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LC01059/SUB A
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR
THE FISCAL YEAR ENDING JUNE 30, 2013

Introduced By: Representative Helio Melo

Date Introduced: February 01, 2012

Referred To: House Finance

It is enacted by the General Assembly as follows:

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|----|------------|--|
| 1 | ARTICLE 1 | RELATING TO MAKING APPROPRIATIONS IN SUPPORT OF FY |
| 2 | | 2013 |
| 3 | ARTICLE 2 | RELATING TO BORROWING IN ANTICIPATION OF RECEIPTS |
| 4 | | FROM TAXES |
| 5 | ARTICLE 3 | RELATING TO ABUSED AND NEGLECTED CHILDREN |
| 6 | ARTICLE 4 | RELATING TO GOVERNMENT ORGANIZATION |
| 7 | ARTICLE 5 | RELATING TO CAPITAL DEVELOPMENT PROGRAM |
| 8 | ARTICLE 6 | RELATING TO BOND PREMIUMS |
| 9 | ARTICLE 7 | RELATING TO DEBT MANAGEMENT ACT JOINT RESOLUTIONS |
| 10 | ARTICLE 8 | RELATING TO INFORMATION TECHNOLOGY INVESTMENT |
| 11 | | FUND |
| 12 | ARTICLE 9 | RELATING TO DEPARTMENT OF HEALTH FEES |
| 13 | ARTICLE 10 | RELATING TO MAKING REVISED APPROPRIATIONS IN |
| 14 | | SUPPORT OF FY 2012 |
| 15 | ARTICLE 11 | RELATING TO MEDICAL ASSISTANCE RECOVERIES |
| 16 | ARTICLE 12 | RELATING TO EDUCATION AID |
| 17 | ARTICLE 13 | RELATING TO HISTORIC PRESERVATION TAX CREDIT TRUST |
| 18 | | FUND |

- 1 ARTICLE 14 RELATING TO RESTRICTED RECEIPT ACCOUNTS
- 2 ARTICLE 15 RELATING TO HOSPITAL UNCOMPENSATED CARE
- 3 ARTICLE 16 RELATING TO MUNICIPALITIES
- 4 ARTICLE 17 RELATING TO DEPARTMENT OF ENVIRONMENTAL
- 5 MANAGEMENT
- 6 ARTICLE 18 RELATING TO OFFICE OF HEALTH AND HUMAN SERVICES
- 7 ARTICLE 19 RELATING TO MEDICAID REFORM ACT OF 2008
- 8 ARTICLE 20 RELATING TO EAST BAY BRIDGE SYSTEM
- 9 ARTICLE 21 RELATING TO TAXATION AND REVENUES
- 10 ARTICLE 22 RELATING TO CENTRAL FALLS
- 11 ARTICLE 23 RELATING TO EFFECTIVE DATE

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ARTICLE 1

RELATING TO MAKING APPROPRIATIONS IN SUPPORT OF FY 2013

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, 2013. The amounts identified for federal funds and restricted receipts shall be made available pursuant to section 35-4-22 and Chapter 41 of Title 42 of the Rhode Island General Laws. For the purposes and functions hereinafter mentioned, the state controller is hereby authorized and directed to draw his or her orders upon the general treasurer for the payment of such sums or such portions thereof as may be required from time to time upon receipt by him or her of properly authenticated vouchers.

Administration

<i>Central Management</i> General Revenues	2,272,523
<i>Legal Services</i> General Revenues	2,006,995
<i>Accounts and Control</i> General Revenues	3,815,349
<i>Auditing</i> General Revenues	1,200,000
<i>Office of Management and Budget</i>	
General Revenues	3,004,055
Restricted Receipts	411,460
Total – Office of Management and Budget	3,415,515
<i>Purchasing</i>	
General Revenues	2,741,468
Federal Funds	69,888
Other Funds	294,974
Total – Purchasing	3,106,330
<i>Human Resources</i>	
General Revenues	8,839,720
Federal Funds	764,973
Restricted Receipts	427,760
Other Funds	1,359,348

1	Total - Human Resources	11,391,801
2	<i>Personnel Appeal Board</i> General Revenues	75,036
3	<i>Facilities Management</i>	
4	General Revenues	32,593,888
5	Federal Funds	1,049,144
6	Restricted Receipts	598,202
7	Other Funds	3,325,363
8	Total – Facilities Management	37,566,597
9	<i>Capital Projects and Property Management</i>	
10	General Revenues	3,040,310
11	Restricted Receipts	1,313,144
12	Total – Capital Projects and Property Management	4,353,454
13	<i>Information Technology</i>	
14	General Revenues	20,215,153
15	Federal Funds	5,760,616
16	Restricted Receipts	3,789,803
17	Other Funds	2,092,811
18	Total – Information Technology	31,858,383
19	<i>Library and Information Services</i>	
20	General Revenues	933,989
21	Federal Funds	1,319,663
22	Restricted Receipts	1,895
23	Total - Library and Information Services	2,255,547
24	<i>Planning</i>	
25	General Revenues	3,960,126
26	Federal Funds	8,684,453
27	Other Funds	4,836,966
28	Total - Planning	17,481,545
29	<i>General</i>	
30	General Revenues	
31	Economic Development Corporation	4,634,890
32	EDC – Airport Impact Aid	1,025,000
33	Sixty percent (60%) of the first \$1,000,000 appropriated for airport impact aid shall be	
34	distributed to each airport serving more than 1,000,000 passengers based upon its percentage of	

1 the total passengers served by all airports serving more than 1,000,000 passengers. Forty percent
 2 (40%) of the first \$1,000,000 shall be distributed based on the share of landings during the
 3 calendar year 2012 at North Central Airport, Newport-Middletown Airport, Block Island Airport,
 4 Quonset Airport, TF Green Airport, and Westerly Airport, respectively. The Economic
 5 Development Corporation shall make an impact payment to the towns of cities in which the
 6 airport is located based on this calculation.

7 Each community upon which any parts of the above airports are located shall receive at
 8 least \$25,000.

9	EDC – EPScore (Research Alliance)	1,150,000
10	Miscellaneous Grants	146,049
11	Slater Centers of Excellence	1,500,000
12	Torts – Courts	400,000
13	Current Care - Health Information Exchange	450,000
14	I-195 Commission	3,900,000
15	RI Film and Television Office	305,049
16	Office of Digital Excellence	300,000
17	State Employees/Teachers Retiree Health Subsidy	2,321,057
18	Resource Sharing and State Library Aid	8,773,398
19	Library Construction Aid	2,471,714
20	Federal Funds	4,345,555
21	Restricted Receipts	421,500
22	Rhode Island Capital Plan Funds	
23	Statehouse Renovations	4,000,000
24	Cranston Street Armory	800,000
25	Cannon Building	220,000
26	Zambarano Building Rehabilitation	1,200,000
27	Pastore Medical Center Rehab DOA	1,600,000
28	Old State House	500,000
29	State Office Building	1,250,000
30	Old Colony House	300,000
31	William Powers Building	700,000
32	Fire Code Compliance State Buildings	350,000
33	Pastore Center Fire Code Compliance	1,100,000
34	Pastore Center Utility Systems Upgrade	2,000,000

1	Replacement of Fueling Tanks	300,000
2	Environmental Compliance	200,000
3	Big River Management Area	120,000
4	Pastore Center Building Demolition	3,000,000
5	Washington County Government Center	500,000
6	Veterans Memorial Auditorium	4,000,000
7	Chapin Health Laboratory	1,500,000
8	Pastore Center Parking	1,000,000
9	Pastore Center Water Tanks	500,000
10	Board of Elections New Location	1,000,000
11	Renovate Building #81	150,000
12	Pastore Cottages Rehabilitation	100,000
13	Health Lab Feasibility Study	175,000
14	Ladd Center Building Demolition	300,000
15	I-195 Commission	250,000
16	Total – General	59,259,572
17	<i>Debt Service Payments</i>	
18	General Revenues	160,359,567
19	Federal Funds	2,759,328
20	Restricted Receipts	4,454,480
21	RIPTA Debt Service	1,680,844
22	Transportation Debt Service	34,317,954
23	Investment Receipts – Bond Funds	100,000
24	COPS - DLT Building – TDI	278,848
25	Total - Debt Service Payments	203,951,021
26	<i>Energy Resources</i>	
27	Federal Funds	348,685
28	Federal Funds – Stimulus	224,543
29	Restricted Receipts	4,815,703
30	Total – Energy Resources	5,388,931
31	<i>Supplemental Retirement Savings</i>	
32	General Revenues	629,747
33	Federal Funds	251,899
34	Restricted Receipts	52,479

1	Other	115,454
2	Total - Supplemental Retirement Savings	1,049,579
3	Grand Total – Administration	390,448,178
4	Business Regulation	
5	<i>Central Management</i> General Revenues	1,145,060
6	<i>Banking Regulation</i>	
7	General Revenues	1,637,766
8	Restricted Receipts	125,000
9	Total - Banking Regulation	1,762,766
10	<i>Securities Regulation</i>	
11	General Revenues	1,068,375
12	Restricted Receipts	15,000
13	Total - Securities Regulation	1,083,375
14	<i>Insurance Regulation</i>	
15	General Revenues	3,916,525
16	Restricted Receipts	1,284,868
17	Total - Insurance Regulation	5,201,393
18	<i>Office of the Health Commissioner</i>	
19	General Revenues	542,929
20	Federal Funds	2,719,081
21	Restricted Receipts	10,500
22	Total – Office of the Health Commissioner	3,272,510
23	<i>Board of Accountancy</i> General Revenues	82,483
24	<i>Commercial Licensing, Racing & Athletics</i>	
25	General Revenues	719,111
26	Restricted Receipts	460,812
27	Total - Commercial Licensing, Racing & Athletics	1,179,923
28	<i>Board for Design Professionals</i> General Revenues	249,799
29	Grand Total - Business Regulation	13,977,309
30	Labor and Training	
31	<i>Central Management</i>	
32	General Revenues	107,310
33	Restricted Receipts	585,938
34	Rhode Island Capital Plan Funds	

1	Center General Asset Protection	310,500
2	Center General Roof	753,650
3	Total - Central Management	1,757,398
4	<i>Workforce Development Services</i>	
5	Federal Funds	24,182,172
6	Restricted Receipts	6,954,831
7	Total - Workforce Development Services	31,137,003
8	<i>Workforce Regulation and Safety General Revenues</i>	2,994,552
9	<i>Income Support</i>	
10	General Revenues	4,370,518
11	Federal Funds	15,293,809
12	Federal Funds – Stimulus - UI	72,268,000
13	Restricted Receipts	1,403,715
14	Job Development Fund	18,572,493
15	Other Funds	
16	Temporary Disability Insurance Fund	181,947,650
17	Employment Security Fund	322,696,493
18	Total - Income Support	616,552,678
19	<i>Injured Workers Services Restricted Receipts</i>	8,775,718
20	<i>Labor Relations Board General Revenues</i>	386,790
21	Grand Total - Labor and Training	661,604,139
22	Department of Revenue	
23	<i>Director of Revenue General Revenues</i>	783,388
24	<i>Office of Revenue Analysis General Revenues</i>	538,285
25	<i>Lottery Division Lottery Funds</i>	232,744,968
26	<i>Municipal Finance</i>	
27	General Revenues	2,564,780
28	Central Falls Receivership	300,000
29	Total – Municipal Finance	2,564,780
30	<i>Taxation</i>	
31	General Revenues	17,904,225
32	Federal Funds	1,326,098
33	Restricted Receipts	872,995
34	Other Funds	

1	Motor Fuel Tax Evasion	43,382
2	Temporary Disability Insurance	975,730
3	Total – Taxation	21,122,430
4	<i>Registry of Motor Vehicles</i>	
5	General Revenues	18,475,667
6	Federal Funds	1,124,611
7	Restricted Receipts	14,763
8	Rhode Island Capital Plan Funds	
9	Safety & Emissions Lift Replacement	100,000
10	Total – Registry of Motor Vehicles	19,715,041
11	<i>State Aid</i>	
12	General Revenue	
13	Distressed Communities Relief Fund	10,384,458
14	Payment in Lieu of Tax Exempt Properties	33,080,409
15	Motor Vehicle Excise Tax Payments	10,000,000
16	Property Revaluation Program	1,611,032
17	Restricted Receipts	
18	Car Rental Tax/Surcharge - Warwick Share	957,497
19	Total – State Aid	56,033,396
20	Grand Total – Revenue	333,502,288
21	Legislature	
22	General Revenues	37,985,685
23	Restricted Receipts	1,627,174
24	Grand Total – Legislature	39,612,859
25	Lieutenant Governor	
26	General Revenues	962,955
27	Federal Funds	129,737
28	Grand Total - Lieutenant Governor	1,092,692
29	Secretary of State	
30	<i>Administration</i> General Revenues	1,907,105
31	<i>Corporations</i> General Revenues	2,068,731
32	<i>State Archives</i>	
33	General Revenues	79,385
34	Restricted Receipts	505,069

1	Total - State Archives	584,454
2	<i>Elections & Civics</i> General Revenues	1,900,552
3	<i>State Library</i> General Revenues	596,470
4	<i>Office of Public Information</i> General Revenues	358,884
5	Grand Total – Secretary of State	7,416,196
6	General Treasurer	
7	<i>Treasury</i>	
8	General Revenues	2,096,374
9	Federal Funds	316,169
10	Other Funds	
11	Temporary Disability Insurance Fund	251,512
12	Total – Treasury	2,664,055
13	<i>State Retirement System</i>	
14	General Revenues	311,760
15	Restricted Receipts	
16	Admin Expenses - State Retirement System	10,584,330
17	Retirement - Treasury Investment Operations	1,127,961
18		
19	Total - State Retirement System	12,024,051
20	<i>Unclaimed Property</i> Restricted Receipts	20,733,930
21	<i>Crime Victim Compensation Program</i>	
22	General Revenues	133,981
23	Federal Funds	843,543
24	Restricted Receipts	1,172,000
25	Total - Crime Victim Compensation Program	2,149,524
26	Grand Total – General Treasurer	37,571,560
27	Board of Elections General Revenues	1,952,116
28	Rhode Island Ethics Commission General Revenues	1,557,881
29	Office of Governor	
30	General Revenues	4,168,290
31	Contingency Fund	250,000
32	Federal Funds	22,163,245
33	Grand Total – Office of Governor	26,581,535
34	Commission for Human Rights	

1	General Revenues	1,137,768
2	Federal Funds	325,992
3	Grand Total - Commission for Human Rights	1,463,760
4	Public Utilities Commission	
5	Federal Funds	110,213
6	Federal Funds – Stimulus	211,582
7	Restricted Receipts	7,924,913
8	Grand Total - Public Utilities Commission	8,246,708
9	Office of Health and Human Services	
10	<i>Central Management</i>	
11	General Revenues	25,434,668
12	Federal Funds	74,974,313
13	Federal Funds – Stimulus	312,000
14	Restricted Receipts	957,586
15	Total – Central Management	101,678,567
16	<i>Medical Assistance</i>	
17	General Revenues	
18	Managed Care	283,387,147
19	Hospitals	107,337,545
20	Nursing Facilities	173,959,640
21	Home and Community Based Services	35,953,320
22	Other Services	43,765,745
23	Pharmacy	52,354,074
24	Rhody Health	102,873,564
25	Federal Funds	
26	Managed Care	312,336,604
27	Hospitals	115,542,929
28	Nursing Facilities	184,540,360
29	Home and Community Based Services	38,146,680
30	Other Services	62,494,368
31	Pharmacy	1,290,105
32	Rhody Health	106,846,436
33	Special Education	18,350,000
34	Restricted Receipts	11,515,000

1	Total – Medical Assistance	1,650,693,517
2	Grand Total – Health and Human Services	1,752,372,084
3	Children, Youth, and Families	
4	<i>Central Management</i>	
5	General Revenues	4,674,549
6	Federal Funds	2,351,311
7	Restricted Receipts	204,094
8	Total - Central Management	7,229,954
9	<i>Children's Behavioral Health Services</i>	
10	General Revenues	10,077,912
11	Federal Funds	7,524,753
12	Rhode Island Capital Plan Funds	
13	NAFI Center	500,000
14	Mt. Hope Building Facade	275,000
15	Mt. Hope Feasibility Study	50,000
16	Various Repairs and Improvements	195,000
17	Total - Children's Behavioral Health Services	18,897,665
18	<i>Juvenile Correctional Services</i>	
19	General Revenues	30,203,577
20	Federal Funds	1,250,209
21	Federal Funds – Stimulus	21,914
22	Rhode Island Capital Plan Funds	
23	Thomas C. Slater Training School Maintenance Building	535,000
24	Generators – Thomas C. Slater Training School	441,000
25	Total - Juvenile Correctional Services	32,451,700
26	<i>Child Welfare</i>	
27	General Revenues	96,804,235
28	18 to 21 Year Olds	10,630,227
29	Federal Funds	44,794,120
30	18 to 21 Year Olds	2,497,984
31	Restricted Receipts	2,621,159
32	Rhode Island Capital Plan Funds	
33	Fire Code Upgrades	500,000
34	Total - Child Welfare	157,847,725

1	<i>Higher Education Incentive Grants</i> General Revenues	200,000
2	Grand Total - Children, Youth, and Families	216,627,044
3	Health	
4	<i>Central Management</i>	
5	General Revenues	1,173,946
6	Federal Funds	8,355,078
7	Restricted Receipts	3,585,881
8	Total - Central Management	13,114,905
9	<i>State Medical Examiner</i>	
10	General Revenues	2,259,943
11	Federal Funds	204,371
12	Total - State Medical Examiner	2,464,314
13	<i>Environmental and Health Services Regulation</i>	
14	General Revenues	9,145,421
15	Federal Funds	5,645,960
16	Restricted Receipts	4,422,838
17	Total - Environmental and Health Services Regulation	19,214,219
18	<i>Health Laboratories</i>	
19	General Revenues	6,300,363
20	Federal Funds	1,614,851
21	Federal Funds - Stimulus	190,052
22	Total - Health Laboratories	8,105,266
23	<i>Public Health Information</i>	
24	General Revenues	1,741,431
25	Federal Funds	735,572
26	Federal Funds - Stimulus	373,442
27	Total – Public Health Information	2,850,445
28	<i>Community and Family Health and Equity</i>	
29	General Revenues	2,418,974
30	Federal Funds	43,485,586
31	Federal Funds - Stimulus	1,098,622
32	Restricted Receipts	21,503,877
33	Other Funds	
34	Safe and Active Commuting	172,000

1	Total – Community and Family Health and Equity	68,679,059
2	<i>Infectious Disease and Epidemiology</i>	
3	General Revenues	1,781,758
4	Federal Funds	3,275,445
5	Federal Funds – Stimulus	36,672
6	Total – Infectious Disease and Epidemiology	5,093,875
7	Grand Total – Health	119,522,083
8	Human Services	
9	<i>Central Management</i>	
10	General Revenues	5,107,469
11	Federal Funds	5,317,610
12	Restricted Receipts	519,347
13	Total - Central Management	10,944,426
14	<i>Child Support Enforcement</i>	
15	General Revenues	2,305,759
16	Federal Funds	6,033,709
17	Total – Child Support Enforcement	8,339,468
18	<i>Individual and Family Support</i>	
19	General Revenues	20,616,357
20	Federal Funds	106,054,903
21	Federal Funds – Stimulus	7,066,062
22	Restricted Receipts	6,680,000
23	Rhode Island Capital Plan Fund	
24	Blind Vending Facilities	165,000
25	Intermodal Surface Transportation Fund	4,224,184
26	Total - Individual and Family Support	144,806,506
27	<i>Veterans' Affairs</i>	
28	General Revenues	19,568,977
29	Federal Funds	8,240,954
30	Restricted Receipts	1,077,762
31	Total - Veterans' Affairs	28,887,693
32	<i>Health Care Quality, Financing and Purchasing</i>	
33	General Revenues	8,314,370
34	Federal Funds	9,523,746

1	Total - Health Care Quality, Financing & Purchasing	17,838,116
2	<i>Supplemental Security Income Program</i> General Revenues	18,240,600
3	<i>Rhode Island Works</i>	
4	General Revenues Child Care	9,668,635
5	Federal Funds	80,198,485
6	Total – Rhode Island Works	89,867,120
7	<i>State Funded Programs</i>	
8	General Revenues	
9	General Public Assistance	2,572,658
10	Of this appropriation, \$210,000 shall be used for hardship contingency payments.	
11	Federal Funds	299,134,564
12	Total - State Funded Programs	301,707,222
13	<i>Elderly Affairs</i>	
14	General Revenues	10,701,228
15	Care and Safety of the Elderly	1,287
16	Federal Funds	18,161,725
17	Restricted Receipts	833,994
18	Total – Elderly Affairs	29,698,234
19	Grand Total - Human Services	650,329,385
20	Behavioral Health, Developmental Disabilities, and Hospitals	
21	<i>Central Management</i>	
22	General Revenues	797,214
23	Federal Funds	361,940
24	Total - Central Management	1,159,154
25	<i>Hospital and Community System Support</i>	
26	General Revenues	2,527,114
27	Restricted Receipts	505,624
28	Rhode Island Capital Plan Funds	
29	Medical Center Rehabilitation	1,000,000
30	Community Facilities Fire Code	750,000
31	Total - Hospital and Community System Support	4,782,738
32	<i>Services for the Developmentally Disabled</i>	
33	General Revenues	105,259,461
34	Federal Funds	114,862,371

1	Restricted Receipts	1,776,017
2	Rhode Island Capital Plan Funds	
3	DD Private Waiver	761,351
4	Regional Center Repair/Rehabilitation	750,000
5	MR Community Facilities/Access to Independence	1,000,000
6	Total - Services for the Developmentally Disabled	224,409,200
7	<i>Behavioral Healthcare Services</i>	
8	General Revenues	34,859,214
9	Federal Funds	74,430,048
10	Federal Funds – Stimulus	35,000
11	Restricted Receipts	125,000
12	Rhode Island Capital Plan Funds	
13	MH Community Facilities Repair	300,000
14	MH Housing Development-Thresholds	800,000
15	MH Residence Furniture	32,000
16	Substance Abuse Asset Production	300,000
17	Total – Behavioral Healthcare Services	110,881,262
18	<i>Hospital and Community Rehabilitative Services</i>	
19	General Revenues	49,694,992
20	Federal Funds	44,436,605
21	Restricted Receipts	4,782,193
22	Rhode Island Capital Plan Funds	
23	Zambarano Buildings and Utilities	225,000
24	Hospital Consolidation	2,000,000
25	BHDDH Administrative Buildings	2,000,000
26	MR Community Facilities	1,300,000
27	Total - Hospital and Community Rehabilitative Services	104,438,790
28	Grand Total – Behavioral Health, Developmental Disabilities,	
29	& Hospitals	445,671,144
30	Office of the Child Advocate	
31	General Revenues	611,469
32	Federal Funds	46,103
33	Grand Total – Office of the Child Advocate	657,572
34	Commission on the Deaf and Hard of Hearing General Revenues	390,251

1	Governor's Commission on Disabilities	
2	General Revenues	371,096
3	Federal Funds	120,649
4	Restricted Receipts	9,694
5	Rhode Island Capital Plan Funds	
6	Facility Renovation – Handicapped Access	250,000
7	Grand Total - Governor's Commission on Disabilities	751,439
8	Office of the Mental Health Advocate General Revenues	447,119
9	Elementary and Secondary Education	
10	<i>Administration of the Comprehensive Education Strategy</i>	
11	General Revenues	18,781,137
12	Federal Funds	190,397,563
13	Federal Funds – Stimulus	20,796,439
14	Education Jobs Fund	2,390,623
15	RTTT LEA Share	15,534,615
16	Restricted Receipts	1,305,190
17	HRIC Adult Education Grants	3,500,000
18	Statewide Transportation – RIPTA Grant	47,000
19	Rhode Island Capital Plan Funds	
20	Cranston Career and Technical	350,000
21	Newport Career and Technical	256,638
22	Warwick Career and Technical	230,000
23	Woonsocket Career and Technical	275,000
24	Total – Administration of the Comprehensive Education Strategy	253,864,205
25	<i>Davies Career and Technical School</i>	
26	General Revenues	13,381,539
27	Federal Funds	1,304,633
28	Federal Funds – Stimulus	65,636
29	Restricted Receipts	1,785,901
30	Rhode Island Capital Plan Funds	
31	Davies HVAC	250,628
32	Davies Asset Protection	425,000
33	Total - Davies Career and Technical School	17,213,337
34	<i>RI School for the Deaf</i>	

1	General Revenues	6,244,881
2	Federal Funds	266,503
3	Federal Funds – Stimulus – Medicaid	4,194
4	Restricted Receipts	482,261
5	Total - RI School for the Deaf	6,997,839
6	<i>Metropolitan Career and Technical School</i>	
7	General Revenues	11,648,256
8	Rhode Island Capital Plan Funds	
9	MET School East Bay	3,600,000
10	MET School HVAC	833,333
11	Total – Metropolitan Career and Technical School	16,081,589
12	<i>Education Aid</i>	
13	General Revenues	691,078,185
14	Restricted Receipts	18,570,516
15	Permanent School Fund – Education Aid	183,624
16	Total – Education Aid	709,832,325
17	<i>Central Falls School District</i> General Revenues	39,705,879
18	<i>Housing Aid</i> General Revenues	74,568,906
19	<i>Teachers' Retirement</i> General Revenues	79,768,447
20	Grand Total - Elementary and Secondary Education	1,198,032,527
21	Public Higher Education	
22	<i>Board of Governors/Office of Higher Education</i>	
23	General Revenues	5,769,967
24	Federal Funds	4,852,615
25	Total - Board of Governors/Office of Higher Education	10,622,582
26	<i>University of Rhode Island</i>	
27	General Revenues	58,133,747
28	State Crime Lab	858,820
29	Debt Service	19,160,529
30	University and College Funds	603,410,734
31	Debt – Dining Services	1,140,806
32	Debt – Education and General	3,273,434
33	Debt – Health Services	149,892
34	Debt – Housing Loan Funds	11,155,852

1	Debt – Memorial Union	121,514
2	Debt – Ryan Center	2,801,358
3	Debt – Alton Jones Services	114,650
4	Debt - Parking Authority	1,017,799
5	Debt – Sponsored Research	99,667
6	Debt – URI Energy Conservation	2,283,588
7	Rhode Island Capital Plan Funds	
8	Asset Protection	7,200,000
9	New Chemistry Building	1,000,000
10	Total – University of Rhode Island	711,922,390

11 Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or
12 unencumbered balances as of June 30, 2013 relating to the University of Rhode Island are hereby
13 reappropriated to fiscal year 2014.

14 *Rhode Island College*

15	General Revenues	38,609,975
16	Debt Service	3,049,029
17	University and College Funds	113,236,144
18	Debt – Education and General	892,644
19	Debt – Housing	2,042,304
20	Debt – Student Center and Dining	172,392
21	Debt – Student Union	232,944
22	Debt – G.O. Debt Service	1,630,317
23	Rhode Island Capital Plan Funds	
24	Asset Protection	3,075,000
25	Infrastructure Modernization	1,000,000
26	Total – Rhode Island College	163,940,749

27 Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or
28 unencumbered balances as of June 30, 2013 relating to Rhode Island College are hereby
29 reappropriated to fiscal year 2014.

30 *Community College of Rhode Island*

31	General Revenues	44,318,962
32	Debt Service	2,464,156
33	Restricted Receipts	702,583
34	University and College Funds	94,726,694

1	Debt – Bookstore	29,193
2	CCRI Debt Service – Energy Conservation	808,025
3	Rhode Island Capital Plan Funds	
4	Asset Protection	2,050,000
5	Total – Community College of RI	145,099,613

6 Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or
7 unencumbered balances as of June 30, 2013 relating to the Community College of Rhode Island
8 are hereby reappropriated to fiscal year 2014.

9	Grand Total – Public Higher Education	1,031,585,334
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10 **RI State Council on the Arts**

11	General Revenues	
12	Operating Support	404,156
13	Grants	915,248
14	Federal Funds	998,794
15	Arts for Public Facilities	843,500
16	Grand Total - RI State Council on the Arts	3,161,698

17 **RI Atomic Energy Commission**

18	General Revenues	876,213
19	Federal Funds	267,616
20	URI Sponsored Research	283,122
21	Rhode Island Capital Plan Funds	
22	RINSC Asset Protection	50,000
23	Grand Total - RI Atomic Energy Commission	1,476,951

24 **RI Higher Education Assistance Authority**

25	General Revenues	
26	Needs Based Grants and Work Opportunities	5,161,003
27	Authority Operations and Other Grants	456,061
28	Federal Funds	13,346,283
29	Tuition Savings Program - Need Based Grants and Work Opportunities	8,000,000
30	Tuition Savings Program - Administration	758,802
31	Grand Total - RI Higher Education Assistance Authority	27,722,149

32 **RI Historical Preservation and Heritage Commission**

33	General Revenues	1,378,153
34	Federal Funds	836,139

1	Restricted Receipts	456,037
2	Rhode Island Capital Funds	
3	Eisenhower House Asset Protection	75,000
4	Grand Total – RI Historical Preservation and Heritage Commission	2,745,329
5	RI Public Telecommunications Authority	
6	General Revenues	799,077
7	Corporation for Public Broadcasting	701,895
8	Grand Total – RI Public Telecommunications Authority	1,500,972
9	Attorney General	
10	<i>Criminal</i>	
11	General Revenues	14,269,909
12	Federal Funds	1,458,574
13	Restricted Receipts	367,509
14	Total – Criminal	16,095,992
15	<i>Civil</i>	
16	General Revenues	4,888,477
17	Restricted Receipts	4,795,001
18	Total – Civil	9,683,478
19	<i>Bureau of Criminal Identification</i>	
20	General Revenues	1,209,375
21	Federal Funds	25,030
22	Total - Bureau of Criminal Identification	1,234,405
23	<i>General</i>	
24	General Revenues	2,708,563
25	Rhode Island Capital Plan Funds	
26	Building Renovations and Repairs	287,500
27	Total – General	2,996,063
28	Grand Total - Attorney General	30,009,938
29	Corrections	
30	<i>Central Management</i>	
31	General Revenues	9,261,703
32	Federal Funds	22,246
33	Total – Central Management	9,283,949
34	<i>Parole Board</i>	

1	General Revenues	1,331,469
2	Federal Funds	36,850
3	Total - Parole Board	1,368,319
4	<i>Custody and Security</i>	
5	General Revenues	115,077,455
6	Federal Funds	700,125
7	Restricted Receipts	29,758
8	Total – Custody and Security	115,807,338
9	<i>Institutional Support</i>	
10	General Revenues	15,735,909
11	RICAP – Asset Protection	4,000,000
12	RICAP – Maximum – General Renovations	1,100,000
13	RICAP – General Renovations Women’s	1,850,000
14	RICAP – Bernadette Guay Roof	600,000
15	RICAP – Women’s Bath Renovations	1,235,000
16	RICAP – ISC Exterior Envelope and HVAC	1,400,000
17	RICAP – Minimum Security Kitchen Expansion	214,600
18	RICAP – Medium Infrastructure	1,000,000
19	Total – Institutional Support	27,135,509
20	<i>Institutional Based Rehab./Population Management</i>	
21	General Revenues	8,878,408
22	Federal Funds	968,461
23	Federal Funds – Stimulus	114,818
24	Total – Institutional Based Rehab/Population Management	9,961,687
25	<i>Healthcare Services</i> General Revenues	18,476,246
26	<i>Community Corrections</i>	
27	General Revenues	14,532,087
28	Federal Funds	153,088
29	Restricted Receipts	31,639
30	Total – Community Corrections	14,716,814
31	Grand Total – Corrections	196,749,862
32	Judiciary	
33	<i>Supreme Court</i>	
34	General Revenues	25,969,098

1	Defense of Indigents	3,562,240
2	Federal Funds	220,021
3	Restricted Receipts	1,417,495
4	Rhode Island Capital Plan Funds	
5	Judicial HVAC	550,000
6	Judicial Complexes Asset Protection	625,000
7	Licht Judicial Complex Restoration	500,000
8	Total - Supreme Court	32,843,854
9	<i>Judicial Tenure and Discipline</i> General Revenues	113,609
10	<i>Superior Court</i>	
11	General Revenues	21,932,328
12	Federal Funds	175,025
13	Restricted Receipts	508,174
14	Total - Superior Court	22,615,527
15	<i>Family Court</i>	
16	General Revenues	18,044,955
17	Federal Funds	2,156,933
18	Restricted Receipts	704,529
19	Total - Family Court	20,906,417
20	<i>District Court</i>	
21	General Revenues	11,435,878
22	Federal Funds	130,128
23	Restricted Receipts	285,916
24	Total - District Court	11,851,922
25	<i>Traffic Tribunal</i> General Revenues	8,191,888
26	<i>Workers' Compensation Court</i> Restricted Receipts	7,725,081
27	Grand Total – Judiciary	104,248,298
28	Military Staff	
29	<i>National Guard</i>	
30	General Revenues	1,516,835
31	Federal Funds	12,107,308
32	Restricted Receipts	300,000
33	Rhode Island Capital Plan Funds	
34	Armory of Mounted Command Roof Replacement	2,400,000

1	State Armories Fire Code Compliance	20,250
2	Federal Armories Fire Code Compliance	20,250
3	Asset Protection	650,000
4	Logistics/Maintenance Facilities Fire Code Comp.	12,500
5	Command Readiness Center Addition	850,000
6	Burrillville Regional Training Institute	125,000
7	Camp Fogarty Armory Roof	375,000
8	Emergency Management Agency Building	125,000
9	Total - National Guard	18,502,143
10	<i>Emergency Management</i>	
11	General Revenues	2,031,940
12	Federal Funds	21,734,766
13	Restricted Receipts	181,278
14	Total - Emergency Management	23,947,984
15	Grand Total - Military Staff	42,450,127
16	Public Safety	
17	<i>Central Management</i>	
18	General Revenues	1,172,630
19	Federal Funds	4,073,486
20	Federal Funds – Stimulus	250,174
21	Restricted Receipts	850
22	Total – Central Management	5,497,140
23	<i>E-911 Emergency Telephone System</i> General Revenues	5,262,243
24	<i>State Fire Marshal</i>	
25	General Revenues	2,684,019
26	Federal Funds	102,717
27	Restricted Receipts	286,698
28	Rhode Island Capital Plan Funds	
29	Fire Academy	1,500,000
30	Quonset Development Corp	53,458
31	Total - State Fire Marshal	4,626,892
32	<i>Security Services</i> General Revenues	21,485,773
33	<i>Municipal Police Training Academy</i>	
34	General Revenues	356,811

1	Federal Funds	214,167
2	Total - Municipal Police Training Academy	570,978
3	<i>State Police</i>	
4	General Revenues	63,828,563
5	Federal Funds	1,983,721
6	Federal Funds – Stimulus	315,886
7	Restricted Receipts	12,400,000
8	Rhode Island Capital Plan Funds	
9	Barracks and Training	1,785,000
10	Headquarters Repairs/Rehabilitation	100,000
11	HQ Expansion	500,000
12	State Microwave Upgrade	500,000
13	Traffic Enforcement - Municipal Training	130,150
14	Lottery Commission Assistance	217,861
15	Airport Corporation	217,861
16	Road Construction Reimbursement	3,078,000
17	Total - State Police	85,057,042
18	Grand Total – Public Safety	122,500,068
19	Office of Public Defender	
20	General Revenues	10,791,226
21	Federal Funds	421,898
22	Grand Total - Office of Public Defender	11,213,124
23	Environmental Management	
24	<i>Office of the Director</i>	
25	General Revenues	4,599,480
26	Federal Funds	493,000
27	Restricted Receipts	2,942,066
28	Total – Office of the Director	8,034,546
29	<i>Natural Resources</i>	
30	General Revenues	18,222,547
31	Federal Funds	22,593,023
32	Restricted Receipts	3,591,941
33	Other Funds	
34	DOT Recreational Projects	26,417

1	Blackstone Bikepath Design	1,069,133
2	Transportation MOU	78,579
3	Rhode Island Capital Plan Funds	
4	Dam Repair	1,000,000
5	Recreational Facilities Improvements	1,590,000
6	Fort Adams Rehabilitation	500,000
7	Fort Adams America's Cup	3,108,704
8	Galilee Piers Upgrade	1,990,000
9	Newport Piers	75,000
10	Blackstone Valley Bike Path	500,000
11	World War II Facility	2,200,000
12	Total - Natural Resources	56,545,344
13	<i>Environmental Protection</i>	
14	General Revenues	11,556,487
15	Federal Funds	11,911,528
16	Restricted Receipts	7,775,935
17	Transportation MOU	85,885
18	Retrofit Heavy-Duty Diesel Vehicles	2,760,000
19	Total - Environmental Protection	34,089,835
20	Grand Total - Environmental Management	98,669,725
21	Coastal Resources Management Council	
22	General Revenues	2,264,841
23	Federal Funds	1,677,977
24	Restricted Receipts	250,000
25	Rhode Island Capital Plan Funds	
26	South Coast Restoration Project	850,000
27	Secure Facility Area	50,000
28	Grand Total - Coastal Resources Mgmt. Council	5,092,818
29	Transportation	
30	<i>Central Management</i>	
31	Federal Funds	10,515,473
32	Other Funds	
33	Gasoline Tax	1,353,338
34	Total - Central Management	11,868,811

1	<i>Management and Budget</i>	
2	Other Funds	
3	Gasoline Tax	1,937,648
4	Total - Management and Budget	1,937,648
5	<i>Infrastructure Engineering- GARVEE/Motor Fuel Tax Bonds</i>	
6	Federal Funds	342,944,533
7	Federal Funds – Stimulus	8,880,580
8	Restricted Receipts	998,758
9	Other Funds	
10	Gasoline Tax	54,201,232
11	Motor Fuel Tax Residuals	4,076,029
12	Land Sale Revenue	22,354,473
13	Rhode Island Capital Funds	
14	RIPTA Land and Buildings	70,000
15	Highway Projects Match Plan	20,000,000
16	Total - Infrastructure Engineering – GARVEE	453,525,605
17	<i>Infrastructure Maintenance</i>	
18	Gasoline Tax	39,566,987
19	Non-Land Surplus Property	10,000
20	Outdoor Advertising	100,000
21	Rhode Island Capital Plan Funds	
22	Cherry Hill/Lincoln Facility	777,050
23	Maintenance Facilities Improvements	400,000
24	Portsmouth Facility	1,435,000
25	Salt Storage Facilities	2,000,000
26	Total - Infrastructure Maintenance	44,289,037
27	Grand Total – Transportation	511,621,101
28	Statewide Totals	
29	General Revenues	3,295,786,828
30	Federal Funds	2,676,350,399
31	Restricted Receipts	232,511,115
32	Other Funds	1,895,158,380
33	Statewide Grand Total	8,099,806,722

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

1 appropriation.

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

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

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

24 <u>Account</u>	<u>Expenditure Limit</u>
25 State Assessed Fringe Benefit Internal Service Fund	32,106,713
26 Administration Central Utilities Internal Service Fund	20,227,492
27 State Central Mail Internal Service Fund	5,613,323
28 State Telecommunications Internal Service Fund	2,881,461
29 State Automotive Fleet - Internal Service Fund	13,953,031
30 Capital Police Internal Service Fund	828,732
31 Surplus Property Internal Service Fund	2,500
32 Health Insurance Internal Service Fund	304,145,139
33 Health Insurance - State Police Internal Service Fund	2,123,495
34 Central Distribution Center Internal Service Fund	7,434,689

1	Correctional Industries Internal Service Fund	7,353,215
2	Secretary of State Record Center Internal Service Fund	897,072

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

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

13 SECTION 7. *Appropriation of Temporary Disability Insurance Funds* -- There is hereby
14 appropriated pursuant to sections 28-39-5 and 28-39-8 of the Rhode Island General Laws all
15 funds required to be disbursed for the benefit payments from the Temporary Disability Insurance
16 Fund and Temporary Disability Insurance Reserve Fund for the fiscal year ending June 30, 2013.

17 SECTION 8. *Appropriation of Employment Security Funds* -- There is hereby
18 appropriated pursuant to section 28-42-19 of the Rhode Island General Laws all funds required to
19 be disbursed for benefit payments from the Employment Security Fund for the fiscal year ending
20 June 30, 2013.

21 SECTION 9. *Appropriation of Lottery Division Funds* -- There is hereby appropriated to
22 the Lottery Division any funds required to be disbursed by the Lottery Division for the purposes
23 of paying commissions or transfers to the prize fund for the fiscal year ending June 30, 2013.

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

1 of the House Finance Committee, Senate Finance Committee, the House Fiscal Advisor and the
2 Senate Fiscal Advisor.

3 No agency or department may employ contracted employees or employee services where
4 contract employees would work under state employee supervisors without determination of need
5 by the Director of Administration acting upon positive recommendations of the Budget Officer
6 and the Personnel Administrator and 15 days after a public hearing.

7 Nor may any agency or department contract for services replacing work done by state
8 employees at that time without determination of need by the Director of Administration acting
9 upon the positive recommendations of the Budget Officer and the Personnel Administrator and 30
10 days after a public hearing.

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

14 FY 2013 FTE POSITION AUTHORIZATION

15 Departments and Agencies	Full-Time Equivalent
16 Administration	687.2
17 Business Regulation	94.0
18 Labor and Training	462.5
19 Revenue	458.0
20 Legislature	298.5
21 Office of the Lieutenant Governor	8.0
22 Office of the Secretary of State	57.0
23 Office of the General Treasurer	82.0
24 Board of Elections	11.0
25 Rhode Island Ethics Commission	12.0
26 Office of the Governor	45.0
27 Commission for Human Rights	14.5
28 Public Utilities Commission	47.0
29 Office of Health and Human Services	168.0
30 Children, Youth, and Families	665.5
31 Health	497.3
32 Human Services	940.7
33 Behavioral Health, Developmental Disabilities, and Hospitals	1,383.2
34 Office of the Child Advocate	5.8

1	Commission on the Deaf and Hard of Hearing	3.0
2	Governor's Commission on Disabilities	4.0
3	Office of the Mental Health Advocate	3.7
4	Elementary and Secondary Education	169.4
5	School for the Deaf	60.0
6	Davies Career and Technical School	126.0
7	Office of Higher Education	16.8
8	Provided that 1.0 of the total authorization would be available only for positions that are	
9	supported by third-party funds.	
10	University of Rhode Island	2,450.5
11	Provided that 593.2 of the total authorization would be available only for positions that	
12	are supported by third-party funds.	
13	Rhode Island College	919.6
14	Provided that 82.0 of the total authorization would be available only for positions that are	
15	supported by third-party funds.	
16	Community College of Rhode Island	854.1
17	Provided that 100.0 of the total authorization would be available only for positions that	
18	are supported by third-party funds.	
19	Rhode Island State Council on the Arts	6.0
20	RI Atomic Energy Commission	8.6
21	Higher Education Assistance Authority	38.6
22	Historical Preservation and Heritage Commission	16.6
23	Public Telecommunications Authority	14.0
24	Office of the Attorney General	233.1
25	Corrections	1,419.0
26	Judicial	723.3
27	Military Staff	112.0
28	Public Safety	609.2
29	Office of the Public Defender	93.0
30	Environmental Management	407.0
31	Coastal Resources Management Council	29.0
32	Transportation	772.6
33	<u>Total</u>	<u>15,026.3</u>

34 SECTION 11. The amounts reflected in this Article include the appropriation of Rhode

1 Island Capital Plan funds for fiscal year 2013 and superseded appropriations provided for FY
 2 2013 within Section 12 of Chapter 151 of the P.L. of 2011.

3 The following amounts are hereby appropriated out of any money in the State's Rhode
 4 Island Capital Plan Fund not otherwise appropriated to be expended during the fiscal years ending
 5 June 30, 2014, June 30, 2015, June 30, 2016 and June 30, 2017. These amounts supersede
 6 appropriations provided within Section 12 of Article 1 of Chapter 151 of the P.L. of 2011. For
 7 the purposes and functions hereinafter mentioned, the State Controller is hereby authorized and
 8 directed to draw his or her orders upon the General Treasurer for the payment of such sums and
 9 such portions thereof as may be required by him or her upon receipt of properly authenticated
 10 vouchers.

	Fiscal Yr Ending	Fiscal Yr Ending	Fiscal Yr Ending	Fiscal Yr Ending
<u>Project</u>	<u>June 30, 2014</u>	<u>June 30, 2015</u>	<u>June 30, 2016</u>	<u>June 30, 2017</u>
DOA - Cranston				
Street Armory	2,000,000	2,000,000	1,500,000	1,500,000
DOA - Fire Code Compliance				
State Buildings	500,000	500,000	500,000	500,000
DOA - Ladd Center Building				
Demolition	1,000,000	2,000,000	1,700,000	0
DOA - Pastore Center Building				
Demolition	3,000,000	1,500,000	500,000	0
DOA - Pastore Utilities				
Upgrade	2,300,000	0	0	0
DOA - Pastore Utility Systems Water				
Tanks and Pipes	300,000	150,000	0	0
DOA - Replacement of				
Fuel Tanks	300,000	300,000	300,000	300,000
DOA - State Office				
Building	1,300,000	2,500,000	4,200,000	0
DOA - Veterans Auditorium				
Repairs	3,850,000	2,050,000	0	0
DOA - Washington County				
Government Center	450,000	350,000	350,000	350,000
DLT - Center General				
Asset Protection	549,500	400,000	250,000	0

1	BHDDH - Hospital				
2	Consolidation	8,000,000	8,000,000	8,000,000	9,000,000
3	El. Sec. - Cranston Career and				
4	Technical	978,000	443,740	0	0
5	El. Sec. - Warwick Career and				
6	Technical	500,000	500,000	0	0
7	El. Sec. - Woonsocket Career and				
8	Technical	505,000	420,000	0	0
9	Higher Ed - URI Fire Safety				
10	Admin and Academic	0	0	5,000,000	5,000,000
11	Attorney General - Building Maintenance and				
12	Repairs	250,000	150,000	150,000	150,000
13	DOC - Corrections				
14	Asset Protection	4,000,000	3,500,000	3,500,000	3,900,000
15	Judiciary - HVAC	600,000	700,000	750,000	900,000
16	Judiciary - Licht Complex				
17	Restoration	500,000	500,000	500,000	500,000
18	Mil Staff - Armory of				
19	Mounted Commands	500,000	300,000	200,000	0
20	Mil Staff - Asset				
21	Protection	500,000	500,000	500,000	500,000
22	Mil Staff - Federal Armories Fire				
23	Code Compliance	20,250	20,250	3,750	3,750
24	Mil Staff - Logistics/Maintenance Facilities Fire				
25	Code Compliance	12,500	9,500	0	0
26	Mil Staff - State Armories Fire				
27	Code Compliance	20,250	20,250	10,000	10,000
28	DEM - Dam Repairs	800,000	550,000	500,000	500,000
29	DEM - Galilee Piers	690,000	675,000	665,000	220,000
30	DEM - Recreational Facility				
31	Improvements	2,640,000	2,750,000	1,850,000	2,250,000
32	DOT - Highway Improvement				
33	Program	20,000,000	20,000,000	20,000,000	20,000,000
34	DOT - Salt Storage				

1 Facility 2,000,000 2,000,000 2,000,000 2,000,000

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

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

8 SECTION 13. For the Fiscal Year ending June 30, 2013, the Rhode Island Housing and
9 Mortgage Finance Corporation shall provide from its resources such sums as appropriate in
10 support of the Neighborhood Opportunities Program. The Corporation shall provide a report
11 detailing the amount of funding provided to this program, as well as information on the number
12 of units of housing provided as a result to the Director of Administration, the Chair of the
13 Housing Resources Commission, the Chair of the House Finance Committee, the Chair of the
14 Senate Finance Committee and the State Budget Officer.

15 SECTION 14. Whereas, nearly one in five Americans with mortgages owe more to the
16 bank than their home is worth.

17 Whereas according to the Mortgage Bankers Association, approximately 1.5 million
18 homeowners nationally are 90 days or more delinquent on their mortgages, but have yet to be in
19 foreclosure.

20 Whereas according to a Spring 2012 report by Housing Works RI, since 2007, Rhode
21 Island had consistently ranked worst in New England for foreclosure initiations, and the number
22 of actual residential foreclosures increased in 2011 with over 2,000 foreclosure deeds filed.

23 Whereas the State of Rhode Island is eligible to receive a share of a nationwide, \$25.0
24 billion mortgage fraud settlement from five major mortgage services.

25 Whereas it is estimated that the State will receive approximately \$8.6 million to fund
26 consumer protection and foreclosure protection efforts as part of the mortgage fraud settlement.

27 Whereas, the funding is intended to bring stability to the housing market and provide
28 mortgage and foreclosure prevention assistance. Therefore, be it

29 RESOLVED that the Attorney General shall develop by September 1, 2012, in
30 consultation with Rhode Island Housing, the Rhode Island Foreclosure Protection Program to
31 prevent or reduce the number of initiated foreclosures in Rhode Island and assist homeowners
32 struggling with mortgage payments. The program shall be supported by the \$8.6 million Rhode
33 Island expects to receive from the mortgage fraud settlement referenced above. Said program
34 shall be administered by Rhode Island Housing, and Rhode Island Housing shall develop and

1 implement appropriate policies and procedures consistent with the goal of foreclosure prevention
2 and the guidelines of the mortgage fraud settlement.

3 SECTION 15. Notwithstanding any general laws to the contrary, the State Controller
4 shall transfer \$8,000,000 from the State General Fund to the State Fleet Replacement Fund by
5 July 30, 2012.

6 SECTION 16. Notwithstanding any general laws to the contrary, the State Controller
7 shall transfer \$5,000,000 from the State General Fund to Information Technology Investment
8 Fund by July 30, 2012.

9 SECTION 17. This article shall take effect as of July 1, 2012.

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ARTICLE 2

RELATING TO BORROWING IN ANTICIPATION OF RECEIPTS FROM TAXES

SECTION 1. (a) The state of Rhode Island is hereby authorized to borrow during its fiscal year ending June 30, 2013, in anticipation of receipts from taxes such sum or sums, at such time or times and upon such terms and conditions not inconsistent with the provisions and limitations of Section 17 of Article VI of the constitution of Rhode Island, as the general treasurer, with the advice of the Governor, shall deem for the best interests of the state, provided that the amounts so borrowed shall not exceed two hundred fifty hundred million dollars (\$250,000,000), at any time outstanding. The state is hereby further authorized to give its promissory note or notes signed by the general treasurer and counter-signed by the secretary of state for the payment of any sum so borrowed. Any such proceeds shall be invested by the general treasurer until such time as they are needed. The interest income earned from such investments shall be used to pay the interest on the promissory note or notes, or other forms of obligations, and any expense of issuing the promissory note or notes, or other forms of obligations, with the balance remaining at the end of said fiscal year, if any, shall be used toward the payment of long-term debt service of the state, unless prohibited by federal law or regulation.

(b) Notwithstanding any other authority to the contrary, duly authorized bonds or notes of the state issued during the fiscal year ending June 30, 2013 may be issued in the form of commercial paper, so-called. In connection herewith, the state, acting through the general treasurer, may enter into agreements with banks, trust companies or other financial institutions within or outside the state, whether in the form of letters or lines of credit, liquidity facilities, insurance or other support arrangements. Any notes issued as commercial paper shall be in such amounts and bear such terms as the general treasurer, with the advice of the governor, shall determine, which may include provisions for prepayment at any time with or without premium at the option of the state. Such notes may be sold at a premium or discount, and may bear interest or not and, if interest bearing, may bear interest at such rate or rates variable from time to time as determined by the Federal Reserve Bank Composite Index of Commercial Paper, or the Municipal Market Data General Market Index or other similar commercial paper offerings, or other method specified in any agreement with brokers for the placement or marketing of any such notes issued as commercial paper, or other like agreements. Any such agreement may also

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

8 (c) Notwithstanding any other authority to the contrary, other forms of obligations of the
9 state not to exceed twenty million dollars (\$20,000,000) of the two hundred fifty hundred million
10 dollar (\$250,000,000) amount authorized in Section 1 may be issued during the fiscal year ending
11 June 30, 2013 in the form of a commercial or business credit account, at any time outstanding,
12 with banks, trust companies or other financial institutions within or outside the state in order to
13 finance a payables incentive program for the state with its vendors. Any such forms of obligations
14 entered into pursuant to this subsection shall be in such amounts and bear such terms as the
15 general treasurer, with the advice of the governor, shall determine which may include provisions
16 for prepayment at any time with or without premium at the option of the state. Any such forms of
17 obligations entered into pursuant to this subsection may also include such other covenants and
18 provisions for protecting the rights, security and remedies of the lenders as may, in the discretion
19 of the general treasurer, be reasonable, legal and proper. Any such forms of obligations entered
20 into pursuant to this subsection must also be issued in accordance with the provisions of Section
21 17 of Article VI of the Constitution of Rhode Island and within the limitations set forth in
22 Subsection (a) of Section 1 of this Article.

23 SECTION 2. This article shall take effect upon passage.
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ARTICLE 3

RELATING TO ABUSED AND NEGLECTED CHILDREN

SECTION 1. Section 40-11-7 of the General Laws in Chapter 40-11 entitled “Abused and Neglected Children “is hereby amended to read as follows:

40-11-7. Investigation of reports--Petition for removal from custody--Report to child advocate--Attorney general--Court-appointed special advocate.-- (a) The department shall investigate reports of child abuse and neglect made under this chapter in accordance with the rules the department has promulgated and in order to determine the circumstances surrounding the alleged abuse or neglect and the cause thereof. The investigation shall include personal contact with the child named in the report and any other children in the same household. Any person required to investigate reports of child abuse and/or neglect may question the subjects of those reports with or without the consent of the parent or other person responsible for the child’s welfare. The interviewing of the child or children, if they are of the mental capacity to be interviewed, shall take place in the absence of the person or persons responsible for the alleged neglect or abuse. In the event that any person required to investigate child abuse and/or neglect is denied reasonable access to a child by the parents or other person, and that person required to investigate deems that the best interests of the child so require, they may request the intervention of a local law enforcement agency, or seek an appropriate court order to examine and interview the child. The department shall provide such social services and other services as are necessary to protect the child and preserve the family.

(b) In the event that after investigation it is determined by the department that the child is being or has been abused or neglected but that the circumstances of the child’s family or otherwise do not require the removal of the child for his or her protection, the department may allow the child to remain at home and provide the family and child with access to preventative support and services. In addition, the department is authorized to petition the family court for an order for the provision of treatment of the family and child.

(c) The department shall have the duty to petition the family court for removal of the child from the care and custody of the parents, or any other person having custody or care of the child if there is a determination that a child has been abused or neglected; which results in a child death, serious physical or emotional harm, sexual abuse or exploitation or an act or failure to act

1 which represents an imminent risk of serious harm. In addition, in cases of alleged abuse and/or
2 neglect, the department may petition the family court for the removal of the alleged perpetrator of
3 that abuse, and/or neglect from the household of the child or children when the child or children
4 are eleven (11) years of age or older. It shall be the responsibility of the department to make the
5 parent or other person responsible for the child's welfare aware of the court action, the possible
6 consequences of the court action, and to explain the rights of the parent relative to the court
7 action.

8 (d) The department shall forward immediately any reports of institutional child abuse and
9 neglect to the child advocate who shall investigate the report in accordance with chapter 73 of
10 title 42, and also to any guardian ad litem and/or attorney of record for the child.

11 (e) In the event that after investigation the department takes any action regarding
12 placement of the child, the department shall immediately notify the child advocate of such action.

13 (f) In the event that after investigation the department has reasonable cause to know or
14 suspect that a child has been subjected to criminal abuse or neglect, the department shall forward
15 immediately any information as it relates to that knowledge or suspicion to the law enforcement
16 agency.

17 **SECTION 2. This article shall take effect upon passage.**

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ARTICLE 4

RELATING TO GOVERNMENT ORGANIZATION

SECTION 1. Section 16-57-10 of the General Laws in Chapter 16-57 entitled "Higher Education Assistance Authority" is hereby amended to read as follows:

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

To assure continued solvency of the authority, reserve funds shall be used solely for the purposes of guaranteeing eligible loans to students in eligible institutions and to parents of those students in accordance with Rhode Island General Law, section 16-57-4(a). Furthermore, it is the intent of the general assembly that these funds eventually be used to increase financial assistance to Rhode Island students in the form of scholarships.

SECTION 2. Section 16-62-7 of the General Laws in Chapter 16-62 entitled "The Rhode Island Student Loan Authority" is hereby amended to read as follows:

16-62-7. Directors, officers, and employees. -- (a) The powers of the authority shall be vested in a board of directors consisting of six (6) members as follows: five (5) members appointed by the governor ~~to the Rhode Island higher education assistance authority~~ from among members of the general public, who are qualified by training or experience in education, finance, or personal investment consulting and made in accordance with subsection (b) of this section as ~~provided in section 16-57-7, all appointments~~ and are subject to the advice and consent of the senate; and the general treasurer, ex-officio. The general treasurer may designate a subordinate within his or her department or agency to represent him or her at all meetings of the board.

(b) All members appointed by the governor shall be appointed to terms of five (5) years, and the governor shall, during the month of January preceding the expiration of each term, appoint a member whose term will then next expire. In the event of a vacancy occurring in the office of a member by death, resignation, removal, or otherwise, the vacancy shall be filled in the same manner as an original appointment but only for the remainder of the term of the former

1 [member.](#)

2 ~~(b)~~(c) The directors shall receive no compensation for the performance of their duties
3 under this chapter, but each director shall be reimbursed for his or her reasonable expenses
4 incurred in carrying out those duties. A director may engage in private employment, or in a
5 profession or business.

6 ~~(e)~~(d) The board of directors shall elect one of its members to serve as chairperson. Four
7 (4) directors shall constitute a quorum and any action to be taken by the authority under the
8 provisions of this chapter may be authorized by resolution approved by a majority of the directors
9 present and voting at any regular or special meeting at which a quorum is present. A vacancy in
10 the membership of the board of directors shall not impair the right of a quorum to exercise all the
11 rights and perform all the duties of the authority.

12 ~~(e)~~(e) In addition to electing a chairperson, the board of directors shall appoint a
13 secretary and any additional officers and staff members as they shall deem appropriate and shall
14 determine the amount of compensation, if any, each shall receive. The board of directors may
15 appoint a chief executive officer and vest in that person or his or her subordinates the authority to
16 appoint additional staff members and to determine the amount of compensation each individual
17 shall receive.

18 ~~(e)~~(f) No fulltime employee shall during the period of his or her employment by the
19 authority engage in any other private employment, profession, or business, including, but not
20 limited to, consulting.

21 ~~(f)~~(g) Notwithstanding any other law to the contrary, it shall not be or constitute a
22 conflict of interest for a director, officer, or employee of any financial institution, investment
23 banking firm, brokerage firm, commercial bank, trust company, savings and loan association,
24 credit union, insurance company, educational institution, or any other firm, person, or corporation
25 to serve as a director of the authority nor shall any contract or transaction between the authority
26 and any financial institution, investment banking firm, brokerage firm, commercial bank, trust
27 company, savings and loan association, credit union, insurance company, educational institution,
28 or any other firm, person, or corporation be void or voidable by reason of any service as director
29 of the authority. If any director, officer, or employee of the authority shall be interested either
30 directly or indirectly, or shall be a director, officer, or employee of or have an ownership interest
31 (other than as the owner of less than one percent (1%) of the shares of a publicly held
32 corporation) in any firm or corporation interested directly or indirectly in any contract with the
33 authority, that interest shall be disclosed to the authority and set forth in the minutes of the
34 authority, and the director, officer, or employee having that interest in it shall not participate on

1 behalf of the authority in the authorization of this contract. Interested directors may be counted in
2 determining the presence of a quorum at a meeting of the board of directors of the authority
3 which authorizes the contract or transaction.

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

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

12 ~~(i)~~(j) Any action required by this chapter to be taken at a meeting of the board of
13 directors, or any action which may be taken at a meeting of the board of directors, or committee
14 of it, may be taken without a meeting if a consent in writing, setting forth the action to be taken,
15 shall be signed before or after that action by all of the directors, or all of the members of the
16 committee.

17 ~~(j)~~(k) The board shall conduct a training course for newly appointed and qualified
18 members and new designees of ex-officio members within six (6) months of their qualification or
19 designation. The course shall be developed by the chair of the board, approved by the board, and
20 conducted by the chair of the board. The board may approve the use of any board or staff
21 members or other individuals to assist with training. The training course shall include instruction
22 in the subject area of this chapter and chapters 46 of title 42, 14 of title 36, and 2 of title 38; and
23 the board's rules and regulations. The director of the department of administration shall, within
24 ninety (90) days of the effective date of this act, disseminate training materials relating to the
25 provisions of chapters 46 of title 42, 14 of title 36, and 2 of title 38.

26 SECTION 3. Title 16 of the General Laws entitled "EDUCATION" is hereby amended
27 by adding thereto the following chapter:

28 CHAPTER 96

29 THE RHODE ISLAND BOARD OF EDUCATION ACT

30 **16-96-1. Rhode Island board of education established.** – (a) Effective January 1, 2014,
31 there is created a board of education which shall be and is constituted a public corporation,
32 empowered to sue and be sued in its own name, to have a corporate seal, and to be vested with all
33 the powers and duties currently vested in the board of governors for higher education established
34 in chapter 16-59 and the board of regents for elementary and secondary education established in

1 chapter 16-60.

2 (b) Upon its organization, the board of education shall be vested with the legal title (in
3 trust for the state) to all property, real and personal, now owned by and/or under the control or in
4 the custody of the board of governors for higher education and the board of regents for
5 elementary and secondary education, for the use of the board of education. The board of
6 education is hereby-designated successor to all powers, rights, duties, and privileges pertaining to
7 the board of regents for elementary and secondary education and the board of governors for
8 higher education.

9 (c) The board of education shall consist of nine (9) public members appointed by the
10 governor with the advice and consent of the senate. Three of the members initially appointed
11 pursuant to this section shall serve terms of three (3) years; three members initially appointed
12 pursuant to this section shall serve terms of two (2) years; and, three members initially appointed
13 pursuant to this section shall serve terms of one year. Thereafter, all members appointed pursuant
14 to this section shall serve terms of three (3) years. No board member shall be appointed to serve
15 more than two (2) three-year terms.

16 (d) The governor shall select from the appointed members a chairperson and vice
17 chairperson. A quorum shall consist of five (5) members of the board. A majority vote of those
18 present shall be required for action.

19 **16-96-2. The chancellor of education.** – (a) The board of education shall engage a
20 chancellor of education who shall be an employee of the board and who shall not be a member of
21 the board. The chancellor shall be in the unclassified service and shall serve at the pleasure of the
22 board of education. The duties and powers of the chancellor shall be determined by the board of
23 education and the chancellor shall be subject to the direction and control of the board of
24 education.

25 (b) The commissioner of elementary and secondary education and the commissioner of
26 higher education shall be subject to the direction and control of the chancellor.

27 (c) The governor shall appoint an interim chancellor no later than November 1, 2012 to
28 serve a limited term to expire on December 31, 2013, or until such time the board engages a
29 permanent chancellor, to facilitate the merger. The interim chancellor’s duties will include, but
30 not be limited to:

- 31 (1) Providing guidance on statutory, legal, financial and contractual obligations;
- 32 (2) Establishing a policy framework; and
- 33 (3) Establishing administrative structure, support, policies and procedures.

34 **16-96-3. Administrative office.** – There shall be a single administrative office overseen

1 by the chancellor in support of the Rhode Island board of education.

2 **16-96-4. Change of former names.** – Effective January 1, 2014, the term “Rhode Island
3 Board of Education” shall be used in lieu of any then existing law reference made to the board of
4 regents for elementary and secondary education and/or the board of governors for higher
5 education.

6 **16-96-5. Abolishment of boards.** – The board of governors for higher education
7 established in chapter 16-59 and the board of regents for elementary and secondary education
8 established in chapter 16-60 shall cease to exist as of January 1, 2014.

9 SECTION 4. Title 35 of the General Laws entitled “PUBLIC FINANCE” is hereby
10 amended by adding thereto the following chapter:

11 CHAPTER 35-1.1

12 OFFICE OF MANAGEMENT AND BUDGET

13 **35-1.1-1. Statement of intent.** -- The purpose of this chapter is to establish a
14 comprehensive public finance and management system for the State of Rhode Island that
15 manages a data-driven budget process, monitors state departments’ and agencies’ performance,
16 maximizes the application for and use of federal grants and ensures accountability and
17 transparency regarding the use of public funds.

18 **35-1.1-2. Establishment of the office of management and budget.** -- There is hereby
19 established within the department of administration an office of management and budget. This
20 office shall serve as the principal agency of the executive branch of state government for
21 managing budgetary functions, performance management, and federal grants management. In this
22 capacity, the office shall:

23 (1) Establish an in-depth form of data analysis within and between departments and
24 agencies, creating a more informed process for resource allocation to best meet the needs of
25 Rhode Island citizens;

26 (2) Identify federal grant funding opportunities to support the Governor’s and General
27 Assembly’s major policy initiatives and provide technical assistance with the application process
28 and post-award grants management;

29 (3) Analyze federal budgetary issues and report on potential impacts to the state;

30 (4) Coordinate the budget functions of the state with performance management
31 objectives;.

32 (5) Maximize efficiencies in departments, agencies, advisory councils and
33 instrumentalities of the State by improving processes and prioritizing programs;

34 (6) Upon the written request of the governor, the director of the department of

1 administration, or the director of the office of management and budget, the office shall conduct
2 audits, provide management advisory and consulting services, or conduct investigations relative
3 to the financial affairs or the efficiency of management, or both, of any state department or
4 agency. The office may from time to time make such investigations and additional reports to the
5 governor, the director of the department of administration or the director of the office of
6 management and budget shall deem necessary or advisable.

7 **35-1.1-3. Director of management and budget – Appointment and responsibilities. –**

8 (a) Within the department of administration there shall be a director of management and budget,
9 who shall be appointed by the director of administration with the approval of the governor. The
10 director shall be responsible to the governor and director of administration for supervising the
11 office of management and budget and for managing and providing strategic leadership and
12 direction to the budget officer, the performance management office, and the federal grants
13 management office.

14 (b) The director of management and budget shall be responsible to:

15 (1) Oversee, coordinate and manage the functions of the budget officer as set forth by
16 section 35-3, program performance management as set forth by section 35-3-24.1, approval of
17 agreements with federal agencies defined by section 35-3-25 and budgeting, appropriation and
18 receipt of federal monies as set forth by chapter 42-41;

19 (2) Manage federal fiscal proposals and guidelines, and serve as the State Clearinghouse
20 for the application of federal grants; and,

21 (3) Maximize the indirect cost recoveries by state agencies set forth by section 35-4-23.1.

22 **35-1.1-4. Offices and functions assigned to the office management and budget –**

23 **Powers and duties. –** (a) The offices assigned to the office of management and budget include
24 the budget office, the performance management office and the federal grants management office.

25 (b) The offices assigned to the office of management and budget shall:

26 (1) Exercise their respective powers and duties in accordance with their statutory
27 authority and the general policy established by the governor or by the director acting on behalf of
28 the governor or in accordance with the powers and authorities conferred upon the director by this
29 chapter;

30 (2) Provide such assistance or resources as may be requested or required by the governor
31 and/or the director;

32 (3) Provide such records and information as may be requested or required by the
33 governor and/or the director, to the extent allowed under the provisions of any applicable general
34 or public law, regulation, or agreement relating to the confidentiality, privacy or disclosure of

1 such records or information; and,

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

5 **35-1.1-5. Federal grants management. --** (a) The office of management and budget
6 shall be responsible for managing federal grant applications, providing administrative assistance
7 to agencies regarding reporting requirements, providing technical assistance and approving
8 agreements with federal agencies pursuant to section 35-1-1. The director shall:

9 (1) Establish state goals and objectives for maximizing the utilization of federal aid
10 programs;

11 (2) Ensure that the state establishes and maintains statewide federally-mandated grants
12 management processes and procedures as mandated by the federal Office of Management and
13 Budget;

14 (3) Promulgate procedures and guidelines for all state departments, agencies, advisory
15 councils, instrumentalities of the state and public higher education institutions covering
16 applications for federal grants;

17 (4) Require, upon request, any state department, agency, advisory council,
18 instrumentality of the state or public higher education institution receiving a grant of money from
19 the federal government to submit a report to the director of expenditures and program measures
20 for the fiscal period in question;

21 (5) Ensure state departments and agencies adhere to the requirements of section 42-41-
22 5 regarding Legislative appropriation authority and delegation thereof;

23 (6) Assist the state controller in managing and overseeing the disbursements of federal
24 funds in accordance with section 35-6-42;

25 (7) Assist the state controller in the preparation of the statewide cost allocation plan and
26 serve as the monitoring agency to ensure that state departments and agencies are working within
27 the guidelines contained in the plan; and,

28 (8) Provide technical assistance to agencies to ensure resolution and closure of all single
29 state audit findings and recommendations made by the Auditor General related to Federal
30 funding.

31 (b) The office of management and budget shall serve as the State Clearinghouse for
32 purposes of coordinating federal grants, aid and assistance applied for and/or received by any
33 state department, agency, advisory council or instrumentality of the state. Any state department,
34 agency, advisory council, or instrumentality of the state applying for federal funds, aids, loans, or

1 grants shall file a summary notification of the intended application with the director.

2 (1) When as a condition to receiving federal funds, the state is required to match the
3 federal funds, a statement shall be filed with the notice of intent or summary of the application
4 stating:

5 (i) The amount and source of state funds needed for matching purposes;

6 (ii) The length of time the matching funds shall be required;

7 (iii) The growth of the program;

8 (iv) How the program will be evaluated;

9 (v) What action will be necessary should the federal funds be canceled, curtailed, or
10 restricted; and,

11 (vi) Any other financial and program management data required by the office or by law.

12 (2) Except as otherwise required, any application submitted by an executive agency for
13 federal funds, aids, loans, or grants which will require state matching or replacement funds at the
14 time of application or at any time in the future, must be approved by the director or their
15 designated agents prior to its filing with the appropriate federal agency. Any application
16 submitted by an executive agency for federal funds, aids, loans, or grants which will require state
17 matching or replacement funds at the time of application or at any time in the future, when funds
18 have not been appropriated for that express purpose, must be approved by the General Assembly
19 in accordance with section 42-41-5. When the general assembly is not in session, the application
20 shall be reported to and reviewed by the Director pursuant to rules and regulations promulgated
21 by the Director.

22 (3) When any federal funds, aids, loans, or grants are received by any state department,
23 agency, advisory council or instrumentality of the state, a report of the amount of funds received
24 shall be filed with the office; and this report shall specify the amount of funds which would
25 reimburse an agency for indirect costs, as provided for under federal OMB Circular A-87.

26 (4) The director may refuse to issue approval for the disbursement of any state or federal
27 funds from the State Treasury as the result of any application which is not approved as provided
28 by this section, or in regard to which the statement or reports required by this section were not
29 filed.

30 (5) The director shall be responsible for the orderly administration of this section and for
31 issuing the appropriate guidelines and regulations from each source of funds used.

32 **35-1.1-6. Office of Management and Budget expenses. --** (a) There is created a
33 restricted receipt account for the office of management and budget to be known as OMB
34 administrative expense account. Payments from the account shall be limited to expenses for

1 administrative oversight and management of federal and state funds received by the state
2 agencies..

3 (b) All amounts deposited in the office of management and budget accounts shall be
4 exempt from the indirect cost recovery provisions of section 35-4-27.

5 (c) The office of management and budget is authorized to receive indirect costs on federal
6 funds to cover oversight expenses

7 **35-1.1-7. Appointment of employees.** – The director of administration, subject to the
8 provisions of applicable state law, shall be the appointing authority for all employees of the office
9 of management and budget. The director of administration may delegate this function to such
10 subordinate officers and employees of the office as may to him or her seem feasible or desirable.

11 **35-1.1-8. Appropriations and disbursements.** – The general assembly shall annually
12 appropriate such sums as it may deem necessary for the purpose of carrying out the provisions of
13 this chapter. The state controller is hereby authorized and directed to draw his or her orders upon
14 the general treasurer for the payment of such sum or sums, or so much thereof as may from time
15 to time be required, upon receipt by him or her of proper vouchers approved by the director of the
16 office of management and budget, or his or her designee.

17 **35-1.1-9. Cooperation of other state executive branch agencies.** – (a) The departments
18 and other agencies of the state of the executive branch that have not been assigned to the
19 executive office of management and budget under this chapter shall assist and cooperate with the
20 executive office as may be required by the governor and/or requested by the director of
21 management and budget, this assistance may include, but not be limited to, utilizing staff
22 resources from other departments or agencies for special projects within a defined period of time
23 to improve processes within agencies and/or lead to cost savings.

24 (b) Within thirty (30) days following the date of the issuance of a final audit report
25 completed pursuant to subdivision 35-1.1-2(6) , the head of the department, agency or private
26 entity audited shall respond in writing to each recommendation made in the final audit report.
27 This response shall address the department's, agency's or private entity's plan of implementation
28 for each specific audit recommendation and, if applicable, the reasons for disagreement with any
29 recommendation proposed in the audit report. Within one year following the date on which the
30 audit report was issued, the office may perform a follow-up audit for the purpose of determining
31 whether the department, agency or private entity has implemented, in an efficient and effective
32 manner, its plan of action for the recommendations proposed in the audit report.

33 **35-1.1-10. Organizational reviews and special initiatives.** – (a) The director of the
34 office of management and budget is hereby directed to conduct research and analysis to study the

1 programs of the department of transportation and other quasi-transportation related agencies not
2 limited to bridge, vehicle and winter maintenance efficiencies and effectiveness. The director of
3 the office of management and budget is authorized to consult with the appropriate federal
4 agencies and departments that provide funds to, or delegate authority to, the state department of
5 transportation and other quasi-transportation related agencies.

6 (b) This plan shall address the goal of improving efficiency of transportation programs;
7 identifying similar programs that are being performed.

8 (c) The office of management and budget is directed to report findings,
9 recommendations, and alternative designs to the governor and general assembly no later than
10 November 1, 2012 with copies to the governor, speaker of the house, senate president, chairs of
11 the house and senate finance committees and their respective fiscal advisors.

12 (d) The report shall include a strategic plan that outlines the mission, goals, the estimated
13 cost and timelines to implement said recommendations, and the federal and state mandates
14 associated with the current programs. The report shall provide a clear definition of roles and
15 responsibilities, including those responsible for implementing the proposed recommendations.
16 The analysis shall develop outcome measures and an appropriate timeline to measure
17 implementation progress. It shall also include:

18 (1) An examination of the various organizational structures in other states, evaluating
19 their strengths and weaknesses, and how they may or may not be applicable in Rhode Island. This
20 should include an evaluation of the best practices regarding efficiencies.

