

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2002

—————
A N A C T

MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL
YEAR ENDING JUNE 30, 2003

Introduced By: Representatives Watson, and Quick

Date Introduced: February 13, 2002

Referred To: House Finance

It is enacted by the General Assembly as follows:

- | | | |
|----|------------|---|
| 1 | ARTICLE 1 | MAKING APPROPRIATIONS IN SUPPORT OF FY 2003 |
| 2 | ARTICLE 2 | RELATING TO REFUNDING BOND AUTHORITY |
| 3 | ARTICLE 3 | RELATING TO MOTOR VEHICLE AND TRAILER EXCISE TAX |
| 4 | | REDUCTION ACT OF 1998 |
| 5 | ARTICLE 4 | RELATING TO WORKERS' COMPENSATION |
| 6 | ARTICLE 5 | RELATING TO BORROWING IN ANTICIPATION OF RECEIPTS |
| 7 | | FROM TAXES |
| 8 | ARTICLE 6 | RELATING TO CAPITAL DEVELOPMENT PROGRAM |
| 9 | ARTICLE 7 | RELATING TO STATE AID |
| 10 | ARTICLE 8 | RELATING TO TOBACCO SETTLEMENT FINANCING |
| 11 | | CORPORATION ACT |
| 12 | ARTICLE 9 | RELATING TO TAXATION – PERSONAL INCOME TAX |
| 13 | ARTICLE 10 | RELATING TO REVISED APPROPRIATIONS IN SUPPORT OF FY |
| 14 | | 2002 |
| 15 | ARTICLE 11 | RELATING TO COMPENSATION OF BOARD MEMBERS |
| 16 | ARTICLE 12 | RELATING TO OIL SPILL RESPONSE FUND |
| 17 | ARTICLE 13 | RELATING TO FEES |

1 ARTICLE 14 RELATING TO PUBLIC SAFETY
2 ARTICLE 15 RELATING TO LABOR AND LABOR RELATIONS
3 ARTICLE 16 RELATING TO TAXATION
4 ARTICLE 17 RELATING TO SINKING FUND
5 ARTICLE 18 RELATING TO EDUCATION AID
6 ARTICLE 19 RELATING TO GENERAL PUBLIC ASSISTANCE
7 ARTICLE 20 RELATING TO VIDEO LOTTERY TERMINALS-DIVISION OF
8 REVENUE
9 ARTICLE 21 RELATING TO HOSPITAL UNCOMPENSATED CARE
10 ARTICLE 22 RELATING TO CHILD CARE – STATE SUBSIDIES
11 ARTICLE 23 RELATING TO CHILD CARE ELIGIBILITY
12 ARTICLE 24 RELATING TO MEDICAL ASSISTANCE AND HUMAN SERVICES
13 ARTICLE 25 RELATING TO FAMILY INDEPENDENCE ACT
14 ARTICLE 26 RELATING TO FOOD STAMP PROGRAM
15 ARTICLE 27 RELATING TO MEDICAL ASSISTANCE
16 ARTICLE 28 JOINT RESOLUTION APPROVING FINANCING OF NEW PARKING
17 FACILITIES AND ACCESS CONTROL SYSTEMS AT URI
18 ARTICLE 29 RELATING TO MOTOR FUEL TAX
19 ARTICLE 30 RELATING TO DEPARTMENT OF ENVIRONMENT
20 ARTICLE 31 JOINT RESOLUTION RELATING TO PURCHASES OF STATE
21 VEHICLES
22 ARTICLE 32 RELATING TO MEDICAL ASSISTANCE FOR FAMILIES
23 ARTICLE 33 RELATING TO MEDICAL ASSISTANCE – HOSPITAL
24 SETTLEMENTS
25 ARTICLE 34 RELATING TO HEALTH CARE FACILITIES
26 ARTICLE 35 RELATING TO SUPPLEMENTAL SECURITY INCOME
27 ARTICLE 36 RELATING TO LABOR AND LABOR RELATIONS -- EMPLOYMENT
28 SECURITY
29 ARTICLE 37 RELATING TO PHARMACEUTICAL ASSISTANCE TO THE
30 ELDERLY ACT
31 ARTICLE 38 RELATING TO ZERO BASE BUDGET REVIEW
32 ARTICLE 39 RELATING TO RETIREMENT HEALTH BENEFITS
33 ARTICLE 40 RELATING TO EFFECTIVE DATE

1 **ARTICLE 1**

2 RELATING TO MAKING APPROPRIATIONS IN SUPPORT OF FY 2003

3 SECTION 1. Subject to the conditions, limitations and restrictions hereinafter
4 contained in this act, the following general revenue amounts are hereby appropriated out
5 of any money in the treasury not otherwise appropriated to be expended during the fiscal
6 year ending June 30, 2003. The amounts identified for federal funds and restricted
7 receipts shall be made available pursuant to Section 35-4-22 and Chapter 41 of Title 42
8 of the Rhode Island General Laws. For the purposes and functions hereinafter
9 mentioned, the state controller is hereby authorized and directed to draw his or her orders
10 upon the general treasurer for the payment of such sums or such portions thereof as may
11 be required from time to time upon receipt by him or her of properly authenticated
12 vouchers.

13 **Administration**

14	General Revenues	358,409,664
15	Provided personnel and other state operations do not exceed 94,684,866	
16	Federal Funds	36,113,316
17	Restricted Receipts	7,888,475
18	Other Funds	
19	Motor Fuel Tax Evasion Program	8,852
20	Temporary Disability Insurance	613,365
21	Other Funds Registration Denial Program	651
22	Other Funds Lighting Conservation	661,278
23	Other Funds	
24	Federal Highway - PL Systems Planning	1,060,711
25	Federal Highway - T2 Systems Planning	127,550
26	Air Quality Modeling	20,283
27	Other Funds	
28	RICAP – Ladd Center - Infrastructure	500,000
29	RICAP - State House Terrace/South Stairs	715,037
30	RICAP - Chapin Health Laboratory	175,360

1	RICAP - Cranston Street Armory	250,000
2	RICAP - Cannon Building	75,000
3	RICAP – Facility Renovations – Handicapped Access	250,000
4	RICAP - Old State House	50,000
5	RICAP - State Office Building	150,000
6	RICAP - Veterans Office Building	200,000
7	RICAP - Old Colony House	98,000
8	RICAP - Court Buildings – HVAC	250,000
9	RICAP - Washington County Government Center	125,000
10	RICAP – State House Renovations Phase I	100,000
11	RICAP - State House Renovations – Phase II	125,000
12	RICAP - Board of Elections Building	25,000
13	RICAP - Environmental Compliance	750,000
14	RICAP - Fox Point Hurricane Barrier	50,000
15	<i>Debt Service Payments</i>	
16	RICAP - MHRH – Com. Services	7,966,255
17	RICAP - MHRH - Comm. Mental Health	2,769,498
18	RICAP - DEM – Narragansett Bay Commission	5,066,552
19	RICAP - DEM – Clean Water Finance Agency	4,364,496
20	RICAP - DEM – Wastewater Treatment	4,368,952
21	RIPTA Debt Service	920,703
22	Transportation Debt Service	41,265,753
23	DOA – Third Rail Project – Quonset Point	764,247
24	RIRBA - DLT – Temporary Disability Insurance	60,222
25	COPS - DLT Building – Other	383,041
26	COPS - Center General – Furniture – TDI	1,993
27	COPS - Pastore Center Telecommunications – TDI	18,971
28	Debt - URI Education and General	963,451
29	Debt - URI Housing Loan Funds	1,845,923
30	Debt - URI Dining Services	265,179
31	Debt - URI Health Services	125,409

1	Debt - W. Alton Jones Services	111,050
2	Debt - URI Memorial Union	97,648
3	Debt - URI Sponsored Research (Indirect Cost)	101,347
4	Debt - RIC Education and General	296,614
5	Debt - RIC Housing	568,390
6	Debt - RIC Student Center and Dining	177,951
7	Debt - RIC Student Union	254,765
8	Debt - CCRI Bookstore	177,092
9	Grand Total - Administration	480,228,044
10	Business Regulation	
11	General Revenues	8,540,940
12	Provided personnel and other state operations do not exceed 8,538,340	
13	Restricted Receipts	592,165
14	Grand Total - Business Regulation	9,133,105
15	Labor and Training	
16	General Revenues	6,655,451
17	Provided personnel and other state operations do not exceed 4,560,706	
18	Federal Funds	37,147,421
19	Restricted Receipts	25,491,788
20	Other Funds	345,615,094
21	Grand Total - Labor and Training	414,909,754
22	Legislature	
23	General Revenues	26,055,589
24	Restricted Receipts	809,639
25	Grand Total - Legislature	26,865,228
26	Lieutenant Governor General Revenues	805,721
27	State	
28	General Revenues	5,914,768
29	Provided personnel and other state operations do not exceed 5,478,518	
30	Restricted Receipts	198,068
31	Grand Total - State	6,112,836
32	General Treasurer	

1	Other Funds	10,086,887
2	General Revenues	3,517,360
3	Provided personnel and other state operations do not exceed 3,017,360	
4	Federal Funds	1,568,190
5	Restricted Receipts	10,808,677
6	Grand Total - General Treasurer	25,981,114
7	Boards for Design Professionals General Revenues	378,802
8	Board of Elections General Revenues	5,396,412
9	Provided personnel and other state operations do not exceed 2,186,025	
10	Rhode Island Ethics Commissions General Revenues	826,278
11	Office of Governor General Revenues	5,577,251
12	Public Utilities Commission	
13	General Revenues	705,611
14	Provided personnel and other state operations do not exceed 703,901	
15	Federal Funds	66,610
16	Restricted Receipts	4,873,650
17	Grand Total - Public Utilities Commission	5,645,871
18	Rhode Island Commission on Women General Revenues	143,489
19	Provided personnel and other state operations do not exceed 141,489	
20	Children, Youth, and Families	
21	General Revenues	139,524,937
22	Provided personnel and other state operations do not exceed 55,867,215	
23	Federal Funds	92,374,230
24	Restricted Receipts	1,460,000
25	Grand Total - Children, Youth, and Families	233,359,167
26	Elderly Affairs	
27	Other Funds Intermodal Surface Transportation Fund	4,700,000
28	General Revenues	26,832,885
29	Provided personnel and other state operations do not exceed 3,507,819	
30	Federal Funds	9,178,863
31	Grand Total - Elderly Affairs	40,711,748
32	Health	

1	Other Funds	211,528
2	General Revenues	33,296,898
3	Provided personnel and other state operations do not exceed 26,577,620	
4	Federal Funds	55,916,057
5	Restricted Receipts	8,166,324
6	Grand Total - Health	97,590,807
7	Human Services	
8	General Revenues	604,208,094
9	Provided personnel and other state operations do not exceed 49,817,331	
10	Federal Funds	778,487,703
11	Restricted Receipts	4,046,732
12	Other Funds	
13	RICAP – Veteran’s Home Roof	140,000
14	RICAP – Forand Building Exterior Repairs	150,000
15	Grand Total - Human Services	1,387,032,529
16	Mental Health, Retardation, and Hospitals	
17	General Revenues	218,541,514
18	Provided personnel and other state operations do not exceed 99,815,787	
19	Federal Funds	220,111,734
20	Restricted Receipts	65,000
21	Other Funds	
22	RICAP - Utilities Upgrade	200,000
23	RICAP – Central Power Plant Rehabilitation	650,000
24	RICAP – Medical Center Rehabilitation	400,000
25	RICAP – Asset Protection	100,000
26	Grand Total - Mental Health, Retardation, and Hospitals	440,068,248
27	Office of the Child Advocate	
28	General Revenues	494,552
29	Federal Funds	359,190
30	Grand Total - Child Advocate	853,742
31	Commission on the Deaf and Hard of Hearing General Revenues	261,397
32	RI Developmental Disabilities Council Federal Funds	421,433

1	Governor's Commission on Disabilities	
2	General Revenues	320,739
3	Federal Funds	31,642
4	Restricted Receipts	70,578
5	Grand Total - Governor's Commission on Disabilities	422,959
6	Commission for Human Rights	
7	General Revenues	769,603
8	Federal Funds	408,828
9	Grand Total - Commission for Human Rights	1,178,431
10	Mental Health Advocate General Revenues	296,859
11	Elementary and Secondary Education	
12	General Revenues	736,373,003
13	Provided personnel and other state operations do not exceed 26,871,901	
14	Federal Funds	134,020,140
15	Restricted Receipts	1,254,196
16	Other Funds RICAP - School for the Deaf - Physical Education Fac.	262,666
17	RICAP – Davies Roof Repair	225,000
18	RICAP – East Providence Vocational HVAC	50,000
19	RICAP - State-owned Schools - Fire Alarm Systems	50,000
20	Grand Total - Elementary and Secondary Education	872,235,005
21	Board of Governors	
22	General Revenues	169,528,085
23	Provided personnel and other state operations do not exceed 155,513,273	
24	Federal Funds	2,362,281
25	Other Funds	
26	University and College Funds	371,473,291
27	RICAP - Asset Protection/Roofs	7,486,653
28	RICAP - Athletic Complex	3,200,000
29	RICAP – Alger Hall	1,825,442
30	RICAP – DCYF Facilities	1,600,000
31	RICAP – Green Hall	1,000,000
32	RICAP – Biological Science Center	200,000

1	Grand Total - Board of Governors	558,675,752
2	RI State Council on the Arts	
3	General Revenues	2,300,377
4	Provided personnel and other state operations do not exceed 363,454	
5	Federal Funds	616,021
6	Restricted Receipts	200,000
7	Grand Total - RI State Council on the Arts	3,116,398
8	RI Atomic Energy Commission	
9	Other Funds URI Sponsored Research	144,876
10	General Revenues	639,681
11	Provided personnel and other state operations do not exceed 639,681	
12	Federal Funds	825,947
13	Grand Total - RI Atomic Energy Commission	1,610,504
14	RI Higher Education Assistance Authority	
15	General Revenues	6,017,046
16	Provided personnel and other state operations do not exceed 859,973	
17	Federal Funds	7,231,142
18	Other Funds	2,802,165
19	Grand Total - Higher Education Assistance Authority	16,050,353
20	RI Historical Preservation and Heritage Commission	
21	General Revenues	879,201
22	Federal Funds	534,534
23	Restricted Receipts	336,464
24	Grand Total - RI Historical Pres. and Heritage Comm.	1,750,199
25	RI Public Telecommunications Authority	
26	Other Funds Corporation for Public Broadcasting	707,325
27	RICAP – Digital Television	2,100,000
28	General Revenues	1,225,383
29	Federal Funds	350,000
30	Grand Total - Public Telecommunications Authority	4,382,708
31	Attorney General	
32	General Revenues	15,418,056

1	Provided personnel and other state operations do not exceed 15,840,863	
2	Federal Funds	1,648,271
3	Restricted Receipts	631,440
4	Grand Total - Attorney General	17,697,767
5	Corrections	
6	General Revenues	129,306,513
7	Provided personnel and other state operations do not exceed 127,111,807	
8	Federal Funds	10,593,276
9	Restricted Receipts	5,454,124
10	Other Funds	
11	RICAP - Fire Code Safety Improvements	300,000
12	RICAP - Window Replacement – Women’s	380,000
13	RICAP - General Renovations - Maximum	373,300
14	RICAP - Women’s Bath Renovations	160,000
15	RICAP – Security Cameras	200,000
16	RICAP – Reintegration Center State Match	353,892
17	RICAP – General Renovations – Women’s	300,000
18	Grand Total - Corrections	147,421,105
19	Judiciary	
20	Other Funds	
21	RICAP – Murray Judicial Complex	165,000
22	RICAP – Fogarty Interior/Exterior	60,000
23	General Revenues	63,236,417
24	Provided personnel and other state operations do not exceed 59,093,321	
25	Federal Funds	2,821,148
26	Restricted Receipts	6,744,032
27	Grand Total - Judiciary	73,026,597
28	Military Staff	
29	Other Funds	
30	RICAP - Bristol Armory Rehabilitation	200,000
31	RICAP – Benefit St. Arsenal Rehabilitation	192,610
32	RICAP - Schofield Armory Rehabilitation	147,500

1	RICAP – Warren Armory	146,000
2	RICAP –North Smithfield	5,000
3	General Revenue	2,208,677
4	Provided personnel and other state operations do not exceed 2,096,895	
5	Federal Funds	14,008,196
6	Restricted Receipts	122,629
7	Grand Total - Military Staff	17,030,612
8	E-911 Emergency Telephone System	
9	General Revenues	3,862,646
10	Fire Safety Code Board of Appeal and Review General Revenues	225,329
11	State Fire Marshal	
12	General Revenues	1,464,538
13	Provided personnel and other state operations do not exceed 1,463,164	
14	Federal Funds	101,172
15	Grand Total - State Fire Marshal	1,565,710
16	Commission on Judicial Tenure and Discipline General Revenues	109,235
17	Rhode Island Justice Commission	
18	General Revenues	171,791
19	Provided personnel and other state operations do not exceed 121,791	
20	Federal Funds	5,036,985
21	Restricted Receipts	90,000
22	Grand Total - Rhode Island Justice Commission	5,298,776
23	Municipal Police Training Academy General Revenues	351,227
24	State Police	
25	Other Funds	
26	RICAP – Barracks and Training Headquarters	100,000
27	RICAP – Headquarters Repair/Renovation	125,938
28	Traffic Enforcement - Municipal Training	165,800
29	Lottery Commission Assistance	112,141
30	Road Construction Reimbursement	2,174,710
31	General Revenues	37,835,321
32	Provided personnel and other state operations do not exceed 25,464,183	

1	Federal Funds	2,780,493
2	Restricted Receipts	147,000
3	Grand Total - State Police	43,492,403
4	Office of Public Defender	
5	General Revenues	5,845,107
6	Federal Funds	356,414
7	Grand Total - Office of Public Defender	6,201,521
8	Environmental Management	
9	Other Funds	
10	DOT Recreational Projects	25,637
11	Blackstone Bikepath Design	1,303,060
12	RICAP - Dam Repair	250,000
13	RICAP – Fort Adams Rehabilitation	250,000
14	RICAP - Galilee Piers	122,000
15	General Revenues	32,443,222
16	Provided personnel and other state operations do not exceed	30,306,270
17	Federal Funds	24,192,255
18	Restricted Receipts	14,300,448
19	Grand Total - Environmental Management	72,886,622
20	Coastal Resources Management Council	
21	Other Funds	
22	RICAP - South Coast Restoration Project	145,000
23	RICAP – Allins Cove	172,000
24	General Revenues	1,298,839
25	Federal Funds	1,190,845
26	Grand Total - Coastal Resources Management Council	2,806,684
27	State Water Resources Board	
28	Other Funds	
29	RICAP - Big River Management Area	80,000
30	RICAP – Water Allocation Plan	175,000
31	General Revenues	991,036
32	Provided personnel and other state operations do not exceed	942,574

1	Federal Funds	500,000
2	Restricted Receipts	753,709
3	Grand Total - State Water Resources Board	2,499,745
4	Transportation	
5	<i>Central Management</i>	
6	Other Funds Gasoline Tax	3,149,891
7	Federal Funds	4,325,865
8	Total - Central Management	7,475,756
9	<i>Management and Budget</i>	
10	Other Funds Gasoline Tax	1,956,849
11	<i>Infrastructure - Maintenance</i>	
12	Other Funds Infrastructure – Maintenance - Gasoline Tax	39,614,964
13	<i>Infrastructure Engineering</i>	
14	Other Funds	
15	Gasoline Tax	39,315,704
16	RICAP – RIPTA Land and Buildings	1,715,000
17	Land Sale Revenue	8,002,940
18	State Infrastructure Bank	1,000,000
19	Federal Funds	188,453,292
20	Restricted Receipts	42,506,000
21	Total - Infrastructure Engineering	280,992,936
22	Grand Total - Transportation	330,040,505
23	Statewide Totals	
24	General Revenues	2,659,205,544
25	Federal Funds	1,634,133,494
26	Restricted Receipts	137,011,138
27	Other Funds	937,688,452
28	Statewide Grand Total	5,368,038,628

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

31 SECTION 3. Upon the transfer of any function of a department or agency to
32 another department or agency, the governor is hereby authorized by means of executive

1 order to transfer or reallocate, in whole or in part, the appropriations and the full-time
2 equivalent limits affected thereby.

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

13 SECTION 5. The reimbursement of any state department or agency for the cost
14 of work or services performed for any other department or agency is hereby authorized,
15 subject to regulations promulgated by the Director of Administration.

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

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

27 SECTION 7. Appropriation of Temporary Disability Insurance Funds -- There is
28 hereby appropriated pursuant to Sections 28-39-5 and 28-39-8 of the Rhode Island
29 General Laws all funds required to be disbursed for the benefit payments from the
30 Temporary Disability Insurance Fund and Temporary Disability Insurance Reserve Fund
31 for the fiscal year ending June 30, 2003.

1 SECTION 8. Appropriation of Employment Security Funds -- There is hereby
2 appropriated pursuant to Section 28-42-19 of the Rhode Island General Laws all funds
3 required to be disbursed for benefit payments from the Employment Security Fund for
4 the fiscal year ending June 30, 2003.

5 SECTION 9. Appropriation of University and College Funds -- There is hereby
6 appropriated pursuant to section 16-59-9 of the Rhode Island General Laws relating to
7 the appropriation of funds by the General Assembly for Higher Education, and Section
8 16-59-18 of the General Laws relating to receipts from sources other than appropriations,
9 any funds received by the Board of Governors for Higher Education for the fiscal year
10 ending June 30, 2003 payable out of the University and College Funds.

11 SECTION 10. Notwithstanding any provisions of Chapter 19 in Title 23 of the
12 Rhode Island General Laws, the Resource Recovery Corporation shall transfer to the
13 State Controller the sum of six million dollars (\$6,000,000) on June 30, 2003.

14 SECTION 11. Departments and agencies listed below may not exceed the number
15 of full-time equivalent (FTE) positions shown below in any pay period, nor may the total
16 number of full-time equivalent (FTE) positions in any pay period for the agencies and
17 departments within the executive branch of government exceed 14,715.1 full-time
18 equivalent positions. Full-time equivalent positions do not include seasonal or
19 intermittent positions whose scheduled period of employment does not exceed twenty-six
20 consecutive weeks or whose scheduled hours do not exceed nine hundred and twenty-five
21 (925) hours, excluding overtime, in a one-year period. Nor do they include individuals
22 engaged in training, the completion of which is a prerequisite of employment.

23 Provided, however, that the Governor, Speaker of the House of Representatives,
24 and the Majority Leader of the Senate may authorize an adjustment to any limitation.
25 Prior to the authorization, the State Budget Officer shall make a detailed written
26 recommendation to the Governor, the Speaker of the House, and the Senate Majority
27 Leader. A copy of the recommendation and authorization to adjust shall be transmitted to
28 the chairman of the House Finance Committee, Senate Finance Committee, the House
29 Fiscal Advisor and the Senate Fiscal Advisor.

30 FTE POSITION AUTHORIZATION
31 Departments and Agencies Full-Time Equivalent

1	Administration	1,312.4
2	Business Regulation	104.5
3	Labor and Training	548.4
4	Legislature	280.0
5	Lieutenant Governor General	10.0
6	Secretary of State	59.0
7	General Treasurer	84.5
8	Boards for Design Professionals	4.0
9	Board of Elections	20.2
10	Rhode Island Ethics Commission	9.5
11	Office of the Governor	47.1
12	Public Utilities Commission	43.5
13	Rhode Island Commission on Women	2.0
14	Children, Youth, and Families	855.5
15	Elderly Affairs	57.6
16	Health	470.0
17	Human Services	1,105.8
18	Mental Health, Retardation, and Hospitals	2,102.9
19	Office of the Child Advocate	12.5
20	Commission on the Deaf and Hard of Hearing	2.0
21	RI Developmental Disabilities Council	2.5
22	Governor's Commission on Disabilities	4.6
23	Commission for Human Rights	17.0
24	Office of the Mental Health Advocate	3.7
25	Elementary and Secondary Education	336.0
26	Higher Education - Board of Governors	3,983.6
27	Rhode Island Council on the Arts	6.0
28	RI Atomic Energy Commission	8.6
29	Higher Education Assistance Authority	46.1
30	Historical Preservation and Heritage Commission	17.6
31	Public Telecommunications Authority	22.0

1	Attorney General	225.0
2	Corrections	1,515.7
3	Judicial	716.7
4	Military Staff	92.5
5	E-911 Emergency Telephone System	47.8
6	Fire Safety Code Bd. of Appeal and Review	3.0
7	RI State Fire Marshal	21.3
8	Commission on Judicial Tenure and Discipline	1.0
9	Rhode Island Justice Commission	9.0
10	Municipal Police Training Academy	4.0
11	State Police	264.0
12	Office of the Public Defender	83.4
13	Environmental Management	568.1
14	Coastal Resources Management Council	28.0
15	Water Resources Board	9.0
16	Transportation	842.5
17	Total	<u>15,711.8</u>

18 SECTION 12. The amounts reflected in this Article include the appropriation of
19 Rhode Island Capital Plan funds for fiscal year 2003 and supersede appropriations
20 provided for FY 2003 within Section 13 of Article 1 of Chapter 77 of the P.L. of 2001.

21 The following amounts are hereby appropriated out of any money in the State's
22 Rhode Island Capital Plan Fund not otherwise appropriated to be expended during the
23 fiscal years ending June 30, 2004, June 30, 2005, June 30, 2006, and June 30, 2007.
24 These amounts supersede appropriations provided within Section 13 of Article 1 of
25 Chapter 77 of the P.L. of 2001. For the purposes and functions hereinafter mentioned,
26 the State Controller is hereby authorized and directed to draw his or her orders upon the
27 General Treasurer for the payment of such sums and such portions thereof as may be
28 required by him or her upon receipt of properly authenticated vouchers.

29		Fiscal Year Ending	Fiscal Year Ending	Fiscal Year Ending	Fiscal	Year
30	Ending					
31	<u>Project</u>	<u>June 30, 2004</u>	<u>June 30, 2005</u>	<u>June 30, 2006</u>	<u>June 30, 2007</u>	
32						
33	State House Renovations					
34	Phase II		300,000	300,000	300,000	-
35						

1	Chapin Health Laboratory	250,000	250,000	250,000	-	-
2						
3	Cannon Building	377,000	150,000	-	-	-
4						
5	Cranston Street Armory	1,000,000	1,500,000	926,242	-	-
6						
7	Washington County					
8	Government Center	368,000	315,000	-	-	-
9						
10	Legislative Office Building	4,000,000	4,000,000	4,000,000	3,000,000	
11						
12	RIC DCYF Facilities and Master					
13	Plan Improvements	1,795,047	-	-	-	-
14						
15	URI Residence Halls					
16	Modernization/Renovation	-	9,000,000	8,000,000	3,000,000	
17						
18	URI Alger Hall	1,164,558	-	-	-	-
19						
20	Reintegration Center	253,247	-	-	-	-
21						
22	Women's Facility Plumbing/ Bathroom Renovations	561,000	182,000	-	-	-
23						
24						
25	Murray Judicial Complex	198,000	-	-	-	-
26						
27	Fogarty Annex	67,500	-	-	-	-
28						
29	Bristol Armory	100,000	-	-	-	-
30						
31	Benefit Street Arsenal	245,396	-	-	-	-
32						
33	Schofield Armory Exterior	147,500	25,000	-	-	-
34						
35	Warren Armory	175,000	-	-	-	-
36						
37	Galilee Piers	2,000,000	1,000,000	1,000,000	1,000,000	
38						
39	Dam Repair	1,725,000	1,650,000	2,200,000	850,000	
40						
41	Boyd's Marsh Habitat					
42	Restoration	330,000	100,000	-	-	-
43						
44	South Coast Restoration					
45	Project	968,267	932,267	932,267	-	-
46						
47	RIPTA Land and					
48	Buildings	1,145,000	-	-	-	-
49						
50						

51 SECTION 13. Reappropriation of Funding for Rhode Island Capital Plan Fund

52 Projects. - Any unexpended funds from Rhode Island Capital Plan Fund project
53 appropriations shall be reappropriated in the ensuing fiscal year and made available for
54 the same purpose.

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

56 **ARTICLE 2**

57 RELATING TO REFUNDING BOND AUTHORITY

1 SECTION 1. The amounts appropriated within Section 1 of Article 1 of this act
2 shall include six hundred ninety-six thousand one hundred fifty dollars (\$696,150)
3 allocable to the payment of debt service on bonds of the Rhode Island Refunding Bond
4 Authority issued pursuant to Chapter 35-8.1 of the general laws.

5 SECTION 2. Certain bond proceeds of the Rhode Island Refunding Bond
6 Authority have been used to refund bonds issued pursuant to Chapter 46-25 of the general
7 laws for the Narragansett Bay Water Quality Management District Commission. To the
8 extent that funds of said Commission are not sufficient to pay debt service of sixteen
9 thousand sixty-five dollars (\$16,065) on the bonds of the Rhode Island Refunding Bond
10 Authority coming due during the fiscal year ending June 30, 2003 and allocable to this
11 Commission, there is hereby appropriated from funds in the treasury not otherwise
12 appropriated an amount sufficient for payment of said debt service.

13 SECTION 3. This article shall take effect on July 1, 2002.

14 ARTICLE 3

15 RELATING TO MOTOR VEHICLE AND TRAILER EXCISE TAX REDUCTION ACT OF
16 1998

17 SECTION 1. Sections 44-34.1-1 and 44-34.1-2 of the General Laws in Chapter
18 33-34.1 entitled "Motor Vehicle and Trailer Excise Tax ~~Elimination~~ Reduction Act of
19 1998" are hereby amended to read as follows:

20 **44-34.1-1 Excise tax phase-out. Excise tax reduction.** -- (a) Notwithstanding the
21 provisions of chapter 34 of this title or any other provisions to the contrary, the motor vehicle and
22 trailer excise tax established by § 44-34-1 shall be ~~phased out by~~ reduced as provided within the
23 ~~fiscal year 2007.~~ The ~~phase-out~~ reduction applies to all motor vehicles and trailers, including
24 leased vehicles.

25 (2) Lessors of vehicles that pay excise taxes directly to municipalities shall provide
26 lessees, at the time of entering into the lease agreement, an estimate of annual excise taxes
27 payable throughout the term of the lease. In the event the actual excise tax is less than the
28 estimated excise tax, the lessor shall rebate annually to the lessee the difference between the
29 actual excise tax and the estimated excise tax.

1 (b) Pursuant to the provisions of this section, all motor vehicles are assessed a value by
 2 the vehicle value commission. That value is assessed according to the provisions of § 44-34-
 3 11(c)(1) and in accordance with the terms as defined in subsection (d) of this section, provided,
 4 however, that the maximum taxable value percentage applicable to model year values as of
 5 December 31, 1997, continue to be applicable in future year valuations aged by one year in each
 6 succeeding year.

7 (c) The motor vehicle excise tax ~~phase-out~~ reduction commences with the excise tax bills
 8 mailed to taxpayers for the fiscal year 2000. The tax assessors of the various cities and towns and
 9 fire districts shall reduce the average retail value of each vehicle assessed by using the prorated
 10 exemptions from the following table:

11 Local Fiscal Year Exempt from value	<u>Local Exemption</u>	<u>State fiscal year</u>
		<u>Reimbursement</u>
12 fiscal year 1999	0	<u>\$1,500</u>
13 fiscal year 2000	\$1,500	<u>\$2,500</u>
14 fiscal year 2001	\$2,500	<u>\$3,500</u>
15 fiscal year 2002	\$3,500	<u>\$4,500</u>
16 fiscal year 2003 <u>and each succeeding year</u>	\$5,000 <u>\$4,500</u>	<u>\$4,500</u>
17 fiscal year 2004-	\$6,900	
18 fiscal year 2005-	\$9,400	
19 fiscal year 2006-	\$13,000	
20 fiscal year 2007-	All vehicles	

21 (2) The excise tax ~~phase-out~~ reduction provides ~~increased levels of~~ assessed value
 22 reductions, ~~until the tax is eliminated.~~

23 (3) Current exemptions remain in effect ~~throughout the phase-out period.~~ as set forth
 24 within.

25 (4) The excise tax rates and ratios of assessment shall not be greater than fiscal year 1998
 26 levels for each city, town, and fire district, provided, however, in the town of Johnston the excise
 27 tax rate and ratios of assessment shall not be greater than fiscal year 1999 levels and in no event
 28 shall the final taxable value of a vehicle be higher than assessed in the prior fiscal year, and the
 29 levy of a city, town, or fire district shall be limited to the lesser of the maximum taxable value or
 30 net assessed value for purposes of collecting the tax in any given year.

31 (d) Definitions.

32 (1) "Maximum taxable value" means the value of vehicles as prescribed by § 44-34-11
 33 reduced by the percentage of assessed value applicable to model year values as determined by the
 34 Rhode Island vehicle value commission as of December 31, 1997, for the vehicles valued by the
 35

1 commission as of December 31, 1997. For all vehicle value types not valued by the Rhode Island
2 vehicle value commission as of December 31, 1997, the maximum taxable value shall be the
3 latest value determined by a local assessor from an appropriate pricing guide, multiplied by the
4 ratio of assessment used by that city, town, or fire district for a particular model year as of
5 December 31, 1997.

6 (2) "Net assessed value" means the motor vehicle values as determined in accordance
7 with § 44-34-11 less all personal exemptions allowed by cities, towns, fire districts, and the state
8 of Rhode Island exemption value as provided for in § 44-34.1-1(c)(1).

9 **44-34.1-2. City and town and fire district reimbursement.** -- (a) During the vehicle
10 excise tax ~~phase-out reduction in fiscal years 2000 through 2007 as set forth within,~~ cities and
11 towns and fire districts shall receive ~~advance~~ reimbursements from state general revenues equal
12 to the amount of lost tax revenue due to the ~~phase-out reduction~~ of the excise tax. Cities and
13 towns and fire districts shall receive advance reimbursements through state fiscal year 2002.
14 ~~Upon elimination of the tax and beginning in fiscal year 2007, cities and towns and fire districts~~
15 ~~shall receive a permanent distribution of sales tax revenue pursuant to section 44-18-18 in an~~
16 ~~amount equal to any lost revenue resulting from the excise tax elimination. Lost revenues must be~~
17 ~~determined using a base tax rate fixed at fiscal year 1998 levels for each city, town, and fire~~
18 ~~district except that the Town of Johnston's base tax rate must be fixed at a fiscal year 1999 level.~~

19 (b) (1) The director of administration shall determine the amount of general revenues to
20 be distributed to each city and town and fire district for ~~the each~~ fiscal years ~~1999 through 2006~~
21 so that every city and town and fire district is held harmless from tax loss resulting from this
22 chapter, assuming that tax rates are indexed to inflation.

23 (2) The director of administration shall index the tax rates for inflation by applying the
24 annual change in the December consumer price index -- all urban consumers (CPI-U), published
25 by the bureau of labor statistics of the United States department of labor, to the indexed tax rate
26 used for the prior fiscal year calculation. The director shall apply the following principles in
27 determining reimbursements:

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

31 (ii) City, town, and fire districts shall be reimbursed by the state for revenue losses
32 attributable to the exemptions provided for in section 44-34.1-1 and the inflation indexing of tax
33 rates; provided, however, that reimbursement for revenue losses shall be calculated based upon
34 the difference between the maximum taxable value less personal exemptions and the net assessed

1 value.

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

3 (A) The levy calculated at the tax rate used by each city and town and fire district for
4 fiscal year 1998 after adjustments for personal exemptions but prior to adjustments for
5 exemptions contained in section 44-34.1-1(c)(1); provided, however, that for the Town of
6 Johnston the tax rate used for fiscal year 1999 must be used for the calculation; and

7 (B) The levy calculated by applying the appropriate cumulative inflation adjustment to
8 the tax rate used by each city and town and fire district for fiscal year 1998; provided, however,
9 that for the Town of Johnston the tax rate used for fiscal year 1999 shall be used for the
10 calculation after adjustments for personal exemptions but prior to adjustments for exemptions
11 contained in section 44-34.1-1.

12 (c) (1) Funds shall be distributed to the cities and towns and fire districts as follows:

13 (i) On October 20, 1998, and each October 20 thereafter through October 20, ~~2005-2001~~,
14 twenty-five percent (25%) of the amount calculated by the director of administration to be the
15 difference for the upcoming fiscal year.

16 (ii) On February 20, 1999, and each February 20 thereafter through February 20, ~~2006~~
17 2002, twenty-five percent (25%) of the amount calculated by the director of administration to be
18 the difference for the upcoming fiscal year.

19 (iii) On June 20, 1999, and each June 20 thereafter through June 20, ~~2006~~ 2002, fifty
20 percent (50%) of the amount calculated by the director of administration to be the difference for
21 the upcoming fiscal year.

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

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

26 (vi) On February 1, 2003, twenty-five percent (25%) of the amount calculated by the
27 director of administration to be the difference for the current fiscal year.

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

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

32 (2) Each city, town, or fire district shall submit final certified and reconciled motor
33 vehicle levy information by August 30 of each year. Any adjustment to the estimated amounts
34 paid in the previous fiscal year shall be included or deducted from the payment due ~~October 20~~

1 November 1.

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

6 (4) For the city of East Providence, the payment schedule is twenty-five percent (25%)
7 on February 20, 1999 and each February 20th thereafter through February 20, 2002, twenty-five
8 percent (25%) on June 20, 1999 and each June 20th thereafter through June 20, 2002, which
9 includes final reconciliation of the previous year's payment, and fifty percent (50%) on October
10 20, 1999 and each October 20th thereafter through October 20, 2002. For local fiscal year 2003,
11 the payment schedule is twenty-five percent (25%) on November 1, 2002, twenty-five percent
12 (25%) on February 1, 2003, twenty-five percent (25%) on May 1, 2003, which includes final
13 reconciliation of the previous year's payment, and twenty-five percent (25%) on August 1, 2003.

14 ~~(5) Funds distributed to the cities, towns, and fire districts for fiscal year 2007 shall be~~
15 ~~calculated as the funds distributed in fiscal year 2006 adjusted by the change in the consumer~~
16 ~~price index — all urban consumers (CPI-U) published by the bureau of labor statistics of the~~
17 ~~United States department of labor from June 2005 to June 2006. Twenty five percent (25%) of~~
18 ~~the amounts calculated shall be distributed to the cities and towns and fire districts on October 20,~~
19 ~~2006, twenty five percent (25%) on February 20, 2007 and fifty percent (50%) on June 20, 2007~~
20 ~~The funds shall be distributed to each city and town and fire district in the same proportion as~~
21 ~~distributed in fiscal year 2006.~~

22 ~~(6) Prior to October 20, 2007, the director of administration shall calculate to the nearest~~
23 ~~tenth of one cent (0.1/c) the number of cents of sales tax received for the fiscal year ending June~~
24 ~~30, 2006, equal to the amount of funds distributed to the cities, towns, and fire districts under this~~
25 ~~chapter during fiscal year 2007, and the percent of the total funds distributed in fiscal year 2007,~~
26 ~~received by each city, town, and fire district, calculated to the nearest one hundredth of one~~
27 ~~percent (0.01%). The director of administration shall transmit those calculations to the governor,~~
28 ~~the speaker of the house, the president of the senate, the chairperson of the house finance~~
29 ~~committee, the chairperson of the senate finance committee, the house fiscal advisor, and the~~
30 ~~senate fiscal advisor. The number of cents, applied to the sales taxes received for the prior fiscal~~
31 ~~year, shall be the basis for determining the amount of sales tax to be distributed to the cities and~~
32 ~~towns and fire districts under this chapter for fiscal year 2008, and each year thereafter. The~~
33 ~~cities and towns and fire districts shall receive that amount of sales tax in the proportions~~
34 ~~calculated by the director of administration as that received in fiscal year 2007.~~

1 computation. When the employment previous to injury as provided in this section is
2 computed to be less than a net period of two (2) calendar weeks, his or her weekly wage
3 is considered to be equivalent to the average weekly wage prevailing in the same or
4 similar employment at the time of injury except that, when an employer has agreed to pay
5 a certain hourly wage to the worker, the hourly wage so agreed upon is the hourly wage
6 for the injured worker and his or her average weekly wage is computed by multiplying
7 that hourly wage by the number of weekly hours scheduled for full-time work by full-
8 time employees regularly employed by the employer. Where the injured employee has
9 worked for more than one employer during the thirteen (13) weeks immediately
10 preceding his or her injury, his or her average weekly wages are calculated upon the basis
11 of wages earned from all those employers in the period involved by totaling the gross
12 earnings from all the employers and dividing by the number of weeks in which he or she
13 was actually employed by any employer, in the same manner as if the employee had
14 worked for a single employer and, except in the case of apportionment of liability among
15 successive employers as provided in § 28-34-8, the employer in whose employ the injury
16 was sustained is liable for all benefits provided by chapters 29 – 38 of this title. A
17 schedule of the computation of the average weekly wage in compliance with this section
18 is a necessary part of the memorandum of agreement required by § 28-35-1. Where the
19 employer has been accustomed to paying the employee a sum to cover any special
20 expense incurred by the employee by the nature of his or her employment, the sum paid
21 is not counted as part of the employee's wages, earnings, or salary. The fact that an
22 employee has suffered a previous injury or received compensation for an injury does not
23 preclude compensation for a later injury or for death; but in determining the
24 compensation for the later injury or death, his or her average weekly wages is a sum that
25 will reasonably represent his or her weekly earning capacity at the time of the later injury,
26 in the employment in which he or she was working at that time, and shall be arrived at
27 according to, and subject to the limitations of, the provisions of this section; provided,
28 that in computing the average weekly wages earned subsequent to the first injury, the
29 time worked and wages earned prior to that injury are excluded.

1 (2) In occupations that are seasonal, the average weekly wage is taken to be one-
2 fifty second (1/52) of the total wages which the employee has earned during the twelve
3 (12) calendar months immediately preceding the injury.

4 (3) Wages of an employee working part-time are taken to be the gross wages
5 earned during the number of weeks so employed, or of weeks in which the employee
6 worked, up to a maximum of twenty-six (26) calendar weeks immediately preceding the
7 date of injury, divided by the number of weeks employed, or by twenty-six (26), as the
8 case may be. "Part-time" means working by custom and practice under the verbal or
9 written employment contract in force at the time of the injury, where the employee agrees
10 to work or is expected to work on a regular basis less than twenty (20) hours per week.
11 Wages are calculated as follows:

12 (i) For part-time employees, by dividing the gross wages, ~~inclusive~~ exclusive of
13 overtime pay, provided, however, any bonuses ~~and overtime~~ shall be averaged over the
14 length of employment but not in excess of the preceding fifty-two (52) week period,
15 earned by the injured worker in employment by the employer in whose service he or she
16 is injured during the twenty-six (26) consecutive calendar weeks immediately preceding
17 the week in which he or she was injured, by the number of calendar weeks during which,
18 or any portion of which, the worker was actually employed by that employer, including
19 any paid vacation time; but, in making this computation, absence for seven (7)
20 consecutive calendar days, although not in the same calendar week, is considered as
21 absence for a calendar week. When the employment commenced otherwise than the
22 beginning of a calendar week, the calendar week and wages earned during that week are
23 excluded in making the preceding computation. When the employment previous to injury
24 as provided in this section is computed to be less than a net period of two (2) weeks, the
25 weekly wage is considered to be equivalent to the average weekly wage prevailing in the
26 same or similar employment at the time of injury except that when an employer has
27 agreed to pay a certain hourly wage to the worker, the hourly wage agreed upon is the
28 hourly wage for the injured worker, and his or her average weekly wage is computed by
29 multiplying that hourly wage by the number of weekly hours agreed upon in the contract
30 of hire;

1 (ii) In the event the injured employee had concurrent employment with one or
2 more additional employers at the time of injury, the average weekly wage is calculated
3 for the twenty-six (26) calendar weeks preceding the week in which the employee was
4 injured upon the basis of wages earned from all those employers in the period involved
5 by totaling the gross earnings from all the employers and dividing by the number of
6 usable weeks the employee actually was employed by that employer, in the same manner
7 as if the employee had worked for a single employer; provided, in the case of
8 apportionment of liability among successive employers pursuant to § 28-34-8, the
9 employer in whose employ the injury was sustained is liable for all benefits provided by
10 chapters 29 - 38 of this title. In the case that the injured employee's other employer is a
11 full-time employer, the average weekly wage is calculated according to subdivision (1)
12 for the thirteen (13) calendar weeks immediately preceding the week in which he or she
13 was injured. Calculations for part-time employment are calculated separately for the
14 twenty-six (26) calendar weeks immediately preceding the week of injury. A schedule of
15 computation of the average weekly wage in compliance with this section is a necessary
16 part of the memorandum of agreement required by § 28-35-1; and

17 (iii) Where the employer is accustomed to paying the employee a sum to cover
18 any special expense incurred by the employee by the nature of the employment, the sum
19 paid is not reckoned as part of the employee's wages, earnings, or salary. The fact that an
20 employee has suffered a previous injury or received compensation for a previous injury
21 does not preclude compensation for a later injury or for death; but in determining the
22 compensation for the later injury or death, the average weekly wage is a sum that will
23 reasonably represent the employee's earning capacity at the time of the later injury, in the
24 employment in which he or she was working at that time, and is derived according to, and
25 subject to, the limitations of the provisions of this section; provided, that in computing
26 the average weekly wages earned subsequent to the first injury, the time worked and
27 wages earned prior to that injury are excluded.

28 SECTION 2. Section 28-35-1 of the General Laws in Chapter 28-35 entitled
29 “Workers’ Compensation – Procedure” is hereby amended to read as follows:

30 **28-35-1. Filing of memorandum of agreement.** (a) If the employer makes
31 payments of compensation to an employee or those entitled to compensation on account

1 of the death of an employee under chapters 29 - 38 of this title, a memorandum of that
2 agreement signed by the employer or the employer's insurer is filed with the department
3 which immediately docket it in a book kept for that purpose.

4 (b) The memorandum shall include:

5 (1) The names of the employee, employer and insurance carrier;

6 (2) The date, place, nature, and location of the injury on the employee's body;

7 (3) The names of the employee's other employers, if any, or a statement that there
8 is no multiple employment, if that is the case;

9 (4) The rate upon which the compensation is based;

10 (5) Any other information required by the director; and

11 (6) The average weekly straight time earnings earned by the employee for
12 the thirteen (13) weeks prior to injury ~~and the amount of overtime pay included in~~
13 ~~calculating the employee's average weekly wage.~~

14 (c) The employer shall send a copy of the memorandum and any amendments to
15 it to the employee and his or her attorney or the representative of the decedent and its
16 attorney either with the payment of compensation made under § 28-35-40 or by certified
17 mail, return receipt requested, at the same time as it is filed with the department.

18 (d) The employer shall file a memorandum pursuant to this section within ten
19 (10) days of the initial payment by the employer or insurer.

20 (e) Upon the filing of the memorandum of agreement with the department, the
21 memorandum is as binding upon the party filing the memorandum as a preliminary
22 determination, order, or decree.

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

24 **ARTICLE 5**

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

26 SECTION 1. The State of Rhode Island is hereby authorized to borrow during its
27 fiscal year ending June 30, 2003, in anticipation of receipts from taxes such sum or sums,
28 at such time or times and upon such terms and conditions not inconsistent with the
29 provisions and limitations of Section 17 of Article VI of the constitution of Rhode Island,

1 as the general treasurer, with the advise of the Governor, shall deem for the best interests
2 of the state, provided that the amounts so borrowed shall not exceed one hundred fifty
3 million dollars (\$150,000,000), at any time outstanding. The state is hereby further
4 authorized to give its promissory note or notes signed by the general treasurer and
5 counter-signed by the secretary of state for the payment of any sum so borrowed. Any
6 such proceeds shall be invested by the general treasurer until such time as they are
7 needed. The interest income earned from such investments shall be used to pay the
8 interest on the promissory note or notes, and any expense of issuing the promissory note
9 or notes, with the balance remaining at the end of said fiscal year, if any, shall be used
10 toward the payment of long-term debt service of the state, unless prohibited by federal
11 law or regulation.

12 Notwithstanding any other authority to the contrary, duly authorized bonds or
13 notes of the state issued during the fiscal year ending June 30, 2003 may be issued in the
14 form of commercial paper, so-called. In connection herewith, the state, acting through
15 the general treasurer, may enter into agreements with banks, trust companies or other
16 financial institutions within or outside the state, whether in the form of letters or lines of
17 credit, liquidity facilities, insurance or other support arrangements. Any notes issued as
18 commercial paper shall be in such amounts and bear such terms as the general treasurer,
19 with the advice of the governor, shall determine, which may include provisions for
20 prepayment at any time with or without premium at the option of the state. Such notes
21 may be sold at a premium or discount, and may bear interest or not and, if interest
22 bearing, may bear interest at such rate or rates variable from time to time as determined
23 by the Federal Reserve Bank Composite Index of Commercial Paper, or the Municipal
24 Market Data General Market Index or other similar commercial paper offerings, or other
25 method specified in any agreement with brokers for the placement or marketing of any
26 such notes issued as commercial paper, or other like agreements. Any such agreement
27 may also include such other covenants and provisions for protecting the rights, security
28 and remedies of the lenders as may, in the discretion of the general treasurer, be
29 reasonable, legal and proper. The general treasurer may also enter into agreements with
30 brokers for the placement or marketing of any such notes of the state issued as
31 commercial paper. Any notes to the state issued as commercial paper in anticipation of

1 receipts from taxes in any fiscal year must also be issued in accordance with the
2 provisions of Section 17 of Article VI of the constitution of Rhode Island and within the
3 limitations set forth in Section 1 of this act.

4 SECTION 2. This article shall take effect on July 1, 2002

5 ARTICLE 6

6 RELATING TO CAPITAL DEVELOPMENT PROGRAM

7 SECTION 1. **Proposition to be submitted to the people.** -- At the general
8 election to be held on the Tuesday next after the first Monday in November, 2002, there
9 shall be submitted to the people for their approval or rejection the following proposition:

10 "Shall the action of the general assembly, by an act passed at the January 2002
11 session, authorizing the issuance of bonds, refunding bonds, and temporary notes of the
12 state for the capital projects and in the amount with respect to each such project listed
13 below be approved, and the issuance of bonds, refunding bonds, and temporary notes
14 authorized in accordance with the provisions of said act?"

15 Project

16 (1) State Police Headquarters Facility \$63,000,000

17 Approval of this question will authorize the State of Rhode Island to issue general
18 obligation bonds, refunding bonds, and temporary notes in an amount not to exceed
19 \$63,000,000 for the state support of the construction of the new State Police
20 Headquarters Facility. The new State Police Headquarters Facility will serve the citizens
21 of the state in a modern facility in an area more centrally located when compared to the
22 current headquarters in North Scituate, built in 1794.

23 (2) Heritage Harbor Museum \$5,000,000

24 Approval of this question will authorize the State of Rhode Island to issue general
25 obligation bonds, refunding bonds, and temporary notes in an amount not to exceed
26 \$5,000,000 for state support of the construction of the Heritage Harbor Museum, a
27 statewide history museum and cultural center, and its exhibits that will feature artifacts
28 from the Smithsonian Institution, borrowed through the Museum's participation in the
29 Smithsonian Institution Affiliations Program.

1 (3) Transportation \$63,500,000

2 Approval of this question will authorize the State of Rhode Island to issue general
3 obligation bonds, refunding bonds, and temporary notes in an amount not to exceed
4 \$63,500,000 to match federal funds; provide direct funding for improvements to the
5 state's highways, roads and bridges; replace or repair transportation maintenance
6 facilities; and purchase buses for the Rhode Island Public Transit Authority's bus fleet.

7 (4) Quonset Point/Davisville \$11,000,000

8 Approval of this question will authorize the State of Rhode Island to issue general
9 obligation bonds, refunding bonds, and temporary notes in an amount not to exceed
10 \$11,000,000 for road and utility infrastructure, building demolition, site preparation, and
11 pier rehabilitation at the Quonset Point/Davisville Industrial Park.

12 SECTION 2. **Ballot labels and applicability of general election laws.** -- The secretary
13 of state shall prepare and deliver to the state board of elections ballot labels for each of the
14 projects provided for in section 1 hereof with the designations "approve" or "reject" provided next
15 to the description of each such project to enable voters to approve or reject each such proposition.
16 The general election laws, so far as consistent herewith, shall apply to this proposition.

17 SECTION 3. **Approval of projects by people.** -- If a majority of the people
18 voting on the proposition provided for in section 1 hereof shall vote to approve the
19 proposition as to any project provided for in section 1 hereof, said project shall be
20 deemed to be approved by the people. The authority to issue bonds, refunding bonds and
21 temporary notes of the state shall be limited to the aggregate amount for all such projects
22 as set forth in the proposition provided for in section 1 hereof which has been approved
23 by the people.

24 SECTION 4. **Bonds for capital development program.** -- The general treasurer
25 is hereby authorized and empowered with the approval of the governor and in accordance
26 with the provisions of this act, to issue from time to time capital development bonds in
27 serial form in the name and on behalf of the state in amounts as may be specified from
28 time to time by the governor in an aggregate principal amount not to exceed the total
29 amount for all projects approved by the people and designated as "capital development
30 loan of 2002 bonds" provided, however, that the aggregate principal amount of such
31 capital development bonds and of any temporary notes outstanding at any one time issued
32 in anticipation thereof pursuant to section 7 hereof shall not exceed the total amount for

1 all such projects as have been approved by the people. All provisions in this act relating
2 to "bonds" shall also be deemed to apply to "refunding bonds".

3 Capital development bonds issued under this act shall be in denominations of one
4 thousand dollars (\$1,000) each, or multiples thereof, and shall be payable in any coin or
5 currency of the United States which at the time of payment shall be legal tender for
6 public and private debts. These capital development bonds shall bear such date or dates,
7 mature at specified time or times, but not beyond the end of the twentieth state fiscal year
8 following the state fiscal year in which they are issued, bear interest payable semi-
9 annually at a specified rate or different or varying rates, be payable at designated time or
10 times at specified place or places, be subject to expressed terms of redemption or recall,
11 with or without premium, be in a form, with or without interest coupons attached, carry
12 such registration, conversion, reconversion, transfer, debt retirement, acceleration and
13 other provisions as may be fixed by the general treasurer, with the approval of the
14 governor, upon each issue of such capital development bonds at the time of each issue.
15 Whenever the governor shall approve the issuance of such capital development bonds, he
16 or she shall certify approval to the secretary of state; the bonds shall be signed by the
17 general treasurer and countersigned by the manual or facsimile signature of the secretary
18 of state and shall bear the seal of the state or a facsimile thereof. The approval of the
19 governor shall be endorsed on each bond so approved with a facsimile of his or her
20 signature.

21 SECTION 5. **Refunding bonds for 2002 capital development program.** -- The
22 general treasurer is hereby authorized and empowered, with the approval of the governor
23 and in accordance with the provisions of this act, to issue from time to time bonds to
24 refund the 2002 capital development program bonds in the name and on behalf of the
25 state, in amounts as may be specified from time to time by the governor in an aggregate
26 principal amount not to exceed the total amount approved by the people, to be designated
27 as "capital development program loan of 2002 refunding bonds" (hereinafter "refunding
28 bonds").

29 The general treasurer with the approval of the governor shall fix the terms and
30 form of any refunding bonds issued under this act in the same manner as the capital
31 development bonds issued under this act, except that the refunding bonds may not mature

1 more than twenty (20) years from the date of original issue of the capital development
2 bonds being refunded.

3 The proceeds of the refunding bonds, exclusive of any premium and accrual
4 interest, shall, upon their receipt, be paid by the general treasurer immediately to the
5 paying agent for the capital development bonds which are to be called and prepaid. The
6 paying agent shall hold the refunding bond proceeds in trust until they are applied to
7 prepay the capital development bonds. While such proceeds are held in trust, they may be
8 invested for the benefit of the state in obligations of the United States of America or the
9 state of Rhode Island.

10 If the general treasurer shall deposit with the paying agent for the capital
11 development bonds the proceeds of the refunding bonds or proceeds from other sources
12 amounts that, when invested in obligations of the United States or the state of Rhode
13 Island, are sufficient to pay all principal, interest, and premium, if any, on the capital
14 development bonds until these bonds are called for prepayment, then such capital
15 development bonds shall not be considered debts of the state of Rhode Island for any
16 purpose from the date of deposit of such moneys with the paying agent. The refunding
17 bonds shall continue to be a debt of the state until paid.

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

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

28 All monies in the capital development fund shall be expended for the purposes
29 specified in the proposition provided for in section 1 hereof under the direction and
30 supervision of the director of administration (hereinafter referred to as "director"). The
31 director or his delegate shall be vested with all power and authority necessary or

1 incidental to the purposes of this act, including but not limited to, the following authority:
2 (a) to acquire land or other real property or any interest, estate or right therein as may be
3 necessary or advantageous to accomplish the purposes of this act; (b) to direct payment
4 for the preparation of any reports, plans and specifications, and relocation expenses and
5 other costs such as for furnishings, equipment designing, inspecting and engineering,
6 required in connection with the implementation of any projects set forth in section 1
7 hereof; (c) to direct payment for the costs of construction, rehabilitation, enlargement,
8 provision of service utilities, and razing of facilities, and other improvements to land in
9 connection with the implementation of any projects set forth in section 1 hereof; and (d)
10 to direct payment for the cost of equipment, supplies, devices, materials and labor for
11 repair, renovation or conversion of systems and structures as necessary for 2002 capital
12 development program bonds or notes hereunder from the proceeds thereof. No funds
13 shall be expended in excess of the amount of the capital development bond fund
14 designated for each project authorized in section 1 hereof. With respect to the bonds and
15 temporary notes described in section 1, the proceeds shall be utilized for the following
16 purposes:

17 Question 1 relating to bonds and notes totaling \$63.0 million for the support of
18 the creation, design, construction, furnishing, and equipping of the new State Police
19 Headquarters Facility. The new State Police Headquarters Facility will be centrally
20 located in Rhode Island to better serve the needs of the citizens of the state. The facility
21 will serve the centralized dispatch functions for the Division and provide a more unified
22 service delivery for the command staff, business office, communications center, traffic
23 personnel, detectives, support staff and technology center.

24 The new facility moves headquarters from its current location in North Scituate to
25 a centralized location in the state based on the number of assistance calls to which the
26 Rhode Island State Police respond. With this move, the Division will centralize records,
27 secure evidence, expand technology and provide a public service center.

28 Question 2 relating to bonds and notes totaling \$5,000,000 for support of the
29 creation, design, construction, furnishing, and equipping of the Heritage Harbor Museum,
30 a statewide history museum and cultural center for Rhode Island. The new Heritage
31 Harbor Museum is being built at the site of the former South Street Power Plant. The

1 general obligation bond proceeds shall be used to supplement funding available to the
2 project from other sources, including, but not limited to federal grants, contributions of
3 individuals, corporations and foundations, state appropriations, and grants from the city
4 of Providence. The Heritage Harbor Museum will feature artifacts from the Smithsonian
5 Institution borrowed through the Museum's participation in the Smithsonian Institution
6 Affiliations Program. The Heritage Harbor Museum is currently the only Smithsonian
7 affiliate museum in New England.

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

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

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

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

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

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

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

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

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

26 Any premiums and accrued interest that may be received on the sale of the capital
27 development bonds or notes shall become part of the general fund of the state and shall
28 be applied to the payment of debt service charges of the state.

29 In the event that the amount received from the sale of the capital development
30 bonds or notes exceeds the amount necessary for the purposes stated in section 6 hereof,
31 the surplus may be used to the extent possible to retire the bonds as the same may

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

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

9 SECTION 8. **Bonds and notes to be tax exempt and general obligations of the**
10 **state.** -- All bonds and notes issued under the authority of this act shall be exempt from
11 taxation in the state and shall be general obligations of the state, and the full faith and
12 credit of the state are hereby pledged for the due payment of the principal and interest on
13 each of such bonds and notes as the same shall become due.

