

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2002

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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:

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|----|------------|---|
| 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

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ARTICLE 1 SUB A AS AMENDED

RELATING TO MAKING APPROPRIATIONS IN SUPPORT OF FY 2003

SECTION 1. Subject to the conditions, limitations and restrictions hereinafter contained in this act, the following general revenue amounts are hereby appropriated out of any money in the treasury not otherwise appropriated to be expended during the fiscal year ending June 30, 2003.

Administration

General Revenues	355,629,664
Provided personnel and other state operations do not exceed 94,407,866	
Federal Funds	36,113,316
Restricted Receipts	8,588,475
Other Funds	
Motor Fuel Tax Evasion Program	8,852
Temporary Disability Insurance	613,365
Other Funds Registration Denial Program	651
Other Funds Lighting Conservation	661,278
Other Funds	
Federal Highway - PL Systems Planning	1,060,711
Federal Highway - T2 Systems Planning	127,550
Air Quality Modeling	20,283
RICAP – Ladd Center - Infrastructure	500,000
RICAP - State House Terrace/South Stairs	715,037
RICAP - Chapin Health Laboratory	175,360
RICAP - Cranston Street Armory	250,000
RICAP - Cannon Building	75,000
RICAP – Facility Renovations – Handicapped Access	250,000
RICAP - Old State House	50,000
RICAP - State Office Building	150,000

1	RICAP - Veterans Office Building	200,000
2	RICAP - Old Colony House	98,000
3	RICAP - Court Buildings – HVAC	250,000
4	RICAP - Washington County Government Center	125,000
5	RICAP – State House Renovations Phase I	100,000
6	RICAP - State House Renovations – Phase II	125,000
7	RICAP - Board of Elections Building	25,000
8	RICAP - Environmental Compliance	750,000
9	RICAP - Fox Point Hurricane Barrier	50,000
10	<i>Debt Service Payments</i>	
11	RICAP - MHRH – Com. Services	10,966,255
12	RICAP - MHRH - Comm. Mental Health	2,769,498
13	RICAP - DEM – Narragansett Bay Commission	5,066,552
14	RICAP - DEM – Clean Water Finance Agency	4,364,496
15	RICAP - DEM – Wastewater Treatment	4,368,952
16	RIPTA Debt Service	920,703
17	Transportation Debt Service	41,265,753
18	DOA – Third Rail Project – Quonset Point	764,247
19	RIRBA - DLT – Temporary Disability Insurance	60,222
20	COPS - DLT Building – Other	383,041
21	COPS - Center General – Furniture – TDI	1,993
22	COPS - Pastore Center Telecommunications – TDI	18,971
23	Debt - URI Education and General	963,451
24	Debt - URI Housing Loan Funds	1,845,923
25	Debt - URI Dining Services	265,179
26	Debt - URI Health Services	125,409
27	Debt - W. Alton Jones Services	111,050
28	Debt - URI Memorial Union	97,648
29	Debt - URI Sponsored Research (Indirect Cost)	101,347
30	Debt - RIC Education and General	296,614
31	Debt - RIC Housing	568,390

1	Debt - RIC Student Center and Dining	177,951
2	Debt - RIC Student Union	254,765
3	Debt - CCRI Bookstore	177,092
4	Grand Total - Administration	482,648,044
5	Business Regulation	
6	General Revenues	8,540,940
7	Provided personnel and other state operations do not exceed 8,538,340	
8	Restricted Receipts	592,165
9	Grand Total - Business Regulation	9,133,105
10	Labor and Training	
11	General Revenues	6,785,451
12	Provided personnel and other state operations do not exceed 3,790,706	
13	Federal Funds	37,147,421
14	Restricted Receipts	24,591,788
15	Other Funds	366,115,094
16	Of the \$366.1 million appropriated from other funds, \$2.6 million is	
17	hereby appropriated from Reed Act Funds. Of the \$2.6 million	
18	amount, \$1.7 million may be used solely for the Rapid Job Entry	
19	program to engage welfare recipients in employment preparation	
20	and placement through employment Assessment Workshop and	
21	Job Club/Job Search Workshop Activities, and \$900,000 may	
22	be used solely for the administration of this state's unemployment	
23	compensation law and public employment offices.	
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25		
26	Grand Total - Labor and Training	437,239,754
27	Legislature	
28	General Revenues	26,055,589
29	Restricted Receipts	809,639
30	Grand Total - Legislature	26,865,228
31	Lieutenant Governor General Revenues	805,721
32	State	

1	General Revenues	5,914,768
2	Provided personnel and other state operations do not exceed 5,478,518	
3	Restricted Receipts	198,068
4	Grand Total - State	6,112,836
5	General Treasurer	
6	Other Funds	10,086,887
7	General Revenues	3,517,360
8	Provided personnel and other state operations do not exceed 3,017,360	
9	Federal Funds	1,568,190
10	Restricted Receipts	10,808,677
11	Grand Total - General Treasurer	25,981,114
12	Boards for Design Professionals General Revenues	378,802
13	Board of Elections General Revenues	5,396,412
14	Provided personnel and other state operations do not exceed 2,186,025	
15	Rhode Island Ethics Commissions General Revenues	926,278
16	Office of Governor General Revenues	5,077,251
17	Public Utilities Commission	
18	General Revenues	705,611
19	Provided personnel and other state operations do not exceed 703,901	
20	Federal Funds	66,610
21	Restricted Receipts	4,873,650
22	Grand Total - Public Utilities Commission	5,645,871
23	Rhode Island Commission on Women General Revenues	143,489
24	Provided personnel and other state operations do not exceed 141,489	
25	Children, Youth, and Families	
26	General Revenues	139,524,937
27	Provided personnel and other state operations do not exceed 55,867,215	
28	Federal Funds	92,374,230
29	Restricted Receipts	1,460,000
30	Grand Total - Children, Youth, and Families	233,359,167
31	Elderly Affairs	
32	Other Funds Intermodal Surface Transportation Fund	4,700,000

1	General Revenues	26,832,885
2	Provided personnel and other state operations do not exceed 3,157,819	
3	Federal Funds	9,178,863
4	Grand Total - Elderly Affairs	40,711,748
5	Health	
6	Other Funds	211,528
7	General Revenues	33,461,898
8	Provided personnel and other state operations do not	
9	exceed 26,007,620	
10	Federal Funds	55,916,057
11	Restricted Receipts	8,166,324
12	Other Funds	211,528
13	Grand Total - Health	97,755,807
14	Human Services	
15	General Revenues	608,467,591
16	Provided personnel and other state operations do not exceed 49,892,331	
17	Federal Funds	781,757,011
18	Restricted Receipts	4,046,732
19	Other Funds	
20	RICAP – Veteran’s Home Roof	140,000
21	RICAP – Forand Building Exterior Repairs	150,000
22	Grand Total - Human Services	1,394,561,334
23	Mental Health, Retardation, and Hospitals	
24	General Revenues	218,833,418
25	Provided personnel and other state operations do not exceed 99,870,901	
26	Federal Funds	220,440,452
27	Restricted Receipts	65,000
28	Other Funds	
29	RICAP - Utilities Upgrade	200,000
30	RICAP – Central Power Plant Rehabilitation	650,000
31	RICAP – Medical Center Rehabilitation	400,000
32	RICAP – Asset Protection	100,000

1	Grand Total - Mental Health, Retardation, and Hospitals	440,688,870
2	Office of the Child Advocate	
3	General Revenues	494,552
4	Federal Funds	359,190
5	Grand Total - Child Advocate	853,742
6	Commission on the Deaf and Hard of Hearing General Revenues	261,397
7	RI Developmental Disabilities Council Federal Funds	421,433
8	Governor's Commission on Disabilities	
9	General Revenues	320,739
10	Federal Funds	31,642
11	Restricted Receipts	70,578
12	Grand Total - Governor's Commission on Disabilities	422,959
13	Commission for Human Rights	
14	General Revenues	769,603
15	Federal Funds	408,828
16	Grand Total - Commission for Human Rights	1,178,431
17	Mental Health Advocate General Revenues	296,859
18	Elementary and Secondary Education	
19	General Revenues	739,373,003
20	Provided personnel and other state operations do not exceed	26,871,901
21	Federal Funds	134,020,140
22	Restricted Receipts	1,254,196
23	Other Funds RICAP - School for the Deaf - Physical Education Fac.	262,666
24	RICAP – Davies Roof Repair	225,000
25	RICAP – East Providence Vocational HVAC	50,000
26	RICAP - State-owned Schools - Fire Alarm Systems	50,000
27	Grand Total - Elementary and Secondary Education	875,235,005
28	Board of Governors	
29	General Revenues	169,438,085
30	Provided personnel and other state operations do not exceed	155,423,273
31	Federal Funds	2,362,281
32	Other Funds	

1	University and College Funds	371,473,291
2	RICAP - Asset Protection/Roofs	7,486,653
3	RICAP - Athletic Complex	3,200,000
4	RICAP – Alger Hall	1,825,442
5	RICAP – DCYF Facilities	1,600,000
6	RICAP – Green Hall	1,000,000
7	RICAP – Biological Science Center	200,000
8	Grand Total - Board of Governors	558,585,752
9	RI State Council on the Arts	
10	General Revenues	2,300,377
11	Provided personnel and other state operations do not exceed 363,454	
12	Federal Funds	616,021
13	Restricted Receipts	200,000
14	Grand Total - RI State Council on the Arts	3,116,398
15	RI Atomic Energy Commission	
16	Other Funds URI Sponsored Research	144,876
17	General Revenues	639,681
18	Federal Funds	825,947
19	Grand Total - RI Atomic Energy Commission	1,610,504
20	RI Higher Education Assistance Authority	
21	General Revenues	6,017,046
22	Provided personnel and other state operations do not exceed 859,973	
23	Federal Funds	7,231,142
24	Other Funds	2,802,165
25	Grand Total - Higher Education Assistance Authority	16,050,353
26	RI Historical Preservation and Heritage Commission	
27	General Revenues	879,201
28	Provided personnel and other state operations do not exceed 644,759	
29	Federal Funds	534,534
30	Restricted Receipts	336,464
31	Grand Total - RI Historical Pres. and Heritage Comm.	1,750,199
32	RI Public Telecommunications Authority	

1	Other Funds Corporation for Public Broadcasting	707,325
2	General Revenues	1,225,383
3	Federal Funds	350,000
4	Grand Total - Public Telecommunications Authority	2,282,708
5	Attorney General	
6	General Revenues	15,656,056
7	Provided personnel and other state operations do not exceed 15,655,356	
8	Federal Funds	1,648,271
9	Restricted Receipts	631,440
10	Grand Total - Attorney General	17,935,767
11	Corrections	
12	General Revenues	129,306,513
13	Provided personnel and other state operations do not exceed 127,111,807	
14	Federal Funds	10,593,276
15	Restricted Receipts	5,454,124
16	Other Funds	
17	RICAP - Fire Code Safety Improvements	300,000
18	RICAP - Window Replacement – Women’s	380,000
19	RICAP - General Renovations - Maximum	373,300
20	RICAP - Women’s Bath Renovations	160,000
21	RICAP – Security Cameras	200,000
22	RICAP – Reintegration Center State Match	353,892
23	RICAP – General Renovations – Women’s	300,000
24	Grand Total - Corrections	147,421,105
25	Judiciary	
26	Other Funds	
27	RICAP – Murray Judicial Complex	165,000
28	RICAP – Fogarty Interior/Exterior	60,000
29	General Revenues	63,236,417
30	Federal Funds	2,821,148
31	Restricted Receipts	6,744,032
32	Grand Total - Judiciary	73,026,597

1	Military Staff	
2	Other Funds	
3	RICAP - Bristol Armory Rehabilitation	200,000
4	RICAP – Benefit St. Arsenal Rehabilitation	192,610
5	RICAP - Schofield Armory Rehabilitation	147,500
6	RICAP – Warren Armory	146,000
7	RICAP –North Smithfield	5,000
8	General Revenue	2,208,677
9	Provided personnel and other state operations do not exceed 2,096,895	
10	Federal Funds	14,008,196
11	Restricted Receipts	122,629
12	Grand Total - Military Staff	17,030,612
13	E-911 Emergency Telephone System	
14	General Revenues	4,012,646
15	Fire Safety Code Board of Appeal and Review General Revenues	225,329
16	State Fire Marshal	
17	General Revenues	1,464,538
18	Provided personnel and other state operations do not exceed 1,463,164	
19	Federal Funds	101,172
20	Grand Total - State Fire Marshal	1,565,710
21	Commission on Judicial Tenure and Discipline General Revenues	109,235
22	Rhode Island Justice Commission	
23	General Revenues	171,791
24	Provided personnel and other state operations do not exceed 121,791	
25	Federal Funds	5,036,985
26	Restricted Receipts	90,000
27	Grand Total - Rhode Island Justice Commission	5,298,776
28	Municipal Police Training Academy General Revenues	351,227
29	State Police	
30	Other Funds	
31	RICAP – Barracks and Training Headquarters	100,000
32	RICAP – Headquarters Repair/Renovation	125,938

1	Traffic Enforcement - Municipal Training	216,808
2	Lottery Commission Assistance	112,141
3	Road Construction Reimbursement	2,174,710
4	General Revenues	37,835,321
5	Provided personnel and other state operations do not exceed 25,464,183	
6	Federal Funds	2,780,493
7	Restricted Receipts	147,000
8	Grand Total - State Police	43,492,403
9	Office of Public Defender	
10	General Revenues	5,845,107
11	Federal Funds	356,414
12	Grand Total - Office of Public Defender	6,201,521
13	Environmental Management	
14	Other Funds	
15	DOT Recreational Projects	25,637
16	Blackstone Bikepath Design	1,303,060
17	RICAP - Dam Repair	250,000
18	RICAP – Fort Adams Rehabilitation	250,000
19	RICAP - Galilee Piers	122,000
20	General Revenues	32,563,222
21	Provided personnel and other state operations do not exceed 30,481,270	
22	Federal Funds	24,192,255
23	Restricted Receipts	14,300,448
24	Grand Total - Environmental Management	73,006,622
25	Coastal Resources Management Council	
26	Other Funds	
27	RICAP - South Coast Restoration Project	145,000
28	RICAP – Allins Cove	172,000
29	General Revenues	1,468,839
30	Notwithstanding the provisions of section 35-3-15 of the general	
31	laws in chapter 35-3 entitled “State Budget”, all unexpended,	
32	encumbered and unencumbered general revenues balances of the	

1 Coastal Resources Management Council at the end of fiscal year 2002
 2 shall be reappropriated in the ensuing fiscal year and made
 3 immediately available for the computerized database management
 4 system.

5	Federal Funds	1,190,845
6	Restricted Receipts	250,000
7	Grand Total - Coastal Resources Management Council	3,226,684

8 **State Water Resources Board**

9	Other Funds	
10	RICAP - Big River Management Area	80,000
11	RICAP – Water Allocation Plan	175,000
12	General Revenues	991,036
13	Provided personnel and other state operations do not exceed 942,574	
14	Federal Funds	500,000
15	Restricted Receipts	753,709
16	Grand Total - State Water Resources Board	2,499,745

17 **Transportation**

18 *Central Management*

19	Other Funds Gasoline Tax	3,149,891
20	Federal Funds	4,325,865
21	Total - Central Management	7,475,756

22 *Management and Budget*

23	Other Funds Gasoline Tax	1,956,849
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24 *Infrastructure - Maintenance*

25	Other Funds Infrastructure – Maintenance - Gasoline Tax	39,614,964
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26 *Infrastructure Engineering*

27	Other Funds	
28	Gasoline Tax	39,315,704
29	RICAP – RIPTA Land and Buildings	1,715,000
30	Land Sale Revenue	8,002,940
31	State Infrastructure Bank	1,000,000
32	Federal Funds	188,453,292

1	Restricted Receipts	42,506,000
2	Total - Infrastructure Engineering	280,992,936
3	Grand Total - Transportation	330,040,505
4	Statewide Totals	
5	General Revenues	2,664,459,945
6	Federal Funds	1,638,631,520
7	Restricted Receipts	137,061,138
8	Other Funds	960,788,452
9	Statewide Grand Total	5,400,941,055

10 Provided, however, that the Governor or designee, Speaker of the House of
11 Representatives or designee, and the Majority Leader of the Senate or designee (effective
12 until January 7, 2003) and President of the Senate or designee (effective January 7, 2003)
13 must authorize the general revenue expenditure for any single item or contract reasonably
14 expected to exceed \$100,000 other than those within the Office of the Governor and
15 Legislature. Prior to the authorization, the State Budget Officer shall make a detailed
16 written recommendation to the Governor or designee, the Speaker of the House or
17 designee, and the Senate Majority Leader or designee. A copy of the recommendation
18 and authorization expend shall be transmitted to the chairman of the House Finance
19 Committee, Senate Finance Committee, the House Fiscal Advisor and the Senate Fiscal
20 Advisor. The amounts identified for federal funds and restricted receipts shall be made
21 available pursuant to Section 35-4-22 and Chapter 41 of Title 42 of the Rhode Island
22 General Laws. For the purposes and functions hereinafter mentioned, the state controller
23 is hereby authorized and directed to draw his or her orders upon the general treasurer for
24 the payment of such sums or such portions thereof as may be required from time to time
25 upon receipt by him or her of properly authenticated vouchers.

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

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

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

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

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

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

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

30 SECTION 8. Appropriation of Employment Security Funds -- There is hereby
31 appropriated pursuant to Section 28-42-19 of the Rhode Island General Laws all funds

1 required to be disbursed for benefit payments from the Employment Security Fund for
2 the fiscal year ending June 30, 2003.

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

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

12 SECTION 11. Departments and agencies listed below may not exceed the number
13 of full-time equivalent (FTE) positions shown below in any pay period, nor may the total
14 number of full-time equivalent (FTE) positions in any pay period for the agencies and
15 departments within the executive branch of government exceed 14,719.6 full-time
16 equivalent positions. Full-time equivalent positions do not include seasonal or
17 intermittent positions whose scheduled period of employment does not exceed twenty-six
18 consecutive weeks or whose scheduled hours do not exceed nine hundred and twenty-five
19 (925) hours, excluding overtime, in a one-year period. Nor do they include individuals
20 engaged in training, the completion of which is a prerequisite of employment. Nor do
21 they include positions established under the Board of Governors for Higher Education
22 which are funded by third party funding through the following accounts: University of
23 Rhode Island Sponsored Contract Research-Federal; Rhode Island College Sponsored
24 Research-Federal; Community College of Rhode Island Sponsored Research-Federal;
25 Community College of Rhode Island Sponsored Research-Private; and Office of Higher
26 Education Sponsored Research-Federal.

27 Provided, however, that the Governor or designee, Speaker of the House of
28 Representatives or designee, and the Majority Leader of the Senate or designee (effective
29 until January 7, 2003) and President of the senate or designee (effective January 7, 2003)
30 may authorize an adjustment to any limitation, and must authorize the filling of any
31 vacant position other than those within the office of the governor and legislature. Prior to

1 the authorization, the State Budget Officer shall make a detailed written recommendation
 2 to the Governor, the Speaker of the House, and the Senate Majority Leader, (effective
 3 until January 7, 2003) and President of the senate (effective January 7, 2003). A copy of
 4 the recommendation and authorization to adjust or fill any vacant position shall be
 5 transmitted to the chairman of the House Finance Committee, Senate Finance Committee,
 6 the House Fiscal Advisor and the Senate Fiscal Advisor.

7 FTE POSITION AUTHORIZATION

8 <u>Departments and Agencies</u>	<u>Full-Time Equivalent</u>
9 Administration	1,312.4
10 Business Regulation	104.5
11 Labor and Training	548.4
12 Legislature	280.0
13 Lieutenant Governor General	10.0
14 Secretary of State 59.0	
15 General Treasurer	84.5
16 Boards for Design Professionals	4.0
17 Board of Elections	20.2
18 Rhode Island Ethics Commission	9.5
19 Office of the Governor	47.1
20 Public Utilities Commission	43.5
21 Rhode Island Commission on Women	2.0
22 Children, Youth, and Families	855.5
23 Elderly Affairs	57.6
24 Health	470.0
25 Human Services	1,105.8
26 Mental Health, Retardation, and Hospitals	2,102.9
27 Office of the Child Advocate	12.5
28 Commission on the Deaf and Hard of Hearing	2.0
29 RI Developmental Disabilities Council	2.5
30 Governor's Commission on Disabilities	4.6
31 Commission for Human Rights	17.0

1	Office of the Mental Health Advocate	3.7
2	Elementary and Secondary Education	336.0
3	Higher Education - Board of Governors	3,540.9
4	Rhode Island Council on the Arts	6.0
5	RI Atomic Energy Commission	8.6
6	Higher Education Assistance Authority	46.1
7	Historical Preservation and Heritage Commission	17.6
8	Public Telecommunications Authority	22.0
9	Attorney General	228.5
10	Corrections	1,515.7
11	Judicial	721.7
12	Military Staff	92.5
13	E-911 Emergency Telephone System	47.8
14	Fire Safety Code Bd. of Appeal and Review	3.0
15	RI State Fire Marshal	21.3
16	Commission on Judicial Tenure and Discipline	1.0
17	Rhode Island Justice Commission	9.0
18	Municipal Police Training Academy	4.0
19	State Police	264.0
20	Office of the Public Defender	83.4
21	Environmental Management	569.1
22	Coastal Resources Management Council	28.0
23	Water Resources Board	9.0
24	Transportation	842.5
25	Total	<u>15,721.3</u>

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

29 The following amounts are hereby appropriated out of any money in the State's
30 Rhode Island Capital Plan Fund not otherwise appropriated to be expended during the
31 fiscal years ending June 30, 2004, June 30, 2005, June 30, 2006, and June 30, 2007.

1 These amounts supersede appropriations provided within Section 13 of Article 1 of
 2 Chapter 77 of the P.L. of 2001. For the purposes and functions hereinafter mentioned,
 3 the State Controller is hereby authorized and directed to draw his or her orders upon the
 4 General Treasurer for the payment of such sums and such portions thereof as may be
 5 required by him or her upon receipt of properly authenticated vouchers.

6		Fiscal Year Ending	Fiscal Year Ending	Fiscal Year Ending	Fiscal	Year
7	Ending					
8	<u>Project</u>	<u>June 30, 2004</u>	<u>June 30, 2005</u>	<u>June 30, 2006</u>	<u>June 30, 2007</u>	
9						
10	State House Renovations					
11	Phase II		300,000	300,000	300,000	-
12						
13	Chapin Health Laboratory	250,000	250,000	250,000	-	-
14						
15	Cannon Building	377,000	150,000	-	-	
16						
17	Cranston Street Armory	1,000,000	1,500,000	926,242	-	
18						
19	Washington County					
20	Government Center	368,000	315,000	-	-	
21						
22	Legislative Office Building	4,000,000	4,000,000	4,000,000	3,000,000	
23						
24	RIC DCYF Facilities and Master					
25	Plan Improvements	1,795,047	-	-	-	
26						
27	URI Residence Halls					
28	Modernization/Renovation	-	9,000,000	8,000,000	3,000,000	
29						
30	URI Alger Hall	1,164,558	-	-	-	
31						
32	Reintegration Center	253,247	-	-	-	
33						
34	Women's Facility Plumbing/ Bathroom Renovations	561,000	182,000	-	-	
35						
36						
37	Murray Judicial Complex	198,000	-	-	-	
38						
39	Fogarty Annex	67,500	-	-	-	
40						
41	Bristol Armory	100,000	-	-	-	
42						
43	Benefit Street Arsenal	245,396	-	-	-	
44						
45	Schofield Armory Exterior	147,500	25,000	-	-	
46						
47	Warren Armory	175,000	-	-	-	
48						
49	Galilee Piers	2,000,000	1,000,000	1,000,000	1,000,000	
50						
51	Dam Repair	1,725,000	1,650,000	2,200,000	850,000	
52						
53	Boyd's Marsh Habitat					
54	Restoration	330,000	100,000	-	-	
55						
56	South Coast Restoration					
57	Project	968,267	932,267	932,267	-	
58						
59	RIPTA Land and					
60	Buildings	1,145,000	-	-	-	
61						
62						

1 laws for the Narragansett Bay Water Quality Management District Commission. To the
2 extent that funds of said Commission are not sufficient to pay debt service of sixteen
3 thousand sixty-five dollars (\$16,065) on the bonds of the Rhode Island Refunding Bond
4 Authority coming due during the fiscal year ending June 30, 2003 and allocable to this
5 Commission, there is hereby appropriated from funds in the treasury not otherwise
6 appropriated an amount sufficient for payment of said debt service.

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

8 **ARTICLE 3 SUB A AS AMENDED**

9 **RELATING TO MOTOR VEHICLE AND TRAILER EXCISE TAX**

10 **ELIMINATION ACT OF 1998**

11
12 SECTION 1. Sections 44-34.1-1 and 44-34.1-2 of the General Laws in Chapter
13 44-34.1 entitled "Motor Vehicle and Trailer Excise Tax Elimination Act of 1998" are
14 hereby amended to read as follows:

15 **44-34.1-1 Excise tax phase out.** -- (a) Notwithstanding the provisions of chapter 34 of
16 this title or any other provisions to the contrary, the motor vehicle and trailer excise tax
17 established by § 44-34-1 ~~shall~~ may be phased out by the fiscal year ~~2007~~ 2008. The phase out
18 applies to all motor vehicles and trailers, including leased vehicles.

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

24 (b) Pursuant to the provisions of this section, all motor vehicles are assessed a value by
25 the vehicle value commission. That value is assessed according to the provisions of § 44-34-
26 11(c)(1) and in accordance with the terms as defined in subsection (d) of this section, provided,
27 however, that the maximum taxable value percentage applicable to model year values as of
28 December 31, 1997, continue to be applicable in future year valuations aged by one year in each
29 succeeding year.

30 (c) The motor vehicle excise tax phase out commences with the excise tax bills mailed to
31 taxpayers for the fiscal year 2000; provided, however, that the phase out, beyond fiscal year 2003,
32 shall be subject to annual review and appropriation by the general assembly. The tax assessors of

1 the various cities and towns and fire districts shall reduce the average retail value of each vehicle
 2 assessed by using the prorated exemptions from the following table:

3 Local Fiscal Year Exempt from value	4 <u>Local Exemption</u>	5 <u>State fiscal year</u>
		6 <u>Reimbursement</u>
7 fiscal year 1999	0	<u>\$1,500</u>
8 fiscal year 2000	\$1,500	<u>\$2,500</u>
9 fiscal year 2001	\$2,500	<u>\$3,500</u>
10 fiscal year 2002	\$3,500	<u>\$4,500</u>
11 fiscal year 2003 <u>and each year thereafter</u>	\$5,000 <u>\$4,500</u>	<u>\$4,500</u>

12 No city or town shall, in preparation of its annual budget, plan or otherwise rely on the
 13 continuation of said phase-out beyond fiscal year 2003, unless it is specifically approved by the
 14 general assembly.

15 fiscal year 2004-	\$6,900
16 fiscal year 2005-	\$9,400
17 fiscal year 2006-	\$13,000
18 fiscal year 2007-	All vehicles

19 (2) The excise tax phase out provides ~~increased~~ levels of assessed value reductions until
 20 the tax is eliminated or reduced as provided within.

21 (3) Current exemptions remain in effect ~~throughout the phase-out period~~ as provided
 22 within.

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

29 (d) Definitions.

30 (1) "Maximum taxable value" means the value of vehicles as prescribed by § 44-34-11
 31 reduced by the percentage of assessed value applicable to model year values as determined by the
 32 Rhode Island vehicle value commission as of December 31, 1997, for the vehicles valued by the
 33 commission as of December 31, 1997. For all vehicle value types not valued by the Rhode Island
 34 vehicle value commission as of December 31, 1997, the maximum taxable value shall be the
 35 latest value determined by a local assessor from an appropriate pricing guide, multiplied by the
 36 ratio of assessment used by that city, town, or fire district for a particular model year as of
 December 31, 1997.

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

4 **44-34.1-2. City and town and fire district reimbursement.** -- (a) ~~During the vehicle~~
5 ~~excise tax phase-out in~~ In fiscal years 2000 through ~~2007~~ 2008, cities and towns and fire districts
6 shall receive ~~advance~~ reimbursements, as set forth within, from state general revenues equal to
7 the amount of lost tax revenue due to the phase out or reduction of the excise tax. Cities and
8 towns and fire districts shall receive advance reimbursements through state fiscal year 2002. In
9 the event the tax is phased out in fiscal year 2008, Upon elimination of the tax and beginning in
10 fiscal year ~~2007~~ 2009, cities and towns and fire districts shall receive a permanent distribution of
11 sales tax revenue pursuant to section 44-18-18 in an amount equal to any lost revenue resulting
12 from the excise tax elimination. Lost revenues must be determined using a base tax rate fixed at
13 fiscal year 1998 levels for each city, town, and fire district except that the Town of Johnston's
14 base tax rate must be fixed at a fiscal year 1999 level.

15 (b) (1) The director of administration shall determine the amount of general revenues to
16 be distributed to each city and town and fire district for the fiscal years 1999 through ~~2006~~ 2008
17 so that every city and town and fire district is held harmless from tax loss resulting from this
18 chapter, assuming that tax rates are indexed to inflation.

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

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

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

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

33 (A) The levy calculated at the tax rate used by each city and town and fire district for
34 fiscal year 1998 after adjustments for personal exemptions but prior to adjustments for

1 exemptions contained in section 44-34.1-1(c)(1); provided, however, that for the Town of
2 Johnston the tax rate used for fiscal year 1999 must be used for the calculation; and

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

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

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

12 (ii) On February 20, 1999, and each February 20 thereafter through February 20, ~~2006~~
13 2002, twenty-five percent (25%) of the amount calculated by the director of administration to be
14 the difference for the upcoming fiscal year.

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

18 (iv) On August 1, 2002 and each August 1 thereafter through August 1, 2007, twenty-five
19 percent (25%) of the amount calculated by the director of administration to be the difference for
20 the current fiscal year.

21 (v) On November 1, 2002 and each November 1 thereafter through November 1, 2007,
22 twenty-five percent (25%) of the amount calculated by the director of administration to be the
23 difference for the current fiscal year.

24 (vi) On February 1, 2003 and each February 1 thereafter through February 1, 2008,
25 twenty-five percent (25%) of the amount calculated by the director of administration to be the
26 difference for the current fiscal year.

27 (vii) On May 1, 2003 and each May 1 thereafter through May 1, 2008, twenty-five
28 percent (25%) of the amount calculated by the director of administration to be the difference for
29 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 20 thereafter through February 20, 2002, twenty-five
8 percent (25%) on June 20, 1999 and each June 20 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 20 thereafter through October 20, 2002. For local fiscal years 2003
11 through 2008, the payment schedule is twenty-five percent (25%) on each November 1, twenty-
12 five percent (25%) on each February 1, twenty-five percent (25%) on each May 1, which includes
13 final reconciliation of the previous year's payment, and twenty-five percent (25%) on each
14 August 1; provided, however, the May and August payments shall be subject to submission of
15 final certified and reconciled motor vehicle levy information.

16 (5) ~~Funds~~ In the event the tax is phased out in fiscal year 2008, funds distributed to the
17 cities, towns, and fire districts for fiscal year ~~2007~~ 2009 shall be calculated as the funds
18 distributed in fiscal year ~~2006~~ 2008 adjusted by the change in the consumer price index -- all
19 urban consumers (CPI-U) published by the bureau of labor statistics of the United States
20 department of labor from June ~~2005~~ 2007 to June ~~2006~~ 2008. Twenty-five percent (25%) of the
21 amounts calculated shall be distributed to the cities and towns and fire districts on ~~October 20,~~
22 ~~2006~~ August 1, 2008, twenty-five percent (25%) on ~~February 20, 2007~~ and fifty percent (50%) on
23 ~~June 20, 2007~~ November 1, 2008, twenty-five percent (25%) on February 1, 2009, and twenty-
24 five percent (25%) on May 1, 2009. The funds shall be distributed to each city and town and fire
25 district in the same proportion as distributed in fiscal year ~~2006~~ 2008.

26 (6) ~~Prior~~ In the event the tax is phased out in fiscal year 2008, to ~~October 20, 2007~~
27 August 1, 2009, the director of administration shall calculate to the nearest tenth of one cent
28 (0.1/c) the number of cents of sales tax received for the fiscal year ending June 30, ~~2006~~ 2009,
29 equal to the amount of funds distributed to the cities, towns, and fire districts under this chapter
30 during fiscal year ~~2007~~ 2009, and the percent of the total funds distributed in fiscal year ~~2007~~
31 2009, received by each city, town, and fire district, calculated to the nearest one-hundredth of one
32 percent (0.01%). The director of administration shall transmit those calculations to the governor,
33 the speaker of the house, the president of the senate, the chairperson of the house finance
34 committee, the chairperson of the senate finance committee, the house fiscal advisor, and the

1 senate fiscal advisor. The number of cents, applied to the sales taxes received for the prior fiscal
2 year, shall be the basis for determining the amount of sales tax to be distributed to the cities and
3 towns and fire districts under this chapter for fiscal year ~~2008~~ 2010, and each year thereafter. The
4 cities and towns and fire districts shall receive that amount of sales tax in the proportions
5 calculated by the director of administration as that received in fiscal year ~~2007~~ 2009.

6 (7) ~~Twenty~~ In the event the tax is phased out in fiscal year 2008, twenty-five percent
7 (25%) of the funds shall be distributed to the cities, towns, and fire districts on ~~October 20, 2007~~
8 August 1, 2009, and every ~~October 20~~ August 1 thereafter; twenty-five percent (25%) shall be
9 distributed on ~~February 20, 2008~~ November 1, 2009, and every ~~February 20~~ November 1
10 thereafter; ~~twenty-five percent (25%) shall be distributed on February 1, 2010, and every~~
11 February 1 thereafter; and ~~fifty percent (50)~~ twenty-five percent (25%) shall be distributed on
12 ~~June 20, 2008~~ May 1, 2010, and every ~~June 20~~ May 1 thereafter.

13 (8) For the city of East Providence, in the event the tax is phased out in fiscal year 2008,
14 twenty-five percent (25%) shall be distributed on ~~February 20, 2007~~ November 1, 2009 and every
15 ~~February 20~~ November 1 thereafter, twenty-five percent (25%) shall be distributed on ~~June 20,~~
16 ~~2007~~ February 1, 2010 and every ~~June 20~~ February 1 thereafter; twenty-five percent (25%) shall
17 be distributed on May 1, 2010, and every May 1 thereafter; and ~~fifty percent (50%)~~ twenty-five
18 percent (25%) of the funds shall be distributed on ~~October 20, 2007~~ August 1, 2010 and every
19 ~~October 20~~ August 1 thereafter.

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

24 SECTION 2. This Article Shall Take Effect Upon Passage.

25 **ARTICLE 4 SUB A AS AMENDED (DELETED)**

26

27 **ARTICLE 5 SUB A**

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

1 SECTION 1. The State of Rhode Island is hereby authorized to borrow during its
2 fiscal year ending June 30, 2003, in anticipation of receipts from taxes such sum or sums,
3 at such time or times and upon such terms and conditions not inconsistent with the
4 provisions and limitations of Section 17 of Article VI of the constitution of Rhode Island,
5 as the general treasurer, with the advise of the Governor, shall deem for the best interests
6 of the state, provided that the amounts so borrowed shall not exceed one hundred fifty
7 million dollars (\$150,000,000), at any time outstanding. The state is hereby further
8 authorized to give its promissory note or notes signed by the general treasurer and
9 counter-signed by the secretary of state for the payment of any sum so borrowed. Any
10 such proceeds shall be invested by the general treasurer until such time as they are
11 needed. The interest income earned from such investments shall be used to pay the
12 interest on the promissory note or notes, and any expense of issuing the promissory note
13 or notes, with the balance remaining at the end of said fiscal year, if any, shall be used
14 toward the payment of long-term debt service of the state, unless prohibited by federal
15 law or regulation.

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

1 and remedies of the lenders as may, in the discretion of the general treasurer, be
2 reasonable, legal and proper. The general treasurer may also enter into agreements with
3 brokers for the placement or marketing of any such notes of the state issued as
4 commercial paper. Any notes to the state issued as commercial paper in anticipation of
5 receipts from taxes in any fiscal year must also be issued in accordance with the
6 provisions of Section 17 of Article VI of the constitution of Rhode Island and within the
7 limitations set forth in Section 1 of this act.

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

9 **ARTICLE 6 SUB A AS AMENDED**

10 **RELATING TO CAPITAL DEVELOPMENT PROGRAM**

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

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

19 Project

20 "(1) State Police Headquarters Facility and State Municipal Fire Academy
21 \$55,000,000.

22 Approval of this question will authorize the State of Rhode Island to issue general
23 obligation bonds, refunding bonds, and temporary notes in an amount not to exceed
24 \$55,000,000, of which an amount not to exceed \$6,400,000 will be for the state support
25 of the construction of the new State Municipal Fire Academy and the remainder will be
26 for the state support of the construction of the new State Police Headquarters Facility.
27 Additionally, funds may be used to upgrade the state's automated Fingerprint
28 Identification System.

1 (c) State Support of Museums and Cultural Art Centers located in historic
2 structures \$3,000,000

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

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

7 Provide funds for the creation, design, construction, furnishing, and equipping of the
8 Heritage Harbor Museum, a statewide history museum and cultural center for Rhode
9 Island. The new Heritage Harbor Museum is being built at the site of the former South
10 Street Power Plant. The general obligation bond proceeds shall be used to supplement
11 funding available to the project from other sources, including, but not limited to, federal
12 grants, contributions of individuals, corporations and foundations, state appropriations,
13 and grants from the City of Providence. The Heritage Harbor Museum will feature
14 artifacts from the Smithsonian Institution borrowed through the Museum's participation
15 in the Smithsonian Affiliations Program. The Heritage Harbor Museum is currently the
16 only Smithsonian affiliate museum in New England. (3) Transportation \$63,500,000

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 \$63,500,000 to match federal funds; provide direct funding for improvements to the
20 state's highways, roads and bridges; replace or repair transportation maintenance
21 facilities; and purchase buses for the Rhode Island Public Transit Authority's bus fleet.

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

23 Approval of this question will authorize the State of Rhode Island to issue general
24 obligation bonds, refunding bonds, and temporary notes in an amount not to exceed
25 \$11,000,000 for road and utility infrastructure, building demolition, site preparation, and
26 pier rehabilitation at the Quonset Point/Davisville Industrial Park.

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

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

8 SECTION 4. **Bonds for capital development program.** -- The general treasurer
9 is hereby authorized and empowered with the approval of the governor and in accordance
10 with the provisions of this act, to issue from time to time capital development bonds in
11 serial form in the name and on behalf of the state in amounts as may be specified from
12 time to time by the governor in an aggregate principal amount not to exceed the total
13 amount for all projects approved by the people and designated as "capital development
14 loan of 2002 bonds" provided, however, that the aggregate principal amount of such
15 capital development bonds and of any temporary notes outstanding at any one time issued
16 in anticipation thereof pursuant to section 7 hereof shall not exceed the total amount for
17 all such projects as have been approved by the people. All provisions in this act relating
18 to "bonds" shall also be deemed to apply to "refunding bonds".

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

1 or she shall certify approval to the secretary of state; the bonds shall be signed by the
2 general treasurer and countersigned by the manual or facsimile signature of the secretary
3 of state and shall bear the seal of the state or a facsimile thereof. The approval of the
4 governor shall be endorsed on each bond so approved with a facsimile of his or her
5 signature.

6 SECTION 5. **Refunding bonds for 2002 capital development program.** -- The
7 general treasurer is hereby authorized and empowered, with the approval of the governor
8 and in accordance with the provisions of this act, to issue from time to time bonds to
9 refund the 2002 capital development program bonds in the name and on behalf of the
10 state, in amounts as may be specified from time to time by the governor in an aggregate
11 principal amount not to exceed the total amount approved by the people, to be designated
12 as "capital development program loan of 2002 refunding bonds" (hereinafter "refunding
13 bonds").

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

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

26 If the general treasurer shall deposit with the paying agent for the capital
27 development bonds the proceeds of the refunding bonds or proceeds from other sources
28 amounts that, when invested in obligations of the United States or the state of Rhode
29 Island, are sufficient to pay all principal, interest, and premium, if any, on the capital
30 development bonds until these bonds are called for prepayment, then such capital
31 development bonds shall not be considered debts of the state of Rhode Island for any

1 purpose from the date of deposit of such moneys with the paying agent. The refunding
2 bonds shall continue to be a debt of the state until paid.

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

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

13 All monies in the capital development fund shall be expended for the purposes
14 specified in the proposition provided for in section 1 hereof under the direction and
15 supervision of the director of administration (hereinafter referred to as "director"). The
16 director or his delegate shall be vested with all power and authority necessary or
17 incidental to the purposes of this act, including but not limited to, the following authority:
18 (a) to acquire land or other real property or any interest, estate or right therein as may be
19 necessary or advantageous to accomplish the purposes of this act; (b) to direct payment
20 for the preparation of any reports, plans and specifications, and relocation expenses and
21 other costs such as for furnishings, equipment designing, inspecting and engineering,
22 required in connection with the implementation of any projects set forth in section 1
23 hereof; (c) to direct payment for the costs of construction, rehabilitation, enlargement,
24 provision of service utilities, and razing of facilities, and other improvements to land in
25 connection with the implementation of any projects set forth in section 1 hereof; and (d)
26 to direct payment for the cost of equipment, supplies, devices, materials and labor for
27 repair, renovation or conversion of systems and structures as necessary for 2002 capital
28 development program bonds or notes hereunder from the proceeds thereof. No funds
29 shall be expended in excess of the amount of the capital development bond fund
30 designated for each project authorized in section 1 hereof. With respect to the bonds and

1 temporary notes described in section 1, the proceeds shall be utilized for the following
2 purposes:

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

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

14 Question 2 relating to bonds and notes totaling \$5,000,000 for support of the
15 creation, design, construction, furnishing, and equipping of the Heritage Harbor Museum,
16 a statewide history museum and cultural center for Rhode Island. The new Heritage
17 Harbor Museum is being built at the site of the former South Street Power Plant. The
18 general obligation bond proceeds shall be used to supplement funding available to the
19 project from other sources, including, but not limited to federal grants, contributions of
20 individuals, corporations and foundations, state appropriations, and grants from the city
21 of Providence. The Heritage Harbor Museum will feature artifacts from the Smithsonian
22 Institution borrowed through the Museum's participation in the Smithsonian Institution
23 Affiliations Program. The Heritage Harbor Museum is currently the only Smithsonian
24 affiliate museum in New England.

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

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

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

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

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

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

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

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

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

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

16 In the event that the amount received from the sale of the capital development
17 bonds or notes exceeds the amount necessary for the purposes stated in section 6 hereof,
18 the surplus may be used to the extent possible to retire the bonds as the same may
19 become due, to redeem them in accordance with the terms thereof or otherwise to
20 purchase them as the general treasurer, with the approval of the governor, shall deem to
21 be for the best interests of the state.

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

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

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

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

17 SECTION 11. **Advances from general fund.** -- The general treasurer is
18 authorized from time to time with the approval of the director and the governor, in
19 anticipation of the issue of notes or bonds under the authority of this act, to advance to
20 the capital development bond fund to be used for the purposes specified in section 6
21 hereof, any funds of the state not specifically held for any particular purpose, provided,
22 however, that all advances made to the capital development bond fund shall be returned
23 to the general fund from the capital development bond fund forthwith upon the receipt by
24 the capital development fund of proceeds resulting from the issue of notes or bonds to the
25 extent of such advances.

26 SECTION 12. **Federal assistance and private funds.** -- In carrying out this act,
27 the director, or his or her delegate, is authorized on behalf of the state, with the approval
28 of the governor, to apply for and accept any federal assistance which may become
29 available for the purpose of this act, whether in the form of loan or grant or otherwise, to
30 accept the provision of any federal legislation therefor, to enter into, act and carry out
31 contracts in connection therewith, to act as agent for the federal government in

1 **RELATING TO STATE AID**

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

4 **45-13-1. Apportionment of annual appropriation for state aid.** – (a) As used in
5 this chapter, the following words and terms have the following meanings:

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

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

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

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

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

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

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

26 The amount to be allocated to any city or town is the amount allocated to all cities
27 or all towns within the county apportioned in the ratio of the value of R for that city (or
28 town) divided by the sum of the values of R for all cities (or all towns) in that county;
29 provided, further, that no city or town shall receive an entitlement in excess of one
30 hundred forty-five percent (145%) of that city or town's population multiplied by the

1 average per capita statewide amount of the annual appropriation for state aid to cities and
2 towns. Any excess entitlement shall be allocated to the remainder of the cities and towns
3 in the respective county in accordance with the provisions of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 **45-13-5.1. General assembly appropriations in lieu of property tax from**
18 **certain exempt private and state properties.** – (a) In lieu of the amount of local real
19 property tax on real property owned by any private nonprofit institution of higher
20 education, or any nonprofit hospital facility, or any state owned and operated hospital,
21 veterans' residential facility, or correctional facility occupied by more than 100 residents
22 which may have been or will be exempted from taxation by applicable state law,
23 exclusive of any facility operated by the federal government, the state of Rhode Island, or
24 any of its subdivisions, the general assembly shall annually appropriate for payment to
25 the several cities and towns in which the property lies a sum equal to twenty-seven
26 percent (27%) of all tax that would have been collected had the property been taxable.