21 (2) An analysis of what programs and responsibilities could be more efficiently
22 implemented and managed. This should include, but not be limited to, strategies to reorganize and
23 or centralize transportation programs.

24 (3) An evaluation of the federal, state and other revenues that support these programs,
25 and the impacts on revenues and expenses associated with the alternatives and recommendations.

26 (e) The department of transportation and other quasi-transportation related agencies shall
27 furnish such advice and information, documentary or otherwise, to the director of the office of
28 management and budget as is deemed necessary or desirable to facilitate the purposes of the
29 study.

30 **35-1.1-11. Rules and regulations.** – The office of management and budget shall be
31 deemed an agency for purposes of section 42-35-1, et seq. of the Rhode Island general laws. The
32 director shall make and promulgate such rules and regulations, and establish fee schedules not
33 inconsistent with state law and fiscal policies and procedures as he or she deems necessary for the
34 proper administration of this chapter and to carry out the policy and purposes thereof.

1 **35-1.1-12. Severability.** – If any provision of this chapter or the application thereof to
2 any person or circumstance is held invalid, such invalidity shall not effect other provisions or
3 applications of the chapter, which can be given effect without the invalid provision or application,
4 and to this end the provisions of this chapter are declared to be severable.

5 SECTION 5. Section 35-1-1 of the General Laws in Chapter 35-1 entitled “Fiscal
6 Functions of Department of Administration” is hereby amended to read as follows:

7 **35-1-1. Approval of agreements with federal agencies.** – No department or agency of
8 the state shall enter into an agreement with a federal agency involving state funds without the
9 approval of the ~~director of administration or the director's~~ director of the office of management
10 and budget or his or her duly authorized agents.

11 SECTION 6. Sections 35-3-1 and 35-3-24.1 of the General Laws in Chapter 35-3 entitled
12 “State Budget” are hereby amended to read as follows:

13 **35-3-1. Budget officer – General powers and duties.** – (a) Within the ~~department of~~
14 ~~administration~~ office of management and budget there shall be a budget officer who shall be
15 appointed by the director of administration with the approval of the governor. The budget officer
16 shall be required to:

17 (1) Exercise budgetary control over all state departments and agencies and perform
18 management analyses;

19 (2) Operate an appropriation allotment system;

20 (3) Prepare the annual budget of the receipts and expenditures of the state;

21 (4) Develop long term activity and financial programs, particularly capital improvement
22 programs;

23 (5) Approve or disapprove all requests for new personnel and to investigate periodically
24 the need of all existing positions in the state service and report thereon to the director of
25 administration; and

26 (6) Prepare a five (5) year financial projection of anticipated general revenue receipts and
27 expenditures, including detail of principal revenue sources and expenditures by major program
28 areas, which projection shall be included in the budget submitted to the general assembly
29 pursuant to § 35-3-7.

30 (b) The budget officer may approve or disapprove requisitions for equipment, materials,
31 and supplies.

32 (c) The budget officer's duties and powers relating to budgetary controls and personnel
33 requests of the legislative and judicial departments shall be purely ministerial, concerned only
34 with the availability of the funds, and in no event shall the budget officer interpose his or her

1 judgment regarding the wisdom or expediency of items of expenditure.

2 **35-3-24.1 Program performance measurement.** – (a) Beginning with the fiscal year
3 ending June 30, 1997, the governor shall submit, as part of each budget submitted to the general
4 assembly pursuant to § 35-3-7, performance objectives for each program in the budget for the
5 ensuing fiscal year, estimated performance data for the fiscal year in which the budget is
6 submitted, and actual performance data for the preceding two (2) completed fiscal years.
7 Performance data shall include efforts at achieving equal opportunity hiring goals as defined in
8 the department's annual affirmative action plan. The governor shall, in addition, recommend
9 appropriate standards against which to measure program performance. Performance in prior years
10 may be used as a standard where appropriate. These performance standards shall be stated in
11 terms of results obtained.

12 (b) The governor may submit, in lieu of any part of the information required to be
13 submitted pursuant to subsection (a), an explanation of why the information cannot, as a practical
14 matter be submitted.

15 (c)(1) The office of management and budget shall be responsible for managing and
16 collecting program performance measures on behalf of the governor. The office is authorized to
17 conduct performance reviews and audits of agencies to determine progress towards achieving
18 performance objectives for programs.

19 (2) In order to collect performance measures from agencies, review performance and
20 provide recommendations the office of budget and management is authorized to coordinate with
21 the bureau of audits regarding the findings and recommendations that result from audits
22 conducted by the bureau.

23 SECTION 7. Section 36-4-2 of the General Laws in Chapter 36-4 entitled “Merit
24 System” is hereby amended to read as follows:

25 **36-4-2. Positions in unclassified service.** – The classified service shall comprise all
26 positions in the state service now existing or hereinafter established, except the following specific
27 positions which with other positions heretofore or hereinafter specifically exempted by legislative
28 act shall constitute the unclassified service:

29 (1) Officers and legislators elected by popular vote and persons appointed to fill
30 vacancies in elective offices.

31 (2) Employees of both houses of the general assembly.

32 (3) Officers, secretaries, and employees of the office of the governor, office of the
33 lieutenant governor, department of state, department of the attorney general, and the treasury
34 department.

1 (4) Members of boards and commissions appointed by the governor, members of the state
2 board of elections and the appointees of the board, members of the commission for human rights
3 and the employees of the commission, and directors of departments.

4 (5) The following specific offices:

5 (i) In the department of administration: director, chief information officer, [director of](#)
6 [office of management and budget, and director of performance management](#);

7 (ii) In the department of business regulation: director;

8 (iii) In the department of elementary and secondary education: commissioner of
9 elementary and secondary education;

10 (iv) In the department of higher education: commissioner of higher education;

11 (v) In the department of health: director;

12 (vi) In the department of labor and training: director, administrative assistant,
13 administrator of the labor board and legal counsel to the labor board;

14 (vii) In the department of environmental management: director;

15 (viii) In the department of transportation: director;

16 (ix) In the department of human services: director and director of veterans' affairs;

17 (x) In the state properties committee: secretary;

18 (xi) In the workers' compensation court: judges, administrator, deputy administrator,
19 clerk, assistant clerk, clerk secretary;

20 (xii) In the division of elderly affairs: director;

21 (xiii) In the department of behavioral healthcare, developmental disabilities and hospitals:
22 director;

23 (xiv) In the department of corrections: director, assistant director (institutions/operations),
24 assistant director (rehabilitative services), assistant director (administration), and wardens;

25 (xv) In the department of children, youth and families: director, one assistant director,
26 one associate director, and one executive director;

27 (xvi) In the public utilities commission: public utilities administrator;

28 (xvii) In the water resources board: general manager;

29 (xviii) In the human resources investment council: executive director.

30 (xix) In the office of health and human services: secretary of health and human services.

31 (6) Chief of the hoisting engineers, licensing division, and his or her employees;
32 executive director of the veterans memorial building and his or her clerical employees.

33 (7) One confidential stenographic secretary for each director of a department and each
34 board and commission appointed by the governor.

1 (8) Special counsel, special prosecutors, regular and special assistants appointed by the
2 attorney general, the public defender and employees of his or her office, and members of the
3 Rhode Island bar occupying a position in the state service as legal counsel to any appointing
4 authority.

5 (9) The academic and/or commercial teaching staffs of all state institution schools, with
6 the exception of those institutions under the jurisdiction of the board of regents for elementary
7 and secondary education and the board of governors for higher education.

8 (10) Members of the military or naval forces, when entering or while engaged in the
9 military or naval service.

10 (11) Judges, referees, receivers, clerks, assistant clerks, and clerical assistants of the
11 supreme, superior, family, and district courts, the traffic tribunal, security officers of the traffic
12 tribunal, jurors and any persons appointed by any court.

13 (12) Election officials and employees.

14 (13) Executive high sheriff, chief deputy sheriff, sheriffs, deputy sheriffs, and other
15 employees of the sheriffs division within the department of public safety.

16 (14) Patient or inmate help in state charitable, penal, and correctional institutions and
17 religious instructors of these institutions and student nurses in training, residents in psychiatry in
18 training, and clinical clerks in temporary training at the institute of mental health within the state
19 of Rhode Island medical center.

20 (15)(i) Persons employed to make or conduct a temporary and special inquiry,
21 investigation, project or examination on behalf of the legislature or a committee therefor, or on
22 behalf of any other agency of the state if the inclusion of these persons in the unclassified service
23 is approved by the personnel administrator. The personnel administrator shall notify the house
24 fiscal advisor and the senate fiscal advisor whenever he or she approves the inclusion of a person
25 in the unclassified service.

26 (ii) The duration of the appointment of a person, other than the persons enumerated in
27 this section, shall not exceed ninety (90) days or until presented to the department of
28 administration. The department of administration may extend the appointment another ninety (90)
29 days. In no event shall the appointment extend beyond one hundred eighty (180) days.

30 (16) Members of the division of state police within the department of public safety.

31 (17) Executive secretary of the Blackstone Valley district commission.

32 (18) Artist and curator of state owned art objects.

33 (19) Mental health advocate.

34 (20) Child advocate.

1 (21) The position of aquaculture coordinator and marine infrastructure specialist within
2 the coastal resources management council.

3 (22) Employees of the office of the health insurance commissioner.

4 (23) In the department of revenue: the director, secretary, attorney.

5 (24) In the department of public safety: the director.

6 SECTION 8. Section 42-11-2.4 of the General Laws in Chapter 42-11 entitled
7 "Department of Administration" is hereby amended to read as follows:

8 **42-11-2.4. State Fleet Replacement Revolving Loan Fund.** -- (a) There is hereby
9 created as a separate fund within the treasury to be known as the state fleet replacement revolving
10 loan fund which shall be administered by the general treasurer in accordance with the same laws
11 and fiscal procedures as the general funds of the state. This fund, hereafter referred to as the
12 "revolving loan fund", shall consist of such sums as the state may from time to time appropriate,
13 as well as money received from the disposal of used vehicles, loan, interest and service charge
14 payments from benefiting state agencies, as well as interest earnings, money received from the
15 federal government, gifts, bequests, donations, or otherwise from any public or private source.

16 (b) This fund shall be used for the purpose of acquiring motor vehicles, both new and
17 used, and vehicle-related equipment and attachments for state departments and agencies.

18 (c) The proceeds from the repayment of any loans made for the purposes authorized
19 under this chapter shall be deposited in and returned to the revolving loan fund in order to
20 constitute a continuing revolving fund for the purposes listed above.

21 (d) The office of state fleet operations of the Rhode Island department of administration
22 shall adopt rules and regulations consistent with the purposes of this chapter and chapter 35 of
23 title 42, in order to provide for the orderly and equitable disbursement and repayment of funds
24 from the revolving loan fund.

25 (e) Provided; however, a total of four million two hundred thousand dollars (\$4,200,000)
26 shall be made available for the required twenty percent (20%) match for the Rhode Island Public
27 Transit Authority to obtain federal funds to purchase buses through FY 2017.

28 SECTION 9. Chapter 42-11 of the general laws entitled, "Department of Administration"
29 is hereby amended by adding thereto the following section:

30 **42-11-2.6. Office of Digital Excellence established.--** (a) Within the department there
31 shall be established the Office of Digital Excellence. The purposes of the office shall be to move
32 RI state government into the 21st century through the incorporation of innovation and modern
33 digital capabilities throughout state government and to leverage technology to expand and
34 improve the quality of services provided to RI citizens, to promote greater access to government

1 and the internet throughout cities and towns, and to position Rhode Island as a national leader in
2 e-government.

3 (b) Within the office there shall be a chief digital officer who shall be appointed by the
4 director of administration with the approval of the governor and who shall be in the unclassified
5 service. The chief digital officer shall be required to:

6 (1) Manage the implementation of all new and mission critical technology infrastructure
7 projects and upgrades for state agencies. The division of information technology established
8 pursuant to executive order 04-06 shall continue to manage and support all day-to-day operations
9 of the state's technology infrastructure, telecommunications, and associated applications;

10 (2) Increase the number of government services that can be provided online in order to
11 allow residents and businesses to complete transactions in a more efficient and transparent
12 manner;

13 (3) Improve the state's websites to provide timely information to online users and as
14 many government services as possible online; and

15 (4) Establish, improve and enhance the state's use of social media and mobile
16 technological applications.

17 (c) The office shall coordinate its efforts with the division of information technology in
18 order to plan, allocate and implement projects supported by the information technology
19 investment fund established pursuant to 42-11-2.5.

20 (d) All intellectual property created as a result of work undertaken by employees of the
21 office shall remain the property of the state of Rhode Island and Providence Plantations. Any
22 patents applied for shall be in the name of the state.

23 (e) The director of administration may promulgate rules and regulations recommended by
24 the chief digital officer in order to effectuate the purposes and requirements of this act.

25 (f) The chief digital officer shall report no later than January 31, 2013 and every January
26 31 thereafter to the governor, the speaker of the house of representatives and the senate president
27 regarding the implementation status of all technology infrastructure projects, website
28 improvements, number of e-government transactions and revenues generated, projects supported
29 by the information technology investment fund and all other activities undertaken by the office.
30 The annual report shall be posted on the office's website.

31 SECTION 10. Chapter 42-12 of the General Laws entitled "Department of Human
32 Services" is hereby amended by adding thereto the following section:

33 **42-12.1-5. Transfer of functions from the office of energy resources.** – (a) There is
34 hereby transferred from the office of energy resources to the department of human services the

1 administration, management, all functions and resources associated with :

2 (1) The federal low-income home energy assistance program (LIHEAP), which provides
3 heating assistance to eligible low-income persons and any state funded or privately funded
4 heating assistance program of a similar nature assigned to it for administration;

5 (2) The weatherization assistance program, which offers home weatherization grants and
6 heating system upgrades to LIHEAP eligible households; and,

7 (3) The emergency fuel program, which provides oil deliveries to families experiencing a
8 heating emergency.

9 (b) The department is authorized to request advisory assistance from the office of energy
10 resources in order to maintain continuity of assistance provided to LIHEAP eligible households
11 pursuant to section 39-2-1(d).

12 SECTION 11. Sections 23-82-3, 23-82-4 and 23-82-6 of the General Laws in Chapter 23-
13 82 entitled "Implementation of the Regional Greenhouse Gas Initiative Act" are hereby amended
14 to read as follows:

15 **23-82-3. Definitions.** -- As used in this chapter:

16 (1) "Allowance" means an authorization to emit a fixed amount of carbon dioxide;

17 (2) "Department" means department of environmental management;

18 (3) "Regional greenhouse gas initiative" or "RGGI" means the memorandum of
19 understanding (MOU) dated December 20, 2005, as may be amended, and corresponding model
20 rule, as may be amended, that establishes an electric power sector carbon emissions cap and trade
21 program.

22 (4) "Office" means the office of energy resources; and

23 (5) "Council" means the energy efficiency and resources management council.

24 (6) "Board" means the renewable energy coordinating board established pursuant to
25 chapter 42-140.3.

26 **23-82-4. Regional greenhouse gas initiative implementation.** -- (a) The department
27 shall, in consultation with the public utilities commission, the office, ~~and the council,~~ and board,
28 through rules and regulations, establish the state's rules for participation in RGGI.

29 (b) The department's rules and regulations for participation in a carbon cap and trade
30 program shall be designed to meet the mutual understandings and commitments for participation
31 in RGGI, and permit the holders of carbon allowances to trade them in a regional market to be
32 established through the RGGI.

33 ~~(c) The department's rules and regulations shall ensure that the carbon allowances under~~
34 ~~this program and the revenues associated with their sale are used exclusively for the purposes~~

1 ~~contained in this legislation.~~

2 ~~(d)~~(c) The responsibilities created by implementing RGGI shall be in addition to all other
3 responsibilities imposed by any other general or special law or rule or regulation and shall not
4 diminish or reduce any power or authority of the department, including the authority to adopt
5 standards and regulations necessary for the state to join and fully participate in any multi-state
6 program, at any stage in the development and implementation of such a program, intended to
7 control emissions of carbon dioxide and/or other substances that are determined by the
8 department to be damaging and/or altering the climate.

9 **23-82-6. Use of auction or sale proceeds.** -- (a) The proceeds from the auction or sale of
10 the allowances shall be used for the benefit of energy consumers through investment in the most
11 cost-effective available projects that can reduce long-term consumer energy demands and costs.
12 Such proceeds may be used only for the following purposes, in a proportion to be determined
13 annually by the office in consultation with the council and the department:

14 (1) Promotion of cost-effective energy efficiency and conservation in order to achieve
15 the purposes of section 39-1-27.7;

16 (2) Promotion of cost-effective renewable non-carbon emitting energy technologies in
17 Rhode Island as defined in ~~Rhode Island general law~~ section 39-26-5 and to achieve purposes of
18 chapter 39-26 entitled "Renewable Energy Standard";

19 (3) Cost-effective direct rate relief for consumers;

20 (4) Direct rate relief for low-income consumers;

21 (5) Reasonable compensation to an entity selected to administer the auction or sale; and

22 (6) Reasonable costs of the department and office in administering this program, which
23 shall not in any year exceed three hundred thousand dollars (\$300,000) or five percent (5%) of
24 the proceeds from sale or auction of the allowances, whichever is less. Administrative funds not
25 expended in any fiscal year shall remain in the administrative account to be used as needed in
26 subsequent years. The office of energy resources shall have the ability to apply administrative
27 funds not used in a fiscal year to achieve the purpose of this section. The funds deposited into the
28 administrative funds account shall be exempt from the indirect cost recovery provisions of section
29 35-4-27.

30 (b) Any interest earned on the funds so generated must be credited to the fund. Funds not
31 spent in any fiscal year shall remain in the fund to be used for future energy efficiency and carbon
32 reduction programs.

33 (c) Annually, the office, in consultation with ~~the department and the council~~ and board,
34 shall prepare a draft proposal on how the proceeds from the allowances shall be allocated. The

1 draft proposal shall be designed to augment and coordinate with existing energy efficiency and
2 renewable energy low-income programs, and shall not propose use of auction proceeds for
3 projects already funded under other programs. The proposal for allocation of proceeds in
4 subsections 23-82-6(1), (2) and (3) shall be one that best achieves the purposes of the law,
5 namely, lowering carbon emissions and minimizing costs to consumers over the long term. The
6 office shall hold a public hearing and accept public comment on the draft proposal in accordance
7 with chapter 42-35 (the "Administrative Procedure Act"). Once the proposal is final, the
8 ~~department~~ office shall authorize the disbursement of funds in accordance with the final plan.

9 (d) The office shall prepare, in consultation with ~~the department and the council~~ and
10 board, a report by ~~January 1st~~ April 15th of each year describing the implementation and operation
11 of RGGI, the revenues collected and the expenditures, including funds that were allocated to the
12 energy efficiency and renewable energy programs, and the individuals, businesses and vendors
13 that received funding, made under this section, the statewide energy efficiency and carbon
14 reduction programs, and any recommendations for changes to law relating to the state's energy
15 conservation or carbon reduction efforts. The report shall be made public and be posted
16 electronically on the website of the office of energy resources and shall also be submitted to the
17 general assembly.

18 SECTION 12. Section 39-1-27.7 of the General Laws in Chapter 39-1 entitled "Public
19 Utilities Commission" is hereby amended to read as follows:

20 **39-1-27.7. System reliability and least-cost procurement.** -- Least-cost procurement
21 shall comprise system reliability and energy efficiency and conservation procurement as provided
22 for in this section and supply procurement as provided for in section 39-1-27.8, as complementary
23 but distinct activities that have as common purpose meeting electrical and natural gas energy
24 needs in Rhode Island, in a manner that is optimally cost-effective, reliable, prudent and
25 environmentally responsible.

26 (a) The commission shall establish not later than June 1, 2008, standards for system
27 reliability and energy efficiency and conservation procurement, which shall include standards and
28 guidelines for:

- 29 (1) System reliability procurement, including but not limited to:
- 30 (i) Procurement of energy supply from diverse sources, including, but not limited to,
31 renewable energy resources as defined in chapter 26 of this title;
- 32 (ii) Distributed generation, including, but not limited to, renewable energy resources and
33 thermally leading combined heat and power systems, which is reliable and is cost-effective, with
34 measurable, net system benefits;

1 (iii) Demand response, including, but not limited to, distributed generation, back-up
2 generation and on-demand usage reduction, which shall be designed to facilitate electric customer
3 participation in regional demand response programs, including those administered by the
4 independent service operator of New England ("ISO-NE") and/or are designed to provide local
5 system reliability benefits through load control or using on-site generating capability;

6 (iv) To effectuate the purposes of this division, the commission may establish standards
7 and/or rates (A) for qualifying distributed generation, demand response, and renewable energy
8 resources; (B) for net-metering; (C) for back-up power and/or standby rates that reasonably
9 facilitate the development of distributed generation; and (D) for such other matters as the
10 commission may find necessary or appropriate.

11 (2) Least-cost procurement, which shall include procurement of energy efficiency and
12 energy conservation measures that are prudent and reliable and when such measures are lower
13 cost than acquisition of additional supply, including supply for periods of high demand.

14 (b) The standards and guidelines provided for by subsection (a) shall be subject to
15 periodic review and as appropriate amendment by the commission, which review will be
16 conducted not less frequently than every three (3) years after the adoption of the standards and
17 guidelines.

18 (c) To implement the provisions of this section:

19 (1) The commissioner of the office of energy resources and the energy efficiency and
20 resources management council, either or jointly or separately, shall provide the commission
21 findings and recommendations with regard to system reliability and energy efficiency and
22 conservation procurement on or before March 1, 2008, and triennially on or before March 1,
23 thereafter through March 1, 2017. [The report shall be made public and be posted electronically on](#)
24 [the website to the office of energy resources.](#)

25 (2) The commission shall issue standards not later than June 1, 2008, with regard to
26 plans for system reliability and energy efficiency and conservation procurement, which standards
27 may be amended or revised by the commission as necessary and/or appropriate.

28 (3) The energy efficiency and resources management council shall prepare by July 15,
29 2008, a reliability and efficiency procurement opportunity report which shall identify
30 opportunities to procure efficiency, distributed generation, demand response and renewables,
31 which report shall be submitted to the electrical distribution company, the commission, the office
32 of energy resources and the joint committee on energy.

33 (4) Each electrical and natural gas distribution company shall submit to the commission
34 on or before September 1, 2008, and triennially on or before September 1, thereafter through

1 September 1, 2017, a plan for system reliability and energy efficiency and conservation
2 procurement. In developing the plan, the distribution company may seek the advice of the
3 commissioner and the council. The plan shall include measurable goals and target percentages for
4 each energy resource, pursuant to standards established by the commission, including efficiency,
5 distributed generation, demand response, combined heat and power, and renewables. [The report](#)
6 [shall be made public and be posted electronically on the website to the office of energy resources,](#)
7 [and shall also be submitted to the general assembly.](#)

8 (5) The commission shall issue an order approving all energy efficiency measures that
9 are cost effective and lower cost than acquisition of additional supply, with regard to the plan
10 from the electrical and natural gas distribution company, and reviewed and approved by the
11 energy efficiency and resources management council, and any related annual plans, and shall
12 approve a fully reconciling funding mechanism to fund investments in all efficiency measures
13 that are cost effective and lower cost than acquisition of additional supply, not greater than sixty
14 (60) days after it is filed with the commission.

15 (6) Each electrical and natural gas distribution company shall provide a status report,
16 which shall be public, on the implementation of least cost procurement on or before December
17 15, 2008, and on or before February 1, 2009, to the commission, the division, the commissioner
18 of the office of energy resources and the energy efficiency and resources management council
19 which may provide the distribution company recommendations with regard to effective
20 implementation of least cost procurement. The report shall include the targets for each energy
21 resource included in the order approving the plan and the achieved percentage for energy
22 resource, including the achieved percentages for efficiency, distributed generation, demand
23 response, combined heat and power, and renewables [as well as the current funding allocations for](#)
24 [each eligible energy resource and the businesses and vendors in Rhode Island participating in the](#)
25 [programs. The report shall be posted electronically on the website of the office energy resources.](#)

26 (d) If the commission shall determine that the implementation of system reliability and
27 energy efficiency and conservation procurement has caused or is likely to cause under or over-
28 recovery of overhead and fixed costs of the company implementing said procurement, the
29 commission may establish a mandatory rate adjustment clause for the company so affected in
30 order to provide for full recovery of reasonable and prudent overhead and fixed costs.

31 (e) The commission shall conduct a contested case proceeding to establish a performance
32 based incentive plan which allows for additional compensation for each electric distribution
33 company and each company providing gas to end-users and/or retail customers based on the level
34 of its success in mitigating the cost and variability of electric and gas services through

1 procurement portfolios.

2 SECTION 13. Section 39-2-1.2 of the General Laws in Chapter 39-2 entitled "Duties of
3 Utilities and Carriers" is hereby amended to read as follows:

4 **39-2-1.2. Utility base rate -- Advertising, demand side management and renewables.**

5 -- (a) In addition to costs prohibited in section 39-1-27.4(b), no public utility distributing or
6 providing heat, electricity, or water to or for the public shall include as part of its base rate any
7 expenses for advertising, either direct or indirect, which promotes the use of its product or
8 service, or is designed to promote the public image of the industry. No public utility may furnish
9 support of any kind, direct, or indirect, to any subsidiary, group, association, or individual for
10 advertising and include the expense as part of its base rate. Nothing contained in this section shall
11 be deemed as prohibiting the inclusion in the base rate of expenses incurred for advertising,
12 informational or educational in nature, which is designed to promote public safety conservation of
13 the public utility's product or service. The public utilities commission shall promulgate such rules
14 and regulations as are necessary to require public disclosure of all advertising expenses of any
15 kind, direct or indirect, and to otherwise effectuate the provisions of this section.

16 (b) Effective as of January 1, 2008, and for a period of ten (10) years thereafter, each
17 electric distribution company shall include charges per kilowatt-hour delivered to fund demand
18 side management programs and 0.3 mills per kilowatt-hour delivered to fund renewable energy
19 programs. The electric distribution company shall establish and after July 1, 2007, maintain two
20 (2) separate accounts, one for demand side management programs, which shall be administered
21 and implemented by the distribution company, subject to the regulatory reviewing authority of the
22 commission, and one for renewable energy programs, which shall be administered by the
23 economic development corporation pursuant to section 42-64-13.2 and, shall be held and
24 disbursed by the distribution company as directed by the economic development corporation for
25 the purposes of developing, promoting and supporting renewable energy programs.

26 During the ten (10) year period the commission may, in its discretion, after notice and
27 public hearing, increase the sums for demand side management and renewable resources;
28 thereafter, the commission shall, after notice and public hearing, determine the appropriate charge
29 for these programs. The office of energy resources and/or the administrator of the renewable
30 energy programs may seek to secure for the state an equitable and reasonable portion of
31 renewable energy credits or certificates created by private projects funded through those
32 programs. As used in this section, "renewable energy resources" shall mean: (1) power generation
33 technologies as defined in section 39-26-5, "eligible renewable energy resources", including off-
34 grid and on-grid generating technologies located in Rhode Island as a priority; (2) research and

1 development activities in Rhode Island pertaining to eligible renewable energy resources and to
2 other renewable energy technologies for electrical generation; or (3) projects and activities
3 directly related to implementing eligible renewable energy resources projects in Rhode Island.
4 Technologies for converting solar energy for space heating or generating domestic hot water may
5 also be funded through the renewable energy programs, ~~so long as these technologies are installed~~
6 ~~on housing projects that have been certified by the executive director of the Rhode Island housing~~
7 ~~and mortgage finance corporation as serving low income Rhode Island residents.~~ Fuel cells may
8 be considered an energy efficiency technology to be included in demand sided management
9 programs. Special rates for low-income customers in effect as of August 7, 1996 shall be
10 continued, and the costs of all of these discounts shall be included in the distribution rates
11 charged to all other customers. Nothing in this section shall be construed as prohibiting an electric
12 distribution company from offering any special rates or programs for low-income customers
13 which are not in effect as of August 7, 1996, subject to the approval by the commission.

14 ~~(c) On or before November 15, 2008, the economic development corporation shall create~~
15 ~~the municipal renewable energy investment program utilizing the lesser of fifty percent (50%) or~~
16 ~~one million dollars (\$1,000,000) collected annually from the .3 mils per kilo-watt hour charge for~~
17 ~~renewable energy programs, to fund qualified municipal renewable energy projects in accordance~~
18 ~~with this chapter and the following provisions:~~

19 ~~(1) The municipal renewable energy investment programs shall be administered pursuant~~
20 ~~to rules established by the economic development corporation. Said rules shall provide~~
21 ~~transparent criteria to rank qualified municipal renewable energy projects, giving consideration~~
22 ~~to:~~

- 23 ~~(i) the feasibility of project completion;~~
- 24 ~~(ii) the anticipated amount of renewable energy the project will produce;~~
- 25 ~~(iii) the potential of the project to mitigate energy costs over the life of the project; and~~
- 26 ~~(iv) the estimated cost per kilo-watt hour (kwh) of the energy produced from the project.~~

27 ~~Municipalities that have not previously received financing from this program shall be given~~
28 ~~priority over those municipalities that have received funding under this program.~~

29 ~~(2) Beginning on January 1, 2009, the economic development corporation shall solicit~~
30 ~~proposals from municipalities for eligible projects and shall award grants, in accordance with the~~
31 ~~rules and ranking criteria, of no more than five hundred thousand dollars (\$500,000) to each~~
32 ~~eligible project.~~

33 ~~(3) Any funds not expended from the municipal renewable energy investment programs~~
34 ~~in a given year shall remain in the fund and be added to the balance to be distributed in the next~~

1 ~~award cycle. For the purposes of this section, qualified municipal renewable energy projects~~
2 ~~means any project that produces renewable energy resources and whose output of power and~~
3 ~~other attributes is controlled in its entirety by at least one Rhode Island city or town.~~

4 ~~(d) On or before November 15, 2008, the economic development corporation shall create~~
5 ~~the nonprofit affordable housing renewable energy investment program utilizing the lesser of ten~~
6 ~~percent (10%) or two hundred thousand dollars (\$200,000) collected annually from the .3 mils per~~
7 ~~kilo-watt hour charge for renewable energy programs to fund qualified nonprofit affordable~~
8 ~~housing renewable energy projects in accordance with this chapter and the following provisions:~~

9 (1) ~~The nonprofit affordable housing~~ renewable energy investment programs shall be
10 administered pursuant to rules established by the economic development corporation in
11 consultation with the Rhode Island housing mortgage finance corporation. Said rules shall
12 provide transparent criteria to rank qualified nonprofit affordable housing renewable energy
13 projects, giving consideration to:

- 14 (i) the feasibility of project completion;
- 15 (ii) the anticipated amount of renewable energy the project will produce;
- 16 (iii) the potential of the project to mitigate energy costs over the life of the project; and
- 17 (iv) the estimated cost per kilo-watt hour (kwh) of the energy produced from the project.

18 ~~Nonprofit affordable housing agencies that have not previously received financing from this~~
19 ~~program shall be given priority over those agencies that have received funding under this~~
20 ~~program.~~

21 ~~(2) Beginning on January 1, 2009, the economic development corporation, in~~
22 ~~consultation with the Rhode Island housing and mortgage finance corporation, shall solicit~~
23 ~~proposals from eligible nonprofit housing agencies for renewable energy projects and shall award~~
24 ~~grants, in accordance with the rules and ranking criteria. The economic development corporation~~
25 ~~shall consult with the Rhode Island housing and mortgage finance corporation in the grant-~~
26 ~~making process and shall notify the corporation of the awardees.~~

27 ~~(3) Any funds not expended from the affordable housing renewable energy investment~~
28 ~~program in a given year shall remain in the fund and be added to the balance to be distributed in~~
29 ~~the next award cycle. For the purposes of this section, "qualified nonprofit affordable housing~~
30 ~~renewable energy projects" means any project that produces renewable energy resources and~~
31 ~~whose output of power and other attributes is controlled in its entirety by at least one nonprofit~~
32 ~~affordable housing development as defined in section 42-55-3 and is restricted to producing~~
33 ~~energy for the nonprofit affordable housing development.~~

34 ~~(e)~~(d) The executive director of the economic development corporation is authorized and

1 may enter into a contract with a contractor for the cost effective administration of the renewable
2 energy programs funded by this section. A competitive bid and contract award for administration
3 of the renewable energy programs may occur every three (3) years and shall include as a
4 condition that after July 1, 2008 the account for the renewable energy programs shall be
5 maintained and administered by the economic development corporation as provided for in
6 subdivision (b) above.

7 ~~(e)~~(e) Effective January 1, 2007, and for a period of eleven (11) years thereafter, each gas
8 distribution company shall include, with the approval of the commission, a charge per deca therm
9 delivered to demand side management programs, including, but not limited to, programs for cost-
10 effective energy efficiency, energy conservation, combined heat and power systems, and
11 weatherization services for low income households.

12 ~~(e)~~(f) The gas company shall establish a separate account for demand side management
13 programs, which shall be administered and implemented by the distribution company, subject to
14 the regulatory reviewing authority of the commission. The commission may establish
15 administrative mechanisms and procedures that are similar to those for electric demand side
16 management programs administered under the jurisdiction of the commissions and that are
17 designed to achieve cost-effectiveness and high life-time savings of efficiency measures
18 supported by the program.

19 ~~(h)~~(g) The commission may, if reasonable and feasible, except from this demand side
20 management change:

- 21 (i) gas used for distribution generation; and
22 (ii) gas used for the manufacturing processes, where the customer has established a self-
23 directed program to invest in and achieve best effective energy efficiency in accordance with a
24 plan approved by the commission and subject to periodic review and approval by the
25 commission, which plan shall require annual reporting of the amount invested and the return on
26 investments in terms of gas savings.

27 ~~(h)~~(h) The commission may provide for the coordinated and/or integrated administration
28 of electric and gas demand side management programs in order to enhance the effectiveness of
29 the programs. Such coordinated and/or integrated administration may after March 1, 2009, upon
30 the recommendation of the office of energy resources, be through one or more third-party entities
31 designated by the commission pursuant to a competitive selection process.

32 ~~(i)~~(i) Effective January 1, 2007, the commission shall allocate from demand-side
33 management gas and electric funds authorized pursuant to this section 39-2-1.2, an amount not to
34 exceed two percent (2%) of such funds on an annual basis for the retention of expert consultants,

1 and reasonable administrations costs of the energy efficiency and resources management council
2 associated with planning, management, and evaluation of energy efficiency programs, renewable
3 energy programs and system reliability least-cost procurement, and with regulatory proceedings,
4 contested cases, and other actions pertaining to the purposes, powers and duties of the council,
5 which allocation may by mutual agreement, be used in coordination with the office of energy
6 resources to support such activities.

7 (j) Effective January 1, 2013, the commission shall allocate from administrative funding
8 amount allocated in (i) from the demand-side management program as described in subsection (f)
9 as followed: sixty percent (60%) for the purposes identified in subsection (i) and forty percent
10 (40%) annually to the office of energy resources for activities associated with planning
11 management, and evaluation of energy efficiency programs, renewable energy programs system
12 reliability, least-cost procurement, and with regulatory proceedings, contested cases, and other
13 actions pertaining to the purposes, powers and duties of the office of energy resources.

14 (k) On April 15, of each year the office and the council shall submit to the governor, the
15 president of the senate, and the speaker of the house of representatives, separate financial and
16 performance reports regarding the demand-side management programs, including the specific
17 level of funds that were contributed by the residential, municipal, and commercial and industrial
18 sectors to the overall programs, the businesses, vendors, and institutions that received funding
19 from demand-side management gas and electric funds used for the purposes in section 39-2-1.2;
20 and the businesses, vendors, and institutions that received the administrative funds for the
21 purposes in sections 39-2-1.2(i) and 39-2-1.2(j). These reports shall be posted electronically on
22 the websites of the office of energy resources and the energy efficiency resources management
23 council.

24 SECTION 14. Section 39-26-7 of the General Laws in Chapter 39-26 entitled
25 "Renewable Energy Standard" is hereby amended to read as follows:

26 **39-26-7. Renewable energy development fund.** -- (a) There is hereby authorized and
27 created within the economic development corporation a renewable energy development fund for
28 the purpose of increasing the supply of NE-GIS certificates available for compliance in future
29 years by obligated entities with renewable energy standard requirements, as established in this
30 chapter. The fund shall be located at and administered by the Rhode Island economic
31 development corporation in ~~accordance~~ accordance with section 42-64-13.2. The economic
32 development corporation shall:

33 Adopt plans and guidelines for the management and use of the fund in accordance with
34 section 42-64-13.2, and

1 (b) The economic development corporation shall enter into agreements with obligated
2 entities to accept alternative compliance payments, consistent with rules of the commission and
3 the purposes set forth in this section; and alternative compliance payments received pursuant to
4 this section shall be trust funds to be held and applied solely for the purposes set forth in this
5 section.

6 (c) The uses of the fund shall include but not be limited to:

7 (1) Stimulating investment in renewable energy development by entering into
8 agreements, including multi-year agreements, for renewable energy certificates;

9 [\(2\) Establishing and maintaining a residential renewable energy program using eligible](#)
10 [technologies in accordance the section 39-26-5;](#)

11 [\(3\) Providing technical and financial assistance to municipalities for interconnection and](#)
12 [feasibility studies, and/or the installation of renewable energy projects;](#)

13 ~~(2)~~[\(4\)](#) Issuing assurances and/or guarantees to support the acquisition of renewable
14 energy certificates and/or the development of new renewable energy sources for Rhode Island;

15 ~~(3)~~[\(5\)](#) Establishing escrows, reserves, and/or acquiring insurance for the obligations of
16 the fund;

17 ~~(4)~~[\(6\)](#) Paying administrative costs of the fund incurred by the economic development
18 corporation, the board of trustees, or the office of energy resources, not to exceed ten percent
19 (10%) of the income of the fund, including, but not limited to, alternative compliance payments.
20 All funds transferred from the economic development corporation to support the office of energy
21 resources' administrative costs shall be deposited as restricted receipts.

22 (d) NE-GIS certificates acquired through the fund may be conveyed to obligated entities
23 or may be credited against the renewable energy standard for the year of the certificate provided
24 that the commission assesses the cost of the certificates to the obligated entity, or entities,
25 benefiting from the credit against the renewable energy standard, which assessment shall be
26 reduced by previously made alternative compliance payments and shall be paid to the fund.

27 **SECTION 15. Section 42-64-13.2 of the General Laws in Chapter 42-64 entitled "Rhode**
28 **Island Economic Development Corporation" is hereby amended to read as follows:**

29 **42-64-13.2. Renewable energy investment coordination.** -- (a) Intent. - To develop an
30 integrated organizational structure to secure for Rhode Island and its people the full benefits of
31 cost-effective renewable energy development from diverse sources.

32 (b) Definitions. - For purposes of this section, the following words and terms shall have
33 the meanings set forth in RIGL 42-64-3 unless this section provides a different meaning. Within
34 this section, the following words and terms shall have the following meanings:

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

2 (2) "Municipality" means any city or town, or other political subdivision of the state.

3 (3) "Office" means the office of energy resources established by chapter 42-140.

4 ~~(c) Purpose. The corporation is authorized to integrate the management of public funds~~
5 ~~to promote the expansion and sound development of renewable energy resources by providing~~
6 ~~coordinated and cost effective use of funds from:~~

7 ~~(1) The renewable energy program of the demand side management program as set forth~~
8 ~~in section 39-2-1.2; and~~

9 ~~(2) The renewable energy development fund of the renewable energy standard, as set~~
10 ~~forth in chapter 39-26.~~

11 ~~(3) The office of energy resources from the sale of allowances under the greenhouse gas~~
12 ~~initiative act to the extent available for renewable energy, as set forth in chapter 23-82.~~

13 ~~(c)~~(b) Renewable energy development fund. - The corporation shall, in the furtherance
14 of its responsibilities to promote and encourage economic development, establish and administer
15 a renewable energy development fund as provided for in section 39-26-7, may exercise the
16 powers set forth in this chapter, as necessary or convenient to accomplish this purpose, and shall
17 provide such administrative support as may be needed for the coordinated administration of the
18 renewable energy standard as provided for in chapter 39-26 and the renewable energy program
19 established by section 39-2-1.2. The corporation may upon the request of any person undertaking
20 a renewable energy facility project, grant project status to the project, and a renewable energy
21 facility project, which is given project status by the corporation, shall be deemed an energy
22 project of the corporation.

23 ~~(c)~~(c) Duties. - The corporation shall, with regards to renewable energy project
24 investment:

25 (1) Establish by rule, in consultation with the office, standards for financing renewable
26 energy projects from diverse sources.

27 (2) Enter into agreements, consistent with this chapter and renewable energy investment
28 plans adopted by the office, to provide support to renewable energy projects that meet applicable
29 standards established by the corporation. Said agreements may include contracts with
30 municipalities and public corporations.

31 ~~(d)~~(d) Conduct of activities.

32 (1) To the extent reasonable and practical, the conduct of activities under the provisions
33 of this chapter shall be open and inclusive; the director shall seek, in addressing the purposes of
34 this chapter, to involve the research and analytic capacities of institutions of higher education

1 within the state, industry, advocacy groups, and regional entities, and shall seek input from
2 stakeholders including, but not limited to, residential and commercial energy users.

3 (2) By January 1, 2009, the director shall adopt:

4 (A) Goals for renewable energy facility investment which is beneficial, prudent, and
5 from diverse sources;

6 (B) A plan for a period of five (5) years, annually upgraded as appropriate, to meet the
7 aforementioned goals; and

8 (C) Standards and procedures for evaluating proposals for renewable energy projects in
9 order to determine the consistency of proposed projects with the plan.

10 (g) Reporting. - On March 1, of each year after the effective date of this chapter, the
11 corporation shall submit to the governor, the president of the senate, the speaker of the house of
12 representatives, and the secretary of state, a financial and performance report. These reports shall
13 be posted electronically on the general assembly and the secretary of state's websites as
14 prescribed in section 42-20-8.2. The reports shall set forth:

15 (1) The corporation's receipts and expenditures in each of the renewable energy program
16 funds administered in accordance with this section.

17 (2) A listing of all private consultants engaged by the corporation on a contract basis and
18 a statement of the total amount paid to each private consultant from the two (2) renewable energy
19 funds administered in accordance with this chapter; a listing of any staff supported by these
20 funds, and a summary of any clerical, administrative or technical support received; and

21 (3) A summary of performance during the prior year including accomplishments and
22 shortcomings; project investments, the cost-effectiveness of renewable energy investments by the
23 corporation; and recommendations for improvement.

24 **SECTION 16. Sections 42-140-3, 42-140-7 and 42-140-9 of the General Laws in Chapter**
25 **42-140 entitled "Rhode Island Energy Resources Act" are hereby amended to read as follows:**

26 **42-140-3. Purposes.** -- The purposes of the office shall be to:

27 (1) Develop and put into effect plans and programs to promote, encourage, and assist the
28 provision of energy resources for Rhode Island in a manner that enhances economic well-being,
29 social equity, and environmental quality;

30 (2) Monitor, forecast, and report on energy use, energy prices, and energy demand and
31 supply forecasts, and make findings and recommendations with regard to energy supply diversity,
32 reliability, and procurement, including least-cost procurement;

33 (3) Develop and to put into effect plans and programs to promote, encourage and assist
34 the efficient and productive use of energy resources in Rhode Island, and to coordinate energy

1 programs for natural gas, electricity, and heating oil to maximize the aggregate benefits of
2 conservation and efficiency of investments;

3 (4) Monitor and report technological developments that may result in new and/or
4 improved sources of energy supply, increased energy efficiency, and reduced environmental
5 impacts from energy supply, transmission and distribution;

6 (5) Administer the programs, duties, and responsibilities heretofore exercised by the state
7 energy office, except as these may be assigned by executive order [or the general laws](#) to other
8 departments and agencies of state government;

9 (6) Develop, recommend and, as appropriate, implement integrated and/or
10 comprehensive strategies, including at regional and federal levels, to secure Rhode Island's
11 interest in energy resources, their supply and efficient use, and as necessary to interact with
12 persons, private sector, non-profit, regional, federal entities and departments and agencies of
13 other states to effectuate this purpose;

14 (7) Cooperate with agencies, departments, corporations, and entities of the state and of
15 political subdivisions of the state in achieving its purposes;

16 (8) Cooperate with and assist the state planning council and the division of state planning
17 in developing, maintaining, and implementing state guide plan elements pertaining to energy and
18 renewable energy;

19 [\(9\) Coordinate the energy efficiency, renewable energy, least cost procurement, and](#)
20 [systems reliability plans and programs with the energy efficiency resource management council](#)
21 [and the renewable energy coordinating board;](#)

22 [\(10\) Participate in, monitor implementation of, and provide technical assistance for the](#)
23 [low-income home energy assistance program enhancement plan established pursuant to section](#)
24 [39-1-27.12;](#)

25 [\(11\) Participate in and monitor the distributed generation standard contracts program](#)
26 [pursuant to chapter 39-26-2;](#)

27 [\(12\) Coordinate opportunities with and enter into contracts and/or agreements with the](#)
28 [economic development corporation associated with the energy efficiency, least-cost procurement,](#)
29 [system reliability, and renewable energy fund programs;](#)

30 [\(13\) Provide support and information to the division of planning and the state planning](#)
31 [council in development a ten \(10\) year Rhode Island Energy Guide Plan, which shall be reviewed](#)
32 [and amended if necessary every five \(5\) years;](#)

33 [\(14\) Provide funding support if necessary to the renewable energy coordinating board](#)
34 [and/or the advisory council to carry out the objectives pursuant to chapter 42-140-3;](#)

1 ~~(9)~~(15) Administer, as assigned by law or executive order, state and federally funded or
2 authorized energy programs, which may include, but not be limited to [Advise and provide](#)
3 [technical assistance to state and federally funded energy program to support](#):

4 (i) The federal low-income home energy assistance program which provides heating
5 assistance to eligible low-income persons and any state funded or privately funded heating
6 assistance program of a similar nature assigned to it for administration;

7 (ii) The weatherization assistance program which offers home weatherization grants and
8 heating system upgrades to eligible persons of low-income;

9 (iii) The emergency fuel program which provides oil deliveries to families experiencing
10 a heating emergency;

11 (iv) The energy conservation program, which offers service and programs to all sectors;
12 and

13 (v) [Deleted by P.L. 2008, ch. 228, section 2, and P.L. 2008, ch. 422, section 2.]

14 ~~(10)~~(16) Advise the economic development corporation in the development of standards
15 and rules for the solicitation and award of renewable energy program investment funds in
16 accordance with section 42-64-13.2;

17 ~~(11)~~(17) Develop, recommend, and evaluate energy programs for state facilities and
18 operations in order to achieve and demonstrate the benefits of energy-efficiency, diversification
19 of energy supplies, energy conservation, and demand management; and

20 ~~(12)~~(18) Advise the governor and the general assembly with regard to energy resources
21 and all matters relevant to achieving the purposes of the office.

22 **42-140-7. Conduct of activities.** -- (a) To the extent reasonable and practical, the
23 conduct of activities under the provisions of this chapter shall be open and inclusive; the
24 commissioner and the council shall seek in addressing the purposes of the office to involve the
25 research and analytic capacities of institutions of higher education within the state, industry,
26 advocacy groups, and regional entities, and shall seek input from stakeholders including, but not
27 limited to, residential and commercial energy users.

28 (b) The commissioner shall transmit any unencumbered funds from the renewable
29 energy program under chapter 39-2 to the economic development corporation to be administered
30 in accordance with a the provisions of section 39-2-1.2.

31 **42-140-9. Adoption of rules.** -- The commissioner shall have the authority to adopt,
32 amend, and implement such rules as may be necessary to desirable to effectuate the purposes of
33 this chapter. In any rule making by the commissioner, the commissioner shall consider as a matter
34 of record the ~~advise~~ [advice](#) of the energy resources council [and the renewable energy](#)

1 [coordinating board](#).

2 SECTION 17. The Administration shall submit to the Chairpersons of the House and
3 Senate Finance Committees by November 1, 2012, a plan to transfer the Rhode Island Public
4 Telecommunications Authority from state to private support as part of the FY 2014 budget
5 process and include any statutory language required to support the transaction.

6 SECTION 18. Section 23-27.3-108.2 of the General Laws in Chapter 23-27.3 entitled
7 "State Building Code" is hereby amended to read as follows:

8 **23-27.3-108.2. State building commissioner's duties. --** (a) This code shall be enforced
9 by the state building commissioner as to any structures or buildings or parts thereof that are
10 owned or are temporarily or permanently under the jurisdiction of the state or any of its
11 departments, commissions, agencies, or authorities established by an act of the general assembly,
12 and as to any structures or buildings or parts thereof that are built upon any land owned by or
13 under the jurisdiction of the state.

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

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

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

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

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

1 [\(e\) The building commissioner shall coordinate the development and implementation of](#)
2 [this section with the state fire marshal to assist with the implementation of section 23-28.2-6.](#)

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

7 SECTION 19. Section 23-28.2-6 of the General Laws in Chapter 23-28.2 entitled
8 "Division of Fire Safety" is hereby amended to read as follows:

9 **23-28.2-6. Additional powers and duties of fire marshal. --** In carrying out the
10 purposes of this chapter, the state fire marshal is authorized and directed:

11 (1) To procure in his or her discretion as many deputy state fire marshals and assistant
12 deputy state fire marshals as needed, and the temporary or intermittent services of experts or
13 consultants or organizations thereof, by contract, when the services are to be performed on a part-
14 time or fee-for-service basis and do not involve the performance of administrative duties;

15 (2) To enter into agreements for the utilization of the facilities and services of the
16 division of occupational safety, or its successors, to the extent that he or she considers it desirable
17 to effectuate the purposes of this chapter, and to enter into agreements for the utilization of the
18 facilities and services of other departments, agencies, and institutions, public or private;

19 (3) To accept on behalf of the state and to deposit with the general treasurer any grant,
20 gift, or contribution made to assist in meeting the cost of carrying out the purposes of this code,
21 and to expend the same for such purposes;

22 (4) To supervise or conduct any fire safety inspections required by any other state or
23 federal agencies;

24 (5) To formulate, coordinate, implement, or cause implementation of, appropriate
25 education and training programs relating to fire fighting training, fire prevention, fire protection,
26 fire inspection, and fire investigation.

27 [\(6\) To support, in coordination with the state building commissioner and the office of](#)
28 [regulatory reform, the purchase or lease and operation of a web-accessible service and/or system](#)
29 [to be utilized by the state and municipalities for a uniform, statewide electronic plan review,](#)
30 [permit management and inspection system and other programs described in this chapter.](#)

31 [\(7\) To coordinate with the state building commissioner on the submission of a report to](#)
32 [the governor and general assembly on or before April 1, 2013 and each April 1st thereafter,](#)
33 [providing the status of the web-accessible service and/or system implementation and any](#)
34 [recommendations for process or system improvement.](#)

1 SECTION 20. Section 42-64.13-7 of the General Laws in Chapter 42-64.13 entitled
2 "Rhode Island Regulatory Reform Act" is hereby amended to read as follows:

3 **42-64.13-7. Powers of the office of regulatory reform.** -- The office of regulatory
4 reform shall have the following powers:

5 (1) The director of the office of regulatory reform is authorized to intervene or otherwise
6 participate in any regulatory or permitting matter pending before any executive branch agency or
7 department or before any municipal board, commission, agency or subdivision thereof at which a
8 regulatory or permitting matter is pending for the expressed net benefit of a business. The director
9 of the office of regulatory reform may so intervene or otherwise participate in such pending
10 regulatory and permitting matters by providing written notice to the director of any department or
11 state agency in the executive branch, or the chairman or presiding officer over any municipal
12 department or subdivision thereof at which a regulatory or permitting matter is pending, that the
13 director of the office of regulatory reform is so intervening or otherwise participating in such
14 regulatory or permitting matter pending before such department, agency, board or commission.
15 The director of the office of regulatory reform shall be considered a party to the action and shall
16 be provided reasonable notice of any and all administrative hearings or meetings involving the
17 parties in such matter and shall be the opportunity to participate in such meetings, hearings or
18 other administrative procedures of such entity, of which such opportunity may be waived only by
19 writing from the director of the office of regulatory reform, for the purpose of assuring the
20 efficient and consistent implementation of rules and regulations in order to foster the creation and
21 retention of jobs in Rhode Island or otherwise foster economic development in Rhode Island
22 consistent with the purposes of this act. Any intervention or participation by the director of the
23 office of regulatory reform, other than in contested cases, shall not be deemed to violate the
24 provisions of the Rhode Island administrative procedures act at Title 42, Chapter 35 of the
25 general laws. Provided, however, all contested cases shall be conducted in accordance with the
26 provisions for hearings of contested cases in the administrative procedures act, Title 42, Chapter
27 35, of the general laws. As used in this section, the term "contested case" means a proceeding in
28 which conflicting rights between adverse parties are required by law to be determined in an
29 adversary proceeding that is judicial or quasi-judicial in nature, and not purely administrative in
30 character, before and/or by an agency.

31 (2) Promptly upon such intervention as set forth in subdivision (1) above, the director of
32 the office of regulatory reform shall publish its rationale for its intervention in such pending
33 regulatory or permitting matter. The director of the office of regulatory reform may so intervene
34 upon findings that:

1 (i) That the pending, regulatory or permitting action, in and of itself or as part of a
2 regulatory process, has significant economic development impact upon the state or any
3 municipality herein; and

4 (ii) The pending regulatory or permitting matter, in and of itself or as part of a regulatory
5 process, has significant impact on any industry, trade, profession or business that provides
6 significant jobs or other significant economic development impact, including municipal and state
7 taxes or other revenues, to the state or its citizens.

8 (iii) The office of regulatory reform shall upon the conclusion of each fiscal quarter
9 promptly provide to the office of the governor and the general assembly through the offices of the
10 president of the senate and the speaker of the house of representatives a written report identifying:

11 (A) All matters in which the director of the office of regulatory reform intervened;

12 (B) The rationale for his or her intervention;

13 (C) The status of the pending regulatory or permitting matter; and

14 (D) Any observations or recommendations from the director of the office of regulatory
15 reform with respect to such regulatory or permitting policies or procedures relating to the subject
16 matter of such pending regulatory or permitting matters in which the director so intervened.

17 (3) The office of regulatory reform is authorized to appear as an amicus curiae in any
18 legal proceeding relating to any matter.

19 [\(4\) The office of regulatory reform is authorized to coordinate with and support the](#)
20 [building commissioner and fire marshal in the development and implementation of a standard](#)
21 [statewide process for electronic plan review, permit management and inspection.](#)

22 SECTION 21. Section 42-17.1-17 of the General Laws in Chapter 42-17.1 entitled
23 "Department of Environmental Management" is hereby amended to read as follows:

24 **42-17.1-17. Transfer of powers and functions from department of environmental**
25 **management. --** (a) There are hereby transferred to the department of administration:

26 (1) Those functions of the department of environmental management which were
27 administered through or with respect to departmental programs in the performance of strategic
28 planning as defined in section 42-11-10(c);

29 (2) All officers, employees, agencies, advisory councils, committees, commissions, and
30 task forces of the department of environmental management who were performing strategic
31 planning functions as defined in section 42-11-10(c); and

32 (3) So much of other functions or parts of functions and employees and resources,
33 physical and funded, related thereto of the director of environmental management as are
34 incidental to and necessary for the performance of the functions transferred by subdivisions (1)

1 and (2).

2 ~~(b) There are hereby transferred to the department of public safety dispatch functions of~~
3 ~~the division of enforcement of the department of environmental management.~~

4 ~~(c) In order that there is no interruption in the dispatch functions of the division of~~
5 ~~enforcement, the actual transfer of the dispatch functions, corresponding resources, and personnel~~
6 ~~to the department of public safety, may be postponed until such time, as determined by the~~
7 ~~director of public safety, that the transfer provided herein may be best put into force and effect,~~
8 ~~but shall occur no later than January 1, 2012 and shall be reflected in the FY 2012 supplemental~~
9 ~~budget submission.~~

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

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ARTICLE 5

RELATING TO CAPITAL DEVELOPMENT PROGRAM

SECTION 1. Proposition to be submitted to the people. -- At the general election to be held on the Tuesday next after the first Monday in November 2012, there shall be submitted to the people for their approval or rejection the following proposition:

"Shall the action of the general assembly, by an act passed at the January 2012 session, authorizing the issuance of bonds, refunding bonds, and temporary notes of the state for the capital projects and in the amount with respect to each such project listed below be approved, and the issuance of bonds, refunding bonds, and temporary notes authorized in accordance with the provisions of said act?"

Project

(1) Higher Education Facilities..... \$50,000,000

Approval of this question will allow the State of Rhode Island to issue general obligation bonds, refunding bonds, and temporary notes in an amount not to exceed fifty million dollars (\$50,000,000) for renovations and modernization of academic buildings at Rhode Island College including renovation, upgrade and expansion of health and nursing facilities on the campus of Rhode Island College.

(2) Veterans' Home.....\$94,000,000

Approval of this question will allow the State of Rhode Island to issue general obligation bonds, refunding bonds and temporary notes in an amount not to exceed ninety-four million dollars (\$94,000,000) for the construction of a new Veterans' Home and renovations to existing facilities. Any funding amount from federal sources received for these purposes will be used to reduce the amount of borrowed funds.

(3) Clean Water Finance Agency..... \$20,000,000

Approval of this question will authorize the State of Rhode Island to issue general obligation bonds, refunding bonds, and temporary notes in an amount not to exceed twelve million dollars (\$12,000,000) to be leveraged with federal and state capitalization grants to finance wastewater infrastructure projects and eight million dollars (\$8,000,000) to be leveraged with federal and state capitalization grants to finance drinking water infrastructure projects.

(4) Environmental Management \$20,000,000

1 Approval of this question will allow the State of Rhode Island to issue general obligation
2 bonds, refunding bonds, and temporary notes for environmental and recreational purposes to be
3 allotted as follows:

4 (a) Narragansett Bay and Watershed Restoration..... \$4,000,000

5 Provides funds for activities to restore and protect the water quality and enhance the
6 economic viability and environmental sustainability of Narragansett Bay and the state's
7 watersheds. Eligible activities include: nonpoint source pollution abatement, including
8 stormwater management; nutrient loading abatement; commercial, industrial and agricultural
9 pollution abatement; and riparian buffer and watershed ecosystem restoration.

10 (b) State Land Acquisition – Open Space..... \$2,500,000

11 Provides funds for the purchase of land, development rights and conservation easements
12 in Rhode Island. This program acquires recreational and open space lands for the State of Rhode
13 Island in accordance with the Rhode Island Comprehensive Outdoor Recreation Plan, Land
14 Protection Plan, and the Rhode Island Greenspace 2000 plan.

15 (c) Farmland Development Rights..... \$4,500,000

16 Provides funds for the purchase of agricultural development rights to active farms in
17 Rhode Island. The State purchases the development rights to farms to eliminate the economic
18 pressure on farmers to sell properties for residential and commercial development. The
19 Agricultural Land Preservation Commission accepts and evaluates farmland applications for these
20 funds.

21 (d) Local Land Acquisition Grants \$2,500,000

22 Provides funds for grants to municipalities, local land trusts and non-profit organizations
23 to acquire fee-simple title, development rights, or conservation easements to open space in Rhode
24 Island. The grants provide funding up to fifty percent (50%) of the purchase price for land,
25 surveys, appraisals and title costs. The grant applications are reviewed and evaluated by the
26 Governor's Natural Heritage Preservation Commission according to the program guidelines.

27 (e) Local Recreation Grants..... \$5,500,000

28 Provides grants to municipalities for acquisition, development, or rehabilitation of local
29 recreational facilities. These grants provide funding assistance up to fifty percent (50%) of the
30 project costs. All grant applications are evaluated and ranked by the State Recreation Resources
31 Review Committee.

32 (f) Historic/Passive Parks..... \$1,000,000

33 Provides grants to municipalities for the renovation and development of historic and
34 passive recreation areas. The grants provide funding assistance of up to ninety percent (90%) of

1 the project costs. All grant applications are evaluated and ranked by the State Recreation
2 Resources Review Committee.

3 (5) Affordable Housing..... \$25,000,000

4 Approval of this question will allow the State of Rhode Island to issue general obligation
5 bonds, refunding bonds, and temporary notes in an amount not to exceed twenty-five million
6 dollars (\$25,000,000) for affordable housing.

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

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

19 SECTION 4. Bonds for capital development program. -- The general treasurer is
20 hereby authorized and empowered with the approval of the governor and in accordance with the
21 provisions of this act, to issue from time to time capital development bonds in serial form in the
22 name and on behalf of the state in amounts as may be specified from time to time by the governor
23 in an aggregate principal amount not to exceed the total amount for all projects approved by the
24 people and designated as "capital development loan of 2012 bonds" provided, however, that the
25 aggregate principal amount of such capital development bonds and of any temporary notes
26 outstanding at any one time issued in anticipation thereof pursuant to Section 7 hereof shall not
27 exceed the total amount for all such projects as have been approved by the people. All provisions
28 in this act relating to "bonds" shall also be deemed to apply to "refunding bonds".

29 Capital development bonds issued under this act shall be in denominations of one
30 thousand dollars (\$1,000) each, or multiples thereof, and shall be payable in any coin or currency
31 of the United States which at the time of payment shall be legal tender for public and private
32 debts. These capital development bonds shall bear such date or dates, mature at specified time or
33 times, but not beyond the end of the twentieth state fiscal year following the state fiscal year in
34 which they are issued, bear interest payable semi-annually at a specified rate or different or

1 varying rates, be payable at designated time or times at specified place or places, be subject to
2 expressed terms of redemption or recall, with or without premium, be in a form, with or without
3 interest coupons attached, carry such registration, conversion, reconversion, transfer, debt
4 retirement, acceleration and other provisions as may be fixed by the general treasurer, with the
5 approval of the governor, upon each issue of such capital development bonds at the time of each
6 issue. Whenever the governor shall approve the issuance of such capital development bonds, he
7 or she shall certify approval to the secretary of state; the bonds shall be signed by the general
8 treasurer and countersigned by the manual or facsimile signature of the secretary of state and
9 shall bear the seal of the state or a facsimile thereof. The approval of the governor shall be
10 endorsed on each bond so approved with a facsimile of his or her signature.

11 SECTION 5. **Refunding bonds for 2012 capital development program.** -- The general
12 treasurer is hereby authorized and empowered, with the approval of the governor and in
13 accordance with the provisions of this act, to issue from time to time bonds to refund the 2012
14 capital development program bonds in the name and on behalf of the state, in amounts as may be
15 specified from time to time by the governor in an aggregate principal amount not to exceed the
16 total amount approved by the people, to be designated as "capital development program loan of
17 2012 refunding bonds" (hereinafter "refunding bonds").

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

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

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

1 agent. The refunding bonds shall continue to be a debt of the state until paid.

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

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

12 All monies in the capital development bond fund shall be expended for the purposes
13 specified in the proposition provided for in Section 1 hereof under the direction and supervision
14 of the director of administration (hereinafter referred to as "director"). The director or his or her
15 designee shall be vested with all power and authority necessary or incidental to the purposes of
16 this act, including but not limited to, the following authority: (a) to acquire land or other real
17 property or any interest, estate or right therein as may be necessary or advantageous to
18 accomplish the purposes of this act; (b) to direct payment for the preparation of any reports, plans
19 and specifications, and relocation expenses and other costs such as for furnishings, equipment
20 designing, inspecting and engineering, required in connection with the implementation of any
21 projects set forth in Section 1 hereof; (c) to direct payment for the costs of construction,
22 rehabilitation, enlargement, provision of service utilities, and razing of facilities, and other
23 improvements to land in connection with the implementation of any projects set forth in section 1
24 hereof; and (d) to direct payment for the cost of equipment, supplies, devices, materials and labor
25 for repair, renovation or conversion of systems and structures as necessary for 2012 capital
26 development program bonds or notes hereunder from the proceeds thereof. No funds shall be
27 expended in excess of the amount of the capital development bond fund designated for each
28 project authorized in Section 1 hereof. With respect to the bonds and temporary notes described
29 in section 1, the proceeds shall be utilized for the following purposes:

30 Question 1 relating to bonds in the amount of fifty million dollars (\$50,000,000) for
31 Higher Education shall be allocated as follows:

32 Infrastructure Modernization at Rhode Island College..... \$50,000,000
33 Provides funds for modernization and renovation of academic buildings on the Rhode
34 Island College campus including renovation, upgrade and expansion of health and nursing

1 facilities on the campus of Rhode Island College.

2 Question 2 relating to bonds in the amount of ninety-four million dollars (\$94,000,000) to
3 be provided to the department of human services to provide funding for the construction of a new
4 veterans' home as well as renovations to existing facilities. The project is planned to be completed
5 over a ten-year period, beginning with the new veterans' home facility, followed by renovations
6 to existing facilities.

7 Question 3 relating to bonds in the amount of twenty million dollars (\$20,000,000) for
8 the Clean Water Finance Agency to be allocated as follows:

9 (a) Clean Water State Revolving Loan Fund..... \$12,000,000

10 Provides funds for water pollution abatement projects structured as low-interest,
11 subsidized loans for local governmental units to finance approved water pollution abatement
12 projects.

13 (b) Drinking Water State Revolving Loan Fund..... \$8,000,000

14 Provides funds for drinking water projects structured as low-interest, subsidized loans for
15 local governmental units and privately organized water suppliers to finance approved drinking
16 water projects.

17 Question 4 relating to bonds in the amount of twenty million dollars (\$20,000,000) for
18 environmental and recreational purposes to be allocated as follows:

19 (a) Narragansett Bay and Watershed Restoration..... \$4,000,000

20 Provides funds for activities to restore and protect the water quality and enhance the
21 economic viability and environmental sustainability of Narragansett Bay and the state's
22 watersheds.

23 (b) State Land Acquisition – Open Space..... \$2,500,000

24 Provides funds for the purchase of land, development rights, and conservation easements
25 in Rhode Island.

26 (c) Farmland Development Rights..... \$4,500,000

27 Provides funds for the purchase of agricultural development rights to active farms in
28 Rhode Island.

29 (d) Local Land Acquisition Grants \$2,500,000

30 Provides funds for grants to municipalities, local land trusts, and non-profit organizations
31 to acquire fee-simple title, development rights, or conservation easements to open space in Rhode
32 Island.

33 (e) Local Recreation Grants..... \$5,500,000

34 Provides grants to municipalities for acquisition, development, or rehabilitation of local

1 recreation facilities.

2 (f) Historic/Passive Parks..... \$1,000,000

3 Provides grants to municipalities for the renovation or development of historic and
4 passive recreation areas.

5 Question 5 relating to bonds in the amount of twenty-five million dollars (\$25,000,000)
6 for Affordable Housing.

7 Provides funding to the Housing Resources Commission to provide state funds to
8 promote affordable housing through redevelopment of existing structures, or new construction.

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

13 Any premiums and accrued interest, net of the cost of bond insurance and underwriters
14 discount, that may be received on the sale of the capital development bonds or notes shall become
15 part of the Rhode Island Capital Fund of the state, unless directed by federal law or regulation to
16 be used for some other purpose.

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

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

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

32 SECTION 9. **Investment of monies in fund.** -- All moneys in the capital development
33 fund not immediately required for payment pursuant to the provisions of this act may be invested
34 by the investment commission, as established by chapter 35-10, pursuant to the provisions of such

1 chapter; provided, however, that the securities in which the capital development fund is invested
2 shall remain a part of the capital development fund until exchanged for other securities; and
3 provided further, that the income from investments of the capital development fund shall become
4 a part of the general fund of the state and shall be applied to the payment of debt service charges
5 of the state, unless directed by federal law or regulation to be used for some other purpose, or to
6 the extent necessary, to rebate to the United States treasury any income from investments
7 (including gains from the disposition of investments) of proceeds of bonds or notes to the extent
8 deemed necessary to exempt (in whole or in part) the interest paid on such bonds or notes from
9 federal income taxation.

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

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

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

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

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ARTICLE 6

RELATING TO BOND PREMIUMS

SECTION 1. Section 7 of Chapter 246 of the Public Laws, enacted in Article 5 of 06-H-7120 Sub A as amended and approved on June 29, 2006, is hereby amended to read as follows:

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

Any premiums and accrued interest, net of the cost of bond insurance and underwriters discount, that may be received on the sale of the capital development bonds or notes shall become part of the ~~general fund~~ Rhode Island Capital Fund of the state ~~and shall be applied to the payment of debt service charges of the state,~~ unless directed by federal law or regulation to be used for some other purpose.

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

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

SECTION 2. This article shall take effect upon passage.

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ARTICLE 7

RELATING TO DEBT MANAGEMENT ACT JOINT RESOLUTIONS

SECTION 1. This article consists of joint resolutions that are submitted pursuant to Rhode Island General Laws § 35-18-1, et seq.

SECTION 2. Information Technology Improvements.

WHEREAS, The division of taxation is the primary revenue collecting agency for the State of Rhode Island, administering fifty-seven (57) different tax/fee types and collecting nearly three billion dollars per year. Currently an assortment of software systems is being utilized to administer these taxes and fees. The most critical of these systems is built on forty (40) year old technology that is increasingly difficult and expensive to use and maintain; and

WHEREAS, Recognizing the need to better serve the citizens of Rhode Island and the need to modernize its technology, and to support related tax enforcement activities, the State of Rhode Island and the division of taxation would benefit from the acquisition of a modern integrated tax system that would centralize all taxpayer information in one computer system; and

WHEREAS, The State of Rhode Island is actively reforming its education system by, among other initiatives, developing enterprise data systems that will offer five platforms, including the instruction management system and the educator evaluation system. These data systems will provide an unprecedented level of student and teacher data to track student, teacher, and school performance and address the student achievement gaps; and

WHEREAS, Rhode Island’s local education agencies (“LEAs”), districts, charter schools and state schools need to upgrade their existing technology infrastructure in order to provide twenty-first century technology-based learning, including e-learning opportunities, on-line textbooks, and on-line assessments. In addition, several LEAs have insufficient wireless access in their classrooms to access new data systems and on-line resources; and

WHEREAS, The project costs associated with these information technology improvements are estimated to be \$44.8 million. The total financing obligation of the State of Rhode Island would be approximately \$45.3 million, with \$44.8 million deposited in the project fund and \$0.5 million allocated to pay the associated costs of financing. Total payments on the State’s obligation over ten (10) years on the \$45.3 million issuance are projected to be \$66.6 million, assuming an average interest rate of 4.0%. The payments would be financed within the

1 department of administration from general revenue appropriations; now, therefore, be it

2 RESOLVED, That this general assembly hereby approves financing in an amount not to
3 exceed \$45.3 million for the provision of funds for information technology improvements,
4 including \$0.5 million to pay costs of financing; that \$19.8 million be made available from the
5 project fund for improvements to the technology infrastructure of local education agencies; that
6 \$25.0 million be made available from the project fund for an integrated tax system; and provided
7 further, that any funding amount from federal forfeiture funds for law and tax enforcement
8 received for these purposes may be used to reduce the amount of borrowed funds; be it further

9 RESOLVED, That this joint resolution shall take effect immediately upon its passage by
10 the general assembly.

11 SECTION 3. Rhode Island Airport Corporation.

12 WHEREAS, The Rhode Island economic development corporation is a public
13 instrumentality of the State of Rhode Island (the "state"), created by the general assembly
14 pursuant to Rhode Island general laws §§ 42-64-1 et seq. (as enacted, reenacted and amended, the
15 "act"); and

16 WHEREAS, The act declares, in part, that new industrial, manufacturing, recreational,
17 and commercial facilities are required to attract and house new industries and thereby reduce the
18 hazards of unemployment; and that unaided efforts of private enterprises have not met, and
19 cannot meet, the needs of providing those facilities due to problems encountered in assembling
20 suitable building sites, lack of adequate public service, unavailability of private capital for
21 development, and the inability of private enterprise alone to plan, finance, and coordinate
22 industrial, recreational, and commercial development; and

23 WHEREAS, The act further declares it to be the public policy of the state to furnish
24 proper and adequate airport facilities within the state and to encourage the integration of these
25 facilities so far as practicable; and

26 WHEREAS, In furtherance of these goals, it is the policy of the state to retain existing
27 industries and to induce, encourage and attract new industries through the acquisition,
28 construction, reconstruction and rehabilitation of industrial, manufacturing, recreational, and
29 commercial facilities, as well as transportation, residential, environmental, utility, public service,
30 institutional and civic and community facilities, and to develop sites for such facilities; and

31 WHEREAS, The act has empowered the Rhode Island economic development
32 corporation to establish subsidiary corporations to exercise its powers and functions, or any of
33 them, and, pursuant to such power, the Rhode Island economic development corporation has
34 established the Rhode Island airport corporation to plan, develop, construct, finance, manage, and

1 operate airport facilities in the state; and

2 WHEREAS, The act provides that the Rhode Island airport corporation shall have the
3 power to purchase, take, receive, lease or otherwise acquire, own, hold, improve, use and
4 otherwise deal in and with, real or personal property, or any interest therein, wherever situated;
5 and

6 WHEREAS, The act also provides that the Rhode Island airport corporation shall have
7 the power to sell, mortgage, lease, exchange, transfer or otherwise dispose of or encumber any
8 project, (or in the case of a sale, to accept a purchase money mortgage in connection therewith) or
9 to grant options for any such purposes with respect to any real or personal property or interest
10 therein, all of the foregoing for such consideration as the Rhode Island airport corporation shall
11 determine. Any lease by the Rhode Island airport corporation to another party may be for such
12 part of the Rhode Island airport corporation's property, real or personal, for such period, upon
13 such terms or conditions, with or without an option on the part of the lessee to purchase any or all
14 of the leased property for such consideration, at or after the retirement of all indebtedness
15 incurred by the Rhode Island airport corporation on account thereof, as the Rhode Island airport
16 corporation shall determine; and

17 WHEREAS, The act authorizes the Rhode Island economic development corporation to
18 borrow money and issue bonds for any of its corporate purposes; and

19 WHEREAS, Pursuant to §§ 35-18-3 and 35-18-4 of Rhode Island general laws, the
20 Rhode Island economic development corporation requests the approval of the general assembly of
21 the Rhode Island economic development corporation's issuance of airport revenue bonds (the
22 "bonds") for the purpose of providing funds to the Rhode Island airport corporation for financing
23 the various capital projects including, but not limited to, a de-icer management system, runway
24 and taxiway improvements, noise mitigation and land acquisition, and facility developments (the
25 "Fiscal Year 2013 Airport Project"), funding capitalized interest, costs of issuing the bonds and
26 related costs, and the establishment of reserves for the project and the bonds, including a debt
27 service reserve fund; and

28 WHEREAS, The Rhode Island airport corporation anticipates the need to utilize short
29 term borrowings to fund timing differences between construction activities and receipt of federal
30 grants;

31 WHEREAS, The financing of the Fiscal Year 2013 Airport Project will be accomplished
32 through one or more loan agreements having the Rhode Island airport corporation as borrower,
33 such agreement or agreements to require that the Rhode Island airport corporation make loan
34 payments in an amount no less than the debt service on the bonds; now, therefore, be it

1 RESOLVED, The general assembly hereby approves the Rhode Island economic
2 development corporation's issuance of the bonds. The bonds will be special obligations of the
3 Rhode Island economic development corporation, payable exclusively from loan repayments
4 under a loan agreement with the Rhode Island airport corporation and from bond proceeds, funds,
5 accounts, and properties and the proceeds thereof pledged therefor, and thus the Rhode Island
6 economic development corporation's maximum liability will be limited to loan repayments
7 received under the loan agreement and the aggregate amount of such other funds, accounts,
8 properties, and proceeds; and be it further

9 RESOLVED, That the total amount of debt approved to be issued in the aggregate shall
10 be not more than \$174,000,000. Total debt service on the bonds is not expected to exceed
11 \$12,000,000 annually and \$351,000,000 in the aggregate based on level annual payments, an
12 average interest rate of 6.83%, and a 30-year maturity. Total debt service on short-term
13 borrowings to fund timing differences between construction activities and receipt of federal
14 grants is not expected to exceed \$6,700,000 annually and \$34,000,000 in the aggregate based on
15 an average interest rate of 4.00% and an 8-year maturity; and be it further

16 RESOLVED, That the general assembly hereby approves the Rhode Island airport
17 corporation's entering into the loan agreements described above. Payments under the loan
18 agreements shall be derived exclusively from project revenues and such other proceeds, funds,
19 accounts, projects and the proceeds thereof as the Rhode Island airport corporation may pledge
20 therefore; and be it further

21 RESOLVED, That none of the bonds or the loan agreements shall constitute indebtedness
22 of the state or a debt for which the full faith and credit of the state is pledged or a moral
23 obligation thereof; and be it further

24 RESOLVED, That this resolution shall apply to debt issued within one (1) year of the
25 date of passage of this resolution.