14 SECTION 9. **Investment of moneys in fund.** -- All moneys in the capital
15 development fund not immediately required for payment pursuant to the provisions of
16 this act may be invested by the investment commission, as established by Chapter 35-10,
17 pursuant to the provisions of such chapter; provided, however, that the securities in which
18 the capital development fund is invested shall remain a part of the capital development
19 fund until exchanged for other securities; and provided further, that the income from
20 investments of the capital development fund shall become a part of the general fund of
21 the state and shall be applied to the payment of debt service charges of the state, or to the
22 extent necessary, to rebate to the United States treasury any income from investments
23 (including gains from the disposition of investments) of proceeds of bonds or notes to the
24 extent deemed necessary to exempt (in whole or in part) the interest paid on such bonds
25 or notes from federal income taxation.

26 SECTION 10. **Amortization.** -- To the extent the debt service on these bonds is
27 not otherwise provided, a sum sufficient to pay the interest and principal due each year on
28 bonds and notes hereunder is hereby annually appropriated out of any money in the
29 treasury not otherwise appropriated.

30 SECTION 11. **Advances from general fund.** -- The general treasurer is
31 authorized from time to time with the approval of the director and the governor, in

1 anticipation of the issue of notes or bonds under the authority of this act, to advance to
 2 the capital development bond fund to be used for the purposes specified in section 6
 3 hereof, any funds of the state not specifically held for any particular purpose, provided,
 4 however, that all advances made to the capital development bond fund shall be returned
 5 to the general fund from the capital development bond fund forthwith upon the receipt by
 6 the capital development fund of proceeds resulting from the issue of notes or bonds to the
 7 extent of such advances.

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

22 **SECTION 13. Extension of previous authorizations.** -- The general assembly,
 23 pursuant to the provisions of section 35-8-25 of the general laws, hereby extends to the
 24 termination dates contained herein, the authority to issue the following general obligation
 25 bond authorizations in the amounts stated. The original authorizations enacted by public
 26 law and approved by the people, remain unissued as of February 1, 2002 and are as
 27 follows:

28	29	30	31	32	33	34	35
		<u>Purpose</u>	<u>Statutory Reference</u>	Unissued Amount to be <u>Extended</u>	<u>Termination Date</u>		
		Mental Health, Retardation, and Hospitals	Ch. 434 – P.L. of 1990	\$13,320,000	June 30, 2008		
		R.I. Water Pollution Revolving Loan and Trust Fund	Ch. 238 – P.L. of 1988				

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

As amended by Ch. 303 -
P.L. of 1989 and Ch. 434 -
P.L. of 1990 \$12,755,000 June 30, 2005

The general assembly hereby extends for an additional year the authorization granted to the Rhode Island Industrial Recreational Building Authority provided by Chapter 91 of the Public Laws of 1958, and Chapter 537, Section 3, of the Public Laws of 1987.

SECTION 14. **Effective Date.** Sections 1, 2, 3, 14, 15, and this section of this article shall take effect upon its 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 propositions contained in section 1 hereof have indicated their approval of all or any projects thereunder.

ARTICLE 7

RELATING TO STATE AID

SECTION 1. Section 45-13-1 of the General Laws in Chapter 45-13 entitled "State Aid" is hereby amended to read as follows:

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

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

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

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

(4) "Reference year" means the second fiscal year preceding the beginning of the fiscal year in which the distribution of state aid to cities and towns is made.

1 (b) Aid to cities and towns shall be apportioned as follows: For each county, city
2 or town, let R be the tax effort divided by the square of per capita income, i.e., $R = (\text{tax}$
3 $\text{effort})/(\text{income} \times \text{income})$.

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

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

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

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

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

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

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

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

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

1 (vi) For the fiscal year ending June 30, 2003, the total amount of aid shall be
2 based upon ~~two and seven-tenths percent (2.7%)~~ two and four-tenths percent (2.4%) of
3 total state tax revenues in the reference year.

4 (vii) For the fiscal year ending June 30, 2004, the total amount of aid shall be
5 based upon ~~three percent (3.0%)~~ two and seven-tenths percent (2.7%) of total state tax
6 revenues in the reference year.

7 (viii) For the fiscal year ending June 30, 2005, the total amount of aid shall be
8 based upon ~~three and four-tenths percent (3.4%)~~ three percent (3.0%) of total state tax
9 revenues in the reference year.

10 (ix) For the fiscal year ending June 30, 2006, the total amount of aid shall be
11 based upon ~~three and seven-tenths percent (3.7%)~~ three and four-tenths percent (3.4%) of
12 total state tax revenues in the reference year.

13 (x) For the fiscal year ending June 30, 2007, the total amount of aid shall be based
14 upon ~~four and one-tenths percent (4.1%)~~ three and seven-tenths percent (3.7%) of total
15 state tax revenues in the reference year.

16 (xi) For the fiscal year ending June 30, 2008, the total amount of aid shall be
17 based upon ~~four and four-tenths percent (4.4%)~~ four and one-tenths percent (4.1%) of
18 total state tax revenues in the reference year.

19 (xii) For the fiscal year ending June 30, 2009, the total amount of aid shall be
20 based upon ~~four and seven-tenths percent (4.7%)~~ four and four-tenths percent (4.4%) of
21 total state tax revenues in the reference year.

22 (xiii) For the fiscal year ending June 30, 2010, the total amount of aid shall be
23 based upon four and seven-tenths percent (4.7%) of total state tax revenues in the
24 reference year.

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

27 SECTION 2. Section 45-13-5.1 of the General Laws in Chapter 45-13 entitled
28 "State Aid" is hereby amended to read as follows:

29 **45-13-5.1. General assembly appropriations in lieu of property tax from**
30 **certain exempt private and state properties.** – (a) In lieu of the amount of local real
31 property tax on real property owned by any private nonprofit institution of higher

1 education, or any nonprofit hospital facility, or any state owned and operated hospital,
2 veterans' residential facility, or correctional facility occupied by more than 100 residents
3 which may have been or will be exempted from taxation by applicable state law,
4 exclusive of any facility operated by the federal government, the state of Rhode Island, or
5 any of its subdivisions, the general assembly shall annually appropriate for payment to
6 the several cities and towns in which the property lies a sum equal to twenty-seven
7 percent (27%) of all tax that would have been collected had the property been taxable.

8 (b) As used in this section, "private nonprofit institution of higher education"
9 means any institution engaged primarily in education beyond the high school level, the
10 property of which is exempt from property tax under any of the subdivisions, and
11 "nonprofit hospital facility" means any nonprofit hospital licensed by the state and which
12 is used for the purpose of general medical, surgical, or psychiatric care and treatment.

13 (c) The grant payable to any municipality under the provision of this section shall
14 be equal to twenty-seven percent (27%) of the property taxes which, except for any
15 exemption to any institution of higher education or general hospital facility, would have
16 been paid with respect to that exempt real property on the assessment list in the
17 municipality for the assessment date of December 31, 1986 and with respect to such
18 exempt real property appearing on an assessment list in the municipality on succeeding
19 assessment dates.

20 (d) The state budget offices shall include the amount of the annual grant in the
21 state budget for the fiscal year commencing July 1, 1988 and each fiscal year thereafter.
22 The amount of the annual grant payable to each municipality in any year in accordance
23 with this section shall be reduced proportionately in the event that the total of the annual
24 grants in any year exceeds the amount appropriated that year for the purposes of this
25 section.

26 (e) Distribution of appropriations shall be made by the state on or before July 31
27 of 1988 and each July 31 thereafter, and the payments may be counted as a receivable by
28 any city or town for a fiscal year ending the preceding June 30.

29 (f) Any act or omission by the state with respect to this chapter shall in no way
30 diminish the duty of any town or municipality to provide public safety or other ordinary
31 services to the properties or facilities of the type listed in subsection (a).

1 (g) Provided, that payments authorized pursuant to this section shall be reduced
2 pro rata, for that period of time that the municipality suspends or reduces essential
3 services to eligible facilities. For the purposes of this section "essential services" include,
4 but are not to be limited to, police, fire and rescue.

5 SECTION 3. Section 29-6-2 of the General Laws in Chapter 29-6 entitled "State
6 Aid to Libraries" is hereby amended to read as follows:

7 **29-6-2. Public library services.** – For each city or town, the state's share to
8 support local public library services shall be ~~gradually increased from the level of support~~
9 ~~in fiscal year 1990 until the state's share in fiscal year 2000 is equal to at least twenty-five~~
10 percent (25%) of the amount appropriated and expended in the second preceding fiscal
11 year by the city or town from local tax revenues. ~~Beginning in 1989, and for each year~~
12 ~~thereafter through 1999, the director of state library services, on or before October 1,~~
13 ~~shall submit a plan to the governor and the general assembly detailing a proposed~~
14 ~~schedule of increases, by fiscal year, in local library aid to achieve a state share of at least~~
15 ~~twenty five percent (25%) by the year 2000 and projected expenditures necessary to~~
16 ~~achieve the state share in each of the intervening years. The amount of the grant payable~~
17 ~~to each municipality in any year in accordance with this section shall be reduced~~
18 ~~proportionately in the event that the total of those grants in any year exceeds the amount~~
19 ~~appropriated that year for the purposes of this section.~~

20 SECTION 4. This article shall take effect on July 1, 2002.

21 **ARTICLE 8**

22 THE TOBACCO SETTLEMENT FINANCING CORPORATION ACT

23 SECTION 1. Title 42 of the General Laws entitled "State Affairs and Government" is
24 hereby amended by adding thereto the following chapter:

25 CHAPTER 133

26 TOBACCO SETTLEMENT FINANCING CORPORATION ACT

27 **42-133-1. Short title.** -- This chapter shall be known as the " Tobacco Settlement
28 Financing Corporation Act."

29 **42-133-2. Purpose.** -- The purpose of this chapter is to authorize, create and establish a
30 corporation empowered to acquire from the state that portion of the state's tobacco receipts as the

1 state is authorized to sell; to authorize the sale by the state all or a portion of the state's tobacco
2 receipts to such corporation; to authorize the transfer to and the receipt by such corporation of all
3 or a portion of the state's tobacco receipts; to authorize such corporation to issue bonds of the
4 corporation for the purposes authorized in this chapter, payable solely from and secured solely by
5 such portion of the state's tobacco receipts as the corporation may designate and pledge to secure
6 the bonds, together with the investment income thereon and any reserve fund created by the
7 corporation from any portion of the proceeds of such bonds; and to authorize the corporation to
8 manage and dispose of all or a portion of the state's tobacco receipts for the purposes and in the
9 manner authorized in this chapter.

10 **42-133-3. Definitions.** -- As used in this chapter, the following words and terms shall
11 have the following meanings unless the context shall indicate another or different meaning or
12 intent:

13 (1) "Board" means the governing body of the corporation.

14 (2) "Bonds" means bonds, notes (but only as provided in section 42-133-8(6)(e)), or other
15 evidences of indebtedness of the corporation, all of which shall be in all events payable solely
16 from and secured solely by such portion of the state's tobacco receipts as are sold to the
17 corporation and pledged to secure the bonds, and issued pursuant to the authorizations contained
18 in this chapter, all of which shall be issued under the name of or known as obligations of the
19 corporation.

20 (3) "Corporation" means the corporation authorized, created, and established pursuant to
21 this chapter.

22 (4) "Escrow" means the escrow as that term is defined in the master settlement
23 agreement.

24 (5) "Escrow agent" means the escrow agent as that term is defined in the master
25 settlement agreement.

26 (6) "Independent auditor" means the independent auditor as that term is defined in the
27 master settlement agreement.

28 (7) "Master settlement agreement" means the settlement agreement and related
29 documents entered into on November 23, 1998, by the state and the four (4) principal United
30 States tobacco product manufacturers, as amended and supplemented.

31 (8) "Participating manufacturers" means the participating manufacturers as that term is
32 defined in the master settlement agreement.

33 (9) "Qualifying statute" means chapter 23-71 of the general laws enacted March 30, 2001
34 and applied retroactively to June 29, 1999, in conformity with exhibit T of the master settlement

1 agreement.

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

3 (11) "State's tobacco receipts" means all of the payments to be made by the escrow agent
4 and derived from payments made by the participating manufacturers and allocated to the state
5 under the master settlement agreement, other than pursuant to Article XVII of the master
6 settlement agreement.

7 **42-133-4. Creation -- Powers -- Construction of chapter -- Termination. --** (a) There
8 is hereby authorized, created and established, a public corporation of the state having a legal
9 existence distinct from the state and not constituting a department of state government, to be
10 known as the Tobacco Settlement Financing Corporation, with such powers as are set forth in this
11 chapter.

12 (b) It is the intent of the general assembly by the passage of this chapter to vest in the
13 corporation all powers, authority, rights, privileges, and titles which may be necessary to enable it
14 to accomplish the purposes set forth in this chapter. This chapter and the powers granted hereby
15 shall be liberally construed in conformity with these purposes.

16 (c) The corporation and its corporate existence shall continue until terminated by law or
17 until the corporation shall cease entirely and continuously to conduct or be involved in any
18 business whatsoever in furtherance of its purposes; provided, that no termination shall take effect
19 prior to the date which is one (1) year and one (1) day after the date on which the corporation no
20 longer has any bonds outstanding. Upon termination of the existence of the corporation, all its
21 rights and properties shall pass to and best vested in the state. At no other time shall the assets or
22 other property of the corporation inure to the benefit of any other person.

23 **42-133-5. General powers. --** (a) The corporation shall have all the powers necessary
24 and convenient to carry out and effectuate the purposes and provisions of this chapter, including,
25 but not limited to, the power to:

26 (1) sue and be sued, complain and defend, in its corporate name;

27 (2) have a seal which may be altered at pleasure, and use the seal by causing it, or a
28 facsimile thereof, to be impressed or affixed or in any other manner reproduced; provided,
29 however, that the failure to affix the seal does not affect the validity of an instrument executed on
30 behalf of the corporation;

31 (3) adopt, promulgate, amend, and repeal bylaws, not inconsistent with provisions in this
32 chapter, for the administration and regulation of the corporation's affairs and the implementation
33 of its functions;

34 (4) conduct its activities, carry on its operations, and have offices and exercise the powers

1 granted by this chapter;

2 (5) purchase, take, receive, or otherwise acquire, own, hold, use, and otherwise deal in
3 and with, intangible personal property, or any interest therein, including the state's tobacco
4 receipts or any portion thereof;

5 (6) invest and reinvest its funds in such manner as shall be determined by the board or by
6 contract with its bondholders (and such investments shall not be subject to chapter 35-10.1);

7 (7) make and execute all contracts or agreements necessary, proper, or convenient for the
8 exercise of the powers and purposes of the board and the corporation; borrow money through the
9 execution and delivery of bonds, and make, execute and deliver financing agreements relating
10 thereto in the exercise of the powers and purposes of the board and the corporation;

11 (8) make and execute all agreements for the purpose of managing and controlling the
12 funds transferred between the corporation and the state, and any trust created by the state or the
13 corporation, and governing the investment and the monitoring and record keeping of such funds
14 and investment income thereon, for purposes of maintaining the exemption from federal income
15 tax of interest on bonds and for other purposes;

16 (9) make and execute, amend and terminate all agreements in the nature of interest rate
17 swaps, forward security supply contracts, agreements for the management of interest rate risks,
18 agreements for the management of cash flow, and other agreements of a similar nature, with
19 respect to bonds issued pursuant to this chapter;

20 (10) procure insurance, guarantees, letters of credit, and other forms of collateral or
21 security or credit support from any public or private entity, including any department, agency, or
22 instrumentality of the United States or the state, for the payment of any bonds, including the
23 power to pay premiums or fees on any insurance, guarantees, letters of credit, and other forms of
24 collateral or security or credit support;

25 (11) make and execute all contracts and expend funds to obtain accounting, management,
26 legal, financial consulting, trusteeship and other professional services necessary or convenient to
27 the operations of the corporation;

28 (12) expend funds for the costs of administering the operations of the corporation;

29 (13) request the attorney general, on behalf of the state, to notify the independent auditor
30 of the sale and instruct the independent auditor to direct the escrow agent to disburse to the
31 corporation, so that it may receive and accept from the escrow agent, all or a portion of the state's
32 tobacco receipts;

33 (14) with respect to all or such portion of the state's tobacco receipts as may be acquired
34 by the corporation, direct the attorney general to enforce, in the name of the state and, if

1 permissible, to enforce directly through the corporation's own attorneys in the name of the state,
2 with notice to the attorney general, the master settlement agreement; provided, that the board may
3 not give any approval to any amendment to the master settlement agreement or the qualifying
4 statute without notice to the attorney general and the approval of the general assembly. This
5 power constitutes a part of the contractual obligation owed to the holders of any bonds;

6 (15) create and establish, or cause to be created and established, under the laws of this
7 state or another state, a trust fund with regard to monies paid to the corporation which monies
8 shall include, but not be limited to, such portion of the state's tobacco receipts as may be sold to
9 the corporation and not pledged to the payment of bonds or subsequently released from the
10 pledge for payment of the bonds and which, in accordance with any sale agreement with the state,
11 is to be paid to the state, including such portion of the proceeds of any bonds designated for the
12 purchase of the state's tobacco receipts and designated for deposit in the fund, together with all
13 interest thereon; and all securities or investment income and other assets acquired by and through
14 the use of the monies belonging to the fund and any other monies deposited in the fund. Monies
15 in the fund shall be used solely and only for the payment of all amounts due and to become due to
16 the state, and shall not be used for any other purpose. Monies deposited in the trust fund shall not
17 be available for the payment of any claim against the corporation or any debt or obligation of the
18 corporation, including any bonds issued by the corporation; and

19 (16) do all other things necessary or convenient to exercise powers granted or reasonably
20 implied by this chapter or that may be necessary for the furtherance and accomplishments of the
21 purposes of the corporation.

22 (b) As long as any bonds of the corporation are outstanding, the corporation shall not take
23 any action that materially and adversely affects the rights of the holders of its bonds.

24 **42-133-6. Board and officers.** -- (a) The powers of the corporation shall be vested in a
25 board the size and composition of which shall be established by a measure passed by both houses
26 of the general assembly and approved by the governor.

27 **42-133-7. Sale of state's tobacco receipts.** --(a) On or before June 30, 2002, the state
28 shall sell and assign to and the corporation shall acquire all or a portion of the state's tobacco
29 receipts. The attorney general shall assist the governor in the preparation and review of all
30 necessary documentation to effect such sale and transfer by such date. The terms and conditions
31 of the sale shall be established in order to accomplish the purpose and intent set forth in this
32 chapter and shall include, but not be limited to, the price, the net proceeds of the sale of the bonds
33 to be issued by the corporation and secured by a portion of the state's tobacco receipts, and the
34 beneficial interest of the state in any trust fund created in accordance with this chapter.

1 (b) The sale of the state's tobacco receipts to the corporation shall be irrevocable during
2 the time when any bonds issued by the corporation are outstanding, and shall constitute a
3 contractual obligation owed to the holders of such bonds. The sale of the state's tobacco receipts
4 shall be treated as a true sale and absolute transfer of the property so transferred and not as a
5 pledge or other security interest for any borrowing. The characterization of such a sale as an
6 absolute transfer shall not be negated or adversely affected by the fact that only a portion of the
7 state's tobacco receipts is being sold or by the state's acquisition or retention of an ownership
8 interest in any residual assets.

9 (c) On or after the effective date of the sale, the state shall not have any right, title, or
10 interest in all or such portion of the state's tobacco receipts sold which shall be the sole property
11 of the corporation, and not of the state, and shall be owned, received, held, and disbursed by the
12 corporation or its trustee or assignee in accordance with this chapter, and not by the state.

13 (d) On or before the effective date of the sale and at the request of the corporation, the
14 state, through the attorney general, shall notify the independent auditor of the sale and instruct the
15 independent auditor to direct the escrow agent that, subsequent to that date and irrevocably during
16 the time when any bonds are outstanding, the state's tobacco receipts acquired by the corporation
17 are to be paid directly to the corporation or its designee.

18 (e) With respect to the issuance of the corporation's bonds and in compliance with all
19 applicable federal law, including, but not limited to, the Internal Revenue Code, the state and the
20 corporation may enter into agreements for the benefit of the corporation's bondholders with
21 respect to the application of the proceeds of the bonds and certain other monies of the state, the
22 investment thereof, and the periodic reporting of certain information, and such other matters
23 related thereto.

24 **42-133-8. Bonds. -- (a) In furtherance of this chapter:**

25 (1) The corporation may issue bonds, from time to time, for the purposes and in the
26 manner authorized by this chapter. Bonds issued pursuant to this chapter may be secured by the
27 pledge of a portion of the state's tobacco receipts sold to the corporation, any monies derived
28 therefrom, and any other sources available to the corporation. The corporation may also issue
29 refunding bonds, including advance refunding bonds, for the purpose of refunding previously
30 issued bonds.

31 (2) The corporation may issue its bonds in such principal amounts and at such rate or
32 rates of interest as the corporation by resolution of the board may determine, establish reserves to
33 secure the bonds, and pay the costs of issuance of the bonds and all other expenditures of the
34 corporation incident to and necessary to carry out the corporation's purposes or powers. The

1 bonds are investment securities and negotiable instruments within the meaning of and for the
2 purposes of title 6A.

3 (3) Bonds issued by the corporation are payable solely and only out of the monies,
4 assets, or revenues pledged by the corporation, and are not a general obligation or indebtedness of
5 the corporation or an obligation or indebtedness of the state or any subdivision of the state. The
6 corporation has no power or authorization to pledge the credit or taxing power of the state or any
7 political subdivision of the state, or create a debt or obligation of the state, or make its debts
8 payable out of any monies except monies of the corporation.

9 (4) Bonds shall state on their face that the bonds are payable both as to principal and
10 interest solely out of the assets of the corporation pledged for such purpose and; neither the faith
11 and credit nor the taxing power of the state or any political subdivision thereof is pledged to the
12 payment of the principal of or the interest on the bonds; do not constitute an indebtedness of the
13 state or any political subdivision of the state; are secured solely by and are payable solely from
14 the tobacco receipts sold to the corporation and other monies of the corporation; do not constitute
15 a general, legal, or moral obligation of the state or any political subdivisions thereof and that the
16 state has no obligation or intention to satisfy any deficiency or default of any payment of the
17 bonds.

18 (5) Any pledge by the corporation of a portion of the state's tobacco receipts shall be
19 valid and binding at the time such pledge is made. Tobacco receipts so pledged and then or
20 thereafter received by the corporation shall immediately be subject to the lien of such pledge
21 without any physical delivery thereof or further act. The lien of any such pledge shall be valid
22 and binding as against all parties having claims of any kind against the corporation, whether such
23 parties have notice of the lien. Notwithstanding any other provision to the contrary, the
24 resolution of the corporation or any other instrument by which a pledge is created need not be
25 recorded or filed to perfect such pledge.

26 (6) The proceeds of bonds may be invested in any manner approved by the board and
27 specified in the trust indenture or resolution pursuant to which the bonds are issued.

28 (b) All bonds issued by the corporation shall comply with all of the following:

29 (1) Bonds shall be in a form, issued in denominations, executed in a manner, and payable
30 over terms and with rights of redemption, as the board prescribes in the resolution authorizing
31 their issuance.

32 (2) Bonds shall be fully negotiable instruments under the laws of this state and may be
33 sold at prices, at public or private sale, and in a manner as prescribed by the board.

34 (3) Bonds shall be subject to the terms, conditions and covenants providing for the

1 payment of the principal, redemption premiums, if any, interest, and other terms, conditions,
2 covenants and protective provisions safeguarding payment, not inconsistent with this chapter and
3 as determined by resolution of the board authorizing their issuance.

4 (c) Bonds must be authorized by a resolution of the board; provided, that a resolution
5 authorizing the issuance of bonds may delegate to an officer of the corporation the power to
6 negotiate and fix the details of an issue of bonds by an appropriate certificate of the authorized
7 officer.

8 (d) To comply with all applicable federal law with respect to the issuance of bonds,
9 including, but not limited to, tax-exemption provisions of Internal Revenue Code, the corporation
10 may issue a certain series of bonds, or periodically issue several series of bonds, so that interest
11 on the bonds remains exempt from federal taxation or to comply with the purposes specified in
12 this chapter.

13 (e) No bonds may be authorized or issued by the corporation prior to the enactment of a
14 measure by the general assembly as contemplated by section 42-133-6 with respect to the size
15 and composition of the board, and no notes may be issued in anticipation of the issuance of
16 bonds except with the adoption by the general assembly of an authorizing measure and the
17 approval thereof of the governor.

18 **42-133-9. Trust funds.** -- All money received pursuant to the authority of this chapter,
19 whether as provided from the sale of bonds or state's tobacco receipts purchased by the
20 corporation, or investment income, shall be trust funds to be held and applied solely as provided
21 in the proceedings under which the bonds of the corporation are authorized. Any officer with
22 whom, or any bank or trust company with which monies shall be deposited as trustee, shall hold
23 and apply the trust funds for the purposes for which the bonds are authorized, subject to the
24 applicable provisions of this chapter, the proceedings authorizing the bonds, and the trust
25 agreement securing the bonds, if any.

26 **42-133-10. Exemption from taxation.** --The exercise of the powers granted by this
27 chapter shall be in all respects for the benefit of the people of the state, and the corporation, and
28 any trust established by the corporation, shall not be required to pay taxes of the state or any
29 political subdivision of the state of any kind, including any tax or assessment on any property
30 owned by the corporation, or any trust established by the corporation, under the provisions of this
31 chapter or upon the income from any property. Any bonds issued by the corporation under the
32 provisions of this chapter, their transfer, and the income from them (including any profits made
33 on their sale), shall at all times be free from taxation by the state or any political subdivision or
34 other instrumentality of the state, excepting inheritance, estate, and gift taxes.

1 **42-133-11. Bankruptcy.** --Prior to the date which is one (1) year and one (1) day after
2 the date on which the corporation no longer has any bonds outstanding, the corporation has no
3 authority to file a voluntary petition under chapter 9 of the United States Bankruptcy Code or
4 such corresponding law as may, from time to time, be in effect, and neither any public official nor
5 any other organization, entity, or other person shall authorize the corporation to be or become a
6 debtor under the United States Bankruptcy Code or any corresponding law during such periods.
7 The provisions of this section are for the benefit of the holders of any bonds and are a part of the
8 contractual obligation owed to such bondholders and the state hereby agrees that it shall not
9 modify or delete the provisions of this section during the periods described in this section. The
10 corporation is authorized to include this agreement of the state in any agreement with the holders
11 of the bonds.

12 **42-133-12. Limited power to incur debt.** -- The corporation and the board have no
13 power to incur debt or obligations or in any way to encumber their assets except by the issuance
14 of bonds, including the making of covenants in relation to the issuing of bonds and the incurring
15 of expenses and obligations in connection with such issuance.

16 **42-133-13. Bonds as legal investments.** -- The bonds of the corporation are hereby made
17 securities in which all public officers and bodies of this state and municipalities and municipal
18 subdivisions, all companies and associations and other persons carrying on an insurance business,
19 all banks, bankers, trust companies, savings banks, and savings associations, including savings
20 and loan associations, building and loan associations, investment companies, and other persons
21 carrying on a banking business, all administrators, guardians, executors, trustees, and other
22 fiduciaries, and all other persons whatsoever who are authorized to invest in bonds or other
23 obligations of the state may properly and legally invest funds, including capital, in their control or
24 belonging to them.

25 **42-133-14. Agreement by the state.** -- The state does hereby pledge to and agree with
26 the holders of any bonds issued under this chapter that the state will not limit or alter the rights
27 vested in the corporation to fulfill the terms of any agreements made with the holders, or
28 otherwise take any action that materially and adversely affects the rights of the holders, until the
29 bonds, together with the interest thereon, with interest on any unpaid installments of interest, and
30 all costs and expenses in connection with any action or proceeding by or on behalf of holders, are
31 fully met and discharged. The corporation is authorized to include this pledge and agreement of
32 the state in any agreement with the holders of the bonds.

33 **42-133-15. Credit of the state.** -- Bonds issued under the provisions of this chapter shall
34 not constitute a debt, liability, or obligation of the state or of any political subdivision thereof

1 other than the corporation, or a pledge of the faith and credit of the state or any political
2 subdivision, but shall be payable solely from the assets of the corporation. Bonds shall state on
3 their face that the bonds are payable both as to principal and interest solely out of the assets of the
4 corporation pledged for such purpose, and neither the faith and credit nor the taxing power of the
5 state or any political subdivision thereof is pledged to the payment of the principal of or the
6 interest on the bonds; do not constitute an indebtedness of the state or any political subdivision of
7 the state; are secured solely by and payable solely from the tobacco receipts sold to the
8 corporation and other moneys of the corporation; and do not constitute a general, legal, or moral
9 obligation of the state or any political subdivisions thereof, and that the state has no obligation or
10 intention to satisfy any deficiency or default of any payment of the bonds.

11 **42-133-16. Annual report and audit.** -- The corporation shall submit to the speaker of
12 the house, the majority leader of the senate, the director of administration and the attorney general
13 within four (4) months after the close of its fiscal year, a report of its activities for the preceding
14 fiscal year. The report shall set forth a complete operating and financial statement covering the
15 corporation's operations during the preceding fiscal year. The corporation shall cause an
16 independent audit of its books and accounts to be made at least once each fiscal year. The fiscal
17 year of the corporation shall commence on each July 1.

18 **42-133-17. Attorney general.** -- Nothing in this chapter shall be construed as in any way
19 modifying or limiting, and the state does hereby pledge to and agree with the holders of any
20 bonds issued under this chapter that the state will not modify or limit, the responsibility of the
21 attorney general to administer, protect and discharge all duties, rights and obligations of the state
22 under the master settlement agreement and the qualifying statute.

23 **42-133-18. Chapter controlling over inconsistent provisions.** --Insofar as the
24 provisions of this chapter are inconsistent with the provisions of any other law or ordinance,
25 general, special or local, the provisions of this chapter shall be controlling.

26 **42-133-19. Construction with other statutes.** -- The issuance of bonds of the
27 corporation under the provisions of this chapter need not comply with the requirements of any
28 other statute applicable to the issuance of obligations. No proceedings or notice of approval shall
29 be required for the issuance of any bonds except as provided in this chapter.

30 **42-133-20. Severability.** -- If any clause, sentence, paragraph, section, or part of this
31 chapter shall be adjudged by any court of competent jurisdiction to be invalid, that judgment shall
32 not affect, impair, or invalidate the remainder of this chapter, but shall be confined in its
33 operation to the clause, sentence, paragraph, section, or part directly involved in the controversy
34 in which that judgment shall have been rendered.

1 SECTION 2. Section 35-3-23 of the General Laws in Chapter 35-3 entitled "State
2 Budget" is hereby amended to read as follows:

3 **35-3-23. Interfund transfers. [Effective until January 7, 2003.]** -- The governor may
4 make an interfund transfer. Prior to making an interfund transfer the governor shall give five (5)
5 days written notification of the proposed interfund transfer to the speaker of the house, the
6 majority leader of the senate, the chairperson of the house finance committee, the chairperson of
7 the senate finance committee, the minority leader of the senate, and the minority leader of the
8 house. An interfund transfer must comply with this section. An interfund transfer can be made
9 under the following circumstances and on the following conditions:

10 (1) The governor must make the findings that:

11 (i) All cash in the general fund, including the payroll clearing account, has been or is
12 about to be exhausted;

13 (ii) The anticipated cash expenditures exceed the anticipated cash available.

14 (2) The governor may make an interfund transfer to the general fund from the:

15 (i) Temporary disability fund created in section 28-39-4; ~~and/or~~

16 (ii) Intermodal surface transportation fund created in section 35-4-11; ~~and/or~~;

17 (iii) Tobacco settlement financing trust fund created in section 42-133-9.

18 (3) Once in each fiscal quarter from each fund the governor may make an interfund
19 transfer. The fund(s) from which money is transferred must be made whole by June 30th in the
20 same fiscal year as the transfer is made.

21 (4) The interfund transfer may be made notwithstanding the provisions of sections 28-
22 37-3 and 28-39-4.

23 **35-3-23. Interfund transfers. [Effective January 7, 2003.]** -- The governor may make
24 an interfund transfer. Prior to making an interfund transfer the governor shall give five (5) days
25 written notification of the proposed interfund transfer to the speaker of the house, the president of
26 the senate, the chairperson of the house finance committee, the chairperson of the senate finance
27 committee, the minority leader of the senate, and the minority leader of the house. An interfund
28 transfer must comply with this section. An interfund transfer can be made under the following
29 circumstances and on the following conditions:

30 (1) The governor must make the findings that:

31 (i) All cash in the general fund, including the payroll clearing account, has been or is
32 about to be exhausted;

33 (ii) The anticipated cash expenditures exceed the anticipated cash available.

34 (2) The governor may make an interfund transfer to the general fund from the:

- 1 (i) Temporary disability fund created in section 28-39-4; ~~and/or~~
2 (ii) Intermodal surface transportation fund created in section 35-4-11; and/or
3 (iii) Tobacco settlement financing trust fund created in section 42-133-9.

4 (3) Once in each fiscal quarter from each fund the governor may make an interfund
5 transfer. The fund(s) from which money is transferred must be made whole by June 30th in the
6 same fiscal year as the transfer is made.

7 (4) The interfund transfer may be made notwithstanding the provisions of sections 28-
8 37-3 and 28-39-4.

9 SECTION 3. Chapter 44-20 of the General Laws entitled "Cigarette Tax" is hereby
10 amended by adding thereto the following section:

11 **44-20-28.1. Noncompliance with Tobacco Manufacturer's Escrow Fund-Penalties. -**

12 (A) A distributor may not affix, or cause to be affixed, stamps to individual packages of cigarettes
13 to be sold or distributed in this state by a distributor licensed in this state if the Attorney General
14 has notified the distributor that the tobacco product manufacturer of those cigarettes has:

15 (a) Failed to become a participating manufacturer pursuant to section 23-71-3(1) of the
16 Rhode Island General Laws; and

17 (b) Failed to create a qualified escrow fund and make the required deposits in said escrow
18 fund pursuant to section 23-71-3(2)(i) of the Rhode Island General Laws for any cigarettes the
19 distributor sold or distributed for that tobacco product manufacturer in this state.

20 As used in this section, "tobacco product manufacturer" has the same meaning as that
21 term is defined in section 23-71-2 of the Rhode Island General Laws.

22 (B) A distributor who violates this section is subject to suspension or revocation of its
23 license pursuant to section 44-20-8.

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

25 **ARTICLE 9**

26 **RELATING TO TAXATION – PERSONAL INCOME TAX**

27 SECTION 1. Sections 44-30-12, 44-30-17, 44-30-32 and 44-30-36 of the General Laws
28 in Chapter 44-30 entitled "Personal Income Tax" are hereby amended to read as follows:

29 **44-30-12. Rhode Island income of a resident individual. --** (a) General. - The Rhode
30 Island income of a resident individual means his or her adjusted gross income for federal income
31 tax purposes, with the modifications specified in this section.

1 (b) Modifications increasing federal adjusted gross income. - There shall be added to
2 federal adjusted gross income:

3 (1) Interest income on obligations of any state, or its political subdivisions, other than
4 Rhode Island or its political subdivisions;

5 (2) Interest or dividend income on obligations or securities of any authority, commission,
6 or instrumentality of the United States, but not of Rhode Island or its political subdivisions, to the
7 extent exempted by the laws of the United States from federal income tax but not from state
8 income taxes.

9 (3) The modification described in section 44-30-25(g): ; and

10 (4) The amount defined below of a nonqualified withdrawal made from an account in the
11 tuition savings program pursuant to section 16-57-6.1. For purposes of this section, a nonqualified
12 withdrawal is:

13 (i) a transfer or rollover to a qualified tuition program under section 529 of the internal
14 revenue code, other than to the tuition savings program referred to in section 16-57-6.1; and

15 (ii) a withdrawal or distribution which is:

16 (A) not applied on a timely basis to pay "qualified higher education expenses" as defined
17 in section 16-57-3(12) of the beneficiary of the account from which the withdrawal is made;

18 (B) not made for a reason referred to in subsection 16-57-6.1(e); or

19 (C) not made in other circumstances for which an exclusion from tax made applicable by
20 section 529 of the internal revenue code pertains if such transfer, rollover, withdrawal or
21 distribution is made within two (2) taxable years following the taxable year for which a
22 contributions modification pursuant to subsection 44-30-12(c)(4) is taken based on contributions
23 to any tuition savings program account by the person who is the participant of the account at the
24 time of the contribution, whether or not such person is the participant of the account at the time of
25 the transfer, rollover, withdrawal or distribution.

26 In the event of a nonqualified withdrawal under (i) or (ii) above, there shall be added to
27 the federal adjusted gross income of that person for the taxable year of the withdrawal an amount
28 equal to the lesser of:

29 (I) the amount equal to the nonqualified withdrawal reduced by the sum of any
30 administrative fee or penalty imposed under the tuition savings program in connection with the
31 nonqualified withdrawal plus the earnings portion thereof, if any, includible in computing the
32 person's federal adjusted gross income for such taxable year; and

33 (II) the amount of the person's contribution modification pursuant to subsection 44-30-
34 12(c)(4) for the person's taxable year of the withdrawal and the two (2) prior taxable years less

1 the amount of any nonqualified withdrawal for the two (2) prior taxable years included in
2 computing such person's Rhode Island income by application of this subsection for those years.
3 Any amount added to federal adjusted gross income pursuant to subsection 44-30-12(b)(4) shall
4 constitute Rhode Island income for residents, nonresidents and part-year residents.

5 (c) Modifications reducing federal adjusted gross income. - There shall be subtracted
6 from federal adjusted gross income:

7 (1) Any interest income on obligations of the United States and its possessions to the
8 extent includible in gross income for federal income tax purposes, and any interest or dividend
9 income on obligations, or securities of any authority, commission, or instrumentality of the
10 United States to the extent includible in gross income for federal income tax purposes but exempt
11 from state income taxes under the laws of the United States; provided that the amount to be
12 subtracted shall in any case be reduced by any interest on indebtedness incurred or continued to
13 purchase or carry obligations or securities the income of which is exempt from Rhode Island
14 personal income tax, to the extent the interest has been deducted in determining federal adjusted
15 gross income or taxable income;

16 (2) A modification described in section 44-30-25(f) or section 44-30-1.1(C)(1); and

17 (3) The amount of any withdrawal or distribution from the "tuition savings program"
18 referred to in section 16-57-6.1 which is included in federal adjusted gross income, other than a
19 withdrawal or distribution or portion of a withdrawal or distribution which is a nonqualified
20 withdrawal. ~~As used in this section, a "nonqualified withdrawal" is a withdrawal or distribution~~
21 ~~which either is:~~

22 ~~(i) Not applied on a timely basis to pay "qualified higher education expenses" as defined~~
23 ~~in section 16-57-3(12) of the beneficiary of the account from which the withdrawal is made;~~

24 ~~(ii) Not made for a reason referred to in section 16-57-6.1(e); or~~

25 ~~(iii) Not made in other circumstances for which an exclusion from the tax made~~
26 ~~applicable by section 529 of the internal revenue code pertains.~~

27 (4) Contributions made to an account under the tuition savings program, including the
28 "contributions carryover" pursuant to subsection 44-30-12(c)(4)(iv), if any, subject to the
29 following limitations, restrictions and qualifications:

30 (i) The aggregate subtraction pursuant to subsection 44-30-12(c)(4) for any taxable year
31 of the taxpayer shall not exceed five hundred dollars (\$500) or one thousand dollars (\$1,000) if a
32 joint return;

33 (ii) The following shall not be considered contributions:

34 (A) contributions made by any person to an account who is not a participant of the

1 account at the time the contribution is made;

2 (B) transfers or rollovers to an account from any other tuition savings program account or
3 from any other "qualified tuition program" under section 529 of the internal revenue code; or

4 (C) a change of the beneficiary of the account.

5 (iii) The subtraction pursuant to subsection 44-30-12(c)(4) shall not reduce the taxpayer's
6 federal adjusted gross income to less than zero (0).

7 (iv) The contributions carryover to a taxable year for purpose of subsection 44-30-
8 12(c)(4) is the excess, if any, of the total amount of contributions actually made by the taxpayer
9 to the tuition savings program for all preceding taxable years for which this subsection is
10 effective over the sum of:

11 (A) the total of the subtractions under subsection 44-30-12(c)(4) allowable to the
12 taxpayer for all such preceding taxable years; and

13 (B) that part of any remaining contribution carryover at the end of the taxable year which
14 exceeds the amount of any nonqualified withdrawals during such year and the prior two (2)
15 taxable years not included in the addition provided for in subsection 44-30-12(b)(4) for those
16 years. Any such part shall be disregarded in computing the contributions carryover for any
17 subsequent taxable year.

18 (v) For any taxable year for which a contributions carryover is applicable, the taxpayer
19 shall include a computation of the carryover with the taxpayer's Rhode Island personal income
20 tax return for that year, and if for any taxable year on which the carryover is based the taxpayer
21 filed a joint Rhode Island personal income tax return but filed a return on a basis other than
22 jointly for a subsequent taxable year, the computation shall reflect how the carryover is being
23 allocated between the prior joint filers.

24 (d) Modification for Rhode Island fiduciary adjustment. -- There shall be added to or
25 subtracted from federal adjusted gross income (as the case may be) the taxpayer's share, as
26 beneficiary of an estate or trust, of the Rhode Island fiduciary adjustment determined under
27 section 44-30-17.

28 (e) Partners. -- The amounts of modifications required to be made under this section by a
29 partner, which relate to items of income or deduction of a partnership, shall be determined under
30 section 44-30-15.

31 **44-30-17. Share of a resident estate, trust, or beneficiary in Rhode Island fiduciary**
32 **adjustment.** -- (a) General. - An adjustment shall be made in determining Rhode Island income
33 of a resident estate or trust under section 44-30-16, or Rhode Island income of a resident
34 beneficiary of any estate or trust under subsection (d) of section 44-30-12, in the amount of the

1 share of each in the Rhode Island fiduciary adjustment as determined in this section.

2 (b) Definition. -- The Rhode Island fiduciary adjustment shall be the net amount of the
3 modifications described in section 44-30-12 (excluding ~~subdivision~~ subdivisions (b)(4), (c)(3)
4 and (c)(4) of that section) and including subsection (d) of that section if the estate or trust is a
5 beneficiary of another estate or trust), which relates to items of income or deduction of an estate
6 or trust.

7 (c) Shares of Rhode Island fiduciary adjustment. -- (1) The respective shares of an estate
8 or trust and its beneficiaries (including, solely for the purpose of this allocation, nonresident
9 beneficiaries) in the Rhode Island fiduciary adjustment shall be in proportion to their respective
10 shares of federal distributable net income of the estate or trust.

11 (2) If the estate or trust has no federal distributable net income for the taxable years, the
12 share of each beneficiary in the Rhode Island fiduciary adjustment shall be in proportion to his or
13 her share of the estate or trust income for that year, under the law governing the instrument,
14 which is required to be distributed currently and any other amounts of that income distributed in
15 that year. Any balance of the Rhode Island fiduciary adjustment shall be allocated to the estate or
16 trust.

17 (d) Alternate attribution of modifications. - The tax administrator may by regulation
18 authorize the use of such other methods of determining to whom the items comprising the
19 fiduciary adjustment shall be attributed, as may be appropriate and equitable, on such terms and
20 conditions as the tax administrator may require.

21 **44-30-32. Rhode Island income of a nonresident individual.** -- (a) General. - The
22 Rhode Island income of a nonresident individual shall be the sum of the following:

23 (1) The net amount of items of income and deduction entering into his or her federal
24 adjusted gross income derived from or connected with Rhode Island sources, including:

25 (i) His or her distributive share of partnership income and deductions, determined under
26 section 44-30-34; and

27 (ii) His or her share of estate or trust income and deductions, determined under section
28 44-30-36; and

29 (2) The portion of the modifications described in subsections (b) and (c) of section 44-
30 30-12 which relate to income derived from Rhode Island sources, including any modifications
31 attributable to the individual as a partner.

32 (3) The portion of the modifications described in subsections 44-30-12(b) and 44-30-
33 12(c) which relate to the tuition savings plan program referred to in section 16-57-6.1.

34 (b) Income and deductions from Rhode Island sources. -- (1) Items of income and

1 deduction derived from or connected with Rhode Island sources shall be those items attributable
2 to:

3 (i) The ownership or disposition of any interest in real or tangible personal property in
4 this state; or

5 (ii) A business, trade, profession, or occupation carried on in this state.

6 (iii) Gambling winnings from the state lottery and gambling winnings from pari-mutuel
7 betting events conducted or operated by a licensee within this state.

8 (2) Income from intangible personal property, including annuities, dividends, interest,
9 and gains from the disposition of intangible personal property, shall constitute income derived
10 from Rhode Island sources only to the extent that the intangible personal property is employed in
11 a business, trade, profession, or occupation carried on in this state.

12 (3) Deductions with respect to capital losses, net long-term capital gains, and net
13 operating losses shall be based solely on income and deductions derived from or connected with
14 Rhode Island sources, under regulations of the tax administrator, but otherwise shall be
15 determined in the same manner as the corresponding federal deductions.

16 (c) Income and deductions partly from Rhode Island sources. -- If a business, trade,
17 profession, or occupation is carried on partly within and partly without this state, the items of
18 income and deduction derived from or connected with Rhode Island sources shall be determined
19 by apportionment and allocation under regulations to be promulgated by the tax administrator.

20 (d) Military pay. - Compensation paid by the United States for service in the armed
21 forces of the United States, performed by an individual not domiciled in this state, shall not
22 constitute income derived from Rhode Island sources.

23 **44-30-36. Share of a nonresident estate, trust, or beneficiary in income from Rhode**
24 **Island sources.** -- (a) General. -- The share of a nonresident estate or trust under section 44-30-
25 35(a)(1) and the share of a nonresident beneficiary of any estate or trust under section 44-30-
26 32(a) in estate or trust income and deduction from Rhode Island sources shall be determined as
27 follows:

28 (1) Items of distributable net income from Rhode Island sources. -- There shall be
29 determined the items of income and deduction, derived from or connected with Rhode Island
30 sources, which enter into the definition of "federal distributable net income" of the estate or trust
31 for the taxable year, including the items from another estate or trust of which the first estate or
32 trust is a beneficiary. The determination of source shall be made under regulations of the tax
33 administrator in keeping with the applicable rules of section 44-30-32 as if the estate or trust were
34 a nonresident individual.

1 SECTION 1. Subject to the conditions, limitations and restrictions hereinafter contained
2 in this act, the following general revenue amounts are hereby appropriated out of any money in
3 the treasury not otherwise appropriated to be expended during the fiscal year ending June 30,
4 2002. The amounts identified for federal funds and restricted receipts shall be made available
5 pursuant to section 35-4-22 and Chapter 41 of Title 42 of the Rhode Island General Laws. For
6 the purposes and functions hereinafter mentioned, the state controller is hereby authorized and
7 directed to draw his or her orders upon the general treasurer for the payment of such sums or such
8 portions thereof as may be required from time to time upon receipt by him or her of properly
9 authenticated vouchers.

	FY 2002	FY 2002	FY 2002
	<u>Enacted</u>	<u>Variance</u>	<u>Recommend</u>
Administration			
Central Management			
General Revenues	1,835,080	68,554	1,903,634
Federal Funds	204,894	1,669	206,563
Total - Central Management	2,039,974	70,223	2,110,197
Accounts and Control			
General Revenue			
General Revenues	4,746,970	1,063,819	5,810,789
RI e-Government Fund-RI-SAIL	2,000,000	65,098	2,065,098
Total - Accounts and Control	6,746,970	1,128,917	7,875,887
Budgeting <i>General Revenues</i>	2,106,537	(5,245)	2,101,292
Municipal Affairs			
General Revenues	1,236,447	(100,565)	1,135,882
Federal Funds	7,500,108	1,117,724	8,617,832
Total - Municipal Affairs	8,736,555	1,017,159	9,753,714
Purchasing <i>General Revenues</i>	2,101,214	64,036	2,165,250
Auditing <i>General Revenues</i>	1,509,967	31,717	1,541,684
<i>Human Resources</i>			
General Revenues	6,480,675	310,441	6,791,116
Federal Funds	0	14,000	14,000
Total - Human Resources	6,480,675	324,441	6,805,116
Personnel Appeal Board <i>General Revenues</i>	131,263	(18,796)	112,467
<i>Taxation</i>			
Other Funds			
Motor Fuel Tax Evasion Program		90,000	937
Temporary Disability Insurance	642,440	(58,893)	583,547
General Revenues	14,814,080	1,133,449	15,947,529
Federal Funds	1,306,280	(117,594)	1,188,686

1	Restricted Receipts	334,963	155,221	490,184
2	Total - Taxation	17,187,763	1,113,120	18,300,883
3	<i>Registry of Motor Vehicles</i>			
4	Other Funds			
5	Motor Vehicle Emission Inspections – CMAQ	11,204	(11,204)	0
6	Registration Denial Program	0	110,000	110,000
7	General Revenues			
8	General Revenue	13,793,639	358,755	14,152,394
9	RI e-Gov Fund – Digital License System	150,000	150,000	300,000
10	RI e-Gov Fund – OLIS Support – RMV System	350,000	(150,000)	200,000
11	Federal Funds	0	394,137	394,137
12	Restricted Receipts	15,848	0	15,848
13	Total – Registry of Motor Vehicles	14,320,691	851,688	15,172,379
14	<i>Child Support Enforcement</i>			
15	General Revenues	3,193,389	(20,139)	3,173,250
16	Federal Funds	7,267,802	(174,767)	7,093,035
17	Total - Child Support Enforcement	10,461,191	(194,906)	10,266,285
18	Central Services			
19	Other Funds-Lighting Conservation	661,278	0	661,278
20	General Revenue	11,911,939	(204,285)	11,707,654
21	Energy Office Grants	381,016	903,022	1,284,038
22	Federal Funds	18,543,661	(293,499)	18,250,162
23	Restricted Receipts	1,049,861	267,508	1,317,369
24	Total - Central Services	32,547,755	672,746	33,220,501
25	<i>Office of Library and Information Services</i>			
26	Other Funds			
27	Federal Highway - PL Systems Planning	851,184	70,059	921,243
28	Federal Highway - T2 Systems Planning	117,550	10,000	127,550
29	Air Quality Modeling	20,283	0	20,283
30	General Revenues	2,606,304	(40,348)	2,565,956
31	Federal Funds	1,357,458	(138,416)	1,219,042
32	Restricted Receipts Total	10,830	(1,158)	9,672
33	Total - Office of Library and Information Services	4,963,609	(99,863)	4,863,746
34	General			
35	Other Funds			
36	RICAP – State House Renovations (Phase I)	0	100,000	100,000
37	RICAP – A-Building Stabilization – Pastore Center	100,000	(100,000)	0
38	RICAP - State House Skylights and Roof	1,733,000	1,513,209	3,246,209
39	RICAP - State House Terrace/South Stairs	2,903,000	(739,675)	2,163,325
40	RICAP - Chapin Health Laboratory	300,000	(184,373)	115,627
41	RICAP - Cranston Street Armory	1,000,000	(204,813)	795,187
42	RICAP - Cannon Building	150,000	137,859	287,859

1	RICAP – Second State House Elevator	0	12,000	12,000
2	RICAP – Ladd Center – Infrastructure	0	974,046	974,046
3	RICAP – Old State House	35,000	15,000	50,000
4	RICAP - State Office Building	200,000	(89,603)	110,397
5	RICAP – Veterans’ Auditorium Office Building	0	73,204	73,204
6	RICAP – State Information Operations Center	200,000	(200,000)	0
7	RICAP – Old Colony House	200,000	0	200,000
8	RICAP - Court Buildings – HVAC	362,000	(362,000)	0
9	RICAP - Asset Inventory	50,000	250,000	300,000
10	RICAP - Washington County Government Center	395,000	(318,000)	77,000
11	RICAP - State House Renovations – Phase II	592,664	(516,352)	76,312
12	RICAP – Board of Elections Building	50,000	(25,000)	25,000
13	RICAP – Environmental Compliance	900,000	(150,000)	750,000
14	RICAP - Fox Point Hurricane Barrier	50,000	0	50,000
15	General Revenue			
16	General Revenues	11,419,295	(1,060,375)	10,358,920
17	Contingency Fund	0	1,771,045	1,771,045
18	Race and Police Community Relations Commission	300,000	0	300,000
19	Economic Development Corporation	7,826,807	0	7,826,807
20	Centers of Excellence	3,000,000	0	3,000,000
21	Housing Resources Commission	8,652,098	(5,001,237)	3,650,861
22	Motor Vehicle Excise Tax Payment	97,202,898	2,361,665	99,564,563
23	Property Valuation	1,073,300	46,700	1,120,000
24	General Revenue Sharing Program	43,621,430	0	43,621,430
25	Payment in Lieu of Tax Exempt Properties	18,151,500	0	18,151,500
26	Distressed Communities Relief Program	7,400,000	100,000	7,500,000
27	Resource Sharing and State Library Aid	6,318,527	0	6,318,527
28	Library Construction Aid	2,280,669	(234,245)	2,046,424
29	Federal Funds	700,000	0	700,000
30	Restricted Receipts	566,000	0	566,000
31	Total - General	217,733,188	(1,830,945)	215,902,243
32	Debt Service Payments			
33	Other Funds			
34	MHRH Community Services Program	0	6,776,960	6,776,960
35	MHRH Community Mental Health Program	0	2,749,415	2,749,415
36	DEM – Narragansett Bay Commission	5,066,552	(21,310)	5,045,242
37	DEM – Clean Water Finance Agency	3,834,496	(2,075,667)	1,758,829
38	DEM Debt Service – Recreation	0	5,339,102	5,339,102
39	DEM – Wastewater Treatment	6,098,952	3,731,500	9,830,452
40	RIPTA Debt Service	771,729	10,809	782,538
41	Transportation Debt Service	42,085,172	(10,010)	42,075,162
42	RIRBA - DLT – Temporary Disability Insurance	60,222	0	60,222

1	COPS - DLT Building – Other	360,202	23,641	383,843
2	COPS – Center General – Furniture - TDI	2,080	0	2,080
3	COPS – Pastore Center Telecommunications – TDI	19,799	0	19,799
4	Debt - URI Education and General	963,451	124,744	1,088,195
5	Debt - URI Housing Loan Funds	1,845,923	43,340	1,889,263
6	Debt - URI Dining Services	265,179	1,736	266,915
7	Debt - URI Health Services	125,409	821	126,230
8	Debt - W. Alton Jones Services	111,050	727	111,777
9	Debt - URI Memorial Union	97,648	638	98,286
10	Debt - URI Sponsored Research (Indirect Cost)	101,347	0	101,347
11	Debt - RIC Education and General	296,614	(750)	295,864
12	Debt - RIC Housing	568,390	(7,099)	561,291
13	Debt - RIC Student Center and Dining	177,951	0	177,951
14	Debt - RIC Student Union	254,765	(57,394)	197,371
15	Debt - CCRI Bookstore	177,092	0	177,092
16	General Revenues Debt Service Payments	115,958,757	(22,628,427)	93,330,330
17	Federal Funds	1,632,114	(71,489)	1,560,625
18	Restricted Receipts	5,961,760	(69,435)	5,892,325
19	Total - Debt Service Payments	186,836,654	(6,138,148)	180,698,506
20	<i>Division of Sheriffs</i> General Revenues	12,246,353	(152,268)	12,094,085
21	Grand Total - Administration	526,150,359	(3,166,124)	522,984,235
22	Business Regulation			
23	<i>Central Management</i> General Revenues	1,433,701	56,575	1,490,276
24	Banking Regulation <i>General Revenues</i>	1,469,676	(114,541)	1,355,135
25	Securities Regulation <i>General Revenues</i>	664,764	(19,913)	644,851
26	Commercial Licensing and Regulation			
27	General Revenues	916,007	99,431	1,015,438
28	Restricted Receipts	100,000	0	100,000
29	Total - Commercial Licensing and Regulation	1,016,007	99,431	1,115,438
30	Racing and Athletics <i>General Revenue</i>	684,934	(17,373)	667,561
31	Insurance Regulation			
32	General Revenues	3,503,038	(74,057)	3,428,981
33	Gramm, Leach, Bliley Act – General Revenues	0	489,000	489,000
34	Notwithstanding the provisions of section 35-3-15 of the general laws in Chapter 35-3 entitled “State			
35	Budget”, all unexpended, encumbered and unencumbered general revenue balances of the appropriation			
36	for the Gramm, Leach, Bliley Act in the Department of Business Regulation at the end of the fiscal			
37	year 2002 shall be reappropriated in the ensuing fiscal year and made immediately available for the			
38	same purposes as the former application.			
39	Restricted Receipts	357,465	122,736	480,201
40	Total - Insurance Regulation	3,860,503	537,679	4,398,182

1	<i>Board of Accountancy</i> General Revenues	189,452	(7,361)	182,091
2	Grand Total - Business Regulation	9,319,037	534,497	9,853,534
3	Labor and Training			
4	Central Management			
5	General Revenues	279,999	105,899	385,898
6	Restricted Receipts Director of Workers' Compensation	471,284	304,188	775,472
7	Total - Central Management	751,283	410,087	1,161,370
8	Workforce Development Services			
9	Federal Funds	20,405,853	4,038,397	24,444,250
10	Restricted Receipts			
11	ES – Reemployment Program	1,127,297	(108,959)	1,018,338
12	Human Resource Investment Council	9,113,176	69,665	9,182,841
13	Job Development Fund DET Admin	267,115	(227,172)	39,943
14	HRIC – Supportive Work/Rapid Job Entry	0	1,711,130	1,711,130
15	Reed Act – Rapid Job Entry	0	288,870	288,870
16	Provided that these funds may be used solely for the Rapid Job Entry program to engage welfare recipients in			
17	employment preparation and placement through the Employment Assessment Workshop and Job Club/Job Search			
18	Workshop Activities.			
19	Total - Workforce Development Services	30,913,441	5,771,931	36,685,372
20	Workforce Regulation and Safety <i>General Revenues</i>	3,687,515	113,357	3,800,872
21	<i>Income Support</i>			
22	Other Funds			
23	Temporary Disability Insurance Fund	142,160,533	9,974,168	152,134,701
24	Employment Security Fund	151,500,000	62,000,000	213,500,000
25	General Revenues	2,654,310	47,084	2,701,394
26	Federal Funds	18,227,232	307,297	18,534,529
27	Restricted Receipts	1,989,520	(1,284,896)	704,624
28	Total - Income Support	316,531,595	71,043,653	387,575,248
29	<i>Injured Workers Services</i> Restricted Receipts	9,306,763	(345,203)	8,961,560
30	Labor Relations Board General Revenues	339,269	17,806	357,075
31	Grand Total - Labor and Training	361,529,866	77,011,631	438,541,497
32	Legislature			
33	General Revenues	24,886,849	3,452,536	28,339,385
34	Restricted Receipts	757,329	1,503	758,832
35	Grand Total - Legislature	25,644,178	3,454,039	29,098,217
36	Lieutenant Governor <i>General Revenues</i>	764,928	(4,779)	760,149
37	State			
38	<i>Administration</i>	General Revenues	1,165,919	86,416
39	Corporations			
40	General Revenue			

1	General Revenue	1,426,980	7,265	1,434,245
2	RI e-Gov Fund – UCC Automated System	250,000	0	250,000
3	Total - Corporations	1,676,980	7,265	1,684,245
4	<i>State Archives</i>			
5	General Revenues	281,015	(1,495)	279,520
6	Federal Funds	18,631	5,410	24,041
7	Restricted Receipts	193,337	(3,642)	189,695
8	Total - State Archives	492,983	273	493,256
9	<i>Elections</i> General Revenues	467,857	(1,532)	466,325
10	<i>State Library</i> General Revenues	703,827	1,613	705,440
11	<i>Office of Public Information</i> General Revenues	480,928	161	481,089
12	Grand Total - State	4,988,494	94,196	5,082,690
13	General Treasurer			
14	Treasury			
15	Other Funds			
16	Temporary Disability Insurance Fund	196,252	36,244	232,496
17	General Revenues	2,584,159	59,052	2,643,211
18	Federal Funds	265,140	(50,957)	214,183
19	Restricted Receipts	16,000	(5,102)	10,898
20	Total – Treasury	3,061,551	39,237	3,100,788
21	State Retirement System			
22	Other Funds			
23	Admin Expenses - State Retirement System	11,148,136	72,187	11,220,323
24	Retirement - Treasury Investment Operations	542,026	25,172	567,198
25	Total - State Retirement System	11,690,162	97,359	11,787,521
26	Unclaimed Property <i>Restricted Receipts</i>	9,382,527	(302,598)	9,079,929
27	RI Refunding Bond Authority <i>General Revenues</i>	67,827	14,341	82,168
28	Crime Victim Compensation Program			
29	General Revenues	2,420,467	(21,744)	2,398,723
30	Federal Funds	1,497,137	2,909	1,500,046
31	Restricted Receipts	1,727,619	12,146	1,739,765
32	Total - Crime Victim Compensation Program	5,645,223	(6,689)	5,638,534
33	Grand Total – General Treasurer	29,847,290	(158,350)	29,688,940
34	Boards for Design Professionals General Revenues	350,275	12,515	362,790
35	Board of Elections			
36	General Revenue			
37				
38	General Revenues	2,120,057	30,730	2,150,787
39	RI e-Gov Fund – Electronic Campaign Finance System	330,000	0	330,000
40	Grand Total - Board of Elections	2,450,057	30,730	2,480,787
41	Rhode Island Ethics Commissions General Revenues	847,427	57,507	904,934

1	Office of Governor General Revenues	5,681,777	(70,612)	5,611,165
2	Public Utilities Commission			
3	General Revenues	731,240	(20,447)	710,793
4	Federal Funds	61,538	0	61,538
5	Restricted Receipts	4,663,397	20,115	4,683,512
6	Total - Public Utilities Commission	5,456,175	(332)	5,455,843
7	Rhode Island Commission on Women General Revenues	139,140	530	139,670
8	Children, Youth, and Families			
9	Central Management			
10	General Revenues	7,828,990	(15,071)	7,813,919
11	Federal Funds	5,117,207	(310,176)	4,807,031
12	Total - Central Management	12,946,197	(325,247)	12,620,950
13	Children's Behavioral Health Services			
14	Other Funds			
15	RICAP – Groden Center – Mt. Hope	79,660	(79,660)	0
16	RICAP - Spurwink/RI	199,000	(16,077)	182,923
17	General Revenues	21,620,441	509,818	22,130,259
18	Federal Funds	19,732,041	812,681	20,544,722
19	Total - Children's Behavioral Health Services	41,631,142	1,226,762	42,857,904
20	Juvenile Correctional Services			
21	Other Funds RICAP – RI Training School Bathroom Renovations	100,000	0	100,000
22	General Revenues	24,423,744	236,663	24,660,407
23	Federal Funds	2,855,694	795,402	3,651,096
24	Restricted Receipts	8,000	500,000	508,000
25	Total - Juvenile Correctional Services	27,387,438	1,532,065	28,919,503
26	Child Welfare			
27	General Revenues			
28	General Revenue	78,956,984	5,727,570	84,684,554
29	Children's Trust Fund	55,500	0	55,500
30	Federal Funds	55,627,562	4,557,434	60,184,996
31	Restricted Receipts	1,387,191	(365,188)	1,022,003
32	Total - Child Welfare	136,027,237	9,919,816	145,947,053
33	<i>Higher Education Incentive Grant – General Revenue</i>			
34	Total - Higher Education Incentive Grants	150,000	53,727	203,727
35	Notwithstanding the provisions of section 35-3-15 of the general laws in			
36	chapter 35-3 entitled "State Budget," all unexpended, encumbered and			
37	unencumbered general revenues balances of the appropriation for the			
38	higher education opportunity incentive grants in the Department of			
39	Children, Youth and Families at the end of fiscal year 2002 shall be			
40	reappropriated in the ensuing fiscal year and made immediately available			
41	for the same purposes as the former applications.			