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

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

8 (d) The state budget offices shall include the amount of the annual grant in the
9 state budget for the fiscal year commencing July 1, 1988 and each fiscal year thereafter.
10 The amount of the annual grant payable to each municipality in any year in accordance
11 with this section shall be reduced proportionately in the event that the total of the annual
12 grants in any year exceeds the amount appropriated that year for the purposes of this
13 section.

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

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

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

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

26 **29-6-2. Public library services.** – For each city or town, the state's share to
27 support local public library services shall be ~~gradually increased from the level of support~~
28 ~~in fiscal year 1990 until the state's share in fiscal year 2000 is equal to at least twenty-five~~
29 percent (25%) of the amount appropriated and expended in the second preceding fiscal
30 year by the city or town from local tax revenues. ~~Beginning in 1989, and for each year~~
31 ~~thereafter through 1999, the director of state library services, on or before October 1,~~

1 ~~shall submit a plan to the governor and the general assembly detailing a proposed~~
2 ~~schedule of increases, by fiscal year, in local library aid to achieve a state share of at least~~
3 ~~twenty five percent (25%) by the year 2000 and projected expenditures necessary to~~
4 ~~achieve the state share in each of the intervening years. The amount of the grant payable~~
5 ~~to each municipality in any year in accordance with this section shall be reduced~~
6 ~~proportionately in the event that the total of those grants in any year exceeds the amount~~
7 ~~appropriated that year for the purposes of this section.~~

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

9 **ARTICLE 8 SUB A AS AMENDED**

10 **THE TOBACCO SETTLEMENT FINANCING CORPORATION ACT**

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

13 CHAPTER 133

14 TOBACCO SETTLEMENT FINANCING CORPORATION ACT

15 **42-133-1. Short title.** -- This chapter shall be known as the " Tobacco Settlement
16 Financing Corporation Act."

17 **42-133-2. Purpose.** -- The purpose of this chapter is to authorize, create and establish a
18 corporation empowered to acquire from the state that portion of the state's tobacco receipts as the
19 state is authorized to sell; to authorize the sale by the state all or a portion of the state's tobacco
20 receipts to such corporation; to authorize the transfer to and the receipt by such corporation of all
21 or a portion of the state's tobacco receipts; to authorize such corporation to issue bonds of the
22 corporation for the purposes authorized in this chapter, payable solely from and secured solely by
23 such portion of the state's tobacco receipts as the corporation may designate and pledge to secure
24 the bonds, together with the investment income thereon and any reserve fund created by the
25 corporation from any portion of the proceeds of such bonds; and to authorize the corporation to
26 manage and dispose of all or a portion of the state's tobacco receipts for the purposes and in the
27 manner authorized in this chapter.

28 **42-133-3. Definitions.** -- As used in this chapter, the following words and terms shall
29 have the following meanings unless the context shall indicate another or different meaning or
30 intent:

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

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

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

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

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

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

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

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

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

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

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

28 **42-133-4. Creation -- Powers -- Construction of chapter -- Termination. --** (a) There
29 is hereby authorized, created and established, a public corporation of the state having a legal
30 existence distinct from the state and not constituting a department of state government, to be
31 known as the Tobacco Settlement Financing Corporation, with such powers as are set forth in this
32 chapter.

33 (b) It is the intent of the general assembly by the passage of this chapter to vest in the
34 corporation all powers, authority, rights, privileges, and titles which may be necessary to enable it

1 to accomplish the purposes set forth in this chapter. This chapter and the powers granted hereby
2 shall be liberally construed in conformity with these purposes.

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

10 **42-133-5. General powers.** -- (a) The corporation shall have all the powers necessary
11 and convenient to carry out and effectuate the purposes and provisions of this chapter, including,
12 but not limited to, the power to:

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

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

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

21 (4) conduct its activities, carry on its operations, and have offices and exercise the powers
22 granted by this chapter;

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

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

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

32 (8) make and execute all agreements for the purpose of managing and controlling the
33 funds transferred between the corporation and the state, and any trust created by the state or the
34 corporation, and governing the investment and the monitoring and record keeping of such funds

1 and investment income thereon, for purposes of maintaining the exemption from federal income
2 tax of interest on bonds and for other purposes;

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

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

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

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

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

20 (14) with respect to all or such portion of the state's tobacco receipts as may be acquired
21 by the corporation, direct the attorney general to enforce, in the name of the state and, if
22 permissible, to enforce directly through the corporation's own attorneys in the name of the state,
23 with notice to the attorney general, the master settlement agreement; provided, that the board may
24 not give any approval to any amendment to the master settlement agreement or the qualifying
25 statute without notice to the attorney general and the approval of the general assembly. This
26 power constitutes a part of the contractual obligation owed to the holders of any bonds;

27 (15) create and establish, or cause to be created and established, under the laws of this
28 state or another state, a trust fund with regard to monies paid to the corporation which monies
29 shall include, but not be limited to, such portion of the state's tobacco receipts as may be sold to
30 the corporation and not pledged to the payment of bonds or subsequently released from the
31 pledge for payment of the bonds and which, in accordance with any sale agreement with the state,
32 is to be paid to the state, including such portion of the proceeds of any bonds designated for the
33 purchase of the state's tobacco receipts and designated for deposit in the fund, together with all
34 interest thereon; and all securities or investment income and other assets acquired by and through

1 the use of the monies belonging to the fund and any other monies deposited in the fund. Monies
2 in the fund shall be used solely and only for the payment of all amounts due and to become due to
3 the state, and shall not be used for any other purpose. Monies deposited in the trust fund shall not
4 be available for the payment of any claim against the corporation or any debt or obligation of the
5 corporation, including any bonds issued by the corporation; and

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

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

11 **42-133-6. Board and officers.** -- (a) The powers of the corporation shall be vested in a
12 board consisting of three (3) members, which shall constitute the governing body of the
13 corporation, and which shall be comprised as follows: the Governor or his or her designee; the
14 Speaker of the House or his or her designee; and the Senate Majority Leader or his or her
15 designee until January 7, 2003 and the Senate President or his or her designee thereafter.

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

17 (c) The board shall elect one of its members to serve as chairperson. Three (3) members
18 shall constitute a quorum and any action to be taken by the corporation under the provisions of
19 this chapter may be authorized by resolution approved by at least two (2) of the members present
20 and voting at any regular or special meeting at which a quorum is present, provided, however,
21 that the affirmative vote of the Speaker of the House or his or her designee and the Senate
22 Majority Leader or his or her designee until January 7, 2003 and the Senate President or his or her
23 designee thereafter shall be required.

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

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

28 (f) Any action required by this chapter to be taken at a meeting of the board, or any action
29 which may be taken at a meeting of the board or committee thereof to be ratified by the board,
30 may be taken without a meeting if a consent in writing, setting forth the action so to be taken,
31 shall be signed before or after that action by all of the board members, or all of the members of
32 the committee, as the case may be.

33 (g) To the extent that administrative assistance is needed for the functions and operations
34 of the board, the corporation may by contract or agreement obtain this assistance from the

1 director of administration, the attorney general, and any successor officer at such cost to the
2 corporation as shall be established by such contract or agreement. The board, however, shall
3 remain responsible for, and provide oversight of, proper implementation of this chapter.

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

7 (i) The state shall indemnify and hold harmless every past, present, or future board
8 member, officer or employee of the corporation who is made a party to or is required to testify in
9 any action, investigation, or other proceeding in connection with or arising out of the performance
10 or alleged lack of performance of that person's duties on behalf of the corporation.

11 These persons shall be indemnified and held harmless, whether they are sued individually
12 or in their capacities as board members, officers or employees of the corporation, for all expenses,
13 legal fees and/or costs incurred by them during or resulting from the proceedings, and for any
14 award or judgment arising out of their service to the corporation that is not paid by the
15 corporation and is sought to be enforced against a person individually, as expenses, legal fees,
16 costs, awards or judgments occur; provided, that neither the state nor the corporation shall
17 indemnify any commissioner, officer, or employee:

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

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

21 (3) For any malicious act.

22 **42-133-7. Sale of state's tobacco receipts.** --(a) On or before June 30, 2002, the state
23 shall sell and assign to and the corporation shall acquire all or a portion of the state's tobacco
24 receipts. The attorney general shall assist the governor in the preparation and review of all
25 necessary documentation to effect such sale and transfer by such date. The terms and conditions
26 of the sale shall be established in order to accomplish the purpose and intent set forth in this
27 chapter and shall include, but not be limited to, the price, the net proceeds of the sale of the bonds
28 to be issued by the corporation and secured by a portion of the state's tobacco receipts, and the
29 beneficial interest of the state in any trust fund created in accordance with this chapter.

30 (b) The sale of the state's tobacco receipts to the corporation shall be irrevocable during
31 the time when any bonds issued by the corporation are outstanding, and shall constitute a
32 contractual obligation owed to the holders of such bonds. The sale of the state's tobacco receipts
33 shall be treated as a true sale and absolute transfer of the property so transferred and not as a
34 pledge or other security interest for any borrowing. The characterization of such a sale as an

1 absolute transfer shall not be negated or adversely affected by the fact that only a portion of the
2 state's tobacco receipts is being sold or by the state's acquisition or retention of an ownership
3 interest in any residual assets.

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

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

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

19 **42-133-8. Bonds. -- (a) In furtherance of this chapter:**

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

26 (2) The corporation may issue its bonds in such principal amounts and at such rate or
27 rates of interest as the corporation by resolution of the board may determine, establish reserves to
28 secure the bonds, and pay the costs of issuance of the bonds and all other expenditures of the
29 corporation incident to and necessary to carry out the corporation's purposes or powers. The
30 bonds are investment securities and negotiable instruments within the meaning of and for the
31 purposes of title 6A.

32 (3) Bonds issued by the corporation are payable solely and only out of the monies,
33 assets, or revenues pledged by the corporation, and are not a general obligation or indebtedness of
34 the corporation or an obligation or indebtedness of the state or any subdivision of the state. The

1 corporation has no power or authorization to pledge the credit or taxing power of the state or any
2 political subdivision of the state, or create a debt or obligation of the state, or make its debts
3 payable out of any monies except monies of the corporation.

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

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

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

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

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

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

29 (3) Bonds shall be subject to the terms, conditions and covenants providing for the
30 payment of the principal, redemption premiums, if any, interest, and other terms, conditions,
31 covenants and protective provisions safeguarding payment, not inconsistent with this chapter and
32 as determined by resolution of the board authorizing their issuance.

33 (c) Bonds must be authorized by a resolution of the board; provided, that a resolution
34 authorizing the issuance of bonds may delegate to an officer of the corporation the power to

1 negotiate and fix the details of an issue of bonds by an appropriate certificate of the authorized
2 officer.

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

8 **42-133-9. Trust funds.** -- All money received pursuant to the authority of this chapter,
9 whether as provided from the sale of bonds or state's tobacco receipts purchased by the
10 corporation, or investment income, shall be trust funds to be held and applied solely as provided
11 in the proceedings under which the bonds of the corporation are authorized. Any officer with
12 whom, or any bank or trust company with which monies shall be deposited as trustee, shall hold
13 and apply the trust funds for the purposes for which the bonds are authorized, subject to the
14 applicable provisions of this chapter, the proceedings authorizing the bonds, and the trust
15 agreement securing the bonds, if any.

16 **42-133-10. Exemption from taxation.** --The exercise of the powers granted by this
17 chapter shall be in all respects for the benefit of the people of the state, and the corporation, and
18 any trust established by the corporation, shall not be required to pay taxes of the state or any
19 political subdivision of the state of any kind, including any tax or assessment on any property
20 owned by the corporation, or any trust established by the corporation, under the provisions of this
21 chapter or upon the income from any property. Any bonds issued by the corporation under the
22 provisions of this chapter, their transfer, and the income from them (including any profits made
23 on their sale), shall at all times be free from taxation by the state or any political subdivision or
24 other instrumentality of the state, excepting inheritance, estate, and gift taxes.

25 **42-133-11. Bankruptcy.** --Prior to the date which is one (1) year and one (1) day after
26 the date on which the corporation no longer has any bonds outstanding, the corporation has no
27 authority to file a voluntary petition under chapter 9 of the United States Bankruptcy Code or
28 such corresponding law as may, from time to time, be in effect, and neither any public official nor
29 any other organization, entity, or other person shall authorize the corporation to be or become a
30 debtor under the United States Bankruptcy Code or any corresponding law during such periods.
31 The provisions of this section are for the benefit of the holders of any bonds and are a part of the
32 contractual obligation owed to such bondholders and the state hereby agrees that it shall not
33 modify or delete the provisions of this section during the periods described in this section. The
34 corporation is authorized to include this agreement of the state in any agreement with the holders

1 of the bonds.

2 **42-133-12. Limited power to incur debt.** -- The corporation and the board have no
3 power to incur debt or obligations or in any way to encumber their assets except by the issuance
4 of bonds, including the making of covenants in relation to the issuing of bonds and the incurring
5 of expenses and obligations in connection with such issuance.

6 **42-133-13. Bonds as legal investments.** -- The bonds of the corporation are hereby made
7 securities in which all public officers and bodies of this state and municipalities and municipal
8 subdivisions, all companies and associations and other persons carrying on an insurance business,
9 all banks, bankers, trust companies, savings banks, and savings associations, including savings
10 and loan associations, building and loan associations, investment companies, and other persons
11 carrying on a banking business, all administrators, guardians, executors, trustees, and other
12 fiduciaries, and all other persons whatsoever who are authorized to invest in bonds or other
13 obligations of the state may properly and legally invest funds, including capital, in their control or
14 belonging to them.

15 **42-133-14. Agreement by the state.** -- The state does hereby pledge to and agree with
16 the holders of any bonds issued under this chapter that the state will not limit or alter the rights
17 vested in the corporation to fulfill the terms of any agreements made with the holders, or
18 otherwise take any action that materially and adversely affects the rights of the holders, until the
19 bonds, together with the interest thereon, with interest on any unpaid installments of interest, and
20 all costs and expenses in connection with any action or proceeding by or on behalf of holders, are
21 fully met and discharged. The corporation is authorized to include this pledge and agreement of
22 the state in any agreement with the holders of the bonds.

23 **42-133-15. Credit of the state.** -- Bonds issued under the provisions of this chapter shall
24 not constitute a debt, liability, or obligation of the state or of any political subdivision thereof
25 other than the corporation, or a pledge of the faith and credit of the state or any political
26 subdivision, but shall be payable solely from the assets of the corporation. Bonds shall state on
27 their face that the bonds are payable both as to principal and interest solely out of the assets of the
28 corporation pledged for such purpose, and neither the faith and credit nor the taxing power of the
29 state or any political subdivision thereof is pledged to the payment of the principal of or the
30 interest on the bonds; do not constitute an indebtedness of the state or any political subdivision of
31 the state; are secured solely by and payable solely from the tobacco receipts sold to the
32 corporation and other moneys of the corporation; and do not constitute a general, legal, or moral
33 obligation of the state or any political subdivisions thereof, and that the state has no obligation or
34 intention to satisfy any deficiency or default of any payment of the bonds.

1 **42-133-16. Annual report and audit.** -- The corporation shall submit to the speaker of
2 the house, the majority leader of the senate until January 7, 2003 and the President of the Senate
3 thereafter, the director of administration and the attorney general within four (4) months after the
4 close of its fiscal year, a report of its activities for the preceding fiscal year. The report shall set
5 forth a complete operating and financial statement covering the corporation's operations during
6 the preceding fiscal year. The corporation shall cause an independent audit of its books and
7 accounts to be made at least once each fiscal year. The fiscal year of the corporation shall
8 commence on each July 1.

9 **42-133-17. Attorney general.** -- Nothing in this chapter shall be construed as in any way
10 modifying or limiting, and the state does hereby pledge to and agree with the holders of any
11 bonds issued under this chapter that the state will not modify or limit, the responsibility of the
12 attorney general to administer, protect and discharge all duties, rights and obligations of the state
13 under the master settlement agreement and the qualifying statute.

14 **42-133-18. Chapter controlling over inconsistent provisions.** --Insofar as the
15 provisions of this chapter are inconsistent with the provisions of any other law or ordinance,
16 general, special or local, the provisions of this chapter shall be controlling.

17 **42-133-19. Construction with other statutes.** -- The issuance of bonds of the
18 corporation under the provisions of this chapter need not comply with the requirements of any
19 other statute applicable to the issuance of obligations. No proceedings or notice of approval shall
20 be required for the issuance of any bonds except as provided in this chapter.

21 **42-133-20. Severability.** -- If any clause, sentence, paragraph, section, or part of this
22 chapter shall be adjudged by any court of competent jurisdiction to be invalid, that judgment shall
23 not affect, impair, or invalidate the remainder of this chapter, but shall be confined in its
24 operation to the clause, sentence, paragraph, section, or part directly involved in the controversy
25 in which that judgment shall have been rendered.

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

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

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

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

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

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

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

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

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

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

12 (4) The interfund transfer may be made notwithstanding the provisions of sections 28-
13 37-3 and 28-39-4.

14 **35-3-23. Interfund transfers. [Effective January 7, 2003.]** -- The governor may make
15 an interfund transfer. Prior to making an interfund transfer the governor shall give five (5) days
16 written notification of the proposed interfund transfer to the speaker of the house, the president of
17 the senate, the chairperson of the house finance committee, the chairperson of the senate finance
18 committee, the minority leader of the senate, and the minority leader of the house. An interfund
19 transfer must comply with this section. An interfund transfer can be made under the following
20 circumstances and on the following conditions:

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

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

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

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

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

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

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

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

32 (4) The interfund transfer may be made notwithstanding the provisions of sections 28-
33 37-3 and 28-39-4.

34 SECTION 3. Chapter 44-20 of the General Laws entitled "Cigarette Tax" is hereby

1 amended by adding thereto the following section:

2 **44-20-28.1. Noncompliance with Tobacco Manufacturer’s Escrow Fund-Penalties. -**

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

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

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

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

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

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

16 **ARTICLE 9 SUB A**

17 **RELATING TO TAXATION -- PERSONAL INCOME TAX**

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

20 **44-30-12. Rhode Island income of a resident individual. --** (a) General. - The Rhode
21 Island income of a resident individual means his or her adjusted gross income for federal income
22 tax purposes, with the modifications specified in this section.

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

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

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

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

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

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

6 (ii) a withdrawal or distribution which is:

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

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

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

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

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

24 (II) the amount of the person's contribution modification pursuant to subsection 44-30-
25 12(c)(4) for the person's taxable year of the withdrawal and the two (2) prior taxable years less
26 the amount of any nonqualified withdrawal for the two (2) prior taxable years included in
27 computing such person's Rhode Island income by application of this subsection for those years.

28 Any amount added to federal adjusted gross income pursuant to subsection 44-30-12(b)(4) shall
29 constitute Rhode Island income for residents, nonresidents and part-year residents.

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

32 (1) Any interest income on obligations of the United States and its possessions to the
33 extent includible in gross income for federal income tax purposes, and any interest or dividend
34 income on obligations, or securities of any authority, commission, or instrumentality of the

1 United States to the extent includible in gross income for federal income tax purposes but exempt
2 from state income taxes under the laws of the United States; provided that the amount to be
3 subtracted shall in any case be reduced by any interest on indebtedness incurred or continued to
4 purchase or carry obligations or securities the income of which is exempt from Rhode Island
5 personal income tax, to the extent the interest has been deducted in determining federal adjusted
6 gross income or taxable income;

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

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

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

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

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

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

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

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

25 (A) contributions made by any person to an account who is not a participant of the
26 account at the time the contribution is made;

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

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

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

32 (iv) The contributions carryover to a taxable year for purpose of subsection 44-30-
33 12(c)(4) is the excess, if any, of the total amount of contributions actually made by the taxpayer
34 to the tuition savings program for all preceding taxable years for which this subsection is

1 effective over the sum of:

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

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

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

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

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

22 **44-30-17. Share of a resident estate, trust, or beneficiary in Rhode Island fiduciary**
23 **adjustment.** -- (a) General. - An adjustment shall be made in determining Rhode Island income
24 of a resident estate or trust under section 44-30-16, or Rhode Island income of a resident
25 beneficiary of any estate or trust under subsection (d) of section 44-30-12, in the amount of the
26 share of each in the Rhode Island fiduciary adjustment as determined in this section.

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

32 (c) Shares of Rhode Island fiduciary adjustment. -- (1) The respective shares of an estate
33 or trust and its beneficiaries (including, solely for the purpose of this allocation, nonresident
34 beneficiaries) in the Rhode Island fiduciary adjustment shall be in proportion to their respective

1 shares of federal distributable net income of the estate or trust.

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

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

12 **44-30-32. Rhode Island income of a nonresident individual.** -- (a) General. - The
13 Rhode Island income of a nonresident individual shall be the sum of the following:

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

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

18 (ii) His or her share of estate or trust income and deductions, determined under section
19 44-30-36; and

20 (2) The portion of the modifications described in subsections (b) and (c) of section 44-
21 30-12 which relate to income derived from Rhode Island sources, including any modifications
22 attributable to the individual as a partner.

23 (3) The portion of the modifications described in subsections 44-30-12(b) and 44-30-
24 12(c) which relate to the tuition savings plan program referred to in section 16-57-6.1.

25 (b) Income and deductions from Rhode Island sources. -- (1) Items of income and
26 deduction derived from or connected with Rhode Island sources shall be those items attributable
27 to:

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

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

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

33 (2) Income from intangible personal property, including annuities, dividends, interest,
34 and gains from the disposition of intangible personal property, shall constitute income derived

1 from Rhode Island sources only to the extent that the intangible personal property is employed in
2 a business, trade, profession, or occupation carried on in this state.

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

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

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

14 **44-30-36. Share of a nonresident estate, trust, or beneficiary in income from Rhode**

15 **Island sources.** -- (a) General. -- The share of a nonresident estate or trust under section 44-30-
16 35(a)(1) and the share of a nonresident beneficiary of any estate or trust under section 44-30-
17 32(a) in estate or trust income and deduction from Rhode Island sources shall be determined as
18 follows:

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

26 (2) Addition or subtraction of modifications. -- There shall be added to or subtracted, as
27 the case may be, the modifications described in section 44-30-12(b) and (c) (excluding
28 subdivisions (b)(4), (c)(3) and (c)(4) of that section) to the extent relating to items of income and
29 deduction, derived from or connected with Rhode Island sources, which enter into the definition
30 of "federal distributable net income", including the items from another estate or trust of which the
31 first estate or trust is a beneficiary. No modification shall be made under this subsection which
32 has the effect of duplicating an item already reflected in the definition of "federal distributable net
33 income".

34 (3) Allocation among estate or trust and beneficiaries. - (i) The amounts determined

1 under subdivisions (1) and (2) shall be allocated among the estate or trust and its beneficiaries,
2 including, solely for the purpose of this allocation, resident beneficiaries, in proportion to their
3 respective shares of federal distributable net income.

4 (ii) The amounts so allocated shall have the same character as for federal income tax
5 purposes. Where an item entering into the computation of the amounts is not characterized for
6 federal income tax purposes, it shall have the same character as if realized directly from the
7 source from which realized by the estate or trust, or incurred in the same manner as incurred by
8 the estate or trust.

9 (b) Alternate methods of determining shares. - (1) If the estate or trust has no federal
10 distributable net income for the taxable year, the share of each beneficiary, including, solely for
11 the purpose of this allocation, resident beneficiaries, in the net amount determined under
12 subdivisions (1) and (2) of subsection (a) shall be in proportion to his share of the estate of trust
13 income for that year, under local law or the governing instrument, which is required to be
14 distributed currently and any other amounts of the income distributed in that year. Any balance of
15 the net amount shall be allocated to the estate or trust.

16 (2) The tax administrator may by regulation authorize the use of such other methods of
17 determining the respective shares of the beneficiaries and of the estate or trust in its income
18 derived from Rhode Island sources, and the modification related thereto, as may be appropriate
19 and equitable, on such terms and conditions as the tax administrator may require.

20 SECTION 2. This article shall take effect upon passage and shall apply to the taxable
21 year beginning January 1, 2002.

22 **ARTICLE 10 SUB A AS AMENDED**

23 **RELATING TO MAKING REVISED APPROPRIATIONS IN SUPPORT OF FY 2002**

24 SECTION 1. Subject to the conditions, limitations and restrictions hereinafter contained
25 in this act, the following general revenue amounts are hereby appropriated out of any money in
26 the treasury not otherwise appropriated to be expended during the fiscal year ending June 30,
27 2002. The amounts identified for federal funds and restricted receipts shall be made available
28 pursuant to section 35-4-22 and Chapter 41 of Title 42 of the Rhode Island General Laws. For
29 the purposes and functions hereinafter mentioned, the state controller is hereby authorized and
30 directed to draw his or her orders upon the general treasurer for the payment of such sums or such

- 1 portions thereof as may be required from time to time upon receipt by him or her of properly
- 2 authenticated vouchers.
- 3

	FY 2002	FY 2002	FY 2002	
	<u>Enacted</u>	<u>Variance</u>	<u>Recommend</u>	
1				
2				
3				
4	Administration			
5	Central Management			
6	General Revenues	1,835,080	68,554	1,903,634
7	Federal Funds	204,894	1,669	206,563
8	Total - Central Management	2,039,974	70,223	2,110,197
9	Accounts and Control			
10	General Revenue			
11	General Revenues	4,746,970	1,063,819	5,810,789
12	RI e-Government Fund-RI-SAIL	2,000,000	65,098	2,065,098
13	Total - Accounts and Control	6,746,970	1,128,917	7,875,887
14	Budgeting <i>General Revenues</i>	2,106,537	(5,245)	2,101,292
15	Municipal Affairs			
16	General Revenues	1,236,447	(100,565)	1,135,882
17	Federal Funds	7,500,108	1,117,724	8,617,832
18	Total - Municipal Affairs	8,736,555	1,017,159	9,753,714
19	Purchasing <i>General Revenues</i>	2,101,214	64,036	2,165,250
20	Auditing <i>General Revenues</i>	1,509,967	31,717	1,541,684
21	<i>Human Resources</i>			
22	General Revenues	6,480,675	310,441	6,791,116
23	Federal Funds	0	14,000	14,000
24	Total - Human Resources	6,480,675	324,441	6,805,116
25	Personnel Appeal Board <i>General Revenues</i>	131,263	(18,796)	112,467
26	<i>Taxation</i>			
27	Other Funds			
28	Motor Fuel Tax Evasion Program		90,000	937
29	Temporary Disability Insurance	642,440	(58,893)	583,547
30	General Revenues	14,814,080	1,133,449	15,947,529
31	Federal Funds	1,306,280	(117,594)	1,188,686
32	Restricted Receipts	334,963	155,221	490,184
33	Total - Taxation	17,187,763	1,113,120	18,300,883
34	<i>Registry of Motor Vehicles</i>			
35	Other Funds			
36	Motor Vehicle Emission Inspections – CMAQ	11,204	(11,204)	0
37	Registration Denial Program	0	110,000	110,000
38	General Revenues			
39	General Revenue	13,793,639	358,755	14,152,394
40	RI e-Gov Fund – Digital License System	150,000	150,000	300,000
41	RI e-Gov Fund – OLIS Support – RMV System	350,000	(150,000)	200,000

1	Federal Funds	0	394,137	394,137
2	Restricted Receipts	15,848	0	15,848
3	Total – Registry of Motor Vehicles	14,320,691	851,688	15,172,379
4	<i>Child Support Enforcement</i>			
5	General Revenues	3,193,389	(20,139)	3,173,250
6	Federal Funds	7,267,802	(174,767)	7,093,035
7	Total - Child Support Enforcement	10,461,191	(194,906)	10,266,285
8	Central Services			
9	Other Funds-Lighting Conservation	661,278	0	661,278
10	General Revenue	11,911,939	(204,285)	11,707,654
11	Energy Office Grants	381,016	903,022	1,284,038
12	Federal Funds	18,543,661	(293,499)	18,250,162
13	Restricted Receipts	1,049,861	267,508	1,317,369
14	Total - Central Services	32,547,755	672,746	33,220,501
15	<i>Office of Library and Information Services</i>			
16	Other Funds			
17	Federal Highway - PL Systems Planning	851,184	70,059	921,243
18	Federal Highway - T2 Systems Planning	117,550	10,000	127,550
19	Air Quality Modeling	20,283	0	20,283
20	General Revenues	2,606,304	(40,348)	2,565,956
21	Federal Funds	1,357,458	(138,416)	1,219,042
22	Restricted Receipts Total	10,830	(1,158)	9,672
23	Total - Office of Library and Information Services	4,963,609	(99,863)	4,863,746
24	General			
25	Other Funds			
26	RICAP – State House Renovations (Phase I)	0	100,000	100,000
27	RICAP – A-Building Stabilization – Pastore Center	100,000	(100,000)	0
28	RICAP - State House Skylights and Roof	1,733,000	1,513,209	3,246,209
29	RICAP - State House Terrace/South Stairs	2,903,000	(739,675)	2,163,325
30	RICAP - Chapin Health Laboratory	300,000	(184,373)	115,627
31	RICAP - Cranston Street Armory	1,000,000	(204,813)	795,187
32	RICAP - Cannon Building	150,000	137,859	287,859
33	RICAP – Second State House Elevator	0	12,000	12,000
34	RICAP – Ladd Center – Infrastructure	0	974,046	974,046
35	RICAP – Old State House	35,000	15,000	50,000
36	RICAP - State Office Building	200,000	(89,603)	110,397
37	RICAP – Veterans’ Auditorium Office Building	0	73,204	73,204
38	RICAP – State Information Operations Center	200,000	(200,000)	0
39	RICAP – Old Colony House	200,000	0	200,000
40	RICAP - Court Buildings – HVAC	362,000	(362,000)	0
41	RICAP - Asset Inventory	50,000	250,000	300,000
42	RICAP - Washington County Government Center	395,000	(318,000)	77,000

1	RICAP - State House Renovations – Phase II	592,664	(516,352)	76,312
2	RICAP – Board of Elections Building	50,000	(25,000)	25,000
3	RICAP – Environmental Compliance	900,000	(150,000)	750,000
4	RICAP - Fox Point Hurricane Barrier	50,000	0	50,000
5	General Revenue			
6	General Revenues	11,419,295	(1,160,375)	10,258,920
7	Contingency Fund	0	1,771,045	1,771,045
8	Race and Police Community Relations Commission	300,000	0	300,000
9	Economic Development Corporation	7,826,807	0	7,826,807
10	Centers of Excellence	3,000,000	0	3,000,000
11	Housing Resources Commission	8,652,098	(5,001,237)	3,650,861
12	Motor Vehicle Excise Tax Payment	97,202,898	2,361,665	99,564,563
13	Property Valuation	1,073,300	46,700	1,120,000
14	General Revenue Sharing Program	43,621,430	0	43,621,430
15	Payment in Lieu of Tax Exempt Properties	18,151,500	0	18,151,500
16	Distressed Communities Relief Program	7,400,000	100,000	7,500,000
17	Resource Sharing and State Library Aid	6,318,527	0	6,318,527
18	Library Construction Aid	2,280,669	(234,245)	2,046,424
19	Federal Funds	700,000	0	700,000
20	Restricted Receipts	566,000	700,000	1,266,000
21	Total - General	217,733,188	(1,830,945)	215,902,243
22	Debt Service Payments			
23	Other Funds			
24	MHRH Community Services Program	0	6,776,960	6,776,960
25	MHRH Community Mental Health Program	0	2,749,415	2,749,415
26	DEM – Narragansett Bay Commission	5,066,552	(21,310)	5,045,242
27	DEM – Clean Water Finance Agency	3,834,496	(2,075,667)	1,758,829
28	DEM Debt Service – Recreation	0	5,339,102	5,339,102
29	DEM – Wastewater Treatment	6,098,952	3,731,500	9,830,452
30	RIPTA Debt Service	771,729	10,809	782,538
31	Transportation Debt Service	42,085,172	(10,010)	42,075,162
32	RIRBA - DLT – Temporary Disability Insurance	60,222	0	60,222
33	COPS - DLT Building – Other	360,202	23,641	383,843
34	COPS – Center General – Furniture - TDI	2,080	0	2,080
35	COPS – Pastore Center Telecommunications – TDI	19,799	0	19,799
36	Debt - URI Education and General	963,451	124,744	1,088,195
37	Debt - URI Housing Loan Funds	1,845,923	43,340	1,889,263
38	Debt - URI Dining Services	265,179	1,736	266,915
39	Debt - URI Health Services	125,409	821	126,230
40	Debt - W. Alton Jones Services	111,050	727	111,777
41	Debt - URI Memorial Union	97,648	638	98,286
42	Debt - URI Sponsored Research (Indirect Cost)	101,347	0	101,347

1	Debt - RIC Education and General	296,614	(750)	295,864
2	Debt - RIC Housing	568,390	(7,099)	561,291
3	Debt - RIC Student Center and Dining	177,951	0	177,951
4	Debt - RIC Student Union	254,765	(57,394)	197,371
5	Debt - CCRI Bookstore	177,092	0	177,092
6	General Revenues Debt Service Payments	115,958,757	(22,628,427)	93,330,330
7	Federal Funds	1,632,114	(71,489)	1,560,625
8	Restricted Receipts	5,961,760	(69,435)	5,892,325
9	Total - Debt Service Payments	186,836,654	(6,138,148)	180,698,506
10	<i>Division of Sheriffs</i> General Revenues	12,246,353	(152,268)	12,094,085
11	Grand Total - Administration	526,150,359	(2,566,124)	523,584,235
12	Business Regulation			
13	<i>Central Management</i> General Revenues	1,433,701	71,575	1,505,276
14	Banking Regulation <i>General Revenues</i>	1,469,676	(114,541)	1,355,135
15	Securities Regulation <i>General Revenues</i>	664,764	(19,913)	644,851
16	Commercial Licensing and Regulation			
17	General Revenues	916,007	99,431	1,015,438
18	Restricted Receipts	100,000	0	100,000
19	Total - Commercial Licensing and Regulation	1,016,007	99,431	1,115,438
20	Racing and Athletics <i>General Revenue</i>	684,934	(17,373)	667,561
21	Insurance Regulation			
22	General Revenues	3,503,038	(74,057)	3,428,981
23	Gramm, Leach, Bliley Act – General Revenues	0	489,000	489,000
24	Notwithstanding the provisions of section 35-3-15 of the general laws in Chapter 35-3 entitled “State			
25	Budget”, all unexpended, encumbered and unencumbered general revenue balances of the appropriation			
26	for the Gramm, Leach, Bliley Act in the Department of Business Regulation at the end of the fiscal			
27	year 2002 shall be reappropriated in the ensuing fiscal year and made immediately available for the			
28	same purposes as the former application.			
29	Restricted Receipts	357,465	122,736	480,201
30	Total - Insurance Regulation	3,860,503	537,679	4,398,182
31	<i>Board of Accountancy</i> General Revenues	189,452	(22,361)	167,091
32	Grand Total - Business Regulation	9,319,037	534,497	9,853,534
33	Labor and Training			
34	Central Management			
35	General Revenues	279,999	105,899	385,898
36	Restricted Receipts Director of Workers' Compensation	471,284	304,188	775,472
37	Total - Central Management	751,283	410,087	1,161,370
38	Workforce Development Services			
39	Federal Funds	20,405,853	4,038,397	24,444,250
40	Restricted Receipts			
41	ES – Reemployment Program	1,127,297	(108,959)	1,018,338

1	Human Resource Investment Council	9,113,176	69,665	9,182,841
2	Job Development Fund DET Admin	267,115	(227,172)	39,943
3	HRIC – Supportive Work/Rapid Job Entry	0	1,711,130	1,711,130
4	Reed Act – Rapid Job Entry	0	288,870	288,870
5	Provided that these funds may be used solely for the Rapid Job Entry program to engage welfare recipients in			
6	employment preparation and placement through the Employment Assessment Workshop and Job Club/Job Search			
7	Workshop Activities.			
8	Total - Workforce Development Services	30,913,441	5,771,931	36,685,372
9	Workforce Regulation and Safety <i>General Revenues</i>	3,687,515	113,357	3,800,872
10	<i>Income Support</i>			
11	Other Funds			
12	Temporary Disability Insurance Fund	142,160,533	9,974,168	152,134,701
13	Employment Security Fund	151,500,000	62,000,000	213,500,000
14	General Revenues	2,654,310	47,084	2,701,394
15	Federal Funds	18,227,232	307,297	18,534,529
16	Restricted Receipts	1,989,520	(1,284,896)	704,624
17	Total - Income Support	316,531,595	71,043,653	387,575,248
18	<i>Injured Workers Services Restricted Receipts</i>	9,306,763	(345,203)	8,961,560
19	Labor Relations Board General Revenues	339,269	17,806	357,075
20	Grand Total - Labor and Training	361,529,866	77,011,631	438,541,497
21	Legislature			
22	General Revenues	24,886,849	3,502,536	28,389,385
23	Restricted Receipts	757,329	1,503	758,832
24	Grand Total - Legislature	25,644,178	3,504,039	29,148,217
25	Lieutenant Governor <i>General Revenues</i>	764,928	(4,779)	760,149
26	State			
27	<i>Administration</i>	General Revenues	1,165,919	86,416
28	Corporations			
29	General Revenue			
30	General Revenue	1,426,980	7,265	1,434,245
31	RI e-Gov Fund – UCC Automated System	250,000	0	250,000
32	Total - Corporations	1,676,980	7,265	1,684,245
33	<i>State Archives</i>			
34	General Revenues	281,015	(1,495)	279,520
35	Federal Funds	18,631	5,410	24,041
36	Restricted Receipts	193,337	(3,642)	189,695
37	Total - State Archives	492,983	273	493,256
38	<i>Elections General Revenues</i>	467,857	(1,532)	466,325
39	<i>State Library General Revenues</i>	703,827	1,613	705,440
40	<i>Office of Public Information General Revenues</i>	480,928	161	481,089

1	Grand Total - State	4,988,494	94,196	5,082,690
2	General Treasurer			
3	Treasury			
4	Other Funds			
5	Temporary Disability Insurance Fund	196,252	36,244	232,496
6	General Revenues	2,584,159	59,052	2,643,211
7	Federal Funds	265,140	(50,957)	214,183
8	Restricted Receipts	16,000	(5,102)	10,898
9	Total – Treasury	3,061,551	39,237	3,100,788
10	State Retirement System			
11	Other Funds			
12	Admin Expenses - State Retirement System	11,148,136	72,187	11,220,323
13	Retirement - Treasury Investment Operations	542,026	25,172	567,198
14	Total - State Retirement System	11,690,162	97,359	11,787,521
15	Unclaimed Property <i>Restricted Receipts</i>	9,382,527	(302,598)	9,079,929
16	RI Refunding Bond Authority <i>General Revenues</i>	67,827	14,341	82,168
17	Crime Victim Compensation Program			
18	General Revenues	2,420,467	(21,744)	2,398,723
19	Federal Funds	1,497,137	2,909	1,500,046
20	Restricted Receipts	1,727,619	12,146	1,739,765
21	Total - Crime Victim Compensation Program	5,645,223	(6,689)	5,638,534
22	Grand Total – General Treasurer	29,847,290	(158,350)	29,688,940
23	Boards for Design Professionals General Revenues	350,275	12,515	362,790
24	Board of Elections			
25	General Revenue			
26	General Revenues	2,120,057	30,730	2,150,787
27	RI e-Gov Fund – Electronic Campaign Finance System	330,000	0	330,000
28	Grand Total - Board of Elections	2,450,057	30,730	2,480,787
29	Rhode Island Ethics Commissions General Revenues	847,427	57,507	904,934
30	Office of Governor General Revenues	5,681,777	(70,612)	5,611,165
31	Public Utilities Commission			
32	General Revenues	731,240	(20,447)	710,793
33	Federal Funds	61,538	0	61,538
34	Restricted Receipts	4,663,397	20,115	4,683,512
35	Total - Public Utilities Commission	5,456,175	(332)	5,455,843
36	Rhode Island Commission on Women General Revenues	139,140	530	139,670
37	Children, Youth, and Families			
38	Central Management			
39	General Revenues	7,828,990	(15,071)	7,813,919
40	Federal Funds	5,117,207	(310,176)	4,807,031
41				

1	Total - Central Management	12,946,197	(325,247)	12,620,950
2	Children's Behavioral Health Services			
3	Other Funds			
4	RICAP – Groden Center – Mt. Hope	79,660	(79,660)	0
5	RICAP - Spurwink/RI	199,000	(16,077)	182,923
6	General Revenues	21,620,441	509,818	22,130,259
7	Federal Funds	19,732,041	812,681	20,544,722
8	Total - Children's Behavioral Health Services	41,631,142	1,226,762	42,857,904
9	Juvenile Correctional Services			
10	Other Funds RICAP – RI Training School Bathroom Renovations	100,000	0	100,000
11	General Revenues	24,423,744	236,663	24,660,407
12	Federal Funds	2,855,694	795,402	3,651,096
13	Restricted Receipts	8,000	500,000	508,000
14	Total - Juvenile Correctional Services	27,387,438	1,532,065	28,919,503
15	Child Welfare			
16	General Revenues			
17	General Revenue	78,956,984	5,727,570	84,684,554
18	Children's Trust Fund	55,500	0	55,500
19	Federal Funds	55,627,562	4,557,434	60,184,996
20	Restricted Receipts	1,387,191	(365,188)	1,022,003
21	Total - Child Welfare	136,027,237	9,919,816	145,947,053
22	<i>Higher Education Incentive Grant – General Revenue</i>			
23	Total - Higher Education Incentive Grants	150,000	53,727	203,727
24	Notwithstanding the provisions of section 35-3-15 of the general laws in			
25	chapter 35-3 entitled “State Budget,” all unexpended, encumbered and			
26	unencumbered general revenues balances of the appropriation for the			
27	higher education opportunity incentive grants in the Department of			
28	Children, Youth and Families at the end of fiscal year 2002 shall be			
29	reappropriated in the ensuing fiscal year and made immediately available			
30	for the same purposes as the former applications.			
31	Grand Total - Children, Youth, and Families	218,142,014	12,407,123	230,549,137
32	Elderly Affairs			
33	Other Funds Intermodal Surface Transportation Fund	4,700,000	(205,463)	4,494,537
34	General Revenue			
35	General Revenues	13,477,616	17,290	13,494,906
36	RIPAE	10,280,993	1,632,147	11,913,140
37	Safety and Care of the Elderly	1,000	(500)	500
38	Federal Funds	8,659,750	867,604	9,527,354
39	Grand Total - Elderly Affairs	37,119,359	2,311,078	39,430,437
40	Health			
41	Central Management			

1	Other Funds Trauma Registry	228,109	(58,512)	169,597
2	General Revenue			
3	General Revenue	2,609,284	(37,137)	2,572,147
4	RI e-Gov Fund – Automated Vital Records System	300,000	0	300,000
5	Federal Funds	3,061,631	(765,222)	2,296,409
6	Restricted Receipts	1,729,242	24,062	1,753,304
7	Total - Central Management	7,928,266	(836,809)	7,091,457
8	State Medical Examiner <i>General Revenues</i>	1,678,857	(21,946)	1,656,911
9	Family Health			
10	General Revenues			
11	General Revenue	8,465,477	531,033	8,996,510
12	Poison Control Center	250,000	0	250,000
13	Federal Funds	27,385,678	2,363,067	29,748,745
14	Restricted Receipts	3,459,596	408,430	3,868,026
15	Total - Family Health	39,560,751	3,302,530	42,863,281
16	Health Services Regulation			
17	General Revenues			
18	General Revenue	4,375,908	40,575	4,416,483
19	Hospital Care Consultant Report	292,312	(943)	291,369
20	Federal Funds	1,963,101	189,833	2,152,934
21	Restricted Receipts	464,833	29,247	494,080
22	Total - Health Services Regulation	7,096,154	258,712	7,354,866
23	Environmental Health			
24	General Revenues	4,157,352	(118,917)	4,038,435
25	Federal Funds	2,216,902	444,482	2,661,384
26	Restricted Receipts	670,447	397,979	1,068,426
27	Total - Environmental Health	7,044,701	723,544	7,768,245
28	Health Laboratories			
29	General Revenues	5,638,424	352,839	5,991,263
30	Federal Funds	794,635	(91,018)	703,617
31	Total - Health Laboratories	6,433,059	261,821	6,694,880
32	Disease Prevention and Control			
33	Other Funds			
34	Child Safety Program	0	20,000	20,000
35	Walkable Communities Initiative	0	80,000	80,000
36	General Revenue			
37	General Revenues	5,220,109	80,362	5,300,471
38	Smoking Cessation	1,000,000	(700,000)	300,000
39	Federal Funds	11,656,697	164,825	11,821,522
40	Restricted Receipts	79,783	796,217	876,000
41	Total - Disease Prevention and Control	17,956,589	441,404	18,397,993

