</td>
</tr>
<tr>
<td>23</td>
<td>Swimming pools</td>
<td>23-22-6</td>
<td>for non-profit</td>
</tr>
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Swimming pools 23-22-10 Duplicate license $2.00
Swimming pools 23-22-12 Penalty for violations $50.00
Respiratory care practitioners 23-39-11 Application fee $60.00
Respiratory care practitioners 23-39-11 Renewal fee $60.00

SECTION 28. Section 23-20.8-5 of the General Laws in Chapter 23-20.8 entitled "Licensing of Massage Therapists" is hereby amended to read as follows:

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 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 board. Any examination approved by the 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 board and shall not exceed one hundred dollars ($100).

SECTION 29. Sections 23-20.8.1-1 and 23-20.8.1-6 of the General Laws in Chapter 23-20.8.1 entitled “Registration of Music Therapists” are hereby amended to read as follows:

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-business regulation.
(5) "Director" means the director of the department of health-business regulation or his or
her designee.

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 as set by the department 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 30. Section 31-44-17 of the General Laws in Chapter 31-44 entitled “Mobile
and Manufactured Homes” is hereby amended to read as follows:
31-44-17. Filing of complaint with department – Notice – Rules of evidence not
binding.
(a) Any resident of a mobile and manufactured housing park or any owner of a mobile
and manufactured housing park may petition the director by filing a complaint with the
department of business regulation, and paying a twenty-five dollar ($25.00) filing fee which shall
be used to defray the costs of the director. The filing fee may be waived by the director if he or
she or his or her agent determines that the fee will cause an unfair financial burden on the
petitioner. After review of the claim and a decision by the director that the matter has merit and is
not frivolous, the director shall schedule a hearing within sixty (60) days from receipt of the
claim. If the director finds the claim to be without merit or to be frivolous, the director shall
dismiss the complaint and explain in writing to the complainant his or her reasons for dismissing
the complaint.
(b) The director or his or her agent shall serve notice, in writing, of the time and place of
the hearing upon all appropriate parties at least twenty (20) days prior to the date of the hearing.
Both parties to the complaint may be represented by counsel.

(c) The director or his or her agent shall not be bound by common law or statutory rules
of evidence but may admit all testimony having a reasonable probative value. Complaints filed
shall be handled in accordance with the departments' rules of practice and the Administrative
Procedures Act, chapter 35 of title 42. It may exclude evidence which, in the opinion of the
director or his or her agent, is immaterial, irrelevant, or unduly repetitious.

SECTION 31. Section 39-12-7 of the General Laws in Chapter 39-12 entitled “Motor
Carriers of Property” is hereby amended to read as follows:

39-12-7. Issuance of certificate to common carrier.

A certificate shall be issued by the administrator, after a hearing, to any qualified
applicant therefor, authorizing the whole or any part of the operations covered by the application,
if it is found that the applicant is fit, willing, and able properly to perform the service proposed
and to conform to the provisions of this chapter and the requirements, orders, rules, and
regulations of the administrator thereunder, and that the proposed service, to the extent to be
authorized by the certificate, is or will be required by the present or future public convenience
and necessity; otherwise the application shall be denied. Any certificate issued under this chapter
shall specify the service to be rendered, and the routes over which, the fixed termini, if any,
between which, if any, at which, and, in case of operations not over specified routes or between
fixed termini, the points and places within which, or between which the motor carrier is
authorized to operate; and there shall, at the time of the issuance and from time to time thereafter,
be attached to the exercise of the privileges granted by the certificate such reasonable terms,
conditions, and limitations as the public convenience and necessity may from time to time
require; provided, however, that no terms, conditions, or limitations shall restrict the right of the
carrier to add to his or her or its equipment and facilities, between which or within the territory
specified in the certificate as the development of the business and the demands of the business
shall require. Certificates issued under this chapter shall be renewed before the close of business
on December 31 of each calendar year. The renewal fee shall be one hundred dollars ($100) and
shall be submitted with the renewal form. All revenues received under this section shall be
deposited as general revenues. No certificate shall be issued to a common carrier by motor
vehicle or, when issued, shall remain in force authorizing the transportation of property over the
publicly used highways of this state, unless the rates and charges upon which the property is
transported by the carrier shall have been published in the tariff and filed with the administrator in
SECTION 32. Section 44-19-1 of the General Laws in Chapter 44-19 entitled “Sales and Use Taxes – Enforcement and Collection” is hereby amended to read as follows:

44-19-1. Annual permit required – Retail business subject to sales tax – Promotion of shows – Revocation of show permit.

(a)(1) Every person desiring to engage in or conduct within this state a business of making sales at retail, or engage in a business of renting living quarters in any hotel, rooming house, or tourist camp, the gross receipts from which sales or rental charges are required to be included in the measure of the tax imposed under chapter 18 of this title, shall file with the tax administrator an application for a permit for each place of business. The application shall be in a form, include information, and bear any signatures that the tax administrator may require. At the time of making an application, the applicant shall pay to the tax administrator a permit fee of ten dollars ($10.00) for each permit. Every permit issued under this chapter expires on June 30 of each year or at any other date as determined by the tax administrator.

(2) Every permit holder shall annually, on or before February 1 of each year, or at any other date as determined by the tax administrator, renew its permit by filing an application for renewal along with a ten dollar ($10.00) renewal fee. The renewal permit is valid for the period July 1 of that calendar year through June 30 of the subsequent calendar year, or for any other period as determined by the tax administrator, unless otherwise canceled, suspended or revoked. All fees received under this section are allocated to the tax administrator for enforcement and collection of all taxes.

(b) Every promoter of a show shall, at least ten (10) days prior to the opening of each show, file with the tax administrator a notice stating the location and dates of the show, in a form prescribed by the tax administrator.

(2) The tax administrator shall, within five (5) days after the receipt of that notice, issue to the promoter, without charge, a permit to operate the show, unless the provisions of subdivision (5) of this subsection have been applied to the promoter. No promoter may operate a show without obtaining the permit. The permit shall be prominently displayed at the main entrance of the show.

(3) Any promoter who is a retailer shall comply with all of the provisions of this chapter and chapter 18 relating to retailers, in addition to all of the provisions of this chapter relating to promoters.

(4) A promoter may not permit any person to display or sell tangible personal property, services, or food and drink at a show unless that person is registered under subsection (a) of this
section and displays his or her permit in accordance with the provisions of subsection (a) of this section.

(5) Any promoter who permits any person to display or sell tangible personal property, services, or food and drink at a show who is not registered, or does not display a permit, or fails to keep a record or file a monthly report of the name, address and permit number of every person whom the promoter permitted to sell or display tangible personal property, services, or food and drink at a show, is subject to revocation of all existing permits issued pursuant to this section to operate a show, and to the denial of a permit to operate any show for a period of not more than two (2) years, in addition to the provisions of § 44-19-31.

SECTION 33. This Article shall take effect July 1, 2018.

ARTICLE 7
RELATING TO FEES

SECTION 1. Section 7-11-307 of the General Laws in Chapter 7-11 entitled “Rhode Island Uniform Securities Act” is hereby amended as follows:


(a) The director may require by rule or order the filing of any or all of the following documents with respect to a covered security under § 18(b)(2) of the Securities Act of 1933, 15 U.S.C. § 77r(b)(2):

(1) Prior to the initial offer of a federal covered security in this state, all documents that are part of a current federal registration statement filed with the U.S. Securities and Exchange Commission under the Securities Act of 1933, 15 U.S.C. § 77a et seq., or, in lieu of filing the registration statement, a notice as prescribed by the director by rule or otherwise, together with a consent to service of process signed by the issuer and with a nonrefundable fee of one-tenth of one percent (0.1%) of the maximum aggregate offering price at which the federal covered securities are to be offered in this state, but not less than three hundred dollars ($300) or more than one thousand five hundred dollars ($1,050).

(2) An open end management company, a face amount certificate company, or a unit investment trust, as defined in the Investment Company Act of 1940, 15 U.S.C. § 80a-1 et seq., may file a notice for an indefinite amount of securities. The issuer, at the time of filing, shall pay a nonrefundable fee of one thousand five hundred dollars ($1,050).

(3) After the initial offer of the federal covered security in this state, all documents that are part of an amendment to a current federal registration statement filed with the U.S. Securities and Exchange Commission under the Securities Act of 1933, are filed concurrently with the director.
(4) Unless otherwise extended by the director, an initial notice filing under this subsection or subsection (b) is effective for one year commencing upon the date the notice or registration statement, as applicable, is received by the director unless a later date is indicated by the issuer. A notice filing may be renewed by filing a renewal notice as prescribed by the director and paying a renewal fee of one thousand five hundred dollars ($1,500).

(b) Regarding any security that is a covered security under § 18(b)(3) of the Securities Act of 1933, unless the security is exempted by Section 7-11-401 or is sold in an exempt transaction under Section 7-11-402, the issuer shall file a notice prior to the initial offer of such security in this state. Such notice filing shall include a uniform application adopted by the director, a consent to service of process, and the payment of a nonrefundable fee as prescribed in subparagraph (a)(1) above.

(bc) Regarding any security that is a covered security under § 18(b)(4)(D) of the Securities Act of 1933, 15 U.S.C. § 77r(b)(4)(D), the director may by rule or otherwise require the issuer to file a notice on SEC Form D and a consent to service of process signed by the issuer no later than fifteen (15) days after the first sale of the federal covered security in this state, together with Form U-2, Form D and a nonrefundable fee of three hundred dollars ($300).

(bcd) The director may by rule or otherwise require the filing of any document filed with the U.S. Securities and Exchange Commission under the Securities Act of 1933, 15 U.S.C. § 77a et seq., with respect to a covered security under § 18(b)(3) or (4) of the Securities Act of 1933, 15 U.S.C. § 77r(b)(3) or (4), together with a notice and fees as defined in subparagraph (a)(1).

(bde) The director may issue a stop order suspending the offer and sale of a federal covered security, except a covered security under § 18(b)(1) of the Securities Act of 1933, 15 U.S.C. § 77r(b)(1), if the director finds that (1) the order is in the public interest and (2) there is a failure to comply with any condition established under this section.

(e) Notwithstanding the provisions of this section, until October 11, 1999, the director may require the registration of any federal covered security for which the fees required by this section have not been paid promptly following written notification from the director to the issuer of the nonpayment or underpayment of the fees. An issuer is considered to have promptly paid the fees if they are remitted to the director within fifteen (15) days following the person's receipt of written notification from the director.

(f) The director may by rule or order waive any or all of the provisions of this section.

SECTION 2. 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 also imposed a hospital licensing
fee at the rate of five and six hundred fifty-two thousandths percent (5.652%) upon the net
patient services revenue of every hospital for the hospital's first fiscal year ending on or after
January 1, 2015, 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 U.S. 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 10, 2017, 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 14, 2017, make a return to the tax administrator containing the correct
computation of net patient services revenue for the hospital fiscal year ending September 30,
2015, 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 eight hundred
fifty-six thousandths percent (5.856%) upon the net patient-services revenue of every hospital for
the hospital's first fiscal year ending on or after January 1, 2016, 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 U.S. 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 10, 2018, 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 14, 2018, make a return to the tax
administrator containing the correct computation of net patient-services revenue for the hospital
fiscal year ending September 30, 2016, 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 eight hundred
fifty-six thousandths percent (5.856%) of upon the net patient-services revenue of every hospital
for the hospital's first fiscal year ending on or after January 1, 2017, 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 U.S. 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 10,
2019, 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 14, 2019, make a return to
the tax administrator containing the correct computation of net patient-services revenue for the
hospital fiscal year ending September 30, 2017, 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 the actual facilities and buildings in existence in Rhode Island,
licensed pursuant to § 23-17-1 et seq. on June 30, 2010, and thereafter any premises included on
that license, regardless of changes in licensure status pursuant to chapter 17.14 of title 23
(hospital conversions) and §23-17-6(b) (change in effective control), that provides short-term
acute inpatient and/or outpatient care to persons who require definitive diagnosis and treatment
for injury, illness, disabilities, or pregnancy. Notwithstanding the preceding language, the
negotiated Medicaid managed care payment rates for a court-approved purchaser that acquires a
hospital through receivership, special mastership, or other similar state insolvency proceedings
(which court-approved purchaser is issued a hospital license after January 1, 2013) shall be based
upon the newly negotiated rates between the court-approved purchaser and the health plan, and
such rates shall be effective as of the date that the court-approved purchaser and the health plan
execute the initial agreement containing the newly negotiated rate. The rate-setting methodology
for inpatient hospital payments and outpatient hospital payments set forth in §§ 40-8-
13.4(b)(1)(B)(iii) and 40-8-13.4(b)(2), respectively, shall thereafter apply to negotiated increases
for each annual twelve-month (12) period as of July 1 following the completion of the first full
year of the court-approved purchaser's initial Medicaid managed care contract.
(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, 2012, 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 3. Section 27-10-3 of the General Laws in Chapter 27-10 entitled “Claim Adjusters” is hereby amended to read as follows:

27-10-3. Issuance of license.

(a) The insurance commissioner may issue to any person a license to act as either a public adjuster; company adjuster; or independent adjuster once that person files an application in a format prescribed by the department and declares under penalty of suspension, revocation, or refusal of the license that the statements made in the application are true, correct, and complete to the best of the individual's knowledge and belief. Before approving the application, the department shall find that the individual:

(1) Is at least eighteen (18) years of age;

(2) Is eligible to designate this state as his or her home state;

(3) Is trustworthy, reliable, and of good reputation, evidence of which shall be determined by the department;

(4) Has not committed any act that is a ground for probation, suspension, revocation, or refusal of a professional license as set forth in § 27-10-12;

(5) Has successfully passed the examination for the line(s) of authority for which the person has applied;

(6) Has paid a fee of one two hundred and fifty dollars ($150).250).

(b) A Rhode Island resident business entity acting as an insurance adjuster may elect to obtain an insurance adjusters license. Application shall be made using the uniform business entity application. Prior to approving the application, the insurance commissioner shall find both of the following:

(1) The business entity has paid the appropriate fees.
(2) The business entity has designated a licensed adjuster responsible for the business entity's compliance with the insurance laws and rules of this state.

(c) The department may require any documents reasonably necessary to verify the information contained in the application.

SECTION 4. Section 42-28-26 of the General Laws in Chapter 42-28 entitled “State Police” is hereby repealed.

42-28-26. Location of school.

The municipal police training school shall be maintained by the state and located on the premises of the University of Rhode Island and such other state-owned property as the superintendent of the state police, with the consent of the governor, may from time to time determine.

SECTION 5. Chapter 42-28 of the General Laws entitled “State Police” is hereby amended by adding thereto the following section:


(a) There is hereby created within the department of public safety a restricted receipt account to be known as the municipal police training tuition and fees account.

(b) Tuition and fees collected pursuant to § 42-28-31, and physical fitness fees collected pursuant to § 42-28-25, shall be deposited in this account and be used to fund costs associated with the municipal police training school.

(c) All amounts deposited into the municipal police training tuition and fees account shall be exempt from the indirect cost recovery provisions of § 35-4-27.

SECTION 6. Sections 42-28-25 and 42-28-31 of the General Laws in Chapter 42-28 entitled “State Police” are hereby amended to read as follows:

42-28-25. State and municipal police training school established.

(a) Within the Rhode Island state police there is hereby created and established a state and municipal police training school.

(b) The superintendent of the state police shall have supervision of the state and municipal police training academy and shall establish standards for admission and a course of training. The superintendent shall report to the governor and general assembly a plan for a state and municipal police training academy on or before December 31, 1993. The superintendent shall, in consultation with the Police Chiefs’ Association and the chairperson of the Rhode Island commission on standards and training make all necessary rules and regulations relative to the admission, education, physical standards and personal character of the trainees and such other rules and regulations as shall not be inconsistent with law.
(c) Applicants to the state and municipal police training academy shall pay an application fee in the amount of fifty dollars ($50.00); provided, however, the superintendent may waive such application fee if payment thereof would be a hardship to the applicant.

(d) Trainees shall pay to the division an amount equal to the actual cost of meals consumed at the state police and municipal police training academy and the actual cost of such training uniforms which remain the personal property of the trainees.

(e) The municipal police training school is hereby authorized to hold statewide physical training tests for applicants applying for sworn officer positions in municipal law enforcement agencies. The school shall charge a fee in accordance with its rules and regulations. All fees collected shall be deposited into the municipal police training tuition and fees account, pursuant to § 42-28-25.2

(f) All fees and payments received by the division pursuant to this subsections (c) and (d) shall be deposited as general revenues.


(a) The municipal police training school is hereby authorized to charge students tuition in accordance with its rules and regulations. All tuition payments shall be deposited into the restricted receipt account established in § 42-28-25.2. No tuition fee or any other charge shall be assessed against any city or town for the training of any candidate and the expense of that training shall be borne by the state of Rhode Island. If tuition and fees collected are not sufficient for proper maintenance and operation of the municipal police training school, the general assembly shall annually appropriate such sum or sums as may be necessary for the proper maintenance of the municipal police training school.

(b) provided, however, that Any compensation to any candidate during the period of his or her training shall be fixed and determined by the proper authority within the city or town sponsoring the candidate and such compensation, if any, shall be paid directly to the candidate by the city or town of which he or she is a resident.

SECTION 7. This article shall take effect July 1, 2018 except for: Section 1, which will take effect on August 1, 2018; and Section 3, which will take effect on January 1, 2019.

ARTICLE 8

RELATING TO 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 that shall be placed at the bottom, right-hand corner of the plate. Owners shall be issued a new, fully reflective plate beginning January 1, 2020, 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. Section 31-10-31 of the General Laws in Chapter 31-10 entitled "Operators' and Chauffeurs' Licenses" is hereby amended to read as follows:

31-10-31. Fees.
The following fees shall be paid to the division of motor vehicles:

(1) For every operator's first license to operate a motor vehicle, twenty-five dollars ($25.00);

(2) For every chauffeur's first license, twenty-five dollars ($25.00); provided, that when a Rhode Island licensed operator transfers to a chauffeur's license, the fee for the transfer shall be two dollars ($2.00);

(3) For every learner's permit to operate a motorcycle, twenty-five dollars ($25.00);

(4) For every operator's first license to operate a motorcycle, twenty-five dollars ($25.00);

(5) For every renewal of an operator's or chauffeur's license, thirty dollars ($30.00); with the exception of any person seventy-five (75) years of age or older for whom the renewal fee will be eight dollars ($8.00);

(6) For every duplicate operator's or chauffeur's license and every routine information update, i.e., name change or address change, twenty-five dollars ($25.00);

(7) For every certified copy of any license, permit, or application issued under this chapter, ten dollars ($10.00);

(8) For every duplicate instruction permit, ten dollars ($10.00);

(9) For every first license examination, five dollars ($5.00);

(10) For every routine information update, i.e., name change or address change, five dollars ($5.00);

(11) For surrender of an out-of-state license, in addition to the above fees, five dollars ($5.00).

"Transportation Investment and Debt Reduction Act of 2011" is hereby amended to read as follows:


(a) There is hereby created a special account in the intermodal surface transportation fund as established in § 31-36-20 that is to be known as the Rhode Island highway maintenance account.

(b) The fund shall consist of all those moneys that the state may from time to time direct to the fund, including, but 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.

      (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, except for fees assessed pursuant to § 31-10-31 (6) and (8), shall be deposited into the Rhode Island highway maintenance account, 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) From July 1, 2016, through June 30, 2017, fifty percent (50%) will be deposited; and

(iii) From July 1, 2017, through June 30, 2018, eighty percent (80%) sixty percent (60%) will be deposited;

(iv) From July 1, 2018, 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 4. This article shall take effect upon passage.

ARTICLE 9

RELATING TO SCHOOL CONSTRUCTION AND EDUCATION

SECTION 1. Sections 16-7-36, 16-7-39, 16-7-40, 16-7-41, 16-7-41.1, 16-7-44 of the General Laws in Chapter 16-7 entitled “Foundation Level School Support [See Title 16 Chapter 97 – The Rhode Island Board of Education Act]” are hereby amended to read as follows:

16-7-36. Definitions.

The following words and phrases used in §§ 16-7-35 to 16-7-47 have the following meanings:

(1) “Adjusted equalized weighted assessed valuation” means the equalized weighted assessed valuation for a community as determined by the division of property valuation within the department of revenue in accordance with § 16-7-21; provided, however, that in the case of a regional school district the commissioner of elementary and secondary education shall apportion the adjusted equalized weighted assessed valuation of the member cities or towns among the regional school district and the member cities or towns according to the proportion that the number of pupils of the regional school district bears to the number of pupils of the member cities or towns.

(2) “Approved project” means a project which has complied with the administrative regulations governing §§ 16-7-35 through 16-7-47, and which has been authorized to receive state school housing reimbursement by the commissioner of elementary and secondary education.
(3) “Commissioning Agent” means a person or entity who ensures the proper installation and operation of technical building systems.

(4) “Community” means any city, town, or regional school district established pursuant to law; provided, however, that the member towns of the Chariho regional high school district, created by P.L. 1958, ch. 55, as amended, shall constitute separate and individual communities for the purposes of distributing the foundation level school support for school housing for all grades financed in whole or in part by the towns irrespective of any regionalization.

(5) “Facilities Condition Index” means the cost to fully repair the building divided by the cost to replace the building as defined by the school building authority.

(6) “Functional Utilization” means the ratio of the student population within a school facility to the capacity of the school facility to adequately serve students, as defined by the school building authority.

(7) “Owners Program Manager” means owner’s program manager as defined in § 37-2-7(32).

(8) “Prime contractor” means the contractor who is responsible for the completion of a project.

(9) “Reference year” means the year next prior to the school year immediately preceding that in which aid is to be paid.

(10) “Subject to inflation” means the base rate multiplied by the percentage of increase in the Producers Price Index (PPI) Data for Nonresidential Building Construction (NAICS 236222) as published by the United States Department of Labor, Bureau of Labor Statistics determined as of September 30 of the prior calendar year.

16-7-39 Computation of school housing aid ratio.

For each community, the percent of state aid for school housing costs shall be computed in the following manner:

(1) The adjusted equalized weighted assessed valuation for the district is divided by the resident average daily membership for the district (grades twelve (12) and below); (2) the adjusted equalized weighted assessed valuation for the state is divided by the resident average daily membership for the state (grades twelve (12) and below); (1) is then divided by (2) and the resultant ratio is multiplied by a factor currently set at sixty-two percent (62%) which represents the approximate average district share of school support; the resulting product is then subtracted from one hundred percent (100%) to yield the housing aid share ratio, provided that in no case shall the ratio be less than thirty percent (30%). Provided, that effective July 1, 2010, and.
annually at the start of each fiscal year thereafter, the thirty percent (30%) floor on said housing
aid share shall be increased by five percent (5%) increments each year until said floor on the
housing aid share ratio reaches a minimum of not less than forty percent (40%). This provision
shall apply only to school housing projects completed after June 30, 2010 that received approval
from the board of regents prior to June 30, 2012. Provided further, for the fiscal year beginning
July 1, 2012 and for subsequent fiscal years, the minimum housing aid share shall be thirty-five
percent (35%) for all projects receiving board of regents approval after June 30, 2012.

Notwithstanding any other law to the contrary, for the fiscal year beginning July 1, 2012 and for
subsequent fiscal years, the minimum housing aid share for all local education agency (LEA)
public school construction projects receiving council of elementary and secondary education
approval, the minimum housing aid share shall be thirty-five percent (35%) and in no case shall
the ratio be less than thirty-five percent (35%). The resident average daily membership shall be
determined in accordance with § 16-7-22(1).

16-7-40 Increased school housing ratio for regional schools – Energy conservation –
Access for people with disabilities – Asbestos removal – projects Health and Safety –

(a)(1) In the case of regional school districts, the school housing aid ratio shall be
increased by two percent (2%) for each grade so consolidated.

(2) Regional school districts undertaking renovation project(s) shall receive an increased
share ratio of four percent (4%) for those specific project(s) only, in addition to the combined
share ratio calculated in § 16-7-39 and this subsection.

(b) In the case of projects undertaken by regionalized and/or non-regionalized school
districts:

(i) specifically for the purposes of energy conservation, access for people with
disabilities, and/or asbestos removal, the school housing aid share ratio shall be increased by four
percent (4%) for these specific projects only, in the calculation of school housing aid. The
increased share ratio shall continue to be applied for as long as the project(s) receive state
housing aid. In order to qualify for the increased share ratio, seventy-five percent (75%) of the
project costs must be specifically directed to either energy conservation, access for people with
disabilities, and/or asbestos removal or any combination of these projects. The board of regents
for council on elementary and secondary education shall promulgate rules and regulations for the
administration and operation of this section.

(ii) For purposes of addressing health and safety deficiencies as defined by the school
building authority, including the remediation of hazardous materials, the school housing aid ratio
shall be increased by five percent (5%) so long as the construction of the project commences by December 30, 2022. In order to qualify for the increased share ratio, twenty-five percent (25%) of the project costs or a minimum of $250,000 must be specifically directed to this purpose.

(iii) For purposes of educational enhancement, including projects devoted to the enhancement of teaching science, technology, engineering, arts, and math (STEAM), early childhood education, career and technical education and technology enabled facilities, the school housing aid ratio shall be increased by five percent (5%) so long as construction of the project commences by December 30, 2022. In order to qualify for the increased share ratio, twenty-five percent (25%) of the project costs or a minimum of $250,000 must be specifically directed to this purpose.

(iv) For replacement of a facility that has a Facilities Condition Index of 65% or higher, the school housing ratio shall be increased by five percent (5%) so long as construction of the project commences by December 30, 2023. In order to qualify for the increased share ratio, twenty-five percent (25%) of the project costs or a minimum of $250,000 must be specifically directed to this purpose.

(v) For any new construction or renovation that increases the functional utilization of any facility from less than 60% to more than 80%, including the consolidation of buildings within or across districts, the school housing aid ratio shall be increased by five percent (5%) so long as construction of the project commences by December 30, 2023. In order to qualify for the increased share ratio, twenty-five percent (25%) of the project costs or a minimum of $250,000 must be specifically directed to this purpose.

(vi) For any new construction or renovation that decreases the functional utilization of any facility from more than 120% to between 85% to 105%, the school housing ratio shall be increased by five percent (5%) so long as construction of the project commences by December 30, 2023. In order to qualify for the increased share ratio, twenty-five (25%) of the project costs or a minimum of $250,000 must be specifically directed to this purpose.

(vii) For consolidation of two (2) or more buildings, within or across districts into one building, the school housing aid ratio shall be increased by five percent (5%) so long as construction of the project commences by December 30, 2023. In order to qualify for the increased share ratio, twenty-five percent (25%) of the project costs or a minimum of $250,000 must be specifically directed to this purpose.

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

16-7-41 Computation of school housing aid.

(a) In each fiscal year the state shall pay to each community a grant to be applied to the
cost of school housing equal to the following:

The cost of each new school housing project certified to the commissioner of elementary
and secondary education not later than July 15 of the fiscal year shall be divided by the actual
number of years of the bond issued by the local community, or the Rhode Island Health and
Educational Building Corporation, or the Rhode Island Infrastructure Bank in support of the
specific project, times the school housing aid ratio; and provided, further, with respect to costs of
new school projects financed with proceeds of bonds issued by the local community, or the
Rhode Island Health and Educational Building Corporation, or the Rhode Island Infrastructure
Bank in support of the specific project, the amount of the school housing aid payable in each
fiscal year shall not exceed the amount arrived at by multiplying the principal and interest of the
bonds payable in each fiscal year by the school housing aid ratio and which principal and interest
amount over the life of the bonds, shall, in no event, exceed the costs of each new school housing
project certified to the commissioner of elementary and secondary education. If a community fails
to specify or identify the appropriate reimbursement schedule, the commissioner of elementary
and secondary education may at his or her discretion set up to a five (5) year reimbursement cycle
for projects under five hundred thousand dollars ($500,000); up to ten (10) years for projects up
to three million dollars ($3,000,000); and up to twenty (20) years for projects over three million
dollars ($3,000,000).

(b) Aid shall be provided for the same period as the life of the bonds issued in support of
the project and at the school housing aid ratio applicable to the local community at the time of the
bonds issued in support of the project as set forth in § 16-7-39.

(c) Aid shall be paid either to the community or in the case of projects financed through
the Rhode Island Health and Educational Building Corporation or the Rhode Island Infrastructure
Bank, to the Rhode Island Health and Educational Building Corporation or the Rhode Island Infrastructure Bank or its designee including, but not limited to, a trustee under a bond indenture or loan and trust agreement, in support of bonds issued for specific projects of the local community in accordance with this section, § 16-7-40 and § 16-7-44. Notwithstanding the preceding, in case of failure of any city, town or district to pay the amount due in support of bonds issued on behalf of a city, town, school or district project financed by the Rhode Island Health and Educational Building Corporation or the Rhode Island Infrastructure Bank, upon notification by the Rhode Island Health and Educational Building Corporation or the Rhode Island Infrastructure Bank, the general treasurer shall deduct the amount from aid provided under this section, § 16-7-40, § 16-7-44 and § 16-7-15 through § 16-7-34.3 due the city, town or district and direct said funding to the Rhode Island Health and Educational Building Corporation or the Rhode Island Infrastructure Bank or its designee.  

(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 or the Rhode Island Infrastructure Bank 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, 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 or the Rhode Island Infrastructure Bank, 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.

(e) Any provision of law to the contrary notwithstanding, the commissioner of elementary and secondary education shall cause to be monitored the potential for refunding outstanding bonds of local communities or municipal public building authorities or of the Rhode Island Health and Educational Building Corporation or the Rhode Island Infrastructure Bank issued for the benefit of local communities or municipal public building authorities and benefiting from any aid referenced in this section. In the event it is determined by said monitoring that the net present value savings which could be achieved by refunding such bonds of the type referenced in the prior sentence including any direct costs normally associated with such refundings is equal to (i) at least one hundred thousand dollars ($100,000) and (ii) for the state and the communities or public building authorities at least three percent (3%) of the bond issue to be refunded including associated costs then, in such event, the commissioner (or his or her designee) may direct the local community or municipal public building authority for the benefit of which the bonds were issued, to refund such bonds. Failure of the local community or municipal public buildings authority to timely refund such bonds, except due to causes beyond the reasonable control of such local community or municipal public building authority, shall result in the reduction by the state of the aid referenced in this § 16-7-4.1 associated with the bonds directed to be refunded in an amount equal to ninety percent (90%) of the net present value savings reasonably estimated by the commissioner of elementary and secondary education (or his or her designee) which would have been achieved had the bonds directed to be refunded been refunded by the ninetieth (90th) day (or if such day is not a business day in the state of Rhode Island, the next succeeding business day) following the date of issuance of the directive of the commissioner (or his or her designee) to refund such bonds. Such reduction in the aid shall begin in the fiscal year following the fiscal year in which the commissioner issued such directive for the remaining term of the bond.

(f) Payments shall be made in accordance with § 16-7-40 and this section.

(g) For purposes of financing or refinancing school facilities in the city of Central Falls through the issuance bonds through the Rhode Island Health and Educational Building Corporation or the Rhode Island Infrastructure Bank, the city of Central Falls shall be considered an “educational institution” within the meaning of subdivision 45-38.1-3(13) of the general laws.

16-7-41.1 Eligibility for reimbursement.

(a) School districts, not municipalities, may apply for and obtain approval for a project under the necessity of school construction process set forth in the regulations of the board of regents for council on elementary and secondary education, provided, however, in the case of
municipality which issues bonds through the Rhode Island Health and Educational Building
Corporation or the Rhode Island Infrastructure Bank to finance or refinance school facilities for a
school district which is not part of the municipality, the municipality may apply for and obtain
approval for a project. Such approval will remain valid until June 30 of the third fiscal year
following the fiscal year in which the board of regents for council on elementary and secondary
education’s approval is granted. Only those projects undertaken at school facilities under the care
and control of the school committee and located on school property may qualify for
reimbursement under §§ 16-7-35 – 16-7-47. Facilities with combined school and municipal uses
or facilities that are operated jointly with any other profit or non-profit agency that are not
primarily used for public elementary or secondary education do not qualify for reimbursement
under §§ 16-7-35 – 16-7-47. Projects completed by June 30 of a fiscal year are eligible for
reimbursement in the following fiscal year. A project for new school housing or additional
housing shall be deemed to be completed when the work has been officially accepted by the
school committee or when the housing is occupied for its intended use by the school committee,
whichever is earlier.

(b) Notwithstanding the provisions of this section, the board of regents shall not grant
final approval for any project between June 30, 2011 and May 1, 2015 except for projects that are
necessitated by immediate health and safety reasons. In the event that a project is requested
during the moratorium because of immediate health and safety reasons, those proposals shall be
reported to the chairs of the house and senate finance committees.

(c) Any project approval granted prior to the adoption of the school construction
regulations in 2007, and which are currently inactive; and any project approval granted prior to
the adoption of the school construction regulations in 2007 which did not receive voter approval
or which has not been previously financed, are no longer eligible for reimbursement under this
chapter. The department of elementary and secondary education shall develop recommendations
for further cost containment strategies in the school housing aid program.

(d) Beginning July 1, 2015, the council on elementary and secondary education shall
approve new necessity of school construction applications on an annual basis. The department of
elementary and secondary education shall develop an annual application timeline for LEAs
seeking new necessity of school construction approvals.

(e) Beginning June 30, 2019, no state funding shall be provided for projects in excess of
ten million dollars ($10,000,000) unless the prime contractor for the project has received
certification from the school building authority.

(f) Beginning July 1, 2019, the necessity of school construction process set forth in the
regulations of the council on elementary and secondary education shall include a single statewide
process, developed with the consultation of the department of environmental management, that
will ensure community involvement throughout the investigation and remediation of
contaminated building sites for possible reuse as the location of a school. That process will fulfill
all provisions of § 23-19.14-5 related to the investigation of reuse of such sites for schools.

16-7-44 School housing project costs.

(a) 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 § 16-7-41(d) and § 46-12.2-4.2(g), 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 and Educational Building Corporation or the Rhode
Island Infrastructure Bank. 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 council on 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, borrowing from the school building authority capital fund, and bonds issued by
the Rhode Island Health and Educational Building Corporation or the Rhode Island Infrastructure
Bank 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.

(b) Beginning July 1, 2019, school housing projects exceeding $1,500,000 subject to
inflation shall be assigned an owners program manager and a commissioning agent by the school
building authority. The cost of the program manager and commission agent shall be borne by the
school building authority.

(c) Temporary housing, or swing space, for student shall be a reimbursable expense so
long as a district can demonstrate that no other viable option to temporarily house students exists.

(d) Environmental site remediation, as defined by the school building authority, shall be a
reimbursable expense up to one million dollars ($1,000,000) per project.

(e) If, within thirty (30) years of construction, a newly constructed school is sold to a
private entity, the state shall receive a portion of a sale proceeds equal to that project’s housing
aid reimbursement rate at the time of construction.

SECTION 2. Sections 16-105-3, 16-105-7, and 16-105-8 of the General Laws in Chapter
16-105 entitled “School Building Authority” are hereby amended to read as follows:

16-105-3 Roles and responsibilities.

The school building authority roles and responsibilities shall include:

(1) Management of a system with the goal of ensuring 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, based on the recommendations of the school building
authority advisory board;

(5) Promulgating, managing and maintaining school construction regulations,
standards, and guidelines applicable to the school housing program, based on the
recommendations of the school building authority advisory board, created in § 16-105-8. Said
regulations shall require conformance with the minority business enterprise requirements set forth
in § 37-14.1-6;

(6) Developing a certification and review process for prime contractors seeking to bid on
Notwithstanding any general laws to the contrary, certifications shall be valid for a maximum of two (2) years from the date of issuance. Factors to be considered by the school building authority in granting certification to prime contractors shall include, but not be limited to, the contractor’s history of completing complex projects on time and on budget, track record of compliance with applicable environmental and safety regulations, evidence that completed prior projects prioritized the facility’s future maintainability, and compliance with applicable requirements for the use of women and minority owned subcontractors.

(7) Developing a mandatory statewide maintenance checklist and facilities standards for all school buildings that includes a minimum annual spending requirement for maintenance and/or a requirement for capital reserve funds dedicated exclusively for annual maintenance in accordance with national best practices. Districts shall adhere to the maintenance spending requirements beginning June 30, 2019 and facilities standards beginning June 30, 2021.

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

(9) Developing a project priority system, based on the recommendations of the school building authority advisory board, in accordance with school construction regulations for the state school housing aid set forth in §§ 16-7-35 to 16-7-47 and the school building authority capital fund, subject to review and, if necessary, to be revised on intervals not to exceed five (5) years. Project priorities shall be in accordance with, but not be limited to, the following order of priorities:

(i) Projects to replace or renovate a building that is structurally unsound or otherwise in a condition seriously jeopardizing the health and safety of school children where no alternative exists;

(ii) Projects needed to prevent loss of accreditation;

(iii) Projects needed for the replacement, renovation, or modernization of the HVAC system in any schoolhouse to increase energy conservation and decrease energy-related costs in said schoolhouse;

(iv) Projects needed to replace or add to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements; and

(v) Projects needed to comply with mandatory, instructional programs.

(10) Maintaining a current list of requested school projects and the priority given
Collecting and maintaining readily available data on all the public school facilities in the state;

Collecting, maintaining, and making publicly available monthly progress reports of ongoing school construction projects that shall include, at a minimum, the costs of the project and the time schedule of each project;

Recommending policies and procedures designed to reduce borrowing for school construction programs at both state and local levels;

At least every five (5) years, conducting a needs survey to ascertain the capital construction, reconstruction, maintenance, and other capital needs for schools in each district of the state, including public charter schools;

Developing a formal enrollment projection model or using projection models already available;

Encouraging local education agencies to investigate opportunities for the maximum utilization of space in and around the district;

Collecting and maintaining a clearinghouse of prototypical school plans that may be consulted by eligible applicants;

Retaining the services of consultants, construction managers, program managers, architects, engineers and experts, as necessary, to effectuate the roles and responsibilities listed within this section;

By regulation, offering additional incentive points to the school housing aid ratio calculation set forth in § 16-7-39, as the authority, based upon the recommendation of the advisory board, determines will promote the purposes of this chapter. Said regulations may delineate the type and amounts of any such incentive percentage points; provided, however, that no individual category of incentive points shall exceed five (5) additional points; and provided further, that no district shall receive a combined total of more than twenty (20) incentive percentage points for projects that commence construction by December 30, 2023, and five (5) incentive points for projects that commence construction thereafter. Such incentive points may be awarded for a district's use of highly efficient construction delivery methods; remediation of hazardous substances; regionalization with other districts; superior maintenance practices of a district; energy efficient and sustainable design and construction; the use of model schools as adopted by the authority; and other incentives as recommended by the advisory board and determined by the authority to encourage the most cost-effective and quality construction.

Notwithstanding any provision of the general laws to the contrary, the reimbursement or aid
received under this chapter or chapter 38.2 of title 45 shall not exceed one hundred percent (100%) of the sum of the total project costs plus interest costs, nor shall a district’s share be decreased by more than half of its regular share irrespective of the number of incentive points received.

Projects that were approved prior to July 1, 2017, but have not commenced construction as of January 1, 2018 are eligible to receive a total of five (5) combined incentive points so long as an owner program manager and commissioning agent of the school building authority’s choosing has been employed. Any project approved prior to July 1, 2017 that is withdrawn and/or resubmitted for approval shall not be eligible for any incentive points.

16-105-7 Expenses incurred by the department school building authority.

In order to provide for one-time or limited the expenses of the department of elementary and secondary education school building authority under this chapter, the Rhode Island health and education building corporation shall provide funding from the school building authority capital fund, fees generated from the origination of municipal bonds and other financing vehicles used for school construction, and its own reserves. The school building authority shall, by October 1 of each year, report to the governor and the chairs of the senate and house finance committees, the senate fiscal advisor, and the house fiscal advisor the amount sought for expenses for the next fiscal year.

There is also hereby established a restricted receipt account within the budget of the department of elementary and secondary education entitled “school construction services”, to be financed by the Rhode Island health and education building corporation’s sub-allotments of fees generated from the origination of municipal bonds and other financing vehicles used for school construction and its own reserves. Effective July 1, 2018, this account shall be utilized for the express purpose of supporting any departmental expenditures incurred in the administration of the school construction aid program.

16-105-8. 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, criteria for project approval, and recommendations for project approval and prioritization.

(b) The school building authority advisory board shall consist of seven-nine (7/9) 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) The commissioner of elementary and secondary education, or his or her designee;

(5) The chair of the Rhode Island health and educational building corporation; and

(6) 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. At least one of these four members shall represent a local education agency.

(c) In addition to the purposes in subsection (a), the school building authority advisory board shall advise the school building authority on, including but not limited to, the following:

(1) The project priorities for the school building authority capital fund;

(2) Legislation as it may deem desirable or necessary related to the school building authority capital fund and the school housing aid program set forth in §§ 16-7-35 to 16-7-47;

(3) Policies and procedures designed to reduce borrowing for school construction programs at both state and local levels;

(4) Development of a formal enrollment projection model or consideration of using projection models already available;

(5) Processes and procedures necessary to apply for, receive, administer, and comply with the conditions and requirements respecting any grant, gift, or appropriation of property, services, or monies;

(6) The collection and maintenance of a clearinghouse of prototypical school plans which may be consulted by eligible applicants and recommend incentives to utilize these prototypes;

(7) The determination of eligible cost components of projects for funding or reimbursement, including partial or full eligibility for project components for which the benefit is shared between the school and other municipal and community entities;

(8) Development of a long-term capital plan in accordance with needs and projected funding;

(9) Collection and maintenance of data on all the public school facilities in the state, including information on size, usage, enrollment, available facility space, and maintenance;

(10) Advising districts on the conduct of a needs survey to ascertain the capital construction, reconstruction, maintenance, and other capital needs for schools across the state;

(11) The recommendation of policies, rules, and regulations that move the state toward a pay-as-you-go funding system for school construction programs; and

(12) Encouraging local education agencies to investigate opportunities for the maximum utilization of space in and around the district.

SECTION 3. Section 45-38.2-4 of the General Laws in Chapter 45-38.2 entitled “School
Building Authority Capital Fund” are hereby amended to read as follows:

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 may 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) The corporation, per order of the school building authority capital fund, is authorized to grant a district or municipality its state share of an approved project cost, pursuant to §§ 16-7-39 and 16-77.1-5. 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.

(d)(1) Notwithstanding the provisions of §§ 45-12-19 and 45-12-20, and notwithstanding city or town charter provisions to the contrary, prior to July 1, 2016, no voter approval shall be required for loans in any amount made to a city or town for the local education agency’s share of total project costs.

(2) Notwithstanding the provisions of §§ 45-12-19 and 45-12-20, and notwithstanding city or town charter provisions to the contrary, on or after July 1, 2016, up to five hundred thousand dollars ($500,000) may be loaned to a city or town for the local education agency’s share of total project costs without the requirement of voter approval.

(e)(1) If the school building authority deems the amount of funding in the capital fund to be in excess of what is necessary to meet the state obligation for projects receiving support from the capital fund in a given year, the school building authority may direct excess funds to support the state share of foundational housing aid.

(2) Funds transferred from the capital fund to support the state share of foundational housing aid shall be offered to LEAs on a pay-as-you-go basis and not as a reimbursement of debt service for previously completed projects.

(3) Funds transferred from the capital fund to support the state share of foundational housing aid in a given year on a pay-as-you-go basis shall be offered proportionately to LEAs.
Notwithstanding any provision to the contrary, the term of any bond, capital lease, or other financing instrument shall not exceed the useful life of the project being financed.

SECTION 4. Section 46-12.2-4.2 of the General Laws in Chapter 46-12.2 entitled “Rhode Island Infrastructure Bank” is hereby amended to read as follows:

46-12.2-4.2. Establishment of the efficient buildings fund.

(a) There is hereby authorized and created within the Rhode Island infrastructure bank an efficient buildings fund for the purpose of providing technical, administrative and financial assistance to local governmental units for energy efficient and renewable energy upgrades to public buildings and infrastructure, including, but not limited to, streetlights. The Rhode Island infrastructure bank shall review and approve all applications for projects to be financed through the efficient buildings fund.

The office of energy resources shall promulgate rules and regulations establishing a project priority list for efficient buildings fund and the process through which a local governmental unit may submit an application for inclusion of a project on the project priority list. Upon issuance of the project priority list by the office of energy resources, the project priority list shall be used by the Rhode Island infrastructure bank to determine the order in which financial assistance shall be awarded. The Rhode Island infrastructure bank shall promulgate rules and regulations to effectuate the provisions of this section which may include, 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 35 of title 42. Eligibility for receipt of this financial assistance by a local governmental unit shall be conditioned upon that local governmental unit reallocating their remaining proportional QECB allocation to the state of Rhode Island.

(b) The Rhode Island infrastructure bank shall have all the powers necessary and convenient to carry out and effectuate the purposes and provisions of this section including, without limiting the generality of the preceding statement, the authority:

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

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

(3) To levy administrative fees on eligible borrowers as necessary to effectuate the provisions of this section, provided the fees have been previously authorized by an agreement between the Rhode Island infrastructure bank and the eligible borrower;
(4) To engage the services of third-party vendors to provide professional services;

(5) To establish one or more accounts within the fund; and

(6) Such other authority as granted to the Rhode Island infrastructure bank under this chapter.

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

(1) To provide financial assistance to local governmental units to finance costs of approved projects, as set forth in subsection (a), and to refinance the costs of the projects, subject to such terms and conditions, if any, as are determined by the Rhode Island infrastructure bank;

(2) To fund reserves for bonds of the Rhode Island infrastructure bank 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 Rhode Island infrastructure bank, by pledge, lien, assignment, or otherwise as provided in this chapter;

(3) To pay expenses of the Rhode Island infrastructure bank in administering the fund;

(4) To provide a reserve for, or to otherwise secure, amounts payable by borrowers on loans and 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 borrower for which the account was established and, on a parity basis with all other accounts, to defaults on any loans or obligations outstanding; and

(5) To provide a reserve for, or to otherwise secure, by pledge, lien, assignment, or otherwise as provided in this chapter, any bonds of the Rhode Island infrastructure bank.