1	Grand Total - Children, Youth, and Families	218,142,014	12,407,123	230,549,137
2	Elderly Affairs			
3	Other Funds Intermodal Surface Transportation Fund	4,700,000	(205,463)	4,494,537
4	General Revenue			
5	General Revenues	13,477,616	17,290	13,494,906
6	RIPAE	10,280,993	1,632,147	11,913,140
7	Safety and Care of the Elderly	1,000	(500)	500
8	Federal Funds	8,659,750	867,604	9,527,354
9	Grand Total - Elderly Affairs	37,119,359	2,311,078	39,430,437
10	Health			
11	Central Management			
12	Other Funds Trauma Registry	228,109	(58,512)	169,597
13	General Revenue			
14	General Revenue	2,609,284	(37,137)	2,572,147
15	RI e-Gov Fund – Automated Vital Records System	300,000	0	300,000
16	Federal Funds	3,061,631	(765,222)	2,296,409
17	Restricted Receipts	1,729,242	24,062	1,753,304
18	Total - Central Management	7,928,266	(836,809)	7,091,457
19	State Medical Examiner <i>General Revenues</i>	<i>1,678,857</i>	<i>(21,946)</i>	<i>1,656,911</i>
20	Family Health			
21	General Revenues			
22	General Revenue	8,465,477	531,033	8,996,510
23	Poison Control Center	250,000	0	250,000
24	Federal Funds	27,385,678	2,363,067	29,748,745
25	Restricted Receipts	3,459,596	408,430	3,868,026
26	Total - Family Health	39,560,751	3,377,530	42,938,281
27	Health Services Regulation			
28	General Revenues			
29	General Revenue	4,375,908	40,575	4,416,483
30	Hospital Care Consultant Report	292,312	(943)	291,369
31	Federal Funds	1,963,101	189,833	2,152,934
32	Restricted Receipts	464,833	29,247	494,080
33	Total - Health Services Regulation	7,096,154	258,712	7,354,866
34	Environmental Health			
35	General Revenues	4,157,352	(118,917)	4,038,435
36	Federal Funds	2,216,902	444,482	2,661,384
37	Restricted Receipts	670,447	397,979	1,068,426
38	Total - Environmental Health	7,044,701	723,544	7,768,245
39	Health Laboratories			
40	General Revenues	5,638,424	352,839	5,991,263
41	Federal Funds	794,635	(91,018)	703,617

1	Total - Health Laboratories	6,433,059	261,821	6,694,880
2	Disease Prevention and Control			
3	Other Funds			
4	Child Safety Program	0	20,000	20,000
5	Walkable Communities Initiative	0	80,000	80,000
6	General Revenue			
7	General Revenues	5,220,109	80,362	5,300,471
8	Smoking Cessation	1,000,000	(700,000)	300,000
9	Federal Funds	11,656,697	164,825	11,821,522
10	Restricted Receipts	79,783	796,217	876,000
11	Total - Disease Prevention and Control	17,956,589	441,404	18,397,993
12	Grand Total - Health	87,698,377	4,129,256	91,827,633
13	Human Services			
14	Central Management			
15	General Revenues	7,089,388	(175,255)	6,914,133
16	Federal Funds	3,673,194	210,061	3,883,255
17	Restricted Receipts	1,786,967	188,033	1,975,000
18	Total - Central Management	12,549,549	222,839	12,772,388
19	Individual and Family Support			
20	Other Funds			
21	RICAP – Veterans Home Roof	60,000	(60,000)	0
22	RICAP - Forand Bldg Exterior Doors & Windows	135,000	(135,000)	0
23	RICAP - Forand Bldg Soffitts Replacement	85,000	(85,000)	0
24	RICAP - Forand Bldg Exterior Window Panels	349,375	(344,802)	4,573
25	General Revenues	20,699,761	(391,026)	20,308,735
26	Federal Funds	50,994,985	394,205	51,389,190
27	Restricted Receipts	73,680	0	73,680
28	Total - Individual and Family Support	72,397,801	(621,623)	71,776,178
29	Veterans' Affairs			
30	General Revenues	13,405,994	742,127	14,148,121
31	Federal Funds	5,604,801	1,066,701	6,671,502
32	Restricted Receipts	1,085,986	1,000,520	2,086,506
33	Total - Veterans' Affairs	20,096,781	2,809,348	22,906,129
34	Health Care Quality, Financing and Purchasing			
35	General Revenues	22,250,099	208,715	22,458,814
36	Federal Funds	30,378,277	1,522,688	31,900,965
37	Restricted Receipts	330,000	165,238	495,238
38	Total - Health Care Quality, Financing & Purchasing	52,958,376	1,896,641	54,855,017
39	Medical Benefits			
40	General Revenues			
41	Hospitals	87,084,274	8,799,312	95,883,586

1	Nursing Facilities	121,332,000	1,868,000	123,200,000
2	Managed Care	114,428,738	3,771,262	118,200,000
3	Other	86,731,949	(258,524)	86,473,425
4	Special Education	9,493,730	4,449,259	13,942,989
5	Federal Funds			
6	Hospitals	95,166,543	8,949,871	104,116,414
7	Nursing Facilities	135,743,050	2,056,950	137,800,000
8	Managed Care	132,790,263	4,509,737	137,300,000
9	Other	98,136,077	(1,409,502)	96,726,575
10	Special Education	11,006,270	4,550,741	15,557,011
11	Restricted Receipts Total	15,000	0	15,000
12	Total - Medical Benefits	891,927,894	37,287,106	929,215,000
13	Supplemental Security Income Program <i>General Revenues</i>	28,267,437	(92,114)	28,175,323
14	Family Independence Program			
15	General Revenues			
16	Child Care	53,609,428	(953,835)	52,655,593
17	TANF/Family Independence Program	17,999,851	(1,832,489)	16,167,362
18	Federal Funds	82,403,049	5,503,539	87,906,588
19	Total - Family Independence Program	154,012,328	2,717,215	156,729,543
20	State Funded Programs			
21	General Revenues			
22	General Public Assistance	2,074,263	487,513	2,561,776
23	Food Stamp Replacement for Legal Immigrants	1,619,226	176,052	1,795,278
24	Citizenship Participation Program	100,000	0	100,000
25	Weatherization One-Time Payment	1,579,000	61,000	1,640,000
26	Federal Funds	59,026,224	5,330,264	64,356,488
27	Total - State Funded Programs	64,398,713	6,054,829	70,453,542
28	Grand Total - Human Services	1,296,608,879	50,274,241	1,346,883,120
29	Mental Health, Retardation, and Hospitals			
30	Central Management <i>General Revenues</i>	1,703,146	269,539	1,972,685
31	Hospital and Community System Support			
32	Other Funds			
33	RICAP - Utilities Upgrade	400,000	109,700	509,700
34	RICAP – Central Power Plant Rehabilitation	0	360,000	360,000
35	RICAP - Medical Center Rehabilitation	664,932	(414,931)	250,001
36	RICAP – Utility Systems - Water Tanks and Pipes	350,000	(238,675)	111,325
37	RICAP - Environmental Mandates	550,000	(550,000)	0
38	General Revenues	19,945,762	2,694,578	22,640,340
39	Total - Hospital and Community System Support	21,910,694	1,960,672	23,871,366
40	Services for the Developmentally Disabled			
41	General Revenues			

1	General Revenue	98,548,866	(1,696,912)	96,851,954
2	Pirovano Trust	0	260,990	260,990
3	Federal Funds Total	111,725,085	(1,407,756)	110,317,329
4	Total - Services for the Developmentally Disabled	210,273,951	(2,843,678)	207,430,273
5	Integrated Mental Health Services			
6	General Revenues	30,347,627	361,127	30,708,754
7	Federal Funds	28,172,341	401,731	28,574,072
8	Total - Integrated Mental Health Services	58,519,968	762,858	59,282,826
9	Hospital and Community Rehabilitation Services			
10	Other Funds RICAP - Zambarano Buildings and Utilities	404,942	(304,942)	100,000
11	General Revenues	50,523,558	1,158,695	51,682,253
12	Federal Funds	52,382,371	951,611	53,333,982
13	Total - Hospital and Community Rehab. Services	103,310,871	1,805,364	105,116,235
14	Substance Abuse			
15	Other Funds RICAP - Asset Protection	100,000	13,000	113,000
16	General Revenue			
17	General Revenue	14,829,699	464,231	15,293,930
18	Providence Community Action	213,000	(213,000)	0
19	Federal Funds	9,942,976	572,340	10,515,316
20	Restricted Receipts	55,000	10,000	65,000
21	Total - Substance Abuse	25,140,675	846,571	25,987,246
22	Grand Total - Mental Health, Retardation, and Hospitals	420,859,305	2,801,326	423,660,631
23	Office of the Child Advocate			
24	General Revenues	523,165	(700)	522,465
25	Federal Funds	342,703	16,487	359,190
26	Grand Total – Child Advocate	865,868	15,787	881,655
27	Commission on the Deaf and Hard of Hearing General Revenues	257,890	(61,440)	196,450
28	RI Developmental Disabilities Council Federal Funds	408,984	11,493	420,477
29	Governor's Commission on Disabilities			
30	General Revenues	305,032	(1,188)	303,844
31	Federal Funds	28,181	(2,909)	25,272
32	Restricted Receipts	1,400	36,232	37,632
33	Grand Total - Governor's Commission on Disabilities	334,613	32,135	366,748
34	Commission for Human Rights			
35	General Revenues	782,565	(47,603)	734,962
36	Federal Funds	426,177	(10,000)	416,177
37	Grand Total - Commission for Human Rights	1,208,742	(57,603)	1,151,139
38	Mental Health Advocate General Revenues	294,878	(11,847)	283,031
39	Elementary and Secondary Education			
40	State Aid			

1	General Revenue State Support Local School Operations	575,846,092	535,000	576,381,092
2	Federal Funds Total	0	2,536,209	2,536,209
3	Total - State Aid	575,846,092	3,071,209	578,917,301
4	School Housing Aid <i>General Revenues</i>	30,775,774	2,446,419	33,222,193
5	Teacher's Retirement <i>General Revenues</i>	37,243,558	(6,019,652)	31,223,906
6	RI School for the Deaf			
7	Other Funds			
8	RICAP - School for the Deaf - Physical Education Facility	268,250	(235,728)	32,522
9	General Revenues	5,681,452	(299,052)	5,382,400
10	Federal Funds	946,979	298,873	1,245,852
11	Restricted Receipts	0	1,418	1,418
12	Total - RI School for the Deaf	6,896,681	(234,489)	6,662,192
13	Central Falls School District <i>General Revenues</i>	33,265,963	0	33,265,963
14	Davies Career and Technical School			
15	Other Funds RICAP – Davies Roof Repair	450,000	(450,000)	0
16	General Revenues	10,611,621	(283,544)	10,328,077
17	Federal Funds	797,359	232,512	1,029,871
18	Restricted Receipts	25,000	169,836	194,836
19	Total - Davies Career and Technical School	11,883,980	(331,196)	11,552,784
20	Metropolitan Career and Technical School <i>General Revenues</i>	2,155,000	0	2,155,000
21	Program Operations			
22	Other Funds			
23	RICAP – East Providence Vocational HVAC	140,980	(131,380)	9,600
24	RICAP – Hanley – HVAC	125,000	91,617	216,617
25	RICAP – Woonsocket Vocational HVAC	0	10,160	10,160
26	RICAP – State-Owned Schools – Fire Alarm Systems	100,000	(22,454)	77,546
27	RICAP – Hazardous Material Storage/Dust	218,453	(12,440)	206,013
28	General Revenues	15,388,274	(225,611)	15,162,663
29	Federal Funds	111,816,758	17,125,741	128,942,499
30	Restricted Receipts	664,194	381,703	1,045,897
31	Total - Program Operations	128,453,659	17,217,336	145,670,995
32	Grand Total - Elementary and Secondary Education	826,520,707	16,149,627	842,670,334
33	Board of Governors			
34	General Revenues	174,893,876	(420,278)	174,473,598
35	Federal Funds	2,040,118	280,646	2,320,764
36	Other Funds			
37	University and College Funds	336,272,035	5,376,635	341,648,670
38	RICAP - Asset Protection/Roofs	4,336,922	407,551	4,744,473
39	RICAP – Chafee Hall PCB Abatement	2,500,000	1,300,000	3,800,000
40	RICAP - Athletic Complex	8,500,000	6,283,910	14,783,910

1	RICAP - Knight Megastructure	380,000	(33,149)	346,851
2	RICAP - Ballentine Hall	853,078	500,000	1,353,078
3	RICAP – Alger Hall	1,164,558	(1,144,558)	20,000
4	RICAP - DCYF Facilities	1,119,853	70,000	1,189,853
5	RICAP – Green Hall	1,200,000	0	1,200,000
6	RICAP - Plains Road Property	10,000	10,000	20,000
7	Grand Total - Board of Governors	533,270,440	12,630,757	545,901,197
8	RI State Council on the Arts			
9	General Revenue			
10	Operating Support	358,671	5,603	364,274
11	Grants	1,925,000	(6,874)	1,918,126
12	Federal Funds	553,795	42,846	596,641
13	Restricted Receipts	250,000	5,340	255,340
14	Grand Total - RI State Council on the Arts	3,087,466	46,915	3,134,381
15	RI Atomic Energy Commission			
16	Other Funds			
17	URI Sponsored Research	130,064	(327)	129,737
18	RICAP – Paint Interior Reactor Building Walls	50,000	(50,000)	0
19	RICAP - Roof Replacement – North Bunker	21,400	0	21,400
20	General Revenues	649,456	(4,461)	644,995
21	Federal Funds	753,000	(50,000)	703,000
22	Grand Total - RI Atomic Energy Commission	1,603,920	(104,788)	1,499,132
23	RI Higher Education Assistance Authority			
24	General Revenue			
25	Needs Based Grants and Work Opportunities	6,397,372	(500,000)	5,897,372
26	Notwithstanding the provisions of section 35-3-15 of the general laws in			
27	chapter 35-3 entitled “State Budget,” all unexpended, encumbered and			
28	unencumbered balances of revenue appropriations for “Need Based			
29	Grants and Work Opportunities – RIGL 16-56-6 and 16-56-8” contained			
30	in section 1 of this article within the Higher Education Assistance			
31	Authority, whether regular or special appropriations, at the end of fiscal			
32	years 2001 and 2002 shall be reappropriated in the ensuing fiscal year			
33	and made immediately available for the same purposes as the former			
34	applications.			
35	Authority Operations and Other Grants	1,039,005	(2,295)	1,036,710
36	Federal Fund Total	6,848,965	115,385	6,964,350
37	Other Funds Tuition Savings Program - Administration	229,406	1,167,303	1,396,709
38	Grand Total - Higher Education Assistance Authority	14,514,748	780,393	15,295,141
39	RI Historical Preservation and Heritage Commission			
40	General Revenues	751,369	32,690	784,059
41	Federal Funds	540,500	(5,966)	534,534

1	Restricted Receipts	331,690	(4,186)	327,504
2	Grand Total - Historical Preservation Comm.	1,623,559	22,538	1,646,097
3	RI Public Telecommunications Authority			
4	Other Funds			
5	Corporation for Public Broadcasting	571,755	(4,632)	567,123
6	RICAP – Fed. Mandated Digital Television Conversion	936,568	(816,568)	120,000
7	General Revenues	1,358,004	(90,566)	1,267,438
8	Federal Funds	350,000	0	350,000
9	Grand Total – R.I. Public Telecommunications Authority	3,216,327	(911,766)	2,304,561
10	Attorney General			
11	Criminal			
12	General Revenues	9,255,236	247,798	9,503,034
13	Federal Funds	1,191,290	75,387	1,266,677
14	Restricted Receipts	178,692	(15,954)	162,738
15	Total - Criminal	10,625,218	307,231	10,932,449
16	Civil			
17	General Revenues	3,484,235	(126,561)	3,357,674
18	Federal Funds	74,616	(6,614)	68,002
19	Restricted Receipts	408,802	8,561	417,363
20	Total - Civil	3,967,653	(124,614)	3,843,039
21	Bureau of Criminal Identification			
22	General Revenues	605,696	17,598	623,294
23	Federal Funds	0	224,500	224,500
24	Total - Bureau of Criminal Identification	605,696	242,098	847,794
25	General General Revenues	1,470,433	52,416	1,522,849
26	Grand Total - Attorney General	16,669,000	477,131	17,146,131
27	Corrections			
28	Central Management			
29	General Revenues	9,509,765	(274,033)	9,235,732
30	Federal Funds	0	187,789	187,789
31	Total - Central Management	9,509,765	(86,244)	9,423,521
32	Parole Board			
33	General Revenues	852,501	37,241	889,742
34	Federal Funds	8,000	(8,000)	0
35	Total - Parole Board	860,501	29,241	889,742
36	Institutional Corrections			
37	Other Funds			
38	RICAP - Fire Code Safety Improvements	1,000,000	374,017	1,374,017
39	RICAP - Security Camera Installation	417,000	356,000	773,000
40	RICAP - Window Replacement – Women’s	350,000	316,232	666,232
41	RICAP – General Renovations – Maximum	450,000	(122,927)	327,073

1	RICAP – Roof/Masonry Renovations – Women’s	105,000	25,000	130,000
2	RICAP – High Security Fire Alarm HVAC	172,000	(92,993)	79,007
3	RICAP - Aquidneck & Prudence Cellblock Roofs	220,000	520,880	740,880
4	RICAP – HVAC Renovations – Maximum	0	19,436	19,436
5	RICAP – Dix Expansion – Phase II	0	35,000	35,000
6	RICAP – Dix Expansion – State Match	0	43,178	43,178
7	RICAP – Reintegration Center State Match	0	171,271	171,271
8	RICAP – Perimeter/Security Upgrades	1,765,000	(1,077,907)	687,093
9	General Revenues	110,826,798	(1,305,943)	109,520,855
10	Federal Funds	6,337,462	1,011,800	7,349,262
11	Restricted Receipts	3,877,475	1,489,812	5,367,287
12	Total - Institutional Corrections	125,520,735	1,762,856	127,283,591
13	Community Corrections			
14	General Revenues	10,298,473	(33,006)	10,265,467
15	Federal Funds	338,952	(37,413)	301,539
16	Total - Community Corrections	10,637,425	(70,419)	10,567,006
17	Grand Total - Corrections	146,528,426	1,635,434	148,163,860
18	Judiciary			
19	Supreme Court			
20	Other Funds			
21	RICAP - Garrahy Judicial Complex Renovation	1,976,106	1,184,089	3,160,195
22	RICAP – Garrahy Complex Roof Repair	0	322,630	322,630
23	RICAP – Licht Exterior/Interior Refurbishment	0	129,739	129,739
24	RICAP – Fogarty Judicial Annex	95,000	(60,000)	35,000
25	General Revenues			
26	General Revenues	17,665,503	1,291,432	18,956,935
27	Defense of Indigents	1,550,000	0	1,550,000
28	Federal Funds	150,000	29,680	179,680
29	Restricted Receipts	762,689	128,170	890,859
30	Total - Supreme Court	22,199,298	3,025,740	25,225,038
31	Superior Court			
32	General Revenues	14,673,241	406,826	15,080,067
33	Federal Funds	0	119,850	119,850
34	Total - Superior Court	14,673,241	526,676	15,199,917
35	Family Court			
36	General Revenues	10,817,657	65,772	10,883,429
37	Federal Funds	1,678,810	720,738	2,399,548
38	Restricted Receipts	233,931	14,036	247,967
39	Total - Family Court	12,730,398	800,546	13,530,944
40	District Court			
41	General Revenues	6,865,889	(70,220)	6,795,669

1	Federal Funds	250,000	(77,599)	172,401
2	Restricted Receipts	70,288	68,624	138,912
3	Total - District Court	7,186,177	(79,195)	7,106,982
4	Traffic Tribunal <i>General Revenues</i>	5,494,788	(18,718)	5,476,070
5	Workers' Compensation Court <i>Restricted Receipts Total</i>	4,792,852	354,940	5,147,792
6	Justice Link Program <i>General Revenues</i>	1,582,340	895,609	2,477,949
7				
8	Notwithstanding the provisions of section 35-3-15 of the general laws in			
9	chapter 35-3 entitled "State Budget," all unexpended, encumbered and			
10	unencumbered general revenue and federal fund appropriations for the			
11	Justice Link program in the Judicial Department at the end of fiscal year			
12	2002 shall be reappropriated in the ensuing fiscal year and made			
13	immediately available for the same purposes as the former applications.			
14	Grand Total - Judiciary	68,659,094	5,505,598	74,164,692
15	Military Staff			
16	National Guard			
17	Other Funds Rails to Trails	291,636	(291,636)	0
18	RICAP - Bristol Armory Rehabilitation	200,000	(9,854)	190,146
19	RICAP – Benefit St. Arsenal Rehabilitation	71,000	(49,000)	22,000
20	RICAP - Schofield Armory Rehabilitation	110,000	(90,000)	20,000
21	RICAP - US Property & Finance Office – HVAC	50,000	(45,000)	5,000
22	RICAP – Warren Armory	100,000	54,000	154,000
23	RICAP – Vehicle Exhaust Vent System	50,000	0	50,000
24	General Revenue			
25	General Revenues	1,734,212	320,035	2,054,247
26	RI e-Gov Fund – Distributed Technology Training	100,000	(50,000)	50,000
27	Federal Funds	6,298,630	755,156	7,053,786
28	Total - National Guard	9,005,478	593,701	9,599,179
29	<i>Emergency Management</i>			
30	General Revenues	398,887	76,197	475,084
31	Federal Funds	2,944,891	(49,212)	2,895,679
32	Restricted Receipts	111,432	(728)	110,704
33	Total - Emergency Management	3,455,210	26,257	3,481,467
34	Grand Total - Military Staff	12,460,688	619,958	13,080,646
35	E-911 Emergency Telephone System			
36	General Revenue			
37	General Revenues	3,135,519	182,955	3,318,474
38	RI e-Gov Fund – GIS Database Development	500,000	0	500,000
39	Grand Total - E-911 Emergency Telephone System	3,635,519	182,955	3,818,474
40	Fire Safety Code Board of Appeal and Review General Revenues		210,116	
41	(3,103) 207,013			

1	State Fire Marshal			
2				
3	General Revenues	1,309,125	20,490	1,329,615
4	Federal Funds	55,140	205,849	260,989
5	Grand Total - State Fire Marshal	1,364,265	226,339	1,590,604
6	Commission on Judicial Tenure and Discipline General Revenues		99,523	9,691
7	Rhode Island Justice Commission			
8	General Revenues	177,710	(458)	177,252
9	Federal Funds	4,790,102	474,150	5,264,252
10	Restricted Receipts	0	90,000	90,000
11	Grand Total - Rhode Island Justice Commission	4,967,812	563,692	5,531,504
12	Municipal Police Training Academy			
13	General Revenues	322,148	48,683	370,831
14	Federal Funds	50,000	16,415	66,415
15	Grand Total - Municipal Police Training Academy	372,148	65,098	437,246
16	State Police			
17	Other Funds			
18	RICAP – Barracks and Training Headquarters	100,000	(100,000)	0
19	RICAP – Headquarters Repairs/Renovations	325,000	109,768	434,768
20	RICAP – Parking Area Improvements	70,910	(70,910)	0
21	Traffic Enforcement - Municipal Training	120,739	105,419	226,158
22	Lottery Commission Assistance	105,057	805	105,862
23	Road Construction Reimbursement	2,320,428	(30,000)	2,290,428
24	General Revenues	37,110,992	847,503	37,958,495
25	Federal Funds	700,059	2,401,837	3,101,896
26	Restricted Receipts	217,797	64,195	281,992
27	Grand Total - State Police	41,070,982	3,328,617	44,399,599
28	Office of Public Defender			
29	General Revenues	5,585,208	(17,499)	5,567,709
30	Federal Funds	313,406	189,263	502,669
31	Grand Total - Office of Public Defender	5,898,614	171,764	6,070,378
32	Environmental Management			
33	Policy and Administration			
34	Other Funds			
35	DOT Recreational Projects	25,637	0	25,637
36	Blackstone Bikepath Design	1,297,791	0	1,297,791
37	RICAP - Dam Repair	700,000	138,665	838,665
38	General Revenues	7,540,431	690,889	8,231,320
39	Federal Funds	1,997,745	474,560	2,472,305
40	Restricted Receipts	6,707,640	(397,258)	6,310,382
41	Total - Policy and Administration	18,269,244	906,856	19,176,100
42	Natural Resources			

1	Other Funds			
2	RICAP – Westerly Boat Ramp	87,000	0	87,000
3	RICAP – Fort Adams Rehabilitation	350,000	0	350,000
4	RICAP – Recreational Facilities Improvement	515,820	(440,820)	75,000
5	RICAP - Fish and Wildlife Office/Laboratory	731,000	98,365	829,365
6	RICAP – Wickford Marine Facility	50,000	(50,000)	0
7	RICAP - Galilee Piers	908,854	(580,853)	328,001
8	RICAP - Newport Piers	1,800,000	(393,310)	1,406,690
9	RICAP – Boyd’s Marsh Habitat Restoration	70,000	0	70,000
10	General Revenues	14,495,408	(43,623)	14,451,785
11	Federal Funds	12,828,616	322,700	13,151,316
12	Restricted Receipts	3,010,835	(31,887)	2,978,948
13	Total - Natural Resources	34,847,533	(1,119,428)	33,728,105
14	Environmental Protection			
15	Other Funds Aquafund	55,358	1,363	56,721
16	General Revenues	9,149,675	(232,879)	8,916,796
17	Federal Funds	7,306,634	175,701	7,482,335
18	Restricted Receipts	2,025,591	269,427	2,295,018
19	Total - Environmental Protection	18,537,258	213,612	18,750,870
20	Grand Total - Environmental Management	71,654,035	1,040	71,655,075
21	Coastal Resources Management Council			
22	Other Funds			
23	RICAP - South Coast Restoration Project	145,000	(145,000)	0
24	RICAP - Habitat Restoration – Allin’s Cove	172,000	(172,000)	0
25	General Revenues	1,437,745	(45,940)	1,391,805
26	Federal Funds	1,055,630	544,542	1,600,172
27	Grand Total - Coastal Resources Management Council	2,810,375	181,602	2,991,977
28	State Water Resources Board			
29	Other Funds			
30	RICAP - Big River Mgt. Area	80,000	(3,595)	76,405
31	RICAP – Groundwater Protection/Acquisition	43,733	(34,172)	9,561
32	RICAP – Water Allocation Plan	400,000	(129,926)	270,074
33	RICAP – Supplemental Water Supplies Development	300,000	(206,133)	93,867
34	General Revenues	1,021,631	71,754	1,093,385
35	Restricted Receipts	0	133,146	133,146
36	Grand Total - State Water Resources Board	1,845,364	(168,926)	1,676,438
37	Transportation			
38	Central Management			
39	Other Funds Gasoline Tax	3,103,029	(183,657)	2,919,372
40	Federal Funds	4,309,942	(6,059)	4,303,883
41	Total - Central Management	7,412,971	(189,716)	7,223,255

1	Management and Budget <i>Other Funds Gasoline Tax</i>	1,955,027	(150,665)	1,804,362
2	Infrastructure Maintenance <i>Other Funds Gasoline Tax</i>	36,155,559	(868,990)	35,286,569
3	Infrastructure - Engineering			
4	Other Funds Gasoline Tax	41,654,484	(1,472,487)	40,181,997
5	RICAP – RIPTA Land and Buildings	360,000	0	360,000
6	Land Sale Revenue	8,000,000	0	8,000,000
7	State Infrastructure Bank	1,000,000	0	1,000,000
8	Federal Funds	227,972,848	(7,102,327)	220,870,521
9	Restricted Receipts	61,285,260	(36,279,260)	25,006,000
10	Total - Infrastructure - Engineering	340,272,592	(44,854,074)	295,418,518
11	Grand Total - Transportation	385,796,149	(46,063,445)	339,732,704
12	Statewide Totals			
13	General Revenue Total	2,650,768,180	9,662,597	2,660,430,777
14	Federal Funds Total	1,531,710,544	68,789,794	1,600,500,338
15	Restricted Receipt Funds Total	143,513,384	(30,043,248)	113,470,136
16	Other Funds Total	858,855,081	96,584,975	955,440,056
17	Statewide Grand Total	5,184,847,189	144,994,118	5,329,841,307

18 SECTION 2. Notwithstanding the provisions of Section 35-3-15 of Chapter 35 of the
19 Rhode Island General Laws, all unexpended and unencumbered balances as of June 30, 2002
20 relating to the Pirovano Trust in the Department of Mental Health, Retardation are hereby
21 reappropriated to fiscal year 2003.

22 SECTION 3. Section 14 of Article 1 of Chapter 77 of the Public Laws of 2001
23 authorizes the reappropriation of any unexpended funds from the Rhode Island Capital Plan Fund
24 for the purposes for which they were originally appropriated. The following is a listing of those
25 projects for which reappropriated funds are not required in FY 2002. The amounts listed are
26 hereby withdrawn and the State Controller is authorized to return these funds to the Rhode Island
27 Capital Plan Fund.

28		<u>FY 2002</u>	<u>Balance</u>	<u>FY 2002</u>	<u>FY 2002</u>
29		<u>Enacted</u>	<u>Forward</u>	<u>Supplemental</u>	<u>Revised</u>
30	RICAP Project				
31	Administration				
32	House and Senate Chambers Renovation	0	209,763	(209,763)	0
33	Environmental Management				
34	Allendale Dam	0	41,680	(41,680)	0
35	Elementary and Secondary Education				
36	Chariho - Roof	0	1,286	(1,286)	0
37	Judicial				
38	Kent County Courthouse	0	500	(500)	0
39	Murray Judicial Complex	0	481	(481)	0

1 SECTION 4. Departments and agencies listed below may not exceed the
 2 number of full-time equivalent (FTE) positions shown below in any pay period. Full-time
 3 equivalent positions do not include seasonal or intermittent positions whose scheduled period of
 4 employment does not exceed twenty-six consecutive weeks or whose scheduled hours do not
 5 exceed nine hundred and twenty-five (925) hours, excluding overtime, in a one-year period. Nor
 6 do they include individuals engaged in training, the completion of which is a prerequisite of
 7 employment. Nor do they include positions established under the Board of Governors for Higher
 8 Education which are funded by third party funding through the following accounts: University of
 9 Rhode Island Sponsored Contract Research; Rhode Island College Sponsored Research-Federal;
 10 Community College of Rhode Island Sponsored Research-Federal; and Community College of
 11 Rhode Island Sponsored Research-Private.

12 Provided, however, that the Governor, Speaker of the House of Representatives, and the
 13 Majority Leader of the Senate may authorize an adjustment to any limitation. Prior to the
 14 authorization, the State Budget Officer shall make a detailed written recommendation to the
 15 Governor, the Speaker of the House, and the Senate Majority Leader. A copy of the
 16 recommendation and authorization to adjust shall be transmitted to the chairman of the House
 17 Finance Committee, Senate Finance Committee, the House Fiscal Advisor and the Senate Fiscal
 18 Advisor.

19 FTE POSITION AUTHORIZATION

20 <u>Departments and Agencies</u>	<u>Full-Time Equivalent</u>
21 Administration	1,350.0
22 Business Regulation	111.0
23 Labor and Training 558.0	
24 Legislature	280.0
25 Lieutenant Governor General	10.0
26 Secretary of State	59.2
27 General Treasurer	87.5
28 Boards for Design Professionals	4.0
29 Board of Elections	22.3
30 Rhode Island Ethics Commission	10.0
31 Office of the Governor	50.0
32 Public Utilities Commission	44.0
33 Rhode Island Commission on Women	2.0
34 Children, Youth, and Families	875.9 <u>868.9</u>
35 Elderly Affairs	60.6
36 Health	477.1
37 Human Services	1,139.9
38 Mental Health, Retardation, and Hospitals	2,138.0
39 Office of the Child Advocate	13.0
40 Commission on the Deaf and Hard of Hearing	3.0

1	RI Developmental Disabilities Council	3.0
2	Governor's Commission on Disabilities	4.6
3	Commission for Human Rights	17.0
4	Office of the Mental Health Advocate	4.3
5	Elementary and Secondary Education	345.2
6	Higher Education - Board of Governors	3,582.9 <u>3,589.9</u>
7	Rhode Island Council on the Arts	6.0
8	RI Atomic Energy Commission	8.6
9	Higher Education Assistance Authority	46.6
10	Historical Preservation and Heritage Commission	17.6
11	Public Telecommunications Authority	22.0
12	Attorney General	229.0
13	Corrections	1,550.6
14	Judicial	707.0
15	Military Staff	94.0
16	E-911 Emergency Telephone System	48.6
17	Fire Safety Code Bd. of Appeal and Review	3.0
18	RI State Fire Marshal	21.5
19	Commission on Judicial Tenure and Discipline	1.0
20	Rhode Island Justice Commission	9.0
21	Municipal Police Training Academy	4.0
22	State Police	267.0
23	Office of the Public Defender	79.5
24	Environmental Management	585.5
25	Coastal Resources Management Council	30.0
26	Water Resources Board	9.0
27	Transportation	864.3
28	Total	<u>15,856.3</u>

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

30 **ARTICLE 11**

31 RELATING TO COMPENSATION OF BOARD MEMBERS

1 SECTION 1. For the fiscal year ending June 30, 2003, the compensation paid to
 2 commissioners and board members for attendance at board meetings of the following state
 3 agencies and autonomous and semi-autonomous boards and commissions authorized under
 4 the General Laws of this state is suspended. Reimbursement for travel costs to said
 5 meetings will continue to be allowable in accordance with existing state travel regulations.

6	R.I.G.L.	Compensation
7 <u>Board/Commission Title</u>	<u>Reference</u>	<u>(per Meeting)</u>
8 Accountancy	5-3.1-4	30.00
9 Electricians	5-6-27	25.00
10 Engineers	5-8-5	25.00
11 Land Surveyors	5-8.1-6	25.00
12 Hairdressers, Cosmeticians 13 and Manicurists	5-10-4	25.00
14 Real Estate Appraisers	5-20.7-4	75.00
15 Real Estate Commission	5-20.5-12	25.00
16 Plumbing Examiners	5-20-7	25.00
17 Professional Regulation	5-26-5	20.00/40.00
18 Barber Examiners	5-10-4	25.00
19 Chiropractics	5-30-15	10.00
20 Examiners in Dentistry	5-31.1-2	100.00
21 Nursing	5-34-8	50.00
22 Health Services Council	23-17-14.2	50.00
23 Optometrists	5-35-3	30.00
24 Medical Licensure & Discipline	5-37-1.1	100.00
25 Hearing Aid Dealers & Fitters	5-49-15	25.00
26 Landscape Architects	5-51-2	25.00
27 Board of Governors for 28 Higher Education	16-59-1	50.00/75.00
29 Board of Regents	16-60-1	75.00
30 Public Telecommunications 31 Authority	16-61-4	50.00/75.00

1 SECTION 1. Section 46-12.7-5.1 of the General Laws in Chapter 46-12.7
2 entitled “Oil Spill Prevention, Administration and Response Fund” is hereby amended to
3 read as follows:

4 **§ 46-12.7-5.1 Purposes of the fund.** – The director may use money from the fund
5 to:

6 (1) Provide funds to cover promptly the costs of response, containment, and
7 cleanup of oil spills into marine or estuarine waters, including but not limited to damage
8 assessment costs, and wildlife rehabilitation as defined in this section.

9 (2) Site evaluation activities. These activities shall include, but not be limited to,
10 site mapping, installation of wells and equipment, collection, monitoring, and analysis of
11 samples of air, soil, and/or water, and evaluation of the impacts of contamination of
12 marine and terrestrial environments, production of reports, and implementation and
13 maintenance of necessary technology, and equipment for complete remedial action;

14 (3) Provide emergency loans and to cover response and cleanup costs and other
15 damages suffered by the state or other persons or entities from oil spills or threatened oil
16 spills, which cannot otherwise be compensated by responsible parties or the federal
17 government;

18 (4) To pay for claims for damages pursuant to § 46-12.7-8.1;

19 (5) Provide emergency loans to affected workers ineligible for unemployment
20 insurance;

21 (6) Pay for structural improvements to vulnerable coastal features, including the
22 Providence River shipping channel in order to reduce the risk of oil tanker collisions,
23 groundings, and spills;

24 (7) Pay for habitat restoration, where necessary and appropriate;

25 (8) Pay for response training and equipment; and

26 (9) Pay for large-scale personnel drills and exercises.

27 SECTION 2. This article shall take effect on July 1, 2002.

28 **ARTICLE 13**

29 RELATING TO FEES

1 SECTION 1. Section 42-17.1-9.1 of the General Laws in Chapter 42-17.1
2 entitled "Department of Environmental Management" is hereby amended to read as
3 follows:

4 **42-17.1-9.1 User fees at state beaches, parks, and recreation areas.** – (a) The
5 department of environmental management in pursuance of its administrative duties and
6 responsibilities may charge a user fee for any state beach, or recreational area under its
7 jurisdiction, and fees for the use of its services or facilities.

8 (b) The fee may be on a daily or annual basis, or both, and may be based on
9 vehicle parking or other appropriate means. The fees may recognize the contribution of
10 Rhode Island taxpayers to support the facilities in relation to other users of the state's
11 facilities. The fee structure may acknowledge the need to provide for all people,
12 regardless of circumstances.

13 (c) [Deleted by P.L. 1998, ch. 31, art. 8, § 2.]

14 (d) An additional fee for camping and other special uses may be charged where
15 appropriate. Rates so charged should be comparable to equivalent commercial facilities.

16 (e) All such fees shall be established after a public hearing.

17 (f) All daily fees from beach parking, which shall also include fees charged and
18 collected at Ninigret conservation area and Charlestown breachway, shall be shared with
19 the municipality in which the facility is located on the basis of ~~sixty percent (60%)~~
20 seventy-three percent (73%) retained by the state and ~~forty percent (40%)~~ twenty-seven
21 percent (27%) remitted to the municipality.

22 (g) Fifty percent (50%) of all user and concession fees received by the state shall
23 be deposited as general revenues. For the year beginning July 1, 1979, the proportion of
24 user and concession fees to be received by the state shall be sixty-five percent (65%); for
25 the year beginning July 1, 1980, eighty-five percent (85%); and for the year beginning
26 July 1, 1981, and all years thereafter, one hundred percent (100%). The general revenue
27 monies appropriated are hereby specifically dedicated to meeting the costs of
28 development, renovation of, and acquisition of state-owned recreation areas and for
29 regular maintenance, repair and operation of state owned recreation areas. Purchases of
30 vehicles and equipment and repairs to facilities shall not exceed four hundred thousand
31 dollars (\$400,000) annually. Notwithstanding the provisions of § 37-1-1 or any other

1 provision of the general laws, the director of the department of environmental
2 management is hereby authorized to accept any grant, devise, bequest, donation, gift, or
3 assignment of money, bonds, or other valuable securities for deposit in the same manner
4 as provided above for user and concession fees retained by the state.

5 (h) No fee shall be charged to any school or other nonprofit organization provided
6 that a representative of the school or other organization gives written notice of the date
7 and time of their arrival to the facility.

8 SECTION 2. Section 24-10.1-4 of the General Laws in Chapter 10.1 entitled
9 “Outdoor Advertising” is hereby amended to read as follows:

10 **24-10.1-4. Regulation of advertising.** – The director of transportation is hereby
11 authorized to promulgate regulations governing the issuance of permits for the erection
12 and maintenance of outdoor advertising coming within the exceptions contained in
13 subsections (1), (4) and (5) of § 24-10.1-3 consistent with the safety and welfare of the
14 traveling public, and as may be necessary to carry out the policy of the state declared in
15 this chapter, and consistent with the national standards promulgated by the secretary of
16 commerce pursuant to title 23, United States Code. All permit fees collected pursuant to
17 regulations promulgated under this section shall be deposited in the intermodal surface
18 transportation fund.

19 SECTION 3. Sections 5-6-16, 5-6-17 and 5-6-20 of the General Laws in Chapter
20 5-6 entitled “Electricians” are hereby amended to read as follows:

21 **5-6-16 License fees.** – A fee of one hundred twenty dollars (~~\$100~~) (\$120) is paid
22 by each applicant for an electrical contractor's license Class A; thirty six dollars (~~\$30.00~~)
23 (\$36.00) for a journeyman electrician's license Class B; one hundred twenty dollars
24 (~~\$100~~) (\$120) for a limited premises license Class C; one hundred twenty dollars (~~\$100~~)
25 (\$120) for an oil burner contractor's license Class E; thirty six dollars (~~\$30.00~~) (\$36.00)
26 for an oil burnerperson's license Class F; one hundred twenty dollars (~~\$100~~) (\$120) for a
27 fire alarm contractor's license Class AF; thirty six dollars (~~\$30.00~~) (\$36.00) for a fire
28 alarm installer's license Class BF; one hundred twenty dollars (~~\$100~~) (\$120) for an
29 electrical sign contractor's license SCF; and thirty six dollars (~~\$30.00~~) (\$36.00) for a sign
30 installer's license Class CF; and one hundred twenty dollars (~~\$100~~) (\$120) for a limited
31 maintenance license Class D.

1 **5-6-17 Application for examination – Fee.** – Persons desiring an examination
2 shall make written application on the state approved form for the examination
3 accompanied by the proper fee, which is thirty six dollars (~~\$30.00~~). (\$36.00).

4 **5-6-20 Expiration and renewal of certificates and licenses.** – (a) All certificates
5 and/or licenses issued by the division of professional regulation expire on the birthday of
6 the individual qualifying for the certificate and/or license and may be renewed on or after
7 that date for a period of two (2) years upon payment of the appropriate renewal fee which
8 is equal to the license fees prescribed in § 5-6-16, plus outstanding license fees and a ~~ten~~
9 ~~dollar~~ (~~\$10.00~~) twelve dollar (\$12.00) per month administrative assessment fee for the
10 delinquency period.

11 (b) Notwithstanding any other provisions of this chapter, any license issued under
12 this chapter which is not renewed within two (2) years of the date of its expiration, is
13 deemed to be forfeited, and the person to whom the license has been issued is required to
14 make written application for an examination prior to the issuance of a new license.

15 SECTION 4. Sections 5-20-17, 5-20-17.1 and 5-20-23 of the General Laws in
16 Chapter 5-20 entitled “Plumbers and Irrigators” are hereby amended to read as follows:

17 **5-20-17 Qualifications of journeyperson – Application fee.** – No application
18 for a journeyperson's license shall be filed by the department of labor and training nor
19 shall any applicant be permitted to take the examination for a license as a journeyperson
20 plumber, unless:

21 (1) The application is accompanied by a nonrefundable application fee of thirty
22 six dollars (~~\$30.00~~); (\$36.00);

23 (2) The applicant shall have possessed for at least four (4) years prior to the filing
24 of the application a certificate of registration in full force and effect from the department
25 of labor and training of the state specifying that person as a registered apprentice plumber
26 and the application of that applicant is accompanied with an affidavit or affidavits of his
27 or her employer or former employers or other reasonably satisfactory evidence showing
28 that the applicant has been actually engaged in plumbing work as an apprentice plumber
29 in the state of Rhode Island for eight thousand (8,000) hours of on the job training during
30 a five (5) year period which shall include the successful completion of five hundred
31 seventy-six (576) hours of related instruction at a training program recognized by the

1 department of labor and training or the application is accompanied with an affidavit or
2 other reasonably satisfactory evidence showing that the applicant has been a registered
3 student in a recognized college, university, or trade school and has pursued a course of
4 plumbing or sanitary engineering for at least two (2) academic years, or is the recipient of
5 an associate degree in either plumbing or sanitary engineering, and has thereafter been
6 registered by the department of labor and training as an apprentice plumber for at least
7 two (2) years and at all times while being employed as a registered apprentice plumber by
8 a duly licensed master plumber in this state for a period of two (2) years or the
9 application is accompanied by an affidavit or other reasonably satisfactory evidence
10 showing that the applicant possesses a certificate of license, issued under the laws of
11 another state, provided that the requirements are the same as the state specifying that
12 person as a journeyman plumber. The records of the hours of on the job training and
13 the hours of related instruction should be maintained in a mutually responsible manner,
14 through a joint effort on the part of the master plumber and the apprentice. The completed
15 application is to be filed with the department at least fifteen (15) days prior to the
16 examination date.

17 **5-20-17.1 Qualifications of journeyman irrigator – Application fee. –**

18 application for a journeyman’s license shall be filed by the department of labor and
19 training nor shall any applicant be permitted to take the examination for a license as a
20 journeyman irrigator unless:

21 (1) The application is accompanied with the nonrefundable application fee of
22 thirty six dollars ~~(\$30.00)~~; (\$36.00);

23 (2) The applicant possess a current apprentice certificate for a period of one year
24 before application for journeyman irrigator is made.

25 **5-20-23 Expiration and renewal of licenses–Penalties for violation of section.–**

26 (a) All licenses of master plumbers and master irrigators and journeyman plumbers or
27 journeyman irrigators issued by the division of professional regulation expire on the
28 birthday of the individual qualifying for the license and may be renewed on or before that
29 date for a period of one year, upon payment of the appropriate renewal fee, and a bond as
30 required by § 5-20-18.

1 (b) Any master plumber or master irrigator who fails to renew his or her license as
2 provided in subsection (a) of this section may be reinstated by the department on or after
3 the renewal date for a period of one year, upon payment of the current renewal fee of one
4 hundred ~~twenty~~ dollars (~~\$100~~) (\$120) plus outstanding license fees and a ~~ten-dollar~~
5 (~~\$10.00~~) twelve dollar (\$12.00) per month administrative assessment fee for the
6 delinquency period.

7 (c) Every certificate of license of a journeyman plumber or journeyman
8 irrigator issued by the department is renewed on or before the licensee's birthday next
9 following the date of issuance upon payment of a renewal fee of thirty six dollars
10 (~~\$30.00~~). (\$36.00).

11 (d) Any journeyman plumber or journeyman irrigator who fails to renew his
12 or her license as provided in subsection (a) of this section may be reinstated by the
13 department on or after the renewal date for a period of one year upon payment of the
14 current renewal fee of thirty six dollars (~~\$30.00~~) (\$36.00) plus outstanding license fees
15 and a ~~ten-dollar~~ (~~\$10.00~~) twelve dollar (\$12.00) per month administrative assessment fee
16 for the delinquency period.

17 (e) [Deleted by P.L. 2000, ch. 425, § 1.]

18 (f) [Deleted by P.L. 2000, ch. 425, § 1.]

19 (g) Notwithstanding any other provisions of this chapter, any license issued under
20 this chapter which is not renewed within two (2) years of the date of its expiration, is
21 deemed to be forfeited, and the person to whom the license has been issued is required to
22 make written application for an examination prior to the issuance of a new license.

23 SECTION 5. Section 23-33-12 of the General Laws in Chapter 23-33 entitled
24 "Elevators, Escalators and Dumbwaiters" is hereby amended to read as follows:

25 **23-33-12 Inspection - Reinspection - Examination and Licensee fee -**
26 **Renewal.** (a) For every original inspection made by the inspectors under the provisions
27 of this chapter, the owner shall pay to the division the required fee which shall include
28 the cost of the certificate. The fee shall be paid in the amount of amounts as set forth as
29 follows:

30 Inspection of dumbwaiters	\$60.00	<u>\$72.00</u>
31 Inspection of Elevator	\$100.00	<u>\$120.00</u>

1	Inspection of Escalator or moving walk	\$100.00	<u>\$120.00</u>
2	Inspection of wheelchair lift	\$60.00	<u>\$72.00</u>
3	Inspection of vertical reciprocating conveyors	\$60.00	<u>\$72.00</u>
4	Annual authorized inspection license	\$50.00	<u>\$60.00</u>
5	Authorized inspector's examination fee	\$50.00	<u>\$60.00</u>
6	Reinspection of elevators and escalators	\$75.00	<u>\$90.00</u>
7	Reinspection of all other devices	\$45.00	<u>\$54.00</u>
8	Delinquent payment fee	\$20.00	<u>\$24.00</u>
9	Duplicate certification fee	\$10.00	<u>\$12.00</u>
10	Company license	\$200.00	<u>\$240.00</u>
11	Mechanics/Installers license	\$65.00	<u>\$78.00</u>

12 SECTION 6. Section 28-18-5.4 of the General Laws in Chapter 28-18 entitled
13 "Industrial Homework" is hereby amended to read as follows:

14 **28-18-5.4 Contractor's permit fees.** – An annual fee of ~~one hundred dollars~~
15 ~~(\$100.00)~~ one hundred twenty dollars (\$120.00) shall be paid to the director of labor and
16 training for a contractor's permit. The proceeds derived under this chapter shall be
17 deposited as general revenues.

18 SECTION 7. Section 28-21-16 of the General Laws in Chapter 28-21 entitled
19 "Hazardous Substances Right-To Know Act" is hereby amended to read as follows:

20 **28-21-16 Funding - Contracts for services-Exemption for copiers-Appeals.-**
21 The director of labor and training shall determine which employers are subject to this
22 chapter and shall assess and collect an annual assessment of ~~thirty five dollars (\$35.00)~~
23 forty two dollars (\$42.00) which shall be levied against all those employers, which result
24 in the funding for the implementation of this chapter. The employer is obligated to pay
25 the assessment. No employer shall be exempt from this chapter unless and until a request
26 for exemption is filed and approval is granted, provided that public and private libraries
27 are exempted from the foregoing requirement. The funds shall be deposited as general
28 revenue.

29 SECTION 8. Sections 28-26-10 and 28-26-11 of the General Laws in Chapter
30 28-26 entitled "Hoisting Engineers" are hereby amended to read as follows:

1 **28-26-10 License fees.** – Each applicant for an examination for a license as an
2 engineer shall pay to the division at the time of application a fee of thirty six dollars
3 ~~(\$30.00)~~, ~~(\$36.00)~~, and for each license or renewal of a license a fee at the annual rate of
4 forty eight dollars ~~(\$40.00)~~ ~~(\$48.00)~~ for a full license, ~~thirty five dollars (\$35.00)~~ forty
5 two dollars (\$42.00) for a hoisting license, thirty six dollars ~~(\$30.00)~~ ~~(\$36.00)~~ for an
6 excavating license, and ~~twenty five dollars (\$25.00)~~ thirty dollars (\$30.00) for a limited
7 license, these fees to be deposited as general revenues.

8 **28-26-11 Penalty for violations.** – An engineer or user or agent of steam, internal
9 combustion engine, electric, or compressed air hoisting machinery described in this
10 chapter, who violates any provision of this chapter shall be fined not less than ~~two~~
11 ~~hundred and fifty dollars (\$250)~~ three hundred dollars (\$300) nor more than ~~nine hundred~~
12 ~~fifty dollars (\$950)~~ one thousand one hundred fifty dollars (\$1,150) per offense, and each
13 day in which a violation occurs is separate offense.

14 SECTION 9. Sections 28-27-4.4, 28-27-5.2, 28-27-13, 28-27-17, 28-27-17.1 and
15 28-27-18 of the General Laws in Chapter 28-27 entitled “Pipefitters and Refrigeration
16 Technicians, Fire Protection Sprinkler Contractors and Journeyperson Sprinkler Fitters,
17 Sheet Metal Contractors, Journeyperson Sheet Metal Workers, and Oil Heat Contractors”
18 are hereby amended to read as follows:

19 **28-27-4.4 "Master mechanical contractor" defined – License fee.** – (a)
20 "Master mechanical contractor" means any person who has worked as a contractor and
21 has been associated in both trades of pipefitting and refrigeration for at least ten (10)
22 years as a Rhode Island Licensed Pipefitter Master I and at least ten (10) years as a
23 Rhode Island Licensed Refrigeration Master I, and who shall be designated as a master
24 mechanical contractor subject to provisions of this chapter or the rules and regulations
25 and licensing criteria promulgated under this chapter.

26 (b) The license fee for a master mechanical contractor is two hundred forty dollars
27 ~~(\$200)~~. ~~(\$240)~~.

28 **28-27-5.2 Issuance of P.J.F. journeyperson oil burnerperson's license.** – (a)
29 Any person who has qualified previously for the electrician's F certificate and the P.J.F.
30 II limited to oil individually, and presently holds both licenses, may convert to the single
31 P.J.F. limited journeyperson II oil burnerperson's license by application to the division on

1 an approved application and with payment of the applicable fee as detailed in this
 2 chapter. This licensee cannot be self employed and is limited to domestic oil burner
 3 service work, burner, tank, and oil line installation. Persons seeking an initial P.J.F.
 4 limited journeyman II oil burner license must show proof of completion of a trade
 5 sponsored program or a trade related program offered by a recognized college. All
 6 programs must have prior approval of the department of labor and training before
 7 licenses are issued.

8 (b) The person seeking P.J.F. licensing must be employed by a master pipefitting
 9 contractor class II as detailed under § 28-27-4.

10 (c) The above provisions are similar for most limited licenses under chapter 27 of
 11 this title.

12 (d) Fees are as follows:

13 (1) Apprenticeship fee is ~~twenty five dollars (\$25.00)~~ thirty dollars (\$30.00) with
 14 birthmonth licensing;

15 (2) License fee is ~~sixty dollars (\$60.00)~~ seventy two dollars (\$72.00) with
 16 birthmonth licensing;

17 (3) Renewal fee is ~~sixty dollars (\$60.00)~~ seventy two dollars (\$72.00) with
 18 birthmonth licensing;

19 (e) The fees collected are deposited as general revenues.

20 **28-27-13 Change of address.** – Any person who holds a certificate of license as
 21 a master, journeyman, or apprentice shall notify the department promptly in the event
 22 of a change of address specified on his or her certificate of license. Any person who
 23 violates this section will be assessed the sum of ~~ten dollars (\$10.00)~~ twelve dollars
 24 (\$12.00) as an administrative fee.

25 **28-27-17 Test fees – License fees – Expiration and renewal of licenses.** – (a)

26 All licenses issued to the pipefitters/refrigeration technicians and fire protection sprinkler
 27 contractor/sprinkler fitters and sheet metal contractor or journeyman sheet metal
 28 worker detailed below shall be paid for as follows:

	TEST	LICENSE	RENEWAL
30 Master Mechanical Contractor	---	200.00 <u>240.00</u>	200.00 <u>240.00</u>
31 Contractor Master	30.00 <u>36.00</u>	400.00 <u>120.00</u>	400.00 <u>120.00</u>

1	Pipefitter Master I	30.00	<u>36.00</u>	100.00	<u>120.00</u>	100.00	<u>120.00</u>
2	Pipefitter Master II	30.00	<u>36.00</u>	40.00	<u>48.00</u>	40.00	<u>48.00</u>
3	Refrigeration Master I	30.00	<u>36.00</u>	100.00	<u>120.00</u>	100.00	<u>120.00</u>
4	Refrigeration Master II	30.00	<u>36.00</u>	40.00	<u>48.00</u>	40.00	<u>48.00</u>
5	Pipefitter Journeyperson I	30.00	<u>36.00</u>	30.00	<u>36.00</u>	30.00	<u>36.00</u>
6	Pipefitter Journeyperson II	30.00	<u>36.00</u>	25.00	<u>30.00</u>	25.00	<u>30.00</u>
7	Refrigeration Journeyperson I	30.00	<u>36.00</u>	30.00	<u>36.00</u>	30.00	<u>36.00</u>
8	Refrigeration Journeyperson II	30.00	<u>36.00</u>	25.00	<u>30.00</u>	25.00	<u>30.00</u>
9	Apprentices	---		20.00	<u>24.00</u>	20.00	<u>24.00</u>
10	Fire Protection Sprinkler						
11	Fitters Master I	30.00	<u>36.00</u>	100.00	<u>120.00</u>	100.00	<u>120.00</u>
12	Fire Protection Sprinkler						
13	Fitters Journeyperson I	30.00	<u>36.00</u>	30.00	<u>36.00</u>	30.00	<u>36.00</u>
14	Sheet Metal Contractor	30.00	<u>36.00</u>	100.00	<u>120.00</u>	100.00	<u>120.00</u>
15	Sheet Metal Worker						
16	Journeyperson	30.00	<u>36.00</u>	30.00	<u>36.00</u>	30.00	<u>36.00</u>

17 (b) Every license issued by the division of professional regulation is renewable on
18 the licensee's birthdate. If any credit is due in the initial changeover year the amount of
19 credit is determined by the chief administrator of the division.

20 **28-27-17.1 Failure to renew license.** – Any licensed master, contractor
21 journeyperson, or apprentice who does not renew his or her license on or before his or her
22 birthdate shall be required to pay a ~~ten dollar (\$10.00)~~ twelve dollar (\$12.00) per month
23 administrative assessment fee for the first two (2) years of delinquency, plus outstanding
24 license fees. If a license is not renewed within two (2) years of its expiration it will result
25 in a forfeiture of the license, notwithstanding any other provisions of this chapter. In the
26 case of forfeiture, a license may only be reinstated by the person taking a test for a new
27 license.