1	Grand Total - Health	87,698,377	4,129,256	91,827,633
2	Human Services			
3	Central Management			
4	General Revenues	7,089,388	(175,255)	6,914,133
5	Federal Funds	3,673,194	210,061	3,883,255
6	Restricted Receipts	1,786,967	188,033	1,975,000
7	Total - Central Management	12,549,549	222,839	12,772,388
8	Individual and Family Support			
9	Other Funds			
10	RICAP – Veterans Home Roof	60,000	(60,000)	0
11	RICAP - Forand Bldg Exterior Doors & Windows	135,000	(135,000)	0
12	RICAP - Forand Bldg Soffitts Replacement	85,000	(85,000)	0
13	RICAP - Forand Bldg Exterior Window Panels	349,375	(344,802)	4,573
14	General Revenues	20,699,761	(391,026)	20,308,735
15	Federal Funds	50,994,985	394,205	51,389,190
16	Restricted Receipts	73,680	0	73,680
17	Total - Individual and Family Support	72,397,801	(621,623)	71,776,178
18	Veterans' Affairs			
19	General Revenues	13,405,994	742,127	14,148,121
20	Federal Funds	5,604,801	1,066,701	6,671,502
21	Restricted Receipts	1,085,986	1,000,520	2,086,506
22	Total - Veterans' Affairs	20,096,781	2,809,348	22,906,129
23	Health Care Quality, Financing and Purchasing			
24	General Revenues	22,250,099	208,715	22,458,814
25	Federal Funds	30,378,277	1,522,688	31,900,965
26	Restricted Receipts	330,000	165,238	495,238
27	Total - Health Care Quality, Financing & Purchasing	52,958,376	1,896,641	54,855,017
28	Medical Benefits			
29	General Revenues			
30	Hospitals	87,084,274	8,799,312	95,883,586
31	Nursing Facilities	121,332,000	1,868,000	123,200,000
32	Managed Care	114,428,738	3,771,262	118,200,000
33	Other	86,731,949	(258,524)	86,473,425
34	Special Education	9,493,730	4,449,259	13,942,989
35	Federal Funds			
36	Hospitals	95,166,543	8,949,871	104,116,414
37	Nursing Facilities	135,743,050	2,056,950	137,800,000
38	Managed Care	132,790,263	4,509,737	137,300,000
39	Other	98,136,077	(1,409,502)	96,726,575
40	Special Education	11,006,270	4,550,741	15,557,011
41	Restricted Receipts Total	15,000	0	15,000

1	Total - Medical Benefits	891,927,894	37,287,106	929,215,000
2	Supplemental Security Income Program <i>General Revenues</i>	28,267,437	(92,114)	28,175,323
3	Family Independence Program			
4	General Revenues			
5	Child Care	53,609,428	(953,835)	52,655,593
6	TANF/Family Independence Program	17,999,851	(1,832,489)	16,167,362
7	Federal Funds	82,403,049	5,503,539	87,906,588
8	Total - Family Independence Program	154,012,328	2,717,215	156,729,543
9	State Funded Programs			
10	General Revenues			
11	General Public Assistance	2,074,263	487,513	2,561,776
12	Food Stamp Replacement for Legal Immigrants	1,619,226	176,052	1,795,278
13	Citizenship Participation Program	100,000	0	100,000
14	Weatherization One-Time Payment	1,579,000	61,000	1,640,000
15	Federal Funds	59,026,224	5,330,264	64,356,488
16	Total - State Funded Programs	64,398,713	6,054,829	70,453,542
17	Grand Total - Human Services	1,296,608,879	50,274,241	1,346,883,120
18	Mental Health, Retardation, and Hospitals			
19	Central Management <i>General Revenues</i>	1,703,146	269,539	1,972,685
20	Hospital and Community System Support			
21	Other Funds			
22	RICAP - Utilities Upgrade	400,000	109,700	509,700
23	RICAP – Central Power Plant Rehabilitation	0	360,000	360,000
24	RICAP - Medical Center Rehabilitation	664,932	(414,931)	250,001
25	RICAP – Utility Systems - Water Tanks and Pipes	350,000	(238,675)	111,325
26	RICAP - Environmental Mandates	550,000	(550,000)	0
27	General Revenues	19,945,762	2,694,578	22,640,340
28	Total - Hospital and Community System Support	21,910,694	1,960,672	23,871,366
29	Services for the Developmentally Disabled			
30	General Revenues			
31	General Revenue	98,548,866	(1,696,912)	96,851,954
32	Pirovano Trust	0	260,990	260,990
33	Federal Funds Total	111,725,085	(1,407,756)	110,317,329
34	Total - Services for the Developmentally Disabled	210,273,951	(2,843,678)	207,430,273
35	Integrated Mental Health Services			
36	General Revenues	30,347,627	361,127	30,708,754
37	Federal Funds	28,172,341	401,731	28,574,072
38	Total - Integrated Mental Health Services	58,519,968	762,858	59,282,826
39	Hospital and Community Rehabilitation Services			
40	Other Funds RICAP - Zambarano Buildings and Utilities	404,942	(304,942)	100,000
41	General Revenues	50,523,558	1,158,695	51,682,253

1	Federal Funds	52,382,371	951,611	53,333,982
2	Total - Hospital and Community Rehab. Services	103,310,871	1,805,364	105,116,235
3	Substance Abuse			
4	Other Funds RICAP - Asset Protection	100,000	13,000	113,000
5	General Revenue			
6	General Revenue	14,829,699	464,231	15,293,930
7	Providence Community Action	213,000	(213,000)	0
8	Federal Funds	9,942,976	572,340	10,515,316
9	Restricted Receipts	55,000	10,000	65,000
10	Total - Substance Abuse	25,140,675	846,571	25,987,246
11	Grand Total - Mental Health, Retardation, and Hospitals	420,859,305	2,801,326	423,660,631
12	Office of the Child Advocate			
13	General Revenues	523,165	(700)	522,465
14	Federal Funds	342,703	16,487	359,190
15	Grand Total – Child Advocate	865,868	15,787	881,655
16	Commission on the Deaf and Hard of Hearing General Revenues	257,890	(61,440)	196,450
17	RI Developmental Disabilities Council Federal Funds	408,984	11,493	420,477
18	Governor's Commission on Disabilities			
19	General Revenues	305,032	(1,188)	303,844
20	Federal Funds	28,181	(2,909)	25,272
21	Restricted Receipts	1,400	36,232	37,632
22	Grand Total - Governor's Commission on Disabilities	334,613	32,135	366,748
23	Commission for Human Rights			
24	General Revenues	782,565	(47,603)	734,962
25	Federal Funds	426,177	(10,000)	416,177
26	Grand Total - Commission for Human Rights	1,208,742	(57,603)	1,151,139
27	Mental Health Advocate General Revenues	294,878	(11,847)	283,031
28	Elementary and Secondary Education			
29	State Aid			
30	General Revenue State Support Local School Operations	575,846,092	535,000	576,381,092
31	Federal Funds Total	0	2,536,209	2,536,209
32	Total - State Aid	575,846,092	3,071,209	578,917,301
33	School Housing Aid <i>General Revenues</i>	<i>30,775,774</i>	<i>2,446,419</i>	<i>33,222,193</i>
34	Teacher's Retirement <i>General Revenues</i>	<i>37,243,558</i>	<i>(6,019,652)</i>	<i>31,223,906</i>
35	RI School for the Deaf			
36	Other Funds			
37	RICAP - School for the Deaf - Physical Education Facility	268,250	(235,728)	32,522
38	General Revenues	5,681,452	(299,052)	5,382,400
39	Federal Funds	946,979	298,873	1,245,852
40	Restricted Receipts	0	1,418	1,418

1	Total - RI School for the Deaf	6,896,681	(234,489)	6,662,192
2	Central Falls School District <i>General Revenues</i>	33,265,963	0	33,265,963
3	Davies Career and Technical School			
4	Other Funds RICAP – Davies Roof Repair	450,000	(450,000)	0
5	General Revenues	10,611,621	(283,544)	10,328,077
6	Federal Funds	797,359	232,512	1,029,871
7	Restricted Receipts	25,000	169,836	194,836
8	Total - Davies Career and Technical School	11,883,980	(331,196)	11,552,784
9	Metropolitan Career and Technical School <i>General Revenues</i>	2,155,000	0	2,155,000
10	Program Operations			
11	Other Funds			
12	RICAP – East Providence Vocational HVAC	140,980	(131,380)	9,600
13	RICAP – Hanley – HVAC	125,000	91,617	216,617
14	RICAP – Woonsocket Vocational HVAC	0	10,160	10,160
15	RICAP – State-Owned Schools – Fire Alarm Systems	100,000	(22,454)	77,546
16	RICAP – Hazardous Material Storage/Dust	218,453	(12,440)	206,013
17	General Revenues	15,388,274	(225,611)	15,162,663
18	Federal Funds	111,816,758	17,125,741	128,942,499
19	Restricted Receipts	664,194	381,703	1,045,897
20	Total - Program Operations	128,453,659	17,217,336	145,670,995
21	Grand Total - Elementary and Secondary Education	826,520,707	16,149,627	842,670,334
22	Board of Governors			
23	General Revenues	174,893,876	(420,278)	174,473,598
24	Federal Funds	2,040,118	280,646	2,320,764
25	Other Funds			
26	University and College Funds	336,272,035	5,376,635	341,648,670
27	RICAP - Asset Protection/Roofs	4,336,922	407,551	4,744,473
28	RICAP – Chafee Hall PCB Abatement	2,500,000	1,300,000	3,800,000
29	RICAP - Athletic Complex	8,500,000	6,283,910	14,783,910
30	RICAP - Knight Megastructure	380,000	(33,149)	346,851
31	RICAP - Ballentine Hall	853,078	500,000	1,353,078
32	RICAP – Alger Hall	1,164,558	(1,144,558)	20,000
33	RICAP - DCYF Facilities	1,119,853	70,000	1,189,853
34	RICAP – Green Hall	1,200,000	0	1,200,000
35	RICAP - Plains Road Property	10,000	10,000	20,000
36	Grand Total - Board of Governors	533,270,440	12,630,757	545,901,197
37	RI State Council on the Arts			
38	General Revenue			
39	Operating Support	358,671	5,603	364,274
40	Grants	1,925,000	(6,874)	1,918,126
41	Federal Funds	553,795	42,846	596,641

1	Restricted Receipts	250,000	5,340	255,340
2	Grand Total - RI State Council on the Arts	3,087,466	46,915	3,134,381
3	RI Atomic Energy Commission			
4	Other Funds			
5	URI Sponsored Research	130,064	(327)	129,737
6	RICAP – Paint Interior Reactor Building Walls	50,000	(50,000)	0
7	RICAP - Roof Replacement – North Bunker	21,400	0	21,400
8	General Revenues	649,456	(4,461)	644,995
9	Federal Funds	753,000	(50,000)	703,000
10	Grand Total - RI Atomic Energy Commission	1,603,920	(104,788)	1,499,132
11	RI Higher Education Assistance Authority			
12	General Revenue			
13	Needs Based Grants and Work Opportunities	6,397,372	(500,000)	5,897,372
14	Notwithstanding the provisions of section 35-3-15 of the general laws in			
15	chapter 35-3 entitled “State Budget,” all unexpended, encumbered and			
16	unencumbered balances of revenue appropriations for “Need Based			
17	Grants and Work Opportunities – RIGL 16-56-6 and 16-56-8” contained			
18	in section 1 of this article within the Higher Education Assistance			
19	Authority, whether regular or special appropriations, at the end of fiscal			
20	years 2001 and 2002 shall be reappropriated in the ensuing fiscal year			
21	and made immediately available for the same purposes as the former			
22	applications.			
23	Authority Operations and Other Grants	1,039,005	(2,295)	1,036,710
24	Federal Fund Total	6,848,965	115,385	6,964,350
25	Other Funds Tuition Savings Program - Administration	229,406	1,167,303	1,396,709
26	Grand Total - Higher Education Assistance Authority	14,514,748	780,393	15,295,141
27	RI Historical Preservation and Heritage Commission			
28	General Revenues	751,369	32,690	784,059
29	Federal Funds	540,500	(5,966)	534,534
30	Restricted Receipts	331,690	(4,186)	327,504
31	Grand Total - Historical Preservation Comm.	1,623,559	22,538	1,646,097
32	RI Public Telecommunications Authority			
33	Other Funds			
34	Corporation for Public Broadcasting	571,755	(4,632)	567,123
35	RICAP – Fed. Mandated Digital Television Conversion	936,568	(936,568)	0
36	General Revenues	1,358,004	(90,566)	1,267,438
37	Federal Funds	350,000	0	350,000
38	Grand Total – R.I. Public Telecommunications Authority	3,216,327	(1,031,766)	2,184,561
39	Attorney General			
40	Criminal			
41	General Revenues	9,255,236	247,798	9,503,034

1	Federal Funds	1,191,290	75,387	1,266,677
2	Restricted Receipts	178,692	(15,954)	162,738
3	Total - Criminal	10,625,218	307,231	10,932,449
4	Civil			
5	General Revenues	3,484,235	(126,561)	3,357,674
6	Federal Funds	74,616	(6,614)	68,002
7	Restricted Receipts	408,802	8,561	417,363
8	Total - Civil	3,967,653	(124,614)	3,843,039
9	Bureau of Criminal Identification			
10	General Revenues	605,696	17,598	623,294
11	Federal Funds	0	224,500	224,500
12	Total - Bureau of Criminal Identification	605,696	242,098	847,794
13	<i>General General Revenues</i>	<i>1,470,433</i>	<i>52,416</i>	<i>1,522,849</i>
14	Grand Total - Attorney General	16,669,000	477,131	17,146,131
15	Corrections			
16	Central Management			
17	General Revenues	9,509,765	(274,033)	9,235,732
18	Federal Funds	0	187,789	187,789
19	Total - Central Management	9,509,765	(86,244)	9,423,521
20	Parole Board			
21	General Revenues	852,501	37,241	889,742
22	Federal Funds	8,000	(8,000)	0
23	Total - Parole Board	860,501	29,241	889,742
24	Institutional Corrections			
25	Other Funds			
26	RICAP - Fire Code Safety Improvements	1,000,000	374,017	1,374,017
27	RICAP - Security Camera Installation	417,000	356,000	773,000
28	RICAP - Window Replacement – Women’s	350,000	316,232	666,232
29	RICAP – General Renovations – Maximum	450,000	(122,927)	327,073
30	RICAP – Roof/Masonry Renovations – Women’s	105,000	25,000	130,000
31	RICAP – High Security Fire Alarm HVAC	172,000	(92,993)	79,007
32	RICAP - Aquidneck & Prudence Cellblock Roofs	220,000	520,880	740,880
33	RICAP – HVAC Renovations – Maximum	0	19,436	19,436
34	RICAP – Dix Expansion – Phase II	0	35,000	35,000
35	RICAP – Dix Expansion – State Match	0	43,178	43,178
36	RICAP – Reintegration Center State Match	0	171,271	171,271
37	RICAP – Perimeter/Security Upgrades	1,765,000	(1,077,907)	687,093
38	General Revenues	110,826,798	(1,305,943)	109,520,855
39	Federal Funds	6,337,462	1,011,800	7,349,262
40	Restricted Receipts	3,877,475	1,489,812	5,367,287
41	Total - Institutional Corrections	125,520,735	1,762,856	127,283,591

1	Community Corrections			
2	General Revenues	10,298,473	(33,006)	10,265,467
3	Federal Funds	338,952	(37,413)	301,539
4	Total - Community Corrections	10,637,425	(70,419)	10,567,006
5	Grand Total - Corrections	146,528,426	1,635,434	148,163,860
6	Judiciary			
7	Supreme Court			
8	Other Funds			
9	RICAP - Garrahy Judicial Complex Renovation	1,976,106	1,184,089	3,160,195
10	RICAP – Garrahy Complex Roof Repair	0	322,630	322,630
11	RICAP – Licht Exterior/Interior Refurbishment	0	129,739	129,739
12	RICAP – Fogarty Judicial Annex	95,000	(60,000)	35,000
13	General Revenues			
14	General Revenues	17,665,503	1,291,432	18,956,935
15	Defense of Indigents	1,550,000	0	1,550,000
16	Federal Funds	150,000	29,680	179,680
17	Restricted Receipts	762,689	128,170	890,859
18	Total - Supreme Court	22,199,298	3,025,740	25,225,038
19	Superior Court			
20	General Revenues	14,673,241	406,826	15,080,067
21	Federal Funds	0	119,850	119,850
22	Total - Superior Court	14,673,241	526,676	15,199,917
23	Family Court			
24	General Revenues	10,817,657	65,772	10,883,429
25	Federal Funds	1,678,810	720,738	2,399,548
26	Restricted Receipts	233,931	14,036	247,967
27	Total - Family Court	12,730,398	800,546	13,530,944
28	District Court			
29	General Revenues	6,865,889	(70,220)	6,795,669
30	Federal Funds	250,000	(77,599)	172,401
31	Restricted Receipts	70,288	68,624	138,912
32	Total - District Court	7,186,177	(79,195)	7,106,982
33	Traffic Tribunal <i>General Revenues</i>	5,494,788	(18,718)	5,476,070
34	Workers' Compensation Court <i>Restricted Receipts Total</i>	4,792,852	354,940	5,147,792
35	Justice Link Program <i>General Revenues</i>	1,582,340	895,609	2,477,949
36				
37	Notwithstanding the provisions of section 35-3-15 of the general laws in			
38	chapter 35-3 entitled "State Budget," all unexpended, encumbered and			
39	unencumbered general revenue and federal fund appropriations for the			
40	Justice Link program in the Judicial Department at the end of fiscal year			

1	2002 shall be reappropriated in the ensuing fiscal year and made			
2	immediately available for the same purposes as the former applications.			
3	Grand Total - Judiciary	68,659,094	5,505,598	74,164,692
4	Military Staff			
5	National Guard			
6	Other Funds Rails to Trails	291,636	(291,636)	0
7	RICAP - Bristol Armory Rehabilitation	200,000	(9,854)	190,146
8	RICAP – Benefit St. Arsenal Rehabilitation	71,000	(49,000)	22,000
9	RICAP - Schofield Armory Rehabilitation	110,000	(90,000)	20,000
10	RICAP - US Property & Finance Office – HVAC	50,000	(45,000)	5,000
11	RICAP – Warren Armory	100,000	54,000	154,000
12	RICAP – Vehicle Exhaust Vent System	50,000	0	50,000
13	General Revenue			
14	General Revenues	1,734,212	320,035	2,054,247
15	RI e-Gov Fund – Distributed Technology Training	100,000	(50,000)	50,000
16	Federal Funds	6,298,630	755,156	7,053,786
17	Total - National Guard	9,005,478	593,701	9,599,179
18	Emergency Management			
19	General Revenues	398,887	76,197	475,084
20	Federal Funds	2,944,891	(49,212)	2,895,679
21	Restricted Receipts	111,432	(728)	110,704
22	Total - Emergency Management	3,455,210	26,257	3,481,467
23	Grand Total - Military Staff	12,460,688	619,958	13,080,646
24	E-911 Emergency Telephone System			
25	General Revenue			
26	General Revenues	3,135,519	182,955	3,318,474
27	RI e-Gov Fund – GIS Database Development	500,000	0	500,000
28	Grand Total - E-911 Emergency Telephone System	3,635,519	182,955	3,818,474
29	Fire Safety Code Board of Appeal and Review General Revenues		210,116	
30	(3,103) 207,013			
31	State Fire Marshal			
32				
33	General Revenues	1,309,125	20,490	1,329,615
34	Federal Funds	55,140	205,849	260,989
35	Grand Total - State Fire Marshal	1,364,265	226,339	1,590,604
36	Commission on Judicial Tenure and Discipline General Revenues		99,523	9,691
37	Rhode Island Justice Commission			
38	General Revenues	177,710	(458)	177,252
39	Federal Funds	4,790,102	474,150	5,264,252
40	Restricted Receipts	0	90,000	90,000
41	Grand Total - Rhode Island Justice Commission	4,967,812	563,692	5,531,504
42	Municipal Police Training Academy			

1	General Revenues	322,148	48,683	370,831
2	Federal Funds	50,000	16,415	66,415
3	Grand Total - Municipal Police Training Academy	372,148	65,098	437,246
4	State Police			
5	Other Funds			
6	RICAP – Barracks and Training Headquarters	100,000	(100,000)	0
7	RICAP – Headquarters Repairs/Renovations	325,000	109,768	434,768
8	RICAP – Parking Area Improvements	70,910	(70,910)	0
9	Traffic Enforcement - Municipal Training	120,739	105,419	226,158
10	Lottery Commission Assistance	105,057	805	105,862
11	Road Construction Reimbursement	2,320,428	(30,000)	2,290,428
12	General Revenues	37,110,992	847,503	37,958,495
13	Federal Funds	700,059	2,401,837	3,101,896
14	Restricted Receipts	217,797	64,195	281,992
15	Grand Total - State Police	41,070,982	3,328,617	44,399,599
16	Office of Public Defender			
17	General Revenues	5,585,208	(17,499)	5,567,709
18	Federal Funds	313,406	189,263	502,669
19	Grand Total - Office of Public Defender	5,898,614	171,764	6,070,378
20	Environmental Management			
21	Policy and Administration			
22	Other Funds			
23	DOT Recreational Projects	25,637	0	25,637
24	Blackstone Bikepath Design	1,297,791	0	1,297,791
25	RICAP - Dam Repair	700,000	138,665	838,665
26	General Revenues	7,540,431	690,889	8,231,320
27	Federal Funds	1,997,745	474,560	2,472,305
28	Restricted Receipts	6,707,640	(397,258)	6,310,382
29	Total - Policy and Administration	18,269,244	906,856	19,176,100
30	Natural Resources			
31	Other Funds			
32	RICAP – Westerly Boat Ramp	87,000	0	87,000
33	RICAP – Fort Adams Rehabilitation	350,000	0	350,000
34	RICAP – Recreational Facilities Improvement	515,820	(440,820)	75,000
35	RICAP - Fish and Wildlife Office/Laboratory	731,000	98,365	829,365
36	RICAP – Wickford Marine Facility	50,000	(50,000)	0
37	RICAP - Galilee Piers	908,854	(580,853)	328,001
38	RICAP - Newport Piers	1,800,000	(393,310)	1,406,690
39	RICAP – Boyd’s Marsh Habitat Restoration	70,000	0	70,000
40	General Revenues	14,495,408	(43,623)	14,451,785
41	Federal Funds	12,828,616	322,700	13,151,316

1	Restricted Receipts	3,010,835	(31,887)	2,978,948
2	Total - Natural Resources	34,847,533	(1,119,428)	33,728,105
3	Environmental Protection			
4	Other Funds Aquafund	55,358	1,363	56,721
5	General Revenues	9,149,675	(232,879)	8,916,796
6	Federal Funds	7,306,634	175,701	7,482,335
7	Restricted Receipts	2,025,591	269,427	2,295,018
8	Total - Environmental Protection	18,537,258	213,612	18,750,870
9	Grand Total - Environmental Management	71,654,035	1,040	71,655,075
10	Coastal Resources Management Council			
11	Other Funds			
12	RICAP - South Coast Restoration Project	145,000	(145,000)	0
13	RICAP - Habitat Restoration – Allin’s Cove	172,000	(172,000)	0
14	General Revenues	1,437,745	(45,940)	1,391,805
15	Notwithstanding the provisions of section 35-3-15 of the general laws of chapter 35-3 entitled			
16	“State Budget”, all unexpended, encumbered and unencumbered general revenue balances of			
17	the appropriation in general revenues for the Coastal Resources Management Council at the			
18	end of the fiscal year 2002 shall be reappropriated in the ensuing fiscal year and made			
19	immediately available for the computerized database management system.			
20				
21	Federal Funds	1,055,630	544,542	1,600,172
22	Grand Total - Coastal Resources Management Council	2,810,375	181,602	2,991,977
23	State Water Resources Board			
24	Other Funds			
25	RICAP - Big River Mgt. Area	80,000	(3,595)	76,405
26	RICAP – Groundwater Protection/Acquisition	43,733	(34,172)	9,561
27	RICAP – Water Allocation Plan	400,000	(129,926)	270,074
28	RICAP – Supplemental Water Supplies Development	300,000	(206,133)	93,867
29	General Revenues	1,021,631	71,754	1,093,385
30	Restricted Receipts	0	133,146	133,146
31	Grand Total - State Water Resources Board	1,845,364	(168,926)	1,676,438
32	Transportation			
33	Central Management			
34	Other Funds Gasoline Tax	3,103,029	(183,657)	2,919,372
35	Federal Funds	4,309,942	(6,059)	4,303,883
36	Total - Central Management	7,412,971	(189,716)	7,223,255
37	Management and Budget <i>Other Funds Gasoline Tax</i>	1,955,027	(150,665)	1,804,362
38	Infrastructure Maintenance <i>Other Funds Gasoline Tax</i>	36,155,559	(868,990)	35,286,569
39	Infrastructure - Engineering			
40	Other Funds Gasoline Tax	41,654,484	(1,472,487)	40,181,997
41	RICAP – RIPTA Land and Buildings	360,000	0	360,000

1	Land Sale Revenue	8,000,000	0	8,000,000
2	State Infrastructure Bank	1,000,000	0	1,000,000
3	Federal Funds	227,972,848	(7,102,327)	220,870,521
4	Restricted Receipts	61,285,260	(36,279,260)	25,006,000
5	Total - Infrastructure - Engineering	340,272,592	(44,854,074)	295,418,518
6	Grand Total - Transportation	385,796,149	(46,063,445)	339,732,704
7	Statewide Totals			
8	General Revenue Total	2,650,768,180	9,612,597	2,660,380,777
9	Federal Funds Total	1,531,710,544	68,789,794	1,600,500,338
10	Restricted Receipt Funds Total	143,513,384	(29,343,248)	114,170,136
11	Other Funds Total	858,855,081	96,464,975	955,320,056
12	Statewide Grand Total	5,184,847,189	145,524,118	5,330,371,307

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

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

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

35 SECTION 4. Departments and agencies listed below may not exceed the
36 number of full-time equivalent (FTE) positions shown below in any pay period. Full-time
37 equivalent positions do not include seasonal or intermittent positions whose scheduled period of
38 employment does not exceed twenty-six consecutive weeks or whose scheduled hours do not
39 exceed nine hundred and twenty-five (925) hours, excluding overtime, in a one-year period. Nor
40 do they include individuals engaged in training, the completion of which is a prerequisite of
41 employment. Nor do they include positions established under the Board of Governors for Higher
42 Education which are funded by third party funding through the following accounts: University of

1 Rhode Island Sponsored Contract Research; Rhode Island College Sponsored Research-Federal;
 2 Community College of Rhode Island Sponsored Research-Federal; and Community College of
 3 Rhode Island Sponsored Research-Private.

4 Provided, however, that the Governor, Speaker of the House of Representatives, and the
 5 Majority Leader of the Senate may authorize an adjustment to any limitation. Prior to the
 6 authorization, the State Budget Officer shall make a detailed written recommendation to the
 7 Governor, the Speaker of the House, and the Senate Majority Leader. A copy of the
 8 recommendation and authorization to adjust shall be transmitted to the chairman of the House
 9 Finance Committee, Senate Finance Committee, the House Fiscal Advisor and the Senate Fiscal
 10 Advisor.

11 FTE POSITION AUTHORIZATION

12 <u>Departments and Agencies</u>	<u>Full-Time Equivalent</u>
13 Administration	1,350.0
14 Business Regulation	111.0
15 Labor and Training 558.0	
16 Legislature	280.0
17 Lieutenant Governor General	10.0
18 Secretary of State	59.2
19 General Treasurer	87.5
20 Boards for Design Professionals	4.0
21 Board of Elections	22.3
22 Rhode Island Ethics Commission	10.0
23 Office of the Governor	50.0
24 Public Utilities Commission	44.0
25 Rhode Island Commission on Women	2.0
26 Children, Youth, and Families	875.9 <u>868.9</u>
27 Elderly Affairs	60.6
28 Health	477.1
29 Human Services	1,139.9
30 Mental Health, Retardation, and Hospitals	2,138.0
31 Office of the Child Advocate	13.0
32 Commission on the Deaf and Hard of Hearing	3.0
33 RI Developmental Disabilities Council	3.0
34 Governor's Commission on Disabilities	4.6
35 Commission for Human Rights	17.0
36 Office of the Mental Health Advocate	4.3

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

25 SECTION 5. This article shall take effect upon passage.
26
27

28 **ARTICLE 11 SUB A**

29 **RELATING TO COMPENSATION OF BOARD MEMBERS**

30 SECTION 1. For the fiscal year ending June 30, 2003, the compensation paid to
31 commissioners and board members for attendance at board meetings of the following state
32 agencies and autonomous and semi-autonomous boards and commissions authorized under

1 the General Laws of this state is suspended. Reimbursement for travel costs to said
 2 meetings will continue to be allowable in accordance with existing state travel regulations.

3	R.I.G.L.	Compensation	
4	<u>Reference</u>	<u>(per Meeting)</u>	
4	<u>Board/Commission Title</u>		
5	Accountancy	5-3.1-4	30.00
6	Electricians	5-6-27	25.00
7	Engineers	5-8-5	25.00
8	Land Surveyors	5-8.1-6	25.00
9	Hairdressers, Cosmeticians		
10	and Manicurists	5-10-4	25.00
11	Real Estate Appraisers	5-20.7-4	75.00
12	Real Estate Commission	5-20.5-12	25.00
13	Plumbing Examiners	5-20-7	25.00
14	Professional Regulation	5-26-5	20.00/40.00
15	Barber Examiners	5-10-4	25.00
16	Chiropractics	5-30-15	10.00
17	Examiners in Dentistry	5-31.1-2	100.00
18	Nursing	5-34-8	50.00
19	Health Services Council	23-17-14.2	50.00
20	Optometrists	5-35-3	30.00
21	Medical Licensure & Discipline	5-37-1.1	100.00
22	Hearing Aid Dealers & Fitters	5-49-15	25.00
23	Landscape Architects	5-51-2	25.00
24	Board of Governors for		
25	Higher Education	16-59-1	50.00/75.00
26	Board of Regents	16-60-1	75.00
27	Public Telecommunications		
28	Authority	16-61-4	50.00/75.00
29	Legislative Oversight	22-14-1	50.00
30	Building Code Commission	23-27.3-108.2.2	50.00/75.00
31	Fire Appeal and Review	23-28.3-4	50.00/75.00

1	Pipefitters and		
2	Refrigeration Technicians	28-27-3	25.00
3	Apprenticeship Training	28-45-2	45.00
4	Commission for Human Rights	28-5-11	50.00
5	Motor Dealers License	31-5-2.1	40.00
6	Medical Advisory -- Motor		
7	Vehicles	31-10-44	50.00
8	Investment	35-10-7	75.00
9	Ethics	36-14-8	100.00
10	Racing and Athletics	41-2-2	25.00
11	Pilotage	46-9.1-3	50.00
12	Water Resources Board	46-15.1-2.4	50.00/75.00
13	Coastal Resources Management	46-23-5	50.00/75.00
14	Narragansett Bay Water		
15	Quality Distributors	46-25-8	50.00
16	Vehicle Value Commission	44-34-11	50.00
17	Police and Fire Relief	45-19-6	25.00

18 SECTION 2. Notwithstanding the boards and commissions identified in Section 1 it
19 is the intent of this article to suspend the compensation paid to members of all state agencies
20 and autonomous and semi-autonomous boards and commissions authorized compensation
21 under the General Laws of Rhode Island, except for the Medical Advisory Board of the
22 Workers' Compensation Court pursuant to Section 28-30-22 of the general laws.

23 SECTION 3. This article shall take effect on July 1, 2002.
24

25 **ARTICLE 12 SUB A AS AMENDED**

26 **RELATING TO OIL SPILL RESPONSE FUND**

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

29 **46-12.7-5.1. Purposes of the fund.** -- The director may use money from the fund to:

30 (1) Provide funds to cover promptly the costs of response, containment, and cleanup of

1 oil spills into marine or estuarine waters, including but not limited to damage assessment costs,
2 and wildlife rehabilitation as defined in this section.

3 (2) ~~Site~~ Provide funds to cover the cost of site evaluation activities. These activities shall
4 include, but not be limited to, site mapping, installation of wells ~~and equipment,~~ collection,
5 monitoring, and analysis of samples of air, soil, and/or water, and evaluation of the impacts of
6 contamination of marine and terrestrial environments, production of the reports, and
7 ~~implementation~~ installation and the maintenance of necessary technology, and equipment for
8 complete remedial action;

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

12 (4) To pay for claims for damages, which cannot otherwise be compensated by
13 responsible parties or the federal government, pursuant to section 46-12.7-8.1;

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

15 (6) Pay for structural improvements to vulnerable coastal features; including the
16 Providence River shipping channel in order to reduce the risk of oil tanker collisions, grounding,
17 and spills;

18 (7) Pay for ~~habitat restoration,~~ the restoration of natural resources damaged by an oil
19 spill where necessary and appropriate;

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

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

22 (10) Pay for research and development activities as outlined in section 46-12.7-13; and

23 (11) Pay the statutory amount to the RI coastal and estuarine habitat restoration subject to
24 appropriation.

25 SECTION 2. This Article shall take effect upon passage.
26
27

28 **ARTICLE 13 SUB A AS AMENDED**

29 **RELATING TO FEES**

30 SECTION 1. Section 42-17.1-9.1 of the General Laws in Chapter 42-17.1
31 entitled “Department of Environmental Management” is hereby amended to read as
32 follows:

1 **42-17.1-9.1 User fees at state beaches, parks, and recreation areas.** – (a) The
2 department of environmental management in pursuance of its administrative duties and
3 responsibilities may charge a user fee for any state beach, or recreational area under its
4 jurisdiction, and fees for the use of its services or facilities.

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

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

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

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

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

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

1 assignment of money, bonds, or other valuable securities for deposit in the same manner
2 as provided above for user and concession fees retained by the state.

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

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

8 **24-10.1-4. Regulation of advertising.** – The director of transportation is hereby
9 authorized to promulgate regulations governing the issuance of permits for the erection
10 and maintenance of outdoor advertising coming within the exceptions contained in
11 subsections (1), (4) and (5) of § 24-10.1-3 consistent with the safety and welfare of the
12 traveling public, and as may be necessary to carry out the policy of the state declared in
13 this chapter, and consistent with the national standards promulgated by the secretary of
14 commerce pursuant to title 23, United States Code. All permit fees collected pursuant to
15 regulations promulgated under this section shall be deposited in the intermodal surface
16 transportation fund.

17 SECTION 3. Sections 5-6-16, 5-6-17 and 5-6-20 of the General Laws in Chapter
18 5-6 entitled “Electricians” are hereby amended to read as follows:

19 **5-6-16 License fees.** – A fee of one hundred twenty dollars (~~\$100~~) (\$120) is paid
20 by each applicant for an electrical contractor's license Class A; thirty six dollars (~~\$30.00~~)
21 (\$36.00) for a journeyman electrician's license Class B; one hundred twenty dollars
22 (~~\$100~~) (\$120) for a limited premises license Class C; one hundred twenty dollars (~~\$100~~)
23 (\$120) for an oil burner contractor's license Class E; thirty six dollars (~~\$30.00~~) (\$36.00)
24 for an oil burnerperson's license Class F; one hundred twenty dollars (~~\$100~~) (\$120) for a
25 fire alarm contractor's license Class AF; thirty six dollars (~~\$30.00~~) (\$36.00) for a fire
26 alarm installer's license Class BF; one hundred twenty dollars (~~\$100~~) (\$120) for an
27 electrical sign contractor's license SCF; and thirty six dollars (~~\$30.00~~) (\$36.00) for a sign
28 installer's license Class CF; and one hundred twenty dollars (~~\$100~~) (\$120) for a limited
29 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 Journeyman I	30.00	<u>36.00</u>	30.00	<u>36.00</u>	30.00	<u>36.00</u>
6	Pipefitter Journeyman II	30.00	<u>36.00</u>	25.00	<u>30.00</u>	25.00	<u>30.00</u>
7	Refrigeration Journeyman I	30.00	<u>36.00</u>	30.00	<u>36.00</u>	30.00	<u>36.00</u>
8	Refrigeration Journeyman 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 Journeyman 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	Journeyman	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 journeyman, 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 (\$.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 (\$.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 (\$.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 (\$.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 (\$0.50) for each permit and shall remit fifteen dollars
13 (\$15.00) to the department. All monies derived from the sale of pheasant permits shall be
14 expended for stocking pheasants and wildlife habitat acquisition in Rhode Island.

15 **20-2-38.1. Grants, donations, gifts.** - The director is authorized to accept any
16 grant, devise, bequest, donation, gift or assignment of money, bonds, or other valuable
17 securities for deposit in the waterfowl fund, which may be accepted for specific use(s)
18 which the grant and grantee may jointly identify within the purposes of the waterfowl
19 fund, or for the general purposes of such fund. The director may also accept land as
20 provided in section 20-18-1.

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

23 **19-4-6 Time and frequency of reports of financial institutions and credit**
24 **unions.** – Every financial institution and credit union, at those times that the director or
25 the director's designee shall require, but at least once in each calendar year, shall render a
26 report to the director or the director's designee signed and sworn to by its president or a
27 vice-president and also by its secretary, treasurer, or auditor, and attested by at least three
28 (3) of the members of its board of directors, showing accurately the condition of the
29 financial institution or credit union at the close of business on any past day specified by
30 the director or the director's designee, in the form and containing the information that the
31 director or the director's designee shall require; and the report shall be transmitted to the

1 director or the director's designee within thirty (30) days, exclusive of Sundays and
2 holidays, after the director's request. At the time of filing each report the sum of ~~fifty~~
3 ~~dollars (\$50.00)~~ fifty-five dollars (\$55.00) shall be paid by the financial institution or
4 credit union to the director to and for the use of the state.

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

7 **19-14-4 Annual fee.** – (a) Each licensee shall pay an annual license fee as
8 follows:

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

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

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

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

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

17 (6) Each electronic money transfer license, the sum of three hundred dollars
18 (\$300).

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

24 **19-14-16 Surrender of license.** – Any licensee may surrender any license or
25 branch certificate(s) by delivering to the director or the director's designee written notice
26 surrendering the license or branch certificate(s). The surrender shall not affect the
27 licensee's civil or criminal liability for acts committed prior to the surrender. Written
28 notice of any surrender must be filed with the director or the director's designee within
29 thirty (30) days of the termination of the business authorized by this chapter at the
30 surrendered location. The surrender of any license does not affect the licensee's
31 requirement to file an annual report with the ~~fifty-dollar (\$50.00)~~ fifty-five dollars

1 (\$55.00) filing fee. This report shall be filed within thirty (30) days of the surrender of
2 the license. The licensee shall give written notification to the director or the director's
3 designee within twenty-four (24) hours from termination of business.

4 **19-14-22 Reporting requirements.** – (a) Each licensee shall annually on or
5 before March 31 file a report with the director or the director's designee giving any
6 relevant information that the director or the director's designee may reasonably require
7 concerning the business and operations during the preceding calendar year of each
8 licensed place of business conducted by the licensee within the state. The report shall be
9 made under oath and shall be in a form prescribed by the director or the director's
10 designee. At the time of filing each report, the sum of ~~fifty dollars (\$50.00)~~ fifty-five
11 dollars (\$55.00) per license ~~and fifty dollars (\$50.00)~~ fifty-five dollars (\$55.00) per
12 branch certificate shall be paid by the licensee to the director for the use of the state. Any
13 licensee who shall delay transmission of any report required by the provisions of this title
14 beyond the limit, unless additional time is granted, in writing, for good cause, by the
15 director or the director's designee, shall pay a penalty of twenty-five dollars (\$25) for
16 each day of the delay.

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

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

25 **3-6-14 Certificate of compliance.** – (a) As conditions precedent to transporting,
26 or causing to be transported, distilled spirits, malt beverages, and vinous beverages into
27 this state for storage, sale, or consumption in this state, any person, firm, or corporation
28 located in another state shall first obtain a certificate of compliance from the department.

29 (b) The certificate of compliance shall be issued upon the condition that the
30 holder furnishes from time to time, as the department may require, but in no event more
31 often than once each month, information concerning all shipments or sales of distilled

1 spirits, malt beverages, and vinous beverages made into this state. The holder must also
2 furnish information concerning the brand, type of container, quantity, and other
3 information that may be required by the department. The department is empowered to
4 promulgate any rules and regulations that may be necessary for the enforcement of this
5 subsection.

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

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

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

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

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

24 **23-17-38 Establishment of fees.** – The director shall establish fees for licensure
25 application, licensure renewal, inspection, and administrative actions under this chapter.
26 Annual inspection fees for hospitals and rehabilitation hospital centers shall be ~~three~~
27 ~~thousand dollars (\$3,000)~~ thirteen thousand dollars (\$13,000) per facility plus an
28 additional fee of ~~fifteen dollars (\$15.00)~~ ninety dollars (\$90.00) per bed. Annual licensure
29 fees for health maintenance organizations and for profit end stage renal dialysis facilities
30 shall be three thousand dollars (\$3,000) per facility. Annual licensure fees for home
31 nursing care providers and home care providers shall be five hundred dollars (\$500) per

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

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

12 **23-17.4-31 Establishment of fees.** – The director may establish reasonable fees
13 for the licensure application, licensure renewal, and administrative actions under this
14 chapter. Annual licensure fees shall be two hundred and fifty dollars (\$250) per licensee
15 plus an additional fee of ~~twenty two dollars and fifty cents (\$22.50)~~ fifty dollars (\$50.00)
16 per licensed bed, where applicable. ~~All of these fees shall be collected and deposited in a~~
17 ~~restricted receipt account that shall be used for the general purposes of the division of~~
18 ~~facilities regulation within the department of health.~~

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

21 **8-18-6. Joint violation fines – Distribution of funds.** – Cities or towns with
22 municipal courts shall dedicate four dollars (\$4.00) for reimbursement from each
23 summons to the general fund. Cities or towns without a municipal court shall dedicate six
24 dollars (\$6.00) for reimbursement from each summons to the general fund. State agencies
25 shall dedicate twenty-two dollars (\$22.00) from each summons to the general fund.
26 Provided that cities, towns and state agencies shall also dedicate all revenues generated
27 directly as a result of fee increases effective July 1, 2002 to the general fund.

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

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

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

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

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

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

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

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

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

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

11 SECTION 25. Section 27-3.2-9 of the General Laws in Chapter 27-3.2 entitled
12 "Continuing Education Requirements" is hereby amended to read as follows:

13 **27-3.2-9. Fees.** (a) Notwithstanding any provision of the general laws to the
14 contrary, there is hereby established a fee of ~~five dollars (\$5.00)~~ fifteen dollars (\$15.00)
15 per annum for the period commencing July 1, 2002 and ending on June 30, 2003, which
16 shall be paid by all persons licensed pursuant to chapter ~~2-3~~ 27-2.4 of this title, and shall
17 be deposited as general revenues.