(d) In addition to other remedies of the Rhode Island infrastructure bank under any loan agreement or otherwise provided by law, the Rhode Island infrastructure bank may also recover from a borrower, in an action in superior court, any amount due the Rhode Island infrastructure bank together with any other actual damages the Rhode Island infrastructure bank shall have sustained from the failure or refusal of the borrower to make the payments or abide by the terms of the loan agreement.
(e) The Rhode Island infrastructure bank may create one or more loan loss reserve funds
to serve as further security for any loans made by the Rhode Island infrastructure bank or any
bonds of the Rhode Island infrastructure bank issued to fund energy efficiency improvements in
public buildings in accordance with this section.

(f) To the extent possible, and in accordance with law, the infrastructure bank shall
encourage the use of project labor agreements for projects over ten million dollars ($10,000,000)
and local hiring on projects funded under this section.

(g) Any financial assistance provided by the Rhode Island infrastructure bank to a public
entity for the purpose of retrofitting a school building shall not be subject to the match established
by Rhode Island general laws §§ 16-7-35 to 16-7-47, and shall be made subject to coordination
with the Rhode Island department of education. Notwithstanding any provisions to the contrary in
Chapter 16-7, but subject to Section 16-7-41(c), any approved project as set forth in subsection
(a) of this section that is also an “approved project” as defined in §16-7-36 and predominately
energy or environmental in nature shall be eligible for school housing assistance under §§ 16-7-
35 through 16-7-47, and shall include the payment of interest on bonds, lease revenue bonds,
capital leases, or capital reserve funding issued by a local governmental unit.

SECTION 5. Sections 16-26-7 and 16-26-12 of the General Laws in Chapter 16-26
titled “School for the Deaf” are hereby amended to read as follows:

16-26-7. Persons admissible.

(a) All children of parents, or under the control of guardians or other persons, legal
residents of this state, between the ages from birth to twenty-one (21) years, whose hearing or
speech, or both, are impaired as to make it impracticable for this student to make progress toward
his or her educational goals by attending the public schools may attend the Rhode Island School
for the Deaf, without charge, under any rules and regulations as the board of regents for
elementary and secondary education may establish.

(b) Deaf persons from birth to twenty-one (21) years, who are legal residents of the state,
shall be entitled to the privilege of the school without charge, and for any period of time in each
individual case as may be deemed appropriate by the board of regents for elementary and
secondary education; residents of other states may be admitted upon the payment of any rates of
board and tuition as may be fixed by the board.

(c) Students who are not deaf or hard of hearing may be admitted to the Rhode Island
School for the Deaf in accordance with rules and regulations promulgated by the commissioner of
elementary and secondary education.

16-26-12. Other sources of funding.
(a) The 2009 general assembly, through the FY 2010 appropriation act, established a fee for a service program, also known as a tuition program, for the Rhode Island school for the deaf effective July 1, 2009 in accordance with the fee structure developed and implemented by the department of elementary and secondary education. Under this fee for service program, and the provisions of Rhode Island general law § 16-26-7.1 notwithstanding, districts shall be assessed tuition to cover the costs of educational services that are additional to the core deaf and hard-of-hearing education program that is provided to resident students at the Rhode Island school for the deaf.

(b) Tuition assessed at the school for the deaf to cover costs of educational services that are additional to the core deaf and hard-of-hearing education program shall be based on a graduated tuition schedule correlating to the varying needs of students. Districts shall receive three (3) times each school year, invoices summarizing the basis for the tuition charged. There shall be deducted from the final aid payment to each school district at the end of the fiscal year any amounts owed to the state for these additional educational services. All tuition paid by districts and any aid deducted for non-payment shall be deposited in a restricted receipt account and shall be exempt from the indirect cost recovery provisions of § 35-4-7.

(c) The school for the deaf is hereby authorized to rent or lease space in its school building. The school shall deposit any revenues from such agreements into a restricted receipt account, to be known as the school for the deaf rental income account, to be used for the same educational purposes that its state appropriation is used. Any such rental agreements must receive prior approval from the school's board of trustees and by the state properties committee.

(d) For students attending the Rhode Island School for the Deaf, in accordance with § 16-26-7(c), costs for those students shall be funded pursuant to the provisions of § 16-7.2-3, effective as of July 1, 2018. The state share of the permanent foundation education aid shall be paid directly to the Rhode Island School for the Deaf pursuant to the provisions of § 16-7.2-7. The local school district shall transfer the difference between the calculated state share of the permanent foundation education aid and the amount calculated pursuant to the provisions of § 16-7.2-7 to the Rhode Island School for the Deaf, until the transition of the state share is complete. In addition, the local school district shall pay the local share of education funding to the Rhode Island School for the Deaf as outlined in § 16-7.2-5.

SECTION 6. This article shall take effect upon passage.

ARTICLE 10
RELATING TO MAKING REVISED APPROPRIATIONS IN SUPPORT OF FY 2018

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,
2018. 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>Administration</th>
<th>FY 2018 (Enacted)</th>
<th>FY 2018 (Change)</th>
<th>FY 018 (Final)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Management</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Revenue</td>
<td>3,048,657</td>
<td>103,305</td>
<td>3,151,962</td>
</tr>
<tr>
<td>Total - Central Management</td>
<td>3,048,657</td>
<td>103,305</td>
<td>3,151,962</td>
</tr>
<tr>
<td>Legal Services</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Revenues</td>
<td>2,170,956</td>
<td>(26,682)</td>
<td>2,144,274</td>
</tr>
<tr>
<td>Total – Legal Services</td>
<td>2,170,956</td>
<td>(26,682)</td>
<td>2,144,274</td>
</tr>
<tr>
<td>Accounts and Control</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Revenue</td>
<td>4,130,796</td>
<td>870,684</td>
<td>5,001,480</td>
</tr>
<tr>
<td>Restricted Receipt – OPEB Board</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administration</td>
<td>225,000</td>
<td>(257)</td>
<td>224,743</td>
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<tr>
<td>Total - Accounts and Control</td>
<td>4,355,796</td>
<td>870,427</td>
<td>5,226,223</td>
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<td>Office of Management and Budget</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>General Revenue</td>
<td>8,882,351</td>
<td>784,000</td>
<td>9,666,351</td>
</tr>
<tr>
<td>Restricted Receipts</td>
<td>300,000</td>
<td>109,356</td>
<td>409,356</td>
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<tr>
<td>Other Funds</td>
<td>1,719,494</td>
<td>(722,905)</td>
<td>996,589</td>
</tr>
<tr>
<td>Total – Office of Management and Budget</td>
<td>10,901,845</td>
<td>170,451</td>
<td>11,072,296</td>
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<tr>
<td>Purchasing</td>
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<td></td>
</tr>
<tr>
<td>General Revenue</td>
<td>2,630,843</td>
<td>89,499</td>
<td>2,720,342</td>
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<tr>
<td>Restricted Receipts</td>
<td>540,000</td>
<td>(796)</td>
<td>539,204</td>
</tr>
<tr>
<td>Other Funds</td>
<td>233,525</td>
<td>101,936</td>
<td>335,461</td>
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<td>Total – Purchasing</td>
<td>3,404,368</td>
<td>190,639</td>
<td>3,595,007</td>
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<td>Human Resources</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Description</td>
<td>General Revenue</td>
<td>Federal Funds</td>
</tr>
<tr>
<td>---</td>
<td>------------------------------------------</td>
<td>-----------------</td>
<td>---------------</td>
</tr>
<tr>
<td>1</td>
<td>General Revenue</td>
<td>8,057,188</td>
<td>(6,898,076)</td>
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<tr>
<td>2</td>
<td>Federal Funds</td>
<td>1,014,410</td>
<td>(1,014,410)</td>
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<tr>
<td>3</td>
<td>Restricted Receipts</td>
<td>610,995</td>
<td>(610,955)</td>
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<tr>
<td>4</td>
<td>Other Funds</td>
<td>1,591,954</td>
<td>(1,591,954)</td>
</tr>
<tr>
<td>5</td>
<td>Total - Human Resources</td>
<td>11,274,547</td>
<td>(10,115,435)</td>
</tr>
</tbody>
</table>

**Personnel Appeal Board**

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>General Revenue</th>
<th>Other Funds</th>
<th>Total – Personnel Appeal Board</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>General Revenue</td>
<td>145,130</td>
<td>147,365</td>
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</tr>
<tr>
<td>7</td>
<td>Other Funds</td>
<td></td>
<td>0</td>
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</table>

**Information Technology**

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>General Revenues</th>
<th>Federal Funds</th>
<th>Restricted Receipts</th>
<th>Other Funds</th>
<th>Total – Information Technology</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>General Revenues</td>
<td>22,146,644</td>
<td>(20,687,630)</td>
<td>1,459,014</td>
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<td></td>
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<tr>
<td>11</td>
<td>Federal Funds</td>
<td>6,655,755</td>
<td></td>
<td>182,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Restricted Receipts</td>
<td>10,777,319</td>
<td>(794,089)</td>
<td>9,983,230</td>
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<tr>
<td>13</td>
<td>Other Funds</td>
<td>2,699,001</td>
<td>(2,609,827)</td>
<td>89,174</td>
<td></td>
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<tr>
<td>14</td>
<td>Total – Information Technology</td>
<td>42,278,719</td>
<td>(30,565,301)</td>
<td>11,713,418</td>
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</table>

**Library and Information Services**

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>General Revenue</th>
<th>Other Funds</th>
<th>Total - Library and Information Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>16</td>
<td>General Revenue</td>
<td>1,479,475</td>
<td>5,500</td>
<td>2,642,845 (127,797) 2,770,642</td>
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<tr>
<td>17</td>
<td>Federal Funds</td>
<td>1,157,870</td>
<td></td>
<td>1,288,383 (130,513)</td>
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<tr>
<td>18</td>
<td>Restricted Receipts</td>
<td>5,500</td>
<td>0</td>
<td>5,500 (0) 5,500</td>
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<tr>
<td>19</td>
<td>Total - Library and Information Services</td>
<td>2,642,845</td>
<td>127,797</td>
<td>2,770,642 (0) 2,770,642</td>
</tr>
</tbody>
</table>

**Planning**

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>General Revenue</th>
<th>Other Funds</th>
<th>Total - Planning</th>
</tr>
</thead>
<tbody>
<tr>
<td>24</td>
<td>Air Quality Modeling</td>
<td>24,000</td>
<td>0</td>
<td>24,000</td>
</tr>
<tr>
<td>26</td>
<td>FTA – Metro Planning Grant</td>
<td>1,033,131</td>
<td>(1,301)</td>
<td>1,031,830</td>
</tr>
<tr>
<td>27</td>
<td>Other Funds Total</td>
<td>4,229,628</td>
<td>317,186</td>
<td>4,546,814</td>
</tr>
<tr>
<td>28</td>
<td>Total - Planning</td>
<td>5,502,111</td>
<td>(474,635)</td>
<td>5,027,476</td>
</tr>
</tbody>
</table>

**General**

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>General Revenues</th>
<th>Other Funds</th>
<th>Total - Planning</th>
</tr>
</thead>
<tbody>
<tr>
<td>30</td>
<td>General Revenues</td>
<td>100,000</td>
<td>0</td>
<td>100,000</td>
</tr>
</tbody>
</table>

Provided that this amount be allocated to City Year for the Whole School Whole Child Program, which provides individualized support to at-risk students.

**Miscellaneous Grants/Payments**

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>34</td>
<td>Torts - Courts/Awards</td>
</tr>
<tr>
<td></td>
<td>Description</td>
</tr>
<tr>
<td>---</td>
<td>-------------------------------------------------------</td>
</tr>
<tr>
<td>1</td>
<td>State Employees/Teachers Retiree Health</td>
</tr>
<tr>
<td>2</td>
<td>Resource Sharing and State Library Aid</td>
</tr>
<tr>
<td>3</td>
<td>Library Construction Aid</td>
</tr>
<tr>
<td>4</td>
<td>General Funds Total</td>
</tr>
<tr>
<td>5</td>
<td>Restricted Receipts</td>
</tr>
<tr>
<td>6</td>
<td>Other Funds</td>
</tr>
<tr>
<td>7</td>
<td>Rhode Island Capital Plan Funds</td>
</tr>
<tr>
<td>8</td>
<td>Security Measures State Buildings</td>
</tr>
<tr>
<td>9</td>
<td>Energy Efficiency Improvements</td>
</tr>
<tr>
<td>10</td>
<td>Cranston Street Armory</td>
</tr>
<tr>
<td>11</td>
<td>Zambarano Building Rehabilitation</td>
</tr>
<tr>
<td>12</td>
<td>Big River Management Area</td>
</tr>
<tr>
<td>13</td>
<td>Veterans Memorial Auditorium</td>
</tr>
<tr>
<td>14</td>
<td>RI Convention Center Authority</td>
</tr>
<tr>
<td>15</td>
<td>Dunkin Donuts Center</td>
</tr>
<tr>
<td>16</td>
<td>Pastore Center Power Plant Rehab.</td>
</tr>
<tr>
<td>17</td>
<td>Virks Building Renovations</td>
</tr>
<tr>
<td>18</td>
<td>Accessibility – Facility Renovations</td>
</tr>
<tr>
<td>19</td>
<td>Cannon Building</td>
</tr>
<tr>
<td>20</td>
<td>Chapin Health Laboratory</td>
</tr>
<tr>
<td>21</td>
<td>Environmental Compliance</td>
</tr>
<tr>
<td>22</td>
<td>DoIT Operations Center</td>
</tr>
<tr>
<td>23</td>
<td>Old Colony House</td>
</tr>
<tr>
<td>24</td>
<td>Old State House</td>
</tr>
<tr>
<td>25</td>
<td>Pastore Center Buildings Demolition</td>
</tr>
<tr>
<td>26</td>
<td>Pastore Center Parking</td>
</tr>
<tr>
<td>27</td>
<td>Pastore Medical Center Rehab DOA</td>
</tr>
<tr>
<td>28</td>
<td>Pastore Center Strategic Plan</td>
</tr>
<tr>
<td>29</td>
<td>Pastore Center Utilities Upgrade</td>
</tr>
<tr>
<td>30</td>
<td>Pastore Center Water Tanks &amp; Pipes</td>
</tr>
<tr>
<td>31</td>
<td>Replacement of Fueling Tanks</td>
</tr>
<tr>
<td>32</td>
<td>Shepard Building</td>
</tr>
<tr>
<td>33</td>
<td>State House Energy Mgt Improvement</td>
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<tr>
<td>34</td>
<td>State House Renovations</td>
</tr>
<tr>
<td></td>
<td>Project Description</td>
</tr>
<tr>
<td>---</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>1</td>
<td>State Office Building</td>
</tr>
<tr>
<td>2</td>
<td>Washington County Government Center</td>
</tr>
<tr>
<td>3</td>
<td>William Powers Administration Bldg.</td>
</tr>
<tr>
<td>4</td>
<td>Hospital Consolidation</td>
</tr>
<tr>
<td>5</td>
<td>Mathias Building Upgrades</td>
</tr>
<tr>
<td>6</td>
<td>Total General</td>
</tr>
</tbody>
</table>

7 **Debt Service Payments**

|   | General Revenue                                   | 138,403,065 | (1,232,290)   | 137,170,775 |

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.

|   | Federal Funds                                     | 1,870,830    | 0             | 1,870,830   |
|   | Other Funds                                       |             |               |             |
|14 | Transportation Debt Service                       | 40,958,106   | (118,865)     | 39,356,16   |
|15 | Investment Receipts – Bond Funds                  | 100,000      | 0             | 100,000     |
|16 | Total - Debt Service Payments                     | 181,332,001  | (1,351,155)   | 179,980,846 |

8 **Energy Resources**

|   | Federal Funds                                     | 723,171      | 42,534        | 765,705     |
|   | Restricted Receipts                               | 11,410,652   | (1,621,791)   | 9,788,861   |
|20 | Total – Energy Resources                          | 12,133,823   | (1,579,257)   | 10,554,566  |

9 **Rhode Island Health Benefits Exchange**

|   | General Revenues                                  | 2,625,841    | 0             | 2,625,841   |
|   | Federal Funds                                     | 135,136      | 4,123,529     | 4,258,665   |
|   | Restricted Receipts                               | 6,807,845    | (768,351)     | 6,039,494   |
|25 | Total - Rhode Island Health Benefits Exchange      | 9,568,822    | 3,355,178     | 12,924,000  |

10 **Construction Permitting, Approvals and Licensing**

|   | General Revenues                                  | 1,790,975    | 296,122       | 2,087,097   |
|   | Restricted Receipts                               | 1,187,870    | 443,373       | 1,631,243   |
|30 | Total – Construction Permitting, Approvals and Licensing | 2,978,845    | 739,495       | 3,718,340   |

11 **Office of Diversity, Equity, and Opportunity**

|   | General Revenue                                  | 1,282,250    | (195,395)     | 1,086,855   |
|   | Other Funds                                       | 86,623       | (1,558)       | 85,065      |

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<table>
<thead>
<tr>
<th></th>
<th>Category</th>
<th>General Revenue</th>
<th>Federal Funds</th>
<th>Restricted Receipts</th>
<th>Other Funds</th>
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<td>Office of Diversity, Equity and Opportunity</td>
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<td>(30,206,332)</td>
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<td>13</td>
<td>Central Management</td>
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<td>14</td>
<td>General Revenues</td>
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<td>793,668</td>
<td>2,090,088</td>
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<td>15</td>
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<td>1,296,420</td>
<td>793,668</td>
<td>2,090,088</td>
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<td>(139,554)</td>
<td>1,653,508</td>
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<td>5,780,270</td>
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<td>General Revenue</td>
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<td>1,570,756</td>
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<td>(60,423)</td>
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<td>Commissioner</td>
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<td><strong>Commercial Licensing, Racing &amp; Athletics</strong></td>
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<td>5</td>
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<td>16,334</td>
<td>909,372</td>
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<td>323,703</td>
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<td>Total – Boards for Design Professionals</td>
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<td>(38,752)</td>
<td>323,703</td>
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<td>Grand Total - Business Regulation</td>
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<td><strong>Executive Office of Commerce</strong></td>
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<td><strong>Central Management</strong></td>
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<tr>
<td>16</td>
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<td>1,138,714</td>
<td>(7,755)</td>
<td>1,130,959</td>
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<td><strong>Housing and Community Development</strong></td>
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<td>642,391</td>
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<td>900,852</td>
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<td>2,739,204</td>
<td>26,022,148</td>
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<td><strong>Quasi-Public Appropriations</strong></td>
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<td>24</td>
<td>General Revenue</td>
<td></td>
<td></td>
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<tr>
<td>25</td>
<td>Rhode Island Commerce Corporation</td>
<td>7,474,514</td>
<td>(250,000)</td>
<td>7,224,514</td>
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<td>26</td>
<td>Airport Impact Aid</td>
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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 2017 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.

1. STAC Research Alliance  
   1,150,000  (250,000)  900,000

2. Innovative Matching Grants/Internships  
   1,000,000  0  1,000,000

3. I-195 Redevelopment District Commission  
   761,000  0  761,000

4. Chafee Center at Bryant  
   376,200  0  376,200

5. Urban Ventures  
   140,000  0  140,000

6. Polaris Manufacturing Grant  
   250,000  0  250,000

7. Other Funds
   Rhode Island Capital Plan Funds

8. I-195 Redevelopment District Commission  
   300,000  146,053  446,053

9. Quonset Piers  
   2,600,000  27,341  2,627,341

10. Total- Quasi-Public Appropriations  
    15,076,714  (326,606)  14,750,108

Economic Development Initiatives Fund

11. General Revenue

12. Innovation Initiative  
    1,000,000  0  1,000,000

13. I-195 Redevelopment Fund  
    2,000,000  0  2,000,000

14. Main Street RI Streetscape Improvements  
    500,000  0  500,000

15. Rebuild RI Tax Credit Fund  
    12,500,000  (3,000,000)  9,500,000

16. First Wave Closing Fund  
    1,800,000  0  1,800,000

17. Total- Economic Development Initiatives Fund  
    17,800,000  (3,000,000)  14,800,000

Commerce Programs

18. General Revenue

19. Wavemaker Fellowship  
    800,000  0  800,000

20. Air Service Development  
    500,000  0  500,000

21. Total - Commerce Programs  
    1,300,000  0  1,300,000

22. Grand Total - Executive Office of Commerce  
    58,598,372  (595,157)  58,003,215

Labor and Training

23. Central Management

24. General Revenue  
    134,315  561,934  696,249

25. Restricted Receipts  
    687,604  (490,957)  196,647

26. Other Funds  
   Rhode Island Capital Plan Funds
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<th>General Revenue</th>
<th>Federal Funds</th>
<th>Restricted Receipts</th>
<th>Other Funds</th>
<th>Total</th>
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<td>70,977</td>
<td>2,522,896</td>
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**Workforce Development Services**

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<th>Federal Funds</th>
<th>Restricted Receipts</th>
<th>Other Funds</th>
<th>Total</th>
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<td>704,517</td>
<td>66,325</td>
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<td>30,531,544</td>
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<td>8,237,982</td>
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<td>205,399</td>
<td>307,000</td>
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<td>Total - Workforce Development Services</td>
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<td>16,249,097</td>
<td>52,282,224</td>
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**Workforce Regulation and Safety**

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<th>Other Funds</th>
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**Income Support**

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<th>Other Funds</th>
<th>Total</th>
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<td>4,109,802</td>
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<td>20,824,181</td>
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<td>16</td>
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<td>(546,765)</td>
<td>1,953,255</td>
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<td>Other Funds</td>
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<td>Temporary Disability Insurance Fund</td>
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<td>382,475,960</td>
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**Injured Workers Services**

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<td>8,701,434</td>
<td>(909,878)</td>
<td>7,791,556</td>
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<tr>
<td>24</td>
<td>Total – Injured Workers Services</td>
<td>8,701,434</td>
<td>(909,878)</td>
<td>7,791,556</td>
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**Labor Relations Board**

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<th>Federal Funds</th>
<th>Restricted Receipts</th>
<th>Other Funds</th>
<th>Total</th>
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<td>15,220</td>
<td>412,555</td>
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<tr>
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<td>Total - Labor Relations Board</td>
<td>397,335</td>
<td>15,220</td>
<td>412,555</td>
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<td>Grand Total - Labor and Training</td>
<td>429,907,376</td>
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**Department of Revenue**

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<th>Federal Funds</th>
<th>Restricted Receipts</th>
<th>Other Funds</th>
<th>Total</th>
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<td>31</td>
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<td>753,621</td>
<td>1,997,887</td>
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<td>32</td>
<td>Total – Director of Revenue</td>
<td>1,244,266</td>
<td>753,621</td>
<td>1,997,887</td>
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**Office of Revenue Analysis**

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<td></td>
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<td>Income</td>
<td>Expenses</td>
<td>Balance</td>
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<td>Total – Office of Revenue Analysis</td>
<td>788,009</td>
<td>(63,874)</td>
<td>724,135</td>
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<td><em>Lottery Division</em></td>
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<tr>
<td>3</td>
<td>Other Funds</td>
<td>375,039,436</td>
<td>(4,814,925)</td>
<td>370,224,511</td>
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<tr>
<td>4</td>
<td>Total – Lottery Division</td>
<td>375,039,436</td>
<td>(4,814,925)</td>
<td>370,224,511</td>
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<tr>
<td>5</td>
<td><em>Municipal Finance</em></td>
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<td>6</td>
<td>General Revenue</td>
<td>3,111,025</td>
<td>(183,467)</td>
<td>2,927,558</td>
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<td>7</td>
<td><em>Taxation</em></td>
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<td>8</td>
<td>General Revenues</td>
<td>22,775,987</td>
<td>(523,006)</td>
<td>22,243,981</td>
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<td>9</td>
<td>Federal Funds</td>
<td>1,361,360</td>
<td>(88,354)</td>
<td>1,273,006</td>
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<td>Restricted Receipts</td>
<td>945,239</td>
<td>(61,850)</td>
<td>883,389</td>
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<td>11</td>
<td>Other Funds</td>
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<td>Motor Fuel Tax Evasion</td>
<td>176,148</td>
<td>(21,182)</td>
<td>154,966</td>
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<td>Temporary Disability Insurance</td>
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<td>(64,520)</td>
<td>939,967</td>
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<td>Total – Taxation</td>
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<td>(767,912)</td>
<td>25,495,309</td>
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<td><em>Registry of Motor Vehicles</em></td>
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<td>16</td>
<td>General Revenues</td>
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<td>27,015,893</td>
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<td>8,147</td>
<td>214,287</td>
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<td>21</td>
<td>General Revenue</td>
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<td>Distressed Communities Relief Fund</td>
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<td>Motor Vehicle Excise Tax Payments</td>
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<td>34,544,191</td>
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<td>Total – State Aid</td>
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<td>(1,455,809)</td>
<td>93,993,496</td>
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<td>Grand Total – Revenue</td>
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<td>(683,879)</td>
<td>524,687,839</td>
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<td><em>Legislature</em></td>
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<td>4,896,878</td>
<td>45,419,385</td>
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<td>Restricted Receipts</td>
<td>1,729,957</td>
<td>(85,200)</td>
<td>1,644,757</td>
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<td>Grand Total – Legislature</td>
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<td><em>Lieutenant Governor</em></td>
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<tr>
<td>34</td>
<td>General Revenues</td>
<td>1,084,217</td>
<td>(36,721)</td>
<td>1,047,496</td>
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<td>Description</td>
<td>General Revenue</td>
<td>Restricted Receipts</td>
<td>Total</td>
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<tr>
<td>1</td>
<td>Grand Total - Lieutenant Governor</td>
<td>1,084,217</td>
<td>(36,721)</td>
<td>1,047,496</td>
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<td>2</td>
<td>Secretary of State</td>
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<td>3,382,625</td>
<td>89,434</td>
<td>3,472,059</td>
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<td>Total – Administration</td>
<td>3,382,625</td>
<td>89,434</td>
<td>3,472,059</td>
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<td>General Revenue</td>
<td>2,224,127</td>
<td>(4,861)</td>
<td>2,219,266</td>
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<td>Total – Corporations</td>
<td>2,224,127</td>
<td>(4,861)</td>
<td>2,219,266</td>
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<td>87,150</td>
<td>9,427</td>
<td>96,577</td>
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<td>Restricted Receipts</td>
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<td>Other Funds</td>
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<td>13</td>
<td>Rhode Island Capital Plan Fund</td>
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<td>Elections &amp; Civics</td>
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<td>General Revenue</td>
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<td>79,692</td>
<td>1,986,162</td>
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<td>19</td>
<td>Total – Elections &amp; Civics</td>
<td>1,906,470</td>
<td>102,551</td>
<td>2,009,021</td>
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<td>723,385</td>
<td>(128,922)</td>
<td>594,463</td>
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<td>Total – State Library</td>
<td>723,385</td>
<td>(128,922)</td>
<td>594,463</td>
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<td>23</td>
<td>Provided that $125,000 be allocated to support the Rhode Island Historical Society pursuant to Rhode Island General Law, Section 29-2-1 and $18,000 be allocated to support the Newport Historical Society, pursuant to Rhode Island General Law, Section 29-2-2.</td>
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<td>Office of Public Information</td>
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<td>25</td>
<td>General Revenue</td>
<td>587,562</td>
<td>2,212</td>
<td>589,774</td>
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<td>Restricted Receipts</td>
<td>25,000</td>
<td>0</td>
<td>25,000</td>
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<td>27</td>
<td>Total – Office of Public Information</td>
<td>612,562</td>
<td>2,212</td>
<td>614,774</td>
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<td>Grand Total – Secretary of State</td>
<td>9,350,797</td>
<td>174,575</td>
<td>9,525,372</td>
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<td>General Treasurer</td>
<td></td>
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<td>30</td>
<td>General Revenue</td>
<td>2,456,017</td>
<td>148,919</td>
<td>2,604,936</td>
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<td>16,356</td>
<td>307,343</td>
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<td>32</td>
<td>Treasury</td>
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</table>
1. Other Funds
   - Temporary Disability Insurance Fund 226,879 45,100 271,979
   - Tuition Savings Program 323,363 48,008 371,371
   - Total – Treasury 3,297,246 258,383 3,555,629

2. State Retirement System
   - Restricted Receipts
     - Admin Expenses - State Retirement System 9,244,408 303,749 9,548,157
     - Retirement - Treasury Investment Operations 1,545,880 115,770 1,661,650
     - Defined Contribution – Administration 178,238 (78,308) 99,930
   - Total - State Retirement System 10,968,526 341,211 11,309,737

3. Unclaimed Property
   - Restricted Receipts 26,324,334 211,948 26,536,282
   - Total – Unclaimed Property 26,324,334 211,948 26,536,282

4. Crime Victim Compensation Program
   - General Revenue 242,675 29,070 271,745
   - Federal Funds 799,350 (72,682) 726,668
   - Restricted Receipts 1,132,319 (192,350) 939,969
   - Total - Crime Victim Compensation Program 2,174,344 (235,962) 1,938,382
   - Grand Total – General Treasurer 42,764,450 575,580 43,340,030

5. Board of Elections
   - General Revenue 1,548,735 141,016 1,689,751
   - Grand Total - Board of Elections 1,548,735 141,016 1,689,751

6. Rhode Island Ethics Commission
   - General Revenue 1,665,873 67,420 1,733,293
   - Grand Total - Rhode Island Ethics 1,665,873 67,420 1,733,293

7. Office of Governor
   - General Revenue 5,147,554 75,556 5,223,110
   - Contingency Fund 250,000 67,089 317,089
   - Grand Total – Office of Governor 5,397,554 142,645 5,540,199

8. Commission for Human Rights
   - General Revenue 1,258,074 34,516 1,292,590
   - Federal Funds 432,028 13,379 445,407
   - Grand Total - Commission for Human Rights
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<th>Rights</th>
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<th>47,895</th>
<th>1,737,997</th>
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<td>Federal Funds</td>
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<td>36,368</td>
<td>165,593</td>
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<td>Restricted Receipt</td>
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<td>801,701</td>
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<td>Grand Total - Public Utilities Commission</td>
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<td>838,069</td>
<td>9,974,412</td>
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<td>Office of Health and Human Services</td>
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<td>General Revenue</td>
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<td>242,782</td>
<td>27,234,932</td>
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<td>Federal Funds</td>
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<td>6,593,843</td>
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<td>39,680,786</td>
<td>172,556,083</td>
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<td>Medical Assistance</td>
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<td>13</td>
<td>General Revenue</td>
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<td>Managed Care</td>
<td>305,669,199</td>
<td>10,775,609</td>
<td>316,444,808</td>
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<td>Hospitals</td>
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<td>(5,804,130)</td>
<td>91,400,344</td>
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<td>Nursing Facilities</td>
<td>87,025,458</td>
<td>4,698,642</td>
<td>91,724,100</td>
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<td>Home and Community Based Services</td>
<td>29,133,178</td>
<td>(2,047,188)</td>
<td>27,085,990</td>
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<td>Other Services</td>
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<td>(1,820,693)</td>
<td>64,654,060</td>
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<td>Pharmacy</td>
<td>63,129,216</td>
<td>(33,604)</td>
<td>63,095,612</td>
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<td>Rhody Health</td>
<td>288,671,528</td>
<td>8,168,043</td>
<td>296,839,571</td>
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<td>21</td>
<td>Federal Funds</td>
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<td>22</td>
<td>Managed Care</td>
<td>384,843,395</td>
<td>11,186,797</td>
<td>396,030,192</td>
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<td>Hospitals</td>
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<td>(1,975,393)</td>
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<td>4,957,425</td>
<td>96,775,900</td>
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<td>(2,423,707)</td>
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<td>(540)</td>
<td>(1,061,223)</td>
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<td>8,629,514</td>
<td>311,560,429</td>
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<td>42,500,000</td>
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1  Total - Medical Assistance  2,408,966,599  13,395,438  2,422,362,037  
2  Grand Total – Office of Health and Human Services  2,541,841,896  53,076,224  2,594,918,120  

4  **Children, Youth, and Families**

5  **Central Management**

6  General Revenue  7,157,480  379,869  7,537,349  
7  Federal Funds  2,831,574  1,761,597  4,593,171  
8  Total - Central Management  9,989,054  2,141,466  12,130,520  

9  Children's Behavioral Health Services

10  General Revenue  5,099,171  1,543,060  6,642,231  
11  Federal Funds  5,447,794  199,111  5,646,905  
12  Other Funds

13  Rhode Island Capital Plan Funds

14  Training School Repairs/Improvements  550,000  (550,000)  0  
15  Total - Children's Behavioral Health Services  11,096,965  1,192,171  12,289,136  

17  **Juvenile Correctional Services**

18  General Revenue  22,824,456  1,707,868  24,532,324  
19  Federal Funds Total  280,282  5,006  285,288  
20  Other Funds

21  Rhode Island Capital Plan Funds

22  Training School Maintenance  0  550,000  550,000  
23  Generators – Rhode Island Training

24  School  500,000  150,000  650,000  
25  Total - Juvenile Correctional Services  23,604,738  2,412,874  26,017,612  

27  **Child Welfare**

28  General Revenue  96,928,649  4,146,618  101,075,267  
29  18 to 21 Year Olds  13,646,106  (1,046,490)  12,599,616  
30  Federal Funds  43,160,424  1,829,388  44,989,812  
31  18 to 21 Year Olds  7,295,085  (5,100,068)  2,195,017  
32  Restricted Receipts  3,128,707  (544,598)  2,584,109  
33  Total - Child Welfare  164,158,971  (715,150)  163,443,821  

34  **Higher Education Incentive Grants**
<table>
<thead>
<tr>
<th></th>
<th>General Revenue</th>
<th>Federal Funds</th>
<th>Restricted Receipts</th>
<th>Total - Central Management</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>200,000</td>
<td>0</td>
<td>200,000</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td><strong>Grand Total - Children, Youth, and Families</strong></td>
<td>209,049,728</td>
<td>5,031,361</td>
<td>214,081,089</td>
</tr>
<tr>
<td>3</td>
<td><strong>Health</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td><strong>Central Management</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>General Revenue</td>
<td>789,523</td>
<td>1,210,538</td>
<td>2,000,061</td>
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<tr>
<td>6</td>
<td>Federal Funds</td>
<td>3,646,373</td>
<td>383,016</td>
<td>4,029,389</td>
</tr>
<tr>
<td>7</td>
<td>Restricted Receipts</td>
<td>4,976,359</td>
<td>1,151,222</td>
<td>6,127,581</td>
</tr>
<tr>
<td>8</td>
<td>Total - Central Management</td>
<td>9,412,255</td>
<td>2,744,776</td>
<td>12,157,031</td>
</tr>
<tr>
<td>9</td>
<td><strong>Community Health and Equity</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>General Revenue</td>
<td>691,032</td>
<td>(18,981)</td>
<td>672,051</td>
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<tr>
<td>11</td>
<td>Federal Funds</td>
<td>71,790,291</td>
<td>(4,809,603)</td>
<td>66,980,688</td>
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<tr>
<td>12</td>
<td>Restricted Receipts</td>
<td>32,202,603</td>
<td>1,845,336</td>
<td>34,047,939</td>
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<tr>
<td>13</td>
<td>Total – Community Health and Equity</td>
<td>104,683,926</td>
<td>(2,983,248)</td>
<td>101,700,678</td>
</tr>
<tr>
<td>14</td>
<td><strong>Environmental Health</strong></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>15</td>
<td>General Revenue</td>
<td>5,100,209</td>
<td>65,114</td>
<td>5,165,323</td>
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<tr>
<td>16</td>
<td>Federal Funds</td>
<td>7,325,459</td>
<td>(97,725)</td>
<td>7,227,734</td>
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<tr>
<td>17</td>
<td>Restricted Receipts</td>
<td>239,613</td>
<td>98,117</td>
<td>337,730</td>
</tr>
<tr>
<td>18</td>
<td>Total - Environmental Health</td>
<td>12,665,281</td>
<td>65,506</td>
<td>12,730,787</td>
</tr>
<tr>
<td>19</td>
<td><strong>Health Laboratories and Medical Examiner</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>General Revenue</td>
<td>9,531,063</td>
<td>562,485</td>
<td>10,093,548</td>
</tr>
<tr>
<td>21</td>
<td>Federal Funds</td>
<td>2,034,544</td>
<td>(120,179)</td>
<td>1,914,365</td>
</tr>
<tr>
<td>22</td>
<td>Restricted Receipts</td>
<td>1,087,647</td>
<td>199,768</td>
<td>1,287,415</td>
</tr>
<tr>
<td>23</td>
<td>Total - Health Laboratories &amp; Medical Examiner</td>
<td>11,605,253</td>
<td>(278,346)</td>
<td>11,326,907</td>
</tr>
<tr>
<td>24</td>
<td><strong>Customer Service</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>General Revenue</td>
<td>6,324,375</td>
<td>(311,501)</td>
<td>6,012,874</td>
</tr>
<tr>
<td>26</td>
<td>Federal Funds</td>
<td>4,139,231</td>
<td>(166,613)</td>
<td>4,026,618</td>
</tr>
<tr>
<td>27</td>
<td>Restricted Receipts</td>
<td>1,087,647</td>
<td>199,768</td>
<td>1,287,415</td>
</tr>
<tr>
<td>28</td>
<td>Total – Customer Service</td>
<td>11,605,253</td>
<td>(278,346)</td>
<td>11,326,907</td>
</tr>
<tr>
<td>29</td>
<td><strong>Policy, Information and Communications</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>General Revenue</td>
<td>837,790</td>
<td>94,764</td>
<td>932,554</td>
</tr>
<tr>
<td>31</td>
<td>Federal Funds</td>
<td>2,354,457</td>
<td>380,576</td>
<td>2,735,033</td>
</tr>
<tr>
<td>32</td>
<td>Restricted Receipts</td>
<td>872,764</td>
<td>638,185</td>
<td>1,510,949</td>
</tr>
<tr>
<td>33</td>
<td>Total – Policy, Information</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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and Communications  4,065,011  1,113,525  5,178,536

Preparedness, Response, Infectious Disease & Emergency Services  

General Revenue  1,619,131  (76,186)  1,542,945
Federal Funds  14,028,957  (629,068)  13,399,889

Total – Preparedness, Response, Infectious Disease & Emergency Services  15,648,088  (705,254)  14,942,834

Grand Total – Health  169,645,421  399,265  170,044,686

Human Services  

Central Management  

General Revenue  3,410,108  56,089  3,466,197

Of this amount, $300,000 is to support the Domestic Violence Prevention Fund to provide direct services through the Coalition Against Domestic Violence, $250,000 is to support Project Reach activities provided by the RI Alliance of Boys and Girls Club, $217,000 is for outreach and supportive services provided through Day One, $175,000 is for food collection and distribution through the Rhode Island Community Food Bank, $300,000 for services provided to the homeless at Crossroads Rhode Island, and $520,000 for the Community Action Fund and $200,000 for the Institute for the Study and Practice of Nonviolence's Reduction Strategy.

Community Action Fund  

This amount shall be used to provide services to individuals and families through the nine community action agencies.

Federal Funds  3,973,906  797,459  4,771,365
Restricted Receipts  507,991  (413,808)  94,183

Total - Central Management  7,892,005  439,740  8,331,745

Child Support Enforcement  

General Revenue  3,081,319  229,237  3,310,556
Federal Funds  7,868,794  49,172  7,917,966

Total – Child Support Enforcement  10,950,113  278,409  11,228,522

Individual and Family Support  

General Revenue  20,663,169  4,350,246  25,013,415
Federal Funds  99,042,651  2,570,876  101,613,527
Restricted Receipts  386,650  44,901  431,551

Other Funds  

Food Stamp Bonus Funding  0  170,000  170,000
Intermodal Surface Transportation Fund  4,428,478  0  4,428,478
<table>
<thead>
<tr>
<th></th>
<th>Rhode Island Capital Plan Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Blind Vending Facilities</td>
</tr>
<tr>
<td>3</td>
<td>Total - Individual and Family Support</td>
</tr>
<tr>
<td>4</td>
<td>Office of Veterans' Affairs</td>
</tr>
<tr>
<td>5</td>
<td>General Revenue</td>
</tr>
<tr>
<td>6</td>
<td>Support services through Veterans' Organizations</td>
</tr>
<tr>
<td>7</td>
<td>Federal Funds</td>
</tr>
<tr>
<td>8</td>
<td>Restricted Receipts</td>
</tr>
<tr>
<td>9</td>
<td>Total - Veterans' Affairs</td>
</tr>
<tr>
<td>10</td>
<td>Health Care Eligibility</td>
</tr>
<tr>
<td>11</td>
<td>General Revenue</td>
</tr>
<tr>
<td>12</td>
<td>Federal Funds</td>
</tr>
<tr>
<td>13</td>
<td>Total - Health Care Eligibility</td>
</tr>
<tr>
<td>14</td>
<td>Supplemental Security Income Program</td>
</tr>
<tr>
<td>15</td>
<td>General Revenue</td>
</tr>
<tr>
<td>16</td>
<td>Total - Supplemental Security Income</td>
</tr>
<tr>
<td>17</td>
<td>Program</td>
</tr>
<tr>
<td>18</td>
<td>Rhode Island Works</td>
</tr>
<tr>
<td>19</td>
<td>General Revenue</td>
</tr>
<tr>
<td>20</td>
<td>Federal Funds</td>
</tr>
<tr>
<td>21</td>
<td>Total – Rhode Island Works</td>
</tr>
<tr>
<td>22</td>
<td>Other Programs</td>
</tr>
<tr>
<td>23</td>
<td>General Revenue</td>
</tr>
<tr>
<td>24</td>
<td>Of this appropriation, $180,000 $90,000 shall be used for hardship contingency payments.</td>
</tr>
<tr>
<td>25</td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>Federal Funds</td>
</tr>
<tr>
<td>27</td>
<td>Total - State Funded Programs</td>
</tr>
<tr>
<td>28</td>
<td>Elderly Affairs</td>
</tr>
<tr>
<td>29</td>
<td>General Revenue</td>
</tr>
</tbody>
</table>
| 30 | Of this amount, $140,000 is to provide elder services, including respite, through the Diocese of Providence, $40,000 for ombudsman services provided by the Alliance for Long Term in accordance with Rhode Island General Law 42-66.7, $85,000 for security for housing for the elderly in accordance with Rhode Island General Law, Section 42-66.1-3, $400,000 for Senior Services Support and $580,000 for elderly nutrition, of which $530,000 is for Meals on Wheels.
1 Federal Funds 12,763,393 629,253 13,392,646
2 Restricted Receipts 134,428 12,507 146,935
3 RIPAE 120,693 (87,693) 33,000
4 Total – Elderly Affairs 19,610,702 1,204,160 20,814,862
5 Grand Total - Human Services 614,682,222 14,888,283 629,570,505
6 \textbf{Behavioral Healthcare, Developmental Disabilities, and Hospitals}
7 \textit{Central Management}
8 General Revenue 1,655,306 270,594 1,925,900
9 Total - Central Management 1,655,306 995,594 2,650,900
10 \textit{Hospital and Community System Support}
11 General Revenue 2,067,954 647,839 2,715,793
12 Rhode Island Capital Plan Funds
13 Medical Center Rehabilitation 250,000 224,784 474,784
14 Community Facilities Fire Code 400,000 (400,000) 0
15 Other Funds Total
16 Total - Hospital and Community System
17 Support 2,717,954 472,623 3,190,577
18 \textbf{Services for the Developmentally Disabled}
19 General Revenue 123,584,106 5,596,853 129,180,959
20 Of this general revenue funding, \$3.0 million shall be expended on private provider direct
21 support staff raises and associated payroll costs as authorized by the Department of Behavioral
22 Healthcare, Developmental Disabilities and Hospitals. Any increases for direct support staff in
23 residential or other community based settings must first receive the approval of the Office of
24 Management and Budget and the Executive Office of Health and Human Services.
25 Federal Funds 130,151,094 9,603,726 139,754,820
26 Restricted Receipts 1,872,560 (340,310) 1,532,250
27 Other Funds
28 Rhode Island Capital Plan Funds
29 Community Facilities Fire Code 0 416,061 416,061
30 DD Private Waiver 100,000 183,299 283,299
31 RICAP – Regional Center Repair/Rehab 300,000 240,275 540,275
32 MR Community Facilities/Access to Ind. 500,000 0 500,000
33 Total - Services for the Developmentally Disabled
34 Disabled 256,507,760 15,699,904 272,207,664
### Behavioral Healthcare Services

<table>
<thead>
<tr>
<th></th>
<th>General Revenue</th>
<th>Federal Funds</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General Revenue</strong></td>
<td>2,543,780</td>
<td>24,368,659</td>
<td>2,847,431</td>
</tr>
<tr>
<td><strong>Federal Funds</strong></td>
<td>2,543,780</td>
<td>24,368,659</td>
<td>2,847,431</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>2,543,780</td>
<td>24,368,659</td>
<td>2,847,431</td>
</tr>
</tbody>
</table>

Of this federal funding, $900,000 shall be expended on the Municipal Substance Abuse Task Forces, $250,000 for the Oasis Wellness and Recovery Center and $128,000 shall be expended on NAMI of RI.