28 **28-27-18 Registration of apprentices.** – (a) Any person who has agreed to work
29 five (5) years under the supervision of a licensed pipefitter or refrigeration/air
30 conditioning or fire protection sprinkler contractor/sprinklerfitter master or sheet metal
31 contractor under a state sanctioned apprenticeship program shall be registered by the

1 director of labor and training upon the payment of a twenty four dollar-~~(\$20.00)~~ (\$24.00)
2 annual fee and shall be issued a certificate of apprenticeship. A renewal certificate shall
3 be issued for twenty four dollars-~~(\$20.00)~~ (\$24.00) for each succeeding twelve (12)
4 month period.

5 (b) The minimum formal training period for a P.J.F. limited class II license is two
6 hundred twenty (220) hours of classroom and/or laboratory technical training, approved
7 by the department of labor and training. The fee schedules for the P.J.F. limited license
8 are detailed in § 28-27-5.2. All other sections of this chapter remain in full force and
9 effect.

10 SECTION 10. Sections 28-45-9.1 and 28-45-13.1 of the General Laws in Chapter
11 28-45 entitled “Apprenticeship Programs in Trade and Industry” are hereby amended to
12 read as follows:

13 **28-45-9.1 Apprenticeship programs – Fees.** – A fee of one hundred twenty
14 dollars ~~(\$100)~~ (\$120) shall be paid by each program sponsor, except those sponsors who
15 are in registered school-to-career apprenticeship programs only, and/or those sponsors
16 who are licensed masters/contractors with the department of labor and training, division
17 of professional regulation, requesting authorization as an approved sponsor from the state
18 apprenticeship council. All state approved sponsors' certificates issued by the division of
19 professional regulation, except those sponsors who are registered in school-to-career
20 apprenticeship programs only, and/or those sponsors who are licensed
21 masters/contractors with the department of labor and training, division of professional
22 regulation, shall become due for renewal annually upon payment of a renewal fee of one
23 hundred twenty dollars ~~(\$100)~~ (\$120). These fees are deposited as general revenues.

24 **28-45-13.1 Apprenticeship registration – Fees.** – A fee of twenty four dollars
25 ~~(\$20.00)~~ (\$24.00) shall be paid by each indentured apprentice, except those apprentices
26 who are registered in school-to-career apprenticeship programs only, not registered as an
27 apprentice with the division of professional regulation of the department of labor and
28 training, except those apprentices who are registered in school-to-career apprenticeship
29 programs only, requesting approval and registration with the state apprenticeship council.
30 All state-approved apprentice certificates that are not registered and renewable through
31 the division of professional regulation of the department of labor and training shall

1 become due for renewal annually for a renewal fee of twenty four dollars (~~\$20.00~~),
2 (\$24.00). All apprenticeship certificates issued by the division of professional regulation
3 of the department of labor and training shall expire on the indentured date of the
4 individual qualifying for the certificate.

5 SECTION 11. Section 47-1-5.1 of the General Laws in Chapter 47-1 entitled
6 “Duties of Director of Labor and Training” is hereby amended to read as follows:

7 **47-1-5.1 Fees and compensation of director of labor and training.** – (a) The
8 director of labor and training shall, in any town or city without a town or city sealer, or in
9 a case where a sealer is not available or his or her deputy, or when sufficient equipment
10 has not been provided for by the town or city for a sealer to properly perform his or her
11 duties, for a period not to exceed three (3) months in any one year, test and/or approve
12 any weighing, measuring, or balancing apparatus, and shall receive compensation for
13 testing and/or approving as stated herein. Every mechanical, electronic, or other scale
14 with NETP certification with a capacity of less than thirty-five (35) pounds a fee of ~~ten~~
15 ~~dollars (\$10.00)~~ twelve dollars (\$12.00); for every scale used for the retail sale of
16 precious metals ~~twenty five dollars (\$25.00)~~ thirty dollars (\$30.00); for every
17 mechanical, electronic, or other scale with NETP certification with a capacity of thirty-
18 five (35) pounds to three hundred (300) pounds a fee of ~~twenty five dollars (\$25.00)~~
19 thirty dollars (\$30.00); for every platform scale with a capacity of three hundred (300)
20 pounds to five thousand (5,000) pounds a fee of ~~twenty dollars (\$20.00)~~ twenty-four
21 dollars (\$24.00); and for every platform scale with a capacity over five thousand (5,000)
22 pounds a fee of ~~thirty dollars (\$30.00)~~ thirty-six dollars (\$36.00) per hour. If any of the
23 scales, balances or gasoline measuring devices with NETP certification are found to be
24 incorrect, then they shall be so marked and their use forbidden until such time as the
25 devices meet the requirements of that current year edition of NIST Handbook 44. Scales
26 or balances not meeting class standards, as those often used to weigh people or scales for
27 approximating weight, can be checked and the fees shall be the same as herein provided
28 for same weight capacities. For the testing and/or approving of gasoline measuring
29 devices there shall be a fee of ~~fifteen (\$15.00)~~ eighteen dollars (\$18.00) per test per
30 meter; in the case of a multi-grade dispenser a fee of ~~ten dollars (\$10.00)~~ twelve dollars
31 (\$12.00) shall be charged to verify the price computation mechanism.

1 (b) The director of labor shall authorize and direct the testing and/or approving of
2 the apparatus stated herein, from time to time as in the director's judgment it may be
3 deemed necessary to prevent fraud or deception.

4 SECTION 12. Sections 47-8-1, 47-8-5 and 47-8-8 of the General Laws in Chapter
5 47-8 entitled "Gasoline and Petroleum Products" are hereby amended to read as follows:

6 **47-8-1 Testing of measuring devices – Forbidding use – Fee.** – The director of
7 labor is hereby authorized and directed to have tested all gasoline measuring devices used
8 in the sale of gasoline, from time to time, as in his or her judgment it may be deemed
9 necessary, to prevent fraud or deception in the use of these devices or to insure the
10 accurate measurement of gasoline in the sale. Any town or city sealer of weights,
11 measures, and balances shall have authority to condemn and forbid the use of any
12 gasoline measuring device for the sale of gasoline in his or her respective town or city, or
13 until the device has been duly tried and sealed, or until the gasoline measuring device has
14 been equipped with such an attachment, contrivance, or apparatus as will insure the
15 correct and proper functioning of the measuring device for the sale of the gasoline by
16 accurate measurement. For the testing and sealing of a gasoline measuring device, a fee
17 of ~~three dollars (\$3.00)~~ five dollars (\$5.00) shall be paid unless otherwise stated in § 47-
18 1-5.1, except in the city of Providence where the sealer shall have the authority to remove
19 and replace any lead seal on any gasoline measuring device and to charge an additional
20 fee of ~~three dollars (\$3.00)~~ five dollars (\$5.00) for that service.

21 **47-8-5 Testing and marking of tank vehicles and meters.** – The capacity of
22 every tank vehicle used and each compartment thereof used for the transportation over
23 the public highways of this state of fuels, such as gasoline and other volatile and
24 inflammable liquids including oils used for heating purposes, when used as a measuring
25 device shall be tested and sealed at least once every three (3) years by the director of
26 labor and training. The capacity, when so determined, shall be plainly printed upon the
27 right hand side of the vehicle tank dome in letters and numerals not less than one inch in
28 height. The meters of the vehicle tanks and the meters of home delivery truck vehicles
29 and loading rack meters shall be tested and sealed at least once a year by the director of
30 labor and training. The director of labor and training shall assess a fee of ~~one and one-~~
31 ~~half cent (11/2¢)~~ one and eight tenths cent (1.8¢) per gallon for measuring tank vehicles,

1 and a fee of ~~eight dollars (\$8.00)~~ nine dollars and sixty cents (\$9.60) for testing meters on
2 tank vehicles, and home delivery truck vehicles, except, when those meters are gravity
3 fed, the fee shall be ~~fifteen dollars (\$15.00)~~ eighteen dollars (\$18.00), and a fee of ~~fifteen~~
4 ~~dollars (\$15.00)~~ eighteen dollars (\$18.00) shall be assessed for testing loading rack
5 meters at least once every year, and a fee of ~~twenty dollars (\$20.00)~~ twenty-four dollars
6 (\$24.00) shall be assessed for testing and sealing of bottom loading rack meters at least
7 once every year. The director of labor and training shall also receive reasonable
8 compensation for all adjustments which it may be necessary for the director to make.
9 Reasonable compensation shall not exceed the rates as provided herein.

10 **47-8-8 Licensing of petroleum products delivery companies.** – (a) There shall
11 be an annual license fee of ~~one hundred dollars (\$100)~~ one hundred twenty dollars (\$120)
12 for each enterprise name used or involved in the delivery of petroleum products and a
13 reapplication fee of ~~five hundred dollars (\$500)~~ six hundred dollars (\$600) for each
14 enterprise required to renew who fail to do so after the licensing date of August 1. All
15 monies received under this section shall be deposited as general revenue. The application
16 for a license to be issued and administered by the weights and measures division of the
17 department of labor and training shall include:

18 (i) Certification of two million dollars (\$2,000,000) liability insurance which
19 includes pollution liability broad form coverage or certification of self insurance.

20 (ii) Number of registered and unregistered delivery vehicles (including color, type
21 of vehicle, and year and make of vehicle).

22 (iii) Statement that petroleum delivery vehicle identifications are in accordance
23 with § 397 of federal motor carriers safety regulations for the transportation of hazardous
24 materials, including § 397.21, entitled "Marking of Vehicles Operated by Private
25 Carriers" including:

26 (A) Placarding in accordance with federal requirements.

27 (B) The name of the enterprise to whom the petroleum company license is issued,
28 and the city or town in which the enterprise maintains its principal office or in which the
29 vehicle or vehicles are customarily based.

30 (2) The markings specified in subsection (a)(1)(iii) must appear on both sides of
31 the vehicle, and be in letters that contrast sharply in color with the background; and be

1 readily legible during daylight hours from a distance of fifty feet (50') while the vehicle is
2 stationary; and be kept and maintained in a manner that retains the legibility required.
3 The marking may consist of a removable device, if that device meets the identification
4 and legibility requirements of this paragraph, for a period not to exceed three (3) months
5 after the registration of said vehicle.

6 (3) All meters of the vehicles listed on the application must be tested and sealed
7 before the meters shall be used in any delivery of petroleum products. The meters shall be
8 tolerance tested for compliance with the current year national institute of standards and
9 technology handbook #44. Meters not in tolerance compliance shall be so marked in
10 accordance with § 47-3-1 and subject to the fines as stated.

11 (b) An enterprise so licensed shall be required to provide the wholesale petroleum
12 terminals with proof of the fact that it is licensed prior to obtaining any petroleum
13 products.

14 (2) An enterprise so licensed shall be required to use

15 (i) Said license number and

16 (ii) Enterprise name when advertising or offering for sale home heating fuels.

17 (c) The director of the department of labor and training is authorized and
18 empowered to promulgate rules and regulations for the enforcement and administration
19 of the provisions of this chapter.

20 (2) The rules and regulations shall be promulgated as required to enforce this
21 section.

22 SECTION 13. Sections 46-15.3-5, 46-15.3-9, and 46-15.3-10 of the General
23 Laws in Chapter 46-15.3 entitled "Public Drinking Water Supply System Protection" are
24 hereby amended to read as follows:

25 **46-15.3-5 Water quality protection charge.** – (a) There is hereby imposed on
26 each supplier of water, for the purpose of protecting the quality and safety of the public
27 supply of water, a charge to be known as a "water quality protection charge" based upon
28 billings for sales of every supplier of public drinking water at the rate of two and ~~fifty~~
29 ~~nine~~ ninety two hundredth cents (~~\$.0259~~) (\$.0292) per one hundred (100) gallons of each
30 sale, whether the water be used for drinking or other purposes. No supplier shall impose a
31 water quality protection charge upon sales to other suppliers of drinking water. Except as

1 provided in subsections (c), (d) and (e) hereof, the supplier shall add any water quality
2 protection charge imposed hereunder to the sale price, and, when added, the water quality
3 protection charge shall constitute a part of the price and shall also be a debt from the
4 purchaser to the supplier and be collectible in the same manner and have the benefit of
5 any lien provided for the amounts due for water charges from the purchaser to the
6 supplier. Provided, however, the water quality protection charge shall not be subject to
7 the sales and use tax. Subject to the provisions of § 39-1.1-1 for those suppliers which are
8 public utilities, all suppliers may terminate service for failure of purchasers to pay the
9 water quality protection charge.

10 (b) Any water quality protection charge imposed hereunder shall not take effect
11 earlier than January 1, 1989; provided, however, the increase in water quality protection
12 charge by one and one-third cents (\$0.01333) established by P.L. 1990, Ch. 65, Art. 39, §
13 1 shall take effect and be chargeable on all billings for water sales made by a supplier on
14 and after July 1, 1991.

15 (c) Each supplier shall provide for the exemption from the water quality
16 protection charge, for any sale to a purchaser sixty-five (65) years of age and over
17 purchasing water for the personal consumption of that person and other members of the
18 person's household under reasonable rules and regulations.

19 (d) All commercial agricultural producers, including those who provide food and
20 fiber, shall be exempt for that amount of water used to irrigate commercial crops either in
21 fields or greenhouses, provided, that the producers have a conservation plan on file with
22 their respective soil conservation districts.

23 (e) No water quality protection charge shall be imposed on that portion of such
24 supplier's retail billing representing potable water furnished to customers by purchase of
25 water in its finished, potable form from sources outside the state. The water quality
26 protection charge imposed by a supplier purchasing potable water from outside the state
27 shall be pro rata imposed on such supplier's retail billings for that portion of potable
28 water supplied from within the state in accordance with rules and regulations to be finally
29 promulgated by the water resources board on or before September 1, 1992.

30 (f) If any supplier of water fails to pay the water quality protection charge
31 imposed upon it, upon determination by the water resources board of failure to pay and

1 the amount unpaid, there shall be withheld from any state aid or grants of any nature due
2 such supplier an equivalent amount and such monies shall be transferred to the
3 appropriate water quality protection fund created under § 46-15.3-10.

4 **46-15.3-9 Collection of charges.** – A record shall be maintained by every
5 supplier showing the amounts of water sold, and the amounts of water quality protection
6 charges billed. The records shall be subject to public review. The water quality protection
7 charges shall be deemed to be trust funds for the purposes of this chapter and shall be
8 held in a separate account. For all suppliers, other than the city of Providence acting
9 through the Providence water supply board, or suppliers purchasing water from the city
10 of Providence acting through the Providence water supply board, ~~forty and seven tenths~~
11 thirty six and one tenth percent (~~40.7%~~) (36.1%) of the amount billed each month shall be
12 remitted to the treasurer of the water resources board on or before the twentieth (20th)
13 day of the second month following the month of billing. For suppliers purchasing water
14 from the city of Providence acting through the Providence water supply board, for that
15 portion of such supplier's retail billings representing water furnished to the purchasers
16 from the Providence water supply board, ~~forty and seven tenths~~ thirty six and one tenth
17 percent (~~40.7%~~) (36.1%) of the amount billed each month shall be remitted to the
18 Providence water supply board, on or before the twentieth (20th) day of the second
19 month following the month of billing, and for that portion of such supplier's retail billings
20 representing water furnished to the purchasers from sources other than the Providence
21 water supply board, ~~forty and seven tenths~~ thirty six and one tenth percent (~~40.7%~~)
22 (36.1%) of the amount billed each month shall be remitted to the treasurer of the water
23 resources board on or before the twentieth (20th) day of the second month following the
24 month of billing. The amounts remitted by suppliers purchasing water from the city of
25 Providence to the Providence water supply board and treasurer of the water resources
26 board pursuant to the previous sentence shall be based pro rata on metered water
27 production originating from the Providence water supply board and from all other sources
28 in accordance with rules and regulations to be finally promulgated by the water resources
29 board on or before September 1, 1992. For all suppliers, including the city of Providence
30 acting through the Providence water supply board, ~~fifty one and five tenths~~ fifty seven
31 percent (~~51.5%~~) (57.0%) of the amount billed each month shall be remitted through the

1 water resources board to the general treasurer of the state of Rhode Island on or before
2 the twentieth (20th) day of the second month following the month of billing and shall be
3 deposited as general revenues. All suppliers may disburse the ~~seven and eight tenths~~ six
4 and nine tenths percent (~~7.8%~~) (6.9%) of the charges collected and retained by the
5 supplier as an administrative charge for any purpose relating to the operation of the
6 supplier. All suppliers shall use or pledge the ~~forty and seven tenths~~ thirty six and one
7 tenth percent (~~40.7%~~) (36.1%) of the charges to pay principal or interest on bonds, notes,
8 or other obligations issued for the purposes of this chapter or lease payments in
9 connection with any bonds, notes, or obligations. It shall not be necessary for any
10 supplier of public drinking water whose rates may be regulated by the public utilities
11 commission, pursuant to chapter 1 of title 39, to obtain approval from the commission for
12 billing of the water quality protection charge. The public utilities commission shall not, in
13 determining rates for any supplier hereunder, consider the funds billed hereunder when
14 determining revenue requirements for the supplier. In no event shall any supplier be
15 responsible to collect or pay more than a single water quality protection charge with
16 respect to water sold by such supplier, whether the date of sale was on, before, or after
17 July 1, 1992.

18 **46-15.3-10 Water quality protection funds.** – (a) There are hereby created three
19 (3) water quality protection funds: one of which shall be administered by and be in the
20 custody of the treasurer of the water resources board, one of which shall be administered
21 by and be in the custody of the city of Providence acting through the Providence water
22 supply board, and one of which shall be in the custody of the general treasurer. The first
23 two (2) mentioned funds shall consist of such amounts as the state or the city of
24 Providence may from time to time appropriate, all water quality protection charges other
25 than the ~~seven and eight tenths~~ six and nine tenths percent (~~7.8%~~) (6.9%) and ~~fifty one~~
26 ~~and five tenths~~ fifty seven percent (~~51.5%~~) (57.0%) portions referred to in § 46-15.3-9,
27 proceeds from the sale of bonds and notes, as provided in subsection (b) below, and any
28 money which may have been obtained as grants, bequests, donations, gifts, or fines which
29 are intended to be used for purposes consistent with this chapter. This third mentioned
30 fund shall be hereby established as a general revenue receipt account known as the "water
31 resources operating fund".

1 (2) The general revenue appropriations made available from the general revenue
2 receipts credited to "Water Resources Operating Fund" shall be used for the
3 administration and support of the water resources board.

4 (b) The water resources board shall borrow money and issue its notes and bonds
5 therefor, for the purposes set forth in this chapter, and pursuant to the authority and the
6 procedures set forth in chapter 15.1 of this title, which shall be secured by pledging or
7 assigning, in whole or in part, the revenues and other monies held or to be deposited in
8 the water quality protection funds and any other revenues derived under this chapter.

9 (c) Any supplier with its own water quality protection fund may borrow money,
10 and/or issue its bonds or notes therefor, or may lease public facilities or public equipment
11 for the purposes set forth in this chapter. The supplier must secure any borrowings,
12 bonds, notes, or leases by pledging or assigning, in whole or in part, the revenues and
13 other monies held by it in its own water quality protection fund.

14 (d) All amounts in the water quality protection fund, water quality protection
15 charges, and any other revenues of the water resources board, excluding those deposited
16 as general revenues, received under the provisions of this chapter shall be deemed to be
17 trust funds to be held and applied solely as provided in this chapter and chapter 15.1 of
18 this title.

19 (e) Any money which may accumulate in the water quality protection funds,
20 which is in excess of that pledged to repayment of outstanding bonds or notes or lease
21 payments or loan repayments at any given time, may be used directly for eligible
22 expenditures from the fund and shall be disbursed for these purposes in accordance with
23 § 46-15.3-11.

24 SECTION 14. Section 30-25-14 of the General Laws in Chapter 30-25 entitled
25 "Burial of Veterans" is hereby amended to read as follows:

26 **30-25-14 Rhode Island veterans' memorial cemetery.-** The Rhode Island
27 veterans' memorial cemetery located on the grounds of the Joseph H. Ladd school in the
28 town of Exeter shall be under the management and control of the director of the
29 department of human services ~~and the assistant director in charge of the division of~~
30 ~~community services.~~ The ~~assistant~~ director of the department of human services ~~in charge~~
31 ~~of the division of community services~~ shall have the general supervision over and shall

1 prescribe rules for the government and management of the cemetery. He or she shall
2 make all needful rules and regulations governing the operation of the cemetery and
3 generally may do all things necessary to insure the successful operation thereof. The
4 ~~assistant~~ director shall promulgate rules and regulations, not inconsistent with the
5 provisions of 38 USCS 2402, to govern the eligibility for burial in the Rhode Island
6 veterans' memorial cemetery. In addition to all persons eligible for burial pursuant to
7 rules and regulations established by the ~~assistant~~ director, any person who served in the
8 army, navy, air force, or marine corps of the United States for a period of not less than
9 two (2) years and whose service was terminated honorably, shall be eligible for burial in
10 the Rhode Island veterans' memorial cemetery. The director shall appoint and employ all
11 subordinate officials and persons needed for the proper management of the cemetery.
12 National Guard members who are killed in the line of duty or who are honorably
13 discharged after completion of at least twenty (20) years' of service in the Rhode Island
14 National Guard and their spouse shall be eligible for interment in the Rhode Island
15 Veterans' Memorial Cemetery. For the purpose of computing service under this section,
16 honorable service in the active forces or reserves shall be considered toward the twenty
17 (20) years of National Guard service. The general assembly shall make an annual
18 appropriation to the department of human services to provide for the operation and
19 maintenance for the cemetery. The director shall charge and collect a grave liner fee per
20 interment of the eligible spouse and/or eligible dependents of the qualified veteran equal
21 to the Department's cost for the ~~graveliner~~ grave liner.

22 SECTION 15. Section 39-21.1-14 of the General Laws in Chapter 39-21.1
23 entitled "911 Emergency Telephone Number Act" is hereby amended to read as follows:

24 **39-21.1-14 Funding.** – (a) A monthly surcharge of ~~forty seven cents (\$0.47)~~ one
25 dollar (\$1.00) is hereby levied upon each residence and business telephone line or trunk
26 in the state including PBX trunks and centrex equivalent trunks and each line or trunk
27 serving, and upon each user interface number or extension number or similarly
28 identifiable line, trunk, or path to or from a digital network (such as, but not exclusive of,
29 integrated services digital network (ISDN)), Flexpath or comparable digital private
30 branch exchange, or connecting to or from a customer-based or dedicated telephone
31 switch site (such as, but not exclusive of, a private branch exchange (PBX)), or

1 connecting to or from a customer-based or dedicated central office (such as, but not
2 exclusive of, a centrex system but exclusive of trunks and lines provided to wireless
3 communication companies). The surcharge shall be billed by each telecommunication
4 services provider and shall be payable to the telecommunication services provider by the
5 subscriber of the telecommunication services. A monthly surcharge of ~~forty seven cents~~
6 ~~(\$.47)~~ one dollar (\$1.00) is hereby levied effective ~~September 1, 1997~~ July 1, 2002 on
7 each wireless telecommunication instrument or device which has access to, connects
8 with, or interfaces with the E 9-1-1 Uniform Emergency Telephone System. The
9 surcharge shall be billed by each telecommunication services provider and shall be
10 payable to the telecommunication services provider by the subscriber.

11 (b) The amount of the surcharge shall not be subject to the tax imposed under
12 chapter 18 of title 44 nor be included within the telephone common carrier's gross
13 earnings for the purpose of computing the tax under chapter 13 of title 44.

14 (c) Each telephone common carrier and each telecommunication services provider
15 shall establish a special account to which it shall deposit on a monthly basis the amounts
16 collected as a surcharge under this section. In determining the amount collected, the
17 telephone common carrier or telecommunication services provider may include a factor
18 for uncollectable billings computed in accordance with its customary business practice.

19 (d) The money collected by each telecommunication services provider of wireline
20 communication services shall be transferred within sixty (60) days after its inception of
21 communications services in this state and every month thereafter, to the general treasury,
22 together with the accrued interest and shall be deposited in the general fund as general
23 revenue; ~~provided that in FY 1999, \$871,025 of the fund's resources shall be provided to~~
24 ~~the judicial department to fund the state's Justice Link project.~~ The money collected by
25 each telecommunication services provider of wireless communication services shall be
26 transferred within ninety (90) days, after the initial imposition of the surcharge, and every
27 calendar quarter thereafter, to the general treasury with accrued interest and shall be
28 deposited in the general fund as general revenue.

29 (e) Every billed subscriber-user shall be liable for any surcharge imposed under
30 this section until it has been paid to the telephone common carrier or telecommunication
31 services provider. Any surcharge shall be added to and may be stated separately in the

1 billing by the telephone common carrier or telecommunication services provider and
2 shall be collected by the telephone common carrier or telecommunication services
3 provider.

4 (f) Each telephone common carrier and telecommunication services provider shall
5 annually provide the E 9-1-1 uniform emergency telephone system division or any other
6 agency that may replace it, with a list of amounts uncollected together with the names
7 and addresses of its subscriber-users who can be determined by the telephone common
8 carrier or telecommunication services provider to have not paid the surcharge.

9 (g) Included within, but not limited to, the purposes for which the money
10 collected may be used are rent, lease, purchase, improve, construct, maintenance, repair,
11 and utilities for the equipment and site or sites occupied by the E 9-1-1 uniform
12 emergency telephone system; salaries, benefits, and other associated personnel costs;
13 acquisition, upgrade or modification of PSAP equipment to be capable of receiving E 9-
14 1-1 information, including necessary computer hardware, software, and data base
15 provisioning, addressing, and non-recurring costs of establishing emergency services;
16 network development, operation and maintenance; data-base development, operation, and
17 maintenance; on- premise equipment maintenance and operation; training emergency
18 service personnel regarding use of E 9-1-1; educating consumers regarding the
19 operations, limitations, role and responsible use of E 9-1-1; reimbursement to telephone
20 common carriers or telecommunication services providers of rates or recurring costs
21 associated with any services, operation, administration or maintenance of E 9-1-1
22 services as approved by the division; reimbursement to telecommunication services
23 providers or telephone common carriers of other costs associated with providing E 9-1-1
24 services, including the cost of the design, development, and implementation of equipment
25 or software necessary to provide E 9-1-1 service information to PSAP's, as approved by
26 the division; ~~provided that in FY 1999, \$871,025 of the fund's resources shall be provided
27 to the judicial department to fund the state's Justice Link project.~~

28 (h) [Deleted by P.L. 2000, ch. 55, art. 28, § 1.]

29 (i) Nothing in this section shall be construed to constitute rate regulation of
30 wireless communication services carriers, nor shall this act be construed to prohibit

1 wireless communication services carriers from charging subscribers for any wireless
2 service or feature.

3 SECTION 16. Sections 20-2-4, 20-2-15, 20-2-16, 20-2-17, 20-2-18, 20-2-35 and
4 20-2-37 of the General Laws in Chapter 20-2 entitled "Licensing" are hereby amended to
5 read as follows:

6 **20-2-4. Clerk's fee --** Out of the fees paid under the provisions of this chapter for
7 issuance of hunting, other than deer permits pursuant to section 20-2-18, fishing,
8 combination, and non-resident shellfishing licenses, the sum of ~~fifty cents (\$0.50)~~ one
9 dollar (\$1.00) shall be retained by the clerk or agent issuing each license, if this is the
10 case. Out of the fees paid for issuance of deer permits, the sum of fifty cents (\$0.50) shall
11 be retained by the clerk or agent.

12 **20-2-15. Fresh water fishing license --** (a) (1) Resident- ~~nine dollars and fifty~~
13 ~~cents (\$9.50)~~ eighteen dollars (\$18.00).

14 (2) Nonresident- ~~thirty one dollars (\$31.00)~~ thirty-five dollars (\$35.00).

15 (3) Nonresident tourist- sixteen dollars (\$16.00). This license shall entitle the
16 licensee to fish in Rhode Island for three (3) consecutive days including the day of issue.

17 (b) Fresh water fishing licenses shall expire on the last day of February of each
18 year.

19 **20-2-16. Hunting license --** (a) (1) Resident- ~~nine dollars and fifty cents (\$9.50)~~
20 eighteen dollars (\$18.00).

21 (2) Nonresident- ~~forty one dollars (\$41.00)~~ forty-five dollars (\$45.00).

22 (3) Nonresident landowner-a nonresident citizen of the United States and owner
23 of real estate in Rhode Island assessed for taxation at a valuation of not less than thirty
24 thousand dollars (\$30,000) may obtain a resident's hunting license.

25 (4) Shooting preserve-three dollars and fifty cents (\$3.50).

26 (5) Nonresident three (3) day-sixteen dollars (\$16.00). This license shall entitle
27 the licensee to hunt in Rhode Island for three (3) consecutive days as validated by the
28 issuing agent.

29 (b) Hunting licenses shall expire on the last day of February of each year.

30 **20-2-17. Combination fishing and hunting license --** The director may grant to
31 any eligible resident applying for a combination hunting and fishing license a license

1 which shall entitle the licensee to the privileges of both hunting and fishing licenses, for a
2 fee of ~~fifteen dollars and fifty cents (\$15.50)~~ thirty-three dollars (\$33.00). The license
3 shall expire on the last day of February of each year.

4 **20-2-18. Deer permits --** (a) (1) Resident- ~~seven dollars and fifty cents (\$7.50)~~
5 twelve dollars and fifty cents (\$12.50).

6 (2) Non-resident- twenty-five dollars and fifty cents (\$25.50).

7 (b) A deer permit is good only for the season in which it is issued.

8 **20-2-35. Waterfowl stamp required --** No person sixteen (16) years of age or
9 older shall take or attempt to take any migratory waterfowl without first obtaining a
10 regular hunting license ~~which includes a~~ and a Rhode Island migratory waterfowl stamp
11 for the current year. Each stamp shall be validated by the signature of the licensee written
12 in ink across the face of the stamp and shall not be transferable. The stamp year shall run
13 from July 1 to June 30. The migratory waterfowl stamp shall be available at all outlets
14 currently used for the issuance of a hunting license ~~and shall be issued at the time the~~
15 ~~hunting license is purchased.~~

16 **20-2-37. Waterfowl stamp fees --** (a) Stamps shall be sold at the direction of the
17 director for a fee of seven dollars and fifty cents (\$7.50). The issuing agent may retain a
18 fee of fifty cents (\$.50) for each stamp and shall remit seven dollars (\$7.00) of each fee to
19 the department. The director shall establish a uniform sale price for all categories of by-
20 products.

21 ~~(b) The migratory waterfowl stamp shall be issued at no cost to anyone~~
22 ~~purchasing a regular hunting license. No fee shall be charged for a migratory waterfowl~~
23 ~~stamp to anyone purchasing a regular hunting license, unless approved by the general~~
24 ~~assembly. It shall be the responsibility of the department of environmental management~~
25 ~~to affix the stamps to the affected licenses.~~

26 SECTION 17. Chapter 20-2 of the General Laws entitled "Licensing" is hereby
27 amended by adding thereto the following sections:

28 **20-2-18.1. Wild turkey permits. --** No person shall attempt to take any wild
29 turkey without first obtaining a regular hunting license and a turkey permit for the current
30 year. Permits shall be sold at the direction of the director for a fee of seven dollars and
31 fifty cents (\$7.50) for residents and twenty dollars (\$20.00) for nonresidents. The issuing

1 agent may retain a fee of fifty cents (\$.50) for each permit and shall remit seven dollars
2 (\$7.00) for resident permits and nineteen dollars and fifty cents (\$19.50) for nonresident
3 permits to the department. A wild turkey permit shall be good only for the season in
4 which it is issued. All monies derived from the sale of wild turkey permits shall be
5 expended for turkey habitat acquisition in Rhode Island and wild turkey restoration
6 management and research.

7 **20-2-18.2. Pheasant permits required.** - No person shall attempt to take any
8 pheasant without first obtaining a regular hunting license and a pheasant permit for the
9 current year.

10 **20-2-18.3. Pheasant permit fees and bag limits.** - Permits shall be sold at the
11 direction of the director for a fee of fifteen dollars and fifty cents (\$15.50). The issuing
12 agent will retain a fee of fifty cents (\$.50) for each permit and shall remit fifteen dollars
13 (\$15.00) to the department. A permit will contain six (6) tags which can be used to
14 harvest a two (2) bird daily bag limit and a total of ten (10) pheasants per season. Only
15 one (1) permit may be purchased per season. All monies derived from the sale of
16 pheasant permits shall be expended for pheasant and related wildlife management,
17 research and habitat acquisition in Rhode Island.

18 **20-2-38.1. Grants, donations, gifts.** - The director is authorized to accept any
19 grant, devise, bequest, donation, gift or assignment of money, bonds, or other valuable
20 securities for deposit in the waterfowl fund, which may be accepted for specific use(s)
21 which the grant and grantee may jointly identify within the purposes of the waterfowl
22 fund, or for the general purposes of such fund. The director may also accept land as
23 provided in section 20-18-1.

24 SECTION 18. Section 19-4-6 of the General Laws in Chapter 19-4 entitled
25 “Regulatory Oversight” is hereby amended to read as follows:

26 **19-4-6 Time and frequency of reports of financial institutions and credit**
27 **unions.** – Every financial institution and credit union, at those times that the director or
28 the director's designee shall require, but at least once in each calendar year, shall render a
29 report to the director or the director's designee signed and sworn to by its president or a
30 vice-president and also by its secretary, treasurer, or auditor, and attested by at least three
31 (3) of the members of its board of directors, showing accurately the condition of the

1 financial institution or credit union at the close of business on any past day specified by
2 the director or the director's designee, in the form and containing the information that the
3 director or the director's designee shall require; and the report shall be transmitted to the
4 director or the director's designee within thirty (30) days, exclusive of Sundays and
5 holidays, after the director's request. At the time of filing each report the sum of ~~fifty~~
6 ~~dollars (\$50.00)~~ fifty-five dollars (\$55.00) shall be paid by the financial institution or
7 credit union to the director to and for the use of the state.

8 SECTION 19. Sections 19-14-4, 19-14-16, and 19-14-22 of the General Laws in
9 Chapter 19-14 entitled "Licensed Activities" are hereby amended to read as follows:

10 **19-14-4 Annual fee.** – (a) Each licensee shall pay an annual license fee as
11 follows:

12 (1) Each small loan lender license and each branch certificate, the sum of ~~five~~
13 ~~hundred dollars (\$500);~~ five hundred fifty dollars (\$550.00);

14 (2) Each loan broker license and each branch certificate, the sum of ~~five hundred~~
15 ~~dollars (\$500);~~ five hundred fifty dollars (\$550.00);

16 (3) Each lender license and each branch certificate, the sum of ~~one thousand~~
17 ~~dollars (\$1,000);~~ one thousand one hundred dollars (\$1,100.00);

18 (4) Each sale of checks license, the sum of three hundred dollars (\$300);

19 (5) Each check cashing license, the sum of three hundred dollars (\$300); and

20 (6) Each electronic money transfer license, the sum of three hundred dollars
21 (\$300).

22 (b) Any licensee who shall not pay the annual fee by March 31 of each year shall
23 be subject to a daily penalty of twenty-five dollars (\$25) per day, subject to a maximum
24 of seven hundred fifty dollars (\$750). The penalty shall be paid to the director to and for
25 the use of the state. The penalty may be waived for good cause by the director or the
26 director's designee, upon written request.

27 **19-14-16 Surrender of license.** – Any licensee may surrender any license or
28 branch certificate(s) by delivering to the director or the director's designee written notice
29 surrendering the license or branch certificate(s). The surrender shall not affect the
30 licensee's civil or criminal liability for acts committed prior to the surrender. Written
31 notice of any surrender must be filed with the director or the director's designee within

1 thirty (30) days of the termination of the business authorized by this chapter at the
2 surrendered location. The surrender of any license does not affect the licensee's
3 requirement to file an annual report with the ~~fifty-dollar (\$50.00)~~ fifty-five dollars
4 (\$55.00) filing fee. This report shall be filed within thirty (30) days of the surrender of
5 the license. The licensee shall give written notification to the director or the director's
6 designee within twenty-four (24) hours from termination of business.

7 **19-14-22 Reporting requirements.** – (a) Each licensee shall annually on or
8 before March 31 file a report with the director or the director's designee giving any
9 relevant information that the director or the director's designee may reasonably require
10 concerning the business and operations during the preceding calendar year of each
11 licensed place of business conducted by the licensee within the state. The report shall be
12 made under oath and shall be in a form prescribed by the director or the director's
13 designee. At the time of filing each report, the sum of ~~fifty dollars (\$50.00)~~ fifty-five
14 dollars (\$55.00) per license ~~and fifty dollars (\$50.00)~~ fifty-five dollars (\$55.00) per
15 branch certificate shall be paid by the licensee to the director for the use of the state. Any
16 licensee who shall delay transmission of any report required by the provisions of this title
17 beyond the limit, unless additional time is granted, in writing, for good cause, by the
18 director or the director's designee, shall pay a penalty of twenty-five dollars (\$25) for
19 each day of the delay.

20 (b) Any licensee shall, within twenty-four (24) hours after actual knowledge,
21 notify the director or the director's designee, in writing, of the occurrence of any of the
22 following events: the institution of bankruptcy, receivership, reorganization or insolvency
23 proceedings regarding a licensee, the institution of any adverse government action against
24 a licensee, or any felony indictment or conviction of any licensee or any officers,
25 directors, owners, employees, members or partners thereof, as the case may be.

26 SECTION 20. Section 3-6-14 of the General Laws in Chapter 3-6 entitled
27 “Manufacturing and Wholesale Licenses” is hereby amended to read as follows:

28 **3-6-14 Certificate of compliance.** – (a) As conditions precedent to transporting,
29 or causing to be transported, distilled spirits, malt beverages, and vinous beverages into
30 this state for storage, sale, or consumption in this state, any person, firm, or corporation
31 located in another state shall first obtain a certificate of compliance from the department.

1 (b) The certificate of compliance shall be issued upon the condition that the
2 holder furnishes from time to time, as the department may require, but in no event more
3 often than once each month, information concerning all shipments or sales of distilled
4 spirits, malt beverages, and vinous beverages made into this state. The holder must also
5 furnish information concerning the brand, type of container, quantity, and other
6 information that may be required by the department. The department is empowered to
7 promulgate any rules and regulations that may be necessary for the enforcement of this
8 subsection.

9 (c) As a condition precedent to the issuance of and during the term of a certificate,
10 the holder shall comply with the provisions of this title, and all rules and regulations
11 promulgated under authority of this title.

12 (d) The department may suspend, cancel, or revoke any certificate of compliance
13 for violation of the terms or conditions of the certificate.

14 (e) The certificate of compliance shall contain on its face a list of those distilled
15 spirits, malt beverages, and vinous beverages transported or caused to be transported into
16 this state by the holder of the certificate.

17 (f) The annual fee for the certificate of compliance is ~~twenty-five dollars (\$25.00)~~
18 thirty-five dollars (\$35.00) for each and every brand, blend, mixture, variety, type, kind,
19 and class of distilled spirits, malt beverages, and vinous beverages. The annual fee,
20 prorated to the year ending December 1st in every calendar year, is paid to the
21 department, and deposited as general revenues. The department may fix a flat fee per
22 gallon instead of the annual fee for any of the above categories where the application for
23 a certificate of compliance contains an affidavit that less than twenty-five (25) gallons of
24 the category involved will be imported during the year for which filed

25 SECTION 21. Section 23-17-38 of the General Laws in Chapter 23-17 entitled
26 "Licensing of Health Care Facilities" is hereby amended to read as follows:

27 **23-17-38 Establishment of fees.** – The director shall establish fees for licensure
28 application, licensure renewal, inspection, and administrative actions under this chapter.
29 Annual inspection fees for hospitals and rehabilitation hospital centers shall be ~~three~~
30 ~~thousand dollars (\$3,000)~~ thirteen thousand dollars (\$13,000) per facility plus an
31 additional fee of ~~fifteen dollars (\$15.00)~~ ninety dollars (\$90.00) per bed. Annual licensure

1 fees for health maintenance organizations and for profit end stage renal dialysis facilities
2 shall be three thousand dollars (\$3,000) per facility. Annual licensure fees for home
3 nursing care providers and home care providers shall be five hundred dollars (\$500) per
4 facility. Annual licensure fees for organized ambulatory care facilities shall be five
5 hundred dollars (\$500), provided that not-for-profit entities operating more than one
6 ambulatory care facility shall be subject to a single annual licensure fee for all such
7 licenses; provided, further, that non-profit charitable community health centers, school
8 based health centers and nonprofit hospice programs with a current home nursing care
9 provider license shall be exempt from the fee. All annual licensure fees not otherwise
10 designated shall be established in regulation and shall be collected and deposited as
11 general revenues of the state.

12 SECTION 22. Section 23-17.4-31 of Chapter 23-17.4 of the Rhode Island General
13 Laws entitled “Residential Care and Assisted Living Facility Licensing Act” is hereby
14 amended to read as follows:

15 **23-17.4-31 Establishment of fees.** – The director may establish reasonable fees
16 for the licensure application, licensure renewal, and administrative actions under this
17 chapter. Annual licensure fees shall be two hundred and fifty dollars (\$250) per licensee
18 plus an additional fee of ~~twenty two dollars and fifty cents (\$22.50)~~ fifty dollars (\$50.00)
19 per licensed bed, where applicable. ~~All of these fees shall be collected and deposited in a~~
20 ~~restricted receipt account that shall be used for the general purposes of the division of~~
21 ~~facilities regulation within the department of health.~~

22 SECTION 23. Section 8-18-6 of the General Laws in Chapter 8-18 entitled “State
23 and Municipal Court Compact” is hereby amended to read as follows:

24 **8-18-6. Joint violation fines – Distribution of funds.** – Cities or towns with
25 municipal courts shall dedicate four dollars (\$4.00) for reimbursement from each
26 summons to the general fund. Cities or towns without a municipal court shall dedicate six
27 dollars (\$6.00) for reimbursement from each summons to the general fund. State agencies
28 shall dedicate twenty-two dollars (\$22.00) from each summons to the general fund.
29 Provided that cities, towns and state agencies shall also dedicate all revenues generated
30 directly as a result of fee increases effective July 1, 2002 to the general fund.

1 SECTION 24. Section 27-2.4-4 of the General Laws in Chapter 27-2.4 entitled
2 “Producer Licensing Act” is hereby amended to read as follows:

3 **27-2.4-4 – Fees.** (a) Fees required by this chapter ~~are~~ for the period commencing
4 July 1, 2002 and ending on June 30, 2003 shall be as follows:

5 (1) Initial insurance producer license: ~~\$50.00~~ \$60.00;

6 (2) Annual insurance producer renewal: ~~\$50.00~~ \$60.00;

7 (3) Annual company contract fee: ~~\$25.00~~ \$35.00.

8 (b) Commencing July 1, 2003 the fees shall be as follows:

9 (1) Initial insurance producer license: \$50.00;

10 (2) Annual insurance producer renewal: \$50.00; and

11 (3) Annual contract fee: \$25.00.

12 (c) The insurance commissioner may by rule or regulation, specify fees for letters
13 of certification, clearance letters, duplicate licenses, and any other fees for service and
14 documents that are reasonably determined by the insurance commissioner.

15 SECTION 25. Section 27-3.2-9 of the General Laws in Chapter 27-3.2 entitled
16 “Continuing Education Requirements” is hereby amended to read as follows:

17 **27-3.2-9. Fees.** (a) Notwithstanding any provision of the general laws to the
18 contrary, there is hereby established a fee of ~~five dollars (\$5.00)~~ fifteen dollars (\$15.00)
19 per annum for the period commencing July 1, 2002 and ending on June 30, 2003, which
20 shall be paid by all persons licensed pursuant to chapter ~~2-3~~ 27-2.4 of this title, and shall
21 be deposited as general revenues.

22 (b) Notwithstanding any provision of the general laws to the contrary, for the
23 period commencing July 1, 2003 the fee shall be five dollars (\$5.00) per annum, which
24 shall be paid by all persons licensed pursuant to chapter 27-2.4 of this title, and shall be
25 deposited as general revenues.

26 SECTION 26. Section 31-41.1-4 of the General Laws in Chapter 31-41.1 entitled
27 "Adjudication of Traffic Offenses" is hereby amended to read as follows:

28 **31-41.1-4. Schedule of violations.** -- (a) The table below details the penalties for
29 violations of the enumerated sections. However, those offenses for which punishments vary
30 according to the severity of the offense, or which require the violator to perform a service, shall
31 be heard and decided by the traffic tribunal or municipal court. The following violations may be
32 handled administratively through the method prescribed in this chapter. This list is not exclusive,

and jurisdiction may be conferred on the traffic tribunal with regard to other violations:

VIOLATIONS SCHEDULE

Section of	Total
General Laws	Fine
8-8.2-2	DOT, DEM, or other agency
	and department violations
	50.00 <u>75.00</u>
31-3-12	Visibility of plates
	50.00 <u>75.00</u>
31-10-32	Notice of change of address
	50.00 <u>75.00</u>
31-15-9	One way highways
	50.00 <u>75.00</u>
31-14-3	Condition requiring reduced speed
	50.00 <u>75.00</u>
31-13-9	Flashing signals
	50.00 <u>75.00</u>
31-16-5	Turn signal required
	50.00 <u>75.00</u>
31-16-2	Manner of turning at intersection
	50.00 <u>75.00</u>
31-21-4	Places where parking or stopping
	prohibited
	50.00 <u>75.00</u>
31-15-6	Clearance for overtaking
	50.00 <u>75.00</u>
31-25-10	Fastening of load and covering
	50.00 <u>75.00</u>
31-24-1	Times when lights required
	through
31-24-53	Safety lights required on food
	vending vehicles
31-15-4	Overtaking on left
	50.00 <u>75.00</u>
31-15-5(a)	Overtaking on right
	50.00 <u>75.00</u>
31-16-6	Time of signaling turn
	50.00 <u>75.00</u>
31-17-4	Obedience to stop signs
	50.00 <u>75.00</u>
31-22-9	Throwing debris on highway
	snow removal
	50.00 <u>75.00</u>
31-17-2	Vehicle turning left
	50.00 <u>75.00</u>
31-23-15	Rear view mirror
	50.00 <u>75.00</u>
31-10.1-4	No motorcycle helmet (operator)
	50.00 <u>75.00</u>
31-10.1-6	No motorcycle helmet (passenger)
	50.00 <u>75.00</u>
31-15-12	Following too closely
	50.00 <u>75.00</u>
31-14-9	Below minimum speed
	50.00 <u>75.00</u>
31-15-3	Operator left of center
	50.00 <u>75.00</u>

1	31-15-7	Places where overtaking prohibited	50.00	<u>75.00</u>
2	31-13-4	Obedience to devices	50.00	<u>75.00</u>
3	31-38-3	No inspection sticker	50.00	<u>75.00</u>
4	31-15-16	Use of emergency break-down		
5		lane for travel	50.00	<u>75.00</u>
6	31-3-18	Display of plates	50.00	<u>75.00</u>
7	31-19-20	Sale of new bicycles	50.00	<u>75.00</u>
8	31-19-21	Sale of used bicycles	50.00	<u>75.00</u>
9	31-27-2.3	Refusal to take preliminary breath		
10		test	50.00	<u>75.00</u>
11	24-10-20	Park and ride lots	50.00	<u>75.00</u>
12	24-10-17	Soliciting rides in motor vehicles	50.00	<u>75.00</u>
13	24-10-18	Backing up prohibited	50.00	<u>75.00</u>
14	31-3-32	Driving with expired registration	50.00	<u>75.00</u>
15	31-3-34	Failure to notify division of		
16		change of address	50.00	<u>75.00</u>
17	31-3-35	Notice of change of name	50.00	<u>75.00</u>
18	31-3-40	Temporary plates - dealer issued	50.00	<u>75.00</u>
19	31-4-3	Temporary registration – twenty		
20		(20) day bill of sale	50.00	<u>75.00</u>
21	31-7-1	Operating on foreign registration	50.00	<u>75.00</u>
22	31-8-1	Operating without evidence of registration	50.00	<u>75.00</u>
23	31-10-10	Rules as to armed forces license	50.00	<u>75.00</u>
24	31-10-30	Driving on expired license	50.00	<u>75.00</u>
25	31-10.1-5	Motorcycle handlebar violation	50.00	<u>75.00</u>
26	31-10.1-7	Inspection of motorcycle required	50.00	<u>75.00</u>
27	31-12-12	Local motor vehicle ordinance	50.00	<u>75.00</u>
28	31-13-6(3)(i)	Eluding traffic light	50.00	<u>75.00</u>
29	31-13-11	Injury to signs or devices	50.00	<u>75.00</u>
30	31-14-1	Reasonable and prudent speed	50.00	<u>75.00</u>
31	31-14-12	Speed limit on bridges and struc-		
32		tures	50.00	<u>75.00</u>
33	31-15-1	Leaving lane of travel	50.00	<u>75.00</u>
34	31-15-2	Slow traffic to right	50.00	<u>75.00</u>

1	31-15-8	No passing zone	50.00	<u>75.00</u>
2	31-15-10	Rotary traffic islands	50.00	<u>75.00</u>
3	31-15-11	Laned roadway violation	50.00	<u>75.00</u>
4	31-15-12.1	Entering intersection	50.00	<u>75.00</u>
5	31-15-13	Crossing center section of divided		
6		highway	50.00	<u>75.00</u>
7	31-15-14	Entering or leaving limited access		
8		roadways	50.00	<u>75.00</u>
9	31-16-1	Care in starting from stop	50.00	<u>75.00</u>
10	31-16-4	U turn where prohibited	50.00	<u>75.00</u>
11	31-16-7	Failure to give stop signal	50.00	<u>75.00</u>
12	31-16-8	Method of giving signals	50.00	<u>75.00</u>
13	31-17-1	Failure to yield right of way	50.00	<u>75.00</u>
14	31-17-3	Yield right of way (intersection)	50.00	<u>75.00</u>
15	31-17-5	Entering from private road or		
16		driveway	50.00	<u>75.00</u>
17	31-17-8	Vehicle within right of way, rotary	50.00	<u>75.00</u>
18	31-18-3	Right of way in crosswalks	50.00	<u>75.00</u>
19	31-18-5	Crossing other than at crosswalks	50.00	<u>75.00</u>
20	31-18-8	Due care by drivers	50.00	<u>75.00</u>
21	31-18-12	Hitchhiking	50.00	<u>75.00</u>
22	31-20-2	Driving through railroad gate	50.00	<u>75.00</u>
23	31-20-9	Obedience to stop sign	50.00	<u>75.00</u>
24	31-21-14	Opening of vehicle doors	50.00	<u>75.00</u>
25	31-22-2	Improper backing up	50.00	<u>75.00</u>
26	31-22-4	Overloading vehicle	50.00	<u>75.00</u>
27	31-22-5	Violation of safety zone	50.00	<u>75.00</u>
28	31-22-6	Coasting	50.00	<u>75.00</u>
29	31-22-7	Following fire apparatus	50.00	<u>75.00</u>
30	31-22-8	Crossing fire hose	50.00	<u>75.00</u>
31	31-22-11.5	Improper use of school bus		
32		- not to exceed		\$500
33		for each day of improper use		
34	31-22-22(b)	No child restraint	50.00	<u>75.00</u>

1	31-22-22(c)	Child restraint/seat belt but not		
2		in back seat	50.00	<u>75.00</u>
3	31-22-22(e),	No seat belt – passenger	50.00	<u>75.00</u>
4	31-22-22(f)	No seat belt operator	50.00	<u>75.00</u>
5	31-22-23	Tow trucks - proper identification	50.00	<u>75.00</u>
6	31-22-24	Operation of interior lights	50.00	<u>75.00</u>
7	31-22-28	Transporting animals	50.00	<u>75.00</u>
8	31-23-1(b)	U.S. department of transportation		
9		motor carrier safety rules		
10		and regulations	50.00	<u>75.00</u>
11	31-23-4	Brake equipment required	50.00	<u>75.00</u>
12	31-23-8	Horn required	50.00	<u>75.00</u>
13	31-23-10	Sirens prohibited	50.00	<u>75.00</u>
14	31-23-13	Muffler required	50.00	<u>75.00</u>
15	31-23-13.1	Altering height or operating a		
16		motor vehicle with an altered		
17		height	50.00	<u>75.00</u>
18	31-23-14	Prevention of excessive fumes or		
19		smoke	50.00	<u>75.00</u>
20	31-23-16	Windshield and window stickers		
21		(visibility)	50.00	<u>75.00</u>
22	31-23-17	Windshield wipers	50.00	<u>75.00</u>
23	31-23-19	Metal tires prohibited	50.00	<u>75.00</u>
24	31-23-20	Protuberances on tires	50.00	<u>75.00</u>
25	31-23-26	Fenders and wheel flaps required	50.00	<u>75.00</u>
26	31-23-27	Rear wheel flaps on buses, trucks		
27		and trailers	50.00	<u>75.00</u>
28	31-23-29	Flares or red flag required over		
29		four thousand pounds (4,000 lbs.)	50.00	<u>75.00</u>
30	31-23-38	Television receivers prohibited	50.00	<u>75.00</u>
31	31-23-40	Approved types of seat belt		
32		requirements	50.00	<u>75.00</u>
33	31-23-42.1	Special mirror - school bus	50.00	<u>75.00</u>
34	31-23-43	Chocks required (1 pair) – over		

1		four thousand pounds (4,000 lbs.)	50.00	<u>75.00</u>
2	31-23-45	Tire treads - defective tires	50.00	<u>75.00</u>
3	31-23-47	Slow moving emblem required	50.00	<u>75.00</u>
4	31-23-49	Transportation of gasoline - pas-		
5		senger vehicle	50.00	<u>75.00</u>
6	31-23-51	Operating bike or motor vehicle		
7		wearing ear phones (first offense)	50.00	<u>75.00</u>
8	31-24-5	Headlamp required on motorcycle	50.00	<u>75.00</u>
9	31-24-31	Flashing lights - permit required	50.00	<u>75.00</u>
10	31-24-34	Failure to dim lights	50.00	<u>75.00</u>
11	31-24-45	Red flag required, load projecting		
12		four feet (4') rear	50.00	<u>75.00</u>
13	31-25-3	Maximum width of one hundred		
14		and two inches (102") exceeded	50.00	<u>75.00</u>
15	31-25-4	Maximum height of one hundred		
16		sixty-two inches (162") exceeded	50.00	<u>75.00</u>
17	31-25-6	Maximum number and length of		
18		coupled vehicles		500
19	31-25-7	Load extending three feet (3')		
20		front, six feet (6') rear		
21		exceeded	50.00	<u>75.00</u>
22	31-25-9	Leaking load	50.00	<u>75.00</u>
23	31-25-11	Connections between coupled		
24		vehicles	50.00	<u>75.00</u>
25	31-25-12	Towing chain, twelve inch (12")		
26		square flag required	50.00	<u>75.00</u>
27	31-25-12.1	Tow truck - use of lanes (first		
28		offense)	50.00	<u>75.00</u>
29	31-25-13	Axle load limit	450	<u>175.00</u>
30	31-25-14(d)(1)	Maximum weight and tandem		
31		axles	400	<u>125.00</u>
32	31-25-14(d)(2)	Maximum weight and tandem		
33		axles	400	<u>125.00</u>
34	31-25-14(d)(3)	Maximum weight and tandem		

1		axles	400	<u>125.00</u>
2	31-25-16(c)(1)	Maximum weight shown		
3		in registration	30.00	<u>55.00</u>
4		per thousand lbs. overweight		
5		or portion thereof		
6	31-25-16(c)(2)	Maximum weight shown) in registration	60.00	<u>85.00</u>
7		per thousand lbs. overweight or portion thereof		
8	31-25-16(c)(3)	Maximum weight shown in regis-	4,000	<u>1,025.00</u>
9		plus \$60.00 per thousand pounds overweight or portion		
10		thereof		
11	31-25-17	Identification of trucks and		
12		truck-tractors (first offense)	50.00	<u>75.00</u>
13	31-25-24	Carrying and inspection of		
14		excess load limit	150	<u>175.00</u>
15	31-28-7(b)(4)	Wrongful use of handicapped		
16		parking placard	100	<u>125.00</u>
17	31-28-7(d)	Handicapped parking space violation		
18		First offense	75.00	<u>100.00</u>
19		Second offense	150	<u>175.00</u>
20		Third and subsequent		
21		offenses	300	<u>325.00</u>
22	31-28-7.1(e)	Wrongful use of institutional		
23		handicapped parking placard	100	<u>125.00</u>
24	31-33-2	Failure to file accident report	50.00	<u>75.00</u>
25	31-36.1-17	No fuel tax stamp (out-of-state)	50.00	<u>75.00</u>
26	31-38-4	Violation of inspection laws	50.00	<u>75.00</u>
27	31-45-1	Noise limits	50.00	<u>75.00</u>
28	37-15-7	Littering	50.00	<u>75.00</u>
29	39-12-26	Public carriers violation	50.00	<u>75.00</u>
30	31-45-5	Audio Systems	50.00	<u>75.00</u>
31	31-47.2-6	Heavy-duty vehicle emission		
32		inspections		
33		First offense	100-	<u>125.00</u>
34		Second offense	500	<u>525.00</u>

1 Third and subsequent offenses 1,000 1,025.00

2

3 SPEEDING

4 (A) One to ~~fifteen~~ ten miles per \$50.00 \$75.00

5 hour (1-~~15~~ 10 mph) in excess of posted speed limit

6 (B) ~~Sixteen~~ Eleven miles per hour (~~16~~ 11 mph) 160.00 110.00

7 in excess of posted speed limit - minimum

8 with a fine of ten dollars (\$10.00) per

9 mile in excess of speed limit shall be assessed.

10 (b) In addition to any other penalties provided by law, a judge may impose the following
11 penalties for speeding:

12 (1) For speeds up to and including ~~fifteen miles per hour (15 mph)~~ ten miles per hour (10
13 mph) over the posted speed limit on public highways, a fine as provided for in subsection (a) for
14 the first offense, ten dollars (\$10.00) per mile for each mile in excess of the speed limit for the
15 second offense if within twelve (12) months of the first offense, and fifteen dollars (\$15.00) per
16 mile for each mile in excess of the speed limit for the third and any subsequent offense if within
17 twelve (12) months of the first offense. In addition, the license may be suspended up to thirty (30)
18 days.

19 (2) For speeds in excess of ~~fifteen miles per hour (15 mph)~~ ten miles per hour (10 mph)
20 over the posted speed limit on public highways, a mandatory fine of ten dollars (\$10.00) for each
21 mile over the speed limit for the first offense, fifteen dollars (\$15.00) per mile for each mile in
22 excess of the speed limit for the second offense if within twelve (12) months of the first offense,
23 and twenty dollars (\$20.00) per mile for each mile in excess of the speed limit for the third and
24 subsequent offense if within twelve (12) months of the first offense. In addition, the license may
25 be suspended up to sixty (60) days.

26 (c) Any person charged with a violation who pays the fine administratively
27 pursuant to chapter 8.2 of title 8 is not subject to any additional costs or assessments,
28 including, but not limited to, the hearing fee established in section 8-18-4 or an
29 assessment for substance abuse prevention.

30 SECTION 27. Sections 42-28-25 and 42-28-37 of the General Laws in Chapter 42-28
31 entitled "State Police" are hereby amended to read as follows:

32 **42-28-25. State and municipal police training school established.** -- Within the Rhode
33 Island state police there is hereby created and established a state and municipal police training
34 school.

1 The superintendent of the state police shall have supervision of the state and municipal
2 police training academy and shall establish standards for admission and a course of training. The
3 superintendent shall report to the governor and general assembly a plan for a state and municipal
4 police training academy on or before December 31, 1993. The superintendent shall, in
5 consultation with the police chiefs association and the chairperson of the Rhode Island
6 commission on standards and training make all necessary rules and regulations relative to the
7 admission, education, physical standards and personal character of the trainees and such other
8 rules and regulations as shall not be inconsistent with law.

9 Applicants to the state and municipal police training academy shall pay an application
10 fee in the amount of ~~twenty five dollars (\$25.00)~~ fifty dollars (\$50.00), provided, however, the
11 superintendent may waive such application fee if payment thereof would be a hardship to the
12 applicant.