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

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

24 **31-41.1-4. Schedule of violations.** -- (a) The table below details the penalties for
25 violations of the enumerated sections. However, those offenses for which punishments vary
26 according to the severity of the offense, or which require the violator to perform a service, shall
27 be heard and decided by the traffic tribunal or municipal court. The following violations may be
28 handled administratively through the method prescribed in this chapter. This list is not exclusive,
29 and jurisdiction may be conferred on the traffic tribunal with regard to other violations:

30 VIOLATIONS SCHEDULE

31	Section of	Total
32	General Laws	Fine

1	8-8.2-2	DOT, DEM, or other agency		
2		and department violations	50.00	<u>75.00</u>
3	31-3-12	Visibility of plates	50.00	<u>75.00</u>
4	31-10-32	Notice of change of address	50.00	<u>75.00</u>
5	31-15-9	One way highways	50.00	<u>75.00</u>
6	31-14-3	Condition requiring reduced speed	50.00	<u>75.00</u>
7	31-13-9	Flashing signals	50.00	<u>75.00</u>
8	31-16-5	Turn signal required	50.00	<u>75.00</u>
9	31-16-2	Manner of turning at intersection	50.00	<u>75.00</u>
10	31-21-4	Places where parking or stopping		
11		prohibited	50.00	<u>75.00</u>
12	31-15-6	Clearance for overtaking	50.00	<u>75.00</u>
13	31-25-10	Fastening of load and covering	50.00	
14	31-24-1	Times when lights required	50.00	<u>75.00</u>
15		through		
16	31-24-53	Safety lights required on food		
17		vending vehicles		
18	31-15-4	Overtaking on left	50.00	<u>75.00</u>
19	31-15-5(a)	Overtaking on right	50.00	<u>75.00</u>
20	31-16-6	Time of signaling turn	50.00	<u>75.00</u>
21	31-17-4	Obedience to stop signs	50.00	<u>75.00</u>
22	31-22-9	Throwing debris on highway		
23		snow removal	50.00	<u>75.00</u>
24	31-17-2	Vehicle turning left	50.00	<u>75.00</u>
25	31-23-15	Rear view mirror	50.00	<u>75.00</u>
26	31-10.1-4	No motorcycle helmet (operator)	50.00	<u>60.00</u>
27	31-10.1-6	No motorcycle helmet (passenger)	50.00	<u>75.00</u>
28	31-15-12	Following too closely	50.00	<u>75.00</u>
29	31-14-9	Below minimum speed	50.00	<u>75.00</u>
30	31-15-3	Operator left of center	50.00	<u>75.00</u>
31	31-15-7	Places where overtaking prohibited	50.00	<u>75.00</u>
32	31-13-4	Obedience to devices	50.00	<u>75.00</u>
33	31-38-3	No inspection sticker	50.00	<u>75.00</u>
34	31-15-16	Use of emergency break-down		

1		lane for travel	50.00	<u>75.00</u>
2	31-3-18	Display of plates	50.00	<u>75.00</u>
3	31-19-20	Sale of new bicycles	50.00	<u>75.00</u>
4	31-19-21	Sale of used bicycles	50.00	<u>75.00</u>
5	31-27-2.3	Refusal to take preliminary breath		
6		test	50.00	<u>75.00</u>
7	24-10-20	Park and ride lots	50.00	<u>75.00</u>
8	24-10-17	Soliciting rides in motor vehicles	50.00	<u>40.00</u>
9	24-10-18	Backing up prohibited	50.00	<u>75.00</u>
10	31-3-32	Driving with expired registration	50.00	<u>75.00</u>
11	31-3-34	Failure to notify division of		
12		change of address	50.00	<u>75.00</u>
13	31-3-35	Notice of change of name	50.00	<u>75.00</u>
14	31-3-40	Temporary plates - dealer issued	50.00	<u>75.00</u>
15	31-4-3	Temporary registration – twenty		
16		(20) day bill of sale	50.00	<u>75.00</u>
17	31-7-1	Operating on foreign registration		50.00
18	31-8-1	Operating without evidence of registration		50.00
19	31-10-10	Rules as to armed forces license	50.00	<u>75.00</u>
20	31-10-30	Driving on expired license	50.00	<u>75.00</u>
21	31-10.1-5	Motorcycle handlebar violation	50.00	<u>75.00</u>
22	31-10.1-7	Inspection of motorcycle required	50.00	<u>75.00</u>
23	31-12-12	Local motor vehicle ordinance	50.00	<u>75.00</u>
24	31-13-6(3)(i)	Eluding traffic light	50.00	<u>75.00</u>
25	31-13-11	Injury to signs or devices	50.00	<u>75.00</u>
26	31-14-1	Reasonable and prudent speed	50.00	<u>75.00</u>
27	31-14-12	Speed limit on bridges and struc-		
28		tures	50.00	<u>75.00</u>
29	31-15-1	Leaving lane of travel	50.00	<u>75.00</u>
30	31-15-2	Slow traffic to right	50.00	<u>75.00</u>
31	31-15-8	No passing zone	50.00	<u>75.00</u>
32	31-15-10	Rotary traffic islands	50.00	<u>75.00</u>
33	31-15-11	Laned roadway violation	50.00	<u>75.00</u>
34	31-15-12.1	Entering intersection	50.00	<u>75.00</u>

1	31-15-13	Crossing center section of divided		
2		highway	50.00	<u>75.00</u>
3	31-15-14	Entering or leaving limited access		
4		roadways	50.00	<u>75.00</u>
5	31-16-1	Care in starting from stop	50.00	<u>75.00</u>
6	31-16-4	U turn where prohibited	50.00	<u>75.00</u>
7	31-16-7	Failure to give stop signal	50.00	<u>75.00</u>
8	31-16-8	Method of giving signals	50.00	<u>75.00</u>
9	31-17-1	Failure to yield right of way	50.00	<u>75.00</u>
10	31-17-3	Yield right of way (intersection)	50.00	<u>75.00</u>
11	31-17-5	Entering from private road or		
12		driveway	50.00	<u>75.00</u>
13	31-17-8	Vehicle within right of way, rotary	50.00	<u>75.00</u>
14	31-18-3	Right of way in crosswalks	50.00	<u>75.00</u>
15	31-18-5	Crossing other than at crosswalks	50.00	<u>75.00</u>
16	31-18-8	Due care by drivers	50.00	<u>75.00</u>
17	31-18-12	Hitchhiking	50.00	<u>75.00</u>
18	31-20-2	Driving through railroad gate	50.00	<u>75.00</u>
19	31-20-9	Obedience to stop sign	50.00	<u>75.00</u>
20	31-21-14	Opening of vehicle doors	50.00	<u>45.00</u>
21	31-22-2	Improper backing up	50.00	<u>75.00</u>
22	31-22-4	Overloading vehicle	50.00	<u>75.00</u>
23	31-22-5	Violation of safety zone	50.00	<u>75.00</u>
24	31-22-6	Coasting	50.00	<u>75.00</u>
25	31-22-7	Following fire apparatus	50.00	<u>75.00</u>
26	31-22-8	Crossing fire hose	50.00	<u>75.00</u>
27	31-22-11.5	Improper use of school bus		
28		- not to exceed		\$500
29		for each day of improper use		
30	31-22-22(b)	No child restraint	50.00	<u>75.00</u>
31	31-22-22(c)	Child restraint/seat belt but not		
32		in back seat	50.00	<u>75.00</u>
33	31-22-22(e)	No seat belt – passenger	50.00	<u>75.00</u>
34	31-22-22(f)	No seat belt operator	50.00	<u>75.00</u>

1	31-22-23(a)(2)	Tow trucks - proper identification	50.00	<u>275.00</u>
2	31-22-24	Operation of interior lights	50.00	<u>75.00</u>
3	31-22-28	Transporting animals		50.00
4	31-23-1(b) <u>(d)(2)</u>	U.S. department of transportation		
5		motor carrier safety rules		
6		and regulations	50.00	<u>125.00</u>
7	31-23-4	Brake equipment required	50.00	<u>75.00</u>
8	31-23-8	Horn required	50.00	<u>75.00</u>
9	31-23-10	Sirens prohibited	50.00	<u>75.00</u>
10	31-23-13	Muffler required	50.00	<u>75.00</u>
11	31-23-13.1	Altering height or operating a		
12		motor vehicle with an altered		
13		height	50.00	<u>75.00</u>
14	31-23-14	Prevention of excessive fumes or		
15		smoke	50.00	<u>75.00</u>
16	31-23-16	Windshield and window stickers		
17		(visibility)	50.00	<u>75.00</u>
18	31-23-17	Windshield wipers	50.00	<u>75.00</u>
19	31-23-19	Metal tires prohibited	50.00	<u>75.00</u>
20	31-23-20	Protuberances on tires	50.00	<u>75.00</u>
21	31-23-26	Fenders and wheel flaps required	50.00	<u>75.00</u>
22	31-23-27	Rear wheel flaps on buses, trucks		
23		and trailers	50.00	<u>75.00</u>
24	31-23-29	Flares or red flag required over		
25		four thousand pounds (4,000 lbs.)	50.00	<u>75.00</u>
26	31-23-38	Television receivers prohibited		50.00
27	31-23-40	Approved types of seat belt		
28		requirements	50.00	<u>75.00</u>
29	31-23-42.1	Special mirror - school bus	50.00	<u>75.00</u>
30	31-23-43	Chocks required (1 pair) – over		
31		four thousand pounds (4,000 lbs.)	50.00	<u>75.00</u>
32	31-23-45	Tire treads - defective tires	50.00	<u>75.00</u>
33	31-23-47	Slow moving emblem required	50.00	<u>75.00</u>
34	31-23-49	Transportation of gasoline - pas-		

1		senger vehicle	50.00	<u>75.00</u>
2	31-23-51	Operating bike or motor vehicle		
3		wearing ear phones (first offense)	50.00	<u>60.00</u>
4	31-24-5	Headlamp required on motorcycle	50.00	<u>75.00</u>
5	31-24-31	Flashing lights - permit required	50.00	<u>75.00</u>
6	31-24-34	Failure to dim lights	50.00	<u>75.00</u>
7	31-24-45	Red flag required, load projecting		
8		four feet (4') rear	50.00	<u>75.00</u>
9	31-25-3	Maximum width of one hundred		
10		and two inches (102") exceeded	50.00	<u>75.00</u>
11	31-25-4	Maximum height of one hundred		
12		sixty-two inches (162") exceeded	50.00	<u>75.00</u>
13	31-25-6	Maximum number and length of		
14		coupled vehicles		500
15	31-25-7	Load extending three feet (3')		
16		front, six feet (6') rear		
17		exceeded	50.00	<u>75.00</u>
18	31-25-9	Leaking load	50.00	<u>75.00</u>
19	31-25-11	Connections between coupled		
20		vehicles	50.00	<u>75.00</u>
21	31-25-12	Towing chain, twelve inch (12")		
22		square flag required	50.00	<u>75.00</u>
23	31-25-12.1	Tow truck - use of lanes (first		
24		offense)	50.00	<u>50.00</u>
25	31-25-13	Axle load limit		150
26	31-25-14(d)(1)	Maximum weight and tandem		
27		axles	400	<u>125.00</u>
28	31-25-14(d)(2)	Maximum weight and tandem		
29		axles	400	<u>125.00</u>
30	31-25-14(d)(3)	Maximum weight and tandem		
31		axles	400	<u>125.00</u>
32	31-25-16(c)(1)	Maximum weight shown		
33		in registration	30.00	<u>65.00</u>
34		per thousand lbs. overweight		

1		or portion thereof		
2	31-25-16(c)(2)	Maximum weight shown) in registration	60.00	<u>125.00</u>
3		per thousand lbs. overweight or portion thereof		
4	31-25-16(c)(3)	Maximum weight shown in regis-	4,000	<u>1,025.00</u>
5		plus \$125.00 per thousand pounds overweight or portion thereof		
6	31-25-17	Identification of trucks and		
7		truck-tractors (first offense)	50.00	<u>50.00</u>
8	31-25-24	Carrying and inspection of		
9		excess load limit	150	<u>175.00</u>
10	31-28-7(b)(4)	Wrongful use of handicapped		
11		parking placard	400	<u>125.00</u>
12	31-28-7(d)	Handicapped parking space violation		
13		First offense	75.00	<u>100.00</u>
14		Second offense	150	<u>175.00</u>
15		Third and subsequent		
16		offenses	300	<u>325.00</u>
17	31-28-7.1(e)	Wrongful use of institutional		
18		handicapped parking placard	400	<u>125.00</u>
19	31-33-2	Failure to file accident report	50.00	<u>45.00</u>
20	31-36.1-17	No fuel tax stamp (out-of-state)	50.00	<u>75.00</u>
21	31-38-4	Violation of inspection laws	50.00	<u>75.00</u>
22	31-45-1	Noise limits	50.00	<u>75.00</u>
23	37-15-7	Littering	50.00	<u>55.00</u>
24	39-12-26	Public carriers violation	50.00	<u>75.00</u>
25	31-45-5	Audio Systems	50.00	<u>75.00</u>
26	31-47.2-6	Heavy-duty vehicle emission		
27		inspections		
28		First offense	400	<u>125.00</u>
29		Second offense	500	<u>525.00</u>
30		Third and subsequent offenses	1,000	<u>1,025.00</u>
31		SPEEDING		
32	(A) One to fifteen <u>ten</u> miles per		\$50.00	<u>\$75.00</u>
33	hour (1- 15 <u>10</u> mph) in excess of posted speed limit			
34	(B) Sixteen <u>Eleven</u> miles per hour (16 <u>11</u> mph)		160.00	<u>185.00</u>

1 in excess of posted speed limit - minimum
2 with a fine of ten dollars (\$10.00) per
3 mile in excess of speed limit shall be assessed.

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

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

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

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

24 This Article shall take effect on July 1, 2002.

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

27 **42-28-25. State and municipal police training school established.** -- Within the Rhode
28 Island state police there is hereby created and established a state and municipal police training
29 school.

30 The superintendent of the state police shall have supervision of the state and municipal
31 police training academy and shall establish standards for admission and a course of training. The
32 superintendent shall report to the governor and general assembly a plan for a state and municipal
33 police training academy on or before December 31, 1993. The superintendent shall, in
34 consultation with the police chiefs association and the chairperson of the Rhode Island

1 commission on standards and training make all necessary rules and regulations relative to the
2 admission, education, physical standards and personal character of the trainees and such other
3 rules and regulations as shall not be inconsistent with law.

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

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

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

13 **42-28-37. Accident reports -- Fee. --** The state police, upon written request, shall furnish
14 to any person involved in an accident or his legal representative a copy of the official state police
15 report of the investigation of the accident. A fee of ~~five dollars (\$5.00)~~ ten dollars (\$10.00) shall
16 accompany each written request. All fees collected pursuant to this section shall be deposited as
17 general revenues.

18 SECTION 28. Chapter 815 of the General Laws entitled "Court Administration" is
19 hereby amended by adding thereto the following section:

20 **8-15-9.1. Payment by credit card.** – (a) The director of the finance section of the state
21 courts shall establish procedures, in conjunction with the state controller and general treasurer, by
22 which court imposed fines and costs may be paid by credit card presented at the offices of the
23 court clerks. These procedures may include the imposition of a surcharge on the credit card user
24 for each transaction. This surcharge shall not exceed the amount charged to the state by the credit
25 card contractor for the corresponding transaction. Nothing contained in this section shall require
26 justices of the peace acting as bail commissioners to accept credit cards during the hours when the
27 clerk's offices are closed.

28 (b) No person making any payment by credit card shall be relieved from liability for the
29 underlying obligation except to the extent that the state realizes final payment of the underlying
30 obligation in cash or the equivalent. If final payment is not made by the credit card issuer or
31 other guarantor of payment in the credit card transaction, then the underlying obligation shall
32 survive and the state shall retain all remedies for enforcement which would have applied if the
33 credit card transaction had not occurred. No contract may modify the provisions of this
34 subsection.

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

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

5 **38-2-2. Definitions.** -- As used in this chapter:

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

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

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

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

25 (A) (I) All records which are identifiable to an individual applicant for benefits, client,
26 patient, student, or employee, including, but not limited to, personnel, medical treatment, welfare,
27 employment security, pupil records, all records relating to a client/attorney relationship and to a
28 doctor/patient relationship, and all personal or medical information relating to an individual in
29 any files, including information relating to medical or psychological facts, personal finances,
30 welfare, employment security, student performance, or information in personnel files maintained
31 to hire, evaluate, promote, or discipline any employee of a public body; provided, however, with
32 respect to employees, the name, gross salary, salary range, total cost of paid fringe benefits, gross
33 amount received in overtime, and other remuneration in addition to salary, job title, job
34 description, dates of employment and positions held with the state or municipality, work location,

1 business telephone number, the city or town of residence, and date of termination shall be public.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (O) All tax returns.

27 (P) All investigatory records of public bodies, with the exception of law enforcement
28 agencies, pertaining to possible violations of statute, rule, or regulation other than records of final
29 actions taken provided that all records prior to formal notification of violations or noncompliance
30 shall not be deemed to be public.

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

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

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

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

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

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

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

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

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

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

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

30 SECTION 31. Section 30-24-10 of the General Laws in Chapter 30-24 entitled "Rhode
31 Island Veterans' Home" is hereby amended to read as follows:

32 **30-24-10. Admissible to home -- Fees. --** (a) Any person who has served in the army,
33 navy, marine corps, coast guard, or air force of the United States for a period of ninety (90) days
34 or more and that period began or ended during any foreign war in which the United States shall

1 have been engaged or in any expedition or campaign for which the United States government
2 issues a campaign medal, and who was honorably discharged therefrom, and who shall be
3 deemed to be in need of care provided at the Rhode Island veterans' home, may be admitted to
4 that facility subject to such rules and regulations as shall be adopted by the director of human
5 services to govern the admission of applicants to the facility. Any person who has served in the
6 armed forces of the United States designated herein and otherwise qualified, who has served less
7 than the ninety-day period described herein, and who was honorably discharged from service, and
8 who, as a result of the service, acquired a service-connected disability or disease, may be
9 admitted. No person shall be admitted to the facility unless the person has been accredited to the
10 enlistment or induction quota of the state or has resided in the state for at least two (2)
11 consecutive years next prior to the date of the application for admission to the facility.

12 (b) (1) The director shall, at the end of each fiscal year, determine the net per diem
13 expenses of maintenance of residents in the facility and shall assess against each resident who has
14 "net income", as defined herein, a fee equal to ninety percent (90%) of the resident's net income,
15 provided that fee shall not exceed the actual cost of care and maintenance for the resident; and
16 provided that an amount equal to twenty percent (20%) of the maintenance fee assessed shall be
17 allocated to and deposited in the veterans' restricted account. For the purposes of this section, "net
18 income" is defined as gross income minus applicable federal and state taxes and minus:

19 (i) An amount equal to ~~ninety dollars (\$90)~~ one hundred sixteen dollars (\$116) per
20 month of residency and fifty percent (50%) of any sum received due to wounds incurred under
21 battle conditions for which the resident received the purple heart; and

22 (ii) The amount paid by a resident for the support and maintenance of his or her spouse,
23 parent(s), minor child(ren), or child(ren) who is/are blind or permanently and totally disabled as
24 defined in title XVI of the Federal Social Security Act, 42 U.S.C. 1381 -- 1383d, subject to a
25 maximum amount to be determined by rules and regulations as shall be adopted by the director.

26 (2) The fees shall be paid monthly to the home and any failure to make payment when
27 due shall be cause for dismissal from the facility. Prior to dismissal, the resident shall be afforded
28 administrative due process.

29 (c) Admissions to the veterans' home shall be made without discrimination as to race,
30 color, national origin, religion, sex, disability, assets, or income.

31 SECTION 30. Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 18, 19, 20, 21, 22, 26, 27,
32 and 30 of this article shall take effect on July 1, 2002. Sections 2, 14, 17, 23, 24, 25, 28 and 29 of
33 this article shall take effect upon passage. Section 16 of this article shall take effect on March 1,
34 2003 except for the amendment to section 20-2-37 which shall take effect upon passage.

1

2 **ARTICLE 14 SUB A AS AMENDED**

2

3 **RELATING TO PUBLIC SAFETY**

3

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

6 **28-29-2. Definitions.** In chapters 29 - 38 of this title, unless the context otherwise
7 requires:

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

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

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

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

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

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

1 these chapters, or to his or her legal representatives, or, where he or she is a minor or
2 incompetent, to his or her conservator or guardian. A "seasonal occupation" means those
3 occupations in which work is performed on a seasonal basis of not more than sixteen (16)
4 weeks.

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

10 (6) "General or special employer":

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

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

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

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

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

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

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

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

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

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

29 **45-19-1 Salary payment during line of duty illness or injury.** – (a) Whenever
30 any police officer, fire fighter, crash rescue crewperson, fire marshal, chief deputy fire
31 marshal, or deputy fire marshal of any city, town, fire district, or the state of Rhode Island

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

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

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

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

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

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

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

12 **ARTICLE 15 SUB A**

13 **RELATING TO LABOR AND LABOR RELATIONS**

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

17 **28-9.3-9. Unresolved issues submitted to mediation or arbitration.** -- (a) In the
18 event that the negotiating or bargaining agent and the school committee are unable,
19 within thirty (30) days from and including the date of their first meeting, to reach an
20 agreement on a contract, either of them may request mediation and conciliation upon any
21 and all unresolved issues by the director of labor and training or from any other source. If
22 mediation and conciliation fail or are not requested, at any time after the thirty (30) days
23 either party may request that any and all unresolved issues shall be submitted to
24 arbitration by sending the request by certified mail postage prepaid to the other party,
25 setting forth the issues to be arbitrated.

26 (b) In the event that the negotiating or bargaining agent and the school committee
27 are unable to reach an agreement on a contract thirty (30) days before the last day on
28 which money can be appropriated by the city and town to cover the first year of the
29 contract period, then any and all unresolved issues shall be submitted to the director of

1 labor and training for compulsory mediation until the date upon which the money is
2 scheduled to be appropriated. The director of labor and training or his designee may
3 waive this requirement upon the mutual agreement of the parties.

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

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

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

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

21 **ARTICLE 16 SUB A AS AMENDED**

22 **RELATING TO TAXATION**

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

25 **27-3-38.1. Insurance independently procured – Duty to report and pay tax. –**

26 (a) Each insured in this state who procures or continues or renews insurance with an
27 insurer not licensed to do an insurance business in this state on properties, risks or
28 exposures located or to be performed in whole or in part in this state, other than insurance
29 procured through a surplus lines licensee, shall, within thirty (30) days, after the date the

1 insurance was so procured, continued or renewed, file a written report with the tax
2 administrator, upon forms prescribed by the tax administrator, showing the name and
3 address of the insured or insured's, name and address of the insurer, the subject of the
4 insurance, a general description of the coverage, the amount of premium currently
5 charged and additional pertinent information reasonably requested by the tax
6 administrator.

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

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

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

21 (d) This section does not abrogate or modify Rhode Island general laws section
22 27-16-1 et seq. (Unauthorized Insurance Business), or any other provision of title 27.

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

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

30 (2) For decedents whose death occurs on or after January 1, 2002, a tax is imposed upon
31 the transfer of the net estate of every resident or nonresident decedent as a tax upon the right to
32 transfer. The tax is a sum equal to the maximum credit for state death taxes allowed by 26 U.S.C.

1 Section 2011 as it was in effect as of January 1, 2001, provided, however, any scheduled increase
2 in the unified credit provided in 26 U.S.C. Section 2010 in effect on January 1, 2001, or
3 thereafter, shall not apply.

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

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

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

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

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

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

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

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

30 CHAPTER 60

31 RELATING TO DEPRECIATION OF ASSETS AND NET OPERATING LOSS

32 DEDUCTION

33 **44-60-1. Depreciation of assets.** – (a) For purposes of depreciation of assets under
34 chapters 11, 14 and 30 of title 44, the bonus depreciation provided by the Job Creation and

1 Worker Assistance Act of 2002 (P.L. 107-147) for federal tax purposes shall not be allowed for
2 Rhode Island tax purposes. In the year that such assets are placed in service and in all subsequent
3 years, depreciation for Rhode Island tax purposes shall be allowed on such assets as it would have
4 been computed prior to the enactment of the Job Creation and Worker Assistance Act of 2002.

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

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

9 **44-30-2.8. Net operating loss deduction.** – For purposes of net operating losses under
10 chapter 30 of title 44, the five (5) year carryback provision provided by the Job Creation and
11 Worker Assistance Act of 2002 (P.L. 107-147) for federal tax purposes shall not be allowed for
12 Rhode Island tax purposes.

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

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

20 **44-30-87.1. Net operating loss – Limitation.** – A net operating loss deduction shall be
21 allowed which shall be the same as the net operating loss deduction allowed under section 172 of
22 the Internal Revenue Code [26 U.S.C.], except that (1) any net operating loss included in
23 determining such deduction shall be adjusted to reflect the modifications increasing and
24 decreasing adjusted gross income required by sections 44-30-12 and 44-30-32; (2) such deduction
25 shall not include any net operating loss sustained during any taxable year beginning in which the
26 taxpayer was not subject to the tax imposed by this chapter; and (3) such deduction shall not
27 exceed the deduction for the taxable year allowable under section 172 of the Internal Revenue
28 Code [26 U.S.C.], provided, however, notwithstanding any other provision of law such deduction
29 for a taxable year may not be carried back to any other taxable year for Rhode Island purposes but
30 shall only be allowable on a carry forward basis for the number of succeeding taxable years
31 allowed under section 172 of the Internal Revenue Code [26 U.S.C.].

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

1 **44-18-7. Additional definitions.**--(a)"Hotel" means every building or other structure
2 kept, used, maintained, advertised as or held out to the public to be a place where living quarters
3 are supplied for pay to transient or permanent guests and tenants and includes a motel.

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

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

11 (d) "Sales" means and includes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 **44-13-10. Apportionment of earnings from business partially within state.**-In the
27 case of every corporation carrying on business both within and without this state its entire gross
28 earnings from its operation for the preceding calendar year, or for the portion of such year that
29 such corporation has carried on business within this state, shall be apportioned to this state as
30 follows:

31 (1) In the case of an express corporation carrying on its business on steamboats, steam or
32 electric railroads, or street railways, and in the case of a corporation the principal business of
33 which is a steamboat or ferryboat business as a common carrier, the total amount of gross
34 earnings from all sources within this state for the calendar year or portion thereof next preceding;

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

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

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

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

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

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

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

33 **31-34.1-2. Rental vehicle surcharge.** -- (a) Each rental company shall collect, on each
34 rental contract and at the time a motor vehicle is rented in this state, a surcharge equal to six

1 percent (6.0%) of gross receipts per vehicle for each of the first ~~ten (10)~~ thirty (30) consecutive
2 days. The surcharge shall be computed prior to the assessment of any applicable sales taxes, but is
3 subject to the sales tax.

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

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

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

24 **44-20-12 Tax imposed on cigarettes sold.** – A tax is imposed on all cigarettes
25 sold or held for sale in the state by any person, the payment of the tax to be evidenced by
26 stamps affixed to the packages containing the cigarettes and as required by the
27 administrator. Any cigarettes on which the proper amount of tax provided for in this
28 chapter has been paid, payment being evidenced by the stamp, is not subject to a further
29 tax under this chapter. The tax is at the rate of ~~forty (40)~~ sixty-six (66) mills for each
30 cigarette. The tax shall further increase by 9 mills for each cigarette on July 1, 2003 and
31 shall further increase by 5 mills for each cigarette on July 1, 2004 and each July 1
32 thereafter through July 1, 2008.

1 **44-20-12.1 Cigarette floor stock tax. Floor stock tax on cigarettes and stamps.**

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

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

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

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

15 (c) Each distributor licensed to do business in this state pursuant to this chapter
16 shall pay a tax or excise to the state for the privilege of engaging in business during any
17 part of the calendar years 2002 through 2008. The tax is measured by the number of
18 stamps, whether affixed or to be affixed to packages of cigarettes, as required by section
19 44-20-28. In calendar year 2002 the tax is measured by the number of stamps, as defined
20 in subsection 44-20-1(10), whether affixed or to be affixed, held by the distributor at
21 12:01 a.m. on May 1, 2002 and is computed at the rate of 16 mills per cigarette in the
22 package to which the stamps are affixed or to be affixed. In calendar years 2003 through
23 2008 the tax shall be measured by the number of stamps, as defined in section 44-20-
24 1(10), whether affixed or to be affixed, held by the distributor at 12:01 a.m. on each July
25 1, and is computed at the rate of 9 mills per cigarette in the package to which the stamps
26 are affixed or to be affixed on July 1, 2003, and computed at the rate of 5 mills per
27 cigarette in the package to which the stamps are affixed or to be affixed on each July 1
28 thereafter through July 1, 2008.

29 (e) (d) Each person subject to the payment of the tax imposed by this section
30 shall, on or before ~~July 16, 2001~~ June 17, 2002, July 16, 2003 and each July 16 thereafter
31 through July 16, 2008, file a return, under oath or certified under the penalties of perjury,

1 with the tax administrator on forms furnished by him or her, showing the amount of
2 cigarettes or stamps in that person's possession in this state at 12:01 a.m. on ~~July 1, 2001~~
3 May 1, 2002, July 1, 2003 and each July 1 thereafter through July 1, 2008, and the
4 amount of tax due, and shall at the time of filing the return pay the tax to the tax
5 administrator. Failure to obtain forms shall not be an excuse for the failure to make a
6 return containing the information required by the tax administrator.

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

9 **44-20-13 Tax imposed on unstamped cigarettes.** – A tax is imposed at the rate
10 of ~~fifty (50)~~ sixty-six (66) mills for each cigarette upon the storage or use within this state
11 of any cigarettes not stamped in accordance with the provisions of this chapter in the
12 possession of any person other than a licensed distributor or dealer, or a carrier for transit
13 from without this state to a licensed distributor or dealer within this state. The tax shall
14 further increase by 9 mills for each cigarette on July 1, 2003 and shall further increase by
15 5 mills for each cigarette on July 1, 2004, and each July 1 thereafter through July 1, 2008.

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

18 **44-25-1. Tax imposed -- Payment -- Burden.** -- (a) There is imposed, on each deed,
19 instrument, or writing by which any lands, tenements, or other realty sold is granted, assigned,
20 transferred, or conveyed to, or vested in, the purchaser or purchasers, or any other person or
21 persons, by his or her or their direction, when the consideration paid exceeds one hundred dollars
22 (\$100), a tax at the rate of ~~one dollar and forty cents (\$1.40)~~ two dollars (\$2.00) for each five
23 hundred dollars (\$500) or fractional part of it which is paid for the purchase of the property
24 (inclusive of the value of any lien or encumbrance remaining at the time of sale), which tax is
25 payable at the time of making, execution, delivery, acceptance or presenting for recording of the
26 instrument. In the absence of an agreement to the contrary, the tax shall be paid by the grantor.

27 (b) In the event no consideration is actually paid for the lands, tenements, or realty, the
28 instrument of conveyance shall contain a statement to the effect that the consideration is such that
29 no documentary stamps are required.

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

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

9

10 **ARTICLE 17 SUB A AS AMENDED**

11 **RELATING TO SINKING FUND**

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

14 **35-8-11. Payments into sinking funds.** -- In fiscal year 2000, and each subsequent fiscal
15 year, there shall be appropriated a sum at least equal to the total of the following: the sinking fund
16 commission's estimate of savings generated for that fiscal year from the commission's prior fiscal
17 years' refinancing of debt; the sinking fund commission's estimate of the total debt service
18 payments, principal and interest, of the debt retired by the commission in prior fiscal year; the
19 sinking fund commission's estimate of the total debt service payments, principal and interest, of
20 the general obligation debt not issued in accordance with section 35-8-6.2 in prior fiscal year; and
21 the total interest generated by the proceeds of general obligation bond, net of the arbitrage rebate
22 for that year, as estimated by the Revenue Estimating Conference. Payments into the sinking fund
23 shall also include those received pursuant to section 42-116-25, net of costs incurred by the
24 department or agency assuming management of the assets of the Depositors' Economic Protection
25 Corporation, which shall not be subject to annual appropriation.

26 In fiscal years 2001 and, 2002, and 2003, there shall be appropriated a sum at least equal
27 to the total of the following: the sinking fund commission's estimate of savings generated for that
28 fiscal year from the commission's prior fiscal years' refinancing of debt; the sinking fund
29 commission's estimate of the total debt service payments, principal and interest, of the debt
30 retired by the commission in prior fiscal year; and the sinking fund commission's estimate of the
31 total debt service payments, principal and interest, of the general obligation debt not issued in

1 accordance with section 35-8-6.2 in prior fiscal year.

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

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

7 **42-116-25.1. Defeasance of corporation bonds.** -- Upon final defeasance of all
8 corporation bonds, forty-six million seven hundred thousand dollars (\$46,700,000) ~~the initial~~
9 ~~forty two million two hundred thousand dollars (\$42,200,000)~~ of corporation proceeds from all
10 sources proceeds from all sources when made available by the corporation shall be paid to the
11 general fund on a quarterly basis. All additional corporate proceeds shall be paid to the sinking
12 fund on a quarterly basis.

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

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

20 Section 10. Investment of moneys in fund. For the fiscal years FY 2001, FY 2002 and FY
21 2003, all moneys in the capital development funds not immediately required for payment
22 pursuant to the provisions of this act may be invested by the investment commission, as
23 established by Chapter 35-10, pursuant to the provisions of such chapter; provided, however, that
24 the securities in which the capital development fund is invested shall remain a part of the capital
25 development fund until exchanged for other securities; and provided further, that the income from
26 investments of the capital development fund shall become a part of the general fund of the state
27 and shall be applied to the payment of debt service charges of the state, or to the extent
28 necessary, to rebate to the United States treasury any income from investments (including gains
29 from the disposition of investments) of proceeds of bonds to the extent deemed necessary to
30 exempt (in whole or in part) the interest paid on such bonds from federal income taxation.

31 SECTION 5. This article shall take effect on July 1, 2002.

32

33 **ARTICLE 18 SUB A AS AMENDED**

1 **RELATING TO EDUCATION AID**

2 SECTION 1. Sections 16-7.1-2, 16-7.1-5, 16-7.1-6, 16-7.1-8, 16-7.1-10, 16-7.1-
3 15, 16-7.1-16, and 16-7.1-19 of the General Laws in Chapter 16-7.1 entitled “The Rhode
4 Island Student Investment Initiative” are hereby amended to read as follows:

5 **16-7.1-2. Accountability for student performance.** -- (a) The board of regents shall
6 adopt and publish statewide standards of performance and performance benchmarks in core
7 subject areas to include writing and mathematics (grades four (4), eight (8), and ten (10)). These
8 standards and performance benchmarks shall be ratified by the board and implemented, and
9 performance standards and performance benchmarks for reading in two (2) grades shall be added.

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

26 (c) The strategic plan shall include strategies to improve the performance of students in
27 mathematics, reading, and writing. Each plan must describe a scientific research based, as
28 described in the “No Child Left Behind Act of 2001, Title 1, Part B, Section 1208” reading
29 instruction 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
32 below grade level. These strategies shall be based on the adequate yearly progress expected for

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

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

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

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

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

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

26 **16-7.1-5. Intervention and support for failing schools.** -- The board of regents shall
27 adopt a series of progressive support and intervention strategies consistent with the
28 Comprehensive Education Strategy and the principles of the "School Accountability for Learning
29 and Teaching" (SALT) of the board of regents for those schools and school districts that continue
30 to fall short of performance goals outlined in the district strategic plans. These strategies shall
31 initially focus on: (1) technical assistance in improvement planning, curriculum alignment,
32 student assessment, instruction, and family and community involvement; (2) policy support; (3)
33 resource oversight to assess and recommend that each school has adequate resources necessary to
34 meet performance goal; and (4) creating supportive partnerships with education institutions,

1 business, governmental, or other appropriate nonprofit agencies. If after a three (3) year period of
2 support there has not been improvement in the education of students as determined by objective
3 criteria to be developed by the board of regents, then there shall be progressive levels of control
4 by the department of elementary and secondary education over the school and/or district budget,
5 program, and/or personnel. This control by the department of elementary and secondary
6 education may be exercised in collaboration with the school district and the municipality. If
7 further needed, the school shall be reconstituted. Reconstitution responsibility is delegated to the
8 board of regents and may range from restructuring the school's governance, budget, program,
9 personnel, and/or may include decisions regarding the continued operation of the school. The
10 board of regents shall assess the district's capacity and may recommend the provision of
11 additional district, municipal and/or state resources. If a school or school district is under the
12 board of regents' control as a result of actions taken by the board pursuant to this section, the local
13 school committee shall be responsible for funding that school or school district at the same level
14 as in the prior academic year increased by the same percentage as the state total of school aid is
15 increased.

16 For FY 2003, the department shall dedicate one hundred thousand dollars (\$100,000)
17 from funds appropriated to support progressive support and intervention and SALT visits to
18 support the Rhode island Consortium for Instructional Leadership and Training. This consortium
19 is engaged in training school leaders to be more effective instructional leaders in the standards
20 based instruction environment.

21 **16-7.1-6. Core instruction equity fund.** – The general assembly recognizes that Rhode
22 Island cities and towns primarily rely on the local property tax to finance education programs, and
23 that the state's highest effective property tax rates are concentrated in the state's urban
24 communities. Therefore, certain communities, because of low tax capacity and high tax effort, are
25 unable to appropriate sufficient funds for the support of core instructional programs. The general
26 assembly also recognizes the need to reduce inequities in resource distribution among the state's
27 cities and towns as well as among the state's districts and schools. Therefore, the general
28 assembly establishes the Core Instructional Equity Fund to improve the capacity of cities and
29 towns to support the core instruction activities that are the basis of daily teaching and learning in
30 all classrooms. The general assembly shall annually appropriate and distribute some sum to meet
31 these needs. The sum shall be distributed based upon the following formula:

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

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

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

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

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

8 (2) *Methodology.*

9 (i) Community Property Tax Capacity Index Calculation

10 Calculate statewide tax rate:

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

13 Step 2: calculate statewide yield per capita:

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

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

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

18 Step 4: calculate municipal property tax capacity:

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

21 (ii) Total Tax Capacity Index Calculation:

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

23 (Statewide tax rate * municipal property tax base (ewav))/community population =
24 Hypothetical community property tax yield per capita

25 Step 6: calculate total tax capacity index:

26 (Hypothetical municipal yield per capita/state average property tax yield per capita) * 100
27 = total tax capacity index

28 (iii) Tax Effort Index Calculation:

29 Calculate property tax effort calculation:

30 Step 7: (Municipal property tax yield per capita/hypothetical municipal property tax yield
31 per capita) * 100 = Property Tax Effort Index

1 (iv) Capacity/Effort Index

2 Calculation of the equity index:

3 Step 8: $(\text{Property tax capacity index}/\text{tax effort index}) = \text{Equity index}$

4 (v) Instructional Cost Per Pupil

5 Calculate the instructional cost per RADM:

6 Step 9: $\text{core instructional district cost}/\text{district RADM} = \text{per pupil core instructional}$
7 district cost

8 Step 10: select the statewide ~~median~~ average per pupil instructional cost

9 Step 11: $\text{state } \text{median } \text{average } \text{per pupil core instructional cost} - \text{district per pupil core}$
10 $\text{instructional cost} = \text{core gap}$

11 Step 12: $\text{core gap} * \text{RADM} = \text{weighted difference}$. – Eligibility to receive funds – only
12 those districts which have a gap in instructional core funding and which have capacity of
13 less than 0.50 per the equity index are eligible to receive funds under this provision.

14 For FY 2003, districts shall receive the greater of the dollar amount received in
15 FY 2002 or the dollar amount calculated as the FY 2003 entitlement. For FY 2003, ten
16 percent (10%) of these funds shall, in addition to the purposes enumerated above, be used
17 to increase student and school performance, and shall be only spent with the prior
18 approval of the commissioner of elementary and secondary education.

19 **16-7.1-8 Student equity investment fund.** – The general assembly recognizes
20 the need to improve fourth grade performances in mathematics, reading, and writing.
21 Therefore, the general assembly establishes the Student Equity Investment Fund to target
22 students identified as those requiring additional educational services. The general
23 assembly shall annually appropriate some sum and distribute it based on each district's
24 proportion of children eligible for USDA reimbursable school meals relative to the total
25 number of eligible students statewide. For the purposes of this section, the date as of
26 eligibility for USDA reimbursable meals shall be determined by the June report of the
27 reference year as defined in § 16-7-16. These resources shall be used to close student
28 performance gaps in accordance with the district's strategic plan pursuant to § 16-7.1-2.
29 Beginning in FY 2003, the commissioner of elementary and secondary education may
30 require a district to use up to five percent (5%) of the funds allocated by this section to
31 increase student and school performance. The five percent (5%) set aside funds shall

1 only be spent with the prior approval of the commissioner of elementary and secondary
2 education.

3 **16-7.1-10 Professional development investment fund.** – In order to continue
4 developing the skills of Rhode Island's teachers and staff, the general assembly
5 establishes a Professional Development Investment Fund. The general assembly shall
6 annually appropriate some sum and distribute it based on a pupil-teacher ratio that shall
7 be adjusted annually by the commissioner of elementary and secondary education. School
8 districts may use funds received under this category of education aid to replace up to, but
9 no more than, fifty percent (50%) of the amount the school district spent for professional
10 development programs in the previous fiscal year. The expenditure of these funds shall be
11 determined by a committee at each school consisting of the school principal, two (2)
12 teachers selected by the teaching staff of the school, and two (2) parents of students
13 attending the school. Schools that enroll students in the early grades (kindergarten
14 through grade three) must expend these funds on the development of scientific research
15 based, as described in the “No Child Left Behind Act of 2001, Title 1, Part B, Section
16 1208” reading instruction to improve students reading performance. Collaborative
17 programs between schools are encouraged. These resources shall be used to close student
18 performance gaps in accordance with the school's and district's strategic plan pursuant to
19 § 16-7.1-2. ~~Of the funds appropriated by the general assembly for professional~~
20 ~~development five hundred fifty five thousand dollars (\$555,000), representing fourteen~~
21 ~~and three tenths of one percent (14.3%) of the amount allocated to each district in this~~
22 ~~investment fund, shall be retained by~~ Additional funds shall be allocated to the
23 department of elementary and secondary education to support teacher professional
24 development in all districts, including but not limited to:

25 (1) Supporting mentoring systems;

26 (2) Providing school districts with program support to assist teachers in local
27 school districts to improve reading instruction and enhance the integration of reading
28 throughout the curriculum with the goal of improving student performance to high
29 standards;

30 (3) Support for the design and implementation of a system for the training of
31 school leaders; and

1 (4) Support for national board certification of teachers and grants for coordination
2 and support of school based teacher professional development.

3 (5) The practice of scientific research based reading instruction to improve
4 reading performance.

5 In FY 2003, the additional funds allocated to the department of elementary and
6 secondary education pursuant to this section shall be used only to support the activities
7 described in items (2)and (5) above.

8 The department shall continue to use resources allocated within its operating
9 budget to support National Board Certification activities and for FY 2003 that amount
10 shall be ninety thousand dollars (\$90,000).

11 **16-7.1-15 The Rhode Island student investment initiative.** – (a) Each locally or
12 regionally operated school district shall receive as a base the same amount of school aid
13 as each district received in fiscal year 1997-1998. For FY ~~2002~~ 2003, that base shall be
14 adjusted to reflect the increases or decreases in aid enacted for FY 2000, ~~and~~ FY 2001 ,
15 and FY 2002 to meet the minimum and maximum funding levels established for FY 2000
16 and FY 2001 and FY 2002. Each school district shall also receive school aid through each
17 investment fund for which that district qualifies pursuant to §§ 16-7.1-6, 16-7.1-8, 16-
18 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
19 sums shall be in addition to the base amount described in this section. The total school
20 aid distributed under this section in FY 2002 shall constitute not less than a three and
21 one-half percent (3.5%) increase in the aid distributed to the school district under this
22 section in FY 2001 and each district shall receive the increase in aid necessary to meet
23 this minimum funding level. Additionally, for FY 2002, any community with a tax equity
24 index below 1.0 as calculated pursuant to § 16-7.1-6 shall receive not less than a seven
25 percent (7%) increase in aid distributed to the school district under this section in FY
26 2001. For FY 2003, the total school aid distributed under the investment funds
27 enumerated above shall constitute not less than a one percent (1.0%) percent increase in
28 aid received in FY 2002. Calculation and distribution of education aid under §§ 16-5-31,
29 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
30 hereby suspended. The funding of the purposes and activities of chapter 67 of this title,
31 the Rhode Island Literacy and Dropout Prevention Act of 1967, shall be the same amount

1 of the base amount of each district funded for that purpose in fiscal year 1997-1998. In
2 addition each district shall expend three percent (3%) of its student equity and early
3 childhood funds under the provisions of chapter 67 of this title.

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

6 (c) Funding distributed under § 16-77.1-2(b) and section 16-64-1.1 ~~above and~~
7 ~~beyond that received in FY 2001~~, shall be in addition to funding distributed under this
8 section.

9 (d) There shall be an appropriation to ensure that total aid distributed to
10 communities in ~~FY 2002~~ FY 2003 under §§ 16-7.1-15, 16-7.1-11.1, 16-64-1.1 and 16-
11 77.1-2(b) is not less than the amount proposed by the governor for FY ~~2002~~. 2003 and
12 shall be at least a two and one-half percent (2.5%) increase over aid received in FY 2002.

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

27 All departments and agencies of the state shall furnish such advice and
28 information, documentary and otherwise, to the general assembly and its agents as is
29 deemed necessary or desirable by the study to facilitate the purposes of this section.

30 **16-7.1-16 Targeted school aid.** – (a) In addition to those funds described in § 16-
31 7.1-15, each district with a tax effort index below 1.0 as calculated pursuant to § 16-7.1-6

1 and with a free and reduced lunch count in grades K-3 greater than forty percent (40%)
2 shall receive targeted school aid. Districts shall be eligible for aid based on the proportion
3 that their average daily membership bears to the total average daily membership of
4 districts eligible for aid under this section. The local school district shall determine the
5 amount it proposes to spend on the program priorities referred to in this section and the
6 programs and proposed expenditures shall be a part of the district's strategic plan and/or
7 annual updates required under § 16-7.1-2.