<table>
<thead>
<tr>
<th></th>
<th>Restricted Receipts</th>
<th>Other Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Restricted Receipts</strong></td>
<td>100,000</td>
<td>100,000</td>
</tr>
<tr>
<td><strong>Other Funds</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Hospital and Community Rehabilitative Services

<table>
<thead>
<tr>
<th></th>
<th>General Revenue</th>
<th>Federal Funds</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General Revenue</strong></td>
<td>46,597,476</td>
<td>8,384,125</td>
<td>54,956,198</td>
</tr>
<tr>
<td><strong>Federal Funds</strong></td>
<td>46,597,476</td>
<td>8,384,125</td>
<td>54,956,198</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>46,597,476</td>
<td>8,384,125</td>
<td>54,956,198</td>
</tr>
</tbody>
</table>

### Office of the Child Advocate

<table>
<thead>
<tr>
<th></th>
<th>General Revenue</th>
<th>Federal Funds</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General Revenue</strong></td>
<td>781,499</td>
<td>144,621</td>
<td>787,881</td>
</tr>
<tr>
<td><strong>Federal Funds</strong></td>
<td>781,499</td>
<td>144,621</td>
<td>787,881</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>781,499</td>
<td>144,621</td>
<td>787,881</td>
</tr>
</tbody>
</table>

### Commission on the Deaf and Hard of Hearing

<table>
<thead>
<tr>
<th></th>
<th>General Revenue</th>
<th>Other Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General Revenue</strong></td>
<td>498,710</td>
<td>(62,028)</td>
</tr>
</tbody>
</table>

Grand Total – Behavioral Healthcare, Developmental Disabilities, and Hospitals: 397,090,236

Grand Total – Office of the Child Advocate: 926,120

Grand Total – Office of the Child Advocate: 1,045,819
<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>General Revenue</th>
<th>Federal Funds</th>
<th>Restricted Receipts</th>
<th>Grand Total - Governor's Commission on Disabilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Restricted Receipts</td>
<td>129,200</td>
<td>0</td>
<td>129,200</td>
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</tr>
<tr>
<td>2</td>
<td><strong>Grand Total – Com on Deaf and Hard of Hearing</strong></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>3</td>
<td>Hearing</td>
<td>627,910</td>
<td>(62,028)</td>
<td>565,882</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td><strong>Governor's Commission on Disabilities</strong></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>5</td>
<td>General Revenue</td>
<td>454,938</td>
<td>23,969</td>
<td>478,907</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Federal Funds</td>
<td>343,542</td>
<td>(8,375)</td>
<td>335,167</td>
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</tr>
<tr>
<td>7</td>
<td>Restricted Receipts</td>
<td>43,710</td>
<td>9,888</td>
<td>53,598</td>
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</tr>
<tr>
<td>8</td>
<td><strong>Grand Total - Governor's Commission on Disabilities</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Hearing</td>
<td>842,190</td>
<td>25,482</td>
<td>867,672</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td><strong>Office of the Mental Health Advocate</strong></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>General Revenue</td>
<td>549,563</td>
<td>79,208</td>
<td>628,771</td>
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<tr>
<td>12</td>
<td><strong>Grand Total - Office of the Mental Health Advocate</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>General Revenue</td>
<td>549,563</td>
<td>79,208</td>
<td>628,771</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td><strong>Elementary and Secondary Education</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Administration of the Comprehensive Education Strategy</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>General Revenue</td>
<td>20,106,907</td>
<td>346,317</td>
<td>20,453,224</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Provided that $90,000 be allocated to support the hospital school at Hasbro Children's Hospital pursuant to Rhode Island General Law, Section 16-7-20 and that $245,000 be allocated to support child opportunity zones through agreements with the department of elementary and secondary education to strengthen education, health and social services for students and their families as a strategy to accelerate student achievement.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td><strong>Federal Funds</strong></td>
<td>201,868,995</td>
<td>5,466,888</td>
<td>207,335,883</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td><strong>Restricted Receipts</strong></td>
<td>2,241,390</td>
<td>(195,939)</td>
<td>2,045,451</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td><strong>HRIC Adult Education Grants</strong></td>
<td>3,500,000</td>
<td>0</td>
<td>3,500,000</td>
<td></td>
</tr>
<tr>
<td>21</td>
<td><strong>Total – Administration of the Comprehensive Education Strategy</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22</td>
<td><strong>Davies Career and Technical School</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>General Revenue</td>
<td>13,358,058</td>
<td>(82,699)</td>
<td>13,275,359</td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>Federal Funds</td>
<td>1,376,685</td>
<td>54,770</td>
<td>1,431,455</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>Restricted Receipts</td>
<td>3,716,922</td>
<td>(21,004)</td>
<td>3,695,918</td>
<td></td>
</tr>
<tr>
<td>26</td>
<td><strong>Other Funds</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>Rhode Island Capital Plan Funds</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>Davies HVAC</td>
<td>1,000,000</td>
<td>6,155</td>
<td>1,006,155</td>
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</tbody>
</table>

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<table>
<thead>
<tr>
<th></th>
<th>Department</th>
<th>General Revenue</th>
<th>Federal Funds</th>
<th>Restricted Receipts</th>
<th>Other Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Davies Asset Protection</td>
<td>150,000</td>
<td>324,041</td>
<td>474,041</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Davies Advanced Manufacturing</td>
<td>3,650,000</td>
<td>0</td>
<td>3,650,000</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Total - Davies Career and Technical School</td>
<td>23,251,665</td>
<td>281,263</td>
<td>23,532,928</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>RI School for the Deaf</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>General Revenue</td>
<td>6,269,979</td>
<td>(19,832)</td>
<td>6,250,147</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Federal Funds</td>
<td>254,320</td>
<td>299,504</td>
<td>553,824</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Restricted Receipts</td>
<td>777,791</td>
<td>55,972</td>
<td>833,763</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Other Funds</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>RI School for the Deaf - Fee for Service</td>
<td>59,000</td>
<td>0</td>
<td>59,000</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Total - RI School for the Deaf</td>
<td>7,361,090</td>
<td>335,644</td>
<td>7,696,734</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Metropolitan Career and Technical School</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>General Revenue</td>
<td>9,342,007</td>
<td>0</td>
<td>9,342,007</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Other Funds</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Rhode Island Capital Plan Funds</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>MET Asset Protection</td>
<td>250,000</td>
<td>0</td>
<td>250,000</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>Met School HVAC</td>
<td>2,173,000</td>
<td>428,619</td>
<td>2,601,619</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Total – Metropolitan Career and Technical School</td>
<td>11,765,007</td>
<td>428,619</td>
<td>12,193,626</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Education Aid</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>General Revenue</td>
<td>890,282,092</td>
<td>(66,040)</td>
<td>890,216,052</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>Restricted Receipts</td>
<td>20,184,044</td>
<td>2,754,585</td>
<td>22,938,629</td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>Other Funds</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>Permanent School Fund Education Aid</td>
<td>300,000</td>
<td>0</td>
<td>300,000</td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>Total – Education Aid</td>
<td>910,766,136</td>
<td>2,688,545</td>
<td>913,454,681</td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>Central Falls School District</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>General Revenue</td>
<td>39,878,367</td>
<td>0</td>
<td>39,878,367</td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>Total – Central Falls School District</td>
<td>39,878,367</td>
<td>0</td>
<td>39,878,367</td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>School Construction Aid</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>General Revenue</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>School Housing Aid</td>
<td>70,907,110</td>
<td>(1,827,554)</td>
<td>69,079,556</td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>School Building Authority Fund</td>
<td>9,092,890</td>
<td>1,827,554</td>
<td>10,920,444</td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>Total – School Construction Aid</td>
<td>80,000,000</td>
<td>0</td>
<td>80,000,000</td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>Teachers' Retirement</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>1</th>
<th>General Revenue</th>
<th>101,833,986</th>
<th>139,942</th>
<th>101,973,928</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Grand Total - Elementary and Secondary</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Education</td>
<td>1,402,573,543</td>
<td>9,491,279</td>
<td>1,412,064,822</td>
</tr>
<tr>
<td>4</td>
<td><strong>Public Higher Education</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td><strong>Office of Postsecondary Commissioner</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>General Revenue</td>
<td>14,578,459</td>
<td>(496,747)</td>
<td>14,081,712</td>
</tr>
<tr>
<td>7</td>
<td>Provided that $355,000 shall be allocated to Rhode Island College Crusade pursuant to Rhode Island General Law, Section 16-70-5 and that $30,000 shall be allocated to Best Buddies Rhode Island to support its programs for children with developmental and intellectual disabilities.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>It is also provided that $2,750,000 $2,981,086 shall be allocated to the Rhode Island Promise Scholarship program.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Federal Funds</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Federal Funds</td>
<td>3,707,287</td>
<td>394,000</td>
<td>4,101,287</td>
</tr>
<tr>
<td>11</td>
<td>Guaranty Agency Administration</td>
<td>5,576,382</td>
<td>(5,264)</td>
<td>5,571,118</td>
</tr>
<tr>
<td>12</td>
<td>WaytogoRI Portal</td>
<td>650,000</td>
<td>(175,000)</td>
<td>475,000</td>
</tr>
<tr>
<td>13</td>
<td>Guaranty Agency Operating Fund</td>
<td>4,000,000</td>
<td>0</td>
<td>4,000,000</td>
</tr>
<tr>
<td>14</td>
<td>Restricted Receipts</td>
<td>1,490,341</td>
<td>492,852</td>
<td>1,983,193</td>
</tr>
<tr>
<td>15</td>
<td><strong>Other Funds</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>Tuition Savings Program – Dual Enrollment</td>
<td>1,300,000</td>
<td>1,340,000</td>
<td>2,640,000</td>
</tr>
<tr>
<td>17</td>
<td>Tuitions Savings Program – Scholarship/Grants</td>
<td>6,095,000</td>
<td>0</td>
<td>6,095,000</td>
</tr>
<tr>
<td>18</td>
<td>Nursing Education Center - Operating</td>
<td>5,052,544</td>
<td>(2,545,418)</td>
<td>2,507,126</td>
</tr>
<tr>
<td>19</td>
<td><strong>Rhode Island Capital Plan Funds</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>Westerly Campus</td>
<td>0</td>
<td>98,729</td>
<td>98,729</td>
</tr>
<tr>
<td>21</td>
<td>Total – Office of the Postsecondary Commissioner</td>
<td>42,450,013</td>
<td>(896,848)</td>
<td>41,553,165</td>
</tr>
<tr>
<td>22</td>
<td><strong>University of Rhode Island</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>General Revenue</td>
<td>77,371,073</td>
<td>(366,777)</td>
<td>77,004,296</td>
</tr>
<tr>
<td>24</td>
<td>Provided that in order to leverage federal funding and support economic development, $350,000 shall be allocated to the Small Business Development Center and that $50,000 shall be allocated to Special Olympics Rhode Island to support its mission of providing athletic opportunities for individuals with intellectual and developmental disabilities.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>The University shall not decrease internal student financial aid in the 2017 – 2018 academic year</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
below the level of the 2016 – 2017 academic year. The President of the institution shall report, 
prior to the commencement of the 2017-2018 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 the FY 2018 as prescribed above.

<table>
<thead>
<tr>
<th></th>
<th>Debt Service</th>
<th>RI State Forensics Laboratory</th>
<th>Other Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>University and College Funds</td>
<td>22,657,568</td>
<td>1,201,087</td>
<td></td>
</tr>
<tr>
<td>Debt – Dining Services</td>
<td>107,338</td>
<td>(3,876)</td>
<td></td>
</tr>
<tr>
<td>Debt – Education and General</td>
<td>22,764,906</td>
<td>1,197,211</td>
<td></td>
</tr>
<tr>
<td>Debt – Health Services</td>
<td>153,138</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Debt – Housing Loan Funds</td>
<td>9,984,968</td>
<td>(233,320)</td>
<td></td>
</tr>
<tr>
<td>Debt – Memorial Union</td>
<td>320,961</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Debt – Ryan Center</td>
<td>2,423,089</td>
<td>(29,322)</td>
<td></td>
</tr>
<tr>
<td>Debt – Alton Jones Services</td>
<td>102,964</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Debt - Parking Authority</td>
<td>1,126,190</td>
<td>(179,673)</td>
<td></td>
</tr>
<tr>
<td>Debt – Sponsored Research</td>
<td>84,913</td>
<td>15,409</td>
<td></td>
</tr>
<tr>
<td>Debt – Restricted Energy Conservation</td>
<td>810,170</td>
<td>(341,744)</td>
<td></td>
</tr>
<tr>
<td>Debt – URI Energy Conservation</td>
<td>1,831,837</td>
<td>(50,551)</td>
<td></td>
</tr>
<tr>
<td>Rhode Island Capital Asset Plan Funds</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Asset Protection</td>
<td>8,030,000</td>
<td>522,287</td>
<td></td>
</tr>
<tr>
<td>Fine Arts Center Advanced Planning</td>
<td>1,000,000</td>
<td>0</td>
<td>1,000,000</td>
</tr>
<tr>
<td>White Hall Renovations</td>
<td>0</td>
<td>228,969</td>
<td>228,969</td>
</tr>
<tr>
<td>Electrical Substation</td>
<td>0</td>
<td>581,000</td>
<td>581,000</td>
</tr>
<tr>
<td>Fire Safety</td>
<td>0</td>
<td>373,348</td>
<td>373,348</td>
</tr>
<tr>
<td>Biological Resources Lab</td>
<td>0</td>
<td>4,204,831</td>
<td>4,204,831</td>
</tr>
<tr>
<td>Total – University of Rhode Island</td>
<td>777,295,493</td>
<td>4,637,623</td>
<td>781,933,116</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, 2018 relating to the University of Rhode Island are hereby 
reappropriated to fiscal year 2019.

Rhode Island College

<table>
<thead>
<tr>
<th></th>
<th>General Revenue</th>
<th>Debt Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>University and College Funds</td>
<td>48,188,791</td>
<td>4,867,060</td>
</tr>
<tr>
<td>Debt – Dining Services</td>
<td>(364,551)</td>
<td>1,325,568</td>
</tr>
<tr>
<td>Debt – Education and General</td>
<td>47,824,240</td>
<td>6,192,628</td>
</tr>
</tbody>
</table>

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Rhode Island College shall not decrease internal student financial aid in the 2017 – 2018 academic year below the level of the 2016 – 2017 academic year. The President of the institution shall report, prior to the commencement of the 2017 – 2018 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 the FY 2018 as prescribed above.

### Other Funds

<table>
<thead>
<tr>
<th>Fund</th>
<th>Beginning FY 2018</th>
<th>Change FY 2018</th>
<th>Ending FY 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>University and College Funds</td>
<td>127,503,637</td>
<td>(870,851)</td>
<td>126,632,786</td>
</tr>
<tr>
<td>Debt – Education and General</td>
<td>1,473,919</td>
<td>(592,875)</td>
<td>881,044</td>
</tr>
<tr>
<td>Debt – Housing</td>
<td>368,262</td>
<td>0</td>
<td>368,262</td>
</tr>
<tr>
<td>Debt – Student Center and Dining</td>
<td>154,095</td>
<td>0</td>
<td>154,095</td>
</tr>
<tr>
<td>Debt – Student Union</td>
<td>235,556</td>
<td>(29,006)</td>
<td>206,550</td>
</tr>
<tr>
<td>Debt – G.O. Debt Service</td>
<td>1,640,974</td>
<td>0</td>
<td>1,640,974</td>
</tr>
<tr>
<td>Debt – Energy Conservation</td>
<td>592,875</td>
<td>0</td>
<td>592,875</td>
</tr>
<tr>
<td>Rhode Island Capital Plan Funds</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Asset Protection</td>
<td>3,458,431</td>
<td>1,210,476</td>
<td>4,668,907</td>
</tr>
<tr>
<td>Infrastructure Modernization</td>
<td>4,500,000</td>
<td>1,032,253</td>
<td>5,532,253</td>
</tr>
<tr>
<td>Academic Building Phase I</td>
<td>6,100,000</td>
<td>0</td>
<td>6,100,000</td>
</tr>
<tr>
<td>Total – Rhode Island College</td>
<td>199,083,600</td>
<td>1,711,014</td>
<td>200,794,614</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, 2018 relating to Rhode Island College are hereby reappropriated to fiscal year 2019.

Community College of Rhode Island

| General Revenue                     | 49,935,710       | (314,554)      | 49,621,156    |

The Community College of Rhode Island College shall not decrease internal student financial aid in the 2017 – 2018 academic year below the level as the 2016 – 2017 academic year. The President of the institution shall report, prior to the commencement of the 2017 – 2018 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 the FY 2018 as prescribed above.

| Debt Service                        | 2,082,845        | 0              | 2,082,845     |
| Restricted Receipts                 | 683,649          | 0              | 683,649       |
| Other Funds                         |                  |                |               |
| University and College Funds        | 99,588,610       | (830,115)      | 98,758,495    |
| CCRI Debt Service – Energy Conservation | 805,025        | 0              | 805,025       |
1 Rhode Island Capital Plan Funds
2  Asset Protection 2,799,063  1,722,759  4,521,822
3  Knight Campus Lab Renovation 375,000  0  375,000
4  Knight Campus Renewal 5,000,000  2,950,427  7,950,427
5  Total – Community College of RI 161,269,902  3,528,517  164,798,419
6 Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or
7 unencumbered balances as of June 30, 2018 relating to the Community College of Rhode Island
8 are hereby reappropriated to fiscal year 2019.
9  Grand Total – Public Higher
10  Education 1,180,099,008  8,980,306  1,189,079,314
11
12 RI State Council on the Arts
13  General Revenue
14  Operating Support Grants 780,056  18,304  798,360
15  Grants 1,165,000  0  1,165,000
16  Provided that $375,000 be provided to support the operational costs of WaterFire
17 Providence art installations.
18  Federal Funds 781,454  (29,658)  751,796
19  Restricted Receipts 0  10,881  10,881
20  Other Funds
21  Arts for Public Facilities 345,800  54,200  400,000
22  Grand Total - RI State Council on the Arts 3,072,310  53,727  3,126,037
23
24 RI Atomic Energy Commission
25  General Revenue 982,157  38,864  1,021,021
26  Federal Funds 0  36,888  36,888
27  Other Funds
28  URI Sponsored Research 272,216  (454)  271,762
29  Rhode Island Capital Plan Funds
30  RINSC Asset Protection 50,000  0  50,000
31  Grand Total - RI Atomic Energy
32  Commission 1,304,373  75,298  1,379,671
33
34 RI Historical Preservation and Heritage Commission
35  General Revenue 1,121,134  2,020  1,123,154
36  Provided that $30,000 support the operational costs of the Fort Adams Trust's restoration
37 activities.
<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Federal Funds</th>
<th>Restricted Receipts</th>
<th>Other Funds</th>
<th>RIDOT – Project Review</th>
<th>Grand Total – RI Historical Preservation and Heritage Commission</th>
<th>Attorney General</th>
<th>Criminal</th>
<th>General</th>
<th>Other Funds</th>
<th>Rhode Island Capital Plan Fund</th>
<th>Building Renovations and Repairs</th>
<th>Total – Criminal</th>
<th>Bureau of Criminal Identification</th>
<th>General</th>
<th>Corrections</th>
<th>Central Management</th>
<th>Parole Board</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Federal Funds</td>
<td>860,963</td>
<td>115,240</td>
<td>976,203</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Restricted Receipts</td>
<td>427,700</td>
<td>4,451</td>
<td>432,151</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>3</td>
<td>Other Funds</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>RIDOT – Project Review</td>
<td>80,970</td>
<td>0</td>
<td>80,970</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td>22</td>
<td>Restricted Receipts</td>
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<td>Total – Institutional Based Rehab/Pop/Mgt.</td>
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<td>1,921,779</td>
<td>14,245,714</td>
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<td><strong>Healthcare Services</strong></td>
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<td>26</td>
<td>Total – Healthcare Services</td>
<td>23,800,253</td>
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<tr>
<td>27</td>
<td><strong>Community Corrections</strong></td>
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</tr>
<tr>
<td>29</td>
<td>Total – Community Corrections</td>
<td>18,683,844</td>
<td>(2,038,675)</td>
<td>16,645,169</td>
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<td>32</td>
<td>Total – Community Corrections</td>
<td>18,683,844</td>
<td>(2,038,675)</td>
<td>16,645,169</td>
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<td>33</td>
<td>Grand Total – Corrections</td>
<td>235,700,265</td>
<td>12,906,945</td>
<td>248,607,210</td>
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<td><strong>Judiciary</strong></td>
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Supreme Court

General Revenue

<table>
<thead>
<tr>
<th>Description</th>
<th>General Revenue</th>
<th>Federal Funds</th>
<th>Restricted Receipts</th>
<th>Other Funds</th>
<th>Rhode Island Capital Plan Fund</th>
</tr>
</thead>
</table>

Provided however, that no more than $1,183,205 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 and further provided that $230,000 be allocated to the Rhode Island Coalition Against Domestic Violence for the domestic abuse court advocacy project pursuant to Rhode Island General Law, Section 12-29-7 and that $90,000 be allocated to Rhode Island Legal Services, Inc. to provide housing and eviction defense to indigent individuals.

Defense of Indigents 3,803,166 0 3,803,166

Federal Funds 121,481 20,270 141,751

Restricted Receipts 3,980,969 (598,436) 3,382,533

Other Funds

Rhode Island Capital Plan Fund

Judicial HVAC 900,000 0 900,000

Judicial Complexes Asset Protection 950,000 82,391 1,032,391

Licht Judicial Complex Restoration 750,000 75,956 825,956

Licht Window/Exterior Restoration 500,000 0 500,000

Noel Shelled Courtroom Build Out 4,000,000 0 4,000,000

Total - Supreme Court 43,311,918 221,667 43,533,585

Judicial Tenure and Discipline

General Revenue 146,008 1,017 147,025

Total – Judicial Tenure and Discipline 146,008 1,017 147,025

Superior Court

General Revenue 23,379,864 (122,360) 23,257,504

Federal Funds 91,739 (485) 91,254

Restricted Receipts 370,781 15,170 385,951

Total - Superior Court 23,842,384 (107,675) 23,734,709

Family Court

General Revenue 20,695,682 (33,366) 20,662,316

Federal Funds 2,908,095 (129,952) 2,778,143

Total - Family Court 23,603,777 (163,318) 23,440,459

District Court
<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>General Revenue</th>
<th>Federal Funds</th>
<th>Restricted Receipts</th>
<th>Total</th>
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<tbody>
<tr>
<td>1</td>
<td>General Revenue</td>
<td>13,165,035</td>
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<td>13,113,522</td>
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<td>Total - District Court</td>
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<td>(196,952)</td>
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<td><strong>Traffic Tribunal</strong></td>
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<td>6</td>
<td>General Revenue</td>
<td>9,468,420</td>
<td>(579,187)</td>
<td></td>
<td>8,889,233</td>
</tr>
<tr>
<td>7</td>
<td>Total – Traffic Tribunal</td>
<td>9,468,420</td>
<td>(579,187)</td>
<td></td>
<td>8,889,233</td>
</tr>
<tr>
<td>8</td>
<td><strong>Workers’ Compensation Court</strong></td>
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<tr>
<td>9</td>
<td>Restricted Receipts</td>
<td>8,118,883</td>
<td>(18,198)</td>
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<td>8,100,685</td>
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<td>Total – Workers’ Compensation Court</td>
<td>8,118,883</td>
<td>(18,198)</td>
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<td>8,100,685</td>
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<td>Grand Total – Judiciary</td>
<td>122,006,254</td>
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<td>RI Military Family Relief Fund</td>
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<td>Restricted Receipts – Total</td>
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<td>18</td>
<td>Other Funds</td>
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<td>Armory of Mounted Command Roof</td>
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<td>Burriville Regional Training Institute</td>
<td>22,150</td>
<td>(22,150)</td>
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<td>Bristol Readiness Center</td>
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<td>29</td>
<td><strong>Central Management</strong></td>
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<td><strong>E-911 Emergency Telephone System</strong></td>
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<td>34</td>
<td>General Revenue</td>
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<td>(444,552)</td>
<td>5,449,970</td>
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<td>Total - E-911 Emergency Telephone</td>
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<tr>
<td>2</td>
<td>System</td>
<td>5,894,522</td>
<td>(444,552)</td>
<td>5,449,970</td>
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<td>General Revenue</td>
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<td>8</td>
<td>Rhode Island Capital Plan Fund</td>
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<tr>
<td>9</td>
<td>Fire Training Academy</td>
<td>72,442</td>
<td>(8,979)</td>
<td>63,463</td>
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<td>Quonset Development Corporation</td>
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<td>11</td>
<td><strong>Total - State Fire Marshal</strong></td>
<td>4,231,136</td>
<td>325,148</td>
<td>4,556,284</td>
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<td>13</td>
<td>General Revenue</td>
<td>23,937,443</td>
<td>5,748</td>
<td>23,943,191</td>
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<td><strong>Total – Security Services</strong></td>
<td>23,937,443</td>
<td>5,748</td>
<td>23,943,191</td>
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<td>15</td>
<td><strong>Municipal Police Training Academy</strong></td>
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<td>16</td>
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<td>231,220</td>
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<td><strong>Total - Municipal Police Training Academy</strong></td>
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<td><strong>Grand Total – Public Safety</strong></td>
<td>120,977,086</td>
<td>239,870</td>
<td>121,216,956</td>
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</tbody>
</table>

**Notes:**
- General Revenue, Federal Funds, Restricted Receipts, and Other Funds are reported under their respective agencies.
- Rhode Island Capital Plan Fund is reported under both State Fire Marshal and Municipal Police Training Academy.
- Security Services and Municipal Police Training Academy are under Public Safety.
- Security Services includes General Revenue.
- Municipal Police Training Academy includes General Revenue and Federal Funds.
- State Police includes General Revenue, Federal Funds, Restricted Receipts, and Other Funds.
- Lottery Commission Assistance is a separate item under Public Safety.
- Airport Commission Assistance and Road Construction Reimbursement are additional expenses under Public Safety.
- Weight & Measurement Reimbursement is a separate item under Public Safety.
- DPS Asset Protection and Training Academy Upgrades are additional expenses under Public Safety.
- Facilities Master Plan is a separate item under Public Safety.
- Total - State Police and Grand Total – Public Safety are summarized totals for each category.
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<td>8</td>
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<td>Other Funds</td>
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<tr>
<td>10</td>
<td>Rhode Island Capital Plan Fund</td>
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<td>Emergency Management Building</td>
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<td>19,182,981</td>
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<td><strong>Office of the Director</strong></td>
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<td>17</td>
<td>General Revenue</td>
<td>5,541,873</td>
<td>1,588,772</td>
<td>7,130,645</td>
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<td>18</td>
<td>Of this general revenue amount, $50,000 is appropriated to the Conservation Districts.</td>
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<tr>
<td>19</td>
<td>Federal Funds</td>
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<td>503</td>
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<tr>
<td>20</td>
<td>Restricted Receipts</td>
<td>4,054,487</td>
<td>(134,408)</td>
<td>3,920,079</td>
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<tr>
<td>21</td>
<td>Total – Office of the Director</td>
<td>9,596,360</td>
<td>1,454,867</td>
<td>11,051,227</td>
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<table>
<thead>
<tr>
<th></th>
<th><strong>Natural Resources</strong></th>
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<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>22</td>
<td>DOT Recreational Projects</td>
<td>1,178,375</td>
<td>(107)</td>
<td>1,178,268</td>
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<tr>
<td>23</td>
<td>Blackstone Bikepath Design</td>
<td>2,059,579</td>
<td>(107)</td>
<td>2,059,472</td>
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<tr>
<td>24</td>
<td>Transportation MOU</td>
<td>78,350</td>
<td>(120)</td>
<td>78,230</td>
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<tr>
<td>25</td>
<td>Rhode Island Capital Plan Funds</td>
<td></td>
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<tr>
<td>26</td>
<td>Dam Repair</td>
<td>2,245,805</td>
<td>136,838</td>
<td>2,382,643</td>
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<td>27</td>
<td>Fort Adams Rehabilitation</td>
<td>300,000</td>
<td>0</td>
<td>300,000</td>
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<tr>
<td>28</td>
<td>Fort Adams Sailing Improvements/</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>Mid-Park</td>
<td>1,750,000</td>
<td>69,851</td>
<td>1,819,851</td>
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<tr>
<td></td>
<td>Project Description</td>
<td>Budget</td>
<td>Actuals</td>
<td>Over/Under</td>
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<tr>
<td>---</td>
<td>----------------------------------------------------------</td>
<td>--------</td>
<td>-------------</td>
<td>-------------</td>
</tr>
<tr>
<td>1</td>
<td>Recreational Facilities Improvements</td>
<td>2,450,000</td>
<td>1,293,225</td>
<td>3,743,225</td>
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<tr>
<td>2</td>
<td>Galilee Piers Upgrade</td>
<td>1,250,000</td>
<td>28,767</td>
<td>1,278,767</td>
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<td>3</td>
<td>Newport Piers</td>
<td>137,500</td>
<td>72,662</td>
<td>210,162</td>
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<tr>
<td>4</td>
<td>Fish &amp; Wildlife Maintenance Facilities</td>
<td>150,000</td>
<td>(150,000)</td>
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<tr>
<td>5</td>
<td>Greenway Blackstone Valley Park</td>
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<td></td>
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</tr>
<tr>
<td>6</td>
<td>Improvements</td>
<td>359,170</td>
<td>387,100</td>
<td>746,270</td>
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<tr>
<td>7</td>
<td>Natural Resources Offices/Visitor's Center</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Center</td>
<td>1,000,000</td>
<td>(77,256)</td>
<td>922,744</td>
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<tr>
<td>9</td>
<td>Rocky Point Acquisition/Renovations</td>
<td>150,000</td>
<td>87,768</td>
<td>237,768</td>
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<td>10</td>
<td>Marine Infrastructure/Pier Development</td>
<td>500,000</td>
<td>100,000</td>
<td>600,000</td>
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<td>11</td>
<td>State Recreation Building Demolition</td>
<td>100,000</td>
<td>100,000</td>
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<td>12</td>
<td>World War II Facility</td>
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<td>50,861</td>
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<td>13</td>
<td>Total - Natural Resources</td>
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<td>3,264,685</td>
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<td>14</td>
<td>Environmental Protection</td>
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<tr>
<td>15</td>
<td>General Revenue</td>
<td>12,674,150</td>
<td>(485,246)</td>
<td>12,188,904</td>
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<tr>
<td>16</td>
<td>Federal Funds</td>
<td>10,375,027</td>
<td>375,711</td>
<td>10,750,738</td>
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<tr>
<td>17</td>
<td>Restricted Receipts</td>
<td>9,321,063</td>
<td>(11,826)</td>
<td>9,309,237</td>
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<tr>
<td>18</td>
<td>Other Funds</td>
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<tr>
<td>19</td>
<td>Transportation MOU</td>
<td>164,734</td>
<td>(134)</td>
<td>164,600</td>
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<tr>
<td>20</td>
<td>Total - Environmental Protection</td>
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<td>(121,495)</td>
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<td>21</td>
<td>Grand Total - Environmental Management</td>
<td>103,951,092</td>
<td>4,598,057</td>
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<td>22</td>
<td>Coastal Resources Management Council</td>
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<td>23</td>
<td>General Revenue</td>
<td>2,487,578</td>
<td>2,945</td>
<td>2,490,523</td>
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<td>24</td>
<td>Federal Funds</td>
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<td>2,564,530</td>
<td>4,213,821</td>
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<td>25</td>
<td>Restricted Receipts</td>
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<td>26</td>
<td>Other Funds</td>
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<td>27</td>
<td>Rhode Island Capital Plan Funds</td>
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<td>28</td>
<td>Rhode Island Coastal Storm Risk Study</td>
<td>150,000</td>
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<td>29</td>
<td>Narragansett Bay SAMP</td>
<td>250,000</td>
<td>(150,000)</td>
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<td>30</td>
<td>Green Pond Dredging Study</td>
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<tr>
<td>31</td>
<td>Grand Total - Coastal Resources Mgmt.</td>
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<td>32</td>
<td>Transportation</td>
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<td>33</td>
<td>Central Management</td>
<td></td>
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<td>34</td>
<td>Federal Funds</td>
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<td>Other Funds</td>
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<td>Management and Budget</td>
<td>Other Funds</td>
<td>Gasoline Tax</td>
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<tr>
<td>Infrastructure Engineering – GARVEE/Motor Fuel Tax Bonds</td>
<td>Federal Funds</td>
<td>Federal Funds</td>
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<td>Federal Funds – Stimulus</td>
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<tr>
<td></td>
<td></td>
<td>Restricted Receipts</td>
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<td></td>
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<tr>
<td>Other Funds</td>
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<td></td>
<td>Land Sale Revenue</td>
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<td>Toll Revenue</td>
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<td>Rhode Island Capital Plan Fund</td>
<td>RIPTA Land and Buildings</td>
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<td>T.F. Greene Airport Improvements</td>
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<td></td>
<td>RIPTA Pawtucket Bus Hub</td>
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<td></td>
<td>RIPTA Providence Transit Connector</td>
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<td></td>
<td>Highway Improvement Program</td>
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<td></td>
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<tr>
<td></td>
<td>Total – Infrastructure Engineering</td>
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<td></td>
<td></td>
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<tr>
<td>Infrastructure Maintenance</td>
<td>Other Funds</td>
<td>Gasoline Tax</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Non-Land Surplus Property</td>
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<tr>
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<td>Outdoor Advertising</td>
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<tr>
<td></td>
<td>Rhode Island Highway Maintenance Account</td>
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<tr>
<td></td>
<td>Rhode Island Capital Plan Fund Maintenance Facilities Improvements</td>
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<tr>
<td></td>
<td>Salt Storage Facilities</td>
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<td></td>
<td>Maintenance-Capital Equip. Replacement</td>
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<td>Account</td>
<td>FY 2018 Enacted</td>
<td>FY 2018 Change</td>
<td>FY 2018 Final</td>
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<tr>
<td>------------------------------------------------------------------------</td>
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<td>---------------</td>
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<tr>
<td>State Assessed Fringe Benefit Internal Service Fund</td>
<td>41,229,448</td>
<td>(2,787,454)</td>
<td>38,441,994</td>
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<td>Administration Central Utilities Internal Service Fund</td>
<td>24,910,320</td>
<td>(2,000,000)</td>
<td>22,910,320</td>
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<tr>
<td>State Central Mail Internal Service Fund</td>
<td>6,838,505</td>
<td>(252,910)</td>
<td>6,585,595</td>
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<td>State Telecommunications Internal Service Fund</td>
<td>3,244,413</td>
<td>309,509</td>
<td>3,553,922</td>
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<tr>
<td>State Automotive Fleet Internal Service Fund</td>
<td>12,510,602</td>
<td>(198,418)</td>
<td>12,312,184</td>
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<td>Surplus Property Fleet Internal Service Fund</td>
<td>3,000</td>
<td>0</td>
<td>3,000</td>
<td></td>
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<tr>
<td>Health Insurance Internal Service Fund</td>
<td>251,804,700</td>
<td>325,267</td>
<td>252,129,967</td>
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<tr>
<td>State Fleet Revolving Loan Fund</td>
<td>273,786</td>
<td>0</td>
<td>273,786</td>
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<tr>
<td>Other Post-Employment Benefits Fund</td>
<td>63,852,483</td>
<td>0</td>
<td>63,852,483</td>
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<td>Capital Police Internal Service Fund</td>
<td>1,306,128</td>
<td>(226,206)</td>
<td>1,079,922</td>
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<tr>
<td>Corrections Central Distribution Center Internal</td>
<td></td>
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</table>
1 Service Fund 6,784,478 333,580 7,118,058
2 Correctional Industries Internal Service Fund 7,581,704 428,666 8,010,370
3 Secretary of State Record Center Internal Service Fund 807,345 133,146 940,491
4 Human Resources Internal Service Fund 0 12,012,230 12,012,230
5 DCAMM Facilities Internal Service Fund 0 37,286,593 37,286,593
6 Information Technology Internal Service Fund 0 32,179,344 32,179,344

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 2018 FTE POSITION AUTHORIZATION

<table>
<thead>
<tr>
<th>Departments and Agencies</th>
<th>Full-Time Equivalent</th>
</tr>
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<tbody>
<tr>
<td>Administration</td>
<td>696.7</td>
</tr>
<tr>
<td>Business Regulation</td>
<td>104.0  106.0</td>
</tr>
<tr>
<td>Executive Office of Commerce</td>
<td>17.0</td>
</tr>
<tr>
<td>Labor and Training</td>
<td>428.7</td>
</tr>
<tr>
<td>Revenue</td>
<td>533.5  529.5</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>59.0</td>
</tr>
<tr>
<td>Office of the General Treasurer</td>
<td>89.0</td>
</tr>
<tr>
<td>Board of Elections</td>
<td>12.0</td>
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</tbody>
</table>
1. Rhode Island Ethics Commission 12.0
2. Office of the Governor 45.0
4. Public Utilities Commission $54.0 $54.0
5. Office of Health and Human Services 285.0
6. Children, Youth, and Families $616.5 $612.5
7. Health $403.6 $506.6
8. Human Services 981.1
9. Behavioral Health, Developmental Disabilities, and Hospitals 1,319.4
10. Office of the Child Advocate 8.0
11. Commission on the Deaf and Hard of Hearing 4.0
12. Governor's Commission on Disabilities 4.0
13. Office of the Mental Health Advocate 4.0
14. Elementary and Secondary Education 139.1
15. School for the Deaf 60.0
16. Davies Career and Technical School 126.0
17. Office of the Postsecondary Commissioner 32.0 38.0

Provided that 1.0 of the total authorization would be available only for positions that are
supported by third-party funds.

18. University of Rhode Island 2,489.5
19. Provided that 573.8 of the total authorization would be available only for positions that are
supported by third-party funds.
20. Rhode Island College 926.2
21. Provided that 76.0 of the total authorization would be available only for positions that are
supported by third-party funds.
22. Community College of Rhode Island 854.1
23. Provided that 89.0 of the total authorization would be available only for positions that are
supported by third-party funds.
24. Rhode Island State Council on the Arts 8.6
25. RI Atomic Energy Commission 8.6
26. Historical Preservation and Heritage Commission 15.6
27. Office of the Attorney General 235.1
28. Corrections $1,423.0 $1,435.0
29. Judicial 723.3
Military Staff 92.0
Public Safety 611.6
Office of the Public Defender 93.0
Emergency Management 32.0
Environmental Management 400.0
Coastal Resources Management Council 29.0
Transportation 775.0

Total 15,160.2 15,186.2

SECTION 5. Notwithstanding any provisions of Chapter 12.2 in Title 46 of the Rhode Island General Laws, the Rhode Island Infrastructure Bank shall transfer to the State Controller the sum of three million five hundred thousand dollars ($3,500,000) eight million five hundred thousand dollars ($8,500,000) by June 30, 2018.

SECTION 6. Rhode Island Housing. Notwithstanding any provision of Chapter 55 in Title 42 of the Rhode Island General Laws, the Rhode Island Housing shall transfer to the State Controller the sum of one million dollars ($1,000,000) six million dollars ($6,000,000) by June 30, 2018.

SECTION 7. 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 three million dollars ($3,000,000) by June 30, 2018.

SECTION 8. Notwithstanding any provisions of Chapter 12 in Title 24 of the Rhode Island General Laws, the Rhode Island Turnpike and Bridge Authority shall transfer to the State Controller the sum of one million five hundred thousand dollars ($1,500,000) by June 30, 2018.

SECTION 9. Notwithstanding any provisions of Chapter 62 in Title 16 of the Rhode Island General Laws, the Rhode Island Student Loan Authority shall transfer to the State Controller the sum of three million dollars ($3,000,000) by June 30, 2018.

SECTION 10. Notwithstanding any general laws to the contrary, the Department of Business Regulation shall transfer to the State Controller the sum of seven hundred fifty thousand dollars ($750,000) from the Insurance Companies Assessment for Actuary Costs restricted receipts account by June 30, 2018.

SECTION 11. Notwithstanding any general laws to the contrary, the Department of Business Regulation shall transfer to the State Controller the sum of eight hundred thousand dollars ($800,000) from the Commercial Licensing, Racing and Athletics Reimbursement restricted receipts account by June 30, 2018.

SECTION 12. Notwithstanding any provisions of Chapter 15.1 in Title 46 of the Rhode Island General Laws, the Department of Business Regulation shall transfer to the State Controller the sum of one hundred thousand dollars ($100,000) from the Teacher Retirement System of Rhode Island restricted receipts account by June 30, 2018.
Island General Laws or other laws to the contrary, the Department of Administration shall
transfer to the State Controller the sum of one million fifty thousand three hundred thirty nine
dollars ($1,050,339) from the Water Resources Board Corporate escrow account by June 30,
2018.

SECTION 13. This article shall take effect upon passage.

ARTICLE 11
RELATING TO WORKFORCE DEVELOPMENT
SECTION 1. Sections 28-14-19 and 28-14-19.1 and of the General Laws in Chapter 28-
14 entitled “Payment of Wages” are hereby amended to read as follows:

28-14-19. Enforcement powers and duties of director of labor and training,
(a) It shall be the duty of the director to insure compliance with the provisions of this chapter 28-
14 and 28-12. The director or his or her designee may investigate any violations thereof, institute
or cause to be instituted actions for the collection of wages and institute action for penalties or
other relief as provided for within and pursuant to those chapters. The director or his or her
authorized representatives are empowered to hold hearings and he or she shall cooperate with any
employee in the enforcement of a claim against his or her employer in any case whenever, in his
or her opinion, the claim is just and valid.

(b) Upon receipt of a complaint or conducting an inspection under applicable law, the
director or his or her appropriate departmental designee is authorized to investigate to determine
compliance with the chapters 28-12 and/or 28-14.

(c) With respect to all complaints deemed just and valid, the director or his or her
designee shall order a hearing thereon at a time and place to be specified, and shall give notice
thereof, together with a copy of the complaint or the purpose thereof, or a statement of the facts
disclosed upon investigation, which notice shall be served personally or by mail on any person,
business, corporation, or entity of any kind affected thereby. The hearing shall be scheduled
within thirty (30) days of service of a formal complaint as provided herein. The person, business,
corporation, or entity shall have an opportunity to be heard in respect to the matters complained
of at the time and place specified in the notice. The hearing shall be conducted by the director or
his or her designee. The hearing officer in the hearing shall be deemed to be acting in a judicial
capacity, and shall have the right to issue subpoenas, administer oaths, and examine witnesses.
The enforcement of a subpoena issued under this section shall be regulated by Rhode Island civil
practice law and rules. The hearing shall be expeditiously conducted and upon such hearing the
hearing officer shall determine the issues raised thereon and shall make a determination and enter
an order within thirty (30) days of the close of the hearing, and forthwith serve a copy of the
order, with a notice of the filing thereof, upon the parties to the proceeding, personally or by mail. The order shall dismiss the complaint or direct payment of any wages and/or benefits found to be due and/or award such other appropriate relief or penalties authorized under chapter 28-12 and/or 28-14, and the order may direct payment of reasonable attorneys' fees and costs to the complaining party. Interest at the rate of twelve percent (12%) per annum shall be awarded in the order from the date of the nonpayment to the date of payment.

(d) The order shall also require payment of a further sum as a civil penalty in an amount up to two (2) times the total wages and/or benefits found to be due, exclusive of interest, which shall be shared equally between the department and the aggrieved party. In determining the amount of any penalty to impose, the director or his or her designee shall consider the size of the employer's business, the good faith of the employer, the gravity of the violation, the previous violations and whether or not the violation was an innocent mistake or willful.

(e) The director may institute any action to recover unpaid wages or other compensation or obtain relief as provided under this section with or without the consent of the employee or employees affected.

(f) No agreement between the employee and employer to work for less than the applicable wage and/or benefit rate or to otherwise work under and/or conditions in violation of applicable law is a defense to an action brought pursuant to this section.

(g) The director shall notify the contractors' registration board of any order issued or any determination hereunder that an employer has violated chapters 28-12, 28-14 and/or 37-13. The director shall notify the tax administrator of any determination hereunder that may affect liability for an employer's payment of wages and/or payroll taxes.

(h) There is hereby established a restricted receipt account within the department of labor and training, which shall be entitled the "misclassification task force and workplace fraud unit." Revenues collected under this section for the department and under § 28-14-19.1 shall be deposited into the misclassification task force and workplace fraud unit account. Any additional revenues, after expenses for the misclassification task force and workplace fraud unit, shall be paid into the state's general fund annually on the last business day of the fiscal year.


(a) The misclassification of a worker whether performing work as a natural person, business, corporation, or entity of any kind, as an independent contractor when the worker should be considered and paid as an employee shall be considered a violation of this chapter.

(b) In addition to any other relief to which any department or an aggrieved party may be entitled for such a violation, the employer shall be liable for a civil penalty in an amount not less
than one thousand five hundred dollars ($1,500) and not greater than three thousand dollars
($3,000) for each misclassified employee for a first offense and up to five thousand dollars
($5,000) for each misclassified employee for any subsequent offense, which shall be shared
equally between the department and the aggrieved party.

(c) In determining the amount of any penalty imposed under this section, the director or
his or her designee shall consider the size of the employer's business; the good faith of the
employer; the gravity of the violation; the history of previous violations; and whether or not the
violation was an innocent mistake or willful.

(d) A violation of this section may be adjudicated under § 28-14-19 and consolidated
with any labor standards violation or under §§ 37-13-14.1 and 37-13-15 and consolidated with
any prevailing wage violation.

(e) A violation of this section may be brought or adjudicated by any division of the
department of labor and training.

(f) The department shall notify the contractor's registration board and the tax
administrator of any violation of this section.

(g) Revenues generated from this section shall be deposited into the misclassification task
force and workplace fraud unit fund restricted receipt account established by § 28-14-19(h) to
cover the expenses of the misclassification task force and workplace fraud unit. Any additional
revenues, after expenses for the misclassification task force and workplace fraud unit, shall be
paid into the state's general fund annually on the last business day of the fiscal year.