13 Trainees shall pay to the division an amount equal to the actual cost of meals consumed
14 at the state police and municipal police training academy and the actual cost of such training
15 uniforms which remain the personal property of the trainees.

16 All fees and payments received by the division pursuant to this section shall be deposited
17 as general revenues.

18 **42-28-37. Accident reports -- Fee. --** The state police, upon written request, shall furnish
19 to any person involved in an accident or his legal representative a copy of the official state police
20 report of the investigation of the accident. A fee of ~~five dollars (\$5.00)~~ ten dollars (\$10.00) shall
21 accompany each written request. All fees collected pursuant to this section shall be deposited as
22 general revenues.

23 SECTION 28. Chapter 8-15 of the General Laws entitled "Court Administration" is
24 hereby amended by adding thereto the following section:

25 **8-15-9.1. Payment by credit card. –** (a) The director of the finance section of the state
26 courts shall establish procedures, in conjunction with the state controller and general treasurer, by
27 which court imposed fines and costs may be paid by credit card presented at the offices of the
28 court clerks. These procedures may include the imposition of a surcharge on the credit card user
29 for each transaction. This surcharge shall not exceed the amount charged to the state by the credit
30 card contractor for the corresponding transaction. Nothing contained in this section shall require
31 justices of the peace acting as bail commissioners to accept credit cards during the hours when the
32 clerk's offices are closed.

33 (b) No person making any payment by credit card shall be relieved from liability for the
34 underlying obligation except to the extent that the state realizes final payment of the underlying

1 obligation in cash or the equivalent. If final payment is not made by the credit card issuer or
2 other guarantor of payment in the credit card transaction, then the underlying obligation shall
3 survive and the state shall retain all remedies for enforcement which would have applied if the
4 credit card transaction had not occurred. No contract may modify the provisions of this
5 subsection.

6 (c) Credit card account numbers in the possession of a state or local government are
7 confidential and shall not be deemed public records.

8 SECTION 29. Section 38-2-2 of the General Laws in Chapter 38-2 entitled "Access to
9 Public Records" is hereby amended to read as follows:

10 **38-2-2. Definitions.** -- As used in this chapter:

11 (1) "Agency" or "public body" shall mean any executive, legislative, judicial, regulatory,
12 or administrative body of the state, or any political subdivision thereof; including, but not limited
13 to, any department, division, agency, commission, board, office, bureau, authority, any school,
14 fire, or water district, or other agency of Rhode Island state or local government which exercises
15 governmental functions, any authority as defined in section 42-35-1(b), or any other public or
16 private agency, person, partnership, corporation, or business entity acting on behalf of and/or in
17 place of any public agency.

18 (2) "Chief administrative officer" means the highest authority of the public body as
19 defined in subsection (a) of this section.

20 (3) "Public business" means any matter over which the public body has supervision,
21 control, jurisdiction, or advisory power.

22 (4) (i) "Public record" or "public records" shall mean all documents, papers, letters,
23 maps, books, tapes, photographs, films, sound recordings, magnetic or other tapes, electronic data
24 processing records, computer stored data (including electronic mail messages, except specifically
25 for any electronic mail messages of or to elected officials with or relating to those they represent
26 and correspondence of or to elected officials in their official capacities) or other material
27 regardless of physical form or characteristics made or received pursuant to law or ordinance or in
28 connection with the transaction of official business by any agency. For the purposes of this
29 chapter, the following records shall not be deemed public:

30 (A) (I) All records which are identifiable to an individual applicant for benefits, client,
31 patient, student, or employee, including, but not limited to, personnel, medical treatment, welfare,
32 employment security, pupil records, all records relating to a client/attorney relationship and to a
33 doctor/patient relationship, and all personal or medical information relating to an individual in
34 any files, including information relating to medical or psychological facts, personal finances,

1 welfare, employment security, student performance, or information in personnel files maintained
2 to hire, evaluate, promote, or discipline any employee of a public body; provided, however, with
3 respect to employees, the name, gross salary, salary range, total cost of paid fringe benefits, gross
4 amount received in overtime, and other remuneration in addition to salary, job title, job
5 description, dates of employment and positions held with the state or municipality, work location,
6 business telephone number, the city or town of residence, and date of termination shall be public.

7 (II) Notwithstanding the provisions of this section, or any other provision of the general
8 laws to the contrary, the pension records of all persons who are either current or retired members
9 of the retirement systems established by the general laws as well as all persons who become
10 members of those retirement systems after June 17, 1991 shall be open for public inspection.
11 "Pension records" as used in this section shall include all records containing information
12 concerning pension and retirement benefits of current and retired members of the retirement
13 systems established in title 8, title 36, title 42, and title 45 and future members of said systems,
14 including all records concerning retirement credits purchased and the ability of any member of
15 the retirement system to purchase retirement credits, but excluding all information regarding the
16 medical condition of any person and all information identifying the member's designated
17 beneficiary or beneficiaries.

18 (B) Trade secrets and commercial or financial information obtained from a person, firm,
19 or corporation which is of a privileged or confidential nature.

20 (C) Child custody and adoption records, records of illegitimate births, and records of
21 juvenile proceedings before the family court.

22 (D) All records maintained by law enforcement agencies for criminal law enforcement
23 and all records relating to the detection and investigation of crime, including those maintained on
24 any individual or compiled in the course of a criminal investigation by any law enforcement
25 agency. Provided, however, such records shall not be deemed public only to the extent that the
26 disclosure of the records or information (a) could reasonably be expected to interfere with
27 investigations of criminal activity or with enforcement proceedings, (b) would deprive a person of
28 a right to a fair trial or an impartial adjudication, (c) could reasonably be expected to constitute an
29 unwarranted invasion of personal privacy, (d) could reasonably be expected to disclose the
30 identity of a confidential source, including a state, local, or foreign agency or authority, or any
31 private institution which furnished information on a confidential basis, or the information
32 furnished by a confidential source, (e) would disclose techniques and procedures for law
33 enforcement investigations or prosecutions, or would disclose guidelines for law enforcement
34 investigations or prosecutions or (f) could reasonably be expected to endanger the life or physical

1 safety of any individual. Records relating to management and direction of a law enforcement
2 agency and records or reports reflecting the initial arrest of an adult and the charge or charges
3 brought against an adult shall be public.

4 (E) Any records which would not be available by law or rule of court to an opposing
5 party in litigation.

6 (F) Scientific and technological secrets and the security plans of military and law
7 enforcement agencies, the disclosure of which would endanger the public welfare and security.

8 (G) Any records which disclose the identity of the contributor of a bona fide and lawful
9 charitable contribution to the public body whenever public anonymity has been requested of the
10 public body with respect to the contribution by the contributor.

11 (H) Reports and statements of strategy or negotiation involving labor negotiations or
12 collective bargaining.

13 (I) Reports and statements of strategy or negotiation with respect to the investment or
14 borrowing of public funds, until such time as those transactions are entered into.

15 (J) Any minutes of a meeting of a public body which are not required to be disclosed
16 pursuant to chapter 46 of title 42.

17 (K) Preliminary drafts, notes, impressions, memoranda, working papers, and work
18 products; provided, however, any documents submitted at a public meeting of a public body shall
19 be deemed public.

20 (L) Test questions, scoring keys, and other examination data used to administer a
21 licensing examination, examination for employment or promotion, or academic examinations;
22 provided, however, that a person shall have the right to review the results of his or her
23 examination.

24 (M) Correspondence of or to elected officials with or relating to those they represent and
25 correspondence of or to elected officials in their official capacities.

26 (N) The contents of real estate appraisals, engineering, or feasibility estimates and
27 evaluations made for or by an agency relative to the acquisition of property or to prospective
28 public supply and construction contracts, until such time as all of the property has been acquired
29 or all proceedings or transactions have been terminated or abandoned; provided the law of
30 eminent domain shall not be affected by this provision.

31 (O) All tax returns.

32 (P) All investigatory records of public bodies, with the exception of law enforcement
33 agencies, pertaining to possible violations of statute, rule, or regulation other than records of final
34 actions taken provided that all records prior to formal notification of violations or noncompliance

1 shall not be deemed to be public.

2 (Q) Records of individual test scores on professional certification and licensing
3 examinations; provided, however, that a person shall have the right to review the results of his or
4 her examination.

5 (R) Requests for advisory opinions until such time as the public body issues its opinion.

6 (S) Records, reports, opinions, information, and statements required to be kept
7 confidential by federal law or regulation or state law, or rule of court.

8 (T) Judicial bodies are included in the definition only in respect to their administrative
9 function provided that records kept pursuant to the provisions of chapter 16 of title 8 are exempt
10 from the operation of this chapter.

11 (U) Library records which by themselves or when examined with other public records,
12 would reveal the identity of the library user requesting, checking out, or using any library
13 materials.

14 (V) Printouts from TELE -- TEXT devices used by people who are deaf or hard of
15 hearing or speech impaired.

16 (W) All records received by the insurance division of the department of business
17 regulation from other states, either directly or through the National Association of Insurance
18 Commissioners, if those records are accorded confidential treatment in that state. Nothing
19 contained in this title or any other provision of law shall prevent or be construed as prohibiting
20 the commissioner of insurance from disclosing otherwise confidential information to the
21 insurance department of this or any other state or country, at any time, so long as the agency or
22 office receiving the records agrees in writing to hold it confidential in a manner consistent with
23 the laws of this state.

24 (ii) However, any reasonably segregable portion of a public record excluded by this
25 section shall be available for public inspections after the deletion of the information which is the
26 basis of the exclusion, if disclosure of the segregable portion does not violate the intent of this
27 section.

28 (X) Credit card account numbers in the possession of state or local government are
29 confidential and shall not be deemed public records.

30 (5) "Supervisor of the regulatory body" means the chief or head of a section having
31 enforcement responsibility for a particular statute or set of rules and regulations within a
32 regulatory agency.

33 (6) "Prevailing plaintiff" means and shall include those persons and entities deemed
34 prevailing parties pursuant to 42 U.S.C. section 1988.

1 SECTION 30. Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 18, 19, 20, 21, 22, 26, 27,
2 and 28 of this article shall take effect on July 1, 2002. Sections 2, 14, 17, 23, 24, 25, 28 and 29 of
3 this article shall take effect upon passage. Section 16 of this article shall take effect on March 1,
4 2003 except for the amendment to section 20-2-37 which shall take effect upon passage.

5 ARTICLE 14

6 RELATING TO PUBLIC SAFETY

7 SECTION 1. Section 28-29-2 of the General Laws in Chapters 28-33 entitled
8 "Workers' Compensation – General Provisions" is hereby amended to read as follows:

9 **28-29-2. Definitions.** In chapters 29 - 38 of this title, unless the context otherwise
10 requires:

11 (1) "Department" means the department of labor and training.

12 (2) "Director" means the director of labor and training or his or her designee
13 unless specifically stated otherwise.

14 (3) (i) "Earnings capacity" means the weekly straight time earnings which an
15 employee could receive if the employee accepted an actual offer of suitable alternative
16 employment. Earnings capacity can also be established by the court based on evidence of
17 ability to earn, including, but not limited to, a determination of the degree of functional
18 impairment and/or disability, that an employee is capable of employment. The court may,
19 in its discretion, take into consideration the performance of the employee's duty to
20 actively seek employment in scheduling the implementation of the reduction. The
21 employer need not identify particular employment before the court can direct an earnings
22 capacity adjustment. In the event that an employee returns to light duty employment
23 while partially disabled, an earnings capacity shall not be set based upon actual wages
24 earned until the employee has successfully worked at light duty for a period of at least
25 thirteen (13) weeks.

26 (ii) As used in chapters 29 - 38 of this title, the term "functional impairment"
27 means an anatomical or functional abnormality existing after the date of maximum
28 medical improvement as determined by a medically or scientifically demonstrable finding
29 and based upon the most recent edition of the American Medical Association's Guide to

1 the Evaluation of Permanent Impairment or comparable publications of the American
2 Medical Association.

3 (iii) In the event that an employee returns to employment at an average weekly
4 wage equal to the employee's pre-injury earnings exclusive of overtime, the employee
5 will be presumed to have regained his/her earning capacity.

6 (4) "Employee" means any person who has entered into the employment of or
7 works under contract of service or apprenticeship with any employer, except that in the
8 case of a city or town other than the city of Providence it only means that class or those
9 classes of employees that may be designated by a city, town, or regional school district in
10 a manner as provided in this section, to receive compensation under chapters 29 - 38 of
11 this title. Any person employed by the state of Rhode Island, except for sworn
12 employees of the Rhode Island State Police, who is otherwise entitled to the benefits of
13 chapter 45-19 shall be subject to the provisions of chapters 29-38 of title 28 for all case
14 management procedures and dispute resolution for all benefits. It does not include any
15 partner, sole proprietor, independent contractor, or a person whose employment is of a
16 casual nature, and who is employed otherwise than for the purpose of the employer's
17 trade or business, or a person whose services are voluntary or who performs charitable
18 acts, nor does it include the members of the regularly organized fire and police
19 departments of any town or city. Whenever a contractor has contracted with the state, a
20 city, town, or regional school district any person employed by that contractor in work
21 under contract is not deemed an employee of the state, city, town, or regional school
22 district as the case may be. Any person who on or after January 1, 1999, was an employee
23 and became a corporate officer remains an employee, for purposes of these chapters,
24 unless and until coverage under these chapters is waived pursuant to § 28-29-8(b) or §
25 28-29-17. Any person who is appointed a corporate officer between January 1, 1999 and
26 December 31, 2001, and was not previously an employee of the corporation, will not be
27 considered an employee, for purposes of these chapters, unless that corporate officer has
28 filed a notice pursuant to § 28-29-19(b). In the case of a person whose services are
29 voluntary or who performs charitable acts, any benefit received, in the form of monetary
30 remuneration or otherwise, is reportable to the appropriate taxation authority but is not
31 deemed to be wages earned under contract of hire for purposes of qualifying for benefits

1 under chapters 29 - 38 of this title. Any reference to an employee who had been injured,
2 where the employee is dead, includes a reference to his or her dependents as defined in
3 these chapters, or to his or her legal representatives, or, where he or she is a minor or
4 incompetent, to his or her conservator or guardian. A "seasonal occupation" means those
5 occupations in which work is performed on a seasonal basis of not more than sixteen (16)
6 weeks.

7 (5) "Employer" includes any person, copartnership, corporation, or voluntary
8 association, and the legal representative of a deceased employer; it includes the state, and
9 the city of Providence. It also includes each city, town, and regional school district in the
10 state and the city of Providence that votes or accepts chapters 29 - 38 of this title in the
11 manner provided in these chapters.

12 (6) "General or special employer":

13 (i) A general employer includes, but is not limited to, temporary help companies
14 and employee leasing companies and means a person who, for consideration and in the
15 regular course of its business, supplies an employee with or without vehicle to another
16 person.

17 (ii) A special employer means a person who contracts for services with a general
18 employer for the use of an employee, a vehicle, or both.

19 (iii) Whenever there is a general employer and special employer and the general
20 employer supplies to the special employer an employee and the general employer pays or
21 is obligated to pay the wages or salaries of the supplied employee, in that event,
22 notwithstanding the fact that direction and control is in the special employer and not the
23 general employer, the general employer, if he or she is subject to the Workers'
24 Compensation Act or has accepted that act, is deemed to be the employer as set forth in
25 subdivision (5) and both the general and special employer are the employer for purposes
26 of §§ 28-29-17 and 28-29-18.

27 (7) "Independent contractor" means a person who has filed a notice of designation
28 as independent contractor with the director pursuant to § 28-29-17.1 or as otherwise
29 found by the workers' compensation court.

1 (8) (i) "Injury" means and refers to personal injury to an employee arising out of
2 and in the course of his or her employment connected with and referable to his or her
3 employment.

4 (ii) An injury to an employee while voluntarily participating in a private, group,
5 or employer sponsored carpool, vanpool, commuter bus service, or other rideshare
6 program, having as its sole purpose the mass transportation of employees to and from
7 work is not deemed to have arisen out of and in the course of employment. Nothing in
8 this subdivision shall be held to deny benefits under chapters 29 - 38 and chapter 47 of
9 this title to employees such as drivers, mechanics, and others who receive remuneration
10 for their participation in the rideshare program; provided, that the provisions of this
11 subdivision do not bar the right of an employee to recover against an employer and/or
12 driver for tortious misconduct.

13 (9) "Maximum medical improvement" means a point in time when any medically
14 determinable physical or mental impairment as a result of injury has become stable and
15 when no further treatment is reasonably expected to materially improve the condition.
16 Neither the need for future medical maintenance nor the possibility of improvement or
17 deterioration resulting from the passage of time and not from the ordinary course of the
18 disabling condition, nor the continuation of a pre-existing condition shall preclude a
19 finding of maximum medical improvement. A finding of maximum medical
20 improvement by the workers' compensation court may be reviewed only where it is
21 established that an employee's condition has substantially deteriorated or improved.

22 (10) "Physician" means medical doctor, surgeon, dentist, licensed psychologist,
23 chiropractor, osteopath, podiatrist, or optometrist, as the case may be.

24 (11) "Suitable alternative employment" means employment or an actual offer of
25 employment which the employee is physically able to perform and will not exacerbate
26 the employee's health condition and which bears a reasonable relationship to the
27 employee's qualifications, background, education, and training. The employee's age alone
28 is not considered in determining the suitability of the alternative employment.

29 SECTION 2. Section 45-19-1 of the General Laws in Chapter 45-19 entitled
30 "Relief of Injured and Deceased Fire Fighters and Police Officers" is hereby amended to
31 read as follows:

1 **45-19-1 Salary payment during line of duty illness or injury.** – (a) Whenever
2 any police officer, fire fighter, crash rescue crewperson, fire marshal, chief deputy fire
3 marshal, or deputy fire marshal of any city, town, fire district, or the state of Rhode Island
4 is wholly or partially incapacitated by reason of injuries received or sickness contracted
5 in the performance of his or her duties, the respective city, town, or fire district, or state
6 of Rhode Island by which the police officer, fire fighter, crash rescue crewperson, fire
7 marshal, chief deputy fire marshal, or deputy fire marshal, is employed, shall, during the
8 period of the incapacity, pay the police officer, fire fighter, crash rescue crewperson, fire
9 marshal, chief deputy fire marshal, or deputy fire marshal, the salary or wage and benefits
10 to which the police officer, fire fighter, crash rescue crewperson, fire marshal, chief
11 deputy fire marshal, or deputy fire marshal, would be entitled had he or she not been
12 incapacitated, and shall pay the medical, surgical, dental, optical, or other attendance, or
13 treatment, nurses, and hospital services, medicines, crutches, and apparatus for the
14 necessary period, except that if any city, town, fire district, or the state of Rhode Island
15 provides the police officer, fire fighter, crash rescue crewperson, fire marshal, chief
16 deputy fire marshal, or deputy fire marshal, with insurance coverage for the related
17 treatment, services, or equipment, then the city, town, fire district, or the state of Rhode
18 Island is only obligated to pay the difference between the maximum amount allowable
19 under the insurance coverage and the actual cost of the treatment, service, or equipment.
20 In addition, the cities, towns, fire districts, or the state of Rhode Island shall pay all
21 similar expenses incurred by a member who has been placed on a disability pension and
22 suffers a recurrence of the injury or illness that dictated his or her disability retirement.

23 (b) As used in this section, "police officer" means and includes any chief or other
24 member of the police department of any city or town regularly employed at a fixed salary
25 or wage and any executive high sheriff, sheriff, ~~or~~ deputy sheriff, or capitol police officer.

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

30 (d) As used in this section, "crash rescue crewperson" means and includes any
31 chief or other member of the emergency crash rescue section, division of airports, or

1 department of transportation of the state of Rhode Island regularly employed at a fixed
2 salary or wage.

3 (e) As used in this section, "fire marshal," "chief deputy fire marshal", and
4 "deputy fire marshal" mean and include the fire marshal, chief deputy fire marshal, and
5 deputy fire marshals regularly employed by the state of Rhode Island pursuant to the
6 provisions of chapter 28.2 of title 23.

7 (f) Any person employed by the state of Rhode Island, except for sworn
8 employees of the Rhode Island State Police, who is otherwise entitled to the benefits of
9 chapter 45-19 shall be subject to the provisions of chapters 29-38 of title 28 for all case
10 management procedures and dispute resolution for all benefits.

11 SECTION 3. The provisions of this article shall be given retroactive as well as
12 prospective effect and shall apply to all cases pending upon the effective date of this
13 article and this article shall take effect upon passage.

14 ARTICLE 15

15 RELATING TO LABOR AND LABOR RELATIONS

16 SECTION 1. Section 28-9.3-9 of the General Laws in Chapter 28-9.3
17 entitled "Certified School Teachers' Arbitration" is hereby amended to read as
18 follows:

19 **28-9.3-9. Unresolved issues submitted to mediation or arbitration.** -- (a) In the
20 event that the negotiating or bargaining agent and the school committee are unable,
21 within thirty (30) days from and including the date of their first meeting, to reach an
22 agreement on a contract, either of them may request mediation and conciliation upon any
23 and all unresolved issues by the director of labor and training or from any other source. If
24 mediation and conciliation fail or are not requested, at any time after the thirty (30) days
25 either party may request that any and all unresolved issues shall be submitted to
26 arbitration by sending the request by certified mail postage prepaid to the other party,
27 setting forth the issues to be arbitrated.

28 (b) In the event that the negotiating or bargaining agent and the school committee
29 are unable to reach an agreement on a contract thirty (30) days before the last day on

1 which money can be appropriated by the city and town to cover the first year of the
2 contract period, then any and all unresolved issues shall be submitted to the director of
3 labor and training for compulsory mediation until the date upon which the money is
4 scheduled to be appropriated. The director of labor and training or his designee may
5 waive this requirement upon the mutual agreement of the parties.

6 (c) In the event that the negotiating or bargaining agent and the school committee
7 are unable to reach an agreement on a contract within ten (10) days of the scheduled close
8 of school in June of the last year of the contract in effect, any and all unresolved issues
9 shall be submitted to the director of labor and training for compulsory mediation.

10 (d) If the parties cannot mutually agree upon a mediator within twenty-four (24)
11 hours, the director of labor and training shall select a mediator from a panel previously
12 established by the director comprised of persons knowledgeable in the field of labor
13 management relations to mediate the dispute. The department of labor and training is
14 empowered to compel the attendance of all the parties to any and all meetings it deems
15 necessary until the dispute is resolved.

16 (e) For Any mediation pertaining to unresolved issues that are submitted to
17 compulsory mediation between the negotiating or bargaining agent and the school
18 committee, pursuant to the provisions of this section, the state shall pay up to \$5,000 of
19 the cost of the mediation expenses. Any costs above \$5,000 shall be shared equally
20 between the bargaining unit and the school committee. ~~shall be conducted at no expense~~
21 ~~to the parties to the mediation.~~

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

23 **ARTICLE 16**

24 RELATING TO TAXATION

25 SECTION 1. Chapter 27-3 of the General Laws entitled “Agents, Brokers, and Solicitors”
26 is hereby amended by adding thereto the following section:

27 **27-3-38.1. Insurance independently procured – Duty to report and pay tax. –**

28 (a) Each insured in this state who procures or continues or renews insurance with an
29 insurer not licensed to do an insurance business in this state on properties, risks or

1 exposures located or to be performed in whole or in part in this state, other than insurance
2 procured through a surplus lines licensee, shall, within thirty (30) days, after the date the
3 insurance was so procured, continued or renewed, file a written report with the tax
4 administrator, upon forms prescribed by the tax administrator, showing the name and
5 address of the insured or insured's, name and address of the insurer, the subject of the
6 insurance, a general description of the coverage, the amount of premium currently
7 charged and additional pertinent information reasonably requested by the tax
8 administrator.

9 For the purposes of this subsection, properties, risks or exposures only partially
10 located or to be performed in this state, which are covered under a multi-state policy
11 placed by a surplus lines licensee in another state, shall be deemed to be insurance
12 independently procured unless the insurer is licensed to do business in this state.

13 (b) Gross premiums charged for the insurance, less any return premiums, are
14 subject to a tax at the rate of three percent (3%). At the time of filing the report required
15 in subsection (a) of this section, the insured shall file with the tax administrator, in the
16 form that he or she may prescribe, a return under oath or affirmation containing
17 information that may be deemed necessary for the determination of the tax imposed by
18 this section. The insured shall at the same time pay the tax due to the tax administrator.

19 (c) If an independently procured policy covers properties, risks or exposures only
20 partially located or to be performed in this state, the tax payable by the insured shall be
21 computed on the portion of the premium properly attributable to the properties, risks or
22 exposures located or to be performed in this state.

23 (d) This section does not abrogate or modify Rhode Island general laws section
24 27-16-1 et seq. (Unauthorized Insurance Business), or any other provision of title 27.

25 SECTION 2. Section 44-22-1.1 of the General Laws in Chapter 44-22 entitled
26 "Estate and Transfer Taxes - Liability and Computation" is hereby amended to read as
27 follows:

28 **44-22-1.1. Tax on net estate of decedent.**--(a)(1) For decedents whose death occurs on
29 or after January 1, 1992, but prior to January 1, 2002, a tax is imposed upon the transfer of the net
30 estate of every resident or nonresident decedent as a tax upon the right to transfer. The tax is a
31 sum equal to the maximum credit for state death taxes allowed by 26 U.S.C. section 2011.

1 (2) For decedents whose death occurs on or after January 1, 2002, a tax is imposed upon
2 the transfer of the net estate of every resident or nonresident decedent as a tax upon the right to
3 transfer. The tax is a sum equal to the maximum credit for state death taxes allowed by 26 U.S.C.
4 Section 2011 as it was in effect as of January 1, 2001, provided, however, any scheduled increase
5 in the unified credit provided in 26 U.S.C. Section 2010 in effect on January 1, 2001, or
6 thereafter, shall not apply.

7 (b) If the decedent's estate contains property having a tax situs not within the state, then
8 the tax determined by this section is reduced to an amount determined by multiplying the tax by a
9 fraction whose numerator is the gross estate excluding all property having a tax situs not within
10 the state at the decedent's death and whose denominator is the gross estate. In determining the
11 fraction, no deductions are considered and the gross estate is not reduced by a mortgage or other
12 indebtedness for which the decedent's estate is not liable.

13 (c)(1) The terms "gross estate" or "federal gross estate" used in this chapter or chapter 23
14 of this title has the same meaning as when used in a comparable context in the laws of the United
15 States, unless a different meaning is clearly required by the provisions of this chapter or chapter
16 23 of this title. Any reference in this chapter or chapter 23 of this title to the Internal Revenue
17 Code or other laws of the United States means the Internal Revenue Code of 1954, 26 U.S.C. § 1
18 et seq.

19 (2) For decedents whose death occurs on or after January 1, 2002 the terms "gross estate"
20 or "federal gross estate" used in this chapter or chapter 23 of this title has the same meaning as
21 when used in a comparable context in the laws of the United States, unless a different meaning is
22 clearly required by the provisions of this chapter or chapter 23 of this title. Any reference in this
23 chapter or chapter 23 of this title to the Internal Revenue Code or other laws of the United States
24 means the Internal Revenue Code of 1954, 26 U.S.C. Section 1 et seq., as they were in effect as
25 of January 1, 2001.

26 (d) All values are as finally determined for federal estate tax purposes.

27 (e) Property has a tax situs within the state of Rhode Island:

28 (1) If it is real estate or tangible personal property and has actual situs within the state of
29 Rhode Island; or

30 (2) If it is intangible personal property and the decedent was a resident.

31 SECTION 3. Title 44 of the General Laws entitled "Taxation" is hereby amended by
32 adding the following chapter:

33 CHAPTER 60

34 RELATING TO DEPRECIATION OF ASSETS AND NET OPERATING LOSS

1 DEDUCTION

2 **44-60-1. Depreciation of assets.** – (a) For purposes of depreciation of assets under
3 chapters 11, 14 and 30 of title 44, the bonus depreciation provided by the Job Creation and
4 Worker Assistance Act of 2002 (P.L. 107-147) for federal tax purposes shall not be allowed for
5 Rhode Island tax purposes. In the year that such assets are placed in service and in all subsequent
6 years, depreciation for Rhode Island tax purposes shall be allowed on such assets as it would have
7 been computed prior to the enactment of the Job Creation and Worker Assistance Act of 2002.

8 (b) The gain resulting from any subsequent disposition of such asset(s) shall be computed
9 using a basis consistent with the Rhode Island depreciation allowed under subsection (a).

10 SECTION 4. Chapter 30 of Title 44 of the General Laws entitled “Personal Income Tax”
11 is hereby amended by adding the following section:

12 **44-30-2.8. Net operating loss deduction.** – For purposes of net operating losses under
13 chapter 30 of title 44, the five (5) year carryback provision provided by the Job Creation and
14 Worker Assistance Act of 2002 (P.L. 107-147) for federal tax purposes shall not be allowed for
15 Rhode Island tax purposes.

16 SECTION 5. In the event that the United States Congress passes legislation that provides
17 this state with full federal reimbursement for the tax losses incurred by the provisions of the Job
18 Creation and Worker Assistance Act of 2002 (P.L. 107-147), relating to bonus depreciation
19 and/or five (5) year carryback of net operating losses, then the respective chapter and/or section
20 of this article to which the reimbursement applied shall be repealed in its entirety.

21 SECTION 6. Chapter 44-30 of the General Laws entitled “Personal Income Tax” is
22 hereby amended by adding thereto the following section:

23 **44-30-87.1. Net operating loss – Limitation.** – A net operating loss deduction shall be
24 allowed which shall be the same as the net operating loss deduction allowed under section 172 of
25 the Internal Revenue Code [26 U.S.C.], except that (1) any net operating loss included in
26 determining such deduction shall be adjusted to reflect the modifications increasing and
27 decreasing adjusted gross income required by sections 44-30-12 and 44-30-32; (2) such deduction
28 shall not include any net operating loss sustained during any taxable year beginning in which the
29 taxpayer was not subject to the tax imposed by this chapter; and (3) such deduction shall not
30 exceed the deduction for the taxable year allowable under section 172 of the Internal Revenue
31 Code [26 U.S.C.], provided, however, notwithstanding any other provision of law such deduction
32 for a taxable year may not be carried back to any other taxable year for Rhode Island purposes but
33 shall only be allowable on a carry forward basis for the number of succeeding taxable years
34 allowed under section 172 of the Internal Revenue Code [26 U.S.C.].

1 SECTION 7. Section 44-18-7 of the General Laws in Chapter 44-18 entitled "Sales and
2 Use Taxes — Liability and Computation" is hereby amended to read as follows:

3 **44-18-7. Additional definitions.**--(a)"Hotel" means every building or other structure
4 kept, used, maintained, advertised as or held out to the public to be a place where living quarters
5 are supplied for pay to transient or permanent guests and tenants and includes a motel.

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

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

13 (d) "Sales" means and includes:

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

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

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

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

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

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

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

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

3 (9)(a) The furnishing for consideration of telecommunications service which includes
4 local exchange service, intrastate toll service, interstate and international toll service, including
5 cellular mobile telephone or telecommunications service, specialized mobile radio and pagers and
6 paging service including any form of mobile two-way communication and including the
7 furnishing, rental or leasing of all equipment or services pertaining or incidental thereto, provided
8 such service is: rendered in its entirety within this state, originated in this state and terminated in
9 another state or a foreign country and with respect to which such service is charged to a telephone
10 number, customer or account located in this state or to the account of any transmission instrument
11 in this state, originated in another state or a foreign country and terminated in this state and is
12 charged to a telephone number, customer or account located in this state at which such service is
13 terminated, or to the account of any transmission instrument in this state at which such service is
14 terminated, provided, however, that such service shall not include receipts except as otherwise
15 provided in sections 44-18-8 and 44-18-12. Telecommunications service shall not include service
16 rendered using a prepaid telephone calling arrangement.

17 (b) Notwithstanding the provisions of subsection (a), in accordance with the Mobile
18 Telecommunications Sourcing Act (4 USC 116-126), subject to the specific exemptions described
19 in 4 USC 116(c), and the exemptions provided in R.I. General Laws sections 44-18-8 and 44-18-
20 12, mobile telecommunications services that are deemed to be provided by the customer's home
21 service provider are subject to tax under this chapter if the customer's place of primary use is in
22 this state regardless of where the mobile telecommunications services originate, terminate or pass
23 through. Mobile telecommunications services provided to a customer, the charges for which are
24 billed by or for the customer's home service provider, shall be deemed to be provided by the
25 customer's home service provider. For the purposes of this subsection:

26 (1) "Customer" means either (a) a person or entity that contracts with a home service
27 provider for mobile telecommunications services or (b) if the end user of mobile
28 telecommunications services is not the contracting party, the end user of the mobile
29 telecommunication service, but this clause applies only for the purpose of determining the place
30 of primary use. Customer does not include a reseller of mobile telecommunications services or a
31 serving carrier that is under an arrangement to serve the customer outside the home service
32 provider's licensed service area.

33 (2) "Home service provider" means a facilities-based carrier or reseller with which the
34 customer contracts for the provision of mobile telecommunications services.

1 (3) “Mobile telecommunications service” means commercial mobile radio service as
2 defined in section 20.3 of title 47 of the Code of Federal Regulations in effect on June 1, 1999.

3 (4) “Place of primary use” means the street address representative of where the
4 customer’s use of the mobile telecommunications service primarily occurs, which must be (a) the
5 residential street address or the primary business street address of the customer; and (b) within the
6 licensed service area of the home service provider.

7 (c) All other definitions and provisions of the Mobile Telecommunications Act as
8 provided in Title 4, Sections 116-126 of the United States Code are adopted.

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

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

13 (12) The transfer for consideration of prepaid telephone calling arrangements and the
14 recharge of prepaid telephone calling arrangements. If the transfer or recharge of a prepaid
15 telephone calling arrangement does not take place at a vendor's place of business, the transfer or
16 recharge shall be conclusively determined to take place at the customer's shipping address, or if
17 there is no item shipped, at the customer's billing address or the location associated with the
18 customer's mobile telephone number. "Prepaid telephone calling arrangement" means and
19 includes a prepaid telephone calling card and/or the right to exclusively purchase
20 telecommunications services, that must be paid for in advance, that enables the origination of
21 calls using an access number and/or authorization code, whether manually or electronically
22 dialed.

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

26 SECTION 8. Section 44-13-10 of the General Laws in Chapter 44-13 entitled “Public
27 Service Corporation Tax” is hereby amended to read as follows:

28 **44-13-10. Apportionment of earnings from business partially within state.**--In the
29 case of every corporation carrying on business both within and without this state its entire gross
30 earnings from its operation for the preceding calendar year, or for the portion of such year that
31 such corporation has carried on business within this state, shall be apportioned to this state as
32 follows:

33 (1) In the case of an express corporation carrying on its business on steamboats, steam or
34 electric railroads, or street railways, and in the case of a corporation the principal business of

1 which is a steamboat or ferryboat business as a common carrier, the total amount of gross
2 earnings from all sources within this state for the calendar year or portion thereof next preceding;

3 (2) In the case of a common carrier steam or electric railroad or street railway corporation
4 such a proportion as the total mileage of tracks operated by such corporation for steam or electric
5 railroad or street railway purposes within this state, exclusive of sidings and turnouts, on
6 December 31st next preceding, bears to the total mileage of such tracks then operated by said
7 corporation for such purposes, both within and without this state;

8 (3) in the case of any corporation operating as a common carrier dining, sleeping, chair,
9 or parlor cars, but not in the case of such a public steam or electric railroad or street railway
10 corporation operating such cars as a part of or incidental to its railroad or railway business within
11 this state, such a proportion as the number of miles such cars were operated in this state during
12 the year ending December 31st next preceding bears to the total number of miles such cars were
13 then operated for such purposes both within and without this state;

14 (4) In the case of a public service telegraph, cable, or telecommunications corporation or
15 corporation which is manufacturing, selling, distributing and/or transmitting to the public currents
16 of electricity to be used for light, heat, or motive power, the total amount of gross earnings within
17 this state for the calendar year; provided, however, that gross earnings from providing mobile
18 telecommunications services shall be apportioned to this state where the customer's primary place
19 of use, as determined in accordance with the mobile Telecommunications Sourcing Act (4 USC
20 116-126), is within this state.

21 (5) In the case of a corporation the principal business of which is manufacturing, selling,
22 and/or distributing to the public illuminating or heating gas or water, such a proportion as the
23 total miles of mains or wires operated by such corporation within this state on December 31st next
24 preceding bears to the total mileage of such mains or wires then operated by such corporation
25 both within and without this state;

26 (6) In any case to which these proportions are not equitably applicable, in such proportion
27 as is equitable.

28 SECTION 9. If a court of competent jurisdiction enters a final judgment on the merits
29 that: (1) is based on federal law; (2) that is no longer subject to appeal; and (3) that invalidates
30 Sections 116 to 126, inclusive, of Title 4 of the United States Code, then subsection 44-18-7(9)(a)
31 shall apply to the sales taxation of mobile telecommunications services that are rendered on or
32 after the date of entry of such judgment.

33 SECTION 10. Section 31-34.1-2 of the General Laws in Chapter 31-34.1 entitled
34 "Rental Vehicle Surcharge" is hereby amended to read as follows:

1 **31-34.1-2. Rental vehicle surcharge.** -- (a) Each rental company shall collect, on each
2 rental contract and at the time a motor vehicle is rented in this state, a surcharge equal to six
3 percent (6.0%) of gross receipts per vehicle for each of the first ~~ten (10)~~ thirty (30) consecutive
4 days. The surcharge shall be computed prior to the assessment of any applicable sales taxes, but is
5 subject to the sales tax.

6 (b) The surcharge shall be included on the rental contract and collected in accordance
7 with the terms of it. Fifty percent (50%) of the surcharge shall be retained by the rental company,
8 and fifty percent (50%) shall be remitted to the state for deposit in the general fund. This
9 remittance shall be made on a quarterly basis in accordance with a schedule adopted by the tax
10 administration. Each rental company collecting and retaining surcharge amounts may reimburse
11 itself from the funds retained for the total amount of motor vehicle licensing fees, title fees,
12 registration fees, and transfer fees paid to the state, and for excise taxes imposed upon the rental
13 companies' motor vehicles during the prior calendar year. However, rental companies shall not be
14 authorized to reimburse themselves unless these fees and taxes have been assessed and paid in
15 full to the state or appropriate city or town prior to any reimbursement. No reimbursement is
16 allowed upon the prepayment of any fees or excise taxes.

17 (c) At a date to be set by the state tax administrator, but not later than February 15th of
18 any calendar year, each rental company, in addition to filing a quarterly remittance form, shall file
19 a report with the state tax administrator on a form prescribed by him or her, stating the total
20 amount of motor vehicle licensing, transfer, title, and registration fees and excise taxes paid by
21 the rental company in the previous year. The amount, if any, by which the surcharge collections
22 exceed the amount of fees and taxes paid shall be remitted by the rental company to the state for
23 deposit in the general fund.

24 SECTION 11. Sections 44-2-12, 44-20-12.1, and 44-20-13 of the General Laws
25 in Chapter 44-20 entitled "Cigarette Tax" are hereby amended to read as follows:

26 **44-20-12 Tax imposed on cigarettes sold.** – A tax is imposed on all cigarettes
27 sold or held for sale in the state by any person, the payment of the tax to be evidenced by
28 stamps affixed to the packages containing the cigarettes and as required by the
29 administrator. Any cigarettes on which the proper amount of tax provided for in this
30 chapter has been paid, payment being evidenced by the stamp, is not subject to a further
31 tax under this chapter. The tax is at the rate of ~~fifty (50)~~ sixty-five and one-half (65.5)
32 mills for each cigarette. The tax shall further increase by 9.5 mills for each cigarette on

1 July 1, 2003 and shall further increase by 5 mills for each cigarette on July 1, 2004 and
2 each July 1 thereafter through July 1, 2008.

3 **44-20-12.1 Cigarette floor stock tax. Floor stock tax on cigarettes and stamps.**

4 – (a) Whenever used in this section, unless the context requires:

5 (1) "Cigarette" means and includes any cigarette as defined in § 44-20-1(2);

6 (2) "Person" means and includes each individual, firm, fiduciary, partnership,
7 corporation, trust, or association however formed.

8 (b) Each person engaging in the business of selling cigarettes at ~~wholesale or~~
9 retail in this state pays a tax or excise to the state for the privilege of engaging in that
10 business during any part of the calendar years ~~2004~~ 2003 through 2008. ~~The tax is~~
11 ~~measured by the number of cigarettes held by the person in this state at 12:01 a.m. on~~
12 ~~July 1, 2001 and is computed at the rate of fourteen and one half (14.5) mills per~~
13 ~~cigarette.~~ In calendar years 2003 through 2008, the tax shall be measured by the number
14 of cigarettes held by the person in this state at 12:01 a.m. on each July 1 and is computed
15 at the rate of 9.5 mills for each cigarette on July 1, 2003 and is computed at the rate of 5
16 mills for each cigarette on July 1, 2004, and each July 1 thereafter through July 1, 2008.

17 (c) Each distributor licensed to do business in this state pursuant to this chapter
18 shall pay a tax or excise to the state for the privilege of engaging in business during any
19 part of the calendar years 2002 through 2008. The tax is measured by the number of
20 stamps, whether affixed or to be affixed to packages of cigarettes, as required by section
21 44-20-28. In calendar year 2002 the tax is measured by the number of stamps, as defined
22 in subsection 44-20-1(10), whether affixed or to be affixed, held by the distributor at
23 12:01 a.m. on May 1, 2002 and is computed at the rate of 15.5 mills per cigarette in the
24 package to which the stamps are affixed or to be affixed. In calendar years 2003 through
25 2008 the tax shall be measured by the number of stamps, as defined in section 44-20-
26 1(10), whether affixed or to be affixed, held by the distributor at 12:01 a.m. on each July
27 1, and is computed at the rate of 9.5 mills per cigarette in the package to which the
28 stamps are affixed or to be affixed on July 1, 2003, and computed at the rate of 5 mills
29 per cigarette in the package to which the stamps are affixed or to be affixed on each July
30 1 thereafter through July 1, 2008.

1 ~~(e)~~ (d) Each person subject to the payment of the tax imposed by this section
2 shall, on or before ~~July 16, 2001~~ June 17, 2002, July 16, 2003 and each July 16 thereafter
3 through July 16, 2008, file a return, under oath or certified under the penalties of perjury,
4 with the tax administrator on forms furnished by him or her, showing the amount of
5 cigarettes or stamps in that person's possession in this state at 12:01 a.m. on ~~July 1, 2001~~
6 May 1, 2002, July 1, 2003 and each July 1 thereafter through July 1, 2008, and the
7 amount of tax due, and shall at the time of filing the return pay the tax to the tax
8 administrator. Failure to obtain forms shall not be an excuse for the failure to make a
9 return containing the information required by the tax administrator.

10 ~~(d)~~ (e) The tax administrator may prescribe rules and regulations, not inconsistent
11 with law, with regard to the assessment and collection of the tax imposed by this section.

12 **44-20-13 Tax imposed on unstamped cigarettes.** – A tax is imposed at the rate
13 of ~~fifty (50)~~ sixty-five and one-half (65.5) mills for each cigarette upon the storage or use
14 within this state of any cigarettes not stamped in accordance with the provisions of this
15 chapter in the possession of any person other than a licensed distributor or dealer, or a
16 carrier for transit from without this state to a licensed distributor or dealer within this
17 state. The tax shall further increase by 9.5 mills for each cigarette on July 1, 2003 and
18 shall further increase by 5 mills for each cigarette on July 1, 2004, and each July 1
19 thereafter through July 1, 2008.

20 SECTION 12. Section 44-25-1 of the General Laws in Chapter 44-25 entitled "Real
21 Estate Conveyance Tax" is hereby amended to read as follows:

22 **44-25-1. Tax imposed -- Payment -- Burden.** -- (a) There is imposed, on each deed,
23 instrument, or writing by which any lands, tenements, or other realty sold is granted, assigned,
24 transferred, or conveyed to, or vested in, the purchaser or purchasers, or any other person or
25 persons, by his or her or their direction, when the consideration paid exceeds one hundred dollars
26 (\$100), a tax at the rate of ~~one dollar and forty cents (\$1.40)~~ two dollars (\$2.00) for each five
27 hundred dollars (\$500) or fractional part of it which is paid for the purchase of the property
28 (inclusive of the value of any lien or encumbrance remaining at the time of sale), which tax is
29 payable at the time of making, execution, delivery, acceptance or presenting for recording of the
30 instrument. In the absence of an agreement to the contrary, the tax shall be paid by the grantor.

31 (b) In the event no consideration is actually paid for the lands, tenements, or realty, the
32 instrument of conveyance shall contain a statement to the effect that the consideration is such that

1 no documentary stamps are required.

2 (c) The tax administrator contributes to the distressed community relief program the sum
3 of thirty cents (\$.30) per ~~one dollar and forty cents (\$1.40)~~ two dollars (\$2.00) of the face value of
4 the stamps to be distributed pursuant to section 45-13-12. The state shall retain sixty cents (\$.60)
5 for state use. The balance of the tax is retained by the municipality collecting the tax.

6 SECTION 13. Sections 1, 5, and 10 of this article shall take effect upon passage.
7 Section 2 of this article shall take effect upon passage and shall apply to persons who have died
8 on or after January 1, 2002. Section 3 shall take effect upon passage and apply to assets acquired
9 after September 10, 2001 and before September 11, 2004, and Section 4 shall take effect upon
10 passage and apply to taxable years ending in 2001 and 2002. Section 6 of this article shall take
11 effect upon passage and apply to losses incurred for taxable years beginning on or after January 1,
12 2002. Sections 7, 8 and 9 shall take effect on August 2, 2002. Section 11 shall take effect upon
13 passage and be retroactive to May 1, 2002. Section 12 shall take effect on July 1, 2002.

14 ARTICLE 17

15 RELATING TO SINKING FUND

16 SECTION 1. Section 35-8-11 of the General Laws in Chapter 35-8 entitled "Bonded
17 Indebtedness of State" is hereby amended to read as follows:

18 **35-8-11. Payments into sinking funds.** -- In fiscal year 2000, and each subsequent fiscal
19 year, there shall be appropriated a sum at least equal to the total of the following: the sinking fund
20 commission's estimate of savings generated for that fiscal year from the commission's prior fiscal
21 years' refinancing of debt; the sinking fund commission's estimate of the total debt service
22 payments, principal and interest, of the debt retired by the commission in prior fiscal year; the
23 sinking fund commission's estimate of the total debt service payments, principal and interest, of
24 the general obligation debt not issued in accordance with section 35-8-6.2 in prior fiscal year; and
25 the total interest generated by the proceeds of general obligation bond, net of the arbitrage rebate
26 for that year, as estimated by the Revenue Estimating Conference. Payments into the sinking fund
27 shall also include those received pursuant to section 42-116-25, net of costs incurred by the
28 department or agency assuming management of the assets of the Depositors' Economic Protection
29 Corporation, which shall not be subject to annual appropriation.

30 In fiscal years 2001 and, 2002, and 2003, there shall be no appropriations made to the
31 sinking fund. ~~appropriated a sum at least equal to the total of the following: the sinking fund~~

1 ~~commission's estimate of savings generated for that fiscal year from the commission's prior fiscal~~
2 ~~years' refinancing of debt; the sinking fund commission's estimate of the total debt service~~
3 ~~payments, principal and interest, of the debt retired by the commission in prior fiscal year; and the~~
4 ~~sinking fund commission's estimate of the total debt service payments, principal and interest, of~~
5 ~~the general obligation debt not issued in accordance with section 35-8-6.2 in prior fiscal year.~~

6 SECTION 2. In FY 2002 the balance of the sinking fund, estimated to be \$518,189, shall
7 be transferred from the sinking fund to the general fund.

8 SECTION 3. Section 42-116-25.1 of the General Laws in Chapter 42-116 entitled
9 "Rhode Island Depositors Economic Protection Corporation" is hereby amended to read as
10 follows:

11 **42-116-25.1. Defeasance of corporation bonds.** -- Upon final defeasance of all
12 corporation bonds, ~~the initial forty two million two hundred thousand dollars (\$42,200,000) of~~
13 ~~corporation proceeds from all sources~~ proceeds from all sources when made available by the
14 corporation shall be paid to the general fund on a quarterly basis. ~~All additional corporate~~
15 ~~proceeds shall be paid to the sinking fund on a quarterly basis.~~

16 SECTION 4. Chapter 55 of the Public Laws of 2000 in Article 5, Section 8 entitled "Sale
17 of bonds" and Article 5, Section 10 entitled "Investment of moneys in fund" is hereby amended
18 as follows:

19 Section 8. For the fiscal years FY 2001, FY 2002, and FY 2003, any premium and
20 accrued interest which may be received on the sale of the capital development bonds shall
21 become part of the general fund of the state and shall be applied to the payment of debt service
22 charges of the state.

23 Section 10. Investment of moneys in fund. For the fiscal years FY 2001, FY 2002 and FY
24 2003, all moneys in the capital development funds not immediately required for payment
25 pursuant to the provisions of this act may be invested by the investment commission, as
26 established by Chapter 35-10, pursuant to the provisions of such chapter; provided, however, that
27 the securities in which the capital development fund is invested shall remain a part of the capital
28 development fund until exchanged for other securities; and provided further, that the income from
29 investments of the capital development fund shall become a part of the general fund of the state
30 and shall be applied to the payment of debt service charges of the state, or to the extent
31 necessary, to rebate to the United States treasury any income from investments (including gains
32 from the disposition of investments) of proceeds of bonds to the extent deemed necessary to
33 exempt (in whole or in part) the interest paid on such bonds from federal income taxation.

34 SECTION 5. this article shall take effect on July 1, 2002.

1 **ARTICLE 18**

2 RELATING TO EDUCATION AID

3 SECTION 1. Sections 16-7.1-2, 16-7.1-6, 16-7.1-8, 16-7.1-10, 16-7.1-15, and 16-
4 7.1-16 of the General Laws in Chapter 16-7.1 entitled “The Rhode Island Student
5 Investment Initiative” are hereby amended to read as follows:

6 **16-7.1-2. Accountability for student performance.** -- (a) The board of regents shall
7 adopt and publish statewide standards of performance and performance benchmarks in core
8 subject areas to include writing and mathematics (grades four (4), eight (8), and ten (10)). These
9 standards and performance benchmarks shall be ratified by the board and implemented, and
10 performance standards and performance benchmarks for reading in two (2) grades shall be added.

11 (b) Districts and schools need to be held accountable for student performance results.
12 Therefore, every school district receiving state education aid under this title shall develop a
13 district strategic plan. The district strategic plan shall: (1) be based on high academic standards
14 for student performance consistent with the statewide standards and benchmarks; (2) be the
15 product of a shared community wide process which defines a vision of what students should
16 know and be able to do; (3) address the needs of each school in the district; (4) encourage the
17 development of school-based improvement planning and implementation; (5) include a process
18 for mentoring of new teachers; (6) be designed to improve student achievement with emphasis on
19 closing the performance gaps among groups of students such as the performance gaps correlated
20 with poverty, gender, language background, and disability; (7) include establishment of student
21 intervention teams to address the instructional needs of diverse learners, include high standards of
22 student behavior designed to create an orderly educational environment with due regard for the
23 rights of students, and an asset protection plan; and (8) be consistent with Rhode Island's
24 comprehensive education strategy. In order to assure the most efficient use of resources
25 implementing strategic plans, districts and schools are encouraged to work together as consortia
26 and as part of the regional collaboratives.

27 (c) The strategic plan shall include strategies to improve the performance of students in
28 mathematics, reading, and writing. Each plan must describe a scientific research based reading
29 program to improve the reading skills of all students in the early grades (kindergarten through
30 grade three) that is aligned with the regents reading policy. The district must develop, implement
31 and evaluate a Personal Literacy Program for each student in these grades who is performing

1 below grade level. These strategies shall be based on the adequate yearly progress expected for
2 students and schools. Annual performance targets for determining whether schools and districts
3 have made adequate yearly progress will be set by the commissioner of elementary and secondary
4 education. The general assembly expects these district strategies to increase the number of fourth
5 grade students performing at or above the proficient standard in mathematics, reading, and
6 writing in each district and school. The increase shall be established annually in accordance with
7 section 16-7.1-4.

8 The general assembly recognizes the contribution of school counselors to positive
9 educational change, to the implementation of the “No Child Left Behind Act of 2001,” and to the
10 success of students in three (3) developmental domains: academic, career, and personal/social. It
11 endorses the National Standards for School Counseling Programs as developed by the American
12 School Counselor Association (ASCA). Further, the general assembly encourages every district
13 to implement a K-12 standards-based comprehensive, developmental school counseling program.

14 (d) Each strategic plan must indicate the manner in which self-studies will be completed
15 at the school level in accordance with guidelines established by the commissioner. Funds shall be
16 appropriated to the department of elementary and secondary education to assist districts with on-
17 site reviews. Schools to be visited shall be determined by the commissioner.

18 (e) Each strategic plan must indicate the method in which school administrators and staff
19 shall achieve and maintain an orderly educational environment in accordance with due process
20 and with due regard for the rights of students.

21 (f) Each strategic plan shall include the development of inter-agency agreements for the
22 coordination of services among state and local agencies responsible for service to children and
23 families. These agreements shall address the identification and provision of services to pre-school
24 children with disabilities and children and youth with behavioral health care needs.

25 (g) All district strategic plans and annual updates shall be submitted to the commissioner
26 of elementary and secondary education no later than May 1, of each year.

27 **16-7.1-6. Core instruction equity fund.** – The general assembly recognizes that
28 Rhode Island cities and towns primarily rely on the local property tax to finance
29 education programs, and that the state's highest effective property tax rates are
30 concentrated in the state's urban communities. Therefore, certain communities, because
31 of low tax capacity and high tax effort, are unable to appropriate sufficient funds for the
32 support of core instructional programs. The general assembly also recognizes the need to
33 reduce inequities in resource distribution among the state's cities and towns as well as

1 among the state's districts and schools. Therefore, the general assembly establishes the
2 Core Instructional Equity Fund to improve the capacity of cities and towns to support the
3 core instruction activities that are the basis of daily teaching and learning in all
4 classrooms. The general assembly shall annually appropriate and distribute some sum to
5 meet these needs. The sum shall be distributed based upon the following formula:

6 (1) *Data.* Data used for the following calculations are defined as follows:

7 (i) Population (state and municipal) shall be included from the most recent census;

8 (ii) Equalized weighted assessed valuations (ewav) from the most recently
9 completed and certified study pursuant to § 16-7-21;

10 (iii) Most recent tax data certified by the local assessors to the department of
11 administration, and core instructional per pupil cost as determined by the commissioner
12 of elementary and secondary education;

13 (iv) Most recent resident average daily membership (RADM) pursuant to § 16-7-
14 22;

15 (2) *Methodology.*

16 (i) Community Property Tax Capacity Index Calculation

17 Calculate statewide tax rate:

18 Step 1: total statewide property tax yield/total statewide property tax base (ewav)= state
19 average tax rate

20 Step 2: calculate statewide yield per capita:

21 Total statewide property tax yield/state population (most recent census) = state property
22 tax yield per capita

23 Step 3: calculate municipal property tax yield per capita:

24 Municipal property tax yield/population = municipal property tax yield per capita

25 Step 4: calculate municipal property tax capacity:

26 (Municipal property tax yield per capita/state property tax yield per capita) * 100 =
27 Community property tax capacity index

28 (ii) Total Tax Capacity Index Calculation:

29 Step 5: calculate community hypothetical property tax yield per capita:

30 (Statewide tax rate * municipal property tax base (ewav))/community population =
31 Hypothetical community property tax yield per capita

1 Step 6: calculate total tax capacity index:
2 (Hypothetical municipal yield per capita/state average property tax yield per capita) * 100
3 = total tax capacity index

4 (iii) Tax Effort Index Calculation:

5 Calculate property tax effort calculation:

6 Step 7: (Municipal property tax yield per capita/hypothetical municipal property tax yield
7 per capita) * 100 = Property Tax Effort Index

8 (iv) Capacity/Effort Index

9 Calculation of the equity index:

10 Step 8: (Property tax capacity index/tax effort index = Equity index

11 (v) Instructional Cost Per Pupil

12 Calculate the instructional cost per RADM:

13 Step 9: core instructional district cost/district RADM = per pupil core instructional
14 district cost

15 Step 10: select the statewide ~~median~~ average per pupil instructional cost

16 Step 11: state ~~median~~ average per pupil core instructional cost - district per pupil core
17 instructional cost = core gap

18 Step 12: core gap * RADM = weighted difference. – Eligibility to receive funds – only
19 those districts which have a gap in instructional core funding and which have capacity of
20 less than 0.50 per the equity index are eligible to receive funds under this provision.

21 For FY 2003, districts eligible to receive aid pursuant to this section shall receive
22 the greater of the dollar amount received in FY 2002 or the dollar amount calculated as
23 the FY 2003 entitlement. For FY 2003, ten percent (10%) of these funds shall, in
24 addition to the purposes enumerated above, be used to increase student and school
25 performance, and shall be only spent with the prior approval of the commissioner of
26 elementary and secondary education.

27 **16-7.1-8 Student equity investment fund.** – The general assembly recognizes
28 the need to improve fourth grade performances in mathematics, reading, and writing.
29 Therefore, the general assembly establishes the Student Equity Investment Fund to target
30 students identified as those requiring additional educational services. The general
31 assembly shall annually appropriate some sum and distribute it based on each district's

1 proportion of children eligible for USDA reimbursable school meals relative to the total
2 number of eligible students statewide. For the purposes of this section, the date as of
3 eligibility for USDA reimbursable meals shall be determined by the June report of the
4 reference year as defined in § 16-7-16. These resources shall be used to close student
5 performance gaps in accordance with the district's strategic plan pursuant to § 16-7.1-2.
6 Beginning in FY 2003, the commissioner of elementary and secondary education may
7 require a district to use up to five percent (5%) of the funds allocated by this section to
8 increase student and school performance. The five percent (5%) set aside funds shall
9 only be spent with the prior approval of the commissioner of elementary and secondary
10 education.

11 **16-7.1-10 Professional development investment fund.** – In order to continue
12 developing the skills of Rhode Island's teachers and staff, the general assembly
13 establishes a Professional Development Investment Fund. The general assembly shall
14 annually appropriate some sum and distribute it based on a pupil-teacher ratio that shall
15 be adjusted annually by the commissioner of elementary and secondary education. School
16 districts may use funds received under this category of education aid to replace up to, but
17 no more than, fifty percent (50%) of the amount the school district spent for professional
18 development programs in the previous fiscal year. The expenditure of these funds shall be
19 determined by a committee at each school consisting of the school principal, two (2)
20 teachers selected by the teaching staff of the school, and two (2) parents of students
21 attending the school. Schools that enroll students in the early grades (kindergarten
22 through grade three) must expend these funds on the development of scientific research
23 based reading programs to improve students reading performance. Collaborative
24 programs between schools are encouraged. These resources shall be used to close student
25 performance gaps in accordance with the school's and district's strategic plan pursuant to
26 § 16-7.1-2. ~~Of the funds appropriated by the general assembly for professional~~
27 ~~development five hundred fifty five thousand dollars (\$555,000), representing fourteen~~
28 ~~and three tenths of one percent (14.3%) of the amount allocated to each district in this~~
29 ~~investment fund, shall be retained by~~ Additional funds shall be allocated to the
30 department of elementary and secondary education to support teacher professional
31 development in all districts, including but not limited to:

- 1 (1) Supporting mentoring systems;
- 2 (2) Providing school districts with program support to assist teachers in local
3 school districts to improve reading instruction and enhance the integration of reading
4 throughout the curriculum with the goal of improving student performance to high
5 standards;
- 6 (3) Support for the design and implementation of a system for the training of
7 school leaders; and
- 8 (4) Support for national board certification of teachers and grants for coordination
9 and support of school based teacher professional development.
- 10 (5) The practice of scientific research based reading instruction to improve
11 reading performance.

12 In FY 2003, the additional funds allocated to the department of elementary and
13 secondary education pursuant to this section shall be used only to support the activities
14 described in items (2)and (5) above.