8 (b) The commissioner may require a school district to reserve up to five percent
9 (5%) of its targeted aid for intervention remedies. These five percent (5%) set-aside
10 funds shall only be spent with the prior approval of the commissioner of elementary and
11 secondary education. If however by March 1, the amount reserved is not expended or
12 expected to be spent in the academic year, then the district may expend the funds in
13 accordance with the priorities of this section and with the approval of the commissioner.
14 In addition, there shall be an appropriation for comprehensive on-site school reviews and
15 other accountability measures that the commission deems appropriate in accordance with
16 policies and procedures to be determined by the commissioner and to carry out the
17 purposes of § 16-7.1-2. The commissioner may give priority to districts receiving
18 targeted funds for the use of this appropriation.

19 (c) Districts may use targeted funds in new or expanded programs for:

20 (1) Early childhood education;

21 (2) Helping schools to improve instruction to meet high standards;

22 (3) Reducing class size at the elementary level;

23 (4) After school programming for middle schools, junior, and senior high schools
24 in accordance with § 16-7.1-17;

25 (5) Establishing and implementing innovative organizations and methods of
26 instruction at the middle, junior high, and/or high school levels;

27 (6) Child opportunity zones;

28 (7) Teacher mentoring;

29 (8) Curriculum revision to meet new standards;

30 (9) School and district intervention; or

1 (10) Other programs which the commissioner believes will result in increased
2 student performance.

3 **16-7.1-19 Vocational technical equity fund.** – The general assembly recognizes
4 the need to support the academic instruction component of vocational education for
5 students enrolled in career and technical education programs. To accomplish this, the
6 general assembly shall appropriate some sum per student for each student who attends a
7 locally operated career and technical center based on the enrollments reported to the
8 department of elementary and secondary education for the previous academic year.
9 Funding for all students enrolled in the locally operated career and technical centers shall
10 be implemented for FY 2001 and FY 2002 only. For FY 2001, ~~and FY 2002~~ and FY
11 2003, this sum shall be five hundred dollars (\$500) per student. ~~In FY 2003 and~~
12 ~~thereafter,~~ ~~f~~unding under this section will be limited to those students enrolled in
13 programs that are part of the state certified career and technical system.

14 SECTION 2. Section 16-45-6 of the General Laws in Chapter 16-45 entitled
15 “Regional Vocational Schools” is hereby amended to read as follows:

16 **16-45-6 Powers additional to previous authority.** – (a) The powers delegated
17 and authorized in this chapter for the board of regents for elementary and secondary
18 education and the department of elementary and secondary education shall be in addition
19 to those previously authorized by any other general or public law.

20 (b) The governance, funding, and programming of the William M. Davies, Jr.
21 vocational technical school and the Metropolitan Career and Technical School shall be in
22 accordance with the rules and regulations formulated by the board of regents for
23 elementary and secondary education pursuant to chapter 35 of title 42.

24 (c) The purpose of this chapter is to restructure the system of career and technical
25 schools in Rhode Island for the benefit of the students, the economy, and the general
26 welfare. The paramount aim is to enable the schools to make more significant
27 contributions in providing the state's students with the career preparation they need to
28 compete and succeed in the world of today and of the future. To ensure student success, a
29 system of model career and technical schools will be established and supported. These
30 schools will provide: integrated academic and vocational curricula, up to date technology,

1 programs to meet the varying needs of all students, and strong links to business, industry,
2 postsecondary education, and the community.

3 (d)(1) There shall be a system of state operated career and technical schools
4 serving geographic areas of the state. Students attending these regional schools will do so
5 on a full time basis with the costs for their education at the regional school fully funded
6 by the state.

7 (2) These schools shall be operated as local education agencies and each shall be
8 governed by a board of trustees. With the exception of those powers and duties reserved
9 by the director, the commissioner of elementary and secondary education, and the board
10 of regents for elementary and secondary education, the board of trustees shall have the
11 powers and duties of school committees. The Davies school shall be the first school
12 operated under the provisions of this chapter and shall be renamed the William M.
13 Davies, Jr. career and technical high school. The Metropolitan Career and Technical
14 School shall be the second school operated under the provisions of this chapter.

15 (e)(1) The board of regents for elementary and secondary education shall appoint
16 the members of the board of trustees from nominations made by the commissioner of
17 elementary and secondary education. The chairperson shall also be selected in this
18 manner. The board of regents shall determine the number, qualifications, and terms of
19 office of members of the board of trustees. The board of trustees will be broadly
20 representative of the local communities served by each school and the larger statewide
21 workforce interests.

22 (2) The board of regents shall establish strategic directions for the career and
23 technical education system that are consistent with the state's economic development
24 plans, workforce requirements, and educational priorities and learner outcomes
25 established by the board of regents.

26 (3) The board of regents shall provide parameters for the overall budget requests,
27 approve the budget, and participate in budget development as required in subsection (i).

28 (f)(1) The commissioner of elementary and secondary education shall recommend
29 parameters for the overall budget requests, recommend a budget and participate in budget
30 development as required in subsection (i).

1 (2) The commissioner shall approve the process for selection of a director of each
2 regional school. The commissioner shall develop a plan for statewide implementation of
3 the provisions of this chapter.

4 (g) The board of trustees shall meet monthly and serve without compensation.
5 Nine (9) members of the board of trustees shall be required to attend teacher appeal
6 hearings conducted pursuant to § 16-13-4. The board of trustees shall have broad policy
7 making authority for the operation of the school consistent with subsection (e) and the
8 following powers and duties:

9 (1) To identify the educational needs of the communities in the district.

10 (2) To develop educational policies to meet the needs of students in the
11 communities served by the school district.

12 (3) To appoint a director of its regional school to serve as its chief executive
13 officer and to approve assistant and associate directors from nominations made by the
14 director.

15 (4) To provide policy guidance and participate in budget development as required
16 in subsection (i).

17 (5) To develop staffing policies which ensure that all students are taught by
18 educators of the highest possible quality.

19 (h)(1) The director will serve at the pleasure of the board of trustees with the
20 initial appointment to be for a period of not more than three (3) years, provided, that the
21 term and conditions of employment are subject to the approval of the board of regents for
22 elementary and secondary education.

23 (2) It is the responsibility of the director to manage and operate the school on a
24 day to day basis. The director's duties shall include the following:

25 (i) To be responsible for the entire care, supervision, and management of the
26 career and technical high school.

27 (ii) To recommend to the board of trustees educational policies to meet the needs
28 of the district, and to implement policies established by the board of trustees.

29 (iii) To present nominations to the board of trustees for assistant and associate
30 directors and to appoint all other school personnel.

31 (iv) To provide for the evaluation of all school district personnel.

1 (v) To establish a school based management approach for decision making for the
2 operation of the school.

3 (vi) To prepare a budget and participate in budget development as required in
4 subsection (i), and to authorize purchases consistent with the adopted school district
5 budget.

6 (vii) To report to the board of trustees on a regular basis the financial condition
7 and operation of the school, and to report annually on the educational progress of the
8 school.

9 (viii) To establish appropriate advisory committees as needed to provide guidance
10 on new directions and feedback on the operation of the school.

11 (i) With policy guidance from the board of trustees and extensive involvement of
12 the administrators and faculty in the school, the director of each regional school shall
13 annually prepare a budget. The board of trustees will approve the budget and transmit it
14 to the commissioner. The board of regents for elementary and secondary education, upon
15 recommendation of the commissioner of elementary and secondary education, shall
16 provide parameters for the overall budget request. Based on review and recommendation
17 by the commissioner, the board of regents shall approve the total budget and incorporate
18 it into its budget request to the governor and to the general assembly. Line item budgeting
19 decisions shall be the responsibility of the director.

20 (j) Nothing in this section shall be deemed to limit or interfere with the rights of
21 teachers and other school employees to bargain collectively pursuant to chapters 9.3 and
22 9.4 of title 28 or to allow the board of trustees or the director to abrogate any agreement
23 by collective bargaining. Employees at the William M. Davies school shall continue to be
24 state employees and the bargaining units which are presently established at the school
25 shall remain intact.

26 SECTION 3. Section 16-77.1-3 of the General Laws in Chapter 16-77.1 entitled
27 "Funding of Charter Public Schools" is hereby amended to read as follows:

28 **16-77.1-3. Federal funds for charter public schools start up costs.** -- Charter public
29 schools may apply for federal funds to support start up costs. Charter public schools shall become
30 eligible to apply for federal funds upon approval of the charter public school's application by the
31 board of regents for elementary and secondary education. Federal funds shall be distributed to
32 charter public schools by the department of elementary and secondary education through a

1 process which requires each charter public school seeking the funds to submit a grant application
2 to the department of elementary and secondary education. The grant application process shall be
3 established and implemented by the Rhode Island department of elementary and secondary
4 education. ~~Grants of federal funds for start up costs shall not exceed one hundred and fifty~~
5 ~~thousand dollars (\$150,000) for a single charter public school.~~

6

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

2

3 **ARTICLE 19 SUB A**

4 **RELATING TO GENERAL PUBLIC ASSISTANCE**

5 SECTION 1. **Hardship Contingency Fund.** – Out of the sum appropriated to the
6 department of human services in Article 1 for general public assistance, the sum of four hundred
7 fifty thousand dollars (\$450,000) shall be used as a hardship contingency fund in fiscal year 2003
8 for the purposes and subject to the limitations hereinafter provided, and the state controller is
9 hereby authorized and directed to draw his or her orders upon the general treasurer for the
10 payment of such sums or such portions thereof as may be required from time to time upon receipt
11 by him or her of duly authenticated vouchers. From the aforesaid appropriation for hardship
12 contingency, the director of the department of human services, in his or her sole discretion, may
13 authorize payments of cash assistance benefits up to two hundred dollars (\$200) per month upon
14 a showing of hardship by an individual who is eligible for general public assistance medical
15 benefits under section 40-6-3.1(a)(1). The director shall not be required to promulgate any new,
16 additional or separate rules or regulations in connection with his or her disbursement of the
17 contingency fund created hereby.

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

19 **ARTICLE 20 SUB A AS AMENDED**

20 **RELATING TO VIDEO LOTTERY TERMINALS -- DIVISION OF REVENUE**

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

23 **42-61.2-7. Division of revenue.** -- (a) Notwithstanding the provisions of section 42-61-
24 15, the allocation of net terminal income derived from video lottery games is as follows:

25 (1) For deposit in the general fund and to the state lottery commission fund for
26 administrative purposes: No less than fifty-one percent (51%) in fiscal year 2002; no less than
27 fifty-two percent (52%) in fiscal year 2003; no less than fifty-three percent (53%) in fiscal year
28 2004; no less than fifty-four percent (54%) in fiscal year 2005; no less than fifty-five percent

1 (55%) in fiscal year 2006; and each year thereafter.

2 (2) To the licensed video lottery retailer: thirty-one percent (31%) in fiscal year 2002;
3 thirty and one-half percent (30.5%) in fiscal year 2003; thirty percent (30%) in fiscal year 2004;
4 twenty-nine and one-half percent (29.5%) in fiscal year 2005; twenty-nine percent (29%) in
5 fiscal year 2006; and each year thereafter.

6 (3) To the owners of dog kennels who are under contract with a licensee: six percent
7 (6%) of net terminal income derived from video lottery games located at the facility in fiscal year
8 2002; five and one-half percent (5.5%) in fiscal year 2003; five percent (5%) in fiscal year 2004;
9 four and one-half percent (4.5%) in fiscal year 2005; four percent (4%) in fiscal year 2006; and
10 each year thereafter. The ~~six percent (6%)~~ percentage not allocated to the owner of dog kennels
11 reverts back to the general revenue fund and to the state lottery commission for administrative
12 purposes;

13 (4) To the technology provider: eleven percent (11%) of the net terminal income of the
14 provider's terminals less all reasonable charges and fees to the communications provider
15 associated with the supplying, maintenance, and operations of the communications system. The
16 lottery commission shall determine the fees to the communications system provider which shall
17 be no more than two and one-half percent (2.5%) of the net terminal income;

18 (5) To the city or town in which the licensed video retailer is licensed: one percent (1%);
19 and

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

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

24 (b) Provided, however, that for the fiscal year commencing July 1, 1993 and subsequent
25 fiscal years, the sum of five million dollars (\$5,000,000) to the extent possible shall be
26 contributed to the distressed communities relief program, pursuant to section 45-13-12, to be
27 distributed according to the formula and the contributions shall be as follows:

28 (1) One million one hundred fifty-two thousand six hundred eighty-three dollars
29 (\$1,152,683) of the net terminal income due retailers under subdivision (a)(2) deposited as
30 general revenues as follows: Lincoln Greyhound Park seven hundred sixty-seven thousand, six
31 hundred eighty-seven dollars (\$767,687) and Newport Jai Alai Fronton three hundred eighty-four
32 thousand nine hundred ninety-six dollars (\$384,996).

33 (2) Two hundred eighteen thousand five hundred seventy-nine dollars (\$218,579) of the
34 net terminal income due kennel owners under subdivision (a)(3) deposited as general revenues.

1 (3) Six hundred and twenty-eight thousand seven hundred and thirty-seven dollars
2 (\$628,737) of the net terminal income due the technology providers under subsection (a)(4)
3 deposited as general revenues.

4 ~~(4)~~ (4) Three million dollars (\$3,000,000) from the state general revenue fund.

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

6

7 **ARTICLE 21 SUB A AS AMENDED**

8 **RELATING TO HOSPITAL UNCOMPENSATED CARE**

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

11 **40-8.3-2. Definitions.** -- As used in this chapter:

12 (1) "Base year" means for the purpose of calculating a disproportionate share payment
13 for any fiscal year ending after September 30, 2000, the period from October 1, 1998 through
14 September 30, 1999.

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

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

25 (4) "Uncompensated care costs" means, as to any hospital, the sum of (i) the cost
26 incurred by such hospital during the base year for inpatient or outpatient services attributable to
27 charity care (free care and bad debts) for which the patient has no health insurance or other third-
28 party coverage less payments, if any, received directly from such patients and (ii) the cost
29 incurred by such hospital during the base year for inpatient or out-patient services attributable to
30 medicaid beneficiaries less any medicaid reimbursement received therefor; multiplied by the
31 uncompensated care index.

1 (5) "Uncompensated care index" means the annual percentage increase for hospitals
2 established pursuant to section 27-19-14 for each year after the base year, up to and including the
3 payment year, provided, however, that the uncompensated care index for the payment year ending
4 September 30, 2001 shall be deemed to be four and seventy-five hundredths percent (4.75%), and
5 that the uncompensated care index for the payment year ending September 30, 2002 shall be
6 deemed to be four and nine tenths percent (4.90%); and that the uncompensated care index for
7 the payment year ending September 30, 2003 shall be deemed to be five and twenty-five
8 hundredths percent (5.25%).

9 **40-8.3-3. Implementation.** -- (a) ~~For the fiscal year commencing on October 1, 2000 and~~
10 ~~ending September 30, 2001, each participating hospital shall be paid by the department of human~~
11 ~~services on or before April 2, 2001, an annual disproportionate share payment equal to the lesser~~
12 ~~of (1) the hospital's uncompensated care costs adjusted by the uncompensated care index or (2) a~~
13 ~~percentage equal to a minimum of five and seventy five hundredths percent (5.75%) of the dollar~~
14 ~~amount of the difference between (i) all chargeable services in the hospital's base year and (ii) the~~
15 ~~sum of charity care charges, bad debt expenses, and contractual allowances in the hospital's base~~
16 ~~year; provided, however, that the disproportionate share payments are expressly conditioned upon~~
17 ~~approval on or before April 2, 2001 by the Secretary of the U.S. Department of Health and~~
18 ~~Human Services, or his or her authorized representative, of all Medicaid state plan amendments~~
19 ~~necessary to secure for the state the benefit of federal financial participation in federal fiscal year~~
20 ~~2001 for the disproportionate share payments.~~

21 (b) For the fiscal year commencing on October 1, ~~2001~~ 2002 and ending September 30, ~~2002~~
22 2003, each participating hospital shall be paid by the department of human services on or before
23 October 30, ~~2001~~ 2002, a disproportionate share payment equal to the lesser of (1) the hospital's
24 uncompensated care costs adjusted by the uncompensated care index; or (2) a percentage equal to
25 six and seventy-five hundredths percent (~~6.05%~~) (6.75%) of the dollar amount of the difference
26 between (i) all chargeable services in the hospital's base year and (ii) the sum of charity care
27 charges, bad debt expenses, and contractual allowances in the hospital's base year; provided,
28 however, that the disproportionate share payments are expressly conditioned upon approval on or
29 before October 30, ~~2001~~ 2002 by the Secretary of the U.S. Department of Health and Human
30 Services, or his or her authorized representative, of all Medicaid state plan amendments necessary
31 to secure for the state the benefit of federal financial participation in federal fiscal year ~~2002~~ 2003
32 for the disproportionate share payments.

33

ARTICLE 22 SUB A

1 **RELATING TO CHILD CARE - STATE SUBSIDIES**

2 SECTION 1. Section 40-6.2-5 of the General Laws in Chapter 40-6.2 entitled
3 “Child Care-State Subsidies” is hereby amended to read as follows:

4 **40-6.2-5 Health care coverage for center-based care providers.**--(a) The
5 department of human services is authorized and directed to establish a health care
6 premium cost-sharing option through its RItE Care program for center-based child care
7 providers who provide child care services paid for in whole or in part by the department
8 of human services or the department of children, youth, and families, and who meet the
9 eligibility requirements of this section.

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

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

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

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

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

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

28 ~~(e) Effective July 1, 2002, if the number of children served by the provider who~~
29 ~~meet the department's child care assistance income guidelines under §40-5.1-17 is at least~~
30 ~~thirty percent (30%) of the enrollment census of the provider, then the center-based child~~

1 ~~care provider shall pay fifty percent (50%) of the monthly premiums attributable to the~~
2 ~~center's participating employees.~~

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

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

9 **ARTICLE 23 SUB A**

10 **RELATING TO CHILD CARE ELIGIBILITY**

11 SECTION 1. Section 40-5.1-17 of the General Laws in Chapter 40-5.1 entitled
12 "Family Independence Act" is hereby amended to read as follows:

13 **40-5.1-17 Families eligible for child care assistance.**-- (a) The department shall
14 provide appropriate child care to every parent who requires child care in order to meet the
15 work requirements in §40-5.1-9 and to all other families with incomes at or below one
16 hundred eighty-five percent (185%) of the federal poverty line, if and to the extent such
17 other families require child care in order to work at paid employment; provided, however,
18 that effective January 1, 1999, the department shall provide appropriate child care to such
19 other families whose incomes are at or below two hundred percent (200%) of the federal
20 poverty line; effective July 1, 1999, the department shall provide appropriate child care to
21 such other families whose incomes are at or below two hundred twenty-five percent
22 (225%) of the federal poverty line; ~~and effective July 1, 2002, the department shall~~
23 ~~provide appropriate child care to such other families whose incomes are at or below two~~
24 ~~hundred fifty percent (250%) of the federal poverty line.~~

25 (b) For purposes of this section "appropriate child care" means child care,
26 including infant/toddler, pre-school, nursery school, school-age, and youth care, which is
27 provided by a person or organization qualified, approved, and authorized to provide such
28 care by the department of children, youth, and families, or by the department of
29 elementary and secondary education, or such other lawful providers as determined by the

1 department of human services, in cooperation with the department of children, youth and
2 families and the department of elementary and secondary education, subject to the
3 following age limitations:

4 (1) Through December 31, 1998, for a child below the age of thirteen (13), or
5 children age thirteen (13) years or older who are under supervision of the family court or
6 who require care because of a physical or mental impairment;

7 (2) Effective January 1, 1999, for a child below the age of fifteen (15);

8 (3) Effective July 1, 1999, for a child below the age of sixteen (16).

9 (c) The department of human services shall determine rates of reimbursement for
10 child care services for children over the age of twelve (12) in accordance with the
11 provisions of §40-6.2-1.1(d).

12 For purposes of this section "appropriate child care" is defined in §40-5.1-9(b).

13 (d) Families with incomes below one hundred percent (100%) of the applicable
14 federal poverty guidelines shall be provided with free child care. Families with incomes
15 equal to or greater than one hundred percent (100%) of the applicable federal poverty
16 guideline shall be required to pay for some portion of the child care they receive,
17 according to a sliding fee scale adopted by the department.

18 (e) In determining the type of child care to be provided to a family, the
19 department shall take into account the cost of available child care options and the
20 suitability of the type of care available for the child and the parent's preference as to the
21 type of child care.

22 (f) For purposes of this section "income" for families receiving cash assistance
23 under §40-5.1-9 means gross earned income and unearned income, subject to the income
24 exclusions in §40-5.1-10(b) and §40-5.1-10(c); and income for other families shall mean
25 gross earned and unearned income as determined by departmental regulations.

26 (g) The entitlement provided for in subsection (a) shall be an entitlement to
27 payment of a subsidy for child care to an appropriate child care provider as defined in
28 subsection (b). The caseload estimating conference established by chapter 17 of title 35
29 shall forecast the expenditures for child care in accordance with the provisions of §35-17-
30 1.

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

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ARTICLE 24 SUB A AS AMENDED

RELATING TO MEDICAL ASSISTANCE AND HUMAN SERVICES

SECTION 1. Chapter 40-8 of the General Laws entitled "Medical Assistance" is hereby amended by adding thereto the following section:

40-8-24. Purpose. – (a) The department of human services is directed to seek any waivers as described by section 40-8-24 required by the United States department of health and human services to establish, subject to appropriation, a pharmacy assistance program, to be known as the Healthy Rhode Island Pharmacy Program, for the purposes of providing prescription and nonprescription pharmaceuticals at low cost to certain Rhode Island residents who are elderly or living with a disabling condition, as provided in this section.

(b) To enable the state of Rhode Island to maximize claims for federal financial participation and pharmaceutical manufacturer rebates for the Healthy Rhode Island Pharmacy Program, the department is directed and authorized to seek the following waivers:

(1) The department shall submit to the United States department of health and human services a waiver of otherwise applicable requirements of title XIX of the Federal Social Security Act in order to claim federal financial participation for a pharmacy assistance program for residents of the state who are sixty-five (65) years of age and over with incomes no greater than two hundred percent (200%) of the federal poverty level. The Healthy Rhode Island Pharmacy Program shall provide pharmacy assistance for any such persons deemed eligible under the waiver that is comparable to the pharmacy benefit provided to individuals eligible under the Rhode Island Medicaid State Plan, to the extent that the cost-sharing and enrollment limitations provided for in section (c) allow.

(2) The department shall submit to the United States department of health and human services a waiver of otherwise applicable requirements of title XIX of the Federal Social Security Act in order to claim federal financial participation for a pharmacy assistance program for adult residents of the state who are either incapacitated and with incomes no greater than two hundred percent (200%) of the federal poverty level; or severely and persistently mentally ill and eligible for community support services through the department of mental health, retardation and hospitals; and are deemed by the department to be ineligible for pharmacy assistance under subsection (b)(1) of this section or under any other applicable sections of chapter 42-66.2 and

1 otherwise unable to pay the costs for medically necessary prescription drugs and medications.
2 The Healthy Rhode Island Pharmacy Program shall provide pharmacy assistance for any such
3 persons deemed eligible under the waiver that is comparable to the pharmacy benefits provided to
4 individuals eligible under the Medicaid State Plan to the extent any program requirements
5 established by rule in accordance with section (c) allow.

6 (c) The department shall provide by rule for all other requirements of the program,
7 including cost-sharing and any enrollment limitations deemed necessary, as permitted by an
8 approved waiver. The department shall consult with the department of elderly affairs in
9 developing the requests for the waivers as authorized and, to the greatest extent practicable, shall
10 coordinate implementation of the Health Rhode Island Pharmacy Program with the administration
11 and application process for determining eligibility and enrollment in the pharmaceutical
12 assistance program for the elderly set forth in chapter 42-66.2.

13 (d) The caseloads and expenditures for the Healthy Rhode Island Pharmacy Program
14 waivers shall be determined by the caseload estimating conference in accordance with the
15 provisions of chapter 35-17 for determining official estimates of medical assistance caseloads.

16 (e) Upon receipt of such waiver(s) from the United States department of health and
17 human services, the department of human services shall file with the house and senate finance
18 committees a report of the terms and conditions of such approved waiver(s) together with a
19 detailed plan for the implementation thereof within the aggregate general revenue appropriations
20 for pharmacy benefits and administrative costs provided for in the enacted budget for state fiscal
21 year 2003; and provided further that any reallocations of such general revenue appropriations
22 between or among departments and/or appropriation line items necessary to implement the
23 approved waiver(s), and/or adjustments to federal revenue appropriations consistent with such
24 wavier approval(s), shall be submitted to the general assembly by the Governor in the
25 supplemental appropriations act for state fiscal year 2003 in accordance with section 35-3-8.

26 SECTION 2. Section 40-18-1 of the General Laws in Chapter 40-18 entitled "Long Term
27 Home Health Care-Alternative to Placement in a Skilled Nursing or Intermediate Care Facility" is
28 hereby amended to read as follows:

29 **40-18-1. Purpose.** -- (a) The director of the department of human services, in addition to
30 the medical assistance benefits provided in chapter 8 of this title shall maintain and coordinate a
31 program of long term home health care. The purpose of the program of long term home health
32 care is to provide in-hospital eligible patients, who would be discharged to a skilled nursing
33 facility and/or an intermediate care facility, with a viable alternative to placement in a skilled
34 nursing facility and/or intermediate care facility. The director shall utilize a federally approved

1 home and community based service waiver to provide a viable alternative. The hereinafter listed
2 services shall be an integral part of the viable alternative.

3 (b) In addition, the director of the department of human services shall utilize any and all
4 other available departmental resources and community resources to enhance and expand the
5 provision of long term home health care as the viable alternative to placement in a skilled nursing
6 facility and/or an intermediate care facility. These resources shall be used to strengthen and
7 expand home and community-based long term care services which will help people stay at home
8 for care when this is an appropriate alternative to nursing facility care.

9 (c) In furtherance of subsections (a) and (b) above, the department of human services is
10 authorized and directed to seek any waiver(s) required by the United States department of health
11 and human services in accordance with otherwise applicable requirements of title XIX of the
12 Federal Social Security Act to establish an enhancement of the program for the provision of adult
13 day care services and home-based services. The department of human services is directed to seek
14 the waiver(s) in order to claim federal financial participation for the services that shall be
15 provided to residents of the state who are deemed to be in need of adult day care services and/or
16 home-based services and whose incomes are no greater than two hundred fifty percent (250%) of
17 the federal poverty level.

18 (d) Upon receipt of such waiver approval(s) referred to in subsection (c) above from the
19 United States department of health and human services, the department of human services shall
20 file with the house and senate finance committees a report of the terms and conditions of such
21 approved waiver(s) together with a detailed plan for the implementation thereof within the
22 aggregate general revenue appropriations for adult day care and home-based services benefits and
23 administrative costs provided for in the enacted budget for state fiscal year 2003; and, provided
24 further, that any reallocations of such general revenue appropriations between or among
25 departments and/or appropriation line items necessary to implement the approved waiver(s),
26 and/or adjustments to federal revenue appropriations consistent with such waiver approval(s),
27 shall be submitted to the general assembly by the Governor in the supplemental appropriations act
28 for state fiscal year 2003 in accordance with section 35-3-8.

29 SECTION 3. This article shall take effect upon passage.
30

31 **ARTICLE 25 SUB A AS AMENDED**

32 **RELATING TO FAMILY INDEPENDENCE ACT**

1 SECTION 1. Section 40-5.1-9 of the General Laws in Chapter 40-5.1 entitled
2 “Family Independence Act” is hereby amended as follows:

3 **40-5.1-9 Cash assistance.** – (a) *Entitlement to cash assistance.* A family found
4 by the department to meet the eligibility criteria set forth in this chapter shall be entitled
5 to receive cash assistance from the date of submitting a signed application. The family
6 members shall be eligible for cash assistance for so long as they continue to meet the
7 eligibility criteria and parents shall be eligible so long as they meet the terms and
8 conditions of the work requirements of subsection (c). The monthly amount of cash
9 assistance shall be equal to the payment standard for the family minus the countable
10 income of the family in that month. The department is authorized to reduce the amount of
11 assistance in the month of application to reflect the number of the days between the first
12 (1st) day of the month and the effective date of the application.

13 (b) *Payment standard.* The payment standard is equal to the sum of the following:
14 three hundred twenty-seven dollars (\$327) (two hundred seventy-seven dollars (\$277) for
15 a family residing in subsidized housing) for the first person, one hundred twenty-two
16 dollars (\$122) for the second person, one hundred five dollars (\$105) for the third person
17 and eighty dollars (\$80) for each additional person.

18 (c) *Work requirements.* (1) No more than forty-five (45) days following the date
19 on which a family has been notified by the department in writing that it is eligible for
20 cash assistance under the act, the department shall develop a family financial plan
21 pursuant to § 40-5.1-5 and, unless the parent is exempt from work pursuant to subsection
22 (iv), the department shall assess the parent's educational and vocational abilities and
23 develop an individual employment plan pursuant to § 40-5.1-5. In the case of a family
24 including two parents, the department may develop an employment plan for each parent
25 if the parents so request.

26 (2) The employment plan shall specify the parent's work activity and the
27 supportive services which will be provided by the department to enable the parent to
28 engage in the work activity.

29 (i) During the first twenty-four (24) months of the employment plan, the parent
30 shall participate, for a minimum of twenty (20) hours per week for parents whose
31 youngest child in the home is under the age of six (6), and for a minimum of thirty (30)

1 hours per week for parents whose youngest child in the home is six (6) years of age or
2 older, in one or more of the following work activities, as appropriate, in order to help the
3 parent obtain stable full-time paid employment:

4 (A) ~~Twenty (20) hours per week of p~~ Paid employment, (including on-the-job
5 training);

6 (B) ~~Twenty (20) hours per week of A~~ community work experience in a program
7 which satisfies the requirements of §40-5.1-23;

8 (C) A training or work readiness program approved by the department and
9 conducted at a job site if the program involves supervised participation in work at the
10 site;

11 (D) During the first six (6) months of eligibility (or for a longer period if the
12 department determines it necessary to prepare the parent to obtain stable full-time
13 employment), successful participation in an approved work readiness program as defined
14 in § 40-5.1-22;

15 (E) During the first three (3) months of eligibility (or for a longer period if the
16 department determines it necessary to prepare the parent to obtain stable full-time
17 employment), participation in an approved rapid job placement program as defined in §
18 40-5.1-20;

19 (F) A supervised individual job search which meets the conditions set forth in §
20 40-5.1-21;

21 (G) For a parent under the age of twenty (20) without a high school diploma or
22 the equivalent, successful participation on a full-time basis in a program to secure such
23 diploma or the equivalent;

24 (H) For a parent age twenty (20) or older, without basic literacy or English
25 literacy skills, successful participation on a full time basis in a program to secure such
26 skills; and

27 (I) For a parent age twenty (20) or older (and a parent under the age of twenty
28 (20) who has a high school degree or the equivalent or a parent under the age of twenty
29 (20) for whom attendance at a high school is determined to be inappropriate) successful
30 participation in a vocational education, skills or job training program, including without
31 limitation, a program of postsecondary education, which the department determines is

1 likely to result in regular full-time employment at wages sufficient to eliminate eligibility
2 for cash assistance under the act.

3 (ii) Beginning with the twenty-fifth month of the employment plan, the parent
4 shall participate in one or more of the following work activities for at least twenty (20)
5 hours per week for parents whose youngest child in the home is under the age of six (6)
6 and thirty (30) hours per week for parents whose youngest child in the home is six (6)
7 years of age or older:

8 (A) Paid employment (including on-the-job training);

9 (B) A community work experience program which satisfies the requirements of §
10 40-5.1-23;

11 (C) A training program approved by the department and conducted at a job site if
12 the program involves supervised participation in work at the site.

13 (iii) The following parents shall be deferred from the participation requirement in
14 subsection (ii):

15 (A) A parent under the age of twenty (20) without a high school diploma or the
16 equivalent who is successfully participating, on a full-time basis, in a program to secure
17 such diploma or the equivalent;

18 (B) A single parent age twenty (20) or older, without basic literacy or English
19 language skills, who (I) is participating in a full-time program but is unable to complete a
20 literacy or language skills program during the first twenty-four (24) months of his or her
21 employment plan, or (II) who the department has determined is unable to secure paid
22 employment without additional language or literacy skills, and who is successfully
23 participating in a program to secure such skills.

24 (C) A parent age twenty (20) years or older, who is successfully participating in a
25 vocational education, skills or job training program, including without limitation, a
26 program of postsecondary education, which the department determines is likely to result
27 in regular full-time employment at wages sufficient to eliminate eligibility for cash
28 assistance under the act; provided, however, that the parent began the program prior to
29 the twenty-fifth (25th) month of his or her employment plan; provided, further, however,
30 that participation shall not be deemed a work activity after the thirty-sixth (36th) month
31 of the employment plan.

1 (D) Upon completion of any activity in sections A-C, the parent shall be subject
2 to the work activity requirements of subsection (ii).

3 (iv) Subsections (i) and (ii) shall not apply to a single parent if (and for so long as)
4 the department finds that he or she is:

5 (A) Unable to comply with the employment plan because of an illness which, on
6 the basis of medical evidence, is serious enough to temporarily prevent work;

7 (B) Unable to comply with the employment plan because of a physical or mental
8 impairment which, on the basis of medical evidence, either by itself or in conjunction
9 with age, prevents work;

10 (C) Unable to comply with the employment plan because of the illness or
11 incapacity of a minor child or spouse who requires full-time in-home care, and for whom
12 the person is providing care;

13 (D) Caring for a child below the age of one; provided, however, that a minor
14 parent without a high school diploma or the equivalent, and who is not married, shall not
15 be exempt from subsection (i)(G) for more than twelve (12) weeks from the birth of the
16 child;

17 (E) Sixty (60) years of age or older;

18 (F) A pregnant woman in her third trimester;

19 (G) Otherwise exempt by the department.

20 (v) The amount of cash assistance to which an otherwise eligible family is entitled
21 under the act, shall be reduced in any month during the first twenty-four (24) months of
22 the parent's employment plan in which the parent fails, without good cause, to comply
23 with the employment plan, by the parent's portion of the family's benefit.

24 (vi) Beginning with the twenty-fifth month of the employment plan, the following
25 penalties shall apply in any month to a family in which the parent, without good cause,
26 fails to comply with his or her employment plan:

27 Number of Reduction in Family

28 Months of Noncompliance Benefit (% of Parent's benefit)

29 One-six 110%

30 Seven-Twelve 120%

31 Thirteen-Eighteen 130%

1 Nineteen-Twenty-four 140%

2 (B) For purposes of subsections (v) and (vi) the benefit reduction for a family size
3 of two (2) shall be computed utilizing a family size of three (3).

4 (C) If a parent fails to comply with his or her employment plan for more than
5 twenty four (24) months, the family's benefit shall be reduced by one hundred percent
6 (100%) of the parent's benefit and the entire benefit shall be paid to some appropriate and
7 responsible person (other than the parent) to pay the expenses of the family. An
8 "appropriate responsible person" may include the family's case manager.

9 (D) If the family's benefit has been reduced due to the parent's failure to comply
10 with the terms of the employment plan, benefits shall be restored to the full amount
11 beginning with the initial payment made on the first of the month following the month in
12 which the parent agrees to comply with the terms of the plan.

13 (E) If a family subject to a reduction in benefits under this subsection:

14 (I) Terminates benefits;

15 (II) Reapplies within three (3) months and;

16 (III) Has not had gross earnings in excess of one hundred dollars (\$100) during
17 the three (3) month period;

18 (F) There shall be a rebuttable presumption that the family has terminated in order
19 to avoid a further reduction in benefits, and penalties shall be applied as if the family had
20 not terminated from the program.

21 (vii) Notwithstanding subsections (i) and (ii) of this subsection, in the case of a
22 family consisting of two (2) parents, (except as provided in subsection (xi) below),
23 beginning seven (7) days following completion of the family financial plan and the
24 individual employment plan(s), or as soon as practical thereafter, one (1) parent shall be
25 engaged in work activities for at least thirty-five (35) hours per week during the month,
26 not fewer than thirty (30) hours per week of which are attributable to one (1) or more of
27 the following activities:

28 (A) Unsubsidized employment;

29 (B) Subsidized private sector employment;

30 (C) Subsidized public sector employment;

31 (D) Work experience if sufficient private sector employment is not available;

- 1 (E) On-the-job training;
- 2 (F) Job search and job readiness assistance;
- 3 (G) Community service program;
- 4 (H) Vocational educational training (not to exceed twelve (12) months with
5 respect to any individual); or
- 6 (I) The provision of child care services to an individual who is participating in a
7 community service program.

8 Moreover, in the case of a two (2) parent family wherein one (1) parent is
9 engaged for at least thirty-five (35) hours per week in the work activities specified
10 immediately above, and if the family requests child care assistance under this chapter,
11 and an adult in the family is not disabled or caring for a severely disabled child, the
12 second parent must be engaged in work activities during the month for not fewer than
13 twenty (20) hours per week in one (1) or more of the following activities:

- 14 (A) Unsubsidized employment;
- 15 (B) Subsidized private sector employment;
- 16 (C) Subsidized public sector employment;
- 17 (D) Work experience if sufficient private sector employment is not available;
- 18 (E) On-the-job training; or
- 19 (F) Community service programs;
- 20 (viii) Subsection (vii) shall not apply

21 (A) To a parent who is ill and the department determines on the basis of medical
22 evidence that the illness is serious enough to temporarily prevent entry into employment
23 or engaging in the activities listed in subsection (vii) or to provide care for his or her
24 children; or

25 (B) To a parent who is incapacitated by a physical or mental impairment which
26 the department has determined on the basis of medical evidence either by itself or in
27 conjunction with age, prevents the individual from engaging in employment or training or
28 providing care for his or her children; or

29 (C) To a parent who is providing full-time in-home care to a minor child or parent
30 who, due to illness or incapacity, requires full-time in-home care; or

31 (D) If otherwise authorized by the department for cause.

1 (ix) If, during any month, parents required to comply with subsection (vii) fail,
2 without good cause to do so, the family shall be deemed for all purposes under this act to
3 include only one parent. The parent included in the family shall be the parent which the
4 department determines has accepted primary responsibility for child care. The parent
5 included in the family, unless exempt pursuant to subsection (iv), shall be required to
6 comply with subsections (i) and (ii) of this subsection and shall be subject to the penalties
7 in subsections (v) and (vi), as applicable, if the parent fails to do so. Notwithstanding the
8 foregoing, in determining the amount of cash assistance to which a family is entitled
9 under this chapter, the earnings of any parent living in the same household as a family
10 eligible for cash assistance, shall be deemed to be earned income of the family for
11 purposes of § 40-5.1-10(b).

12 (x) A parent's failure, without good cause, to accept a bona fide offer of work,
13 including full-time, part-time and/or temporary employment, or unpaid community
14 service, to the extent the offer of work is not inconsistent with the employment plan shall
15 be deemed a failure to comply with this section, provided that:

16 (A) The parent is able to perform the work offered; and

17 (B) Appropriate child care (as defined in subsection (e) hereof) is made available
18 to the parent.

19 (xi) A two (2) parent family that includes a disabled parent shall be considered to
20 be a single parent family for purposes of applying the work requirements of subsections
21 (i) and (ii).

22 (d) *Child care.* Notwithstanding any other provision of this section, no single
23 parent, or both parents meeting the requirements of subsection (vii), shall be required to
24 work to the extent that appropriate child care is necessary for the parent to do so and the
25 department determines that such appropriate child care is unavailable for fiscal or other
26 reasons. For purposes of this section "appropriate child care" means child care which is
27 provided by a person or organization qualified and authorized to provide such care by the
28 department of children, youth, and families or such other lawful providers as determined
29 by the department of children, youth, and families. Child care shall be considered
30 "necessary" under this section for any child below the age of thirteen (13), or any

1 children age thirteen (13) years or older who is under supervision of the family court or
2 who requires care because of a physical or mental impairment.

3 (e) *Work expenses.* The department shall provide an allowance for transportation
4 costs necessary to comply with the employment plan, provided, however, that the amount
5 of such reimbursement shall not exceed the sum of three dollars (\$3.00) per day.

6 SECTION 2. Section 40-5.1-45 of the General Laws in Chapter 40-5.1 entitled "Family
7 Independence Act" is hereby repealed.

8 ~~**40-5.1-45. Weatherization assistance.** -- Subject to general assembly appropriation, in
9 the month of March each year, each family receiving cash assistance under this chapter in that
10 month, shall be given a weatherization assistance payment of one hundred dollars (\$100) per
11 family.~~

12 SECTION 3. This article shall take effect upon passage and any rules or regulations necessary or
13 advisable to implement the provisions of this article shall be effective immediately as an
14 emergency rule upon the department's filing thereof with the secretary of state as it is hereby
15 found that the current fiscal crisis in this state has caused an imminent peril to public health,
16 safety and welfare, and the department is hereby exempted from the requirements of subsections
17 42-35-3(b) and 42-35-4(b)(2) relating to agency findings of imminent peril to public health,
18 safety and welfare and the filing of statements of the agency's reasons thereof.

19 **ARTICLE 26 SUB A**

20 **RELATING TO FOOD STAMP PROGRAM**

21 SECTION 1. Section 40-6-8 of the General Laws in Chapter 40-6 entitled
22 "Public Assistance Act" is hereby amended to read as follows:

23 **40-6-8 Food stamp program.** – (a) The department shall have the responsibility
24 to administer the food stamp program for the state in compliance with the provisions of
25 the federal Food Stamp Act of 1964, as amended, 7 U.S.C. § 2011 et seq.

26 (b) The department is empowered and authorized to submit its plan for food
27 stamps to the federal government or any agency or department thereof. The department
28 shall act for the state in any negotiations relative to the submission and approval of a
29 plan, and may make any arrangement or changes in its plan not inconsistent with this
30 chapter which may be required by the Food Stamp Act or the rules and regulations

1 promulgated pursuant thereto to obtain and retain such approval and to secure for this
2 state the benefits of the provisions of the federal act relating to food stamps. The
3 department shall make reports to the federal government or any agency or department
4 thereof in the form and nature required by it, and in all respects comply with any request
5 or direction of the federal government or any agency or department thereof which may be
6 necessary to assure the correctness and verification of the reports.

7 (c) The department is authorized and directed to pay one hundred percent (100%)
8 of the state's share of the administrative cost involved in the operation of the food stamp
9 program.

10 ~~(d) The department is authorized and directed to provide food stamps to legal~~
11 ~~immigrants, as defined herein, who would be eligible for such benefits under the federal~~
12 ~~food stamp program but for the restricted eligibility rules imposed by § 402(a)(1) of the~~
13 ~~Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law~~
14 ~~No. 104-193) [8 U.S.C. § 1612(a)(1)] and as such act may hereafter be amended. For~~
15 ~~purposes of this section, the term legal immigrant shall mean a non citizen lawfully~~
16 ~~admitted for permanent residence before August 22, 1996 or who first became entitled to~~
17 ~~reside in the United States before August 22, 1996 and in either case, was a resident of~~
18 ~~the state of Rhode Island prior to August 22, 1996. The amount of benefits shall be the~~
19 ~~same as would be provided if the individual qualified for the federal food stamp program.~~
20 ~~The administrative costs involved in providing such benefits and the cost of such benefits~~
21 ~~shall be funded solely with state funds. Payment of benefits under this subsection shall be~~
22 ~~subject to approval by the secretary of the United States department of agriculture to~~
23 ~~utilize the federal food stamp program as the distribution system to issue benefits to such~~
24 ~~legal immigrants.~~

25 (e) (d) Except as provided herein, no person shall be ineligible for food stamp
26 benefits due solely to the restricted eligibility rules otherwise imposed by § 115(a)(2) of
27 the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public
28 Laws No. 104-193) [21 U.S.C. § 862a(a)(2)] and as such section may hereafter be
29 amended. No person convicted of a drug related felony, as defined herein, shall be
30 eligible for food stamp benefits. For purposes of this subsection, "drug related felony"
31 means the conviction (under federal or state law) subsequent to August 22, 1996 of an

1 individual of any offense which is classified as a felony by the law of the jurisdiction
2 involved and which has as an element the distribution or sale of a controlled substance
3 (as defined in § 102(6) of the Controlled Substances Act, 21 U.S.C. 802(6)).