SECTION 2. Section 28-42-84 of the General Laws in Chapter 28-42 entitled
“Employment Security – General Provisions” is hereby amended to read as follows:


(a) The moneys in the job development fund shall be used for the following purposes:

(1) To reimburse the department of labor and training for the loss of any federal funds
resulting from the collection and maintenance of the fund by the department;

(2) To make refunds of contributions erroneously collected and deposited in the fund;

(3) To pay any administrative expenses incurred by the department of labor and training
associated with the collection of the contributions for employers paid pursuant to § 28-43-8.5, and
any other administrative expenses associated with the maintenance of the fund, including the
payment of all premiums upon bonds required pursuant to § 28-42-85;

(4) To provide for job training, counseling and assessment services, and other related
activities and services. Services will include, but are not limited to, research, development,
coordination, and training activities to promote workforce development and business
development as established by the governor's workforce board Rhode Island (workforce board);

(5) To support the state's job training for economic development;

(6) Beginning January 1, 2001, two-hundredths of one percent (0.02%) out of the job
development assessment paid pursuant to § 28-43-8.5 shall be used to support necessary, core
services in the unemployment insurance and employment services programs operated by the
department of labor and training; and

(7) Beginning January 1, 2011, and ending in tax year 2014, three tenths of one percent
(0.3%) out of the fifty-one hundredths of one percent (0.51%) job development assessment paid
pursuant to § 28-43-8.5 shall be deposited into a restricted receipt account to be used solely to pay
the principal and/or interest due on Title XII advances received from the federal government in
accordance with the provisions of Section 1201 of the Social Security Act [42 U.S.C. § 1321];
provided, however, that if the federal Title XII loans are repaid through a state revenue bond or
other financing mechanism, then these funds may also be used to pay the principal and/or interest
that accrues on that debt. Any remaining funds in the restricted receipt account, after the
outstanding principal and interest due has been paid, shall be transferred to the employment
security fund for the payment of benefits; and

(8) Beginning January 1, 2019, the amount of the job development assessment paid
pursuant to § 28-43-8.5, nineteen-hundredths of one percent (0.19%) shall be used to support
necessary, core services in the unemployment insurance and employment services programs
operated by the department of labor and training.

(b) The general treasurer shall pay all vouchers duly drawn by the workforce board upon
the fund, in any amounts and in any manner that the workforce board may prescribe. Vouchers so
drawn upon the fund shall be referred to the controller within the department of administration.
Upon receipt of those vouchers, the controller shall immediately record and sign them and shall
promptly transfer those signed vouchers to the general treasurer. Those expenditures shall be used
solely for the purposes specified in this section and its balance shall not lapse at any time but shall
remain continuously available for expenditures consistent with this section. The general assembly
shall annually appropriate the funds contained in the fund for the use of the workforce board and,
in addition, for the use of the department of labor and training effective July 1, 2000, and for the
payment of the principal and interest due on federal Title XII loans beginning July 1, 2011;
provided, however, that if the federal Title XII loans are repaid through a state revenue bond or
other financing mechanism, then the funds may also be used to pay the principal and/or interest
that accrues on that debt.

Employment Security – Contributions” is hereby amended to read as follows:


(a) For the tax years 2011 through 2014, each employer subject to this chapter shall be required to pay a job development assessment of fifty-one hundredths of one percent (0.51%) of that employer's taxable payroll, in addition to any other payment which that employer is required to make under any other provision of this chapter; provided, that the assessment shall not be considered as part of the individual employer's contribution rate for the purpose of determining the individual employer's balancing charge pursuant to § 28-43-9; provided, further, upon full repayment of any outstanding principal and/or interest due on Title XII advances received from the federal government in accordance with the provisions of section 1201 of the Social Security Act [42 U.S.C. § 1321], including any principal and/or interest that accrues on debt from a state revenue bond or other financing mechanism used to repay the Title XII advances, then the job development assessment shall be reduced to twenty-one hundredths of one percent (0.21%) beginning the tax quarter after the full repayment occurs. The tax rate for all employer's subject to the contribution provisions of chapters 42 – 44 of this title shall be reduced by twenty-one hundredths of one percent (0.21%). For tax year 2015 and subsequent years through 2018, each employer subject to this chapter shall be required to pay a job development assessment of twenty-one hundredths of one percent (0.21%) of that employer's taxable payroll, in addition to any other payment which that employer is required to make under any other provision of this chapter; provided, that the assessment shall not be considered as part of the individual employer's contribution rate for the purpose of determining the individual employer's balancing charge pursuant to § 28-43-9. The tax rate for all employers subject to contribution provisions of chapters 42 – 44 of this title shall be reduced by twenty-one hundredths of one percent (0.21%). For tax year 2019 and subsequent years, each employer subject to this chapter shall be required to pay a base job development assessment of twenty-one hundredths of one percent (0.21%) of that employer's taxable payroll, plus a job development assessment add-on as computed annually pursuant to subsection (b) of this section, in addition to any other payment which that employer is required to make under any other provision of this chapter; provided, that the assessment shall not be considered as part of the individual employer's contribution rate for the purpose of determining the individual employer's balancing charge pursuant to § 28-43-9.

(b) On September 30, 2018, and each September 30 thereafter, the job development assessment add-on shall be computed by dividing the amount of interest earned by the employment security fund in the prior calendar year by one hundred and ten percent (110%) of the taxable wages in the prior calendar year. The result shall be rounded down to the nearest one
hundredth of a percent (.01%). This amount shall be in effect during the next ensuing calendar year provided, however, that no job development assessment add-on shall apply if:

(1) tax schedule I is scheduled to be in effect for the ensuing calendar year; or
(2) the employment security fund did not earn interest during the prior calendar year.
(c) The tax rate for all employers subject to contribution provisions of chapters 42 – 44 of this title shall be reduced by the total job development assessment as determined under subsection (b) of this section.

SECTION 4. Chapter 42-64.6 of the General Laws entitled “Jobs Training Tax Credit Act” is hereby amended by adding thereto the following section:

42-64.6-9. Sunset. No credits authorized under this chapter shall be awarded for tax years beginning on or after January 1, 2018.

SECTION 5. Section 42-102-11 of the General Laws in Chapter 42-102 entitled “Governor’s Workforce Board Rhode Island” is hereby amended to read as follows:

42-102-11. State Work Immersion Program. (a)(1) The workforce board (“board”) shall develop a state work immersion program and a non-trade, apprenticeship program. For the purposes of this section work immersion shall mean a temporary, paid, work experience that provides a meaningful learning opportunity and increases the employability of the participant. The programs shall be designed in order to provide post-secondary school students, recent college graduates, and unemployed adults Rhode Island residents and/or students attending secondary schools, post-secondary schools or training programs with a meaningful work experience, and to assist employers by training individuals for potential employment.

(2) Funding for the work immersion program will be allocated from the job development fund account and/or from funds appropriated in the annual appropriations act. Appropriated funds will match investments made by employers in providing meaningful work immersion positions and non-trade apprenticeships.

(b) For each participant in the work immersion program, the program shall reimburse eligible employers up to fifty percent (50%) of the cost of not more than four hundred (400) hours of work experience and during a period of ten (10) weeks. If an eligible employer hires a program participant at the completion of such a program, the state may provide reimbursement for a total of seventy-five percent (75%) of the cost of the work immersion position. Employers participating in the work immersion program may be eligible to receive a reimbursement of up to seventy-five percent (75%) of the approved program participant’s wages.
paid during their work experience.

(c) The board shall create a non-trade apprenticeship program and annually award funding on a competitive basis to at least one (1) new initiative **proposed and operated by** the Governor's Workforce Board Industry Partnerships. This program shall meet the standards of apprenticeship programs defined pursuant to § 28-45-9 of the general laws. The board shall present the program to the state apprenticeship council, established pursuant to chapter 28-45 of the general laws, for review and consideration.

(d) An eligible participant in programs established in subsections (b) and (c) must be at least eighteen (18) years of age and must be a Rhode Island resident. Provided, however, any non-Rhode Island resident, who is enrolled in a college or university, located in Rhode Island, is eligible to participate while enrolled at the college or university.

(e) In order to fully implement the provisions of this section, the board is authorized to promulgate rules and regulations. The rules and regulations shall define eligible employers that can participate in the programs created by this section.

SECTION 6. Chapter 42-102 of the General Laws entitled “Governor’s Workforce Board Rhode Island” is hereby amended by adding thereto the following sections:

**42-102-14. Real Jobs Rhode Island program established.**

(a) There is hereby established within the governor’s workforce board Rhode Island, the “Real Jobs Rhode Island program” to serve as the primary program by which the state creates, coordinates, supports and holds accountable industry-led partnerships to help place new employees into immediate job openings, and up-skill existing employees to remain competitive and create pipelines of talent for future workforce needs; and by this means provide Rhode Island companies with the talent necessary to thrive in a competitive, global economy, and provide Rhode Island residents with opportunity to participate in shared prosperity by securing meaningful employment.

**42-102-14.1. Definitions.**

(a) As used in this chapter, the following terms are defined as follows:

(1) “Credential” means a recognized:

(i) Educational diploma;

(ii) Certificate or degree;

(iii) Occupational license;

(iv) Apprenticeship certificate;
(v) Industry recognized certification; or

(vi) Certificate or award issued for skills attainment and/or completion of an approved training program.

(2) “Department” means the department of labor and training.

(3) “Real Jobs Rhode Island program” means the Real Jobs Rhode Island program as established under this chapter.

(4) “Real Jobs Rhode Island partnership” means an industry or sector collaboration that brings together a group that may include employers, institutions of higher education, local government, trade associations, non-profit or community based agencies, or other relevant partners to:

   (i) Identify common workforce needs within an industry or sector of the state’s economy; and

   (ii) Develop and implement industry strategies to meet identified workforce needs.


(a) The Real Jobs Rhode Island program shall be administered by the governor’s workforce board Rhode Island as part of the department.

(b) The Real Jobs Rhode Island program shall:

   (1) Provide grants on a competitive basis for:

   (i) An approved sector partnership for the development of a strategy consistent with the purpose of the Real Jobs Rhode Island program; and

   (ii) Workforce training programs and other qualified programs that lead to placement in a job, or provide industry recognized skills training to individuals that result in a credential or attainment of an identifiable skill consistent with an approved Real Jobs Rhode Island partnership strategy.

(2) An application for a Real Jobs Rhode Island grant shall include:

   (i) A description of a specific action plan to be carried out by the partnership, including a description of the workforce need the plan seeks to address; and

   (ii) A collaborative approach demonstrated by participation from groups with varied backgrounds, which may include, but is not limited to: employers, industry associations, training providers, institutes of higher education and community based or non-profit institutions.

(3) Evidence of proactive engagement of Rhode Island’s employer community to ascertain real-time workforce needs and identifiable skills gaps commonly presented by applicants:

(4) Develop performance goals and metrics for each approved Real Jobs Rhode Island
partnership and review such goals and metrics with each partnership continuously to ascertain
any areas where the partnership or the program should adjust to meet desired outcomes or address
issues to better serve employers, their workforce and program participants alike;
(c) The governor’s workforce board may revoke grant funding from a Real Jobs Rhode
Island partnership for cause, as determined by the department, with an administrative appeal to
the governor’s workforce board.
42-102-14.3. Regulations.
(a) The department may promulgate appropriate guidelines or regulations regarding the
implementation of the Real Jobs Rhode Island program and any terms and conditions required to
participate in the program.
(a) The governor’s workforce board shall inform employers, employees, industry
associations, educational institutions, community based groups, non-profit institutions and the
public about the program, its benefits and opportunities.
SECTION 7. This Article shall take effect upon passage.
ARTICLE 12
RELATING TO ECONOMIC DEVELOPMENT
SECTION 1. Section 42-64-36 of the General Laws in Chapter 42-64 entitled “Rhode
Island Commerce Corporation” is hereby amended to read as follows:
42-64-36. Program accountability.
(a) The board of the Rhode Island commerce corporation shall be responsible for
establishing accountability standards, reporting standards and outcome measurements for each of
its programs to include, but not be limited to, the use of tax credits, loans, loan guarantees and
other financial transactions managed or utilized by the corporation. Included in the standards shall
be a set of principles and guidelines to be followed by the board to include:
(1) A set of outcomes against which the board will measure each program's and offering's
effectiveness;
(2) A set of standards for risk analysis for all of the programs especially the loans and
loan guarantee programs; and
(3) A process for reporting out all loans, loan guarantees and any other financial
commitments made through the corporation that includes the purpose of the loan, financial data
as to payment history and other related information.
(b) The board shall annually prepare a report starting in January 2015 which shall be
submitted to the house and senate.
(c) The report shall summarize the above listed information on each of its programs and offerings and contain recommendations for modification, elimination or continuation.

(d) The board shall coordinate its efforts with the office of revenue to not duplicate information on the use of tax credits and other tax expenditures.

(e) In addition to its annual reporting process to the General Assembly and public, which includes the corporation’s annual performance report submitted pursuant to this section and § 42-64-28, and reports submitted pursuant to §§ 42-64-20-9(b), 42-64-21-8(a) and (c), 42-64-22-14(a), 42-64-23-5(d), 42-64-24-5(d), 42-64-25-12, 42-64-26-6, 42-64-27-4, 42-64-28-9, 42-64-29-7(a), 42-64-31-3, 44-48.3-13(b) and (c), the corporation will also specifically assess the performance, effectiveness, and economic impact of the incentive programs associated with §§ 42-64-20, 42-64-21, 42-64-22, 42-64-23, 42-64-24, 42-64-25, 42-64-26, 42-64-27, 42-64-28, 42-64-29, 42-64-31, and 44-48.3-13.

(1) The reports required by § 42-64-36(e) shall be provided to the chairpersons of the house and senate finance committees, the director of the office of management and budget, and the board of the commerce corporation by or before January 1 of each year. The reports shall be presented in a public meeting to the board of the commerce corporation.

SECTION 2. Section 42-64.20-10 of the General Laws in Chapter 42-64.20 entitled “Rebuild Rhode Island Tax Credit” is hereby repealed.

42-64.20-10. Sunset.

No credits shall be authorized to be reserved pursuant to this chapter after December 31, 2018.

SECTION 3. Section 42-64.21-9 of the General Laws in Chapter 42-64.21 entitled “Rhode Island Tax Increment Financing” is hereby repealed.

42-64.21-9. Sunset.

The commerce corporation shall enter into no agreement under this chapter after December 31, 2018.

SECTION 4. Section 42-64.22-15 of the General Laws in Chapter 42-64.22 entitled “Tax Stabilization Incentive” is hereby repealed.

42-64.22-15. Sunset.

The commerce corporation shall enter into no agreement under this chapter after December 31, 2018.

SECTION 5. Section 42-64.23-8 of the General Laws in Chapter 42-64.23 entitled “First Wave Closing Fund” is hereby repealed.

42-64.23-8. Sunset.
No financing shall be authorized to be reserved pursuant to this chapter after December 31, 2018.

SECTION 6. Section 42-64.24-8 of the General Laws in Chapter 42-64.24 entitled “I-195 Redevelopment Project Fund” is hereby repealed.

42-64.24-8, Sunset.

No funding, credits, or incentives shall be authorized or authorized to be reserved pursuant to this chapter after December 31, 2018.

SECTION 7. Section 42-64.25-14 of the General Laws in Chapter 42-64.25 entitled “Small Business Assistance Program” is hereby repealed.

42-64.25-14, Sunset.

No grants, funding, or incentives shall be authorized pursuant to this chapter after December 31, 2018.

SECTION 8. Section 42-64.26-12 of the General Laws in Chapter 42-64.26 entitled “Stay Invested in RI Wavemaker Fellowship” is hereby repealed.

42-64.26-12, Sunset.

No incentives or credits shall be authorized pursuant to this chapter after December 31, 2018.

SECTION 9. Section 42-64.27-6 of the General Laws in Chapter 42-64.27 entitled “Main Street Rhode Island Streetscape Improvement Fund” is hereby repealed.

42-64.27-6, Sunset.

No incentives shall be authorized pursuant to this chapter after December 31, 2018.

SECTION 10. Section 42-64.28-10 of the General Laws in Chapter 42-64.28 entitled “Innovation Initiative” is hereby repealed.

42-64.28-10, Sunset.

No vouchers, grants, or incentives shall be authorized pursuant to this chapter after December 31, 2018.

SECTION 11. Section 42-64.29-8 of the General Laws in Chapter 42-64.29 entitled “Industry Cluster Grants” is hereby repealed.

42-64.29-8, Sunset.

No grants or incentives shall be authorized to be reserved pursuant to this chapter after December 31, 2018.

SECTION 12. Section 42-64.31-4 of the General Laws in Chapter 42-64.31 entitled “High School, College, and Employer Partnerships” is hereby repealed.

42-64.31-4, Sunset.
No grants shall be authorized pursuant to this chapter after December 31, 2018.


No credits shall be authorized to be reserved pursuant to this chapter after December 31, 2018.

SECTION 14. Sections 42-64.20-3 and 42-64.20-5 of the General Laws in Chapter 42-64.20 entitled “Rebuild Rhode Island Tax Credit” are hereby amended to read as follows:

42-64.20-3. Definitions.

As used in this chapter:

(1) “Adaptive reuse” means the conversion of an existing structure from the use for which it was constructed to a new use by maintaining elements of the structure and adapting such elements to a new use.

(2) “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 § 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 § 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 this chapter.

(3) “Affordable housing” means housing for sale or rent with combined rental costs or combined mortgage loan debt service, property taxes, and required insurance that do not exceed thirty percent (30%) of the gross annual income of a household earning up to eighty percent (80%) of the area median income, as defined annually by the United States Department of Housing and Urban Development.

(4) “Applicant” means a developer applying for a rebuild Rhode Island tax credit under this chapter.

(5) “Business” means a corporation as defined in general laws § 44-11-1(4), or 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.
(6) "Capital investment" in a real estate project means expenses by a developer 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 developer acquires or leases a qualified development 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 development project, shall be considered a capital investment by the developer and, if pertaining generally to the qualified development project being acquired or leased, shall be allocated to the premises of the qualified development project on the basis of the gross leasable area of the premises in relation to the total gross leasable area in the qualified development project. The capital investment described herein shall be defined through rules and regulations promulgated by the commerce corporation.

(7) "Certified historic structure" means a property which is located in the state of Rhode Island and is

(i) Listed individually on the national register of historic places; or
(ii) Listed individually in the state register of historic places; or
(iii) Located in a registered historic district and certified by either the Rhode Island historical preservation and heritage commission created pursuant to § 42-45-2 or the Secretary of the Interior as being of historic significance to the district.

(8) "Commerce corporation" means the Rhode Island commerce corporation established pursuant to general laws § 42-64-1 et seq.

(9) "Commercial" shall mean non-residential development.

(10) "Developer" means a person, firm, business, partnership, association, political subdivision, or other entity that proposes to divide, divides, or causes to be divided real property into a subdivision or proposes to build, or builds a building or buildings or otherwise improves land or existing structures, which division, building, or improvement qualifies for benefits under this chapter.

(11) "Development" means the improvement of land through the carrying out of building, engineering, or other operations in, on, over, or under land, or the making of any material change in the use of any buildings or land for the purposes of accommodating land uses.

(12) "Eligibility period" means the period in which a developer may claim a tax credit.
under this act, beginning with the tax period in which the commerce corporation accepts certification from the developer that it has met the requirements of the act and extending thereafter for a term of five (5) years.

(13) "Full-time employee" means a person who is employed by a business for consideration for a minimum of 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 a minimum of 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.

(14) "Hope community" means a municipality for which the five (5) year average percentage of families with income below the federal poverty level exceeds the state five (5) year average percentage, both as most recently reported by the U.S. Department of Commerce, Bureau of the Census.

(15) "Mixed use" means a development comprising both commercial and residential components.

(16) “Manufacturer” shall mean any entity that:

(a) Uses any premises within the state primarily for the purpose of transforming raw materials into a finished product for trade through any or all of the following operations: adapting, altering, finishing, making, processing, refining, metalworking, and ornamenting, but shall not include fabricating processes incidental to warehousing or distribution of raw materials, such as alteration of stock for the convenience of a customer; or

(b) Is described in codes 31-33 of the North American Industry Classification System, as revised from time to time.

(17) "Partnership" means an entity classified as a partnership for federal income tax purposes.

(18) “Placed in service” means the earlier of i) substantial construction or rehabilitation work has been completed which would allow for occupancy of an entire structure or some identifiable portion of a structure, as established in the application approved by the commerce corporation board or ii) receipt by the developer of a certificate, permit or other authorization allowing for occupancy of the project or some identifiable portion of the project by the municipal authority having jurisdiction.

(19) "Project" means qualified development project as defined under subsection (22).

(20) "Project area" means land or lands under common ownership or control in which
a qualified development project is located.

(20) (21) "Project cost" means the costs incurred in connection with the qualified
development 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
ecommerce corporation, for a specific investment or improvement, as defined through rules and
regulations promulgated by the commerce corporation.

(21) (22) "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 (such sources will include, but not be limited to, developer-
contributed capital), which shall be defined through rules and regulations promulgated by the
commerce corporation, or
(ii) The amount of funds that the state may invest in a project to gain a competitive
advantage over a viable and comparable location in another state by means described in this
chapter.

(22) (23) "Qualified development 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 specific geographic area, meeting
the requirements of this chapter, as set forth in an application made to the commerce corporation.

(24) "Qualified small business project" means a commercial project that is located
within one block of a project awarded funding under the Main Street Rhode Island
Streetscape Improvement Fund Act, chapter 64.27 of title 42, or as determined by the commerce
corporation to be located in a local business district consistent with the purposes of chapter 64.27
of title 42.

(25) "Recognized historical structure" means a property which is located in the state
of Rhode Island and is commonly considered to be of historic or cultural significance as
determined by the commerce corporation in consultation with the state historic preservation
officer.

(26) "Residential" means a development of residential dwelling units.

(27) "Targeted industry" means any advanced, promising or otherwise prioritized
industry identified in the economic development vision and policy promulgated pursuant General
Laws § 42-64.17-1 or, until such time as any such economic development vision and policy is
promulgated, as identified by the commerce corporation.
"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.

"Workforce housing" means housing for sale or rent with combined rental costs or combined mortgage loan debt service, property taxes, and required insurance that do not exceed thirty percent (30%) of the gross annual income of a household earning between eighty percent (80%) and one hundred and forty percent (140%) of the area median income, as defined annually by the United States Department of Housing and Urban Development.

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 development project.

(b) To be eligible as a qualified development 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 of not less than twenty percent (20%) of the total project cost;

2. There is a project financing gap in which after taking into account all available private and public funding sources, the project is not likely to be accomplished by private enterprise without the tax credits described in this chapter; and

3. The 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 occupied by at least one business employing at least 25 full-time employees after construction or such additional full-time employees as the commerce corporation may determine; (B) is a multi-family residential development in a new, adaptive reuse, certified historic structure, or recognized historical 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, certified historic structure, or recognized historical structure consisting of at least 25,000 square feet occupied by at least one business, 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 qualified
development project located in a hope community or redevelopment area designated under § 45-32-4 or in which event the commerce corporation shall have the discretion to modify the minimum project cost requirement.

(c) Applicants qualifying for a tax credit pursuant to chapter 33.6 of title 44 shall be exempt from the requirements of subparagraphs (b)(3)(ii) and (b)(3)(iii). The following procedure shall apply to such applicants:

(1) The division of taxation shall remain responsible for determining the eligibility of an applicant for tax credits awarded under chapter 33.6 of title 44;

(2) The commerce corporation shall retain sole authority for determining the eligibility of an applicant for tax credits awarded under this chapter; and

(3) The commerce corporation shall not award in excess of fifteen percent (15%) of the annual amount appropriated in any fiscal year to applicants seeking tax credits pursuant to subsection (c).

(d) Applicants whose project is occupied by at least one manufacturer or is a qualified small business project shall be exempt from the requirements of subparagraphs (b)(3)(ii) and (b)(3)(iii), and the commerce corporation may establish minimum project cost amounts required for eligibility under this paragraph. In the case of qualified small business projects, the commerce corporation may require a plan for the area and/or demonstration of support from a municipality, local business association, or chamber of commerce.

(e) Maximum project credit.

(i) For qualified development 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 project financing gap (after taking into account all other private and public funding sources available to the project), as determined by the commerce corporation.

(ii) The credit allowed pursuant to this chapter shall not exceed fifteen million dollars ($15,000,000) for any qualified development project under this chapter. No building or qualified development project to be completed in phases or in multiple projects shall exceed the maximum project credit of fifteen million dollars ($15,000,000) for all phases or projects involved in the rehabilitation of such building. Provided, however, that for purposes of this subsection and no more than once in a given fiscal year, the commerce corporation may consider the development of land and buildings by a developer on the "I-195 land" (as defined in section 42-64.24-3(6) of the general laws) as a separate, qualified development project from a qualified development project by a tenant or owner of a commercial condominium or similar legal interest including leasehold improvement, fit out, and capital investment. Such qualified development project by a
tenant or owner of a commercial condominium or similar legal interest on the I-195 land may be
exempted from subparagraph (d)(i)(1).

(e) Credits available under this chapter shall not exceed twenty percent (20%) of the
project cost, provided, however, that the applicant shall be eligible for additional tax credits of not
more than ten percent (10%) of the project cost, if the qualified development project meets any of
the following criteria or other additional criteria determined by the commerce corporation from
time to time in response to evolving economic or market conditions:

(1) The project includes adaptive reuse or development of a recognized historical
structure;

(2) The project is undertaken by or for a targeted industry;

(3) The project is located in a transit-oriented development area;

(4) The project includes residential development of which at least twenty percent (20%)
of the residential units are designated as affordable housing or workforce housing;

(5) The project includes the adaptive reuse of property subject to the requirements of the
industrial property remediation and reuse act, sections 23-19.14-1 et seq.; or

(6) The project includes commercial facilities constructed in accordance with the
minimum environmental and sustainability standards, as certified by the commerce corporation
pursuant to Leadership in Energy and Environmental Design or other equivalent standards.

(g) Maximum aggregate credits. The aggregate sum authorized pursuant to this chapter
shall not exceed one hundred and fifty million dollars ($150,000,000).

(h) Tax credits shall not be allowed under this chapter prior to the taxable year in
which the project is placed in service.

(i) The amount of a tax credit allowed under this chapter shall be allowable to the
taxpayer in up to five, annual increments; no more than thirty percent (30%) and no less than
fifteen percent (15%) of the total credits allowed to a taxpayer under this chapter may be
allowable for any taxable year, except for projects with a project financing gap of less than
$500,000.

(j) 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. 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.

\(^{(k)}\) 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.

\(^{(l)}\) 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. 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. 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.

\(^{(m)}\) 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 for owners of pass-through
entities such as a partnership, a limited liability company taxed as a partnership, or multiple
owners of property.

\(^{(n)}\) 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.

\(^{(o)}\) Upon request of a taxpayer and subject to annual appropriation, the state shall
redeem such credit, in whole or in part, for ninety percent (90%) of the value of the tax credit.
The division of taxation, in consultation with the commerce corporation, shall establish by
regulation a redemption process for tax credits.

\(^{(p)}\) 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 the
following classes of personal property only to the extent utilized directly and exclusively in such
project: (1) Furniture, fixtures and equipment, except automobiles, trucks, or other motor
vehicles; or (2) Such other materials, including construction materials and supplies, that are
depreciable and have a useful life of one year or more and are essential to the project.

\(^{(q)}\) The commerce corporation shall promulgate rules and regulations for the
administration and certification of additional tax credit under subsection (e), including criteria for
the eligibility, evaluation, prioritization, and approval of projects that qualify for such additional
tax credit.
The commerce corporation shall not have any obligation to make any award or
grant any benefits under this chapter.

SECTION 15. Section 42-64.25-6 of the General Laws in Chapter 42-64.25 entitled
"Small Business Assistance Program" is hereby amended to read as follows:

42-64.25-6, Micro-loan allocation.

Notwithstanding anything to the contrary in this chapter, not less than ten percent (10%) and not more than twenty-five percent (25%) of program funds will be allocated to "micro loans" with a principal amount between two thousand dollars ($2,000) and twenty-five thousand dollars ($25,000). 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.

SECTION 16. Title 42 of the General Laws entitled "State Affairs and Government" is hereby amended by adding thereto the following chapter:

CHAPTER 64.33

REFUNDABLE INVESTMENT TAX CREDIT ACT

42-64.33-1, Short title. This chapter shall be known and may be cited as the "Refundable Investment Tax Credit Act."

42-64.33-2, Legislative findings. Although chapter 31 of title 44 of the Rhode Island general laws (the “Investment Tax Credit statute”) establishes tax credits for eligible taxpayers for certain investments for the construction of facilities, the acquisition of tangible personal property, and the training of employees, the Investment Tax Credit statute does not allow for the taking of such tax credits by certain business entities and further does not provide for refunds to the extent that the tax credits exceed the eligible taxpayers’ tax liability. Through the establishment of a refundable investment tax credit program for manufacturers, Rhode Island can foster further investment by manufacturing businesses and thereby encourage businesses to contribute in a meaningful way to the economic development of this state. In so doing, this program will further advance the competitiveness of Rhode Island and its companies in the national and global economies and result in the creation and/or retention of jobs and tax revenues for the state.

42-64.33-3, Definitions.

As used in this chapter:

(1) “Business” means a manufacturer that is a C corporation, S corporation, partnership, limited partnership, limited liability partnership, limited liability company, or sole proprietorship;

(2) “Commerce corporation” means the Rhode Island commerce corporation established
pursuant to general laws 42-64-1 et. seq.;

(3) “Eligible taxpayer” means a taxpayer eligible for an investment tax credit pursuant to
general law 44-31-1;

(4) “Manufacturing” and “Manufacturer” shall have the same meanings as provided in
44-
31-1(b)(1) and (2) and shall further include any entity described in major groups 20
through 39 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 Budget, as revised from time to time.

(5) “Refund or redemption” for purposes of this chapter means the taking of a tax credit
against a tax liability or obtaining a refund for a tax credit or a portion thereof.

(6) “Targeted industries” shall have the same meaning as provided in general law 42-
64.20-
3 (Rebuild Rhode Island Tax Credit Program) and the regulations promulgated
thereunder.

(7) “Tax liability” for purposes of this chapter means (i) the amount of tax owed to the
state of Rhode Island calculated as the Rhode Island adjusted taxable income minus any Rhode
Island tax credit on Schedule B-CR other than credits allowed under this chapter; or (ii) the
minimum tax for filers of Form RI 11120S; or (iii) the Rhode Island annual fee for file.

42-64.33-4. Establishment of program.

A refundable investment tax credit program is hereby established as a program under the
jurisdiction of and administered by the commerce corporation.

42-64.33-5. Refundable Tax credits.

(a) To be eligible to take and or redeem tax credits under this chapter, a business must
submit a completed application to the commerce corporation for approval prior to making the
investment that will give rise to the requested tax credit. Such application shall be developed by
the commerce corporation.

(b) The commerce corporation may take into account the following factors in
determining whether to approve an application for a refundable investment tax credit pursuant to
this chapter: the nature and amount of the business’s investment; the necessity of the investment
and/or credit; whether the business is engaged in a targeted industry; the number of jobs created
by the business’s investment; whether the investment took place in a Hope community as defined
in general law 42-64.20-3 and the regulations promulgated thereunder; and such other factors as
the commerce corporation deems relevant.
(c) The refundable tax credit shall be available only to the extent that the business’s investment credit exceeds that business’s tax liability for the tax year in which the credit is available.

(d) The amount of the refundable tax credit available to any business in any given tax year shall not exceed the sum of one-hundred thousand dollars ($100,000).

(e) Prior to approving an application for refundable credits, the commerce corporation shall require the business to enter into an incentive agreement setting forth the business’s eligibility to use or redeem the tax credits and the terms and conditions governing the approval and receipt of the refundable tax credits.

(f) To take or redeem refundable tax credit authorized by the corporation, an eligible business shall apply annually to the commerce corporation for a certification that the business has met all the requirements of this chapter and the incentive agreement. The commerce corporation shall either issue a certification to the business or provide a written response detailing any deficiencies precluding certification. The commerce corporation may deny an applicant for certification, or declare the incentive agreement null and void if the business does not meet all requirements of this chapter and/or any additional terms and conditions of the incentive agreement.

(g) Upon issuance of a certification by the commerce corporation under subsection (f) above, and at the request of the business, the division of taxation shall, on behalf of the State of Rhode Island issue redemption tax certificate(s) as specified in the certification issued by the commerce corporation pursuant to section (f) above.

(h) A taxpayer shall be entitled to take investment tax credits, up to the limit authorized in this chapter, against taxes imposed pursuant to chapters 11 and 30 of title 44.

(i) Subject to annual appropriation in the state budget and upon written request of a taxpayer, the state shall refund the amount of tax credit provided under this chapter in whole or in part up to one hundred percent (100%) of the value of the redemption certificates issued under subsection (g) reduced by the amount of the tax credit taken, if any; provided however, that taxpayer may only claim a refund of a credit amount, in whole or part, for the year for which the tax credit was issued. Credits carried over pursuant to subsection (j) shall not be refundable.

(j) If the tax credit allowed under this chapter exceeds the taxpayer's total tax liability for the year in which the credit is allowed, the amount that exceeds the taxpayer's tax liability after taking account any credit taken under this chapter may either be refunded pursuant to subsection (j) or carried forward for credit against the tax liability for the succeeding years, or until the tax credit is used in full, whichever occurs first.
(k) In the case of a corporation that files a consolidated return, this credit shall only be 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.

(l) 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.

(m) Any expenses used for calculating the tax credit under this chapter cannot be used in calculating a tax credit under any other tax credit program in Rhode Island law.

(n) In the event any taxpayer seeking a refund under this chapter has outstanding Rhode Island tax obligations, the division of taxation shall be permitted to apply said refund to the outstanding tax obligations.

42-64.33-6. Refundable investment tax credit fund.

There is hereby established at the commerce corporation a restricted account known as the refundable investment tax credit fund (the “fund”) into which all amounts appropriated in the state budget for the redemption of tax credits under this chapter shall be deposited. The fund shall be used to pay for the redemption of investment tax credits pursuant to the provisions of this chapter and for which a taxpayer is eligible under general laws 44-31-1. The fund shall be exempt from attachment, levy or any other process at law or in equity. The director of the department of revenue shall make a requisition to the commerce corporation for funding during any fiscal year as may be necessary to pay for the redemption pursuant to this chapter. The commerce corporation shall pay from the fund such amounts as requested by the director of the department of revenue necessary to redeem tax credits pursuant to this chapter.

42-64.33-7. Program integrity.

(a) 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 approval of redemption of the credits and to ensure that authorized redemptions further the objectives of the program.

(b) The commerce corporation and division of taxation may promulgate rules and regulations pursuant to chapter 35 of title 42 of the general laws as deemed necessary to carry out the intent, purpose and implementation of the program established under this chapter.

42-64.33-8. Reporting requirements.
(a) By September 1, 2018 and each year thereafter, the commerce corporation shall report the name and address of each business entering into an incentive agreement during the previous state fiscal year to the division of taxation. The commerce corporation shall also make this information publicly available on its website. In addition, the commerce corporation shall provide the division of taxation a copy of each incentive agreement as they are executed.

(b) By December 1, 2018 and each year thereafter, the office of management and budget shall provide the governor with the sum, if any, to be appropriated to fund the refundable investment tax credit program.

SECTION 17. Title 42 of the General Laws entitled “State Affairs and Government” is hereby amended by adding thereto the following chapter:

CHAPTER 64.34

MANUFACTURING SITE READINESS ACT

42-64.34-1. Short title.
This chapter shall be known as the “Manufacturing Site Readiness Act.”

42-64.34-2. Statement of intent.
The purpose of this act is to develop an inventory of vetted, pad-ready sites in the state capable of supporting large scale economic development.

42-64.34-3. 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) “Program” means the manufacturing site readiness program established by this act.
(3) “Qualifying property” means a property capable of supporting large-scale economic development and including, but not limited to, manufacturing, industrial, and distribution uses.

42-64.34-4. Establishment of program.
There is hereby established the manufacturing site readiness program to be administered by the commerce corporation as set forth in this chapter.

42-64.34-4. Establishment of manufacturing site readiness fund.
(a) The manufacturing site readiness fund is hereby created within the commerce corporation. The commerce corporation is authorized, within available appropriations, to award grants as more particularly set forth in this chapter. The fund shall consist of:

(1) Money appropriated in the state budget to fund the program;
(2) Money made available to the program through federal or private sources; and
(3) Any other money made available to the program.
(b) Funding for the program shall only be used for program purposes.

42-64.34-5. Powers of commerce corporation.

(a) The commerce corporation shall issue one or more requests for expressions of interest to solicit participants in the program.

(b) Subject to available funding and at its discretion, the commerce corporation may undertake a review of a qualifying property to determine its suitability for funding under the program and may consider, among other attributes, the following in making a grant award:

(1) The location, size and suitability of the qualified property for development;

(2) Liens and encumbrances on the qualified property;

(3) Zoning of the qualified property for industrial use and/or host community support for rezoning;

(4) Site conditions of the qualified property;

(5) Existing due diligence on the qualified property;

(6) The cost to develop a pad-ready site on the qualified property; and

(7) The willingness of the property owner to commit to development of a pad-ready industrial site. The commerce corporation may provide a grant to undertake due diligence for a qualifying property, which may include, but not be limited to, site surveys, topographic surveys, wetland determinations, phase 1 environmental site assessments, applicable zoning reviews, utility availability studies, and preliminary site engineering to determine building potential and site improvement costs.

(c) The commerce corporation shall qualify consultants, engineers and/or professionals eligible to complete the due diligence in connection with an award under this chapter.

(d) Grant funding under this chapter shall be paid by the commerce corporation to such qualified consultant, engineer and/or professional performing the services of a qualifying property.

(e) The commerce corporation shall have no obligation to make any award under this chapter.

42-64.34-6. 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 program.

42-64.34-7. 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.

42-64.34-8. Reporting requirements.

The commerce corporation shall publish a report on the program at the end of each fiscal year. The report shall contain information on the commitment, disbursement, and use of funds allocated under the program. 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.

SECTION 18. Title 42 of the General Laws entitled “State Affairs and Government” is hereby amended by adding thereto the following chapter:

CHAPTER 64.35

TECHNICAL ASSISTANCE FOR MUNICIPAL ZONING AND PERMITTING FUND

42-64.35-1. Short title. - This chapter shall be known and may be cited as the “Technical Assistance for Municipal Zoning and Permitting Fund.”

42-64.35-2. Statement of intent. - Outdated and overly burdensome zoning, planning, and permitting codes and processes can inhibit the establishment of sustained economic development at the local level. It is the intention of the general assembly to assist municipalities in addressing and streamlining their respective zoning, planning, and permitting codes and processes by creating a funding program to provide access to technical assistance for the evaluation and betterment of such codes and processes.

42-64.35-3. Fund established. - The technical assistance for municipal zoning and permitting fund is hereby created within the Rhode Island commerce corporation (the “fund”). The commerce corporation is authorized, within available appropriations, to award loans, grants, and other forms of financing to provide access by municipalities to technical assistance to evaluate and streamline their respective zoning, planning, and permitting codes and processes to foster economic development and business attraction within their respective municipalities. Applications and awards of grants, loans, and other forms of financing shall be on a rolling basis. The corporation may, however, periodically set deadlines and make awards. There is established an account in the name of the “technical assistance for municipal zoning and permitting 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.

42-64.35-4. 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, loan, or other form of financing applications will be judged
and awarded.

42-64.35. Reporting requirements. - The commerce corporation shall publish a report
on the fund at the end of each fiscal year, which 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.

42-64.35-6. 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.

SECTION 19. "Rhode Island New Qualified Jobs Incentive Act 2015" are hereby
amended to read as follows:

44-48.3-3. Definitions. As used in this chapter, unless the context clearly indicates otherwise, the following
words and phrases shall have the following meanings:

(1) "Affiliate" or "affiliated entity" 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 an affiliated group of corporations as defined pursuant to § 1504 of the
Internal Revenue Code of 1986 (26 U.S.C. § 1504) or the entity is an organization in a group of
organizations under common control as defined pursuant to subsection (b) or (c) of § 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, 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) "Business" means an applicant that is a corporation, state bank, federal savings bank,
trust company, national banking association, bank holding company, loan and investment
company, mutual savings bank, credit union, building and loan association, insurance company,
investment company, broker-dealer company or surety company, limited liability company,
partnership or sole proprietorship.

(3) "Commerce corporation" means the Rhode Island commerce corporation established
pursuant to chapter 64 of title 42.

(4) "Commitment period" means the period of time that at a minimum is twenty percent (20%) greater than the eligibility period.

(5) "Eligibility period" means the period in which a business may claim a tax credit under the program, beginning at the end of the tax period in which the commerce corporation issues a certification for the business that it has met the employment requirements of the program and extending thereafter for a term of not more than ten (10) years.

(6) "Eligible position" or "full-time job" means a full-time position in a business which has been filled with a full-time employee who earns no less than the median hourly wage as reported by the United States Bureau of Labor Statistics for the state of Rhode Island, provided, that for economically fragile industries such as manufacturing, the commerce corporation may reduce the wage threshold. An economically fragile industry shall not include retail.

(7) "Full-time employee" means a person who is employed by a business for consideration for at least thirty-five (35) hours a week, 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 a week, and whose wages are subject to withholding.

(8) "Hope community" means municipalities with a percentage of families below the poverty level that is greater than the percentage of families below the poverty level for the state as a whole as determined by the United States Census Bureau's most recent American Community Survey.

(9) "Incentive agreement" means the contract between the business and the commerce corporation, which sets forth the terms and conditions under which the business shall be eligible to receive the incentives authorized pursuant to the program.

(10) "Incentive effective date" means the date the commerce corporation issues a certification for issuance of tax credit based on documentation submitted by a business pursuant to § 44-48.3-7.

(11) "Manufacturer" shall mean any entity that:

(a) Uses any premises within the state primarily for the purpose of transforming raw materials into a finished product for trade through any or all of the following operations: adapting, altering, finishing, making, processing, refining, metalworking, and ornamenting, but shall not include fabricating processes incidental to warehousing or distribution of raw materials, such as alteration of stock for the convenience of a customer; or

(b) Is described in codes 31-33 of the North American Industry Classification System, as
revised from time to time.

"New full-time job" means an eligible position created by the business that did not previously exist in this state and which is created after approval of an application to the commerce corporation under the program. Such job position cannot be the result of an acquisition of an existing company located in Rhode Island by purchase, merger, or otherwise. For the purposes of determining the number of new full-time jobs, the eligible positions of an affiliate shall be considered eligible positions of the business so long as such eligible position(s) otherwise meets the requirements of this section.

"Partnership" means an entity classified as a partnership for federal income tax purposes.

"Program" means the incentive program established pursuant to this chapter.

"Targeted industry" means any industry identified in the economic development vision and policy promulgated under § 42-64.17-1 or, until such time as any economic development vision and policy is promulgated, as identified by the commerce corporation.

"Taxpayer" means a business granted a tax credit under this chapter or such person entitled to the tax credit because the business is a pass through entity such as a partnership, S corporation, sole proprietorship or limited liability company taxed as a partnership.

"Transit oriented development area" means an area in proximity to mass-transit infrastructure including, but not limited to, an airport, rail or intermodal facility that will be further defined by regulation of the commerce corporation in consultation with the Rhode Island department of transportation.

44-48.3-4. Rhode Island qualified jobs incentive program. – (a) The Rhode Island qualified jobs incentive program is hereby established as a program under the jurisdiction of and shall be administered by the commerce corporation. The program may provide tax credits to eligible businesses for an eligibility period not to exceed ten (10) years.

(b) An eligible business under the program shall be entitled to a credit against taxes imposed pursuant to chapters 11, 13, 14, 17 or 30 of title 44 as further provided under this chapter.

(c) The minimum number of new full-time jobs required to be eligible for a tax credit under this program shall be as follows:

(1) For a business in a targeted industry that employs not more than one hundred (100) full-time employees on the date of application to the commerce corporation, the creation of at least ten (10) new full-time jobs in this state;

(2) For a business in a targeted industry that employs more than one hundred (100) full-
time employees on the date of application to the commerce corporation, either the creation of new
full-time jobs in this state in an amount not less than ten percent (10%) of the business's existing
number of full-time employees or the creation of at least one hundred (100) new full-time jobs in
this state;

(3) For a business in a non-targeted industry that employs not more than two hundred
(200) full-time employees on the date of application to the commerce corporation, the creation of
at least twenty (20) new full-time jobs in this state; or

(4) For a business in a non-targeted industry that employs more than two hundred (200)
full-time employees on the date of application to the commerce corporation, either the creation of
new full-time jobs in this state in an amount not less than ten percent (10%) of the business's
existing number of full-time employees or the creation of at least one hundred (100) new full-
time jobs in this state.

(5) Notwithstanding subsections (c)(1) through (4):

(i) For a manufacturer the creation of new full-time jobs in this state in an amount not
less than ten percent (10%) of the manufacturer's existing number of full-time employees or the
creation of at least one hundred (100) new full-time jobs in this state.

(d) When a business applies for an incentive under this chapter, in order to assist the
commerce corporation in determining whether the business is eligible for the incentives under
this chapter, the business's chief executive officer, or equivalent officer, shall attest under oath:

(1) That any projected creation of new full-time jobs would not occur, or would not occur
in the state of Rhode Island, but for the provision of tax credits under the program;

(2) The business will create new full-time jobs in an amount equal to or greater than the
applicable number set forth in subsection (c) of this section;

(3) That the business's chief executive officer, or equivalent officer, has reviewed the
information submitted to the commerce corporation and that the representations contained therein
are accurate and complete.

(e) The commerce corporation shall establish, by regulation, the documentation an
applicant shall be required to provide under this subsection. Such documentation may include
documentation showing that the applicant could reasonably locate the new positions outside of
this state, or that the applicant is considering locating the positions outside of this state, or that it
would not be financially feasible for the applicant to create the positions without the tax credits
provided in this chapter.

(f) In the event that this attestation by the business's chief executive officer, or equivalent
officer, required under subsection (d) of this section is found to be willfully false, the commerce
corporation may revoke any award of tax credits in their entirety, which revocation shall be in
addition to any other criminal or civil penalties that the business and/or the officer may be subject
to under applicable law. Additionally, the commerce corporation may revoke any award of tax
credits in its entirety if the eligible business is convicted of bribery, fraud, theft, embezzlement,
misappropriation, and/or extortion involving the state, any state agency or political subdivision of
the state.