15 **16-7.1-15 The Rhode Island student investment initiative.** – (a) Each locally or
16 regionally operated school district shall receive as a base the same amount of school aid
17 as each district received in fiscal year 1997-1998. For FY ~~2002~~ 2003, that base shall be
18 adjusted to reflect the increases or decreases in aid enacted for FY 2000, ~~and~~ FY 2001 ,
19 and FY 2002 to meet the minimum and maximum funding levels established for FY 2000
20 and FY 2001 and FY 2002. Each school district shall also receive school aid through each
21 investment fund for which that district qualifies pursuant to §§ 16-7.1-6, 16-7.1-8, 16-
22 7.1-9, 16-7.1-10, 16-7.1-11, 16-7.1-12, 16-7.1-16, and 16-7.1-19, ~~and 16-64-1.1~~. These
23 sums shall be in addition to the base amount described in this section. The total school
24 aid distributed under this section in FY 2002 shall constitute not less than a three and
25 one-half percent (3.5%) increase in the aid distributed to the school district under this
26 section in FY 2001 and each district shall receive the increase in aid necessary to meet
27 this minimum funding level. Additionally, for FY 2002, any community with a tax equity
28 index below 1.0 as calculated pursuant to § 16-7.1-6 shall receive not less than a seven
29 percent (7%) increase in aid distributed to the school district under this section in FY
30 2001. For FY 2003, the total school aid distributed under the investment funds
31 enumerated above shall constitute not less than a one percent (1.0%) percent increase in

1 aid received in FY 2002. Calculation and distribution of education aid under §§ 16-5-31,
2 16-5-32, 16-7-20, 16-7-20.5, 16-7-34.2, 16-7-34.3, 16-24-6, 16-54-4, and 16-67-4 is
3 hereby suspended. The funding of the purposes and activities of chapter 67 of this title,
4 the Rhode Island Literacy and Dropout Prevention Act of 1967, shall be the same amount
5 of the base amount of each district funded for that purpose in fiscal year 1997-1998. In
6 addition each district shall expend three percent (3%) of its student equity and early
7 childhood funds under the provisions of chapter 67 of this title.

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

10 (c) Funding distributed under § 16-77.1-2(b) and section 16-64-1.1 ~~above and~~
11 ~~beyond that received in FY 2001,~~ shall be in addition to funding distributed under this
12 section.

13 (d) There shall be an appropriation to ensure that total aid distributed to
14 communities in ~~FY 2002~~ FY 2003 under §§ 16-7.1-15, 16-7.1-11.1, 16-64-1.1 and 16-
15 77.1-2(b) is not less than the amount proposed by the governor for FY ~~2002.~~ 2003 and
16 shall be at least a two and one-half percent (2.5%) increase over aid received in FY 2002.

17 (e) Children with disabilities. – Based on its review of special education within
18 the context of Rhode Island school reform, the general assembly recommends addressing
19 the needs of all children and preventing disability through scientific research based
20 reading instruction and the development of Personal Literacy Programs for students in the
21 early grades performing below grade level in reading and implement a system of student
22 accountability that will enable the state to track individual students over time.
23 Additionally, the department of elementary and secondary education must provide
24 districts with rigorous criteria and procedures for identifying students with learning
25 disabilities and speech/language impairments. Additional study is required of factors that
26 influence programming for students with low incidence disabilities; those with
27 disabilities that severely compromise life functions; and programming for students with
28 disabilities through urban special education. Alternatives for funding special education
29 require examination.

1 All departments and agencies of the state shall furnish such advice and
2 information, documentary and otherwise, to the general assembly and its agents as is
3 deemed necessary or desirable by the study to facilitate the purposes of this section.

4 **16-7.1-16 Targeted school aid.** – (a) In addition to those funds described in § 16-
5 7.1-15, each district with a tax effort index below 1.0 as calculated pursuant to § 16-7.1-6
6 and with a free and reduced lunch count in grades K-3 greater than forty percent (40%)
7 shall receive targeted school aid. Districts shall be eligible for aid based on the proportion
8 that their average daily membership bears to the total average daily membership of
9 districts eligible for aid under this section. The local school district shall determine the
10 amount it proposes to spend on the program priorities referred to in this section and the
11 programs and proposed expenditures shall be a part of the district's strategic plan and/or
12 annual updates required under § 16-7.1-2.

13 (b) The commissioner may require a school district to reserve up to five percent
14 (5%) of its targeted aid for intervention remedies. These five percent (5%) set-aside
15 funds shall only be spent with the prior approval of the commissioner of elementary and
16 secondary education. If however by March 1, the amount reserved is not expended or
17 expected to be spent in the academic year, then the district may expend the funds in
18 accordance with the priorities of this section and with the approval of the commissioner.
19 In addition, there shall be an appropriation for comprehensive on-site school reviews and
20 other accountability measures that the commission deems appropriate in accordance with
21 policies and procedures to be determined by the commissioner and to carry out the
22 purposes of § 16-7.1-2. The commissioner may give priority to districts receiving
23 targeted funds for the use of this appropriation.

24 (c) Districts may use targeted funds in new or expanded programs for:

25 (1) Early childhood education;

26 (2) Helping schools to improve instruction to meet high standards;

27 (3) Reducing class size at the elementary level;

28 (4) After school programming for middle schools, junior, and senior high schools
29 in accordance with § 16-7.1-17;

30 (5) Establishing and implementing innovative organizations and methods of
31 instruction at the middle, junior high, and/or high school levels;

- 1 (6) Child opportunity zones;
- 2 (7) Teacher mentoring;
- 3 (8) Curriculum revision to meet new standards;
- 4 (9) School and district intervention; or
- 5 (10) Other programs which the commissioner believes will result in increased
- 6 student performance.

7 **16-7.1-19 Vocational technical equity fund.** – The general assembly recognizes

8 the need to support the academic instruction component of vocational education for

9 students enrolled in career and technical education programs. To accomplish this, the

10 general assembly shall appropriate some sum per student for each student who attends a

11 locally operated career and technical center based on the enrollments reported to the

12 department of elementary and secondary education for the previous academic year.

13 Funding for all students enrolled in the locally operated career and technical centers shall

14 be implemented for FY 2001 and FY 2002 only. For FY 2001, ~~and FY 2002~~ and FY

15 2003, this sum shall be five hundred dollars (\$500) per student. ~~In FY 2003 and~~

16 ~~thereafter,~~ funding under this section will be limited to those students enrolled in

17 programs that are part of the state certified career and technical system.

18 SECTION 2. Section 16-45-6 of the General Laws in Chapter 16-45 entitled

19 “Regional Vocational Schools” is hereby amended to read as follows:

20 **16-45-6 Powers additional to previous authority.** – (a) The powers delegated

21 and authorized in this chapter for the board of regents for elementary and secondary

22 education and the department of elementary and secondary education shall be in addition

23 to those previously authorized by any other general or public law.

24 (b) The governance, funding, and programming of the William M. Davies, Jr.

25 vocational technical school and the Metropolitan Career and Technical School shall be in

26 accordance with the rules and regulations formulated by the board of regents for

27 elementary and secondary education pursuant to chapter 35 of title 42.

28 (c) The purpose of this chapter is to restructure the system of career and technical

29 schools in Rhode Island for the benefit of the students, the economy, and the general

30 welfare. The paramount aim is to enable the schools to make more significant

31 contributions in providing the state's students with the career preparation they need to

1 compete and succeed in the world of today and of the future. To ensure student success, a
2 system of model career and technical schools will be established and supported. These
3 schools will provide: integrated academic and vocational curricula, up to date technology,
4 programs to meet the varying needs of all students, and strong links to business, industry,
5 postsecondary education, and the community.

6 (d)(1) There shall be a system of state operated career and technical schools
7 serving geographic areas of the state. Students attending these regional schools will do so
8 on a full time basis with the costs for their education at the regional school fully funded
9 by the state.

10 (2) These schools shall be operated as local education agencies and each shall be
11 governed by a board of trustees. With the exception of those powers and duties reserved
12 by the director, the commissioner of elementary and secondary education, and the board
13 of regents for elementary and secondary education, the board of trustees shall have the
14 powers and duties of school committees. The Davies school shall be the first school
15 operated under the provisions of this chapter and shall be renamed the William M.
16 Davies, Jr. career and technical high school. The Metropolitan Career and Technical
17 School shall be the second school operated under the provisions of this chapter.

18 (e)(1) The board of regents for elementary and secondary education shall appoint
19 the members of the board of trustees from nominations made by the commissioner of
20 elementary and secondary education. The chairperson shall also be selected in this
21 manner. The board of regents shall determine the number, qualifications, and terms of
22 office of members of the board of trustees. The board of trustees will be broadly
23 representative of the local communities served by each school and the larger statewide
24 workforce interests.

25 (2) The board of regents shall establish strategic directions for the career and
26 technical education system that are consistent with the state's economic development
27 plans, workforce requirements, and educational priorities and learner outcomes
28 established by the board of regents.

29 (3) The board of regents shall provide parameters for the overall budget requests,
30 approve the budget, and participate in budget development as required in subsection (i).

1 (f)(1) The commissioner of elementary and secondary education shall recommend
2 parameters for the overall budget requests, recommend a budget and participate in budget
3 development as required in subsection (i).

4 (2) The commissioner shall approve the process for selection of a director of each
5 regional school. The commissioner shall develop a plan for statewide implementation of
6 the provisions of this chapter.

7 (g) The board of trustees shall meet monthly and serve without compensation.
8 Nine (9) members of the board of trustees shall be required to attend teacher appeal
9 hearings conducted pursuant to § 16-13-4. The board of trustees shall have broad policy
10 making authority for the operation of the school consistent with subsection (e) and the
11 following powers and duties:

12 (1) To identify the educational needs of the communities in the district.

13 (2) To develop educational policies to meet the needs of students in the
14 communities served by the school district.

15 (3) To appoint a director of its regional school to serve as its chief executive
16 officer and to approve assistant and associate directors from nominations made by the
17 director.

18 (4) To provide policy guidance and participate in budget development as required
19 in subsection (i).

20 (5) To develop staffing policies which ensure that all students are taught by
21 educators of the highest possible quality.

22 (h)(1) The director will serve at the pleasure of the board of trustees with the
23 initial appointment to be for a period of not more than three (3) years, provided, that the
24 term and conditions of employment are subject to the approval of the board of regents for
25 elementary and secondary education.

26 (2) It is the responsibility of the director to manage and operate the school on a
27 day to day basis. The director's duties shall include the following:

28 (i) To be responsible for the entire care, supervision, and management of the
29 career and technical high school.

30 (ii) To recommend to the board of trustees educational policies to meet the needs
31 of the district, and to implement policies established by the board of trustees.

1 (iii) To present nominations to the board of trustees for assistant and associate
2 directors and to appoint all other school personnel.

3 (iv) To provide for the evaluation of all school district personnel.

4 (v) To establish a school based management approach for decision making for the
5 operation of the school.

6 (vi) To prepare a budget and participate in budget development as required in
7 subsection (i), and to authorize purchases consistent with the adopted school district
8 budget.

9 (vii) To report to the board of trustees on a regular basis the financial condition
10 and operation of the school, and to report annually on the educational progress of the
11 school.

12 (viii) To establish appropriate advisory committees as needed to provide guidance
13 on new directions and feedback on the operation of the school.

14 (i) With policy guidance from the board of trustees and extensive involvement of
15 the administrators and faculty in the school, the director of each regional school shall
16 annually prepare a budget. The board of trustees will approve the budget and transmit it
17 to the commissioner. The board of regents for elementary and secondary education, upon
18 recommendation of the commissioner of elementary and secondary education, shall
19 provide parameters for the overall budget request. Based on review and recommendation
20 by the commissioner, the board of regents shall approve the total budget and incorporate
21 it into its budget request to the governor and to the general assembly. Line item budgeting
22 decisions shall be the responsibility of the director.

23 (j) Nothing in this section shall be deemed to limit or interfere with the rights of
24 teachers and other school employees to bargain collectively pursuant to chapters 9.3 and
25 9.4 of title 28 or to allow the board of trustees or the director to abrogate any agreement
26 by collective bargaining. Employees at the William M. Davies school shall continue to be
27 state employees and the bargaining units which are presently established at the school
28 shall remain intact.

29 SECTION 3. Section 16-16-22 of the General Laws in Chapter 16-16 entitled "Teachers'
30 Retirement" is hereby amended to read as follows:

31 **16-16-22. Contributions to state system.** -- (a) Each member shall contribute into the
32 system ~~nine and one-half percent (9.5%)~~ ten and one-half percent (10.5%) of compensation as

1 his or her share of the cost of annuities, benefits, and allowances. The employer contribution on
2 behalf of teacher members of the system shall be in an amount that will pay a rate percent of the
3 compensation paid to the members, according to the method of financing prescribed in the State
4 Retirement Act in chapters 8 -- 10 of title 36. This amount shall be paid by the state, and sixty
5 percent (60%) by the city, town, local educational agency, or any formalized commissioner
6 approved cooperative service arrangement by whom the teacher members are employed, with the
7 exception of teachers who work in federally funded projects. Provided, however, that the rate
8 percent paid shall be rounded to the nearest hundredth of one percent (.01%).

9 (b) The employer contribution on behalf of teacher members of the system who work in
10 fully or partially federally funded programs shall be prorated in accordance with the share of the
11 contribution paid from the funds of the federal, city, town, or local educational agency, or any
12 formalized commissioner approved cooperative service arrangement by whom the teacher
13 members are approved.

14 (c) In case of the failure of any city, town, or local educational agency, or any formalized
15 commissioner approved cooperative service arrangement to pay to the state retirement system the
16 amounts due from it under this section within the time prescribed, the general treasurer is
17 authorized to deduct the amount from any money due the city, town, or local educational agency
18 from the state.

19 (d) The employer's contribution shared by the state shall be paid in the amounts
20 prescribed in this section for the city, town, or local educational agency and under the same
21 payment schedule. Notwithstanding any other provisions of this chapter, the city, town, or local
22 educational agency or any formalized commissioner approved cooperative service arrangement
23 shall remit to the general treasurer of the state the local employer's share of the teacher's
24 retirement payments on a monthly basis, payable by the fifteenth (15th) of the following month.
25 The general treasurer, upon receipt of the local employer's share, shall effect transfer of a
26 matching amount of money from the state funds appropriated for this purpose by the general
27 assembly into the retirement fund.

28 (e) This section is not subject to sections 45-13-7 through 45-13-10.

29 SECTION 4. Section 16-77-8 of the General Laws in Chapter 16-77 entitled
30 "Establishment of Charter Public Schools" is hereby amended to read as follows:

31 **16-77-8. Oversight by commissioner.** -- (a) Individuals or groups may complain to a
32 charter school's governing body concerning any claimed violation of the provisions of this
33 chapter by the school. If, after presenting their complaint to the governing body, the individuals
34 or groups believe their complaint has not been adequately addressed, they may submit their

1 complaint to the commissioner of elementary and secondary education who shall hear and decide
2 the issue pursuant to sections 16-39-1 and 16-39-2.

3 (b) Charter school approval for establishment or continuation shall be for up to a five (5)
4 year period. In either case, board of regents approval is required. However, the charter may be
5 revoked at any time if the school:

6 (1) Materially violates provisions contained in the charter;

7 (2) Fails to meet or pursue the educational objectives contained in the charter;

8 (3) Fails to comply with fiscal accountability procedures as specified in the charter; or

9 (4) Violates provisions of law that have not been granted variance by the board of
10 regents.

11 (c) After denying or prior to nonrenewing or revoking a charter, the department of
12 elementary and secondary education will hold a hearing on the issues in controversy under
13 section 16-39-1.

14 (d) No more than twenty (20) charters, serving no more than four percent (4%) of the
15 state's school age population, shall be granted. At least ten (10) of the twenty (20) total charters
16 shall be reserved for charter school applications which are designed to increase the educational
17 opportunities for at-risk pupils. ~~No more than two (2) charters may be granted in a single school~~
18 ~~district, except that if a district has more than twenty thousand (20,000) students then four (4)~~
19 ~~charters may be granted.~~

20 SECTION 5. Section 16-77.1-3 of the General Laws in Chapter 16-77.1 entitled
21 "Funding of Charter Public Schools" is hereby amended to read as follows:

22 **16-77.1-3. Federal funds for charter public schools start up costs.** -- Charter public
23 schools may apply for federal funds to support start up costs. Charter public schools shall become
24 eligible to apply for federal funds upon approval of the charter public school's application by the
25 board of regents for elementary and secondary education. Federal funds shall be distributed to
26 charter public schools by the department of elementary and secondary education through a
27 process which requires each charter public school seeking the funds to submit a grant application
28 to the department of elementary and secondary education. The grant application process shall be
29 established and implemented by the Rhode Island department of elementary and secondary
30 education. ~~Grants of federal funds for start up costs shall not exceed one hundred and fifty~~
31 ~~thousand dollars (\$150,000) for a single charter public school.~~

32 SECTION 6. This article shall take effect on July 1, 2002.

33 **ARTICLE 19**

1

RELATING TO GENERAL PUBLIC ASSISTANCE

2

3

4

5

6

7

8

9

10

11

12

13

14

15

SECTION 1. Hardship Contingency Fund. – Out of the sum appropriated to the department of human services in Article 1 for general public assistance, the sum of four hundred fifty thousand dollars (\$450,000) shall be used as a hardship contingency fund in fiscal year 2003 for the purposes and subject to the limitations hereinafter provided, and 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 duly authenticated vouchers. From the aforesaid appropriation for hardship contingency, the director of the department of human services, in his or her sole discretion, may authorize payments of cash assistance benefits up to two hundred dollars (\$200) per month upon a showing of hardship by an individual who is eligible for general public assistance medical benefits under section 40-6-3.1(a)(1). The director shall not be required to promulgate any new, additional or separate rules or regulations in connection with his or her disbursement of the contingency fund created hereby.

SECTION 2. This article shall take effect on July 1, 2002.

16

ARTICLE 20

17

RELATING TO VIDEO LOTTERY TERMINALS – DIVISION OF REVENUE

18

19

20

21

22

23

24

25

26

27

28

29

30

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

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

(1) For deposit in the general fund and to the state lottery commission fund for administrative purposes: No less than fifty-one percent (51%) in fiscal year 2002; no less than fifty-two percent (52%) in fiscal year 2003; no less than fifty-three percent (53%) in fiscal year 2004; no less than fifty-four and one-half percent (54.5%) in fiscal year 2005; no less than fifty-five percent (55%) in fiscal year 2006; no less than fifty-six percent (56%) in fiscal year 2007; and no less than fifty-seven percent (57%) in fiscal year 2008 and each year thereafter.

(2) To the licensed video lottery retailer: thirty-one percent (31%) in fiscal year 2002; thirty and one-half percent (30.5%) in fiscal year 2003; thirty percent (30%) in fiscal year 2004; twenty-nine and one-half percent (29.5%) in fiscal year 2005; twenty-nine percent (29%) in

1 fiscal year 2006; twenty-eight and one-half percent (28.5%) in fiscal year 2007;and twenty-eight
2 percent (28%) in fiscal year 2008 and each year thereafter.

3 (3) To the owners of dog kennels who are under contract with a licensee: six percent
4 (6%) of net terminal income derived from video lottery games located at the facility in fiscal year
5 2002; five and one-half percent (5.5%) in fiscal year 2003; five percent (5%) in fiscal year 2004;
6 four and one-half percent (4.5%) in fiscal year 2005; four percent (4%) in fiscal year 2006; three
7 and one-half percent (3.5%) in fiscal year 2007; and three percent (3%) in fiscal year 2008 and
8 each year thereafter. The ~~six percent (6%)~~ percentage not allocated to the owner of dog kennels
9 reverts back to the general revenue fund and to the state lottery commission for administrative
10 purposes;

11 (4) To the technology provider: eleven percent (11%) of the net terminal income of the
12 provider's terminals less all reasonable charges and fees to the communications provider
13 associated with the supplying, maintenance, and operations of the communications system. The
14 lottery commission shall determine the fees to the communications system provider which shall
15 be no more than two and one-half percent (2.5%) of the net terminal income;

16 (5) To the city or town in which the licensed video retailer is licensed: one percent (1%);
17 and

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

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

22 (b) Provided, however, that for the fiscal year commencing July 1, 1993 and subsequent
23 fiscal years, the sum of five million dollars (\$5,000,000) to the extent possible shall be
24 contributed to the distressed communities relief program, pursuant to section 45-13-12, to be
25 distributed according to the formula and the contributions shall be as follows:

26 (1) One million one hundred fifty-two thousand six hundred eighty-three dollars
27 (\$1,152,683) of the net terminal income due retailers under subdivision (a)(2) deposited as
28 general revenues as follows: Lincoln Greyhound Park seven hundred sixty-seven thousand, six
29 hundred eighty-seven dollars (\$767,687) and Newport Jai Alai Fronton three hundred eighty-four
30 thousand nine hundred ninety-six dollars (\$384,996).

31 (2) Two hundred eighteen thousand five hundred seventy-nine dollars (\$218,579) of the
32 net terminal income due kennel owners under subdivision (a)(3) deposited as general revenues.

33 (3) Six hundred and twenty-eight thousand seven hundred and thirty-seven dollars
34 (\$628,737) of the net terminal income due the technology providers under subsection (a)(4)

1 deposited as general revenues.

2 ~~(iv)~~ (4) Three million dollars (\$3,000,000) from the state general revenue fund.

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

4 **ARTICLE 21**

5 RELATING TO HOSPITAL UNCOMPENSATED CARE

6 SECTION 1. Section 40-8.3-3 of the General Laws in Chapter 40-8.3 entitled
7 “Uncompensated Care” is hereby amended to read as follows:

8 **40-8.3-3 Implementation.** (a) For the fiscal year commencing on October 1,
9 2000 and ending September 30, 2001, each participating hospital shall be paid by the
10 department of human services on or before April 2, 2001, an annual disproportionate
11 share payment equal to the lesser of (1) the hospital's uncompensated care costs adjusted
12 by the uncompensated care index or (2) a percentage equal to a minimum of five and
13 seventy-five hundredths percent (5.75%) of the dollar amount of the difference between
14 (i) all chargeable services in the hospital's base year and (ii) the sum of charity care
15 charges, bad debt expenses, and contractual allowances in the hospital's base year;
16 provided, however, that the disproportionate share payments are expressly conditioned
17 upon approval on or before April 2, 2001 by the Secretary of the U.S. Department of
18 Health and Human Services, or his or her authorized representative, of all Medicaid state
19 plan amendments necessary to secure for the state the benefit of federal financial
20 participation in federal fiscal year 2001 for the disproportionate share payments.

21 (b) For the fiscal year commencing on October 1, 2001~~2~~ and ending September
22 30, 2002~~3~~, each participating hospital shall be paid by the department of human services,
23 on or before October 30, 2001~~2~~, a disproportionate share payment equal to the lesser of
24 (1) the hospital's uncompensated care costs adjusted by the uncompensated care index or
25 (2) a percentage equal to six and five hundredths percent (6.05%) of the dollar amount of
26 the difference between (i) all chargeable services in the hospital's base year and (ii) the
27 sum of charity care charges, bad debt expenses, and contractual allowances in the
28 hospital's base year; provided, however, that the disproportionate share payments are
29 expressly conditioned upon approval on or before October 30, 2001~~2~~ by the Secretary of

1 the U.S. Department of Health and Human Services, or his or her authorized
2 representative, of all Medicaid state plan amendments necessary to secure for the state the
3 benefit of federal financial participation in federal fiscal year 2002~~3~~ for the
4 disproportionate share payments.

5 SECTION 2. This article shall take effect on July 1, 2002.

6 **ARTICLE 22**

7 RELATING TO CHILD CARE - STATE SUBSIDIES

8 SECTION 1. Section 40-6.2-5 of the General Laws in Chapter 40-6.2 entitled
9 “Child Care-State Subsidies” is hereby amended to read as follows:

10 **40-6.2-5 Health care coverage for center-based care providers.**--(a) The
11 department of human services is authorized and directed to establish a health care
12 premium cost-sharing option through its RItE Care program for center-based child care
13 providers who provide child care services paid for in whole or in part by the department
14 of human services or the department of children, youth, and families, and who meet the
15 eligibility requirements of this section.

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

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

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

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

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

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

6 ~~(e) Effective July 1, 2002, if the number of children served by the provider who~~
7 ~~meet the department's child care assistance income guidelines under §40-5.1-17 is at least~~
8 ~~thirty percent (30%) of the enrollment census of the provider, then the center-based child~~
9 ~~care provider shall pay fifty percent (50%) of the monthly premiums attributable to the~~
10 ~~center's participating employees.~~

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

16 SECTION 2. This article shall take effect on July 1, 2002.

17 ARTICLE 23

18 RELATING TO CHILD CARE ELIGIBILITY

19 SECTION 1. Section 40-5.1-17 of the General Laws in Chapter 40-5.1 entitled
20 "Family Independence Act" is hereby amended to read as follows:

21 **40-5.1-17 Families eligible for child care assistance.**-- (a) The department shall
22 provide appropriate child care to every parent who requires child care in order to meet the
23 work requirements in §40-5.1-9 and to all other families with incomes at or below one
24 hundred eighty-five percent (185%) of the federal poverty line, if and to the extent such
25 other families require child care in order to work at paid employment; provided, however,
26 that effective January 1, 1999, the department shall provide appropriate child care to such
27 other families whose incomes are at or below two hundred percent (200%) of the federal
28 poverty line; effective July 1, 1999, the department shall provide appropriate child care to
29 such other families whose incomes are at or below two hundred twenty-five percent

1 (225%) of the federal poverty line; ~~and effective July 1, 2002, the department shall~~
2 ~~provide appropriate child care to such other families whose incomes are at or below two~~
3 ~~hundred fifty percent (250%) of the federal poverty line.~~

4 (b) For purposes of this section "appropriate child care" means child care,
5 including infant/toddler, pre-school, nursery school, school-age, and youth care, which is
6 provided by a person or organization qualified, approved, and authorized to provide such
7 care by the department of children, youth, and families, or by the department of
8 elementary and secondary education, or such other lawful providers as determined by the
9 department of human services, in cooperation with the department of children, youth and
10 families and the department of elementary and secondary education, subject to the
11 following age limitations:

12 (1) Through December 31, 1998, for a child below the age of thirteen (13), or
13 children age thirteen (13) years or older who are under supervision of the family court or
14 who require care because of a physical or mental impairment;

15 (2) Effective January 1, 1999, for a child below the age of fifteen (15);

16 (3) Effective July 1, 1999, for a child below the age of sixteen (16).

17 (c) The department of human services shall determine rates of reimbursement for
18 child care services for children over the age of twelve (12) in accordance with the
19 provisions of §40-6.2-1.1(d).

20 For purposes of this section "appropriate child care" is defined in §40-5.1-9(b).

21 (d) Families with incomes below one hundred percent (100%) of the applicable
22 federal poverty guidelines shall be provided with free child care. Families with incomes
23 equal to or greater than one hundred percent (100%) of the applicable federal poverty
24 guideline shall be required to pay for some portion of the child care they receive,
25 according to a sliding fee scale adopted by the department.

26 (e) In determining the type of child care to be provided to a family, the
27 department shall take into account the cost of available child care options and the
28 suitability of the type of care available for the child and the parent's preference as to the
29 type of child care.

30 (f) For purposes of this section "income" for families receiving cash assistance
31 under §40-5.1-9 means gross earned income and unearned income, subject to the income

1 exclusions in §40-5.1-10(b) and §40-5.1-10(c); and income for other families shall mean
2 gross earned and unearned income as determined by departmental regulations.

3 (g) The entitlement provided for in subsection (a) shall be an entitlement to
4 payment of a subsidy for child care to an appropriate child care provider as defined in
5 subsection (b). The caseload estimating conference established by chapter 17 of title 35
6 shall forecast the expenditures for child care in accordance with the provisions of §35-17-
7 1.

8 SECTION 2. This article shall take effect on July 1, 2002.

9 **ARTICLE 24**

10 RELATING TO MEDICAL ASSISTANCE AND HUMAN SERVICES

11 SECTION 1. Chapter 40-8 of the General Laws entitled "Medical Assistance" is hereby
12 amended by adding thereto the following section:

13 **40-8-24. Purpose.** – (a) The department of human services is directed to seek any
14 waivers required by the United States department of health and human services to establish,
15 subject to appropriation, a pharmacy assistance program, to be known as the Healthy Rhode
16 Island Pharmacy Program, for the purposes of providing prescription and nonprescription
17 pharmaceuticals at low cost to certain Rhode Island residents who are elderly or living with a
18 disabling condition, as provided in this section.

19 (b) To enable the state of Rhode Island to maximize claims for federal financial
20 participation and pharmaceutical manufacturer rebates for the Healthy Rhode Island Pharmacy
21 Program, the department is directed and authorized to seek the following waivers:

22 (1) The department shall submit to the United States department of health and human
23 services a waiver of otherwise applicable requirements of title XIX of the Federal Social Security
24 Act in order to claim federal financial participation for a pharmacy assistance program for
25 residents of the state who are sixty-five (65) years of age and over with incomes no greater than
26 two hundred percent (200%) of the federal poverty level. The Healthy Rhode Island Pharmacy
27 Program shall provide pharmacy assistance for any such persons deemed eligible under the
28 waiver that is comparable to the pharmacy benefit provided to individuals eligible under the
29 Rhode Island Medicaid State Plan, to the extent that the cost-sharing and enrollment limitations
30 provided for in section (c) allow.

31 (2) The department shall submit to the United States department of health and human

1 services a waiver of otherwise applicable requirements of title XIX of the Federal Social Security
2 Act in order to claim federal financial participation for a pharmacy assistance program for adult
3 residents of the state who are either incapacitated and with incomes no greater than two hundred
4 percent (200%) of the federal poverty level; or severely and persistently mentally ill and eligible
5 for community support services through the department of mental health, retardation and
6 hospitals; and are deemed by the department to be ineligible for pharmacy assistance under
7 subsection (b)(1) of this section or under any other applicable sections of chapter 42-66.2 and
8 otherwise unable to pay the costs for medically necessary prescription drugs and medications.
9 The Healthy Rhode Island Pharmacy Program shall provide pharmacy assistance for any such
10 persons deemed eligible under the waiver that is comparable to the pharmacy benefits provided to
11 individuals eligible under the Medicaid State Plan to the extent any program requirements
12 established by rule in accordance with section (c) allow.

13 (c) The department shall provide by rule for all other requirements of the program,
14 including cost-sharing and any enrollment limitations deemed necessary, as permitted by an
15 approved waiver. The department shall consult with the department of elderly affairs in
16 developing the requests for the waivers as authorized and, to the greatest extent practicable, shall
17 coordinate implementation of the Health Rhode Island Pharmacy Program with the administration
18 and application process for determining eligibility and enrollment in the pharmaceutical
19 assistance program for the elderly set forth in chapter 42-66.2.

20 (d) The caseloads and expenditures for the Healthy Rhode Island Pharmacy Program
21 waivers shall be determined by the caseload estimating conference in accordance with the
22 provisions of chapter 35-17 for determining official estimates of medical assistance caseloads.

23 (e) Upon receipt of such waiver(s) from the United States department of health and
24 human services, the department of human services shall file with the house and senate finance
25 committees a report of the terms and conditions of such approved waiver(s) together with a
26 detailed plan for the implementation thereof within the aggregate general revenue appropriations
27 for pharmacy benefits and administrative costs provided for in the enacted budget for state fiscal
28 year 2003; and provided further that any reallocations of such general revenue appropriations
29 between or among departments and/or appropriation line items necessary to implement the
30 approved waiver(s), and/or adjustments to federal revenue appropriations consistent with such
31 wavier approval(s), shall be submitted to the general assembly by the Governor in the
32 supplemental appropriations act for state fiscal year 2003 in accordance with section 35-3-8.

33 SECTION 2. Section 40-18-1 of the General Laws in Chapter 40-18 entitled "Long Term
34 Home Health Care-Alternative to Placement in a Skilled Nursing or Intermediate Care Facility" is

1 hereby amended to read as follows:

2 **40-18-1. Purpose.** -- (a) The director of the department of human services, in addition to
3 the medical assistance benefits provided in chapter 8 of this title shall maintain and coordinate a
4 program of long term home health care. The purpose of the program of long term home health
5 care is to provide in-hospital eligible patients, who would be discharged to a skilled nursing
6 facility and/or an intermediate care facility, with a viable alternative to placement in a skilled
7 nursing facility and/or intermediate care facility. The director shall utilize a federally approved
8 home and community based service waiver to provide a viable alternative. The hereinafter listed
9 services shall be an integral part of the viable alternative.

10 (b) In addition, the director of the department of human services shall utilize any and all
11 other available departmental resources and community resources to enhance and expand the
12 provision of long term home health care as the viable alternative to placement in a skilled nursing
13 facility and/or an intermediate care facility. These resources shall be used to strengthen and
14 expand home and community-based long term care services which will help people stay at home
15 for care when this is an appropriate alternative to nursing facility care.

16 (c) In furtherance of subsections (a) and (b) above, the department of human services is
17 authorized and directed to seek any waiver(s) required by the United States department of health
18 and human services in accordance with otherwise applicable requirements of title XIX of the
19 Federal Social Security Act to establish an enhancement of the program for the provision of adult
20 day care services. The department of human services is directed to seek the waiver(s) in order to
21 claim federal financial participation for the services that shall be provided to residents of the state
22 who are deemed to be in need of adult day care services and whose incomes are no greater than
23 two hundred fifty percent (250%) of the federal poverty level.

24 (d) Upon receipt of such waiver approval(s) referred to in subsection (c) above from the
25 United States department of health and human services, the department of human services shall
26 file with the house and senate finance committees a report of the terms and conditions of such
27 approved waiver(s) together with a detailed plan for the implementation thereof within the
28 aggregate general revenue appropriations for adult day care benefits and administrative costs
29 provided for in the enacted budget for state fiscal year 2003; and, provided further, that any
30 reallocations of such general revenue appropriations between or among departments and/or
31 appropriation line items necessary to implement the approved waiver(s), and/or adjustments to
32 federal revenue appropriations consistent with such waiver approval(s), shall be submitted to the
33 general assembly by the Governor in the supplemental appropriations act for state fiscal year
34 2003 in accordance with section 35-3-8.

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

2 **ARTICLE 25**

3 RELATING TO FAMILY INDEPENDENCE ACT

4 SECTION 1. Section 40-5.1-9 of the General Laws in Chapter 40-5.1 entitled
5 “Family Independence Act” is hereby amended as follows:

6 **40-5.1-9 Cash assistance.** – (a) *Entitlement to cash assistance.* A family found
7 by the department to meet the eligibility criteria set forth in this chapter shall be entitled
8 to receive cash assistance from the date of submitting a signed application. The family
9 members shall be eligible for cash assistance for so long as they continue to meet the
10 eligibility criteria and parents shall be eligible so long as they meet the terms and
11 conditions of the work requirements of subsection (c). The monthly amount of cash
12 assistance shall be equal to the payment standard for the family minus the countable
13 income of the family in that month. The department is authorized to reduce the amount of
14 assistance in the month of application to reflect the number of the days between the first
15 (1st) day of the month and the effective date of the application.

16 (b) *Payment standard.* The payment standard is equal to the sum of the following:
17 three hundred twenty-seven dollars (\$327) (two hundred seventy-seven dollars (\$277) for
18 a family residing in subsidized housing) for the first person, one hundred twenty-two
19 dollars (\$122) for the second person, one hundred five dollars (\$105) for the third person
20 and eighty dollars (\$80) for each additional person.

21 (c) *Work requirements.* (1) No more than forty-five (45) days following the date
22 on which a family has been notified by the department in writing that it is eligible for
23 cash assistance under the act, the department shall develop a family financial plan
24 pursuant to § 40-5.1-5 and, unless the parent is exempt from work pursuant to subsection
25 (iv), the department shall assess the parent's educational and vocational abilities and
26 develop an individual employment plan pursuant to § 40-5.1-5. In the case of a family
27 including two parents, the department may develop an employment plan for each parent
28 if the parents so request.

1 (2) The employment plan shall specify the parent's work activity and the
2 supportive services which will be provided by the department to enable the parent to
3 engage in the work activity.

4 (i) During the first twenty-four (24) months of the employment plan, the parent
5 shall participate, for a minimum of twenty (20) hours per week for parents whose
6 youngest child in the home is under the age of six (6), and for a minimum of thirty (30)
7 hours per week for parents whose youngest child in the home is six (6) years of age or
8 older, in one or more of the following work activities, as appropriate, in order to help the
9 parent obtain stable full-time paid employment:

10 (A) ~~Twenty (20) hours per week of~~ Paid employment, (including on-the-job
11 training);

12 (B) ~~Twenty (20) hours per week of~~ A community work experience in a program
13 which satisfies the requirements of §40-5.1-23;

14 (C) A training or work readiness program approved by the department and
15 conducted at a job site if the program involves supervised participation in work at the
16 site;

17 (D) During the first six (6) months of eligibility (or for a longer period if the
18 department determines it necessary to prepare the parent to obtain stable full-time
19 employment), successful participation in an approved work readiness program as defined
20 in § 40-5.1-22;

21 (E) During the first three (3) months of eligibility (or for a longer period if the
22 department determines it necessary to prepare the parent to obtain stable full-time
23 employment), participation in an approved rapid job placement program as defined in §
24 40-5.1-20;

25 (F) A supervised individual job search which meets the conditions set forth in §
26 40-5.1-21;

27 (G) For a parent under the age of twenty (20) without a high school diploma or
28 the equivalent, successful participation on a full-time basis in a program to secure such
29 diploma or the equivalent;

1 (H) For a parent age twenty (20) or older, without basic literacy or English
2 literacy skills, successful participation on a full time basis in a program to secure such
3 skills; and

4 (I) For a parent age twenty (20) or older (and a parent under the age of twenty
5 (20) who has a high school degree or the equivalent or a parent under the age of twenty
6 (20) for whom attendance at a high school is determined to be inappropriate) successful
7 participation in a vocational education, skills or job training program, including without
8 limitation, a program of postsecondary education, which the department determines is
9 likely to result in regular full-time employment at wages sufficient to eliminate eligibility
10 for cash assistance under the act.

11 (ii) Beginning with the twenty-fifth month of the employment plan, the parent
12 shall participate in one or more of the following work activities for at least twenty (20)
13 hours per week for parents whose youngest child in the home is under the age of six (6)
14 and thirty (30) hours per week for parents whose youngest child in the home is six (6)
15 years of age or older:

16 (A) Paid employment (including on-the-job training);

17 (B) A community work experience program which satisfies the requirements of §
18 40-5.1-23;

19 (C) A training program approved by the department and conducted at a job site if
20 the program involves supervised participation in work at the site.

21 (iii) The following parents shall be deferred from the participation requirement in
22 subsection (ii):

23 (A) A parent under the age of twenty (20) without a high school diploma or the
24 equivalent who is successfully participating, on a full-time basis, in a program to secure
25 such diploma or the equivalent;

26 (B) A single parent age twenty (20) or older, without basic literacy or English
27 language skills, who (I) is participating in a full-time program but is unable to complete a
28 literacy or language skills program during the first twenty-four (24) months of his or her
29 employment plan, or (II) who the department has determined is unable to secure paid
30 employment without additional language or literacy skills, and who is successfully
31 participating in a program to secure such skills.

1 (C) A parent age twenty (20) years or older, who is successfully participating in a
2 vocational education, skills or job training program, including without limitation, a
3 program of postsecondary education, which the department determines is likely to result
4 in regular full-time employment at wages sufficient to eliminate eligibility for cash
5 assistance under the act; provided, however, that the parent began the program prior to
6 the twenty-fifth (25th) month of his or her employment plan; provided, further, however,
7 that participation shall not be deemed a work activity after the thirty-sixth (36th) month
8 of the employment plan.

9 (D) Upon completion of any activity in sections A-C, the parent shall be subject
10 to the work activity requirements of subsection (ii).

11 (iv) Subsections (i) and (ii) shall not apply to a single parent if (and for so long as)
12 the department finds that he or she is:

13 (A) Unable to comply with the employment plan because of an illness which, on
14 the basis of medical evidence, is serious enough to temporarily prevent work;

15 (B) Unable to comply with the employment plan because of a physical or mental
16 impairment which, on the basis of medical evidence, either by itself or in conjunction
17 with age, prevents work;

18 (C) Unable to comply with the employment plan because of the illness or
19 incapacity of a minor child or spouse who requires full-time in-home care, and for whom
20 the person is providing care;

21 (D) Caring for a child below the age of one; provided, however, that a minor
22 parent without a high school diploma or the equivalent, and who is not married, shall not
23 be exempt from subsection (i)(G) for more than twelve (12) weeks from the birth of the
24 child;

25 (E) Sixty (60) years of age or older;

26 (F) A pregnant woman in her third trimester;

27 (G) Otherwise exempt by the department.

28 (v) The amount of cash assistance to which an otherwise eligible family is entitled
29 under the act, shall be reduced in any month during the first twenty-four (24) months of
30 the parent's employment plan in which the parent fails, without good cause, to comply
31 with the employment plan, by the parent's portion of the family's benefit.

1 (vi) Beginning with the twenty-fifth month of the employment plan, the following
2 penalties shall apply in any month to a family in which the parent, without good cause,
3 fails to comply with his or her employment plan:

4	Number of Reduction in Family
5	Months of Noncompliance Benefit (% of Parent's benefit)
6	One-six 110%
7	Seven-Twelve 120%
8	Thirteen-Eighteen 130%
9	Nineteen-Twenty-four 140%

10 (B) For purposes of subsections (v) and (vi) the benefit reduction for a family size
11 of two (2) shall be computed utilizing a family size of three (3).

12 (C) If a parent fails to comply with his or her employment plan for more than
13 twenty four (24) months, the family's benefit shall be reduced by one hundred percent
14 (100%) of the parent's benefit and the entire benefit shall be paid to some appropriate and
15 responsible person (other than the parent) to pay the expenses of the family. An
16 "appropriate responsible person" may include the family's case manager.

17 (D) If the family's benefit has been reduced due to the parent's failure to comply
18 with the terms of the employment plan, benefits shall be restored to the full amount
19 beginning with the initial payment made on the first of the month following the month in
20 which the parent agrees to comply with the terms of the plan.

21 (E) If a family subject to a reduction in benefits under this subsection:

22 (I) Terminates benefits;

23 (II) Reapplies within three (3) months and;

24 (III) Has not had gross earnings in excess of one hundred dollars (\$100) during
25 the three (3) month period;

26 (F) There shall be a rebuttable presumption that the family has terminated in order
27 to avoid a further reduction in benefits, and penalties shall be applied as if the family had
28 not terminated from the program.

29 (vii) Notwithstanding subsections (i) and (ii) of this subsection, in the case of a
30 family consisting of two (2) parents, (except as provided in subsection (xi) below),
31 beginning seven (7) days following completion of the family financial plan and the

1 individual employment plan(s), or as soon as practical thereafter, one (1) parent shall be
2 engaged in work activities for at least thirty-five (35) hours per week during the month,
3 not fewer than thirty (30) hours per week of which are attributable to one (1) or more of
4 the following activities:

5 (A) Unsubsidized employment;

6 (B) Subsidized private sector employment;

7 (C) Subsidized public sector employment;

8 (D) Work experience if sufficient private sector employment is not available;

9 (E) On-the-job training;

10 (F) Job search and job readiness assistance;

11 (G) Community service program;

12 (H) Vocational educational training (not to exceed twelve (12) months with
13 respect to any individual); or

14 (I) The provision of child care services to an individual who is participating in a
15 community service program.

16 Moreover, in the case of a two (2) parent family wherein one (1) parent is
17 engaged for at least thirty-five (35) hours per week in the work activities specified
18 immediately above, and if the family requests child care assistance under this chapter,
19 and an adult in the family is not disabled or caring for a severely disabled child, the
20 second parent must be engaged in work activities during the month for not fewer than
21 twenty (20) hours per week in one (1) or more of the following activities:

22 (A) Unsubsidized employment;

23 (B) Subsidized private sector employment;

24 (C) Subsidized public sector employment;

25 (D) Work experience if sufficient private sector employment is not available;

26 (E) On-the-job training; or

27 (F) Community service programs;

28 (viii) Subsection (vii) shall not apply

29 (A) To a parent who is ill and the department determines on the basis of medical
30 evidence that the illness is serious enough to temporarily prevent entry into employment

1 or engaging in the activities listed in subsection (vii) or to provide care for his or her
2 children; or

3 (B) To a parent who is incapacitated by a physical or mental impairment which
4 the department has determined on the basis of medical evidence either by itself or in
5 conjunction with age, prevents the individual from engaging in employment or training or
6 providing care for his or her children; or

7 (C) To a parent who is providing full-time in-home care to a minor child or parent
8 who, due to illness or incapacity, requires full-time in-home care; or

9 (D) If otherwise authorized by the department for cause.

10 (ix) If, during any month, parents required to comply with subsection (vii) fail,
11 without good cause to do so, the family shall be deemed for all purposes under this act to
12 include only one parent. The parent included in the family shall be the parent which the
13 department determines has accepted primary responsibility for child care. The parent
14 included in the family, unless exempt pursuant to subsection (iv), shall be required to
15 comply with subsections (i) and (ii) of this subsection and shall be subject to the penalties
16 in subsections (v) and (vi), as applicable, if the parent fails to do so. Notwithstanding the
17 foregoing, in determining the amount of cash assistance to which a family is entitled
18 under this chapter, the earnings of any parent living in the same household as a family
19 eligible for cash assistance, shall be deemed to be earned income of the family for
20 purposes of § 40-5.1-10(b).

21 (x) A parent's failure, without good cause, to accept a bona fide offer of work,
22 including full-time, part-time and/or temporary employment, or unpaid community
23 service, to the extent the offer of work is not inconsistent with the employment plan shall
24 be deemed a failure to comply with this section, provided that:

25 (A) The parent is able to perform the work offered; and

26 (B) Appropriate child care (as defined in subsection (e) hereof) is made available
27 to the parent.

28 (xi) A two (2) parent family that includes a disabled parent shall be considered to
29 be a single parent family for purposes of applying the work requirements of subsections
30 (i) and (ii).

1 department shall make reports to the federal government or any agency or department
2 thereof in the form and nature required by it, and in all respects comply with any request
3 or direction of the federal government or any agency or department thereof which may be
4 necessary to assure the correctness and verification of the reports.

5 (c) The department is authorized and directed to pay one hundred percent (100%)
6 of the state's share of the administrative cost involved in the operation of the food stamp
7 program.

8 ~~(d) The department is authorized and directed to provide food stamps to legal~~
9 ~~immigrants, as defined herein, who would be eligible for such benefits under the federal~~
10 ~~food stamp program but for the restricted eligibility rules imposed by § 402(a)(1) of the~~
11 ~~Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law~~
12 ~~No. 104-193) [8 U.S.C. § 1612(a)(1)] and as such act may hereafter be amended. For~~
13 ~~purposes of this section, the term legal immigrant shall mean a non citizen lawfully~~
14 ~~admitted for permanent residence before August 22, 1996 or who first became entitled to~~
15 ~~reside in the United States before August 22, 1996 and in either case, was a resident of~~
16 ~~the state of Rhode Island prior to August 22, 1996. The amount of benefits shall be the~~
17 ~~same as would be provided if the individual qualified for the federal food stamp program.~~
18 ~~The administrative costs involved in providing such benefits and the cost of such benefits~~
19 ~~shall be funded solely with state funds. Payment of benefits under this subsection shall be~~
20 ~~subject to approval by the secretary of the United States department of agriculture to~~
21 ~~utilize the federal food stamp program as the distribution system to issue benefits to such~~
22 ~~legal immigrants.~~

23 (e) (d) Except as provided herein, no person shall be ineligible for food stamp
24 benefits due solely to the restricted eligibility rules otherwise imposed by § 115(a)(2) of
25 the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public
26 Laws No. 104-193) [21 U.S.C. § 862a(a)(2)] and as such section may hereafter be
27 amended. No person convicted of a drug related felony, as defined herein, shall be
28 eligible for food stamp benefits. For purposes of this subsection, "drug related felony"
29 means the conviction (under federal or state law) subsequent to August 22, 1996 of an
30 individual of any offense which is classified as a felony by the law of the jurisdiction

1 involved and which has as an element the distribution or sale of a controlled substance
2 (as defined in § 102(6) of the Controlled Substances Act, 21 U.S.C. 802(6)).

3 SECTION 2. This article shall take effect on April 1, 2003.

4 ARTICLE 27

5 RELATING TO MEDICAL ASSISTANCE

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

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

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

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

23 (d) Medical assistance shall be provided under this chapter without regard to the
24 availability of federal financial participation: ~~(1) to a person who does not meet the citizenship or~~
25 ~~alienage criteria under title XIX of the Social Security Act [42 U.S.C. section 1396 et seq.] and~~
26 ~~who was lawfully residing in the United States before August 22, 1996 and who was a resident of~~
27 ~~this state prior to July 1, 1997; and (2) to a non-citizen child who was lawfully admitted for~~
28 ~~permanent residence on or after August 22, 1996 or who first becomes otherwise entitled to reside~~
29 ~~in the United States on or after August 22, 1996; and provided, however, that such person meets~~
30 all other eligibility requirements under this chapter or under title XIX of the Social Security Act.

31 SECTION 2. Sections 42-12.3-4 and 42-12.3-15 of the General Laws in Chapter 42-12.3

1 entitled "Health Care for Children and Pregnant Women" are hereby amended to read as follows:

2 **42-12.3-4. "RIte track" program.** -- There is hereby established a payor of last resort
3 program for comprehensive health care for children until they reach nineteen (19) years of age, to
4 be known as "RIte track". The department of human services is hereby authorized to amend its
5 title XIX state plan pursuant to title XIX [42 U.S.C. section 1396 et seq.]of the Social Security
6 Act to provide for expanded medicaid coverage through expanded family income disregards for
7 children, until they reach nineteen (19) years of age, whose family income levels are up to two
8 hundred fifty percent (250%) of the federal poverty level, ~~provided, however, that health care~~
9 ~~coverage under this section shall also be provided without regard to the availability of federal~~
10 ~~financial participation to a noncitizen child lawfully residing in the United States and to a~~
11 ~~noncitizen child residing in Rhode Island, provided that the child satisfies all other eligibility~~
12 ~~requirements.~~ The department is further authorized to promulgate any regulations necessary, and
13 in accord with title XIX [42 U.S.C. section 1396 et seq.]of the Social Security Act to implement
14 the state plan amendment. For those children who lack health insurance, and whose family
15 incomes are in excess of two hundred fifty percent (250%) of the federal poverty level, the
16 department of human services shall promulgate necessary regulations to implement the program.
17 The department of human services is further directed to ascertain and promulgate the scope of
18 services that will be available to those children whose family income exceeds the maximum
19 family income specified in the approved title XIX [42 U.S.C. section 1396 et seq.] state plan
20 amendment.

21 **42-12.3-15. Expansion of RIte track program.** -- The Department of Human Services is
22 hereby authorized and directed to submit to the United States Department of Health and Human
23 Services an amendment to the "RIte Care" waiver project number 11-W-0004/1-01 to provide for
24 expanded medicaid coverage for children until they reach eight (8) years of age, whose family
25 income levels are up to two hundred fifty percent (250%) of the federal poverty level. Expansion
26 of the RIte track program from the age of six (6) until they reach eighteen (18) years of age in
27 accordance with this chapter shall be subject to the approval of the amended waiver by the United
28 States Department of Health and Human Services. ~~Health care coverage under this section shall~~
29 ~~also be provided without regard to the availability of federal financial participation: (1) to a non-~~
30 ~~citizen child lawfully residing in the United States provided such child satisfies all other~~
31 ~~eligibility requirements.~~

32 SECTION 3. Chapter 42-12.3 of the General Laws entitled "Health Care for Children
33 and Pregnant Women" is hereby amended by adding thereto the following section:

34 **42-12.3-17. Limited primary health care and pharmaceutical services program for**

1 **children.** – (a) The department is authorized and directed to establish by regulation a program to
2 provide primary health care and pharmaceutical services to: (1) a noncitizen child lawfully
3 residing in the United States; and (2) a noncitizen child residing in Rhode Island, and in either
4 case, who would otherwise be eligible for medical assistance under chapters 40-8.1, 40-8.4 an/or
5 42-12.3 except for the restricted eligibility rules imposed by section 402(b) of the Federal
6 Personal Responsibility and Work Opportunity Act of 1996 (PL 104-193) as amended in 1997
7 (PL 104-208) and (PL 105-33) [8 U.S.C. section 1613], and 1998 (PL 105-185 and 105-306) and
8 as hereafter may be further amended.

9 (b) The department is hereby granted the authority to determine the amount, duration,
10 scope and cost-sharing for the program, for up to three thousand one hundred (3,100) children,
11 provided that aggregate program expenditures shall not exceed the annual appropriation for the
12 program, and provided further that with respect to state fiscal year 2003 that aggregate program
13 expenditures shall not exceed the appropriation of one million two hundred fifty thousand dollars
14 (\$1,250,000). The department is authorized to establish a waiting list for enrollment in the
15 program in the event that it determines that enrollment and/or appropriation limits may otherwise
16 be exceeded in a fiscal year.

17 SECTION 4. This article shall take effect upon passage and any rules or regulations
18 necessary or advisable to implement the provisions of this article shall be effective immediately
19 as an emergency rule upon the department's filing thereof with the secretary of state as it is
20 hereby found that the current fiscal crisis in this state has caused an imminent peril to public
21 health, safety and welfare, and the department is hereby exempted from the requirements of
22 sections 42-35-3(b) and 42-35-4(b)(2) relating to agency findings of imminent peril to public
23 health, safety and welfare and the filing of statements of the agency's reasons thereof.

24 **ARTICLE 28**

25 **JOINT RESOLUTION**

26 **APPROVING THE FINANCING OF NEW PARKING FACILITIES AND ACCESS**
27 **CONTROL SYSTEMS AT THE UNIVERSITY OF RHODE ISLAND**

28 WHEREAS, The Kingston Campus Master Plan of January 2000 included a
29 comprehensive analysis and plan for transportation, vehicle circulation and parking facilities on
30 campus and concluded that there is a deficiency of 1,000 parking spaces for students on the
31 Kingston campus during the day and for the projected parking demand from patrons attending a

1 range of events to be held at the new Convocation Center and Ice Facility; and

2 WHEREAS, The Convocation Center Traffic Study of 1999 included the participation of
3 Department of Transportation, municipal planners, police officials and engineering consultants in
4 developing a parking and traffic management plan for the Convocation Center and examined the
5 available options for serving the parking needs for the Center, including the use of parking
6 facilities in Kingston outside of walking distance to the facility, and agreed with the Campus
7 Master Plan that an additional 1,000 parking spaces within walking distance to the Convocation
8 Center and better controlled parking lot access were necessary; and

9 WHEREAS, The generation of revenues by the Convocation Center and Ice Facility
10 sufficient to meet debt service and operating expenditures is dependent, in part, upon the
11 provision of convenient and adequate parking facilities and transit alternatives; and

12 WHEREAS, More University resident and commuter students own cars than ever before,
13 and that the lack of parking capacity and access control systems results in damage to campus
14 grounds and that an enhanced shuttle system, coordinated with regional transit service, is an
15 essential component to student transportation, and that the local Kingston community is
16 demanding change; and

17 WHEREAS, These and related problems require that additional parking and a new
18 parking system be provided; and

19 WHEREAS, The proposed project would develop approximately 200 paved, and lighted
20 spaces with transit routes and shelters north of West Alumni Avenue within easy walking
21 distance to the North entrance to the Convocation Center in an area currently occupied by a
22 vacant barn and associated structures, which would be removed as part of the project; and

23 WHEREAS, Approximately 800 surface parking spaces will be developed in immediate
24 proximity to the North entrance to the Convocation Center, off of Plains Road with lighting,
25 shuttle routes and shelters, in a field area presently devoted to multiple purposes, including on-
26 grass parking for football games. These spaces would be developed with careful consideration for
27 maintainability and the protection of the groundwater aquifer, employing appropriate design and
28 technology to that end; and

29 WHEREAS, The creation of new parking facilities, strategically located on the Kingston
30 Campus will accommodate approximately 1,000 daytime commuter vehicles while, meeting the
31 projected parking requirements, within walking distance, for patrons attending events at the new
32 Convocation Center nights and weekends. For maintenance purposes, particularly under winter
33 conditions, a paving and drainage management system for this lot would be developed which
34 permits efficient snow clearing while promoting safe recharge of run-off to the groundwater

1 aquifer; and

2 WHEREAS, The new parking system will provide additional transit shelters, parking
3 meters, improved shuttle services, lot control system, registration and enforcement system, gates
4 and controls, lot improvements and security systems; and

5 WHEREAS, RIPTA is making \$150,000 available for planning improved transportation
6 services at this time in support of the development of an integrated plan to improve both parking
7 conditions and to encourage and facilitate local and regional transit use; and

8 WHEREAS, It is anticipated that the University will receive \$1 million in grant funds
9 from the Federal Highway Administration, with the assistance of RIDOT in support of the
10 implementation of this integrated, environmentally beneficial plan; and

11 WHEREAS, All permits from Department of Environmental Management will be
12 acquired in advance; and

13 WHEREAS, The Rhode Island Public Corporation Debt Management Act (R.I. General
14 Laws sections 35-18-1, et seq.) requires the General Assembly to provide its consent to the
15 issuance of certain obligations; and

16 WHEREAS, The design, construction and equipping of these improvements will be
17 financed through Rhode Island Health & Educational Building Corporation (RIHEBC) revenue
18 bonds, with an expected term of twenty (20) years, and annual revenues for the operation and
19 maintenance of the new parking lots and systems will be included in the annual operating budgets
20 of the University; and

21 WHEREAS, The capital costs associated with this project are estimated to be \$8,850,000
22 with one million dollars being sought from FHWA sources with the assistance of RIDOT. The
23 total issuance would be approximately \$7,975,000, with \$7,050,000 deposited in the construction
24 fund and \$844,000 deposited in a capitalized interest fund, and the remaining bond sources plus
25 associated interest earnings covering related costs of issuance. Total debt service payments over
26 an expected twenty (20) year period on the \$7,975,000 issuance are projected to be \$12,388,000,
27 assuming an average coupon of 5.1%. The debt service payments would be supported from new
28 revenue streams derived from the sale of University parking permits and from an annual payment
29 from the Convocation Center beginning in FY 2006 and, if available, from other sources of funds
30 accruing to the University and; now, therefore, be it

31 RESOLVED, That new parking facilities and access control systems are critical to ensure
32 sufficient parking for students and Convocation Center patrons, as well as providing secure
33 management of parking lots and improved enforcement, and that this General Assembly hereby
34 approves financing in an amount not to exceed \$7,975,000, to be combined with \$1,000,000

1 from federal sources, for the provision of new parking facilities and access control systems on the
2 Kingston Campus of the University of Rhode Island; and be it further

3 RESOLVED, That this Joint Resolution shall take effect immediately upon its passage by
4 the General Assembly.

5 ARTICLE 29

6 RELATING TO MOTOR FUEL TAX

7 SECTION 1. Sections 31-36-20 and 31-36-7 of the General Laws in Chapter 31-
8 36 entitled "Motor Fuel Tax" are hereby amended to read as follows:

9 **31-36-20 Disposition of proceeds.** – (a) Notwithstanding any other provision of
10 law to the contrary, all moneys paid into the general treasury under the provisions of this
11 chapter or chapter 37 of this title shall be applied to and held in a separate fund, and be
12 deposited in the depositories that may be selected by the general treasurer to the credit of
13 the fund, which fund shall be known as the intermodal surface transportation fund. Six
14 and one-fourths cents (\$0.0625) per gallon of the tax imposed and accruing for the
15 liability under the provisions of § 31-36-7, less refunds and credits, shall be transferred
16 to the Rhode Island public transit authority as provided under § 39-18-21, and one cent
17 (\$.01) per gallon shall be transferred to the elderly/disabled transportation program of the
18 department of elderly affairs, and the remaining cents per gallon shall be available for
19 general revenue as determined by the following schedule:

20 (i) For the fiscal year 2000, three and one-fourth cents (\$0.0325) shall be
21 available for general revenue;

22 (ii) For the fiscal year 2001, one and three-fourths cents (\$0.0175) shall be
23 available for general revenue;

24 (iii) For the fiscal years 2002, one-fourths cent (\$0.0025) shall be available for
25 general revenue; and

26 (iv) For the fiscal year 2003, ~~no funding shall be available for general revenue~~
27 two and one-fourth cent (.0225) shall be available for general revenue.