26 **SECTION 4. Rhode Island Resource Recovery Corporation**

27 WHEREAS, The Rhode Island resource recovery corporation (the "corporation") is a
28 public corporation of the State of Rhode Island (the "state"), constituting a public instrumentality
29 and agency exercising public and essential governmental functions of the state, created by the
30 general assembly pursuant to Rhode Island general laws §§ 23-19-1 et seq., entitled the "Rhode
31 Island resource recovery corporation act" (as enacted, reenacted and amended, the "act"); and

32 WHEREAS, Pursuant to the act, the corporation is designated to carry out the provisions
33 of the act; and

34 WHEREAS, Also pursuant to the act, the purposes of the corporation include the

1 planning, design, construction, financing, management, ownership, operation, and maintenance of
2 transfer stations, waste processing facilities, resource recovery facilities, and all other solid waste
3 management facilities and the provision of solid waste management services to municipalities and
4 persons within the state; and

5 WHEREAS, For the purpose of planning, designing, constructing, financing, managing,
6 owning, operating, and maintaining transfer stations, waste processing facilities, resource
7 recovery facilities, and all other solid waste management facilities and providing solid waste
8 management services to municipalities and persons within the state, the corporation is authorized
9 to issue from time to time its negotiable bond and notes in one or more series in such principal
10 amounts as in the opinion of the corporation shall be necessary to provide sufficient funds for
11 achieving its purpose, including the payment of interest on the bonds and notes of the
12 corporation, the establishment of reserves to secure the bonds and notes, and the making of all
13 other expenditures of the corporation incident to and necessary or convenient to carrying out its
14 purposes and powers; and

15 WHEREAS, Pursuant to Rhode Island general laws §§ 35-18-3 and 35-18-4, the
16 corporation has requested the approval of the general assembly of the corporation's issuance of
17 not more than \$40 million of revenue bonds (the "bonds") for the purpose of providing funds for
18 capital projects and for costs associated with the bonds including capitalized interest, debt service
19 reserve and costs of issuance; and

20 WHEREAS, The corporation will use the bond proceeds to fund the design and
21 construction of a leachate pretreatment facility to comply with projected changes in discharge
22 standards for the disposal of wastewater, including leachate, into a public sewer system. The
23 treatment facility (the "facility" or the "project") is expected to have the capacity of pretreating
24 650,000 gallons of wastewater daily and utilize sequencing batch reactor technology for
25 wastewater treatment; and

26 WHEREAS, The corporation currently discharges wastewater/leachate flows from
27 several sources from its solid waste operations, including leachate from primary and secondary
28 collection systems in phases II/III, IV and V of the central landfill, underdrains constructed under
29 the liners of various sections of the landfill as required by Rhode Island department of
30 environmental management ("RIDEM") regulations, discharge from the phase I hot spot
31 treatment system operated as part of superfund remediation requirements, and condensate from
32 the landfill gas collection and treatment systems and sanitary flows from the various buildings
33 and facilities on site; and

34 WHEREAS, The landfill-related leachate is currently discharged through the Cranston

1 sewer system to the Cranston wastewater treatment facility (“WWTF”); and

2 WHEREAS, The corporation does not currently pretreat the collected flows prior to
3 discharge into the Cranston WWTF; and

4 WHEREAS, The corporation has received final approval from the RIDEM for the
5 construction of phase VI of the landfill, which will include a primary and secondary leachate
6 collection system and will operate for approximately 20 years; and

7 WHEREAS, Municipal wastewater treatment plants that the corporation can potentially
8 discharge into are currently implementing upgrades to their facilities to meet lower effluent
9 discharge standards required by their permits with RIDEM; and

10 WHEREAS, The corporation has previously engaged an engineering consultant to
11 conduct a preliminary evaluation of future requirements to treat wastewater discharges from the
12 various operations at the Shun Pike facilities; and

13 WHEREAS, Over the past several years the engineering consultant has been assisting the
14 corporation in evaluating approaches to treat wastewater flows, consisting primarily of landfill
15 leachate, to meet the discharge standards established by municipal wastewater treatment facilities
16 that are in proximity to the corporation’s operations; and

17 WHEREAS, The engineering consultant has issued a report indicating that based on these
18 standards, and the more stringent effluent standards anticipated in the future, the corporation will
19 be required to construct a new pretreatment plant facility on-site to comply with these standards
20 prior to discharging wastewater into any municipal sewer system; and

21 WHEREAS, The engineering consultant has proposed utilizing a reliable, cost-effective
22 and high-efficiency technology, sequential batch reactors, which are basically industrial tanks in
23 which all metabolic processing and solid / liquid separation occurs in one tank and in a
24 continuously repeated time sequence; and

25 WHEREAS, Sequential batch reactor processes are known to save more than 60% of the
26 expenses required for conventional activated sludge processing and achieve high effluent quality
27 in a very short aeration time; and

28 WHEREAS, The estimated cost of the project is anticipated to be approximately \$35
29 million to \$40 million; and

30 WHEREAS, In the event that not all of the bond proceeds are used to carry out the
31 specified project, the corporation will use any remaining funds to pay debt service on the bonds;
32 now, therefore, be it

33 RESOLVED, That this general assembly hereby approves the corporation’s issuance of
34 not more than the total of the competitively awarded contact plus financing costs, or \$40 million,

1 whichever is less, of bonds for the purpose of providing funds for the project and for costs
2 associated with bonds including capitalized interest, debt service reserve and costs of issuance;
3 and be it further

4 RESOLVED, That the bonds will be general obligations of the corporation payable from
5 the corporation's revenues and thus the corporation's maximum liability will be for the total debt
6 service on the bonds which is estimated to be \$3.0 million per year or \$59 million in the
7 aggregate based on an average interest rate of 4.0 percent and a 20 year maturity; and be it further

8 RESOLVED, That the bonds will not constitute indebtedness of the state or any of its
9 subdivisions or a debt for which the full faith and credit of the state or any of its subdivisions is
10 pledged except to the extent that the state provides the corporation with annual budget
11 appropriations pursuant to Rhode Island general laws § 23-19-13(i) and the corporation's
12 revenues are not otherwise sufficient to pay debt service on the bonds, the maximum possible
13 financial obligation of the state under the bonds will be to appropriate for any deficiency; and be
14 it further

15 RESOLVED, That this joint resolution shall take effect immediately upon its passage by
16 this general assembly, provided that the delivery of the bonds shall be not later than one (1) year
17 from the date of such passage.

18 SECTION 5. GARVEE Program.

19 WHEREAS, The Rhode Island Department of Transportation ("RIDOT") has undertaken
20 five (5) major transportation projects, and these projects were either substantially completed or
21 under construction in the year 2011; and

22 WHEREAS, The construction of these projects was deemed critical in order to preserve
23 and maintain the public safety and continued economic success and viability of the State of
24 Rhode Island, its ports and infrastructure; and

25 WHEREAS, RIDOT explored various options to finance the costs of the five (5) major
26 transportation projects and determined that the federal-aid financing program authorized in
27 federal law by Section 311 of the National Highway System Designation Act of 1995 and
28 commonly referred to as the Grant Anticipation Revenue Vehicle Program ("GARVEE
29 Program") represented the best financing mechanism for the State of Rhode Island, inasmuch as
30 the GARVEE Program accelerated the funding and construction of the five (5) major
31 transportation projects; and

32 WHEREAS, The General Assembly, in Chapter 376, Article 36, Sections 8 and 9 of the
33 Rhode Island Public Laws of 2003, granted RIDOT, through the Rhode Island Economic
34 Development Corporation ("RIEDC"), the authorization to issue bonds ("GARVEE Bonds") or

1 other debt instruments backed by future appropriations for federal-aid transportation projects
2 whereby such amounts are used to cover an assortment of bond-related costs, including principal
3 and interest payments, issuance costs, insurance, and other costs incidental to a financing; and

4 WHEREAS, The original Public Corporation Debt Management authorization in Chapter
5 376, Article 36, Sections 8 and 9 of the Rhode Island Public Laws of 2003 included a total of
6 \$709.6 million in GARVEE funding to be distributed across five projects, as follows: \$126.2
7 million for the Sakonnet River Bridge; \$348.3 million for the Route I-195 Relocation; \$85.4
8 million for the Washington Bridge; \$42.5 million for the Freight Rail Improvement Program
9 (FRIP), and \$107.2 million for Route 403; and

10 WHEREAS, Additional grants and Federal earmark funding have been received for the
11 completion of the Washington Bridge project, while, at the same time, preliminary cost estimates
12 for the Sakonnet River Bridge replacement, which were used to allocate GARVEE proceeds,
13 have proven to be lower than the funding required; and

14 WHEREAS, The reallocation of GARVEE funds to the Sakonnet River Bridge project
15 will allow an equal amount of Federal highway funding to be applied to other highway projects
16 included in the Rhode Island Transportation Improvement Program ("TIP"); and

17 WHEREAS, The reallocated GARVEE financing associated with these projects is
18 estimated to be:

19 (1) For the Sakonnet River Bridge: (a) a total capital cost of one hundred twenty seven
20 million three hundred eighty two thousand five hundred sixty six dollars (\$127,382,566); (b) the
21 total debt issuance of GARVEE and/or other than GARVEE Bonds associated with payment of
22 the capital costs, financing costs, costs of issuance or insurance or credit enhancement would be
23 an amount not to exceed one hundred thirty five million eight hundred twenty five thousand
24 dollars (\$135,825,000); (c) with respect to the total debt issuance of one hundred thirty five
25 million eight hundred twenty five thousand dollars (\$135,825,000) referenced in subsection (b)
26 above, an amount not to exceed twenty five million two hundred forty eight thousand dollars
27 (\$25,248,000) of bonds would be repaid by the State of Rhode Island with other than FHWA
28 funds (the "State Match Bonds"); (d) total debt service payments on the State Match Bonds over
29 an expected twenty (20) year period on the twenty five million two hundred forty eight thousand
30 dollars (\$25,248,000) issuance are projected to be thirty seven million four hundred fifty eight
31 thousand dollars (\$37,458,000), assuming an average coupon rate of 5.1%; and (e) the debt
32 service payments on the State Match Bonds are supported from the Motor Fuel Tax Allocation as
33 hereinafter defined; and total debt service on all bonds of two hundred four million five hundred
34 thirty two thousand nine hundred twenty dollars (\$204,532,920); and

1 (2) For the Washington Bridge: (a) a total capital cost of \$75,845,000; (b) the total debt
2 issuance of GARVEE and/or other than GARVEE Bonds associated with payment of the capital
3 costs, financing costs, costs of issuance or insurance or credit enhancement would be an amount
4 not to exceed \$75,845,000; and (c) no State Match Bonds will be issued in connection with the
5 Washington Bridge as all costs related to the construction and financing of this project will be
6 covered by the FHWA funds due the State of Rhode Island; and total debt service on all bonds of
7 one hundred eighteen million four hundred twenty two thousand five hundred dollars
8 (\$118,422,500); now, therefore, be it

9 RESOLVED, That this General Assembly finds that the Projects are essential public
10 facilities and are of a type and nature consistent with the purposes and within the powers of the
11 Department of Transportation to undertake, and hereby approves that the Sakonnet River Bridge
12 and Washington Bridge remain critical components of the infrastructure of the State of Rhode
13 Island, and that it is in the best interests of the State to maximize the use of proceeds from the
14 GARVEE bonds already issued. Therefore, this General Assembly hereby approves the following
15 reallocation in GARVEE bond proceeds:

16 (1) For the New Sakonnet Bridge: the issuance of an amount not to exceed one hundred
17 twenty seven million three hundred eighty two thousand five hundred sixty six dollars
18 (\$127,382,566) in GARVEE Bonds, the repayment of which shall be derived from and supported
19 by FHWA funds due the State of Rhode Island, and an amount not to exceed twenty five million
20 two hundred forty eight thousand dollars (\$25,248,000) in State Match Bonds and to incur and
21 pay debt service payments for such State Match Bonds in an amount not to exceed thirty seven
22 million four hundred fifty eight thousand dollars (\$37,458,000) and total debt service on all bonds
23 of two hundred four million five hundred thirty two thousand nine hundred twenty dollars
24 (\$204,532,920) as specified in (1) above for bonds issued for the Sakonnet River Bridge, such
25 debt service payments to be made from the Motor Fuel Tax Allocation, as hereinafter defined, or
26 such other revenue source as the Rhode Island General Assembly shall designate from time to
27 time for the construction, design, maintenance, completion, finance costs, including, but not
28 limited to, costs of issuance, credit enhancement, legal counsel and underwriter fees and expenses
29 and other costs associated with the Sakonnet River Bridge.

30 (2) For the Washington Bridge: the issuance of an amount not to exceed \$75,845,000 in
31 GARVEE Bonds, the repayment of which shall be wholly derived from and supported by FHWA
32 funds due the State of Rhode Island; and total debt service on all bonds of one hundred eighteen
33 million four hundred twenty two thousand five hundred dollars (\$118,422,500); and be it further

34 RESOLVED, That no other changes in allocation or expenditure are authorized beyond

1 the amendments included in this Joint Resolution, and that no additional GARVEE bond issuance
2 is required beyond the limits specified in Chapter 376, Article 36, Sections 8 and 9 of the Rhode
3 Island Public Laws of 2003.

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

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ARTICLE 8

RELATING TO INFORMATION TECHNOLOGY INVESTMENT FUND

SECTION 1. Section 42-11-2.5 of the General Laws in Chapter 42-11 entitled “Department of Administration” is hereby amended to read as follows:

42-11-2.5. Information technology investment fund. – (a) All sums from the sale of any land and the buildings and improvements thereon, and other real property title to which is vested in the state except as provided in subsection 37-7-15(b) shall be transferred to an Information Technology Investment Fund restricted receipt account that is hereby established. This fund shall consist of such sums from the sale of any land and the buildings and improvements thereon, and other real property title to which is vested in the state except as provided in subsection 37-7-15(b). This fund may also consist of such sums as the state may from time to time appropriate, as well as money received from the disposal of information technology equipment, loan, interest and service charge payments from benefiting state agencies, as well as interest earnings, money received from the federal government, gifts, bequest, donations, or to otherwise from any public or private source. Any such funds shall be exempt from the indirect cost recovery provisions of § 35-4-27.

(b) This fund shall be used for the purpose of acquiring information technology improvements, including, but not limited to, hardware, software, consulting services, and ongoing maintenance and upgrade contracts for state departments and agencies.

(c) The division of information technology of the Rhode Island department of administration shall adopt rules and regulations consistent with the purposes of this chapter and chapter 35 of title 42, in order to provide for the orderly and equitable disbursement of funds ~~from the revolving loan fund~~ [from this account](#).

SECTION 2. This article shall take effect upon passage.

1 **ARTICLE 9**

2 RELATING TO DEPARTMENT OF HEALTH FEES

3 SECTION 1. Sections 5-10-10, 5-10-11, 5-10-13, and 5-10-15 of the General Laws in
4 Chapter 5-10 entitled “Barbers, Hairdressers, Cosmeticians, Manicurists and Estheticians” are
5 hereby amended to read as follows:

6 **5-10-10. Application form - Fee - Expiration and renewal of licenses – Fees. --** (a)

7 Applications for licenses under § 5-10-9 shall be made upon any forms that are prescribed by the
8 division and are accompanied by an ~~examination~~ application fee established in regulation. The
9 license of every person licensed under §§ 5-10-8 and 5-10-9 shall expire on the thirtieth (30th)
10 day of October of every other year following the date of license. This is determined on an odd-
11 even basis. On or before the first day of September of every year, the administrator of
12 professional regulation shall mail an application for renewal of license to people scheduled to be
13 licensed that year on an odd or even basis as to the license number. Every person who wishes to
14 renew his or her license must file with the administrator of professional regulation a renewal
15 application duly executed together with the renewal fee ~~of fifty dollars (\$50.00)~~ as set forth in §
16 23-1-54. Applications, accompanied by the fee for renewal, shall be filed with the division on or
17 before the fifteenth (15th) day of October in each renewal year. Upon receipt of the application
18 and fee, the administrator of professional regulation shall grant a renewal license effective
19 October 1st and expiring two (2) years later on September 30th.

20 (b) Every person who fails to renew his or her license on or before September 30th
21 following the date of issuance as provided in subsection (a) of this section may be reinstated by
22 the division upon payment of the current renewal fee ~~of fifty dollars (\$50.00) plus an additional~~
23 ~~fee of thirty dollars (\$30.00) for each year the license has lapsed to a maximum of two hundred~~
24 ~~dollars (\$200)~~ as set forth in § 23-1-54.

25 (c) The license shall be on the person at all times while performing the services for which
26 they are licensed.

27 **5-10-11. Persons licensed in other states. --** (a) Any person licensed to practice

28 barbering, hairdressing, and cosmetic therapy and/or manicuring or esthetics in another state
29 where the requirements are the equivalent of those of this state is entitled to a license as a barber,
30 hairdresser, and cosmetician and/or manicurist or esthetician operator upon the acceptance of his

1 or her credentials by the division; provided, that the state in which that person is licensed extends
2 a similar privilege to licensed barbers, hairdressers, and cosmetic therapists and/or manicurists or
3 esthetics of this state. If a person applies for a hairdressing license who was licensed in another
4 state where the requirements are not equivalent to those of this state, the division shall give to that
5 person one hundred (100) hours instructional credit for three (3) months that the person was
6 licensed and in actual practice, up to a limit of five hundred (500) hours, in order for that person
7 to meet the requirements for a hairdressing license in this state as established under the provisions
8 of §§ 5-10-8 and 5-10-9.

9 (b) If a person applies for a manicurist or esthetician license and is currently licensed in
10 another state, that person may be granted a license if he or she passes the written and practical
11 examinations conducted by the division.

12 (c) The fee for the ~~examination~~ [application](#) is ~~forty dollars (\$40.00)~~ [as set forth in § 23-1-](#)
13 [54](#); provided, that the provisions of this chapter shall not be construed as preventing persons who
14 have been licensed by examination under the laws of other states of the United States or
15 territories and the District of Columbia from practicing barbering, hairdressing, and cosmetic
16 therapy and/or manicuring or esthetics in this state for a period of three (3) months; provided, that
17 they apply for and are licensed in this state within three (3) months from the commencement of
18 their employment. Nor shall it be construed as prohibiting persons who have been licensed under
19 the laws of another country or territory from practicing barbering, hairdressing, and cosmetic
20 therapy and/or manicuring or esthetics in this state; provided, that practice is in conformity with
21 the rules and regulations of the division; and provided, that in no case shall that practice cover a
22 period of more than three (3) months from the commencement of that employment.

23 **5-10-13. Demonstrator's permit.** -- The division may in its discretion issue to any
24 person recognized by the division as an authority on, or an expert in the theory or practice of,
25 barbering, hairdressing, and cosmetic therapy and/or manicuring or esthetics and is the holder of a
26 current esthetician's, manicurist's or a barber's, hairdresser's, and cosmetician's license in this
27 state, another state or the District of Columbia, a demonstrator's permit for not more than six (6)
28 days' duration for educational and instructive demonstrations; provided, that the permit shall not
29 be used in the sense of a license to practice barbering, manicuring, esthetics or hairdressing and
30 cosmetic therapy. The fee for the permit is ~~seventy dollars (\$70.00)~~ [as set forth in § 23-1-54](#).

31 **5-10-15. Licensing of shops.** -- (a) No shop, place of business or establishment shall be
32 opened or conducted within the state by any person, association, partnership, corporation, or
33 otherwise for the practice of barbering, manicuring and/or hairdressing and cosmetic therapy or
34 esthetics until the time that application for a license to operate that shop, place of business or

1 establishment for the practice of manicuring and/or hairdressing and cosmetic therapy or esthetics
2 is made, to the division, in the manner and on the forms that it prescribes, and a license, under the
3 terms and conditions, not contrary to law, that the division requires shall be granted for it and a
4 license issued.

5 (1) No licenses shall be granted to any shop, place of business, or establishment for the
6 practice of hairdressing and cosmetic therapy unless the proprietor or a supervising manager in
7 the practice of barbering, hairdressing and cosmetic therapy, of the shop, place of business, or
8 establishment is licensed and has been licensed as a licensed barber or hairdresser and
9 cosmetician for a period of at least one year immediately prior to the filing of the application for
10 the license.

11 (2) No license shall be granted to any shop, place of business, or establishment for the
12 practice of manicuring or esthetics unless the proprietor or a supervising manager of the
13 proprietor is licensed and has been licensed as a licensed barber, hairdresser and cosmetician,
14 manicurist or esthetician for a period of at least one year immediately prior to the filing of the
15 application for the license.

16 (3) The supervising manager shall be registered with the division as the manager of a
17 licensed shop and shall only be registered to manage one shop at a time. The proprietor of the
18 licensed shop and the manager shall notify the division, in writing, within ten (10) days upon the
19 termination of employment as the manager of the licensed shop. The license of the shop shall
20 expire forty-five (45) days after the division is notified by the proprietor if no new manager is
21 registered with the division as the supervising manager of the shop.

22 (b) All licenses issued under this section shall terminate on the first day of July following
23 the date of issue. The fee for the license is ~~one hundred and thirty dollars (\$130) and for each~~
24 ~~renewal of the license the fee is one hundred and thirty dollars (\$130)~~ [as set forth in § 23-1-54](#).

25 SECTION 2. Sections 5-25-10, 5-25-11, and 5-25-12 of the General Laws in Chapter 5-
26 25 entitled "Veterinary Practice" are hereby amended to read as follows:

27 **5-25-10. Qualifications for licensure.** -- Any applicant for licensure shall submit to the
28 department written evidence on forms furnished by the department verified by oath that the
29 applicant meets all of the following requirements:

30 (1) Is a graduate of a school or college of veterinary medicine recognized and accredited
31 by the American Veterinary Medical Association and by the department or certification by the
32 Educational Council for Foreign Veterinary Graduates;

33 (2) Pays an application fee ~~of forty dollars (\$40.00)~~ [as set forth in § 23-1-54](#) at the time of
34 submitting the application, which, in no case is returned to the applicant;

- 1 (3) Is of good moral character, evidenced in the manner prescribed by the department;
2 and
3 (4) Complies with any other qualifications that the department prescribes by regulation;
4 and
5 (5) Comply with the continuing education requirements adopted by the department.

6 **5-25-11. Licensing of veterinarians.** -- (a) *By Examination.* - The applicant is required
7 to pass, with a grade determined by the division, an examination approved by the division; upon
8 payment of an examination fee ~~of three hundred and thirty dollars (\$330)~~ [as set forth in § 23-1-54](#)
9 every candidate who passes that examination, and in the opinion of the division meets the
10 qualifications of § 5-25-10, shall, upon payment of an initial license fee, which shall be equal to
11 the biennial license renewal fee in effect, be issued a license to practice veterinary medicine.
12 Veterinarians licensed under the provisions of this chapter on August 31, 1985 shall continue to
13 be licensed.

14 (b) *Without Examination by Endorsement.* A license to practice veterinary medicine may
15 be issued without examination to an applicant who has been duly licensed by examination as a
16 veterinarian under the laws of another state or territory or District of Columbia, if, in the opinion
17 of the division, the applicant meets the qualifications required of veterinarians in this state, as
18 further defined in rules and regulations.

19 **5-25-12. Expiration and renewal of licenses.** -- (a) The certificate of every person
20 licensed as a veterinarian under the provisions of this chapter expires on the first day of May of
21 each even numbered year. On or before the first day of March of each two (2) year period, the
22 department shall mail an application for renewal of license to every person to whom a license has
23 been issued or renewed during the current licensure period. Every person so licensed who desires
24 to renew his or her license shall file with the department a renewal application duly executed
25 together with a renewal fee ~~of three hundred and thirty dollars (\$330)~~ [as set forth in § 23-1-54](#) on
26 or before the thirty-first day of March of each even numbered year.

27 (b) Upon receipt of an application, and payment of the renewal fee, the department shall
28 grant a renewal license effective the second day of May, and expiring on the first day of May of
29 the next even numbered year.

30 (c) Any person who allows his or her license to lapse by failing to renew it on or before
31 the thirty-first day of March of the next even numbered year, as provided in subsection (a), may
32 be reinstated by the department on payment of the current renewal fee plus an additional fee ~~of~~
33 ~~ninety (\$90.00)~~ [as set forth in § 23-1-54.](#)

34 (d) Any person using the title "veterinarian" during the time that his or her license has

1 lapsed is subject to the penalties provided for violations of this chapter.

2 (e) Every veterinarian licensed to practice veterinary medicine within the state shall, in
3 connection with renewal of licensure, provide satisfactory evidence to the department that in the
4 preceding two-year period the veterinarian has completed a prescribed course of continuing
5 professional education established by an appropriate professional veterinary medicine association
6 and approved by rule or regulation of the department. The department may extend for only one
7 six (6) month period, these education requirements if the department is satisfied that the applicant
8 has suffered hardship which prevented meeting the educational requirement.

9 SECTION 3. Sections 5-29-7, 5-29-11, 5-29-13, and 5-29-14 of the General Laws in
10 Chapter 5-29 entitled "Podiatrists" are hereby amended to read as follows:

11 **5-29-7. Examination of applicants - Fees – Reexamination.** -- The division of
12 professional regulation board of podiatry examiners is empowered to review applications as
13 defined in this chapter and to require a minimum application fee ~~of four hundred and ten dollars~~
14 ~~(\$410)~~ as set forth in § 23-1-54 at the time of application. Application fees are not refundable
15 unless sickness or other good cause appearing to the satisfaction of the division such applicant
16 was prevented from attending and completing the examination. One further or subsequent
17 examination under that application may be given to applicants in the discretion of the division,
18 without payment of an additional fee.

19 **5-29-11. Fee.** -- The biennial renewal fee shall ~~not be less than two hundred and sixty~~
20 ~~(\$260) nor be more than four hundred and ninety dollars (\$490)~~ be as set forth in § 23-1-54.

21 **5-29-13. Limited registrations.** -- (a) An applicant for limited registration under this
22 chapter who furnishes the division of professional regulation of the department of health with
23 satisfactory proof that the applicant is eighteen (18) years of age or older and of good moral
24 character, that the applicant has creditably completed not less than two (2) years of study in a
25 legally chartered podiatry school that is accredited by the Council on Podiatric Medical Education
26 of the American Podiatric Medical Association having power to grant degrees in podiatry, and
27 that the applicant has been appointed an intern, resident, fellow, or podiatry officer in a hospital
28 or other institution maintained by the state, or by a city or town, or in a hospital or clinic which is
29 incorporated under the laws of this state or in a clinic which is affiliated with a hospital licensed
30 by the department of health, or in an out-patient clinic operated by the state, may, upon the
31 payment ~~of seventy (\$70.00)~~ in an amount set forth in § 23-1-54, be registered by the division as
32 a hospital officer for any time that the division prescribes. The limited registration entitles the
33 applicant to practice podiatry in the hospital or other institution designated on his or her
34 certificate of limited registration, or outside that hospital or other institution for the treatment,

1 under the supervision of one of its medical officers who is a duly licensed physician and/or
2 podiatrist or persons accepted by it as patients, or in any hospital, institution, clinic, or program
3 affiliated for training purposes with the hospital, institution, or clinic designated on the certificate,
4 which affiliation is approved by the division of professional regulation and the Council of
5 Podiatric Medical Education of the American Podiatric Medical Association and in any case
6 under regulations established by such hospital, institution, or clinic. Provided, that each hospital,
7 institution, or clinic shall annually submit to the division of professional regulation a list of
8 affiliated hospitals, institutions, clinics, or programs providing training programs which comply
9 with the terms of this section. Limited registration under this section may be revoked at any time
10 by the division.

11 (b) The division of professional regulation of the department of health may promulgate
12 any rules and regulations that it deems necessary to effect the provisions of this chapter.

13 **5-29-14. Limited registration – Academic faculty.** -- Notwithstanding any other
14 provisions of this chapter, a podiatrist of noteworthy and recognized professional attainment who
15 is a clearly outstanding podiatrist and who has been offered by the dean of a medical school or
16 podiatry school in this state a full-time academic appointment, is eligible for a limited registration
17 while serving on the academic staff of the medical school or podiatry school. Upon
18 recommendation of the dean of an accredited school of medicine, podiatry in this state, the board
19 in its discretion, after being satisfied that the applicant is a graduate of a foreign podiatry school
20 and a person of professional rank whose knowledge and special training will benefit that medical
21 school, podiatry school may issue to that podiatrist a limited registration to engage in the practice
22 of podiatry to the extent that the practice is incidental to a necessary part of his or her academic
23 appointment and then only in the hospital or hospitals and out-patient clinics connected with the
24 medical school or podiatry school. Except to the extent authorized by this section, the registrant
25 shall not engage in the practice of podiatry or receive compensation for that practice, unless he or
26 she is issued a license to practice podiatry. The registration is valid for a period of not more than
27 one year expiring on the 30th day of June following its initial effective date but may be renewed
28 annually; provided, that such registration automatically expires when the holder's relationship
29 with the medical school or podiatry school is terminated. The application fee for the registration
30 authorized under this ~~section is five hundred and seventy (\$570)~~ and for the application fee
31 for biennial renewal, as promulgated by the director, shall be ~~not less than two hundred and~~
32 ~~eighty (\$280) nor more than four hundred dollars (\$400)~~ as set forth in § 23-1-54.

33 SECTION 4. Sections 5-30-7, 5-30-8 and 5-30-12 of the General Laws in Chapter 5-30
34 entitled “Chiropractors” are hereby amended to read as follows:

1 **5-30-7. Certification of chiropractic physicians authorized to practice in other states.**

2 -- The division of professional regulation of the department of health may, at its discretion,
3 dispense with the examination of any chiropractic physician authorized to practice chiropractic
4 medicine in any other state, and who has been practicing his or her profession in that state for at
5 least five (5) years and desires to reside permanently and practice his or her profession in this
6 state, provided the laws of that state require qualifications of a grade equal to those required in
7 Rhode Island, and provided that equal rights are accorded by that state to chiropractic physicians
8 of Rhode Island. The chiropractic physician shall make an application to the division for
9 exemption from examination and the division may in its discretion exempt him or her. If the
10 division exempts him or her, he or she shall pay a fee ~~of ninety dollars (\$90.00)~~ [as set forth in §](#)
11 [23-1-54](#) for a certificate of exemption from that examination, and upon receipt of that fee, the
12 division shall recommend him or her to the director of the department of health to receive a
13 certificate of qualification to practice chiropractic medicine.

14 **5-30-8. Certification to practice physiotherapy.** -- (a) Every person desiring to practice
15 physiotherapy in addition to chiropractic medicine and who completed a course of four (4) years,
16 of eight (8) months each, in some school of chiropractic medicine approved by the division of
17 professional regulation of the department of health, completed a course of three (3) years, of nine
18 (9) months each, at some school of chiropractic medicine approved by the division and an
19 additional year, of at least six (6) months, in physiotherapy and all branches of that field, at that
20 school, or has served as an intern for six (6) months in any year at an institution approved by the
21 division, and satisfies the division that he or she is qualified, may take an examination before the
22 state board of chiropractic examiners to determine his or her qualification to practice
23 physiotherapy in addition to chiropractic medicine.

24 (b) Every applicant for that examination shall pay a fee ~~of sixty dollars (\$60.00)~~ for the
25 examination to the division of professional regulation of the department of health, provided that if
26 the examination is taken at the same time as the examination to determine the applicant's fitness
27 to practice chiropractic medicine, ~~but only one fee of ninety dollars (\$90.00)~~ [as set forth in § 23-](#)
28 [1-54](#) is charged. Every candidate who passes that examination shall be recommended by the
29 division of professional regulation of the department of health to the director of the department of
30 health to receive a certificate of qualification to practice physiotherapy.

31 **5-30-12. Annual registration -- Payment of fees.** -- Annually, during the month of
32 October in each year, every person granted a certificate to practice chiropractic medicine shall
33 register his or her name, address, and place of business with the division of professional
34 regulation of the department of health. The division shall keep a book for that purpose, and each

1 person registering shall pay a fee ~~of one hundred and seventy dollars (\$170)~~ [as set forth in § 23-1-](#)
2 [54](#) and shall receive a certificate of registration for the next succeeding fiscal year, unless the
3 certificate of practice has been suspended or revoked for cause, as provided in § 5-30-13. All fees
4 for examination, for certificate of exemption from examination, and for annual registration shall
5 be deposited as general revenues.

6 SECTION 5. Sections 5-31.1-6, 5-31.1-21, 5-31.1-22 and 5-31.1-23 of the General Laws
7 in Chapter 5-31.1 entitled “Dentists and Dental Hygienists” are hereby amended to read as
8 follows:

9 **5-31.1-6. License to practice -- Qualifications of applicants -- Fee -- Reexamination. -**

10 - (a) Authority to practice dentistry or dental hygiene under this chapter is by a license, issued by
11 the director of the department of health, to any reputable dentist or dental hygienist who intends
12 to practice dentistry or dental hygiene in this state, and who meets the requirements for licensure
13 prescribed in this chapter and regulations established by the board or the director.

14 (b) Applicants for licensure as dentists shall:

15 (1) Present satisfactory evidence of graduation from a school of dentistry accredited by
16 the American Dental Association Commission on Dental Accreditation or its designated agency
17 and approved by the board;

18 (2) Meet any other requirements that the board or director by regulation establishes; and

19 (3) Pass in a satisfactory manner any examinations that the board requires.

20 (c) Applicants for licensure as dental hygienists shall:

21 (1) Present satisfactory evidence of graduation from a school for dental hygiene
22 accredited by the American Dental Association Commission on Dental Auxiliary Accreditation or
23 its designated agency and approved by the board;

24 (2) Meet any other requirements that the board or director by regulation establishes; and

25 (3) Pass in a satisfactory manner any examination that the board requires.

26 (d) Any dentist ~~applying for licensure shall pay an application fee of five hundred and~~
27 ~~seventy dollars (\$570)~~ and any dental hygienist applying for licensure shall pay an application fee
28 ~~of one hundred and thirty dollars (\$130)~~ [as set forth in § 23-1-54](#). Application fees shall in no
29 case be returned. Applicants requiring reexamination for dentistry ~~shall submit a fee of five~~
30 ~~hundred and seventy dollars (\$570) for each reexamination. Applicants requiring reexamination~~
31 [and](#) for dental hygiene shall submit ~~a fee of one hundred and thirty dollars (\$130)~~ [fees as set forth](#)
32 [in § 23-1-54](#) for each reexamination.

33 (e) Notwithstanding any other provision of law, the board of dental examiners may issue
34 a special license to qualifying dentists and dental hygienists under the terms and conditions set

1 forth in this section and pursuant to requirements which may be set forth in the rules and
2 regulations of the board. The special license may only be issued to a person who is retired from
3 the practice of dentistry or dental hygiene and not currently engaged in such practice either full-
4 time or part-time and has, prior to retirement, maintained full licensure in good standing in
5 dentistry or dental hygiene in any state.

6 (2) The special licensee shall be permitted to practice dentistry or dental hygiene only in
7 the non-compensated employ of public agencies or institutions, not-for-profit agencies, not-for-
8 profit institutions, nonprofit corporations, or not-for-profit associations which provide dentistry or
9 dental hygiene services only to indigent patients in areas which are underserved by dentists or
10 dental hygienists or critical need population areas of the state.

11 (3) The person applying for the special license under this section shall submit to the
12 board a notarized statement from the employing agency, institution, corporation, association or
13 health care program on a form prescribed by the board, whereby he or she agrees unequivocally
14 not to receive compensation for any dentistry or dental hygiene services he or she may render
15 while in possession of the special license.

16 (4) Any application fees and all licensure and renewal fees shall be waived for the holder
17 of the special license under this section.

18 (5) A dentist or dental hygienist licensed pursuant to this section shall comply with the
19 continuing education requirements established by the board of dental examiners in this state.

20 **5-31.1-21. Biennial registration.** -- (a) Effective beginning in the calendar year 2006, on
21 or before the first day of May in each even-numbered year the board shall mail an application for
22 biennial registration to every person to whom a license to practice dentistry or dental hygiene in
23 this state has been granted by the constituted licensing authority in the state. Every licensed
24 person who intends to engage in the practice of his or her profession during the ensuing two (2)
25 years shall register his or her license by filing with the board that application executed together
26 with any registration form and fee that is established by regulation by the director on or before the
27 first day of June in each even-numbered year. Upon receipt of that application and fee, the board
28 shall issue a registration certificate effective July 1 and expiring two (2) years following June 30,
29 and that registration certificate shall render its holder a registered practitioner of dentistry or
30 dental hygiene for that registration period.

31 (b) The registration certificate of all dentists and dental hygienists whose renewals
32 accompanied by the prescribed fee are not filed on or before the first day of July automatically
33 expire. The board may in its discretion and upon the payment by the dentist or dental hygienist of
34 the current registration fee plus an additional fee ~~of ninety dollars (\$90.00)~~ [as set forth in § 23-1-](#)

1 [54](#) reinstate any certificate expired under the provisions of this section. All unexpended monies in
2 the account of the board of dentistry are transferred to the new board of dentistry as created by
3 this section as of June 2, 1988.

4 (c) Dentists and dental hygienists not intending to practice in this state may request on a
5 biennial basis to be placed on inactive status. Those requests must be made, in writing, to the
6 dental administrator and must be accompanied by ~~a fee of one hundred and seventy dollars (\$170)~~
7 ~~for dentists and ninety dollars (\$90.00) for dental hygienists~~ [fees as set forth in § 23-1-54](#). Persons
8 on inactive status may be reinstated by paying the current annual registration fee and must meet
9 any requirements established by this chapter and as are further prescribed by the rules and
10 regulations.

11 **5-31.1-22. Limited registrations.** -- An applicant for limited registration under this
12 chapter who furnishes the board with satisfactory proof that the applicant is eighteen (18) years of
13 age or older and of good moral character, that the applicant has graduated from a dental school
14 accredited by the American Dental Association Commission on Dental Accreditation or its
15 designated agency and approved by the board, and that the applicant has been appointed an
16 intern, resident, fellow, or dental officer in a hospital or other institution maintained by the state,
17 or by a city or town, or in a hospital or clinic which is incorporated under the laws of this state or
18 in a clinic which is affiliated with a hospital licensed by the department of health, or in an out-
19 patient clinic operated by the state, may, upon the payment ~~of fifty dollars (\$50.00)~~ [as set forth in](#)
20 [§ 23-1-54](#) , be registered by the board as a hospital dental officer for any time that the board
21 prescribes; but that limited registration entitles the applicant to practice dentistry in the hospital or
22 other institution designated on his or her certificate of limited registration, or outside that hospital
23 or other institution for the treatment, under the supervision of one of its dental officers who is a
24 licensed dentist, in the state of persons accepted by it as patients, or in any hospital, institution,
25 clinic, or program affiliated for training purposes with the hospital, institution, or clinic
26 designated on this certificate, which affiliation is approved by the board, and in any case under
27 regulations established by that hospital, institution, or clinic. Each hospital, institution, or clinic
28 shall annually submit to the board a list of training programs which comply with the terms of this
29 section. Limited registration under this section may be revoked at any time by the board. The
30 board and/or the director may promulgate any rules and regulations that it deems necessary to
31 carry out the provisions of this section.

32 **5-31.1-23. Limited registration -- Academic faculty – Fees.** -- (a) Notwithstanding any
33 other provisions of this chapter, a dentist of noteworthy and recognized professional attainment,
34 who is a clearly outstanding dentist and who has been offered by the dean of a medical school,

1 dental school, or school of dental hygiene in this state a full-time academic appointment, is
2 eligible for a limited registration while serving on the academic staff of the medical school, dental
3 school, or school of dental hygiene. Upon recommendation of the dean of an accredited school of
4 medicine, dentistry, or school of dental hygiene in this state, the board in its discretion, after
5 being satisfied that the applicant is a graduate of a foreign dental school and a person of
6 professional rank whose knowledge and special training will benefit that medical school, dental
7 school, or school of dental hygiene may issue to that dentist a limited registration to engage in the
8 practice of dentistry to the extent that the practice is incidental to a necessary part of his or her
9 academic appointment and then only in the hospital or hospitals and out-patient clinics connected
10 with the medical school, dental school, or school of dental hygiene.

11 (b) Except to the extent authorized by this section, the registrant shall not engage in the
12 practice of dentistry or receive compensation for it, unless he or she is issued a license to practice
13 dentistry in accordance with the provisions of this chapter. The registration is valid for a period of
14 not more than one year expiring on the 30th day of June following its initial effective date but
15 may be renewed annually. The registration shall automatically expire when the holder's
16 relationship with the medical school, dental school, or school of dental hygiene is terminated.

17 (c) The application fee for the registration authorized [and for initial annual renewal](#) under
18 this section is ~~five hundred and seventy dollars (\$570)~~ [as set forth in § 23-1-54](#). ~~The application~~
19 ~~fee for initial annual renewal is one hundred and seventy (\$170)~~. Subsequently, fees are as
20 promulgated by the director.

21 **SECTION 6. Sections 5-32-3, 5-32-6, 5-32-7, 5-32-13 and 5-32-17 of the General Laws**
22 **in Chapter 5-32 entitled "Electrolysis" are hereby amended to read as follows:**

23 **5-32-3. Certificates -- Applications -- Penalty for violations. --** The division of
24 professional regulation of the department of health shall issue certificates to practice electrolysis,
25 as defined in this chapter, to any persons that comply with the provisions of this chapter. Any
26 person who desires to engage in that practice shall submit, in writing, in any form that is required
27 by the board, an application for a certificate to engage in that practice. The application shall be
28 accompanied by a fee ~~of one hundred dollars (\$100)~~ [as set forth in § 23-1-54](#). Any person, firm,
29 corporation or association violating any of the provisions of this chapter commits a misdemeanor
30 and, upon conviction, shall be punished by a fine not to exceed two hundred dollars (\$200), or
31 imprisoned for a period not to exceed three (3) months, or both the fine and imprisonment.

32 **5-32-6. Examination of applicants -- Expiration and renewal of certificates. --** (a)
33 Examination of applicants for certificates shall be held at least twice a year in the city of
34 Providence and may be held elsewhere at the discretion of the division of professional regulation

1 of the department of health. The division has the power to adopt, change, alter and amend, rules
2 and regulations for the conducting of those examinations, and may fix the fee for reexamination.
3 The division shall issue to each person successfully passing the examination, where an
4 examination is required, and who satisfies the division of his or her qualifications, a certificate,
5 signed by the administrator of the division, entitling him or her to practice that business in this
6 state for the annual period stated in the certificate, or until the certificate is revoked or suspended,
7 as subsequently provided.

8 (b) All certificates shall expire on the 30th day of April of each year, unless sooner
9 suspended or revoked, and shall be renewed for the next ensuing year by the division upon
10 payment to the division of an annual renewal fee ~~of thirty one dollars and fifty cents (\$31.50)~~ [as](#)
11 [set forth in § 23-1-54](#) for each renewal.

12 **5-32-7. Certification of licensees from other states.** -- Any person licensed to practice
13 electrolysis in any other state or states, who is, or in good faith intends to become, a resident of
14 this state, where the requirements are the equivalent of those of this state and who meets the
15 requirements of this chapter shall be entitled to take that examination and, if he or she passes that
16 examination, shall be, upon the payment of a fee ~~of sixty two dollars and fifty cents (\$62.50)~~ [as](#)
17 [set forth in § 23-1-54](#) , entitled to be licensed under the provisions of this chapter.

18 **5-32-13. Annual renewal of certificates.** -- All certificates issued under the provisions
19 of this chapter shall be renewed annually by the holders of the certificate at an annual renewal fee
20 ~~of thirty one dollars and fifty cents (\$31.50)~~ [as set forth in § 23-1-54](#) by the division of
21 professional regulation of the department of health.

22 **5-32-17. Qualifications for teaching electrolysis** -- (a) A person in order to qualify as an
23 instructor or teacher of electrolysis to apprentices must:

24 (1) Have been actively engaged as a licensed practitioner of electrolysis for at least five
25 (5) years.

26 (2) Pass a state board examination specifically designed to evaluate his or her
27 qualifications to teach electrolysis.

28 (3) Be a high school graduate or the equivalent.

29 (b) Upon satisfactorily passing this examination, the division of professional regulation of
30 the department of health shall issue a license to the person upon the payment of a fee ~~of eighty~~
31 ~~dollars (\$80.00)~~ [as set forth in § 23-1-54](#).

32 (c) A qualified licensed electrologist shall not register more than one apprentice for each
33 nine (9) month training period.

34 **SECTION 7. Sections 5-33.2-12, 5-33.2-13.1, 5-33.2-15, and 5-33.2-16 of the General**

1 Laws in Chapter 5-33.2 entitled “Funeral Director/Embalmer Funeral Service Establishments” are
2 hereby amended to read as follows:

3 **5-33.2-12. funeral establishment and branch offices licenses.** -- (a) No person,
4 association, partnership, corporation, limited liability company or otherwise, shall conduct,
5 maintain, manage, or operate a funeral establishment or branch office unless a license for each
6 funeral establishment and branch office has been issued by the department and is conspicuously
7 displayed. In the case of funeral services conducted under the license of a funeral establishment
8 held in any private residence, public building or church, no separate establishment license shall be
9 required. A licensed funeral establishment must be distinct and separate from other non- funeral
10 service related activity for which it is licensed. No license to operate a funeral establishment shall
11 be issued by the department unless the applicant for the funeral establishment license has
12 registered with the department a licensed funeral director/embalmer who shall be in charge as the
13 funeral director of record. The branch office of a funeral establishment must have a separate
14 branch office establishment license but not a separate funeral director of record. One branch
15 office shall be allowed to operate under the funeral establishment license, and this one branch
16 office may be permitted to operate without a preparation room. Applications for the funeral
17 establishment license and branch office shall be made on forms furnished by the division
18 accompanied by the application ~~fee of seventy dollars (\$70.00) for the funeral establishment and~~
19 ~~seventy dollars (\$70.00) for each branch office~~ [fees as set forth in § 23-1-54](#). Upon receipt of a
20 completed application and the recommendation of the board, the division shall issue a license. All
21 funeral establishment and branch office licenses shall expire on the thirty-first day of December
22 of each year, unless sooner suspended or revoked. A license shall be issued to a specific licensee
23 for a specific location and is not transferable. The funeral establishment licensee shall notify the
24 division, in writing, delivered in person or by certified mail, within ten (10) days from the date of
25 termination of employment, for any cause, of the funeral director/embalmer of record with the
26 division for the funeral establishment. The license of the funeral establishment shall expire forty-
27 five (45) days from the date the division was notified by the licensee, if no new funeral
28 director/embalmer is registered with the division. No funeral services shall be conducted at the
29 funeral establishment without a funeral director/embalmer being registered with the division as
30 the funeral director of record for that funeral establishment. Two (2) licensed funeral directors
31 may operate jointly at one location if one of their existing funeral establishments closes its place
32 of business and joins an existing licensed funeral establishment. Each firm will hold its own
33 separate establishment license. One cannot operate a branch office by invoking this section.
34 Human dead remains shall not be held more than forty-eight (48) hours without embalming or

1 without refrigeration for the purpose of maintaining public health. A funeral establishment must
2 at the minimum contain a preparation room equipped with tile, cement, or composition floor,
3 necessary drainage and ventilation, and containing necessary instruments and supplies for the
4 preparation and embalming of dead human remains for burial, transportation, or other disposition.

5 (b) Any person who inherits any ownership interest to a funeral establishment may
6 continue to conduct the business of that establishment as their ownership interest would allow
7 upon the following:

8 (1) Filing with the division a statement of change of fact concerning that inheritance.

9 (2) Conducting the business of the establishment in compliance with all the requirements
10 of this chapter.

11 **5-33.2-13.1. Crematories – License and inspection.** --No crematory owned or operated
12 by or located on property licensed as a funeral establishment or at another location or by a
13 cemetery shall conduct cremations without first having applied for and obtained a license from
14 the department. Applications for the crematory license shall be made on forms furnished by the
15 division accompanied by the application fee ~~of ninety dollars (\$90.00)~~ [as set forth in § 23-1-54](#).
16 Upon receipt of a completed application, the department shall issue a license. A license shall be
17 issued to a specific licensee for a specific location and is not transferable. The facility and
18 licensee shall meet all requirements as prescribed by the rules and regulations established by the
19 department, not inconsistent with this chapter.

20 **5-33.2-15. Annual renewal of licenses.** --All licenses issued under the provisions of this
21 chapter must be renewed annually by their holders, who shall pay to the division a yearly renewal
22 fee ~~of one hundred and thirty dollars (\$130)~~ for the renewal of a funeral director/embalmer's
23 license, ~~ninety dollars (\$90.00)~~ [and additional fees](#) for each funeral establishment branch office
24 license and ~~ninety dollars (\$90.00)~~ for the crematory license. [These fees are as set forth in § 23-1-](#)
25 [54](#). On or before the fifteenth day of November in each year, the division shall mail to each
26 licensed funeral director/embalmer and to each licensed funeral establishment, funeral
27 establishment branch office and crematory an application for the renewal. Applications,
28 accompanied by the fee for renewal, shall be filed with the division on or before the thirty-first
29 day of December in each year. Applications filed after the thirty-first of December and on or
30 before the fifteenth of January must be accompanied by a fee ~~of seventy dollars (\$70.00)~~ [as set](#)
31 [forth in § 23-1-54](#) for funeral director/embalmers and funeral establishments in addition to the
32 previously established renewal fees. Any funeral director/embalmer who acts or holds himself or
33 herself out as a funeral director/embalmer after his or her certificate has been lapsed shall be
34 punished as provided in this chapter. Any funeral establishment, funeral establishment branch

1 office or crematory who acts or holds itself out as a funeral establishment after its license has
2 lapsed shall be punished as provided in this chapter.

3 **5-33.2-16. Funeral director/Embalmer -- Internship. --** (a) Nothing in this chapter
4 shall be construed as prohibiting any person from serving as a funeral director/embalmer intern.
5 Before an internship begins the person desiring to become an intern shall register with the
6 division on any forms that it prescribes. No person under the age of eighteen (18) years shall be
7 permitted to register as an intern. The division may make any rules and regulations that it deems
8 advisable for the supervision of interns. All persons registering as an intern shall pay a fee of
9 ~~forty dollars (\$40.00)~~ [as set forth in § 23-1-54](#) at the time of the registration. That intern is not
10 permitted to advertise or hold himself or herself out to the public as a registered funeral
11 director/embalmer. The term of internship shall be not less than one year; provided, that if an
12 intern after having served his or her internship fails to pass the examination for a funeral
13 director/embalmer's license or fails to embalm fifty (50) human remains during their internship,
14 he or she may continue their internship. The total term of internship must be completed within
15 five (5) years from the date of original registration.

16 (b) The intern must have assisted in embalming at least fifty (50) bodies if the period for
17 registered internship is to be satisfied in one year. If the internship is for more than one year, the
18 applicant must embalm at least twenty-five (25) bodies for each year of their internship. Each
19 licensed funeral establishment embalming up to one hundred fifty (150) human remains per year
20 shall be allowed to register one intern at one time. Each establishment embalming more than one
21 hundred fifty (150) but less than three hundred (300) human remains per year shall be allowed to
22 register two (2) interns at one time. Each establishment embalming three hundred (300) or more
23 human remains per year shall be allowed to register three (3) interns at one time.

24 SECTION 8. Sections 5-34-12, 5-34-16, 5-34-19, 5-34-37, and 5-34-40.3 of the General
25 Laws in Chapter 5-34 entitled "Nurses" are hereby amended to read as follows:

26 **5-34-12. Application fee for professional nurses. --**The applicant for a license to
27 practice as a professional nurse shall pay a fee of ~~one hundred and thirty dollars (\$130)~~ [as set](#)
28 [forth in § 23-1-54.](#)

29 **5-34-16. Application fee for practical nurse licensure. --** The applicant for licensure to
30 practice as a licensed practical nurse shall pay a fee of ~~ninety (\$90.00)~~ [as set forth in § 23-1-54.](#)

31 **5-34-19. Expiration and renewal of licenses --** (a) The license of every person licensed
32 under this chapter shall expire on the first day of March of every other year following the date of
33 license. On or before the first day of January of every year, the director shall mail an application
34 for renewal of license to people scheduled to be licensed that year. Every person who wishes to

1 renew his or her license shall file with the department a duly executed renewal application
2 together with the renewal fee ~~of ninety dollars (\$90.00)~~ [as set forth in § 23-1-54.](#)

3 (b) Upon receipt of an application accompanied by payment of fees, the department shall
4 grant a renewal license effective March second and expiring two (2) years later on March first,
5 and that renewal license shall render the holder a legal practitioner of nursing for the period stated
6 on the certificate of renewal. Every person seeking renewal of a license pursuant to this section
7 shall provide satisfactory evidence to the department that in the preceding two (2) years the
8 practitioner has completed the ten (10) required continuing education hours as established by the
9 department through rules and regulations. The department may extend for only one six (6) month
10 period these educational requirements if the department is satisfied that the applicant has suffered
11 hardship, which prevented meeting the educational requirement.

12 (c) Any person practicing nursing during the time his or her license has lapsed shall be
13 considered an illegal practitioner and is subject to the penalties provided for violation of this
14 chapter.

15 (d) A licensee whose license has expired by failure to renew may apply for reinstatement
16 according to the rules established by the board. Upon satisfaction of the requirements for
17 reinstatement, the board shall issue a renewal of license.

18 **5-34-37. Application fee for certified registered nurse practitioners. --** The initial
19 application fee for licensure as a certified registered nurse practitioner ~~shall be one hundred and~~
20 ~~thirty dollars (\$130).~~ The [the](#) renewal fee for a certified registered nurse practitioner ~~shall be one~~
21 ~~hundred and thirty dollars (\$130) biennially, ninety dollars (\$90.00) for registered nurse fee plus~~
22 ~~forty dollars (\$40.00) for the certified registered nurse practitioner.~~ The [and the](#) fee for
23 application for prescriptive privileges shall ~~be fifty dollars (\$50.00)~~ [as set forth in § 23-1-54.](#)

24 **5-34-40.3. Application fee for psychiatric and mental health clinical nurse**
25 **specialists. --** The initial application fee for licensure as a psychiatric and mental health clinical
26 nurse specialist, ~~shall be one hundred and thirty dollars (\$130).~~ The [the](#) renewal fee for a
27 psychiatric and mental health clinical nurse specialist, ~~shall be one hundred and thirty dollars~~
28 ~~(\$130) biennially; ninety dollars (\$90.00) for the registered nurse fee plus forty dollars (\$40.00)~~
29 ~~for the psychiatric and mental health clinical nurse specialist.~~ The fee [and the](#) for application [fee](#)
30 for prescriptive privileges shall ~~be fifty dollars (\$50.00)~~ [as set forth in § 23-1-54.](#)

31 SECTION 9. Section 5-34.2-4 of the General Laws in Chapter 5-34.2 entitled “Nurse
32 Anesthetists” is hereby amended to read as follows:

33 **5-34.2-4. Duties of board. --** (a) *Applications.* Applicants for licensure shall submit
34 appropriate certification credentials, as described in § 5-34.2-3, plus an application fee (not

1 refundable) made payable to the general treasurer, state of Rhode Island, ~~for one hundred and~~
2 ~~thirty dollars (\$130)~~ [as set forth in § 23-1-54.](#)

3 (b) *Renewal.* Licensure as a nurse anesthetist shall be renewed during the same period as
4 the professional registered nurses license to practice in Rhode Island. Renewal fee for a nurse
5 anesthetists license shall be ~~one hundred and thirty (\$130), ninety dollars (\$90.00)~~ of this shall be
6 ~~for the professional registered nurses license and forty dollars (\$40.00)~~ of this shall be for the
7 ~~nurse anesthetists license~~ [as set forth in § 23-1-54.](#)

8 (c) *Revocations, suspension or refusal to renew licensure.* The board may revoke,
9 suspend or refuse to renew the licensure of any nurse anesthetist, if the board finds that the person
10 fails to meet the requirements for practice as a nurse anesthetist specified in either this chapter or
11 board regulation.

12 (d) *Announcement of practice.* No person may practice or advertise as a nurse anesthetist
13 or use other words, letters, signs, figures or devices to indicate that the person is a certified
14 registered nurse anesthetist, CRNA, until the person has first been licensed by the board.

15 SECTION 10. Sections 5-35.1-4, 5-35.1-7, 5-35.1-19 and 5-35.1-20 of the General Laws
16 in Chapter 5-35.1 entitled "Optometrists" are hereby amended to read as follows:

17 **5-35.1-4. Fee for license.** -- Every applicant shall pay to the department a fee ~~of ninety~~
18 ~~dollars (\$90.00)~~ [as set forth in § 23-1-54](#) which shall accompany his or her application for a
19 license.

20 **5-35.1-7. Renewal of license to practice optometry.** --Every licensed optometrist who
21 desires to continue the practice of optometry shall attest to the completion of a prescribed course
22 of continuing optometric education. He or she shall annually pay to the department a renewal fee
23 ~~of one hundred seventy dollars (\$170).~~ An additional fee ~~of seventy dollars (\$70.00)~~ shall be
24 charged to the licensee who fails to renew by the license expiration date. Retirement from
25 practice in this state for a period not exceeding five (5) years shall not deprive the holder of a
26 certificate of license or the right to renew a certificate upon the payment of all annual renewal
27 fees remaining unpaid, and ~~a further fifty dollars (\$50.00)~~ as [together with](#) an added fee. [All fees](#)
28 [required by this section shall be as set forth in § 23-1-54.](#)

29 **5-35.1-19. Construction of glass lenses – Violations penalty.** -- (a) No person shall
30 distribute, sell, or deliver any eyeglasses or sunglasses unless those eyeglasses or sunglasses are
31 fitted with heat-treated glass lenses, plastic lenses, lamination lenses, or lenses made impact-
32 resistant by other methods. The provisions of this subsection do not apply if a physician or
33 optometrist, having found that those lenses will not fulfill the visual requirements of a particular
34 patient, directs, in writing, the use of other lenses and gives written notification to the patient.

1 Before they are mounted in frames, all impact-resistant eyeglasses and sunglass lenses, except
2 plastic lenses, laminated lenses, and raised ledge multi focal lenses must withstand an impact test
3 of a steel ball five-eighths (5/8) of an inch in diameter weighing approximately fifty-six
4 hundredths of an ounce (0.56 oz.) dropped from a height of fifty inches (50"). Raised ledge multi
5 focal lenses are capable of withstanding the impact test but do not need to be tested beyond initial
6 design testing. To demonstrate that all plastic lenses and laminated lenses are capable of
7 withstanding the impact test, the manufacturer of the lenses shall subject to the impact test a
8 statistically significant sampling of lenses from each production batch, and the tested lenses are
9 representative of the finished forms as worn by the wearer. Plastic prescription and plastic non-
10 prescription lenses, tested on the basis of statistical significance, may be tested in uncut finished
11 or semi-finished form at the point of original manufacture.

12 (b) Any person convicted of violating the provisions of this section shall be punished by a
13 fine of not less than ~~five hundred dollars (\$500)~~ [that set forth in § 23-1-54](#) for each violation.

14 **5-35.1-20 Penalty for violations.** -- Any person who violates the provisions of this
15 chapter shall be punished by a fine or not more than ~~two hundred dollars (\$200)~~ [that set forth in §](#)
16 [23-1-54](#), or shall be imprisoned for not more than three (3) months for each offense.

17 SECTION 11. Section 5.35.2-3 of the General Laws in Chapter 5-53.2 entitled
18 "Opticians" is hereby amended to read as follows:

19 **5-35.2-3. Optician's biennial license fee.** -- Every applicant shall pay to the department
20 a fee of ~~ninety dollars (\$90)~~ [as set forth in § 23-1-54](#) which shall accompany his or her
21 application for a license. No one shall be permitted to practice opticianry without a valid license.

22 SECTION 12. Sections 5-37-2, 5-37-10, 5-37-16 and 5-37-16.1 of the General Laws in
23 Chapter 5-37 entitled "Board of Medical Licensure and Discipline" are hereby amended to read
24 as follows:

25 **5-37-2. License to practice -- Qualifications of applicants -- Fee – Reexamination.** --

26 (a) Authority to practice allopathic or osteopathic medicine under this chapter shall be by a
27 license issued by the director of the department of health to any reputable physician who intends
28 to practice allopathic or osteopathic medicine in this state, and who meets the requirements for
29 licensure established in this chapter and regulations established by the board or by the director.
30 Applicants for licensure shall present satisfactory evidence of graduation from a medical school
31 or school of osteopathic medicine approved by the board and in good standing, shall meet post
32 graduate training requirements and any other requirements that the board or director establishes
33 by regulation, and shall pass in a satisfactory manner any examination that the board may require.
34 Any physician applying for licensure shall pay ~~an~~ [a non refundable](#) application fee ~~of five~~

1 ~~hundred and seventy dollars (\$570) and that fee shall in no case be returned. Applicants requiring~~
2 ~~reexamination shall submit a fee of five hundred and seventy dollars (\$570)~~ [and when applicable](#)
3 [a reexamination fee for each reexamination, in a total amount as set forth in § 23-1-54.](#)

4 (2) A license to practice allopathic medicine shall be issued to persons who have
5 graduated from a school of medicine, possess a degree of doctor of medicine (or meet the
6 requirements of subsection (b) of this section), and meet the requirements for licensure.

7 (3) A license to practice osteopathic medicine shall be issued to persons who have
8 graduated from a school of osteopathic medicine and possess a degree of doctor of osteopathy
9 and otherwise meet the requirements for licensure. A license to practice osteopathic medicine
10 shall confer upon the holder the right to practice osteopathic medicine in all its branches as taught
11 and practiced in accredited colleges of osteopathic medicine. The holder of that license shall be
12 subject to the same duties and liabilities and entitled to the same rights and privileges, which may
13 be imposed by law or governmental regulation, upon physicians of any school of medicine.

14 (b) *Qualification of Certain Other Applicants for License.* Notwithstanding any other
15 provisions of this section an individual, who at the time of his or her enrollment in a medical
16 school outside the United States is a citizen of the United States, shall be eligible to apply for a
17 certificate pursuant to this section if he or she has satisfied the following requirements:

18 (i) Has studied medicine in a medical school located outside the United States, which is
19 recognized by the World Health Organization;

20 (ii) Has completed all of the formal requirements of the foreign medical school except
21 internship and/or social service;

22 (iii) Has attained a score satisfactory to a medical school approved by the liaison
23 committee on medical education on a qualifying examination acceptable to the state board for
24 medicine, and has satisfactorily completed one academic year of supervised clinical training
25 under the direction of any United States medical school;

26 (iv) Has completed the post-graduate hospital training required by the board of applicants
27 for licensure; and

28 (v) Has passed the examination required by the board of all applicants for licensure.

29 (2) Satisfaction of the requirements of subdivision (1) of this subsection is in lieu of the
30 completion of any foreign internship and/or social service requirements, and no such
31 requirements are a condition of licensure as a physician in this state.

32 (3) Satisfaction of the requirements of subdivision (1) of this subsection is in lieu of
33 certification by the educational council for foreign medical graduates, and this certification is not
34 a condition of licensure as a physician in this state.

1 (4) No hospital licensed by this state, or operated by the state or a political subdivision of
2 the state, or which receives state financial assistance, directly or indirectly, requires an individual,
3 who at the time of his or her enrollment in a medical school outside the United States is a citizen
4 of the United States, to satisfy any requirements other than those contained in paragraphs
5 (1)(i),(ii), and (iii) of this subsection prior to commencing an internship or residency.

6 (5) A document granted by a medical school located outside the United States which is
7 recognized by the World Health Organization issued after the completion of all the formal
8 requirements of that foreign medical school except internship and/or social service, upon
9 certification by the medical school in which this training was received of satisfactory completion
10 by the person to whom this document was issued of the requirements in paragraph (1)(iii) of this
11 subsection, shall be deemed the equivalent of a degree of doctor of medicine for purposes of
12 licensure and practice as a physician in this state.

13 (6) No funds appropriated by the general assembly to any school or college of medicine
14 shall be disbursed until the director of the department of health has certified that this school or
15 college has established, and will maintain until December 31, 1989, a clinical training program as
16 contemplated by paragraph (1)(iii) of this subsection, to accommodate residents of this state
17 deemed qualified by that school or college of medicine consistent with that school's or college's
18 educational resources.

19 **5-37-10. Annual registration – Physicians -- Hospitals. --** (a) Effective beginning in
20 calendar year 2004, on or before the first day of March in each year, the board shall mail an
21 application for biannual registration to every person to whom a license to practice medicine in
22 this state has been granted by the licensing authority in the state. Every licensed person who
23 intends to engage in the practice of his or her profession during the ensuing two (2) year period
24 shall register his or her license by submitting to the board, on or before June 1, the application,
25 executed together with the registration form, and fee as established by regulation by the director
26 of the department of health. Upon receipt of the application and fee the board shall issue a
27 registration certificate effective July 1 and expiring two (2) years following on June 30. The
28 registration certificate renders the holder a registered practitioner of medicine for that registration
29 period. Effective beginning in calendar year 2004, any references in this chapter to annual
30 registration or annual limited registration shall be interpreted to mean biannual registration and
31 biannual limited registration, respectively.

32 (b) The registration certificate of all physicians whose renewals accompanied by the
33 prescribed fee are not completed and filed on or before the first day of July shall automatically
34 lapse. The board may, in its discretion and upon the payment by the physician of the current

1 registration fee plus an additional fee ~~of one hundred and thirty dollars (\$130)~~ [as set forth in § 23-](#)
2 [1-54](#), reinstate any certificate lapsed under the provisions of this section.

3 (c) Hospitals shall, on or before the first day of December of each year, submit an
4 application and annual fee to the board as a condition of rendering hospital services in the state.
5 The form of application and fee shall be as the director, by regulation, establishes; provided, that
6 the ratio of payment between hospital per bed licensing fees and the combined licensing and
7 board of medical licensure and discipline fees paid by physicians remain the same as the ratio that
8 existed as of January 1, 1987. All fees collected pursuant to this section shall be deposited as
9 general revenues.

10 **5-37-16. Limited registrations.** -- (a) An applicant for limited registration under this
11 chapter who furnishes the board with satisfactory proof that the applicant is eighteen (18) years of
12 age or older and of good moral character, that the applicant has graduated from a legally
13 chartered medical school or school of osteopathic medicine having power to grant degrees in
14 allopathic or osteopathic medicine, and that the applicant has been appointed an intern, resident,
15 fellow or medical officer in a hospital or other institution maintained by the state, or by a city or
16 town, or in a hospital or clinic which is incorporated under the laws of this state, or in a clinic
17 which is affiliated with a hospital licensed by the department of health, or in an out-patient clinic
18 operated by the state, may, upon the payment ~~of forty dollars (\$40.00)~~ [as set forth in § 23-1-54](#),
19 be registered by the board as a hospital medical officer for any time that the board may prescribe.
20 This limited registration shall entitle the applicant to practice medicine in the hospital or other
21 institution designated on his or her certificate of limited registration, or outside this hospital or
22 other institution for the treatment, under the supervision of one of its medical officers who is a
23 licensed physician, of persons accepted by it as patients, or in any hospital, institution, clinic, or
24 program affiliated for training purposes with the hospital, institution, or clinic designated on this
25 certificate, which affiliation is approved by the board, and in any case under regulations
26 established by the hospital, institution, or clinic; provided, that each hospital, institution, or clinic
27 annually submits to the board a list of affiliated hospitals, institutions, clinics, or programs
28 providing training programs which comply with the terms of this section. Limited registration
29 under this section may be revoked at any time by the board.

30 (b) The director may promulgate any rules and regulations that he or she deems necessary
31 to carry out the provisions of this chapter.

32 **5-37-16.1. Limited registration – Academic faculty.** -- Notwithstanding any other
33 provisions of this chapter, a physician of noteworthy and recognized professional attainment who
34 is a clearly outstanding physician and who has been offered by the dean of a medical school in

1 this state a full-time academic appointment, shall be eligible for a limited registration while
2 serving on the academic staff of the medical school. Upon recommendation of the dean of an
3 accredited school of medicine in this state, the board in its discretion, after being satisfied that the
4 applicant is a graduate of a foreign medical school and a person of professional rank whose
5 knowledge and special training will benefit the medical school in this state, may issue to this
6 physician a limited registration to engage in the practice of medicine to the extent that this
7 practice is incidental to a necessary part of his or her academic appointment and then only in the
8 hospital or hospitals and out-patient clinics connected with the medical school. Except to the
9 extent authorized by this section, the registrant shall not engage in the practice of medicine or
10 receive compensation for his or her limited registration work, unless he or she is issued a license
11 to practice medicine in accordance with the provisions of § 5-37-2. The registration shall be valid
12 for a period of not more than one year expiring on the 30th day of June following its initial
13 effective date but may be renewed annually; provided, that the registration automatically expires
14 when the holder's relationship with the medical school is terminated. The application fee for the
15 initial registration authorized under this section ~~shall be four hundred and sixty dollars (\$460);~~
16 and the initial application fee for annual renewal shall be ~~one hundred and thirty dollars (\$130)~~ as
17 set forth in § 23-1-54. ~~thereafter~~ Thereafter the fees shall be as promulgated by regulation of the
18 director.

19 SECTION 13. Section 5-37.2-10 and 5-37.2-14 of General Laws entitled “The Healing
20 Art of Acupuncture” are hereby amended to read as follows:

21 **5-37.2-10. Application for licenses -- Fees. --** An applicant for examination for a license
22 to practice acupuncture or any branch of acupuncture, shall:

- 23 (1) Submit an application to the department on forms provided by the department;
- 24 (2) Submit satisfactory evidence that he or she is twenty-one (21) years or older and
25 meets the appropriate education requirements;
- 26 (3) Pay a fee ~~of one hundred and seventy dollars (\$170)~~ as set forth in § 23-1-54 and
- 27 (4) Pay any fees required by the department for an investigation of the applicant or for the
28 services of a translator, if required, to enable the applicant to take the examination.

29 **5-37.2-14. Recordation and display of licenses – Annual registration fee – Penalties**
30 **for failure to pay fee. --** (a) Every person holding a license authorizing him or her to practice
31 acupuncture or to serve as an acupuncture assistant in this state shall record his or her license with
32 the city or town hall in the city or town where his or her office and residence are located. Every
33 licensee upon a change of residence or office shall have his or her certificate recorded in the same
34 manner in the municipality to which he or she has changed.

1 (b) Every license shall be displayed in the office, place of business, or place of
2 employment of the license holder.

3 (c) Every person holding a license shall pay to the department on or before February 1 of
4 each year, the annual registration fee required pursuant to ~~subsection (e) of this section~~
5 [department rules and regulation](#). If the holder of a license fails to pay the registration fee his or
6 her license shall be suspended. The license may be reinstated by payment of the required fee
7 within ninety (90) days after February 1.

8 (d) A license which is suspended for more than three (3) months under the provisions of
9 subsection (c) of this section may be canceled by the board after thirty (30) days notice to the
10 holder of the license.

11 SECTION 14. Section 5-39.1-9 of the General Laws in Chapter 5-39.1 entitled "License
12 Procedure for Social Workers" is hereby amended to read as follows:

13 **5-39.1-9. Fees and renewal.** --The initial fee for application for licensure ~~is one hundred~~
14 ~~and seventy dollars (\$170). Licenses shall be renewed~~ [and the renewal fee](#) every twenty-four (24)
15 months after initial licensure ~~upon payment of a fee of one hundred and seventy dollars (\$170)~~
16 [shall be as set forth in § 23-1-54. Renewal shall be approved upon payment of the fee](#) and in
17 compliance with any additional requirements that the board promulgates.

18 SECTION 15. Sections 5-40-8, 5-40-8.1, and 5-40-10 of the General Laws in Chapter 5-
19 40 entitled "Physical Therapists" are hereby amended to read as follows:

20 **5-40-8. Application fee for physical therapists.** -- When an application is submitted to
21 the division of professional regulation for a license to practice physical therapy in Rhode Island
22 pursuant to this chapter, either by endorsement or by examination, the applicant shall pay a fee ~~of~~
23 ~~one hundred and seventy dollars (\$170)~~ [as set forth in § 23-1-54](#) to the state department of health.

24 **5-40-8.1. Application fee for physical therapists assistants.** -- When an application is
25 submitted to the department for a license to practice physical therapy in Rhode Island pursuant to
26 this chapter, either by endorsement or by examination, the applicant shall pay a fee ~~of one~~
27 ~~hundred and thirty dollars (\$130)~~ [as set forth in § 23-1-54](#) to the general treasurer of the state of
28 Rhode Island.