(g) The definition of manufacturer in this chapter is limited to the eligibility for the
program in this chapter only and shall not modify or define the legal standing of a manufacturer
for any other purpose in Title 44 of the Rhode Island general laws.

SECTION 20. This Article shall take effect upon passage.

ARTICLE 13

RELATING TO MEDICAL ASSISTANCE

SECTION 1. Sections 40-8-4, 40-8-13.4, 40-8-15 and 40-8-19 of the General Laws in
Chapter 40-8 entitled “Medical Assistance” are hereby amended to read as follows:

40-8-4. Direct vendor payment plan. Medicaid vendor payment and beneficiary
copayment.

(a) The department executive office of health and human services (“executive office”) shall furnish medical care benefits to eligible beneficiaries through a direct vendor payment plan
and/or other methodologies and plans authorized in this chapter. The plan shall include, but need
not be limited to, any or all of the following benefits, which benefits shall be contracted for by the
director. Such plans and methodologies shall cover the services and supports approved as eligible
for federal financial participation identified in the Medicaid state plan and any active waivers:

(1) Inpatient hospital services, other than services in a hospital, institution, or facility for
tuberculosis or mental diseases;

(2) Nursing services for such period of time as the director shall authorize;

(3) Visiting nurse service;

(4) Drugs for consumption either by inpatients or by other persons for whom they are
prescribed by a licensed physician;

(5) Dental services; and

(6) Hospice care up to a maximum of two hundred and ten (210) days as a lifetime
benefit.

(b) For purposes of this chapter, the payment of federal Medicare premiums or other
health insurance premiums by the department on behalf of eligible beneficiaries in accordance
with the provisions of Title XIX of the federal Social Security Act, 42 U.S.C. § 1396 et seq., shall
be deemed to be a direct vendor payment.

(c) With respect to medical care benefits furnished to eligible individuals under this chapter or Title XIX, or Title XXI of the federal Social Security Act, the department executive office is authorized and directed to impose:

(i) Nominal nominal co-payments or similar charges upon eligible individuals, adults over the age of nineteen (19) who are not living with a disability and eligible for Medicaid pursuant to §§ 40-8.4-4(b), 40-8.5-1, 40-8.12-2(a), the total of which is not to exceed five (5) percent of annual countable income in a year eligibility period, as follows:

(i) Copayments in the amount of eight dollars ($8.00) per visit for non-emergency services provided in a hospital emergency room; three dollars ($3.00) per inpatient hospital visit; and three dollars ($3.00) per non-preventive health physical office visit.

(ii) Co-payments for prescription drugs in the amount of one dollar ($1.00) two dollars and fifty cents ($2.50) for generic drug prescriptions and three four dollars ($3.00 4.00) for brand name drug prescriptions in accordance with the provisions of 42 U.S.C. § 1396, et seq.

(b) The department executive office is authorized and directed to promulgate rules and regulations to impose such co-payments or charges and to provide that, with respect to subdivision (ii) above, those regulations shall be effective upon filing.

(c) No state agency shall pay a vendor for medical benefits provided to a recipient of assistance beneficiary under this chapter until and unless the vendor has submitted a claim for payment to a commercial insurance plan, Medicare, and/or a Medicaid managed care plan, if applicable for that recipient beneficiary, in that order. This includes payments for skilled nursing and therapy services specifically outlined in Chapter 7, 8 and 15 of the Medicare Benefit Policy Manual.

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 (“executive office”) 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 shall:

(1)(i) 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 that 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 DRG 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 Centers for Medicare and Medicaid Services national CMS Prospective Payment System (IPPS) Hospital Input Price index. For the twelve-month (12) period beginning July 1, 2015, the DRG base rate for Medicaid fee-for-service inpatient hospital services shall not exceed ninety-seven and one-half percent (97.5%) of the payment rates in effect as of July 1, 2014. For the twelve (12) month period beginning July 1, 2018, there shall be no increase in the DRG base rate for Medicaid fee-for-service inpatient hospital services.

(ii) With respect to inpatient services, (A) 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. Increases in inpatient hospital payments for each annual twelve-month (12) 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; (B) Provided, however, for the twenty-four-month (24) 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-month (12) period beginning July 1, 2015, the Medicaid managed-care payment inpatient rates between each hospital and health plan shall not exceed ninety-seven and one-half percent (97.5%) of the payment rates in effect as of January 1, 2013; (C) Increases in inpatient hospital payments for each annual twelve-month (12) period beginning July 1, 2017, shall be the Centers for Medicare and Medicaid Services national CMS Prospective Payment System (IPPS) Hospital Input Price Index, less Productivity Adjustment, for the applicable period and shall be paid to each hospital retroactively to July 1; (D) For the twelve (12) month period beginning July 1, 2018, the Medicaid managed care payment rates between each hospital and health plan shall not exceed the payment rates in effect as of January 1, 2017. The executive office 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; (E) All hospitals licensed in Rhode Island shall accept such payment rates as payment in full; and (F) 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, July 1, 2014, or July 1, 2015.
For the twelve-month (12) period beginning July 1, 2015, Medicaid fee-for-service outpatient
rates shall not exceed ninety-seven and one-half percent (97.5%) of the rates in effect as of July 1,
2014. Increases in the outpatient hospital payments for the twelve-month (12) period beginning
July 1, 2016, may not exceed the CMS national Outpatient Prospective Payment System (OPPS)
Hospital Input Price Index. Effective July 1, 2018, there shall be no increase in the Medicaid fee-
for-service outpatient hospital rates. 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; (ii) Increases in hospital outpatient payments for each annual twelve-
month (12) period beginning January 1, 2012 until July 1, 2017, may not exceed the Centers for
Medicare and Medicaid Services national CMS Outpatient Prospective Payment System OPPS
hospital price index for the applicable period; (iii) Provided, however, for the twenty-four-month
(24) 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-month (12) period beginning July 1, 2015, the Medicaid managed-care
outpatient payment rates between each hospital and health plan shall not exceed ninety-seven and
one-half percent (97.5%) of the payment rates in effect as of January 1, 2013; (iv) Increases in
outpatient hospital payments for each annual twelve-month (12) period beginning July 1, 2017,
shall be the Centers for Medicare and Medicaid Services national CMS OPPS Hospital Input
Price Index, less Productivity Adjustment, for the applicable period and shall be paid to each
hospital retroactively to July 1. For the twelve (12) month period beginning July 1, 2018, 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, 2017.
(3) "Hospital", as used in this section, shall mean the actual facilities and buildings in
existence in Rhode Island, licensed pursuant to § 23-17-1 et seq. on June 30, 2010, and thereafter
any premises included on that license, regardless of changes in licensure status pursuant to
chapter 17.14 of title 23 (hospital conversions) and § 23-17-6(b) (change in effective control),
that provides short-term, acute inpatient and/or outpatient care to persons who require definitive
diagnosis and treatment for injury, illness, disabilities, or pregnancy. Notwithstanding the
preceding language, the Medicaid managed care payment rates for a court-approved purchaser
that acquires a hospital through receivership, special mastership or other similar state insolvency
proceedings (which court-approved purchaser is issued a hospital license after January 1, 2013)
shall be based upon the new rates between the court-approved purchaser and the health plan, and
such rates shall be effective as of the date that the court-approved purchaser and the health plan
execute the initial agreement containing the new rates. The rate-setting methodology for
inpatient-hospital payments and outpatient-hospital payments set forth in subdivisions
(b)(1)(ii)(C) and (b)(2), respectively, shall thereafter apply to increases for each annual twelve-
month (12) period as of July 1 following the completion of the first full year of the court-
approved purchaser's initial Medicaid managed care contract.

(c) It is intended that payment utilizing the DRG 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 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 DRG-payment methodology. Furthermore, amendment of the
Rhode Island state plan for 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.

(e) 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 new
payment methodology set forth in 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.

40-8-15. Lien on deceased recipient's estate for assistance.

(a)(1) Upon the death of a recipient of medical assistance Medicaid under Title XIX of
the federal Social Security Act, 42 U.S.C. § 1396 et seq., (42 U.S.C. § 1396 et seq and referred to
hereinafter as the “Act”), the total sum of medical assistance for Medicaid benefits so paid on
behalf of a recipient beneficiary who was fifty-five (55) years of age or older at the time of
receipt of the assistance shall be and constitute a lien upon the estate, as defined in subdivision
(a)(2) below, of the recipient beneficiary in favor of the executive office of health and human
services ("executive office"). The lien shall not be effective and shall not attach as against the
estate of a recipient beneficiary who is survived by a spouse, or a child who is under the age of
twenty-one (21), or a child who is blind or permanently and totally disabled as defined in Title
XVI of the federal Social Security Act, 42 U.S.C. § 1381 et seq. The lien shall attach against
property of a recipient beneficiary, which is included or includible in the decedent's probate
estate, regardless of whether or not a probate proceeding has been commenced in the probate
court by the executive office of health and human services or by any other party. Provided,
however, that such lien shall only attach and shall only be effective against the recipient's
beneficiary's real property included or includible in the recipient's beneficiary's probate estate if
such lien is recorded in the land evidence records and is in accordance with subsection 40-8-15(f).
Decedents who have received medical assistance Medicaid benefits are subject to the assignment
and subrogation provisions of §§ 40-6-9 and 40-6-10.

(2) For purposes of this section, the term “estate” with respect to a deceased individual
shall include all real and personal property and other assets included or includable within the
individual's probate estate.

(b) The executive office of health and human services is authorized to promulgate
regulations to implement the terms, intent, and purpose of this section and to require the legal
representative(s) and/or the heirs-at-law of the decedent to provide reasonable written notice to
the executive office of health and human services of the death of a recipient beneficiary of
medical assistance Medicaid benefits who was fifty-five (55) years of age or older at the date of
death, and to provide a statement identifying the decedent's property and the names and addresses
of all persons entitled to take any share or interest of the estate as legatees or distributes thereof.

(c) The amount of medical assistance reimbursement for Medicaid benefits imposed
under this section shall also become a debt to the state from the person or entity liable for the
payment thereof.

(d) Upon payment of the amount of reimbursement for medical assistance Medicaid benefits imposed by this section, the secretary of the executive office of health and human services, or his or her designee, shall issue a written discharge of lien.

(e) Provided, however, that no lien created under this section shall attach nor become effective upon any real property unless and until a statement of claim is recorded naming the debtor/owner of record of the property as of the date and time of recording of the statement of claim, and describing the real property by a description containing all of the following: (1) tax assessor's plat and lot; and (2) street address. The statement of claim shall be recorded in the records of land evidence in the town or city where the real property is situated. Notice of said lien shall be sent to the duly appointed executor or administrator, the decedent's legal representative, if known, or to the decedent's next of kin or heirs at law as stated in the decedent's last application for medical assistance Medicaid benefits.

(f) The executive office of health and human services shall establish procedures, in accordance with the standards specified by the secretary, U.S. Department of Health and Human Services, under which the executive office of health and human services shall waive, in whole or in part, the lien and reimbursement established by this section if such lien and reimbursement would work cause an undue hardship, as determined by the executive office of health and human services, on the basis of the criteria established by the secretary in accordance with 42 U.S.C. § 1396p(b)(3).

(g) Upon the filing of a petition for admission to probate of a decedent's will or for administration of a decedent's estate, when the decedent was fifty-five (55) years or older at the time of death, a copy of said petition and a copy of the death certificate shall be sent to the executive office of health and human services. Within thirty (30) days of a request by the executive office of health and human services, an executor or administrator shall complete and send to the executive office of health and human services a form prescribed by that office and shall provide such additional information as the office may require. In the event a petitioner fails to send a copy of the petition and a copy of the death certificate to the executive office of health and human services and a decedent has received medical assistance Medicaid benefits for which the executive office of health and human services is authorized to recover, no distribution and/or payments, including administration fees, shall be disbursed. Any person and/or entity that receive a distribution of assets from the decedent's estate shall be liable to the executive office of health and human services to the extent of such distribution.

(h) Compliance with the provisions of this section shall be consistent with the
requirements set forth in § 33-11-5 and the requirements of the affidavit of notice set forth in §
33-11-5.2. Nothing in these sections shall limit the executive office of health and human services
from recovery, to the extent of the distribution, in accordance with all state and federal laws.

(i) To assure the financial integrity of the Medicaid eligibility determination, benefit
renewal, and estate recovery processes in this and related sections, the secretary of health and
human services is authorized and directed to, by no later than August 1, 2018: (1), implement an
automated asset verification system, as mandated by §1940 of the Act that uses electronic data
sources to verify the ownership and value of countable resources held in financial institutions and
any real property for applicants and beneficiaries subject to resource and asset tests pursuant in
the Act in §1902(c)(14)(D); (2) Apply the provisions required under §§1902(a)(18) and 1917(c)
of the Act pertaining to the disposition of assets for less than fair market value by applicants and
beneficiaries for Medicaid long-term services and supports and their spouses, without regard to
whether they are subject to or excepted from resources and asset tests as mandated by federal
guidance; and.(3) Pursue any state plan or waiver amendments from the U.S. Centers for
Medicare and Medicaid Services and promulgate such rules, regulations, and procedures he or
she deems necessary to carry out the requirements set forth herein and ensure the state plan and
Medicaid policy conform and comply with applicable provisions Title XIX.

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 ("executive office") 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 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 occur on April 1, 2015. The rate adjustment that occurs on October 1, 2018 will not exceed an increase of one (1) percent. Said inflation index shall be applied without regard for the transition factors in subsections (b)(1) and (b)(2) below. For purposes of October 1, 2016, adjustment only, any rate increase that results from application of the inflation index to subparagraphs (a)(2)(i) and (a)(2)(ii) shall be dedicated to increase compensation for direct-care workers in the following manner: Not less than 85% of this aggregate amount shall be expended to fund an increase in wages, benefits, or related employer costs of direct-care staff of nursing homes. For purposes of this section, direct-care staff shall include registered nurses (RNs), licensed practical nurses (LPNs), certified nursing assistants (CNAs), certified medical technicians, housekeeping staff, laundry staff, dietary staff, or other similar employees providing direct care services; provided, however, that this definition of direct-care staff shall not include: (i) RNs and LPNs who are classified as "exempt employees" under the Federal Fair Labor Standards Act (29 U.S.C. § 201 et seq.); or (ii) CNAs, certified medical technicians, RNs, or LPNs who are contracted, or subcontracted, through a third-party vendor or staffing agency. By July 31, 2017, nursing facilities shall submit to the secretary, or designee, a certification that they have complied with the provisions of this subparagraph (a)(2)(vi) with respect to the inflation index applied on October 1, 2016. Any facility that does not comply with terms of such certification shall be subjected to a clawback, paid by the nursing facility to the state, in the amount of increased reimbursement subject to this provision that was not expended in compliance with that certification.

(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; for the year beginning October 1, 2017, the reimbursement for direct-
care costs under this provision will be phased out in twenty-five-percent (25%) increments each 
year until October 1, 2021, when the reimbursement will no longer be in effect. 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. An adjustment to the per diem loss or gain may be phased out by 
twenty-five percent (25%) each year; except, however, for the years beginning October 1, 2015, 
there shall be no adjustment to the per diem gain or loss, but the phase out shall resume 
thereafter; 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, Medicaid payment rates for nursing facilities established pursuant to this section 
shall not exceed ninety-eight percent (98%) of the rates in effect on April 1, 2015.

SECTION 2. Section 40-8.3-10 of the General Laws in Chapter 40-8.3 entitled 
"Uncompensated Care" is hereby amended to read as follows:

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 23-17-38.1(c)(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 3-17-38.19(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. Section 40-8.4-12 of the General Laws in Chapter 40-8.4 entitled “Health Care for Families” is hereby amended to read as follows:

40-8.4-12. Rte Share Health Insurance Premium Assistance Program.

(a) Basic Rte Share Health Insurance Premium Assistance Program. The office of health and human services is authorized and directed to amend the medical assistance Title XIX state plan to implement the provisions of section 1906 of Title XIX of the Social Security Act, 42 U.S.C. section 1396a, and establish the Rhode Island health insurance premium assistance program for Rte Care eligible families with incomes up to two hundred fifty percent (250%) of the federal poverty level who have access to employer-based health insurance. The state plan
amendment shall require eligible families with access to employer-based health insurance to enroll themselves and/or their family in the employer-based health insurance plan as a condition of participation in the Rite Share program under this chapter and as a condition of retaining eligibility for medical assistance under chapters 5.1 and 8.4 of this title and/or chapter 12.3 of title 42 and/or premium assistance under this chapter, provided that doing so meets the criteria established in section 1906 of Title XIX for obtaining federal matching funds and the department has determined that the person's and/or the family's enrollment in the employer-based health insurance plan is cost effective and the department has determined that the employer-based health insurance plan meets the criteria set forth in subsection (d). The department shall provide premium assistance by paying all or a portion of the employee's cost for covering the eligible person or his or her family under the employer-based health insurance plan, subject to the cost sharing provisions in subsection (b), and provided that the premium assistance is cost-effective in accordance with Title XIX, 42 U.S.C. section 1396 et seq. — Under the terms of Section 1906 of Title XIX of the U.S. Social Security Act, states are permitted to pay a Medicaid eligible person's share of the costs for enrolling in employer-sponsored health insurance (ESI) coverage if it is cost effective to do so. Pursuant to general assembly's direction in Rhode Island Health Reform Act of 2000, the Medicaid agency requested and obtained federal approval under § 1916 to establish the Rite Share premium assistance program to subsidize the costs of enrolling Medicaid eligible persons and families in employer sponsored health insurance plans that have been approved as meeting certain cost and coverage requirements. The Medicaid agency also obtained, at the general assembly's direction, federal authority to require any such persons with access to ESI coverage to enroll as a condition of retaining eligibility providing that doing so meets the criteria established in Title XIX for obtaining federal matching funds.

(b) Individuals who can afford it shall share in the cost. The office of health and human services is authorized and directed to apply for and obtain any necessary waivers from the secretary of the United States Department of Health and Human Services, including, but not limited to, a waiver of the appropriate sections of Title XIX, 42 U.S.C. section 1396 et seq., to require that families eligible for Rite Care under this chapter or chapter 12.3 of title 42 with incomes equal to or greater than one hundred fifty percent (150%) of the federal poverty level pay a share of the costs of health insurance based on the person's ability to pay, provided that the cost sharing shall not exceed five percent (5%) of the person's annual income. The department of human services shall implement the cost sharing by regulation, and shall consider co-payments, premium shares or other reasonable means to do so. Definitions. - For the purposes of this subsection, the following definitions apply:

Definitions. - For the purposes of this subsection, the following definitions apply:
(1) “Cost-effective” means that the portion of the ESI that the state would subsidize, as well as wrap-around costs, would on average cost less to the State than enrolling that same person/family in a managed care delivery system.

(2) “Cost sharing” means any co-payments, deductibles or co-insurance associated with ESI.

(3) “Employee premium” means the monthly premium share a person or family is required to pay to the employer to obtain and maintain ESI coverage.

(4) “Employer-Sponsored Insurance or ESI” means health insurance or a group health plan offered to employees by an employer. This includes plans purchased by small employers through the State health insurance marketplace, Healthsource, RI (HSRI).

(5) “Policy holder” means the person in the household with access to ESI, typically the employee.

(6) “Rlite Share-approved employer-sponsored insurance (ESI)” means an employer-sponsored health insurance plan that meets the coverage and cost-effectiveness criteria for Rlite Share.

(7) “Rlite Share buy-in” means the monthly amount a Medicaidineligible policy holder must pay toward Rlite Share-approved ESI that covers the Medicaid eligible children, young adults or spouses with access to the ESI. The buy-in only applies in instances when household income is above 150% the FPL.

(8) “Rlite Share premium assistance program” means the Rhode Island Medicaid premium assistance program in which the State pays the eligible Medicaid member’s share of the cost of enrolling in a Rlite Share-approved ESI plan. This allows the State to share the cost of the health insurance coverage with the employer.

(9) “Rlite Share Unit” means the entity within EOHHS responsible for assessing the cost-effectiveness of ESI, contacting employers about ESI as appropriate, initiating the Rlite Share enrollment and disenrollment process, handling member communications, and managing the overall operations of the Rlite Share program.

(10) “Third Party Liability (TPL)” means other health insurance coverage. This insurance is in addition to Medicaid and is usually provided through an employer. Since Medicaid is always the payer of last resort, the TPL is always the primary coverage.

(11) “Wrap-around services or coverage” means any health care services not included in the ESI plan that would have been covered had the Medicaid member been enrolled in a Rlite Care or Rhody Health Partners plan. Coverage of deductibles and co-insurance is included in the wrap. Co-payments to providers are not covered as part of the wrap-around coverage.
Current Rite Care enrollees with access to employer-based health insurance. The office of health and human services shall require any family who receives Rite Care or whose family receives Rite Care on the effective date of the applicable regulations adopted in accordance with subsection (f) to enroll in an employer-based health insurance plan at the person’s eligibility redetermination date or at an earlier date determined by the department, provided that doing so meets the criteria established in the applicable sections of Title XIX, 42 U.S.C. section 1396 et seq., for obtaining federal matching funds and the department has determined that the person’s and/or the family’s enrollment in the employer-based health insurance plan is cost-effective and has determined that the health insurance plan meets the criteria in subsection (d). The insurer shall accept the enrollment of the person and/or the family in the employer-based health insurance plan without regard to any enrollment season restrictions.

Rite Share Populations. Medicaid beneficiaries subject to Rite Share include: children, families, parent and caretakers eligible for Medicaid or the Children’s Health Insurance Program under this chapter or chapter 42-12.3; and adults between the ages of 19 and 64 who are eligible under chapters 40-8.5 and 40-8.12, not receiving or eligible to receive Medicare, and are enrolled in managed care delivery systems. The following conditions apply:

1. The income of Medicaid beneficiaries shall affect whether and in what manner they must participate in Rite Share as follows:
   (i) Income at or below 150% of FPL -- Persons and families determined to have household income at or below 150% of the Federal Poverty Level (FPL) guidelines based on the modified adjusted gross income (MAGI) standard or other standard approved by the secretary are required to participate in Rite Share if a Medicaid-eligible adult or parent/caretaker has access to cost-effective ESI. Enrolling in ESI through Rite Share shall be a condition of maintaining Medicaid health coverage for any eligible adult with access to such coverage.
   (ii) Income above 150% FPL and policy holder is not Medicaid-eligible -- Premium assistance is available when the household includes Medicaid-eligible members, but the ESI policy holder (typically a parent/caretaker or spouse) is not eligible for Medicaid. Premium assistance for parents/caretakers and other household members who are not Medicaid-eligible may be provided in circumstances when enrollment of the Medicaid-eligible family members in the approved ESI plan is contingent upon enrollment of the ineligible policy holder and the executive office of health and human services (executive office) determines, based on a methodology adopted for such purposes, that it is cost-effective to provide premium assistance for family or spousal coverage.

(d) Rite Share Enrollment as a Condition of Eligibility. For Medicaid beneficiaries over
the age of nineteen (19) enrollment in Rite Share shall be a condition of eligibility except as
exempted below and by regulations promulgated by the executive office.

(1) Medicaid-eligible children and young adults up to age nineteen (19) shall not be
required to enroll in a parent/caretaker relative’s ESI as a condition of maintaining Medicaid
eligibility if the person with access to Rite Share-approved ESI does not enroll as required. These
Medicaid-eligible children and young adults shall remain eligible for Medicaid and shall be
enrolled in a Rite Care plan.

(2) There shall be a limited six (6) month exemption from the mandatory enrollment
requirement for persons participating in the RI Works program pursuant to § 40-5.2.

(d) Approval of health insurance plans for premium assistance. The office of health
and human services shall adopt regulations providing for the approval of employer-based health
insurance plans for premium assistance and shall approve employer-based health insurance plans
based on these regulations. In order for an employer-based health insurance plan to gain approval,
the department executive office must determine that the benefits offered by the employer-based
health insurance plan are substantially similar in amount, scope, and duration to the benefits
provided to Rite Care Medicaid-eligible persons by the Rite Care program enrolled in Medicaid
managed care plan, when the plan is evaluated in conjunction with available supplemental
benefits provided by the office. The office shall obtain and make available as to persons
otherwise eligible for Rite Care Medicaid identified in this section as supplemental benefits those
benefits not reasonably available under employer-based health insurance plans which are required
for Rite Care eligible persons Medicaid beneficiaries by state law or federal law or regulation.
Once it has been determined by the Medicaid agency that the ESI offered by a particular
employer is Rite Share-approved, all Medicaid members with access to that employer's plan are
required participate in Rite Share. Failure to meet the mandatory enrollment requirement shall
result in the termination of the Medicaid eligibility of the policy holder and other Medicaid
members nineteen (19) or older in the household that could be covered under the ESI until the
policy holder complies with the Rite Share enrollment procedures established by the executive
office.

(f) Premium Assistance. The executive office shall provide premium assistance by paying
all or a portion of the employee's cost for covering the eligible person and/or his or her family
under such a Rite Share-approved ESI plan subject to the buy-in provisions in this section.

(g) Buy-in. Persons who can afford it shall share in the cost. - The executive office is
authorized and directed to apply for and obtain any necessary state plan and/or waiver
amendments from the secretary of the U.S. DHHS to require that person enrolled in a Rite Share-
approved employer-based health plan who have income equal to or greater than one hundred fifty percent (150%) of the FPL to buy-in to pay a share of the costs based on the ability to pay, provided that the buy-in cost shall not exceed five percent (5%) of the person's annual income.
The executive office shall implement the buy-in by regulation, and shall consider co-payments, premium shares or other reasonable means to do so.

(h) Maximization of federal contribution. The office of health and human services is authorized and directed to apply for and obtain federal approvals and waivers necessary to maximize the federal contribution for provision of medical assistance coverage under this section, including the authorization to amend the Title XXI state plan and to obtain any waivers necessary to reduce barriers to provide premium assistance to recipients as provided for in Title XXI of the Social Security Act, 42 U.S.C. section 1397 et seq.

(i) Implementation by regulation. The office of health and human services is authorized and directed to adopt regulations to ensure the establishment and implementation of the premium assistance program in accordance with the intent and purpose of this section, the requirements of Title XIX, Title XXI and any approved federal waivers.

SECTION 4. Section 15 of Article 5 of Chapter 141 of the Public Laws of 2015 is hereby amended to read as follows:

A pool is hereby established of up to $4.0 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 $5 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 made annually.

SECTION 5. This Article shall take effect upon passage.

ARTICLE 14

RELATING TO MEDICAID REFORM ACT OF 2008 RESOLUTION
WHEREAS, the General Assembly enacted Chapter 12.4 of Title 42 entitled “The Rhode Island Medicaid Reform Act of 2008”; and

WHEREAS, a legislative enactment is required pursuant to Rhode Island General Laws 42-12.4-1, et seq.; and

WHEREAS, Rhode Island General Law 42-7.2-5(3)(a) provides that the Secretary of the Executive Office of Health and Human Services (“Executive Office”) is responsible for the review and coordination of any Medicaid section 1115 demonstration waiver requests and renewals as well as any initiatives and proposals requiring amendments to the Medicaid state plan or category II or III changes as described in the demonstration, “with 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 provided by Rhode Island general and public laws”; and

WHEREAS, in pursuit of a more cost-effective consumer choice system of care that is fiscally sound and sustainable, the Secretary requests legislative approval of the following proposals to amend the demonstration:

(a) Provider Rates -- Adjustments. The Executive Office proposes to:

(i) Maintain in-patient and out-patient hospital payment rates at SFY 2018 levels.

(ii) The nursing facility rate adjustment that would otherwise take-effect on October 1, 2018 will not exceed an increase of one percent; and

(iii) Reduce rates for Medicaid managed care plan administration.

Implementation of adjustments may require amendments to the Rhode Island’s Medicaid State Plan and/or Section 1115 waiver under the terms and conditions of the demonstration. Further, adoption of new or amended rules, regulations and procedures may also be required.

(b) Section 1115 Demonstration Waiver – Implementation of Existing Authorities. To achieve the objectives of the State’s demonstration waiver, the Executive Office proposes to implement the following approved authorities:

(i) Upon meeting federal guidelines for the timely processing of applications, elimination of retroactive coverage for Medicaid beneficiaries, except for pregnant women and newborn infants, and promulgate rules, regulations, and/or procedures that establish criteria to provide a hardship exemption for eligible persons who have a significant need;

(ii) Expanded expedited eligibility for long-term services and supports (LTSS) applicants who are transitioning to a home or community-based setting from a health facility, including a hospital or nursing home; and
(iii) Institute the multi-tiered needs-based criteria for determining the level of care and scope of services available to applicants with developmental disabilities seeking Medicaid home and community-based services in lieu of institutional care.

(c) **Section 1115 Demonstration Waiver – Extension Request** – The Executive Office proposes to seek approval from our federal partners to extend the Section 1115 demonstration as authorized in §42-12.4. In addition to maintaining existing waiver authorities, the Executive Office proposes to seek additional federal authorities to:

(i) Further the goals of LTSS rebalancing set forth in §40-8.9, by expanding the array of health care stabilization and maintenance services eligible for federal financial participation which are available to beneficiaries residing in home and community-based settings. Such services include adaptive and home-based monitoring technologies, transition help, and peer and personal supports that assist beneficiaries in better managing and optimizing their own care. The Executive Office proposes to pursue alternative payment strategies financed through the Health System Transformation Project (HSTP) to cover the state’s share of the cost for such services and to expand on-going efforts to identify and provide cost-effective preventive services to persons at-risk for LTSS and other high cost interventions.

(ii) Leverage existing resources and the flexibility of alternative payment methodologies to provide integrated medical and behavioral services to children and youth at risk and in transition, including targeted family visiting nurses, peer supports, and specialized networks of care.

(d) **Financial Integrity – Asset Verification and Transfers.** To comply with federal mandates pertaining to the integrity of the determination of eligibility and estate recoveries, the Executive Office plans to adopt an automated asset verification system which uses electronic data sources to verify ownership and the value of the financial resources and real property of applicants and beneficiaries and their spouses who are subject to asset and resource limits under Title XIX. In addition, the Executive Office proposes to adopt new or amended rules, policies and procedures for LTSS applicants and beneficiaries, inclusive of those eligible pursuant to §40-8.12, that conform to federal guidelines related to the transfer of assets for less than fair market value established in Title XIX and applicable federal guidelines. State plan amendments are required to comply fully with these mandates.

(e) **Service Delivery.** To better leverage all available health care dollars and promote access and service quality, the Executive Office proposes to:

(i) Restructure delivery systems for dual Medicare and Medicaid eligible LTSS beneficiaries who have chronic or disabling conditions to provide the foundation for
implementing more cost-effective and sustainable managed care LTSS arrangements. Additional state plan authorities may be required.

(ii) Expand the reach of the RIté Share premium assistance program through amendments to the Medicaid state plan to cover all adults, ages 19 and older, who have access to a cost-effective Executive Office approved employer-sponsored health insurance program.

(f) Non-Emergency Transportation Program (NEMT). To implement cost effective delivery of services and to enhance consumer satisfaction with transportation services by:

(i) Expanding reimbursement methodologies; and

(ii) Removing transportation restrictions to align with Title XIX of Federal law.

(g) Community First Choice (CFC). To seek Medicaid state plan and any additional waiver authority necessary to implement the CFC option.

(h) Alternative Payment Methodology. To develop, in collaboration with the Department of Behavioral Healthcare, Development Disabilities and Hospitals (BHDDH), a health home for providing conflict free person-centered planning and a quality and value based alternative payment system that advances the goal of improving service access, quality and value.

(i) Opioid and Behavioral Health Crisis Management. To implement in collaboration with the Department of Behavioral Healthcare, Development Disabilities and Hospitals (BHDDH), a community based alternative to emergency departments for addiction and mental health emergencies.

(j) Federal Financing Opportunities. The Executive Office proposes to review Medicaid requirements and opportunities under the U.S. Patient Protection and Affordable Care Act of 2010 (PPACA) and various other recently enacted federal laws and pursue any changes in the Rhode Island Medicaid program that promote service quality, access and cost-effectiveness that may warrant a Medicaid State Plan amendment or amendment under the terms and conditions of Rhode Island’s Section 1115 Waiver, its successor, or any extension thereof. Any such actions by the Executive Office shall not have an adverse impact on beneficiaries or cause there to be an increase in expenditures beyond the amount appropriated for state fiscal year 2019.

Now, therefore, be it: RESOLVED, the General Assembly hereby approves proposals and be it further;

RESOLVED, the Secretary of the Executive Office is authorized to pursue and implement any waiver amendments, State Plan amendments, and/or changes to the applicable department’s rules, regulations and procedures approved herein and as authorized by 42-12.4; and be it further

RESOLVED, that this Joint Resolution shall take effect upon passage.
SECTION 2. This Article shall take effect upon passage.

ARTICLE 15

RELATING TO CHILDREN AND FAMILIES

SECTION 1. Sections 14-1-3, 14-1-6 and 14-1-11.1 of the General Laws in Chapter 14-1 entitled "Proceedings in Family Court" are hereby amended to read as follows:

14-1-3. Definitions.

The following words and phrases when used in this chapter shall, unless the context otherwise requires, be construed as follows:

(1) "Adult" means a person eighteen (18) years of age or older, except that "adult" includes any person seventeen (17) years of age or older who is charged with a delinquent offense involving murder, first-degree sexual assault, first-degree child molestation, or assault with intent to commit murder, and that person shall not be subject to the jurisdiction of the family court as set forth in §§ 14-1-5 and 14-1-6 if, after a hearing, the family court determines that probable cause exists to believe that the offense charged has been committed and that the person charged has committed the offense.

(2) "Appropriate person", as used in §§ 14-1-10 and 14-1-11, except in matters relating to adoptions and child marriages, means and includes:

(i) Any police official of this state, or of any city or town within this state;

(ii) Any duly qualified prosecuting officer of this state, or of any city or town within this state;

(iii) Any director of public welfare of any city or town within this state, or his or her duly authorized subordinate;

(iv) Any truant officer or other school official of any city or town within this state;

(v) Any duly authorized representative of any public or duly licensed private agency or institution established for purposes similar to those specified in § 8-10-2 or 14-1-2; or

(vi) Any maternal or paternal grandparent, who alleges that the surviving parent, in those cases in which one parent is deceased, is an unfit and improper person to have custody of any child or children.

(3) "Child" means a person under eighteen (18) years of age.

(4) "The court" means the family court of the state of Rhode Island.

(5) "Delinquent", when applied to a child, means and includes any child who has committed any offense that, if committed by an adult, would constitute a felony, or who has on more than one occasion violated any of the other laws of the state or of the United States or any of the ordinances of cities and towns, other than ordinances relating to the operation of motor
vehicles.

(6) "Dependent" means any child who requires the protection and assistance of the court when his or her physical or mental health or welfare is harmed, or threatened with harm, due to the inability of the parent or guardian, through no fault of the parent or guardian, to provide the child with a minimum degree of care or proper supervision because of:

(i) The death or illness of a parent; or

(ii) The special medical, educational, or social-service needs of the child which the parent is unable to provide.

(7) "Justice" means a justice of the family court.

(8) "Neglect" means a child who requires the protection and assistance of the court when his or her physical or mental health or welfare is harmed, or threatened with harm, when the parents or guardian:

(i) Fails to supply the child with adequate food, clothing, shelter, or medical care, though financially able to do so or offered financial or other reasonable means to do so;

(ii) Fails to provide the child proper education as required by law; or

(iii) Abandons and/or deserts the child.

(9) "Wayward", when applied to a child, means and includes any child:

(i) Who has deserted his or her home without good or sufficient cause;

(ii) Who habitually associates with dissolute, vicious, or immoral persons;

(iii) Who is leading an immoral or vicious life;

(iv) Who is habitually disobedient to the reasonable and lawful commands of his or her parent or parents, guardian, or other lawful custodian;

(v) Who, being required by chapter 19 of title 16 to attend school, willfully and habitually absents himself or herself from school or habitually violates the rules and regulations of the school when he or she attends;

(vi) Who has, on any occasion, violated any of the laws of the state or of the United States or any of the ordinances of cities and towns, other than ordinances relating to the operation of motor vehicles; or

(vii) Any child under seventeen (17) years of age who is in possession of one ounce (1 oz.) or less of marijuana, as defined in § 21-28-1.02, and who is not exempted from the penalties pursuant to chapter 28.6 of title 21.

(10) "Young adult" means an individual who has attained the age of eighteen (18) years but has not reached the age of twenty-one (21) years and was in the legal custody of the department on their eighteenth birthday pursuant to an abuse, neglect or dependency petition; or

(11) "Young person" means a person who has not reached the age of twenty-one (21) years and was in the legal custody of the department on their eighteenth birthday pursuant to an abuse, neglect or dependency petition; or
was a former foster child who was adopted or placed in a guardianship after attaining age sixteen
(16).

(11) "Voluntary placement agreement for extension of care" means a written agreement
between the state agency and a young adult who meets the eligibility conditions specified in §14-1-6(c), acting as their own legal guardian that is binding on the parties to the agreement. At a minimum, the agreement recognizes the voluntary nature of the agreement, the legal status of the young adult and the rights and obligations of the young adult, as well as the services and supports the agency agrees to provide during the time that the young adult consents to giving the department legal responsibility for care and placement.

(12) "Supervised independent living setting" means a supervised setting in which a young adult is living independently, that meets any safety and or licensing requirements established by the department for this population, and is paired with a supervising agency or a supervising worker, including, but not limited to, single or shared apartments or houses, host homes, relatives' and mentors' homes, college dormitories or other post-secondary educational or vocational housing. All or part of the financial assistance that secures an independent supervised setting for a young adult may be paid directly to the young adult if there is no provider or other child placing intermediary, or to a landlord, a college, or to a supervising agency, or to other third parties on behalf of the young adult in the discretion of the department.

(13) The singular shall be construed to include the plural, the plural the singular, and the masculine the feminine, when consistent with the intent of this chapter.

(14) For the purposes of this chapter, "electronic surveillance and monitoring devices" means any "radio frequency identification device (RFID)" or "global positioning device" that is either tethered to a person or is intended to be kept with a person and is used for the purposes of tracking the whereabouts of that person within the community.

14-1-6. Retention of jurisdiction.
(a) When the court shall have obtained jurisdiction over any child prior to the child having attained the age of eighteen (18) years by the filing of a petition alleging that the child is wayward or delinquent pursuant to § 14-1-5, the child shall, except as specifically provided in this chapter, continue under the jurisdiction of the court until he or she becomes nineteen (19) years of age, unless discharged prior to turning nineteen (19).

(b) When the court shall have obtained jurisdiction over any child prior to the child's eighteenth (18th) birthday by the filing of a miscellaneous petition or a petition alleging that the child is dependent, neglected, and or abused pursuant to §§ 14-1-5 and 40-11-7 or 42-72-14, including any child under the jurisdiction of the family court on petitions filed and/or pending
before the court prior to July 1, 2007, the child shall, except as specifically provided in this chapter, continue under the jurisdiction of the court until he or she becomes eighteen (18) years of age; provided, that at least six (6) months prior to a child turning eighteen (18) years of age, the court shall require the department of children, youth and families to provide a description of the transition services including the child's housing, health insurance, education and/or employment plan, available mentors and continuing support services, including workforce supports and employment services afforded the child in placement or a detailed explanation as to the reason those services were not offered. As part of the transition planning, the child shall be informed by the department of the opportunity to voluntarily agree to extended care and placement by the department and legal supervision by the court until age twenty-one (21). The details of a child's transition plan shall be developed in consultation with the child, wherever possible, and approved by the court prior to the dismissal of an abuse, neglect, dependency, or miscellaneous petition before the child's twenty-first birthday.

(c) A child, who is in foster care on their eighteenth birthday due to the filing of a miscellaneous petition or a petition alleging that the child is dependent, neglected, or abused pursuant to §§14-1-5, 40-11-7 or 42-72-14 may voluntarily elect to continue responsibility for care and placement from DCYF and to remain under the legal supervision of the court as a young adult until age twenty-one (21), provided:

(1) The young adult was in the legal custody of the department at age eighteen (18); or
(2) Was a former foster child who was adopted or placed in a guardianship with an adoption assistance agreement that was effective upon attaining age sixteen (16); and
(3) The young adult is participating in at least one of the following:
   (i) Completing the requirements to receive a high school diploma or GED;
   (ii) Completing a secondary education or a program leading to an equivalent credential;
   (iii) Participating in a job training program or an activity designed to promote or remove barriers to employment;
   (iv) Be employed for at least eighty (80) hours per month; or
   (v) Incapable of doing any of the foregoing due to a medical condition that is regularly updated and documented in the case plan;

(4) Upon the request of the young adult, the court's legal supervision and the department's responsibility for care and placement may be terminated. Provided, however, the young adult may request reinstatement of responsibility and resumption of the court's legal supervision at any time prior to their twenty-first birthday if the young adult meets the requirements set forth in §14-1-
6(c)(3). If the department wishes to terminate the court's legal supervision and its responsibility for care and placement, it may file a motion for good cause. The court may exercise its discretion to terminate legal supervision over the young adult at any time.

(d) The court may retain jurisdiction of any child who is seriously emotionally disturbed or developmentally delayed pursuant to § 42-72-5(b)(24)(v) until that child turns age twenty-one (21) when the court shall have obtained jurisdiction over any child prior to the child's eighteenth birthday by the filing of a miscellaneous petition or a petition alleging that the child is dependent, neglected and or abused pursuant to §§ 14-1-5, and 40-11-7, or 42-72-14.

e) The department of children, youth and families shall work collaboratively with the department of behavioral healthcare, developmental disabilities and hospitals, and other agencies, in accordance with § 14-1-59, to provide the family court with a transition plan for those individuals who come under the court's jurisdiction pursuant to a petition alleging that the child is dependent, neglected, and/or abused and who are seriously emotionally disturbed or developmentally delayed pursuant to § 42-72-5(b)(24)(v). This plan shall be a joint plan presented to the court by the department of children, youth and families and the department of behavioral healthcare, developmental disabilities and hospitals. The plan shall include the behavioral healthcare, developmental disabilities and hospitals' community or residential service level, health insurance option, education plan, available mentors, continuing support services, workforce supports and employment services, and the plan shall be provided to the court at least twelve (12) months prior to discharge. At least three (3) months prior to discharge, the plan shall identify the specific placement for the child, if a residential placement is needed. The court shall monitor the transition plan. In the instance where the department of behavioral healthcare, developmental disabilities and hospitals has not made timely referrals to appropriate placements and services, the department of children, youth and families may initiate referrals.

f) The parent and/or guardian and/or guardian ad litem of a child who is seriously emotionally disturbed or developmentally delayed pursuant to § 42-72-5(b)(24)(v), and who is before the court pursuant to §§ 14-1-5(1)(iii) through 14-1-5(1)(v), 40-11-7 or 42-72-14, shall be entitled to a transition hearing, as needed, when the child reaches the age of twenty (20) if no appropriate transition plan has been submitted to the court by the department of children, person and families and the department of behavioral healthcare, developmental disabilities and hospitals. The family court shall require that the department of behavioral healthcare, developmental disabilities, and hospitals shall immediately identify a liaison to work with the department of children, youth, and families until the child reaches the age of twenty-one (21) and an immediate transition plan be submitted if the following facts are found:
(1) No suitable transition plan has been presented to the court addressing the levels of
service appropriate to meet the needs of the child as identified by the department of behavioral
healthcare, developmental disabilities and hospitals; or

(2) No suitable housing options, health insurance, educational plan, available mentors,
continuing support services, workforce supports, and employment services have been identified
for the child.

c) Provided, further, that any youth who comes within the jurisdiction of the court by the
filing of a wayward or delinquent petition based upon an offense that was committed prior to July
1, 2007, including youth who are adjudicated and committed to the Rhode Island training school
and who are placed in a temporary community placement as authorized by the family court, may
continue under the jurisdiction of the court until he or she turns twenty one (21) years of age.

d) In any case where the court shall not have acquired jurisdiction over any person
prior to the person's eighteenth (18th) birthday by the filing of a petition alleging that the person
had committed an offense, but a petition alleging that the person had committed an offense that
would be punishable as a felony if committed by an adult has been filed before that person attains
the age of nineteen (19) years of age, that person shall, except as specifically provided in this
chapter, be subject to the jurisdiction of the court until he or she becomes nineteen (19) years of
age, unless discharged prior to turning nineteen (19).

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

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

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

(a) The department of children, youth, and families shall petition the family court and
request the care, custody, and control of any child who is voluntarily placed with the department
for the purpose of foster care by a parent or other person previously having custody and who
remains in foster care for a period of twelve (12) months. However, there shall be no requirement
for the department to seek custody of any child with an emotional, behavioral or mental disorder
or developmental or physical disability if the child is voluntarily placed with the department by a
parent or guardian of the child for the purpose of accessing an out-of-home program for the child
in a program which provides services for children with disabilities, including, but not limited to,
residential treatment programs, residential counseling centers, and therapeutic foster care
programs.

(b) In a hearing on a petition alleging that a child is dependent, competent and creditable
evidence that the child has remained in foster care for a period of twelve (12) months shall
constitute prima facie evidence sufficient to support the finding by the court that the child is
"dependent" in accordance with § 14-1-3.

(c) In those cases where a young adult who meets the eligibility criteria in §14-1-6(c)
wishes to continue in foster care after age eighteen (18), the young adult and an authorized
representative of DCYF shall, before the youth reaches age eighteen (18), discuss the terms of a
voluntary placement agreement for extension of care to be executed upon or after the young
adult's eighteenth birthday.

(d) In those cases where a young adult who meets the eligibility criteria in §14-1-6(c)
exits foster care at or after age eighteen (18), but wishes to return to foster care before age
twenty-one (21), DCYF shall file a petition for legal supervision of the young adult, with a
voluntary placement agreement for extension of care, executed by the young adult and an
authorized representative of DCYF attached.