4 SECTION 2. This article shall take effect on April 1, 2003.

5

6 **ARTICLE 27 SUB A AS AMENDED (DELETED)**

7

8 **ARTICLE 28 SUB A**

9 **JOINT RESOLUTION**

10 **APPROVING THE FINANCING OF NEW PARKING FACILITIES AND ACCESS**
11 **CONTROL SYSTEMS AT THE UNIVERSITY OF RHODE ISLAND**

12 WHEREAS, The Kingston Campus Master Plan of January 2000 included a
13 comprehensive analysis and plan for transportation, vehicle circulation and parking facilities on
14 campus and concluded that there is a deficiency of 1,000 parking spaces for students on the
15 Kingston campus during the day and for the projected parking demand from patrons attending a
16 range of events to be held at the new Convocation Center and Ice Facility; and

17 WHEREAS, The Convocation Center Traffic Study of 1999 included the participation of
18 Department of Transportation, municipal planners, police officials and engineering consultants in
19 developing a parking and traffic management plan for the Convocation Center and examined the
20 available options for serving the parking needs for the Center, including the use of parking
21 facilities in Kingston outside of walking distance to the facility, and agreed with the Campus
22 Master Plan that an additional 1,000 parking spaces within walking distance to the Convocation
23 Center and better controlled parking lot access were necessary; and

24 WHEREAS, The generation of revenues by the Convocation Center and Ice Facility
25 sufficient to meet debt service and operating expenditures is dependent, in part, upon the
26 provision of convenient and adequate parking facilities and transit alternatives; and

27 WHEREAS, More University resident and commuter students own cars than ever before,
28 and that the lack of parking capacity and access control systems results in damage to campus
29 grounds and that an enhanced shuttle system, coordinated with regional transit service, is an

1 essential component to student transportation, and that the local Kingston community is
2 demanding change; and

3 WHEREAS, These and related problems require that additional parking and a new
4 parking system be provided; and

5 WHEREAS, The proposed project would develop approximately 200 paved, and lighted
6 spaces with transit routes and shelters north of West Alumni Avenue within easy walking
7 distance to the North entrance to the Convocation Center in an area currently occupied by a
8 vacant barn and associated structures, which would be removed as part of the project; and

9 WHEREAS, Approximately 800 surface parking spaces will be developed in immediate
10 proximity to the North entrance to the Convocation Center, off of Plains Road with lighting,
11 shuttle routes and shelters, in a field area presently devoted to multiple purposes, including on-
12 grass parking for football games. These spaces would be developed with careful consideration for
13 maintainability and the protection of the groundwater aquifer, employing appropriate design and
14 technology to that end; and

15 WHEREAS, The creation of new parking facilities, strategically located on the Kingston
16 Campus will accommodate approximately 1,000 daytime commuter vehicles while, meeting the
17 projected parking requirements, within walking distance, for patrons attending events at the new
18 Convocation Center nights and weekends. For maintenance purposes, particularly under winter
19 conditions, a paving and drainage management system for this lot would be developed which
20 permits efficient snow clearing while promoting safe recharge of run-off to the groundwater
21 aquifer; and

22 WHEREAS, The new parking system will provide additional transit shelters, parking
23 meters, improved shuttle services, lot control system, registration and enforcement system, gates
24 and controls, lot improvements and security systems; and

25 WHEREAS, RIPTA is making \$150,000 available for planning improved transportation
26 services at this time in support of the development of an integrated plan to improve both parking
27 conditions and to encourage and facilitate local and regional transit use; and

28 WHEREAS, It is anticipated that the University will receive \$1 million in grant funds
29 from the Federal Highway Administration, with the assistance of RIDOT in support of the
30 implementation of this integrated, environmentally beneficial plan; and

31 WHEREAS, All permits from Department of Environmental Management will be
32 acquired in advance; and

33 WHEREAS, The Rhode Island Public Corporation Debt Management Act (R.I. General
34 Laws sections 35-18-1, et seq.) requires the General Assembly to provide its consent to the

1 issuance of certain obligations; and

2 WHEREAS, The design, construction and equipping of these improvements will be
3 financed through Rhode Island Health & Educational Building Corporation (RIHEBC) revenue
4 bonds, with an expected term of twenty (20) years, and annual revenues for the operation and
5 maintenance of the new parking lots and systems will be included in the annual operating budgets
6 of the University; and

7 WHEREAS, The capital costs associated with this project are estimated to be \$8,850,000
8 with one million dollars being sought from FHWA sources with the assistance of RIDOT. The
9 total issuance would be approximately \$7,975,000, with \$7,050,000 deposited in the construction
10 fund and \$844,000 deposited in a capitalized interest fund, and the remaining bond sources plus
11 associated interest earnings covering related costs of issuance. Total debt service payments over
12 an expected twenty (20) year period on the \$7,975,000 issuance are projected to be \$12,388,000,
13 assuming an average coupon of 5.1%. The debt service payments would be supported from new
14 revenue streams derived from the sale of University parking permits and from an annual payment
15 from the Convocation Center beginning in FY 2006 and, if available, from other sources of funds
16 accruing to the University and; now, therefore, be it

17 RESOLVED, That new parking facilities and access control systems are critical to ensure
18 sufficient parking for students and Convocation Center patrons, as well as providing secure
19 management of parking lots and improved enforcement, and that this General Assembly hereby
20 approves financing in an amount not to exceed \$7,975,000, to be combined with \$1,000,000
21 from federal sources, for the provision of new parking facilities and access control systems on the
22 Kingston Campus of the University of Rhode Island; and be it further

23 RESOLVED, That this Joint Resolution shall take effect immediately upon its passage by
24 the General Assembly.

25 **ARTICLE 29 SUB A AS AMENDED**

26 **RELATING TO MOTOR FUEL TAX**

27 SECTION 1. Sections 31-36-20 and 31-36-7 of the General Laws in Chapter 31-
28 36 entitled "Motor Fuel Tax" are hereby amended to read as follows:

29 **31-36-20 Disposition of proceeds.** – (a) Notwithstanding any other provision of
30 law to the contrary, all moneys paid into the general treasury under the provisions of this
31 chapter or chapter 37 of this title shall be applied to and held in a separate fund, and be

1 deposited in the depositories that may be selected by the general treasurer to the credit of
2 the fund, which fund shall be known as the intermodal surface transportation fund. Six
3 and one-fourths cents (\$0.0625) per gallon of the tax imposed and accruing for the
4 liability under the provisions of § 31-36-7, less refunds and credits, shall be transferred
5 to the Rhode Island public transit authority as provided under § 39-18-21, and one cent
6 (\$.01) per gallon shall be transferred to the elderly/disabled transportation program of the
7 department of elderly affairs, and the remaining cents per gallon shall be available for
8 general revenue as determined by the following schedule:

9 (i) For the fiscal year 2000, three and one-fourth cents (\$0.0325) shall be
10 available for general revenue;

11 (ii) For the fiscal year 2001, one and three-fourths cents (\$0.0175) shall be
12 available for general revenue;

13 (iii) For the fiscal years 2002, one-fourths cent (\$0.0025) shall be available for
14 general revenue; and

15 (iv) For the fiscal year 2003, ~~no funding shall be available for general revenue~~
16 two and one-fourth cent (.0225) shall be available for general revenue.

17 (v) For the fiscal year 2004, and thereafter, two cents (\$0.02) shall be available
18 for general revenue.

19 (2) All deposits and transfers of funds made by the tax administrator under this
20 section including those to the public transit authority, the department of elderly affairs,
21 and the general fund, shall be made within twenty-four (24) hours of receipt or previous
22 deposit of the funds in question.

23 (b) Notwithstanding any other provision of law to the contrary, all other assets of
24 the fund shall be dedicated to the department of transportation, subject to annual
25 appropriation by the general assembly. The director of the department of transportation
26 shall submit annually to the general assembly, budget office, and office of the governor
27 an accounting of all amounts deposited in and credited to the fund, together with a
28 planned budget for proposed expenditures for the succeeding fiscal year in compliance
29 with §§ 35-3-1 and 35-3-4. On order of the director of transportation, the state controller
30 is authorized and directed to draw orders upon the general treasurer for any payments that
31 are required from time to time, upon receipt of properly authenticated vouchers.

1 (c) If the fund's assets become insufficient to cover the expenditures of the
2 department of transportation, not to exceed the amount authorized by the general
3 assembly, the general treasurer, with the approval of the governor and the director of
4 administration, in anticipation of the receipts of monies enumerated in § 31-36-20, is
5 authorized to advance to the fund any state moneys not being held for any particular
6 purpose, for the purposes specified in § 31-36-20. However, all advances of this kind that
7 are made to the fund shall be returned to the general fund immediately upon the receipt
8 by the fund of regular proceeds adequate to repay these advances.

9 **31-36-7. Monthly report of distributors -- Payment of tax. --** (a) State requirements. -
10 Every distributor within this state shall, on or before the twentieth (20th) day of each month,
11 render a report to the tax administrator, upon forms to be obtained from the tax administrator, of
12 the amount (number of gallons) of fuels purchased, sold, or used by the distributor within this
13 state and the amount of fuels sold. The distributor without this state will report in the same way
14 on those fuels dispensed or used within this state during the preceding calendar month. If required
15 by the tax administrator, the reports shall include with regard to purchases, the name of any
16 person from whom fuels were purchased and the date and amount of each purchase, and with
17 regard to sales, the name of any person to whom fuels were sold and the amount of each sale. The
18 distributor, on filing these reports, shall pay tax to the administrator at the rate of ~~twenty-eight~~
19 thirty cents (~~\$.28~~) (\$.30) per gallon on all taxable gallons of fuel sold or used in this state.

20 (b) Federal requirements. - In the event the federal government requires a certain portion
21 of the gasoline tax to be dedicated for highway improvements, then the state controller is directed
22 to establish a restricted receipt account and deposit that portion of gasoline tax receipts which will
23 bring the state into federal compliance.

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

25 **ARTICLE 30 SUB A**

26 **RELATING TO DEPARTMENT OF ENVIRONMENT**

27 SECTION 1. Chapter 461 of the 1990 Public Laws repealed Chapter 42-17.1 of
28 the General Laws entitled "Department of Environmental Management" and created
29 Chapter 42-17.1 of the General Laws entitled "Department of the Environment.
30 "Pursuant to Chapter 77, Article 11 of the 2001 Public Laws, the effective date of the

1 Department of the Environment was extended until July 1, 2002 due to fiscal constraints.
2 This delayed implementation affects sections 42-17.1-1 through 42-17.1-39 inclusive,
3 and 42-17.1-41 through 42-17.1-44 inclusive. These same sections of chapter 42-17.1
4 have been annually extended since 1990.

5 Pursuant to chapter 77, Article 11 of the 2001 Public Laws, the effective date of
6 section 42-17.1-40 of the General Laws in Chapter 42-17.1 entitled "Department of the
7 Environment" was also extended by one year to July 1, 2002. This one-year extension of
8 section 42-17.1-40 has also been enacted annually since 1990. The extension has the
9 effect of ensuring the continuity of administrative functions of the boards, commissions
10 departments, and/or agencies affected by the Department of the Environment statutes by
11 postponing any transfer of functions and by continuing their functions.

12 The General Assembly finds that the Department of Environmental Management,
13 together with other boards, commissions, departments, and/or agencies referred to in
14 Chapter 42-17.1 of the General Laws entitled "Department of Environmental
15 Management," has continued to perform the functions and abide by the authorities set
16 forth by that chapter and should continue to do so, regardless of the repeal of that chapter
17 by Chapter 461 of the 1990 Public Laws

18 The General Assembly further finds that Chapter 42-17.1 of the General Laws
19 entitled "Department of the Environment" has become obsolete and should be repealed.

20 SECTION 2. Chapter 42-17.1 of the General Laws entitled "Department of the
21 Environment" is hereby repealed in its entirety.

22 ~~**42-17.1-1. Department established — Definitions.** (a) There is hereby~~
23 ~~established within the executive branch of the state government a department of the~~
24 ~~environment. The head of the department shall be the director of the department of the~~
25 ~~environment, who shall be in the unclassified service and who shall be appointed by the~~
26 ~~governor, with the advice and consent of the senate, and shall serve at the pleasure of the~~
27 ~~governor.~~

28 ~~(b) The following definitions shall apply in the interpretation of the provisions of~~
29 ~~this chapter:~~

30 ~~(1) "Commissioner of coastal resources" shall mean the commissioner or his or~~
31 ~~her duly authorized agent established in § 42-17.1-12.~~

1 (2) "~~Commissioner of environmental management~~" shall mean the commissioner
2 or his or her duly authorized agent established in § 42-17.1-10 herein.

3 (3) "~~Commissioner of environmental protection~~" shall mean the commissioner or
4 his or her duly authorized agency established in § 42-17.1-11.

5 (4) "~~Director~~" shall mean the director of the department of the environment of the
6 state of Rhode Island or his or her duly authorized agent.

7 (5) "~~Person~~" shall include any individual, group of individuals, firm, corporation,
8 association, partnership, or private or public entity, including a district, county, city,
9 town, or other governmental unit or agent thereof, and in the case of a corporation, any
10 individual having active and general supervision of the properties of such corporation.

11 (6) "~~Service~~" upon a corporation under this section shall be deemed to include
12 service upon both the corporation and upon the person having active and general
13 supervision of the properties of such corporation.

14 ~~42-17.1-2. Branches established.~~ Within the department of the environment
15 there are established the following offices and branches:

16 (a) ~~An administrative adjudication branch which shall carry out those functions of~~
17 ~~the department pursuant to the provisions of chapter 17.7 of this title;~~

18 (b) ~~An environmental management branch which shall carry out those functions~~
19 ~~of the divisions of agriculture, ports and harbors, enforcement, fish and wildlife, forest~~
20 ~~environment, parks and recreation, and boating safety and including but not limited to~~
21 ~~those functions enumerated in § 42-17.1-3;~~

22 (c) ~~An environmental protection branch which shall carry out those permitting,~~
23 ~~enforcement, and regulatory functions of the divisions of air, solid and hazardous waste,~~
24 ~~groundwater and individual sewage disposal systems, freshwater wetlands and water~~
25 ~~pollution control and including but not limited to those functions enumerated in § 42-~~
26 ~~17.1-4;~~

27 (d) ~~A policy and planning branch which shall carry out the functions of program~~
28 ~~initiatives, crossmedia and intergovernmental planning, disbursement of grants and loans,~~
29 ~~review and approval of legislatively mandated watershed protection plans, and land~~
30 ~~acquisition, and which shall assist with coastal resources planning;~~

1 ~~(e) An administration branch consisting of the offices of business affairs and~~
2 ~~employee relations and which branch shall carry out the functions of said offices;~~

3 ~~(f) An information, education, and special projects branch which shall carry out~~
4 ~~those functions of information, assistance, publications, media releases, workshops, and~~
5 ~~programs for environmental education, waste reduction, recycling, and pollution source~~
6 ~~reduction, including but not limited to those functions enumerated in chapters 18.8, 19.6,~~
7 ~~19.9, 19.10 and 19.11 of title 23.~~

8 ~~(g) A water resources management branch which will carry out those functions of~~
9 ~~water supply management under the provisions of chapter 15 of title 46 and which shall~~
10 ~~administer agreements for bond programs for water supply.~~

11 ~~**42-17.1-2.1. Coastal resources management branch.** There shall be a coastal~~
12 ~~resources management branch which shall be a part of the department of environment for~~
13 ~~the purpose of developing and implementing a coordinated program of environmental~~
14 ~~protection and resource management and which shall carry out planning, management,~~
15 ~~permitting, enforcement, and regulatory functions at the direction of the coastal resources~~
16 ~~management council.~~

17 ~~**42-17.1-3. Divisions within the branch of environmental management.** Within~~
18 ~~the environmental management branch, the following divisions are established:~~

19 ~~(a) A division of agriculture which shall carry out those functions of the branch~~
20 ~~relating to agriculture, entomology, plant industry, and those divisions of agriculture~~
21 ~~functions of title 2 and § 2-1-22(i), and those functions in chapters 25, 25.2 and 25.3 of~~
22 ~~title 23, and chapter 17.2 of title 46, and such other functions as may from time to time be~~
23 ~~assigned by the commissioner;~~

24 ~~(b) A division of ports and harbors which shall carry out those functions of the~~
25 ~~branch relating to harbors and harbor lines, pilotage, flood control, construction of port~~
26 ~~facilities, and such other functions and duties as may from time to time be assigned by~~
27 ~~the commissioner, except that the division shall not be responsible for the functions of~~
28 ~~inspection of dams and reservoirs, approving plans for construction or improvement of~~
29 ~~dams, reservoirs, and other structures in non tidal waters, and the operation of stream-~~
30 ~~gaging stations in cooperation with the United States geological survey;~~

1 ~~(c) A division of enforcement which shall enforce the laws and regulations of the~~
2 ~~department. In connection with such enforcement, the powers and duties of the director~~
3 ~~set forth in §§ 20-1-4 and 20-1-5 to the extent that those sections authorize the director to~~
4 ~~enforce laws, rules, and regulations and prosecute violations thereof, and §§ 20-1-6, 20-1-~~
5 ~~7, and 20-1-8 pertaining to appointment and powers of conservation officers and deputy~~
6 ~~wardens, are hereby transferred to the commissioners for environmental management and~~
7 ~~environmental protection as required to effectuate the provisions of this chapter, and the~~
8 ~~term "director" as used in said sections shall be deemed to mean "commissioner for~~
9 ~~environmental management" or "commissioner of environmental protection" as the case~~
10 ~~may be to the extent required to comply with this section. The division of enforcement~~
11 ~~shall cooperate with the enforcement personnel of the coastal resources management~~
12 ~~council and with other enforcement agencies of the state and its municipalities, and shall~~
13 ~~administer all of the policing, enforcing, licensing, registration, and inspection functions~~
14 ~~of the department and such other functions and duties as may from time to time be~~
15 ~~assigned by the commissioner;~~

16 ~~(d) A division of fish and wildlife which shall carry out those functions of the~~
17 ~~branch relating to the administration of hunting, fishing, and shell fisheries; wetlands,~~
18 ~~marshlands, and wildlife in title 20, and such other functions and duties as may from time~~
19 ~~to time be assigned by the commissioner;~~

20 ~~(e) A division of forest environment which shall carry out those functions of the~~
21 ~~branch relating to the administration of forests and natural areas, including programs for~~
22 ~~utilization, conservation, forest fire protection, and improvements of these areas; assisting~~
23 ~~other agencies and local governments in urban programs relating to trees, forests, green~~
24 ~~belts, and the environment, and management of properties controlled by the water~~
25 ~~resources board; and those forestry functions in title 2; and such other functions and~~
26 ~~duties as may from time to time be assigned by the commissioner;~~

27 ~~(f) A division of parks and recreation which shall carry out those functions of the~~
28 ~~branch relating to the operation and maintenance of parks and recreational areas and the~~
29 ~~establishment and maintenance of such additional recreational areas as may from time to~~
30 ~~time be acquired and such other functions and duties as may from time to time be~~
31 ~~assigned by the commissioner;~~

1 ~~(g) A division of boating safety which shall carry out those functions of the~~
2 ~~department relating to the development and administration of a coordinated safe boating~~
3 ~~program as approved by the national association of state boating law administrators;~~

4 ~~(2) Administration of the division of boating safety shall be the responsibility of~~
5 ~~the state boating law administrator (administrator) whose duties shall include:~~

6 ~~(A) The enforcement of all laws relating to the chapter;~~

7 ~~(B) The enforcement, along with the boating safety enforcement officer, of laws,~~
8 ~~rules and regulations relating to "Regulation of Boats", title 46, chapter 22, including the~~
9 ~~power:~~

10 ~~(i) To execute all warrants and search warrants for the violation of laws, rules, and~~
11 ~~regulations relating to the chapter.~~

12 ~~(ii) To serve subpoenas issued for the trial of all offenses hereunder.~~

13 ~~(iii) To carry firearms or other weapons, concealed or otherwise, in the course of~~
14 ~~and in performance of their duties under this chapter.~~

15 ~~(iv) To arrest without warrant and on view any person found violating any law,~~
16 ~~rule, or regulation relating to the chapter, take that person before a court having~~
17 ~~jurisdiction for trial, detain that person in custody at the expense of the state until~~
18 ~~arraignment and to make and execute complaints within any district to the justice or clerk~~
19 ~~of the court against any person for any of the offenses enumerated under the chapter~~
20 ~~committed within the district.~~

21 ~~(v) Boating safety enforcement officers shall not be required to give surety for~~
22 ~~costs upon any complaint made by him or her.~~

23 ~~(C) The development and administration of a coordinated safe boating program.~~

24 ~~(D) The establishment and enforcement of such rules and regulations as are~~
25 ~~deemed necessary to achieve the purposes of the Model Safe Boating Act as approved by~~
26 ~~the administrator.~~

27 ~~(E) Serving as the liaison to the United States coast guard.~~

28 ~~(F) The administration of the operation and control of all state owned and state~~
29 ~~maintained boat ramps. The administrator shall permit the use of such ramps by Rhode~~
30 ~~Island owners of any boat or motorboat consistent with the limitations on speed on bodies~~

1 of water as set forth in chapter 22 of title 46. This authority shall not supercede any
2 currently existing state or federal requirements or program oversight.

3 (G) The administration of the registration process for all boats.

4 ~~**42-17.1-4. Divisions within the branch of environmental protection.**~~ Within
5 the environmental protection branch, the following divisions are established:

6 (a) A division of air pollution control which shall carry out those functions
7 including but not limited to permitting, enforcement, and regulatory matters relating
8 thereto including but not limited to those functions in chapters 23 and 23.1 of title 23, and
9 such other functions and duties as may from time to time be assigned by the
10 commissioner;

11 (b) A division of solid and hazardous waste which shall carry out those functions
12 including but not limited to permitting, enforcement and regulatory functions relating to
13 but not limited to chapters 18.9, 19.1, 19.4, 19.8 of title 23, and such other functions and
14 duties as may from time to time be assigned by the commissioner;

15 (c) A division of groundwater and individual sewage disposal systems which shall
16 carry out those permitting, enforcement, and regulatory functions relating to groundwater
17 protection and regulation of individual sewage disposal systems, including, but not
18 limited to those functions set forth in § 42-17.1-9(h)(1) herein and chapter 19.5 and
19 chapters 12, 12.1, 13.1, and 13.2 of title 46, and such other functions and duties as may
20 from time to time be assigned by the commissioner.

21 (d) A division of freshwater wetlands which shall carry out those functions
22 including but not limited to permitting, enforcement, and regulatory functions relating but
23 not limited to those functions in chapter 19 of title 46, and in § 2-1-18 et seq., except
24 where the authority is vested in the division of agriculture under § 2-1-22, and such other
25 functions and duties as may from time to time be assigned by the commissioner;

26 (e) A division of water pollution control which shall carry out those permitting,
27 enforcement, and regulatory functions relating thereto including, but not limited to those
28 functions in chapters 12, 16 and 17.1 of title 46 and chapter 8.1 of title 20, and such other
29 functions and duties as may from time to time be assigned by the commissioner.

30 (f) A division of criminal investigation, which shall coordinate all criminal
31 enforcement proceedings for the department. The commissioner for environmental

1 ~~protection shall have the authority to assign investigative agents to other branches or~~
2 ~~divisions, or to the director, as required to effectuate the purposes of this chapter, and in~~
3 ~~addition thereto, shall have authority to appoint such number of investigative agents,~~
4 ~~under the supervision of a commander, as may be necessary for the detection and~~
5 ~~prosecution of any violation of the laws of the state enumerated in this chapter.~~
6 ~~Investigative agents shall be deemed peace officers within the meaning of § 11-32-1. The~~
7 ~~commissioner of environmental protection, and each investigative agent, shall have the~~
8 ~~power:~~

9 (1) ~~To enforce all laws, rules, and regulations of the state pertaining to:~~

10 (i) ~~Hazardous and solid waste transportation, storage, and disposal and any other~~
11 ~~laws of the state pertaining to solid and/or hazardous waste;~~

12 (ii) ~~Air pollution and water pollution, including groundwater pollution;~~

13 (iii) ~~Freshwater wetlands, dams;~~

14 (iv) ~~Drinking water supplies;~~

15 ~~Nothing contained herein shall abrogate or affect the powers and duties of the department~~
16 ~~of health in chapters 13 and 14 of title 46.~~

17 (2) ~~To issue summonses and to execute all warrants and search warrants for the~~
18 ~~violation of the laws, rules, and regulations enumerated in this chapter and~~
19 ~~subsection (6);~~

20 (3) ~~To serve subpoenas for the trial or hearing of all offenses against the laws,~~
21 ~~rules, and regulations enumerated by this chapter and subsection (6);~~

22 (4) ~~To arrest without a warrant any person found violating any law, rule, or~~
23 ~~regulation enumerated in this chapter or in subsection (6), take such person before a court~~
24 ~~of competent jurisdiction and detain such person in custody of the state until arraignment~~
25 ~~except when a summons can be issued in accordance with § 12-7-11;~~

26 (5) ~~To carry firearms or other weapons, concealed or otherwise, in the course of~~
27 ~~and in the performance of the duties of the office;~~

28 (6) ~~To arrest without a warrant, to execute all warrants and search warrants, and to~~
29 ~~make and execute complaints within said district to the justice or clerk of the district~~
30 ~~court without recognizance or surety, against any person for assault; assault with a~~

1 dangerous weapon; larceny; vandalism; and obstructing an officer in the execution of his
2 or her duty.

3 ~~**42-17.1-5. Appointment of commissioners Assistant commissioners.**~~ (a) The
4 head of the environmental protection branch shall be the commissioner of environmental
5 protection, who shall be in the unclassified service and shall be appointed by the
6 governor, with the advice and consent of the senate. There shall be an assistant
7 commissioner of environmental protection who shall be in the classified service.

8 (b) The head of the environmental management branch shall be the commissioner
9 of environmental management, who shall be in the unclassified service and shall be
10 appointed by the governor, with the advice and consent of the senate. There shall be an
11 assistant commissioner for environmental service who shall be in the classified service.

12 (c) The head of the coastal resources management branch shall be the
13 commissioner of coastal resources who shall be in the unclassified service and shall be
14 appointed by the coastal resources management council. There shall be an assistant
15 commissioner for coastal resources management who shall be in the unclassified service
16 and who shall be appointed by the coastal resources management council.

17 ~~**42-17.1-6. Director's staff.**~~ The director shall designate an assistant, a legislative
18 liaison, and a secretary who shall perform such functions necessary to assist the director
19 in the performance of his or her powers and duties.

20 ~~**42-17.1-7. Appointment of assistant directors.**~~ The director shall appoint the
21 assistant directors who shall be in the classified service. The head of the policy and
22 planning branch shall be the assistant director for policy and planning. The head of the
23 administration branch shall be the assistant director for administration. The head of the
24 information, education, and special projects branch shall be the assistant director for
25 information, education, and special projects. The head of the water resources
26 management branch shall be the assistant director for water resources management.

27 ~~**42-17.1-8. Appointment of attorneys.**~~ The director shall assign and appoint
28 attorneys to represent the interests of the department. The commissioners of
29 environmental management and environmental protection shall assign and appoint
30 attorneys to represent the interests of their respective branches. The coastal resources

1 management council shall appoint attorneys to represent the coastal resources
2 management branch.

3 **42-17.1-9. Powers and duties of the director.** The director of the department of
4 the environment shall have the following powers and duties:

5 (a) To develop policies to guide all environmental programs;

6 (b) To advocate and represent the interests of the environment before the federal
7 and state governments, agencies, courts and the general assembly;

8 (c) To oversee and coordinate the activities of the branches of environmental
9 management and environmental protection and to supervise and control the branches of
10 policy and planning, administration, information, education and special projects, and
11 water resource management;

12 (d) To prepare an annual state of the environment report for presentation to the
13 governor and the general assembly;

14 (e) To prepare an annual five (5) year plan for environmental protection and
15 management for presentation to the governor and the general assembly;

16 (f) To participate as an advocate in environmental permitting, licensing, and
17 enforcement proceedings within the branches of environmental management,
18 environmental protection, or coastal resources management or to intervene, as a matter of
19 right, in any such proceeding pending in the administrative adjudication branch or in the
20 federal and state courts, provided, however, that except as otherwise specifically provided
21 in this chapter, the director shall have no authority to issue or to deny or to modify or to
22 amend a permit or a license, arising from the regulatory authority contained in the
23 environmental management, environmental regulatory or coastal resources management
24 branches provided, however, that the director shall have the authority to initiate a civil
25 action in any court of competent jurisdiction against any person to enforce, or to restrain
26 the violation of, any promulgated state or federal environmental quality standard which is
27 designed to prevent or minimize pollution, impairment, or destruction of the
28 environment.

29 (g) To establish policies for the coordinated review of permit applications when
30 review and approval of an application is required by more than one branch of the
31 department;

1 ~~(h) To develop, adopt, modify, and repeal all rules and regulations to carry out the~~
2 ~~functions of the department under any provision of the laws of this state and under any~~
3 ~~provision of law authorizing the promulgation of rules and regulations by the director of~~
4 ~~the department of environmental management, including but not limited to:~~

5 ~~(1) Establishing minimum standards relating to the location, design, construction,~~
6 ~~and maintenance of all sewage disposal systems;~~

7 ~~(2) Establishing minimum standards for the establishment and maintenance of~~
8 ~~salutary environmental conditions;~~

9 ~~(3) Establishing minimum standards for permissible types of septage, industrial~~
10 ~~waste disposal sites, and waste oil sites;~~

11 ~~(4) Establishing minimum standards for permissible types of refuse disposal~~
12 ~~facilities, the design, construction, operation, and maintenance of disposal facilities; and~~
13 ~~the location of various types of facilities, except those mandated by statute;~~

14 ~~(5) Establishing standards for all administrative and enforcement functions~~
15 ~~necessary for the administration of chapters 19.1 and 19.4 of title 23.~~

16 ~~(6) Designating in writing with the approval of the applicable commissioner any~~
17 ~~person in any department of the state government or any official of a district, county, city,~~
18 ~~town, or other governmental unit, with that official's consent, to enforce any rule,~~
19 ~~regulation, or order promulgated and adopted by the director under any provision of law;~~

20 ~~(7) Issuing such rules, regulations, and/or orders as may be necessary to carry out~~
21 ~~the duties assigned to the director or to the commissioners and/or to the department by~~
22 ~~any provision of law;~~

23 ~~(8) Establishing fee schedules by regulation with the approval of the governor for~~
24 ~~the processing of applications and the performing of related activities in connection with~~
25 ~~the department's responsibilities including but not limited to applications pursuant to §~~
26 ~~42-17.1-4; chapters 18.9, 19.1, 19.5, and 23 of title 23; and chapters 12 and 13.1 of title~~
27 ~~46, insofar as such relate to water quality certifications and related reviews performed~~
28 ~~pursuant to provisions of the federal Clean Water Act, 33 U.S.C. § 1251 et seq., the~~
29 ~~regulation and administration of underground storage tanks and all other programs~~
30 ~~administered, under that chapter 12.1 and reviews related to activities performed under~~
31 ~~the provisions of the Groundwater Protection Act, and § 2-1-18 et seq.~~

1 ~~(9) Consistent with federal standards, to issue such rules, regulations and orders as~~
2 ~~may be necessary to establish requirements for maintaining evidence of financial~~
3 ~~responsibility for taking corrective action and compensating third parties for bodily injury~~
4 ~~and property damage caused by sudden and nonsudden accidental releases arising from~~
5 ~~operating underground storage tanks.~~

6 ~~(i) To cooperate with, advise, and guide conservation commissions of cities and~~
7 ~~towns created under chapter 35 of title 45.~~

8 ~~(j) To assist municipal water supply agencies and commercial, residential, and~~
9 ~~institutional water users in developing and implementing programs, plans, and policies~~
10 ~~for the safe and efficient administration, management, conservation, and protection of the~~
11 ~~water supply, including plans for water supply emergencies;~~

12 ~~(k) To assist municipal water supply agencies in implementing plans and~~
13 ~~programs developed by the division of planning of the department of administration for~~
14 ~~the augmentation of water supplies when demonstrable need exists following the~~
15 ~~achievement of reasonable levels of conservation, management, and protection;~~

16 ~~(l) To assist municipal water supply agencies in implementing plans and programs~~
17 ~~developed by the division of state planning of the department of administration for~~
18 ~~integrating public water supply systems with public sewer systems;~~

19 ~~(m) To conduct biennial on site inspections of all public water supply wells and~~
20 ~~surface water supplies and to report to the director of the department of health and to any~~
21 ~~community serviced by such supply any recommendations for the safe and efficient~~
22 ~~administration, management, and protection of such wells and supplies;~~

23 ~~(n) To regulate the proper development, protection, conservation, and use of the~~
24 ~~water resources of the state pursuant to chapter 15 of title 46;~~

25 ~~(o) To apply for and accept grants and bequests of funds from other states,~~
26 ~~interstate agencies and independent authorities, and private firms, individuals and~~
27 ~~foundations, for the purpose of carrying out his lawful responsibilities. The funds shall be~~
28 ~~deposited with the general treasurer in a restricted receipt account established within the~~
29 ~~department to permit funds to be expended in accordance with the provisions of the grant~~
30 ~~or bequest;~~

1 ~~(p) To supervise and control the protection, development, planning, and~~
2 ~~utilization of the natural resources of the state, such resources including (but not limited~~
3 ~~to) water, plants, trees, soil, clay, sand, gravel, rocks and other minerals, air, mammals,~~
4 ~~birds, reptiles, amphibians, fish, shellfish, and other forms of aquatic, insect, and animal~~
5 ~~life;~~

6 ~~(q) To take such steps including but not limited to matters related to funding as~~
7 ~~may be necessary to establish recreational facilities and areas as are deemed to be in the~~
8 ~~public interest; to acquire any interest in land by purchase, gift, bequest or devise~~
9 ~~necessary or incidental for carrying out his or her duties and responsibilities under this~~
10 ~~chapter, and/or to enter into contracts and agreements with persons or groups to facilitate~~
11 ~~acquisition of land for preservation or development of recreational resources for the~~
12 ~~benefit of the public;~~

13 ~~(r) To exercise the powers and duties as set forth in chapter 24.3 of title 23;~~

14 ~~(s) Subject to the prior approval of the governor, to assign or reassign any~~
15 ~~functions, duties, or powers established by this chapter to any agency within the~~
16 ~~department, except as hereinafter limited;~~

17 ~~(t) To establish and maintain a list or inventory of areas within the state worthy of~~
18 ~~special designation as "scenic" to include but not be limited to certain state roads or~~
19 ~~highways, scenic vistas and scenic areas, and to make the list available to the public;~~

20 ~~(u) In order for the director to effectuate the powers and duties given to him or her~~
21 ~~herein, the director is authorized to issue licenses and permits and to take administrative,~~
22 ~~civil and/or criminal action to enforce the authorities delegated as enforcement programs~~
23 ~~to the policy and planning branch, the information, education and special projects branch,~~
24 ~~the water resources branch, and the administrative branch. Nothing herein shall be~~
25 ~~construed to abrogate or assume the powers granted to the commissioners;~~

26 ~~(v) To conduct surveys of the present private and public camping and other~~
27 ~~recreational areas available and to determine the need for and location of such other~~
28 ~~camping and recreational areas as may be deemed necessary and in the public interest;~~

29 ~~(w) Additionally, the commissioner for environmental management shall take~~
30 ~~such additional steps including but not limited to matters related to funding as may be~~

1 necessary to establish such other additional recreational facilities and areas as are deemed
2 to be in the public interest;

3 ~~(x) To annually prepare in consultation with the commissioners of environmental
4 management and environmental protection branches an operating budget and a capital
5 development budget for the department of the environment and its various branches; said
6 budgets to be submitted by the director to the governor for his or her approval;~~

7 ~~(1) The operating budget shall account for and provide for the disbursement,
8 subject to statutory limitations on disbursements from restricted receipt accounts of all
9 anticipated revenues, grants, and receipts, regardless of their source, including restricted
10 receipt accounts, collected by any branch of the department necessary to support the
11 operations, activities and responsibilities of the department and its branches.~~

12 ~~(2) The operating budget shall likewise identify funds requested to be
13 appropriated by the General Assembly to support the operations, activities, and
14 responsibilities of the department and its branches.~~

15 ~~(3) The capital development budget shall likewise account for and provide for the
16 disbursement, subject to statutory limitations on disbursements from restricted receipt
17 accounts, of all anticipated revenues, grants and receipts, regardless of their source,
18 collected by any branch of the department, including restricted receipt accounts,
19 necessary to undertake the development of or improvement of facilities maintained by the
20 department and its branches and shall additionally identify funds requested to be obtained
21 by the sale of bonds.~~

22 ~~(y) Nothing contained in this section shall abrogate or affect the powers of the
23 coastal resources management council enumerated in chapter 23 of title 46 and, provided
24 further, that the coastal resources management council budget shall be submitted by the
25 commissioner of coastal resources to the director of the environment to be included as a
26 separate item in the budget submission to the governor and all present services provided
27 by the department of environmental management to the coastal resources management
28 council shall be provided to the coastal resources management council by the department
29 of the environment.~~

1 **42-17.1-10. Powers and duties — Commissioner of environmental**
2 **management branch.** The commissioner of environmental management shall have the
3 following powers and duties:
4 (a) ~~To supervise and control the implementation of departmental laws,~~
5 ~~departmental policies, and regulations relating to the protection, development, and~~
6 ~~utilization of the natural resources of the state;~~
7 (b) ~~To exercise all functions, powers, and duties relating to the implementation of~~
8 ~~laws, departmental policies and regulations heretofore vested in the department of~~
9 ~~agriculture and conservation, and in each of the divisions of the department, such as the~~
10 ~~promotion of agriculture and animal husbandry in their several divisions, including the~~
11 ~~inspection and suppression of contagious diseases among animals, the regulation of the~~
12 ~~marketing of farm products, the inspection of orchards and nurseries, the protection of~~
13 ~~trees and shrubs from injurious insects and diseases, protection from forest fires, the~~
14 ~~inspection of apiaries and the suppression of contagious diseases among bees, prevention~~
15 ~~of the sale of adulterated or misbranded agricultural seeds, promotion and encouragement~~
16 ~~of the work of farm bureaus in cooperation with the University of Rhode Island farmers'~~
17 ~~institutes and the various organizations established for the purpose of developing an~~
18 ~~interest in agriculture, together with such other agencies and activities as the governor~~
19 ~~and the general assembly may from time to time place under the control of the~~
20 ~~department and the branch, and as heretofore vested by such of the following chapters~~
21 ~~and sections of the general laws as are presently applicable to the department and which~~
22 ~~were previously applicable to the department of environmental management, department~~
23 ~~of natural resources, and the department of agriculture and conservation or to any of its~~
24 ~~divisions; §§ 2-1-1—2-1-10 and 2-1-21(i), and chapters 2—23 of title 2; chapters 1—17,~~
25 ~~inclusive, in title 4; chapters 1—19, inclusive, of title 20; chapters 1—32, inclusive, of~~
26 ~~title 21; chapter 7 of title 23; and by any other general or public law relating to the~~
27 ~~department of agriculture and conservation or to any of its divisions or bureaus;~~
28 (c) ~~To exercise all the functions, powers, and duties relating to the implementation~~
29 ~~of the General Laws and departmental policies and regulations heretofore vested in the~~
30 ~~division of parks and recreation of the department of public works by chapters 1 and 5 of~~

1 ~~title 32; by chapter 22.5 of title 23; and by any other general or public law relating to the~~
2 ~~division of parks and recreation;~~

3 ~~(d) To exercise all the functions, powers, and duties relating to the~~
4 ~~implementation of departmental policies and regulations heretofore vested in the division~~
5 ~~of harbors and rivers of the department of public works, or in the department itself by~~
6 ~~such as were previously applicable to the division or the department, of chapters 1—11~~
7 ~~and chapters 22 and 22.1 and sections thereof, of title 46, and by any other general or~~
8 ~~public law relating to the division of harbors and rivers, except those duties delegated to~~
9 ~~the coastal resources management council;~~

10 ~~(e) To exercise all the functions, powers, and duties relating to the implementation~~
11 ~~of departmental policies and regulations heretofore vested in the department of health by~~
12 ~~chapter 25 of title 23, and including but not limited to chapters 3, 4, 5, 6, 7, 9, 11, 13, 18,~~
13 ~~and 19 of title 4, and those functions, powers, and duties formerly vested in the director~~
14 ~~of the department of environmental management by the provisions of § 21-2-22, together~~
15 ~~with other powers and duties of the director of the department of health as are incidental~~
16 ~~to or necessary for the performance of the functions herein;~~

17 ~~(f) To enter, examine, or survey at any reasonable time such places as the~~
18 ~~commissioner deems necessary to carry out his or her responsibilities under any provision~~
19 ~~of law;~~

20 ~~(g) To give notice of an alleged violation of law to the person responsible therefor~~
21 ~~whenever the commissioner determines that there are reasonable grounds to believe that~~
22 ~~there is a violation of any provision of law within his or her jurisdiction or of any rule or~~
23 ~~regulation adopted pursuant to authority granted to the department of the environment,~~
24 ~~unless other notice and hearing procedure is specifically provided by that law;~~

25 ~~(h) To impose administrative penalties in accordance with the provisions of~~
26 ~~chapter 17.6 of this title and to direct that these penalties be paid into the environmental~~
27 ~~protection branch fund;~~

28 ~~(i) To cooperate with, advise, and guide conservation commissions of cities and~~
29 ~~towns created under chapter 35 of title 45;~~

30 ~~(j) To make recommendations to the director relative to rules and regulations~~
31 ~~promulgated by the director;~~

1 ~~(k) To bring civil or injunctive actions in any court of competent jurisdiction if in~~
2 ~~the judgment of the commissioner any firm, person, or corporation has violated the~~
3 ~~provisions of any law, rule, or regulation within his or her jurisdiction. Whenever such a~~
4 ~~prosecution shall take place, the commissioner shall not be required to give surety for the~~
5 ~~payment of costs. Any criminal prosecutions brought in the name of the commissioner~~
6 ~~shall be prosecuted by the attorney general.~~

7 ~~**42-17.1-11. Powers and duties — Commissioner of environmental protection**~~
8 ~~**branch.** The commissioner of environmental protection shall have the following powers~~
9 ~~and duties:~~

10 ~~(a) To enforce, by such means as provided by law, the policies and regulations~~
11 ~~adopted by the director for the quality of air, water, solid and hazardous waste, freshwater~~
12 ~~wetlands, groundwater, and the design, construction and operation of all sewage disposal~~
13 ~~systems. Any order or notice issued by the said commissioner relating to the location,~~
14 ~~design, construction or maintenance of a sewage disposal system shall be eligible for~~
15 ~~recording under chapter 13 of title 34. The commissioner shall forward the order or~~
16 ~~notice to the city or town wherein the subject property is located and the order or notice~~
17 ~~shall be recorded in the general index by the appropriate municipal official in the land~~
18 ~~evidence records in the city or town wherein the subject property is located. Any~~
19 ~~subsequent transferee of that property shall be responsible for complying with the~~
20 ~~requirements of the order or notice. Upon satisfactory completion of the requirements of~~
21 ~~the order or notice, the commissioner shall provide written notice of the same, which~~
22 ~~notice shall be similarly eligible for recording. The original written notice shall be~~
23 ~~forwarded to the city or town wherein the subject property is located and the notice of~~
24 ~~satisfactory completion shall be recorded in the general index by the appropriate~~
25 ~~municipal official in the land evidence records in the city or town wherein the subject~~
26 ~~property is located. A copy of the written notice shall be forwarded to the owner of the~~
27 ~~subject property within five (5) days of a request for it, and, in any event, shall be~~
28 ~~forwarded to the owner of the subject property within thirty (30) days after satisfactory~~
29 ~~completion. Nothing herein shall be construed to abrogate or modify any recording~~
30 ~~provision embodied in other titles of the General Laws.~~

1 ~~(b)(1) To carry out all functions, powers, and duties relating to the~~
2 ~~implementation of departmental policies and regulations for the administration of~~
3 ~~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,~~
4 ~~13.2, 16, 17.1, and 19 of title 46; and § 2-1-18 et seq., in title 2.~~

5 ~~(2) Nothing contained herein shall abrogate or affect the powers and duties of the~~
6 ~~department of health in chapter 13 of title 46, or in chapter 14 of title 46.~~

7 ~~(c)(1) To enforce such laws, rules, and regulations, and/or orders as may be~~
8 ~~necessary to carry out the duties assigned by the director or to the commissioner, and/or~~
9 ~~to the department by any provision of law; and to conduct such investigations and~~
10 ~~hearings and to issue, suspend, and revoke such permits or licenses as may be necessary~~
11 ~~to enforce those rules, regulations, and orders.~~

12 ~~(2) Notwithstanding the provisions of § 42-35-9 to the contrary, no informal~~
13 ~~disposition of a contested permitting and/or licensing matter shall occur where resolution~~
14 ~~substantially deviates from the original application unless all interested parties shall be~~
15 ~~notified of said proposed resolution and provided with opportunity to comment upon said~~
16 ~~resolution pursuant to applicable law and any rules and regulations established by the~~
17 ~~director;~~

18 ~~(d) To enter, examine, or survey at any reasonable time such places as the~~
19 ~~commissioner deems necessary to carry out his or her responsibilities under any provision~~
20 ~~of law;~~

21 ~~(e) To give notice of an alleged violation of law to the person responsible therefor~~
22 ~~whenever the commissioner determines that there are reasonable grounds to believe that~~
23 ~~there is a violation of any provision of law within his or her jurisdiction or of any rule or~~
24 ~~regulation adopted pursuant to authority granted to the department of the environment,~~
25 ~~unless other notice and hearing procedure is specifically provided by that law;~~

26 ~~(f) To impose administrative penalties in accordance with the provisions of~~
27 ~~chapter 17.6 of this title and to direct that such penalties be paid into the environmental~~
28 ~~protection branch fund;~~

29 ~~(g) Consistent with federal standards, enforce such rules, regulations and orders as~~
30 ~~may be promulgated by the director which establish requirements for maintaining~~
31 ~~evidence of financial responsibility for taking corrective action and compensating third~~

1 parties for bodily injury and property damage caused by sudden and nonsudden
2 accidental releases arising from operating underground storage tanks;

3 (h) To make recommendations to the director relative to rules and regulations
4 promulgated by the director;

5 (i) To bring civil or injunctive actions in any court of competent jurisdiction if in
6 the judgment of the commissioner any firm, person, or corporation has violated the
7 provisions of any law, rule, or regulation within his or her jurisdiction. Whenever such a
8 prosecution shall take place, the commissioner shall not be required to give surety for the
9 payment of costs. Any criminal prosecutions brought in the name of the commissioner
10 shall be prosecuted by the attorney general.