29 **5-40-10. Continuing education requirements and expiration and renewal of licenses.**

30 -- (a) The certificate of every person licensed under the provisions of this chapter shall expire on
31 the first day of May of the next even year following the date of original licensure. On or before
32 the first day of March of each year, the department shall mail an application for renewal of
33 license to every person to whom a license has been issued or renewed during the current licensure
34 period. Every licensed person who desires to renew his or her license shall provide satisfactory

1 evidence to the department that in the preceding two (2) years the practitioner has completed the
2 twenty-four (24) required continuing education hours as established by the department through
3 rules and regulations and shall file with department a renewal application executed together with
4 a renewal fee ~~of ninety dollars (\$90.00) for physical therapists and seventy dollars (\$70.00) for~~
5 ~~physical therapist assistants~~ [as set forth in § 23-1-54](#) on or before the thirty-first day of March of
6 each even year. The department may extend for only one six (6) month period these educational
7 requirements if the department is satisfied that the applicant has suffered hardship, which
8 prevented meeting the educational requirement.

9 (b) Upon receipt of the renewal application, and payment of the renewal fee, the accuracy
10 of the application shall be verified and the department shall grant a renewal license effective the
11 second day of May, and expiring on the first day of May of the next even year.

12 (c) Any person who allows his or her license to lapse by failing to renew it on or before
13 the thirty-first day of March of the next even year, as provided in this section, may be reinstated
14 by the department on payment of the current renewal fee plus an additional fee ~~of forty dollars~~
15 ~~(\$40.00)~~ [as set forth in § 23-1-54](#).

16 (d) Any person using the title "physical therapist" or "physical therapist assistant" during
17 the time that his or her license has lapsed is subject to the penalties provided for violations in this
18 chapter.

19 SECTION 16. Sections 5-40.1-12 and 5-40.1-13 of the General Laws in Chapter 5-40.1
20 entitled "Occupational Therapy" are hereby amended to read as follows:

21 **5-40.1-12. Renewal of licenses - Inactive status. --** (a) Upon the recommendation of the
22 board, the director shall issue to applicants who have satisfactorily met the licensure requirements
23 of this chapter, a license to practice occupational therapy in this state. The license, unless sooner
24 suspended or revoked, shall expire on the thirty-first (31st) day of March, of each even year
25 (biennially).

26 (1) On or before the first (1st) day of March of each even year, the administrator of the
27 division shall mail an application for renewal of license to every individual to whom a license has
28 been issued or renewed during the current licensure period.

29 (2) Every licensed individual who desires to renew his or her license shall file with the
30 division a renewal application executed together with the evidence of continuing education
31 requirements as delineated in subdivision (3) of this subsection and the renewal fee ~~of ninety~~
32 ~~dollars (\$90.00)~~ [as set forth in § 23-1-54](#) made payable by check to the general treasurer, state of
33 Rhode Island, on or before the thirty-first (31st) day of March of each even year.

34 (3) On application for renewal of license, occupational therapists and occupational

1 therapy assistants must show proof of participation in twenty (20) hours biennially in
2 presentations, clinical instruction, publications, research, in-service programs, American
3 Occupational Therapy Association-recognized conferences, university course, and/or self-study
4 courses.

5 (4) Upon receipt of a renewal application and payment of fee, the director shall, upon the
6 recommendation of the board, grant a renewal license effective the thirty-first (31st) day of
7 March for a period of two (2) years, unless sooner suspended or revoked.

8 (5) Any individual who allows his or her license to lapse by failing to renew it on or
9 before the thirty-first (31st) day of March of the next even year as provided in subdivisions (1),
10 (2) and (3) of this subsection, may be reinstated by the director upon receiving a receipt from the
11 division for payment of the current renewal fee plus an additional ~~forty dollars (\$40.00)~~ [fee as set
12 forth in § 23-1-54](#) made payable by check to the general treasurer, state of Rhode Island.

13 (6) An individual using the title "occupational therapist" or "occupational therapy
14 assistant" during the time his or her license has lapsed is subject to the penalties provided for
15 violation of those regulations and this chapter.

16 (b) An individual licensed as an occupational therapist or occupational therapy assistant
17 in this state who does not intend to engage in the practice of occupational therapy within this state
18 during any year, may upon request to the division, have his or her name transferred to an inactive
19 status and shall not be required to register biennially or pay any fee as long as he or she remains
20 inactive. Any individual whose name has been transferred to an inactive status pursuant to this
21 section, may be restored to active status to practice occupational therapy without a penalty fee,
22 upon the filing of an application for licensure renewal, the licensure renewal fee ~~of ninety dollars
23 (\$90.00)~~ [as set forth in § 23-1-54](#) made payable by check to the general treasurer of the state of
24 Rhode Island, and any other information that may be requested by the division.

25 **5-40.1-13. Fees. --** When an application is submitted to the division of professional
26 regulation for a license to practice occupational therapy in Rhode Island, the applicant shall pay a
27 non-refundable fee ~~of ninety dollars (\$90.00)~~ to the general treasurer. A licensee shall submit a
28 biennial renewal fee ~~of ninety dollars (\$90.00)~~ with a renewal application on or before the thirty-
29 first (31st) day of March of each even year pursuant to the requirements of § 5-40.1-12(a)(2), and
30 any person who allows his or her license to lapse by failing to renew it in the prescribed manner
31 shall pay an additional fee ~~of forty dollars (\$40.00)~~ as referred to in § 5-40.1-12(a)(5). [All fees
32 required by this section shall be as set forth in § 23-1-54.](#)

33 SECTION 17. Sections 5-44-12, 5-44-13, and 5-44-15 of the General Laws in Chapter 5-
34 44 entitled "Psychologists" are hereby amended to read as follows:

1 **5-44-12. Application fee.** -- The applicant applying for licensure as a psychologist shall
2 pay a fee of ~~two hundred and fifty dollars (\$250)~~ [as set forth in § 23-1-54](#) to the department.

3 **5-44-13. Temporary license.** -- (a) Pursuant to §§ 5-44-6 and 5-44-23(e) of this chapter
4 and rules and regulations promulgated hereunder, a temporary permit to practice psychology
5 under supervision may be granted to a candidate for licensure who has paid the required fee of
6 ~~ninety dollars (\$90.00)~~ [as set forth in § 23-1-54](#) and has satisfied the following requirements:

7 (1) Filed an application for licensure with all required supporting materials;

8 (2) Has received a doctoral degree in accordance with §5-44-10, and successfully
9 completed a national examination approved by the board;

10 (3) Shall only practice under the appropriate supervision of a licensed psychologist as
11 delineated in the rules and regulations promulgated hereunder;

12 (4) Shall refrain from using the title "psychologist" or representing himself or herself as a
13 psychologist other than by using the title "psychology student", "psychology trainee" or
14 "psychology intern"; and

15 (5) The temporary permit shall be valid for a period of two (2) years from the date of
16 issuance.

17 (b) Temporary permit holders may request from the board a one year extension. Such an
18 extension may be granted at the discretion of the board upon review of the applicant's
19 circumstances. This extension shall only be granted once.

20 **5-44-15. Expiration and renewal of licenses – Continuing education – Lapsed**
21 **license.** -- (a) The license of every person licensed under the provisions of this chapter shall
22 expire on the first day of July of the next even-numbered year following the issuance of his or her
23 license.

24 (b) On or before the first day of May of each even-numbered year, the department shall
25 mail an application for renewal of license to every person to whom a license has been issued or
26 renewed during the cycle.

27 (c) Every licensed person who desires to renew his or her license shall file with the
28 department a renewal application, executed, together with a renewal fee of ~~three hundred and~~
29 ~~forty dollars (\$340)~~ [as set forth in § 23-1-54](#), on or before the first day of June in each even-
30 numbered year. Upon receipt of a renewal application and payment of the renewal fee, the
31 accuracy of the application shall be verified and the department may grant a renewal license
32 effective July 1st and expiring the June 30th in each even-numbered year.

33 (d) Every licensed psychologist who desires to continue licensure as a licensed
34 psychologist shall present satisfactory evidence to the board and approved by rule or regulation of

1 the board that the licensed psychologist has completed a prescribed course of continuing licensed
2 psychological education.

3 (e) Any person who allows his or her license to lapse, by failing to renew it on or before
4 June 1st in each even-numbered year, as provided in this section, may be reinstated by the
5 department on payment of the current renewal fee, plus an additional fee ~~of forty dollars (\$40.00)~~
6 [as set forth in § 23-1-54](#). Any person using the title "psychologist" or offering services defined as
7 the practice of psychology under this chapter during the time his or her license has lapsed is
8 subject to the penalties provided for violation of this chapter.

9 SECTION 18. Section 5-45-10 of the General Laws in Chapter 5-45 entitled "Nursing
10 Home Administrators" is hereby amended to read as follows:

11 **5-45-10. Renewal of licenses - Continuing education.** -- (a) Every holder of a nursing
12 home administrator's license shall renew it every two (2) years by applying to the department on
13 forms provided by that agency.

14 (b) Each renewal application shall be accompanied by the fee ~~of two hundred dollars~~
15 ~~(\$200)~~ [as set forth in § 23-1-54](#).

16 (c) Beginning January 1, 1996, proof of satisfactory completion of a minimum of forty
17 (40) clock hours of continuing education every two (2) years must be submitted with the renewal
18 application.

19 (d) Renewals shall be granted as a matter of course, unless the agency finds the applicant
20 has acted or failed to act in a manner or under circumstances that would constitute grounds for
21 suspension or revocation of a license.

22 SECTION 19. Sections 5-48-1 and 5-48-9 of the General Laws in Chapter 5-48 entitled
23 "Speech Pathology and Audiology" are hereby amended to read as follows:

24 **5-48-1. Purpose and legislative intent – Definitions.** -- (a) It is declared to be a policy
25 of this state that the practice of speech language pathology and audiology is a privilege granted to
26 qualified persons and that, in order to safeguard the public health, safety, and welfare, protect the
27 public from being misled by incompetent, unscrupulous, and unauthorized persons, and protect
28 the public from unprofessional conduct by qualified speech language pathologists and
29 audiologists, it is necessary to provide regulatory authority over persons offering speech language
30 pathology and audiology services to the public.

31 (b) The following words and terms when used in this chapter have the following meaning
32 unless otherwise indicated within the context:

33 (1) "Audiologist" means an individual licensed by the board to practice audiology.

34 (2) "Audiology" means the application of principles, methods, and procedures related to

1 hearing and the disorders of the hearing and balance systems, to related language and speech
2 disorders, and to aberrant behavior related to hearing loss. A hearing disorder in an individual is
3 defined as altered sensitivity, acuity, function, processing, and/or damage to the integrity of the
4 physiological auditory/vestibular systems.

5 (3) "Audiology support personnel" means individuals who meets minimum
6 qualifications, established by the board, which are less than those established by this chapter as
7 necessary for licensing as an audiologist, who do not act independently, and who work under the
8 direction and supervision of an audiologist licensed under this chapter who has been actively
9 working in the field for twenty-four (24) months after completion of the postgraduate
10 professional experience and who accepts the responsibility for the acts and performances of the
11 audiology assistant while working under this chapter.

12 (4) "Board" means the state board of examiners for speech language pathology and
13 audiology.

14 (5) "Clinical fellow" means the person who is practicing speech language pathology
15 under the supervision of a licensed speech language pathologist while completing the
16 postgraduate professional experience as required by this chapter.

17 (6) "Department" means the Rhode Island department of health.

18 (7) "Director" means the director of the Rhode Island department of health.

19 (8) "Person" means an individual, partnership, organization, or corporation, except that
20 only individuals can be licensed under this chapter.

21 (9) "Practice of audiology" means rendering or offering to render any service in
22 audiology, including prevention, screening, and identification, evaluation, habilitation,
23 rehabilitation; participating in environmental and occupational hearing conservation programs,
24 and habilitation and rehabilitation programs including hearing aid and assistive listening device
25 evaluation, prescription, preparation, dispensing, and/or selling and orientation; auditory training
26 and speech reading; conducting and interpreting tests of vestibular function and nystagmus;
27 conducting and interpreting electrophysiological measures of the auditory pathway; cerumen
28 management; evaluating sound environment and equipment; calibrating instruments used in
29 testing and supplementing auditory function; and planning, directing, conducting or supervising
30 programs that render or offer to render any service in audiology.

31 (ii) The practice of audiology may include speech and/or language screening to a pass or
32 fail determination, for the purpose of initial identification of individuals with other disorders of
33 communication.

34 (iii) A practice is deemed to be the "practice of audiology" if services are offered under

1 any title incorporating such word as "audiology", "audiologist", "audiometry", "audiometrist",
2 "audiological", "audiometrics", "hearing therapy", "hearing therapist", "hearing clinic", "hearing
3 clinician", "hearing conservation", "hearing conservationist", "hearing center", "hearing aid
4 audiologist", or any similar title or description of services.

5 (10) "Practice of speech language pathology" means rendering or offering to render any
6 service in speech language pathology including prevention, identification, evaluation,
7 consultation, habilitation, rehabilitation; determining the need for augmentative communication
8 systems, dispensing and selling these systems, and providing training in the use of these systems;
9 and planning, directing, conducting, or supervising programs that render or offer to render any
10 service in speech language pathology.

11 (ii) The practice of speech language pathology may include nondiagnostic pure tone air
12 conduction screening, screening tympanometry, and acoustic reflex screening, limited to a pass or
13 fail determination, for the purpose of performing a speech and language evaluation or for the
14 initial identification of individuals with other disorders of communication.

15 (iii) The practice of speech language pathology also may include aural rehabilitation,
16 which is defined as services and procedures for facilitating adequate receptive and expressive
17 communication in individuals with hearing impairment.

18 (iv) A practice is deemed to be the "practice of speech language pathology" if services are
19 offered under any title incorporating such words as "speech pathology", "speech pathologist",
20 "speech therapy", "speech therapist", "speech correction", "speech correctionist", "speech clinic",
21 "speech clinician", "language pathology", "language pathologist", "voice therapy", "voice
22 therapist", "voice pathology", "voice pathologist", "logopedics", "logopedist", "communicology",
23 "communicologist", "aphasiology", "aphasiologist", "phoniatriest", or any similar title or
24 description of services.

25 (11) "Regionally accredited" means the official guarantee that a college or university or
26 other educational institution is in conformity with the standards of education prescribed by a
27 regional accrediting commission recognized by the United States Secretary of Education.

28 (12) "Speech language pathologist" means an individual who is licensed by the board to
29 practice speech language pathology.

30 (13) "Speech language pathology" means the application of principles, methods, and
31 procedures for prevention, identification, evaluation, consultation, habilitation, rehabilitation,
32 instruction, and research related to the development and disorders of human communication.
33 Disorders are defined to include any and all conditions, whether of organic or non-organic origin,
34 that impede the normal process of human communication in individuals or groups of individuals

1 who have or are suspected of having these conditions, including, but not limited to, disorders and
2 related disorders of:

3 (i) Speech: articulation, fluency, voice, (including respiration, phonation and resonance);

4 (ii) Language (involving the parameters of phonology, morphology, syntax, semantics
5 and pragmatics; and including disorders of receptive and expressive communication in oral,
6 written, graphic, and manual modalities);

7 (iii) Oral, pharyngeal, laryngeal, cervical esophageal, and related functions (e.g.,
8 dysphasia, including disorders of swallowing and oral function for feeding; oro-facial
9 myofunctional disorders);

10 (iv) Cognitive aspects of communication (including communication disability and other
11 functional disabilities associated with cognitive impairment); and

12 (v) Social aspects of communication (including challenging behavior, ineffective social
13 skills, lack of communication opportunities).

14 (14) "Speech language support personnel" means individuals who meet minimum
15 qualifications established by the board, which are less than those established by this chapter as
16 necessary for licensing as a speech language pathologist, who do not act independently, and who
17 work under the direction and supervision of a speech language pathologist licensed under this
18 chapter who has been actively working in the field for twenty-four (24) months after completion
19 of the postgraduate professional experience and who accepts the responsibility for the acts and
20 performances of the speech language pathology assistant while working under this chapter.
21 Speech language support personnel shall be registered with the board within thirty (30) days of
22 beginning work, or the supervising speech language pathologist will be assessed a late filing fee
23 ~~of seventy dollars (\$70.00)~~ [as set forth in § 23-1-54](#).

24 **5-48-9. Fees -- Late filing -- Inactive status.** -- Filing fees for support personnel
25 registration. - (a) The board may charge an application fee ~~of fifty dollars (\$50.00)~~; a biennial
26 license renewal fee ~~of ninety dollars (\$90.00)~~ payable before July 1 of even years (biennially); or
27 a provisional license renewal fee ~~of fifty dollars (\$50.00)~~ [as set forth in § 23-1-54](#) payable
28 annually from the date of issue.

29 (b) Any person who allows his or her license to lapse by failing to renew it on or before
30 the thirtieth (30th) day of June of even years (biennially), may be reinstated by the board on
31 payment of the current renewal fee plus an additional late filing fee ~~of forty dollars (\$40.00)~~ [as set](#)
32 [forth in § 23-1-54](#).

33 (c) An individual licensed as a speech language pathologist and/or audiologist in this
34 state, not in the active practice of speech-language pathology or audiology within this state during

1 any year, may upon request to the board, have his or her name transferred to an inactive status
2 and shall not be required to register biennially or pay any fee as long as he or she remains
3 inactive. Inactive status may be maintained for no longer than two (2) consecutive licensing
4 periods, after which period licensure shall be terminated and reapplication to the board shall be
5 required to resume practice.

6 (d) Any individual whose name has been transferred to an inactive status may be restored
7 to active status within two (2) licensing periods without a penalty fee, upon the filing of:

8 (1) An application for licensure renewal, with a licensure renewal fee ~~of ninety dollars~~
9 ~~(\$90.00)~~ [as set forth in § 23-1-54](#) made payable by check to the general treasurer of the state of
10 Rhode Island; and

11 (2) Any other information that the board may request.

12 (e) Audiology and speech language pathology support personnel shall be registered with
13 the board within thirty (30) days of beginning work, or the supervising audiologist or speech
14 language pathologist shall be assessed a late filing fee ~~of fifty dollars (\$50.00)~~ [as set forth in § 23-](#)
15 [1-54](#) .

16 SECTION 20. Sections 5-49-6, 5-49-8, and 5-49-11 of the General Laws in Chapter 5-49
17 entitled “Hearing Aid Dealers and Fitters” are hereby amended to read as follows:

18 **5-49-6. Issuance of licenses and certificates of endorsement. --** (a) The department
19 shall register each applicant without discrimination who passes an examination as provided in §
20 5-49-7. Upon the applicant's payment ~~of twenty five dollars (\$25.00)~~ [as set forth in § 23-1-54](#) per
21 annum for each year of the term of license, the department shall issue to the applicant a license
22 signed by the department. The total fee for the entire term of licensure shall be paid prior to the
23 issuance of the license.

24 (b) Whenever the board determines that another state or jurisdiction has requirements
25 equivalent to or higher than those in effect pursuant to this chapter, and that this state or
26 jurisdiction has a program equivalent to or stricter than the program for determining whether
27 applicants pursuant to this chapter are qualified to dispense and fit hearing aids, the department
28 may issue certificates of endorsement to applicants who hold current, unsuspended, and
29 unrevoked certificates or licenses to fit and sell hearing aids in that other state or jurisdiction.

30 (c) No applicant for certificate of endorsement shall be required to submit to or undergo a
31 qualifying examination, etc., other than the payment of fees, ~~pursuant to § 5-49-11~~ [as set forth in](#)
32 [§ 23-1-54](#).

33 (d) The holder of a certificate of endorsement shall be registered in the same manner as a
34 licensee. The fee for an initial certificate of endorsement shall be the same as the fee for an initial

1 license. Fees, grounds for renewal, and procedures for the suspension and revocation of
2 certificates of endorsement shall be the same as for renewal, suspension, and revocation of a
3 license.

4 **5-49-8. Temporary permits. --** (a) An applicant who fulfills the requirements regarding
5 age, character, education, and health as provided in § 5-49-7, may obtain a temporary permit
6 upon application to the department. Previous experience or a waiting period shall not be required
7 to obtain a temporary permit.

8 (b) Upon receiving an application as provided under this section, and accompanied by a
9 fee of ~~twenty five dollars (\$25.00)~~ [as set forth in § 23-1-54](#), the department shall issue a
10 temporary permit which entitles the applicant to engage in the fitting and sale of hearing aids for
11 a period of one year.

12 (c) A person holding a valid hearing aid dealer's and fitter's license is responsible for the
13 supervision and training of that applicant and maintain adequate personal contact.

14 (d) If a person who holds a temporary permit under this section has not successfully
15 passed the licensing examination within one year from the date of issuance of the permit, the
16 temporary permit may be renewed or reissued once upon payment of a ~~twenty five dollar~~
17 ~~(\$25.00)~~ fee [as set forth in § 23-1-54](#).

18 **5-49-11. Duration of license – Renewal of license – Fees – Effect of failure to renew. -**
19 **-** (a) The department shall promulgate rules and regulations mandating the term of license for
20 each category of license issued pursuant to this chapter. No license shall remain in force for a
21 period in excess of two (2) years.

22 (1) Each person who engages in the fitting and sale of hearing aids shall pay to the
23 department a fee, ~~assessed at thirty one dollars and twenty five cents (\$31.25)~~ [as set forth in § 23-](#)
24 [1-54](#) per annum for each year of the term of license, for a renewal of his or her license.

25 (2) The renewal certificate shall be conspicuously posted in his or her office or place of
26 business at all times.

27 (3) Where more than one office is operated by the licensee, duplicate certificates shall be
28 issued by the department for posting in each location.

29 (b) A thirty (30) day grace period shall be allowed during which time licenses may be
30 renewed on payment of a fee to the department of ~~twenty five dollars (\$25.00)~~ [as set forth in §](#)
31 [23-1-54](#) per annum for each year of the term of renewal.

32 (c) After expiration of the grace period, the department may renew those certificates upon
33 payment to the department of ~~twenty five dollars (\$25.00)~~ [a fee as set forth in § 23-1-54](#) per
34 annum for each year of the term of renewal.

1 (d) The total fee for the entire term of license or renewal shall be paid prior to the
2 issuance of the license.

3 (e) No person who applies for renewal, whose license has expired, shall be required to
4 submit to any examination as a condition to renewal; provided, that the renewal application is
5 made within two (2) years from the date of that expiration.

6 SECTION 21. Sections 5-54-9 and 5-54-11 of the General Laws in Chapter 5-54 entitled
7 “Physician Assistants” are hereby amended to read as follows:

8 **5-54-9. Criteria for licensure as a physician assistant. --** The board shall recommend to
9 the director for licensure as a physician assistant an applicant who:

10 (1) Is of good character and reputation;

11 (2) Graduated from a physician assistant training program certified by the AMA's
12 Committee on Allied Health, Education, and Accreditation, its successor, the Commission on
13 Accreditation of Allied Health Education Programs (CAAHEP) or its successor.

14 (3) Passed a certifying examination approved by the National Commission on
15 Certification of Physician Assistants or any other national certifying exam approved by the board.

16 (4) Submitted a completed application together with the required fee ~~of ninety dollars~~
17 ~~(\$90.00)~~ [as set forth in § 23-1-54.](#)

18 **5-54-11. Issuance and annual renewal of certificates of licensure. --** (a) The board
19 shall recommend to the director for registration those individuals who meet the criteria for
20 licensure as stated in this chapter. Upon that recommendation, the director shall issue a certificate
21 of licensure as a physician assistant.

22 (b) The certificate of licensure shall expire biannually on the thirtieth (30th) day of June.
23 On or before the first day of March in each year, the administrator shall mail an application for a
24 renewal certificate to every person licensed under the provisions of this chapter, and every person
25 who desires his or her certificate to be renewed shall file with the division the renewal application
26 together with a renewal fee ~~of one hundred and seventy dollars (\$170)~~ [as set forth in § 23-1-54](#) on
27 or before the first day of June in every other year. Upon receipt of the renewal application and
28 payment of fee, the accuracy of the application shall be verified and the administrator shall grant
29 a renewal certificate effective July 1st and expiring June 30th two years hence, unless the
30 certificate is sooner suspended for cause as provided in § 5-54-12.

31 SECTION 22. Sections 5-59.1-5 and 5-59.1-12 of the General Laws in Chapter 5-59.1
32 entitled “Rhode Island Orthotics and Prosthetics Practice” are hereby amended to read as follows:

33 **5-59.1-5. Application for orthotic or prosthetic license. --** Any person who desires to
34 be licensed as set forth in § 5-59.1-4 shall in writing submit an application on forms provided by

1 the department for a license accompanied by a fee ~~of three hundred and thirty dollars (\$330)~~ [as](#)
2 [set forth in § 23-1-54](#) with all other credentials that the department requires and as required by
3 this chapter. All the proceeds of any fees collected pursuant to the provisions of this chapter shall
4 be deposited as general revenues.

5 **5-59.1-12. Relicensing - Renewal.** -- Every holder of a license issued under this chapter
6 shall biannually attest to the department as to current certification issued by the American Board
7 of Certification in Orthotics and Prosthetics or the Board for Orthotists/Prosthetist Certification.
8 All licenses issued under this chapter shall expire biannually on the last day of September of
9 every odd numbered year. A biennial renewal fee ~~of one hundred and seventy dollars (\$170)~~ [as](#)
10 [set forth in § 23-1-54](#) shall be required. Every orthotist and prosthetist shall conform to the
11 standards of the American Board for Certification in Orthotics and Prosthetics or Board for
12 Orthotists/Prosthetists Certification.

13 SECTION 23. Section 5-60-11 of the General Laws in Chapter 5-60 entitled “Athletic
14 Trainers” is hereby amended to read as follows:

15 **5-60-11. Fees.** -- ~~The fees for applicants~~ [Applicants](#) for athletic trainer licenses ~~are:~~

16 (1) ~~An athletic trainer~~ [shall pay a](#) license fee, ~~of sixty two dollars and fifty cents (\$62.50);~~
17 ~~and~~

18 (2) ~~An athletic trainer~~ [and, if applicable, a](#) biennial license renewal fee ~~of sixty two~~
19 ~~dollars and fifty cents (\$62.50)~~ [as set forth in § 23-1-54](#). Any person allowing their license to
20 lapse shall pay a ~~twenty five dollar (\$25.00)~~ late fee [as set forth in § 23-1-54](#).

21 SECTION 24. Sections 5-63.2-16 and 5-63.2-17 of the General Laws in Chapter 5-63.2
22 entitled “Mental Health Counselors and Marriage and Family Therapists” are hereby amended to
23 read as follows:

24 **5-63.2-16. Application fee.** -- The applicant applying for licensure as a clinical mental
25 health counselor or marriage and family therapist shall pay ~~an~~ [a non refundable](#) application fee ~~of~~
26 ~~four hundred and sixty dollars (\$460)~~ and the fee shall be in no case returned. Applicants
27 requiring reexamination shall submit a fee of four hundred and sixty dollars (\$460) [and, when](#)
28 [applicable, a reexamination fee](#) for each reexamination. [Both fees required by this section are set](#)
29 [forth in § 23-1-54.](#)

30 **5-63.2-17. Expiration and renewal of license.** -- (a) Every clinical mental health
31 counselor and marriage and family therapist who desires to continue licensure as a licensed
32 clinical mental health counselor and licensed marriage and family therapist shall present
33 satisfactory evidence to the board and approved by rule or regulation of the board that the
34 licensed clinical mental health counselor and licensed marriage and family therapist has

1 completed a prescribed course of continuing education. The license of every person licensed
2 under the provisions of this chapter shall expire on the first day of July of the next even year
3 following the date of his or her license; provided, that no license shall expire prior to July 1,
4 1998. On or before the first day of May in each even year, commencing in the year 1998, the
5 administrator shall mail an application for renewal of license to every person to whom a license is
6 issued or renewed during the current year, and every licensed person who desires to renew his or
7 her license files with the division the renewal application executed. This application shall include
8 verification of prescribed continuing education requirements, together with ~~three hundred and~~
9 ~~thirty dollars (\$330)~~ [a renewal fee as set forth in § 23-1-54](#) on or before the first day of June in
10 each even year. Upon receipt of the application and payment of the fee, the accuracy of the
11 application shall be verified and the administrator of professional regulation shall grant a renewal
12 license effective July 1st and expiring twenty-four (24) months later.

13 (b) Any person who allows his or her license to lapse, by failing to renew it on or before
14 June 1st in each year, as provided in this section, shall be reinstated by the administrator of
15 professional regulation on payment of the current renewal fee plus an additional fee ~~of seventy~~
16 ~~dollars (\$70.00)~~ [as set forth in § 23-1-54](#); and verification of prescribed continuing education
17 requirements. Any person using the title "clinical mental health counselor" and/or "marriage and
18 family therapist" during the time his or her license has lapsed shall be subject to the penalties
19 provided for violation of this chapter; provided, that if a person has allowed his or her licensure to
20 lapse for four (4) years or more, he or she shall be reinstated at the discretion of the board.

21 **SECTION 25.** Sections 5-64-6 and 5-64-8 of the General Laws in Chapter 5-64 entitled
22 "The Licensed Dietician" are hereby amended to read as follows:

23 **5-64-6. Applicant qualifications - Permit applications - Fees - Exemptions. --** (a)

24 When filing an application for a license the applicant must present evidence of:

25 (1) Completion of a baccalaureate or post-baccalaureate degree with a program in
26 nutrition or dietetics; and

27 (2) Completion of a board approved, planned, continuous experience in dietetic practice
28 of not less than nine hundred (900) hours under the supervision of a registered dietitian or
29 dietitian/nutritionist licensed in the state; and

30 (3) Passing an examination.

31 (b) Each application shall be accompanied by a fee ~~of ninety dollars (\$90.00)~~ [as set forth](#)
32 [in § 23-1-54](#).

33 **5-64-8. Fees. --** Licenses shall be valid for two (2) years and must be renewed biennially;
34 the renewal fee is ~~one hundred and seventy dollars (\$170)~~ [as set forth in § 23-1-54](#). Application

1 for renewal of a certificate, which has expired, requires the payment of a re-registration fee of one
2 hundred and seventy dollars (\$170) [as set forth in § 23-1-54](#).

3 SECTION 26. Section 5-68.1-10 of the General Laws in Chapter 5-68.1 entitled
4 “Radiologic Technologists” is hereby amended to read as follows:

5 **5-68.1-10. Fees. --** (a) The director, in consultation with the board, shall establish an
6 initial application fee ~~that shall not exceed one hundred seventy dollars (\$170)~~ [as set forth in §](#)
7 [23-1-54](#) and a license renewal fee that shall be prescribed in rules and regulations promulgated
8 pursuant to § 5-68.1-15.

9 (b) The proceeds of any fees collected pursuant to the provisions of this chapter shall be
10 deposited in the general fund as general revenues.

11 SECTION 27. Sections 5-69-9 and 5-69-14 of the General Laws in Chapter 5-69 entitled
12 “License Procedure for Chemical Dependency Professionals” are hereby amended to read as
13 follows:

14 **5-69-9. Fees and renewal. --** The non-refundable application fee for licensure shall be
15 ~~fifty dollars (\$50.00)~~ [as set forth in § 23-1-54](#). Licenses shall be renewed every two (2) years on
16 October first of even numbered years upon payment of a fee ~~of fifty (\$50.00) dollars~~ [as set forth](#)
17 [in § 23-1-54](#), compliance with ICRC/AODA member board requirements, and compliance with
18 any additional requirements that the licensing board may promulgate. The requirements may
19 include the establishment of standards for continuing education.

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

24 SECTION 28. Section 5-71-8 of the General Laws in Chapter 5-71 entitled “Interpreters
25 for the Deaf” is hereby amended to read as follows:

26 **5-71-8. Qualifications of applicants for licenses. --** (a) To be eligible for licensure by
27 the board as an interpreter for the deaf or transliterator for the deaf, or educational interpreter for
28 the deaf, the applicant must submit written evidence on forms furnished by the department,
29 verified by oath, that the applicant meets all of the following requirements:

30 (1) Is of good moral character;

31 (2) Meets the certification or screened requirements as defined in regulations
32 promulgated by the department; and

33 (3) Pays the department a license fee, ~~that does not exceed fifty dollars (\$50.00)~~ [as set](#)
34 [forth in § 23-1-54](#).

1 (b) To be eligible for licensure by the board as an educational interpreter for the deaf, the
2 applicant must meet all of the requirements as described in subsection (a) and must further
3 present proof of successful completion of the educational interpreter performance assessment
4 (EIPA), written and performance tests, or a similar test as approved by the board, at a
5 performance level established by the board.

6 SECTION 29. Section 21-2-7 of the General Laws in Chapter 21-2 entitled "Milk
7 Sanitation Code" is hereby amended to read as follows:

8 **21-2-7. Permits.** -- (a) It shall be unlawful for any milk producer whose dairy farm is
9 located wholly or partly in this state to sell or to offer to sell milk or milk products or to have
10 milk stored for sale who does not possess at all times a Rhode Island producer's permit from the
11 director.

12 (b) It shall be unlawful for any milk hauler to transport any milk or milk products to any
13 milk plant in the state of Rhode Island or to transport any milk in this state destined for sale in
14 this state unless he or she shall at all times possess a Rhode Island milk hauler's permit from the
15 director.

16 (c) It shall be unlawful for any person to operate a milk plant in the state of Rhode Island
17 who does not possess a Rhode Island milk plant permit from the director with respect to each
18 plant located in Rhode Island.

19 (d) It shall be unlawful for any milk distributor to sell or offer to sell milk or milk
20 products, including raw milk cheese, within the state of Rhode Island unless he or she shall at all
21 times possess a milk distributor's permit from the director.

22 (e) It shall be unlawful for any milk hauler to transport any milk or milk products from
23 any point outside the state into the state of Rhode Island for sale or processing in this state or for
24 any milk plant located in Rhode Island to process any milk or milk products which come from
25 any point outside the state of Rhode Island or for any milk distributor to sell any milk or milk
26 products within this state which come from any point outside this state, unless:

27 (1) Every producer who produces any part of the milk or milk products shall have been
28 inspected and shall from time to time be inspected with the same minimum frequency, to the
29 same degree, and according to the same requirements as provided in this chapter or any
30 regulations promulgated under this chapter in the case of Rhode Island producers;

31 (2) Every vehicle in which the milk is transported to the plant where processed shall from
32 time to time be inspected with the same minimum frequency, to the same degree, and according
33 to the same requirements as provided in this chapter or any regulations promulgated pursuant to
34 this chapter in the case of Rhode Island milk hauler permittees; and

1 (3) The operator of each milk plant located outside the state of Rhode Island where any
2 part of the milk is processed at all times possesses an out-of-state milk plant permit from the
3 director.

4 (f) It shall be unlawful for any person located in the state of Rhode Island to sell or offer
5 for sale to any milk hauler or milk plant, or for any milk plant to pasteurize any raw milk for
6 pasteurization, any part of which shall be used for grade A pasteurized milk or for any grade A
7 milk product, unless the person at all times is in possession of a Rhode Island grade A producer's
8 permit.

9 (g) The fees for the [following](#) permits referred to in this section shall be ~~as follows~~ [as set](#)
10 [forth in § 23-1-54](#):

11 (1) In-state milk processors: ~~one hundred sixty dollars (\$160)~~;

12 (2) Out-of-state milk processors: ~~one hundred sixty dollars (\$160)~~; and

13 (3) Milk distributors: ~~one hundred sixty dollars (\$160)~~; .

14 ~~(4)~~(h) Milk producers and milk haulers shall be exempt from permit fees.

15 SECTION 30. Section 21-9-3 of the General Laws in Chapter 21-9 entitled "Frozen
16 Desserts" is hereby amended to read as follows:

17 **21-9-3. License fee. --** The annual ~~license fee~~ [fees for the following licenses](#) shall be as
18 follows [as set forth in § 23-1-54](#):

19 (1) Instate wholesale frozen dessert processors: ~~five hundred and fifty dollars (\$550)~~.;

20 (2) Out of state wholesale frozen dessert processors: ~~one hundred sixty dollars (\$160)~~;
21 [and](#)

22 (3) Retail frozen dessert processors: ~~one hundred sixty dollars (\$160)~~.

23 SECTION 31. Section 21-11-4 of the General Laws in Chapter 21-11 entitled "Meats" is
24 hereby amended to read as follows:

25 **21-11-4. Issuance and term of licenses - Suspension or revocation. --** The director of
26 health shall, upon receipt of application for a license to operate an establishment for any or all of
27 the purposes mentioned in § 21-11-3, cause that establishment to be inspected and, if it is found
28 to conform to the provisions of this chapter and the regulations adopted in accordance with this
29 chapter, shall issue a license upon receipt of a fee ~~of one hundred sixty dollars (\$160)~~ [as set forth](#)
30 [in § 23-1-54](#); provided, that the license fee shall be ~~forty dollars (\$40.00)~~ [at a reduced rate, as also](#)
31 [set forth in § 23-1-54](#), for any one establishment where: (1) the meat is sold only at retail, (2) no
32 slaughtering is performed, and (3) no more than one of the activities described in § 21-11-3 for
33 which a license is required is performed. In order to set the license renewal dates so that all
34 activities for each establishment can be combined on one license instead of on several licenses,

1 the department of health shall set the license renewal date. The license period shall be for twelve
2 (12) months, commencing on the license renewal date, and the license fee shall be at the full
3 annual rate regardless of the date of application or the date of issuance of license. If the license
4 renewal date is changed, the department may make an adjustment to the fees of licensed
5 establishments, not to exceed the annual license fee, in order to implement the change in license
6 renewal date. Applications for renewal of licenses, accompanied by the prescribed fee, shall be
7 submitted at least two (2) weeks before the renewal date. Licenses issued or renewed under this
8 section may be suspended or revoked for failure to comply with the provisions of this chapter or
9 the regulations adopted in accordance with this chapter.

10 SECTION 32. Section 21-14-2 of the General Laws in Chapter 21-14 entitled "Shellfish
11 Packing Houses" is hereby amended to read as follows:

12 **21-14-2. License for shellfish business.** -- No person shall conduct within this state any
13 shellfish business until that person shall have obtained a license from the department. The
14 director shall, upon receipt of application for a license to conduct a shellfish business, cause the
15 applicant's shellfish business facilities to be investigated and, if they are found to comply with the
16 provisions of this chapter and the regulations adopted in accordance with this chapter, shall issue
17 a license upon receipt of a fee ~~of three hundred twenty dollars (\$320)~~ for a shipper/reshipper or a
18 ~~fee of three hundred ninety dollars (\$390)~~ for a shucker packer/repacker [as set forth in § 23-1-54](#).
19 Any license issued shall apply only to those phases of the shellfish business that appear on the
20 license and are defined by the director in regulations he or she shall adopt in regard to licensing.
21 In order to set the license renewal dates so that all activities for each establishment can be
22 combined on one license instead of on several licenses, the department of health shall set the
23 license renewal date. The license period shall be for twelve (12) months, unless sooner suspended
24 or revoked for cause, commencing on the license renewal date, and the license fee shall be at the
25 full annual rate regardless of the date of application or the date of issuance of license. If the
26 license renewal date is changed, the department may make an adjustment to the fees of licensed
27 establishments, not to exceed the annual license fee, in order to implement the change in license
28 renewal date. Licenses issued pursuant to this section may be suspended or revoked for violation
29 of the provisions of this chapter or the regulations adopted in accordance with this chapter. The
30 director may, after a hearing, refuse to issue any shellfish business license to any person who has
31 been convicted of any violation of this chapter.

32 SECTION 33. Section 21-23-2 of the General Laws in Chapter 21-23 entitled
33 "Nonalcoholic Bottled Beverages, Drinks and Juices" is hereby amended to read as follows:

34 **21-23-2. Issuance and renewal of permits - Fee - Posting - Exempt cider.** -- Blank

1 forms of the application for permits shall be furnished by the department without cost. The fee for
2 the permit shall be ~~five hundred and fifty dollars (\$550) provided, that the~~ [as set forth in § 23-1-](#)
3 [54.](#) The fee for a permit to manufacture or bottle apple cider shall [also](#) be ~~sixty dollars (\$60.00)~~ [as](#)
4 [set forth in § 23-1-54.](#) In order to set the license renewal dates so that all activities for each
5 establishment can be combined on one license instead of on several licenses, the department of
6 health shall set the license renewal date. The license period shall be for twelve (12) months,
7 commencing on the license renewal date, and the license fee shall be at the full annual rate
8 regardless of the date of application or the date of issuance of license. If the license renewal date
9 is changed, the department may make an adjustment to the fees of licensed establishments, not to
10 exceed the annual license fee, in order to implement the change in license renewal date. Any
11 person applying for a permit to bottle or manufacture apple cider shall certify that he or she does
12 not manufacture or bottle any carbonated or nonalcoholic beverage, soda water, fruit juice, syrup,
13 bottled drinking water, either plain or carbonated, or any other so-called soft drink, other than
14 apple cider. The fee received by the department for "bottlers' permits" shall be turned over to the
15 general treasurer. All permits granted under this chapter shall be posted in a conspicuous place on
16 the premises of the bottler so that they may readily be seen by any person inspecting the
17 premises; provided that the fees so far as they relate to cider, shall not apply to any person who
18 manufactures and bottles during any one calendar year not exceeding five hundred (500) gallons
19 of cider.

20 SECTION 34. Sections 21-27-6.1, 21-27-10 and 21-27-11.2 of the General Laws in
21 Chapter 21-27 entitled "Sanitation in Food Establishments" are hereby amended to read as
22 follows:

23 **21-27-6.1. Farm home food manufacture.** --Notwithstanding the other provisions of
24 this chapter, the department of health shall permit farm home food manufacture and the sale of
25 the products of farm home food manufacture at farmers' markets, farmstands, and other markets
26 and stores operated by farmers for the purpose of the retail sale of the products of Rhode Island
27 farms, provided that the requirements of this section are met.

28 (1) The farm home food products shall be produced in a kitchen that is on the premises of
29 a farm and meets the standards for kitchens as provided for in minimum housing standards,
30 adopted pursuant to chapter 24.2 of title 45 and the Housing Maintenance and Occupancy Code,
31 adopted pursuant to chapter 24.3 of title 45, and in addition the kitchen shall:

32 (i) Be equipped at minimum with either a two (2) compartment sink or a dishwasher that
33 reaches one hundred fifty (150) degrees Fahrenheit after the final rinse and drying cycle and a one
34 compartment sink;

1 (ii) Have sufficient area or facilities, such as portable dish tubs and drain boards, for the
2 proper handling of soiled utensils prior to washing and of cleaned utensils after washing so as not
3 to interfere with safe food handling; equipment, utensils, and tableware shall be air dried;

4 (iii) Have drain boards and food preparation surfaces that shall be of a nonabsorbent,
5 corrosion resistant material such as stainless steel, formica or other chip resistant, nonpitted
6 surface;

7 (iv) Have self-closing doors for bathrooms that open directly into the kitchen;

8 (v) If farm is on private water supply it must be tested once per year.

9 (2) The farm home food products are prepared and produced ready for sale under the
10 following conditions:

11 (i) Pets are kept out of food preparation and food storage areas at all times;

12 (ii) Cooking facilities shall not be used for domestic food purposes while farm home food
13 products are being prepared;

14 (iii) Garbage is placed and stored in impervious covered receptacles before it is removed
15 from the kitchen, which removal shall be at least once each day that the kitchen is used for farm
16 home food manufacture;

17 (iv) Any laundry facilities which may be in the kitchen shall not be used during farm
18 home food manufacture;

19 (v) Recipe(s) for each farm home food product with all the ingredients and quantities
20 listed, and processing times and procedures, are maintained in the kitchen for review and
21 inspection;

22 (vi) List ingredients on product;

23 (vii) Label with farm name, address and telephone number.

24 (3) Farm home food manufacture shall be limited to the production of nonpotentially
25 hazardous food and foods that do not require refrigeration, including:

26 (i) Jams, jellies, preserves and acid foods, such as vinegars, that are prepared using fruits,
27 vegetables and/or herbs that have been grown locally;

28 (ii) Double crust pies that are made with fruit grown locally;

29 (iii) Yeast breads;

30 (iv) Maple syrup from the sap of trees on the farm or of trees within a twenty (20) mile
31 radius of the farm;

32 (v) Candies and fudges;

33 (vi) Dried herbs and spices.

34 (4) Each farm home kitchen shall be registered with the department of health and shall

1 require a notarized affidavit of compliance, in any form that the department may require, from the
2 owner of the farm that the requirements of this section have been met and the operation of the
3 kitchen shall be in conformity with the requirements of this section. A certificate of registration
4 shall be issued by the department upon the payment of a ~~sixty five dollar (\$65.00)~~ fee [as set forth](#)
5 [in § 23-1-54](#) and the submission of an affidavit of compliance. The certificate of registration shall
6 be valid for one year after the date of issuance; provided, however, that the certificate may be
7 revoked by the director at any time for noncompliance with the requirements of the section. The
8 certificate of registration, with a copy of the affidavit of compliance, shall be kept in the kitchen
9 where the farm home food manufacture takes place. The director of health shall have the
10 authority to develop and issue a standard form for the affidavit of compliance to be used by
11 persons applying for a certificate of registration; the form shall impose no requirements or
12 certifications beyond those set forth in this section and § 21-27-1(6). No certificates of
13 registration shall be issued by the department prior to September 1, 2002.

14 (5) Income from farm home food manufacture shall not be included in the calculation of
15 farm income for the purposes of obtaining an exemption from the sales and use tax pursuant to §
16 44-18-30(32), nor shall any equipment, utensils, or supplies acquired for the purpose of creating
17 or operating farm home food manufacture be exempt from the sales and use tax as provided for in
18 §44-18-30(32).

19 **21-27-10. Registration of food businesses.** -- (a) No person shall operate a food business
20 as defined in § 21-27-1(8) unless he or she annually registers the business with the state director
21 of health; provided, that food businesses conducted by nonprofit organizations, hospitals, public
22 institutions, farmers markets, roadside farmstands, or any municipality shall be exempt from
23 payment of any required fee.

24 (b) In order to set the registration renewal dates so that all activities for each
25 establishment can be combined on one registration instead of on several registrations, the
26 registration renewal date shall be set by the department of health. The registration period shall be
27 for twelve (12) months commencing on the registration renewal date, and the registration fee
28 shall be at the full annual rate regardless of the date of application or the date of issuance of
29 registration. If the registration renewal date is changed, the department may make an adjustment
30 to the fees of registered establishments, not to exceed the annual registration fee, in order to
31 implement the changes in registration renewal date. Registrations issued under this chapter may
32 be suspended or revoked for cause. Any registration or license shall be posted in a place
33 accessible and prominently visible to an agent of the director.

34 (c) Registration with the director of health shall be based upon satisfactory compliance

1 with all laws and regulations of the director applicable to the food business for which registration
2 is required.

3 (d) The director of health is authorized to adopt regulations necessary for the
4 implementation of this chapter.

5 (e) Classification ~~and fees~~ for registration shall be as follows:

6 (1) In state and out of state Food food processors that sell food in Rhode Island
7 (Wholesale) ~~\$280.00~~

8 (2) Food processors (Retail) ~~120.00~~

9 (3) Food service establishments:

10 (i) 50 seats or less ~~160.00~~

11 (ii) More than 50 seats ~~240.00~~

12 (iii) Mobile food service units ~~100.00~~

13 (iv) Industrial caterer or food vending machine commissary ~~280.00~~

14 (v) Cultural heritage educational facility ~~80.00~~

15 (4) Vending machine sites or location:

16 (i) Three (3) or less machines ~~50.00~~

17 (ii) Four (4) to ten (10) machines ~~100.00~~

18 (iii) Eleven (11) or more machines ~~120.00~~

19 (5) Retail markets:

20 (i) 1 to 2 cash registers ~~120.00~~

21 (ii) 3 to 5 cash registers ~~240.00~~

22 (iii) 6 or more cash registers ~~510.00~~

23 (6) Retail food peddler (meat, seafood, dairy, and frozen dessert products) ~~100.00~~

24 (7) Food warehouses ~~190.00~~

25 (f) In no instance where an individual food business has more than one activity eligible
26 under this chapter for state registration within a single location shall the business be required to
27 pay more than a single fee for the one highest classified activity listed in subsection (e) of this
28 section; provided, that where several separate but identically classified activities are located
29 within the same building and under the management and jurisdiction of one person, one fee shall
30 be required. In each of the instances in this subsection, each activity shall be separately registered.

31 (g) Fees for registration of the above classifications shall be as set forth in § 23-1-54.

32 **21-27-11.2. Application for certification. --** Any person who shall desire to be certified
33 in food safety shall submit in writing, on any forms as provided by the division, an application for
34 certification which shall be accompanied by an application fee ~~of fifty dollars (\$50.00)~~ as set

1 [forth in § 23-1-54](#) together with any other credentials that the rules and regulations and the
2 division may require.

3 SECTION 35. Section 23-1-39 of the General Laws in Chapter 23-1 entitled “Department
4 of Health” is hereby amended to read as follows:

5 **23-1-39. Tattooing and/or body piercing.** -- (a) The director shall promulgate rules and
6 regulations which provide minimum requirements to be met by any person performing tattooing
7 and/or body piercing upon any individual and for any establishment where tattooing and/or body
8 piercing is performed. These requirements shall include, but not be limited to, general sanitation
9 of premises wherein tattooing and/or body piercing is to be performed and sterilization of
10 instruments. These rules and regulations shall place emphasis on the prevention of disease,
11 specifically including, but not limited to, transmission of hepatitis B and/or human
12 immunodeficiency virus (HIV).

13 (b) In addition, these rules and regulations shall establish procedures for registration with
14 the department of health of all persons performing tattooing and/or body piercing, for registration
15 of any establishment where tattooing and/or body piercing is performed, for regular inspections of
16 premises where tattooing and/or body piercing is performed, for revocation of the registration of
17 any person or establishment deemed in violation of the rules and regulations promulgated under
18 this section. An annual registration fee in the amount ~~of ninety dollars (\$90.00)~~ [as set forth in §](#)
19 [23-1-54](#) shall be paid by any person or establishment registered to perform tattooing and/or body
20 piercing under this section. All fees shall be deposited by the department as general revenues.

21 (c) Body piercing of a minor is prohibited; provided, however, that body piercing will be
22 allowed if the minor is accompanied by his or her parent or guardian, and the parent or guardian
23 gives consent to the body piercing.

24 SECTION 36. Section 23-3-25 of the General Laws in Chapter 23-3 entitled “Vital
25 Records” is hereby amended to read as follows:

26 **23-3-25. Fees for copies and searches.** -- (a) The state registrar shall charge fees for
27 searches and copies as follows:

28 (1) For a search of two (2) consecutive calendar years under one name and for issuance of
29 a certified copy of a certificate of birth, fetal death, death, or marriage, or a certification of birth,
30 or a certification that the record cannot be found, [and each duplicate copy of a certificate or](#)
31 [certification issued at the same time](#) , the fee is ~~twenty dollars (\$20.00)~~. ~~For each duplicate copy~~
32 ~~of a certificate or certification issued at the same time, the fee is fifteen dollars (\$15.00)~~ [as set](#)
33 [forth in § 23-1-54.](#)

34 (2) For each additional calendar year search, if applied for at the same time or within

1 three (3) months of the original request and if proof of payment for the basic search is submitted,
2 the fee is ~~two dollars (\$2.00)~~ [as set forth in § 23-1-54](#).

3 (3) For providing expedited service, the additional handling fee is ~~seven dollars (\$7.00)~~
4 [as set forth in § 23-1-54](#).

5 (4) For processing of adoptions, legitimations, or paternity determinations as specified in
6 §§ 23-3-14 and 23-3-15, there shall be a fee of ~~fifteen dollars (\$15.00)~~ [as set forth in § 23-1-54](#).

7 (5) For making authorized corrections, alterations, and additions, the fee is ~~ten dollars~~
8 ~~(\$10.00)~~ [as set forth in § 23-1-54](#); provided, no fee shall be collected for making authorized
9 corrections or alterations and additions on records filed before one year of the date on which the
10 event recorded has occurred.

11 (6) For examination of documentary proof and the filing of a delayed record, [there is](#) a
12 fee of ~~twenty dollars (\$20.00)~~ [as set forth in § 23-1-54](#); and ~~in addition to that fee, the~~ [there is an](#)
13 [additional](#) fee is ~~twenty dollars (\$20.00)~~ [as set forth in § 23-1-54](#) for the issuance of a certified
14 copy of a delayed record.

15 (b) Fees collected under this section by the state registrar shall be deposited in the general
16 fund of this state, according to the procedures established by the state treasurer.

17 (c) The local registrar shall charge fees for searches and copies of records as follows:

18 (1) For a search of two (2) consecutive calendar years under one name and for issuance of
19 a certified copy of a certificate of birth, fetal death, death, delayed birth, or marriage, or a
20 certification of birth or a certification that the record cannot be found, the fee is twenty dollars
21 (\$20.00). For each duplicate copy of a certificate or certification issued at the same time, the fee
22 is fifteen dollars (\$15.00).

23 (2) For each additional calendar year search, if applied for at the same time or within
24 three (3) months of the original request and if proof of payment for the basic search is submitted,
25 the fee is two dollars (\$2.00).

26 (d) Fees collected under this section by the local registrar shall be deposited in the city or
27 town treasury according to the procedures established by the city or town treasurer except that six
28 dollars (\$6.00) of the certified copy fees shall be submitted to the state registrar for deposit in the
29 general fund of this state.

30 **SECTION 37. Section 23-4-13 of the General Laws in Chapter 23-4 entitled “Office of**
31 **the State Medical Examiner” is hereby amended to read as follows:**

32 **23-4-13. Establishment of fees.** -- The director of the department of health shall
33 establish a fee of ~~forty dollars (\$40.00)~~ [fees](#) for autopsy reports, ~~a fee of thirty dollars (\$30.00)~~ for
34 cremation certificates, and statistics, ~~and not less than six hundred and fifty dollars (\$650) per~~

1 ~~hour nor more than thirty two hundred and fifty dollars (\$3,250) per day.~~ The director shall also
2 impose fees, at an hourly or daily rate, to give testimony in civil suits under this chapter. All fees
3 are as set forth in § 23-1-54. The director is authorized to establish in regulation reasonable fees
4 for additional documents not otherwise specified in this section. All of these fees shall be
5 collected and deposited as general revenues; provided, however, that no city or town, or any
6 agency or department of a city and town within the state, or the department of human services,
7 shall be required to pay any fees established by the director pursuant to this section.

8 SECTION 38. Section 23-4.1-10 of the General Laws in Chapter 23-4.1 entitled
9 “Emergency Medical Transportation Services” is hereby amended to read as follows:

10 **23-4.1-10. Regulations and fees.** -- (a) The director shall be guided by the purposes and
11 intent of this chapter in the making of regulations as authorized by this chapter.

12 (b) The director may issue regulations necessary to bring into effect any of the provisions
13 of this chapter.

14 (c) The director ~~may~~ shall charge a license fee ~~fees~~ of not more than four hundred and
15 ~~ninety dollars (\$490)~~ for an annual license for an ambulance service, ~~a license fee of not more~~
16 ~~than two hundred and fifty dollars (\$250)~~ for an annual vehicle license, and ~~a license fee of not~~
17 ~~more than ninety dollars (\$90.00)~~ for an emergency medical technician license. All such fees are
18 as set forth in § 23-1-54.

19 (2) The director may charge an examination fee ~~of not more than ninety dollars (\$90.00)~~
20 for examinations for an emergency medical technician license and ~~may charge~~ an inspection fee
21 ~~of not more than one hundred and seventy dollars (\$170)~~ for inspections for a vehicle license as
22 set forth in § 23-1-54.

23 (3) The director is also authorized to establish reasonable fees for other administrative
24 actions that the director shall deem necessary to implement this chapter. The fees provided for in
25 this section shall be deposited as general revenues and shall not apply to any city or town
26 employee providing services referenced in this chapter on behalf of the city or town, and shall not
27 apply to any individual providing services referenced in this chapter on behalf of any bona fide
28 volunteer or not for profit organization. Further, the services licensure fees and vehicle inspection
29 fees shall not apply to services and vehicles operated by any city, town, or fire district or to
30 services and vehicles operated by bona fide volunteer or not for profit organizations.

31 SECTION 39. Section 23-16.2-4 of the General Laws in Chapter 23-16.2 entitled
32 “Laboratories” is hereby amended to read as follows:

33 **23-16.2-4. License required for clinical laboratories -- Term of license -- Application**
34 **- Fee. --** (a) It shall be unlawful for any persons, corporation, or other form of business entity to

1 perform clinical or analytical laboratory services on specimens collected in this state or to own or
2 maintain a laboratory or station in this state without having a license issued by the department of
3 health pursuant to this chapter. A license, unless sooner suspended or revoked under the
4 provisions of this chapter, shall expire on the thirtieth (30th) day of December of every other year
5 following the date of license. This will be determined on an odd-even basis with respect to the
6 license number. Each license shall be issued only to conduct the tests approved and for the
7 premises and persons named in the application, and shall not be transferable or assignable. The
8 fee for a clinical laboratory license shall be ~~six hundred and fifty dollars (\$650)~~ [as set forth in §](#)
9 [23-1-54](#) for each specialty for which the laboratory is approved. The fee for a station license shall
10 be ~~six hundred and fifty dollars (\$650)~~ [as set forth in § 23-1-54](#). The fees shall be made payable
11 to the general treasurer, state of Rhode Island, and submitted with the application to the
12 department of health.

13 (b) It shall be unlawful for any persons, corporations, or other form of entity to own,
14 operate, maintain, conduct, or sponsor a temporary or ad hoc screening program without having
15 obtained a permit from the director of health. The fee for any permit shall be ~~seventy dollars~~
16 ~~(\$70.00)~~ [as set forth in § 23-1-54](#). It is within the director's discretion to waive the fee. All fees
17 shall be made payable to the general treasurer, state of Rhode Island. Nothing contained in this
18 section shall require any licensed persons, corporations, or other entity to pay the permit fee, if
19 the screening program is provided free of charge to the public by the licensed persons,
20 corporation, or entity.

21 SECTION 40. Section 23-17-38 of the General Laws in Chapter 23-17 entitled
22 “Licensing of Health Care Facilities” is hereby amended to read as follows:

23 **23-17-38. Establishment of fees.** -- The director shall establish fees for licensure
24 application, licensure renewal, inspection, and administrative actions under this chapter. Annual
25 inspection fees for hospitals and rehabilitation hospital centers shall be ~~sixteen thousand nine~~
26 ~~hundred dollars (\$16,900)~~ [assessed on a per facility basis](#), ~~plus as well as~~ an additional fee of ~~one~~
27 ~~hundred and twenty dollars (\$120)~~ per bed. Annual licensure fees for ~~health maintenance~~
28 ~~organizations and for-profit end stage renal dialysis facilities~~ shall be ~~three thousand nine hundred~~
29 ~~dollars (\$3,900)~~ [assessed on a per facility basis](#). Annual licensure fees for home nursing care
30 providers and home care providers shall be ~~six hundred and fifty dollars (\$650)~~ [assessed on a per](#)
31 [facility basis](#); however, no additional license fee shall be charged when a home nursing care
32 provider or home care provider changes location during any calendar year for which an annual
33 license fee has already been paid for that home nursing care provider or home care provider. [All](#)
34 [fees required in this section shall be as set forth in § 23-1-54](#). Annual licensure fees for organized

1 ambulatory care facilities shall also be ~~six hundred and fifty dollars (\$650)~~ as set forth in § 23-1-
2 54, provided that not-for-profit entities operating more than one ambulatory care facility shall be
3 subject to a single annual licensure fee for all such licenses; provided, further, that nonprofit
4 charitable community health centers, school based health centers and nonprofit hospice programs
5 with a current home nursing care provider license shall be exempt from the fee. All annual
6 licensure fees not otherwise designated shall be established in regulation and shall be collected
7 and deposited as general revenues of the state.

8 SECTION 41. Section 23-17.4-31 of the General Laws in Chapter 23-17.4 entitled
9 “Assisted Living Residence Licensing Act” is hereby amended to read as follows:

10 **23-17.4-31. Establishment of fees.** -- The director may establish reasonable fees for the
11 licensure application, licensure renewal, and administrative actions under this chapter. Annual
12 licensure fees ~~shall be three hundred and thirty dollars (\$330)~~ per licensee plus an additional fee
13 ~~of seventy dollars (\$70.00)~~ per licensed bed, where applicable, shall be assessed. All fees
14 required in this section shall be as set forth in § 23-1-54.

15 SECTION 42. Sections 23-17.9-3, 23-17.9-5, 23-17.9-6 and 23-17.9-7 of the General
16 Laws in Chapter 23-17.9 entitled “Registration of Nursing Assistants” are hereby amended to
17 read as follows:

18 **23-17.9-3. Training and competency evaluation program for levels of nursing**
19 **assistants.** -- Standards for training and/or competency evaluation programs for nursing assistants
20 and exemptions for applicants from the requirements of training programs shall be consistent with
21 federal statutory and regulatory requirements and shall be defined according to the rules and
22 regulations promulgated by the department of health. The national standards pertaining to nursing
23 assistants, nurse aides-home health aides, and the national home caring council or its succeeding
24 agency, (model curriculum and teaching guide for the instruction of homemaker-home health
25 aide) and any other appropriate standards shall serve as guidelines in the development of
26 regulatory standards for other levels of nursing assistants as determined by the director. The
27 department may require a fee ~~of not more four hundred and ten dollars (\$410)~~ as set forth in § 23-
28 1-54 as an application fee for biennial training and competency evaluation program certification.

29 **23-17.9-5. Qualifying examination.** -- Nursing assistants as defined in § 23-17.9-2 who
30 are employed or have had experience as a nursing assistant prior to the enactment of this chapter,
31 and the effective date of the regulations promulgated in relation to this chapter, shall pass the
32 appropriate level of examination administered by the department approved by the director in lieu
33 of the training program. Exempt from the qualifying examination are home health
34 aides/homemakers who have successfully passed the qualifying examination and/or successfully

1 completed an approved home health aide/homemaker program under the provisions of chapter
2 17.7 of this title and the regulations promulgated in relation to that chapter. Also exempt from the
3 qualifying examination are classes of individuals, regardless of employment setting, who are
4 exempted from examination by federal statute or regulations and these exemptions shall be
5 defined according to rules and regulations promulgated by the department of health. Successful
6 completion of the qualifying examination and the provisions of this section shall be deemed
7 satisfactory for employment as a nursing assistant. Unless exempted by rules and regulations
8 promulgated by the department of health, each application must be submitted with a processing
9 fee ~~of forty dollars (\$40.00)~~ [as set forth in § 23-1-54](#) to be paid by the employing facility or
10 agency if the applicant has been continuously employed by the facility for six (6) months prior to
11 the application or by another responsible party as defined in rules and regulations promulgated by
12 the department of health consistent with federal statutory and/or regulatory requirements; but, if
13 the applicant is unemployed, to be submitted by the applicant. If the applicant shall be
14 continuously employed by the same facility for six (6) months after the application, then the fee
15 shall be directly refunded to the applicant by the facility or agency. If federal statutory or
16 regulatory requirements mandate that the certifying agency conduct an examination of manual
17 skills proficiency as a component of the examination process to meet minimal federal
18 compliance, a manual skills proficiency examination may be required by rules and regulations
19 promulgated by the department of health for all applicants not otherwise exempted from the
20 examination requirements. If a manual skills proficiency examination is required to be conducted
21 by the certifying agency as a component of the certifying examination, each application shall be
22 accompanied by a fee ~~not to exceed one hundred and thirty dollars (\$130)~~ [as set forth in § 23-1-](#)
23 [54](#) to be paid by the employing facility or agency if the applicant has been continuously employed
24 by the facility for six (6) months prior to the application or by another responsible party as
25 defined in rules and regulations promulgated by the department of health consistent with federal
26 statutory and/or regulatory requirements; but, if the applicant is unemployed, to be submitted by
27 the applicant. If the applicant shall be continuously employed by the same facility for six (6)
28 months after the application, then the fee shall be directly refunded on a pro rata basis between
29 months six (6) and twelve (12) to the applicant by the facility or agency.

30 **23-17.9-6. Registration.** -- Every nursing assistant being employed as a nursing assistant
31 or offering services as a nursing assistant must obtain a certificate of registration issued by the
32 department. Every nursing assistant, prior to being issued a certificate of registration by the
33 department, shall successfully complete the training program and/or qualifying examination as
34 required by §§ 23-17.9-3 and 23-17.9-5 unless otherwise exempt from the requirements. All

1 applicants not otherwise exempted are required to complete the process of training and
2 examination within a period of one year from the date of initiation of training. Failure to
3 successfully complete this process within one year requires that the applicant repeat the training
4 program and be retested. All nursing assistants shall be registered with and qualified by the
5 department of health. The fee for registration is ~~forty dollars (\$40.00)~~ [as set forth in § 23-1-54](#).
6 The department shall keep a register in which are entered the names of all persons to whom
7 certificates of registration are issued under this chapter and the register shall be open to public
8 inspection. In addition, if required by federal mandate the department will also keep a separate
9 nurse aide registry.

10 **23-17.9-7. Renewal of certificate of registration.** -- Every holder of a nursing assistant
11 certificate of registration shall register biennially by making application to the department on
12 forms provided by the agency. The renewals shall be granted as a matter of course, upon payment
13 of a fee ~~of forty dollars (\$40.00)~~ [as set forth in § 23-1-54](#) unless the agency finds that the
14 applicant has acted or failed to act in a manner under the circumstances that would constitute
15 grounds for suspension or revocation of a certificate of registration.

16 SECTION 43. Section 23-19.3-5 of the General Laws in Chapter 23-19.3 entitled
17 "Sanitarians" is hereby amended to read as follows:

18 **23-19.3-5. Application for registration - Examination - Issuance of certificate** -- (a) A
19 person who desires to be registered as a sanitarian shall file with the division of professional
20 regulation an application upon a form to be prescribed and furnished by the division of
21 professional regulation. He or she shall include in the application, under oath, his or her
22 qualifications as a sanitarian. The application shall be accompanied by a registration fee ~~of one~~
23 ~~hundred and seventy dollars (\$170)~~ [as set forth in § 23-1-54](#).

24 (b) If the division of professional regulation deems the education qualifications of the
25 applicant are satisfactory and if he or she passes an examination, both written and oral,
26 satisfactory to the division of professional regulation, the division shall issue him or her a
27 certificate of registration. The certificate of registration shall expire at the end of the calendar
28 year, and may be renewed on or before January fifteenth (15th) of the following year. The fee for
29 renewal of a certificate of registration shall be ~~fifty dollars (\$50)~~ [as set forth in § 23-1-54](#).

30 SECTION 44. Section 23-20.8-3 of the General Laws in Chapter 23-20.8 entitled
31 "Licensing of Massage Therapy Establishments" is hereby amended to read as follows:

32 **23-20.8-3. Practice of massage -- Use of titles limited -- Qualifications for licenses --**
33 **Fees.** -- (a) Only a person licensed under this chapter shall practice massage.

34 (b) Only a person licensed under this chapter as a massage therapist may use the title

1 "massage therapist." Only a person licensed under this chapter may use the title "masseur" or
2 "masseuse."

3 (c) No person, firm, partnership, or corporation shall describe its services under the title
4 "massage" or "massage therapy" unless these services, as defined in §23-20.8-1, are performed by
5 a person licensed to practice massage under this chapter, and, if described as "massage therapy,"
6 by a massage therapist.

7 (d) Application for licenses as a masseur or masseuse, or as a massage therapist, shall be
8 issued by the department of health. Except for persons licensed as massage therapists, the
9 department shall establish minimum educational and training requirements for the persons to be
10 licensed under this chapter and shall have the authority to take disciplinary action against a
11 licensee for knowingly placing the health of a client at serious risk without maintaining the proper
12 precautions.

13 (e) The fee for original application for licensure as a massage therapist ~~shall be fifty~~
14 ~~dollars (\$50.00).~~ The fee and for annual license renewal shall be ~~fifty dollars (\$50.00)~~ as set forth
15 in § 23-1-54. Fees for all other licenses under this chapter shall be fixed in an amount necessary
16 to cover the cost of administering this chapter.

17 (f) Any person applying for a license under this chapter shall undergo a criminal
18 background check. Such persons shall apply to the bureau of criminal identification of the state
19 police or local police department for a nationwide criminal records check. Fingerprinting shall be
20 required. Upon the discovery of any disqualifying information as defined in §23-20.8-5, the
21 bureau of criminal identification of the state police or the local police department shall inform the
22 applicant, in writing, of the nature of the disqualifying information. The applicant shall be
23 responsible for payment of the costs of the criminal records check.

24 **SECTION 45. Section 23-21-2 of the General Laws in Chapter 23-21 entitled "Licensing**
25 **of Recreational Facilities" is hereby amended to read as follows:**

26 **23-21-2. License required -- Issuance and expiration of license. --** No person shall
27 maintain within this state any recreation facility or use until that person shall have obtained a
28 license for a facility or use from the department. The director, upon receipt of an application for a
29 recreation facility or use shall cause the facility or use to be inspected and, if the facility or use is
30 found to comply with the provisions of this chapter and the regulations adopted in accordance
31 with the provisions of this chapter, shall issue a license upon receipt of a fee ~~of one hundred sixty~~
32 ~~(\$160)~~ as set forth in § 23-1-54. In order to set the license renewal dates so that all activities for
33 each establishment can be combined on one license instead of on several licenses, the license
34 renewal date shall be set by the department of health. The license period shall be for twelve (12)

1 months, commencing on the license renewal date, unless sooner suspended or revoked for
2 violation of the provisions of this chapter or the regulations adopted in accordance with this
3 chapter, and the license fee shall be at the full annual rate regardless of the date of application or
4 the date of issuance of license. If the license renewal date is changed, the department may make
5 an adjustment to the fees of licensed establishments, not to exceed the annual license fee, in order
6 to implement the change in license renewal date.

7 SECTION 46. Sections 23-22-6, and 23-22-10 of the General Laws in Chapter 23-22
8 entitled "Licensing of Swimming Pools" are hereby amended to read as follows:

9 **23-22-6. License required -- Term of license -- Application -- Fee .--** (a) No person
10 shall maintain within this state a swimming pool until that person shall have obtained the
11 appropriate license from the department. Licenses shall be of two (2) types, year-round or
12 seasonal. The director, upon receipt of an application for a license to operate a swimming pool,
13 shall cause that swimming pool to be inspected and if the swimming pool is found to comply with
14 the provisions of this chapter and the regulations adopted in accordance with this chapter, shall
15 issue a license upon receipt of a fee for a year-round license, ~~of two hundred fifty dollars (\$250)~~
16 for the first pool at one location and ~~seventy five dollars (\$75.00)~~ an additional fee for each
17 additional pool at the same location. The director shall issue a license upon receipt of a fee for a
18 seasonal license ~~of one hundred fifty dollars (\$150)~~ for the first pool at one location and ~~seventy~~
19 ~~five dollars (\$75.00)~~ an additional fee for each additional pool at the same location. Seasonal
20 licenses shall begin no sooner than June 1, and expire on September 30 of the year issued and
21 year-round licenses shall expire on December 31 of the year issued, unless sooner revoked for
22 violation of the provisions of this chapter or of the regulations adopted in accordance with this
23 chapter. Provided, however, every organization which provides recreational facilities for persons
24 under the age of eighteen (18) years and which is exempt from income taxes pursuant to the
25 provisions of 26 U.S.C. § 501(c)(3), and which maintains a swimming pool shall pay a fee ~~of~~
26 ~~twenty five dollars (\$25.00)~~ for a year-round license. All fees required by this section shall be as
27 set forth in § 23-1-54. The provisions of this chapter shall not apply to any swimming pool
28 maintained by the state.

29 (b) No lifeguard shall be required for any pool licensed in this chapter; provided, a
30 lifeguard shall be on duty if the pool is used by a swim club or a group of unsupervised children
31 who may have access to the pool. Operators of pools shall, when no lifeguard is on duty:

32 (1) Require an attendant and/or a mechanical system to limit access to guests and
33 members only;

34 (2) Require a person trained in first aid to be physically located in close proximity to the

1 pool in question;

2 (3) Require the following signs to be posted in a conspicuous place:

3 (i) NO LIFEGUARD ON DUTY - SWIM AT YOUR OWN RISK (minimum 4" letters
4 in RED)

5 (ii) NO ONE UNDER 18 PERMITTED UNLESS ACCOMPANIED BY AN ADULT

6 (iii) ADULTS SHOULD NOT SWIM ALONE

7 (iv) A SCHEDULE OF POOL HOURS

8 (v) NO GLASS IN POOL AREA

9 (vi) NO RUNNING OR ROUGH HOUSING

10 (vii) NO DIVING

11 (viii) NO ANIMALS OR PETS

12 (4) Require, in the case of outdoor pools, in addition to the above requirements, a fence
13 with a lockable gate or door, a minimum of not less than six feet (6') in height, which completely
14 surrounds the pool area.

15 **23-22-10. Duplicate license -- Displaying license after suspension or revocation. --**

16 Whenever a license while still effective may become defaced or destroyed, the department of
17 health shall, upon application, issue a duplicate license upon payment of a fee ~~of two dollars~~
18 ~~(\$2.00)~~ as set forth in § 23-1-54 to the department. It shall be unlawful for any person to display
19 or to keep displayed any license after the person has received notice of the suspension or
20 revocation of the license.

21 SECTION 47. Section 23-39-11 of the General Laws in Chapter 23-39 entitled
22 "Respiratory Care Act" is hereby amended to read as follows:

23 **23-39-11. Fees. --** (a) The director, in consultation with the board, shall establish a
24 schedule of reasonable fees for licenses, and for renewal of licenses for respiratory care
25 practitioners.

26 (b) The initial application fee shall be ~~one hundred and seventy dollars (\$170)~~ as set forth
27 in § 23-1-54.

28 (c) A biennial license renewal fee shall be established in an amount ~~of one hundred and~~
29 ~~thirty (\$130)~~ as set forth in § 23-1-54.

30 SECTION 48. Chapter 23-1 of the General Laws entitled "Department of Health" is
31 hereby amended by adding thereto the following section:

32 **23-1-16.1 Letters of License Verification-Fees. --** (a) There shall be a fee, to be paid by
33 the individual or entity making the request as set forth in § 23-1-54, for any letter issued by the
34 department verifying a license which was issued by the department; and

1 (b) the proceeds of any fees collected pursuant to the provisions of this chapter shall be
 2 paid into the state treasury and shall be for the use of the department of health to offset the costs
 3 of issuing the license verification letters.