SECTION 2. Section 40-11-14 of the General Laws in Chapter 40-11 entitled "Abused
and Neglected Children" is hereby amended to read as follows:


(a) Any child who is alleged to be abused or neglected as a subject of a petition filed in
family court under this chapter, shall have a guardian ad litem appointed by the court to represent
this child. In addition, any young adult, who is eligible for an extended foster care pursuant to §14-1-
6(c) and who has executed a voluntary agreement for extension of care may request the
appointment of guardian ad litem or court-appointed counsel. An appointment shall be in the
discretion of the court. The cost of counsel in those instances shall be paid by the state.

(b) A volunteer court-appointed special advocate may be assigned to assist the guardian
ad litem, in the court-appointed special advocate's office (CASA):

(1) In order to assist the family court with the ability to ensure that these volunteers, whose activity involves routine contact with minors, are of good moral character, all persons seeking to volunteer for CASA shall be required to undergo a national criminal records check for the purpose of determining whether the prospective volunteer has been convicted of any crime.

(i) A national criminal records check shall include fingerprints submitted to the Federal Bureau of Investigation (FBI) by the department of children, youth and families (DCYF) for a national criminal records check. The national criminal records check shall be processed prior to the commencement of volunteer activity.

(ii) For the purposes of this section, "conviction" means, in addition to judgments of conviction entered by a court subsequent to a finding of guilty or a plea of guilty, those instances where the defendant has entered a plea of nolo contendere and has received a sentence of probation and that sentence has not expired and those instances where a defendant has entered into a deferred sentence agreement with the attorney general.

(iii) For the purposes of this section, "disqualifying information" means information produced by a national criminal records check pertaining to conviction for the offenses designated as "disqualifying information" pursuant to DCYF policy.

(iv) The department of children, youth and families (DCYF) 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 family court, in writing, that disqualifying information has been discovered.

(v) In those situations in which no disqualifying information has been found, DCYF shall inform the applicant and the family court, in writing, of this fact.

(vi) The family court shall maintain on file evidence that national criminal records checks have completed on all volunteer court-appointed special advocates.

(vii) The criminal record check shall be conducted without charge to the prospective CASA volunteers. At the conclusion of the background check required pursuant to this section, DCYF shall promptly destroy the fingerprint record of the applicant obtained pursuant to this chapter.

(2) All persons seeking to volunteer for CASA must submit a satisfactory DCYF clearance and participate in a program of training offered by the CASA office.

(c) If the parent or other person responsible for the child's care is financially unable to engage counsel as determined by the court, the court may, at the request of that person, and in its discretion, appoint the public defender, or other counsel, to represent the person. The cost of other
counsel in those instances shall be paid by the state. In every court proceeding under this chapter in which it is a party, the department shall be represented by its legal counsel.

SECTION 3. Chapter 40-11 of the General Laws entitled “Abused and Neglected Children” is hereby amended by adding thereto the following section:

40-11-12.5. Review of young adults under the court’s legal supervision and receiving care and placement services from DCYF.

(a) In the case of a young adult, between the ages of eighteen (18) and twenty-one (21), who has executed a voluntary placement agreement for continued care and placement responsibility from the department and for legal supervision of the court, the permanency plan shall document the reasonable efforts made by the department and the young adult to finalize a permanency plan that addresses the goal of preparing the young adult for independence and successful adulthood. This includes, but is not limited to, housing assistance to obtain supervised independent living arrangements, shared living arrangements or extended foster and kinship care; education, vocational assessment, job training and employment plan needed to transition the young adult to self-sufficiency; assisting the young adult in obtaining educational goals: a job, employment/vocational skills; any other services and supports that will assist the young adult in accessing available services; applying for public benefits; acquiring important documents, such as ID card, driver's license, birth certificate, social security card, health insurance cards, medical records; attending to physical and mental health needs; maintaining relationships with individuals who are important to them and acquiring information about siblings and other maternal and paternal relatives.

(b) Initial judicial determination - Within one hundred eighty (180) days of signing the voluntary placement agreement, the department must petition the court to make a determination whether remaining in foster care is in the young adult's best interests.

(c) The court shall conduct a permanency hearing within one year after the young adult and the department execute a voluntary placement agreement and annually thereafter. At the permanency hearing, the department shall present a written case plan to the court for approval that details the necessary services, care and placement the young adult shall receive to assist the transition to independence and successful adulthood. The court shall also review the efforts made to assist the youth in forming permanent connections with caring adults, or otherwise establish positive, supportive relationships. The young adult is expected to be present at each permanency hearing, except for good cause shown. The young adult shall be expected to guide the development of the permanency plan. The court shall determine permanency plan for the young adult and whether continued care and placement responsibility from the department is in the best
interests of the young adult. The best interests of the young adult shall be paramount.

(d) Notice of the court hearings shall be served by the department upon all parties in
interest in accordance with the rules of child welfare procedure of the family court.

(e) Periodic formal reviews, shall be held not less than once every one hundred eighty
(180) days to assess the progress and case plan of any young adult under the court's legal
supervision and under the care and placement responsibility of DCYF pursuant to a voluntary
agreement for extension of care.

The permanency plan shall be reviewed by the court at least once every twelve (12)
months at a permanency hearing and by the department in an administrative review within one
hundred eighty (180) days after the permanency hearing. The young adult is expected to
participate in case planning and periodic reviews.

(f) At the administrative review and the permanency hearing the department and the court
shall ascertain:

(1) Whether the young adult continues to be compliant with the conditions for eligibility
for extended care and placement responsibility;

(2) Whether the department has made reasonable efforts to finalize a permanency plan
that prepares the young adult for a successful transition to independence;

(3) Whether the young adult is safe in their placement and continued foster care is
appropriate;

(4) Whether the young adult has been provided appropriate services or requires additional
services and support to achieve the goals documented in the case plan for a successful transition
under state or federal law;

(5) Whether progress has been made to achieve independence on a projected date;

(g) The court may order the department or any other department of state government,
consistent with §14-1-59 to take action to access transition services, particularly those necessary
to secure affordable housing, to provide vocational testing, assessment and guidance, to acquire
job training opportunities and apprenticeships and to apply for any applicable state or federal
benefits to ensure that the young adult receives the support and care necessary to achieve
independence and successful adulthood.

SECTION 4. Section 42-102-10 of the General Laws in Chapter 42-102 entitled
"Governor's Workforce Board Rhode Island" is hereby amended to read as follows:

42-102-10. State Career-Pathways System.
The workforce board ("board") shall support and oversee statewide efforts to develop and
expand career pathways that enable individuals to secure employment within a specific industry
or occupational sector and to advance over time to successively higher levels of education and
employment in that sector. Towards this purpose, the board shall convene an advisory committee
comprised of representatives from business, labor, adult education, secondary education, higher
education, the department of corrections, the executive office of health and human services, the
department of children, youth and families, the department of behavioral healthcare,
developmental disabilities and hospitals, the office of library and information services,
community-based organizations, consumers, and the public-workforce system. Included in the
state career-pathways system, shall be the creation of pathways and workforce training programs
to fill skill gaps and employment opportunities in the clean-energy sector.

SECTION 5. Sections 40-72.1-2, 42-72.1-3, and 42-72.1-6 of the General Laws in
Chapter 40-72.1 entitled "Licensing and Monitoring of Child Care Providers and Child-Placing
Agencies" are hereby amended to read as follows:

42-72.1-2. Definitions. As used in this chapter:

(1) "Administrator of licensing" means the director of the licensing unit (or his/her
designee) that carries out the provisions of this chapter, hereafter referred to as the
"administrator".

(2) "Applicant" means a child-placing agency or childcare provider that applies for a
license to operate.

(3) "Child" means any person less than eighteen (18) years of age; provided, that a child
over eighteen (18) years of age who is nevertheless subject to continuing jurisdiction of the
family court, pursuant to chapter 1 of title 14, or defined as emotionally disturbed according to
chapter 7 of title 40.1, shall be considered a child for the purposes of this chapter.

(4) "Childcare provider" means a person or agency, which offers residential or
nonresidential care and/or treatment for a child outside of his/her natural home.

(5) "Child day care or child care" means daily care and/or supervision offered
commercially to the public for any part of a twenty-four (24) hour day to children away from
their homes.

(6) "Child day care center or child care center" means any person, firm, corporation,
association, or agency who, on a regular or irregular basis, receives any child under the age of
sixteen (16) years, for the purpose of care and/or supervision, not in a home or residence, apart
from the child's parent or guardian for any part of a twenty-four (24) hour day irrespective of
compensation or reward. It shall include childcare programs that are offered to employees at the
worksite. It does not include nursery schools or other programs of educational services subject to
approval by the commissioner of elementary and secondary education.
"Child-placing agency" means any private or public agency, which receives children for placement into independent living arrangements, supervised apartment living, residential group care facilities, family foster homes, or adoptive homes.

"Department" means the department of children, youth, and families (DCYF).

"Director" means the director of the department of children, youth, and families, or the director's designee.

"Family day care home" means any home other than the child's home in which child day care in lieu of parental care and/or supervision is offered at the same time to four (4) or more children who are not relatives of the care giver.

"Group family day care home" means a residence occupied by an individual of at least twenty-one (21) years of age who provides care for not less than nine (9) and not more than twelve (12) children, with the assistance of one or more approved adults, for any part of a twenty-four (24) hour day. The maximum of twelve (12) children shall include children under six (6) years of age who are living in the home, school-age children under the age of twelve (12) years whether they are living in the home or are received for care, and children related to the provider who are received for care. These programs shall be subject to yearly licensing as addressed in this chapter and shall comply with all applicable state and local fire, health, and zoning regulations.

"Licensee" means any person, firm, corporation, association, or agency, which holds a valid license under this chapter.

"Regulation” means any requirement for licensure, promulgated pursuant to this chapter having the force of law.

"Related" means any of the following relationships, by marriage, blood or adoption, even following the death or divorce of a natural parent: parent, grandparent, brother, sister, aunt, uncle, and first cousin. In a prosecution under this chapter or of any law relating thereto, a defendant who relies for a defense upon the relationship of any child to him or herself, the defendant shall have the burden of proof as to the relationship.


(a) The department shall issue, deny, and revoke licenses for, and monitor the operation of, facilities and programs by child placing agencies and child care providers, as defined in § 42-72.1-2 or assess administrative penalty under the provisions of §42-72.11 of this chapter relating to licensed child care centers, family child care homes, group family child care homes.

(b) The department shall adopt, amend, and rescind regulations in accordance with this chapter and implement its provisions. The regulations shall be promulgated and become effective in accordance with the provisions of the Administrative Procedures Act, chapter 35 of title 42.
(c) The department through its licensing unit shall administer and manage the regulations pertaining to the licensing and monitoring of those agencies, and shall exercise all statutory and administrative powers necessary to carry out its functions.

(d) The administrator shall investigate complaints of noncompliance, and shall take licensing action as required.

(e) Regulations formulated pursuant to the foregoing authority shall include, but need not be limited to, the following:

1. Financial, administrative and organizational ability, and stability of the applicant;
2. Compliance with specific fire and safety codes and health regulations;
3. Character, health suitability, qualifications of child care providers;
4. Staff/child ratios and workload assignments of staff providing care or supervision to children;
5. Type and content of records or documents that must be maintained to collect and retain information for the planning and caring for children;
6. Procedures and practices regarding basic child care and placing services to ensure protection to the child regarding the manner and appropriateness of placement;
7. Service to families of children in care;
8. Program activities, including components related to physical growth, social, emotional, educational, and recreational activities, social services and habilitative or rehabilitative treatment;
9. Investigation of previous employment, criminal record check and department records check; and
10. Immunization and testing requirements for communicable diseases, including, but not limited to, tuberculosis, of child care providers and children at any child day-care center or family day-care home as is specified in regulations promulgated by the director of the department of health. Notwithstanding the foregoing, all licensing and monitoring authority shall remain with the department of children, youth, and families.

(f) The administrator may:

1. Prescribe any forms for reports, statements, notices, and other documents deemed necessary;
2. Prepare and publish manuals and guides explaining this chapter and the regulations to facilitate compliance with and enforcement of the regulations;
3. Prepare reports and studies to advance the purpose of this chapter;
4. Provide consultation and technical assistance, as requested, to assist licensees in
maintaining compliance; and

(5) Refer to the advisory council for children and families for advice and consultation on licensing matter.

(g) The department may promulgate rules and regulations for the establishment of child day care centers located on the second floor.

(h) When the department is otherwise unsuccessful in remedying noncompliance with the provisions of this chapter and the regulations promulgated under it, it may petition the family court for an order enjoining the noncompliance or for any order that equity and justice may require.

(i) The department shall collaborate with the departments of human services, elementary and secondary education, and health to provide monitoring, mentoring, training, technical assistance, and other services which are necessary and appropriate to improving the quality of child care offered by child care providers who are certified, licensed, or approved by the department or the department of elementary and secondary education or who are seeking certification, licensure, or approval pursuant to § 42-72-1 or § 16-48-2, including non-English speaking providers.

(j) The department shall adopt, amend, and rescind regulations in the same manner as set forth above in order to permit the placement of a pregnant minor in a group residential facility which provides a shelter for pregnant adults as its sole purpose.

42-72.1-6. Violations, suspensions and revocations of license.

(a) When a licensee violates the terms of the license, the provisions of this chapter, or any regulation thereunder, the department may pursue the administrative remedies herein provided, including the assessment administrative penalties under the provisions of §42-72.11 of this chapter relating to licensed child care centers, family child care homes, group family child care homes, in addition to other civil or criminal remedies according to the general laws.

(b) After notice and hearing, as provided by the Administrative Procedures Act, chapter 35 of title 42, the administrator may revoke the license, or suspend the license for a period not exceeding six (6) months.

(c) During a suspension, the agency, facility or program shall cease operation.

(d) To end a suspension, the licensee shall, within thirty (30) days of the notice of suspension, submit a plan of corrective action to the administrator. The plan shall outline the steps and timetables for immediate correction of the areas of noncompliance and is subject to the approval of the administrator.

(e) At the end of the suspension, the administrator may reinstate the license for the term
of the original license, revoke the license, issue a new license, or deny a reapplication.

(f) Upon revocation, the licensed agency, program or facility shall cease operation. The licensee whose license has been revoked may not apply for a similar license within a three (3) year period from the date of revocation.

(g) Except in those instances wherein there is a determination that there exists a danger to the public health, safety, or welfare or there is a determination that the child care provider has committed a serious breach of State law, orders, or regulation, the director shall utilize progressive penalties for noncompliance of any rule, regulation or order relating to child care providers. Progressive penalties could include written notice of noncompliance, education and training, suspending enrollment to the program, assessing fines, suspension of license, and revocation of license.

SECTION 6. Title 42 of the General Laws entitled "State Affairs and Government" is hereby amended by adding thereto the following chapter:

CHAPTER 42-72.11
ADMINISTRATIVE PENALTIES FOR CHILD CARE LICENSING VIOLATIONS

42-72.11-1. Definitions.

As used in this chapter, the following words, unless the context clearly requires otherwise, shall have the following meanings:

(1) "Administrative penalty" means a monetary penalty not to exceed the civil penalty specified by statute or, where not specified by statute, an amount not to exceed five hundred dollars ($500).

(2) "Director" means the director of the department of children, youth and families or his or her duly authorized agent.

(3) "Person" means any public or private corporation, individual, partnership, association, or other entity that is licensed as a child care center, family child care home, group family child care home or any officer, employee or agent thereof.

(4) "Citation" means a notice of an assessment of an administrative penalty issued by the director or his or her duly authorized agent.

42-72.11-2. Authority of director to assess penalty.

The director may assess an administrative penalty on a person who fails to comply with any provision of any rule, regulation, order, permit, license, or approval issued or adopted by the director, or of any law which the director has the authority or responsibility to enforce.


(a) Whenever the director seeks to assess an administrative penalty on any person, the
director shall cause to be served upon the person, either by service, in hand, or by certified mail, return receipt requested, a written notice of its intent to assess an administrative penalty which shall include:

1. A concise statement of the alleged act or omission for which the administrative penalty is sought to be assessed;
2. Each law, rule, regulation, or order which has not been complied with as a result of the alleged act or omission;
3. The amount which the director seeks to assess as an administrative penalty for each alleged act or omission;
4. A statement of the person's right to an adjudicatory hearing on the proposed assessment;
5. The requirements the person must comply with to avoid being deemed to have waived the right to an adjudicatory hearing; and
6. The manner of payment thereof if the person elects to pay the penalty and waive an adjudicatory hearing.

42-72.11-4. Right to adjudicatory hearing.
(a) Whenever the director seeks to assess an administrative penalty on any person the person shall have the right to an adjudicatory hearing under chapter 35 of this title, the provisions of which shall apply except when they are inconsistent with the provisions of this chapter.
(b) A person shall be deemed to have waived his or her right to an adjudicatory hearing unless, within ten (10) days of the date of the director's notice that he or she seeks to assess an administrative penalty, the person files with the director a written statement denying the occurrence of any of the acts or omissions alleged by the director in the notice, or asserting that the money amount of the proposed administrative penalty is excessive. In any adjudicatory hearing authorized pursuant to chapter 35 of title 42, the director shall, by a preponderance of the evidence, prove the occurrence of each act or omission alleged by the director.
(c) If a person waives his or her right to an adjudicatory hearing, the proposed administrative penalty shall be final immediately upon the waiver.

42-72.11-5. Judicial review.
(a) If an administrative penalty is assessed at the conclusion of an adjudicatory hearing the administrative penalty shall be final upon the expiration of thirty (30) days if no action for judicial review of the decision is commenced pursuant to chapter 35 of this title.
(b) The family court shall have exclusive jurisdiction to review all appeals filed under this chapter.
42-72.11-6. Determination of administrative penalty.

In determining the amount of each administrative penalty, the director shall include, but not be limited to, the following to the extent practicable in his or her considerations:

1. The actual and potential impact on health, safety and welfare of children impacted the alleged noncompliance;
2. Whether the person being assessed the administrative penalty took steps to prevent noncompliance, and to promptly come into compliance;
3. Whether the person being assessed the administrative penalty has previously failed to comply with any rule, regulation, or order issued or adopted by the director, or any law which the director has the authority or responsibility to enforce;
4. Making compliance less costly than noncompliance;
5. Deterring future noncompliance;
6. The amount necessary to eliminate the economic advantage of noncompliance;
7. Whether the failure to comply was intentional, willful, or knowing or was the result of error;
8. Any amount specified by state and/or federal statute for a similar violation or failure to comply;
9. Any other factor(s) that may be relevant in determining the amount of a penalty, provided that the other factors shall be set forth in the written notice of assessment of the penalty;
10. The public interest.

42-72.11-7. Limitations on amount of penalty.

The administrative penalty shall be not more than one thousand dollars ($1,000) for each violation or failure to comply unless a different amount is authorized by statute as a civil penalty for the subject violation. Each and every occurrence and/or day during which the violation or failure to comply is repeated shall constitute a separate and distinct violation.


No administrative penalty shall be assessed by the director pursuant to this chapter until the director has promulgated rules and regulations for assessing administrative penalties in accordance with the provisions of chapter 35 of this title.


If any provision of this chapter or the application thereof to any person or circumstances is held invalid, that 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 7. Sections 23-24.6-14 and 23-24.6-14.1 of the General Laws in Chapter 23-24.6 entitled “Lead Poisoning Prevention Act” are hereby amended to read as follows:


(a) The director shall promulgate regulations requiring that as a condition of licensure all preschools, day care facilities, nursery schools, group family child care homes, family child care homes, child care centers, residential facilities, and public and private elementary schools and schoolyards, and public playgrounds, and shelters and foster homes serving children under the age of six (6) years in Rhode Island:

(1) Receive comprehensive environmental lead inspections at specified intervals; and

(2) Demonstrate that they are either lead free or lead safe.

(b) The director shall, using state inspectors, conduct comprehensive environmental lead inspections for all these facilities at the specified intervals.

23-24.6-14.1. Inspection of foster homes.

(a) The director shall promulgate regulations that subject foster homes to, at a minimum, a visual lead inspection to assess whether there are any potential lead hazards in the home. The department of health shall review the results of all lead inspections of foster homes and shall ensure that owners receive all information needed to remediate the lead hazards identified in the inspection.

SECTION 8. Section 40-5.2-20 of the General Laws in Chapter 40-5.2 entitled “The Rhode Island Works Program” is hereby amended to read as follows:


Families or assistance units eligible for childcare assistance.

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

(b) Low-Income child care. The department shall provide child care to all other working families with incomes at or below one hundred eighty percent (180%) of the federal poverty level if, and to the extent, such other families require child care in order to work at paid employment as defined in the department’s rules and regulations. Beginning July 1, 2018, and contingent on the availability of funding, the department shall provide child care to families with incomes at or below one hundred eighty percent (180%) of the federal poverty level if, and to the extent, such families are enrolled in studies, as defined in the department’s rules and regulations, at a Rhode Island institution of higher education, and need child care in order to attend. Beginning October 1,
2013, the department shall also provide child care to families with incomes at or below one
hundred eighty percent (180%) of the federal poverty level if, and to the extent, such families
require child care to participate on a short-term basis, as defined in the department's rules and
regulations, in training, apprenticeship, internship, on-the-job training, work experience, work
immersion, or other job-readiness/job-attachment program sponsored or funded by the human
resource investment council (governor's workforce board) or state agencies that are part of the
coordinated program system pursuant to § 42-102-11.

(c) No family/assistance unit shall be eligible for child care assistance under this chapter
if the combined value of its liquid resources exceeds ten thousand dollars ($10,000). Liquid
resources are defined as any interest(s) in property in the form of cash or other financial
instruments or accounts that are readily convertible to cash or cash equivalents. These include,
but are not limited to: cash, bank, credit union, or other financial institution savings, checking,
and money market accounts; certificates of deposit or other time deposits; stocks; bonds; mutual
funds; and other similar financial instruments or accounts. These do not include educational
savings accounts, plans, or programs; retirement accounts, plans, or programs; or accounts held
jointly with another adult, not including a spouse. The department is authorized to promulgate
rules and regulations to determine the ownership and source of the funds in the joint account.

(d) As a condition of eligibility for child care assistance under this chapter, the parent or
caretaker relative of the family must consent to, and must cooperate with, the department in
establishing paternity, and in establishing and/or enforcing child support and medical support
orders for all children in the family in accordance with title 15, as amended, unless the parent or
caretaker relative is found to have good cause for refusing to comply with the requirements of this
subsection.

(e) For purposes of this section, "appropriate child care" means child care, including
infant, toddler, pre-school, nursery school, school-age, that is provided by a person or
organization qualified, approved, and authorized to provide such care by the department of
children, youth, and families, or by the department of elementary and secondary education, or
such other lawful providers as determined by the department of human services, in cooperation
with the department of children, youth and families and the department of elementary and
secondary education.

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

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

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

(h) For purposes of this section, “income” for families receiving cash assistance under § 40-5.2-11 means gross earned income and unearned income, subject to the income exclusions in subdivisions §§ 40-5.2-10(g)(2) and 40-5.2-10(g)(3), and income for other families shall mean gross, earned and unearned income as determined by departmental regulations.

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

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

SECTION 9. Section 40-6.2-1.1 of the General Laws in Chapter 40-6.2 entitled “Child Care – State Subsidies” is hereby amended to read as follows:

40-6.2-1.1. Rates established.

(a) Through June 30, 2015, subject to the payment limitations in section (b), the maximum reimbursement rates to be paid by the departments of human services and children, youth and families for licensed child care centers and certified licensed family-child care providers shall be based on the following schedule of the 75th percentile of the 2002 weekly market rates adjusted for the average of the 75th percentile of the 2002 and the 2004 weekly market rates:

<table>
<thead>
<tr>
<th>LICENSED CHILD CARE CENTERS</th>
<th>75th PERCENTILE OF WEEKLY MARKET RATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>INFANT</td>
<td>$182.00</td>
</tr>
<tr>
<td>PRESCHOOL</td>
<td>$150.00</td>
</tr>
</tbody>
</table>
School-Age $135.00
Certified Family Child Care 75th Percentile of Weekly Market Rate
Child Care Providers
Infant $150.00
Preschool $150.00
School-Age $135.00

Effective July 1, 2015, through June 30, 2018, subject to the payment limitations in subsection (b), the maximum reimbursement rates to be paid by the departments of human services and children, youth and families for licensed child care centers and certified-licensed family-child care providers shall be based on the above schedule of the 75th percentile of the 2002 weekly market rates adjusted for the average of the 75th percentile of the 2002 and the 2004 weekly market rates. These rates shall be increased by ten dollars ($10.00) per week for infant/toddler care provided by certified licensed family-child care providers and license-exempt providers and then the rates for all providers for all age groups shall be increased by three percent (3%). Effective July 1, 2018, subject to the payment limitations in subsection (b), the maximum infant/toddler reimbursement rate to be paid by the departments of human services and children, youth and families for licensed child care centers and licensed family-child care providers shall be implemented in a tiered manner, reflective of the quality rating the provider has achieved within the State’s Quality Rating System outlined in § 42-12-23.1. The rates shall be based on the 2015 market rate survey and shall be updated when future market rate surveys are completed. Rates will be established by the department of human services. No rate shall be below $193 for licensed child care centers, and $169 for licensed family child care homes, and the rate for Providers achieving a five-star rating in the quality rating system will be no less than the 75th percentile of the market rate.

(b) The department(s) shall pay child care providers based on the lesser of the applicable rate specified in subsection (a), or the lowest rate actually charged by the provider to any of its public or private child care customers with respect to each of the rate categories, infant, preschool and school-age.

(c) By June 30, 2004 and biennially through June 30, 2014, the department of labor and training shall conduct an independent survey or certify an independent survey of the then current weekly market rates for child care in Rhode Island and shall forward such weekly market rate survey to the department of human services. The next survey shall be conducted by June 30, 2016, and triennially thereafter. The departments of human services and labor and training will jointly determine the survey criteria including, but not limited to, rate categories and sub-
(d) In order to expand the accessibility and availability of quality child care, the department of human services is authorized to establish by regulation alternative or incentive rates of reimbursement for quality enhancements, innovative or specialized child care and alternative methodologies of child care delivery, including non-traditional delivery systems and collaborations.

(e) On or before Effective January 1, 2007, all child care providers have the option to be paid every two (2) weeks and have the option of automatic direct deposit and/or electronic funds transfer of reimbursement payments.

SECTION 10. This Article shall take effect upon passage.

ARTICLE 16
RELATING TO DEBT MANAGEMENT ACT JOINT RESOLUTIONS

SECTION 1. This article shall serve as joint resolution required pursuant to Rhode Island General Law § 35-18-1, et seq.

SECTION 2. University of Rhode Island - Repaving, Hardscape & Landscape

WHEREAS, the Rhode Island Council on Postsecondary Education is proposing a project which involves the re-pavement and reconstruction of major parking facilities, internal roadways, and walkways and associated infrastructure on the University’s Kingston, Narragansett Bay, and W. Alton Jones; and

WHEREAS, the University has made progress in the improvement of its extensive inventory of paved surfaces on its Campuses, the scope of repaving and reconstruction of major parking facilities, internal roadways, and walkways and associated infrastructure is substantial and ongoing; and

WHEREAS, a recent Transportation and Parking Master Plan recommends the redevelopment of campus roadways into “complete streets” allowing safe travel for pedestrians, cyclists, vehicles and other modes of travel; and

WHEREAS, the design and execution of this Master Plan will improve the campus’s environmental impact; and

WHEREAS, these timely project commitments serve the objectives of both the University and the local community; and

WHEREAS, the Rhode Island Public Corporation Debt Management Act requires the General Assembly to provide its consent to the issuance or incurring by the State of Rhode Island and other public agencies of certain obligations including financing guarantees or other agreements; and
WHEREAS, the design and paving work will be financed through Rhode Island Health and Education Building Corporation revenue bonds, with an expected term of twenty (20) years; and

WHEREAS, the project costs associated with completion of the project and proposed financing method is eleven million dollars ($11,000,000), including cost of issuance. Debt Service payments would be supported by both University’s unrestricted general revenues and enterprise funding from the University of Rhode Island Parking Services operation. Total debt service on the bonds is not expected to exceed eight hundred eighty three thousand dollars ($883,000) annually and seventeen million six hundred sixty thousand dollars ($17,660,000) in the aggregate based on an average interest rate of five percent (5%); now, therefore be it

RESOLVED, that this General Assembly hereby approves financing in an amount not to exceed eleven million dollars ($11,000,000) for the Repaving, Hardscape & Landscape project at the University of Rhode Island; and be it further

RESOLVED, that, this Joint Resolution shall take effect upon passage by this General Assembly.

SECTION 3. University of Rhode Island – Utility Infrastructure Upgrade Phase I.

WHEREAS, the Council on Postsecondary Education and the University of Rhode Island are proposing a project which involves the engineering and construction of upgrades and component replacements to five municipal-level Kingston Campus utility systems; and

WHEREAS, the University has engaged qualified engineering firms to examine its major infrastructure systems; and

WHEREAS, based on the condition and capabilities of these systems, the studies have concluded that replacement of components and reconfiguration was advisable for each of these extensive systems to ensure necessary steam, water, sanitary and electrical support for the next 20-40 years; and

WHEREAS, the University has also developed the required Storm Water Management Plan for the Kingston Campus, which provides guidelines that are being incorporated into new building projects under development and are driving stand-alone storm water infrastructure projects as well; and

WHEREAS, the University has successfully completed many extremely important individual utility infrastructure projects in its continuing progression of work to upgrade and replace infrastructure systems within the Kingston Campus but now needs dedicated investments beyond annual capital resources; and

WHEREAS, this project is the first phase in a phased implementation plan to upgrade
and improve the reliability of the University of Rhode Island’s Kingston campus infrastructure; and

WHEREAS, the utility infrastructure work will be financed through Rhode Island Health and Education Building Corporation revenue bonds, with an expected term of twenty (20) years; and

WHEREAS, the total project costs associated with completion of this project and proposed financing method is six million five hundred thousand dollars ($6,500,000), including cost of issuance. Debt service payments would be supported by revenues derived from the University’s unrestricted general revenues. Total debt service on the bonds is not expected to exceed five hundred twenty two thousand dollars ($522,000) annually and ten million four hundred forty thousand dollars ($10,440,000) in the aggregate based on an average interest rate of five (5%) percent; now, therefore be it

RESOLVED, that this General Assembly hereby approves financing in an amount not to exceed six million five hundred thousand dollars ($6,500,000) for the Utility Infrastructure Upgrade Phase I project at the University of Rhode Island; and be it further

RESOLVED, that, this Joint Resolution shall take effect upon passage by this General Assembly.

SECTION 4. University of Rhode Island – Fire Safety & Protection – Auxiliary Enterprise Buildings Phase Two.

WHEREAS, the Council on Postsecondary Education and the University of Rhode Island are proposing a project which involves the installation of upgraded fire alarm and sprinkler systems as well as life safety improvements in auxiliary enterprise buildings, in accordance with the State Fire Code; and

WHEREAS, the Council on Postsecondary Education and the University have a long standing commitment to the improvement and maintenance of fire safety conditions in all of the buildings under their responsibility; and

WHEREAS, the University has already completed extensive fire safety improvements during the Fire Safety & Protection – Auxiliary Enterprise Buildings Phase One; and

WHEREAS, the University engaged a qualified fire code compliance engineering firm to examine all of its occupied buildings and the firm has recommended fire safety improvements needed to satisfy the Rhode Island Fire Code; and

WHEREAS, there remains fire safety compliance investments, identified by the University's fire compliance engineering firm, in its Auxiliary Enterprise building complement
that the University is prepared to advance; and

WHEREAS, the Rhode Island Public Corporation Debt Management Act requires the
General Assembly to provide its consent to the issuance or incurring by the State of Rhode
Island and other public agencies of certain obligations including financing guarantees or other
agreements; and

WHEREAS, the design and construction associated with this fire safety compliance
work in Auxiliary Enterprise buildings will be financed through the Rhode Island Health and
Education Building Corporation (RIHEBC) revenue bonds, with an expected term of twenty
(20) years; and

WHEREAS, the total project costs associated with completion of the project and
proposed financing method is two million three hundred thousand dollars ($2,300,000),
including cost of issuance. Debt service payments would be supported by revenues derived from
student fees associated with the respective Auxiliary Enterprises of the University of Rhode Island
occupying said facilities. Total debt service on the bonds is not expected to exceed one hundred
eighty five thousand dollars ($185,000) annually and three million seven hundred thousand
dollars ($3,700,000) in the aggregate based on an average interest rate of five (5%) percent; now,
therefore be it

RESOLVED, that this General Assembly hereby approves financing in an amount
not to exceed two million three hundred thousand dollars ($2,300,000) for the fire safety and
protection project for the auxiliary enterprise buildings on the University of Rhode Island
campus; and be it further

RESOLVED, that, this Joint Resolution shall take effect upon passage by this General
Assembly.

SECTION 5. This Article shall take effect upon passage.

ARTICLE 17
RELATING TO THE EDWARD O. HAWKINS AND THOMAS C. SLATER MEDICAL
MARIJUANA ACT

SECTION 1. Sections 21-28.6-3, 21-28.6-4, 21-28.6-5, 21-28.6-6, 21-28.6-7, 21-28.6-8,
21-28.6 entitled “The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act” are
hereby amended as follows:

For the purposes of this chapter:

(1) “Acute pain” means the normal, predicted physiological response to a noxious
chemical, thermal, or mechanical stimulus and typically is associated with invasive procedures, trauma, and disease. Acute pain generally is resulting from nociceptor activation due to damage to tissues. Acute pain typically resolves once the tissue damage is repaired. The duration of acute pain varies.

(2) "Authorized purchaser" means a natural person who is at least twenty-one (21) years old and who is registered with the department of health holds a registry identification card for the purposes of assisting a qualifying patient in purchasing marijuana from a compassion center. An authorized purchaser may assist no more than one patient, and is prohibited from consuming marijuana obtained for the use of the qualifying patient. An authorized purchaser shall be registered with the department of health division and shall possesses a valid registry identification card.

(3) "Cardholder" means a person who has been registered or licensed with the department of health or the department of business regulation pursuant to this chapter and possesses a valid registry identification card or license.

(4) "Commercial unit" means a building, office, suite, or room within a commercial or industrial building for use by one business or person and is rented or owned by that business or person.

(5)(i) "Compassion center" means a not-for-profit corporation, subject to the provisions of chapter 6 of title 7, and registered under § 21-28.6-12, that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, or dispenses marijuana, and/or related supplies and educational materials, to patient cardholders and/or their registered caregiver cardholder or authorized purchaser pursuant to regulations promulgated by the department of business regulation.

(ii) "Compassion center cardholder" means a principal officer, board member, employee, volunteer, or agent of a compassion center who has registered with the department of health or the department of business regulation and has been issued and possesses a valid, registry identification card.

(6) "Debilitating medical condition" means:

(i) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, Hepatitis C, post-traumatic stress disorder, acute pain, or the treatment of these conditions;

(ii) A chronic or debilitating disease or medical condition, or its treatment, that produces one or more of the following: cachexia or wasting syndrome; severe, debilitating, chronic pain; severe nausea; seizures, including but not limited to, those characteristic of epilepsy; or severe
and persistent muscle spasms, including but not limited to, those characteristic of multiple sclerosis or Crohn's disease; or agitation of Alzheimer's Disease; or

(iii) Any other medical condition or its treatment approved by the department, as provided for in § 21-28.6-5.

(6)(7) "Department of business regulation" means the Rhode Island department of business regulation or its successor agency.

(7)(8) "Department of health" means the Rhode Island department of health or its successor agency.

(9) “Division” means the marijuana regulation division within the department of business regulation, or its successor division or unit within the department of business regulation.

(8)(10) "Department of public safety” means the Rhode Island department of public safety or its successor agency.

(9)(11) "Dried, useable marijuana" means the dried leaves and flowers of the marijuana plant as defined by regulations promulgated by the department of health and business regulation.

(10)(12) "Dwelling unit” means the room, or group of rooms, within a dwelling used or intended for use by one family or household, or by no more than three (3) unrelated individuals, for living, sleeping, sanitation, cooking, and eating.

(11)(13) "Equivalent amount” means the portion of usable marijuana, be it in extracted, edible, concentrated, or any other form, found to be equal to a portion of dried, useable marijuana, as defined by regulations promulgated by the department of health and business regulation.

(12)(14) "Licensed cultivator” means a person or entity, as identified in § 43-3-6, who has been licensed by the department of business regulation to cultivate marijuana pursuant to § 21-28.6-16.

(13)(15) "Licensed manufacturer” means a person or entity, as identified in § 43-3-6, who has been licensed by the department of business regulation to manufacture and/or process marijuana products pursuant to § 21-28.6-16.1.

(14)(16) “Marijuana” has the meaning given that term in § 21-28-1.02(29).

(15)(17) "Mature marijuana plant” means a marijuana plant that has flowers or buds that are readily observable by an unaided visual examination.

(16)(18) “Medical marijuana emporium” means any establishment, or club, whether for-profit or nonprofit, or any commercial unit or other premises as further defined through regulations promulgated by the department of business regulation, at which the sale, distribution, transfer or use of medical marijuana or medical marijuana products is proposed and/or occurs to, by or among registered patients, registered caregivers, authorized purchaser cardholders or other
persons as further defined through regulations promulgated by the department of business regulation. This shall not include a compassion center regulated and licensed by the department of business regulation pursuant to the terms of this chapter.

(19) "Medical use" means the acquisition, possession, cultivation, manufacture, use, delivery, transfer, or transportation of marijuana or paraphernalia relating to the consumption of marijuana to alleviate a patient cardholder's debilitating medical condition or symptoms associated with the medical condition in accordance with the provisions of this chapter.

(20) “Medical marijuana plant tag set” or “plant tag” means any tag, identifier, registration, certificate, or inventory tracking system authorized or issued by the division or which the division requires be used for the lawful possession and cultivation of medical marijuana plants in accordance with this chapter.

(21) “Medical marijuana testing laboratory” means a third party analytical testing laboratory licensed by the department of health to collect and test samples of medical marijuana pursuant to regulations promulgated by the department.

(22) "Practitioner" means a person who is licensed with authority to prescribe drugs pursuant to chapter 37 of title 5 or a physician licensed with authority to prescribe drugs in Massachusetts or Connecticut, who may provide a qualifying patient with a written certification in accordance with regulations promulgated by the departments of health and business regulation.

(23) "Primary caregiver" means a natural person who is at least twenty-one (21) years old. A primary caregiver may assist no more than five (5) qualifying patients with their medical use of marijuana in accordance with regulations promulgated by the department of business regulation.

(24) "Qualifying patient" means a person who has been diagnosed by a practitioner as having a debilitating medical condition and is a resident of Rhode Island.

(25) "Registry identification card" means a document issued by the department of health or the division that identifies a person as a registered qualifying patient, a registered primary caregiver, or authorized purchaser, or a document issued by the department of business regulation that identifies a person as a registered principal officer, board member, employee, volunteer, or agent of a compassion center, licensed cultivator, manufacturer, testing lab, or any other medical marijuana licensee.

(26) "Seedling Immature marijuana plant" means a marijuana plant with no observable flowers or buds.

(27) "Unusable marijuana" means marijuana seeds, stalks, seedlings, and unusable roots.
"Usable marijuana" means the dried leaves and flowers of the marijuana plant, and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant.

"Wet marijuana" means the harvested leaves and flowers of the marijuana plant before they have reached a dry useable state, as defined by regulations promulgated by the departments of health and business regulation.

"Written certification" means the qualifying patient's medical records, and a statement signed by a practitioner, stating that, in the practitioner's professional opinion, the potential benefits of the medical use of marijuana would likely outweigh the health risks for the qualifying patient. A written certification shall be made only in the course of a bona fide, practitioner-patient relationship after the practitioner has completed a full assessment of the qualifying patient's medical history. The written certification shall specify the qualifying patient's debilitating medical condition or conditions and include any other information required by regulations promulgated by the department of health which may include the qualifying patient’s medical records.

21-28.6-4. Protections for the medical use of marijuana.

(a) A qualifying patient cardholder who has in his or her possession a registry identification card shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, for the medical use of marijuana; provided;

(1) Before July 1, 2018, the qualifying patient cardholder possesses an amount of marijuana that does not exceed twelve (12) mature marijuana plants and twelve (12) immature marijuana plants that are accompanied by valid medical marijuana tags (provided that if a qualifying patient cardholder has valid medical marijuana tags that were ordered and processed prior to July 1, 2018, and such tags have an expiration date that is on or after July 1, 2018, the plant possession limits set forth in this subsection shall apply to such qualifying patient until the expiration date of the issued tags), two and one-half (2.5) three (3) ounces of dried usable marijuana, or its equivalent amount, and an amount of wet marijuana to be set by regulations promulgated by the departments of health and business regulation. Said plants shall be stored in an indoor facility. Marijuana plants and the marijuana they produce shall be grown, stored, manufactured, and processed in accordance with regulations promulgated by the department of business regulation; and

(2) On and after July 1, 2018, a qualifying patient cardholder who has in his or her...
possession a registry identification card shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, for the medical use of marijuana; provided, that the qualifying patient cardholder possesses an amount of marijuana that does not exceed eight (8) mature marijuana plants and eight (8) immature marijuana plants that are accompanied by valid medical marijuana tags (provided that if a qualifying patient cardholder has valid medical marijuana tags that were ordered and processed prior to July 1, 2018, and such tags have an expiration date that is on or after July 1, 2018, the plant possession limits set forth in subsection (1) above shall apply to such qualifying patient until the expiration date of the issued tags), three (3) ounces of dried usable marijuana, or its equivalent amount, and an amount of wet marijuana to be set by regulations promulgated by the department of business regulation. Said plants shall be stored in an indoor facility. Marijuana plants and the marijuana they produce shall be grown, stored, manufactured, and processed in accordance with regulations promulgated by the department of business regulation.

(b) An authorized purchaser who has in his or her possession a registry identification card shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, for the possession of marijuana; provided that the authorized purchaser possesses an amount of marijuana that does not exceed two and one-half (2.5) three (3) ounces of dried usable marijuana, or its equivalent amount, and this marijuana was purchased legally from a compassion center for the use of their designated qualifying patient.

(c) A qualifying patient cardholder, who has in his or her possession a registry identification card, shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, for selling, giving, or distributing, on or before December 31, 2016 to a compassion center cardholder, marijuana of the type, and in an amount not to exceed, that set forth in subsection (a), that he or she has cultivated or manufactured pursuant to this chapter.

(d) No school, employer, or landlord may refuse to enroll, employ, or lease to, or otherwise penalize, a person solely for his or her status as a cardholder. Provided, however, due to the safety and welfare concern for other tenants, the property, and the public, as a whole, a landlord may have the discretion not to lease, or continue to lease, to a cardholder who cultivates marijuana in the leased premises.
(e) A primary caregiver cardholder, who has in his or her possession a registry identification card, shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, for assisting a patient cardholder, to whom he or she is connected through the department of health division's registration process, with the medical use of marijuana; provided, that;

(1) Before July 1, 2018, the primary caregiver cardholder possesses an amount of marijuana that does not exceed twelve (12) mature marijuana plants and twelve (12) immature marijuana plants that are accompanied by valid medical marijuana tags (provided that if a primary caregiver cardholder has valid medical marijuana tags that were ordered and processed prior to July 1, 2018, and such tags have an expiration date that is on or after July 1, 2018, the plant possession limits set forth in this subsection shall apply to such primary caregiver until the expiration date of the issued tags), two and one-half (2.5) three (3) ounces of dried usable marijuana, or its equivalent amount, and an amount of wet marijuana set in regulations promulgated by the departments of health and business regulation for each qualified patient cardholder to whom he or she is connected through the department of health division's registration process. Said plants shall be stored in an indoor facility. Marijuana plants and the marijuana they produce shall be grown, stored, manufactured, processed, and distributed to qualified patient cardholders in accordance with regulations promulgated by the department of business regulation; and

(2) On and after July 1, 2018, the primary caregiver cardholder possesses an amount of marijuana that does not exceed eight (8) mature marijuana plants and eight (8) immature marijuana plants that are accompanied by valid medical marijuana tags (provided that if a primary caregiver cardholder has valid medical marijuana tags that were ordered and processed prior to July 1, 2018, and such tags have an expiration date that is on or after July 1, 2018, the plant possession limits set forth in subsection (1) above shall apply to such primary caregiver until the expiration date of the issued tags), three (3) ounces of dried usable marijuana, or its equivalent amount, and an amount of wet marijuana set in regulations promulgated by the department of business regulation for each qualified patient cardholder to whom he or she is connected through the division's registration process. Said plants shall be stored in an indoor facility. Marijuana plants and the marijuana they produce shall be grown, stored, manufactured, processed, and distributed to qualified patient cardholders in accordance with regulations promulgated by the department of business regulation.

(f) A qualifying patient cardholder shall be allowed to possess a reasonable amount of
unusable marijuana, including up to twelve (12) seedlings that are accompanied by valid medical marijuana tags. A primary caregiver cardholder shall be allowed to possess a reasonable amount of unusable marijuana, including up to twenty-four (24) seedlings that are accompanied by valid medical marijuana tags and an amount of wet marijuana set in regulations promulgated by the departments of health and business regulation.

(g) There shall exist a presumption that a cardholder is engaged in the medical use of marijuana if the cardholder:

1. Is in possession of a registry identification card; and

2. Is in possession of an amount of marijuana that does not exceed the amount permitted under this chapter. Such presumption may be rebutted by evidence that conduct related to marijuana was not for the purpose of alleviating the qualifying patient's debilitating medical condition or symptoms associated with the medical condition.

(h) A primary caregiver cardholder may receive reimbursement for costs associated with assisting a qualifying patient cardholder's medical use of marijuana. Compensation shall not constitute sale of controlled substances. The department of business regulation may promulgate regulations for the documentation and tracking of reimbursements and the transfer of marijuana between caregivers and their registered patients.