28 (v) For the fiscal year 2004, no funding shall be available for general revenue.

1 (2) All deposits and transfers of funds made by the tax administrator under this
2 section including those to the public transit authority, the department of elderly affairs,
3 and the general fund, shall be made within twenty-four (24) hours of receipt or previous
4 deposit of the funds in question.

5 (b) Notwithstanding any other provision of law to the contrary, all other assets of
6 the fund shall be dedicated to the department of transportation, subject to annual
7 appropriation by the general assembly. The director of the department of transportation
8 shall submit annually to the general assembly, budget office, and office of the governor
9 an accounting of all amounts deposited in and credited to the fund, together with a
10 planned budget for proposed expenditures for the succeeding fiscal year in compliance
11 with §§ 35-3-1 and 35-3-4. On order of the director of transportation, the state controller
12 is authorized and directed to draw orders upon the general treasurer for any payments that
13 are required from time to time, upon receipt of properly authenticated vouchers.

14 (c) If the fund's assets become insufficient to cover the expenditures of the
15 department of transportation, not to exceed the amount authorized by the general
16 assembly, the general treasurer, with the approval of the governor and the director of
17 administration, in anticipation of the receipts of monies enumerated in § 31-36-20, is
18 authorized to advance to the fund any state moneys not being held for any particular
19 purpose, for the purposes specified in § 31-36-20. However, all advances of this kind that
20 are made to the fund shall be returned to the general fund immediately upon the receipt
21 by the fund of regular proceeds adequate to repay these advances.

22 **31-36-7. Monthly report of distributors -- Payment of tax. --** (a) State requirements. -
23 Every distributor within this state shall, on or before the twentieth (20th) day of each month,
24 render a report to the tax administrator, upon forms to be obtained from the tax administrator, of
25 the amount (number of gallons) of fuels purchased, sold, or used by the distributor within this
26 state and the amount of fuels sold. The distributor without this state will report in the same way
27 on those fuels dispensed or used within this state during the preceding calendar month. If required
28 by the tax administrator, the reports shall include with regard to purchases, the name of any
29 person from whom fuels were purchased and the date and amount of each purchase, and with
30 regard to sales, the name of any person to whom fuels were sold and the amount of each sale. The
31 distributor, on filing these reports, shall pay tax to the administrator at the rate of ~~twenty-eight~~
32 thirty cents (~~\$.28~~) (\$.30) per gallon on all taxable gallons of fuel sold or used in this state.

1 (b) Federal requirements. - In the event the federal government requires a certain portion
2 of the gasoline tax to be dedicated for highway improvements, then the state controller is directed
3 to establish a restricted receipt account and deposit that portion of gasoline tax receipts which will
4 bring the state into federal compliance.

5 SECTION 2. This article shall take effect on July 1, 2002.

6 **ARTICLE 30**

7 RELATING TO DEPARTMENT OF ENVIRONMENT

8 SECTION 1. Chapter 461 of the 1990 Public Laws repealed Chapter 42-17.1 of
9 the General Laws entitled "Department of Environmental Management" and created
10 Chapter 42-17.1 of the General Laws entitled "Department of the Environment.
11 "Pursuant to Chapter 77, Article 11 of the 2001 Public Laws, the effective date of the
12 Department of the Environment was extended until July 1, 2002 due to fiscal constraints.
13 This delayed implementation affects sections 42-17.1-1 through 42-17.1-39 inclusive,
14 and 42-17.1-41 through 42-17.1-44 inclusive. These same sections of chapter 42-17.1
15 have been annually extended since 1990.

16 Pursuant to chapter 77, Article 11 of the 2001 Public Laws, the effective date of
17 section 42-17.1-40 of the General Laws in Chapter 42-17.1 entitled "Department of the
18 Environment" was also extended by one year to July 1, 2002. This one-year extension of
19 section 42-17.1-40 has also been enacted annually since 1990. The extension has the
20 effect of ensuring the continuity of administrative functions of the boards, commissions
21 departments, and/or agencies affected by the Department of the Environment statutes by
22 postponing any transfer of functions and by continuing their functions.

23 The General Assembly finds that the Department of Environmental Management,
24 together with other boards, commissions, departments, and/or agencies referred to in
25 Chapter 42-17.1 of the General Laws entitled "Department of Environmental
26 Management," has continued to perform the functions and abide by the authorities set
27 forth by that chapter and should continue to do so, regardless of the repeal of that chapter
28 by Chapter 461 of the 1990 Public Laws

1 The General Assembly further finds that Chapter 42-17.1 of the General Laws
2 entitled "Department of the Environment" has become obsolete and should be repealed.

3 SECTION 2. Chapter 42-17.1 of the General Laws entitled "Department of the
4 Environment" is hereby repealed in its entirety.

5 ~~**42-17.1-1. Department established — Definitions.**~~ (a) ~~There is hereby~~
6 ~~established within the executive branch of the state government a department of the~~
7 ~~environment. The head of the department shall be the director of the department of the~~
8 ~~environment, who shall be in the unclassified service and who shall be appointed by the~~
9 ~~governor, with the advice and consent of the senate, and shall serve at the pleasure of the~~
10 ~~governor.~~

11 ~~(b) The following definitions shall apply in the interpretation of the provisions of~~
12 ~~this chapter:~~

13 ~~(1) "Commissioner of coastal resources" shall mean the commissioner or his or~~
14 ~~her duly authorized agent established in § 42-17.1-12.~~

15 ~~(2) "Commissioner of environmental management" shall mean the commissioner~~
16 ~~or his or her duly authorized agent established in § 42-17.1-10 herein.~~

17 ~~(3) "Commissioner of environmental protection" shall mean the commissioner or~~
18 ~~his or her duly authorized agency established in § 42-17.1-11.~~

19 ~~(4) "Director" shall mean the director of the department of the environment of the~~
20 ~~state of Rhode Island or his or her duly authorized agent.~~

21 ~~(5) "Person" shall include any individual, group of individuals, firm, corporation,~~
22 ~~association, partnership, or private or public entity, including a district, county, city,~~
23 ~~town, or other governmental unit or agent thereof, and in the case of a corporation, any~~
24 ~~individual having active and general supervision of the properties of such corporation.~~

25 ~~(6) "Service" upon a corporation under this section shall be deemed to include~~
26 ~~service upon both the corporation and upon the person having active and general~~
27 ~~supervision of the properties of such corporation.~~

28 ~~**42-17.1-2. Branches established.**~~ Within the department of the environment
29 there are established the following offices and branches:

30 ~~(a) An administrative adjudication branch which shall carry out those functions of~~
31 ~~the department pursuant to the provisions of chapter 17.7 of this title;~~

1 ~~(b) An environmental management branch which shall carry out those functions~~
2 ~~of the divisions of agriculture, ports and harbors, enforcement, fish and wildlife, forest~~
3 ~~environment, parks and recreation, and boating safety and including but not limited to~~
4 ~~those functions enumerated in § 42-17.1-3;~~

5 ~~(c) An environmental protection branch which shall carry out those permitting,~~
6 ~~enforcement, and regulatory functions of the divisions of air, solid and hazardous waste,~~
7 ~~groundwater and individual sewage disposal systems, freshwater wetlands and water~~
8 ~~pollution control and including but not limited to those functions enumerated in § 42-~~
9 ~~17.1-4;~~

10 ~~(d) A policy and planning branch which shall carry out the functions of program~~
11 ~~initiatives, crossmedia and intergovernmental planning, disbursement of grants and loans,~~
12 ~~review and approval of legislatively mandated watershed protection plans, and land~~
13 ~~acquisition, and which shall assist with coastal resources planning;~~

14 ~~(e) An administration branch consisting of the offices of business affairs and~~
15 ~~employee relations and which branch shall carry out the functions of said offices;~~

16 ~~(f) An information, education, and special projects branch which shall carry out~~
17 ~~those functions of information, assistance, publications, media releases, workshops, and~~
18 ~~programs for environmental education, waste reduction, recycling, and pollution source~~
19 ~~reduction, including but not limited to those functions enumerated in chapters 18.8, 19.6,~~
20 ~~19.9, 19.10 and 19.11 of title 23.~~

21 ~~(g) A water resources management branch which will carry out those functions of~~
22 ~~water supply management under the provisions of chapter 15 of title 46 and which shall~~
23 ~~administer agreements for bond programs for water supply.~~

24 ~~**42-17.1-2.1. Coastal resources management branch.** There shall be a coastal~~
25 ~~resources management branch which shall be a part of the department of environment for~~
26 ~~the purpose of developing and implementing a coordinated program of environmental~~
27 ~~protection and resource management and which shall carry out planning, management,~~
28 ~~permitting, enforcement, and regulatory functions at the direction of the coastal resources~~
29 ~~management council.~~

30 ~~**42-17.1-3. Divisions within the branch of environmental management.** Within~~
31 ~~the environmental management branch, the following divisions are established:~~

1 ~~(a) A division of agriculture which shall carry out those functions of the branch~~
2 ~~relating to agriculture, entomology, plant industry, and those divisions of agriculture~~
3 ~~functions of title 2 and § 2-1-22(i), and those functions in chapters 25, 25.2 and 25.3 of~~
4 ~~title 23, and chapter 17.2 of title 46, and such other functions as may from time to time be~~
5 ~~assigned by the commissioner;~~

6 ~~(b) A division of ports and harbors which shall carry out those functions of the~~
7 ~~branch relating to harbors and harbor lines, pilotage, flood control, construction of port~~
8 ~~facilities, and such other functions and duties as may from time to time be assigned by~~
9 ~~the commissioner, except that the division shall not be responsible for the functions of~~
10 ~~inspection of dams and reservoirs, approving plans for construction or improvement of~~
11 ~~dams, reservoirs, and other structures in non-tidal waters, and the operation of stream-~~
12 ~~gauging stations in cooperation with the United States geological survey;~~

13 ~~(c) A division of enforcement which shall enforce the laws and regulations of the~~
14 ~~department. In connection with such enforcement, the powers and duties of the director~~
15 ~~set forth in §§ 20-1-4 and 20-1-5 to the extent that those sections authorize the director to~~
16 ~~enforce laws, rules, and regulations and prosecute violations thereof, and §§ 20-1-6, 20-1-~~
17 ~~7, and 20-1-8 pertaining to appointment and powers of conservation officers and deputy~~
18 ~~wardens, are hereby transferred to the commissioners for environmental management and~~
19 ~~environmental protection as required to effectuate the provisions of this chapter, and the~~
20 ~~term "director" as used in said sections shall be deemed to mean "commissioner for~~
21 ~~environmental management" or "commissioner of environmental protection" as the case~~
22 ~~may be to the extent required to comply with this section. The division of enforcement~~
23 ~~shall cooperate with the enforcement personnel of the coastal resources management~~
24 ~~council and with other enforcement agencies of the state and its municipalities, and shall~~
25 ~~administer all of the policing, enforcing, licensing, registration, and inspection functions~~
26 ~~of the department and such other functions and duties as may from time to time be~~
27 ~~assigned by the commissioner;~~

28 ~~(d) A division of fish and wildlife which shall carry out those functions of the~~
29 ~~branch relating to the administration of hunting, fishing, and shell fisheries; wetlands,~~
30 ~~marshlands, and wildlife in title 20, and such other functions and duties as may from time~~
31 ~~to time be assigned by the commissioner;~~

1 ~~(e) A division of forest environment which shall carry out those functions of the~~
2 ~~branch relating to the administration of forests and natural areas, including programs for~~
3 ~~utilization, conservation, forest fire protection, and improvements of these areas; assisting~~
4 ~~other agencies and local governments in urban programs relating to trees, forests, green~~
5 ~~belts, and the environment, and management of properties controlled by the water~~
6 ~~resources board; and those forestry functions in title 2; and such other functions and~~
7 ~~duties as may from time to time be assigned by the commissioner;~~

8 ~~(f) A division of parks and recreation which shall carry out those functions of the~~
9 ~~branch relating to the operation and maintenance of parks and recreational areas and the~~
10 ~~establishment and maintenance of such additional recreational areas as may from time to~~
11 ~~time be acquired and such other functions and duties as may from time to time be~~
12 ~~assigned by the commissioner;~~

13 ~~(g) A division of boating safety which shall carry out those functions of the~~
14 ~~department relating to the development and administration of a coordinated safe boating~~
15 ~~program as approved by the national association of state boating law administrators;~~

16 ~~(2) Administration of the division of boating safety shall be the responsibility of~~
17 ~~the state boating law administrator (administrator) whose duties shall include:~~

18 ~~(A) The enforcement of all laws relating to the chapter;~~

19 ~~(B) The enforcement, along with the boating safety enforcement officer, of laws,~~
20 ~~rules and regulations relating to "Regulation of Boats", title 46, chapter 22, including the~~
21 ~~power:~~

22 ~~(i) To execute all warrants and search warrants for the violation of laws, rules, and~~
23 ~~regulations relating to the chapter.~~

24 ~~(ii) To serve subpoenas issued for the trial of all offenses hereunder.~~

25 ~~(iii) To carry firearms or other weapons, concealed or otherwise, in the course of~~
26 ~~and in performance of their duties under this chapter.~~

27 ~~(iv) To arrest without warrant and on view any person found violating any law,~~
28 ~~rule, or regulation relating to the chapter, take that person before a court having~~
29 ~~jurisdiction for trial, detain that person in custody at the expense of the state until~~
30 ~~arraignment and to make and execute complaints within any district to the justice or clerk~~

1 of the court against any person for any of the offenses enumerated under the chapter
2 committed within the district.

3 (v) Boating safety enforcement officers shall not be required to give surety for
4 costs upon any complaint made by him or her.

5 (C) The development and administration of a coordinated safe boating program.

6 (D) The establishment and enforcement of such rules and regulations as are
7 deemed necessary to achieve the purposes of the Model Safe Boating Act as approved by
8 the administrator.

9 (E) Serving as the liaison to the United States coast guard.

10 (F) The administration of the operation and control of all state owned and state
11 maintained boat ramps. The administrator shall permit the use of such ramps by Rhode
12 Island owners of any boat or motorboat consistent with the limitations on speed on bodies
13 of water as set forth in chapter 22 of title 46. This authority shall not supercede any
14 currently existing state or federal requirements or program oversight.

15 (G) The administration of the registration process for all boats.

16 **42-17.1-4. Divisions within the branch of environmental protection.** Within
17 the environmental protection branch, the following divisions are established:-

18 (a) A division of air pollution control which shall carry out those functions
19 including but not limited to permitting, enforcement, and regulatory matters relating
20 thereto including but not limited to those functions in chapters 23 and 23.1 of title 23, and
21 such other functions and duties as may from time to time be assigned by the
22 commissioner;

23 (b) A division of solid and hazardous waste which shall carry out those functions
24 including but not limited to permitting, enforcement and regulatory functions relating to
25 but not limited to chapters 18.9, 19.1, 19.4, 19.8 of title 23, and such other functions and
26 duties as may from time to time be assigned by the commissioner;

27 (c) A division of groundwater and individual sewage disposal systems which shall
28 carry out those permitting, enforcement, and regulatory functions relating to groundwater
29 protection and regulation of individual sewage disposal systems, including, but not
30 limited to those functions set forth in § 42-17.1-9(h)(1) herein and chapter 19.5 and

1 chapters 12, 12.1, 13.1, and 13.2 of title 46, and such other functions and duties as may
2 from time to time be assigned by the commissioner.

3 (d) ~~A division of freshwater wetlands which shall carry out those functions~~
4 ~~including but not limited to permitting, enforcement, and regulatory functions relating but~~
5 ~~not limited to those functions in chapter 19 of title 46, and in § 2-1-18 et seq., except~~
6 ~~where the authority is vested in the division of agriculture under § 2-1-22, and such other~~
7 ~~functions and duties as may from time to time be assigned by the commissioner;~~

8 (e) ~~A division of water pollution control which shall carry out those permitting,~~
9 ~~enforcement, and regulatory functions relating thereto including, but not limited to those~~
10 ~~functions in chapters 12, 16 and 17.1 of title 46 and chapter 8.1 of title 20, and such other~~
11 ~~functions and duties as may from time to time be assigned by the commissioner.~~

12 (f) ~~A division of criminal investigation, which shall coordinate all criminal~~
13 ~~enforcement proceedings for the department. The commissioner for environmental~~
14 ~~protection shall have the authority to assign investigative agents to other branches or~~
15 ~~divisions, or to the director, as required to effectuate the purposes of this chapter, and in~~
16 ~~addition thereto, shall have authority to appoint such number of investigative agents,~~
17 ~~under the supervision of a commander, as may be necessary for the detection and~~
18 ~~prosecution of any violation of the laws of the state enumerated in this chapter.~~
19 ~~Investigative agents shall be deemed peace officers within the meaning of § 11-32-1. The~~
20 ~~commissioner of environmental protection, and each investigative agent, shall have the~~
21 ~~power:~~

22 (1) ~~To enforce all laws, rules, and regulations of the state pertaining to:~~

23 (i) ~~Hazardous and solid waste transportation, storage, and disposal and any other~~
24 ~~laws of the state pertaining to solid and/or hazardous waste;~~

25 (ii) ~~Air pollution and water pollution, including groundwater pollution;~~

26 (iii) ~~Freshwater wetlands, dams;~~

27 (iv) ~~Drinking water supplies;~~

28 ~~Nothing contained herein shall abrogate or affect the powers and duties of the department~~
29 ~~of health in chapters 13 and 14 of title 46.~~

1 ~~(2) To issue summonses and to execute all warrants and search warrants for the~~
2 ~~violation of the laws, rules, and regulations enumerated in this chapter and~~
3 ~~subsection (6);~~

4 ~~(3) To serve subpoenas for the trial or hearing of all offenses against the laws,~~
5 ~~rules, and regulations enumerated by this chapter and subsection (6);~~

6 ~~(4) To arrest without a warrant any person found violating any law, rule, or~~
7 ~~regulation enumerated in this chapter or in subsection (6), take such person before a court~~
8 ~~of competent jurisdiction and detain such person in custody of the state until arraignment~~
9 ~~except when a summons can be issued in accordance with § 12-7-11;~~

10 ~~(5) To carry firearms or other weapons, concealed or otherwise, in the course of~~
11 ~~and in the performance of the duties of the office;~~

12 ~~(6) To arrest without a warrant, to execute all warrants and search warrants, and to~~
13 ~~make and execute complaints within said district to the justice or clerk of the district~~
14 ~~court without recognizance or surety, against any person for assault; assault with a~~
15 ~~dangerous weapon; larceny; vandalism; and obstructing an officer in the execution of his~~
16 ~~or her duty.~~

17 ~~**42-17.1-5. Appointment of commissioners — Assistant commissioners.** (a) The~~
18 ~~head of the environmental protection branch shall be the commissioner of environmental~~
19 ~~protection, who shall be in the unclassified service and shall be appointed by the~~
20 ~~governor, with the advice and consent of the senate. There shall be an assistant~~
21 ~~commissioner of environmental protection who shall be in the classified service.~~

22 ~~(b) The head of the environmental management branch shall be the commissioner~~
23 ~~of environmental management, who shall be in the unclassified service and shall be~~
24 ~~appointed by the governor, with the advice and consent of the senate. There shall be an~~
25 ~~assistant commissioner for environmental service who shall be in the classified service.~~

26 ~~(c) The head of the coastal resources management branch shall be the~~
27 ~~commissioner of coastal resources who shall be in the unclassified service and shall be~~
28 ~~appointed by the coastal resources management council. There shall be an assistant~~
29 ~~commissioner for coastal resources management who shall be in the unclassified service~~
30 ~~and who shall be appointed by the coastal resources management council.~~

1 **42-17.1-6. Director's staff.** ~~The director shall designate an assistant, a legislative~~
2 ~~liaison, and a secretary who shall perform such functions necessary to assist the director~~
3 ~~in the performance of his or her powers and duties.~~

4 **42-17.1-7. Appointment of assistant directors.** ~~The director shall appoint the~~
5 ~~assistant directors who shall be in the classified service. The head of the policy and~~
6 ~~planning branch shall be the assistant director for policy and planning. The head of the~~
7 ~~administration branch shall be the assistant director for administration. The head of the~~
8 ~~information, education, and special projects branch shall be the assistant director for~~
9 ~~information, education, and special projects. The head of the water resources~~
10 ~~management branch shall be the assistant director for water resources management.~~

11 **42-17.1-8. Appointment of attorneys.** ~~The director shall assign and appoint~~
12 ~~attorneys to represent the interests of the department. The commissioners of~~
13 ~~environmental management and environmental protection shall assign and appoint~~
14 ~~attorneys to represent the interests of their respective branches. The coastal resources~~
15 ~~management council shall appoint attorneys to represent the coastal resources~~
16 ~~management branch.~~

17 **42-17.1-9. Powers and duties of the director.** ~~The director of the department of~~
18 ~~the environment shall have the following powers and duties:~~

19 (a) ~~To develop policies to guide all environmental programs;~~

20 (b) ~~To advocate and represent the interests of the environment before the federal~~
21 ~~and state governments, agencies, courts and the general assembly;~~

22 (c) ~~To oversee and coordinate the activities of the branches of environmental~~
23 ~~management and environmental protection and to supervise and control the branches of~~
24 ~~policy and planning, administration, information, education and special projects, and~~
25 ~~water resource management;~~

26 (d) ~~To prepare an annual state of the environment report for presentation to the~~
27 ~~governor and the general assembly;~~

28 (e) ~~To prepare an annual five (5) year plan for environmental protection and~~
29 ~~management for presentation to the governor and the general assembly;~~

30 (f) ~~To participate as an advocate in environmental permitting, licensing, and~~
31 ~~enforcement proceedings within the branches of environmental management,~~

1 ~~environmental protection, or coastal resources management or to intervene, as a matter of~~
2 ~~right, in any such proceeding pending in the administrative adjudication branch or in the~~
3 ~~federal and state courts, provided, however, that except as otherwise specifically provided~~
4 ~~in this chapter, the director shall have no authority to issue or to deny or to modify or to~~
5 ~~amend a permit or a license, arising from the regulatory authority contained in the~~
6 ~~environmental management, environmental regulatory or coastal resources management~~
7 ~~branches provided, however, that the director shall have the authority to initiate a civil~~
8 ~~action in any court of competent jurisdiction against any person to enforce, or to restrain~~
9 ~~the violation of, any promulgated state or federal environmental quality standard which is~~
10 ~~designed to prevent or minimize pollution, impairment, or destruction of the~~
11 ~~environment.~~

12 ~~(g) To establish policies for the coordinated review of permit applications when~~
13 ~~review and approval of an application is required by more than one branch of the~~
14 ~~department;~~

15 ~~(h) To develop, adopt, modify, and repeal all rules and regulations to carry out the~~
16 ~~functions of the department under any provision of the laws of this state and under any~~
17 ~~provision of law authorizing the promulgation of rules and regulations by the director of~~
18 ~~the department of environmental management, including but not limited to:~~

19 ~~(1) Establishing minimum standards relating to the location, design, construction,~~
20 ~~and maintenance of all sewage disposal systems;~~

21 ~~(2) Establishing minimum standards for the establishment and maintenance of~~
22 ~~salutary environmental conditions;~~

23 ~~(3) Establishing minimum standards for permissible types of septage, industrial~~
24 ~~waste disposal sites, and waste oil sites;~~

25 ~~(4) Establishing minimum standards for permissible types of refuse disposal~~
26 ~~facilities, the design, construction, operation, and maintenance of disposal facilities; and~~
27 ~~the location of various types of facilities, except those mandated by statute;~~

28 ~~(5) Establishing standards for all administrative and enforcement functions~~
29 ~~necessary for the administration of chapters 19.1 and 19.4 of title 23.~~

30 ~~(6) Designating in writing with the approval of the applicable commissioner any~~
31 ~~person in any department of the state government or any official of a district, county, city,~~

1 town, or other governmental unit, with that official's consent, to enforce any rule,
2 regulation, or order promulgated and adopted by the director under any provision of law;

3 (7) Issuing such rules, regulations, and/or orders as may be necessary to carry out
4 the duties assigned to the director or to the commissioners and/or to the department by
5 any provision of law;

6 (8) Establishing fee schedules by regulation with the approval of the governor for
7 the processing of applications and the performing of related activities in connection with
8 the department's responsibilities including but not limited to applications pursuant to §
9 42-17.1-4; chapters 18.9, 19.1, 19.5, and 23 of title 23; and chapters 12 and 13.1 of title
10 46, insofar as such relate to water quality certifications and related reviews performed
11 pursuant to provisions of the federal Clean Water Act, 33 U.S.C. § 1251 et seq., the
12 regulation and administration of underground storage tanks and all other programs
13 administered, under that chapter 12.1 and reviews related to activities performed under
14 the provisions of the Groundwater Protection Act, and § 2-1-18 et seq.

15 (9) Consistent with federal standards, to issue such rules, regulations and orders as
16 may be necessary to establish requirements for maintaining evidence of financial
17 responsibility for taking corrective action and compensating third parties for bodily injury
18 and property damage caused by sudden and nonsudden accidental releases arising from
19 operating underground storage tanks.

20 (i) To cooperate with, advise, and guide conservation commissions of cities and
21 towns created under chapter 35 of title 45.

22 (j) To assist municipal water supply agencies and commercial, residential, and
23 institutional water users in developing and implementing programs, plans, and policies
24 for the safe and efficient administration, management, conservation, and protection of the
25 water supply, including plans for water supply emergencies;

26 (k) To assist municipal water supply agencies in implementing plans and
27 programs developed by the division of planning of the department of administration for
28 the augmentation of water supplies when demonstrable need exists following the
29 achievement of reasonable levels of conservation, management, and protection;

1 ~~(l) To assist municipal water supply agencies in implementing plans and programs~~
2 ~~developed by the division of state planning of the department of administration for~~
3 ~~integrating public water supply systems with public sewer systems;~~

4 ~~(m) To conduct biennial on site inspections of all public water supply wells and~~
5 ~~surface water supplies and to report to the director of the department of health and to any~~
6 ~~community serviced by such supply any recommendations for the safe and efficient~~
7 ~~administration, management, and protection of such wells and supplies;~~

8 ~~(n) To regulate the proper development, protection, conservation, and use of the~~
9 ~~water resources of the state pursuant to chapter 15 of title 46;~~

10 ~~(o) To apply for and accept grants and bequests of funds from other states,~~
11 ~~interstate agencies and independent authorities, and private firms, individuals and~~
12 ~~foundations, for the purpose of carrying out his lawful responsibilities. The funds shall be~~
13 ~~deposited with the general treasurer in a restricted receipt account established within the~~
14 ~~department to permit funds to be expended in accordance with the provisions of the grant~~
15 ~~or bequest;~~

16 ~~(p) To supervise and control the protection, development, planning, and~~
17 ~~utilization of the natural resources of the state, such resources including (but not limited~~
18 ~~to) water, plants, trees, soil, clay, sand, gravel, rocks and other minerals, air, mammals,~~
19 ~~birds, reptiles, amphibians, fish, shellfish, and other forms of aquatic, insect, and animal~~
20 ~~life;~~

21 ~~(q) To take such steps including but not limited to matters related to funding as~~
22 ~~may be necessary to establish recreational facilities and areas as are deemed to be in the~~
23 ~~public interest; to acquire any interest in land by purchase, gift, bequest or devise~~
24 ~~necessary or incidental for carrying out his or her duties and responsibilities under this~~
25 ~~chapter, and/or to enter into contracts and agreements with persons or groups to facilitate~~
26 ~~acquisition of land for preservation or development of recreational resources for the~~
27 ~~benefit of the public;~~

28 ~~(r) To exercise the powers and duties as set forth in chapter 24.3 of title 23;~~

29 ~~(s) Subject to the prior approval of the governor, to assign or reassign any~~
30 ~~functions, duties, or powers established by this chapter to any agency within the~~
31 ~~department, except as hereinafter limited;~~

1 ~~(t) To establish and maintain a list or inventory of areas within the state worthy of~~
2 ~~special designation as "scenic" to include but not be limited to certain state roads or~~
3 ~~highways, scenic vistas and scenic areas, and to make the list available to the public;~~

4 ~~(u) In order for the director to effectuate the powers and duties given to him or her~~
5 ~~herein, the director is authorized to issue licenses and permits and to take administrative,~~
6 ~~civil and/or criminal action to enforce the authorities delegated as enforcement programs~~
7 ~~to the policy and planning branch, the information, education and special projects branch,~~
8 ~~the water resources branch, and the administrative branch. Nothing herein shall be~~
9 ~~construed to abrogate or assume the powers granted to the commissioners;~~

10 ~~(v) To conduct surveys of the present private and public camping and other~~
11 ~~recreational areas available and to determine the need for and location of such other~~
12 ~~camping and recreational areas as may be deemed necessary and in the public interest;~~

13 ~~(w) Additionally, the commissioner for environmental management shall take~~
14 ~~such additional steps including but not limited to matters related to funding as may be~~
15 ~~necessary to establish such other additional recreational facilities and areas as are deemed~~
16 ~~to be in the public interest;~~

17 ~~(x) To annually prepare in consultation with the commissioners of environmental~~
18 ~~management and environmental protection branches an operating budget and a capital~~
19 ~~development budget for the department of the environment and its various branches; said~~
20 ~~budgets to be submitted by the director to the governor for his or her approval;~~

21 ~~(1) The operating budget shall account for and provide for the disbursement,~~
22 ~~subject to statutory limitations on disbursements from restricted receipt accounts of all~~
23 ~~anticipated revenues, grants, and receipts, regardless of their source, including restricted~~
24 ~~receipt accounts, collected by any branch of the department necessary to support the~~
25 ~~operations, activities and responsibilities of the department and its branches.~~

26 ~~(2) The operating budget shall likewise identify funds requested to be~~
27 ~~appropriated by the General Assembly to support the operations, activities, and~~
28 ~~responsibilities of the department and its branches.~~

29 ~~(3) The capital development budget shall likewise account for and provide for the~~
30 ~~disbursement, subject to statutory limitations on disbursements from restricted receipt~~
31 ~~accounts, of all anticipated revenues, grants and receipts, regardless of their source,~~

1 collected by any branch of the department, including restricted receipt accounts,
2 necessary to undertake the development of or improvement of facilities maintained by the
3 department and its branches and shall additionally identify funds requested to be obtained
4 by the sale of bonds.

5 (y) Nothing contained in this section shall abrogate or affect the powers of the
6 coastal resources management council enumerated in chapter 23 of title 46 and, provided
7 further, that the coastal resources management council budget shall be submitted by the
8 commissioner of coastal resources to the director of the environment to be included as a
9 separate item in the budget submission to the governor and all present services provided
10 by the department of environmental management to the coastal resources management
11 council shall be provided to the coastal resources management council by the department
12 of the environment.

13 ~~**42-17.1-10. Powers and duties Commissioner of environmental**~~
14 ~~**management branch.**~~ The commissioner of environmental management shall have the
15 following powers and duties:

16 (a) To supervise and control the implementation of departmental laws,
17 departmental policies, and regulations relating to the protection, development, and
18 utilization of the natural resources of the state;

19 (b) To exercise all functions, powers, and duties relating to the implementation of
20 laws, departmental policies and regulations heretofore vested in the department of
21 agriculture and conservation, and in each of the divisions of the department, such as the
22 promotion of agriculture and animal husbandry in their several divisions, including the
23 inspection and suppression of contagious diseases among animals, the regulation of the
24 marketing of farm products, the inspection of orchards and nurseries, the protection of
25 trees and shrubs from injurious insects and diseases, protection from forest fires, the
26 inspection of apiaries and the suppression of contagious diseases among bees, prevention
27 of the sale of adulterated or misbranded agricultural seeds, promotion and encouragement
28 of the work of farm bureaus in cooperation with the University of Rhode Island farmers'
29 institutes and the various organizations established for the purpose of developing an
30 interest in agriculture, together with such other agencies and activities as the governor
31 and the general assembly may from time to time place under the control of the

1 department and the branch, and as heretofore vested by such of the following chapters
2 and sections of the general laws as are presently applicable to the department and which
3 were previously applicable to the department of environmental management, department
4 of natural resources, and the department of agriculture and conservation or to any of its
5 divisions; §§ 2-1-1—2-1-10 and 2-1-21(i), and chapters 2—23 of title 2; chapters 1—17,
6 inclusive, in title 4; chapters 1—19, inclusive, of title 20; chapters 1—32, inclusive, of
7 title 21; chapter 7 of title 23; and by any other general or public law relating to the
8 department of agriculture and conservation or to any of its divisions or bureaus;

9 (c) ~~To exercise all the functions, powers, and duties relating to the implementation~~
10 ~~of the General Laws and departmental policies and regulations heretofore vested in the~~
11 ~~division of parks and recreation of the department of public works by chapters 1 and 5 of~~
12 ~~title 32; by chapter 22.5 of title 23; and by any other general or public law relating to the~~
13 ~~division of parks and recreation;~~

14 (d) ~~To exercise all the functions, powers, and duties relating to the~~
15 ~~implementation of departmental policies and regulations heretofore vested in the division~~
16 ~~of harbors and rivers of the department of public works, or in the department itself by~~
17 ~~such as were previously applicable to the division or the department, of chapters 1—11~~
18 ~~and chapters 22 and 22.1 and sections thereof, of title 46, and by any other general or~~
19 ~~public law relating to the division of harbors and rivers, except those duties delegated to~~
20 ~~the coastal resources management council;~~

21 (e) ~~To exercise all the functions, powers, and duties relating to the implementation~~
22 ~~of departmental policies and regulations heretofore vested in the department of health by~~
23 ~~chapter 25 of title 23, and including but not limited to chapters 3, 4, 5, 6, 7, 9, 11, 13, 18,~~
24 ~~and 19 of title 4, and those functions, powers, and duties formerly vested in the director~~
25 ~~of the department of environmental management by the provisions of § 21-2-22, together~~
26 ~~with other powers and duties of the director of the department of health as are incidental~~
27 ~~to or necessary for the performance of the functions herein;~~

28 (f) ~~To enter, examine, or survey at any reasonable time such places as the~~
29 ~~commissioner deems necessary to carry out his or her responsibilities under any provision~~
30 ~~of law;~~

1 ~~(g) To give notice of an alleged violation of law to the person responsible therefor~~
2 ~~whenever the commissioner determines that there are reasonable grounds to believe that~~
3 ~~there is a violation of any provision of law within his or her jurisdiction or of any rule or~~
4 ~~regulation adopted pursuant to authority granted to the department of the environment,~~
5 ~~unless other notice and hearing procedure is specifically provided by that law;~~

6 ~~(h) To impose administrative penalties in accordance with the provisions of~~
7 ~~chapter 17.6 of this title and to direct that these penalties be paid into the environmental~~
8 ~~protection branch fund;~~

9 ~~(i) To cooperate with, advise, and guide conservation commissions of cities and~~
10 ~~towns created under chapter 35 of title 45;~~

11 ~~(j) To make recommendations to the director relative to rules and regulations~~
12 ~~promulgated by the director;~~

13 ~~(k) To bring civil or injunctive actions in any court of competent jurisdiction if in~~
14 ~~the judgment of the commissioner any firm, person, or corporation has violated the~~
15 ~~provisions of any law, rule, or regulation within his or her jurisdiction. Whenever such a~~
16 ~~prosecution shall take place, the commissioner shall not be required to give surety for the~~
17 ~~payment of costs. Any criminal prosecutions brought in the name of the commissioner~~
18 ~~shall be prosecuted by the attorney general.~~

19 ~~**42-17.1-11. Powers and duties — Commissioner of environmental protection**~~
20 ~~**branch.** The commissioner of environmental protection shall have the following powers~~
21 ~~and duties:~~

22 ~~(a) To enforce, by such means as provided by law, the policies and regulations~~
23 ~~adopted by the director for the quality of air, water, solid and hazardous waste, freshwater~~
24 ~~wetlands, groundwater, and the design, construction and operation of all sewage disposal~~
25 ~~systems. Any order or notice issued by the said commissioner relating to the location,~~
26 ~~design, construction or maintenance of a sewage disposal system shall be eligible for~~
27 ~~recording under chapter 13 of title 34. The commissioner shall forward the order or~~
28 ~~notice to the city or town wherein the subject property is located and the order or notice~~
29 ~~shall be recorded in the general index by the appropriate municipal official in the land~~
30 ~~evidence records in the city or town wherein the subject property is located. Any~~
31 ~~subsequent transferee of that property shall be responsible for complying with the~~

1 requirements of the order or notice. Upon satisfactory completion of the requirements of
2 the order or notice, the commissioner shall provide written notice of the same, which
3 notice shall be similarly eligible for recording. The original written notice shall be
4 forwarded to the city or town wherein the subject property is located and the notice of
5 satisfactory completion shall be recorded in the general index by the appropriate
6 municipal official in the land evidence records in the city or town wherein the subject
7 property is located. A copy of the written notice shall be forwarded to the owner of the
8 subject property within five (5) days of a request for it, and, in any event, shall be
9 forwarded to the owner of the subject property within thirty (30) days after satisfactory
10 completion. Nothing herein shall be construed to abrogate or modify any recording
11 provision embodied in other titles of the General Laws.

12 (b)(1) ~~To carry out all functions, powers, and duties relating to the~~
13 ~~implementation of departmental policies and regulations for the administration of~~
14 ~~chapters 18.9, 19.1, 19.4, 19.5, 19.8, and 23.1 of title 23; and chapters 12, 12.1, 13, 13.1,~~
15 ~~13.2, 16, 17.1, and 19 of title 46; and § 2-118 et seq., in title 2.~~

16 (2) ~~Nothing contained herein shall abrogate or affect the powers and duties of the~~
17 ~~department of health in chapter 13 of title 46, or in chapter 14 of title 46.~~

18 (c)(1) ~~To enforce such laws, rules, and regulations, and/or orders as may be~~
19 ~~necessary to carry out the duties assigned by the director or to the commissioner, and/or~~
20 ~~to the department by any provision of law; and to conduct such investigations and~~
21 ~~hearings and to issue, suspend, and revoke such permits or licenses as may be necessary~~
22 ~~to enforce those rules, regulations, and orders.~~

23 (2) ~~Notwithstanding the provisions of § 42-35-9 to the contrary, no informal~~
24 ~~disposition of a contested permitting and/or licensing matter shall occur where resolution~~
25 ~~substantially deviates from the original application unless all interested parties shall be~~
26 ~~notified of said proposed resolution and provided with opportunity to comment upon said~~
27 ~~resolution pursuant to applicable law and any rules and regulations established by the~~
28 ~~director;~~

29 (d) ~~To enter, examine, or survey at any reasonable time such places as the~~
30 ~~commissioner deems necessary to carry out his or her responsibilities under any provision~~
31 ~~of law;~~

1 ~~(e) To give notice of an alleged violation of law to the person responsible therefor~~
2 ~~whenever the commissioner determines that there are reasonable grounds to believe that~~
3 ~~there is a violation of any provision of law within his or her jurisdiction or of any rule or~~
4 ~~regulation adopted pursuant to authority granted to the department of the environment,~~
5 ~~unless other notice and hearing procedure is specifically provided by that law;~~

6 ~~(f) To impose administrative penalties in accordance with the provisions of~~
7 ~~chapter 17.6 of this title and to direct that such penalties be paid into the environmental~~
8 ~~protection branch fund;~~

9 ~~(g) Consistent with federal standards, enforce such rules, regulations and orders as~~
10 ~~may be promulgated by the director which establish requirements for maintaining~~
11 ~~evidence of financial responsibility for taking corrective action and compensating third~~
12 ~~parties for bodily injury and property damage caused by sudden and nonsudden~~
13 ~~accidental releases arising from operating underground storage tanks;~~

14 ~~(h) To make recommendations to the director relative to rules and regulations~~
15 ~~promulgated by the director;~~

16 ~~(i) To bring civil or injunctive actions in any court of competent jurisdiction if in~~
17 ~~the judgment of the commissioner any firm, person, or corporation has violated the~~
18 ~~provisions of any law, rule, or regulation within his or her jurisdiction. Whenever such a~~
19 ~~prosecution shall take place, the commissioner shall not be required to give surety for the~~
20 ~~payment of costs. Any criminal prosecutions brought in the name of the commissioner~~
21 ~~shall be prosecuted by the attorney general.~~

22 ~~**42-17.1-12. Powers and duties — Commissioner of coastal resources**~~
23 ~~**management branch.** The commissioner of the coastal resources management branch~~
24 ~~shall have the following powers and duties:~~

25 ~~(a) To issue, modify, or deny permits for any work in, above, or beneath the areas~~
26 ~~under coastal resources management council jurisdiction, including conduct of any form~~
27 ~~of aquaculture, at the direction of the coastal resources management council.~~

28 ~~(b) To issue, modify, or deny permits for dredging, filling, or any other physical~~
29 ~~alteration of coastal wetlands and all directly related contiguous areas which are~~
30 ~~necessary to preserve the integrity of the wetlands, at the direction of the coastal~~
31 ~~resources management council.~~

1 ~~(c) To grant licenses, permits, and easements for the use of coastal resources~~
2 ~~which are held in trust by the state for all its citizens, and impose fees for private use of~~
3 ~~these resources, at the direction of the coastal resources management council.~~

4 ~~(d) To carry out all other functions and duties delegated by the coastal resources~~
5 ~~management council.~~

6 ~~(e) Nothing contained herein shall abrogate or affect the powers and duties of the~~
7 ~~director and/or the commissioners of environmental management and environmental~~
8 ~~protection in areas of their respective jurisdiction.~~

9 ~~**42-17.1-13. Advisory council on environmental affairs.** (a) The advisory~~
10 ~~council on environmental affairs shall, among other things, advise the governor and the~~
11 ~~director on matters involving environmental management, environmental protection,~~
12 ~~natural resources, policies, plans, and goals for the department, identify problems within~~
13 ~~the various functions of the department, assist the director in the exploration and~~
14 ~~development of new initiatives, review quarterly, annual, and five (5) year reports~~
15 ~~prepared by the director, review the interim and final reports prepared by the~~
16 ~~environmental quality study commission and explore and develop alternatives for the~~
17 ~~implementation of the goals, initiatives, and directives from the reports. The council shall~~
18 ~~report to the governor, the general assembly and the director and shall meet not less than~~
19 ~~once every three (3) months. The members shall meet initially at the call of the governor~~
20 ~~and shall at their first meeting elect a chairman, secretary and any other officers which~~
21 ~~are deemed necessary. Council members shall not be compensated for services. Meetings~~
22 ~~may be called by the chairman or by any five (5) members. The chairman shall establish~~
23 ~~the agenda for council meetings. The assistant director for planning for the department~~
24 ~~may provide to the council, following a request, technical assistance, resources and/or~~
25 ~~support staff.~~

26 ~~(b) The council shall consist of eleven (11) members as follows: one member~~
27 ~~from the Rhode Island senate appointed by the President of the Senate; one member from~~
28 ~~the Rhode Island house of representatives appointed by the speaker of the house of~~
29 ~~representatives; and nine (9) members from the general public appointed by the governor.~~
30 ~~The general public members shall have interest in natural resources, environmental~~
31 ~~management and protection, and/or public or environmental health and may be selected~~

1 from residential and/or commercial builders or land developers, marine industries,
2 agricultural industries, hunting and sport fishing groups, environmental advocacy groups,
3 conservation groups, academicians, and engineering or consulting firms. The governor
4 shall endeavor to appoint members representing the diverse constituents of the
5 department.

6 (c) ~~When this chapter takes effect, the governor shall appoint four (4) members~~
7 ~~who shall serve until the thirtieth day of June, 1991, and five (5) members who shall~~
8 ~~serve until the thirtieth day of June, 1992, and all to serve until their successors are~~
9 ~~appointed and qualified. In the month of May, 1991, and in the month of May in each~~
10 ~~applicable year thereafter, the governor shall appoint successors to the members of the~~
11 ~~council whose terms shall expire in such year, to hold office commencing on the first day~~
12 ~~of July in said year for three (3) year terms and until their respective successors are~~
13 ~~appointed and qualified. The appointees of the President of the Senate and the speaker of~~
14 ~~the house of representatives shall serve until the thirtieth day of June, 1991, and shall~~
15 ~~serve until their successors are appointed and qualified. In the month of May, 1991, and~~
16 ~~in the month of May in each applicable year thereafter, the President of the Senate shall~~
17 ~~appoint a successor to the member of the council whose term shall expire in such year to~~
18 ~~hold office commencing on the first day of July in said year for a three (3) year term and~~
19 ~~until a successor is appointed and qualified. In the month of May, 1991, and in the month~~
20 ~~of May in each applicable year thereafter, the speaker of the house of representatives~~
21 ~~shall appoint a successor to the member of the council whose term shall expire in such~~
22 ~~year to hold office commencing on the first day of July in said year for a three (3) year~~
23 ~~term and until a successor is appointed and qualified. Any vacancy which may occur in~~
24 ~~the council shall be filled by the applicable appointing official for the remainder of the~~
25 ~~unexpired term.~~

26 **42-17.1-13. Advisory council on environmental affairs.** (a) ~~The advisory~~
27 ~~council on environmental affairs shall, among other things, advise the governor and the~~
28 ~~director on matters involving environmental management, environmental protection,~~
29 ~~natural resources, policies, plans, and goals for the department, identify problems within~~
30 ~~the various functions of the department, assist the director in the exploration and~~
31 ~~development of new initiatives, review quarterly, annual, and five (5) year reports~~

1 prepared by the director, review the interim and final reports prepared by the
2 environmental quality study commission and explore and develop alternatives for the
3 implementation of the goals, initiatives, and directives from the reports. The council shall
4 report to the governor, the general assembly and the director and shall meet not less than
5 once every three (3) months. The members shall meet initially at the call of the governor
6 and shall at their first meeting elect a chairman, secretary and any other officers which
7 are deemed necessary. Council members shall not be compensated for services. Meetings
8 may be called by the chairman or by any five (5) members. The chairman shall establish
9 the agenda for council meetings. The assistant director for planning for the department
10 may provide to the council, following a request, technical assistance, resources and/or
11 support staff.

12 (b) The council shall consist of eleven (11) members as follows: one member
13 from the Rhode Island senate appointed by the president of the senate; one member from
14 the Rhode Island house of representatives appointed by the speaker of the house of
15 representatives; and nine (9) members from the general public appointed by the governor.
16 The general public members shall have interest in natural resources, environmental
17 management and protection, and/or public or environmental health and may be selected
18 from residential and/or commercial builders or land developers, marine industries,
19 agricultural industries, hunting and sport fishing groups, environmental advocacy groups,
20 conservation groups, academicians, and engineering or consulting firms. The governor
21 shall endeavor to appoint members representing the diverse constituents of the
22 department.

23 (c) When this chapter takes effect, the governor shall appoint four (4) members
24 who shall serve until the thirtieth day of June, 1991, and five (5) members who shall
25 serve until the thirtieth day of June, 1992, and all to serve until their successors are
26 appointed and qualified. In the month of May, 1991, and in the month of May in each
27 applicable year thereafter, the governor shall appoint successors to the members of the
28 council whose terms shall expire in such year, to hold office commencing on the first day
29 of July in said year for three (3) year terms and until their respective successors are
30 appointed and qualified. The appointees of the president of the senate and the speaker of
31 the house of representatives shall serve until the thirtieth day of June, 1991, and shall

1 ~~serve until their successors are appointed and qualified. In the month of May, 1991, and~~
2 ~~in the month of May in each applicable year thereafter, the president of the senate shall~~
3 ~~appoint a successor to the member of the council whose term shall expire in such year to~~
4 ~~hold office commencing on the first day of July in said year for a three (3) year term and~~
5 ~~until a successor is appointed and qualified. In the month of May, 1991, and in the month~~
6 ~~of May in each applicable year thereafter, the speaker of the house of representatives~~
7 ~~shall appoint a successor to the member of the council whose term shall expire in such~~
8 ~~year to hold office commencing on the first day of July in said year for a three (3) year~~
9 ~~term and until a successor is appointed and qualified. Any vacancy which may occur in~~
10 ~~the council shall be filled by the applicable appointing official for the remainder of the~~
11 ~~unexpired term.~~

12 ~~**42-17.1-14. Statewide environmental plan.** (a) The director of the department~~
13 ~~of the environment shall formulate and from time to time revise a statewide~~
14 ~~environmental plan for the management and protection of the quality of the environment~~
15 ~~and the natural resources of the state in furtherance of the legislative policy. The plan~~
16 ~~shall establish environmental goals and objectives and describe strategies for their~~
17 ~~achievement. In developing the plan the director shall consider any other statewide~~
18 ~~policies and plans he or she deems appropriate. The first of such plans shall be submitted~~
19 ~~to the governor and the general assembly on or before January 1, 1992, and revisions, at~~
20 ~~intervals of five (5) years thereafter, shall be made thereto. This plan shall serve as a~~
21 ~~guide for the people of the state and for the state and its political subdivisions for the~~
22 ~~preservation of the environment.~~

23 ~~(b) The advisory council to the department of the environment shall assist the~~
24 ~~director in preparing the plan and any revisions thereto.~~

25 ~~(c) The director shall annually conduct a conference to report achievement of the~~
26 ~~goals and objectives established in the plan and to encourage public discussion of~~
27 ~~environmental concerns.~~

28 ~~(d) The director of the department of the environment shall submit annually to the~~
29 ~~governor and the general assembly an environmental quality report, which shall set forth:~~

30 ~~(1) The status of the major environmental categories including, but not limited to,~~
31 ~~the air, the water and the land environment;~~

1 ~~(2) Current and foreseeable trends in the quality management and utilization of~~
2 ~~the environment and the effect of such trends on the social, economic, and health~~
3 ~~requirements of the state;~~

4 ~~(3) The adequacy of available natural resources for fulfilling human and~~
5 ~~economic requirements of the state in the light of projected population pressures;~~

6 ~~(4) A review of the programs and activities of the state and local governments and~~
7 ~~private organizations with particular reference to their effect on the environment and on~~
8 ~~the conservation, development, and utilization of natural resources;~~

9 ~~(5) A program for remedying the deficiencies of existing programs and activities,~~
10 ~~together with recommendations for legislation; and~~

11 ~~(6) The progress towards achievement of the goals and objectives established in~~
12 ~~the statewide environmental plan.~~

13 ~~**42-17.1-15. Powers of the policy and planning branch.** The policy and~~
14 ~~planning branch shall consist of the division of planning and development, the~~
15 ~~Narragansett Bay Project, and the division of environmental planning. The division of~~
16 ~~environmental planning shall coordinate the administration of permitting of projects~~
17 ~~within the branches of environmental management and environmental protection,~~
18 ~~coordinate all data base activities, and coordinate the development of rules and~~
19 ~~regulations to be administered by all branches, provided, however, that this section shall~~
20 ~~not abrogate or affect the powers and duties of the coastal resources management council~~
21 ~~under chapter 23 of title 46.~~

22 ~~**42-17.1-16. Powers of the water supply management branch.** The water~~
23 ~~supply management branch shall serve as staff to the water resources board established in~~
24 ~~chapter 15.1 of title 46 and shall perform water supply planning, development, and~~
25 ~~protection, and shall oversee and coordinate water supply use and reduction of use and~~
26 ~~such other functions and duties as may from time to time be assigned by the director.~~
27 ~~Nothing contained herein shall abrogate or affect the powers and duties of the coastal~~
28 ~~resources management council under chapter 23 of title 46.~~

29 ~~**42-17.1-17. Permits and licenses — Issuance or denial — Judicial review.** (a)~~
30 ~~The commissioner of the branch with jurisdiction over the permit, license, or enforcement~~
31 ~~proceeding shall review all decisions rendered by the administrative adjudication branch~~

1 as pertaining to permitting, licensing, or enforcement proceedings. The commissioner
2 may in his or her discretion adopt, modify, or reject the findings of fact or conclusions of
3 law provided, however, that any such modification or rejection of the proposed findings
4 of fact or conclusions of law shall be in writing and shall state the rationale therefor. In
5 all permitting or licensing proceedings, and based upon said review, the commissioner
6 shall issue or deny the permit or the license. The commissioner shall have no direct or
7 indirect involvement in the investigation of or presentation of any contested permitting,
8 licensing, or enforcement proceeding. Notwithstanding the provisions of § 42-35-13, the
9 commissioner shall have no communication, directly or indirectly, with a hearing officer
10 relating to any issue of fact or law on any matter then pending before the hearing officer.

11 (b) Any party or intervenor to a contested permitting, licensing, or enforcement
12 proceeding aggrieved by the decision of the commissioner may, within thirty (30) days
13 from the date of issuance of the commissioner's decision, obtain judicial review in the
14 manner and according to the standards and procedures provided in chapter 35 of title 42.

15 (c) There are hereby transferred from the director of the department of
16 environmental management to the respective commissioners of the department of the
17 environment all functions of the director as apply to these commissioners relating to
18 enforcement, permitting, or licensing proceedings and including all administrative
19 adjudication proceedings wherein said director adopts, modifies, or rejects a decision
20 rendered by a hearing officer of said administrative adjudication branch. Nothing herein
21 shall abrogate or effect the powers and duties of the coastal resources management
22 council in chapter 23 of title 46.

23 **42-17.1-18. Transfer of functions from existing divisions of the department to**
24 **the environmental protection branch.** (a) There are hereby transferred to the division
25 of air pollution control, those functions of the division of air and hazardous materials of
26 the department of environmental management as pertain to air and air pollution control.

27 (b) There are hereby transferred to the division of solid and hazardous waste,
28 those functions of the department of environmental management as pertain to hazardous
29 wastes and materials and those functions of the division as pertain to solid waste.

30 (c) There are hereby transferred to the division of groundwater and individual
31 sewage disposal systems those functions of the division of groundwater and freshwater

1 wetlands of the department of environmental management as pertain to groundwater and
2 individual sewage disposal systems.

3 ~~(d) There are hereby transferred to the division of freshwater wetlands those~~
4 ~~functions of the division of groundwater and freshwater wetlands of the department of~~
5 ~~environmental management as pertain to freshwater wetlands.~~

6 ~~(e) There are hereby transferred to the environmental protection branch, from the~~
7 ~~department of environmental management, so much of the other functions or parts of~~
8 ~~functions, employees, and resources, which are related thereto for administration, as are~~
9 ~~incidental to and necessary for the performance of the functions set forth in subsections~~
10 ~~(a)–(d).~~

11 **42-17.1-19. Notice of violations.** ~~(a) The commissioner with jurisdiction over an~~
12 ~~alleged violation of any law or any departmental rule or regulation, shall give notice of~~
13 ~~the violation and shall have authority to impose an administrative penalty pursuant to~~
14 ~~chapter 17.6 of title 42. The notice shall provide for a time within which the alleged~~
15 ~~violation shall be remedied, and shall inform the person to whom it is directed that a~~
16 ~~written request for a hearing on the alleged violation may be filed with the administrative~~
17 ~~adjudication branch within ten (10) days after service of the notice. The notice will be~~
18 ~~deemed properly served upon a person if a copy thereof is served upon him or her~~
19 ~~personally, or sent by registered or certified mail to his or her last known address, or if he~~
20 ~~or she is served with notice by any other method of service now or hereafter authorized in~~
21 ~~a civil action under the laws of this state. If no written request for a hearing is made to the~~
22 ~~administrative adjudication branch within ten (10) days of the service of notice, the notice~~
23 ~~of violation shall automatically become a compliance order. This order shall constitute a~~
24 ~~final administrative adjudication from which no appeal may be taken.~~

25 ~~(b) Whenever the commissioner determines that there exists a violation of any~~
26 ~~law, rule, or regulation within his or her jurisdiction which requires immediate action to~~
27 ~~protect the environment, he or she may, without prior notice of violation or hearing, issue~~
28 ~~an immediate compliance order stating the existence of the violation and the remedial or~~
29 ~~other action he or she deems necessary. The compliance order shall become effective~~
30 ~~immediately upon service or within such time as is specified by the commissioner in the~~
31 ~~order. No request for a hearing on an immediate compliance order may be made.~~

1 ~~(c) Any immediate compliance order issued under this section without notice and~~
2 ~~prior hearing shall be effective for no longer than forty five (45) days, provided,~~
3 ~~however, that for good cause shown the order may be extended one additional period not~~
4 ~~exceeding forty five (45) days.~~

5 ~~(d) If a person upon whom a notice of violation has been served under the~~
6 ~~provisions of this section or if a person aggrieved by any such notice of violation requests~~
7 ~~a hearing before the administrative adjudication branch, a time and place for the hearing~~
8 ~~shall be set by the administrative adjudication branch, and shall give the person~~
9 ~~requesting that hearing at least five (5) days' written notice thereof. After the hearing, the~~
10 ~~hearing officer shall make written proposed findings of fact and conclusions of law and~~
11 ~~shall sustain, modify, or withdraw the notice of violation. The hearing officer shall~~
12 ~~submit the proposed findings of fact and conclusions of law to the commissioner for~~
13 ~~review and final decision. If the commissioner sustains or modifies the notice, that~~
14 ~~decision shall be deemed a final administrative adjudication and compliance order and~~
15 ~~shall be served upon the person responsible in any manner provided for the service of the~~
16 ~~notice in this section.~~

17 ~~(e) The compliance order shall state a time within which the violation shall be~~
18 ~~remedied, and the original time specified in the notice of violation shall be extended to~~
19 ~~the time set in the order.~~

20 ~~(f) Whenever a compliance order has become effective, whether automatically~~
21 ~~where no hearing has been requested, where an immediate compliance order has been~~
22 ~~issued, or upon decision following a hearing, the commissioner may institute injunction~~
23 ~~proceedings in the superior court of the state for enforcement of the compliance order and~~
24 ~~for appropriate temporary relief, and in that proceeding the correctness of a compliance~~
25 ~~order shall be presumed and the person attacking the order shall bear the burden of~~
26 ~~proving error in the compliance order, except that the commissioner shall bear the burden~~
27 ~~of proving in the proceeding the correctness of an immediate compliance order. The~~
28 ~~remedy provided for in this section shall be cumulative and not exclusive and shall be in~~
29 ~~addition to remedies relating to the removal or abatement of nuisances or any other~~
30 ~~remedies provided by law.~~

1 ~~(g) Any party aggrieved by a final judgment of the superior court may, within~~
2 ~~thirty (30) days from the date of entry of such judgment, petition the supreme court for a~~
3 ~~writ of certiorari or by right as provided by law. Any petition for writ of certiorari shall~~
4 ~~set forth the errors claimed. Upon the filing of a petition for writ of certiorari with the~~
5 ~~clerk of the supreme court, the supreme court may, if it sees fit, issue its writ of certiorari.~~

6 ~~**42-17.1-20. Public and private land trusts.** In addition to the powers and duties~~
7 ~~in § 42-17.1-9, the director shall have the power:~~

8 ~~(a) To establish and maintain an inventory of all interest in land held by public or~~
9 ~~private land trusts and to exercise all powers vested herein to insure the preservation of~~
10 ~~all identified lands.~~

11 ~~(b) The director may promulgate and enforce rules and regulations to provide for~~
12 ~~the orderly and consistent protection, management, continuity of ownership and purpose,~~
13 ~~and centralized records keeping for lands, water, and open spaces owned in fee or~~
14 ~~controlled in full or in part through other interests, rights, or devices such as conservation~~
15 ~~easements or restrictions, by private or public land trust in Rhode Island. The director~~
16 ~~may charge a reasonable fee for filing of each document submitted by a land trust.~~

17 ~~(c) The term "public land trust" means any public instrumentality created by a~~
18 ~~Rhode Island municipality for the purposes stated herein and financed by means of public~~
19 ~~funds collected and appropriated by the municipality. The term "private land trust" means~~
20 ~~any group of five (5) or more private citizens of Rhode Island who shall incorporate~~
21 ~~under the laws of Rhode Island as a nonbusiness corporation for the purposes stated~~
22 ~~herein, or a national organization such as the Nature Conservancy. The main purpose of~~
23 ~~either a public or a private land trust shall be the protection, acquisition, or control of~~
24 ~~land, water, wildlife, wildlife habitat, plants, and/or other natural features, areas, or open~~
25 ~~space for the purpose of managing or maintaining, or causing to be managed or~~
26 ~~maintained by others, the land, water, agriculture, and other natural amenities in any~~
27 ~~undeveloped and relatively natural state in perpetuity. A private land trust must be~~
28 ~~granted exemption from federal income tax under 26 U.S.C. § 501(c)(3) within two (2)~~
29 ~~years of its incorporation in Rhode Island or it may not continue to function as a land~~
30 ~~trust in Rhode Island. A private land trust may not be incorporated for the exclusive~~
31 ~~purpose of acquiring or accepting property or rights in property from a single individual,~~

1 family, corporation, business, partnership, or other entity. Membership in any private
2 land trust must be open to any individual subscribing to the purposes of the land trust and
3 agreeing to abide by its rules and regulations including payment of reasonable dues.