4 SECTION 49. Chapter 23-1 of the General Laws entitled “Department of Health” is
 5 hereby amended by adding thereto the following section:

6 **23-1-54. Fees Payable to the Department of Health. --** Fees payable to the department
 7 shall be as follows:

<u>PROFESSION</u>	<u>RIGL Section</u>	<u>Description of Fee</u>	<u>FEE</u>
<u>Barbers/hairdressers</u>	<u>5-10-10 (a)</u>	<u>Renewal application</u>	<u>\$25.00</u>
<u>Barbers/hairdressers</u>	<u>5-10-10 (a)</u>	<u>Renewal application:</u>	
<u>Manicuring</u>		<u>Instructors and manicurists</u>	<u>\$25.00</u>
<u>Barbers/hairdressers</u>	<u>5-10-10 (b)</u>	<u>Minimum late renewal fee</u>	<u>\$25.00</u>
<u>Barbers/hairdressers</u>	<u>5-10-10 (b)</u>	<u>Maximum late renewal fee</u>	<u>\$100.00</u>
<u>Barbers/hairdressers</u>	<u>5-10-11 [c]</u>	<u>Application fee</u>	<u>\$25.00</u>
<u>Barbers/hairdressers</u>	<u>5-10-11 [c]</u>	<u>Application fee: manicuring</u>	
		<u>Instructors and manicurists</u>	<u>\$25.00</u>
<u>Barbers/hairdressers</u>	<u>5-10-13</u>	<u>Demonstrator's permit</u>	<u>\$90.00</u>
<u>Barbers/hairdressers</u>	<u>5-10-15</u>	<u>Shop license: initial</u>	<u>\$170.00</u>
<u>Barbers/hairdressers</u>	<u>5-10-15</u>	<u>Shop license: renewal</u>	<u>\$170.00</u>
<u>Veterinarians</u>	<u>5-25-10</u>	<u>Application fee</u>	<u>\$40.00</u>
<u>Veterinarians</u>	<u>5-25-11</u>	<u>Examination fee</u>	<u>\$540.00</u>
<u>Veterinarians</u>	<u>5-25-12 (a)</u>	<u>Renewal fee</u>	<u>\$580.00</u>
<u>Veterinarians</u>	<u>5-25-12 [c]</u>	<u>Late renewal fee</u>	<u>\$120.00</u>
<u>Podiatrists</u>	<u>5-29-7</u>	<u>Application fee</u>	<u>\$240.00</u>
<u>Podiatrists</u>	<u>5-29-11</u>	<u>Renewal fee: minimum</u>	<u>\$240.00</u>
<u>Podiatrists</u>	<u>5-29-11</u>	<u>Renewal fee: maximum</u>	<u>\$540.00</u>
<u>Podiatrists</u>	<u>5-29-13</u>	<u>Limited registration</u>	<u>\$65.00</u>
<u>Podiatrists</u>	<u>5-29-14</u>	<u>Limited registration:</u>	
		<u>Academic faculty</u>	<u>\$240.00</u>
<u>Podiatrists</u>	<u>5-29-14</u>	<u>Application fee:</u>	
		<u>Renewal minimum</u>	<u>\$240.00</u>
<u>Podiatrists</u>	<u>5-29-14</u>	<u>Application fee:</u>	
		<u>Renewal maximum</u>	<u>\$440.00</u>
<u>Chiropractors</u>	<u>5-30-6</u>	<u>Examination fee:</u>	<u>\$210.00</u>

1	<u>Chiropractors</u>	<u>5-30-7</u>	<u>Examination exemption fee:</u>	<u>\$210.00</u>
2	<u>Chiropractors</u>	<u>5-30-8 (b)</u>	<u>Exam Physiotherapy</u>	<u>\$210.00</u>
3	<u>Chiropractors</u>	<u>5-30-8 (b)</u>	<u>Exam chiro and physiotherapy</u>	<u>\$210.00</u>
4	<u>Chiropractors</u>	<u>5-30-12</u>	<u>Renewal fee</u>	<u>\$210.00</u>
5	<u>Dentists/dental hygienists</u>	<u>5-31.1-6 (d)</u>	<u>Dentist: application fee</u>	<u>\$965.00</u>
6	<u>Dentists/dental hygienists</u>	<u>5-31.1-6 (d)</u>	<u>Dental hygienist: application fee</u>	<u>\$65.00</u>
7	<u>Dentists/dental hygienists</u>	<u>5-31.1-6 (d)</u>	<u>Reexamination: dentist</u>	<u>\$965.00</u>
8	<u>Dentists/dental hygienists</u>	<u>5-31.1-6 (d)</u>	<u>Reexamination: hygienist</u>	<u>\$65.00</u>
9	<u>Dentists/dental hygienists</u>	<u>5-31.1-21 (b)</u>	<u>Reinstatement fee dentist</u>	<u>\$90.00</u>
10	<u>Dentists/dental hygienists</u>	<u>5-31.1-21 (b)</u>	<u>Reinstatement fee hygienist</u>	<u>\$90.00</u>
11	<u>Dentists/dental hygienists</u>	<u>5-31.1-21 (c)</u>	<u>Inactive status: dentist</u>	<u>\$220.00</u>
12	<u>Dentists/dental hygienists</u>	<u>5-31.1-21 (c)</u>	<u>Inactive status: hygienist</u>	<u>\$40.00</u>
13	<u>Dentists/dental hygienists</u>	<u>5-31.1-22</u>	<u>Limited registration</u>	<u>\$65.00</u>
14	<u>Dentists/dental hygienists</u>	<u>5-31.1-23 [c]</u>	<u>Limited reg:</u>	
15			<u>Academic faculty</u>	<u>\$965.00</u>
16	<u>Dentists/dental hygienists</u>	<u>5-31.1-23 [c]</u>	<u>Limited reg:</u>	
17			<u>Academic faculty renewal</u>	<u>\$500.00</u>
18	<u>Electrolysis</u>	<u>5-32-3</u>	<u>Application fee</u>	<u>\$25.00</u>
19	<u>Electrolysis</u>	<u>5-32-6 (b)</u>	<u>Renewal fee</u>	<u>\$25.00</u>
20	<u>Electrolysis</u>	<u>5-32-7</u>	<u>Reciprocal license fee</u>	<u>\$25.00</u>
21	<u>Electrolysis</u>	<u>5-32-17</u>	<u>Teaching license</u>	<u>\$25.00</u>
22	<u>Funeral directors/embalmers/</u>	<u>5-33.2-12</u>	<u>Funeral establishment license</u>	<u>\$120.00</u>
23	<u>Funeral services establishments</u>			
24	<u>Funeral directors/embalmers/</u>	<u>5-33.2-12</u>	<u>Funeral branch ofc license</u>	<u>\$90.00</u>
25	<u>Funeral services establishments</u>			
26	<u>Funeral directors/embalmers/</u>	<u>5-33.2-13.1</u>	<u>Crematories: application fee</u>	<u>\$120.00</u>
27	<u>Funeral services establishments</u>			
28	<u>Funeral directors/embalmers/</u>	<u>5-33.2-15</u>	<u>Renewal: funeral/director</u>	
29	<u>Funeral Svcs establishments</u>		<u>establishment</u>	<u>\$120.00</u>
30	<u>Funeral directors/embalmers/</u>	<u>5-33.2-15</u>	<u>Additional branch office</u>	
31	<u>Funeral services Establishments</u>		<u>licenses</u>	<u>\$120.00</u>
32	<u>Funeral directors/embalmers/</u>	<u>5-33.2-15</u>	<u>Crematory renewal fee</u>	
33	<u>Funeral svcs establishments</u>			<u>\$120.00</u>
34	<u>Funeral directors/embalmers/</u>	<u>5-33.2-15</u>	<u>Late renewal fee</u>	

1	<u>Funeral svcs establishments</u>		<u>(All license types)</u>	<u>\$25.00</u>
2	<u>Funeral directors/embalmers/</u>	<u>5-33.2-16 (a)</u>	<u>Intern registration fee</u>	
3	<u>Funeral Services establishments</u>			<u>\$25.00</u>
4	<u>Nurses</u>	<u>5-34-12</u>	<u>RN Application fee</u>	<u>\$135.00</u>
5	<u>Nurses</u>	<u>5-34-16</u>	<u>LPN Application fee</u>	<u>\$45.00</u>
6	<u>Nurses</u>	<u>5-34-19</u>	<u>Renewal fee: RN</u>	<u>\$135.00</u>
7	<u>Nurses</u>	<u>5-34-19</u>	<u>Renewal fee: LPN</u>	<u>\$45.00</u>
8	<u>Nurses</u>	<u>5-34-37</u>	<u>RNP application fee</u>	<u>\$80.00</u>
9	<u>Nurses</u>	<u>5-34-37</u>	<u>RNP renewal fee</u>	<u>\$80.00</u>
10	<u>Nurses</u>	<u>5-34-37</u>	<u>RNP prescriptive privileges</u>	<u>\$65.00</u>
11	<u>Nurses</u>	<u>5-34-40.3</u>	<u>Clin nurse spec application</u>	<u>\$80.00</u>
12	<u>Nurses</u>	<u>5-34-40.3</u>	<u>Clin nurse spec renewal</u>	<u>\$80.00</u>
13	<u>Nurses</u>	<u>5-34-40.3</u>	<u>Clin nurse spec Rx privilege</u>	<u>\$65.00</u>
14	<u>Nurse anesthetists</u>	<u>5-34.2-4 (a)</u>	<u>CRNA application fee</u>	<u>\$80.00</u>
15	<u>Nurse anesthetists</u>	<u>5-34.2-4 (b)</u>	<u>CRNA renewal fee</u>	<u>\$80.00</u>
16	<u>Optometrists</u>	<u>5-35.1-4</u>	<u>Application fee</u>	<u>\$280.00</u>
17	<u>Optometrists</u>	<u>5-35.1-7</u>	<u>Renewal fee</u>	<u>\$280.00</u>
18	<u>Optometrists</u>	<u>5-35.1-7</u>	<u>Late fee</u>	<u>\$90.00</u>
19	<u>Optometrists</u>	<u>5-35.1-7</u>	<u>Reactivation of license fee</u>	<u>\$65.00</u>
20	<u>Optometrists</u>	<u>5-35.1-19 (b)</u>	<u>Violations of section</u>	<u>\$650.00</u>
21	<u>Optometrists</u>	<u>5-35.1-20</u>	<u>Violations of chapter</u>	<u>\$260.00</u>
22	<u>Opticians</u>	<u>5-35.2-3</u>	<u>Application fee</u>	<u>\$30.00</u>
23	<u>Physicians</u>	<u>5-37-2</u>	<u>Application fee</u>	<u>\$1,090.00</u>
24	<u>Physicians</u>	<u>5-37-2</u>	<u>Re-examination fee</u>	<u>\$1,090.00</u>
25	<u>Physicians</u>	<u>5-37-10 (b)</u>	<u>Late renewal fee</u>	<u>\$170.00</u>
26	<u>Physicians</u>	<u>5-37-16</u>	<u>Limited registration fee</u>	<u>\$65.00</u>
27	<u>Physicians</u>	<u>5-37-16.1</u>	<u>Ltd reg: academic faculty</u>	<u>\$600.00</u>
28	<u>Physicians</u>	<u>5-37-16.1</u>	<u>Ltd reg: academic</u>	
29			<u>Faculty renewal</u>	<u>\$170.00</u>
30	<u>Acupuncture</u>	<u>5-37.2-10</u>	<u>Application fee</u>	<u>\$310.00</u>
31	<u>Social workers</u>	<u>5-39.1-9</u>	<u>Application fee</u>	<u>\$70.00</u>
32	<u>Social workers</u>	<u>5-39.1-9</u>	<u>Renewal fee</u>	<u>\$70.00</u>
33	<u>Physical therapists</u>	<u>5-40-8</u>	<u>Application fee</u>	<u>\$155.00</u>
34	<u>Physical therapists</u>	<u>5-40-8.1</u>	<u>Application: physical therapy</u>	

1			<u>assistants</u>	<u>\$ 50.00</u>
2	<u>Physical therapists</u>	<u>5-40-10 (a)</u>	<u>Renewal fee:</u>	
3			<u>Physical therapists</u>	<u>\$155.00</u>
4	<u>Physical therapists</u>	<u>5-40-10 (a)</u>	<u>Renewal fee: Physical therapy</u>	
5			<u>assistants</u>	<u>\$ 50.00</u>
6	<u>Physical therapists</u>	<u>5-40-10 [c]</u>	<u>Late renewals</u>	<u>\$ 50.00</u>
7	<u>Occupational therapists</u>	<u>5-40.1-12 (2)</u>	<u>Renewal fee</u>	<u>\$140.00</u>
8	<u>Occupational therapists</u>	<u>5-40.1-12 (5)</u>	<u>Late renewal fee</u>	<u>\$50.00</u>
9	<u>Occupational therapists</u>	<u>5-40.1-12 (b)</u>	<u>Reactivation fee</u>	<u>\$140.00</u>
10	<u>Occupational therapists</u>	<u>5-40.1-13</u>	<u>Application fee</u>	<u>\$140.00</u>
11	<u>Psychologists</u>	<u>5-44-12</u>	<u>Application fee</u>	<u>\$230.00</u>
12	<u>Psychologists</u>	<u>5-44-13</u>	<u>Temporary permit</u>	<u>\$120.00</u>
13	<u>Psychologists</u>	<u>5-44-15[c]</u>	<u>Renewal fee</u>	<u>\$230.00</u>
14	<u>Psychologists</u>	<u>5-44-15 (e)</u>	<u>Late renewal fee</u>	<u>\$50.00</u>
15	<u>Nursing home administrators</u>	<u>5-45-10</u>	<u>Renewal fee</u>	<u>\$160.00</u>
16	<u>Speech pathologist/audiologists</u>	<u>5-48-1 (14)</u>	<u>Speech lang support personnel:</u>	
17			<u>late filing</u>	<u>\$ 90.00</u>
18	<u>Speech pathologist/audiologists</u>	<u>5-48-9 (a)</u>	<u>Application fee: Audiologist</u>	<u>\$ 65.00</u>
19	<u>Speech pathologist/audiologists</u>	<u>5-48-9 (a)</u>	<u>Application fee:</u>	
20			<u>speech Pathologist</u>	<u>\$145.00</u>
21	<u>Speech pathologist/audiologists</u>	<u>5-48-9 (a)</u>	<u>Renewal fee: Audiologist</u>	<u>\$65.00</u>
22	<u>Speech pathologist/audiologists</u>	<u>5-48-9 (a)</u>	<u>Renewal fee: Speech</u>	
23			<u>Pathologist</u>	<u>\$145.00</u>
24	<u>Speech pathologist/audiologists</u>	<u>5-48-9 (a)</u>	<u>Provisional license: renewal fee</u>	<u>\$65.00</u>
25	<u>Speech pathologist/audiologists</u>	<u>5-48-9 (b)</u>	<u>Late renewal fee</u>	<u>\$50.00</u>
26	<u>Speech pathologist/audiologists</u>	<u>5-48-9 (d)(1)</u>	<u>Reinstatement fee: audiologist</u>	<u>\$65.00</u>
27	<u>Speech pathologist/audiologists</u>	<u>5-48-9 (d)(1)</u>	<u>Reinstatement fee: audiologist</u>	<u>\$65.00</u>
28			<u>speech pathologists</u>	<u>\$145.00</u>
29			<u>personnel: late filing</u>	<u>\$65.00</u>
30	<u>Hearing aid dealers/fitters</u>	<u>5-49-6 (a)</u>	<u>License endorsement</u>	
31			<u>Examination fee</u>	<u>\$ 25.00</u>
32	<u>Hearing aid dealers/fitters</u>	<u>5-49-8 (b)</u>	<u>Temporary permit fee</u>	<u>\$ 25.00</u>
33	<u>Hearing aid dealers/fitters</u>	<u>5-49-8 (d)</u>	<u>Temporary permit renewal fee</u>	<u>\$ 35.00</u>
34	<u>Hearing aid dealers/fitters</u>	<u>5-49-11 (1)</u>	<u>License fee</u>	<u>\$ 25.00</u>

1	<u>Hearing aid dealers/fitters</u>	<u>5-49-11 (b)</u>	<u>License renewal fee</u>	<u>\$25.00</u>
2	<u>Hearing aid dealers/fitters</u>	<u>5-49-11 [c]</u>	<u>License renewal late fee</u>	<u>\$25.00</u>
3	<u>Physician assistants</u>	<u>5-54-9 (4)</u>	<u>Application fee</u>	<u>\$110.00</u>
4	<u>Physician assistants</u>	<u>5-54-11 (b)</u>	<u>Renewal fee</u>	<u>\$110.00</u>
5	<u>Orthotics/prosthetic practice</u>	<u>5-59.1-5</u>	<u>Application fee</u>	<u>\$120.00</u>
6	<u>Orthotics/prosthetic practice</u>	<u>5-59.1-12</u>	<u>Renewal fee</u>	<u>\$120.00</u>
7	<u>Athletic trainers</u>	<u>5-60-11</u>	<u>Application fee</u>	<u>\$60.00</u>
8	<u>Athletic trainers</u>	<u>5-60-11</u>	<u>Renewal fee</u>	<u>\$60.00</u>
9	<u>Athletic trainers</u>	<u>5-60-11</u>	<u>Late renewal fee</u>	<u>\$25.00</u>
10	<u>Mental health counselors/</u>	<u>5-63.2-16</u>	<u>Application fee: marriage/</u>	
11	<u>Marriage and family therapists</u>		<u>Family therapist</u>	<u>\$130.00</u>
12	<u>Mental health counselors/</u>	<u>5-63.2-16</u>	<u>Application fee: mental</u>	
13	<u>Marriage and family therapists</u>		<u>Health counselors</u>	<u>\$70.00</u>
14	<u>Mental health counselors/</u>	<u>5-63.2-16</u>	<u>Reexamination fee:</u>	
15	<u>Marriage and family therapists</u>		<u>Marriage/family therapist</u>	<u>\$130.00</u>
16	<u>Mental health counselors/</u>	<u>5-63.2-16</u>	<u>Reexamination fee:</u>	
17	<u>Marriage and family therapists</u>		<u>Mental health counselors</u>	<u>\$ 70.00</u>
18	<u>Mental health counselors/</u>	<u>5-63.2-17(a)</u>	<u>Renewal fee: marriage/</u>	
19	<u>marriage and Family therapists</u>		<u>Family therapist</u>	<u>\$130.00</u>
20	<u>Mental health counselors/5-63.2-17(a)</u>		<u>Renewal fee:</u>	
21	<u>Marriage and family therapist</u>		<u>Mental health counselor</u>	<u>\$50.00</u>
22	<u>Mental health counselors/</u>	<u>5-63.2-17(b)</u>	<u>Late renewal fee</u>	
23	<u>Marriage and family therapist</u>		<u>marriage and family therapist</u>	<u>\$90.00</u>
24	<u>Dieticians/nutritionists</u>	<u>5-64-6 (b)</u>	<u>Application fee</u>	<u>\$75.00</u>
25	<u>Dieticians/nutritionists</u>	<u>5-64-7</u>	<u>Graduate status:</u>	
26			<u>Application fee:</u>	<u>\$75.00</u>
27	<u>Dieticians/nutritionists</u>	<u>5-64-8</u>	<u>Renewal fee</u>	<u>\$ 75.00</u>
28	<u>Dieticians/nutritionists</u>	<u>5-64-8</u>	<u>Reinstatement fee</u>	<u>\$ 75.00</u>
29	<u>Radiologic technologists</u>	<u>5-68.1-10</u>	<u>Application fee maximum</u>	<u>\$190.00</u>
30	<u>Licensed chemical</u>	<u>5-69-9</u>	<u>Application fee</u>	<u>\$75.00</u>
31	<u>dependency professionals</u>			
32	<u>Licensed chemical</u>	<u>5-69-9</u>	<u>Renewal fee</u>	<u>\$75.00</u>
33	<u>dependency professionals</u>			
34	<u>Licensed chemical</u>	<u>5-69-9</u>	<u>Application fee</u>	<u>\$75.00</u>

1	<u>Licensed chemical</u>	<u>5-69-9</u>	<u>Application fee</u>	<u>\$75.00</u>
2	<u>dependency clinical supervisor</u>			
3	<u>Licensed chemical</u>	<u>5-69-9</u>	<u>Renewal fee</u>	<u>\$75.00</u>
4	<u>dependency clinical supervisor</u>			
5	<u>Deaf interpreters</u>	<u>5-71-8 (3)</u>	<u>License fee maximum</u>	<u>\$ 25.00</u>
6	<u>Deaf interpreters</u>	<u>5-71-8 (3)</u>	<u>License renewal fee</u>	<u>\$ 25.00</u>
7	<u>Milk producers</u>	<u>21-2-7(g)(1)</u>	<u>In-state milk processor</u>	<u>\$160.00</u>
8	<u>Milk producers</u>	<u>21-2-7(g)(2)</u>	<u>Out-of-state milk processor</u>	<u>\$160.00</u>
9	<u>Milk producers</u>	<u>21-2-7(g)(3)</u>	<u>Milk distributors</u>	<u>\$160.00</u>
10	<u>Frozen desserts</u>	<u>21-9-3 (1)</u>	<u>In-state wholesale</u>	<u>\$550.00</u>
11	<u>Frozen desserts</u>	<u>21-9-3 (2)</u>	<u>Out-of-state wholesale</u>	<u>\$160.00</u>
12	<u>Frozen desserts</u>	<u>21-9-3 (3)</u>	<u>Retail frozen dess processors</u>	<u>\$160.00</u>
13	<u>Meats</u>	<u>21-11-4</u>	<u>Wholesale</u>	<u>\$160.00</u>
14	<u>Meats</u>	<u>21-11-4</u>	<u>Retail</u>	<u>\$ 40.00</u>
15	<u>Shellfish packing houses</u>	<u>21-14-2</u>	<u>License fee:</u>	
16			<u>Shipper/reshipper</u>	<u>\$320.00</u>
17	<u>Shellfish packing houses</u>	<u>21-14-2</u>	<u>License fee:</u>	
18			<u>Shucker packer/re packer</u>	<u>\$390.00</u>
19	<u>Non-alcoholic bottled</u>	<u>21-23-2</u>	<u>Bottler permit</u>	
20	<u>Beverages, Drinks & juices</u>			<u>\$550.00</u>
21	<u>Non-alcoholic bottled</u>	<u>21-23-2</u>	<u>Bottle apple cider fee</u>	
22	<u>beverages, drinks and juices</u>			<u>\$ 60.00</u>
23	<u>Farm home food manufacturers</u>	<u>21-27-6.1 (4)</u>	<u>Registration fee</u>	<u>\$ 65.00</u>
24	<u>Food businesses</u>	<u>21-27-10 (e)(1)</u>	<u>Food processors wholesale</u>	<u>\$500.00</u>
25	<u>Food businesses</u>	<u>21-27-10 (e)(2)</u>	<u>Food processors retail</u>	<u>\$120.00</u>
26	<u>Food businesses</u>	<u>21-27-10 (e)(3)</u>	<u>Food service</u>	<u>establishments</u>
27			<u><50 seats</u>	<u>\$160.00</u>
28	<u>Food businesses</u>	<u>21-27-10 (e)(3)</u>	<u>Food service</u>	<u>establishments</u>
29			<u>>50 seats</u>	<u>\$240.00</u>
30	<u>Food businesses</u>	<u>21-27-10 (e)(3)</u>	<u>Mobile food service units</u>	<u>\$100.00</u>
31	<u>Food businesses</u>	<u>21-27-10 (e)(3)</u>	<u>Industrial caterer or food vending</u>	
32			<u>Machine commissary</u>	<u>\$280.00</u>
33	<u>Food businesses</u>	<u>21-27-10 (e)(3)</u>	<u>Cultural heritage educational</u>	
34			<u>Facility</u>	<u>\$ 80.00</u>

1	<u>Food businesses</u>	<u>21-27-10 (e)(4)</u>	<u>Vending Machine Location</u>	
2			<u>< 3 units</u>	<u>\$ 50.00</u>
3	<u>Food businesses</u>	<u>21-27-10 (e)(4)</u>	<u>Vending Machine</u>	
4			<u>Location 4-10 units</u>	<u>\$100.00</u>
5	<u>Food businesses</u>	<u>21-27-10 (e)(4)</u>	<u>Vending Machine Location</u>	
6			<u>≥ 11 units</u>	<u>\$120.00</u>
7	<u>Food businesses</u>	<u>21-27-10 (e)(5)</u>	<u>Retail Mkt</u>	
8			<u>1-2 cash registers</u>	<u>\$120.00</u>
9	<u>Food businesses</u>	<u>21-27-10 (e)(5)</u>		<u>Retail Market</u>
10			<u>3-5 cash registers</u>	<u>\$240.00</u>
11	<u>Food businesses</u>	<u>21-27-10 (e)(5)</u>	<u>Retail Market ≥ 6</u>	
12			<u>Cash registers</u>	<u>\$510.00</u>
13	<u>Food businesses</u>	<u>21-27-10 (e)(6)</u>	<u>Retail food peddler</u>	<u>\$100.00</u>
14	<u>Food businesses</u>	<u>21-27-10 (e)(7)</u>	<u>Food warehouses</u>	<u>\$190.00</u>
15	<u>Food businesses</u>	<u>21-27-11.2</u>	<u>Certified food safety mgr</u>	<u>\$ 50.00</u>
16	<u>License verification fee</u>	<u>23-1-16.1</u>	<u>All license types</u>	<u>\$ 50.00</u>
17	<u>Tattoo and body piercing</u>	<u>23-1-39</u>	<u>Annual registration fee:</u>	
18			<u>Person</u>	<u>\$90.00</u>
19	<u>Tattoo and body piercing</u>	<u>23-1-39</u>	<u>Annual registration fee:</u>	
20			<u>establishment</u>	<u>\$90.00</u>
21	<u>Vital records</u>	<u>23-3-25 (a)(1)</u>	<u>Certificate of birth, fetal death,</u>	
22			<u>Death, marriage, birth, or</u>	
23			<u>Certification that such record</u>	
24			<u>Cannot be found</u>	<u>\$ 20.00</u>
25	<u>Vital records</u>	<u>23-3-25 (a)(1)</u>	<u>Each duplicate of certificate</u>	
26			<u>of birth, fetal death, death, marriage,</u>	
27			<u>Birth, or certification that such record</u>	
28			<u>cannot be found</u>	<u>\$ 15.00</u>
29	<u>Vital records</u>	<u>23-3-25 (a)(2)</u>	<u>Each additional calendar year</u>	
30			<u>Search, if within 3 months of</u>	
31			<u>original search and if receipt of original</u>	
32			<u>search presented</u>	<u>\$ 2.00</u>
33	<u>Vital records</u>	<u>23-3-25 (a)(3)</u>	<u>Expedited service</u>	<u>\$ 7.00</u>
34	<u>Vital records</u>	<u>23-3-25 (a)(4)</u>	<u>Adoptions, legitimations, or</u>	

1			<u>Paternity determinations</u>	<u>\$ 15.00</u>
2	<u>Vital records</u>	<u>23-3-25 (a)(5)</u>	<u>Authorized corrections,</u>	
3			<u>Alterations, and additions</u>	<u>\$ 10.00</u>
4	<u>Vital records</u>	<u>23-3-25 (a)(6)</u>	<u>Filing of delayed record and</u>	
5			<u>Examination of documentary</u>	
6			<u>Proof</u>	<u>\$ 20.00</u>
7	<u>Vital records</u>	<u>23-3-25 (a)(6)</u>	<u>Issuance of certified copy</u>	
8			<u>of a delayed record</u>	<u>\$ 20.00</u>
9	<u>Medical Examiner</u>	<u>23-4-13</u>	<u>Autopsy reports</u>	<u>\$ 40.00</u>
10	<u>Medical Examiner</u>	<u>23-4-13</u>	<u>Cremation certificates</u>	
11			<u>and statistics</u>	<u>\$ 30.00</u>
12	<u>Medical Examiner</u>	<u>23-4-13</u>	<u>Testimony in civil suits:</u>	
13			<u>Minimum/day</u>	<u>\$650.00</u>
14	<u>Medical Examiner</u>	<u>23-4-13</u>	<u>Testimony in civil suits:</u>	
15			<u>Maximum/day</u>	<u>\$3,250.00</u>
16	<u>Emergency medical technicians</u>	<u>23-4.1-10[c]</u>	<u>Annual fee: ambulance</u>	
17			<u>Service maximum</u>	<u>\$540.00</u>
18	<u>Emergency medical technicians</u>	<u>23-4.1-10[c]</u>	<u>Annual fee: vehicle license</u>	
19			<u>maximum</u>	<u>\$275.00</u>
20	<u>Emergency medical technicians</u>	<u>23-4.1-10[c]</u>	<u>Triennial fee: EMT license</u>	
21			<u>maximum</u>	<u>\$ 120.00</u>
22	<u>Emergency medical technicians</u>	<u>23-4.1-10 (2)</u>	<u>Exam fee maximum: EMT</u>	<u>\$ 120.00</u>
23	<u>Emergency medical technicians</u>	<u>23-4.1-10 (2)</u>	<u>Vehicle inspection</u>	
24			<u>Maximum</u>	<u>\$190.00</u>
25	<u>Clinical laboratories</u>	<u>23-16.2-4 (a)</u>	<u>Clinical laboratory license</u>	
26			<u>per specialty</u>	<u>\$650.00</u>
27	<u>Clinical laboratories</u>	<u>23-16.2-4 (a)</u>	<u>Laboratory station license</u>	<u>\$650.00</u>
28	<u>Clinical laboratories</u>	<u>23-16.2-4 (b)</u>	<u>Permit fee</u>	<u>\$ 70.00</u>
29	<u>Health care facilities</u>	<u>23-17-38</u>	<u>Hospital: base fee annual</u>	<u>\$16,900.00</u>
30	<u>Health care facilities</u>	<u>23-17-38</u>	<u>Hospital: annual per bed fee</u>	<u>\$120.00</u>
31	<u>Health care facilities</u>	<u>23-17-38</u>	<u>ESRD: annual fee</u>	<u>\$3,900.00</u>
32	<u>Health care facilities</u>	<u>23-17-38</u>	<u>Home nursing care/home</u>	
33			<u>Care providers</u>	<u>\$650.00</u>
34	<u>Health care facilities</u>	<u>23-17-38</u>	<u>OACF: annual fee</u>	<u>\$650.00</u>

1	<u>Assisted living residences/</u>	<u>23-17.4-15.2(d)</u>	<u>License renewal fee:</u>	<u>\$220.00</u>
2	<u>administrators</u>			
3	<u>Assisted living residences</u>	<u>23-17.4-31</u>	<u>Annual facility fee: base</u>	<u>\$330.00</u>
4	<u>Assisted living residences</u>	<u>23-17.4-31</u>	<u>Annual facility per bed</u>	<u>\$ 70.00</u>
5	<u>Nursing assistant registration</u>	<u>23-17.9-3</u>	<u>Application: competency</u>	
6			<u>evaluation training</u>	
7			<u>program maximum</u>	<u>\$325.00</u>
8	<u>Nursing assistant registration</u>	<u>23-17.9-5</u>	<u>Application fee</u>	<u>\$ 35.00</u>
9	<u>Nursing assistant registration</u>	<u>23-17.9-5</u>	<u>Exam fee: skills proficiency</u>	<u>\$170.00</u>
10	<u>Nursing assistant registration</u>	<u>23-17.9-6</u>	<u>Registration fee</u>	<u>\$ 35.00</u>
11	<u>Nursing assistant registration</u>	<u>23-17.9-7</u>	<u>Renewal fee</u>	<u>\$ 35.00</u>
12	<u>Sanitarians</u>	<u>23-19.3-5 (a)</u>	<u>Registration fee</u>	<u>\$ 25.00</u>
13	<u>Sanitarians</u>	<u>23-19.3-5 (b)</u>	<u>Registration renewal</u>	<u>\$ 25.00</u>
14	<u>Massage therapy</u>	<u>23-20.8-3 (e)</u>	<u>Massage therapist appl fee</u>	<u>\$ 65.00</u>
15	<u>Massage therapy</u>	<u>23-20.8-3 (e)</u>	<u>Massage therapist renewal</u>	
16			<u>fee</u>	<u>\$ 65.00</u>
17	<u>Recreational facilities</u>	<u>23-21-2</u>	<u>Application fee</u>	<u>\$160.00</u>
18	<u>Swimming pools</u>	<u>23-22-6</u>	<u>Application license:</u>	
19			<u>first pool</u>	<u>\$250.00</u>
20	<u>Swimming pools</u>	<u>23-22-6</u>	<u>Additional pool</u>	
21			<u>fee at same location</u>	<u>\$ 75.00</u>
22	<u>Swimming pools</u>	<u>23-22-6</u>	<u>Seasonal application license:</u>	
23			<u>first pool</u>	<u>\$150.00</u>
24	<u>Swimming pools</u>	<u>23-22-6</u>	<u>Seasonal additional pool</u>	
25			<u>fee at same location</u>	<u>\$ 75.00</u>
26	<u>Swimming pools</u>	<u>23-22-6</u>	<u>Year-round license</u>	
27			<u>for non-profit</u>	<u>\$25.00</u>
28	<u>Swimming pools</u>	<u>23-22-10</u>	<u>Duplicate license</u>	<u>\$ 2.00</u>
29	<u>Swimming pools</u>	<u>23-22-12</u>	<u>Penalty for violations</u>	<u>\$ 50.00</u>
30	<u>Respiratory care practitioners</u>	<u>23-39-11</u>	<u>Application fee</u>	
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ARTICLE 10

RELATING TO MAKING REVISED APPROPRIATIONS IN SUPPORT OF FY 2012

SECTION 1. Subject to the conditions, limitations and restrictions hereinafter contained in this article, 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, 2012. The amounts identified for federal funds and restricted receipts shall be made available pursuant to Section 35-4-22 and Chapter 42-41 of the Rhode Island General Laws. For the purposes and functions hereinafter mentioned, the state controller is hereby authorized and directed to draw his or her orders upon the general treasurer for the payment of such sums or such portions thereof as may be required from time to time upon receipt by him or her of properly authenticated vouchers.

	FY 2012	FY 2012	FY 2012
	Enacted	Change	Final
Administration			
<i>Central Management</i> General Revenues	1,326,065	540,232	1,866,297
<i>Legal Services</i> General Revenues	1,825,486	106,608	1,932,094
<i>Accounts and Control</i> General Revenues	3,751,998	29,173	3,781,171
<i>Budgeting</i> General Revenues	2,015,159	273,582	2,288,741
<i>Purchasing</i>			
General Revenues	2,445,901	(140,094)	2,305,807
Federal Funds	68,956	(497)	68,459
Other Funds	265,489	(8,757)	256,732
Total – Purchasing	2,780,346	(149,348)	2,630,998
<i>Auditing</i> General Revenues	1,376,922	(136,914)	1,240,008
<i>Human Resources</i>			
General Revenues	8,952,981	(366,698)	8,586,283
Federal Funds	770,374	(86,888)	683,486
Restricted Receipts	426,866	(57,308)	369,558
Other Funds	1,360,618	(72,735)	1,287,883
Total - Human Resources	11,510,839	(583,629)	10,927,210

1	<i>Personnel Appeal Board</i> General Revenues	73,560	1,116	74,676
2	<i>Facilities Management</i>			
3	General Revenues	31,519,155	(117,790)	31,401,365
4	Federal Funds	1,041,891	(20,635)	1,021,256
5	Federal Funds – Stimulus	0	500,408	500,408
6	Restricted Receipts	594,907	(12,376)	582,531
7	Other Funds	3,301,000	(62,745)	3,238,255
8	Total – Facilities Management	36,456,953	286,862	36,743,815
9	<i>Capital Projects and Property Management</i>			
10	General Revenues	2,429,894	206,803	2,636,697
11	Federal Funds - Stimulus	58,363	175,502	233,865
12	Restricted Receipts	1,433,822	(184,033)	1,249,789
13	Total – Capital Projects & Property Mgmt	3,922,079	198,272	4,120,351
14	<i>Information Technology</i>			
15	General Revenues	19,949,105	593,088	20,542,193
16	Federal Funds	6,775,106	(616,541)	6,158,565
17	Restricted Receipts	1,863,153	(88,751)	1,774,402
18	Other Funds	1,792,590	314,143	2,106,733
19	Total – Information Technology	30,379,954	201,939	30,581,893
20	<i>Library and Information Services</i>			
21	General Revenues	932,971	(1,802)	931,169
22	Federal Funds	1,288,445	147,652	1,436,097
23	Restricted Receipts	1,895	0	1,895
24	Total - Library and Information Services	2,223,311	145,850	2,369,161
25	<i>Planning</i>			
26	General Revenues	4,075,067	(11,656)	4,063,411
27	Federal Funds	11,414,909	(444,408)	10,970,501
28	Federal Funds - Stimulus	1,053,053	427,596	1,480,649
29	Federal Highway – PL Systems Planning	5,126,163	(232,777)	4,893,386
30	Air Quality Monitoring	10,000	(10,000)	0
31	Total - Planning	21,679,192	(271,245)	21,407,947
32	<i>General</i>			
33	General Revenues			
34	Economic Development Corporation	4,811,811	770,000	5,581,811

1	EDC – Airport Corporation Impact Aid	1,025,000	0	1,025,000
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2 Sixty percent (60%) of the first \$1,000,000 appropriated for airport impact aid shall be
3 distributed to each airport serving more than 1,000,000 passengers based upon its percentage of
4 the total passengers served by all airports serving more than 1,000,000 passengers. Forty percent
5 (40%) of the first \$1,000,000 shall be distributed based on the share of landings during the
6 calendar year 2011 at North Central Airport, and Westerly Airport, respectively. The Economic
7 Development Corporation shall make an impact payment to the towns of cities in which the
8 airport is located based on this calculation.

9 Each community upon which any parts of the above airports are located shall receive at
10 least \$25,000.

11	EDC – EPScore (Research Alliance)	1,500,000	0	1,500,000
12	I-195 Commission	0	50,000	50,000
13	Miscellaneous Grants	376,560	(14,175)	362,385
14	Slater Centers of Excellence	2,000,000	0	2,000,000
15	Torts – Courts	400,000	0	400,000
16	State Employees/Teachers Retiree			
17	Health Subsidy	2,321,057	0	2,321,057
18	Resource Sharing and State Library Aid	8,773,398	0	8,773,398
19	Library Construction Aid	2,821,772	0	2,821,772
20	Federal Funds	0	8,691,110	8,691,110
21	Restricted Receipts	421,500	0	421,500
22	Rhode Island Capital Plan Funds			
23	Statehouse Renovations	1,500,000	(835,296)	664,704
24	Cranston Street Armory	200,000	20,863	220,863
25	Cannon Building	1,225,000	0	1,225,000
26	Zambarano Building Rehabilitation	848,000	(527,516)	320,484
27	Pastore Medical Center Rehab DOA	1,000,000	0	1,000,000
28	Old State House	500,000	0	500,000
29	State Office Building	1,150,000	0	1,150,000
30	Old Colony House	200,000	305,277	505,277
31	William Powers Building	500,000	357,348	857,348
32	Fire Code Compliance State Buildings	650,000	(400,000)	250,000
33	Pastore Center Fire Code Compliance	800,000	340,137	1,140,137
34	Pastore Center Water Tanks	500,000	0	500,000

1	Pastore Center Utilities Upgrade	1,000,000	30,509	1,030,509
2	Replacement of Fueling Tanks	300,000	195,799	495,799
3	Environmental Compliance	300,000	(100,000)	200,000
4	Pastore Center Building Demolition	2,500,000	(2,000,000)	500,000
5	McCoy Stadium	500,000	607,809	1,107,809
6	Washington County Government Center	1,200,000	946,233	2,146,233
7	DoIT Operations Center	288,000	1,383,506	1,671,506
8	Pastore Center Power Plant	670,000	175,825	845,825
9	Veterans Memorial Auditorium	1,400,000	2,224,825	3,624,825
10	Chapin Health Laboratory	500,000	(375,000)	125,000
11	Pastore Center Parking	225,000	0	225,000
12	Board of Elections New Location	100,000	(100,000)	0
13	Building 79 Stabilization	300,000	(300,000)	0
14	Interdepartmental Weapons Range	150,000	(150,000)	0
15	USAR Rubble Pile	0	200,000	200,000
16	Zambarano Woodchip Boiler	0	750,000	750,000
17	Big River Groundwater Development	0	186,372	186,372
18	Big River Management Area	200,000	65,252	265,252
19	Total – General	43,157,098	12,498,878	55,655,976
20	<i>Debt Service Payments</i>			
21	General Revenues	144,742,359	(2,207,096)	142,535,263
22	Federal Funds	743,348	2,015,980	2,759,328
23	Restricted Receipts	7,634,798	(3,179,641)	4,455,157
24	RIPTA Debt Service	1,198,372	(93,028)	1,105,344
25	Transportation Debt Service	46,206,772	(6,360,035)	39,846,737
26	Investment Receipts – Bond Funds	100,000	0	100,000
27	COPS - DLT Building – TDI	278,848	0	278,848
28	Total - Debt Service Payments	200,904,497	(9,823,820)	191,080,677
29	<i>Energy Resources</i>			
30	Federal Funds	34,004,073	135,175	34,139,248
31	Federal Funds – Stimulus	11,865,689	17,547,543	29,413,232
32	Restricted Receipts	7,682,130	3,080,065	10,762,195
33	Total – Energy Resources	53,551,892	20,762,783	74,314,675
34	<i>Undistributed Statewide Savings</i> General Revenues	(3,000,000)	3,000,000	0

1	Grand Total – Administration	413,935,351	27,080,339	441,015,690
2	Business Regulation			
3	<i>Central Management</i> General Revenues	1,162,041	(67,085)	1,094,956
4	<i>Banking Regulation</i>			
5	General Revenues	1,472,238	(101,101)	1,371,137
6	Restricted Receipts	125,000	0	125,000
7	Total - Banking Regulation	1,597,238	(101,101)	1,496,137
8	<i>Securities Regulation</i>			
9	General Revenues	1,051,512	(200,500)	851,012
10	Restricted Receipts	15,000	0	15,000
11	Total - Securities Regulation	1,066,512	(200,500)	866,012
12	<i>Insurance Regulation</i>			
13	General Revenues	4,031,865	(420,283)	3,611,582
14	Federal Funds	148,312	(64,653)	83,659
15	Restricted Receipts	1,140,825	146,435	1,287,260
16	Total - Insurance Regulation	5,321,002	(338,501)	4,982,501
17	<i>Office of the Health Commissioner</i>			
18	General Revenues	547,168	(41,731)	505,437
19	Federal Funds	6,654,961	2,702,717	9,357,678
20	Restricted Receipts	10,500	0	10,500
21	Total – Office of the Health Commissioner	7,212,629	2,660,986	9,873,615
22	<i>Board of Accountancy</i> General Revenues	170,668	(29,996)	140,672
23	<i>Commercial Licensing, Racing & Athletics</i>			
24	General Revenues	753,526	(219,777)	533,749
25	Restricted Receipts	476,122	8,269	484,391
26	Total - Commercial Licensing, Racing &			
27	Athletics	1,229,648	(211,508)	1,018,140
28	<i>Board for Design Professionals</i> General Revenues	247,360	76,977	324,337
29	Grand Total - Business Regulation	18,007,098	1,789,272	19,796,370
30	Labor and Training			
31	<i>Central Management</i>			
32	General Revenues	113,640	5,235	118,875
33	Restricted Receipts	534,274	(192,965)	341,309
34	Rhode Island Capital Plan Funds			

1	Center General Asset Protection	208,500	(25,000)	183,500
2	Center General Roof	770,000	(753,650)	16,350
3	Total - Central Management	1,626,414	(966,380)	660,034
4	<i>Workforce Development Services</i>			
5	Federal Funds	29,292,898	(1,162,473)	28,130,425
6	Federal Funds – Stimulus	0	12,450	12,450
7	Restricted Receipts	6,694,730	(352,723)	6,342,007
8	Shared Youth Vision	45,900	(45,900)	0
9	Total - Workforce Development Services	36,033,528	(1,548,646)	34,484,882
10	<i>Workforce Regulation and Safety</i> General Revenues	2,901,435	80,420	2,981,855
11	<i>Income Support</i>			
12	General Revenues	4,163,873	(132,012)	4,031,861
13	Federal Funds	19,194,869	4,804,308	23,999,177
14	Federal Funds – Stimulus - UI	51,275,635	120,288,044	171,563,679
15	Restricted Receipts	1,320,268	26,005,934	27,326,202
16	Temporary Disability Insurance Fund	172,306,860	(983,251)	171,323,609
17	Employment Security Fund	273,892,146	164,674,681	438,566,827
18	Total - Income Support	522,153,651	314,657,704	836,811,355
19	<i>Injured Workers Services</i> Restricted Receipts	8,555,089	590,040	9,145,129
20	<i>Labor Relations Board</i> General Revenues	396,538	(15,589)	380,949
21	Grand Total - Labor and Training	571,666,655	312,797,549	884,464,204
22	Department of Revenue			
23	<i>Director of Revenue</i> General Revenues	784,261	1,705	785,966
24	<i>Office of Revenue Analysis</i> General Revenues	435,910	(53,712)	382,198
25	<i>Lottery Division</i> Other Funds	218,537,728	9,301,684	227,839,412
26	<i>Municipal Finance</i>			
27	General Revenues	1,204,490	(33,315)	1,171,175
28	Central Falls Receivership	698,450	1,016,987	1,715,437
29	East Providence	0	129,225	129,225
30	Total – Municipal Finance	1,902,940	1,112,897	3,015,837
31	<i>Taxation</i>			
32	General Revenues	17,323,623	(122,313)	17,201,310
33	Federal Funds	1,348,756	(11,618)	1,337,138
34	Restricted Receipts	888,899	(8,207)	880,692

1	Other Funds			
2	Motor Fuel Tax Evasion	43,178	54	43,232
3	Temporary Disability Insurance	987,032	(3,195)	983,837
4	RICAP – Tax Data Warehouse	0	236,105	236,105
5	Total – Taxation	20,591,488	90,826	20,682,314
6	<i>Registry of Motor Vehicles</i>			
7	General Revenues	17,574,304	365,453	17,939,757
8	Federal Funds	1,287,303	(459,792)	827,511
9	Restricted Receipts	15,100	347,992	363,092
10	Rhode Island Capital Plan Funds			
11	Registry of Motor Vehicles – Forand	0	519,579	519,579
12	Total – Registry of Motor Vehicles	18,876,707	773,232	19,649,939
13	<i>State Aid</i>			
14	General Revenues			
15	Distressed Communities Relief Fund	10,384,458	0	10,384,458
16	Payment in Lieu of Tax Exempt Properties	33,080,409	0	33,080,409
17	Motor Vehicle Excise Tax Payments	10,000,000	0	10,000,000
18	Property Revaluation Program	1,125,000	(219,780)	905,220
19	Municipal Pension Revaluation	0	234,000	234,000
20	Central Falls Stabilization Payment	0	2,636,932	2,636,932
21	Restricted Receipts - Car Rental Tax/ Surcharge – Warwick Share	957,497	0	957,497
22				
23	Total – State Aid	55,547,364	2,651,152	58,198,516
24	Grand Total – Revenue	316,676,398	13,877,784	330,554,182
25	Legislature			
26	General Revenues	36,548,053	3,474,421	40,022,474
27	Restricted Receipts	1,649,199	(7,144)	1,642,055
28	Grand Total – Legislature	38,197,252	3,467,277	41,664,529
29	Lieutenant Governor			
30	General Revenues	965,940	(14,831)	951,109
31	Federal Funds	124,232	(173)	124,059
32	Grand Total - Lieutenant Governor	1,090,172	(15,004)	1,075,168
33	Secretary of State			
34	<i>Administration</i> General Revenues	2,056,734	(190,877)	1,865,857

1	<i>Corporations</i> General Revenues	1,891,380	337,742	2,229,122
2	<i>State Archives</i>			
3	General Revenues	79,385	0	79,385
4	Restricted Receipts	496,548	5,788	502,336
5	Total - State Archives	575,933	5,788	581,721
6	<i>Elections & Civics</i>			
7	General Revenues	1,432,530	(23,985)	1,408,545
8	Federal Funds	0	55,438	55,438
9	Total – Elections and Civics	1,432,530	31,453	1,463,983
10	<i>State Library</i> General Revenues	581,844	10,398	592,242
11	<i>Office of Public Information</i> General Revenues	334,439	5,312	339,751
12	Grand Total – Secretary of State	6,872,860	199,816	7,072,676
13	General Treasurer			
14	<i>Treasury</i>			
15	General Revenues	2,190,137	98,721	2,288,858
16	Federal Funds	279,741	19,506	299,247
17	Temporary Disability Insurance Fund	227,589	22,126	249,715
18	Total – Treasury	2,697,467	140,353	2,837,820
19	<i>State Retirement System</i>			
20	General Revenues	0	206,456	206,456
21	Restricted Receipts			
22	Admin Expenses - State Retirement System	11,062,057	(227,636)	10,834,421
23	Retirement - Treasury Investment Operations	1,060,744	125,645	1,186,389
24	Total - State Retirement System	12,122,801	104,465	12,227,266
25	<i>Unclaimed Property</i> Restricted Receipts	15,940,148	11,107,317	27,047,465
26	<i>Crime Victim Compensation Program</i>			
27	General Revenues	110,715	32,915	143,630
28	Federal Funds	848,310	50,895	899,205
29	Restricted Receipts	1,481,135	(332,170)	1,148,965
30	Total - Crime Victim Compensation Program	2,440,160	(248,360)	2,191,800
31	Grand Total – General Treasurer	33,200,576	11,103,775	44,304,351
32	Board of Elections			
33	General Revenues	1,825,905	(121,644)	1,704,261
34	Federal Funds	50,000	0	50,000

1	Grand Total - Board of Elections	1,875,905	(121,644)	1,754,261
2	Rhode Island Ethics Commission			
3	General Revenues	1,560,008	(97,062)	1,462,946
4	Office of Governor			
5	General Revenues	4,088,521	(43,223)	4,045,298
6	Contingency Fund	250,000	0	250,000
7	Federal Funds	0	109,768	109,768
8	Federal Funds – Stimulus	139,898	(139,898)	0
9	Restricted Receipts - OERR	777,676	(65,320)	712,356
10	Grand Total – Office of Governor	5,256,095	(138,673)	5,117,422
11	Commission for Human Rights			
12	General Revenues	1,154,038	(11,218)	1,142,820
13	Federal Funds	301,532	(24,463)	277,069
14	Grand Total - Commission for			
15	Human Rights	1,455,570	(35,681)	1,419,889
16	Public Utilities Commission			
17	Federal Funds	109,394	(610)	108,784
18	Federal Funds – Stimulus	199,979	11,548	211,527
19	Restricted Receipts	7,795,633	(18,486)	7,777,147
20	Grand Total - Public Utilities Commission	8,105,006	(7,548)	8,097,458
21	Office of Health and Human Services			
22	General Revenues	9,773,834	571,128	10,344,962
23	Federal Funds	6,250,134	1,688,372	7,938,506
24	Federal Funds – Stimulus	0	104,000	104,000
25	Restricted Receipts	904,712	(7,272)	897,440
26	Grand Total – Health and Human Services	16,928,680	2,356,228	19,284,908
27	Children, Youth, and Families			
28	<i>Central Management</i>			
29	General Revenues			
30	Information Systems	1,033,309	164,929	1,198,238
31	Office of the Budget	341,958	368,377	710,335
32	Office of the Director	889,249	(530,988)	358,261
33	Support Services	2,430,044	(350,611)	2,079,433
34	Federal Funds			

1	Information Systems	390,275	338,952	729,227
2	Office of Budget	427,922	(18,932)	408,990
3	Support Services	881,243	92,212	973,455
4	Restricted Receipts	301,122	(15,929)	285,193
5	Total - Central Management	6,695,122	48,010	6,743,132
6	<i>Children's Behavioral Health Services</i>			
7	General Revenues			
8	Children's Mental Health	10,088,177	(538,465)	9,549,712
9	Local Coordinating Council	730,119	254,599	984,718
10	Federal Funds			
11	Educational Services	1,733,352	(127,049)	1,606,303
12	Children's Mental Health	8,489,226	(1,143,973)	7,345,253
13	Federal Funds – Stimulus	0	75	75
14	Rhode Island Capital Plan Funds			
15	NAFI Center	530,000	(280,000)	250,000
16	Mt. Hope Building Facade	275,000	(275,000)	0
17	Various Repairs and Improvements	900,000	0	900,000
18	Old Training School Close	0	75,000	75,000
19	Total - Children's Behavioral Health			
20	Services	22,745,874	(2,034,813)	20,711,061
21	<i>Juvenile Correctional Services</i>			
22	General Revenues			
23	Institutional Services	16,605,460	(302,147)	16,303,313
24	Juvenile Probation and Parole	10,132,890	(502,482)	9,630,408
25	RITS Education Program	3,746,798	811,074	4,557,872
26	Federal Funds			
27	Institutional Services	64,000	(4,772)	59,228
28	Juvenile Probation and Parole	1,709,531	(503,067)	1,206,464
29	RITS Education Program	156,977	(23,599)	133,378
30	Federal Funds – Stimulus	386,667	137,903	524,570
31	Rhode Island Capital Plan Funds			
32	Vocational Building – RITS	0	79,900	79,900
33	Total - Juvenile Correctional Services	32,802,323	(307,190)	32,495,133
34	<i>Child Welfare</i>			

1	General Revenues			
2	18 to 21 Year Olds	12,358,817	(1,265,581)	11,093,236
3	Board and Care	45,396,579	8,831,562	54,228,141
4	Community Services	3,177,072	(2,252,728)	924,344
5	Family Services	16,904,520	(3,536,489)	13,368,031
6	Foster Care	11,092,453	2,146,482	13,238,935
7	Prevention Services	2,324	3,303	5,627
8	Protective Services	10,069,214	3,401,588	13,470,802
9	Federal Funds			
10	18 to 21 Year Olds	2,501,548	127,908	2,629,456
11	Board and Care	23,612,189	1,299,078	24,911,267
12	Community Services	3,730,450	(173,634)	3,556,816
13	Foster Care	5,099,091	815,706	5,914,797
14	Prevention Services	1,404,420	(72,432)	1,331,988
15	Protective Services	9,039,102	490,788	9,529,890
16	Federal Funds – Stimulus	0	363,696	363,696
17	Restricted Receipts	3,088,174	(547,985)	2,540,189
18	Rhode Island Capital Plan Funds			
19	Camp E-Hun-Tee	85,000	(85,000)	0
20	Fire Code Upgrades	1,000,000	(500,000)	500,000
21	Total - Child Welfare	148,560,953	9,046,262	157,607,215
22	<i>Higher Education Incentive Grants</i> General Revenues	200,000	0	200,000
23	Grand Total - Children, Youth, and Families	211,004,272	6,752,269	217,756,541
24	Health			
25	<i>Central Management</i>			
26	General Revenues	1,352,631	(166,710)	1,185,921
27	Federal Funds	10,192,986	(48,975)	10,144,011
28	Restricted Receipts	3,511,068	(460,164)	3,050,904
29	Total - Central Management	15,056,685	(675,849)	14,380,836
30	<i>State Medical Examiner</i>			
31	General Revenues	2,012,467	80,801	2,093,268
32	Federal Funds	237,653	(39,036)	198,617
33	Total - State Medical Examiner	2,250,120	41,765	2,291,885
34	<i>Environmental and Health Services Regulation</i>			

1	General Revenues	8,511,059	14,897	8,525,956
2	Federal Funds	5,379,236	290,130	5,669,366
3	Restricted Receipts	4,375,400	(224,015)	4,151,385
4	Total - Environmental & Health			
5	Services Regulation	18,265,695	81,012	18,346,707
6	<i>Health Laboratories</i>			
7	General Revenues	6,016,806	301,763	6,318,569
8	Federal Funds	1,526,065	51,726	1,577,791
9	Federal Funds - Stimulus	257,946	154,177	412,123
10	Total - Health Laboratories	7,800,817	507,666	8,308,483
11	<i>Public Health Information</i>			
12	General Revenues	1,599,404	47,065	1,646,469
13	Federal Funds	1,370,411	(402,062)	968,349
14	Federal Funds - Stimulus	541,916	14,571	556,487
15	Total – Public Health Information	3,511,731	(340,426)	3,171,305
16	<i>Community and Family Health and Equity</i>			
17	General Revenues	2,623,954	(149,681)	2,474,273
18	Federal Funds	33,750,847	10,727,113	44,477,960
19	Federal Funds - Stimulus	2,878,814	3,527,895	6,406,709
20	Restricted Receipts	18,871,386	1,535,363	20,406,749
21	Safe and Active Commuting	63,400	108,600	172,000
22	Total – Community and Family			
23	Health & Equity	58,188,401	15,749,290	73,937,691
24	<i>Infectious Disease and Epidemiology</i>			
25	General Revenues	2,131,704	(378,794)	1,752,910
26	Federal Funds	2,868,679	399,573	3,268,252
27	Federal Funds – Stimulus	119,986	(4,102)	115,884
28	Total – Infectious Disease and Epidemiology	5,120,369	16,677	5,137,046
29	Grand Total – Health	110,193,818	15,380,135	125,573,953
30	Human Services			
31	<i>Central Management</i>			
32	General Revenues	5,683,745	(2,091)	5,681,654
33	Federal Funds	5,364,162	25,402	5,389,564
34	Restricted Receipts	499,999	21,064	521,063

1	Total - Central Management	11,547,906	44,375	11,592,281
2	<i>Child Support Enforcement</i>			
3	General Revenues	2,214,781	(61,703)	2,153,078
4	Federal Funds	6,140,841	(145,922)	5,994,919
5	Total – Child Support Enforcement	8,355,622	(207,625)	8,147,997
6	<i>Individual and Family Support</i>			
7	General Revenues	22,498,106	(62,969)	22,435,137
8	Federal Funds	100,790,474	(2,094,788)	98,695,686
9	Federal Funds - Stimulus	0	2,587,257	2,587,257
10	Restricted Receipts	180,000	0	180,000
11	Rhode Island Capital Plan Fund			
12	Blind Vending Facilities	165,000	0	165,000
13	Intermodal Surface Transportation Fund	4,252,279	(28,095)	4,224,184
14	Total - Individual and Family Support	127,885,859	401,405	128,287,264
15	<i>Veterans' Affairs</i>			
16	General Revenues	18,568,043	(239,718)	18,328,325
17	Federal Funds	8,005,072	(1,464,255)	6,540,817
18	Restricted Receipts	1,643,512	2,988,402	4,631,914
19	Total - Veterans' Affairs	28,216,627	1,284,429	29,501,056
20	<i>Health Care Quality, Financing and Purchasing</i>			
21	General Revenues	18,551,887	(456,069)	18,095,818
22	Federal Funds	40,761,367	22,713,505	63,474,872
23	Federal Funds – Stimulus	0	519,586	519,586
24	Restricted Receipts	60,000	0	60,000
25	Total - Health Care Quality,			
26	Financing & Purchasing	59,373,254	22,777,022	82,150,276
27	<i>Medical Benefits</i>			
28	General Revenues			
29	Managed Care	290,019,801	(21,083,470)	268,936,331
30	Hospitals	114,309,330	(5,325,714)	108,983,616
31	Nursing Facilities	162,645,787	1,529,693	164,175,480
32	Home and Community Based Services	32,834,071	1,822,019	34,656,090
33	Other	43,965,644	(1,063,443)	42,902,201
34	Pharmacy	51,048,438	(2,820,091)	48,228,347

1	Rhody Health	91,145,473	(3,038,955)	88,106,518
2	Federal Funds			
3	Managed Care	330,298,050	(23,254,029)	307,044,021
4	Hospitals	126,062,520	(13,681,079)	112,381,441
5	Nursing Facilities	178,545,292	1,679,228	180,224,520
6	Home and Community Based Services	41,294,467	(3,250,557)	38,043,910
7	Other	62,922,375	(943,571)	61,978,804
8	Pharmacy	5,076,010	(5,895,706)	(819,696)
9	Rhody Health	100,055,369	(5,761,887)	94,293,482
10	Special Education	20,837,655	(2,487,655)	18,350,000
11	Restricted Receipts	11,133,995	4,648	11,138,643
12	Total - Medical Benefits	1,662,194,277	(83,570,569)	1,578,623,708
13	<i>Supplemental Security Income Program</i>			
14	General Revenues	18,000,600	598,920	18,599,520
15	<i>Rhode Island Works</i>			
16	General Revenues			
17	Child Care	9,668,635	0	9,668,635
18	Federal Funds	76,471,915	1,994,310	78,466,225
19	Total – Rhode Island Works	86,140,550	1,994,310	88,134,860
20	<i>State Funded Programs</i>			
21	General Revenues			
22	General Public Assistance	2,491,925	415,790	2,907,715
23	Of this appropriation, \$210,000 shall be used for hardship contingency payments.			
24	Federal Funds	299,218,512	(479,736)	298,738,776
25	Total - State Funded Programs	301,710,437	(63,946)	301,646,491
26	<i>Elderly Affairs</i>			
27	General Revenues			
28	General Revenues	9,109,749	404,553	9,514,302
29	RIPAE	374,000	(374,000)	0
30	Care and Safety of the Elderly	1,287	0	1,287
31	Federal Funds	17,769,466	2,308,630	20,078,096
32	Restricted Receipts	572,091	285,422	857,513
33	Total – Elderly Affairs	27,826,593	2,624,605	30,451,198
34	Grand Total - Human Services	2,331,251,725	(54,117,074)	2,277,134,651

1	Behavioral Health, Developmental Disabilities, and Hospitals			
2	<i>Central Management</i>			
3	General Revenues	829,195	(52,473)	776,722
4	Federal Funds	320,449	(959)	319,490
5	Total - Central Management	1,149,644	(53,432)	1,096,212
6	<i>Hospital and Community System Support</i>			
7	General Revenues	2,435,629	(55,824)	2,379,805
8	Restricted Receipts	435,237	0	435,237
9	Rhode Island Capital Plan Funds			
10	Medical Center Rehabilitation	750,000	716,466	1,466,466
11	Community Facilities Fire Code	750,000	15,388	765,388
12	Total - Hospital and Community			
13	System Support	4,370,866	676,030	5,046,896
14	<i>Services for the Developmentally Disabled</i>			
15	General Revenues	97,336,360	1,165,602	98,501,962
16	Federal Funds	110,679,602	(314,444)	110,365,158
17	Restricted Receipts	2,006,522	(230,505)	1,776,017
18	Rhode Island Capital Plan Funds			
19	DD Private Waiver	909,832	(747,495)	162,337
20	Regional Center Repair/Rehabilitation	750,000	(154,068)	595,932
21	MR Community Facilities/Access to			
22	Independence	1,000,000	(100,000)	900,000
23	Total - Services for the Developmentally			
24	Disabled	212,682,316	(380,910)	212,301,406
25	<i>Behavioral Healthcare Services</i>			
26	General Revenues	36,009,986	(31,072)	35,978,914
27	Federal Funds	71,467,483	(234,237)	71,233,246
28	Federal Funds – Stimulus	50,000	240,000	290,000
29	Restricted Receipts	90,000	35,000	125,000
30	Rhode Island Capital Plan Funds			
31	MH Community Facilities Repair	300,000	116,888	416,888
32	MH Housing Development-Thresholds	500,000	0	500,000
33	MH Residence Furniture	25,000	(3,169)	21,831
34	Substance Abuse Asset Production	300,000	(200,000)	100,000

1	Total – Behavioral Healthcare Services	108,742,469	(76,590)	108,665,879
2	<i>Hospital and Community Rehabilitative Services</i>			
3	General Revenues	47,638,399	1,810,349	49,448,748
4	Federal Funds	42,972,413	3,170,311	46,142,724
5	Restricted Receipts	5,466,220	(684,027)	4,782,193
6	Rhode Island Capital Plan Funds			
7	Zambarano Buildings and Utilities	500,000	(355,484)	144,516
8	Hospital Consolidation	16,000,000	(15,670,000)	330,000
9	Eleanor Slater HVAC/Elevators	0	100,000	100,000
10	MR Community Facilities	1,100,000	60,446	1,160,446
11	BHDDH Administrative Building	500,000	(500,000)	0
12	Total - Hospital and Community			
13	Rehabilitative Services	114,177,032	(12,068,405)	102,108,627
14	Grand Total – Behavioral Health, Developmental			
15	Disabilities, and Hospitals	441,122,327	(11,903,307)	429,219,020
16	Office of the Child Advocate			
17	General Revenues	603,384	(114,550)	488,834
18	Federal Funds	49,048	733	49,781
19	Grand Total – Office of the Child Advocate			
20	Commission on the Deaf and Hard of Hearing			
21	General Revenues	387,985	(1,699)	386,286
22	Governor's Commission on Disabilities			
23	General Revenues	388,786	(857)	387,929
24	Federal Funds	181,842	(59,394)	122,448
25	Restricted Receipts	9,264	2,096	11,360
26	Rhode Island Capital Plan Funds			
27	Facility Renovation – Handicapped	250,000	0	250,000
28	Grand Total - Governor's Commission on			
29	Disabilities	829,892	(58,155)	771,737
30	Office of the Mental Health Advocate			
31	General Revenues	468,718	(75,546)	393,172
32	Elementary and Secondary Education			
33	<i>Administration of the Comprehensive Education Strategy</i>			
34	General Revenues	17,184,938	2,200,806	19,385,744

1	Federal Funds	191,187,703	(340,838)	190,846,865
2	Federal Funds – Stimulus	21,536,413	2,645,286	24,181,699
3	Education Jobs Fund	5,248,761	10,428,287	15,677,048
4	RTTT LEA Share	12,850,155	1,724,460	14,574,615
5	Restricted Receipts	1,111,416	1,010	1,112,426
6	HRIC Adult Education Grants	5,795,000	(2,295,000)	3,500,000
7	Statewide Transportation – RIPTA Grant	0	47,000	47,000
8	Rhode Island Capital Plan Funds			
9	Chariho Career and Technical	400,000	0	400,000
10	Cranston Career and Technical	890,000	(828,000)	62,000
11	Newport Career and Technical	800,000	142,962	942,962
12	Warwick Career and Technical	200,000	258,036	458,036
13	Woonsocket Career and Technical	475,788	0	475,788
14	East Providence Career and Technical	150,000	697,834	847,834
15	Total – Administration of the Comprehensive			
16	Education Strategy	257,830,174	14,681,843	272,512,017
17	<i>Davies Career and Technical School</i>			
18	General Revenues	13,416,256	0	13,416,256
19	Federal Funds	1,439,216	(14,091)	1,425,125
20	Federal Funds – Stimulus	1,003,933	184,292	1,188,225
21	Restricted Receipts	685,495	280,000	965,495
22	Rhode Island Capital Plan Funds			
23	Davies Roof Repair	387,275	1,136,440	1,523,715
24	Davies HVAC	414,628	3,597	418,225
25	Davies Asset Protection	425,000	23,421	448,421
26	Total - Davies Career and Technical School	17,771,803	1,613,659	19,385,462
27	<i>RI School for the Deaf</i>			
28	General Revenues	5,889,334	(21,456)	5,867,878
29	Federal Funds	275,393	119,384	394,777
30	Federal Funds – Stimulus	0	409,501	409,501
31	Restricted Receipts	651,482	(142,320)	509,162
32	Total - RI School for the Deaf	6,816,209	365,109	7,181,318
33	<i>Metropolitan Career and Technical School</i>			
34	General Revenues	11,642,563	0	11,642,563

1	Rhode Island Capital Plan Funds			
2	MET School East Bay	2,000,000	507,278	2,507,278
3	Total – Metropolitan Career and			
4	Technical School	13,642,563	507,278	14,149,841
5	<i>Education Aid</i>			
6	General Revenues	621,639,790	25,698	621,665,488
7	Federal Funds – Stimulus	3,515,045	(1,051,117)	2,463,928
8	Restricted Receipts	18,091,028	548,325	18,639,353
9	Permanent School Fund – Education Aid	0	183,624	183,624
10	Total – Education Aid	643,245,863	(293,470)	642,952,393
11	<i>Central Falls School District</i>			
12	General Revenues	39,161,820	0	39,161,820
13	Federal Funds – Stimulus	1,089,396	(1,089,396)	0
14	Permanent School Fund – Central Falls	183,624	(183,624)	0
15	Total – Central Falls School District	40,434,840	(1,273,020)	39,161,820
16	<i>Housing Aid</i> General Revenues	72,507,180	(2,858,858)	69,648,322
17	<i>Teachers' Retirement</i> General Revenues	81,635,719	2,477,488	84,113,207
18	Grand Total - Elementary and Secondary			
19	Education	1,133,884,351	15,220,029	1,149,104,380
20	Public Higher Education			
21	<i>Board of Governors/Office of Higher Education</i>			
22	General Revenues	6,141,012	(7,774)	6,133,238
23	Federal Funds	4,588,294	703,480	5,291,774
24	Total - Board of Governors/Office of			
25	Higher Education	10,729,306	695,706	11,425,012
26	<i>University of Rhode Island</i>			
27	General Revenues	57,773,316	(134,880)	57,638,436
28	State Crime Lab	775,000	71,885	846,885
29	Debt Service	15,164,218	931,528	16,095,746
30	Stabilization Funds – Fire Safety	0	7,192,682	7,192,682
31	Federal Funds- Stimulus Byrne Grant Crime Lab	6,462	(6,462)	0
32	University and College Funds	586,841,049	3,717,536	590,558,585
33	Debt – Dining Services	1,144,008	0	1,144,008
34	Debt – Education and General	3,292,622	(29,673)	3,262,949

1	Debt – Health Services	150,299	0	150,299
2	Debt – Housing Loan Funds	8,462,539	0	8,462,539
3	Debt – Memorial Union	121,827	0	121,827
4	Debt – Ryan Center	2,800,626	0	2,800,626
5	Debt – Alton Jones Services	115,886	0	115,886
6	Debt - Parking Authority	1,018,369	0	1,018,369
7	Debt – Sponsored Research	102,388	0	102,388
8	Debt – URI Energy Conservation	1,932,338	0	1,932,338
9	Rhode Island Capital Plan Funds			
10	Asset Protection	7,042,364	0	7,042,364
11	New Chemistry Building	1,000,000	377,872	1,377,872
12	Nursing and Assoc. Health Building	0	18,967	18,967
13	URI Biotechnology Center	4,500,000	279,834	4,779,834
14	Fine Arts Center Renovation	400,000	0	400,000
15	Total – University of Rhode Island	692,643,311	12,419,289	705,062,600

16 Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or
17 unencumbered balances as of June 30, 2012 relating to the University of Rhode Island are hereby
18 reappropriated to fiscal year 2013.

19 *Rhode Island College*

20	General Revenues	38,359,719	(120,112)	38,239,607
21	Debt Service	1,978,374	(1,437,055)	541,319
22	Stabilization Funds – Fire Safety	0	7,029,104	7,029,104
23	University and College Funds	107,550,237	3,354,270	110,904,507
24	Debt – Education and General	890,878	0	890,878
25	Debt – Housing	413,346	1,623,984	2,037,330
26	Debt – Student Center and Dining	172,960	0	172,960
27	Debt – Student Union	231,531	0	231,531
28	Debt – G.O. Debt Service	1,623,984	1,615,685	3,239,669
29	Rhode Island Capital Plan Funds			
30	Asset Protection	3,011,160	1,553,374	4,564,534
31	New Art Center Advanced	1,300,000	363,978	1,663,978
32	Total – Rhode Island College	155,532,189	13,983,228	169,515,417

33 Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or
34 unencumbered balances as of June 30, 2012 relating to Rhode Island College are hereby

1 reappropriated to fiscal year 2013.

2 *Community College of Rhode Island*

3	General Revenues	44,619,462	(136,805)	44,482,657
4	Debt Service	1,676,118	0	1,676,118
5	Stabilization Funds – Fire Safety	0	4,993,701	4,993,701
6	Restricted Receipts	941,338	(123,991)	817,347
7	University and College Funds	88,671,187	1,205,456	89,876,643
8	Debt – Bookstore	24,830	0	24,830
9	CCRI Debt Service – Energy Conservation	0	557,644	557,644
10	Rhode Island Capital Plan Funds			
11	Asset Protection	2,007,101	55,039	2,062,140
12	Fire Code and HVAC	0	749,065	749,065
13	Total – Community College of RI	137,940,036	7,300,109	145,240,145

14 Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or
15 unencumbered balances as of June 30, 2012 relating to the Community College of Rhode Island
16 are hereby reappropriated to fiscal year 2013.