(i) A primary caregiver cardholder, who has in his or her possession a registry identification card, shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, for selling, giving, or distributing, on or before December 31, 2016 to a compassion center cardholder, marijuana, of the type, and in an amount not to exceed that set forth in subsection (e), if:

1. The primary caregiver cardholder cultivated the marijuana pursuant to this chapter, not to exceed the limits of subsection (e); and

2. Each qualifying patient cardholder the primary caregiver cardholder is connected with through the department of health's registration process has been provided an adequate amount of the marijuana to meet his or her medical needs, not to exceed the limits of subsection (a).

(j) A practitioner shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by the Rhode Island board of medical licensure and discipline, or by any other business or occupational or professional licensing board or bureau solely for providing written certifications in accordance with this chapter and regulations promulgated hereunder, or for otherwise stating that, in the practitioner's professional opinion, the potential benefits of the medical marijuana
would likely outweigh the health risks for a patient.

Any interest in, or right to, property that is possessed, owned, or used in connection
with the lawful medical use of marijuana, or acts incidental to such use, shall not be forfeited.

No person shall be subject to arrest or prosecution for constructive possession,
conspiracy, aiding and abetting, being an accessory, or any other offense, for simply being in the
presence or vicinity of the medical use of marijuana as permitted under this chapter, or for
assisting a qualifying patient cardholder with using or administering marijuana.

A practitioner, nurse, nurse practitioner, physician’s assistant, or pharmacist shall
not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege,
including, but not limited to, civil penalty or disciplinary action by a business or occupational or
professional licensing board or bureau solely for discussing the benefits or health risks of medical
marijuana or its interaction with other substances with a patient.

A qualifying patient or primary caregiver registry identification card, or its
equivalent, issued under the laws of another state, U.S. territory, or the District of Columbia, to
permit the medical use of marijuana by a patient with a debilitating medical condition, or to
permit a person to assist with the medical use of marijuana by a patient with a debilitating
medical condition, shall have the same force and effect as a registry identification card.

Notwithstanding the provisions of § 21-28.6-4(e), no primary caregiver cardholder
shall;

(1) Before July 1, 2018, possess an amount of marijuana in excess of twenty-four (24)
mature marijuana plants and twenty-four (24) immature marijuana plants that are accompanied by
valid medical marijuana tags (provided that if a primary caregiver cardholder has valid medical
marijuana tags that were ordered and processed prior to July 1, 2018, and such tags have an
expiration date that is on or after July 1, 2018, the plant possession limits set forth in this
subsection (1) shall apply to such primary caregiver until the expiration date of the issued tags)
and five (5) six (6) ounces of dried usable marijuana, or its equivalent, and an amount of wet
marijuana set in regulations promulgated by the department of health and business regulation for
patient cardholders to whom he or she is connected through the department of health division’s
registration process.

(2) On or after July 1, 2018, possess an amount of marijuana in excess of sixteen (16)
mature marijuana plants and sixteen (16) immature marijuana plants that are accompanied by
valid medical marijuana tags (provided that if a primary caregiver cardholder has valid medical
marijuana tags that were ordered and processed prior to July 1, 2018, and such tags have an
expiration date that is on or after July 1, 2018, the plant possession limits set forth in subsection
(1) above shall apply to such primary caregiver until the expiration date of the issued tags) and
six (6) ounces of dried usable marijuana, or its equivalent, and an amount of wet marijuana set in
regulations promulgated by the department of business regulation for patient cardholders to
whom he or she is connected through the division’s registration process.

(o) Notwithstanding any other provision of this chapter, a qualifying patient whose
written certification specifies that their debilitating medical condition is acute pain shall:

(1) Be issued a patient registration card which shall be valid for a period of time
determined by the recommending practitioner and noted on the written certification in accordance
with regulations promulgated by the department of health and which shall expire no later than six
(6) months after issuance.

(2) Not be eligible to obtain medical marijuana grow tags nor have the protections to
grow, cultivate, manufacture, or process marijuana unless they have also been issued a valid
primary caregiver registration card.

(3) Only lawfully obtain marijuana and marijuana products from a licensed Compassion
Center.

(4) Not be eligible to appoint or register with a primary caregiver.

(p) A qualifying patient or primary caregiver cardholder may give marijuana to another
qualifying patient or primary caregiver cardholder to whom they are not connected by the
department’s registration process, provided that no consideration is paid for the marijuana, and
that the recipient does not exceed the limits specified in § 21-28.6-4.

(q) Qualifying patient cardholders and primary caregiver cardholders electing to grow
marijuana shall only grow at one premises, and this premises shall be registered with the division
department of health. Except for compassion centers, cooperative cultivations, and licensed
cultivators, no more than twenty-four (24) mature marijuana plants and sixteen (16)
immature marijuana plants that are accompanied by valid medical marijuana tags shall be grown
or otherwise located at any one dwelling unit or commercial unit (provided that if a qualifying
patient cardholder or a primary caregiver cardholder has valid medical marijuana tags for the
plants grown at such registered premises that were ordered and processed prior to July 1, 2018,
and such tags have an expiration date that is on or after July 1, 2018, the plant possession limit of
twenty-four (24) mature marijuana plants and twenty-four (24) immature marijuana plants shall
apply to such qualifying patient or primary caregiver until the expiration date of the issued tags).
The number of qualifying patients or primary caregivers residing, owning, renting, growing, or
otherwise operating at a dwelling or commercial unit does not affect this limit. The department of
health business regulation shall promulgate regulations to enforce this provision.
For the purposes of medical care, including organ transplants, a patient cardholder's authorized use of marijuana shall be considered the equivalent of the authorized use of any other medication used at the direction of a physician, and shall not constitute the use of an illicit substance.

Notwithstanding any other provisions of the general laws, the manufacture of marijuana using a solvent extraction process that includes the use of a compressed, flammable gas as a solvent by a patient cardholder or primary caregiver cardholder shall not be subject to the protections of this chapter.

21-28.6-5. Departments of health and business regulation to issue regulations.

(a) Not later than ninety (90) days after the effective date of this chapter, the department of health shall promulgate regulations governing the manner in which it shall consider petitions from the public to add debilitating medical conditions to those included in this chapter. In considering such petitions, the department of health shall include public notice of, and an opportunity to comment in a public hearing, upon such petitions. The department of health shall, after hearing, approve or deny such petitions within one hundred eighty (180) days of submission. The approval or denial of such a petition shall be considered a final department of health action, subject to judicial review. Jurisdiction and venue for judicial review are vested in the superior court. The denial of a petition shall not disqualify qualifying patients with that condition, if they have a debilitating medical condition as defined in § 21-28.6-3(56). The denial of a petition shall not prevent a person with the denied condition from raising an affirmative defense.

(b) Not later than ninety (90) days after the effective date of this chapter, the department of health shall promulgate regulations governing the manner in which it shall consider applications for, and renewals of, registry identification cards for qualifying patients, primary caregivers, and authorized purchasers. The department of health's regulations shall establish application and renewal fees that generate revenues sufficient to offset all expenses of implementing and administering this chapter. The department of health may vary the application and renewal fees along a sliding scale that accounts for a qualifying patient's or caregiver's income. The department of health may accept donations from private sources in order to reduce the application and renewal fees.

(c) Not later than October 1, 2018, the department of business regulation shall promulgate regulations governing the manner in which it shall consider applications for, and renewals of, registry identification cards for, primary caregivers, and authorized purchasers. The division’s regulations shall establish application and renewal fees. The department of business regulation may vary the application and renewal fees along a sliding scale that accounts for a
qualifying patient's or caregiver's income. The department of business regulation may accept
donations from private sources in order to reduce the application and renewal fees.

21-28.6-6. Administration of department of health and business regulation
regulations.

(a) The department of health shall issue registry identification cards to qualifying patients
who submit the following, in accordance with the department's regulations: Applications shall
include but not be limited to:

(1) Written certification as defined in § 21-28.6-3(24 30) of this chapter;
(2) Application or renewal fee;
(3) Name, address, and date of birth of the qualifying patient; provided, however, that if
the patient is homeless, no address is required;
(4) Name, address, and telephone number of the qualifying patient's practitioner;
(5) Whether the patient elects to grow medical marijuana plants for himself or herself;
and
(6) Name, address, and date of birth of one primary caregiver of the qualifying patient
and any authorized purchaser for the qualifying patient, if any, is chosen by the patient or
allowed in accordance with regulations promulgated by the department of business regulation.

(b) The department of health shall not issue a registry identification card to a qualifying
patient under the age of eighteen (18) unless:

(1) The qualifying patient's practitioner has explained the potential risks and benefits of
the medical use of marijuana to the qualifying patient and to a parent, guardian, or person having
legal custody of the qualifying patient; and
(2) A parent, guardian, or person having legal custody consents in writing to:
   (i) Allow the qualifying patient's medical use of marijuana;
   (ii) Serve as the qualifying patient's primary caregiver or authorized purchaser; and
   (iii) Control the acquisition of the marijuana, the dosage, and the frequency of the
       medical use of marijuana by the qualifying patient.
(c) The department of health shall renew registry identification cards to qualifying
patients in accordance with regulations promulgated by the department of health.

(d) The department of health shall not issue a registry identification card to a qualifying
patient seeking treatment for post-traumatic stress disorder (PTSD) under the age of eighteen
(18).

(e) The department of health shall verify the information contained in an application or
renewal submitted pursuant to this section, and shall approve or deny an application or renewal
within thirty-five (35) days of receiving it. The department may deny an application or renewal only if the applicant did not provide the information required pursuant to this section, or if the department determines that the information provided was falsified, or if the renewing patient has violated this chapter under their previous registration. Rejection of an application or renewal is considered a final department action, subject to judicial review. Jurisdiction and venue for judicial review are vested in the superior court.

(d)(f) If the qualifying patient's practitioner notifies the department in a written statement that the qualifying patient is eligible for hospice care or chemotherapy, the department of health and department of business regulation shall give priority to these applications when verifying the information in accordance with subsection (c)(e). Effective January 1, 2017, the department of health shall approve or deny and issue a registry identification card to these qualifying patients, primary caregivers and authorized purchasers within five (5) days, seventy-two (72) hours of receipt of an the completed application. The departments shall not charge a registration fee to the patient, caregivers or authorized purchasers named in the application. The department of health may identify through regulation a list of other conditions qualifying a patient for expedited application processing.

(e)(g) The department of health shall division may issue or renew a registry identification card to the qualifying patient cardholder's primary caregiver or authorized purchaser(s), if any, who is named in the qualifying patient's approved application provided the qualifying patient is eligible to appoint a primary caregiver or authorized purchaser(s) pursuant to regulations promulgated by the division and the caregiver or authorized purchaser applicant has submitted all necessary application or renewal materials and fees pursuant to regulations promulgated by the department of business regulation. The division shall verify the information contained in applications and renewal forms submitted pursuant to this chapter prior to issuing any registry identification card. The department of business regulation may deny an application or renewal only if the applicant or appointing patient did not provide the information required pursuant to this section, or if the department determines that the information provided was falsified, or if the applicant or appointing patient has violated this chapter under their previous registration. Rejection of an application or renewal is considered a final department action, subject to judicial review. Jurisdiction and venue for judicial review are vested in the superior court.

(1) Any qualifying patient who elects to grow medical marijuana for themselves shall not be allowed to appoint a caregiver unless said qualifying patient is able to demonstrate the necessity of appointing a caregiver in accordance with regulations promulgated by the department of business regulation.
(2) A primary caregiver shall only be registered with and assist one patient cardholder with their medical use of marijuana except as allowed in subdivision (g)(3) of this section.

(3) A primary caregiver may be registered with and assist more than one patient cardholder with their medical use of marijuana provided that any additional patient is an immediate family member of the primary caregiver or is able to demonstrate the necessity of appointing the caregiver in accordance with regulations promulgated by the department of business regulation.

(4) A primary caregiver applicant or an authorized purchaser applicant shall apply to the bureau of criminal identification of the department of attorney general, department of public safety division of state police, or local police department for a national criminal records check that shall include fingerprints submitted to the Federal Bureau of Investigation. Upon the discovery of any disqualifying information as defined in subdivision (e)(4) (g)(8), and in accordance with the rules promulgated by the director, the bureau of criminal identification of the department of attorney general, department of public safety division of 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 department, in writing, that disqualifying information has been discovered.

(5) In those situations in which no disqualifying information has been found, the bureau of criminal identification of the department of attorney general, department of public safety division of state police, or the local police shall inform the applicant and the department in writing, of this fact.

(6) The department of health division shall maintain on file evidence that a criminal records check has been initiated on all applicants seeking a primary caregiver registry identification card or an authorized purchaser registry identification card and the results of the checks. The primary caregiver cardholder shall not be required to apply for a national criminal records check for each patient he or she is connected to through the department's registration process, provided that he or she has applied for a national criminal records check within the previous two (2) years in accordance with this chapter. The department division shall not require a primary caregiver cardholder or an authorized purchaser cardholder to apply for a national criminal records check more than once every two (2) years.

(7) Notwithstanding any other provision of this chapter, the division may revoke or refuse to issue any class or type of registry identification card or license if it determines that failing to do so would conflict with any federal guidance intended to help states, businesses, or other institutions avoid federal intervention or enforcement. This provision shall not be construed to
prohibit the overall implementation and administration of this chapter on account of the federal
classification of marijuana as a class I substance or any other federal prohibitions or restrictions.

(8) Information produced by a national criminal records check pertaining to a
conviction for any felony offense under chapter 28 of title 21 ("Rhode Island Controlled
Substances Act"), murder, manslaughter, rape, first-degree sexual assault, second-degree sexual
assault, first-degree child molestation, second-degree child molestation, kidnapping, first-degree
arson, second-degree arson, mayhem, robbery, burglary, breaking and entering, assault with a
dangerous weapon, assault or battery involving grave bodily injury, and/or assault with intent to
commit any offense punishable as a felony or a similar offense from any other jurisdiction shall
result in a letter to the applicant and the department of health division disqualifying the applicant.

If disqualifying information has been found, the department division may use its discretion to
issue a primary caregiver registry identification card or an authorized purchaser registry
identification card if the applicant's connected patient is an immediate family member and the
card is restricted to that patient only.

The primary caregiver or authorized purchaser applicant shall be responsible for
any expense associated with the national criminal records check.

For purposes of this section, “conviction” means, in addition to judgments of
conviction entered by a court subsequent to a finding of guilty or a plea of guilty, those instances
where the defendant has entered a plea of nolo contendere and has received a sentence of
probation and those instances where a defendant has entered into a deferred sentence agreement
with the attorney general.

On or before December 31, 2016, the department of health shall issue registry
identification cards within five (5) business days of approving an application or renewal that shall expire two (2) years after the date of issuance.

(ii) Effective January 1, 2017, and thereafter, the department of health or the division, as
applicable, shall issue registry identification cards within five (5) business days of approving an application or renewal that shall expire one year after the date of issuance.

(iii) Registry identification cards shall contain:
(1) The date of issuance and expiration date of the registry identification card;
(2) A random registry identification number;
(3) A photograph; and
(4) Any additional information as required by regulation or the department of health or
business regulation.

Persons issued registry identification cards by the department of health or division
shall be subject to the following:

(1) A qualifying patient cardholder shall notify the department of health of any change in
his or her name, address, primary caregiver, or authorized purchaser; or if he or she ceases to
have his or her debilitating medical condition, within ten (10) days of such change.

(2) A qualifying patient cardholder who fails to notify the department of health of any of
these changes is responsible for a civil infraction, punishable by a fine of no more than one
hundred fifty dollars ($150). If the patient cardholder has ceased to suffer from a debilitating
medical condition, the card shall be deemed null and void and the person shall be liable for any
other penalties that may apply to the person's nonmedical use of marijuana.

(3) A primary caregiver cardholder or authorized purchaser shall notify the department of health
division of any change in his or her name or address within ten (10) days of such change.
A primary caregiver cardholder or authorized purchaser who fails to notify the department
division of any of these changes is responsible for a civil infraction, punishable by a fine of no
more than one hundred fifty dollars ($150).

(4) When a qualifying patient cardholder or primary caregiver cardholder notifies the department of health
division of any changes listed in this subsection, the department of health
or division shall issue the qualifying patient cardholder and each primary caregiver cardholder a
new registry identification card within ten (10) days of receiving the updated information and a
ten-dollar ($10.00) fee.

(5) When a qualifying patient cardholder changes his or her primary caregiver or
authorized purchaser, the department of health division shall notify the primary caregiver
cardholder or authorized purchaser within ten (10) days. The primary caregiver cardholder's
protections as provided in this chapter as to that patient shall expire ten (10) days after
notification by the department division. If the primary caregiver cardholder or authorized
purchaser is connected to no other qualifying patient cardholders in the program, he or she must
return his or her registry identification card to the department division.

(6) If a cardholder or authorized purchaser loses his or her registry identification card, he
or she shall notify the department of health or division that issued the card and submit a ten-dollar
($10.00) fee within ten (10) days of losing the card. Within five (5) days, the department of health
or division shall issue a new registry identification card with new random identification number.

(7) Effective January 1, 2019, if a patient cardholder chooses to alter his or her
registration with regard to the growing of medical marijuana for himself or herself, he or she shall
notify the department division prior to the purchase of medical marijuana tags or the growing of
medical marijuana plants.
(8) If a cardholder or authorized purchaser willfully violates any provision of this chapter as determined by the department of health or the division, his or her registry identification card may be revoked.

Possession of, or application for, a registry identification card shall not constitute probable cause or reasonable suspicion, nor shall it be used to support the search of the person or property of the person possessing or applying for the registry identification card, or otherwise subject the person or property of the person to inspection by any governmental agency.

Applications and supporting information submitted by qualifying patients, including information regarding their primary caregivers, authorized purchaser, and practitioners, are confidential and protected under in accordance with the federal Health Insurance Portability and Accountability Act of 1996, and shall be exempt from the provisions of chapter 2 of title 38 et seq. (Rhode Island access to public records act) and not subject to disclosure, except to authorized employees of the departments of health and business regulation as necessary to perform official duties of the departments, and pursuant to subsection (j) and (m).

The application for qualifying patient's registry identification card shall include a question asking whether the patient would like the department of health to notify him or her of any clinical studies about marijuana's risk or efficacy. The department of health shall inform those patients who answer in the affirmative of any such studies it is notified of, that will be conducted in Rhode Island. The department of health may also notify those patients of medical studies conducted outside of Rhode Island.

The department of health and the division shall maintain a confidential list of the persons to whom the department of health or division has issued registry identification cards. Individual names and other identifying information on the list shall be confidential, exempt from the provisions of Rhode Island access to public information, chapter 2 of title 38, and not subject to disclosure, except to authorized employees of the departments of health and business regulation as necessary to perform official duties of the departments and pursuant to subsections (l) and (m).

Notwithstanding subsections (k) and (m), the departments of health and business regulation shall may verify to law enforcement personnel whether a registry identification card is valid or whether a cardholder is compliant with the provisions of this chapter and the regulations promulgated hereunder, solely by confirming the random registry identification number or name. This verification may occur through the use of a shared database, provided that any medical records or confidential information in this database related to a cardholder's specific medical condition is protected in accordance with subdivision (k)(1).
It shall be a crime, punishable by up to one hundred eighty (180) days in jail and a
one thousand dollar ($1,000) fine, for any person, including an employee or official of the
departments of health, business regulation, public safety, or another state agency or local
government, to breach the confidentiality of information obtained pursuant to this chapter.
Notwithstanding this provision, the department of health and department of business regulation
employees may notify law enforcement about falsified or fraudulent information submitted to the
department or violations of this chapter.

On or before the fifteenth day of the month following the end of each quarter of
the fiscal year, the department of health and division shall report to the governor, the speaker
of the House of Representatives, and the president of the senate on applications for the use of
marijuana for symptom relief. The report shall provide:

(1) The number of applications for registration as a qualifying patient, primary caregiver,
or authorized purchaser that have been made to the department of health and the division during
the preceding quarter, the number of qualifying patients, primary caregivers, and authorized
purchasers approved, the nature of the debilitating medical conditions of the qualifying patients,
the number of registrations revoked, and the number and specializations, if any, of practitioners
providing written certification for qualifying patients.

On or before September 30 of each year, the department of health and the division
shall report to the governor, the speaker of the House of Representatives, and the president of the
senate on the use of marijuana for symptom relief. The report shall provide:

(1) The total number of applications for registration as a qualifying patient, primary
caregiver, or authorized purchaser that have been made to the department of health and the
division, the number of qualifying patients, primary caregivers, and authorized purchasers
approved, the nature of the debilitating medical conditions of the qualifying patients, the number
of registrations revoked, and the number and specializations, if any, of practitioners providing
written certification for qualifying patients;

(2) The number of active qualifying patient, primary caregiver, and authorized purchaser
registrations as of June 30 of the preceding fiscal year;

(3) An evaluation of the costs permitting the use of marijuana for symptom relief,
including any costs to law enforcement agencies and costs of any litigation;

(4) Statistics regarding the number of marijuana-related prosecutions against registered
patients and caregivers, and an analysis of the facts underlying those prosecutions;

(5) Statistics regarding the number of prosecutions against physicians for violations of
this chapter; and
(6) Whether the United States Food and Drug Administration has altered its position regarding the use of marijuana for medical purposes or has approved alternative delivery systems for marijuana.

21-28.6-7. Scope of chapter.

(a) This chapter shall not permit:

(1) Any person to undertake any task under the influence of marijuana, when doing so would constitute negligence or professional malpractice;

(2) The smoking of marijuana:

(i) In a school bus or other form of public transportation;

(ii) On any school grounds;

(iii) In any correctional facility;

(iv) In any public place;

(v) In any licensed drug treatment facility in this state; or

(vi) Where exposure to the marijuana smoke significantly adversely affects the health, safety, or welfare of children.

(3) Any person to operate, navigate, or be in actual physical control of any motor vehicle, aircraft, or motorboat while under the influence of marijuana. However, a registered qualifying patient shall not be considered to be under the influence solely for having marijuana metabolites in his or her system.

(4) Any person to operate a medical marijuana emporium, and the operation of a medical marijuana emporium is prohibited in this state.

(b) Nothing in this chapter shall be construed to require:

(1) A government medical assistance program or private health insurer to reimburse a person for costs associated with the medical use of marijuana; or

(2) An employer to accommodate the medical use of marijuana in any workplace.

(c) Fraudulent representation to a law enforcement official of any fact or circumstance relating to the medical use of marijuana to avoid arrest or prosecution shall be punishable by a fine of five hundred dollars ($500) which shall be in addition to any other penalties that may apply for making a false statement for the nonmedical use of marijuana.


(a) Except as provided in § 21-28.6-7, a qualifying patient may assert the medical purpose for using marijuana as a defense to any prosecution involving marijuana, and such defense shall be presumed valid where the evidence shows that:

(1) The qualifying patient's practitioner has stated that, in the practitioner's professional...
opinion, after having completed a full assessment of the person's medical history and current
medical condition made in the course of a bona fide practitioner-patient relationship, the potential
benefits of using marijuana for medical purposes would likely outweigh the health risks for the
qualifying patient; and

(2) The qualifying patient was compliant with this chapter and all regulations
promulgated hereunder and in possession of a quantity of marijuana that was not more than what
is permitted under this chapter to ensure the uninterrupted availability of marijuana for the
purpose of alleviating the person's medical condition or symptoms associated with the medical
condition.

(b) A person may assert the medical purpose for using marijuana in a motion to dismiss,
and the charges shall be dismissed following an evidentiary hearing where the defendant shows
the elements listed in subsection (a) of this section.

(c) Any interest in, or right to, property that was possessed, owned, or used in connection
with a qualifying patient's use of marijuana for medical purposes shall not be forfeited if the
qualifying patient demonstrates the qualifying patient's medical purpose for using marijuana
pursuant to this section.


(a) If the department of health fails to adopt regulations to implement this chapter within
one hundred twenty (120) days of the effective date of this act, a qualifying patient may
commence an action in a court of competent jurisdiction to compel the department to perform the
actions mandated pursuant to the provisions of this chapter.

(b) If the department of health or the department of business regulation fails to issue a
valid registry identification card in response to a valid application submitted pursuant to this
chapter within thirty-five (35) days of its submission, the registry identification card shall be
deemed granted and a copy of the registry identification application shall be deemed a valid
registry identification card.

(c) The department of health and the department of business regulation shall revoke and
shall not reissue, the registry identification card of any cardholder or licensee who is convicted of;
placed on probation; whose case is filed pursuant to § 12-10-12 where the defendant pleads nolo
contendere; or whose case is deferred pursuant to § 12-19-19 where the defendant pleads nolo
contendere for any felony offense under chapter 28 of title 21 ("Rhode Island Controlled
Substances Act") or a similar offense from any other jurisdiction.

(d) If a cardholder exceeds the possession limits set forth in §§ 21-28.6-4 or 21-28.6-14,
or is in violation of any other section of this chapter or the regulations promulgated hereunder he

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or she shall be subject to arrest and prosecution under chapter 28 of title 21 ("Rhode Island Controlled Substances Act").

(e) (1) Notwithstanding any other provision of this chapter, if the department of business regulation has reason to believe that any person or entity has in the course of medical marijuana cultivation, manufacturing, and/or distribution violated any provision of chapter 21-28.6 under the department’s jurisdiction or violated any rule or regulation promulgated thereunder, including but not limited to engaging in operations or other activity that requires a medical marijuana license without obtaining the appropriate license, and the department finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, the department may issue an immediate compliance order listing the violation and ordering the person or entity to cease and desist from the violation and/or otherwise remedy the public health, safety, or welfare threat presented by the violation. If a person or entity that is the subject of an immediate compliance order contests the order by requesting a hearing, the order shall remain in effect pending administrative proceedings, which shall be promptly instituted and determined. Orders issued under this section shall be enforceable in the Superior Court for Providence County.

(2) In addition to its authority to issue immediate compliance orders under section § 21-28.6-9(e)(1), the department of business regulation may issue an order to show cause to any person or entity for whom/which the department has reason to believe has in the course of medical marijuana cultivation, manufacturing, and/or distribution violated any provision of chapter 21-28.6 under the department’s jurisdiction or violated any rule or regulation promulgated thereunder, including but not limited to engaging in operations or other activity that requires a medical marijuana license without obtaining the appropriate license, ordering that person or entity to appear before the department at a hearing to show cause why the department should not issue an order to that person or entity to cease and desist from the violation and/or otherwise remedy the violation. By decision after hearing pursuant to this subsection (e)(2), approved by the director, the department may issue a permanent order to cease and desist.


(a) A compassion center registered under this section may acquire, possess, cultivate, manufacture, deliver, transfer, transport, supply, or dispense marijuana, or related supplies and educational materials, to registered qualifying patients and their registered primary caregivers or authorized purchasers. Except as specifically provided to the contrary, all provisions of the Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act, §§ 21-28.6-1 – 21-28.6-11, apply to a compassion center unless they conflict with a provision contained in § 21-28.6-12.
(b) Registration of compassion centers—authority of the departments of health and business regulation:

(1) Not later than ninety (90) days after the effective date of this chapter, the department of health shall promulgate regulations governing the manner in which it shall consider applications for registration certificates for compassion centers, including regulations governing:

(i) The form and content of registration and renewal applications;

(ii) Minimum oversight requirements for compassion centers;

(iii) Minimum record-keeping requirements for compassion centers;

(iv) Minimum security requirements for compassion centers; and

(v) Procedures for suspending, revoking, or terminating the registration of compassion centers that violate the provisions of this section or the regulations promulgated pursuant to this subsection.

(2) Within ninety (90) days of the effective date of this chapter, the department of health shall begin accepting applications for the operation of a single compassion center.

(3) Within one hundred fifty (150) days of the effective date of this chapter, the department of health shall provide for at least one public hearing on the granting of an application to a single compassion center.

(4) Within one hundred ninety (190) days of the effective date of this chapter, the department of health shall grant a single registration certificate to a single compassion center, providing at least one applicant has applied who meets the requirements of this chapter.

(5) If at any time after fifteen (15) months after the effective date of this chapter, there is no operational compassion center in Rhode Island, the department of health shall accept applications, provide for input from the public, and issue a registration certificate for a compassion center if a qualified applicant exists.

(6) Within two (2) years of the effective date of this chapter, the department of health shall begin accepting applications to provide registration certificates for two (2) additional compassion centers. The department shall solicit input from the public, and issue registration certificates if qualified applicants exist.

(7)(i) Any time a compassion center registration certificate is revoked, is relinquished, or expires on or before December 31, 2016, the department of health shall accept applications for a new compassion center.

(ii) Any time a compassion center registration certificate is revoked, is relinquished, or expires on or after January 1, 2017, the department of business regulation shall accept applications for a new compassion center.
(8) If at any time after three (3) years after the effective date of this chapter and on or before December 31, 2016, fewer than three (3) compassion centers are holding valid registration certificates in Rhode Island, the department of health shall accept applications for a new compassion center. If at any time on or after January 1, 2017, fewer than three (3) fifteen (15) compassion centers are holding valid registration certificates in Rhode Island, the department of business regulation shall accept applications for a new compassion center. No more than three (3) compassion centers may hold valid registration certificates at one time.

(9) Any compassion center application selected for approval by the department of health on or before December 31, 2016, or selected for approval by the department of business regulation on or after January 1, 2017, shall remain in full force and effect, notwithstanding any provisions of this chapter to the contrary, and shall be subject to state law adopted herein and rules and regulations adopted by the departments of health and business regulation subsequent to passage of this legislation.

(c) Compassion center and agent applications and registration:

(1) Each application for a compassion center shall include be submitted in accordance with regulations promulgated by the department of business regulation and shall include but not be limited to:

(i) A non-refundable application fee paid to the department in the amount of two hundred fifty dollars ($250) ten thousand dollars ($10,000);

(ii) The proposed legal name and proposed articles of incorporation of the compassion center;

(iii) The proposed physical address of the compassion center, if a precise address has been determined, or, if not, the general location where it would be located. This may include a second location for the cultivation of medical marijuana;

(iv) A description of the enclosed, locked facility that would be used in the cultivation of marijuana;

(iv) The name, address, and date of birth of each principal officer and board member of the compassion center;

(v) Proposed security and safety measures that shall include at least one security alarm system for each location, planned measures to deter and prevent the unauthorized entrance into areas containing marijuana and the theft of marijuana, as well as a draft, employee-instruction manual including security policies, safety and security procedures, personal safety, and crime-prevention techniques; and

(vi) Proposed procedures to ensure accurate record keeping;
(2)(i) For applications submitted on or before December 31, 2016, any time one or more compassion center registration applications are being considered, the department of health shall also allow for comment by the public and shall solicit input from registered qualifying patients, registered primary caregivers; and the towns or cities where the applicants would be located;

(ii) For applications submitted on or after January 1, 2017, any time one or more compassion center registration applications are being considered, the department of business regulation shall also allow for comment by the public and shall solicit input from registered qualifying patients, registered primary caregivers; and the towns or cities where the applicants would be located.

(3) Each time a new compassion center certificate registration is granted issued, the decision shall be based upon the overall health needs of qualified patients and the safety of the public, including, but not limited to, the following factors:

(i) Convenience to patients from underserved areas throughout the state of Rhode Island.

(ii) The applicant's ability to provide a steady supply to the registered qualifying patients in the state;

(iii) The applicant's experience running a non-profit or business;

(iv) The interests of qualifying patients regarding which applicant be granted a registration certificate;

(v) The interests of the city or town where the dispensary would be located;

(vi) The sufficiency of the applicant's plans for record keeping and security, which records shall be considered confidential health-care information under Rhode Island law and are intended to be deemed protected health-care information for purposes of the Federal Health Insurance Portability and Accountability Act of 1996, as amended; and

(vii) The sufficiency of the applicant's plans for safety and security, including proposed location, security devices employed, and staffing;

(4) A compassion center approved by the department of health on or before December 31, 2016, shall submit the following to the department before it may begin operations:

(i) A fee paid to the department in the amount of five thousand dollars ($5,000);

(ii) The legal name and articles of incorporation of the compassion center;

(iii) The physical address of the compassion center; this may include a second address for the secure cultivation of marijuana;

(iv) The name, address, and date of birth of each principal officer and board member of the compassion center; and
(v) The name, address, and date of birth of any person who will be an agent of, employee, or volunteer of the compassion center at its inception.

(5) A compassion center approved or renewed by the department of business regulation on or after January 1, 2017, shall submit materials pursuant to regulations promulgated by the department of business regulation the following to the department before it may begin operations which shall include but not be limited to:

(i) A fee paid to the department in the amount of five thirty thousand dollars ($530,000);

(ii) The legal name and articles of incorporation of the compassion center;

(iii) The physical address of the compassion center; this may include a second address for the secure cultivation of marijuana;

(iv) The name, address, and date of birth of each principal officer and board member of the compassion center;

(v) The name, address, and date of birth of any person who will be an agent of, employee, or volunteer of the compassion center at its inception.

(6) Except as provided in subdivision (7), the department of health or the department of business regulation shall issue each principal officer, board member, agent, volunteer, and employee of a compassion center a registry identification card or renewal card after receipt of the person's name, address, date of birth; a fee in an amount established by the department of health or the department of business regulation; and notification to the department of health or the department of business regulation by the department of public safety division of state police, attorney general’s office, or local law enforcement that the registry identification card applicant has not been convicted of a felony drug offense or has not entered a plea of nolo contendere for a felony drug offense and received a sentence of probation. Each card shall specify that the cardholder is a principal officer, board member, agent, volunteer, or employee of a compassion center and shall contain the following:

(i) The name, address, and date of birth of the principal officer, board member, agent, volunteer, or employee;

(ii) The legal name of the compassion center to which the principal officer, board member, agent, volunteer, or employee is affiliated;

(iii) A random identification number that is unique to the cardholder;

(iv) The date of issuance and expiration date of the registry identification card; and

(v) A photograph, if the department of health or the department of business regulation decides to require one; and

(vi) Any other information or card classification that the department of business
regulation requires.

(7) Except as provided in this subsection, neither the department of health nor the department of business regulation shall issue a registry identification card to any principal officer, board member, agent, volunteer, or employee of a compassion center who has been convicted of a felony drug offense or has entered a plea of nolo contendere for a felony drug offense and received a sentence of probation. If a registry identification card is denied, the compassion center will be notified in writing of the purpose for denying the registry identification card. A registry identification card may be granted if the offense was for conduct that occurred prior to the enactment of the Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act or that was prosecuted by an authority other than the state of Rhode Island and for which the Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act would otherwise have prevented a conviction.

(i) All registry identification card applicants shall apply to the department of public safety division of state police, the attorney general’s office, or local law enforcement for a national criminal identification records check that shall include fingerprints submitted to the federal bureau of investigation. Upon the discovery of a felony drug offense conviction or a plea of nolo contendere for a felony drug offense with a sentence of probation, and in accordance with the rules promulgated by the department of health and the department of business regulation, the department of public safety division of state police, the attorney general’s office, or local law enforcement shall inform the applicant, in writing, of the nature of the felony and the department of public safety division of state police shall notify the department of health or the department of business regulation, in writing, without disclosing the nature of the felony, that a felony drug offense conviction or a plea of nolo contendere for a felony drug offense with probation has been found.

(ii) In those situations in which no felony drug offense conviction or plea of nolo contendere for a felony drug offense with probation has been found, the department of public safety division of state police, the attorney general’s office, or local law enforcement shall inform the applicant and the department of health or the department of business regulation, in writing, of this fact.

(iii) All registry identification card applicants shall be responsible for any expense associated with the criminal background check with fingerprints.

(8) A registry identification card of a principal officer, board member, agent, volunteer, or employee, or any other designation required by the division shall expire one year after its issuance, or upon the expiration of the registered organization's registration certificate, or upon
the termination of the principal officer, board member, agent, volunteer or employee's
relationship with the compassion center, whichever occurs first.

(9) A compassion center cardholder shall notify and request approval from the
department of business regulation of any change in his or her name or address within ten (10)
days of such change. A compassion center cardholder who fails to notify the department of
business regulation of any of these changes is responsible for a civil infraction, punishable by a
fine of no more than one hundred fifty dollars ($150).

(10) When a compassion center cardholder notifies the department of health or the
department of business regulation of any changes listed in this subsection, the department shall
issue the cardholder a new registry identification card within ten (10) days of receiving the
updated information and a ten-dollar ($10.00) fee.

(11) If a compassion center cardholder loses his or her registry identification card, he or
she shall notify the department of health or the department of business regulation and submit a ten
dollar ($10.00) fee within ten (10) days of losing the card. Within five (5) days, the department
shall issue a new registry identification card with new random identification number.

(12) On or before December 31, 2016, a compassion center cardholder shall notify the
department of health of any disqualifying criminal convictions as defined in subdivision (c)(7).
The department of health may choose to suspend and/or revoke his or her registry identification
card after such notification.

(13) On or after January 1, 2017, a compassion center cardholder shall notify the
department of business regulation of any disqualifying criminal convictions as defined in
subdivision (c)(7). The department of business regulation may choose to suspend and/or revoke
his or her registry identification card after such notification.

(14) If a compassion center cardholder violates any provision of this chapter or
regulations promulgated hereunder as determined by the departments of health and business
regulation, his or her registry identification card may be suspended and/or revoked.

(d) Expiration or termination of compassion center:

(1) On or before December 31, 2016, a compassion center's registration shall expire two
years after its registration certificate is issued. On or after January 1, 2017, a compassion
center's registration shall expire one year after its registration certificate is issued. The
compassion center may submit a renewal application beginning sixty (60) days prior to the
expiration of its registration certificate;

(2) The department of health or the department of business regulation shall grant a
compassion center's renewal application within thirty (30) days of its submission if the following
conditions are all satisfied:

(i) The compassion center submits the materials required under subdivisions (c)(4) and (c)(5), including a five thirty thousand dollar ($530,000) fee;

(ii) The compassion center's registration has never been suspended for violations of this chapter or regulations issued pursuant to this chapter; and

(iii) The department of health and the department of business regulation find that the compassion center is adequately providing patients with access to medical marijuana at reasonable rates;

(3) If the department of health or the department of business regulation determines that any of the conditions listed in paragraphs (d)(2)(i) – (iii) have not been met, the department shall begin an open application process for the operation of a compassion center. In granting a new registration certificate, the department of health or the department of business regulation shall consider factors listed in subdivision (c)(3);

(4) The department of health or the department of business regulation shall issue a compassion center one or more thirty-day (30) temporary registration certificates after that compassion center's registration would otherwise expire if the following conditions are all satisfied:

(i) The compassion center previously applied for a renewal, but the department had not yet come to a decision;

(ii) The compassion center requested a temporary registration certificate; and

(iii) The compassion center has not had its registration certificate suspended or revoked due to violations of this chapter or regulations issued pursuant to this chapter.

(5) A compassion center's registry identification card shall be subject to revocation if the compassion center:

(i) Possesses an amount of marijuana exceeding the limits established by this chapter;

(ii) Is in violation of the laws of this state;

(iii) Is in violation of other departmental regulations; or

(iv) Employs or enters into a business relationship with a medical practitioner who provides written certification of a qualifying patient's medical condition.

(e) Inspection Compassion centers are subject to reasonable inspection by the department of health, division of facilities regulation and the department of business regulation. During an inspection, the departments may review the compassion center's confidential records, including its dispensing records, which shall track transactions according to qualifying patients' registry identification numbers to protect their confidentiality.
(f) Compassion center requirements:

(1) A compassion center shall be operated on a not-for-profit basis for the mutual benefit of its patients. A compassion center need not be recognized as a tax-exempt organization by the Internal Revenue Service. A compassion center shall be subject to regulations promulgated by the department of business regulation for general operations and record keeping which shall include but not be limited to:

(i) Minimum security and surveillance requirements;

(ii) Minimum requirements for workplace safety and sanitation;

(iii) Minimum requirements for product safety and testing;

(iv) Minimum requirements for inventory tracking and monitoring;

(v) Minimum requirements for the secure transport and transfer of medical marijuana;

(vi) Minimum requirements to address odor mitigation;

(vii) Minimum requirements for product packaging and labeling;

(vii) Minimum requirements for advertising;

(ix) Minimum requirements for the testing and destruction of marijuana. Wherever destruction of medical marijuana and medical marijuana product is required to bring a person or entity into compliance with any provision of chapter 21-28.6, any rule or regulation promulgated thereunder, or any administrative order issued in accordance therewith, the director of the department of business regulation may designate his or her employees or agents to facilitate said destruction.

(x) If a compassion center violates this chapter, or any regulation thereunder, and the department of business regulation determines that violation does not pose an immediate threat to public health or public safety, the compassion center shall pay to the department of business regulation a fine of no less than five-hundred dollars ($500).

(xi) If a compassion center violates this chapter, or any regulation promulgated hereunder, and the department of business regulation determines that violation poses an immediate threat to public health or public safety, the compassion center shall pay to the department of business regulation a fine of no less than two-thousand dollars ($2,000) and the department shall be entitled to pursue any other enforcement action provided for under this chapter and the regulations.

(2) A compassion center may not be located within one thousand feet (1000’) of the property line of a preexisting public or private school;

(3) On or before December 31, 2016, a compassion center shall notify the department of health within ten (10) days of when a principal officer, board member, agent, volunteer, or
employee ceases to work at the compassion center. On or after January 1, 2017, a compassion
center shall notify the department of business regulation within ten (10) days of when a principal
officer, board member, agent, volunteer, or employee ceases to work at the compassion center.

His or her card shall be deemed null and void and the person shall be liable for any penalties that
may apply to any nonmedical possession or use of marijuana by the person;

(4)(i) On or before December 31, 2016, a compassion center shall notify the department
of health in writing of the name, address, and date of birth of any new principal officer, board
member, agent, volunteer or employee and shall submit a fee in an amount established by the
department for a new registry identification card before that person begins his or her relationship
with the compassion center;

(ii) On or after January 1, 2017, a compassion center shall notify the department of
business regulation, in writing, of the name, address, and date of birth of any new principal
officer, board member, agent, volunteer, or employee and shall submit a fee in an amount
established by the department of business regulation for a new registry identification card before
that person begins his or her relationship with the compassion center;

(5) A compassion center shall implement appropriate security measures to deter and
prevent the unauthorized entrance into areas containing marijuana and the theft of marijuana and
shall insure that each location has an operational security alarm system. Each compassion center
shall request that the department of public safety division of state police visit the compassion
center to inspect the security of the facility and make any recommendations regarding the security
of the facility and its personnel within ten (10) days prior to the initial opening of each
compassion center. Said recommendations shall not be binding upon any compassion center, nor
shall the lack of implementation of said recommendations delay or prevent the opening or
operation of any center. If the department of public safety division of state police does not inspect
the compassion center within the ten-day (10) period, there shall be no delay in the compassion
center's opening.

(6) The operating documents of a compassion center shall include procedures for the
oversight of the compassion center and procedures to ensure accurate record keeping.

(7) A compassion center is prohibited from acquiring, possessing, cultivating,
manufacturing, delivering, transferring, transporting, supplying, or dispensing marijuana for any
purpose except to assist registered qualifying patients with the medical use of marijuana directly
or through the qualifying patient's primary caregiver or authorized purchaser.

(8) All principal officers and board members of a compassion center must be residents of
the state of Rhode Island.
(9) Each time a new, registered, qualifying patient visits a compassion center, it shall provide the patient with a frequently asked questions sheet, designed by the department, that explains the limitations on the right to use medical marijuana under state law.

(10) Effective July 1, 2017, each compassion center shall be subject to any regulations promulgated by the departments of health and business regulation that specify how usable marijuana must be tested for items included but not limited to cannabinoid profile and contaminants.

(11) Effective January 1, 2017, each compassion center shall be subject to any product labeling requirements promulgated by the department of business regulation.

(12) Each compassion center shall develop, implement, and maintain on the premises employee, volunteer, and agent policies and procedures to address the following requirements:

(i) A job description or employment contract developed for all employees and agents, and a volunteer agreement for all volunteers, that includes duties, authority, responsibilities, qualifications, and supervision; and

(ii) Training in, and adherence to, state confidentiality laws.

(13) Each compassion center shall maintain a personnel record for each employee, agent, and volunteer that includes an application and a record of any disciplinary action taken.

(14) Each compassion center shall develop, implement, and maintain on the premises an on-site training curriculum, or enter into contractual relationships with outside resources capable of meeting employee training needs, that includes, but is not limited to, the following topics:

(i) Professional conduct, ethics, and patient confidentiality; and

(ii) Informational developments in the field of medical use of marijuana.

(15) Each compassion center entity shall provide each employee, agent, and volunteer, at the time of his or her initial appointment, training in the following:

(i) The proper use of security measures and controls that have been adopted; and

(ii) Specific procedural instructions on how to respond to an emergency, including robbery or violent accident.

(16) All compassion centers shall prepare training documentation for each employee and volunteer and have employees and volunteers sign a statement indicating the date, time, and place the employee and volunteer received said training and topics discussed, to include name and title of presenters. The compassion center shall maintain documentation of an employee's and a volunteer's training for a period of at least six (6) months after termination of an employee's employment or the volunteer's volunteering.

(g) Maximum amount of usable marijuana to be dispensed:
(1) A compassion center or principal officer, board member, agent, volunteer, or employee of a compassion center may not dispense more than two and one-half (2.5) three (3 oz.) of dried usable marijuana, or its equivalent, to a qualifying patient directly or through a qualifying patient's primary caregiver or authorized purchaser during a fifteen-day (15) period;

(2) A compassion center or principal officer, board member, agent, volunteer, or employee of a compassion center may not dispense an amount of usable marijuana, or its equivalent, seedlings, or mature marijuana plants, to a qualifying patient, a qualifying patient's primary caregiver, or a qualifying patient's authorized purchaser that the compassion center, principal officer, board member, agent, volunteer, or employee knows would cause the recipient to possess more marijuana than is permitted under the Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act.

(3) Compassion centers shall utilize a database administered by the departments of health and business regulation. The database shall contain all compassion centers' transactions according to qualifying patients', authorized purchasers', and primary caregivers', registry identification numbers to protect the confidentiality of patient personal and medical information. Compassion centers will not have access to any applications or supporting information submitted by qualifying patients, authorized purchasers or primary caregivers. Before dispensing marijuana to any patient or authorized purchaser, the compassion center must utilize the database to ensure that a qualifying patient is not dispensed more than two and one-half (2.5) three (3) ounces of dried usable marijuana or its equivalent directly or through the qualifying patient's primary caregiver or authorized purchaser during a fifteen-day (15) period.