11 **42-17.1-12. Powers and duties — Commissioner of coastal resources**
12 **management branch.** The commissioner of the coastal resources management branch
13 shall have the following powers and duties:

14 (a) To issue, modify, or deny permits for any work in, above, or beneath the areas
15 under coastal resources management council jurisdiction, including conduct of any form
16 of aquaculture, at the direction of the coastal resources management council.

17 (b) To issue, modify, or deny permits for dredging, filling, or any other physical
18 alteration of coastal wetlands and all directly related contiguous areas which are
19 necessary to preserve the integrity of the wetlands, at the direction of the coastal
20 resources management council.

21 (c) To grant licenses, permits, and easements for the use of coastal resources
22 which are held in trust by the state for all its citizens, and impose fees for private use of
23 these resources, at the direction of the coastal resources management council.

24 (d) To carry out all other functions and duties delegated by the coastal resources
25 management council.

26 (e) Nothing contained herein shall abrogate or affect the powers and duties of the
27 director and/or the commissioners of environmental management and environmental
28 protection in areas of their respective jurisdiction.

29 **42-17.1-13. Advisory council on environmental affairs.** (a) The advisory
30 council on environmental affairs shall, among other things, advise the governor and the
31 director on matters involving environmental management, environmental protection,

1 natural resources, policies, plans, and goals for the department, identify problems within
2 the various functions of the department, assist the director in the exploration and
3 development of new initiatives, review quarterly, annual, and five (5) year reports
4 prepared by the director, review the interim and final reports prepared by the
5 environmental quality study commission and explore and develop alternatives for the
6 implementation of the goals, initiatives, and directives from the reports. The council shall
7 report to the governor, the general assembly and the director and shall meet not less than
8 once every three (3) months. The members shall meet initially at the call of the governor
9 and shall at their first meeting elect a chairman, secretary and any other officers which
10 are deemed necessary. Council members shall not be compensated for services. Meetings
11 may be called by the chairman or by any five (5) members. The chairman shall establish
12 the agenda for council meetings. The assistant director for planning for the department
13 may provide to the council, following a request, technical assistance, resources and/or
14 support staff.

15 (b) The council shall consist of eleven (11) members as follows: one member
16 from the Rhode Island senate appointed by the President of the Senate; one member from
17 the Rhode Island house of representatives appointed by the speaker of the house of
18 representatives; and nine (9) members from the general public appointed by the governor.
19 The general public members shall have interest in natural resources, environmental
20 management and protection, and/or public or environmental health and may be selected
21 from residential and/or commercial builders or land developers, marine industries,
22 agricultural industries, hunting and sport fishing groups, environmental advocacy groups,
23 conservation groups, academicians, and engineering or consulting firms. The governor
24 shall endeavor to appoint members representing the diverse constituents of the
25 department.

26 (c) When this chapter takes effect, the governor shall appoint four (4) members
27 who shall serve until the thirtieth day of June, 1991, and five (5) members who shall
28 serve until the thirtieth day of June, 1992, and all to serve until their successors are
29 appointed and qualified. In the month of May, 1991, and in the month of May in each
30 applicable year thereafter, the governor shall appoint successors to the members of the
31 council whose terms shall expire in such year, to hold office commencing on the first day

1 of July in said year for three (3) year terms and until their respective successors are
2 appointed and qualified. The appointees of the President of the Senate and the speaker of
3 the house of representatives shall serve until the thirtieth day of June, 1991, and shall
4 serve until their successors are appointed and qualified. In the month of May, 1991, and
5 in the month of May in each applicable year thereafter, the President of the Senate shall
6 appoint a successor to the member of the council whose term shall expire in such year to
7 hold office commencing on the first day of July in said year for a three (3) year term and
8 until a successor is appointed and qualified. In the month of May, 1991, and in the month
9 of May in each applicable year thereafter, the speaker of the house of representatives
10 shall appoint a successor to the member of the council whose term shall expire in such
11 year to hold office commencing on the first day of July in said year for a three (3) year
12 term and until a successor is appointed and qualified. Any vacancy which may occur in
13 the council shall be filled by the applicable appointing official for the remainder of the
14 unexpired term.

15 **42-17.1-13. Advisory council on environmental affairs.** (a) The advisory
16 council on environmental affairs shall, among other things, advise the governor and the
17 director on matters involving environmental management, environmental protection,
18 natural resources, policies, plans, and goals for the department, identify problems within
19 the various functions of the department, assist the director in the exploration and
20 development of new initiatives, review quarterly, annual, and five (5) year reports
21 prepared by the director, review the interim and final reports prepared by the
22 environmental quality study commission and explore and develop alternatives for the
23 implementation of the goals, initiatives, and directives from the reports. The council shall
24 report to the governor, the general assembly and the director and shall meet not less than
25 once every three (3) months. The members shall meet initially at the call of the governor
26 and shall at their first meeting elect a chairman, secretary and any other officers which
27 are deemed necessary. Council members shall not be compensated for services. Meetings
28 may be called by the chairman or by any five (5) members. The chairman shall establish
29 the agenda for council meetings. The assistant director for planning for the department
30 may provide to the council, following a request, technical assistance, resources and/or
31 support staff.

1 ~~(b) The council shall consist of eleven (11) members as follows: one member~~
2 ~~from the Rhode Island senate appointed by the president of the senate; one member from~~
3 ~~the Rhode Island house of representatives appointed by the speaker of the house of~~
4 ~~representatives; and nine (9) members from the general public appointed by the governor.~~
5 ~~The general public members shall have interest in natural resources, environmental~~
6 ~~management and protection, and/or public or environmental health and may be selected~~
7 ~~from residential and/or commercial builders or land developers, marine industries,~~
8 ~~agricultural industries, hunting and sport fishing groups, environmental advocacy groups,~~
9 ~~conservation groups, academicians, and engineering or consulting firms. The governor~~
10 ~~shall endeavor to appoint members representing the diverse constituents of the~~
11 ~~department.~~

12 ~~(c) When this chapter takes effect, the governor shall appoint four (4) members~~
13 ~~who shall serve until the thirtieth day of June, 1991, and five (5) members who shall~~
14 ~~serve until the thirtieth day of June, 1992, and all to serve until their successors are~~
15 ~~appointed and qualified. In the month of May, 1991, and in the month of May in each~~
16 ~~applicable year thereafter, the governor shall appoint successors to the members of the~~
17 ~~council whose terms shall expire in such year, to hold office commencing on the first day~~
18 ~~of July in said year for three (3) year terms and until their respective successors are~~
19 ~~appointed and qualified. The appointees of the president of the senate and the speaker of~~
20 ~~the house of representatives shall serve until the thirtieth day of June, 1991, and shall~~
21 ~~serve until their successors are appointed and qualified. In the month of May, 1991, and~~
22 ~~in the month of May in each applicable year thereafter, the president of the senate shall~~
23 ~~appoint a successor to the member of the council whose term shall expire in such year to~~
24 ~~hold office commencing on the first day of July in said year for a three (3) year term and~~
25 ~~until a successor is appointed and qualified. In the month of May, 1991, and in the month~~
26 ~~of May in each applicable year thereafter, the speaker of the house of representatives~~
27 ~~shall appoint a successor to the member of the council whose term shall expire in such~~
28 ~~year to hold office commencing on the first day of July in said year for a three (3) year~~
29 ~~term and until a successor is appointed and qualified. Any vacancy which may occur in~~
30 ~~the council shall be filled by the applicable appointing official for the remainder of the~~
31 ~~unexpired term.~~

1 ~~**42-17.1-14. Statewide environmental plan.**~~ (a) The director of the department
2 of the environment shall formulate and from time to time revise a statewide
3 environmental plan for the management and protection of the quality of the environment
4 and the natural resources of the state in furtherance of the legislative policy. The plan
5 shall establish environmental goals and objectives and describe strategies for their
6 achievement. In developing the plan the director shall consider any other statewide
7 policies and plans he or she deems appropriate. The first of such plans shall be submitted
8 to the governor and the general assembly on or before January 1, 1992, and revisions, at
9 intervals of five (5) years thereafter, shall be made thereto. This plan shall serve as a
10 guide for the people of the state and for the state and its political subdivisions for the
11 preservation of the environment.

12 (b) The advisory council to the department of the environment shall assist the
13 director in preparing the plan and any revisions thereto.

14 (c) The director shall annually conduct a conference to report achievement of the
15 goals and objectives established in the plan and to encourage public discussion of
16 environmental concerns.

17 (d) The director of the department of the environment shall submit annually to the
18 governor and the general assembly an environmental quality report, which shall set forth:

19 (1) The status of the major environmental categories including, but not limited to,
20 the air, the water and the land environment;

21 (2) Current and foreseeable trends in the quality management and utilization of
22 the environment and the effect of such trends on the social, economic, and health
23 requirements of the state;

24 (3) The adequacy of available natural resources for fulfilling human and
25 economic requirements of the state in the light of projected population pressures;

26 (4) A review of the programs and activities of the state and local governments and
27 private organizations with particular reference to their effect on the environment and on
28 the conservation, development, and utilization of natural resources;

29 (5) A program for remedying the deficiencies of existing programs and activities,
30 together with recommendations for legislation; and

1 ~~(6) The progress towards achievement of the goals and objectives established in~~
2 ~~the statewide environmental plan.~~

3 ~~**42-17.1-15. Powers of the policy and planning branch.** The policy and~~
4 ~~planning branch shall consist of the division of planning and development, the~~
5 ~~Narragansett Bay Project, and the division of environmental planning. The division of~~
6 ~~environmental planning shall coordinate the administration of permitting of projects~~
7 ~~within the branches of environmental management and environmental protection,~~
8 ~~coordinate all data base activities, and coordinate the development of rules and~~
9 ~~regulations to be administered by all branches, provided, however, that this section shall~~
10 ~~not abrogate or affect the powers and duties of the coastal resources management council~~
11 ~~under chapter 23 of title 46.~~

12 ~~**42-17.1-16. Powers of the water supply management branch.** The water~~
13 ~~supply management branch shall serve as staff to the water resources board established in~~
14 ~~chapter 15.1 of title 46 and shall perform water supply planning, development, and~~
15 ~~protection, and shall oversee and coordinate water supply use and reduction of use and~~
16 ~~such other functions and duties as may from time to time be assigned by the director.~~
17 ~~Nothing contained herein shall abrogate or affect the powers and duties of the coastal~~
18 ~~resources management council under chapter 23 of title 46.~~

19 ~~**42-17.1-17. Permits and licenses — Issuance or denial — Judicial review.** (a)~~
20 ~~The commissioner of the branch with jurisdiction over the permit, license, or enforcement~~
21 ~~proceeding shall review all decisions rendered by the administrative adjudication branch~~
22 ~~as pertaining to permitting, licensing, or enforcement proceedings. The commissioner~~
23 ~~may in his or her discretion adopt, modify, or reject the findings of fact or conclusions of~~
24 ~~law provided, however, that any such modification or rejection of the proposed findings~~
25 ~~of fact or conclusions of law shall be in writing and shall state the rationale therefor. In~~
26 ~~all permitting or licensing proceedings, and based upon said review, the commissioner~~
27 ~~shall issue or deny the permit or the license. The commissioner shall have no direct or~~
28 ~~indirect involvement in the investigation of or presentation of any contested permitting,~~
29 ~~licensing, or enforcement proceeding. Notwithstanding the provisions of § 42-35-13, the~~
30 ~~commissioner shall have no communication, directly or indirectly, with a hearing officer~~
31 ~~relating to any issue of fact or law on any matter then pending before the hearing officer.~~

1 ~~(b) Any party or intervenor to a contested permitting, licensing, or enforcement~~
2 ~~proceeding aggrieved by the decision of the commissioner may, within thirty (30) days~~
3 ~~from the date of issuance of the commissioner's decision, obtain judicial review in the~~
4 ~~manner and according to the standards and procedures provided in chapter 35 of title 42.~~

5 ~~(c) There are hereby transferred from the director of the department of~~
6 ~~environmental management to the respective commissioners of the department of the~~
7 ~~environment all functions of the director as apply to these commissioners relating to~~
8 ~~enforcement, permitting, or licensing proceedings and including all administrative~~
9 ~~adjudication proceedings wherein said director adopts, modifies, or rejects a decision~~
10 ~~rendered by a hearing officer of said administrative adjudication branch. Nothing herein~~
11 ~~shall abrogate or effect the powers and duties of the coastal resources management~~
12 ~~council in chapter 23 of title 46.~~

13 ~~**42-17.1-18. Transfer of functions from existing divisions of the department to**~~
14 ~~**the environmental protection branch.**~~ ~~(a) There are hereby transferred to the division~~
15 ~~of air pollution control, those functions of the division of air and hazardous materials of~~
16 ~~the department of environmental management as pertain to air and air pollution control.~~

17 ~~(b) There are hereby transferred to the division of solid and hazardous waste,~~
18 ~~those functions of the department of environmental management as pertain to hazardous~~
19 ~~wastes and materials and those functions of the division as pertain to solid waste.~~

20 ~~(c) There are hereby transferred to the division of groundwater and individual~~
21 ~~sewage disposal systems those functions of the division of groundwater and freshwater~~
22 ~~wetlands of the department of environmental management as pertain to groundwater and~~
23 ~~individual sewage disposal systems.~~

24 ~~(d) There are hereby transferred to the division of freshwater wetlands those~~
25 ~~functions of the division of groundwater and freshwater wetlands of the department of~~
26 ~~environmental management as pertain to freshwater wetlands.~~

27 ~~(e) There are hereby transferred to the environmental protection branch, from the~~
28 ~~department of environmental management, so much of the other functions or parts of~~
29 ~~functions, employees, and resources, which are related thereto for administration, as are~~
30 ~~incidental to and necessary for the performance of the functions set forth in subsections~~

31 ~~(a)–(d).~~

1 **42-17.1-19. Notice of violations.** ~~(a) The commissioner with jurisdiction over an~~
2 ~~alleged violation of any law or any departmental rule or regulation, shall give notice of~~
3 ~~the violation and shall have authority to impose an administrative penalty pursuant to~~
4 ~~chapter 17.6 of title 42. The notice shall provide for a time within which the alleged~~
5 ~~violation shall be remedied, and shall inform the person to whom it is directed that a~~
6 ~~written request for a hearing on the alleged violation may be filed with the administrative~~
7 ~~adjudication branch within ten (10) days after service of the notice. The notice will be~~
8 ~~deemed properly served upon a person if a copy thereof is served upon him or her~~
9 ~~personally, or sent by registered or certified mail to his or her last known address, or if he~~
10 ~~or she is served with notice by any other method of service now or hereafter authorized in~~
11 ~~a civil action under the laws of this state. If no written request for a hearing is made to the~~
12 ~~administrative adjudication branch within ten (10) days of the service of notice, the notice~~
13 ~~of violation shall automatically become a compliance order. This order shall constitute a~~
14 ~~final administrative adjudication from which no appeal may be taken.~~

15 ~~(b) Whenever the commissioner determines that there exists a violation of any~~
16 ~~law, rule, or regulation within his or her jurisdiction which requires immediate action to~~
17 ~~protect the environment, he or she may, without prior notice of violation or hearing, issue~~
18 ~~an immediate compliance order stating the existence of the violation and the remedial or~~
19 ~~other action he or she deems necessary. The compliance order shall become effective~~
20 ~~immediately upon service or within such time as is specified by the commissioner in the~~
21 ~~order. No request for a hearing on an immediate compliance order may be made.~~

22 ~~(c) Any immediate compliance order issued under this section without notice and~~
23 ~~prior hearing shall be effective for no longer than forty five (45) days, provided,~~
24 ~~however, that for good cause shown the order may be extended one additional period not~~
25 ~~exceeding forty five (45) days.~~

26 ~~(d) If a person upon whom a notice of violation has been served under the~~
27 ~~provisions of this section or if a person aggrieved by any such notice of violation requests~~
28 ~~a hearing before the administrative adjudication branch, a time and place for the hearing~~
29 ~~shall be set by the administrative adjudication branch, and shall give the person~~
30 ~~requesting that hearing at least five (5) days' written notice thereof. After the hearing, the~~
31 ~~hearing officer shall make written proposed findings of fact and conclusions of law and~~

1 shall sustain, modify, or withdraw the notice of violation. The hearing officer shall
2 submit the proposed findings of fact and conclusions of law to the commissioner for
3 review and final decision. If the commissioner sustains or modifies the notice, that
4 decision shall be deemed a final administrative adjudication and compliance order and
5 shall be served upon the person responsible in any manner provided for the service of the
6 notice in this section.

7 (e) The compliance order shall state a time within which the violation shall be
8 remedied, and the original time specified in the notice of violation shall be extended to
9 the time set in the order.

10 (f) Whenever a compliance order has become effective, whether automatically
11 where no hearing has been requested, where an immediate compliance order has been
12 issued, or upon decision following a hearing, the commissioner may institute injunction
13 proceedings in the superior court of the state for enforcement of the compliance order and
14 for appropriate temporary relief, and in that proceeding the correctness of a compliance
15 order shall be presumed and the person attacking the order shall bear the burden of
16 proving error in the compliance order, except that the commissioner shall bear the burden
17 of proving in the proceeding the correctness of an immediate compliance order. The
18 remedy provided for in this section shall be cumulative and not exclusive and shall be in
19 addition to remedies relating to the removal or abatement of nuisances or any other
20 remedies provided by law.

21 (g) Any party aggrieved by a final judgment of the superior court may, within
22 thirty (30) days from the date of entry of such judgment, petition the supreme court for a
23 writ of certiorari or by right as provided by law. Any petition for writ of certiorari shall
24 set forth the errors claimed. Upon the filing of a petition for writ of certiorari with the
25 clerk of the supreme court, the supreme court may, if it sees fit, issue its writ of certiorari.

26 **42-17.1-20. Public and private land trusts.** In addition to the powers and duties
27 in § 42-17.1-9, the director shall have the power:

28 (a) To establish and maintain an inventory of all interest in land held by public or
29 private land trusts and to exercise all powers vested herein to insure the preservation of
30 all identified lands.

1 ~~(b) The director may promulgate and enforce rules and regulations to provide for~~
2 ~~the orderly and consistent protection, management, continuity of ownership and purpose,~~
3 ~~and centralized records keeping for lands, water, and open spaces owned in fee or~~
4 ~~controlled in full or in part through other interests, rights, or devices such as conservation~~
5 ~~easements or restrictions, by private or public land trust in Rhode Island. The director~~
6 ~~may charge a reasonable fee for filing of each document submitted by a land trust.~~

7 ~~(c) The term "public land trust" means any public instrumentality created by a~~
8 ~~Rhode Island municipality for the purposes stated herein and financed by means of public~~
9 ~~funds collected and appropriated by the municipality. The term "private land trust" means~~
10 ~~any group of five (5) or more private citizens of Rhode Island who shall incorporate~~
11 ~~under the laws of Rhode Island as a nonbusiness corporation for the purposes stated~~
12 ~~herein, or a national organization such as the Nature Conservancy. The main purpose of~~
13 ~~either a public or a private land trust shall be the protection, acquisition, or control of~~
14 ~~land, water, wildlife, wildlife habitat, plants, and/or other natural features, areas, or open~~
15 ~~space for the purpose of managing or maintaining, or causing to be managed or~~
16 ~~maintained by others, the land, water, agriculture, and other natural amenities in any~~
17 ~~undeveloped and relatively natural state in perpetuity. A private land trust must be~~
18 ~~granted exemption from federal income tax under 26 U.S.C. § 501(c)(3) within two (2)~~
19 ~~years of its incorporation in Rhode Island or it may not continue to function as a land~~
20 ~~trust in Rhode Island. A private land trust may not be incorporated for the exclusive~~
21 ~~purpose of acquiring or accepting property or rights in property from a single individual,~~
22 ~~family, corporation, business, partnership, or other entity. Membership in any private~~
23 ~~land trust must be open to any individual subscribing to the purposes of the land trust and~~
24 ~~agreeing to abide by its rules and regulations including payment of reasonable dues.~~

25 ~~(d) All private land trusts will, in their articles of association or their by laws, as~~
26 ~~appropriate, provide for the transfer to an organization created for the same or similar~~
27 ~~purposes the assets, lands, and land rights and interests held by the land trust in the event~~
28 ~~of termination or dissolution of the land trust.~~

29 ~~(e) All land trusts, public or private, will record in the public records of the~~
30 ~~appropriate towns and cities in Rhode Island all deeds, conservation easements or~~
31 ~~restrictions or other interests and rights acquired in land and will also file copies of all~~

1 such documents and current copies of their articles of association, their by laws, and
2 annual reports with the secretary of state, and with the director of the Rhode Island
3 department of the environment. The director is hereby directed to establish and maintain
4 permanently a system for keeping records of all private and public land trust holdings in
5 Rhode Island.

6 (f) ~~The director will contact in writing, not less often than once every two (2)~~
7 ~~years, each public or private land trust to ascertain: (1) that all lands held by the land trust~~
8 ~~are recorded with the director; (2) the current status and condition of each land holding;~~
9 ~~(3) that any funds or other assets of the land trust held as endowment for specific lands~~
10 ~~have been properly audited at least once within the two (2) year period; (4) the name of~~
11 ~~the successor organization named in the public or private land trust's by laws or articles~~
12 ~~of association; and (5) any other information the director deems essential to the proper~~
13 ~~and continuous protection and management of land and interests or rights in land held by~~
14 ~~the land trust. In the event that the director determines that a public or private land trust~~
15 ~~holding land or interest in land appears to have become inactive, he or she shall initiate~~
16 ~~proceedings to effect the termination of the land trust and the transfer of its land, assets,~~
17 ~~land rights, and land interests to the successor organization named in the defaulting trust's~~
18 ~~by laws or articles of association or to another organization created for the same or~~
19 ~~similar purposes. Should such a transfer not be possible, then the land trust, assets, and~~
20 ~~interest and rights in land will be held in trust by the state of Rhode Island and managed~~
21 ~~by the director for the purposes stated at the time of original acquisition by the trust. Any~~
22 ~~trust assets or interests other than land or rights in land accruing to the state under such~~
23 ~~circumstances will be held and managed as a separate fund for the benefit of the~~
24 ~~designated trust lands.~~

25 **42-17.1-21. Leasing of reverted lands.** ~~The commissioner of environmental~~
26 ~~management of the department of the environment may, at any time when the general~~
27 ~~assembly shall not be in session, authorize the use by any charitable or educational~~
28 ~~organization located in this state, any land or buildings of the state which shall have~~
29 ~~reverted to the state following the lease of the land or building to the United States of~~
30 ~~America.~~

1 ~~**42-17.1-22. Construction of references.**~~ (a) ~~Whenever in any general or public~~
2 ~~law the words "department of agriculture and conservation," "bureau of markets,"~~
3 ~~"division of conservation," "division of entomology and plant industry," "division of~~
4 ~~forests," "division of fish and game," "division of parks and recreation," "division of~~
5 ~~harbors and rivers," "division of boating safety," "division of enforcement," "division of~~
6 ~~coastal resources," or "department of natural resources" shall appear, they shall be~~
7 ~~deemed to refer to and to mean the "department of the environment," except where those~~
8 ~~powers exist in the coastal resources management council.~~

9 ~~(b) Provided, further, that whenever in chapters 3, 4, 5, 6, 7, 9, 11, 13, 18 and 19~~
10 ~~of title 4 the words "director of health" or "department of health" shall appear, they shall~~
11 ~~be deemed to refer to and to mean the "commissioner of environmental management" and~~
12 ~~"department of the environment", respectively.~~

13 ~~**42-17.1-23. Rules and regulations.**~~ ~~Rules and regulations prepared by any~~
14 ~~department, division, board, commission, or other agency, the functions of which are~~
15 ~~transferred by this chapter to the branches of the department of the environment, which~~
16 ~~rules and regulations are not in conflict with this chapter, shall continue in force until~~
17 ~~such time as the director of the department of the environment or the coastal resources~~
18 ~~management council, as applicable, shall issue new rules and regulations governing such~~
19 ~~activity.~~

20 ~~**42-17.1-24. Designation and assignment of functions.**~~ ~~Whenever the duties of~~
21 ~~the head of any existing department, division, board, commission, or other agency or of~~
22 ~~any other officer are prescribed by law, and the duties of such person have been or shall~~
23 ~~in the future be transferred to the department of the environment under this chapter, and~~
24 ~~consistent with the provisions of this chapter, the director and/or the applicable~~
25 ~~commissioner may designate some officer or other subordinate within his or her branch~~
26 ~~to perform such duties; provided, however, that any other provision of this chapter~~
27 ~~notwithstanding, the functions, powers and duties of the chief of the division of parks and~~
28 ~~recreation as set forth in title 32 in chapter 22.5 of title 23, and in any other general or~~
29 ~~public law, and the functions, powers, and duties of the chief of the division of harbors~~
30 ~~and rivers as set forth in title 46, and in any other general or public law, shall not be~~
31 ~~diminished; provided further, however, that all planning and law enforcement functions,~~

1 powers, duties, and personnel shall be transferred to the applicable branches established
2 by this chapter, or to the coastal resources management council, as applicable.

3 ~~**42-17.1-25. Transfer of functions from the assistant director for**~~
4 ~~**administration of the department to the policy and planning branch.**~~ There are
5 hereby transferred from the assistant director for administration of the department of
6 environmental management to the policy and planning branch;

7 (a) ~~Those environmental planning functions of the office of environmental~~
8 ~~coordination and the division of planning and development; and~~

9 (b) ~~So much of the other functions or parts of functions, employees and resources,~~
10 ~~physical and funded, related thereto of the assistant director for administration as are~~
11 ~~incidental to and necessary for the performance of those functions.~~

12 ~~**42-17.1-26. Assumption of duties.**~~ Except as otherwise provided in this chapter,
13 ~~the director and/or the commissioners assuming any duties formerly imposed upon any~~
14 ~~other department, division, board, commission, or other agency shall perform those~~
15 ~~duties, notwithstanding that those duties were formerly performed by a board,~~
16 ~~commission, or single officer. Any ruling, decision, or order made by such head with~~
17 ~~regard to matters within his or her jurisdiction shall be subject to any existing right of~~
18 ~~appeal to a court of competent jurisdiction.~~

19 ~~**42-17.1-27. Auxiliary marine patrol.**~~ (a) ~~The commissioner of environmental~~
20 ~~management is authorized to recruit, train, and organize a volunteer auxiliary marine~~
21 ~~patrol of such size and qualification as he or she shall determine, provided, however, that~~
22 ~~the total membership in the auxiliary marine patrol shall not exceed fifty (50) persons. In~~
23 ~~selecting those persons who shall become members of the auxiliary marine patrol, the~~
24 ~~commissioner shall consult with and seek the advice and assistance of local harbor~~
25 ~~masters and appropriate city and town officials, provided, however, that the auxiliary~~
26 ~~marine patrol shall at all times be under the direction of the environmental management~~
27 ~~branch and subject to the rules and regulations as prescribed by the commissioner.~~
28 ~~Members of the auxiliary marine patrol shall carry out such duties and functions as may~~
29 ~~be assigned to them from time to time by the commissioner.~~

30 (b) ~~Members of the auxiliary marine patrol shall be equipped with uniforms~~
31 ~~prescribed by the commissioner of environmental management and delegated specific~~

1 powers and duties consistent with those now granted to other members of the department
2 of the environment and divisions thereof. They may bear and use firearms only when
3 specifically authorized to do so by the commissioner and only when in uniform and
4 assigned to active duty. The duties of the members of the auxiliary marine patrol shall
5 include, but in no way be limited to, the patrol of all harbors, rivers, docks, and other
6 waterways of this state and the prevention of vandalism and theft of all other property
7 used or enjoyed in connection therewith. The patrol may also be called to serve and
8 exercise power and duties consistent with those employed by full time members of the
9 department during an emergency or theoretical emergency. The members of the auxiliary
10 marine patrol will serve without pay.

11 **42-17.1-28. Fees for use of state port facilities — Development fund.** (a) All
12 fees collected by the department of the environment for use of state port facilities at
13 Galilee in the town of Narragansett, including fees collected for leases, licenses, or
14 permits involving land, buildings, docks, piers, parking, or berthing space, shall be
15 deposited as general revenues.

16 (b) All fees collected by the department of the environment for use of state port
17 facilities in Newport, including fees collected for leases, licenses, or permits involving
18 land, buildings, docks, piers, parking, or berthing space, shall be deposited as general
19 revenues.

20 **42-17.1-29. User fees at state beaches, parks, and recreation areas.** (a) The
21 commissioner of environmental management in furtherance of his or her administrative
22 duties and responsibilities may charge a user fee for any state beach, or recreational area
23 under its jurisdiction, and fees for the use of any of its services or facilities.

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

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

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

1 ~~(e) All such fees shall be established by the director after a public hearing.~~

2 ~~(f) All daily fees from beach parking, which shall also include fees charged and~~
3 ~~collected at Ninigret conservation area and Charlestown breachway, shall be shared with~~
4 ~~the municipality in which the facility is located on the basis of sixty percent (60%)~~
5 ~~retained by the state and forty percent (40%) remitted to the municipality.~~

6 ~~(g) One hundred percent (100%) of all user and concession fees received by the~~
7 ~~state shall be deposited as general revenues. The general revenue monies appropriated~~
8 ~~may be hereby specifically dedicated to meeting the costs of development and renovation~~
9 ~~by the director of recreation projects with an expected life of five (5) or more years, and~~
10 ~~acquisition by the director of state owned recreation areas. Such projects shall include the~~
11 ~~purchase of vehicles and equipment and the repair of facilities which have a life~~
12 ~~expectancy of five (5) or more years and which are used exclusively for state owned~~
13 ~~recreational areas. Purchases of vehicles and equipment and repairs to facilities shall not~~
14 ~~exceed four hundred thousand dollars (\$400,000) annually. Notwithstanding the~~
15 ~~provisions of § 37-1-1 or any other provision of the general laws, the director is hereby~~
16 ~~authorized to accept any grant, devise, bequest, donation, gift, or assignment of money,~~
17 ~~bonds, or other valuable securities for deposit as general revenues in the same manner as~~
18 ~~provided above for user and concession fees retained by the state.~~

19 ~~**42-17.1-30. Trooper Daniel L. O'Brien Pavilion.** The pavilion building at East~~
20 ~~Matunuck state beach shall hereafter be named the Trooper Daniel L. O'Brien Pavilion,~~
21 ~~and an appropriate plaque in posthumous honor of Trooper O'Brien shall be erected at~~
22 ~~that location.~~

23 ~~**42-17.1-30.1. Frederick J. Benson Pavilion.** The pavilion building at Block~~
24 ~~Island State Beach shall hereafter be named and known as the Frederick J. Benson~~
25 ~~Pavilion.~~

26 ~~**42-17.1-31. Notification by director.** Prior to a hearing at which the director of~~
27 ~~the department seeks to adopt, modify, or repeal standards for air quality, water quality,~~
28 ~~groundwater quality, or individual sewage disposal systems, the director shall notify the~~
29 ~~chairperson of the joint committee on water resources and the chairperson of the joint~~
30 ~~committee on environment and energy of the general assembly, the directors of the~~
31 ~~departments of administration and health and, the chairman of the advisory council, and~~

1 provide them with copies of the proposed standards. In addition, the director shall
2 annually provide the general assembly with a copy of all standards and regulations
3 adopted by the department in the previous calendar year.

4 **42-17.1-32. Transfer of functions from the department of health to the**
5 **environmental protection branch.** There are hereby transferred from the director of the
6 department of health to the commissioner of the environmental protection branch:

7 (a) The functions of initial field investigation, enforcement of individual sewage
8 disposal regulation, and watershed protection of the drinking water supply set forth in
9 title 23;

10 (b) So much of other functions or parts of functions and employees and resources,
11 physical and funded, related thereto as are incidental to and necessary for the
12 performance of subdivision (a).

13 **42-17.1-33. Transfer of powers and functions from department of the**
14 **environment to the department of administration.** There are hereby transferred to the
15 department of administration:

16 (a) Those functions of the department of the environment which were
17 administered through or with respect to departmental programs in the performance of
18 strategic planning as defined in § 42-11-10(c);

19 (b) All officers, employees, agencies, advisory councils, committees,
20 commissions, and task forces of the department of the environment who were performing
21 strategic planning functions as defined in § 42-11-10(c); and

22 (c) So much of other functions or parts of functions and employees and resources,
23 physical and funded, related thereto of the director of environmental management as are
24 incidental to and necessary for the performance of the functions transferred by
25 subdivisions (a) and (b).

26 (d) Nothing contained herein shall abrogate or affect the powers and duties of the
27 coastal resources management council under chapter 23 of title 46.

28 **42-17.1-34. Transfer of function from the department of community affairs.**

29 (a) There is hereby transferred to the environmental protection branch that function
30 formerly administered by the department of community affairs relating to the sewage and
31 water supply failure fund established by chapter 44.1 of this title.

1 ~~(b) In addition to any of its other powers and responsibilities, the director is~~
2 ~~authorized and empowered to accept any grants made available by the United States~~
3 ~~government or any agency thereof, and the department, with the approval of the~~
4 ~~governor, is authorized and empowered to perform such acts and enter into all necessary~~
5 ~~contracts and agreements with the United States of America or any agency thereof as may~~
6 ~~be necessary in such manner and degree as shall be deemed to be in the best interest of~~
7 ~~the state. The proceeds of any grants so received shall be paid to the general treasurer of~~
8 ~~the state and by him or her deposited in a separate fund and shall be utilized for the~~
9 ~~purposes of the grant or grants.~~

10 ~~**42-17.1-35. Preservation of rights and remedies.** The abolition of any division~~
11 ~~or transfer of any function as provided in this chapter shall not impair the obligation of~~
12 ~~any contract or agreement nor abate any suit, action or other proceeding lawfully~~
13 ~~commenced by or against the head of any agency or officer of the State of Rhode Island~~
14 ~~in his official capacity or in relation to the discharge of his or her official duties but the~~
15 ~~court may on motion filed within twelve (12) months after this chapter takes effect allow~~
16 ~~such a suit, action or proceeding to be maintained by or against the successor of such~~
17 ~~head or officer in his or her official capacity under the reorganization effected by such~~
18 ~~chapter or, if there be no such successor, against such agency or officer in his or her~~
19 ~~capacity which succeeded to the function transferred by this chapter. No person in the~~
20 ~~service of the state on the effective date of this chapter shall be discharged, separated~~
21 ~~from service, or downgraded in service by reason of the enactment of this chapter.~~

22 ~~**42-17.1-36. Liberal construction.** This chapter shall be liberally construed in~~
23 ~~aid of its declared purposes, the primary purpose of which is the coordination and~~
24 ~~integration of functions relating to the environment within one department and the~~
25 ~~allocation of these functions to the department established by this chapter. Nothing~~
26 ~~contained herein shall abrogate or affect the powers and duties of the coastal resources~~
27 ~~management council under chapter 23 of title 46.~~

28 ~~**42-17.1-37. Severability.** If any provision of this chapter or of any rule or~~
29 ~~regulation made thereunder, or the application thereof to any person or circumstance, is~~
30 ~~held invalid by a court of competent jurisdiction, the remainder of the chapter, rule, or~~
31 ~~regulation and the application of such provision to other persons or circumstances shall~~

1 not be affected thereby. The invalidity of any section or sections or parts of any section or
2 sections of this chapter shall not affect the validity of the remainder of the chapter.

3 ~~**42-17.1-38. Appropriation for expenses.**~~ (a) The general assembly shall
4 annually appropriate such sum or sums as it may deem necessary for the expenses of the
5 department of the environment and the coastal resources management council in the
6 conduct of its activities and in the implementation of the powers, duties, programs, and
7 authorizations embodied in this chapter; and the state controller is hereby authorized and
8 directed to draw his or her orders upon the general treasurer for the payment of such sum
9 or sums or so much thereof as may from time to time be required upon receipt by him or
10 her of proper vouchers duly authenticated.

11 (b) There is hereby established an account within the general fund to be called
12 "the office of the director of the environment fund". The account shall consist of such
13 sums as the state may from time to time appropriate, and/or such sums representing any
14 fees or other amounts obtained as a result of operation, management, regulatory,
15 administrative, permitting, or enforcement activities for which the office of the director of
16 the department of the environment is responsible under the general laws, exclusive,
17 however, of fees and other amounts allocated to the accounts established by subsections
18 (d), (e), (f), and (g) of this section, and this account is hereby restricted for administering
19 and operating the office of the director and the state controller is hereby authorized and
20 directed to draw his or her orders upon the general treasurer for the payment of such sums
21 or portions thereof as may be required from time to time upon receipt by him or her of
22 properly authenticated vouchers. The director shall submit to the general assembly by
23 January 15 of each year a detailed report on funds received and uses made of such funds.

24 (c) There is hereby established an account within the general fund to be called
25 "the department of the environment fund". The account shall consist of such sums as the
26 state may from time to time appropriate, and/or such sums representing any fees or other
27 amounts obtained under the authority of this chapter and not otherwise allocated by this
28 section for deposit in the restricted receipt accounts established in subsections (b), (d),
29 (e), (f) or (g), or to other restricted receipt accounts, and such account is hereby restricted
30 for administering and operating the department and the state controller is hereby
31 authorized and directed to draw his or her order upon the general treasurer for the

1 ~~payment of such sums or portions thereof as may be required from time to time upon~~
2 ~~receipt by him or her of properly authenticated vouchers. The director shall submit to the~~
3 ~~general assembly by January 15 of each year a detailed report on funds received and uses~~
4 ~~made of such funds.~~

5 ~~(d) There is hereby established an account within the general fund to be called~~
6 ~~"the department of the environment — administrative adjudication branch fund". The~~
7 ~~account shall consist of such sums as the state may from time to time appropriate, and/or~~
8 ~~such sums representing any fees or other amounts obtained by the administrative~~
9 ~~adjudication branch in connection with its activities under chapter 17.7 of this title,~~
10 ~~including by way of example and not of limitation, filing fees, copy fees, hearing costs~~
11 ~~and the like, provided however that fines and penalties assessed or collected in~~
12 ~~accordance with an order made by a commissioner after hearing before the administrative~~
13 ~~adjudication branch shall not be included for deposit in said account and said account is~~
14 ~~hereby restricted for administering and operating the branch and the state controller is~~
15 ~~hereby authorized and directed to draw his or her orders upon the general treasurer for the~~
16 ~~payment of such sums or portions thereof as may be required from time to time upon~~
17 ~~receipt by him or her of properly authenticated vouchers. The chief hearing officer shall~~
18 ~~submit to the general assembly by January 15 of each year a detailed report on funds~~
19 ~~received and uses made of these funds.~~

20 ~~(e) There is hereby established an account within the general fund to be called~~
21 ~~"the department of the environment — environmental management branch fund". The~~
22 ~~account shall consist of such sums as the state may from time to time appropriate and/or~~
23 ~~such sums representing any fees or other amounts obtained as a result of operation,~~
24 ~~management, regulatory, administrative, permitting, or enforcement activities for which~~
25 ~~the environmental management branch is responsible under any provision of the general~~
26 ~~laws, and said account is hereby restricted for administering and operating the branch and~~
27 ~~the state controller is hereby authorized and directed to draw his or her orders upon the~~
28 ~~general treasurer for the payment of such sums or portions thereof as may be required~~
29 ~~from time to time upon receipt by him or her of properly authenticated vouchers. The~~
30 ~~commissioner shall submit to the general assembly by January 15 of each year a detailed~~
31 ~~report on funds received and uses made of these funds.~~

1 ~~(f) There is hereby established an account with the general fund to be called "the~~
2 ~~department of the environment — environmental protection branch fund". The account~~
3 ~~shall consist of such sums as the state may from time to time appropriate, and/or such~~
4 ~~sums representing any fees or other amounts obtained as a result of operations,~~
5 ~~management, regulatory, administrative, permitting, or enforcement activities for which~~
6 ~~the environmental protection branch is responsible under any authority of provision of the~~
7 ~~general laws, and this account is hereby restricted for administering and operating the~~
8 ~~branch and the state controller is hereby authorized and directed to draw his or her orders~~
9 ~~upon the general treasurer for the payment of such sums or portions thereof as may be~~
10 ~~required from time to time upon receipt by him or her of properly authenticated vouchers.~~
11 ~~The commissioner shall submit to the general assembly by January 15 of each year a~~
12 ~~detailed report on funds received and uses made of these funds.~~

13 ~~(g) There is hereby established an account within the general fund to be called~~
14 ~~"the coastal resources management branch fund". The account shall consist of such sums~~
15 ~~as the state may from time to time appropriate and/or such sums representing any fees or~~
16 ~~other amounts obtained as a result of operations, management, regulatory, administrative,~~
17 ~~permitting, or enforcement activities for which the coastal resources management branch~~
18 ~~is responsible and this account is hereby restricted for administering and operating the~~
19 ~~coastal resources management council and the staff of the coastal resources management~~
20 ~~branch and the state controller is hereby authorized and directed to draw his or her orders~~
21 ~~upon the general treasurer for the payment of such sums or portions thereof as may be~~
22 ~~required from time to time upon receipt by him or her of properly authenticated vouchers.~~
23 ~~The commissioner under the direction of the council shall submit to the general assembly~~
24 ~~by January 15 of each year a detailed report on funds received and uses made of these~~
25 ~~funds.~~

26 ~~(h) It is the intent of this section that all amounts collected, received, or accepted~~
27 ~~by the department, by way of fees, fines, penalties, costs, gifts, bequests, devise, or in any~~
28 ~~other manner, in connection with its operations, management, regulatory, administrative,~~
29 ~~permitting, or enforcement activities under authority of this chapter or any other~~
30 ~~provision of the General Laws be deposited in restricted receipt accounts within the~~
31 ~~general fund, which account shall be limited as herein provided and subject to budgetary~~

1 authority of the director pursuant to § 42-17.1-9(x), provided however that no such
2 amount shall be deposited in a restricted receipt account established by this section if that
3 amount would otherwise be allocated for deposit in a restricted receipt account, already
4 established by law as of July 1, 1994 [1995], which establishment and which accounts are
5 hereby expressly preserved.

6 **42-17.1-39. Transfer determinations.** The director of administration, with the
7 approval of the governor, shall make the conclusive determination of the number of
8 positions, personnel, property, records, and appropriation balances, allocations and other
9 funds of the department of environmental management, department of health, water
10 resources board, and such other boards, commissions, departments, and/or agencies to be
11 transferred to the department of the environment in connection with the transfers
12 thereinto by the provisions of this chapter. Such further measures and dispositions as the
13 director of administration, with the approval of the governor, shall deem necessary in
14 order to effectuate the transfers provided in this chapter shall be carried out as he may
15 direct and by such agencies as he shall designate. Nothing contained herein shall abrogate
16 or affect the powers and duties of the coastal resources management council under
17 chapter 23 of this title.