17 Grand Total – Public Higher Education 996,844,842 34,398,332 1,031,243,174

18 **RI State Council on the Arts**

19	General Revenues			
20	Operating Support	716,635	(7,616)	709,019
21	Grants	962,227	(6,412)	955,815
22	Federal Funds	973,064	6,509	979,573
23	Arts for Public Facilities	435,000	783,000	1,218,000
24	Grand Total - RI State Council on the Arts	3,086,926	775,481	3,862,407

25 **RI Atomic Energy Commission**

26	General Revenues	879,592	(2,133)	877,459
27	Federal Funds	324,104	(140,352)	183,752
28	URI Sponsored Research	257,830	12,860	270,690
29	Rhode Island Capital Plan Funds			
30	RINSC Asset Protection	50,000	12,486	62,486
31	Grand Total - RI Atomic Energy Commission	1,511,526	(117,139)	1,394,387

32 **RI Higher Education Assistance Authority**

33	General Revenues			
34	Needs Based Grants and Work Opportunities	5,014,003	253,864	5,267,867

1	Authority Operations and Other Grants	899,101	(255,170)	643,931
2	Federal Funds	13,508,323	(473,604)	13,034,719
3	Tuition Savings Pgm. – Needs Based Grants	7,990,720	983,453	8,974,173
4	Grand Total – RI Higher Education Assistance			
5	Authority	27,412,147	508,543	27,920,690
6	RI Historical Preservation and Heritage Commission			
7	General Revenues	1,469,797	(131,942)	1,337,855
8	Federal Funds	846,195	27,661	873,856
9	Restricted Receipts	478,181	(21,004)	457,177
10	Other Funds	75,000	0	75,000
11	Grand Total – RI Historical Preservation			
12	and Heritage Commission	2,869,173	(125,285)	2,743,888
13	RI Public Telecommunications Authority			
14	General Revenues	947,960	(19,539)	928,421
15	Corporation for Public Broadcasting	683,212	(47,297)	635,915
16	Grand Total – RI Public Telecommunications			
17	Authority	1,631,172	(66,836)	1,564,336
18	Attorney General			
19	<i>Criminal</i>			
20	General Revenues	13,739,364	(158,938)	13,580,426
21	Federal Funds	2,870,904	(309,233)	2,561,671
22	Federal Funds – Stimulus	0	253,281	253,281
23	Restricted Receipts	398,888	(20,862)	378,026
24	Total – Criminal	17,009,156	(235,752)	16,773,404
25	<i>Civil</i>			
26	General Revenues	4,692,836	173,421	4,866,257
27	Restricted Receipts	723,347	246,027	969,374
28	Total – Civil	5,416,183	419,448	5,835,631
29	<i>Bureau of Criminal Identification</i>			
30	General Revenues	1,101,532	76,472	1,178,004
31	Federal Funds	25,040	66,190	91,230
32	Total - Bureau of Criminal Identification	1,126,572	142,662	1,269,234
33	<i>General</i>			
34	General Revenues	2,909,135	(279,005)	2,630,130

1	Rhode Island Capital Plan Funds			
2	Building Renovations and Repairs	250,000	(30,000)	220,000
3	Total – General	3,159,135	(309,005)	2,850,130
4	Grand Total - Attorney General	26,711,046	17,353	26,728,399
5	Corrections			
6	<i>Central Management</i>			
7	General Revenues	8,596,603	68,653	8,665,256
8	Federal Funds	0	27,368	27,368
9	Federal Funds – Stimulus	0	105,529	105,529
10	Total – Central Management	8,596,603	201,550	8,798,153
11	<i>Parole Board</i>			
12	General Revenues	1,365,771	(60,497)	1,305,274
13	Federal Funds	36,850	(791)	36,059
14	Total - Parole Board	1,402,621	(61,288)	1,341,333
15	<i>Institutional Corrections</i>			
16	General Revenues	157,573,034	3,876,791	161,449,825
17	Federal Funds	1,911,173	120,879	2,032,052
18	Federal Funds – Stimulus	408,000	38,310	446,310
19	Restricted Receipts	0	69,203	69,203
20	Rhode Island Capital Plan Funds			
21	Women's Bathroom Renovations	410,800	6,929	417,729
22	Asset Protection	4,250,000	(2,029,094)	2,220,906
23	Maximum – General Renovations	625,000	(255,520)	369,480
24	General Renovations - Women	1,774,517	(982,712)	791,805
25	Bernadette Guay Roof	0	214,335	214,335
26	Reintegration Center	0	533,027	533,027
27	ISC Exterior Envelope and HVAC	1,400,000	(1,400,000)	0
28	Minimum Security Kitchen Expansion	325,000	(215,600)	109,400
29	Medium Infrastructure	1,500,000	(1,500,000)	0
30	Total - Institutional Corrections	170,177,524	(1,523,452)	168,654,072
31	<i>Community Corrections</i>			
32	General Revenues	14,605,957	(27,005)	14,578,952
33	Federal Funds	558,522	(1,433)	557,089
34	Restricted Receipts	34,371	762	35,133

1	Total – Community Corrections	15,198,850	(27,676)	15,171,174
2	Grand Total – Corrections	195,375,598	(1,410,866)	193,964,732
3	Judiciary			
4	<i>Supreme Court</i>			
5	General Revenues	26,325,441	(122,220)	26,203,221
6	Defense of Indigents	3,562,240	(19,682)	3,542,558
7	Federal Funds	341,723	160,195	501,918
8	Federal Funds – Stimulus	0	16,639	16,639
9	Restricted Receipts	1,359,947	100,136	1,460,083
10	Rhode Island Capital Plan Funds			
11	Judicial HVAC	500,000	6,953	506,953
12	Judicial Complexes Asset Protection	600,000	14,130	614,130
13	Total - Supreme Court	32,689,351	156,151	32,845,502
14	<i>Judicial Tenure and Discipline</i> General Revenues	111,282	(5,752)	105,530
15	<i>Superior Court</i>			
16	General Revenues	20,865,210	495,028	21,360,238
17	Federal Funds	72,985	92,037	165,022
18	Restricted Receipts	498,996	9,515	508,511
19	Total - Superior Court	21,437,191	596,580	22,033,771
20	<i>Family Court</i>			
21	General Revenues	17,533,090	(385,235)	17,147,855
22	Federal Funds	2,974,141	(635,209)	2,338,932
23	Federal Funds – Stimulus	57,611	(57,611)	0
24	Restricted Receipts	252,350	429,543	681,893
25	Total - Family Court	20,817,192	(648,512)	20,168,680
26	<i>District Court</i>			
27	General Revenues	10,924,545	383,879	11,308,424
28	Federal Funds	130,128	0	130,128
29	Restricted Receipts	332,092	(48,788)	283,304
30	Total - District Court	11,386,765	335,091	11,721,856
31	<i>Traffic Tribunal</i> General Revenues	7,752,175	439,898	8,192,073
32	<i>Workers' Compensation Court</i> Restricted Receipts	7,754,978	(58,814)	7,696,164
33	Grand Total – Judiciary	101,948,934	814,642	102,763,576
34	Military Staff			

1	<i>National Guard</i>			
2	General Revenues	1,446,301	(32,578)	1,413,723
3	Federal Funds	11,675,448	(59,458)	11,615,990
4	Restricted Receipts	235,000	65,000	300,000
5	Rhode Island Capital Plan Funds			
6	Armory of Mounted Command Roof			
7	Replacement	750,000	(406,518)	343,482
8	State Armories Fire Code Compliance	170,000	0	170,000
9	Federal Armories Fire Code Compliance	53,750	0	53,750
10	Asset Protection	400,000	0	400,000
11	Logistics/Maintenance Facilities Fire Code Comp.	71,813	(21,813)	50,000
12	FMS #3 Roof	0	15,000	15,000
13	Command Readiness Center Addition	50,000	0	50,000
14	Emergency Management Building	125,000	(125,000)	0
15	Total - National Guard	14,977,312	(565,367)	14,411,945
16	<i>Emergency Management</i>			
17	General Revenues	2,024,627	148,522	2,173,149
18	Federal Funds	17,742,990	13,502,095	31,245,085
19	Restricted Receipts	374,311	(204,281)	170,030
20	Total - Emergency Management	20,141,928	13,446,336	33,588,264
21	Grand Total - Military Staff	35,119,240	12,880,969	48,000,209
22	Public Safety			
23	<i>Central Management</i>			
24	General Revenues	780,113	283,723	1,063,836
25	Federal Funds	4,122,042	(28,643)	4,093,399
26	Federal Funds – Stimulus	266,476	523,204	789,680
27	Restricted Receipts	850	0	850
28	Total – Central Management	5,169,481	778,284	5,947,765
29	<i>E-911 Emergency Telephone System</i>			
30	General Revenues	4,772,358	158,528	4,930,886
31	Federal Funds	0	150,000	150,000
32	Total – E-911 Emergency Telephone System	4,772,358	308,528	5,080,886
33	<i>State Fire Marshal</i>			
34	General Revenues	2,568,574	74,640	2,643,214

1	Federal Funds	450,050	340,601	790,651
2	Restricted Receipts	280,899	(31,662)	249,237
3	Rhode Island Capital Plan Funds			
4	Fire Academy	1,325,000	(1,325,000)	0
5	Quonset Development Corp	64,261	(12,004)	52,257
6	Total - State Fire Marshal	4,688,784	(953,425)	3,735,359
7	<i>Security Services General Revenues</i>	19,963,594	(199,948)	19,763,646
8	<i>Municipal Police Training Academy</i>			
9	General Revenues	352,118	646	352,764
10	Federal Funds	221,319	432	221,751
11	Federal Funds – Stimulus	86,061	2,190	88,251
12	Total - Municipal Police Training Academy	659,498	3,268	662,766
13	<i>State Police</i>			
14	General Revenues	60,970,954	1,844,527	62,815,481
15	Federal Funds	2,356,399	596,356	2,952,755
16	Federal Funds – Stimulus	145,641	13,653	159,294
17	Restricted Receipts	54,000	296,000	350,000
18	Rhode Island Capital Plan Funds			
19	Barracks and Training	1,025,000	(925,000)	100,000
20	State Police - New Headquarters	0	51,787	51,787
21	Headquarters Repairs/Rehabilitation	200,000	(85,000)	115,000
22	State Microwave Upgrade	1,000,000	(312,062)	687,938
23	HQ Expansion	300,000	(250,000)	50,000
24	State Police Offsite Operations	0	131,974	131,974
25	Traffic Enforcement - Municipal Training	133,842	67,253	201,095
26	Lottery Commission Assistance	232,363	(759)	231,604
27	Airport Corporation	232,363	(759)	231,604
28	Road Construction Reimbursement	2,546,100	508,900	3,055,000
29	Total - State Police	69,196,662	1,936,870	71,133,532
30	Grand Total – Public Safety	104,450,377	1,873,577	106,323,954
31	Office of Public Defender			
32	General Revenues	10,300,580	(12,366)	10,288,214
33	Federal Funds	575,478	(51,120)	524,358
34	Federal Funds – Stimulus	883	(883)	0

1	Grand Total - Office of Public Defender	10,876,941	(64,369)	10,812,572
2	Environmental Management			
3	<i>Office of the Director</i>			
4	General Revenues	4,775,428	(173,508)	4,601,920
5	Federal Funds	476,300	22,200	498,500
6	Federal Funds – Stimulus	0	1,650,000	1,650,000
7	Restricted Receipts	2,833,219	151,725	2,984,944
8	Total – Office of the Director	8,084,947	1,650,417	9,735,364
9	<i>Natural Resources</i>			
10	General Revenues	18,508,312	187,199	18,695,511
11	Federal Funds	24,455,444	1,281,992	25,737,436
12	Restricted Receipts	3,779,269	(366,421)	3,412,848
13	DOT Recreational Projects	80,672	350,814	431,486
14	Blackstone Bike Path Design	36,270	2,027,458	2,063,728
15	Transportation MOU	82,172	(892)	81,280
16	Rhode Island Capital Plan Funds			
17	Dam Repair	850,000	(250,000)	600,000
18	Recreational Facilities Improvements	1,750,000	1,228,642	2,978,642
19	Fort Adams Rehabilitation	1,500,000	(1,021,176)	478,824
20	Fort Adams America’s Cup	0	1,250,000	1,250,000
21	Galilee Piers Upgrade	950,000	(940,000)	10,000
22	Newport Piers	250,000	(175,000)	75,000
23	Blackstone Valley Bike Path	500,000	(100,000)	400,000
24	World War II Facility	0	400,000	400,000
25	Total - Natural Resources	52,742,139	3,872,616	56,614,755
26	<i>Environmental Protection</i>			
27	General Revenues	12,099,861	188,488	12,288,349
28	Federal Funds	12,576,798	713,323	13,290,121
29	Federal Funds – Stimulus	848,000	1,304,132	2,152,132
30	Restricted Receipts	7,518,547	(233,820)	7,284,727
31	Transportation MOU	90,107	(137)	89,970
32	Retrofit Heavy-Duty Diesel Vehicles	3,560,000	(800,000)	2,760,000
33	Total - Environmental Protection	36,693,313	1,171,986	37,865,299
34	Grand Total - Environmental			

1	Management	97,520,399	6,695,019	104,215,418
2	Coastal Resources Management Council			
3	General Revenues	2,236,814	2,333	2,239,147
4	Federal Funds	1,837,361	558,201	2,395,562
5	Federal Funds – Stimulus	201,100	1,969,540	2,170,640
6	Restricted Receipts	250,000	0	250,000
7	Rhode Island Capital Plan Funds			
8	South Coast Restoration Project	729,100	(62,782)	666,318
9	Grand Total - Coastal Resources			
10	Management. Council	5,254,375	2,467,292	7,721,667
11	Transportation			
12	<i>Central Management</i>			
13	Federal Funds	11,394,390	(1,878,912)	9,515,478
14	Other Funds			
15	Gasoline Tax	1,108,923	172,775	1,281,698
16	Total - Central Management	12,503,313	(1,706,137)	10,797,176
17	<i>Management and Budget</i>			
18	Other Funds			
19	Gasoline Tax	1,176,686	334,293	1,510,979
20	Total - Management and Budget	1,176,686	334,293	1,510,979
21	<i>Infrastructure Engineering- GARVEE/Motor Fuel Tax Bonds</i>			
22	Federal Funds	291,594,814	25,964,209	317,559,023
23	Federal Funds – Stimulus	7,006,375	4,376,302	11,382,677
24	Restricted Receipts	1,000,000	1,698,891	2,698,891
25	Other Funds			
26	Gasoline Tax	52,273,807	1,523,149	53,796,956
27	Motor Fuel Tax Residuals	0	2,980,993	2,980,993
28	Land Sale Revenue	16,603,398	(14,608,249)	1,995,149
29	Rhode Island Capital Funds			
30	RIPTA - Land and Buildings	70,000	0	70,000
31	Pawtucket-Central Falls Train Station	0	40,267	40,267
32	Total - Infrastructure Engineering – GARVEE/Motor			
33	Fuel Tax Bonds	368,548,394	21,975,562	390,523,956
34	<i>Infrastructure Maintenance</i>			

1	Other Funds			
2	Gasoline Tax	41,451,540	(5,619,333)	35,832,207
3	Non-Land Surplus Property	10,000	0	10,000
4	Outdoor Advertising	100,000	0	100,000
5	Rhode Island Capital Plan Funds			
6	Cherry Hill/Lincoln Facility	337,000	0	337,000
7	Maintenance Facility Improvements	300,000	632,112	932,112
8	East Providence Facility	0	23,103	23,103
9	Maintenance Facilities – Fire Alarms	125,000	75,000	200,000
10	Portsmouth Facility	1,435,000	(1,435,000)	0
11	Salt Storage Facilities	1,000,000	385,937	1,385,937
12	Elmwood Expansion	0	159,018	159,018
13	Total - Infrastructure Maintenance	44,758,540	(5,779,163)	38,979,377
14	Grand Total – Transportation	426,986,933	14,824,555	441,811,488
15	Statewide Totals			
16	General Revenues	3,142,501,188	(3,215,653)	3,139,285,535
17	Federal Funds	2,606,487,980	231,070,028	2,837,558,008
18	Restricted Receipts	189,639,221	39,741,997	229,381,218
19	Other Funds	1,763,594,386	149,214,159	1,912,808,545
20	Statewide Grand Total	7,702,222,775	416,810,531	8,119,033,306

21 SECTION 2. Each line appearing in Section 1 of this article shall constitute an
22 appropriation.

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

33		FY 2012	FY 2012	FY 2012
34	Account	Enacted	Change	Final

1	State Assessed Fringe Benefit Internal Service Fund	31,054,962	328,517	31,383,479
2	Administration Central Utilities Internal Service Fund	20,244,491	(57,299)	20,187,192
3	State Central Mail Internal Service Fund	5,585,439	8,624	5,594,063
4	State Telecommunications Internal Service Fund	2,882,141	(11,785)	2,870,356
5	State Automotive Fleet - Internal Service Fund	13,926,504	14,750	13,941,254
6	Capital Police Internal Service Fund	739,072	11,395	750,467
7	Surplus Property Internal Service Fund	2,500	0	2,500
8	Health Insurance Internal Service Fund	306,399,745	(2,168,141)	304,231,604
9	Health Insurance - State Police Internal Service Fund	0	2,123,495	2,123,495
10	Central Distribution Center Internal Service Fund	6,804,849	629,840	7,434,689
11	Correctional Industries Internal Service Fund	7,285,903	(161,616)	7,124,287
12	Secretary of State Record Center Internal Service Fund	866,270	(13,903)	852,367

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

26 No agency or department may employ contracted employees or employee services where
27 contract employees would work under state employee supervisors without determination of need
28 by the Director of Administration acting upon positive recommendations of the Budget Officer
29 and the Personnel Administrator and 15 days after a public hearing.

30 Nor may any agency or department contract for services replacing work done by state
31 employees at that time without determination of need by the Director of Administration acting
32 upon the positive recommendations of the Budget Officer and the Personnel Administrator and 30
33 days after a public hearing.

34 State employees whose funding is from non-state general revenue funds that are time

1 limited shall receive limited term appointment with the term limited to the availability of non-
2 state general revenue funding source.

3 FY 2012 FTE POSITION AUTHORIZATION

4	Departments and Agencies	Full-Time Equivalent
5	Administration	694.6 694.2
6	Business Regulation	96.0
7	Labor and Training	470.2 470.1
8	Revenue	434.5 449.0
9	Legislature	298.5
10	Office of the Lieutenant Governor	8.0
11	Office of the Secretary of State	57.0
12	Office of the General Treasurer	82.0
13	Board of Elections	12.0 11.0
14	Rhode Island Ethics Commission	12.0
15	Office of the Governor	45.0
16	Commission for Human Rights	14.5
17	Public Utilities Commission	46.0
18	Office of Health and Human Services	149.0 158.0
19	Children, Youth, and Families	662.5
20	Health	426.3 422.3
21	Human Services	984.2 949.2
22	Behavioral Health, Developmental Disabilities, and Hospitals	1,378.2 1,383.2
23	Office of the Child Advocate	5.8
24	Commission on the Deaf and Hard of Hearing	3.0
25	Governor's Commission on Disabilities	4.0
26	Office of the Mental Health Advocate	3.7
27	Elementary and Secondary Education	156.4 169.4
28	School for the Deaf	60.0
29	Davies Career and Technical School	132.0 126.0
30	Office of Higher Education	14.4 14.8

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

33 University of Rhode Island 2,436.5

34 Provided that 593.2 of the total authorization would be available only for positions that

1	are supported by third-party funds.	
2	Rhode Island College	909.6
3	Provided that 82.0 of the total authorization would be available only for positions that are	
4	supported by third-party funds.	
5	Community College of Rhode Island	854.1
6	Provided that 100.0 of the total authorization would be available only for positions that	
7	are supported by third-party funds.	
8	Rhode Island State Council on the Arts	8.6
9	RI Atomic Energy Commission	8.6
10	Higher Education Assistance Authority	41.6
11	Historical Preservation and Heritage Commission	16.6
12	Public Telecommunications Authority	15.0
13	Office of the Attorney General	231.1 <u>233.1</u>
14	Corrections	1,419.0
15	Judicial	723.3
16	Military Staff	117.0 <u>113.0</u>
17	Public Safety	605.8 <u>606.2</u>
18	Office of the Public Defender	93.0 <u>92.0</u>
19	Environmental Management	410.0
20	Coastal Resources Management Council	30.0
21	Transportation	772.6
22	Total	14,942.2 <u>14,935.0</u>

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

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ARTICLE 11

RELATING TO MEDICAL ASSISTANCE RECOVERIES

SECTION 1. Title 27 of the General Laws entitled “INSURANCE” is hereby amended by adding thereto the following chapter:

CHAPTER 57.1

MEDICAL ASSISTANCE INTERCEPT ACT

27-57.1-1. Interception of insurance payments.-- (a) Every domestic insurer or insurance company authorized to issue policies of liability insurance pursuant to this title, and also any workers' compensation insurer, within thirty (30) days prior to the making of any payment equal to or in excess of five hundred dollars (\$500) to any claimant who is a resident of the state of Rhode Island or to any claimant who has an accident or loss that occurred in the state of Rhode Island, for third party for personal injury or workers' compensation benefits under a contract of insurance, shall review information provided by the executive office of health and human services pursuant to section, indicating whether the claimant has received medical assistance in accordance with chapter 40-8.

(b) If the insurer determines from the information provided by the executive office of health and human services pursuant to section 27-57.1-4 that the claimant or payee has not received medical assistance, the insurer may make the payment to the claimant in accordance with the contract of the insurance.

(c) If the insurer determines from the information provided by the executive office of health and human services pursuant to section 27-57.1-4 that the claimant or payee has received medical assistance, the insurer shall, except to the extent payments are subject to liens, written notices, or interests described in section 27-57.1-3, withhold from payment the amount to the extent of the distribution for medical assistance as a result of the accident or loss, dating back to the date of the incident, pay that amount to the executive office of health and human services and the insurer shall pay the balance to the claimant or other person entitled to it. The executive office of health and human services shall provide written notice to the claimant and his or her attorney, if any. The notice shall reflect the date, name, social security number, case number, amount of the payment being withheld to reimburse the state, reason for payment and opportunity to request a hearing as provided for in subsection 27-57.1(e). Any insurer or insurance company, its directors,

1 agents, and employees and central reporting organizations and their respective employees
2 authorized by an insurer to act on its behalf who release information in accordance with the
3 provisions of this chapter, or who withhold amounts from payment based upon the latest
4 information supplied by the executive office of health and human services pursuant to section 27-
5 57.1-4 and disburses disbursements in accordance with section 27-57.1-3, shall be in compliance
6 and shall be immune from any liability to the claimant, payee lien holder, payee who provided
7 written notice, or security interest holder. Any withholding from payments in accordance with
8 this chapter and payment made to the executive office of health and human services is further
9 subject to the provisions of section 40-6-9, regarding rights of assignment and subrogation by
10 medical assistance recipients. Said payments to the executive office of health and human services
11 shall be for reimbursement of distributed medical assistance incurred as a result of the accident or
12 loss, dating back to the date of the incident.

13 (d) Workers' compensation claimants who receive medical assistance, provided in
14 accordance with chapter 40-8, shall be subject to the provisions of this chapter. However, the
15 workers' compensation reimbursement payments made to the executive office of health and
16 human services in accordance with this chapter shall be limited to that set forth in chapter 28-33
17 and section 40-6-10.

18 (e) Any claimant aggrieved by any action taken under this section may within thirty (30)
19 days of the making of the notice to the claimant in subsection (c) of this section, request a hearing
20 from the executive office of health and human services. Any payments made by an insurer
21 pursuant to this chapter shall be made to the executive office of health and human services,
22 should there be no request for a hearing within thirty (30) days of receipt of notice, or within ten
23 (10) business days of a decision after a hearing and in accordance with the decision of any
24 hearing that takes place as provided for in this subsection.

25 **27-57.1-2. Notice provided to obligors of interception of insurance settlements.--** In
26 any case where the executive office of health and human services has intercepted an insurance
27 payment, that office shall notify the recipient.

28 **27-57.1-3. Certain liens not affected. --** Nothing in this chapter affects the validity or
29 priority of liens or written notices of health care providers, attorney fees, holders of security
30 interests, or the assignment of rights under section 40-6-9 which may exist. Funds subject to liens,
31 written notices, or security interests shall be paid to the lien or interest holder. Funds available to
32 be paid pursuant to chapter 27-57 for the payment of child support shall supersede any payment
33 made pursuant to this chapter.

34 **27-57.1-4. Information to be provided by the executive office of health and human**

1 services.-- (a) The executive office of health and human services shall periodically within each
2 year furnish the insurance companies and insurers subject to this section with a list or compilation
3 of claimants, who have received medical assistance, as a result of the accident or loss which is the
4 basis of the claim and who have been identified and matched through the centralized database
5 provided for in this chapter. The information provided to the insurance companies and insurers
6 shall be the names of individuals, with last known addresses, who as of the date of the list or
7 compilation have received medical assistance in excess of five hundred dollars (\$500).

8 (b) In order to facilitate the efficient and prompt reporting of those medical assistance
9 recipients in one centralized location, it is the duty and responsibility of the insurance companies
10 doing business in the state to utilize one centralized database, to which the executive office of
11 health and human services shall report and administer. Any insurer receiving information
12 identifying an individual as a medical assistance recipient shall maintain the confidentiality of
13 that information. Minimal data elements shall be shared with an agency contracted by the
14 executive office of health and human services which maintains a centralized database of
15 insurance claims. The contracted centralized database is required to keep confidential any
16 personal and personnel information; records sufficient to identify an applicant for or recipient of
17 medical assistance; preliminary drafts, notes, impressions, memoranda, working papers, and work
18 products; as well as any other records, reports, opinions, information, and statements deemed
19 confidential pursuant state or federal law or regulation, or rule of court. That data shall not be
20 disclosed to the insurer. Matched results are returned to the executive office of health and human
21 services through its contracted agency. Proper quality assurance shall be performed by the
22 contracted agency to insure the claim is open and collect additional information from the insurer
23 including but not limited to contact information.

24 SECTION 2. Sections 27-57-1, 27-57-2 and 27-57-4 of the General Laws in Chapter 27-
25 57 entitled "Child Support Intercept Act" are hereby amended to read as follows:

26 **27-57-1. Interception of insurance payments. --** (a) Every domestic insurer or
27 insurance company authorized to issue policies of liability insurance pursuant to this title, and
28 also any workers' compensation insurer, shall, within thirty (30) days prior to the making of any
29 payment equal to or in excess of ~~three thousand dollars (\$3,000)~~ five hundred dollars (\$500) to
30 any claimant who is a resident of the state of Rhode Island or to any claimant who has an accident
31 or loss that occurred in the state of Rhode Island, for third party ~~for~~ personal injury or workers'
32 compensation benefits under a contract of insurance, review information provided by the
33 department of ~~administration, division of taxation,~~ human service, office of child support
34 services, child support enforcement pursuant to section 27-57-4 indicating whether the claimant

1 owes past-due child support.

2 (b) If the insurer determines from the information provided by the department pursuant
3 to section 27-57-4 that the claimant or payee does not owe past-due support, the insurer may
4 make the payment to the claimant in accordance with the contract of the insurance.

5 (c) If the insurer determines from the information provided by the department pursuant
6 to section 27-57-4 that the claimant or payee owes past-due child support, the insurer shall,
7 except to the extent payments are subject to liens, written notices, or interests described in section
8 27-57-3, withhold from payment the amount of past-due support and pay that amount to the
9 family court which shall credit the person's child support obligation account for the amount so
10 paid, and the insurer shall pay the balance to the claimant or other person entitled to it; ~~provided,~~
11 ~~that the~~ . The insurer or insurance company shall provide written notice by regular mail to the
12 claimant and his or her attorney, if any, and notice by e-mail or other electronic means, to the
13 department of the payment to the family court. The payment shall be deposited in the registry of
14 the family court for a period of forty-five (45) days, or if an application for review has been filed
15 pursuant to subsection (d), until further order of the court. The notice shall reflect the date, name,
16 social security number, case number, and amount of the payment. Any insurer or insurance
17 company, its directors, agents, and employees and central reporting organizations and their
18 respective employees, authorized by an insurer to act on its behalf, who release information in
19 accordance with the provisions of this chapter, or who withhold amounts from payment based
20 upon the latest information supplied by the department pursuant to section 27-57-4 and makes
21 disbursements in accordance with section 27-57-3, shall be in compliance and shall be immune
22 from any liability to the claimant, payee lienholder, payee who provided written notice, or
23 security interest holder for taking that action.

24 (d) Any claimant aggrieved by any action taken under this section may within thirty (30)
25 days of the making of the notice to the claimant in subsection (c) of this section, seek judicial
26 review in the family court, which may, in its discretion, issue a temporary order prohibiting the
27 disbursement of funds under this section, pending final adjudication.

28 **27-57-2. Notice provided to obligors of interception of insurance settlements. --** In
29 any case where the department of ~~administration, division of taxation~~ human services, office of
30 child support services, child support enforcement unit has intercepted an insurance payment, the
31 department shall notify the obligor parent of this action upon crediting the obligor's account.

32 **27-57-4. Information to be provided by the department of administration, division**
33 **of taxation, child support enforcement Information to be provided by the department of**
34 **human services, office of child support services, child support enforcement. --** (a) The

1 department shall periodically within each year furnish the insurance companies and insurers
2 subject to this section with a list or compilation of names of individuals, with last known
3 addresses, who as of the date of the list or compilation owe past due support in excess of five
4 hundred dollars (\$500) as shown on the Rhode Island family court/department of ~~administration,~~
5 ~~division of taxation, child support enforcement~~ [human services, office of child support services,](#)
6 child support enforcement computer system ("CSE system"). For the purposes of this section, the
7 terms used in this section have the meaning and definitions specified in section 15-16-2.

8 (b) In order to facilitate the efficient and prompt reporting of those arrearages in one
9 centralized location, it is the duty and responsibility of the insurance companies doing business in
10 the state to utilize one centralized database to which the department shall report and administer.

11 SECTION 3. Section 28-33-27 of the General Laws in Chapter 28-33 entitled "Workers'
12 Compensation - Benefits" is hereby amended to read as follows:

13 **28-33-27. Immunity of claims from assignment or liability for debt.** -- (a) No claims
14 or payments due for compensation under chapters 29 -- 38 of this title or under any alternative
15 scheme permitted by sections 28-29-22 -- 28-29-24 shall be assignable, or subject to attachment,
16 or liable in any way for any debts, except as set forth in subsection (b) of this section.

17 (b) A lien in favor of the department of labor and training and/or the ~~department of~~
18 ~~human services~~ [executive office of health and human services](#) shall attach by operation of law to
19 any benefits due and payable under chapters 29 -- 38 of this title, or under any alternative scheme
20 by sections 28-29-22 -- 28-29-24, to the extent that those payments have been made by the
21 department of labor and training and/or the ~~department of human services~~ [executive office of](#)
22 [health and human services](#) to or on behalf of an injured employee or his or her dependents, but
23 only to the extent that the employee would be entitled to receive benefits under the provision of
24 these chapters. [Any such lien is subject to the provisions of section 40-6-10.](#)

25 SECTION 4. Sections 40-6-9 and 40-6-10 of the General Laws in Chapter 40-6 entitled
26 "Public Assistance Act" are hereby amended to read as follows:

27 **40-6-9. Assignment of child, spousal and medical support rights** **Assignment and**
28 **subrogation for recovery of child, spousal and medical support rights.** -- (a) An applicant for
29 or recipient of public assistance under this chapter or under title XIX of the federal Social
30 Security Act, 42 U.S.C. section 1396 et seq., for and on behalf of himself or herself and for and
31 on behalf of a child or children, shall be deemed, without the necessity of signing any document
32 [for purposes of recovery](#), to have made an assignment [and given a right of subrogation](#) to [the](#)
33 [executive office of health and human services and/or](#) the department of human services, [as](#)
34 [applicable](#), of any and all rights and interests in any cause of action, past, present, or future, that

1 the applicant or recipient may have against any person failing to or obligated to provide for the
2 support, maintenance, and medical care of the applicant, recipient, and/or minor child or children,
3 for the period of time that assistance is being paid by [the executive office of health and human](#)
4 [services and/or](#) the department; [The executive office of health and human services and/or](#) the
5 department shall be subrogated to any and all rights, title, and interest the applicant or recipient
6 may have against any and all property belonging to the obligated or non-supporting person in the
7 enforcement of any claim for child, spousal, and medical support, whether liquidated through
8 court order or not. The applicant or recipient shall also be deemed, without the necessity of
9 signing any document, to have appointed [the executive office of health and human services](#)
10 [and/or](#) the department of human services as his or her true and lawful attorney in fact to act in his
11 or her name, place, and stead to perform the specific act of instituting suit to establish paternity or
12 secure support and medical care, collecting any and all amounts due and owing for child, spousal,
13 and medical support, endorsing any and all drafts, checks, money orders, or other negotiable
14 instruments representing support payments which are received by [executive office of health and](#)
15 [human services and/or](#) the department, and retaining any portion thereof permitted under federal
16 and state statutes as reimbursement for financial and medical assistance previously paid to or for
17 the recipient, child, or children.

18 (b) An applicant for or a recipient of medical assistance provided by [executive office of](#)
19 [health and human services and/or](#) the department pursuant to this chapter, ~~chapter 5.1,~~ or chapter
20 8 of this title or title XIX of the federal Social Security Act, 42 U.S.C. section 1396 et seq., for
21 and on behalf of himself or herself, and for and on behalf of any other person for whom he or she
22 may legally assign rights to any medical support or any other medical care, shall be deemed,
23 without the necessity of signing any document [for purposes of reimbursement](#), to have made an
24 assignment [and given a right of subrogation](#) to [executive office of health and human services](#)
25 [and/or](#) the department of human services of any and all rights and interests that he, she, or such
26 other person may have: (1) to payment for any medical support; and (2) to payment for any
27 medical care from any third party.

28 (c) In addition to the assignments [and subrogation rights](#) provided in subsections (a) and
29 (b) of this section, an applicant for or a recipient of financial assistance provided by the [executive](#)
30 [office of health and human services and/or](#) department pursuant to this chapter, whenever the
31 assistance is necessary by reason of accident, injury, or illness for which a third party may be
32 liable, for and on behalf of himself or herself, and for and on behalf of any other person for whom
33 he or she may legally act, shall be deemed, without the necessity of signing any document, to
34 have assigned [and subrogated](#) to [the executive office of health and human services and/or](#) the

1 department of human services, from amounts recovered or recoverable from any third party, an
2 amount of money equal to the amount of financial assistance provided as a result of the accident,
3 illness, or injury.

4 (d) With respect to an assignment and subrogation rights established pursuant to this
5 section, an applicant or recipient shall provide to the executive office of health and human
6 services and/or the department of human services ~~and/or the division of taxation within the~~
7 ~~department of administration~~ all relevant information regarding the ~~rights~~ assigned and
8 subrogated rights, and shall execute any documents relating thereto, in accordance with rules and
9 regulations to be adopted by the executive office of health and human services and/or the
10 department.

11 (e) With respect to any assignment ~~of rights~~ and subrogation right for medical or
12 financial support or recoveries under this section, the executive office of health and human
13 services and/or the department of human services shall be considered to have acquired the rights
14 of such individual to payment by any third party for such medical care and support, and financial
15 support.

16 (f) An applicant for or a recipient of medical assistance provided by the executive office
17 of health and human services in accordance with chapter 40-8 shall also be subject to the
18 provisions of chapter 27-57.1. Funds available to be paid for the payment of child support shall
19 supersede any payment made pursuant to this chapter and chapter 27-57.1.

20 **40-6-10. Effects of assistance on receipt of workers' compensation benefits.** -- (a) No
21 individual shall be entitled to receive assistance provided under this chapter or chapter 5.1 of this
22 title and/or medical assistance under chapter 8 of this title for any period beginning on or after
23 July 1, 1982, with respect to which benefits are paid or payable to individuals under any workers'
24 compensation law of this state, any other state, or the federal government, on account of any
25 disability caused by accident or illness. In the event that workers' compensation benefits are
26 subsequently awarded to an individual with respect to which the individual has received
27 assistance payments under this chapter or chapter 5.1 of this title and/or medical assistance under
28 chapter 8 of this title, then the ~~department~~ executive office of health and human services shall be
29 subrogated to the individual's rights in the award to the extent of the amount of the payments
30 and/or medical assistance paid to or on behalf of the individuals.

31 (b) Whenever an employer or insurance carrier has been notified by the ~~department~~
32 executive office of health and human services that an individual is an applicant for or a recipient
33 of assistance payments under this chapter or chapter 5.1 of this title, and/or medical assistance
34 under chapter 8 of this title, for a period during which the individual is or may be eligible for

1 benefits under the Workers' Compensation Act, chapters 29--38 of title 28, the notice shall
2 constitute a lien in favor of the ~~department~~ [executive office of health and human services](#), upon
3 any pending award, order, or settlement to the individual under the Workers' Compensation Act.
4 The employer or his or her insurance carrier shall be required to reimburse the ~~department of~~
5 ~~human services~~ [executive office of health and human services](#) the amount of the assistance
6 payments and/or medical assistance paid to or on behalf of the individual for any period for which
7 an award, order, or settlement is made.

8 (c) Whenever an individual becomes entitled to or is awarded workers' compensation for
9 the same period with respect to which the individual has received assistance payments under this
10 chapter or chapter 5.1 of this title and/or medical assistance under chapter 8 of this title, and
11 whenever notice of the receipt of assistance payments has been given to the division of workers'
12 compensation of the department of labor and training of this state and/or the workers'
13 compensation commission, the division or commission is hereby required to and shall incorporate
14 in any award, order, or approval of settlement, an order requiring the employer or his or her
15 insurance carrier to reimburse the ~~department~~ [executive office of health and human services](#) the
16 amount of the assistance payments and/or medical assistance paid to or on behalf of the
17 individual for the period for which an award, order, or settlement is made.

18 [\(d\) Any claims or payments to a recipient of medical assistance provided by the executive](#)
19 [office of health and human services in accordance with chapter 40-8 shall also be subject to the](#)
20 [provisions of chapter 28-33-27. Funds available to be paid for the payment of child support shall](#)
21 [supersede any payment made pursuant to this chapter and chapter 27-57.1.](#)

22 SECTION 5. Section 40-8-15 of the General Laws in Chapter 40-8 entitled "Medical
23 Assistance" is hereby amended to read as follows:

24 **40-8-15. Lien on deceased recipient's estate for assistance.** -- (a) (1) Upon the death of
25 a recipient of medical assistance under Title XIX of the federal Social Security Act, 42 U.S.C. §
26 1396 et seq., the total sum of medical assistance so paid on behalf of a recipient who was fifty-
27 five (55) years of age or older at the time of receipt of the assistance shall be and constitute a lien
28 upon the estate, as defined herein [in subdivision \(a\)\(2\) below](#), of the recipient in favor of the
29 ~~department of human services~~ [executive office of health and human services](#). The lien shall not be
30 effective and shall not attach as against the estate of a recipient who is survived by a spouse, or a
31 child who is under the age of twenty-one (21), or a child who is blind or permanently and totally
32 disabled as defined in Title XVI of the federal Social Security Act, 42 U.S.C. § 1381 et seq. The
33 ~~lien shall not be effective and shall not attach as against a recipient's estate, which has been~~
34 ~~admitted for probate administration unless the department has filed a claim for reimbursement in~~

1 ~~the probate court in accordance with § 33-11-5 or other applicable law.~~ The lien shall attach
2 against property of a recipient, which is included or includible in the decedent's probate estate,
3 regardless of whether or not a probate proceeding has been commenced in the probate court by
4 the executive office of health and human services or by any other party. Provided, however, that
5 such lien shall only attach and shall only be effective against the recipient's real property
6 included or includible in the recipient's probate estate if such lien is recorded in the land evidence
7 records and is in accordance with subsection 40-8-15(f). Decedents who have received medical
8 assistance are subject to the assignment and subrogation provisions of sections 40-6-9 and 40-6-
9 10.

10 (2) For purposes of this section, the term "estate" with respect to a deceased individual
11 shall include all real and personal property and other assets included or includable within the
12 individual's probate estate

13 (b) The ~~department~~ executive office of health and human services is authorized to
14 promulgate regulations to implement the terms, intent, and purpose of this section and to require
15 the legal representative(s) and/or the heirs-at-law of the decedent to provide reasonable written
16 notice to the ~~department~~ executive office of health and human services of the death of a recipient
17 of medical assistance who was fifty-five (55) years of age or older at the date of death, and to
18 provide a statement identifying the decedent's property and the names and addresses of all
19 persons entitled to take any share or interest of the estate as legatees or distributees thereof.

20 (c) The amount of medical assistance reimbursement imposed under this section shall
21 also become a debt to the state from the person or entity liable for the payment thereof.

22 (d) Upon payment of the amount of reimbursement for medical assistance imposed by
23 this section, the ~~director~~ secretary of the ~~department of human services~~ executive office of health
24 and human services, or his or her designee, shall issue a written discharge of lien.

25 ~~(e) Upon application to the director and a determination by the director that the lien is~~
26 ~~either inapplicable or that no reimbursement for medical assistance is due with respect to the~~
27 ~~estate, the director shall issue a written discharge of lien.~~

28 (f) Provided, however, that no lien created under this section shall attach nor become
29 effective upon any real property unless and until a statement of claim is recorded naming the
30 debtor/owner of record of the property as of the date and time of recording of the statement of
31 claim, and describing the real property by a description containing all of the following: (1) tax
32 assessor's plat and lot; and (2) street address. The statement of claim shall be recorded in the
33 records of land evidence in the town or city where the real property is situated. Notice of said lien
34 shall be sent to the duly appointed executor or administrator, the decedent's legal representative,

1 if known, or to the decedent's next of kin or heirs at law as stated in the decedent's last
2 application for medical assistance.

3 ~~(e)(f)~~ The department of human services executive office of health and human services
4 shall establish procedures, in accordance with the standards specified by the secretary, U.S.
5 Department of Health and Human Services, under which the ~~department of human services~~
6 executive office of health and human services shall waive, in whole or in part, the lien and
7 reimbursement established by this section if such lien and reimbursement would work an undue
8 hardship, as determined by the ~~department~~ executive office of health and human services, on the
9 basis of the criteria established by the secretary in accordance with 42 U.S.C. § 1396p(b)(3).

10 (g) Upon the filing of a petition for admission to probate of a decedent's will or for
11 administration of a decedent's estate, when the decedent was fifty-five (55) years or older at the
12 time of death, a copy of said petition and a copy of the death certificate shall be sent to the
13 executive office of health and human services. Within thirty (30) days of a request by the
14 executive office of health and human services, an executor or administrator shall complete and
15 send to the executive office of health and human services a form prescribed by that office and
16 shall provide such additional information as the office may require. In the event a petitioner fails
17 to send a copy of the petition and a copy of the death certificate to the executive office of health
18 and human services and a decedent has received medical assistance for which the executive office
19 of health and human services is authorized to recover, no distribution and/or payments, including
20 administration fees, shall be disbursed. Any person and /or entity that receives a distribution of
21 assets from the decedent's estate shall be liable to the executive office of health and human
22 services to the extent of such distribution.

23 (h) Compliance with the provisions of this section shall be consistent with the
24 requirements set forth in section 33-11-5 and the requirements of the affidavit of notice set forth
25 in section 33-11-5.2. Nothing in these sections shall limit the executive office of health and
26 human services from recovery, to the extent of the distribution, in accordance with all state and
27 federal laws.

28 SECTION 6. Chapter 40-8 of the General laws entitled "Medical Assistance" is hereby
29 amended by adding thereto the following section:

30 **40-8-9.1. Notice.** -- Whenever an individual who is receiving medical assistance under
31 this chapter transfers an interest in real or personal property, such individual shall notify the
32 executive office of health and human services within ten (10) days of the transfer. Such notice
33 shall be sent to the individual's local office and the legal office of the executive office of health
34 and human services and include, at a minimum, the individual's name, social security number or,

1 if different, the executive office of health and human services identification number, the date of
2 transfer and the dollar value, if any, paid or received by the individual who received benefits
3 under this chapter. In the event an individual fails to provide notice required by this section to the
4 executive office of health and human services and in the event an individual has received medical
5 assistance, any individual and/or or entity, who knew or should have known that such individual
6 failed to provide such notice and who receives any distribution of value as a result of the transfer,
7 shall be liable to the executive office of health and human services to the extent of the value of
8 the transfer. Moreover, any such individual shall be subject to the provisions of section 40-6-15
9 and any remedy provided by applicable state and federal laws and rules and regulations. Failure
10 to comply with the notice requirements set forth in the section shall not affect the marketability of
11 title to real estate transferred, while the transferor is receiving medical assistance

12 SECTION 7. Chapter 33-11 of the General Laws entitled "Claims Against Decedents'
13 Estates" is hereby amended by adding thereto the following section:

14 **33-11-5.2. Fiduciary's affidavit regarding notice to creditors and OHHS. -- In order**
15 to close an estate, whether by accounting or affidavit of completed administration, the fiduciary
16 shall submit to the probate court an affidavit in substantially the following form:

17 STATE OF RHODE ISLAND _____ PROBATE COURT OF THE
18 COUNTY _____ TOWN OF _____
19 ESTATE OF _____ NO. _____
20 FIDUCIARY'S AFFIDAVIT REGARDING NOTICE TO CREDITORS AND TO THE
21 RHODE ISLAND OFFICE OF HEALTH AND HUMAN SERVICES

22 The undersigned fiduciary of the above-captioned estate upon oath deposes and says that
23 (a) notice of the commencement of the estate was mailed to all known or reasonably ascertainable
24 creditors of the estate, as well as to the executive office of health and human services when the
25 decedent was fifty-five (55) years or older, or that (b) no such notice was required to be mailed
26 because that the Estate had no known or reasonably ascertainable creditors and the decedent was
27 under the age of fifty-five (55).

28 Name _____ Date _____
29 Subscribed and sworn before me this _____ day of _____, 20 ____ .
30 _____
31 Notary public

32 SECTION 8. Section 33-22-3 of the General Laws in Chapter 33-22 entitled "Practice in
33 Probate Courts" is hereby amended to read as follows:

34 **33-22-3. Notice given by petitioner on filing of petition and hearing. -- In addition to**

1 the notice prescribed by section 33-7-9, and to notice by publication in the manner as prescribed
2 by section 33-22-11, the petitioner or his or her attorney shall, at least ten (10) days before the
3 date set for hearing on the petition, send or cause to be sent by mail, postage prepaid, addressed to
4 each person whose name and post office address is by section 33-22-2(3) required to be set forth
5 in the petition, as the names and addresses are set forth therein or as then known to the petitioner,
6 and when the decedent was fifty-five (55) years or older to the Rhode Island office of health and
7 human services and in accordance with section 40-8-15, notice of the filing, the nature of the
8 petition, and of the time and place set for hearing on the petition, or in lieu thereof a copy of the
9 newspaper notice published pursuant to the provisions of section 33-22-11; provided, however,
10 that in the case of any person entitled to notice hereunder whose post office address is outside the
11 continental limits of the United States this notice shall be sent at least three (3) weeks before the
12 date set for the hearing; and provided further that the petitioner or his or her attorney shall not be
13 required to send this notice to any person sui juris who shall at, or prior to, the hearing waive
14 notice of its pendency in writing either on the petition or by instrument separately filed. The
15 petitioner or his or her attorney shall at or prior to the hearing file or cause to be filed an affidavit
16 that the notice was given, setting forth the names and post office addresses of the persons to
17 whom the notice was sent and the date of mailing of the notice, together with a copy of the notice.

18 SECTION 9. This article shall take effect July 1, 2012.

1 **ARTICLE 12**

2 RELATING TO EDUCATION AID

3 SECTION 1. Section 16-2-9.4 of the General Laws in Chapter 16-2 entitled "School
4 Committees and Superintendents" is hereby amended to read as follows:

5 **16-2-9.4. School district accounting compliance.** -- (a) The office of auditor general
6 and the department of elementary and secondary education shall promulgate a uniform system of
7 accounting, including a chart of accounts based on the recommendations of the advisory council
8 on school finance, and require all accounts of the school districts, regional school districts, state
9 schools and charter schools to be kept in accordance therewith; provided, that in any case in
10 which the uniform system of accounting is not practicable, the office of auditor general in
11 conjunction with the department of elementary and secondary education shall determine the
12 manner in which the accounts shall be kept. The uniform system of accounting shall also include
13 a standardized budget process to ensure districts can annually assess investment priorities and
14 incorporate long range planning.

15 (b) For the purpose of securing a uniform system of accounting and a chart of accounts
16 the advisory council on school finances, as defined in section 16-2-9.2 may make such surveys of
17 the operation of any school districts, regional school district, state school or charter school as they
18 shall deem necessary.

19 (c) Upon completion of the implementation of the uniform chart of accounts, all the
20 school districts, regional school districts, state schools, and/or charter schools, shall implement a
21 regents-approved budget model, and use best practices established by the department of education
22 for long range planning, budget development, and budget administration and reporting.

23 ~~(e)~~(d) If any school district, regional school district, state school or charter school fails to
24 install and maintain the uniform system of accounting, including a chart of accounts and
25 approved budget model, or fails to keep its accounts and interdepartmental records, or refuses or
26 neglects to make the reports and to furnish the information in accordance with the method
27 prescribed by the office of auditor general and the department of education or hinders or prevents
28 the examination of accounts and financial records, the auditor general and the commissioner of
29 education and/or their respective designee(s) shall ~~may~~ make a report to the superintendent of
30 schools of the local education agency, the school committee chairperson, the mayor or town

1 manager, and the president of the town council, and/or for a charter school, to the board of
2 trustees or directors, as applicable, ~~the board of regents for elementary and secondary education~~
3 in writing, specifying the nature and extent of the failure, refusal, neglect, hindrance, or
4 prevention, and the ~~board of regents~~ commissioner is hereby authorized and directed to review
5 the matter so reported. If the ~~regents~~ commissioner shall find that failure, refusal, neglect,
6 hindrance, or prevention exists and that the school district, regional school district, state school or
7 charter school should properly comply in the matter so reported, the ~~regents~~ commissioner shall
8 direct the school district, regional school district, state school or charter school, in writing, to so
9 comply. If the failure, refusal, neglect, hindrance, or prevention shall continue for a period of ten
10 (10) days following the written direction, the ~~regents~~ commissioner may withhold distribution of
11 state aid to said school district, regional school district, state school or charter school.

12 (e) The department of elementary and secondary education in consultation with the
13 division of municipal finance shall conduct periodic reviews and analysis of school revenues and
14 expenses. The department shall also review and monitor compliance with the approved budget
15 model and best practices. The department shall identify those local education agencies considered
16 to be at risk of a year-end deficit or a structural deficit that could impact future years. Such
17 potential deficits shall be identified based on the periodic reviews, which may also include on-site
18 visits and reporting in accordance with the provisions of section 45-12-22.2. Potential deficits
19 shall be reported to the office of municipal finance, office of auditor general, superintendent,
20 chairman of the school committee, mayor or town manager, and the president of the town council,
21 of the applicable school district, regional school district, or state school, and/or for a charter
22 school, to the board of trustees or directors, as applicable.

23 **16-2-34. Central Falls School District board of trustees.** -- (a) There is hereby
24 established a seven (7) member board of trustees, which shall govern the Central Falls School
25 District. With the exception of those powers and duties reserved by the commissioner of
26 elementary and secondary education, and the board of regents for elementary and secondary
27 education, the board of trustees shall have the powers and duties of school committees.
28 Notwithstanding any provision of law to the contrary, the commissioner of education and
29 secondary education, as the executive agent of the board of regents for elementary and secondary
30 education, is authorized to exercise in whole or in part care, control, and management over the
31 public schools of the Central Falls school district, whenever the commissioner deems such
32 intervention to be necessary and appropriate.

33 (b) The board of regents for elementary and secondary education shall appoint the
34 members of the board of trustees from nominations made by the commissioner of elementary and

1 secondary education. The chairperson shall also be selected in this manner. The board of regents
2 shall determine the number, qualifications, and terms of office of members of the board of
3 trustees, provided however, that at least four (4) of the members shall be residents of the city and
4 parents of current or former Central Falls public school students. The remaining three (3) shall be
5 appointed at large.

6 (c) The board of regents shall provide parameters for overall budget requests, approve
7 the budget, and otherwise participate in budget development.

8 (d) The commissioner of elementary and secondary education shall recommend
9 parameters for overall budget requests, recommend a budget, and otherwise participate in budget
10 development.

11 (e) The commissioner shall approve the process for selection of the superintendent.

12 (f) The board of trustees shall meet monthly and serve without compensation. The board
13 of trustees shall have broad policy making authority for the operation of the school, as well as the
14 following powers and duties:

15 (1) To identify the educational needs of the district;

16 (2) To develop educational policies to meet the needs of students in the school district;

17 (3) To appoint a superintendent to serve as its chief executive officer and to approve
18 assistant and associate superintendents from nominations made by the superintendent;

19 (4) To provide policy guidance and otherwise participate in budget development; and

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

22 (g) The superintendent shall serve at the pleasure of the board of trustees with the initial
23 appointment to be for a period of not more than three (3) years; provided, however, that the terms
24 and conditions of employment are subject to the approval of the board of regents for elementary
25 and secondary education.

26 (h) It shall be the responsibility of the superintendent to manage and operate the school
27 on a day-to-day basis. The superintendent's duties shall include the following:

28 (1) To be responsible for the care, supervision, and management of the schools;

29 (2) To recommend to the board of trustees educational policies to meet the needs of the
30 district, and to implement policies established by the board of trustees;

31 (3) To present nominations to the board of trustees for assistant and associate
32 superintendents and to appoint all other school personnel;

33 (4) To provide for the evaluation of all school district personnel;

34 (5) To establish a school based management approach for decision making for the

1 operation of the school;

2 (6) To prepare a budget and otherwise participate in budget development as required,
3 and to authorize purchases consistent with the adopted school district budget;

4 (7) To report to the board of trustees, on a regular basis, the financial condition and
5 operation of the schools, and to report annually on the educational progress of the schools;

6 (8) To establish appropriate advisory committees as needed to provide guidance on new
7 directions and feedback on the operation of the schools;

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

16 (10) To negotiate, along with the chairperson of the board of trustees and his or her
17 appointed designee, all district employment contracts, which contracts shall be subject to the
18 approval of the commissioner of elementary and secondary education with the concurrence of the
19 board of regents.

20 (i) Nothing in this section shall be deemed to limit or otherwise interfere with the rights
21 of teachers and other school employees to bargain collectively pursuant to chapters 9.3 and 9.4 of
22 title 28 or to allow the board of trustees or the superintendent to abrogate any agreement by
23 collective bargaining.

24 (j) The appointment of the special state administrator for the Central Falls School
25 District and the Central Falls School District Advisory Group, created by chapter 312 of the
26 Rhode Island Public Laws of 1991, will no longer be in effect upon the selection and appointment
27 of the board of trustees created in this section. All powers and duties of the special state
28 administrator and the Central Falls School District Advisory Group are hereby transferred and
29 assigned to the board of trustees created in this section, upon the selection and appointment of
30 that board.

31 SECTION 2. Section 45-12-22.2 of the General Laws in Chapter 45-12 entitled
32 "Indebtedness of Towns and Cities" is hereby amended to read as follows:

33 **45-12-22.2. Monitoring of financial operations -- Corrective action.** -- (a) The chief
34 financial officer of each municipality and each school district within the state shall continuously

1 monitor their financial operations by tracking actual versus budgeted revenue and expense.

2 (b) The chief financial officer of the municipality shall submit a report on a monthly
3 basis to the municipality's chief executive officer, each member of the city or town council, and
4 school district committee certifying the status of the municipal budget [from all fund sources](#),
5 including the school department budget [from all fund sources](#), or regional school district budget
6 [from all fund sources](#). The chief financial officer of the municipality shall also submit a quarterly
7 report on or before the 25th day of the month succeeding the end of each fiscal quarter to the
8 division of municipal finance, [the commissioner of education](#), and the auditor general certifying
9 the status of the municipal budget, [including the school budget that has been certified by the](#)
10 [school department](#). Each quarterly report submitted must be signed by the chief executive officer,
11 chief financial officer as well as the superintendent of the school district and chief financial
12 officer for the school district. The report has to be submitted to the city/town council president
13 and the school committee chair. It is encouraged, but not required, to have the council
14 president/school committee chair sign the report. The chief financial officer of the school
15 department or school district shall certify the status of the school district's budget and shall assist
16 in the preparation of these reports. The monthly and quarterly reports shall be in a format
17 prescribed by the division of municipal finance, [the commissioner of education](#), and the state
18 auditor general. The reports shall contain a statement as to whether any actual or projected
19 shortfalls in budget line items are expected to result in a year-end deficit, the projected impact on
20 year-end financial results including all accruals and encumbrances, and how the municipality and
21 school district plans to address any such shortfalls. [In the event that the school reporting is not](#)
22 [provided, then state education aid may be withheld pursuant to the provisions of section 16-2-](#)
23 [9.4\(d\)](#).

24 (c) If any of the quarterly reports required under subsection (b) above project a year-end
25 deficit, the chief financial officer of the municipality shall submit to the state division of
26 municipal finance, [the commissioner of education](#), and the auditor general a corrective action
27 plan signed by the chief executive officer and chief financial officer on or before the last day of
28 the month succeeding the close of the fiscal quarter, which provides for the avoidance of a year-
29 end deficit [or structural deficit that could impact future years, and the school superintendent shall](#)
30 [also comply with the provisions of section 16-2-11\(c\) to assist in this effort](#). The plan may
31 include recommendations as to whether an increase in property taxes and/or spending cuts should
32 be adopted to eliminate the deficit. The plan shall include a legal opinion by municipal counsel
33 that the proposed actions under the plan are permissible under federal, state, and local law. The
34 state division of municipal affairs may rely on the written representations made by the

1 municipality in the plan and will not be required to perform an audit.

2 (d) If the division of municipal finance concludes the plan required hereunder is
3 insufficient and/or fails to adequately address the financial condition of the municipality, the
4 division of municipal finance can elect to pursue the remedies identified in section 45-12-22.7.

5 (e) The reports required shall include the financial operations of any departments or
6 funds of municipal government including the school department or the regional school district,
7 notwithstanding the status of the entity as a separate legal body. This provision does not eliminate
8 the additional requirements placed on local and regional school districts by sections 16-2-9(f) and
9 16-3-11(e)(3).

10 SECTION 3. Section 16-7-39 of the General Laws in Chapter 16-7 entitled "Foundation
11 Level School Support" is hereby amended to read as follows:

12 **16-7-39. Computation of school housing aid ratio. --** For each community, the percent
13 of state aid for school housing costs shall be computed in the following manner:

14 (1) The adjusted equalized weighted assessed valuation for the district is divided by the
15 resident average daily membership for the district (grades twelve (12) and below); (2) the
16 adjusted equalized weighted assessed valuation for the state is divided by the resident average
17 daily membership for the state (grades twelve (12) and below); (1) is then divided by (2) and the
18 resultant ratio is multiplied by a factor currently set at sixty-two percent (62%) which represents
19 the approximate average district share of school support; the resulting product is then subtracted
20 from one hundred percent (100%) to yield the housing aid share ratio, provided that in no case
21 shall the ratio be less than thirty percent (30%). Provided, that effective July 1, 2010, and
22 annually at the start of each fiscal year thereafter, the thirty percent (30%) floor on said housing
23 aid share shall be increased by five percent (5%) increments each year until said floor on the
24 housing aid share ratio reaches a minimum of not less than forty percent (40%). This provision
25 shall apply only to school housing projects completed after June 30, 2010 [that received approval](#)
26 [from the board of regents prior to June 30, 2012. Provided further, for the fiscal year beginning](#)
27 [July 1, 2012 and for subsequent fiscal years, the minimum housing aid share shall be thirty-five](#)
28 [percent \(35%\) for all projects receiving board of regents approval after June 30, 2012.](#) The
29 resident average daily membership shall be determined in accordance with § 16-7-22(1).

30 SECTION 4. Section 16-7.2-6 of the General Laws in Chapter 35-4 entitled "The
31 Education Equity and Property Tax Relief Act" is hereby amended to read as follows:

32 **16-7.2-6. Categorical programs, state funded expenses. --** In addition to the foundation
33 education aid provided pursuant to § 16-7.2-3 the permanent foundation education aid program
34 shall provide direct state funding for:

1 (a) *Excess costs associated with special education students.* Excess costs are defined
2 when an individual special education student's cost shall be deemed to be "extraordinary."
3 Extraordinary costs are those educational costs that exceed the state approved threshold based on
4 an amount above five times the core foundation amount (total of core instruction amount plus
5 student success amount). The department of elementary and secondary education shall prorate the
6 funds available for distribution among those eligible school districts if the total approved costs for
7 which school districts are seeking reimbursement exceed the amount of funding appropriated in
8 any fiscal year;

9 (b) Career and technical education costs to help meet initial investment requirements
10 needed to transform existing or create new comprehensive career and technical education
11 programs and career pathways in critical and emerging industries and to help offset the higher
12 than average costs associated with facilities, equipment maintenance and repair, and supplies
13 necessary for maintaining the quality of highly specialized programs that are a priority for the
14 state. The department shall recommend criteria for the purpose of allocating any and all career
15 and technical education funds as may be determined by the general assembly on an annual basis.
16 The department of elementary and secondary education shall prorate the funds available for
17 distribution among those eligible school districts if the total approved costs for which school
18 districts are seeking reimbursement exceed the amount of funding available in any fiscal year;

19 (c) Programs to increase access to voluntary, free, high-quality pre-kindergarten
20 programs. The department shall recommend criteria for the purpose of allocating any and all early
21 childhood program funds as may be determined by the general assembly;

22 (d) Central Falls Stabilization Fund is established to assure that appropriate funding is
23 available to support the community, including students from the community that attend the
24 charter schools, Davies, and the Met Center pursuant to § 16-7.2-5, due to concerns regarding the
25 city's capacity to meet the local share of education costs. This fund [requires that education aid](#)
26 [calculated pursuant to section 16-7.2-3 and funding for costs outside the permanent foundation](#)
27 [education aid formula, including but not limited to transportation, facility maintenance, and](#)
28 [retiree health benefits](#), ~~that the difference between education aid calculated pursuant to § 16-7.2-3~~
29 ~~and education aid, as of the effective date of the formula,~~ shall be shared between the state and
30 the city of Central Falls. ~~The state's share of the fund will be paid directly to the Central Falls~~
31 ~~school district upon verification that the city has transferred its share of the local contribution for~~
32 ~~education.~~ [The fund shall be annually reviewed to determine the amount of the state and city](#)
33 [appropriation. The state's share of this fund may be supported through a reallocation of current](#)
34 [state appropriations to the Central Falls school district.](#) At the end of the transition period defined

1 in § 16-7.2-7, the municipality will continue its contribution pursuant to § 16-7-24; and

2 (e) Excess costs associated with transporting students to out of district non-public schools
3 and within regional school districts. (1) This fund will provide state funding for the costs
4 associated with transporting students to out of district non-public schools, pursuant to title 16,
5 Chapter 21.1. The state will assume the costs of non-public out-of-district transportation for those
6 districts participating in the statewide system; and (2) This fund will provide direct state funding
7 for the excess costs associated with transporting students within regional school districts,
8 established pursuant to title 16, chapter 3. This fund requires that the state and regional school
9 district share equally the student transportation costs net any federal sources of revenue for these
10 expenditures. The department of elementary and secondary education shall prorate the funds
11 available for distribution among those eligible school districts if the total approved costs for
12 which school districts are seeking reimbursement exceed the amount of funding available in any
13 fiscal year.

14 (f) Public school districts that are regionalized shall be eligible for a regionalization
15 bonus as set forth below.

16 (1) As used herein, the term "regionalized" shall be deemed to refer to a regional school
17 district established under the provisions of chapter 16-3 including the Chariho Regional School
18 district.

19 (2) For those districts that are regionalized as of July 1, 2010, the regionalization bonus
20 shall commence in FY 2012. For those districts that regionalize after July 1, 2010, the
21 regionalization bonus shall commence in the first fiscal year following the establishment of a
22 regionalized school district as set forth section 16-3, including the Chariho Regional School
23 District.

24 (3) The regionalization bonus in the first fiscal year shall be two percent (2.0%) of the
25 state's share of the foundation education aid for the regionalized district as calculated pursuant to
26 §§ 16-7.2-3 and 16-7.2-4 in that fiscal year.

27 (4) The regionalization bonus in the second fiscal year shall be one percent (1.0%) of the
28 state's share of the foundation education aid for the regionalized district as calculated pursuant to
29 §§ 16-7.2-3 and 16-7.2-4 in that fiscal year.

30 (5) The regionalization bonus shall cease in the third fiscal year.

31 (6) The regionalization bonus for the Chariho regional school district shall be applied to
32 the state share of the permanent foundation education aid for the member towns.

33 (7) The department of elementary and secondary education shall prorate the funds
34 available for distribution among those eligible regionalized school districts if the total approve

1 costs for which regionalized school districts are seeking a regionalization bonus exceed the
2 amount of funding appropriated in any fiscal year.

3 (g) Categorical programs defined in (a) through (f) shall be funded pursuant to the
4 transition plan in § 16-7.2-7.

5 SECTION 5. Sections 16-7-17 and 16-7-38 of the General Laws in Chapter 16-7 entitled
6 "Foundation Level School Support" are hereby amended to read as follows:

7 **16-7-17. Time of payment of state's share of the basic program and approved**
8 **expenditures. --** There shall be paid by the state to each community in twelve (12) monthly
9 installments an amount as determined by law to be the state's share of the cost of the basic
10 program for the reference year and all approved expenditures in excess of the basic program for
11 the reference year, provided, however, that these payments to a community shall be reduced by
12 the amount of funds deposited by the department into the local education agency EPSDT account
13 in accordance with section 40-8-18 on behalf of the community. The July ~~and August~~ payments
14 payment shall be ~~two and one half percent (2 1/2%)~~ two and fifty-four hundredths percent
15 (2.54%) of the state's share based upon the estimated pupil data, valuation data, and expenditure
16 data for the reference year and the ~~September~~ August through June payments shall each be ~~nine~~
17 ~~and one half percent (9 1/2%)~~ eight and eighty-six hundredths percent (8.86%) of the aid due and
18 payable based upon the data for the reference year, except for the city of East Providence which
19 shall be paid during October and April in accordance with chapter 344 of the Public Laws of
20 1982.

21 **16-7-38. Time for payments to communities. --** There shall be paid ~~during October and~~
22 ~~April~~ on September 15 and March 15 of each year one-half (1/2) of the amount to which each
23 community is entitled in terms of the computation in section 16-7-41.

24 SECTION 6. Section 16-7-23 of the General Laws in Chapter 16-7 entitled "Foundation
25 Level School Support" is hereby amended to read as follows:

26 **16-7-23. Community requirements -- Adequate minimum budget provision. --** (a)
27 The school committee's budget provisions of each community for current expenditures in each
28 budget year shall provide for an amount from all sources sufficient to support the basic program
29 and all other approved programs shared by the state. Each community shall contribute local funds
30 to its school committee in an amount not less than its local contribution for schools in the
31 previous fiscal year except to the extent permitted by ~~section~~ sections 16-7-23.1 and 16-7-23.2.
32 Provided, that for the fiscal years 2010 and 2011 each community shall contribute to its school
33 committee in an amount not less than ninety-five percent (95.0%) of its local contribution for
34 schools for the fiscal year 2009. Calculation of the annual local contribution shall not include

1 Medicaid revenues received by the municipality or district pursuant to chapter 8 of title 40. A
2 community which has a decrease in enrollment may compute maintenance of effort on a per pupil
3 rather than on an aggregate basis when determining its local contribution; furthermore, a
4 community which experiences a nonrecurring expenditure for its schools may deduct the
5 nonrecurring expenditure in computing its maintenance of effort. The deduction of nonrecurring
6 expenditures shall be with the approval of the commissioner. Provided, however, that
7 notwithstanding any provision of this title to the contrary, debt service that is no longer carried on
8 the books of any school district shall not be included in any school districts' annual budget, nor
9 shall non-recurring debt service be included in maintenance of effort as set forth in this chapter,
10 nor shall any non-recruiting debt service be included in the operating budget of any school
11 district. For the purposes set forth above non-recurring capital lease payments shall be considered
12 non-recurring debt service. The courts of this state shall enforce this section by ~~writ of mandamus~~
13 means of injunctive relief.

14 (b) Whenever any state funds are appropriated for educational purposes, the funds shall
15 be used for educational purposes only and all state funds appropriated for educational purposes
16 must be used to supplement any and all money allocated by a city or town for educational
17 purposes and, in no event, shall state funds be used to supplant, directly or indirectly, any money
18 allocated by a city or town for educational purposes. All state funds shall be appropriated by the
19 municipality to the school committee for educational purposes in the same fiscal year in which
20 they are appropriated at the state level even if the municipality has already adopted a school
21 budget. All state and local funds unexpended by the end of the fiscal year of appropriation shall
22 remain a surplus of the school committee and shall not revert to the municipality. Any surplus of
23 state or local funds appropriated for educational purposes shall not in any respect affect the
24 requirement that each community contribute local funds in an amount not less than its local
25 contribution for schools in the previous fiscal year, subject to subsection (a) of this section, and
26 shall not in any event be deducted from the amount of the local appropriation required to meet the
27 maintenance of effort provision in any given year.

28 SECTION 7. Chapter 16-7 of the General Laws entitled "Foundation Level School
29 Support" is hereby amended by adding thereto the following section:

30 **16-7-23.2. School deficit reduction -- Maintenance of effort provision. -- A city, town,**
31 or regional school district appropriating authority may appropriate supplemental funds to
32 eliminate or reduce a school budget deficit. To the extent that such a supplemental appropriation
33 represents payment of past annual expenditure, the payment shall not be used in the computation
34 of the maintenance of effort requirements established by section 16-7-23.

1 SECTION 8. Chapter 16-25 of the General Laws entitled "EDUCATION OF
2 CHILDREN WHO ARE DEAF OR BLIND" is hereby repealed in its entirety.

3 CHAPTER 16-25

4 Education of Children Who are Deaf or Blind

5 ~~**16-25-1. Appointment of state beneficiaries at special institutions.**~~ -- The governor, on
6 recommendation of the department of elementary and secondary education and upon application
7 of the parent or guardian, may appoint any child who is deaf, blind, or visually impaired being a
8 legal resident of this state, who shall appear to the department to be a fit subject for education, as
9 a state beneficiary at any suitable institution or school now established or that may be established
10 either within or without the state, for the period that he or she may determine, within the limit of
11 ten (10) years; provided, that he or she may, upon the special recommendation of the department,
12 extend the period and that he or she shall have the power to revoke any appointment at any time
13 for cause.

14 ~~**16-25-2. Supervision of beneficiaries -- Reports to general assembly.**~~ -- The
15 department of elementary and secondary education is invested with the duty and responsibility of
16 supervising the education of all those beneficiaries, and no child appointed as provided in section
17 16-25-1 shall be withdrawn from any institution or school except with its consent, or the consent
18 of the governor; and the department shall annually report its doings under this chapter to the
19 general assembly, with any further information in relation to the several institutions at which
20 these beneficiaries have been placed that may be deemed desirable.

21 ~~**16-25-3. Repealed.**~~ --

22 ~~**16-25-4. Care and instruction of children who are blind or visually impaired under**~~
23 ~~**school age.**~~ -- The department of elementary and secondary education shall have power to
24 provide for the suitable care, maintenance, and instruction of babies and children under school
25 age residing in this state who may be born blind or become blind or visually impaired, in any case
26 where by reason of lack of means or other cause the parent or parents of the children may be
27 unable to properly care for, maintain, and educate the children.

28 ~~**16-25-5. Contracts for care of children who are blind or visually impaired.**~~ -- For the
29 purpose of providing care, maintenance, and education of children who are blind or visually
30 impaired, the department of elementary and secondary education shall have power to contract
31 with any institution having or furnishing special education and related services in this or any
32 other state at a contract price within the amount appropriated.

33 ~~**16-25-6. Payment of expenses of chapter.**~~ -- Each community, as defined in chapter 7 of
34 this title, shall contribute to the department of elementary and secondary education in accordance

1 with regulations to be prescribed by the department.

2 ~~16-25-7. Repealed.~~

3 SECTION 9. Section 16-3.1-11 of the General Laws in Chapter 16-3.1 entitled
4 "Cooperative Service Among School Districts" is hereby amended to read as follows:

5 **16-3.1-11. Urban collaborative.** -- Notwithstanding the provisions of any general or
6 special law to the contrary, the school committees of the cities of Providence, Pawtucket, East
7 Providence, Central Falls and other Rhode Island school districts as may be approved for
8 inclusion by existing member districts in accordance with collaborative bylaws are authorized and
9 empowered to continue and/or initiate cooperative efforts to provide alternate education programs
10 and/or diagnostic services required by law or regulation for students achieving limited success in
11 traditional settings and to do all things necessary including, but not limited to utilization of
12 technology, including television, all on a collaborative basis. The various school committees may
13 assign and delegate to their respective school committee chairs or designee or superintendents of
14 schools or designee, acting as a regional board any duties, responsibilities, and powers that the
15 committees may deem necessary for the conduct, administration, and management of the urban
16 collaborative. Beginning on July 1, 2013 the urban collaborative shall be funded pursuant to the
17 provisions of section 16-7.2-3. The state share of the permanent foundation education aid shall be
18 paid directly to the urban collaborative pursuant to the provisions of section 16-7.2-7. The local
19 school district shall transfer the difference between the calculated state share of the permanent
20 foundation education aid and the amount calculated pursuant to the provisions of section 16-7.2-7
21 to the urban collaborative, until the transition of the state share is complete. In addition, the local
22 school district shall pay the local share of education funding to the urban collaborative as outlined
23 in section 16-7.2-5.

24 SECTION 10. This article shall take effect on July 1, 2012.

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ARTICLE 13

RELATING TO HISTORIC PRESERVATION TAX CREDIT TRUST FUND

SECTION 1. Section 44-33.2-4.1 of the General Laws in Chapter 44-33.2 entitled “Historic Structures – Tax Credit” is hereby amended to read as follows:

44-33.2-4.1. Historic preservation tax credit trust fund. -- All processing fees collected pursuant to this chapter after June 30, 2008 shall be deposited in a historic preservation tax credit restricted receipt account within the ~~state general~~ historic preservation tax credit trust fund, which shall be used, to the extent resources are available, ~~to fund historic structure tax credits taken by taxpayers~~ to refund or reimburse historic tax credit processing fees paid by developers as certified by the division of taxation.

SECTION 2. This article shall take effect upon passage.

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ARTICLE 14

RELATING TO RESTRICTED RECEIPT ACCOUNTS

SECTION 1. Section 35-4-27 of the General Laws in Chapter 35-4 entitled “State Funds” is hereby amended to read as follows:

35-4-27. Indirect cost recoveries on restricted receipt accounts. -- Indirect cost recoveries of ten percent (10%) of cash receipts shall be transferred from all restricted receipt accounts, to be recorded as general revenues in the general fund. However, there shall be no transfer from cash receipts with restrictions received exclusively: (1) from contributions from non-profit charitable organizations; (2) from the assessment of indirect cost recovery rates on federal grant funds; or (3) through transfers from state agencies to the department of administration for the payment of debt service. These indirect cost recoveries shall be applied to all accounts, unless prohibited by federal law or regulation, court order, or court settlement. The following restricted receipt accounts shall not be subject to the provisions of this section:

- Department of Human Services
- Veterans' home – Restricted account
- Veterans' home – Resident benefits
- Organ transplant fund
- Veteran's Cemetery Memorial Fund
- Department of Health
- Pandemic medications and equipment account
- Department of Mental Health, Retardation and Hospitals
- Eleanor Slater non-Medicaid third-party payor account
- Hospital Medicare Part D Receipts
- RICLAS Group Home Operations
- Vigneron Memorial Fund Grant
- Department of Environmental Management
- National heritage revolving fund
- Environmental response fund II
- Underground storage tanks registration fees
- Rhode Island Council on the Arts

1 Art for public facilities fund
2 Rhode Island Foundation Grant
3 Rhode Island Historical Preservation and Heritage Commission
4 Historic preservation revolving loan fund
5 Historic Preservation loan fund – Interest revenue
6 Department of Public Safety
7 Forfeited property – Retained
8 Forfeitures – Federal
9 Forfeited property – Gambling
10 Donation – Polygraph and Law Enforcement Training
11 Rhode Island State Firefighter’s League Training Account
12 Fire Academy Training Fees Account
13 Attorney General
14 Forfeiture of property
15 Federal forfeitures
16 Attorney General multi-state account
17 Department of Administration
18 [Office of Management and Budget](#)
19 [Information Technology Investment Fund](#)
20 Restore and replacement – Insurance coverage
21 Convention Center Authority rental payments
22 Investment Receipts – TANS
23 Car Rental Tax/Surcharge-Warwick Share
24 OPEB System Restricted Receipt Account
25 ARRA Administrative Expenses – Bureau of Audits
26 ARRA Administrative Expenses – Purchasing
27 Legislature
28 Audit of federal assisted programs
29 Department of Elderly Affairs
30 Pharmaceutical Rebates Account
31 Department of Children Youth and Families
32 Children's Trust Accounts – SSI
33 Military Staff
34 RI Military Family Relief Fund

1 [RI National Guard Counterdrug Program](#)
2 Treasury
3 Admin. Expenses – State Retirement System
4 Retirement – Treasury Investment Options
5 Business Regulation
6 Banking Division Reimbursement Account
7 Office of the Health Insurance Commissioner Reimbursement Account
8 Securities Division Reimbursement Account
9 Commercial Licensing and Racing and Athletics Division Reimbursement Account
10 Insurance Division Reimbursement Account
11 Historic Preservation Tax Credit Account.
12 Judiciary
13 Arbitration Fund Restricted Receipt Account
14 Department of Elementary and Secondary Education
15 Statewide Student Transportation Services Account
16 School for the Deaf Fee for Service Account
17 Davies Career and Technical School Local Education Aid Account

18 [Early Childhood Grant Program Account](#)

19 Office of the Governor
20 ARRA Administrative Expenses – Office of Economic Recovery and ReInvestment
21 Department of Labor and Training
22 Job Development Fund – Title XII loans principal and interest

23 SECTION 2. Chapter 16-48 of the General Laws entitled “Education Services to Very
24 Young Children” is hereby amended by adding thereto the following section:

25 **16-48-9. Non-governmental funding for early childhood education.** -- [There is hereby](#)
26 [established in the department of elementary and secondary education an early childhood](#)
27 [education program restricted receipt account referred to as “Early Childhood Grant Program](#)
28 [Account.” The department of elementary and secondary education shall deposit into this account](#)
29 [any funds received from non-governmental sources for the purpose of funding early childhood](#)
30 [education programs. All such sums deposited shall be exempt from the indirect cost recovery](#)
31 [provisions of section 35-4-27.](#)

32 SECTION 3. This article shall take effect upon passage and shall apply retroactively to
33 July 1, 2011, except for Section 3 which shall apply retroactively to November 18, 2011.