(h) Immunity:

(1) No registered compassion center shall be subject to prosecution; search, except by the departments pursuant to subsection (e); seizure; or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business, occupational, or professional licensing board or entity, solely for acting in accordance with this section to assist registered qualifying patients.

(2) No registered compassion center shall be subject to prosecution, seizure, or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action, by a business, occupational, or professional licensing board or entity, for selling, giving, or distributing marijuana in whatever form, and within the limits established by, the department of health or the department of business regulation to another registered compassion center.

(3) No principal officers, board members, agents, volunteers, or employees of a registered
compassion center shall be subject to arrest, prosecution, search, seizure, or penalty in any
manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary
action by a business, occupational, or professional licensing board or entity, solely for working
for or with a compassion center to engage in acts permitted by this section.

(4) No state employee shall be subject to arrest, prosecution or penalty in any manner, or
denied any right or privilege, including, but not limited to, civil penalty, disciplinary action,
termination, or loss of employee or pension benefits, for any and all conduct that occurs within
the scope of his or her employment regarding the administration, execution and/or enforcement of
this act, and the provisions of §§ 9-31-8 and 9-31-9 shall be applicable to this section.

(i) Prohibitions:

(1) A compassion center must limit its inventory of seedlings, plants, and usable
marijuana to reflect the projected needs of qualifying patients; (i) A compassion center may not
cultivate marijuana or manufacture or process marijuana products pursuant to its compassion
center registration, provided that cultivation, processing and manufacture may be conducted
under a cultivator license or a manufacturer license which has been issued to the compassion
center by the department of business regulation pursuant to regulations promulgated by the
department.

(ii) A compassion center which was approved by the department of health or renewed by
the department of business regulation prior to July 1, 2018 may also hold a cultivator license and
a manufacturer license and shall be issued said license or licenses in accordance with regulations
promulgated by the department of business regulation, provided that the class or classes of said
cultivator license and manufacturer license shall correspond to the size of any growing,
manufacturing, or processing facility or facilities which were in operation or were approved prior
to July 1, 2018.

(iii) A compassion center which is approved by the department of health or renewed by
the department of business regulation after July 1, 2018 may also hold a cultivator license and a
manufacturer license in accordance with regulations promulgated by the department of business
regulation, provided the class or classes of said cultivator license and manufacturer license shall
correspond to the size of any growing, manufacturing, or processing facility or facilities which
were in operation or were approved prior to July 1, 2018.

(2) A compassion center may not dispense, deliver, or otherwise transfer marijuana to a
person other than a qualifying patient cardholder or to such patient's primary caregiver or
authorized purchaser;

(3) A person found to have violated paragraph (2) of this subsection may not be an
employee, agent, volunteer, principal officer, or board member of any compassion center;

(4) An employee, agent, volunteer, principal officer or board member of any compassion center found in violation of paragraph (2) shall have his or her registry identification revoked immediately; and

(5) No person who has been convicted of a felony drug offense or has entered a plea of nolo contendere for a felony drug offense with a sentence or probation may be the principal officer, board member, agent, volunteer, or employee of a compassion center unless the department has determined that the person's conviction was for the medical use of marijuana or assisting with the medical use of marijuana in accordance with the terms and conditions of this chapter. A person who is employed by or is an agent, volunteer, principal officer, or board member of a compassion center in violation of this section is guilty of a civil violation punishable by a fine of up to one thousand dollars ($1,000). A subsequent violation of this section is a misdemeanor.

(j) Legislative oversight committee:

(1) The general assembly shall appoint a nine-member (9) oversight committee comprised of: one member of the house of representatives; one member of the senate; one physician to be selected from a list provided by the Rhode Island medical society; one nurse to be selected from a list provided by the Rhode Island state nurses association; two (2) registered qualifying patients; one registered primary caregiver; one patient advocate to be selected from a list provided by the Rhode Island patient advocacy coalition; and the superintendent of the department of public safety, or his/her designee.

(2) The oversight committee shall meet at least six (6) times per year for the purpose of evaluating and making recommendations to the general assembly regarding:

(i) Patients' access to medical marijuana;

(ii) Efficacy of compassion centers;

(iii) Physician participation in the Medical Marijuana Program;

(iv) The definition of qualifying medical condition; and

(v) Research studies regarding health effects of medical marijuana for patients.

(3) On or before January 1 of every even numbered year, the oversight committee shall report to the general assembly on its findings.


(a) Effective January 1, 2017, the department of business regulation shall make medical marijuana tag sets available for purchase. Effective April 1, 2017, every marijuana plant, either mature or seedling immature, grown by a registered patient or primary caregiver must be
accompanied by a physical medical marijuana tag purchased through the department of business regulation and issued by the department of health division to qualifying patients and primary caregivers or by the department of business regulation to licensed cultivators.

(1) The department of business regulation shall charge an annual fee for each medical marijuana tag set which shall include one tag for a mature medical marijuana plant and one tag for a seedling an immature plant. If the required fee has not been paid, those medical marijuana tags shall be considered expired and invalid. The fee established by the department of business regulation shall be in accordance with the following requirements:

(i) For patient cardholders authorized to grow medical marijuana by the department of health division, the fee per tag set shall not exceed twenty-five dollars ($25);

(ii) For primary caregivers, the fee per tag set shall not exceed twenty-five dollars ($25);

(iii) For patients that qualify for reduced-registration due to income or disability status, there shall be no fee per tag set;

(iv) For caregivers who provide care for a patient cardholder who qualifies for reduced-registration due to income or disability status, there shall be no fee per tag set for such qualifying patient; and

(v) For licensed cultivators, the fee per tag set shall be established in regulations promulgated by the department of business regulation.

(2) Effective January 1, 2017, the department of business regulation shall verify with the department of health that all medical marijuana tag purchases are made by qualifying patient cardholders or primary caregiver cardholders. The department of health shall provide this verification according to qualifying patients' and primary caregivers' registry identification numbers and without providing access to any applications or supporting information submitted by qualifying patients to protect patient confidentiality;

(3) Effective January 1, 2019 and thereafter, the department of business regulation shall verify with the department of health that all medical marijuana tag purchases are made by registered patient cardholders who have notified the department of health or the division of their election to grow medical marijuana or primary caregiver cardholders. The department of health shall provide this verification according to qualifying patients' and primary caregivers' registry identification numbers and without providing access to any applications or supporting information submitted by qualifying patients to protect patient confidentiality;

(4) The department of business regulation shall maintain information pertaining to medical marijuana tags and shall share that information with the department of health.

(5) All primary caregivers shall purchase at least one medical marijuana tag set for each
patient under their care and all patients growing medical marijuana for themselves shall purchase
at least one medical marijuana tag.

(6) All licensed cultivators shall purchase at least one medical marijuana tag and utilize
a seed to sale tracking system in accordance with regulations promulgated by the department of
business regulation.

(7) The departments of business regulation and health shall jointly promulgate
regulations to establish a process by which medical marijuana tags may be returned to either
department. The department of business regulation may choose to reimburse a portion or the
entire amount of any fees paid for medical marijuana tags that are subsequently returned.

(b) Enforcement:

(1) If a patient cardholder, primary caregiver cardholder or licensed cultivator violates
any provision of this chapter or the regulations promulgated hereunder as determined by the
departments of business regulation and health, his or her medical marijuana tags may be revoked.
In addition, the department that issued the cardholder’s registration or the license may revoke the
cardholder’s registration or license pursuant to §21-28.6-9.

(2) The department of business regulation may revoke and not reissue, pursuant to
regulations, medical marijuana tags to any cardholder or licensee who is convicted of; placed on
probation; whose case is filed pursuant to §12-10-12 where the defendant pleads nolo contendere;
or whose case is deferred pursuant to §12-19-19 where the defendant pleads nolo contendere for
any felony offense under chapter 28 of title 21 (“Rhode Island Controlled Substances Act”) or a
similar offense from any other jurisdiction.

(3) If a patient cardholder, primary caregiver cardholder, licensed cooperative cultivation
or licensed cultivator is found to have mature marijuana plants without valid medical marijuana
tags sets or which are not tracked in accordance with regulation, the department or health or
department of business regulation division shall impose an administrative penalty on the patient
cardholder, primary caregiver cardholder, licensed cooperative cultivation or licensed cultivator
for each untagged mature marijuana plant not in excess of the limits set forth in §21-28.6-4, §21-28.6-14 and §21-28.6-16 of no more than the total fee that would be paid by a cardholder or
licensee who purchased medical marijuana tags for such plants in compliance with this chapter.

(4) If a patient cardholder, primary caregiver cardholder, or licensed cooperative
cultivation is found to have mature marijuana plants exceeding the limits set forth in §21-28.6-4,
§21-28.6-14, and §21-28.6-16 in addition to any penalties that may be imposed pursuant to §21-28.6-9, the department of health or department of business regulation may impose an
administrative penalty on that cardholder or license holder for each mature marijuana plant in
excess of the applicable statutory limit of no less than the total fee that would be paid by a
cardholder who purchased medical marijuana tags for such plants in compliance with this chapter.

21-28.6-16. Licensed cultivators.

(a) A licensed cultivator licensed under this section may acquire, possess, cultivate,
deliver, or transfer marijuana to licensed compassion centers or to a licensed manufacturer. A
licensed cultivator shall not be a primary caregiver cardholder and shall not hold a cooperative
cultivation license. Except as specifically provided to the contrary, all provisions of the Edward
O. Hawkins and Thomas C. Slater Medical Marijuana Act, §§ 21-28.6-1 – 21-28.6-15, apply to a
licensed cultivator unless they conflict with a provision contained in § 21-28.6-16.

(b) Licensing of cultivators – Department of business regulation authority. The
department of business regulation shall promulgate regulations governing the manner in which it
shall consider applications for the licensing of cultivators, including regulations governing:

(1) The form and content of licensing and renewal applications;
(2) Minimum oversight requirements for licensed cultivators;
(3) Minimum record-keeping requirements for cultivators;
(4) Minimum security requirements for cultivators; and
(5) Procedures for suspending, revoking, or terminating the license of cultivators that
violate the provisions of this section or the regulations promulgated pursuant to this subsection.

(c) A licensed cultivator license issued by the department of business regulation shall
expire one year after it was issued and the licensed cultivator may apply for renewal with the
department in accordance with its regulations pertaining to licensed cultivators.

(d) The department of business regulation shall promulgate regulations that govern how
many marijuana plants, how many marijuana seedlings mature and immature, how much wet
marijuana, and how much usable marijuana a licensed cultivator may possess. Every marijuana
plant possessed by a licensed cultivator must be accompanied by valid medical marijuana tag
issued by the department of business regulation pursuant to § 21-28.6-15 or catalogued in a seed
to sale inventory tracking system in accordance with regulations promulgated by the department
of business regulation. Each cultivator must purchase at least one medical marijuana tag or in
order to remain a licensed cultivator.

(e) Cultivators shall only sell marijuana to compassion centers or a licensed
manufacturer. All marijuana possessed by a cultivator in excess of the possession limit
established pursuant to subsection (d) shall be under formal agreement to be purchased by a
compassion center or by a licensed manufacturer. If such excess marijuana is not under formal
agreement to be purchased, the cultivator will have a period of time, specified in regulations
promulgated by the department of business regulation, to sell or destroy that excess marijuana.

The department may suspend and/or revoke the cultivator's license and the license of any officer, director, employee, or agent of such cultivator and/or impose an administrative penalty in accordance with such regulations promulgated by the department for any violation of this section or the regulations. In addition, any violation of this section or the regulations promulgated pursuant to this subsection and subsection (d) shall cause a licensed cultivator to lose the protections described in subsection (m) and may subject the licensed cultivator to arrest and prosecution under Chapter 28 of title 21 (the Rhode Island Controlled Substances Act).

(f) Cultivators shall be subject to any regulations promulgated by the department of health or department of business regulation that specify how marijuana must be tested for items, including, but not limited to, potency, cannabinoid profile, and contaminants;

(g) Cultivators shall be subject to any product labeling requirements promulgated by the department of business regulation and the department of health;

(h) Notwithstanding any other provisions of the general laws, the manufacture of marijuana using a solvent extraction process that includes the use of a compressed, flammable gas as a solvent by a licensed cultivator shall not be subject to the protections of this chapter.

(i) Cultivators shall only be licensed to grow, marijuana at a single location, registered with the department of business regulation and the department of public safety unless the cultivator’s license is held by a compassion center which was approved by the department of health or renewed by the department of business regulation prior to July 1, 2018. The department of business regulation may promulgate regulations governing where cultivators are allowed to grow. Cultivators must abide by all local ordinances, including zoning ordinances.

(j) Inspection Cultivators shall be subject to reasonable inspection by the department of business regulation or the department of health for the purposes of enforcing regulations promulgated pursuant to this chapter and all applicable Rhode Island general laws.

(k) The cultivator applicant shall apply to the bureau of criminal identification of the department of attorney general, department of public safety division of state police, or local police department for a national criminal records check that shall include fingerprints submitted to the Federal Bureau of Investigation. Upon the discovery of any disqualifying information as defined in subdivision (k)(2), and in accordance with the rules promulgated by the director of the department of business regulation, the bureau of criminal identification of the department of attorney general, department of public safety division of 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 department of
business regulation, in writing, that disqualifying information has been discovered.

(1) In those situations in which no disqualifying information has been found, the bureau of criminal identification of the department of attorney general, department of public safety division of state police, or the local police department shall inform the applicant and the department of business regulation, in writing, of this fact.

(2) Information produced by a national criminal records check pertaining to a conviction for a felony drug offense or a plea of nolo contendere for a felony drug offense and received a sentence of probation shall result in a letter to the applicant and the department of business regulation disqualifying the applicant.

(3) The cultivator applicant shall be responsible for any expense associated with the national criminal records check.

(1) Persons issued cultivator licenses shall be subject to the following:

(1) A licensed cultivator cardholder shall notify and request approval from the department of business regulation of any change in his or her name or address within ten (10) days of such change. A cultivator cardholder who fails to notify the department of business regulation of any of these changes is responsible for a civil infraction, punishable by a fine of no more than one hundred fifty dollars ($150).

(2) When a licensed cultivator cardholder notifies the department of business regulation of any changes listed in this subsection, the department of business regulation shall issue the cultivator cardholder a new license registry identification card after the department approves the changes and receives from the licensee payment of a fee specified in regulation.

(3) If a licensed cultivator cardholder loses his or her license card, he or she shall notify the department of business regulation and submit a fee specified in regulation within ten (10) days of losing the license card. The department of business regulation shall issue a new license card with a new random identification number.

(4) A licensed cultivator cardholder shall notify the department of business regulation of any disqualifying criminal convictions as defined in subdivision (k)(2). The department of business regulation may choose to suspend and/or revoke his or her license card after such notification.

(5) If a licensed cultivator or cultivator cardholder violates any provision of this chapter or regulations promulgated hereunder as determined by the department of business regulation, his or her card and the issued license may be suspended and/or revoked.

(m) Immunity:

(1) No licensed cultivator shall be subject to prosecution; search, except by the
departments pursuant to subsection (j); seizure; or penalty in any manner, or denied any right or
privilege, including, but not limited to, civil penalty or disciplinary action by a business,
occupational, or professional licensing board or entity, solely for acting in accordance with this
section to assist registered qualifying:

(2) No licensed cultivator shall be subject to prosecution, seizure, or penalty in any
manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary
action by a business, occupational, or professional licensing board or entity, for selling, giving, or
distributing marijuana in whatever form and within the limits established by the department of
business regulation to a licensed manufacturer or registered compassion center;

(3) No principal officers, board members, agents, volunteers, or employees of a licensed
cultivator shall be subject to arrest, prosecution, search, seizure, or penalty in any manner, or
denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a
business, occupational, or professional licensing board or entity, solely for working for or with a
licensed cultivator to engage in acts permitted by this section.

(4) No state employee shall be subject to arrest, prosecution, or penalty in any manner, or
denied any right or privilege, including, but not limited to, civil penalty, disciplinary action,
termination, or loss of employee or pension benefits, for any and all conduct that occurs within
the scope of his or her employment regarding the administration, execution, and/or enforcement
of this act, and the provisions of §§ 9-31-8 and 9-31-9 shall be applicable to this section.

21-28.6-17. Revenue.

(a) Effective July 1, 2016, all fees collected by the departments of health and business
regulation from applicants, registered patients, primary caregivers, authorized purchasers,
licensed cultivators, licensed manufacturers, cooperative cultivations, compassion centers, other
licensees licensed pursuant to this chapter, and compassion-center and other registry
identification cardholders shall be placed in restricted-receipt accounts to support the state's
medical marijuana program, including but not limited to, payment of expenses incurred by the
departments of health and business regulation for the administration of the program.

(b) All revenues remaining in the restricted-receipt accounts after payments specified in
subsection (a) of this section shall first be paid to cover any existing deficit in the department of
health's restricted-receipt account or the department of business regulation's restricted-receipt
account. These transfers shall be made annually on the last business day of the fiscal year.

(c) All revenues remaining in the restricted-receipt accounts after payments specified in
subsections (a) and (b) shall be paid into the state's general fund. These payments shall be made
annually on the last business day of the fiscal year.
SECTION 2. Chapter 21-28.6 of the General Laws entitled “The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act” are hereby amended by adding thereto the following sections:


(a) A marijuana manufacturer licensed under this section may acquire marijuana from licensed cultivators or compassion centers. A licensed manufacturer may possess, manufacture, or process marijuana into marijuana products in accordance with regulations promulgated by the department of business regulation. A licensed manufacturer may deliver, or transfer marijuana products to licensed compassion centers or another licensed manufacturer in accordance with regulations promulgated by the department of business regulation. A licensed manufacturer shall not be a primary caregiver cardholder and shall not hold a cooperative cultivation license. A licensed manufacturer shall not grow, cultivate, sell, or dispense medical marijuana unless the licensed manufacturer has also been issued a cultivator license or compassion center registration pursuant to regulations promulgated by the department of business regulation. The department of business regulation may restrict the number, types, and classes of medical marijuana licenses an applicant may be issued through regulations promulgated by the department. Except as specifically provided to the contrary, all provisions of the Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act, §§ 21-28.6-1 – 21-28.6-15, apply to a licensed manufacturer unless they conflict with a provision contained in § 21-28.6-16.1.

(b) Licensing of manufacturers – Department of business regulation authority. The department of business regulation shall promulgate regulations governing the manner in which it shall consider applications for the licensing of manufacturers, including but not limited to regulations governing:

(1) The form and content of licensing and renewal applications;
(2) Minimum oversight requirements for licensed manufacturers;
(3) Minimum record-keeping requirements for manufacturers;
(4) Minimum security requirements for manufacturers; and
(5) Procedures for suspending, revoking, or terminating the license of manufacturers that violate the provisions of this section or the regulations promulgated pursuant to this subsection.

(6) Applicable application and license fees.

(c) A manufacturer license issued by the department of business regulation shall expire one year after it was issued and the licensed manufacturer may apply for renewal with the department in accordance with its regulations pertaining to licensed manufacturers.

(d) The department of business regulation may promulgate regulations that govern how
much marijuana a licensed manufacturer may possess. All marijuana possessed by a licensed manufacturer must be catalogued in a seed to sale inventory tracking system in accordance with regulations promulgated by the department of business regulation.

(c) Manufacturers shall only sell manufactured marijuana products to compassion centers or another licensed manufacturer. The department may suspend and/or revoke the manufacturer's license and the license of any officer, director, employee, or agent of such manufacturer and/or impose an administrative penalty in accordance with such regulations promulgated by the department for any violation of this section or the regulations. In addition, any violation of this section or the regulations promulgated pursuant to this subsection and subsection (d) shall cause a licensed manufacturer to lose the protections described in subsection (m) and may subject the licensed manufacturer to arrest and prosecution under Chapter 28 of title 21 (the Rhode Island Controlled Substances Act).

(f) Manufacturers shall be subject to any regulations promulgated by the department of health or department of business regulation that specify how marijuana must be tested for items, including, but not limited to, potency, cannabinoid profile, and contaminants;

(g) Manufacturers shall be subject to any product labeling requirements promulgated by the department of business regulation and the department of health;

(i) Manufacturers shall only be licensed to manufacture marijuana at a single location, registered with the department of business regulation and the department of public safety unless the manufacturer license is held by a compassion center which was approved by the department of health or renewed by the department of business regulation prior to July 1, 2018. The department of business regulation may promulgate regulations governing where manufacturers are allowed to grow. Manufacturers must abide by all local ordinances, including zoning ordinances.

(j) Inspection. Manufacturers shall be subject to reasonable inspection by the department of business regulation or the department of health for the purposes of enforcing regulations promulgated pursuant to this chapter and all applicable Rhode Island general laws.

(k) The manufacturer applicant shall apply to the bureau of criminal identification of the department of attorney general, department of public safety division of state police, or local police department for a national criminal records check that shall include fingerprints submitted to the Federal Bureau of Investigation. Upon the discovery of any disqualifying information as defined in subdivision (k)(2), and in accordance with the rules promulgated by the director of the department of business regulation, the bureau of criminal identification of the department of attorney general, department of public safety division of 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 department of
business regulation, in writing, that disqualifying information has been discovered.

(1) In those situations in which no disqualifying information has been found, the bureau
of criminal identification of the department of attorney general, department of public safety
division of state police, or the local police department shall inform the applicant and the
department of business regulation, in writing, of this fact.

(2) Information produced by a national criminal records check pertaining to a conviction
for a felony drug offense or a plea of nolo contendere for a felony drug offense and received a
sentence of probation shall result in a letter to the applicant and the department of business
regulation disqualifying the applicant.

(3) The manufacturer applicant shall be responsible for any expense associated with the
national criminal records check.

(4) Persons issued manufacturer licenses or registration card shall be subject to the
following:

(1) A licensed manufacturer cardholder shall notify and request approval from the
department of business regulation of any change in his or her name or address within ten (10)
days of such change. A manufacturer cardholder who fails to notify the department of business
regulation of any of these changes is responsible for a civil infraction, punishable by a fine of no
more than one hundred fifty dollars ($150).

(2) When a licensed manufacturer cardholder notifies the department of business
regulation of any changes listed in this subsection, the department of business regulation shall
issue the manufacturer cardholder a new license or registry identification card after the
department approves the changes and receives from the licensee payment of a fee specified in
regulation.

(3) If a licensed manufacturer cardholder loses his or her registry identification card, he
or she shall notify the department of business regulation and submit a fee specified in regulation
within ten (10) days of losing the registry identification card. The department of business
regulation shall issue a new registry identification card with a new random identification number.

(4) A licensed manufacturer cardholder shall notify the department of business regulation
of any disqualifying criminal convictions as defined in subdivision (k)(2). The department of
business regulation may choose to suspend and/or revoke his or her card after such notification.

(5) If a licensed manufacturer or manufacturer cardholder violates any provision of this
chapter or regulations promulgated hereunder as determined by the department of business
regulation, his or her card or the issued license may be suspended and/or revoked.

(m) Immunity:

(1) No licensed manufacturer shall be subject to prosecution; search, except by the
departments pursuant to subsection (j); seizure; or penalty in any manner, or denied any right or
privilege, including, but not limited to, civil penalty or disciplinary action by a business,
occupational, or professional licensing board or entity, solely for acting in accordance with this
chapter:

(2) No licensed manufacturer shall be subject to prosecution, seizure, or penalty in any
manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary
action by a business, occupational, or professional licensing board or entity, for selling, giving, or
distributing marijuana in whatever form and within the limits established by the department of
business regulation to another licensed manufacturer or registered compassion center;

(3) No principal officers, board members, agents, volunteers, or employees of a licensed
manufacturer shall be subject to arrest, prosecution, search, seizure, or penalty in any manner, or
denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a
business, occupational, or professional licensing board or entity, solely for working for or with a
licensed manufacturer to engage in acts permitted by this section.

(4) No state employee shall be subject to arrest, prosecution, or penalty in any manner, or
denied any right or privilege, including, but not limited to, civil penalty, disciplinary action,
termination, or loss of employee or pension benefits, for any and all conduct that occurs within
the scope of his or her employment regarding the administration, execution, and/or enforcement
of this act, and the provisions of §§ 9-31-8 and 9-31-9 shall be applicable to this section.

21-28.6-16.2. Other Supporting Medical Marijuana Licenses.

(a) The department of business regulation shall have the authority to promulgate
regulations to create and implement additional types and classes of commercial medical
marijuana licenses, including but not limited to, licenses for businesses to engage in marijuana
destruction, delivery, disposal, research and development, transportation or any other commercial
activity needed to support licensed cultivators, licensed manufacturers, compassion centers,
licensed testing facilities, and patient need; provided no license created by the department shall
allow for the retail sale of medical marijuana to registered cardholders.

(b) The department of business regulation shall promulgate regulations governing the
manner in which it shall consider applications for issuing additional medical marijuana licenses,
including but not limited to, regulations governing:

(1) The form and content of licensing and renewal applications;
(2) Minimum oversight requirements for additional medical marijuana license holders;

(3) Minimum record-keeping requirements for additional medical marijuana license holders;

(4) Minimum security requirements for additional medical marijuana license holders;

(5) Procedures for suspending, revoking, or terminating the licenses of licensees that violate the provisions of this chapter or the regulations promulgated pursuant to this chapter; and

(6) Applicable application and license fees.

(c) Any applicant, or employee, officer, director, manager, member or agent of a holder of a license issued by the department of business regulation pursuant to this section and the regulations shall be required to obtain a registry identification card from the division subject to the requirements and fees set by the department pursuant to the regulations.

(d) With respect to any licenses and registrations issued by the department of business regulation pursuant to this chapter, the department of business regulation shall be entitled to charge application, license and registration fees as set by the department of business regulation and set forth in regulations promulgated hereunder.


21-28.6-6.1. Administration of regulations.

(a) The department of health shall issue registry identification cards to qualifying patients who submit the following, in accordance with the department's regulations:

(1) Written certification as defined in § 21-28.6-3(24) of this chapter;

(2) Application or renewal fee;

(3) Name, address, and date of birth of the qualifying patient; provided, however, that if the patient is homeless, no address is required;

(4) Name, address, and telephone number of the qualifying patient's practitioner;

(5) Name, address, and date of birth of each primary caregiver of the qualifying patient, if any;

(b) The department of health shall not issue a registry identification card to a qualifying patient under the age of eighteen (18) unless:

(1) The qualifying patient's practitioner has explained the potential risks and benefits of the medical use of marijuana to the qualifying patient and to a parent, guardian, or person having legal custody of the qualifying patient; and

(2) A parent, guardian, or person having legal custody consents in writing to:

(i) Allow the qualifying patient's medical use of marijuana;
(ii) Serve as one of the qualifying patient's primary caregivers; and

(iii) Control the acquisition of the marijuana, the dosage, and the frequency of the medical use of marijuana by the qualifying patient.

(c) The department shall not issue a registry identification card to a qualifying patient seeking treatment for post-traumatic stress disorder (PTSD) under the age of eighteen (18).

(d) The department shall verify the information contained in an application or renewal submitted pursuant to this section, and shall approve or deny an application or renewal within fifteen (15) days of receiving it. The department may deny an application or renewal only if the applicant did not provide the information required pursuant to this section, or if the department determines that the information provided was falsified. Rejection of an application or renewal is considered a final department action, subject to judicial review. Jurisdiction and venue for judicial review are vested in the superior court.

(e) If the qualifying patient's practitioner notifies the department in a written statement that the qualifying patient is eligible for hospice care, the department shall verify the application information in accordance with subsection (d) and issue a registry identification card to the qualifying patient and primary caregivers named in the patient's application within seventy-two (72) hours of receipt of the completed application. The department shall not charge a registration fee to the patient or caregivers named in the application.

(f) The department shall issue a registry identification card to each primary caregiver, if any, who is named in a qualifying patient's approved application, up to a maximum of two (2) primary caregivers per qualifying patient.

(1) The primary caregiver applicant shall apply to the bureau of criminal identification of the department of attorney general, state police, or local police department for a national criminal records check that shall include fingerprints submitted to the Federal Bureau of Investigation. Upon the discovery of any disqualifying information as defined in subdivision (f)(4), and in accordance with the rules promulgated by the director, the bureau of criminal identification of the department of attorney general, 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 department, in writing, that disqualifying information has been discovered.

(2) In those situations in which no disqualifying information has been found, the bureau of criminal identification of the department of attorney general, state police, or the local police shall inform the applicant and the department, in writing, of this fact.

(3) The department shall maintain on file evidence that a criminal records check has been
initiated on all applicants seeking a primary caregiver registry identification card and the results of the checks. The primary caregiver cardholder shall not be required to apply for a national criminal records check for each patient he or she is connected to through the department's registration process, provided that he or she has applied for a national criminal records check within the previous two (2) years in accordance with this chapter. The department shall not require a primary caregiver cardholder to apply for a national criminal records check more than once every two (2) years.

(4) Information produced by a national criminal records check pertaining to a conviction for any felony offense under chapter 28 of title 21 (“Rhode Island Controlled Substances Act”), murder, manslaughter, rape, first-degree sexual assault, second-degree sexual assault, first-degree child molestation, second-degree child molestation, kidnapping, first-degree arson, second-degree arson, mayhem, robbery, burglary, breaking and entering, assault with a dangerous weapon, assault or battery involving grave bodily injury, and/or assault with intent to commit any offense punishable as a felony or a similar offense from any other jurisdiction shall result in a letter to the applicant and the department disqualifying the applicant. If disqualifying information has been found, the department may use its discretion to issue a primary caregiver registry identification card if the applicant’s connected patient is an immediate family member and the card is restricted to that patient only.

(5) The primary caregiver applicant shall be responsible for any expense associated with the national criminal records check.

(6) For purposes of this section “conviction” means, in addition to judgments of conviction entered by a court subsequent to a finding of guilty or a plea of guilty, those instances where the defendant has entered a plea of nolo contendere and has received a sentence of probation and those instances where a defendant has entered into a deferred sentence agreement with the attorney general.

(g) The department shall issue registry identification cards within five (5) days of approving an application or renewal that shall expire two (2) years after the date of issuance. Registry identification cards shall contain:

(1) The date of issuance and expiration date of the registry identification card;

(2) A random registry identification number;

(3) A photograph; and

(4) Any additional information as required by regulation or the department.

(h) Persons issued registry identification cards shall be subject to the following:

(1) A patient cardholder shall notify the department of any change in the patient...
cardholder's name, address, or primary caregiver; or if he or she ceases to have his or her debilitating medical condition, within ten (10) days of such change.

(2) A patient cardholder who fails to notify the department of any of these changes is responsible for a civil infraction, punishable by a fine of no more than one hundred fifty dollars ($150). If the patient cardholder has ceased to suffer from a debilitating medical condition, the card shall be deemed null and void and the person shall be liable for any other penalties that may apply to the person's nonmedical use of marijuana.

(3) A primary caregiver cardholder or compassion center cardholder shall notify the department of any change in his or her name or address within ten (10) days of such change. A primary caregiver cardholder or compassion center cardholder who fails to notify the department of any of these changes is responsible for a civil infraction, punishable by a fine of no more than one hundred fifty dollars ($150).

(4) When a patient cardholder or primary caregiver cardholder notifies the department of any changes listed in this subsection, the department shall issue the patient cardholder and each primary caregiver cardholder a new registry identification card within ten (10) days of receiving the updated information and a ten-dollar ($10.00) fee. When a compassion center cardholder notifies the department of any changes listed in this subsection, the department shall issue the cardholder a new registry identification card within ten (10) days of receiving the updated information and a ten-dollar ($10.00) fee.

(5) When a patient cardholder changes his or her primary caregiver, the department shall notify the primary caregiver cardholder within ten (10) days. The primary caregiver cardholder's protections, as provided in this chapter as to that patient, shall expire ten (10) days after notification by the department. If the primary caregiver cardholder is connected to no other patient cardholders in the program, he or she must return his or her registry identification card to the department.

(6) If a cardholder loses his or her registry identification card, he or she shall notify the department and submit a ten-dollar ($10.00) fee within ten (10) days of losing the card. Within five (5) days, the department shall issue a new registry identification card with new, random identification number.

(7) If a cardholder willfully violates any provision of this chapter as determined by the department, his or her registry identification card may be revoked.

(i) Possession of, or application for, a registry identification card shall not constitute probable cause or reasonable suspicion, nor shall it be used to support the search of the person or property of the person possessing or applying for the registry identification card, or otherwise...
subject the person or property of the person to inspection by any governmental agency.

(j)(1) Applications and supporting information submitted by qualifying patients, including information regarding their primary caregivers and practitioners, are confidential and protected under the federal Health Insurance Portability and Accountability Act of 1996, and shall be exempt from the provisions of chapter 2 of title 38 et seq. (Rhode Island access to public records act) and not subject to disclosure, except to authorized employees of the department as necessary to perform official duties of the department, and pursuant to subsection (k) of this section.

(2) The application for qualifying patient's registry identification card shall include a question asking whether the patient would like the department to notify him or her of any clinical studies about marijuana’s risk or efficacy. The department shall inform those patients who answer in the affirmative of any such studies it is notified of that will be conducted in Rhode Island. The department may also notify those patients of medical studies conducted outside of Rhode Island.

(3) The department shall maintain a confidential list of the persons to whom the department has issued registry identification cards. Individual names and other identifying information on the list shall be confidential, exempt from the provisions of Rhode Island access to public information, chapter 2 of title 38, and not subject to disclosure, except to authorized employees of the department as necessary to perform official duties of the department.

(k) Notwithstanding subsection (j) of this section, the department shall verify to law enforcement personnel whether a registry identification card is valid solely by confirming the random registry identification number or name.

(l) It shall be a crime, punishable by up to one hundred eighty (180) days in jail and a one thousand dollar ($1,000) fine, for any person, including an employee or official of the department or another state agency or local government, to breach the confidentiality of information obtained pursuant to this chapter. Notwithstanding this provision, the department employees may notify law enforcement about falsified or fraudulent information submitted to the department.

(m) On or before January 1 of each odd numbered year, the department shall report to the house committee on health, education and welfare and to the senate committee on health and human services on the use of marijuana for symptom relief. The report shall provide:

(1) The number of applications for registry identification cards, the number of qualifying patients and primary caregivers approved, the nature of the debilitating medical conditions of the qualifying patients, the number of registry identification cards revoked, and the number of practitioners providing written certification for qualifying patients;

(2) An evaluation of the costs permitting the use of marijuana for symptom relief,
including any costs to law enforcement agencies and costs of any litigation;

(3) Statistics regarding the number of marijuana-related prosecutions against registered patients and caregivers, and an analysis of the facts underlying those prosecutions;

(4) Statistics regarding the number of prosecutions against physicians for violations of this chapter; and

(5) Whether the United States Food and Drug Administration has altered its position regarding the use of marijuana for medical purposes or has approved alternative delivery systems for marijuana.

SECTION 4. This Article shall take effect upon passage.

ARTICLE 18

RELATING TO EFFECTIVE DATE

SECTION 1. This Act shall take effect as of July 1, 2018, except as otherwise provided herein.

SECTION 2. This Article shall take effect upon passage.
ARTICLE 1
RELATING TO MAKING APPROPRIATIONS IN SUPPORT OF FY 2019

This article makes appropriations from general revenue and authorizes expenditure of federal funds, restricted receipts, and other funds for FY 2019. This article also identifies the FTE position authorizations for each agency and department for fiscal year 2019; provides multi-year appropriations for Rhode Island Capital Plan Fund projects; provides for the reappropriation of unexpended and unencumbered funds from the Rhode Island Capital Plan Fund project appropriations in the ensuing fiscal year; provides expenditure limits for internal service funds; provides appropriations for all Temporary Disability Insurance funds, Employment Security funds, University and College funds, and Lottery Division funds.

ARTICLE 2
RELATING TO STATE FUNDS

This article adds Municipal Police Training Tuition and Fees, School for the Deaf – School Breakfast and Lunch Program, and School Construction Services to the list of indirect cost recovery restricted receipt accounts to be exempt from transferring 10% of cash receipts to the general fund. Additionally, this article allows the State Budget Officer to implement an indirect cost for the purpose of funding direct project management costs of state employees. This article also expands the Westerly Higher Education Center’s restricted receipt account to allow for revenues collected from future, additional Higher Education Centers to be deposited in the account to allow for the Westerly Center and future Centers to be self-sustaining. Additionally, this article creates a restricted receipt account for the atomic energy commission reactor fees generated from use of the reactor facilities and related services. This article also shifts the date for the approval of reappropriations by the Governor from August 15th to September 1st to coincide with the issuance of the preliminary closing by the State Controller. Lastly, this article establishes the Government Performance Improvement Fund, dedicated to purpose funding “pay for success contracts” throughout state government.
ARTICLE 3

RELATING TO GOVERNMENT REFORM

This article moves the State Building Code Commission, the Fire Safety Code Board Appeal and Review, and the Contractor’s Registration and Licensing Board from the Department of Administration to the Department of Business Regulation. The article also moves the Office of the Fire Marshal from the Department of Public Safety to the Department of Business Regulation. Additionally, the article requires application for accidental disability benefits by Injured on Duty (IOD) recipients to be governed by the IOD statute; and provides for IOD benefits to be terminated upon final ruling of the State Retirement Board, the Worker’s Compensation Court, or any court of competent jurisdiction. The article also transfers the responsibilities of the Water Resources Board from the Department of Administration’s Division of Planning to the Division of Public Utilities. Furthermore, this article makes several membership changes to the Tobacco Settlement Finance Corporation Board. This article also clarifies a section of law to reflect a 2015 legislative change that moved the Film Office out of the Department of Administration. Lastly, this article amends the law to allow the state to withhold state aid from cities and towns that owe funds to the state.

ARTICLE 4

RELATING TO TAXES AND REVENUE

This article requires the lottery to: (1) study, evaluate and, where appropriate, implement new lottery-related initiatives; (2) beginning in fiscal year 2018, for the purpose of determining revenues remaining to be transferred to the state general fund, to reflect actuarially determined expenses for employer contributions to the State Employees and Electing Teachers’ OPEB System as expenses incurred by the Lottery in the operation of the Lottery; and (3) to operate legalized sports wagering in the state at the Twin River Casino in Lincoln and Twin River Casino in Tiverton provided sports-wagering is allowed under federal law; authorizes the Director of the Department of Revenue to establish a collections unit for the purpose of assisting state agencies with the collection of debts. Additionally, the article imposes sales tax on vendor-hosted prewritten computer software also referred to as software as a service; repeal a technical error related to exemption of certain seeds and plants from sales tax which is already codified in 44-18-30; and imposes sales tax on certain investigation, guard, and armored car services; imposes the other tobacco products tax on electronic cigarettes, requires other tobacco products be purchased from licensed manufacturers, importers, distributors; increases the maximum per cigar tax by thirty cents ($0.30); and, increases the cigarette tax by twenty-five cents ($0.25); and imposes a floor tax on existing inventory of cigarettes.
ARTICLE 5
RELATING TO CAPITAL DEVELOPMENT PROGRAM
This article submits to the voters of Rhode Island in November 2018, for their approval or rejection, three capital development referenda totaling $368,500,000. This consists of one five-year school construction referendum, one higher education referendum consisting of two projects, and one environmental and recreation referendum consisting of ten components. The proposition would authorize the issuance of bonds, refunding bonds, or temporary notes of the State for capital projects.

ARTICLE 6
RELATING TO LICENSING
This article is a modern economy omnibus package that includes amendments to existing legislation that simplify the process of doing business in Rhode Island and promote the modernization of the State’s economy through the: (1) elimination of unnecessary and duplicative licenses; (2) removal of small fees for filing complaints or business applications; (3) consolidation or elimination of fees for secondary business activities; (4) amendment of documentation requirements to enable the digital submission of application materials; (5) elimination of unnecessary notarization and oath requirements for business owners and professionals; and (6) alignment of various certification and permit renewal periods. Lastly, this article transfers oversight for nine licenses from the RI Department of Health to the Department of Business Regulation.

ARTICLE 7
RELATING TO FEES
This article makes adjustments to fees collected from companies that sell mutual funds and insurance claims adjustors to make Rhode Island more competitive. This article authorizes the State to continue its collection of the Hospital Licensing Fee for one additional fiscal year. Lastly, this article authorizes municipal police training school to collect tuition and fees and deposit funds into a newly created restricted receipt account for the purposes of supporting the operations of the training school.

ARTICLE 8
RELATING TO MOTOR VEHICLES
This article delays the requirement that the Division of Motor Vehicles (DMV) issue a new fully reflective license plate from January 1, 2019 to January 1, 2020 and merges the update fee and duplicate license fee into one category. This article also exempts the update and duplicate license fee from the transfer to the Highway Maintenance Fund to provide the DMV with additional resources to implement the federal requirements of REAL-ID. Finally, it changes the
percentage of the transfer to the Highway Maintenance Fund in FY 2018 from eighty percent to sixty percent.

**ARTICLE 9**

**RELATING TO SCHOOL CONSTRUCTION AND EDUCATION**

This article proposes to improve the condition of school buildings in Rhode Island consistent with the recommendations made by the Governor’s School Building Task Force. This article proposes to temporarily expand the incentives to the school housing aid ratio to encourage school construction projects that address health and safety deficiencies, provide educational and technological enhancements, and utilize school buildings efficiently. The expansion of the school construction program requires additional responsibilities and oversight by the school building authority and therefore, this proposal creates additional roles and responsibilities for the school building authority. To further support school construction projects, the financing for energy and environmental projects funded by the Rhode Island Infrastructure Bank are made eligible for state school housing aid reimbursement. To ensure that school building projects are conducted in an efficient and cost-effective manner, owners program managers and commissioning agents will be assigned to projects exceeding $1,500,000, and state certification of prime contractors will be required for projects exceeding $10,000,000. Finally, to ensure that school buildings are properly maintained into the future, the article requires the introduction of maintenance requirements and minimum facility standards for school buildings statewide.

**ARTICLE 10**

**RELATING TO MAKING REVISED APPROPRIATIONS IN SUPPORT OF FY 2018**

This article makes revised appropriations from general revenue and authorizes expenditure of federal funds, restricted receipts, and other funds for FY 2018. This article also provides that each line in Section 10 constitutes an appropriation; provides expenditures limits for internal service funds; identifies revised FTE position authorizations for each agency and department for fiscal year 2018; and provides for an effective date of “upon passage”.

**ARTICLE 11**

**RELATING TO WORKFORCE DEVELOPMENT**

This article amends Chapter 42-102 to codify the Real Jobs RI program into law – establishing a permanent presence for the administration’s sector driven workforce strategy. Amends Section 28-43-8 to establish additional funding for the Real Jobs RI program by adjusting the JDF assessment and Unemployment Insurance (UI) tax rates annually via formula to capture any interest earned by the UI Trust Fund. Amends Section 28-43-8.5 to sunset the Jobs Training Tax Credit program, which would eliminate duplicative incentives and align investments
with the administration’s priorities. Amends Section 42-102-11 to provide flexibility around the
administration of the Governor’s Workforce Board’s Work Immersion program. This article also
establishes a restricted receipt account for the misclassification task force and workplace fraud
unit.

ARTICLE 12
RELATING TO COMMERCE CORPORATION AND ECONOMIC DEVELOPMENT
This article authorizes new programs and funds intended to promote economic
development. Each program contains program integrity requirements to ensure proper use of
public funds. The article amends and extends existing programs to better promote economic
growth, manufacturing, and small business activity. The article also contains new reporting
requirements for the Commerce Corporation to provide information regarding the use and effect
of the disbursed tax credits/funds from incentive programs.

ARTICLE 13
RELATING TO MEDICAL ASSISTANCE
This article implements several changes to the organization, financing and delivery of the
Medicaid program that build on the foundation of the Reinventing Medicaid Act. Toward this
doctrine, the Article seeks to adjust provider payment levels and leverage funding opportunities to
ensure continued access to high quality, coordinated health care services and promote better
health outcomes through performance-based payment incentives and reforms.

ARTICLE 14
RELATING TO MEDICAID REFORM ACT OF 2008
This article establishes the legal authority for the Secretary of the Executive Office of
Health and Human Services to review and coordinate any Medicaid section 1115 demonstration
waiver requests and renewals, as well as any initiatives and proposals requiring amendments to
the Medicaid state plan or category II or III changes as described in the demonstration, 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 provided by
Rhode Island general and public laws and cost-effective consumer choice system of care that is
fiscally sound and sustainable”.

ARTICLE 15
RELATING TO CHILDREN AND FAMILIES
This article contains changes to the powers and duties of the Department of Children, Youth
and Families, the regulation of childcare facilities and the administration of the childcare assistance
program.
ARTICLE 16
RELATING TO DEBT MANAGEMENT

This article contains four sections that pertain to the issuance of revenue bonds by the Rhode Island Health and Educational Building (RIHEBC) as a conduit issuer on behalf of the University of Rhode Island. There are three RIHEBC debt-financed capital projects scheduled to begin in FY 2019 at the University, thus requiring legislative authorization pursuant to RIGL 35-18-1 et seq., the Rhode Island Public Corporation Debt Management Act.

ARTICLE 17
RELATING TO THE EDWARD O. HAWKINS AND THOMAS C. SLATER MEDICAL MARIJUANA ACT

This article expands the number of compassion centers from three to fifteen and restructures compassion center licenses to increase competition in the medical marijuana industry and increase patient access to regulated medical marijuana. It also creates a new commercial manufacturing license for the manufacturing and processing of medical marijuana products. The article consolidates the registration and oversight of caregivers and authorized purchasers under the department of business regulation, which already enforces regulations for the cultivation of medical marijuana and the use of marijuana plant tags.

ARTICLE 18
RELATING TO EFFECTIVE DATE

This article provides that the act shall take effect as of July 1, 2018, except as otherwise provided herein.