4 (d) All private land trusts will, in their articles of association or their by laws, as
5 appropriate, provide for the transfer to an organization created for the same or similar
6 purposes the assets, lands, and land rights and interests held by the land trust in the event
7 of termination or dissolution of the land trust.

8 (e) All land trusts, public or private, will record in the public records of the
9 appropriate towns and cities in Rhode Island all deeds, conservation easements or
10 restrictions or other interests and rights acquired in land and will also file copies of all
11 such documents and current copies of their articles of association, their by laws, and
12 annual reports with the secretary of state, and with the director of the Rhode Island
13 department of the environment. The director is hereby directed to establish and maintain
14 permanently a system for keeping records of all private and public land trust holdings in
15 Rhode Island.

16 (f) The director will contact in writing, not less often than once every two (2)
17 years, each public or private land trust to ascertain: (1) that all lands held by the land trust
18 are recorded with the director; (2) the current status and condition of each land holding;
19 (3) that any funds or other assets of the land trust held as endowment for specific lands
20 have been properly audited at least once within the two (2) year period; (4) the name of
21 the successor organization named in the public or private land trust's by laws or articles
22 of association; and (5) any other information the director deems essential to the proper
23 and continuous protection and management of land and interests or rights in land held by
24 the land trust. In the event that the director determines that a public or private land trust
25 holding land or interest in land appears to have become inactive, he or she shall initiate
26 proceedings to effect the termination of the land trust and the transfer of its land, assets,
27 land rights, and land interests to the successor organization named in the defaulting trust's
28 by laws or articles of association or to another organization created for the same or
29 similar purposes. Should such a transfer not be possible, then the land trust, assets, and
30 interest and rights in land will be held in trust by the state of Rhode Island and managed
31 by the director for the purposes stated at the time of original acquisition by the trust. Any

1 trust assets or interests other than land or rights in land accruing to the state under such
2 circumstances will be held and managed as a separate fund for the benefit of the
3 designated trust lands.

4 ~~**42-17.1-21. Leasing of reverted lands.** The commissioner of environmental
5 management of the department of the environment may, at any time when the general
6 assembly shall not be in session, authorize the use by any charitable or educational
7 organization located in this state, any land or buildings of the state which shall have
8 reverted to the state following the lease of the land or building to the United States of
9 America.~~

10 ~~**42-17.1-22. Construction of references.** (a) Whenever in any general or public
11 law the words "department of agriculture and conservation," "bureau of markets,"
12 "division of conservation," "division of entomology and plant industry," "division of
13 forests," "division of fish and game," "division of parks and recreation," "division of
14 harbors and rivers," "division of boating safety," "division of enforcement," "division of
15 coastal resources," or "department of natural resources" shall appear, they shall be
16 deemed to refer to and to mean the "department of the environment," except where those
17 powers exist in the coastal resources management council.~~

18 ~~(b) Provided, further, that whenever in chapters 3, 4, 5, 6, 7, 9, 11, 13, 18 and 19
19 of title 4 the words "director of health" or "department of health" shall appear, they shall
20 be deemed to refer to and to mean the "commissioner of environmental management" and
21 "department of the environment", respectively.~~

22 ~~**42-17.1-23. Rules and regulations.** Rules and regulations prepared by any
23 department, division, board, commission, or other agency, the functions of which are
24 transferred by this chapter to the branches of the department of the environment, which
25 rules and regulations are not in conflict with this chapter, shall continue in force until
26 such time as the director of the department of the environment or the coastal resources
27 management council, as applicable, shall issue new rules and regulations governing such
28 activity.~~

29 ~~**42-17.1-24. Designation and assignment of functions.** Whenever the duties of
30 the head of any existing department, division, board, commission, or other agency or of
31 any other officer are prescribed by law, and the duties of such person have been or shall~~

1 in the future be transferred to the department of the environment under this chapter, and
2 consistent with the provisions of this chapter, the director and/or the applicable
3 commissioner may designate some officer or other subordinate within his or her branch
4 to perform such duties; provided, however, that any other provision of this chapter
5 notwithstanding, the functions, powers and duties of the chief of the division of parks and
6 recreation as set forth in title 32 in chapter 22.5 of title 23, and in any other general or
7 public law, and the functions, powers, and duties of the chief of the division of harbors
8 and rivers as set forth in title 46, and in any other general or public law, shall not be
9 diminished; provided further, however, that all planning and law enforcement functions,
10 powers, duties, and personnel shall be transferred to the applicable branches established
11 by this chapter, or to the coastal resources management council, as applicable.

12 **42-17.1-25. Transfer of functions from the assistant director for**
13 **administration of the department to the policy and planning branch.** There are
14 hereby transferred from the assistant director for administration of the department of
15 environmental management to the policy and planning branch;

16 (a) Those environmental planning functions of the office of environmental
17 coordination and the division of planning and development; and

18 (b) So much of the other functions or parts of functions, employees and resources,
19 physical and funded, related thereto of the assistant director for administration as are
20 incidental to and necessary for the performance of those functions.

21 **42-17.1-26. Assumption of duties.** Except as otherwise provided in this chapter,
22 the director and/or the commissioners assuming any duties formerly imposed upon any
23 other department, division, board, commission, or other agency shall perform those
24 duties, notwithstanding that those duties were formerly performed by a board,
25 commission, or single officer. Any ruling, decision, or order made by such head with
26 regard to matters within his or her jurisdiction shall be subject to any existing right of
27 appeal to a court of competent jurisdiction.

28 **42-17.1-27. Auxiliary marine patrol.** (a) The commissioner of environmental
29 management is authorized to recruit, train, and organize a volunteer auxiliary marine
30 patrol of such size and qualification as he or she shall determine, provided, however, that
31 the total membership in the auxiliary marine patrol shall not exceed fifty (50) persons. In

1 ~~selecting those persons who shall become members of the auxiliary marine patrol, the~~
2 ~~commissioner shall consult with and seek the advice and assistance of local harbor~~
3 ~~masters and appropriate city and town officials, provided, however, that the auxiliary~~
4 ~~marine patrol shall at all times be under the direction of the environmental management~~
5 ~~branch and subject to the rules and regulations as prescribed by the commissioner.~~
6 ~~Members of the auxiliary marine patrol shall carry out such duties and functions as may~~
7 ~~be assigned to them from time to time by the commissioner.~~

8 ~~(b) Members of the auxiliary marine patrol shall be equipped with uniforms~~
9 ~~prescribed by the commissioner of environmental management and delegated specific~~
10 ~~powers and duties consistent with those now granted to other members of the department~~
11 ~~of the environment and divisions thereof. They may bear and use firearms only when~~
12 ~~specifically authorized to do so by the commissioner and only when in uniform and~~
13 ~~assigned to active duty. The duties of the members of the auxiliary marine patrol shall~~
14 ~~include, but in no way be limited to, the patrol of all harbors, rivers, docks, and other~~
15 ~~waterways of this state and the prevention of vandalism and theft of all other property~~
16 ~~used or enjoyed in connection therewith. The patrol may also be called to serve and~~
17 ~~exercise power and duties consistent with those employed by full time members of the~~
18 ~~department during an emergency or theoretical emergency. The members of the auxiliary~~
19 ~~marine patrol will serve without pay.~~

20 ~~**42-17.1-28. Fees for use of state port facilities — Development fund.** (a) All~~
21 ~~fees collected by the department of the environment for use of state port facilities at~~
22 ~~Galilee in the town of Narragansett, including fees collected for leases, licenses, or~~
23 ~~permits involving land, buildings, docks, piers, parking, or berthing space, shall be~~
24 ~~deposited as general revenues.~~

25 ~~(b) All fees collected by the department of the environment for use of state port~~
26 ~~facilities in Newport, including fees collected for leases, licenses, or permits involving~~
27 ~~land, buildings, docks, piers, parking, or berthing space, shall be deposited as general~~
28 ~~revenues.~~

29 ~~**42-17.1-29. User fees at state beaches, parks, and recreation areas.** (a) The~~
30 ~~commissioner of environmental management in furtherance of his or her administrative~~

1 duties and responsibilities may charge a user fee for any state beach, or recreational area
2 under its jurisdiction, and fees for the use of any of its services or facilities.

3 (b) ~~The fee may be on a daily or annual basis, or both, and may be based on~~
4 ~~vehicle parking or other appropriate means. The fees may recognize the contribution of~~
5 ~~Rhode Island taxpayers to support the facilities in relation to other users of the state's~~
6 ~~facilities. The fee structure may acknowledge the need to provide for all people,~~
7 ~~regardless of circumstances.~~

8 (c) ~~[Deleted by P.L. 1998, ch. 31, art. 8, § 2.]~~

9 (d) ~~An additional fee for camping and other special uses may be charged where~~
10 ~~appropriate. Rates so charged should be comparable to equivalent commercial facilities.~~

11 (e) ~~All such fees shall be established by the director after a public hearing.~~

12 (f) ~~All daily fees from beach parking, which shall also include fees charged and~~
13 ~~collected at Ninigret conservation area and Charlestown breachway, shall be shared with~~
14 ~~the municipality in which the facility is located on the basis of sixty percent (60%)~~
15 ~~retained by the state and forty percent (40%) remitted to the municipality.~~

16 (g) ~~One hundred percent (100%) of all user and concession fees received by the~~
17 ~~state shall be deposited as general revenues. The general revenue monies appropriated~~
18 ~~may be hereby specifically dedicated to meeting the costs of development and renovation~~
19 ~~by the director of recreation projects with an expected life of five (5) or more years, and~~
20 ~~acquisition by the director of state owned recreation areas. Such projects shall include the~~
21 ~~purchase of vehicles and equipment and the repair of facilities which have a life~~
22 ~~expectancy of five (5) or more years and which are used exclusively for state owned~~
23 ~~recreational areas. Purchases of vehicles and equipment and repairs to facilities shall not~~
24 ~~exceed four hundred thousand dollars (\$400,000) annually. Notwithstanding the~~
25 ~~provisions of § 37-1-1 or any other provision of the general laws, the director is hereby~~
26 ~~authorized to accept any grant, devise, bequest, donation, gift, or assignment of money,~~
27 ~~bonds, or other valuable securities for deposit as general revenues in the same manner as~~
28 ~~provided above for user and concession fees retained by the state.~~

29 **42-17.1-30. Trooper Daniel L. O'Brien Pavilion.** ~~The pavilion building at East~~
30 ~~Matunuck state beach shall hereafter be named the Trooper Daniel L. O'Brien Pavilion,~~

1 and an appropriate plaque in posthumous honor of Trooper O'Brien shall be erected at
2 that location.

3 ~~**42-17.1-30.1. Frederick J. Benson Pavilion.**~~ The pavilion building at Block
4 Island State Beach shall hereafter be named and known as the Frederick J. Benson
5 Pavilion.

6 ~~**42-17.1-31. Notification by director.**~~ Prior to a hearing at which the director of
7 the department seeks to adopt, modify, or repeal standards for air quality, water quality,
8 groundwater quality, or individual sewage disposal systems, the director shall notify the
9 chairperson of the joint committee on water resources and the chairperson of the joint
10 committee on environment and energy of the general assembly, the directors of the
11 departments of administration and health and, the chairman of the advisory council, and
12 provide them with copies of the proposed standards. In addition, the director shall
13 annually provide the general assembly with a copy of all standards and regulations
14 adopted by the department in the previous calendar year.

15 ~~**42-17.1-32. Transfer of functions from the department of health to the**~~
16 ~~**environmental protection branch.**~~ There are hereby transferred from the director of the
17 department of health to the commissioner of the environmental protection branch:

18 (a) ~~The functions of initial field investigation, enforcement of individual sewage~~
19 ~~disposal regulation, and watershed protection of the drinking water supply set forth in~~
20 ~~title 23;~~

21 (b) ~~So much of other functions or parts of functions and employees and resources,~~
22 ~~physical and funded, related thereto as are incidental to and necessary for the~~
23 ~~performance of subdivision (a).~~

24 ~~**42-17.1-33. Transfer of powers and functions from department of the**~~
25 ~~**environment to the department of administration.**~~ There are hereby transferred to the
26 department of administration:

27 (a) ~~Those functions of the department of the environment which were~~
28 ~~administered through or with respect to departmental programs in the performance of~~
29 ~~strategic planning as defined in § 42-11-10(c);~~

1 ~~(b) All officers, employees, agencies, advisory councils, committees,~~
2 ~~commissions, and task forces of the department of the environment who were performing~~
3 ~~strategic planning functions as defined in § 42-11-10(c); and~~

4 ~~(c) So much of other functions or parts of functions and employees and resources,~~
5 ~~physical and funded, related thereto of the director of environmental management as are~~
6 ~~incidental to and necessary for the performance of the functions transferred by~~
7 ~~subdivisions (a) and (b).~~

8 ~~(d) Nothing contained herein shall abrogate or affect the powers and duties of the~~
9 ~~coastal resources management council under chapter 23 of title 46.~~

10 ~~**42-17.1-34. Transfer of function from the department of community affairs.**~~

11 ~~(a) There is hereby transferred to the environmental protection branch that function~~
12 ~~formerly administered by the department of community affairs relating to the sewage and~~
13 ~~water supply failure fund established by chapter 44.1 of this title.~~

14 ~~(b) In addition to any of its other powers and responsibilities, the director is~~
15 ~~authorized and empowered to accept any grants made available by the United States~~
16 ~~government or any agency thereof, and the department, with the approval of the~~
17 ~~governor, is authorized and empowered to perform such acts and enter into all necessary~~
18 ~~contracts and agreements with the United States of America or any agency thereof as may~~
19 ~~be necessary in such manner and degree as shall be deemed to be in the best interest of~~
20 ~~the state. The proceeds of any grants so received shall be paid to the general treasurer of~~
21 ~~the state and by him or her deposited in a separate fund and shall be utilized for the~~
22 ~~purposes of the grant or grants.~~

23 ~~**42-17.1-35. Preservation of rights and remedies.**~~ The abolition of any division
24 ~~or transfer of any function as provided in this chapter shall not impair the obligation of~~
25 ~~any contract or agreement nor abate any suit, action or other proceeding lawfully~~
26 ~~commenced by or against the head of any agency or officer of the State of Rhode Island~~
27 ~~in his official capacity or in relation to the discharge of his or her official duties but the~~
28 ~~court may on motion filed within twelve (12) months after this chapter takes effect allow~~
29 ~~such a suit, action or proceeding to be maintained by or against the successor of such~~
30 ~~head or officer in his or her official capacity under the reorganization effected by such~~
31 ~~chapter or, if there be no such successor, against such agency or officer in his or her~~

1 capacity which succeeded to the function transferred by this chapter. No person in the
2 service of the state on the effective date of this chapter shall be discharged, separated
3 from service, or downgraded in service by reason of the enactment of this chapter.

4 ~~**42-17.1-36. Liberal construction.**~~ This chapter shall be liberally construed in
5 aid of its declared purposes, the primary purpose of which is the coordination and
6 integration of functions relating to the environment within one department and the
7 allocation of these functions to the department established by this chapter. Nothing
8 contained herein shall abrogate or affect the powers and duties of the coastal resources
9 management council under chapter 23 of title 46.

10 ~~**42-17.1-37. Severability.**~~ If any provision of this chapter or of any rule or
11 regulation made thereunder, or the application thereof to any person or circumstance, is
12 held invalid by a court of competent jurisdiction, the remainder of the chapter, rule, or
13 regulation and the application of such provision to other persons or circumstances shall
14 not be affected thereby. The invalidity of any section or sections or parts of any section or
15 sections of this chapter shall not affect the validity of the remainder of the chapter.

16 ~~**42-17.1-38. Appropriation for expenses.**~~ (a) The general assembly shall
17 annually appropriate such sum or sums as it may deem necessary for the expenses of the
18 department of the environment and the coastal resources management council in the
19 conduct of its activities and in the implementation of the powers, duties, programs, and
20 authorizations embodied in this chapter; and the state controller is hereby authorized and
21 directed to draw his or her orders upon the general treasurer for the payment of such sum
22 or sums or so much thereof as may from time to time be required upon receipt by him or
23 her of proper vouchers duly authenticated.

24 (b) There is hereby established an account within the general fund to be called
25 "the office of the director of the environment fund". The account shall consist of such
26 sums as the state may from time to time appropriate, and/or such sums representing any
27 fees or other amounts obtained as a result of operation, management, regulatory,
28 administrative, permitting, or enforcement activities for which the office of the director of
29 the department of the environment is responsible under the general laws, exclusive,
30 however, of fees and other amounts allocated to the accounts established by subsections
31 (d), (e), (f), and (g) of this section, and this account is hereby restricted for administering

1 and operating the office of the director and the state controller is hereby authorized and
2 directed to draw his or her orders upon the general treasurer for the payment of such sums
3 or portions thereof as may be required from time to time upon receipt by him or her of
4 properly authenticated vouchers. The director shall submit to the general assembly by
5 January 15 of each year a detailed report on funds received and uses made of such funds.

6 (c) There is hereby established an account within the general fund to be called
7 "the department of the environment fund". The account shall consist of such sums as the
8 state may from time to time appropriate, and/or such sums representing any fees or other
9 amounts obtained under the authority of this chapter and not otherwise allocated by this
10 section for deposit in the restricted receipt accounts established in subsections (b), (d),
11 (e), (f) or (g), or to other restricted receipt accounts, and such account is hereby restricted
12 for administering and operating the department and the state controller is hereby
13 authorized and directed to draw his or her order upon the general treasurer for the
14 payment of such sums or portions thereof as may be required from time to time upon
15 receipt by him or her of properly authenticated vouchers. The director shall submit to the
16 general assembly by January 15 of each year a detailed report on funds received and uses
17 made of such funds.

18 (d) There is hereby established an account within the general fund to be called
19 "the department of the environment—administrative adjudication branch fund". The
20 account shall consist of such sums as the state may from time to time appropriate, and/or
21 such sums representing any fees or other amounts obtained by the administrative
22 adjudication branch in connection with its activities under chapter 17.7 of this title,
23 including by way of example and not of limitation, filing fees, copy fees, hearing costs
24 and the like, provided however that fines and penalties assessed or collected in
25 accordance with an order made by a commissioner after hearing before the administrative
26 adjudication branch shall not be included for deposit in said account and said account is
27 hereby restricted for administering and operating the branch and the state controller is
28 hereby authorized and directed to draw his or her orders upon the general treasurer for the
29 payment of such sums or portions thereof as may be required from time to time upon
30 receipt by him or her of properly authenticated vouchers. The chief hearing officer shall

1 submit to the general assembly by January 15 of each year a detailed report on funds
2 received and uses made of these funds.

3 ~~(e) There is hereby established an account within the general fund to be called~~
4 ~~"the department of the environment — environmental management branch fund". The~~
5 ~~account shall consist of such sums as the state may from time to time appropriate and/or~~
6 ~~such sums representing any fees or other amounts obtained as a result of operation,~~
7 ~~management, regulatory, administrative, permitting, or enforcement activities for which~~
8 ~~the environmental management branch is responsible under any provision of the general~~
9 ~~laws, and said account is hereby restricted for administering and operating the branch and~~
10 ~~the state controller is hereby authorized and directed to draw his or her orders upon the~~
11 ~~general treasurer for the payment of such sums or portions thereof as may be required~~
12 ~~from time to time upon receipt by him or her of properly authenticated vouchers. The~~
13 ~~commissioner shall submit to the general assembly by January 15 of each year a detailed~~
14 ~~report on funds received and uses made of these funds.~~

15 ~~(f) There is hereby established an account with the general fund to be called "the~~
16 ~~department of the environment — environmental protection branch fund". The account~~
17 ~~shall consist of such sums as the state may from time to time appropriate, and/or such~~
18 ~~sums representing any fees or other amounts obtained as a result of operations,~~
19 ~~management, regulatory, administrative, permitting, or enforcement activities for which~~
20 ~~the environmental protection branch is responsible under any authority of provision of the~~
21 ~~general laws, and this account is hereby restricted for administering and operating the~~
22 ~~branch and the state controller is hereby authorized and directed to draw his or her orders~~
23 ~~upon the general treasurer for the payment of such sums or portions thereof as may be~~
24 ~~required from time to time upon receipt by him or her of properly authenticated vouchers.~~
25 ~~The commissioner shall submit to the general assembly by January 15 of each year a~~
26 ~~detailed report on funds received and uses made of these funds.~~

27 ~~(g) There is hereby established an account within the general fund to be called~~
28 ~~"the coastal resources management branch fund". The account shall consist of such sums~~
29 ~~as the state may from time to time appropriate and/or such sums representing any fees or~~
30 ~~other amounts obtained as a result of operations, management, regulatory, administrative,~~
31 ~~permitting, or enforcement activities for which the coastal resources management branch~~

1 is responsible and this account is hereby restricted for administering and operating the
2 coastal resources management council and the staff of the coastal resources management
3 branch and the state controller is hereby authorized and directed to draw his or her orders
4 upon the general treasurer for the payment of such sums or portions thereof as may be
5 required from time to time upon receipt by him or her of properly authenticated vouchers.
6 The commissioner under the direction of the council shall submit to the general assembly
7 by January 15 of each year a detailed report on funds received and uses made of these
8 funds.

9 (h) It is the intent of this section that all amounts collected, received, or accepted
10 by the department, by way of fees, fines, penalties, costs, gifts, bequests, devise, or in any
11 other manner, in connection with its operations, management, regulatory, administrative,
12 permitting, or enforcement activities under authority of this chapter or any other
13 provision of the General Laws be deposited in restricted receipt accounts within the
14 general fund, which account shall be limited as herein provided and subject to budgetary
15 authority of the director pursuant to § 42-17.1-9(x), provided however that no such
16 amount shall be deposited in a restricted receipt account established by this section if that
17 amount would otherwise be allocated for deposit in a restricted receipt account, already
18 established by law as of July 1, 1994 [1995], which establishment and which accounts are
19 hereby expressly preserved.

20 **42-17.1-39. Transfer determinations.** The director of administration, with the
21 approval of the governor, shall make the conclusive determination of the number of
22 positions, personnel, property, records, and appropriation balances, allocations and other
23 funds of the department of environmental management, department of health, water
24 resources board, and such other boards, commissions, departments, and/or agencies to be
25 transferred to the department of the environment in connection with the transfers
26 thereinto by the provisions of this chapter. Such further measures and dispositions as the
27 director of administration, with the approval of the governor, shall deem necessary in
28 order to effectuate the transfers provided in this chapter shall be carried out as he may
29 direct and by such agencies as he shall designate. Nothing contained herein shall abrogate
30 or affect the powers and duties of the coastal resources management council under
31 chapter 23 of this title.

1 ~~**42-17.1-40. Continuity of administrative functions.**~~ In order to ensure
2 continuity of the administrative business of the state, the actual transfer of functions or
3 any part of that transfer to the department of the environment from the department of
4 environmental management, department of health, water resources board, and other
5 boards, commissions, departments, and/or agencies has been postponed after the effective
6 date of Chapter 461 of the Public Laws of 1990, and the functions and authorities of the
7 department of environmental management, the department of health, water resources
8 board, and other boards, commissions, departments, and/or agencies shall remain
9 unaffected, regardless of the repeal by chapter 461 of the public laws of 1990 of any law
10 under which the departments, boards, commissions, or other agencies are empowered,
11 which laws shall remain in effect until July 1, 2002 when the transfers provided in this
12 section can be put into force and effect at which time the repeal of those laws shall
13 become final.

14 ~~**42-17.1-41. Relations with other governmental agencies.**~~ The department is
15 hereby authorized to cooperate with the appropriate agencies of the federal government,
16 this state or other states, and regional and local agencies in the planning, design and
17 implementation of any programs and facilities necessary to implement this chapter. The
18 department is authorized to apply for and accept funds from federal and regional agencies
19 to carry out any of its functions, and to contract with the federal government and regional
20 agencies concerning the use and disposition of such funds. Nothing herein shall be
21 contrived to abrogate or affect the director's authority under § 32-1-13.

22 ~~**42-17.1-42. Administrative expenses on behalf of open space and recreational**~~
23 ~~**areas.**~~ For the period beginning May 1, 1988 and ending November 6, 1990, personnel
24 and operating costs may be expended from the recreation area development fund for
25 expenses incurred by the department of the environment in the administration of the so-
26 called "open space and recreational area" grant program to the various cities and towns
27 under the provisions of chapter 425, Public Law 1987.

28 ~~**42-17.1-43. Notice of permit Recording.**~~ A notice of permit or license shall be
29 eligible for recording under chapter 13 of title 34 as determined by the applicable
30 commissioner and shall be recorded at the expense of the applicant in the land evidence
31 records of the city or town where the property subject to permit or license is located, and

1 any subsequent transferee of the property shall be responsible for complying with the
2 terms and conditions of the permit.

3 **42-17.1-44. Declaration of intent.** (a) It is the intention of the general assembly
4 in enacting chapter 17.1 of title 42 which creates the department of the environment that
5 the director of the department establish any and all departmental policies and adopt,
6 modify, and/or repeal all rules and regulations previously adopted, modified, or repealed
7 by the director of the department of environmental management under any provision of
8 law. It is further the intention of the general assembly that the commissioner of
9 environmental management and the commissioner of environmental protection,
10 administer and enforce the rules and regulations adopted by the director and carry out the
11 functions of the former director of the department of environmental management under
12 any provision of law as assigned to the respective commissioners by the provisions of this
13 chapter.

14 (b) Whenever in the General Laws the words "department of environmental
15 management" shall appear, the words "department of the environment" shall be
16 substituted.

17 (c) Whenever in the General Laws the words "director of the department of
18 environmental management" shall appear in relation to the authority to develop policy
19 and/or to adopt, modify, or repeal rules and regulations, the words "director of the
20 department of the environment" shall be substituted therefor.

21 (d) Whenever in the General Laws the words "director of the department of
22 environmental management" shall appear with respect to the administration and
23 enforcement of statutes or programs which have been transferred by this chapter to the
24 commissioner of environmental management or commissioner of environmental
25 protection, the words designating the appropriate commissioner of environmental
26 management or environmental protection, as the case may be, by virtue of the functions
27 transferred by this chapter shall be substituted therefor.

28 (e) The omission in this chapter of a citation of any general or public law now in
29 force which makes it mandatory upon or permissive for any department, division, or
30 other agency of the state to perform certain functions which by this chapter are assigned
31 or transferred to the department of the environment and/or to the commissioners for

1 ~~environmental management or environmental protection, shall not (unless otherwise~~
2 ~~clearly intended) suspend or annul the right of the department of the environment to carry~~
3 ~~out such functions. No person in the classified service of the state at the effective date of~~
4 ~~this chapter shall be discharged, separated from service, or downgraded in service by~~
5 ~~reason of the passage of this chapter. Nothing contained herein shall abrogate or affect~~
6 ~~the powers and duties of the coastal resources management council under chapter 23 of~~
7 ~~title 46.~~

8 ~~**42-17.1-45. Certification of underground storage tank professionals.** No~~
9 ~~underground storage tank ("UST") or piping system associated therewith shall be~~
10 ~~installed, substantially modified, closed or precision tightness tested; nor shall any~~
11 ~~corrosion protection system be installed, repaired or maintained on any such UST or~~
12 ~~associated piping system unless such work is performed by, or in the presence of, a~~
13 ~~person who holds a valid, appropriate certification issued in accordance with chapter 27~~
14 ~~of title 28.~~

15 SECTION 3. Chapter 42-17.1 of the General Laws entitled "Department of
16 Environmental Management [Effective until July 1, 2002.]" is hereby amended by adding thereto
17 the following section:

18 **42-17.1-25.1. Continuity of legal authority and administrative functions.** – The
19 provisions of Chapter 42-17.1 of the General Laws entitled "Department of Environmental
20 Management" that are in effect on June 30, 2002 shall remain in full force and effect and the legal
21 existence, powers, duties, and functions of the Department of Environmental Management shall
22 not be amended, altered, affected, or otherwise impaired by the repeal of the Department of the
23 Environment, established by Chapter 461 of the 1990 Public Laws. In order to ensure continuity,
24 the functions, authorities, programs, and activities of the Department of Environmental
25 Management and any other boards, commissions, departments, and/or agencies that would have
26 been affected by enactment of Chapter 42-17.1 of the General Laws entitled "Department of the
27 Environment" shall remain unaffected, regardless of the repeal, by Chapter 461 of the 1990
28 Public Laws, of Chapter 42-17.1 of the General Laws entitled "Department of Environmental
29 Management."

30 SECTION 4. Section 42-17.1-3 of the General Laws in Chapter 42-17.1 entitled
31 "Department of Environmental Management [Effective until July 1, 2002.]" is hereby amended to
32 read as follows:

33 **42-17.1-3. Construction of references. [Effective until July 1, 2002.]** -- (a) Whenever

1 in any general or public law the words "department of agriculture and conservation," "bureau of
2 markets," "division of conservation," "division of entomology and plant industry," "division of
3 forests," "division of fish and game," "division of parks and recreation," "division of harbors and
4 rivers," "division of boating safety," "division of enforcement," "division of coastal resources," or
5 "department of natural resources" shall appear, they shall be deemed to refer to and to mean the
6 "department of environmental management."

7 (b) Provided, further, that whenever in chapters 3-6, 7, 9, 11, 13, 18 and 19 of title 4
8 entitled "Animals and Animal Husbandry" the words "director of health" or "department of
9 health" shall appear, they shall be deemed to refer to and to mean the "director of environmental
10 management" and "department of environmental management" respectively.

11 (c) Provided, further, that whenever in any general or public law the words "Department
12 of the Environment" shall appear, the same shall be deemed to refer to and mean the "Department
13 of Environmental Management" or where applicable the "Director of the Department of
14 Environmental Management."

15 SECTION 5. This article shall take effect on July 1, 2002.

16 **ARTICLE 31**

17 **JOINT RESOLUTION RELATING TO PURCHASES OF STATE VEHICLES**

18 SECTION 1. This article shall serve as a joint resolution required pursuant to Chapter 35-
19 18 of the Rhode Island General Laws entitled "Public Corporation Debt Management."

20 WHEREAS, The State of Rhode Island has developed policies and procedures with
21 respect to the state procurement and financing of vehicles and trucks; and

22 WHEREAS, The State since FY 2000 has financed these vehicle purchases through the
23 issuance of tax-exempt certificates of participation rather than through individual leases with
24 various financing companies; and

25 WHEREAS, The total annual financing in FY 2002 will total \$4,670,000, which includes
26 the financing of trucks for the maintenance division of the Department of Transportation in the
27 amount of \$2,700,000; and

28 WHEREAS, The Rhode Island Public Corporation Debt Management Act, described in
29 Chapter 35-18 of the Rhode Island General Laws, requires the General Assembly to provide its
30 consent to the issuance or incurring by the State of Rhode Island of certain obligations, including
31 financing guarantees or other agreements which exceed \$4,000,000; and

1 WHEREAS, The project costs associated with the vehicle purchases in FY 2002 are
2 estimated to be \$4,640,000. The total financing obligation of the State of Rhode Island would be
3 approximately \$4.7 million, with \$4.67 million deposited in the equipment fund and \$.03 million
4 allocated to pay the associated costs of financing. The total payments on the state's obligation on
5 the \$4.7 million issuance over five (5) years are projected to be \$5.2 million, assuming an average
6 effective interest rate of 4.0%. The payments would be financed by the Department of
7 Administration from general revenue appropriations; and it is hereby

8 RESOLVED, That this General Assembly hereby authorizes the Governor, the Director
9 of the Department of Administration, and other appropriate state officials to enter into a financial
10 obligation, guarantee, or other agreement or agreements evidencing the financing obligation of
11 the State of Rhode Island for the term of the debt issuance in an amount not to exceed \$4.7
12 million for the provision of funds for the purchase of vehicles and trucks in fiscal year 2002; and
13 be it further

14

1 RESOLVED, That this Joint Resolution and article shall take effect immediately upon
2 passage.

3 ARTICLE 32

4 RELATING TO MEDICAL ASSISTANCE FOR FAMILIES

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

7 **40-8.4-4. Eligibility.** -- (a) Medical assistance for families. - There is hereby established
8 a category of medical assistance eligibility pursuant to section 1931 of title XIX of the Social
9 Security Act [42 U.S.C. section 1396u-1] for families whose income and resources are no greater
10 than the standards in effect in the aid to families with dependent children program on July 16,
11 1996 or such increased standards as the department may determine. The department of human
12 services is directed to amend the medical assistance title XIX state plan and to submit to the U.S.
13 Department of Health and Human Services an amendment to the RIte Care waiver project to
14 provide for medical assistance coverage to families under this chapter in the same amount, scope
15 and duration as coverage provided to comparable groups under the waiver. The department is
16 further authorized and directed to submit such amendments and/or requests for waivers to the title
17 XXI state plan as may be necessary to maximize federal contribution for provision of medical
18 assistance coverage under this chapter. However, implementation of expanded coverage under
19 this chapter shall not be delayed pending federal review of any title XXI amendment or waiver.

20 (b) Income. - The director of the department of human services is authorized and
21 directed to amend the medical assistance title XIX state plan or RIte Care waiver to provide
22 medical assistance coverage through expanded income disregards or other methodology for
23 families whose income levels are below one hundred eighty-five percent (185%) of the federal
24 poverty level.

25 (c) Resources. - Resources shall be disregarded in determining eligibility under this
26 chapter.

27 (d) Waiver. - The department of human services is authorized and directed to apply for
28 and obtain appropriate waivers from the Secretary of the U.S. Department of Health and Human
29 Services, including, but not limited to, a waiver of the appropriate provisions of Title XIX, to
30 require that individuals with incomes equal to or greater than one hundred fifty percent (150%) of
31 the federal poverty level pay a share of the costs of their medical assistance coverage provided

1 through enrollment in either the RItCare Program or under the premium assistance program
2 under section 40-8.4-12, in a manner and at an amount consistent with comparable cost-sharing
3 provisions under section 40-8.4-12, provided that such cost sharing shall not exceed ~~three percent~~
4 ~~(3%)~~ five percent (5%) of annual income.

5 **40-8.4-12. RItShare Health Insurance Premium Assistance Program.** -- (a) Basic
6 RItShare Health Insurance Premium Assistance Program. - The department of human services is
7 authorized and directed to amend the medical assistance Title XIX state plan to implement the
8 provisions of Section 1906 of Title XIX of the Social Security Act [42 U.S.C. section 1396e] and
9 establish the Rhode Island health insurance premium assistance program for RItCare eligible
10 parents with incomes up to one hundred eighty-five percent (185%) of the federal poverty level
11 who have access to employer-based health insurance. The state plan amendment shall require
12 eligible individuals with access to employer-based health insurance to enroll themselves and/or
13 their family in the employer-based health insurance plan as a condition of participation in the
14 RItShare program under this chapter and as a condition of retaining eligibility for medical
15 assistance under chapters 5.1 and 8.4 of this title and/or chapter 12.3 of title 42 and/or premium
16 assistance under this chapter, provided that doing so meets the criteria established in Section 1906
17 of Title XIX for obtaining federal matching funds and the department has determined that the
18 individual's and/or the family's enrollment in the employer-based health insurance plan is cost-
19 effective and the department has determined that the employer-based health insurance plan meets
20 the criteria set forth in subsection (d). The department shall provide premium assistance by
21 paying all or a portion of the employee's cost for covering the eligible individual or his or her
22 family under the employer-based health insurance plan, subject to the cost sharing provisions in
23 subsection (b), and provided that the premium assistance is cost-effective in accordance with Title
24 XIX [42 U.S.C. section 1396 et seq.].

25 (b) Individuals who can afford it shall share in the cost. - The department of human
26 services is authorized and directed to apply for and obtain any necessary waivers from the
27 secretary of the United States department of health and human services, including, but not limited
28 to a waiver of the appropriate sections of Title XIX [42 U.S.C. section 1396 et seq.] to require
29 that individuals eligible for RItCare under this chapter or chapter 12.3 of title 42 with incomes
30 equal to or greater than one hundred fifty percent (150%) of the federal poverty level pay a share
31 of the costs of health insurance based on the individual's ability to pay, provided that the cost
32 sharing shall not exceed ~~three percent (3%)~~ five percent (5%) of the individual's annual income.
33 The department of human services shall implement the cost-sharing by regulation, and shall
34 consider co-payments, premium shares or other reasonable means to do so.

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

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

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

26 (f) Implementation by regulation. - The department of human services is authorized and
27 directed to adopt regulations to ensure the establishment and implementation of the premium
28 assistance program in accordance with the intent and purpose of this section, the requirements of
29 Title XIX and any approved federal waivers.

30 SECTION 2. This article shall take effect upon passage and any rules or regulations
31 necessary or advisable to implement the provisions of this article shall be effective immediately
32 as an emergency rule upon the department's filing thereof with the secretary of state as it is
33 hereby found that the current fiscal crisis in this state has caused an imminent peril to public
34 health, safety and welfare, and the department is hereby exempted from the requirements of

1 subsections 42-35-3(b) and 42-35-4(b)(2) relating to agency findings of imminent peril to public
2 health, safety and welfare and the filing of statements of the agency's reasons thereof.

3 **ARTICLE 33**

4 RELATING TO MEDICAL ASSISTANCE -- HOSPITAL SETTLEMENTS

5 SECTION 1. Chapter 40-8 of the General Laws entitled "Medical Assistance" is
6 hereby amended by adding thereto the following section:

7 **40-8-13.2 Prospective rate methodology for in-state hospital services.** — As a
8 condition of participation in the established prospective rate methodology for
9 reimbursement of in-state hospital services, every hospital shall submit year-end
10 settlement reports to the department within two (2) years from the close of a hospital's
11 fiscal year. In the event that a participating hospital fails to timely submit a year-end
12 settlement report as required, the department shall withhold financial cycle payments due
13 by any state agency with respect to such hospital by not more than ten percent (10%)
14 until the report is received.

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

16 **ARTICLE 34**

17 RELATING TO HEALTH CARE FACILITIES

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

20 **23-17-38.1 Hospitals-- Licensing Fee.**--(a) There is imposed a an annual hospital
21 licensing fee at the rate of four and twenty-five hundredths percent (4.25%) upon the net
22 patient services revenue of every hospital for the hospital's first fiscal year ending on or
23 after January 1, 1999. This annual licensing fee shall be administered and collected by the
24 tax administrator, division of taxation within the department of administration, and all the
25 administration, collection and other provisions of chapter 50 and 51 of title 44 shall
26 apply. Every hospital shall pay the annual licensing fee to the tax administrator on or
27 before October 31st of each year, beginning October 31, 2004~~2~~, and payments shall be

1 made by electronic transfer of monies to the general treasurer and deposited to the
2 general fund in accordance with §44-50-11. Every hospital shall, on or before October 1st
3 of each year, beginning October 1, 200~~1~~2, make a return to the tax administrator
4 containing the correct computation of net patient services revenue for the hospital fiscal
5 year ending September 30, 1999, and the licensing fee due upon that amount. All returns
6 shall be signed by the hospital's authorized representative, subject to the pains and
7 penalties of perjury.

8 (b) For purposes of this section the following words and phrases have the
9 following meanings:

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

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

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

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

22 SECTION 2. This article shall take effect on July 1, 2002 and shall apply to
23 hospitals, as defined in Section 1, which are duly licensed on July 1, 2002. The licensing
24 fee imposed by Section 1 shall be in addition to the inspection fee imposed by Section
25 23-17-38 and to any licensing fees previously imposed in accordance with Section 23-17-
26 38.1.

27 **ARTICLE 35**

28 **RELATING TO SUPPLEMENTAL SECURITY INCOME**

29 SECTION 1. Section 40-6-27 of the General Laws in Chapter 40-6 entitled "Public

1 Assistance Act" is hereby amended to read as follows:

2 **40-6-27. Supplemental security income.** -- (a) (1) The director of the department is
3 hereby authorized to enter into agreements on behalf of the state with the secretary of the
4 department of health and human services or other appropriate federal officials, under the
5 supplementary and security income (SSI) program established by title XVI of the Social Security
6 Act, 42 U.S.C. section 1381 et seq., concerning the administration and determination of eligibility
7 for SSI benefits for residents of this state, except as otherwise provided herein. The state's
8 monthly share of supplementary assistance to the supplementary security income program
9 effective January 1, 1993 shall be as follows:

10 Individual living alone:	\$ 64.35
11 Individual living with others:	74.60
12 Couple living alone:	120.50
13 Couple living with others:	136.50
14 Individual living in state licensed residential care and assisted living facilities, effective 15 October 1, 1998:	582.00

16 Provided, however, that the department of human services shall by regulation reduce,
17 effective January 1, 2003, the state's monthly share of supplementary assistance to the
18 supplementary security income program for each of the above listed payment levels, by the same
19 value as the annual federal cost of living adjustment to be published by the federal social security
20 administration in October 2002 and becoming effective on January 1, 2003, as determined under
21 the provisions of title XVI of the federal social security act [42 U.S.C. Section 1381 et seq.]; and
22 provided further, that it is the intent of the general assembly that the January 1, 2003 reduction in
23 the state's monthly share shall not cause a reduction in the combined federal and state payment
24 level for each category of recipients in effect in the month of December 2002; and provided
25 further that the department of human services is authorized and directed to provide for payments
26 to recipients in accordance with the above directives beginning January 1, 2003 pending formal
27 revisions to the above table of payment levels by the general assembly during the 2003 session of
28 the general assembly.

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

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

1 and assisted living facility monthly fee.

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

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

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

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

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

12 (1) Moving costs or other expenses as a result of an emergency of a catastrophic nature
13 which is defined as a fire or natural disaster; and

14 (2) Lost or stolen SSI benefit checks or proceeds thereof; and

15 (3) Assistance payments to SSI eligible individuals in need because of the application of
16 federal SSI regulations regarding estranged spouses; and the department shall provide such
17 assistance in a form and amount which the department shall by regulation determine.

18 SECTION 2. This article shall take effect upon passage and any rules or regulations
19 necessary or advisable to implement the provisions of this article shall be effective immediately
20 as an emergency rule upon the department's filing thereof with the secretary of state as it is
21 hereby found that the current fiscal crisis in this state has caused an imminent peril to public
22 health, safety and welfare, and the department is hereby exempted from the requirements of
23 subsections 42-35-3(b) and 42-35-4(b)(2) relating to agency findings of imminent peril to public
24 health, safety and welfare and the filing of statements of the agency's reasons thereof.

25 **ARTICLE 36**

26 **LABOR AND LABOR RELATIONS - EMPLOYMENT SECURITY**

27 SECTION 1. Section 28-42-79 of the General Laws in Chapter 28-42 entitled
28 "Employment Security - General Provisions" is hereby amended to read as follows:

29 **28-42-79. Disbursements -- Balance.** -- (a) The moneys in the tardy account fund shall
30 be used solely for the following purposes:

31 (1) To make refunds of penalties erroneously collected and deposited in the fund; and

1 (2) To maintain essential employment ~~services security positions that would otherwise~~
2 ~~be diminished or eliminated by reductions in federal funding for these positions.~~

3 (b) The general treasurer pays all vouchers drawn by the director upon the fund, in those
4 amounts and in the manner that the director may prescribe. Vouchers drawn upon the fund are
5 referred to the controller within the department of administration. Upon receipt of these vouchers,
6 the controller shall immediately record and sign them and shall promptly transfers the signed
7 vouchers to the general treasurer; provided, that these expenditures are used solely for the
8 purposes specified in this section and its balances shall not lapse at any time.

9 SECTION 2. This act shall take effect upon passage.

10 **ARTICLE 37**

11 **RELATING TO PHARMACEUTICAL ASSISTANCE TO THE ELDERLY ACT**

12 SECTION 1. Sections 42-66.2-3, 42-66.2-4, 42-66.2-5, 42-66.2-6 and 42-66.2-10 of the
13 General Laws in Chapter 42-66.2 entitled "Pharmaceutical Assistance to the Elderly Act" are
14 hereby amended to read as follows:

15 **42-66.2-3. Definitions.** – As used in this chapter, unless the context requires otherwise:

16 (1) "Consumer" means any full-time resident of the state who fulfills the eligibility
17 requirements set forth in section 42-66.2-5. Residence for purposes of this chapter shall be in
18 accordance with the definitions and evidence standards set forth in section 17-1-3.1.

19 (2) "Contractor" means a third party or private vendor capable of administering a
20 program of reimbursement for prescription drugs, and drug program eligibility administrative
21 support as required by the director, the vendor to be determined through a competitive bid process
22 in which the director awards a three (3) year contract for services.

23 (3) "Department" means the department of elderly affairs.

24 (4) "Director" means the director of the department of elderly affairs.

25 (5) (i) ~~"Drugs" and "eligible~~ "Eligible drugs" means insulin and shall mean noninjectable
26 drugs which require a physician's prescription according to federal law and which are contained
27 in the following American hospital formulary service pharmacologic -therapeutic classifications
28 categories that have not been determined by the federal "drug efficacy and safety implementation
29 (DESI) commission" to lack substantial evidence of effectiveness. ~~Drugs and eligible~~ Eligible
30 drugs are limited to the following classification categories: cardiac drugs, hypotensive drugs,
31 diuretics, anti-diabetic agents, insulin, disposable insulin syringes, vasodilators (cardiac

1 indications only), anticoagulants, hemorreolgic agents, glaucoma drugs, drugs for the treatment of
2 Parkinson's disease, antilipemic drugs and oral antineoplastic drugs and drugs for the treatment of
3 asthma and other chronic respiratory diseases and prescription vitamin and mineral supplements
4 for renal patients, and drugs approved for the treatment of Alzheimer's disease, drugs used for the
5 treatment of depression, those drugs approved for the treatment of urinary incontinence, anti
6 infectives, drugs used for the treatment of arthritis, drugs approved for the treatment of
7 osteoporosis, and neuraminidase inhibiting drugs indicated for the treatment of influenza A and
8 B.

9 (ii) "Additional drugs" shall mean noninjectable drugs which require a physician's
10 prescription according to federal law and which are contained in the American hospital
11 formulary service pharmacologic-therapeutic classifications categories that have not been
12 determined by the federal "drug efficacy and safety implementation (DESI) commission" to lack
13 substantial evidence of effectiveness, which are not included in the definition of drugs as defined
14 in section 42-66.2-3(5). However, this shall not include prescription drugs used for cosmetic
15 purposes.

16 (6) "Income" for the purposes of this chapter means the sum of federal adjusted gross
17 income as defined in the Internal Revenue Code of the United States [26 U.S.C. section 1 et seq.]
18 and all nontaxable income including but not limited to, the amount of capital gains excluded from
19 adjusted gross income, alimony, support money, nontaxable strike benefits, cash public assistance
20 and relief (not including relief granted under this chapter), the gross amount of any pension or
21 annuity (including Railroad Retirement Act benefits [45 U.S.C. section 231 et seq.] all payments
22 received under the federal Social Security Act [42 U.S.C. section 301 et seq.] state unemployment
23 insurance laws, and veterans' disability pensions), nontaxable interest received from the federal
24 government or any of its instrumentalities, workers' compensation, and the gross amount of "loss
25 of time" insurance. It does not include gifts from nongovernmental sources, or surplus foods or
26 other relief in kind supplied by a public or private agency.

27 (7) "Pharmaceutical manufacturer" means any entity holding legal title to or possession
28 of a national drug code number issued by the federal food and drug administration.

29 (8) "Pharmacy" means a pharmacy licensed by the state of Rhode Island and whose place
30 of business is physically located within the state.

31 (9) "Pilot program contractor" means Blue Cross and Blue Shield of Rhode Island.

32 **42-66.2-4. Amount of payment.** -- The state shall pay the percentage rate of the
33 maximum allowable amount per prescription as formulated in the contract, as of the date of
34 purchase of the drug, between the contractor and participating pharmacies in accordance with the

1 income eligibility and co-payment shares set forth in section 42-66.2-5. The pharmacy shall
2 collect from the consumer the percentage rate of the maximum allowable amount per prescription
3 as formulated in the contract, as of the date of the purchase of the eligible drug or additional
4 drug, between the contractor and participating pharmacies in accordance with the income
5 eligibility and co-payment shares set forth in section 42-66.2-5. ~~Payment for eligible drugs~~
6 ~~pursuant to this chapter shall only apply to purchases made on or after October 1, 1985.~~

7 **42-66.2-5. Persons eligible.** -- (a) Persons eligible for assistance under the provisions of
8 this chapter include any resident of the state who is at least sixty-five (65) years of age. State and
9 consumer co-payment shares for these persons, shall be determined as follows:

10 (1) For unmarried persons or married persons living separate and apart whose income for
11 the calendar year immediately preceding the year in which assistance is sought is:

12 (i) Less than fifteen thousand nine hundred and thirty-two dollars (\$15,932) the state
13 shall pay sixty percent (60%) of the cost of the prescriptions and the consumer shall pay forty
14 percent (40%) of the cost of the prescriptions;

15 (ii) More than fifteen thousand nine hundred and thirty-two dollars (\$15,932) and less
16 than twenty thousand dollars (\$20,000), the state shall pay thirty percent (30%) of the cost of the
17 prescriptions and the consumer shall pay seventy percent (70%) of the cost of the prescriptions;
18 and

19 (iii) More than twenty thousand dollars (\$20,000) and less than thirty-five thousand
20 dollars (\$35,000), the state shall pay fifteen percent (15%) of the cost of prescriptions and the
21 consumer shall pay eighty-five percent (85%) of the cost of prescriptions.

22 (2) For married persons whose income for the calendar year immediately preceding the
23 year in which assistance is sought hereunder when combined with any income of the person's
24 spouse in the same year is:

25 (i) Nineteen thousand nine hundred and sixteen dollars (\$19,916) or less, the state shall
26 pay sixty percent (60%) of the cost of the prescriptions and the consumer shall pay forty percent
27 (40%) of the cost of the prescriptions;

28 (ii) More than nineteen thousand nine hundred and sixteen dollars (\$19,916) and less
29 than twenty-five thousand dollars (\$25,000), the state shall pay thirty percent (30%) of the cost of
30 the prescriptions and the consumer shall pay seventy percent (70%) of the cost of prescriptions;
31 and

32 (iii) More than twenty-five thousand dollars (\$25,000) and less than forty thousand
33 dollars (\$40,000), the state shall pay fifteen percent (15%) of the cost of prescriptions and the
34 consumer shall pay eighty-five percent (85%) of the cost of prescriptions.

1 (3) Eligibility may also be determined by using income data for the ninety (90) days
2 prior to application for benefits and projecting that income on an annual basis. The income levels
3 shall not include those sums of money expended for medical and pharmaceutical that exceed
4 three percent (3%) of the applicant's annual income or three percent (3%) of the applicant's
5 preceding ninety (90) day income computed on an annual basis.

6 (b) On July 1 of each year, the maximum amount of allowable income for both unmarried
7 and married residents set forth in subsection (a) shall be increased by a percentage equal to the
8 percentage of the cost of living adjustment provided for social security recipients.

9 (c) Notwithstanding the foregoing provisions of this section, no person whose
10 prescription drug expenses are paid or reimbursable, either in whole or in part, by any other plan
11 of assistance or insurance is eligible for assistance under this section, until the person's
12 prescription drug coverage is exhausted during a benefit year, and as provided in subsection (d).

13 (d) The fact that some of a person's prescription drug expenses are paid or reimbursable
14 under the provisions of medicare, part B, shall not disqualify that person, if he or she is otherwise
15 eligible, to receive assistance under this chapter. In those cases, the state shall pay sixty percent
16 (60%) of the cost of those prescriptions for qualified drugs for which no payment or
17 reimbursement is made by the federal government.

18 (e) Eligibility for receipt of any other benefit under any other provisions of the Rhode
19 Island general laws as a result of eligibility for the pharmaceutical assistance program authorized
20 under this section shall be limited to those persons whose income qualify them for a sixty percent
21 (60%) state co-payment share of the cost of prescriptions.

22 (f) Between fifty-five (55) and sixty-five (65) years of age and receiving social security
23 disability benefits. These persons shall pay one hundred percent (100%) of the cost of
24 prescriptions set forth in section 42-66.2-4.

25 **42-66.2-6. Responsibilities of department of elderly affairs.** -- (a) Determination of
26 eligibility. - The department shall adopt regulations relating to the determination of eligibility of
27 prospective consumers and the determination and elimination of program abuse. The department
28 has the power to declare ineligible any consumer who abuses or misuses the established
29 prescription plan. The department has the power to investigate cases of suspected provider or
30 consumer fraud.

31 (b) Rebates for expenses prohibited. - (1) A system of rebates or reimbursements to the
32 consumer for pharmaceutical expenses shall be prohibited.

33 (2) Subdivision (1) shall not be interpreted to exclude other consumers not participating
34 in the pharmaceutical assistance to the elderly program from receiving financial offers or

1 redeemable coupons that are available to only those who have paid for the service or product
2 through direct cash payment, insurance premiums, or cost sharing with an employer.

3 (c) Program criteria. - The program includes the following criteria:

4 (1) Collection of the co-payment by pharmacies is mandatory;

5 (2) Senior citizens participating in the program are not required to maintain records of
6 each transaction but shall sign a receipt for eligible and additional drugs;

7 (3) (i) A system of rebates or reimbursements to the consumer for pharmaceutical
8 expenses is prohibited;

9 (ii) This subdivision shall not be interpreted to exclude other consumers from receiving
10 financial offers or redeemable coupons that are available to only those who have paid for the
11 service or product through direct cash payment, insurance premiums, or cost sharing with an
12 employer.

13 (4) Prescription benefits for any single prescription may be dispensed in the amounts
14 authorized by the physician, and agreed to by the consumer, up to a maximum of a one hundred
15 (100) day supply or two hundred (200) doses, whichever is less and/or a one hundred (100) day
16 supply or one quart of liquid, whichever is less; provided, however, that disposable insulin
17 syringes are dispensed in a quantity of one hundred (100);

18 (5) Experimental drugs are excluded from the program.

19 (6) A system of mail order delivery for prescriptions is prohibited under this program;

20 and

21 (7) Eligible and additional drugs must be dispensed within one year of the original
22 prescription order.

23 (d) The director shall issue an eligibility card containing a program ID number and the
24 time period for which the card is valid.

25 (e) The director shall institute and conduct an educational outreach program and shall
26 provide a mechanism, within the department, to handle all public inquiries concerning the
27 program.

28 (f) The director shall establish a process, in accordance with the Administrative
29 Procedures Act, chapter 35 of this title, to provide an appeals hearing on the determination of
30 eligibility.

31 (g) The director shall forward to the contractor a list of all eligible consumers.

32 **42-66.2-10. Pharmaceutical manufacturer drug rebates.** -- (a) The director shall enter
33 into prescription drug rebate agreements with individual pharmaceutical manufacturers under
34 which the department shall receive a rebate from the pharmaceutical manufacturer equal to the

1 basic rebate supplied by the manufacturer under 42 U.S.C. section 1396a for every eligible
2 prescription drug dispensed under the program. Each prescription drug rebate agreement shall
3 provide that the pharmaceutical manufacturer shall make quarterly rebate payments to the
4 department equal to the basic rebate supplied by the manufacturer under 42 U.S.C. section 1396a
5 for the total number of dosage units of each form and strength of a prescription drug which the
6 department reports as reimbursed to providers of prescription drugs, provided these payments
7 shall not be due until thirty (30) days following the manufacturer's receipt of utilization data from
8 the department including the number of dosage units reimbursed to providers of eligible
9 prescription drugs during the quarter for which payment is due.

10 (b) (1) Upon receipt of the utilization data from the department, the pharmaceutical
11 manufacturer shall calculate the quarterly payment. The department may, at its expense, hire a
12 mutually agreed upon independent auditor to verify the calculation and payment. In the event that
13 a discrepancy is discovered between the pharmaceutical manufacturer's calculation and the
14 independent auditor's calculation, the pharmaceutical manufacturer shall justify its calculations or
15 make payment to the department for any additional amount due.

16 (2) The pharmaceutical manufacturer may, at its expense, hire a mutually agreed upon
17 independent auditor to verify the accuracy of the utilization data provided by the department. In
18 the event that a discrepancy is discovered, the department shall justify its data or refund any
19 excess payment to the pharmaceutical manufacturer. The department may, at its expense,
20 establish a grievance adjudication procedure which provides for independent review of
21 manufacturer documentation substantiating the basic rebate amount per unit delivered under 42
22 U.S.C. section 1396a. In the event that a discrepancy is discovered, the department shall justify its
23 data or refund any excess payment to the pharmaceutical manufacturer.

24 (c) All eligible prescription drugs of a pharmaceutical manufacturer that enters into an
25 agreement pursuant to subsection (a) shall be immediately available and the cost of these eligible
26 drugs shall be reimbursed and not subject to any restrictions or prior authorization requirements.
27 Any prescription drug of a manufacturer that does not enter into an agreement pursuant to
28 subsection (a) shall not be reimbursable, unless the department determines the eligible
29 prescription drug is essential to program participants.

30 (d) All rebates collected by the department from the rebate payments made for drugs for
31 persons eligible under the provisions of section 42-66.2-5(a) shall be deposited as general
32 revenues of the state.

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

1 **ARTICLE 38**

2 RELATING TO ZERO BASE BUDGET REVIEW

3 SECTION 1. Chapter 35-3 of the General Laws entitled "State Budget" is hereby
4 amended by adding thereto the following section:

5 **35-3-4.2. Zero base budget review.** – (a) The chairperson of the house finance
6 Committee and/or the chairperson of the senate finance committee may, from time to time,
7 designate one or more departments to submit zero base budgets. The committee(s) shall consider
8 the objectives, operations, measures of performance, and costs of all activities of each
9 department; explore alternative means of conducting the activities of each department; and
10 evaluate alternative budget amounts for various levels of effort for each activity of each
11 department.

12 (b) The committee(s) shall begin zero base budget reviews at the beginning of the fiscal
13 year, and shall complete analysis prior to the governor's submission of the budget as required in
14 section 35-3-7. Prior to August 1, the chairperson(s) shall communicate to the departments so
15 designated the form and number of copies, and with such explanation as the committee(s) may
16 require.

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

18 **ARTICLE 39**

19 RELATING TO RETIREMENT HEALTH BENEFITS

20 SECTION 1. Chapter 36-12 of the General Laws entitled "Insurance Benefits" is hereby
21 amended by adding thereto the following section:

22 **36-12-4.1. Retirement health benefits.** – (a) Any state employee or teacher hired after
23 January 1, 2003 shall contribute to his/her retirement health benefits.

24 (b) Contributions hereunder must be based on an amount determined by the state
25 retirement board based on information compiled by actuaries selected by, and paid for by, the
26 state retirement board.

27 (c) The cost of contributions hereunder shall be based on actuarially determined amounts
28 for retirees based on coverage as a unique class, with benefits identical to those offered to active

1 state employees and teachers.

2 (d) The state shall conduct an actuarial study of unfunded liability for current state
3 employees and teachers and retirees to determine contributions required to fund retiree health
4 benefits under current law, and with retirees as a separate actuarial cost.

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

6 **ARTICLE 40**

7 RELATING TO EFFECTIVE DATE

8 SECTION 1. This act shall take effect July 1, 2002, except as otherwise
9 provided herein.

10 In articles where it is provided that the effective date shall be either “July 1, 2002”
11 or “upon passage”, and no provision is made for retroactive or prospective application,
12 the effective date shall be July 1, 2002, and if the act is enacted after July 1, 2002, then
13 the article shall be retroactive to July 1, 2002.

14 In articles where it is provided that the effective date shall be either “July 1, 2002”
15 or “upon passage” and provision is made with the article for retroactive or prospective
16 application, the article shall take effect on July 1, 2002 and its application made
17 retroactive or prospective as set fourth in the article.

18

19

=====
LC02464/SUB A
=====