18 **42-17.1-40. Continuity of administrative functions.** In order to ensure
19 continuity of the administrative business of the state, the actual transfer of functions or
20 any part of that transfer to the department of the environment from the department of
21 environmental management, department of health, water resources board, and other
22 boards, commissions, departments, and/or agencies has been postponed after the effective
23 date of Chapter 461 of the Public Laws of 1990, and the functions and authorities of the
24 department of environmental management, the department of health, water resources
25 board, and other boards, commissions, departments, and/or agencies shall remain
26 unaffected, regardless of the repeal by chapter 461 of the public laws of 1990 of any law
27 under which the departments, boards, commissions, or other agencies are empowered,
28 which laws shall remain in effect until July 1, 2002 when the transfers provided in this
29 section can be put into force and effect at which time the repeal of those laws shall
30 become final.

1 ~~**42-17.1-41. Relations with other governmental agencies.**~~ The department is
2 hereby authorized to cooperate with the appropriate agencies of the federal government,
3 this state or other states, and regional and local agencies in the planning, design and
4 implementation of any programs and facilities necessary to implement this chapter. The
5 department is authorized to apply for and accept funds from federal and regional agencies
6 to carry out any of its functions, and to contract with the federal government and regional
7 agencies concerning the use and disposition of such funds. Nothing herein shall be
8 contrived to abrogate or affect the director's authority under § 32-1-13.

9 ~~**42-17.1-42. Administrative expenses on behalf of open space and recreational**~~
10 ~~**areas.**~~ For the period beginning May 1, 1988 and ending November 6, 1990, personnel
11 and operating costs may be expended from the recreation area development fund for
12 expenses incurred by the department of the environment in the administration of the so-
13 called "open space and recreational area" grant program to the various cities and towns
14 under the provisions of chapter 425, Public Law 1987.

15 ~~**42-17.1-43. Notice of permit Recording.**~~ A notice of permit or license shall be
16 eligible for recording under chapter 13 of title 34 as determined by the applicable
17 commissioner and shall be recorded at the expense of the applicant in the land evidence
18 records of the city or town where the property subject to permit or license is located, and
19 any subsequent transferee of the property shall be responsible for complying with the
20 terms and conditions of the permit.

21 ~~**42-17.1-44. Declaration of intent.**~~ (a) It is the intention of the general assembly
22 in enacting chapter 17.1 of title 42 which creates the department of the environment that
23 the director of the department establish any and all departmental policies and adopt,
24 modify, and/or repeal all rules and regulations previously adopted, modified, or repealed
25 by the director of the department of environmental management under any provision of
26 law. It is further the intention of the general assembly that the commissioner of
27 environmental management and the commissioner of environmental protection,
28 administer and enforce the rules and regulations adopted by the director and carry out the
29 functions of the former director of the department of environmental management under
30 any provision of law as assigned to the respective commissioners by the provisions of this
31 chapter.

1 ~~(b) Whenever in the General Laws the words "department of environmental~~
2 ~~management" shall appear, the words "department of the environment" shall be~~
3 ~~substituted.~~

4 ~~(c) Whenever in the General Laws the words "director of the department of~~
5 ~~environmental management" shall appear in relation to the authority to develop policy~~
6 ~~and/or to adopt, modify, or repeal rules and regulations, the words "director of the~~
7 ~~department of the environment" shall be substituted therefor.~~

8 ~~(d) Whenever in the General Laws the words "director of the department of~~
9 ~~environmental management" shall appear with respect to the administration and~~
10 ~~enforcement of statutes or programs which have been transferred by this chapter to the~~
11 ~~commissioner of environmental management or commissioner of environmental~~
12 ~~protection, the words designating the appropriate commissioner of environmental~~
13 ~~management or environmental protection, as the case may be, by virtue of the functions~~
14 ~~transferred by this chapter shall be substituted therefor.~~

15 ~~(e) The omission in this chapter of a citation of any general or public law now in~~
16 ~~force which makes it mandatory upon or permissive for any department, division, or~~
17 ~~other agency of the state to perform certain functions which by this chapter are assigned~~
18 ~~or transferred to the department of the environment and/or to the commissioners for~~
19 ~~environmental management or environmental protection, shall not (unless otherwise~~
20 ~~clearly intended) suspend or annul the right of the department of the environment to carry~~
21 ~~out such functions. No person in the classified service of the state at the effective date of~~
22 ~~this chapter shall be discharged, separated from service, or downgraded in service by~~
23 ~~reason of the passage of this chapter. Nothing contained herein shall abrogate or affect~~
24 ~~the powers and duties of the coastal resources management council under chapter 23 of~~
25 ~~title 46.~~

26 ~~**42-17.1-45. Certification of underground storage tank professionals.** No~~
27 ~~underground storage tank ("UST") or piping system associated therewith shall be~~
28 ~~installed, substantially modified, closed or precision tightness tested; nor shall any~~
29 ~~corrosion protection system be installed, repaired or maintained on any such UST or~~
30 ~~associated piping system unless such work is performed by, or in the presence of, a~~

1 ~~person who holds a valid, appropriate certification issued in accordance with chapter 27~~
2 ~~of title 28.~~

3 SECTION 3. Chapter 42-17.1 of the General Laws entitled "Department of
4 Environmental Management [Effective until July 1, 2002.]" is hereby amended by adding thereto
5 the following section:

6 **42-17.1-25.1. Continuity of legal authority and administrative functions.** – The
7 provisions of Chapter 42-17.1 of the General Laws entitled “Department of Environmental
8 Management” that are in effect on June 30, 2002 shall remain in full force and effect and the legal
9 existence, powers, duties, and functions of the Department of Environmental Management shall
10 not be amended, altered, affected, or otherwise impaired by the repeal of the Department of the
11 Environment, established by Chapter 461 of the 1990 Public Laws. In order to ensure continuity,
12 the functions, authorities, programs, and activities of the Department of Environmental
13 Management and any other boards, commissions, departments, and/or agencies that would have
14 been affected by enactment of Chapter 42-17.1 of the General Laws entitled “Department of the
15 Environment” shall remain unaffected, regardless of the repeal, by Chapter 461 of the 1990
16 Public Laws, of Chapter 42-17.1 of the General Laws entitled “Department of Environmental
17 Management.”

18 SECTION 4. Section 42-17.1-3 of the General Laws in Chapter 42-17.1 entitled
19 "Department of Environmental Management [Effective until July 1, 2002.]" is hereby amended to
20 read as follows:

21 **42-17.1-3. Construction of references. [Effective until July 1, 2002.]** -- (a) Whenever
22 in any general or public law the words "department of agriculture and conservation," "bureau of
23 markets," "division of conservation," "division of entomology and plant industry," "division of
24 forests," "division of fish and game," "division of parks and recreation," "division of harbors and
25 rivers," "division of boating safety," "division of enforcement," "division of coastal resources," or
26 "department of natural resources" shall appear, they shall be deemed to refer to and to mean the
27 "department of environmental management."

28 (b) Provided, further, that whenever in chapters 3-6, 7, 9, 11, 13, 18 and 19 of title 4
29 entitled "Animals and Animal Husbandry" the words "director of health" or "department of
30 health" shall appear, they shall be deemed to refer to and to mean the "director of environmental
31 management" and "department of environmental management" respectively.

32 (c) Provided, further, that whenever in any general or public law the words “Department
33 of the Environment” shall appear, the same shall be deemed to refer to and mean the “Department
34 of Environmental Management” or where applicable the “Director of the Department of

1 Environmental Management.”

2 SECTION 5. This article shall take effect on July 1, 2002.

3 **ARTICLE 31 SUB A**

4 **JOINT RESOLUTION RELATING TO PURCHASES OF STATE VEHICLES**

5 SECTION 1. This article shall serve as a joint resolution required pursuant to Chapter 35-
6 18 of the Rhode Island General Laws entitled “Public Corporation Debt Management.”

7 WHEREAS, The State of Rhode Island has developed policies and procedures with
8 respect to the state procurement and financing of vehicles and trucks; and

9 WHEREAS, The State since FY 2000 has financed these vehicle purchases through the
10 issuance of tax-exempt certificates of participation rather than through individual leases with
11 various financing companies; and

12 WHEREAS, The total annual financing in FY 2002 will total \$4,670,000, which includes
13 the financing of trucks for the maintenance division of the Department of Transportation in the
14 amount of \$2,700,000; and

15 WHEREAS, The Rhode Island Public Corporation Debt Management Act, described in
16 Chapter 35-18 of the Rhode Island General Laws, requires the General Assembly to provide its
17 consent to the issuance or incurring by the State of Rhode Island of certain obligations, including
18 financing guarantees or other agreements which exceed \$4,000,000; and

19 WHEREAS, The project costs associated with the vehicle purchases in FY 2002 are
20 estimated to be \$4,640,000. The total financing obligation of the State of Rhode Island would be
21 approximately \$4.7 million, with \$4.67 million deposited in the equipment fund and \$.03 million
22 allocated to pay the associated costs of financing. The total payments on the state’s obligation on
23 the \$4.7 million issuance over five (5) years are projected to be \$5.2 million, assuming an average
24 effective interest rate of 4.0%. The payments would be financed by the Department of
25 Administration from general revenue appropriations; and it is hereby

26 RESOLVED, That this General Assembly hereby authorizes the Governor, the Director
27 of the Department of Administration, and other appropriate state officials to enter into a financial
28 obligation, guarantee, or other agreement or agreements evidencing the financing obligation of
29 the State of Rhode Island for the term of the debt issuance in an amount not to exceed \$4.7
30 million for the provision of funds for the purchase of vehicles and trucks in fiscal year 2002; and
31 be it further

32

1 RESOLVED, That this Joint Resolution and article shall take effect immediately upon
2 passage.

3 ARTICLE 32 SUB A

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 SUB A**

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

17 **ARTICLE 34 SUB A AS AMENDED**

18 **RELATING TO HEALTH CARE FACILITIES**

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

21 **23-17-38.1. Hospitals – Licensing Fee.** – (a) There is imposed a hospital licensing fee
22 at the rate of four and ~~twenty-five~~ thirty-five hundredths percent (~~4.25%~~) (4.35%) upon the net
23 patient services revenue of every hospital for the hospital's first fiscal year ending on or after
24 January 1, ~~1999~~ 2000. This licensing fee shall be administered and collected by the tax
25 administrator, division of taxation within the department of administration, and all the
26 administration, collection and other provisions of chapter 50 and 51 of title 44 shall apply. Every
27 hospital shall pay the licensing fee to the tax administrator on or before October 31, ~~2001~~ 2002,
28 and payments shall be made by electronic transfer of monies to the general treasurer and
29 deposited to the general fund in accordance with section 44-50-11. Every hospital shall, on or

1 before October 1, ~~2001~~ 2002, make a return to the tax administrator containing the correct
2 computation of net patient services revenue for the hospital fiscal year ending September 30,
3 ~~1999~~ 2000, and the licensing fee due upon that amount. All returns shall be signed by the
4 hospital's authorized representative, subject to the pains and penalties of perjury.

5 (b) For purposes of this section the following words and phrases have the following
6 meanings:

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

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

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

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

18 (d) The licensing fee imposed by this section shall be in addition to the inspection fee
19 imposed by section 23-17-38 and to any licensing fees previously imposed in accordance with
20 section 23-17-38.1.

21 SECTION 2. This Article shall take effect on July 1, 2002 and shall apply to hospitals, as defined
22 in Section 1, which are duly licensed on July 1, 2002.

23 **ARTICLE 35 SUB A AS AMENDED**

24 **RELATING TO SUPPLEMENTAL SECURITY INCOME**

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

27 **40-6-27. Supplemental security income.** -- (a) (1) The director of the department is
28 hereby authorized to enter into agreements on behalf of the state with the secretary of the
29 department of health and human services or other appropriate federal officials, under the
30 supplementary and security income (SSI) program established by title XVI of the Social Security
31 Act, 42 U.S.C. section 1381 et seq., concerning the administration and determination of eligibility

1 for SSI benefits for residents of this state, except as otherwise provided herein. The state's
2 monthly share of supplementary assistance to the supplementary security income program
3 effective January 1, 1993 shall be as follows:

4	Individual living alone:	\$ 64.35
5	Individual living with others:	74.60
6	Couple living alone:	120.50
7	Couple living with others:	136.50
8	Individual living in state licensed residential care and assisted living facilities, effective 9 October 1, 1998:	582.00

10 Provided, however, that the department of human services shall by regulation reduce,
11 effective January 1, 2003, the state's monthly share of supplementary assistance to the
12 supplementary security income program for each of the above listed payment levels, by the same
13 value as the annual federal cost of living adjustment to be published by the federal social security
14 administration in October 2002 and becoming effective on January 1, 2003, as determined under
15 the provisions of title XVI of the federal social security act [42 U.S.C. Section 1381 et seq.]; and
16 provided further, that it is the intent of the general assembly that the January 1, 2003 reduction in
17 the state's monthly share shall not cause a reduction in the combined federal and state payment
18 level for each category of recipients in effect in the month of December 2002; and provided
19 further that the department of human services is authorized and directed to provide for payments
20 to recipients in accordance with the above directives beginning January 1, 2003 pending formal
21 revisions to the above table of payment levels by the general assembly during the 2003 session of
22 the general assembly.

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

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

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

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

34 (ii) Who are residing in residential care and assisted living facilities, and who apply for or

1 begin to receive SSI on or after October 1, 1998.

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

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

6 (1) Moving costs or other expenses as a result of an emergency of a catastrophic nature
7 which is defined as a fire or natural disaster; and

8 (2) Lost or stolen SSI benefit checks or proceeds thereof; and

9 (3) Assistance payments to SSI eligible individuals in need because of the application of
10 federal SSI regulations regarding estranged spouses; and the department shall provide such
11 assistance in a form and amount which the department shall by regulation determine.

12 SECTION 2. Sections 27-18.4-1 and 27-18.4-2 of the General Laws in Chapter 27-18.4
13 entitled "Health Insurance - Coordination with Federal Medicaid Program" are hereby amended
14 to read as follows:

15 **27-18.4-1. Definitions.** -- (a) An "insurer" shall mean any health insurer (including a
16 group health plan, as defined in section 607(1) of the employee retirement income security act of
17 1974), a health maintenance organization as defined in section 27-41-2, a qualified health
18 maintenance organization as referred to in section 42-62-9, a non-profit hospital service
19 corporation as defined in section 27-19-1, a non-profit medical service corporation as defined in
20 section 27-20-1, a non-profit dental service corporation as defined in section 27-20.1-1, a non-
21 profit optometric service corporation as defined in section 27-20.2-1, a domestic insurance
22 company subject to chapter 1 of title 27, and a foreign insurance company subject to chapter 2 of
23 title 27.

24 (b) "Medical assistance" and "Medicaid" shall mean ~~the Rhode Island medical assistance~~
25 ~~program administered by the department of human services pursuant to title 40, chapter 8 and title~~
26 ~~XIX of the Social Security Act [42 U.S.C. section 1396 et seq.];~~ medical assistance provided in
27 whole or in part by the department of human services pursuant to chapter 40-5.1, 40-8, 40-8.4 or
28 42-12.3 of the general laws and/or title XIX or XXI of the federal Social Security Act, as
29 amended, 42 U.S.C. section 1396 et seq. and 42 U.S.C. section 1397 aa et seq., respectively.

30 **27-18.4-2. Coordination of benefits with Medical Assistance -- Acquired rights to**
31 **payments.** -- (a) An insurer is prohibited from considering the availability or eligibility for
32 medical assistance in this or any other state when considering eligibility for coverage or making
33 payments under its plan for eligible enrollees, subscribers, policyholders or certificate holders.

34 (b) To the extent that payment for covered expenses has been made under the state

1 Medicaid program for health care items or services furnished to an individual in any case where a
2 third party, including an insurer, has a legal liability to make payments, the department of human
3 services is considered to have acquired the rights of the individual to payment by any other party,
4 including an insurer, for those health care items or services. These rights are further defined and
5 are enforceable in accordance with section 40-6-9 and section 40-6-9.1.

6 SECTION 3. Chapter 40-6 of the General Laws entitled "Public Assistance Act" is
7 hereby amended by adding thereto the following section:

8 **40-6-9.1. Data matching -- Health care coverages.** – (a) For purposes of this section,
9 the term "medical assistance program" shall mean medical assistance provided in whole or in part
10 by the department of human services pursuant to chapter 40-5.1, 40-8, 40-8.4 or 42-12.3 of the
11 general laws and/or title XIX or XXI of the federal Social Security Act, as amended, 42 U.S.C.
12 section 1396 et seq. and 42 U.S.C. section 1397 aa et seq., respectively.

13 (b) In furtherance of the assignment of rights to medical support to the department of
14 human services under subsections 40-6-9 (b), (c), (d), and (e) and in order to determine the
15 availability of other sources of health care insurance or coverage for beneficiaries of the medical
16 assistance program, all health insurers, health maintenance organizations and third party
17 administrators doing business in the state of Rhode Island shall permit and participate in data
18 matching with the department of human services, as provided herein, to assist the department to
19 identify medical assistance program applicants, beneficiaries and/or persons responsible for
20 providing medical support for such applicants and beneficiaries who may also have health care
21 insurance or coverage in addition to that provided or to be provided by the medical assistance
22 program.

23 (c) Notwithstanding the provisions of any general, public or special law, or rule or
24 regulation to the contrary, all health insurers, including, but not limited to, health maintenance
25 organizations, third party administrators, nonprofit medical service corporations and nonprofit
26 hospital service corporations, subject to the provisions of chapters 18, 19, 20 and 41 in title 27,
27 and doing business in this state shall provide or shall make other arrangements to provide,
28 information to the medical assistance program, mutually satisfactory to both parties, to enable the
29 medical assistance program: (1) to identify medical assistance program recipients, applicants
30 and/or persons responsible for providing medical support for such recipients and applicants who
31 are or could be enrollees or beneficiaries under any individual or group health insurance contract,
32 plan or policy available or in force and effect in the state; and (2) to determine the scope and
33 terms of said insurance.

34 (d) Such information shall be made available by such insurers and health maintenance

1 organizations and used by the department of human services only for the purposes of and to the
2 extent necessary for identifying such persons and scope and terms of coverage. The department
3 of human services shall provide information to the health plan insurers as defined in section 27-
4 18.4-1, only to the extent sufficient to clarify discrepancies resulting from the data matching
5 process in the identification of an individual.

6 (e) No health insurer, health maintenance organization, or third party administrator which
7 provides or makes arrangements to provide information pursuant to this section shall be liable in
8 any civil or criminal action or proceeding brought by beneficiaries or members on account of
9 such action.

10 (f) Upon completion of such data matching, the department of human services shall
11 reimburse such health insurers for the reasonable documented costs of conducting the matches.

12 (g) The department of human services is authorized to promulgate regulations necessary
13 to ensure the effectiveness of this section.

14 SECTION 4. This article shall take effect upon passage and any rules or regulations
15 necessary or advisable to implement the provisions of this article shall be effective immediately
16 as an emergency rule upon the department's filing thereof with the secretary of state as it is
17 hereby found that the current fiscal crisis in this state has caused an imminent peril to public
18 health, safety and welfare, and the department is hereby exempted from the requirements of
19 subsections 42-35-3(b) and 42-35-4(b)(2) relating to agency findings of imminent peril to public
20 health, safety and welfare and the filing of statements of the agency's reasons thereof.

21 **ARTICLE 36 SUB A AS AMENDED**

22 **LABOR AND LABOR RELATIONS - EMPLOYMENT SECURITY**

23 SECTION 1. Section 28-42-79 of the General Laws in Chapter 28-42 entitled
24 "Employment Security - General Provisions" is hereby amended to read as follows:

25 **28-42-79. Disbursements – Balance.** -- (a) The moneys in the tardy account fund shall
26 be used solely for the following purposes:

- 27 (1) To make refunds of penalties erroneously collected and deposited in the fund; and
28 (2) To maintain essential ~~employment department programs security positions that~~
29 ~~would otherwise be diminished or eliminated by reductions in federal funding for these positions.~~

30 (b) The general treasurer pays all vouchers drawn by the director upon the fund, in those
31 amounts and in the manner that the director may prescribe. Vouchers drawn upon the fund are

1 referred to the controller within the department of administration. Upon receipt of these vouchers,
2 the controller shall immediately record and sign them and shall promptly transfers the signed
3 vouchers to the general treasurer; provided, that these expenditures are used solely for the
4 purposes specified in this section and its balances shall not lapse at any time.

5 SECTION 2. Section 28-42-76 of the General Laws in Chapter 28-42 entitled
6 "Employment Security - General Provisions" is hereby amended to read as follows:

7 **28-42-76. Disbursements from interest fund -- Unexpended balance.** -- (a) The
8 moneys in the interest fund are used solely for the following purposes:

9 (1) To make refunds of interest erroneously collected and deposited in the fund;

10 (2) To make payments of interest due on federal advances received from the federal
11 unemployment account under 42 U.S.C. section 1321 et seq., in accordance with federal law and
12 regulations then in effect; and

13 (3) To maintain essential ~~employment security services~~ department programs.

14 (b) The general treasurer shall pay all vouchers drawn by the director upon the interest
15 fund, in the amounts and in the manner that the director may prescribe. Vouchers drawn upon the
16 interest fund are referred to the controller within the department of administration. Upon receipt
17 of those vouchers, the controller shall immediately record and sign them and shall promptly
18 transfer those signed vouchers to the general treasurer; provided, that those expenditures are used
19 solely for the purposes specified in this section and its balances shall not lapse at any time.

20

21 SECTION 3. This act shall take effect upon passage.

22 **ARTICLE 37 SUB A AS AMENDED**

23 **RELATING TO PHARMACEUTICAL ASSISTANCE TO THE ELDERLY ACT**

24 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
25 General Laws in Chapter 42-66.2 entitled "Pharmaceutical Assistance to the Elderly Act" are
26 hereby amended to read as follows:

27 **42-66.2-3. Definitions.** -- As used in this chapter, unless the context requires otherwise:

28 (1) "Consumer" means any full-time resident of the state who fulfills the eligibility
29 requirements set forth in section 42-66.2-5. Residence for purposes of this chapter shall be in
30 accordance with the definitions and evidence standards set forth in section 17-1-3.1.

31 (2) "Contractor" means a third party or private vendor capable of administering a

1 program of reimbursement for prescription drugs, and drug program eligibility administrative
2 support as required by the director, the vendor to be determined through a competitive bid process
3 in which the director awards a three (3) year contract for services.

4 (3) "Department" means the department of elderly affairs.

5 (4) "Director" means the director of the department of elderly affairs.

6 (5) (i) ~~"Drugs" and "eligible"~~ "Eligible drugs" means insulin and shall mean noninjectable
7 drugs which require a physician's prescription according to federal law and which are contained
8 in the following American hospital formulary service pharmacologic-therapeutic classifications
9 categories that have not been determined by the federal "drug efficacy and safety implementation
10 (DESI) commission" to lack substantial evidence of effectiveness. ~~Drugs and eligible~~ Eligible
11 drugs are limited to the following classification categories: cardiac drugs, hypotensive drugs,
12 diuretics, anti-diabetic agents, insulin, disposable insulin syringes, vasodilators (cardiac
13 indications only), anticoagulants, hemorreolgic agents, glaucoma drugs, drugs for the treatment of
14 Parkinson's disease, antilipemic drugs and oral antineoplastic drugs and drugs for the treatment of
15 asthma and other chronic respiratory diseases and prescription vitamin and mineral supplements
16 for renal patients, and drugs approved for the treatment of Alzheimer's disease, drugs used for the
17 treatment of depression, those drugs approved for the treatment of urinary incontinence, anti
18 infectives, drugs used for the treatment of arthritis, drugs approved for the treatment of
19 osteoporosis, and neuraminidase inhibiting drugs indicated for the treatment of influenza A and
20 B.

21 (ii) "Additional drugs" shall mean noninjectable drugs which require a physician's
22 prescription according to federal law and which are contained in the American hospital
23 formulary service pharmacologic-therapeutic classifications categories that have not been
24 determined by the federal "drug efficacy and safety implementation (DESI) commission" to lack
25 substantial evidence of effectiveness, which are not included in the definition of drugs as defined
26 in section 42-66.2-3(5). However, this shall not include prescription drugs used for cosmetic
27 purposes.

28 (6) "Income" for the purposes of this chapter means the sum of federal adjusted gross
29 income as defined in the Internal Revenue Code of the United States [26 U.S.C. section 1 et seq.]
30 and all nontaxable income including but not limited to, the amount of capital gains excluded from
31 adjusted gross income, alimony, support money, nontaxable strike benefits, cash public assistance
32 and relief (not including relief granted under this chapter), the gross amount of any pension or
33 annuity (including Railroad Retirement Act benefits [45 U.S.C. section 231 et seq.] all payments
34 received under the federal Social Security Act [42 U.S.C. section 301 et seq.] state unemployment

1 insurance laws, and veterans' disability pensions), nontaxable interest received from the federal
2 government or any of its instrumentalities, workers' compensation, and the gross amount of "loss
3 of time" insurance. It does not include gifts from nongovernmental sources, or surplus foods or
4 other relief in kind supplied by a public or private agency.

5 (7) "Pharmaceutical manufacturer" means any entity holding legal title to or possession
6 of a national drug code number issued by the federal food and drug administration.

7 (8) "Pharmacy" means a pharmacy licensed by the state of Rhode Island and whose place
8 of business is physically located within the state.

9 (9) "Pilot program contractor" means Blue Cross and Blue Shield of Rhode Island.

10 **42-66.2-4. Amount of payment.** -- The state shall pay the percentage rate of the
11 maximum allowable amount per prescription as formulated in the contract, as of the date of
12 purchase of the drug, between the contractor and participating pharmacies in accordance with the
13 income eligibility and co-payment shares set forth in section 42-66.2-5. The pharmacy shall
14 collect from the consumer the percentage rate of the maximum allowable amount per prescription
15 as formulated in the contract, as of the date of the purchase of the eligible drug or additional
16 drug, between the contractor and participating pharmacies in accordance with the income
17 eligibility and co-payment shares set forth in section 42-66.2-5. ~~Payment for eligible drugs~~
18 ~~pursuant to this chapter shall only apply to purchases made on or after October 1, 1985.~~

19 **42-66.2-5. Persons eligible.** -- (a) Persons eligible for assistance under the provisions of
20 this chapter include any resident of the state who is at least sixty-five (65) years of age. State and
21 consumer co-payment shares for these persons, shall be determined as follows:

22 (1) For unmarried persons or married persons living separate and apart whose income for
23 the calendar year immediately preceding the year in which assistance is sought is:

24 (i) Less than fifteen thousand nine hundred and thirty-two dollars (\$15,932) the state
25 shall pay sixty percent (60%) of the cost of the prescriptions and the consumer shall pay forty
26 percent (40%) of the cost of the prescriptions;

27 (ii) More than fifteen thousand nine hundred and thirty-two dollars (\$15,932) and less
28 than twenty thousand dollars (\$20,000), the state shall pay thirty percent (30%) of the cost of the
29 prescriptions and the consumer shall pay seventy percent (70%) of the cost of the prescriptions;
30 and

31 (iii) More than twenty thousand dollars (\$20,000) and less than thirty-five thousand
32 dollars (\$35,000), the state shall pay fifteen percent (15%) of the cost of prescriptions and the
33 consumer shall pay eighty-five percent (85%) of the cost of prescriptions.

34 (2) For married persons whose income for the calendar year immediately preceding the

1 year in which assistance is sought hereunder when combined with any income of the person's
2 spouse in the same year is:

3 (i) Nineteen thousand nine hundred and sixteen dollars (\$19,916) or less, the state shall
4 pay sixty percent (60%) of the cost of the prescriptions and the consumer shall pay forty percent
5 (40%) of the cost of the prescriptions;

6 (ii) More than nineteen thousand nine hundred and sixteen dollars (\$19,916) and less
7 than twenty-five thousand dollars (\$25,000), the state shall pay thirty percent (30%) of the cost of
8 the prescriptions and the consumer shall pay seventy percent (70%) of the cost of prescriptions;
9 and

10 (iii) More than twenty-five thousand dollars (\$25,000) and less than forty thousand
11 dollars (\$40,000), the state shall pay fifteen percent (15%) of the cost of prescriptions and the
12 consumer shall pay eighty-five percent (85%) of the cost of prescriptions.

13 (3) Eligibility may also be determined by using income data for the ninety (90) days
14 prior to application for benefits and projecting that income on an annual basis. The income levels
15 shall not include those sums of money expended for medical and pharmaceutical that exceed
16 three percent (3%) of the applicant's annual income or three percent (3%) of the applicant's
17 preceding ninety (90) day income computed on an annual basis.

18 (b) On July 1 of each year, the maximum amount of allowable income for both unmarried
19 and married residents set forth in subsection (a) shall be increased by a percentage equal to the
20 percentage of the cost of living adjustment provided for social security recipients.

21 (c) Notwithstanding the foregoing provisions of this section, no person whose
22 prescription drug expenses are paid or reimbursable, either in whole or in part, by any other plan
23 of assistance or insurance is eligible for assistance under this section, until the person's
24 prescription drug coverage is exhausted during a benefit year, and as provided in subsection (d).

25 (d) The fact that some of a person's prescription drug expenses are paid or reimbursable
26 under the provisions of medicare, part B, shall not disqualify that person, if he or she is otherwise
27 eligible, to receive assistance under this chapter. In those cases, the state shall pay sixty percent
28 (60%) of the cost of those prescriptions for qualified drugs for which no payment or
29 reimbursement is made by the federal government.

30 (e) Eligibility for receipt of any other benefit under any other provisions of the Rhode
31 Island general laws as a result of eligibility for the pharmaceutical assistance program authorized
32 under this section shall be limited to those persons whose income qualify them for a sixty percent
33 (60%) state co-payment share of the cost of prescriptions.

34 (f) Between fifty-five (55) and sixty-five (65) years of age and receiving social security

1 disability benefits. These persons shall pay one hundred percent (100%) of the cost of
2 prescriptions set forth in section 42-66.2-4.

3 (g) For all additional drugs, the consumer shall pay one hundred percent (100%) of the
4 cost of prescriptions as set forth in section 42-66.2-4.

5 **42-66.2-6. Responsibilities of department of elderly affairs.** -- (a) Determination of
6 eligibility. - The department shall adopt regulations relating to the determination of eligibility of
7 prospective consumers and the determination and elimination of program abuse. The department
8 has the power to declare ineligible any consumer who abuses or misuses the established
9 prescription plan. The department has the power to investigate cases of suspected provider or
10 consumer fraud.

11 (b) Rebates for expenses prohibited. - (1) A system of rebates or reimbursements to the
12 consumer for pharmaceutical expenses shall be prohibited.

13 (2) Subdivision (1) shall not be interpreted to exclude other consumers not participating
14 in the pharmaceutical assistance to the elderly program from receiving financial offers or
15 redeemable coupons that are available to only those who have paid for the service or product
16 through direct cash payment, insurance premiums, or cost sharing with an employer.

17 (c) Program criteria. - The program includes the following criteria:

18 (1) Collection of the co-payment by pharmacies is mandatory;

19 (2) Senior citizens participating in the program are not required to maintain records of
20 each transaction but shall sign a receipt for eligible and additional drugs;

21 (3) (i) A system of rebates or reimbursements to the consumer for pharmaceutical
22 expenses is prohibited;

23 (ii) This subdivision shall not be interpreted to exclude other consumers from receiving
24 financial offers or redeemable coupons that are available to only those who have paid for the
25 service or product through direct cash payment, insurance premiums, or cost sharing with an
26 employer.

27 (4) Prescription benefits for any single prescription may be dispensed in the amounts
28 authorized by the physician, and agreed to by the consumer, up to a maximum of a one hundred
29 (100) day supply or two hundred (200) doses, whichever is less and/or a one hundred (100) day
30 supply or one quart of liquid, whichever is less; provided, however, that disposable insulin
31 syringes are dispensed in a quantity of one hundred (100);

32 (5) Experimental drugs are excluded from the program.

33 (6) A system of mail order delivery for prescriptions is prohibited under this program;

34 and

1 (7) Eligible and additional drugs must be dispensed within one year of the original
2 prescription order.

3 (d) The director shall issue an eligibility card containing a program ID number and the
4 time period for which the card is valid.

5 (e) The director shall institute and conduct an educational outreach program and shall
6 provide a mechanism, within the department, to handle all public inquiries concerning the
7 program.

8 (f) The director shall establish a process, in accordance with the Administrative
9 Procedures Act, chapter 35 of this title, to provide an appeals hearing on the determination of
10 eligibility.

11 (g) The director shall forward to the contractor a list of all eligible consumers.

12 **42-66.2-10. Pharmaceutical manufacturer drug rebates.** -- (a) The director shall enter
13 into prescription drug rebate agreements with individual pharmaceutical manufacturers under
14 which the department shall receive a rebate from the pharmaceutical manufacturer equal to the
15 basic rebate supplied by the manufacturer under 42 U.S.C. section 1396a for every eligible
16 prescription drug dispensed under the program. Each prescription drug rebate agreement shall
17 provide that the pharmaceutical manufacturer shall make quarterly rebate payments to the
18 department equal to the basic rebate supplied by the manufacturer under 42 U.S.C. section 1396a
19 for the total number of dosage units of each form and strength of a prescription drug which the
20 department reports as reimbursed to providers of prescription drugs, provided these payments
21 shall not be due until thirty (30) days following the manufacturer's receipt of utilization data from
22 the department including the number of dosage units reimbursed to providers of eligible
23 prescription drugs during the quarter for which payment is due.

24 (b) (1) Upon receipt of the utilization data from the department, the pharmaceutical
25 manufacturer shall calculate the quarterly payment. The department may, at its expense, hire a
26 mutually agreed upon independent auditor to verify the calculation and payment. In the event that
27 a discrepancy is discovered between the pharmaceutical manufacturer's calculation and the
28 independent auditor's calculation, the pharmaceutical manufacturer shall justify its calculations or
29 make payment to the department for any additional amount due.

30 (2) The pharmaceutical manufacturer may, at its expense, hire a mutually agreed upon
31 independent auditor to verify the accuracy of the utilization data provided by the department. In
32 the event that a discrepancy is discovered, the department shall justify its data or refund any
33 excess payment to the pharmaceutical manufacturer. The department may, at its expense,
34 establish a grievance adjudication procedure which provides for independent review of

1 manufacturer documentation substantiating the basic rebate amount per unit delivered under 42
2 U.S.C. section 1396a. In the event that a discrepancy is discovered, the department shall justify its
3 data or refund any excess payment to the pharmaceutical manufacturer.

4 (c) All eligible prescription drugs of a pharmaceutical manufacturer that enters into an
5 agreement pursuant to subsection (a) shall be immediately available and the cost of these eligible
6 drugs shall be reimbursed and not subject to any restrictions or prior authorization requirements.
7 Any prescription drug of a manufacturer that does not enter into an agreement pursuant to
8 subsection (a) shall not be reimbursable, unless the department determines the eligible
9 prescription drug is essential to program participants.

10 (d) All rebates collected by the department from the rebate payments made for drugs for
11 persons eligible under the provisions of section 42-66.2-5(a) shall be deposited as general
12 revenues of the state.

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

14 **ARTICLE 38 SUB A**

15 **RELATING TO ZERO BASE BUDGET REVIEW**

16 SECTION 1. Chapter 35-3 of the General Laws entitled "State Budget" is hereby
17 amended by adding thereto the following section:

18 **35-3-4.2. Zero base budget review.** – (a) The chairperson of the house finance
19 Committee and/or the chairperson of the senate finance committee may, from time to time,
20 designate one or more departments to submit zero base budgets. The committee(s) shall consider
21 the objectives, operations, measures of performance, and costs of all activities of each
22 department; explore alternative means of conducting the activities of each department; and
23 evaluate alternative budget amounts for various levels of effort for each activity of each
24 department.

25 (b) The committee(s) shall begin zero base budget reviews at the beginning of the fiscal
26 year, and shall complete analysis prior to the governor's submission of the budget as required in
27 section 35-3-7. Prior to August 1, the chairperson(s) shall communicate to the departments so
28 designated the form and number of copies, and with such explanation as the committee(s) may
29 require.

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

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ARTICLE 39 SUB A AS AMENDED (DELETED)

ARTICLE _____

SECTION 1. The general assembly finds that the state airport provides substantial benefits to the people of the state beyond the city of Warwick as well as within the city of Warwick, but that the T.F. Green state airport imposes a significant burden on the city of Warwick not borne by inhabitants of the state beyond the city of Warwick. Furthermore, federal law prohibits the airport operator from paying taxes or making payments in lieu of taxes at a rate adequate to compensate the city and its inhabitants for that burden. The general assembly therefore finds it fair and appropriate to make appropriations to the city of Warwick from increased revenues to be received due to sales taxes and rental car surcharges collected in connection with the Warwick Station project.

SECTION 2. Chapter 1-2 of the General Laws entitled "Airports and Landing Fields" is hereby amended by adding thereto the following sections:

1-2-1.1. Powers relating to vehicular traffic accessing airport facilities - T.F. Green state airport. - - (a) The Rhode Island airport corporation is authorized: (1) to impose charges on customers of rental companies, (as defined in section 31-34.1-1, who directly or indirectly use Warwick Station or the T.F. Green state airport, at such rates as the Rhode Island airport corporation may deem necessary to provide adequate revenue to pay all costs of constructing, reconstructing, expanding, reconfiguring, operating, and maintaining Warwick Station regardless of whether such charges may have an anticompetitive effect; and (2) to regulate the access of vehicular traffic to airport properties including by excluding one or more classes of vehicular traffic from accessing portions of airport roadways, parking lots, curbsides and other vehicular facilities.

Nothing in this section shall be construed to limit the authority of Rhode Island airport corporation to impose other fees, charges, rates, or rentals including any other fees, charges, rates, or rentals imposed on rental companies or to adopt other regulations.

(b) All customer facility charges heretofore or hereafter collected under the authority of subsection (a)(1) of this section and all customer facility charges collected by any rental company from customers under color of those provisions or pursuant to regulations adopted by the airport corporation, constitute a trust fund for the airport corporation until paid. That trust is enforceable

1 against: (1) the rental company; (2) any officer, agent, servant, or employee of any rental
2 company responsible for either the collection or payment, or both, of the customer facility charge;
3 (3) any person receiving any part of the fund without consideration, or knowing that the rental
4 company or any officer, agent, servant, or employee of any rental company is committing a
5 breach of trust; and (4) the estates, heirs, and representatives of persons or entities described in
6 subsection (b)(1)-(3); provided, that a customer to whom a refund has been properly made, or any
7 person who receives payment of a lawful obligation of the rental company from that fund, is
8 presumed to have received that amount in good faith and without any knowledge of the breach of
9 trust.

10 (c) If the airport corporation or any officer thereof believes that the payment to the airport
11 corporation of the trust fund established under subsection (b) will be jeopardized by delay,
12 neglect, or misappropriation, the airport corporation or officer thereof shall notify the rental
13 company that the trust fund shall be segregated, and kept separate and apart from all other funds
14 and assets of the rental company and shall not be commingled with any other funds or assets. The
15 notice shall be given by either hand delivery or by registered mail, return receipt requested.
16 Within four (4) days after the sending of the notice, all of the customer facility charges which
17 thereafter either become collectible or are collected shall be deposited daily in any financial
18 institution in the state as defined in title 19 and those customer facility charges designated as a
19 special fund in trust for the airport corporation and payable to the airport corporation by the rental
20 company as trustee of that fund.

21 (d) The penalty for misappropriations provided by section 44-19-37 shall apply as though
22 that section referred to “customer facility charge” in each place where it refers to “tax”.

23 (e) The provisions of subsections (b), (c), and (d) are not exclusive, and are in addition to
24 all other remedies which the airport corporation may employ in the enforcement and collection of
25 customer facility charges.

26 **1-2-17.1. Sales taxes and surcharges on customer facility charges. - - (a) Moneys due**
27 **and payable as sales taxes and rental vehicle surcharges on customer facility charges shall be**
28 **deposited in a restricted receipt account entitled “receipts of sales taxes and surcharges on**
29 **customer facility charges”.** The Rhode Island airport corporation shall provide to the Rhode
30 **Island department of administration information related to the amount of customer facility**
31 **charges remitted on or before June 30 of each year.**

32 (b) The amounts on deposit in the account for receipts of sales taxes and surcharges on
33 customer facility charges shall be transferred to the city of Warwick as general revenues.

34 (c) “Customer facility charge” means the customer facility charge collected by rental

1 companies (as defined in section 31-34.1-1) pursuant to regulations promulgated by the Rhode
2 Island airport corporation.

3 SECTION 3. Section 1-2-17 of the General Laws in Chapter 1-2 entitled "Airports and
4 Landing Fields" is hereby amended to read as follows:

5 **1-2-17. Payment for compensation for municipal services to the city of Warwick. --**

6 The Rhode Island airport corporation, from a parking surcharge at the T.F. Green state airport as
7 defined by a 1988 agreement between the state acting by and through the director of
8 transportation and the city of Warwick, shall pay to the city of Warwick out of the parking
9 revenue received at T.F. Green state airport as compensation for municipal services provided at
10 T.F. Green state airport, a sum of not less than two hundred seventy-five thousand dollars
11 (\$275,000) for fiscal year 1994 payable quarterly; for each fiscal year after 1994, this sum may be
12 reviewed and/or renegotiated by the mayor of the city of Warwick and the airport corporation, but
13 in no event will the sum be less than five hundred thousand dollars (\$500,000) in any fiscal year,
14 beginning after 1993 and before 2005 or less than seven hundred fifty thousand dollars
15 (\$750,000) in any fiscal year beginning after 2004, provided any payments provided or any
16 portion of these payments is not disapproved by the F.A.A. ~~Beginning in fiscal year 1995, in~~ In
17 the event that the F.A.A. disapproves this payment from the airport corporation, the state shall
18 pay to the city of Warwick the sums of money required to insure that the city of Warwick
19 receives ~~two hundred and seventy five thousand dollars (\$275,000)~~ five hundred thousand dollars
20 (\$500,000).

21 SECTION 4. Section 44-4-4.1 of the General Laws in chapter 44-4 entitled "Situs and
22 Ownership of Taxable Property" is hereby amended by adding thereto the following sections:

23 **44-4-4.2. Leasehold improvements taxed to tenant of quasi-public corporation. -**

24 Whenever real property is owned by a quasi-public corporation and leased to a tenant which is
25 engaged in any business for profit, and such property is located at an airport terminal building
26 with more than ten thousand (10,000) air carrier aircraft operations annually, any tax on leasehold
27 improvements shall be paid by the tenant, who, for the purposes of taxation, shall be deemed to
28 be the owner of any such leasehold improvements.

29 **44-4-25. Severability. – If a court of competent jurisdiction shall adjudge to be invalid or**
30 unconstitutional any clause, sentence, paragraph, section or part of this chapter or the application
31 thereof to any person or circumstance, the adjudication shall not affect, impair, invalidate or
32 nullify the remainder of this chapter, or the applications of this chapter, which can be given effect
33 without the invalid provision application, but the effect of the court's adjudication shall be
34 confined to the clause, sentence, paragraph, or section or part of this chapter, or application

1 thereof, which can be given effect without the invalid provision or application so adjudged to be
2 invalid or unconstitutional.

3 SECTION 5. Sections 1 and 2 of this article shall take effect July 1, 2001. Section 3 of this article
4 shall take effect July 1, 2005. Section 4 of this article shall take effect upon passage and shall
5 apply to dates of property assessments occurring on or after December 31, 2000. If any court of
6 competent jurisdiction shall adjudge to be invalid or unconstitutional the application of sections 4
7 or 5 of this article to periods prior to the enactment of this article, this article shall nevertheless be
8 effective for dates of assessment occurring on or after passage of this article.

9 **ARTICLE**

10

11 SECTION 1. Section 39-3-11.2 of the General Laws in Chapter 39-3 entitled "Regulatory
12 Powers of Administration" is hereby amended to read as follows:

13 **39-3-11.2. Interim rates.** -- Notwithstanding the provisions of titles 23 and 39, the
14 municipal tipping fee charged by the resource recovery corporation shall be thirty-two dollars
15 (\$32.00) per ton from July 1, ~~2001 to June 30, 2002~~ 2002 to June 30, 2003.

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

17

18 **ARTICLE 40 SUB A**

19

RELATING TO EFFECTIVE DATE

20 SECTION 1. This act shall take effect July 1, 2002, except as otherwise
21 provided herein.

22 In articles where it is provided that the effective date shall be either "July 1, 2002"
23 or "upon passage", and no provision is made for retroactive or prospective application,
24 the effective date shall be July 1, 2002, and if the act is enacted after July 1, 2002, then
25 the article shall be retroactive to July 1, 2002.

26 In articles where it is provided that the effective date shall be either "July 1, 2002"
27 or "upon passage" and provision is made with the article for retroactive or prospective
28 application, the article shall take effect on July 1, 2002 and its application made
29 retroactive or prospective as set fourth in the article.

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