34

1 **ARTICLE 15**

2 RELATING TO HOSPITAL UNCOMPENSATED CARE

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

5 **40-8.3-2. Definitions.** -- As used in this chapter:

6 (1) "Base year" means for the purpose of calculating a disproportionate share payment for
7 any fiscal year ending after September 30, ~~2010~~ 2011, the period from October 1, ~~2008~~ 2009
8 through September 30, ~~2009~~ 2010, and for any fiscal year ending after September 30, ~~2011~~ 2012,
9 the period from October 1, ~~2009~~ 2010 through September 30, ~~2010~~ 2011.

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

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

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

27 (5) "Uncompensated care index" means the annual percentage increase for hospitals
28 established pursuant to § 27-19-14 for each year after the base year, up to and including the
29 payment year, provided, however, that the uncompensated care index for the payment year ending
30 September 30, 2007 shall be deemed to be five and thirty-eight hundredths percent (5.38%), and

1 that the uncompensated care index for the payment year ending September 30, 2008 shall be
2 deemed to be five and forty-seven hundredths percent (5.47%), and that the uncompensated care
3 index for the payment year ending September 30, 2009 shall be deemed to be five and thirty-eight
4 hundredths percent (5.38%), and that the uncompensated care index for the payment years ending
5 September 30, 2010, September 30, 2011, ~~and~~ [September 30, 2012 and September 30, 2013](#) shall
6 be deemed to be five and thirty hundredths percent (5.30%).

7 **40-8.3-3. Implementation.** ~~-- (a) For the fiscal year commencing on October 1, 2009 and~~
8 ~~ending September 30, 2010, the department of human services shall submit to the Secretary of the~~
9 ~~U.S. Department of Health and Human Services a state plan amendment to the Rhode Island~~
10 ~~Medicaid state plan for disproportionate share hospital payments (DSH Plan) to provide:~~

11 ~~(1) That the disproportionate share hospital payments to all participating hospitals not to~~
12 ~~exceed an aggregate limit of \$117.8 million, to be allocated by the department to the Pool A, Pool~~
13 ~~C and Pool D components of the DSH Plan;~~

14 ~~(2) That the Pool D allotment shall be distributed among the participating hospitals in~~
15 ~~direct proportion to the individual participating hospital's uncompensated care costs for the base~~
16 ~~year, inflated by the uncompensated care index to the total uncompensated care costs for the base~~
17 ~~year inflated by uncompensated care index for all participating hospitals. The disproportionate~~
18 ~~share payments shall be made on or before July 12, 2010 and are expressly conditioned upon~~
19 ~~approval on or before July 5, 2010 by the Secretary of the U.S. Department of Health and Human~~
20 ~~Services, or his or her authorized representative, of all Medicaid state plan amendments necessary~~
21 ~~to secure for the state the benefit of federal financial participation in federal fiscal year 2010 for~~
22 ~~the disproportionate share payments.~~

23 ~~(b)~~[\(a\)](#) For the fiscal year commencing on October 1, 2010 and ending September 30,
24 2011, the department of human services shall submit to the Secretary of the U.S. Department of
25 Health and Human Services a state plan amendment to the Rhode Island Medicaid state plan for
26 disproportionate share hospital payments (DSH Plan) to provide:

27 (1) That the disproportionate share hospital payments to all participating hospitals not to
28 exceed an aggregate limit of \$125.4 million, to be allocated by the department to the Pool A, Pool
29 C and Pool D components of the DSH Plan;

30 (2) That the Pool D allotment shall be distributed among the participating hospitals in
31 direct proportion to the individual participating hospital's uncompensated care costs for the base
32 year, inflated by the uncompensated care index to the total uncompensated care costs for the base
33 year inflated by uncompensated care index for all participating hospitals. The disproportionate
34 share payments shall be made on or before July 18, 2011 and are expressly conditioned upon

1 approval on or before July 11, 2011 by the Secretary of the U.S. Department of Health and
2 Human Services, or his or her authorized representative, of all Medicaid state plan amendments
3 necessary to secure for the state the benefit of federal financial participation in federal fiscal year
4 2011 for the disproportionate share payments.

5 ~~(e)~~(b) For the fiscal year commencing on October 1, 2011 and ending September 30,
6 2012, the executive office of health and human services shall submit to the Secretary of the U.S.
7 Department of Health and Human Services a state plan amendment to the Rhode Island Medicaid
8 state plan for disproportionate share hospital payments (DSH Plan) to provide:

9 (1) That the disproportionate share hospital payments to all participating hospitals, not to
10 exceed an aggregate limit of ~~\$129.8~~ \$126.2 million, shall be allocated by the executive office of
11 health and human services to the Pool A, Pool C and Pool D components of the DSH Plan; and,

12 (2) That the Pool D allotment shall be distributed among the participating hospitals in
13 direct proportion to the individual participating hospital's uncompensated care costs for the base
14 year, inflated by the uncompensated care index to the total uncompensated care costs for the base
15 year inflated by uncompensated care index for all participating hospitals. The disproportionate
16 share payments shall be made on or before July 16, 2012 and are expressly conditioned upon
17 approval on or before July 9, 2012 by the Secretary of the U.S. Department of Health and Human
18 Services, or his or her authorized representative, of all Medicaid state plan amendments necessary
19 to secure for the state the benefit of federal financial participation in federal fiscal year 2012 for
20 the disproportionate share payments.

21 (c) For federal fiscal year 2013, commencing on October 1, 2012 and ending September
22 30, 2013, the executive office of health and human services shall submit to the Secretary of the
23 U.S. Department of Health and Human Services a state plan amendment to the Rhode Island
24 Medicaid state plan for disproportionate share hospital payments (DSH Plan) to provide:

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

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

1 [to secure for the state the benefit of federal financial participation in federal fiscal year 2013 for](#)
2 [the disproportionate share payments.](#)

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

6 SECTION 2. Chapter 40-8.3 of the General Laws entitled "Uncompensated Care" is
7 hereby amended by adding thereto the following section:

8 **40-8.3-10. Outpatient adjustment payments.** – [Effective July 1, 2012 and for each](#)
9 [subsequent year, the executive office of health and human services is hereby authorized and](#)
10 [directed to amend its regulations for reimbursement to hospitals for outpatient services as](#)
11 [follows:](#)

12 (a) [Each hospital in the state of Rhode Island, as defined in subdivision 23-17-](#)
13 [38.19\(b\)\(1\), shall receive a quarterly adjustment payment each state fiscal year of an amount](#)
14 [determined as follows:](#)

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

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

21 (3) [Multiply the sum of all Medicaid payments as determined in subdivision \(2\) by](#)
22 [seventy-four and ninety-seven hundredths percent \(74.97%\) and then multiply that result by each](#)
23 [hospital's percentage of the state's total Medicaid outpatient and emergency department services](#)
24 [as determined in subdivision \(1\) to obtain the total outpatient adjustment for each hospital to be](#)
25 [paid each year;](#)

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

28 (b) [The amounts determined in subsection \(a\) are in addition to Medicaid outpatient](#)
29 [payments and emergency services payments \(exclusive of physician services\) paid to hospitals in](#)
30 [accordance with current state regulation and the Rhode Island Plan for Medicaid Assistance](#)
31 [pursuant to Title XIX of the Social Security Act and are not subject to recoupment or settlement.](#)

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

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ARTICLE 16

RELATING TO MUNICIPALITIES

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

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

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

(i) Except for the fiscal year ending June 30, 2008, nineteen one hundredths of one percent (0.19%) up to a maximum of twenty million dollars (\$20,000,000) shall be equally allocated to the distressed communities as defined in § 45-13-12 provided that no eligible community shall receive more than twenty-five percent (25%) of that community's currently enacted municipal budget as its share under this specific subsection. Distributions made under this specific subsection are supplemental to all other distributions made under any portion of general laws § 45-13-12. For the fiscal year ending June 30, 2008 distributions by community shall be identical to the distributions made in the fiscal year ending June 30, 2007 and shall be made from general appropriations. For the fiscal year ending June 30, 2009, the total state distribution shall be the same total amount distributed in the fiscal year ending June 30, 2008 and shall be made from general appropriations. For the fiscal year ending June 30, 2010, the total state distribution shall be the same total amount distributed in the fiscal year ending June 30, 2009 and shall be made from general appropriations, provided however that \$784,458 of the total appropriation shall be distributed equally to each qualifying distressed community. For each of the fiscal years ending June 30, 2011, ~~and~~ June 30, 2012, and June 30, 2013 seven hundred eighty-four thousand four hundred fifty-eight dollars (\$784,458) of the total appropriation shall be distributed equally to each qualifying distressed community.

(ii) Five one hundredths of one percent (0.05%) up to a maximum of five million dollars (\$5,000,000) shall be appropriated to property tax relief to fully fund the provisions of § 44-33-2.1. The maximum credit defined in subdivision 44-33-9(2) shall increase to the maximum amount to the nearest five dollar (\$5.00) increment within the allocation until a maximum credit

1 of five hundred dollars (\$500) is obtained. In no event shall the exemption in any fiscal year be
2 less than the prior fiscal year.

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

7 (iv) Except for the fiscal year ending June 30, 2008, ten one hundredths of one percent
8 (0.10%) to a maximum of ten million dollars (\$10,000,000) for supplemental distribution to
9 communities not included in paragraph (a)(1)(i) above distributed proportionately on the basis of
10 general revenue sharing distributed for that fiscal year. For the fiscal year ending June 30, 2008
11 distributions by community shall be identical to the distributions made in the fiscal year ending
12 June 30, 2007 and shall be made from general appropriations. For the fiscal year ending June 30,
13 2009, no funding shall be disbursed. For the fiscal year ending June 30, 2010 and thereafter,
14 funding shall be determined by appropriation.

15 (2) To the licensed video lottery retailer:

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

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

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

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

31 (3)(i) To the technology providers who are not a party to the GTECH Master Contract as
32 set forth and referenced in Public Law 2003, Chapter 32, seven percent (7%) of the net terminal
33 income of the provider's terminals; in addition thereto, technology providers who provide
34 premium or licensed proprietary content or those games that have unique characteristics such as

1 3D graphics, unique math/game play features or merchandising elements to video lottery
2 terminals may receive incremental compensation, either in the form of a daily fee or as an
3 increased percentage, if all of the following criteria are met:

4 (A) A licensed video lottery retailer has requested the placement of premium or licensed
5 proprietary content at its licensed video lottery facility;

6 (B) The division of lottery has determined in its sole discretion that the request is likely to
7 increase net terminal income or is otherwise important to preserve or enhance the competitiveness
8 of the licensed video lottery retailer;

9 (C) After approval of the request by the division of lottery, the total number of premium
10 or licensed propriety content video lottery terminals does not exceed ten percent (10%) of the
11 total number of video lottery terminals authorized at the respective licensed video lottery retailer;
12 and

13 (D) All incremental costs are shared between the division and the respective licensed
14 video lottery retailer based upon their proportionate allocation of net terminal income. The
15 division of lottery is hereby authorized to amend agreements with the licensed video lottery
16 retailers, or the technology providers, as applicable, to effect the intent herein.

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

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

22 (4) To the city of Newport one and one hundredth percent (1.01%) of net terminal income
23 of authorized machines at Newport Grand except that effective November 9, 2009 until June 30,
24 2012, the allocation shall be one and two tenths percent (1.2%) of net terminal income of
25 authorized machines at Newport Grand for each week the facility operates video lottery games on
26 a twenty-four (24) hour basis for all eligible hours authorized and to the town of Lincoln one and
27 twenty-six hundredths percent (1.26%) of net terminal income of authorized machines at Lincoln
28 Park except that effective November 9, 2009 until June 30, 2012, the allocation shall be one and
29 forty-five hundredths percent (1.45%) of net terminal income of authorized machines at Lincoln
30 Park for each week the facility operates video lottery games on a twenty-four (24) hour basis for
31 all eligible hours authorized; and

32 (5) To the Narragansett Indian Tribe, seventeen hundredths of one percent (0.17%) of net
33 terminal income of authorized machines at Lincoln Park up to a maximum of ten million dollars
34 (\$10,000,000) per year, which shall be paid to the Narragansett Indian Tribe for the account of a

1 Tribal Development Fund to be used for the purpose of encouraging and promoting: home
2 ownership and improvement, elderly housing, adult vocational training; health and social
3 services; childcare; natural resource protection; and economic development consistent with state
4 law. Provided, however, such distribution shall terminate upon the opening of any gaming facility
5 in which the Narragansett Indians are entitled to any payments or other incentives; and provided
6 further, any monies distributed hereunder shall not be used for, or spent on previously contracted
7 debts; and

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

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

12 (b) Notwithstanding the above, the amounts payable by the Division to UTGR related to
13 the Marketing Program shall be paid on a frequency agreed by the Division, but no less
14 frequently than annually.

15 (c) Notwithstanding anything in this chapter 61.2 of this title 42 to the contrary, the
16 Director is authorized to fund the Marketing Program as described above in regard to the First
17 Amendment to the UTGR Master Contract.

18 (d) Notwithstanding the above, the amounts payable by the Division to Newport Grand
19 related to the Marketing Program shall be paid on a frequency agreed by the Division, but no less
20 frequently than annually.

21 (e) Notwithstanding anything in this chapter 61.2 of this title 42 to the contrary, the
22 Director is authorized to fund the Marketing Program as described above in regard to the First
23 Amendment to the Newport Grand Master Contract.

24 **SECTION 2. Section 45-13-12 of the General Laws in Chapter 45-13 entitled "Distressed**
25 **communities relief fund" is hereby amended to read as follows:**

26 **45-13-12. Distressed communities relief fund.** -- (a) There is established a fund to
27 provide state assistance to those Rhode Island cities and towns which have the highest property
28 tax burdens relative to the wealth of taxpayers.

29 (b) *Establishment of indices.* Four (4) indices of distress shall be established to determine
30 eligibility for the program. Each community shall be ranked by each distress index and any
31 community which falls into the lowest twenty percent (20%) of at least three (3) of the four (4)
32 indices shall be eligible to receive assistance. The four (4) indices are established as follows:

33 (1) *Percent of tax levy to full value of property.* This shall be computed by dividing the
34 tax levy of each municipality by the full value of property for each municipality. For the 1990-91

1 fiscal year, tax levy and full value shall be as of the assessment date December 31, 1986.

2 (2) *Per capita income.* This shall be the most recent estimate reported by the U.S.
3 Department of Commerce, Bureau of the Census.

4 (3) *Percent of personal income to full value of property.* This shall be computed by
5 multiplying the per capita income above by the most recent population estimate as reported by the
6 U.S. Department of Commerce, Bureau of the Census, and dividing the result by the full value of
7 property.

8 (4) *Per capita full value of property.* This shall be the full value of property divided by
9 the most recent estimate of population by the U.S. Department of Commerce, Bureau of the
10 Census.

11 (c) *Distribution of funds.* Funds shall be distributed to each eligible community on the
12 basis of the community's tax levy relative to the total tax levy of all eligible communities. For the
13 fiscal year 1990-91, the reference year for the tax levy shall be the assessment date of December
14 31, 1988. For each fiscal year thereafter, except for fiscal year 2007-2008, the reference year and
15 the fiscal year shall bear the same relationship. For the fiscal year 2007-2008 the reference year
16 shall be the same as for the distributions made in fiscal year 2006-2007.

17 Any newly qualifying community shall be paid fifty percent (50%) of current law
18 requirements the first year it qualifies. The remaining fifty percent (50%) shall be distributed to
19 the other distressed communities proportionately. When any community falls out of the distressed
20 community program, it shall receive a one-time payment of fifty percent (50%) of the prior year
21 requirement exclusive of any reduction for first year qualification. The community shall be
22 considered a distressed community in the fall-out year.

23 (d) *Appropriation of funds.* The state of Rhode Island shall appropriate funds in the
24 annual appropriations act to support this program. For each of the fiscal years ending June 30,
25 2011, ~~and~~ June 30, 2012, [and June 30, 2013](#) seven hundred eighty-four thousand four hundred
26 fifty-eight dollars (\$784,458) of the total appropriation shall be distributed equally to each
27 qualifying distressed community.

28 (e) *Payments.* Payments shall be made to eligible communities each ~~March equal to one~~
29 ~~half of the appropriated amount and each August equal to one half of the appropriated amount.~~

30 SECTION 3. Section 45-65-6 of the General Laws in Chapter 45-65 entitled "Retirement
31 Security Act for Locally Administered Pension Funds" is hereby amended to read as follows:

32 **45-65-6. Certification and notice requirements.** -- (1) Every municipality that
33 maintains a locally administered plan shall submit its initial annual actuarial valuation study to
34 the study commission created herein under § 45-64-8 on or before April 1, 2012, and for each

1 plan year ending on or after December 31, 2012, within six (6) months of completing such plan
2 year. The initial actuarial experience study shall be submitted to the study commission on or
3 before April 1, 2012, and subsequent actuarial experience studies must be submitted to the study
4 commission no less frequently than once every three (3) years.

5 (2) In any case in which an actuary certifies that a locally administered plan is in critical
6 status for a plan year, the municipality administering such a plan shall, not later than thirty (30)
7 business days following the certification, provide notification of the critical status to the
8 participants and beneficiaries of the plan and to the general assembly, the governor, the general
9 treasurer, the director of revenue, and the auditor general. The notification shall also be posted
10 electronically on the general treasurer's website. Within one hundred eighty (180) days of sending
11 the critical status notice, the municipality shall submit to the study commission a reasonable
12 alternative funding improvement plan to emerge from critical status.

13 (3) The state shall reimburse every municipality for fifty percent (50%) of the cost of
14 undertaking its annual actuarial valuation study, [which is due on April 1, 2012.](#)

15 (4) Notwithstanding any other law to the contrary, the funding improvement plans and
16 actuarial valuation studies submitted pursuant to this section shall be public records.

17 SECTION 4. Whereas, the State of Rhode Island, municipalities and select organizations
18 are eligible to receive a share of the federal forfeiture from online search engine company Google
19 Inc. Whereas, to allow said receipt of these forfeiture funds any recipient shall conform to the
20 United States Department of Justice's publication, Guide to Equitable Sharing for State and Local
21 Law Enforcement Agencies, April 2009. Pursuant to the Guidelines, these funds shall be given to
22 proposals from Rhode Island municipal law enforcement agencies that support community
23 policing activities, training, and law enforcement operations. Permissible uses for these funds
24 include, but are not limited to, law enforcement investigations that may result in furthering law
25 enforcement goals, law enforcement training, law enforcement and detention facilities, law
26 enforcement equipment, law enforcement travel and transportation, drug education and awareness
27 programs, law enforcement facilities and equipment and asset accounting and tracking as
28 provided in the Guidelines.

29 The Rhode Island Department of Public Safety shall implement policies and procedures
30 consistent with United States Department of Justice's publication, Guide to Equitable Sharing for
31 State and Local Law Enforcement Agencies, April 2009, as amended, to obtain no less than \$25.0
32 million of the State of Rhode Island's share of funds derived from the federal forfeiture from
33 online search engine company Google Inc. referenced above to be made available to Rhode
34 Island municipal law enforcement agencies that shall make appropriate applications for the funds.

1 The Rhode Island Department of Public Safety shall, no later than September 1, 2012, create
2 policies, procedures and an appropriate applications process whereby Rhode Island municipal law
3 enforcement agencies shall apply to the department for said funds consistent with the Guidelines.
4 The Rhode Island Department of Public Safety shall review any application and make a
5 determination which, if any, shall be forwarded to the United States Government for approval
6 consistent with the Guidelines. Rhode Island local law enforcement agencies shall have until July
7 2014 to obligate or spend said funds approved by the Rhode Island Department of Public Safety
8 as it pertains to the resources derived from the federal forfeiture from online search engine
9 company Google Inc.

10 Preference shall be given to applications submitted by Rhode Island municipal law
11 enforcement agencies that result in cooperative non-recurring law enforcement activities among
12 jurisdictions to maximize said funds. Rhode Island municipal law enforcement agencies must
13 comply with the Rhode Island Department of Public Safety's policies, procedures and application
14 process established as outlined above prior to receiving said funds.

15 Whereas, the law enforcement agencies in the City of East Providence and the Town of
16 North Providence have been allotted their own respective funds from Rhode Island's share of the
17 federal forfeiture from online search engine company Google Inc., municipal law enforcement
18 agencies in the City of East Providence and the Town of North Providence will not be eligible for
19 funds under this section. Furthermore, these agencies shall not be subject to the aforementioned
20 process by the Rhode Island Department of Public Safety to receive their allotted funds.

21 SECTION 5. This article shall take effect upon passage.
22

ARTICLE 17

RELATING TO DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

SECTION 1. Sections 46-12-4 and 46-12-4.1 of the General Laws in Chapter 46-12 entitled “Water Pollution” are hereby repealed.

~~§ 46-12-4. Pollution monitoring system.~~ The director shall establish a pollution monitoring system, and a fee system for point source dischargers who discharge sewage into the surface waters of the state. Money derived from the fee system shall be deposited as general revenues. The director shall monitor the levels of conventional and hazardous pollutants especially toxic pollutants discharged into the surface waters and shall assess the impact thereof. Nothing herein shall be deemed to apply to dredging, disposal of dredge materials and/or the transportation thereof regulated under § 46-23-18 and/or 46-23-18.1.

~~§ 46-12-4.1. Fees — Limits — Recovery of costs.~~ The fee established by the director pursuant to § 46-12-4 shall be based on the individual discharger's need for monitoring and the effluent's potential for environmental degradation as determined by the director; provided, however, that any fees charged dischargers shall be in addition to and not substituted for funds appropriated by or monitoring required by the state or federal government for similar purposes; and further provided:

(1) The director shall annually adopt by regulation, in accordance with the provisions of chapter 35 of title 42, the maximum cost of the monitoring program for the next fiscal year. The fee charged any discharger shall not exceed the actual cost of the pollution monitoring program of that discharger.

(2) The operating authority for any publicly owned treatment facility is hereby empowered to recover any costs incurred under the provisions of this chapter, including administrative costs, by levying an assessment on their customers. Money derived from the fees shall be deposited as general revenues and shall be usable to match any federal funds appropriated for these purposes.

SECTION 2. Sections 46-13.2-1, 46-13.2-2, 46-13.2-3, 46-13.2-4, 46-13.2-5, and 46-13.2-7 of the General Laws in Chapter 46-13.2 entitled “Drilling of Drinking Water Wells” are hereby amended to read as follows:

46-13.2-1. Definitions. -- For the purpose of this chapter:

1 ~~(1) "Abandoned well" means a well whose use has been permanently discontinued; (1)~~
2 "Building official" means the local building official authorized in accordance with section 23-
3 27.3-107 or the state building code commissioner authorized in accordance with section 23-27.3-
4 108.2, as applicable;

5 (2) "Board" means the Rhode Island well-drilling contractors' registration and licensing
6 board;

7 ~~(3) "Director" means the director of the department of environmental management;~~

8 ~~(4) "Groundwater" means subsurface water;~~

9 ~~(5)~~(3) "Person" means an individual, partnership, corporation, association, or
10 organization, or any combination thereof;

11 ~~(6)~~(4) "Well" means an artificial sanitary excavation or opening in the ground, by which
12 groundwater can be obtained or through which it flows under natural pressure or is artificially
13 withdrawn; and for the purposes of this chapter, excepting section 46-13.2-3(c), attached as an
14 appurtenance to a building or structure.

15 ~~(7)~~(5) "Well ~~driller~~ drilling contractor" means a person who engages in well drilling,
16 including the installation pumps as provided herein;

17 ~~(8)~~(6) "Well drilling" means and includes the industry, procedure and all operations
18 engaged in by any person, full-time or part-time, for compensation or otherwise, to obtain water
19 from a well or wells by drilling, or other methods, for any purpose or use.

20 (7) "Appurtenance" means and includes the installation, alteration or repair of wells
21 connected to a structure.

22 ~~**46-13.2-2. Rhode Island well drilling board.** --- (a) There shall be a board to be known~~
23 ~~as the Rhode Island well drilling board which shall advise the director according to this chapter.~~
24 ~~The board shall consist of seven (7) residents of the state appointed by the governor; one member~~
25 ~~shall be a member of the general public; three (3) members shall be active well drillers or pump~~
26 ~~installers who shall have had at least five (5) years experience as such; one member shall be an~~
27 ~~employee of the department of health; one member shall be an employee of the department of~~
28 ~~environmental management, environmental protection branch; and one member shall be a~~
29 ~~hydrologist experienced in well construction; four (4) members shall constitute a quorum.~~

30 ~~(b) The board shall meet within thirty (30) days after its members are first appointed,~~
31 ~~and, thereafter, at least three (3) times a year. The board shall elect a chairperson and a secretary~~
32 ~~annually from its membership. The secretary shall keep a complete record of all meetings and~~
33 ~~proceedings of the board and shall perform the usual duties pertaining to the office.~~

34 ~~(c) No member of the board shall be compensated for their service including state~~

1 employees who shall only be entitled to their usual and customary salary and not any additional
2 compensation.

3 **46-13.2-2. Purpose.** -- The purpose of this act is to promote public health and welfare
4 and protect the environment by providing specifying standards for the installation of a well and
5 providing a mechanism to ensure that all well drilling contractors conducting business in the state
6 of Rhode Island have the requisite skills, training and experience necessary to safely and
7 adequately install water wells within this state.

8 **46-13.2-3. Regulations.** -- (a) ~~For the purpose of safeguarding the public health, the~~
9 ~~director, and the board shall promote and encourage cooperation among well drillers and~~
10 ~~governmental agencies in the development and protection of records of underground water~~
11 ~~formations and resources. The director shall prepare and disseminate such information as may be~~
12 ~~necessary for the benefit of the industry and the public.~~

13 (b) ~~The director~~ Rhode Island building standards committee, pursuant to section 23-27.3-
14 100.1.5 shall by no later than December 31, 2013 promulgate regulations incorporate in the
15 appropriate portions of the state building codes ~~establishing~~ minimum standards for the location,
16 design, construction and installation, ~~and maintenance~~ of wells that are appurtenances to
17 buildings in consultation with ~~the board,~~ the department of health, ~~and~~ the division of statewide
18 planning and the department of environmental management, with due regard for the preservation
19 of public health, ~~the preservation, allocation, and management of the groundwater of the state, the~~
20 ~~protection of the consuming public, and the maintenance of geological and other scientific data~~
21 protection of public welfare and the environment.

22 (b) In those circumstances in which compliance with the requirements for locating a new
23 or replacement well would result in undue hardship, property owners may seek a variance from
24 any one or more of the siting requirements, in accordance with the following:

25 (1) Except as specified in (3), from the building code board of appeals authorized in the
26 municipality with jurisdiction over the property on which the well is proposed;

27 (2) Except as specified in (3), in the absence of a local building code board of appeals,
28 from the state building code board of appeals; and

29 (3) From the department of environmental management in all cases in which the well is
30 proposed to be installed as part of an application for the new construction of or repair of an on-
31 site wastewater disposal system. The appropriate authority specified above may grant a variance
32 to the extent necessary to ameliorate the undue hardship and to the extent the exemption can be
33 granted without impairing the intent and purpose of this chapter.

34 (c) ~~Any regulations or amendments thereto promulgated by the director under this chapter~~

1 shall be submitted to the board for approval. To protect public health and the environment, the
2 Rhode Island department of environmental management is authorized to promulgate regulations
3 applicable to the owners of on-site wastewater systems that limit the installation of any type of
4 well, including wells installed for irrigation systems, near the on-site wastewater treatment
5 systems on the owner's property.

6 ~~**46-13.2-4. Registration for well drilling contractors and pump installers**~~
7 ~~**Suspension or revocation.**~~ Registration and licensing of well drilling contractors and
8 pump installers. -- (a) Subject to the approval of the board, the director shall establish
9 registration requirements setting forth minimum standards for well drilling contractors and pump
10 installers. The well drilling contractors shall be required to have ability and proficiency in the
11 skill of well drilling demonstrated by experience or training and sufficient financial resources to
12 have and maintain adequate tools and machines for the work. After the publication of these
13 regulations by the director, a person, before engaging in the business of well drilling or pump
14 installing, shall obtain a certificate of registration annually as a well drilling contractor or pump
15 installer. The applicant shall pay a registration fee of two hundred dollars (\$200) and an annual
16 renewal registration fee of one hundred dollars (\$100). A certificate of registration is not
17 transferable and expires one year after issuance. After the renewal date, a certificate of
18 registration may be renewed only upon application for renewal and payment of a late fee of ten
19 dollars (\$10.00) in addition to the regular registration fee. A lost, destroyed, or mutilated
20 certificate may be replaced by a duplicate upon payment of a fee of two dollars (\$2.00). One seal
21 shall be issued to each registrant as provided in subsection (b) of this section, and additional seals
22 may be obtained at a fee of two dollars (\$2.00) each. No person shall install a well or a pump
23 within a water well unless registered or licensed with the proper authorities in accordance with
24 this chapter, section 5-65 and 5-65.2 of the Rhode Island general laws. Well drilling contractors
25 are subject to the jurisdiction of the contractors' registration and licensing board including the
26 registration procedures of the board authorized by section 5-65 and in effect at the time of
27 passage of this act.

28 (b) A well drilling contractor or pump installer shall place in a conspicuous location on
29 both sides of his or her well drilling machine or service rig, his or her registration number in
30 letters not less than two inches (2") high. A seal furnished by the director of the department of
31 environmental management designating the year the certificate of registration was issued or
32 renewed, and the words "Rhode Island registered water well drilling contractor or pump
33 installation contractor", shall be affixed directly adjacent to the registration number.

34 (e)(b) A municipality engaged in well drilling shall be exempt from the registration or

1 license provisions of this chapter if the drilling is done by regular employees of, and with
2 equipment owned by, the municipality, and the work is on wells intended for use by the
3 municipality.

4 ~~(d)~~(c) This chapter shall not restrict a plumber or electrician from engaging in the trade
5 for which he or she has been licensed.

6 ~~(e) (1) A certificate of registration may be refused, or a certificate of registration duly~~
7 ~~issued may be suspended or revoked, or the renewal thereof refused by the director on the~~
8 ~~director's own investigation and motion or upon motion of an interested party or motion of the~~
9 ~~board if the director has good and sufficient reason to believe or finds that the applicant for or the~~
10 ~~holder of a certificate has:~~

11 ~~(1) Made a material misstatement in the application for a registration or any application~~
12 ~~for renewal thereof; or~~

13 ~~(ii) Obtained the registration through willful fraud or misrepresentation; or~~

14 ~~(iii) Demonstrated incompetency to act as a well driller as determined by the director; or~~

15 ~~(iv) Been guilty of failure to comply with the provisions of this chapter or the rules and~~
16 ~~regulations issued pursuant hereto; or~~

17 ~~(v) Refused to file reports of wells drilled as required by § 46-13.2-5; or~~

18 ~~(vi) Has been found guilty by a court of competent jurisdiction, of any fraud, deceit, gross~~
19 ~~negligence, incompetence, or misconduct in the industry, operations, or business of well drilling.~~

20 ~~(2) Before any certificate of registration shall be refused, suspended, or revoked, or the~~
21 ~~renewal thereof refused, the director shall give notice of the intention to do so by registered mail.~~
22 ~~Upon receipt of the notice, the person affected may, within ten (10) days, request a hearing. No~~
23 ~~revocation or suspension of a registration shall take place until the hearing is completed unless~~
24 ~~the director shall find immediate revocation or suspension is necessary to avoid imminent peril to~~
25 ~~life or property.~~

26 ~~(3) Appeal from the decisions of the director may be taken within thirty (30) days after~~
27 ~~the decision of the commissioner, to the superior court in accordance with the provisions of § 42-~~
28 ~~35-15.~~

29 ~~(f) The director shall prepare a roster of all registered well drillers and pump installers~~
30 ~~and distribute the roster annually to the local building inspector, if there is one, and the town clerk~~
31 ~~of each town.~~

32 ~~(g) Any well driller or pump installer registered as of July 1, 1987, shall be deemed to be~~
33 ~~registered under this chapter, but shall comply with the other provisions of this chapter.~~

34 ~~(h) After one year from the date of refusal or revocation of a certificate of registration, an~~

1 application to register may be made again by the person affected.

2 **46-13.2-5. Record of wells.** -- (a) Within ~~thirty (30)~~ ten (10) days after completion of a
3 new or replacement well, a well drilling contractor shall provide the owner, ~~the board, the~~
4 building official and the department of health, ~~the department of environmental management a~~
5 ~~record~~ well installation report conforming to the form, content, and means specified by the
6 department of health. ~~indicating~~ This well installation report will at a minimum indicate:

7 (1) The well owner's name and address,

8 (2) The physical location of the well,

9 (3) The well depth,

10 (4) The geologic materials and thickness of materials penetrated,

11 (5) The ~~amount~~ length and type of casing,

12 (6) The static water levels, ~~and~~

13 (7) The results of a well yield test that conforms to industry standards, and

14 ~~(7)(8)~~ (8) Any other additional information which may be required by ~~regulations adopted~~
15 ~~under this chapter~~ the department of health.

16 **46-13.2-7. Well constructed for farming or private use.** -- A landowner may ~~drill~~
17 construct his or her own well to provide water for the consumption by himself or herself, his or
18 her family, pets, livestock, or for farming of his or her land where the water obtained shall not be
19 intended for use by the general public or in any residence other than the landowner's, and the
20 landowner shall not be required to be registered under § 46-13.2-4, but must submit ~~the drilling~~
21 ~~record~~ a well installation report as required by § 46-13.2-5 and comply with all applicable
22 regulations and codes of construction adopted under this chapter and section 23-27.3 and comply
23 as applicable with requirements of section 23-1-5.3.

24 SECTION 3. Sections 46-13.2-6, 46-13.2-8, and 46-13.2-10 of the General Laws in
25 Chapter 46-13.2 entitled "Drilling of Drinking Water Wells" are hereby repealed.

26 ~~§ 46-13.2-6. Wells constructed for oil, gas, brine, or mining.~~ — Drilling, excavating,
27 and pumping associated with the oil, gas, or brine well industries, and the construction, quarrying,
28 and mining industries, and the disposal of any materials shall be subject to this chapter only
29 insofar as they relate to the pollution and depletion of underground water resources.

30 ~~§ 46-13.2-8. Exemptions.~~ — Where the director finds that compliance with all
31 requirements of this chapter or regulations adopted pursuant thereto would result in undue
32 hardship, an exemption from any one or more of the requirements may be granted by the director
33 to the extent necessary to ameliorate the undue hardship and to the extent the exemption can be
34 granted without impairing the intent and purpose of this chapter.

1 ~~§ 46-13.2-10. Violations.~~ Any person who engages in well drilling or offers to engage in
2 well drilling, or advertises or holds himself or herself out or acts temporarily or otherwise as a
3 well driller, without first having obtained the required certificate of registration, and any person
4 who violates any provisions of this chapter, including, but not limited to, the accurate reporting of
5 wells drilled, shall be guilty of a misdemeanor and shall be punished by a fine of not more than
6 five hundred dollars (\$500) or by imprisonment for not more than one year, and each day that
7 violation shall continue shall be deemed a separate offense.

8 SECTION 4. Sections 5-65-1, 5-65-3 and 5-65-5 of the General Laws in Chapter 5-65
9 entitled “Contractors’ Registration and Licensing Board” are hereby amended to read as follows:

10 **5-65-1. Definitions.** -- As used in this chapter:

11 (1) "Board" means the contractors' registration and licensing board established pursuant
12 to the provisions of Rhode Island general laws section 5-65-14 or its designees.

13 (2) "Commission" means the building code commission supportive of the contractors'
14 registration and licensing board.

15 (3) (i) "Contractor" means a person who, in the pursuit of an independent business,
16 undertakes or offers to undertake or submits a bid, or for compensation and with or without the
17 intent to sell the structure arranges to construct, alter, repair, improve, move over public
18 highways, roads or streets or demolish a structure or to perform any work in connection with the
19 construction, alteration, repair, improvement, moving over public highways, roads or streets or
20 demolition of a structure, and the appurtenances thereto. For the purposes of this chapter,
21 “appurtenances” includes the installation, alteration or repair of wells connected to a structure
22 consistent with chapter 46-13.2. "Contractor" includes, but is not limited to, any person who
23 purchases or owns property and constructs or for compensation arranges for the construction of
24 one or more structures.

25 (ii) A certificate of registration is necessary for each "business entity" regardless of the
26 fact that each entity may be owned by the same individual.

27 (4) "Dwelling unit" means a single unit providing complete independent living facilities
28 for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and
29 sanitation.

30 (5) "Hearing officer" means a person designated by the executive director, to hear
31 contested claims or cases, contested enforcement proceedings, and contested administrative fines,
32 in accordance with the Administrative Procedures Act, chapter 35 of title 42.

33 (6) "Monetary damages" means the dollar amount required in excess of the contract
34 amount necessary to provide the claimant with what was agreed to be provided under the terms of

1 the contract reduced by any amount due and unpaid to the respondent inclusive of any and all
2 awards and restitution.

3 (7) "Staff" means the executive director for the contractors' registration and licensing
4 board, and any other staff necessary to carry out the powers, functions and duties of the board
5 including inspectors, hearing officers and other supportive staff.

6 (8) "State" means the state of Rhode Island.

7 (9) "Structure" means (i) any commercial building; or (ii) any building containing one or
8 more residences and their appurtenances. The board's dispute resolution process shall apply only
9 to residential structures containing dwelling units as defined in the state building code or
10 residential portions of other types of buildings without regard to how many units any structure
11 may contain. The board retains jurisdiction and may conduct hearings regarding violations
12 against all contractors required to be registered or licensed by the board.

13 (10) "Substantially" means any violation, which affects the health, safety, and welfare of
14 the general public.

15 **5-65-3. Registration for work on a structure required of contractor -- Issuance of**
16 **building permits to unregistered or unlicensed contractors prohibited -- Evidence of activity**
17 **as a contractor -- Duties of contractors. --**

18 (a) A person shall not undertake, offer to undertake,
19 or submit a bid to do work as a contractor on a structure or arrange to have work done unless that
20 person has a current, valid certificate of registration for all construction work issued by the board.
21 A partnership, corporation, or joint venture may do the work, offer to undertake the work, or
22 submit a bid to do the work only if that partnership, corporation, or joint venture is registered for
23 the work. In the case of registration by a corporation or partnership, an individual shall be
24 designated to be responsible for the corporation's or partnership's work. The corporation or
25 partnership and its designee shall be jointly and severally liable for the payment of the
26 registration fee, as requested in this chapter, and for violations of any provisions of this chapter.
27 Disciplinary action taken on a registration held by a corporation, partnership, or sole proprietor
28 may affect other registrations held by the same corporation, partnership, or sole proprietorship,
29 and may preclude future registration by the principal of that business entity.

30 (b) A registered partnership or corporation shall notify the board in writing immediately
31 upon any change in partners or corporate officers.

32 (c) A city, town, or the state shall not issue a building permit to anyone required to be
33 registered under this chapter who does not have a current, valid certificate of registration
34 identification card or valid license which shall be presented at the time of issuance of a permit
and shall become a condition of a valid permit. Each city, town, or the state which requires the

1 issuance of a permit as a condition precedent to construction, alteration, improvement,
2 demolition, movement or repair of any building or structure or the appurtenance to the structure
3 shall also require that each applicant for the permit file as a condition to issuing the permit a
4 written affidavit subject to the penalties of perjury, subscribed by the applicant, that the applicant
5 is registered under the provisions of this chapter, giving the number of the registration and stating
6 that the registration is in full force and effect, or, if the applicant is exempt from the provisions of
7 this chapter, listing the basis for the exemption. The city, town, or the state shall list the
8 contractor's registration number on the permit obtained by that contractor, and if a homeowner is
9 issued a permit, the building inspector or official must ascertain registration numbers of each
10 contractor on the premises and shall inform the registration board of any non-registered
11 contractors performing work at the site.

12 (d) Every city and town which requires the issuance of a business license as a condition
13 precedent to engaging, within the city or town, in a business which is subject to regulation under
14 this chapter, shall require that each licensee and each applicant for issuance or renewal of the
15 license file, or has on file, with the city or town a signed statement that the licensee or applicant is
16 registered under the provisions of this chapter and stating that the registration is in full force and
17 effect.

18 (e) It shall be prima facie evidence of doing business as a contractor when a person for
19 that person's own use performs, employs others to perform, or for compensation and with the
20 intent to sell the structure, arranges to have performed any work described in section 5-65-1(3) if
21 within any one twelve (12) month period that person offers for sale one or more structures on
22 which that work was performed.

23 (f) Registration under this chapter shall be prima facie evidence that the registrant
24 conducts a separate, independent business.

25 (g) The provisions of this chapter shall be exclusive and no city or town shall require or
26 shall issue any registrations or licenses nor charges any fee for the regulatory registration of any
27 contractor registered with the board. Nothing in this subsection shall limit or abridge the authority
28 of any city or town to license and levy and collect a general and nondiscriminatory license fee
29 levied upon all businesses, or to levy a tax based upon business conducted by any firm within the
30 city or town's jurisdiction, if permitted under the laws of the state.

31 (h) (1) Every contractor shall maintain a list which shall include the following
32 information about all subcontractors or other contractors performing work on a structure for that
33 contractor:

34 (i) Names and addresses.

1 (ii) Registration numbers or other license numbers.

2 (2) The list referred to in subdivision (h)(1) of this subsection shall be delivered to the
3 board within twenty-four (24) hours after a request is made during reasonable working hours, or a
4 fine of twenty-five dollars (\$25.00) may be imposed for each offense.

5 (i) The following subcontractors who are not employees of a registered contractor must
6 obtain a registration certificate prior to conducting any work: (1) carpenters, including finish
7 carpenters and framers; (2) siding installers; (3) roofers; (4) foundation installers, including
8 concrete installers and form installers; (5) drywall installers; (6) plasterers; (7) insulation
9 installers; (8) ceramic tile installers; (9) floor covering installers; (10) swimming pool installers,
10 both above ground and in ground; (11) masons, including chimney installers, fireplace installers,
11 and general masonry erectors. This list is not all inclusive and shall not be limited to the above
12 referenced contractors. No subcontractor licensed by another in-state agency pursuant to section
13 5-65-2 shall be required to register, provided that said work is performed under the purview of
14 that license.

15 (j) A contractor including, but not limited to, a general contractor, shall not hire any
16 subcontractor or other contractor to work on a structure unless the contractor is registered under
17 this chapter or exempt from registration under the provisions of section 5-65-2.

18 (k) A summary of this chapter, prepared by the board and provided at cost to all
19 registered contractors, shall be delivered by the contractor to the owner when the contractor
20 begins work on a structure; failure to comply may result in a fine.

21 (l) The registration number of each contractor shall appear in any advertising by that
22 contractor. Advertising in any form by an unregistered contractor shall be prohibited, including
23 alphabetical or classified directory listings, vehicles, business cards, and all other forms of
24 advertisements. The violations could result in a penalty being assessed by the board per
25 administrative procedures established.

26 (i) The board may publish, revoke or suspend registrations and the date the registration
27 was suspended or revoked on a quarterly basis.

28 (ii) Use of the word "license" in any form of advertising when only registered may
29 subject the registrant or those required to be registered to a fine of one hundred dollars (\$100) for
30 each offense at the discretion of the board.

31 (m) The contractor must see that permits required by the state building code are secured
32 on behalf of the owner prior to commencing the work involved. The contractor's registration
33 number must be affixed to the permit as required by the state building code.

34 (n) The board may assess an interest penalty of twelve percent (12%) annually when a

1 monetary award is ordered by the board.

2 (o) All work performed, including labor and materials, in excess of one thousand dollars
3 (\$1,000) shall be accompanied by a contract in writing. Contracts required pursuant to this
4 subsection shall include a location on or near the signature line location on or in which the parties
5 to the contract shall initial to evidence the receipt of certain consumer education materials or
6 information approved and provided by the board to the contractor. Said educational materials
7 and/or information shall include, but not be limited to, the following notice and shall be provided
8 by the contractor to the homeowner:

9 NOTICE OF POSSIBLE MECHANIC'S LIEN

10 To: Insert name of owner, lessee or tenant, or owner of less than the simple fee.

11 The undersigned is about to perform work and/or furnish materials for the construction,
12 erection, alterations or repair upon the land at (INSERT ADDRESS) under contract with you.
13 This is a notice that the undersigned and any other persons who provide labor and materials for
14 the improvement under contract with the undersigned may file a mechanic's lien upon the land in
15 the event of nonpayment to them. It is your responsibility to assure yourself that those other
16 persons under contract with the undersigned receive payment for their work performed and
17 materials furnished for the construction, erection, alteration or repair upon the land. Failure to
18 adhere to the provisions of this subsection may result in a one thousand dollar (\$1,000) fine
19 against the contractor and shall not affect the right of any other person performing work or
20 furnishing materials of claiming a lien pursuant to Chapter 34-28. However, such person failing
21 to provide such notice shall indemnify and hold harmless any owner, lessee or tenant, or owner of
22 less than the fee simple from any payment or costs incurred on account of any liens claims by
23 those not in privity with them, unless such owner, lessee or tenant, or owner of less than the fee
24 simple shall not have paid such person.

25 (p) Contracts entered into must contain notice of right of rescission as stipulated in all
26 pertinent Rhode Island consumer protection laws.

27 (q) The contractor must stipulate whether or not all the proper insurances are in effect for
28 each job contracted.

29 (r) Contractors who are in compliance with the provisions of this subsection shall be
30 exempt from the requirements of section 34-28-4.1.

31 [\(s\) In addition to the requirements of this chapter, contractors engaged in well drilling](#)
32 [activities shall also be subject to regulations pertaining to licensing and registration promulgated](#)
33 [by the contractors' registration and licensing board pursuant to section 5-65.2 and section 46-](#)
34 [13.2-4.](#)

1 **5-65-5. Registered application.** -- (a) A person who wishes to register as a contractor
2 shall submit an application, under oath, upon a form prescribed by the board. The application
3 shall include:

- 4 (1) Workers' compensation insurance account number, or company name if a number has
5 not yet been obtained, if applicable;
- 6 (2) Unemployment insurance account number if applicable;
- 7 (3) State withholding tax account number if applicable;
- 8 (4) Federal employer identification number, if applicable, or if self-employed and
9 participating in a retirement plan;
- 10 (5) The individual(s) name and business address and residential address of:
 - 11 (i) Each partner or venturer, if the applicant is a partnership or joint venture;
 - 12 (ii) The owner, if the applicant is an individual proprietorship;
 - 13 (iii) The corporation officers and a copy of corporate papers filed with the Rhode Island
14 secretary of state's office, if the applicant is a corporation;
 - 15 (iv) Post office boxes are not acceptable as the only address.
- 16 (6) A signed affidavit subject to the penalties of perjury of whether or not the applicant
17 has previously applied for registration, or is or was an officer, partner, or venturer of an applicant
18 who previously applied for registration and if so, the name of the corporation, partnership, or
19 venture.
- 20 (7) Valid insurance certificate for the type of work being performed.

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

27 (c) Failure to provide or falsified information on an application, or any document
28 required by this chapter is punishable by a fine not to exceed ten thousand dollars (\$10,000).

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

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

34 (f) An affidavit issued by the board shall be completed upon registration [or license](#) or

1 renewal to assure contractors are aware of certain provisions of this law and shall be signed by
2 the registrant before a registration can be issued or renewed.

3 SECTION 5. Section 23-27.3-100.1.5 of the General Laws in Chapter 23-27.3 entitled
4 “State Building Code” is hereby amended to read as follows:

5 **23-27.3-100.1.5. Building code – Adoption and promulgation by committee. --** The
6 state building standards committee has the authority to adopt, promulgate, and administer a state
7 building code, which shall include: (a) provisions and amendments as necessary to resolve
8 conflicts between fire safety codes and building codes, as provided for in § 23-28.01-6; and (b) a
9 rehabilitation building and fire code for existing buildings and structures. The building code may
10 be promulgated in several sections, with a section applicable to one and two (2) family dwellings,
11 to multiple dwellings and hotels and motels, to general building construction, to plumbing
12 including and to electrical. The building code shall incorporate minimum standards for the
13 location, design, construction and installation of wells which are appurtenances to a building in
14 applicable sections. For purposes of this chapter, "appurtenance" includes the installation,
15 alteration or repair of wells connected to a structure consistent with chapter 46-13.2. The building
16 code and the sections thereof shall be reasonably consistent with recognized and accepted
17 standards adopted by national model code organizations and recognized authorities. To the extent
18 that any state or local building codes, statutes, or ordinances are inconsistent with the Americans
19 with Disabilities Act, Title III, Public Accommodations and Services Operated by Private
20 Entities, 42 U.S.C. § 12181 et seq., and its regulations and standards, they are hereby repealed.
21 The state building code standards committee is hereby directed to adopt rules and regulations
22 consistent with the Americans with Disabilities Act, Title II and III (28 CFR 35 and 28 CFR 36,
23 as amended), as soon as possible, but no later than February 15, 2012, to take effect on or before
24 March 15, 2012. The state building code standards committee is hereby authorized and directed to
25 update those rules and regulations consistent with the future revisions of the Americans with
26 Disabilities Act Accessibility Standards.

27 SECTION 6. Title 5 of the General laws entitled “BUSINESSES AND PROFESSIONS”
28 is hereby amended by adding thereto the following chapter:

29 CHAPTER 5-65.2

30 RHODE ISLAND WELL DRILLING CONTRACTORS LICENSING LAW

31 **5-65.2-1. Short title. –** This chapter shall be known and may be cited as the “Rhode
32 Island Well Drilling Contractors Licensing Law”.

33 **5-65.2-2. Definitions. –** When used in this chapter:

34 (1) “Board” means the contractors’ registration and licensing board.

1 (2) “Person” means an individual, partnership, corporation, association, or organization,
2 or any combination thereof.

3 (3) “Well” means an artificial sanitary excavation or opening in the ground, by which
4 groundwater can be obtained or through which it flows under natural pressure or is artificially
5 withdrawn; and for the purposes of this chapter attached as an appurtenance to a building or
6 structure.

7 (4) “Well drilling contractor” means a person who engages in well drilling; including the
8 installation of pumps as provided herein.

9 (5) “Well drilling” means and includes the industry, procedure and all operations engaged
10 in by any person, full-time or part-time, for compensation or otherwise, to obtain water from a
11 well or wells by drilling, or other methods, for any purpose or use.

12 **5-65.2-3. Licensing procedure.** – (a) In addition to the provisions of chapter 5-65, the
13 contractors’ registration and licensing board is authorized to establish a program to license well
14 drilling contractors to ensure persons performing well drilling work as properly qualified to
15 conduct the work. On or before January 1, 2014, the board shall promulgate regulations to
16 establish a licensing program that provides for appropriate categories of well drilling work to
17 ensure proper qualifications pertaining to the use of different equipment and approaches to install
18 wells and well pumps, and that will allow the well drilling contractor to fulfill the registration
19 requirements of 5-65 through the licensing program. Upon promulgation of applicable
20 regulations, the license issued by the board to a well drilling contractor shall serve to fulfill the
21 contractor registration requirements of chapter 5-65.

22 (b) Pursuant to board regulations, all persons seeking to be qualified as a licensed well
23 drilling professional shall submit an application to the contractors’ registration and licensing
24 board on the form or forms that the board requires. As specified by the board, the application
25 shall include the following information:

26 (1) The name of the applicant;

27 (2) The business address of the applicant;

28 (3) The mailing address of the applicant;

29 (4) The telephone number of the applicant;

30 (5) Any registration number and/or other license numbers issued by the state, or any city
31 or town;

32 (6) A statement of the skills, training and experience of the applicant sufficient to ensure
33 public safety, health and welfare; and

34 (7) Agent of service for out-of-state contractors.

1 (c) To be eligible for licensure as a well drilling contractor an applicant shall also fulfill
2 the following requirements:

3 (1) Be of good moral character;

4 (2) Pass appropriate examinations approved or administered by the contractors'
5 registration and licensing board unless otherwise exempted in accordance with subsection 5-65-
6 3(g) and has met all the requirements of the rules and regulations established by the board;

7 (3) Be in good standing with the contractors' registration and licensing board;

8 (4) Take ten (10) hours continuing education per year as set forth and recognized by the
9 contractors' registration and licensing board;

10 (d) The contractors' registration and licensing board is authorized to adopt rules and
11 regulations pursuant to the Administrative Procedures Act, chapter 35 of title 42, necessary to
12 effectuate the purpose of this chapter. Rules and regulations shall provide a fine schedule, which
13 will establish grounds for discipline for license holders or non-licensed contractors. Fines shall be
14 structured not to exceed five thousand (\$5,000) dollars per day per offense for conduct injurious
15 to the welfare of the public as well as those required pursuant to section 5-65-10.

16 (e) Any person applying for a license or registration and making any material
17 misstatement as to his or her experience or other qualifications, or any person, firm, or
18 corporation subscribing to or vouching for any misstatement shall be subject to the discipline and
19 penalties provided in section 5-65-10.

20 (f) No corporation, firm, association, or partnership shall engage in the business of well
21 drilling or represent itself as a well drilling contractor unless a licensed commercial well drilling
22 professional as provided in this chapter is continuously engaged in the supervision of its well
23 drilling work, provided that the well drilling professional is a general partner or an officer and
24 shareholder in the firm or corporation. If the license holder dies or otherwise becomes
25 incapacitated, the corporation, firm, or association shall be allowed to continue to operate until
26 the next examination shall be given or such times as the board shall see fit. In no event, shall the
27 corporation, firm, association, or partnership continue to operate longer than twelve (12) months
28 or in accordance with the board's established rules and regulations without satisfying the license
29 requirements of this chapter.

30 (g) Those well drilling contractors who were previously registered with the department of
31 environmental management, and remain in good standing as of December 31, 2012, and that were
32 previously exempted from fulfilling the testing requirements required for registration by the
33 department shall also be exempt form the testing requirements set forth in this chapter.

34 **5-65.2-4. Fees.** – All persons seeking a well drilling professional license shall submit a

1 payment in the amount of two hundred dollars (\$200), which shall support the licensing program,
2 representing a license fee. All fines and fees collected pursuant to this chapter shall be deposited
3 into a restricted receipt account for the exclusive use of supporting programs established by the
4 board.

5 SECTION 7. Section 1 of this article shall take effect as of July 1, 2012. Sections 2, 3, 4,
6 5 and 6 of this article shall take effect as of January 1, 2013.

1 **ARTICLE 18**

2 RELATING TO OFFICE OF HEALTH AND HUMAN SERVICES

3 SECTION 1. Sections 42-7.2.1, 42-7.2-2, 42-7.2-4, 42-7.2-5, 42-7.2-6, 42-7.2-6.1, 42-
4 7.2-12 and 42-7.2-16 of the General Laws in Chapter 42-7.2 entitled "Office of Health and
5 Human Services" are hereby amended to read as follows:

6 **42-7.2-1. Statement of intent.--** The purpose of this Chapter is to develop a consumer-
7 centered system of publicly-financed state administered health and human services that supports
8 access to high quality services, protects the safety of the state's most vulnerable citizens, and
9 ensures the efficient use of all available resources by the ~~five (5)~~ four (4) departments responsible
10 for the health and human services programs serving all Rhode Islanders and providing direct
11 assistance and support services to more than 250,000 individuals and families: the department of
12 children, youth, and families; ~~the department of elderly affairs;~~ the department of health; the
13 department of human services; and the department of ~~mental health, retardation~~ behavioral
14 healthcare, developmental disabilities and hospitals, collectively referred to within as
15 "departments". It is recognized that the executive office of health and human services and the
16 departments have undertaken a variety of initiatives to further this goal and that they share a
17 commitment to continue to work in concert to preserve and promote each other's unique missions
18 while striving to attain better outcomes for all the people and communities they serve. However,
19 recent and expected changes in federal and state policies and funding priorities that affect the
20 financing, organization, and delivery of health and human services programs pose new challenges
21 and opportunities that have created an even greater need for structured and formal
22 interdepartmental cooperation and collaboration. To meet this need while continuing to build on
23 the achievements that have already been made, the interests of all Rhode Islanders will best be
24 served by codifying in the state's general laws the purposes and responsibilities of the executive
25 office of health and human services and the position of secretary of health and human services.

26 **42-7.2-2. Executive office of health and human services . --**There is hereby established
27 within the executive branch of state government an executive office of health and human services
28 to serve as the principal agency of the executive branch of state government for managing the
29 departments of children, youth and families, ~~elderly affairs,~~ health, human services, and ~~mental~~
30 ~~health, retardation~~ behavioral healthcare, developmental disabilities and hospitals. In this

1 capacity, the office shall:

2 (a) Lead the state's ~~five~~ [four \(4\)](#) health and human services departments in order to:

3 (1) Improve the economy, efficiency, coordination, and quality of health and human
4 services policy and planning, budgeting and financing.

5 (2) Design strategies and implement best practices that foster service access, consumer
6 safety and positive outcomes.

7 (3) Maximize and leverage funds from all available public and private sources, including
8 federal financial participation, grants and awards.

9 (4) Increase public confidence by conducting independent reviews of health and human
10 services issues in order to promote accountability and coordination across departments.

11 (5) Ensure that state health and human services policies and programs are responsive to
12 changing consumer needs and to the network of community providers that deliver assistive
13 services and supports on their behalf.

14 (b) ~~Supervise the administrations of~~ [Administer the](#) federal and state medical assistance
15 programs ~~by acting as~~ [in the capacity of](#) the single state agency authorized under title XIX of the
16 U.S. Social Security act, 42 U.S.C. § 1396a et seq., ~~notwithstanding any general or public law or~~
17 ~~regulation to the contrary,~~ and ~~exercising~~ [exercise](#) such single state agency authority for such
18 other federal and state programs as may be designated by the governor. Except as provided for
19 herein, nothing in this chapter shall be construed as transferring to the secretary: ~~(1) The~~ [the](#)
20 powers, duties or functions conferred upon the departments by Rhode Island general laws for the
21 administration of the foregoing federal and state programs; or ~~(2) The administrative~~
22 responsibility for the preparation and submission of any state plans, state plan amendments, or
23 federal waiver applications, as may be approved from time to time by the secretary with respect
24 to the foregoing federal and state programs [management and operations of programs or services](#)
25 [approved for federal financial participation under the authority of the Medicaid state agency.](#)

26 **42-7.2-4. Responsibilities of the secretary.--** (a) The secretary shall be responsible to
27 the governor for supervising the executive office of health and human services and for managing
28 and providing strategic leadership and direction to the ~~five~~ [four \(4\)](#) departments.

29 (b) Notwithstanding the provisions set forth in this chapter, the governor shall appoint the
30 directors of the departments within the executive office of health and human services. Directors
31 appointed to those departments shall continue to be subject to the advice and consent of the senate
32 and shall continue to hold office as set forth in §§ 42-6-1 et seq. and 42-72-1(c).

33 **42-7.2-5. Duties of the secretary.--**The secretary shall be subject to the direction and
34 supervision of the governor for the oversight, coordination and cohesive direction of state

1 administered health and human services and in ensuring the laws are faithfully executed, not
2 withstanding any law to the contrary. In this capacity, the Secretary of Health and Human
3 Services shall be authorized to:

4 (1) Coordinate the administration and financing of health care benefits, human services
5 and programs including those authorized by the Global Consumer Choice Compact Waiver and,
6 as applicable, the Medicaid State Plan under Title XIX of the US Social Security Act. However,
7 nothing in this section shall be construed as transferring to the secretary the powers, duties or
8 functions conferred upon the departments by Rhode Island public and general laws for the
9 administration of federal/state programs financed in whole or in part with Medicaid funds or the
10 administrative responsibility for the preparation and submission of any state plans, state plan
11 amendments, or authorized federal waiver applications, once approved by the secretary.

12 (2) Serve as the governor's chief advisor and liaison to federal policymakers on Medicaid
13 reform issues as well as the principal point of contact in the state on any such related matters.

14 (3) Review and ensure the coordination of any Global Consumer Choice Compact
15 Waiver requests and renewals as well as any initiatives and proposals requiring amendments to
16 the Medicaid state plan or category ~~one (I) or two (II)~~ or three (III) changes, as described in the
17 special terms and conditions of the Global Consumer Choice Compact Waiver with the potential
18 to affect the scope, amount or duration of publicly-funded health care services, provider payments
19 or reimbursements, or access to or the availability of benefits and services as provided by Rhode
20 Island general and public laws. The secretary shall consider whether any such changes are legally
21 and fiscally sound and consistent with the state's policy and budget priorities. The secretary shall
22 also assess whether a proposed change is capable of obtaining the necessary approvals from
23 federal officials and achieving the expected positive consumer outcomes. Department directors
24 shall, within the timelines specified, provide any information and resources the secretary deems
25 necessary in order to perform the reviews authorized in this section;

26 (4) Beginning in 2006, prepare and submit to the governor, the chairpersons of the house
27 and senate finance committees, the caseload estimating conference, and to the joint legislative
28 committee for health care oversight, by no later than March 15 of each year, a comprehensive
29 overview of all Medicaid expenditures outcomes, and utilization rates. The overview shall
30 include, but not be limited to, the following information:

- 31 (i) Expenditures under Titles XIX and XXI of the Social Security Act, as amended;
- 32 (ii) Expenditures, outcomes and utilization rates by population and sub-population served
33 (e.g. families with children, children with disabilities, children in foster care, children receiving
34 adoption assistance, adults with disabilities, and the elderly);

1 (iii) Expenditures, outcomes and utilization rates by each state department or other
2 municipal or public entity receiving federal reimbursement under Titles XIX and XXI of the
3 Social Security Act, as amended; and

4 (iv) Expenditures, outcomes and utilization rates by type of service and/or service
5 provider. The directors of the departments, as well as local governments and school departments,
6 shall assist and cooperate with the secretary in fulfilling this responsibility by providing whatever
7 resources, information and support shall be necessary.

8 (5) Resolve administrative, jurisdictional, operational, program, or policy conflicts
9 among departments and their executive staffs and make necessary recommendations to the
10 governor.

11 (6) Assure continued progress toward improving the quality, the economy, the
12 accountability and the efficiency of state-administered health and human services. In this
13 capacity, the secretary shall:

14 (i) Direct implementation of reforms in the human resources practices of the departments
15 that streamline and upgrade services, achieve greater economies of scale and establish the
16 coordinated system of the staff education, cross- training, and career development services
17 necessary to recruit and retain a highly-skilled, responsive, and engaged health and human
18 services workforce;

19 (ii) Encourage the departments to utilize consumer-centered approaches to service design
20 and delivery that expand their capacity to respond efficiently and responsibly to the diverse and
21 changing needs of the people and communities they serve;

22 (iii) Develop all opportunities to maximize resources by leveraging the state's purchasing
23 power, centralizing fiscal service functions related to budget, finance, and procurement,
24 centralizing communication, policy analysis and planning, and information systems and data
25 management, pursuing alternative funding sources through grants, awards and partnerships and
26 securing all available federal financial participation for programs and services provided through
27 the departments;

28 (iv) Improve the coordination and efficiency of health and human services legal functions
29 by centralizing adjudicative and legal services and overseeing their timely and judicious
30 administration;

31 (v) Facilitate the rebalancing of the long term system by creating an assessment and
32 coordination organization or unit for the expressed purpose of developing and implementing
33 procedures across departments that ensure that the appropriate publicly-funded health services are
34 provided at the right time and in the most appropriate and least restrictive setting; and

1 (vi) Strengthen health and human services program integrity, quality control and
2 collections, and recovery activities by consolidating functions within the office in a single unit
3 that ensures all affected parties pay their fair share of the cost of services and are aware of
4 alternative financing.

5 (vii) Broaden access to publicly funded food and nutrition services by consolidating
6 agency programs and initiatives to eliminate duplication and overlap and improve the availability
7 and quality of services; and

8 (viii) Assure protective services are available to vulnerable elders and adults with
9 developmental and other disabilities by reorganizing existing services, establishing new services
10 where gaps exist and centralizing administrative responsibility for oversight of all related
11 initiatives and programs.

12 (7) Prepare and integrate comprehensive budgets for the health and human services
13 departments and any other functions and duties assigned to the office. The budgets shall be
14 submitted to the state budget office by the secretary, for consideration by the governor, on behalf
15 of the state's health and human services in accordance with the provisions set forth in § 35-3-4 of
16 the Rhode Island general laws.

17 (8) Utilize objective data to evaluate health and human services policy goals, resource use
18 and outcome evaluation and to perform short and long-term policy planning and development.

19 (9) Establishment of an integrated approach to interdepartmental information and data
20 management that complements and furthers the goals of the CHOICES initiative and that will
21 facilitate the transition to consumer-centered system of state administered health and human
22 services.

23 (10) At the direction of the governor or the general assembly, conduct independent
24 reviews of state-administered health and human services programs, policies and related agency
25 actions and activities and assist the department directors in identifying strategies to address any
26 issues or areas of concern that may emerge thereof. The department directors shall provide any
27 information and assistance deemed necessary by the secretary when undertaking such
28 independent reviews.

29 (11) Provide regular and timely reports to the governor and make recommendations with
30 respect to the state's health and human services agenda.

31 (12) Employ such personnel and contract for such consulting services as may be required
32 to perform the powers and duties lawfully conferred upon the secretary.

33 (13) Implement the provisions of any general or public law or regulation related to the
34 disclosure, confidentiality and privacy of any information or records, in the possession or under

1 the control of the executive office or the departments assigned to the executive office, that may be
2 developed or acquired for purposes directly connected with the secretary's duties set forth herein.

3 (14) Hold the director of each health and human services department accountable for
4 their administrative, fiscal and program actions in the conduct of the respective powers and duties
5 of their agencies.

6 **42-7.2-6. Departments assigned to the executive office - Powers and duties.** --(a) The
7 departments assigned to the secretary shall:

8 (1) Exercise their respective powers and duties in accordance with their statutory
9 authority and the general policy established by the governor or by the secretary acting on behalf
10 of the governor or in accordance with the powers and authorities conferred upon the secretary by
11 this chapter;

12 (2) Provide such assistance or resources as may be requested or required by the governor
13 and/or the secretary; and

14 (3) Provide such records and information as may be requested or required by the
15 governor and/or the secretary to the extent allowed under the provisions of any applicable general
16 or public law, regulation, or agreement relating to the confidentiality, privacy or disclosure of
17 such records or information.

18 (4) Forward to the secretary copies of all reports to the governor.

19 (b) Except as provided herein, no provision of this chapter or application thereof shall be
20 construed to limit or otherwise restrict the department of children, youth and families, ~~the~~
21 ~~department of elderly affairs,~~ the department of health, the department of human services, and the
22 department of ~~mental health, retardation~~ behavioral healthcare, developmental disabilities and
23 hospitals from fulfilling any statutory requirement or complying with any valid rule or regulation.

24 **42-7.2-6.1. Transfer of powers and functions.**-- (a) There are hereby transferred to the
25 executive office of health and human services the powers and functions of the departments with
26 respect to the following:

27 (1) By July 1, 2007, fiscal services including budget preparation and review, financial
28 management, purchasing and accounting and any related functions and duties deemed necessary
29 by the secretary;

30 (2) By July 1, 2007, legal services including applying and interpreting the law, oversight
31 to the rule-making process, and administrative adjudication duties and any related functions and
32 duties deemed necessary by the secretary;

33 (3) By September 1, 2007, communications including those functions and services related
34 to government relations, public education and outreach and media relations and any related

1 functions and duties deemed necessary by the secretary;

2 (4) By March 1, 2008, policy analysis and planning including those functions and
3 services related to the policy development, planning and evaluation and any related functions and
4 duties deemed necessary by the secretary;

5 (5) By June 30, 2008, information systems and data management including the financing,
6 development and maintenance of all data-bases and information systems and platforms as well as
7 any related operations deemed necessary by the secretary;

8 (6) By October 1, 2009, assessment and coordination for long-term care including those
9 functions related to determining level of care or need for services, development of individual
10 service/care plans and planning, identification of service options, the pricing of service options
11 and choice counseling; and

12 (7) By October 1, 2009, program integrity, quality control and collection and recovery
13 functions including any that detect fraud and abuse or assure that beneficiaries, providers, and
14 third-parties pay their fair share of the cost of services, as well as any that promote alternatives to
15 publicly financed services, such as the long-term care health insurance partnership.

16 (8) By January 1, 2011, client protective services including any such services provided to
17 children, elders and adults with developmental and other disabilities;

18 (9) [Deleted by P.L. 2010, ch. 23, art. 7, § 1].

19 [\(10\) By July 1, 2012, the HIV/AIDS care and treatment programs.](#)

20 (b) The secretary shall determine in collaboration with the department directors whether
21 the officers, employees, agencies, advisory councils, committees, commissions, and task forces of
22 the departments who were performing such functions shall be transferred to the office.

23 (c) In the transference of such functions, the secretary shall be responsible for ensuring:

- 24 (1) Minimal disruption of services to consumers;
- 25 (2) Elimination of duplication of functions and operations;
- 26 (3) Services are coordinated and functions are consolidated where appropriate;
- 27 (4) Clear lines of authority are delineated and followed;
- 28 (5) Cost-savings are achieved whenever feasible;

29 (6) Program application and eligibility determination processes are coordinated and,
30 where feasible, integrated; and

31 (7) State and federal funds available to the office and the entities therein are allocated and
32 utilized for service delivery to the fullest extent possible.

33 (d) Except as provided herein, no provision of this chapter or application thereof shall be
34 construed to limit or otherwise restrict the departments of children, youth and families, human

1 services, ~~elderly affairs,~~ health, and ~~mental health, retardation~~ [behavioral healthcare,](#)
2 [developmental disabilities,](#) and hospitals from fulfilling any statutory requirement or complying
3 with any regulation deemed otherwise valid.

4 (e) The secretary shall prepare and submit to the leadership of the house and senate
5 finance committees, by no later than January 1, 2010, a plan for restructuring functional
6 responsibilities across the departments to establish a consumer centered integrated system of
7 health and human services that provides high quality and cost-effective services at the right time
8 and in the right setting across the life-cycle.

9 **42-7.2-12. Medicaid program study.--** (a) The secretary of the executive office of health
10 and human services shall conduct a study of the Medicaid programs administered by the state to
11 review and analyze the options available for reducing or stabilizing the level of uninsured Rhode
12 Islanders and containing Medicaid spending.

13 (1) As part of this process, the study shall consider the flexibility afforded the state under
14 the federal Deficit Reduction Act of 2006 and any other changes in federal Medicaid policy or
15 program requirements occurring on or before December 31, 2006, as well as the various
16 approaches proposed and/or adopted by other states through federal waivers, state plan
17 amendments, public-private partnerships, and other initiatives.

18 (2) In exploring these options, the study shall examine fully the overall administrative
19 efficiency of each program for children and families, elders and adults with disabilities and any
20 such factors that may affect access and/or cost including, but not limited to, coverage groups,
21 benefits, delivery systems, and applicable cost-sharing requirements.

22 (b) The secretary shall ensure that the study focuses broadly on the Medicaid programs
23 administered by [the executive office of health and human services and](#) all ~~five (5)~~ of the state's
24 ~~five (5)~~ [four \(4\)](#) health and human services departments, irrespective of the source or manner in
25 which funds are budgeted or allocated. The directors of the departments shall cooperate with the
26 secretary in preparing this study and provide any information and/or resources the secretary
27 deems necessary to assess fully the short and long-term implications of the options under review
28 both for the state and the people and the communities the departments serve. The secretary shall
29 submit a report and recommendations based on the findings of the study to the general assembly
30 and the governor no later than March 1, 2007.

31 **42-7.2-16. Medicaid System Reform 2008. --** (a) The executive office of health and
32 human services, in conjunction with the department of human services, ~~the department of elderly~~
33 ~~affairs,~~ the department of children youth and families, the department of health and the
34 department of ~~mental health, retardation~~ [behavioral healthcare, developmental disabilities,](#) and

1 hospitals, is authorized to design options that reform the Medicaid program so that it is a person-
2 centered, financially sustainable, cost-effective, and opportunity driven program that: utilizes
3 competitive and value based purchasing to maximize the available service options, promote
4 accountability and transparency, and encourage and reward healthy outcomes, independence, and
5 responsible choices; promotes efficiencies and the coordination of services across all health and
6 human services agencies; and ensures the state will have a fiscally sound source of publicly-
7 financed health care for Rhode Islanders in need.

8 (b) *Principles and Goals.* In developing and implementing this system of reform, the
9 executive office of health and human services and the ~~five (5)~~ four (4) health and human services
10 departments shall pursue the following principles and goals:

11 (1) Empower consumers to make reasoned and cost-effective choices about their health
12 by providing them with the information and array of service options they need and offering
13 rewards for healthy decisions;

14 (2) Encourage personal responsibility by assuring the information available to
15 beneficiaries is easy to understand and accurate, provide that a fiscal intermediary is provided
16 when necessary, and adequate access to needed services;

17 (3) When appropriate, promote community-based care solutions by transitioning
18 beneficiaries from institutional settings back into the community and by providing the needed
19 assistance and supports to beneficiaries requiring long-term care or residential services who wish
20 to remain, or are better served in the community;

21 (4) Enable consumers to receive individualized health care that is outcome-oriented,
22 focused on prevention, disease management, recovery and maintaining independence;

23 (5) Promote competition between health care providers to ensure best value purchasing,
24 to leverage resources and to create opportunities for improving service quality and performance;

25 (6) Redesign purchasing and payment methods to assure fiscal accountability and
26 encourage and to reward service quality and cost-effectiveness by tying reimbursements to
27 evidence-based performance measures and standards, including those related to patient
28 satisfaction; and

29 (7) Continually improve technology to take advantage of recent innovations and advances
30 that help decision makers, consumers and providers to make informed and cost-effective
31 decisions regarding health care.

32 (c) The executive office of health and human services shall annually submit a report to
33 the governor and the general assembly commencing on a date no later than July 1, 2009
34 describing the status of the administration and implementation of the Global Waiver Compact.

1 SECTION 2. Chapter 42-7.2 of the General Laws entitled "Office of Health and Human
2 Service" is hereby amended by adding thereto the following section:

3 **42-7.2-17. Statutory reference to the office of health and human services.--**
4 Notwithstanding other statutory references to the department of human services, wherever in the
5 general or public laws, or any rule or regulation, any reference shall appear to the "department of
6 human services" or to "department" as it relates to any responsibilities for and/or to Medicaid,
7 unless the context otherwise requires, it shall be deemed to mean "the office of health and human
8 services."

9 SECTION 3. Section 42-18-5 of the General Laws in Chapter 42-18 entitled "Department
10 of Health" is hereby amended to read as follows:

11 **42-18-5. Transfer of powers and functions from department of health. --** (a) There
12 are hereby transferred to the department of administration:

13 (1) Those functions of the department of health which were administered through or with
14 respect to departmental programs in the performance of strategic planning as defined in section
15 42-11-10(c);

16 (2) All officers, employees, agencies, advisory councils, committees, commissions, and
17 task forces of the department of health who were performing strategic planning functions as
18 defined in section 42-11-10(c); and

19 (3) So much of other functions or parts of functions and employees and resources,
20 physical and funded, related thereto of the director of health as are incidental to and necessary for
21 the performance of the functions transferred by subdivisions (1) and (2).

22 (b) There is hereby transferred to the department of human services the administration
23 and management of the special supplemental nutrition program for women, infants, and children
24 (WIC) and all functions and resources associated therewith.

25 (c) There is hereby transferred to the ~~department of human services~~ executive office of
26 health and human services the HIV/AIDS ~~direct services programs~~ care and treatment programs
27 and all functions and resources associated therewith. The department of health shall retain the
28 HIV surveillance and prevention programs and all functions and resources associated therewith.

29 SECTION 4. Section 35-17-1 of the General Laws in Chapter 35-17 entitled "Medical
30 Assistance and Public Assistance Caseload Estimating Conferences" is hereby amended to read
31 as follows:

32 **35-17-1. Purpose and membership. --** (a) In order to provide for a more stable and
33 accurate method of financial planning and budgeting, it is hereby declared the intention of the
34 legislature that there be a procedure for the determination of official estimates of anticipated

1 medical assistance expenditures and public assistance caseloads, upon which the executive budget
2 shall be based and for which appropriations by the general assembly shall be made.

3 (b) The state budget officer, the house fiscal advisor, and the senate fiscal advisor shall
4 meet in regularly scheduled caseload estimating conferences (C.E.C.). These conferences shall be
5 open public meetings.

6 (c) The chairpersonship of each regularly scheduled C.E.C. will rotate among the state
7 budget officer, the house fiscal advisor, and the senate fiscal advisor, hereinafter referred to as
8 principals. The schedule shall be arranged so that no chairperson shall preside over two (2)
9 successive regularly scheduled conferences on the same subject.

10 (d) Representatives of all state agencies are to participate in all conferences for which
11 their input is germane.

12 (e) The department of human services shall provide monthly data to the members of the
13 caseload estimating conference by the fifteenth day of the following month. Monthly data shall
14 include, but is not limited to, actual caseloads and expenditures for the following case assistance
15 programs: ~~temporary assistance to needy families, SSI federal program~~ [Rhode Island Works](#), and
16 SSI state program, general public assistance, and child care, ~~state food stamp program, and~~
17 ~~weatherization~~. The [executive office of health and human services](#) ~~report~~ shall ~~include~~ report
18 relevant caseload information and expenditures for the following medical assistance categories:
19 hospitals, [long-term care](#), ~~nursing homes~~, managed care, [pharmacy](#), ~~special education~~, and all
20 other [medical services](#). In the category of managed care, caseload information and expenditures
21 for the following populations shall be separately identified and reported: children with
22 disabilities, children in foster care, and children receiving adoption assistance. The information
23 shall include the number of Medicaid recipients whose estate may be subject to a recovery, the
24 anticipated recoveries from the estate and the total recoveries collected each month.

25 SECTION 5. Chapter 40-6 of the General Laws entitled "Public Assistance Act" is
26 hereby amended by adding thereto the following section:

27 **40-6-27.2. Supplementary cash assistance payment for certain supplemental security**
28 **income recipients.** -- (a) There is hereby established a \$206 monthly payment for disabled and
29 elderly individuals who, on or after July 1, 2012, receive the state supplementary assistance
30 payment for an individual in state licensed assisted living residence under section 40-6-27 and
31 further reside in an assisted living facility that is not eligible to receive funding under Title XIX
32 of the Social Security Act, 42 U.S.C. section 1381 et seq.

33 SECTION 6. This article shall take effect on July 1, 2012.

1 **ARTICLE 19**

2 RELATING TO MEDICAID REFORM ACT OF 2008

3 SECTION 1. *Rhode Island Medicaid Reform Act of 2008.*

4 WHEREAS, The General Assembly enacted Chapter 12.4 of Title 42 entitled “The
5 Rhode Island Medicaid Reform Act of 2008”; and

6 WHEREAS, A Joint Resolution is required pursuant to Rhode Island General Laws § 42-
7 12.4-1, et seq.; and

8 WHEREAS, Rhode Island General Law § 42-12.4-7 provides that any change that
9 requires the implementation of a rule or regulation or modification of a rule or regulation in
10 existence prior to the implementation of the global consumer choice section 1115 demonstration
11 (“the demonstration”) shall require prior approval of the general assembly; and further provides
12 that any category II change or category III change as defined in the demonstration shall also
13 require prior approval by the general assembly; and

14 WHEREAS, Rhode Island General Law § 42-7.2-5 provides that the Secretary of the
15 Office of Health and Human Services is responsible for the “review and coordination of any
16 Global Consumer Choice Compact Waiver requests and renewals as well as any initiatives and
17 proposals requiring amendments to the Medicaid state plan or category I or II changes” as
18 described in the demonstration, with “the potential to affect the scope, amount, or duration of
19 publicly-funded health care services, provider payments or reimbursements, or access to or the
20 availability of benefits and services provided by Rhode Island general and public laws”; and

21 WHEREAS, In pursuit of a more cost-effective consumer choice system of care that is
22 fiscally sound and sustainable, the Secretary requests general assembly approval of the following
23 proposals to amend the demonstration:

24 (a) *Medicaid Managed Care Plan Refinements – New Components.* The Medicaid single
25 state agency proposes to reduce hospital readmissions, promote better health and nutrition and
26 encourage non-invasive approaches to address obesity by incorporating a nutritional education
27 and exercise component into the benefit package offered to certain Medicaid beneficiaries.
28 Establishing a targeted benefit requires amendments to or new rules, regulations and procedures
29 pertaining to coverage for the Medicaid populations affected as well as a Category II change to
30 the Global Consumer Choice Compact Waiver in those areas where additional authority is

1 warranted under the terms and conditions of the demonstration agreement;

2 (b) *Medicaid Rate Change – Durable Medical Equipment.* The Medicaid single state
3 agency proposes to reduce the payment for durable medical equipment provided to beneficiaries
4 to 85 percent of the Medicare payment rate. Implementation of this change requires a Category II
5 change under the terms and conditions of the Global Consumer Choice Waiver. The Medicaid
6 single state agency is instructed to review the appropriateness and relevance of its current
7 package of approved durable medical equipment (DME) to ensure the equipment is accessible
8 and reliable. The Medicaid single state agency is to consider the purchase of any additional or
9 alternative equipment and is to explore group purchasing opportunities to access DME. The
10 Medicaid single state agency is to review agreements with DME providers to ensure standards
11 governing the maintenance and durability of DME are established and monitored; and

12 (c) *Medicaid Requirements and Opportunities under U.S. Patient Protection and*
13 *Affordable Care Act (ACA) of 2010.* The Medicaid agency proposes to pursue any requirements
14 and/or opportunities established under the ACA that may warrant a Category II or III change
15 under the terms and conditions of the Global Consumer Choice Waiver. Any such actions the
16 Medicaid agency takes shall not have an adverse impact on beneficiaries or cause there to be an
17 increase in expenditures beyond the amount appropriated for state fiscal year 2013; now
18 therefore, be it

19 RESOLVED, That the general assembly hereby approves proposals (a) through (c) listed
20 above to amend the demonstration; and be it further

21 RESOLVED, That the secretary of the office of health and human services is authorized
22 to pursue and implement any waiver amendments, category II or category III changes, state plan
23 amendments and/or changes to the applicable department’s rules, regulations and procedures
24 approved herein and as authorized by § 42-12.4-7; and be it further

25 RESOLVED, That this joint resolution shall take effect upon passage.

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

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ARTICLE 20

RELATING TO EAST BAY BRIDGE SYSTEM

SECTION 1. Title 24 of the General Laws entitled “HIGHWAYS” is hereby amended by adding thereto the following chapter:

CHAPTER 24-16

EAST BAY BRIDGE SYSTEM ACT OF 2012

24-16-1. Short Title. -- This chapter shall be known and may be cited as the “East Bay Bridge System Act of 2012”.

24-16-2. Legislative findings. -- The general assembly finds that:

(1) The State of Rhode Island, through the Rhode Island Department of Transportation (“RIDOT”), funds the repair, replacement, and maintenance of bridges in Rhode Island, except the Newport Bridge and the Mount Hope Bridge.

(2) Rhode Island depends on three primary sources for funding all transportation infrastructure construction, maintenance, and operations. These sources are Federal funds, State bond funds, and motor fuel tax revenue. Of these sources, two (Federal funds and motor fuel tax revenue) are mutable.

(3) The 2008 Governor’s Blue Ribbon Panel on Transportation Funding and the 2011 Senate Special Commission on Sustainable Transportation funding determined that there is insufficient revenue available from all existing sources to fund the maintenance and improvement of Rhode Island transportation infrastructure.

(4) In 2011, the Rhode Island general assembly adopted a component of the recommended systemic change to transportation funding by creating the Rhode Island Highway Maintenance Trust Fund, to be funded by an increase in license and registration fees and contributions from the Rhode Island Capital Plan (RICAP) fund, beginning in FY2014.

(5) Although the State is shifting from long-term borrowing to annual revenues to fund transportation infrastructure, there is still a funding gap between the revenue needed to maintain all roads and bridges in good condition and the annual amounts generated by current revenue sources.

(6) The State has sufficient financial resources to complete the construction of the new Sakonnet River Bridge and to demolish the existing Sakonnet River Bridge, but does not have

1 sufficient financial resources to assure the future maintenance and operation of the Sakonnet
2 River Bridge.

3 (7) There is limited access to and from Rhode Island’s East Bay, consisting of Bristol and
4 Newport Counties, and this access is restricted both by geography and infrastructure. The most
5 critical infrastructure includes the four bridges that comprise the access to Aquidneck Island and
6 Conancicut Island. These four bridges make up less than half a percent of the total bridges in the
7 state, but comprise approximately twenty percent of the deck area of all Rhode Island bridges.

8 (8) Two of the four bridges, the Sakonnet River Bridge and the Jamestown Verrazzano
9 Bridge, are owned and maintained by RIDOT. The Rhode Island Turnpike and Bridge Authority
10 (“RITBA”) currently owns and maintains the other two bridges: the Newport Bridge and the
11 Mount Hope Bridge.

12 (9) In the current economic and political climate, cooperation between State departments
13 and/or quasi-public agencies provides the best opportunity to maximize financial and knowledge-
14 based resources.

15 (10) RITBA currently assesses a toll for passage over the Newport Bridge, and this toll
16 serves as the sole source of revenue for RITBA to maintain both the Newport Bridge and the
17 Mount Hope Bridge and related appurtenances.

18 (11) The Federal Highway Administration allows for the placement of tolls on certain
19 transportation infrastructure in order to assure the improvement and proper operation and
20 maintenance of the structure and associated roadways.

21 (12) The current toll structure places undue burden on the residents, businesses, and
22 visitors who must use the Newport Bridge to access work, schools, shopping, and other essential
23 services. It is crucial to establish a comprehensive strategy to fund and maintain the bridges
24 connecting the East Bay.

25 (13) The transfer of the Sakonnet River Bridge and its appurtenances and the Jamestown
26 Verrazzano Bridge and its appurtenances to the Rhode Island Turnpike and Bridge Authority
27 would be in the best interests of the State of Rhode Island and its residents, particularly those
28 living and working in the East Bay.

29 (14) The placement of a toll on the Sakonnet River Bridge, under the direction of RITBA,
30 would serve to create a more viable means of funding future maintenance and repairs of the East
31 Bay bridges and would allow for the establishment of a more equitable toll structure, along with a
32 fund for capital transportation projects and preventive maintenance in the East Bay.

33 **24-16-3. East Bay Infrastructure fund established. -- (a) There is hereby created a**
34 **special account in the general fund to be known as the East Bay Infrastructure (EBI) fund.**

1 **(b) The fund shall consist of all those moneys which the Rhode Island Turnpike and**
2 **Bridge Authority may and the state may, from time to time, direct to the fund, including, but not**
3 **necessarily limited to, funds in excess of those required to (i) pay debt service payments, (ii)**
4 **operate and maintain the bridges; and (iii) maintain required or adequate reserves.**

5 **(c) All funds collected pursuant to this section shall be deposited in the EBI fund and**
6 **shall be used only in Bristol and Newport Counties, and only for the purposes set forth in this**
7 **chapter.**

8 **(d) Unexpended balances and any earnings thereon shall not revert to the general fund but**
9 **shall remain in the EBI fund. There shall be no requirement that moneys received into the EBI**
10 **fund during any given calendar year or fiscal year be expended during the same calendar year or**
11 **fiscal year.**

12 **(e) The EBI fund shall be administered by the director, who shall allocate and spend**
13 **moneys from the fund only in accordance with the purposes and procedures set forth in this**
14 **chapter.**

15 SECTION 2. Section 24-8-28 of the General Laws in Chapter 24-8 entitled
16 “Construction and Maintenance of State Roads” is hereby repealed.

17 ~~§ 24-8-28 Sakonnet River stone bridge.~~ The department of transportation shall have
18 full charge and control of the operation and maintenance of the Rhode Island stone bridge across
19 Sakonnet River connecting the island of Rhode Island with the mainland, and the bridge is hereby
20 made a part of the state highway system. The department shall appoint the attendants and other
21 employees as may be required for the care and operation of the bridge, and in all matters of the
22 care, operation, and maintenance of the bridge the department shall exercise full authority. All
23 appropriations for the care, maintenance, and repair of the bridge shall be expended under the
24 direction of the department.

25 SECTION 3. Sections 24-12-1, 24-12-5, 24-12-9, 24-12-18, 24-12-26, 24-12-28, 24-12-
26 39 and 24-12-50 of the General Laws in Chapter 24-12 entitled “Rhode Island Bridge and
27 Turnpike Authority” are hereby amended to read as follows:

28 **24-12-1. 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:

30 (1) "Additional facility" means any bridge, ~~(excluding the Sakonnet River Bridge),~~
31 **approach or** feeder road, highway, road, freeway, tunnel, overpass, ~~or~~ underpass, **parking facility**
32 **or toll facility**, in the state, equipment or signal and information system, which the authority is
33 authorized by this chapter or any other law to construct, reconstruct, renovate, acquire, maintain,
34 repair, operate, or manage after May 3, 1954 or any portion thereof.

1 (2) "Annual period" means the one-year fiscal period of the state commencing on the first
2 day of July of any year and ending the last day of June of the following year.

3 (3) "Authority" means the Rhode Island turnpike and bridge authority created by § 24-12-
4 2, or, if the authority shall be abolished, the board, body, or commission succeeding to the
5 principal functions thereof or upon whom the powers given by the chapter to the authority shall
6 be given by law.

7 (4) "Cost" as applied to any project to be constructed, reconstructed, renovated,
8 maintained, [acquired, leased](#), repaired, operated or managed by the authority shall embrace the
9 cost of construction, reconstruction, renovation, maintenance, repair, operation or management,
10 the cost of the acquisition of all land, rights-of-way, property, rights, easements, and interests
11 acquired by the authority for the construction, reconstruction, renovation, maintenance, repair,
12 operation or management, the cost of demolishing or removing any buildings or structures on
13 land so acquired, including the cost of acquiring any lands to which the buildings or structures
14 may be moved, the cost of all machinery and equipment, financing charges, interest prior to and
15 during construction, reconstruction, renovation, maintenance, repair, operation or management,
16 and for one year after completion of construction, reconstruction, renovation, maintenance, repair,
17 operation or management, cost of traffic estimates and of engineering and legal services, plans,
18 specifications, surveys, estimates of cost and of revenues, other expenses necessary or incident to
19 determining the feasibility or practicability of construction, reconstruction, renovation,
20 maintenance, repair, operation or management, administrative expenses, and such other expenses
21 as may be necessary or incident to the construction, reconstruction, renovation, maintenance,
22 repair, operation or management, the financing of the construction, and the placing of the project
23 in operation, and in connection with the Newport Bridge shall include the purchase price of the
24 ferry franchise. The word "cost" as applied to any project which the authority may be authorized
25 to acquire means the amount of the purchase price, [lease payments, debt service payments](#), or the
26 amount of any condemnation award in connection with the acquisition of the project, and shall
27 include the cost of acquiring all the capital stock of the corporation owning the project, if such be
28 the case, and the amount to be paid to discharge all of the obligations of the corporation in order
29 to vest title to the project in the authority, the cost of improvements to the project which may be
30 determined by the authority to be necessary prior to the financing thereof, interest during the
31 period of construction of the improvements and for one year thereafter, the cost of all lands,
32 properties, rights, easements, franchises, and permits acquired, the cost of engineering and legal
33 services, plans, specifications, surveys, estimates of cost and of revenues, other expenses
34 necessary or incident to determining the feasibility or practicability of the acquisition or

1 improvement, administrative expenses, and such other expenses as may be necessary or incident
2 to the financing of the acquisition or improvement and the placing of the project in operation by
3 the authority.

4 (ii) "Cost" as applied to the Mount Hope Bridge means such amount, if any, as the
5 authority may deem necessary, following the acquisition of a bridge under the provisions of § 24-
6 12-40A, to place the bridge in safe and efficient condition for its operation. And as applied to any
7 project constructed or acquired by the authority under the provisions of the chapter, the word
8 "cost" shall also include such amounts as the authority may deem necessary for working capital
9 and to create a debt service reserve ~~for interest~~.

10 (iii) "Cost" as applied to the Sakonnet River Bridge includes such amount, if any, as the
11 authority may deem necessary, following the acquisition of the Sakonnet River Bridge under the
12 provisions of subsection 24-12-40F, to place the bridge in safe and efficient condition for its
13 operation. As applied to any project constructed or acquired by the authority under the provisions
14 of the chapter, the word "cost" shall also include such amounts as the authority may deem
15 necessary for capitalized interest, working capital and to create a debt service reserve.

16 (iv) "Cost" as applied to the Jamestown Verrazzano Bridge includes such amount, if any,
17 as the authority may deem necessary, following the acquisition of the Jamestown Verrazzano
18 Bridge under the provisions of subsection 24-12-40G, to place the bridge in safe and efficient
19 condition for its operation. As applied to any project constructed or acquired by the authority
20 under the provisions of the chapter, the word "cost" shall also include such amounts as the
21 authority may deem necessary for capitalized interest, working capital and to create a debt service
22 reserve.

23 (5) "Department" means the department of transportation, or, if the department shall be
24 abolished, the board, body, or commission succeeding to the principal functions thereof or upon
25 whom the powers given by chapter 5 of title 37 to the department shall be given by law.

26 (6) "Ferry franchise" means the existing franchises and rights to operate ferries belonging
27 to the Jamestown and Newport ferry company, but not including any other intangible personal
28 property or real estate or tangible personal property of the corporation which shall remain the
29 property of the corporation.

30 (7) "Jamestown Bridge" means the ~~existing~~ former bridge over the west passage of
31 Narragansett Bay between the towns of Jamestown and North Kingstown constructed by the
32 Jamestown Bridge commission under the provisions of chapter 2536 of the Public Laws, 1937
33 and the approaches thereto, and shall embrace all tollhouses, administration, and other buildings
34 and structures used in connection therewith, together with all property, rights, easements, and

1 interests acquired by the Jamestown Bridge commission in connection with the construction and
2 operation of the bridge.

3 (8) "Jamestown Verrazzano Bridge" means ~~any~~ the bridge constructed in replacement of
4 the Jamestown Bridge, as defined in subdivision (7) and the approaches thereto, and shall
5 embrace all tollhouses, administration, and other buildings and structures used in connection
6 therewith, together with all property, rights, easements, and interests acquired by the authority in
7 connection with the construction and operation of such bridge.

8 (9) "Mount Hope Bridge" means the existing bridge between the towns of Bristol and
9 Portsmouth and the approaches thereto, which was constructed by the Mount Hope Bridge
10 corporation and which was acquired and is now owned and operated by the Mount Hope Bridge
11 authority under the provisions of chapter 13 of this title, and shall embrace all tollhouses,
12 administration, and other buildings and structures used in connection therewith, together with all
13 property, rights, easements, and interests acquired by the Mount Hope Bridge corporation or the
14 Mount Hope Bridge authority in connection with the construction and operation of the bridge.

15 (10) "Newport Bridge" means the bridge or tunnel or combination of bridge and tunnel
16 constructed or to be constructed under the provisions of this chapter over or under the waters of
17 Narragansett Bay between Conanicut Island and ~~the island of Rhode~~ Aquidneck Island, shall
18 embrace the substructure and the superstructure thereof and the approaches thereto and the
19 entrance plazas, interchanges, overpasses, underpasses, tollhouses, administration, storage, and
20 other buildings, and highways connecting the bridge or tunnel with the Jamestown Verrazzano
21 Bridge (defined in subdivision (~~7~~ 8) and with state highways as the authority may determine to
22 construct from time to time in connection therewith, together with all property, rights, easements,
23 and interests acquired by the authority for the construction and operation of the bridge or tunnel
24 or combination of bridge and tunnel.

25 (11) "Owner" means and include all individuals, incorporated companies, partnerships,
26 societies, or associations, and also municipalities, political subdivisions, and all public agencies
27 and instrumentalities, having any title or interest in any property, rights, easements, or franchises
28 authorized to be acquired under the provisions of this chapter.

29 (12) "Project" means the "Newport Bridge," "Mount Hope Bridge," "Sakonnet River
30 Bridge," "Jamestown Verrazzano Bridge", the "turnpike" or any "additional facility," as the case
31 may be, or any portion thereof which may be financed, acquired or leased under the provisions of
32 this chapter.

33 (13) "Turnpike" means the controlled access highway or any portion thereof to be
34 constructed or acquired, from time to time, under the provisions of this chapter from a point at or

1 near the Connecticut-Rhode Island border through the county of Washington and the county of
2 Newport to a point at or near the Massachusetts-Rhode Island border in the town of Tiverton
3 (excluding the Jamestown [Verrazzano](#) Bridge, the Mount Hope Bridge, the Newport Bridge, and
4 the Sakonnet River Bridge), together with all bridges (except those mentioned above),
5 overpasses, underpasses, interchanges, entrance plazas, approaches, approach roads, tollhouses,
6 service stations, and administration, storage, and other buildings and facilities which the authority
7 may deem necessary for the operation of the turnpike, together with all property, rights,
8 easements, and interests which may be acquired by the authority for the construction or the
9 operation of the turnpike.

10 [\(14\) "Sakonnet River Bridge" means the replacement Sakonnet River bridge constructed](#)
11 [or to be constructed under the provisions of Article 36 of Chapter 376 of the Public Laws of 2003](#)
12 [between the towns of Tiverton and Portsmouth and shall embrace the substructure and the](#)
13 [superstructure thereof and the approaches thereto and the toll structures, interchanges, overpasses,](#)
14 [underpasses, tollhouses, administration, storage, and other buildings, and highways connecting](#)
15 [the bridge with state highways, as the authority may determine to construct or acquire from time](#)
16 [to time in connection therewith, together with all property, rights, easements, and interests](#)
17 [acquired by the authority for the construction and operation of the bridge.](#)

18 **24-12-5. Power to construct, reconstruct, renovate, acquire, maintain, repair,**
19 **operate or manage projects or additional facilities and to issue bonds. --** In order to facilitate
20 vehicular traffic, remove many of the present handicaps and hazards on the congested highways
21 in the state, alleviate the barriers caused by large bodies of water, and promote the agricultural
22 and industrial development of the state, the Rhode Island turnpike and bridge authority is hereby
23 authorized and empowered: to construct the Newport Bridge, the turnpike, any portion thereof or
24 any additional facility hereafter authorized to be constructed; to acquire the Mount Hope Bridge,
25 [to acquire the Sakonnet River Bridge, to acquire the Jamestown Verrazzano Bridge](#) and any
26 additional facility hereafter authorized to be acquired (~~except the Sakonnet River Bridge~~); to
27 maintain, construct, reconstruct, renovate, acquire, repair, operate or manage any project or
28 projects; and to issue bonds of the authority as provided in this chapter to finance any project or
29 projects; provided, however, that the Mount Hope Bridge shall only be acquired as provided for
30 by § 24-12-40A.

31 **24-12-9. Powers of authority. --** (a) The authority is hereby authorized and empowered:
32 (1) To adopt bylaws for the regulation of its affairs and the conduct of its business;
33 (2) To adopt an official seal and alter it at pleasure;
34 (3) To maintain an office at such place or places within the state as it may designate;

1 (4) To sue and be sued in its own name, plead and be impleaded; provided, however, that
2 any and all actions at law or in equity against the authority shall be brought only in the county in
3 which the principal office of the authority shall be located;

4 (5) To determine, subject to the approval of the director of transportation, the location
5 and the design standards of the Newport Bridge, the turnpike and any additional [new](#) facility to be
6 constructed;

7 (6) To issue bonds of the authority for any of its purposes and to refund its bonds, all as
8 provided in this chapter;

9 (7) To combine for financing purposes the Newport Bridge, the Mount Hope Bridge, [the](#)
10 [Sakonnet River Bridge, the Jamestown Verrazzano Bridge,](#) the turnpike and any additional
11 facility or facilities, or any two (2) or more of such projects;

12 (8) To borrow money in anticipation of the issuance of bonds for any of its purposes and
13 to issue notes, certificates, or other evidences of borrowing in form as may be authorized by
14 resolution of the authority, the notes, certificates, or other evidence of borrowing to be payable in
15 the first instance from the proceeds of any bonds issued under the provisions of this chapter and
16 to contain on their face a statement to the effect that neither the state, the authority nor any
17 municipality or other political subdivision of the state shall be obligated to pay the same or the
18 interest thereon except from the proceeds of bonds in anticipation of the issuance of which the
19 notes, certificates, or other evidences of borrowing shall have been issued, or from revenues;

20 (9) To fix and revise from time to time, subject to the provisions of this chapter, and to
21 charge and collect tolls for transit over the turnpike and the several parts or sections thereof, and
22 for the use of the Newport Bridge, the Mount Hope Bridge, [the Sakonnet River Bridge, the](#)
23 [Jamestown Verrazzano Bridge](#) and any additional facility [acquired,](#) financed [or leased](#) under the
24 provisions of this chapter;

25 (10) To acquire, lease, hold and dispose of real and personal property in the exercise of
26 its powers and the performance of its duties;

27 (11) To acquire in the name of the authority by purchase or otherwise, on such terms and
28 conditions and in such manner as it may deem proper, or by the exercise of the rights of
29 condemnation in the manner as provided by this chapter, public or private lands, including public
30 parks, playgrounds, or reservations, or parts thereof or rights therein, rights-of-way, property,
31 rights, easements and interests as it may deem necessary for carrying out the provisions of this
32 chapter; provided, however, that all public property damaged in carrying out the powers granted
33 by this chapter shall be restored or repaired and placed in its original condition as nearly as
34 practicable;

1 (12) To designate the locations, with the approval of the director of transportation, and
2 establish, limit and control the points of ingress to and egress from the turnpike and any
3 additional facility as may be necessary or desirable in the judgment of the authority to insure the
4 proper operation and maintenance thereof, and to prohibit entrance to and exit from any point or
5 points not so designated;

6 (13) To employ, in its discretion, consulting engineers, attorneys, accountants,
7 construction and financial experts, superintendents, managers, and such other employees and
8 agents as may be necessary in its judgment, and to fix their compensation;

9 (14) To [apply for](#), receive and accept from any federal agency [aid and/or](#) grants for or in
10 aid of the [repair, maintenance and/or](#) construction of the turnpike, the Newport Bridge, [the](#)
11 [Sakonnet River Bridge, the Mount Hope Bridge, the Jamestown Verrazzano Bridge](#) or any
12 additional facility, and to receive and accept from the state, from any municipality, or other
13 political subdivision thereof and from any other source aid or contributions of either money,
14 property, labor or other things of value, to be held, used and applied only for the purposes for
15 which the grants and contributions may be made;

16 (15) To construct grade separations at intersections of the turnpike, the approaches and
17 highway connections of the Newport Bridge, [the Sakonnet River Bridge, the Mount Hope Bridge,](#)
18 [the Jamestown Verrazzano Bridge](#) and any additional facility with public highways, streets, or
19 other public ways or places, and to change and adjust the lines and grades thereof so as to
20 accommodate the same to the design of the grade separation; the cost of the grade separations and
21 any damage incurred in changing and adjusting the lines and grades of the highways, streets,
22 ways, and places shall be ascertained and paid by the authority as a part of the cost of the project;

23 (16) To vacate or change the location of any portion of any public highway, street, or
24 other public way or place, sewer, pipe, main, conduit, cable, wire, tower, pole, and other
25 equipment and appliance of the state or of any municipality or other political subdivision of the
26 state and to reconstruct the same at such new location as the authority shall deem most favorable
27 for the project and of substantially the same type and in as good condition as the original
28 highway, street, way, place, sewer, pipe, main, conduit, cable, wire, tower, pole, equipment, or
29 appliance, and the cost of the reconstruction and any damage incurred in vacating or changing the
30 location thereof shall be ascertained and paid by the authority as a part of the cost of the project;
31 any public highway, street or other public way or place vacated or relocated by the authority shall
32 be vacated or relocated in the manner provided by law for the vacation or relocation of public
33 roads, and any damages awarded on account thereof shall be paid by the authority as a part of the
34 cost of the project;

1 (17) The authority shall also have the power to make reasonable regulations, subject to
2 the approval of the public utility administrator, for the installation, construction, maintenance,
3 repair, renewal, relocation and removal of tracks, pipes, mains, conduits, cables, wires, towers,
4 poles, and other equipment and appliances (herein called "public utility facilities") of any public
5 utility as defined in § 39-1-2, in, on, along, over or under any project. Whenever the authority
6 shall determine that it is necessary that any public facilities which now are, or hereafter may be,
7 located in, on, along, over, or under any project should be relocated in the project, or should be
8 removed from the project, the public utility owning or operating the facilities shall relocate or
9 remove the facilities in accordance with the order of the authority; provided, however, that the
10 cost and expenses of the relocation or removal, including the cost of installing the facilities in a
11 new location, or new locations, and the cost of any lands, or any rights or interests in lands, and
12 any other rights acquired to accomplish the relocation or removal, less the cost of any lands or
13 any rights or interests in lands of any other rights of the public utility paid to the public utility in
14 connection with the relocation or removal of the property, shall be ascertained and paid by the
15 authority as a part of the cost of the project. In case of any relocation or removal of facilities the
16 public utility owning or operating the facilities, its successors or assigns, may maintain and
17 operate the facilities, with the necessary appurtenances, in the new location or new locations, for
18 as long a period, and upon the same terms and conditions, as it had the right to maintain and
19 operate the facilities in their former location or locations;

20 (18) To make reasonable regulations and to grant easements for the installation,
21 construction, maintenance, repair, renewal, relocation, and removal of pipelines, other equipment,
22 and appliances of any corporation or person owning or operating pipelines in, on, along, over, or
23 under the turnpike, whenever the authority shall determine that it is necessary that any facilities
24 which now are, or hereafter may be located in, on, along, over or under the turnpike should be
25 relocated in the turnpike, or should be removed from the turnpike, the corporation or person
26 owning or operating the facilities shall relocate or remove the facilities in accordance with the
27 order of the authority; provided, however, that the cost and expense of the relocation or removal,
28 including the cost of installing the facilities in a new location, or new locations, and the cost of
29 any lands, or any rights or interests in lands, and any other rights acquired to accomplish the
30 relocation or removal, less the cost of any lands or any rights or interests in lands or any other
31 rights of any corporation or person paid to any corporation or person in connection with the
32 relocation or removal of the property, shall be ascertained and paid by the authority as a part of
33 the cost of the project. In case of any relocation or removal of facilities the corporation or person
34 owning or operating the facilities, its successors or assigns, may maintain and operate the

1 facilities, with the necessary appurtenances, in the new location or new locations, for as long a
2 period, and upon the same terms and conditions, as it had the right to maintain and operate the
3 facilities in their former location or locations;

4 (19) To enter upon any lands, waters, and premises for the purpose of making such
5 surveys, soundings, borings, and examinations as the authority may deem necessary or
6 convenient for its purposes, and the entry shall not be deemed a trespass, nor shall an entry for
7 such purposes be deemed an entry under any condemnation proceedings; provided, however, the
8 authority shall pay any actual damage resulting to the lands, water, and premises as a result of the
9 entry and activities as a part of the cost of the project;

10 (20) To enter into contracts or agreements with any board, commission, public
11 instrumentality of another state [or the federal government](#) or with any political subdivision of
12 another state relating to the connection or connections to be established between the turnpike or
13 any additional facility with any public highway or turnpike now in existence or hereafter to be
14 constructed in another state, and with respect to the construction, maintenance and operation of
15 interstate turnpikes or expressways;

16 (21) To enter into contracts with the department of transportation with respect to the
17 construction, reconstruction, renovation, acquisition, maintenance, repair, mitigation,
18 remediation, operation or management of any project and with the Rhode Island state police with
19 respect to the policing of any project;

20 (22) To make and enter into all contracts and agreements necessary or incidental to the
21 performance of its duties and the execution of its powers under this chapter; and

22 (23) To do all other acts and things necessary or convenient to carry out the powers
23 expressly granted in this chapter.

24 (24) To grant and/or contract through the transfer of funds of the authority to the
25 department of transportation for the construction, reconstruction, acquisition, maintenance, repair,
26 operation or management by the department of transportation of any project or projects
27 authorized by this chapter, and the department of transportation is authorized to accept any such
28 grant or transfer of funds.

29 (b) Provided, the authority in carrying out the provisions of this section shall hold public
30 hearings ~~in the city or town where a proposed project will be located~~ prior to the finalization of
31 any specifications or the awarding of any contracts for any project.

32 **24-12-18. Bonds.** -- (a) *Issuance and sale of revenue bonds.* ~~Subject to the provisions of~~
33 ~~§§24-12-21-24-12-24~~ ~~†~~The authority is hereby authorized to provide by resolution for the
34 issuance, at one time or in series from time to time, of revenue bonds of the authority for the

1 purpose of paying all or a part of the cost of any one or more projects, the construction,
2 reconstruction, renovation, acquisition, maintenance, repair, operation or management of which is
3 authorized by this chapter, and making provision for working capital and a [debt service](#) reserve
4 ~~for interest~~. The principal of and the interest on the bonds shall be payable solely from the funds
5 herein provided for the payment. The bonds of each issue shall be dated, shall bear interest at
6 such rate or rates per annum, shall mature at such time or times not exceeding fifty (50) years
7 from their date or dates, as may be determined by the authority, and may be made redeemable
8 before maturity, at the option of the authority, at such price or prices and under such terms and
9 conditions as may be fixed by the authority prior to the issuance of the bonds. The authority may
10 sell such bonds in such manner, either at public or private sale, and for such price, as it may
11 determine to be for the best interests of the authority, ~~but no such sale shall be made at a price~~
12 ~~less than ninety seven percent (97%) of the principal amount of the bonds.~~

13 *(b) Form and execution of all bonds.* The authority shall determine the form and the
14 manner of execution of all bonds issued under the provisions of this chapter, including any
15 interest coupons to be attached thereto, and shall fix the denomination or denominations of the
16 bonds and the place or places of payment of the principal and interest, which may be at any bank
17 or trust company within or without the state. In case any officer whose signature or a facsimile of
18 whose signature shall appear on any bonds or coupons shall cease to be an officer before the
19 delivery of the bonds, the signature or the facsimile shall nevertheless be valid and sufficient for
20 all purposes the same as if the officer had remained in office until the delivery, and any bond may
21 bear the facsimile signature of, or may be signed by, the persons as at the actual time of the
22 execution of the bond shall be the proper officers to sign the bond although at the date of the bond
23 the persons may not have been the officers. The bonds may be issued in coupon or in registered
24 form, and in certificated or book entry only form as the authority may determine, and provision
25 may be made for the registration of any coupon bonds as to principal alone and also as to both
26 principal and interest, for the reconversion into coupon bonds of any bonds registered as to both
27 principal and interest, and for the interchange of registered and coupon bonds.

28 **24-12-26. Power to collect tolls and charges – Gasoline and service concessions. --**

29 (a) The authority is hereby authorized, subject to the provisions of this chapter, to fix, revise,
30 charge and collect tolls for the use of the Newport Bridge, the Mount Hope Bridge, [the Sakonnet](#)
31 [River Bridge \(subject to federal regulations and approvals\)](#), the turnpike and the different parts or
32 sections thereof, and for the use of any additional facility and the different parts or sections
33 thereof, and to contract with any person, partnership, association or corporation for placing on
34 any project telephone, telegraph, electric light or power lines, gas stations, garages, and

1 restaurants if deemed necessary by the authority in connection with the project, or for the use of
2 any project or part thereof, including the right-of-way adjoining the paved portion of the turnpike
3 or of any additional facility or for any other purposes and to fix the terms, conditions, rents and
4 rates of charges for such use; provided, that the authority shall construct any gasoline service
5 facilities which it may determine are needed on the project, and provided, further, that, to afford
6 users of the project a reasonable choice of motor fuels of different brands, each gasoline service
7 station shall be separately offered for lease upon sealed bids and, after notice of the offer has been
8 published once a week in three (3) consecutive weeks in a newspaper having general circulation
9 in the state, and, in the event an acceptable bid shall be received in the judgment of the authority,
10 each lease shall be awarded to the highest responsible bidder therefor, but no person shall be
11 awarded or have the use of, nor shall motor fuel identified by the trade-marks, trade names, or
12 brands of any one supplier, distributor, or retailer of such fuel be sold at more than one service
13 station if they would constitute more than twenty-five percent (25%) of the service stations on the
14 project. Notwithstanding the provisions of this section, members of the town of Jamestown police
15 and fire department and ambulance service personnel of the town of Jamestown and Jamestown
16 school department who, in the course of their duty, are required to pay a toll for use of the
17 Newport Bridge, shall, upon the presentment of receipts for the payment of the toll to the town of
18 Jamestown, be reimbursed for all charges on an annual basis by the town of Jamestown who in
19 turn shall be reimbursed for all payments made by the state. Notwithstanding the provisions of
20 this section, members of the city of Newport police and fire department and rescue personnel
21 who, in the course of their duty, are required to pay a toll for use of the Newport Bridge, shall,
22 upon the presentment of receipts for the payment of the toll to the city of Newport, be reimbursed
23 for all charges on an annual basis by the city of Newport who in turn shall be reimbursed for all
24 payments made by the state.

25 (b) Notwithstanding the provisions of this section, members of the police and fire
26 department and rescue personnel of any city or town in this state who, in the course of their duty,
27 are required to pay a toll for use of the Mount Hope Bridge [or the Sakonnet River Bridge](#), shall,
28 upon the presentment of receipts for the payment of the toll to their town or city, be reimbursed
29 for all such charges on an annual basis by the town or city, who in turn shall be reimbursed for all
30 payments made by the state.

31 **24-12-28. Revenues pledged to sinking fund.** -- To the extent provided in the resolution
32 authorizing the issuance of bonds [or finance lease](#) or in the trust agreement securing the same, the
33 tolls and all other revenues [received by the authority](#) ~~derived from the project or projects or~~
34 ~~portion or portions in connection with which the bonds of any one or more series shall have been~~

1 ~~issued~~, shall be set aside at such regular intervals as may be provided in the resolution or the trust
2 agreement in a sinking fund or funds which shall be pledged to, and charged with, the payment of
3 the lease payments and/or of the principal of and the interest on the bonds as the bonds shall
4 become due, and the redemption price or the purchase price of bonds or other obligations retired
5 by call or purchase as provided in the resolution or trust agreement. The pledge shall be valid and
6 binding from the time when the pledge is made; the tolls and other revenues or other money so
7 pledged and thereafter received by the authority shall immediately be subject to the lien of the
8 pledge without any physical delivery thereof or further act, and the lien of any pledge shall be
9 valid and binding as against all parties having claims of any kind in tort, contract, or otherwise
10 against the authority, irrespective of whether the parties have notice thereof. Neither the
11 resolution nor any trust agreement by which a pledge is created need be filed or recorded except
12 in the records of the authority. The use and disposition of money to the credit of each sinking
13 fund shall be subject to the provisions of the resolution authorizing the issuance of the lease, the
14 bonds or of the trust agreement. Notwithstanding any provision(s) of Section 3 of Article 6 of
15 Chapter 23 of the Public Laws of 2010, the provisions of this section shall apply to all bonds
16 issued or to be issued by the authority.

17 **24-12-39. Transfer of projects to state – Dissolution of authority.--** When all bonds
18 issued under the provisions of this chapter and the interest thereon shall have been paid or a
19 sufficient amount for the payment of all the bonds and the interest thereon to the maturity thereof
20 shall have been set aside in trust for the benefit of the bondholders, all projects financed under the
21 provisions of this chapter ~~shall~~ may be transferred to the state in good condition and repair, and
22 thereupon the authority shall be dissolved and all funds of the authority not required for the
23 payment of bonds shall be paid to the general treasurer for the use of the state and all machinery,
24 equipment and other property belonging to the authority shall be vested in the state and delivered
25 to the department of transportation.

26 **24-12-50. Relationship to department of transportation. --** (a) The department of
27 transportation is hereby constituted as the agency for the authority in carrying out all of the
28 powers to construct, acquire, operate, and maintain turnpikes and bridges as conferred by the
29 general laws upon the authority.

30 (b) Nothing in chapter 13 of title 42 or in this amendment to chapter 12 of title 24 shall
31 limit the discretions, powers, and authorities of the Rhode Island turnpike and bridge authority
32 necessary or desirable for it to execute and carry out the covenants, agreements, duties, and
33 liabilities assumed by it in the trust agreement by and between the authority ~~and the Rhode Island~~
34 ~~hospital trust company, as~~ the then serving trustee under indenture dated as of December 1, 1965

1 [April 1, 2010](#), as supplemented from time to time, nor shall these chapters be construed in any
2 way to affect the rights, privileges, powers, and remedies of [any trustee](#) ~~the Rhode Island hospital~~
3 ~~trust company~~ and its successors, or of the holders of the bonds issued under any indenture, or
4 under any resolutions of the authority.

5 SECTION 4. Chapter 24-12 of the General Laws entitled “Rhode Island Turnpike and
6 Bridge Authority” is hereby amended by adding thereto the following sections:

7 **24-12-40.F. Title to Sakonnet River Bridge vested in Rhode Island turnpike and**
8 **bridge authority – Institution of tolls. --** [All powers, control, and jurisdiction of and title to the](#)
9 [Sakonnet River Bridge is authorized to be transferred to the Rhode Island turnpike and bridge](#)
10 [authority. The authority may charge and collect tolls for the use of the Sakonnet River Bridge to](#)
11 [provide funds sufficient with any other monies available therefor for paying the costs of](#)
12 [acquiring, leasing, maintaining, repairing and operating, the Jamestown Verrazzano Bridge, the](#)
13 [Mount Hope Bridge, the Newport Bridge, and the Sakonnet River Bridge, the turnpike and](#)
14 [additional facilities.](#)

15 **24-12-40.G. Title to Jamestown Verrazzano Bridge vested in Rhode Island turnpike**
16 **and bridge authority --** [All powers, control, and jurisdiction of and title to the Jamestown](#)
17 [Verrazzano Bridge is authorized to be transferred to the Rhode Island turnpike and bridge](#)
18 [authority.](#)

19 SECTION 5. This article shall take effect upon passage.
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ARTICLE 21

RELATING TO TAXATION AND REVENUES

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

23-17-38.1. Hospitals – Licensing fee. -- ~~(a) There is imposed a hospital licensing fee at the rate of five and four hundred sixty five thousandths percent (5.465%) upon the net patient services revenue of every hospital for the hospital's first fiscal year ending on or after January 1, 2009. This licensing fee shall be administered and collected by the tax administrator, division of taxation within the department of administration, and all the administration, collection and other provisions of chapters 50 and 51 of title 44 shall apply. Every hospital shall pay the licensing fee to the tax administrator on or before July 18, 2011 and payments shall be made by electronic transfer of monies to the general treasurer and deposited to the general fund in accordance with § 44-50-11 [repealed]. Every hospital shall, on or before June 20, 2011, make a return to the tax administrator containing the correct computation of net patient services revenue for the hospital fiscal year ending September 30, 2009, and the licensing fee due upon that amount. All returns shall be signed by the hospital's authorized representative, subject to the pains and penalties of perjury.~~

~~(b)~~(a) There is also imposed a hospital licensing fee at the rate of five and forty-three hundredths percent (5.43%) upon the net patient services revenue of every hospital for the hospital's first fiscal year ending on or after January 1, 2010. This licensing fee shall be administered and collected by the tax administrator, division of taxation within the department of administration, and all the administration, collection and other provisions of chapters 50 and 51 of title 44 shall apply. Every hospital shall pay the licensing fee to the tax administrator on or before July 16, 2012 and payments shall be made by electronic transfer of monies to the general treasurer and deposited to the general fund in accordance with section 44-50-11 [repealed]. Every hospital shall, on or before June 18, 2012, make a return to the tax administrator containing the correct computation of net patient services revenue for the hospital fiscal year ending September 30, 2010, and the licensing fee due upon that amount. All returns shall be signed by the hospital's authorized representative, subject to the pains and penalties of perjury.

(b) There is also imposed a hospital licensing fee at the rate of five and thirty-five

1 hundredths percent (5.35%) upon the net patient services revenue of every hospital for the
2 hospital's first fiscal year ending on or after January 1, 2011, except that the license fee for all
3 hospitals located in Washington County, Rhode Island shall be discounted by thirty-seven percent
4 (37%). The discount for Washington County hospitals is subject to approval by the Secretary of
5 the US Department of Health and Human Services of a state plan amendment submitted by the
6 Executive Office of Health and Human Services for the purpose of pursuing a waiver of the
7 uniformity requirement for the hospital license fee. This licensing fee shall be administered and
8 collected by the tax administrator, division of taxation within the department of revenue, and all
9 the administration, collection and other provisions of 51 of title 44 shall apply. Every hospital
10 shall pay the licensing fee to the tax administrator on or before July 15, 2013 and payments shall
11 be made by electronic transfer of monies to the general treasurer and deposited to the general
12 fund. Every hospital shall, on or before June 17, 2013, make a return to the tax administrator
13 containing the correct computation of net patient services revenue for the hospital fiscal year
14 ending September 30, 2011, and the licensing fee due upon that amount. All returns shall be
15 signed by the hospital's authorized representative, subject to the pains and penalties of perjury.

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

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

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

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

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

29 (e) The licensing fee imposed by this section shall apply to hospitals as defined herein
30 which are duly licensed on July 1, ~~2011~~ 2012, and shall be in addition to the inspection fee
31 imposed by § 23-17-38 and to any licensing fees previously imposed in accordance with § 23-17-
32 38.1.

33 **SECTION 2.** Title 44 of the General Laws entitled "TAXATION" is hereby amended by
34 adding thereto the following chapter:

1 CHAPTER 44-6.4

2 2012 RHODE ISLAND TAX AMNESTY ACT

3 **44-6.4-1. Short title.** -- This chapter shall be known as the "2012 Rhode Island Tax
4 Amnesty Act".

5 **44-6.4-2. Definitions.** -- As used in this chapter, the following terms have the meaning
6 ascribed to them in this section, except when the context clearly indicates a different meaning:

7 (1) "Taxable period" means any period for which a tax return is required by law to be
8 filed with the tax administrator;

9 (2) "Taxpayer" means any person, corporation, or other entity subject to any tax imposed
10 by any law of the state of Rhode Island and payable to the state of Rhode Island and collected by
11 the tax administrator.

12 **44-6.4-3. Establishment of tax amnesty.** -- (a) The tax administrator shall establish a tax
13 amnesty program for all taxpayers owing any tax imposed by reason of or pursuant to
14 authorization by any law of the state of Rhode Island and collected by the tax administrator.
15 Amnesty tax return forms shall be prepared by the tax administrator and shall provide that the
16 taxpayer clearly specify the tax due and the taxable period for which amnesty is being sought by
17 the taxpayer.

18 (b) The amnesty program shall be conducted for a seventy-five (75) day period ending on
19 November 15, 2012. The amnesty program shall provide that, upon written application by a
20 taxpayer and payment by the taxpayer of all taxes and interest due from the taxpayer to the state
21 of Rhode Island for any taxable period ending on or prior to December 31, 2011, the tax
22 administrator shall not seek to collect any penalties which may be applicable and shall not seek
23 the civil or criminal prosecution of any taxpayer for the taxable period for which amnesty has
24 been granted. Amnesty shall be granted only to those taxpayers applying for amnesty during the
25 amnesty period who have paid the tax and interest due upon filing the amnesty tax return, or who
26 have entered into an installment payment agreement for reasons of financial hardship and upon
27 terms and conditions set by the tax administrator. In the case of the failure of a taxpayer to pay
28 any installment due under the agreement, such an agreement shall cease to be effective and the
29 balance of the amounts required to be paid thereunder shall be due immediately. Amnesty shall be
30 granted for only the taxable period specified in the application and only if all amnesty conditions
31 are satisfied by the taxpayer.

32 (c) The provisions of this section shall include a taxable period for which a bill or notice
33 of deficiency determination has been sent to the taxpayer and a taxable period in which an audit
34 has been completed but has not yet been billed.

1 (d) Amnesty shall not be granted to taxpayers who are under any criminal investigation or
2 are a party to any civil or criminal proceeding, pending in any court of the United States or the
3 state of Rhode Island, for fraud in relation to any state tax imposed by the law of the state and
4 collected by the tax administrator.

5 **44-6.4-4. Interest under tax amnesty. --** Notwithstanding any provision of law to the
6 contrary, interest on any taxes paid for periods covered under the amnesty provisions of this
7 chapter shall be computed at the rate imposed under section 44-1-7, reduced by twenty five
8 percent (25%).

9 **44-6.4-5. Appropriation. --** There is hereby appropriated, out of any money in the
10 treasury not otherwise appropriated for the 2013 fiscal year, the sum of three hundred thousand
11 dollars (\$300,000) to the division of taxation to carry out the purposes of this chapter. The state
12 controller is hereby authorized and directed to draw his or her orders upon the general treasurer
13 for the payment of the sum or so much thereof as may be required from time to time and upon
14 receipt by him of properly authenticated vouchers.

15 **44-6.4-6. Implementation. --** Notwithstanding any provision of law to the contrary, the
16 tax administrator may do all things necessary in order to provide for the timely implementation of
17 this chapter, including, but not limited to, procurement of printing and other services and
18 expenditure of appropriated funds as provided for in section 44-6.4-5.

19 **44-6.4-7. Disposition of monies. --** (a) Except as provided in subsection (b) within, all
20 monies collected pursuant to any tax imposed by the state of Rhode Island under the provisions of
21 this chapter shall be accounted for separately and paid into the general fund.

22 (b) Monies collected for the establishment of the TDI Reserve Fund (section 28-39-7),
23 the Employment Security Fund (section 28-42-18), the Employment Security Interest Fund
24 (section 28-42-75), the Job Development Fund (section 28-42-83), and the Employment Security
25 Reemployment Fund (section 28-42-87) shall be deposited in said respective funds.

26 **44-6.4-8. Analysis of amnesty program by tax administrator. --** The tax administrator
27 shall provide an analysis of the amnesty program to the chairpersons of the house finance
28 committee and senate finance committee, with copies to the members of the revenue estimating
29 conference, by January 1, 2013. The report shall include an analysis of revenues received by tax
30 source, distinguishing between the tax collected and interest collected for each source. In
31 addition, the report shall further identify the amounts that are new revenues from those already
32 included in the general revenue receivable taxes, defined under generally accepted accounting
33 principles and the state's audited financial statements.

34 **44-6.4-9. Rules and regulations.--** The tax administrator may promulgate such rules and

1 [regulations as are necessary to implement the provisions of this chapter.](#)

2 SECTION 3. Sections 44-18-7, 44-18-8, 44-18-12, 44-18-15, 44-18-18, 44-18-20, 44-18-
3 21, 44-18-22, 44-18-23, 44-18-25 and 44-18-30 of the General Laws in Chapter 44-18 entitled
4 “Sales and Use Taxes – Liability and Computation” are hereby amended to read as follows:

5 **44-18-7. Sales defined [effective until October 1, 2012]. --** "Sales" means and includes:

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

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

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

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

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

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

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

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

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

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

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

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

14 (12) The transfer for consideration of prepaid telephone calling arrangements and the
15 recharge of prepaid telephone calling arrangements sourced to this state in accordance with §§
16 44-18.1-11 and 44-18.1-15. "Prepaid telephone calling arrangement" means and includes prepaid
17 calling service and prepaid wireless calling service.

18 ~~(13) The furnishing of package tour and scenic and sightseeing transportation services as~~
19 ~~set forth in the 2007 North American Industrial Classification System codes 561520 and 487~~
20 ~~provided that such services are conducted in the state, in whole or in part. Said services include~~
21 ~~all activities engaged in for other persons for a fee, retainer, commission, or other monetary~~
22 ~~charge, which activities involve the performance of a service as distinguished from selling~~
23 ~~property.~~

24 ~~(14)~~(13) The sale, storage, use or other consumption of over-the-counter drugs as defined
25 in paragraph 44-18-7.1(h)(ii).

26 ~~(15)~~(14) The sale, storage, use or other consumption of prewritten computer software
27 delivered electronically or by load and leave as defined in paragraph 44-18-7.1(v).

28 ~~(16)~~(15) The sale, storage, use or other consumption of medical marijuana as defined in
29 §21-28.6-3.

30 **44-18-7. Sales defined [effective October 1, 2012].** --"Sales" means and includes:

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

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

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

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

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

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

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

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

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

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

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

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

5 (12) The transfer for consideration of prepaid telephone calling arrangements and the
6 recharge of prepaid telephone calling arrangements sourced to this state in accordance with §§
7 44-18.1-11 and 44-18.1-15. "Prepaid telephone calling arrangement" means and includes prepaid
8 calling service and prepaid wireless calling service.

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

11 (14) The sale, storage, use or other consumption of prewritten computer software
12 delivered electronically or by load and leave as defined in paragraph 44-18-7.1(v).

13 (15) The sale, storage, use or other consumption of medical marijuana as defined in §21-
14 28.6-3.

15 [\(16\) The furnishing of services in this state as defined in section 44-18-7.3.](#)

16 **44-18-8. Retail sale or sale at retail defined [effective until October 1, 2012]. -- A**

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

27 **44-18-8. Retail sale or sale at retail defined [effective October 1, 2012]. -- A** "retail

28 sale" or "sale at retail" means any sale, lease or rentals of tangible personal property, prewritten
29 computer software delivered electronically or by load and leave, [or services as defined in section](#)
30 [44-18-7.3](#) for any purpose other than resale, sublease or subrent in the regular course of business.

31 The sale of tangible personal property to be used for purposes of rental in the regular course of
32 business is considered to be a sale for resale. In regard to telecommunications service as defined
33 in § 44-18-7(9), retail sale does not include the purchase of telecommunications service by a
34 telecommunications provider from another telecommunication provider for resale to the ultimate

1 consumer; provided, that the purchaser submits to the seller a certificate attesting to the
2 applicability of this exclusion, upon receipt of which the seller is relieved of any tax liability for
3 the sale.

4 44-18-12. Sale price" defined [effective until October 1, 2012]. -- (a) "Sales price"
5 applies to the measure subject to sales tax and means the total amount of consideration, including
6 cash, credit, property, and services, for which personal property or services are sold, leased, or
7 rented, valued in money, whether received in money or otherwise, without any deduction for the
8 following:

- 9 (i) The seller's cost of the property sold;
- 10 (ii) The cost of materials used, labor or service cost, interest, losses, all costs of
11 transportation to the seller, all taxes imposed on the seller, and any other expense of the seller;
- 12 (iii) Charges by the seller for any services necessary to complete the sale, other than
13 delivery and installation charges;
- 14 (iv) Delivery charges, as defined in § 44-18-7.1(i);
- 15 (v) Credit for any trade-in, as determined by state law;
- 16 ~~(vi) The amount charged for package tour and scenic and sightseeing transportation~~
17 ~~services; or~~

18 (b) "Sales price" shall not include:

19 (i) Discounts, including cash, term, or coupons that are not reimbursed by a third party
20 that are allowed by a seller and taken by a purchaser on a sale;

21 (ii) The amount charged for labor or services, ~~except for package tours and scenic and~~
22 ~~sightseeing transportation services~~, rendered in installing or applying the property sold when the
23 charge is separately stated by the retailer to the purchaser; provided that in transactions subject to
24 the provisions of this chapter the retailer shall separately state such charge when requested by the
25 purchaser and, further, the failure to separately state such charge when requested may be
26 restrained in the same manner as other unlawful acts or practices prescribed in chapter 13.1 of
27 title 6.

28 (iii) Interest, financing, and carrying charges from credit extended on the sale of personal
29 property or services, if the amount is separately stated on the invoice, bill of sale or similar
30 document given to the purchaser; and

31 (iv) Any taxes legally imposed directly on the consumer that are separately stated on the
32 invoice, bill of sale or similar document given to the purchaser.

33 (v) Manufacturer rebates allowed on the sale of motor vehicles.

34 (c) "Sales price" shall include consideration received by the seller from third parties if:

1 (i) The seller actually receives consideration from a party other than the purchaser and the
2 consideration is directly related to a price reduction or discount on the sale;

3 (ii) The seller has an obligation to pass the price reduction or discount through to the
4 purchaser;

5 (iii) The amount of the consideration attributable to the sale is fixed and determinable by
6 the seller at the time of the sale of the item to the purchaser; and

7 (iv) One of the following criteria is met:

8 (A) The purchaser presents a coupon, certificate or other documentation to the seller to
9 claim a price reduction or discount where the coupon, certificate or documentation is authorized,
10 distributed or granted by a third party with the understanding that the third party will reimburse
11 any seller to whom the coupon, certificate or documentation is presented;

12 (B) The purchaser identifies himself or herself to the seller as a member of a group or
13 organization entitled to a price reduction or discount (a "preferred customer" card that is available
14 to any patron does not constitute membership in such a group), or

15 (C) The price reduction or discount is identified as a third party price reduction or
16 discount on the invoice received by the purchaser or on a coupon, certificate or other
17 documentation presented by the purchaser.

18 **44-18-12. Sale price" defined [effective October 1, 2012]. --** (a) "Sales price" applies to
19 the measure subject to sales tax and means the total amount of consideration, including cash,
20 credit, property, and services, for which personal property or services are sold, leased, or rented,
21 valued in money, whether received in money or otherwise, without any deduction for the
22 following:

23 (i) The seller's cost of the property sold;

24 (ii) The cost of materials used, labor or service cost, interest, losses, all costs of
25 transportation to the seller, all taxes imposed on the seller, and any other expense of the seller;

26 (iii) Charges by the seller for any services necessary to complete the sale, other than
27 delivery and installation charges;

28 (iv) Delivery charges, as defined in § 44-18-7.1(i);

29 (v) Credit for any trade-in, as determined by state law; [or](#)

30 [\(vi\) The amount charged for services, as defined in section 44-18-7.3.](#)

31 (b) "Sales price" shall not include:

32 (i) Discounts, including cash, term, or coupons that are not reimbursed by a third party
33 that are allowed by a seller and taken by a purchaser on a sale;

34 (ii) The amount charged for labor or services rendered in installing or applying the

1 property sold when the charge is separately stated by the retailer to the purchaser; provided that in
2 transactions subject to the provisions of this chapter the retailer shall separately state such charge
3 when requested by the purchaser and, further, the failure to separately state such charge when
4 requested may be restrained in the same manner as other unlawful acts or practices prescribed in
5 chapter 13.1 of title 6.

6 (iii) Interest, financing, and carrying charges from credit extended on the sale of personal
7 property or services, if the amount is separately stated on the invoice, bill of sale or similar
8 document given to the purchaser; and

9 (iv) Any taxes legally imposed directly on the consumer that are separately stated on the
10 invoice, bill of sale or similar document given to the purchaser.

11 (v) Manufacturer rebates allowed on the sale of motor vehicles.

12 (c) "Sales price" shall include consideration received by the seller from third parties if:

13 (i) The seller actually receives consideration from a party other than the purchaser and the
14 consideration is directly related to a price reduction or discount on the sale;

15 (ii) The seller has an obligation to pass the price reduction or discount through to the
16 purchaser;

17 (iii) The amount of the consideration attributable to the sale is fixed and determinable by
18 the seller at the time of the sale of the item to the purchaser; and

19 (iv) One of the following criteria is met:

20 (A) The purchaser presents a coupon, certificate or other documentation to the seller to
21 claim a price reduction or discount where the coupon, certificate or documentation is authorized,
22 distributed or granted by a third party with the understanding that the third party will reimburse
23 any seller to whom the coupon, certificate or documentation is presented;

24 (B) The purchaser identifies himself or herself to the seller as a member of a group or
25 organization entitled to a price reduction or discount (a "preferred customer" card that is available
26 to any patron does not constitute membership in such a group), or

27 (C) The price reduction or discount is identified as a third party price reduction or
28 discount on the invoice received by the purchaser or on a coupon, certificate or other
29 documentation presented by the purchaser.

30 **44-18-15. "Retailer" defined [effective until October 1, 2012].--** (a) "Retailer" includes:

31 (1) Every person engaged in the business of making sales at retail; ~~prewritten computer~~
32 ~~software delivered electronically or by load and leave, and/or package tour and scenic and~~
33 ~~sightseeing transportation services, including~~ sales at auction of tangible personal property owned
34 by the person or others.

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

15 (3) Every person engaged in the business of making sales for storage, use, or other
16 consumption, or the business of making sales at auction of tangible personal property, for storage,
17 use, or other consumption prewritten computer software delivered electronically or by load and
18 leave, ~~and/or package tour and scenic and sightseeing transportation services~~, ~~owned by the~~
19 ~~person or others for storage, use, or other consumption.~~

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

22 (5) Every person engaged in the business of renting any living quarters in any hotel,
23 rooming house, or tourist camp.

24 (6) Every person maintaining a business within or outside of this state who engages in the
25 regular or systematic solicitation of sales of tangible personal property, prewritten computer
26 software delivered electronically or by load and leave, ~~and/or package tour and scenic and~~
27 ~~sightseeing transportation services~~, in this state by means of:

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

1 (ii) Telephone;
2 (iii) Computer assisted shopping networks; and
3 (iv) Television, radio or any other electronic media, which is intended to be broadcast to
4 consumers located in this state.

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

13 **44-18-15. "Retailer" defined [effective October 1, 2012].**-- (a) "Retailer" includes:

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

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

32 (3) Every person engaged in the business of making sales for storage, use, or other
33 consumption of: (1) tangible personal property, (ii) ~~, or the business of making~~ sales at auction of
34 tangible personal property owned by the person or others, prewritten computer software delivered

1 electronically or by load and leave, [and \(iv\) services as defined in section 44-18-7.3.](#)

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

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

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

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

16 (ii) Telephone;

17 (iii) Computer assisted shopping networks; and

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

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

28 **44-18-18. Sales tax imposed [effective October 1, 2012].** -- A tax is imposed upon sales
29 at retail in this state including charges for rentals of living quarters in [hotels as defined in section](#)
30 [42-63.1-2](#), rooming houses, or tourist camps, at the rate of six percent (6%) of the gross receipts
31 of the retailer from the sales or rental charges; provided, that the tax imposed on charges for the
32 rentals applies only to the first period of not exceeding thirty (30) consecutive calendar days of
33 each rental; provided, further, that for the period commencing July 1, 1990, the tax rate is seven
34 percent (7%). The tax is paid to the tax administrator by the retailer at the time and in the manner

1 provided. Excluded from this tax are those living quarters in hotels, rooming houses, or tourist
2 camps for which the occupant has a written lease for the living quarters which lease covers a
3 rental period of twelve (12) months or more. In recognition of the work being performed by the
4 Streamlined Sales and Use Tax Governing Board, upon any federal law which requires remote
5 sellers to collect and remit taxes, effective the first (1st) day of the first (1st) state fiscal quarter
6 following the change, the rate imposed under § 44-18-18 shall be six and one-half percent (6.5%).

7 **44-18-20. Use tax imposed [effective until October 1, 2012]. --** (a) An excise tax is
8 imposed on the storage, use, or other consumption in this state of tangible personal property, ~~or~~
9 ~~prewritten computer software delivered electronically or by load and leave, and/or package tour~~
10 ~~and scenic and sightseeing transportation services,~~ including a motor vehicle, a boat, an airplane,
11 or a trailer, purchased from any retailer at the rate of six percent (6%) of the sale price of the
12 property.

13 (b) An excise tax is imposed on the storage, use, or other consumption in this state of a
14 motor vehicle, a boat, an airplane, or a trailer purchased from other than a licensed motor vehicle
15 dealer or other than a retailer of boats, airplanes, or trailers respectively, at the rate of six percent
16 (6%) of the sale price of the motor vehicle, boat, airplane, or trailer.

17 (c) The word "trailer" as used in this section and in § 44-18-21 means and includes those
18 defined in § 31-1-5(a) – (e) and also includes boat trailers, camping trailers, house trailers, and
19 mobile homes.

20 (d) Notwithstanding the provisions contained in this section and in § 44-18-21 relating to
21 the imposition of a use tax and liability for this tax on certain casual sales, no tax is payable in
22 any casual sale:

23 (1) When the transferee or purchaser is the spouse, mother, father, brother, sister, or child
24 of the transferor or seller;

25 (2) When the transfer or sale is made in connection with the organization, reorganization,
26 dissolution, or partial liquidation of a business entity; provided:

27 (i) The last taxable sale, transfer, or use of the article being transferred or sold was
28 subjected to a tax imposed by this chapter;

29 (ii) The transferee is the business entity referred to or is a stockholder, owner, member, or
30 partner; and

31 (iii) Any gain or loss to the transferor is not recognized for income tax purposes under the
32 provisions of the federal income tax law and treasury regulations and rulings issued thereunder;

33 (3) When the sale or transfer is of a trailer, other than a camping trailer, of the type
34 ordinarily used for residential purposes and commonly known as a house trailer or as a mobile

1 home; or

2 (4) When the transferee or purchaser is exempt under the provisions of § 44-18-30 or
3 other general law of this state or special act of the general assembly of this state.

4 (e) The term "casual" means a sale made by a person other than a retailer; provided, that
5 in the case of a sale of a motor vehicle, the term means a sale made by a person other than a
6 licensed motor vehicle dealer or an auctioneer at an auction sale. In no case is the tax imposed
7 under the provisions of subsections (a) and (b) of this section on the storage, use, or other
8 consumption in this state of a used motor vehicle less than the product obtained by multiplying
9 the amount of the retail dollar value at the time of purchase of the motor vehicle by the applicable
10 tax rate; provided, that where the amount of the sale price exceeds the amount of the retail dollar
11 value, the tax is based on the sale price. The tax administrator shall use as his or her guide the
12 retail dollar value as shown in the current issue of any nationally recognized used vehicle guide
13 for appraisal purposes in this state. On request within thirty (30) days by the taxpayer after
14 payment of the tax, if the tax administrator determines that the retail dollar value as stated in this
15 subsection is inequitable or unreasonable, he or she shall, after affording the taxpayer reasonable
16 opportunity to be heard, re-determine the tax.

17 (f) Every person making more than five (5) retail sales of tangible personal property or
18 prewritten computer software delivered electronically or by load and leave, ~~and/or package tour~~
19 ~~and scenic and sightseeing transportation services~~ during any twelve (12) month period, including
20 sales made in the capacity of assignee for the benefit of creditors or receiver or trustee in
21 bankruptcy, is considered a retailer within the provisions of this chapter.

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

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

1 sales.

2 (h) The use tax imposed under this section for the period commencing July 1, 1990 is at
3 the rate of seven percent (7%). In recognition of the work being performed by the Streamlined
4 Sales and Use Tax Governing Board, upon any federal law which requires remote sellers to
5 collect and remit taxes, effective the first (1st) day of the first (1st) state fiscal quarter following
6 the change, the rate imposed under § 44-18-18 shall be six and one-half percent (6.5%).

7 **44-18-20. Use tax imposed [effective October 1, 2012]. --** (a) An excise tax is imposed
8 on the storage, use, or other consumption in this state of tangible personal property, prewritten
9 computer software delivered electronically or by load and leave or services as defined section 44-
10 18-7.3; including a motor vehicle, a boat, an airplane, or a trailer, purchased from any retailer at
11 the rate of six percent (6%) of the sale price of the property.

12 (b) An excise tax is imposed on the storage, use, or other consumption in this state of a
13 motor vehicle, a boat, an airplane, or a trailer purchased from other than a licensed motor vehicle
14 dealer or other than a retailer of boats, airplanes, or trailers respectively, at the rate of six percent
15 (6%) of the sale price of the motor vehicle, boat, airplane, or trailer.

16 (c) The word "trailer" as used in this section and in § 44-18-21 means and includes those
17 defined in § 31-1-5(a) – (e) and also includes boat trailers, camping trailers, house trailers, and
18 mobile homes.

19 (d) Notwithstanding the provisions contained in this section and in § 44-18-21 relating to
20 the imposition of a use tax and liability for this tax on certain casual sales, no tax is payable in
21 any casual sale:

22 (1) When the transferee or purchaser is the spouse, mother, father, brother, sister, or child
23 of the transferor or seller;

24 (2) When the transfer or sale is made in connection with the organization, reorganization,
25 dissolution, or partial liquidation of a business entity; provided:

26 (i) The last taxable sale, transfer, or use of the article being transferred or sold was
27 subjected to a tax imposed by this chapter;

28 (ii) The transferee is the business entity referred to or is a stockholder, owner, member, or
29 partner; and

30 (iii) Any gain or loss to the transferor is not recognized for income tax purposes under the
31 provisions of the federal income tax law and treasury regulations and rulings issued thereunder;

32 (3) When the sale or transfer is of a trailer, other than a camping trailer, of the type
33 ordinarily used for residential purposes and commonly known as a house trailer or as a mobile
34 home; or

1 (4) When the transferee or purchaser is exempt under the provisions of § 44-18-30 or
2 other general law of this state or special act of the general assembly of this state.

3 (e) The term "casual" means a sale made by a person other than a retailer; provided, that
4 in the case of a sale of a motor vehicle, the term means a sale made by a person other than a
5 licensed motor vehicle dealer or an auctioneer at an auction sale. In no case is the tax imposed
6 under the provisions of subsections (a) and (b) of this section on the storage, use, or other
7 consumption in this state of a used motor vehicle less than the product obtained by multiplying
8 the amount of the retail dollar value at the time of purchase of the motor vehicle by the applicable
9 tax rate; provided, that where the amount of the sale price exceeds the amount of the retail dollar
10 value, the tax is based on the sale price. The tax administrator shall use as his or her guide the
11 retail dollar value as shown in the current issue of any nationally recognized used vehicle guide
12 for appraisal purposes in this state. On request within thirty (30) days by the taxpayer after
13 payment of the tax, if the tax administrator determines that the retail dollar value as stated in this
14 subsection is inequitable or unreasonable, he or she shall, after affording the taxpayer reasonable
15 opportunity to be heard, re-determine the tax.

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

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

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

1 (h) The use tax imposed under this section for the period commencing July 1, 1990 is at
2 the rate of seven percent (7%). In recognition of the work being performed by the Streamlined
3 Sales and Use Tax Governing Board, upon any federal law which requires remote sellers to
4 collect and remit taxes, effective the first (1st) day of the first (1st) state fiscal quarter following
5 the change, the rate imposed under § 44-18-18 shall be six and one-half percent (6.5%).

6 **44-18-21. Liability for use tax [effective until October 1, 2012].** -- (a) Every person
7 storing, using, or consuming in this state tangible personal property, including a motor vehicle,
8 boat, airplane, or trailer, purchased from a retailer, and a motor vehicle, boat, airplane, or trailer,
9 purchased from other than a licensed motor vehicle dealer or other than a retailer of boats,
10 airplanes, or trailers respectively; or storing, using or consuming specified prewritten computer
11 software delivered electronically or by load and leave, ~~and/or package tour and scenic and~~
12 ~~sightseeing transportation services~~ is liable for the use tax. The person's liability is not
13 extinguished until the tax has been paid to this state, except that a receipt from a retailer engaging
14 in business in this state or from a retailer who is authorized by the tax administrator to collect the
15 tax under rules and regulations that he or she may prescribe, given to the purchaser pursuant to
16 the provisions of § 44-18-22, is sufficient to relieve the purchaser from further liability for the tax
17 to which the receipt refers.

18 (b) Each person before obtaining an original or transferral registration for any article or
19 commodity in this state, which article or commodity is required to be licensed or registered in the
20 state, shall furnish satisfactory evidence to the tax administrator that any tax due under this
21 chapter with reference to the article or commodity has been paid, and for the purpose of effecting
22 compliance, the tax administrator, in addition to any other powers granted to him or her, may
23 invoke the provisions of § 31-3-4 in the case of a motor vehicle. The tax administrator, when he
24 or she deems it to be for the convenience of the general public, may authorize any agency of the
25 state concerned with the licensing or registering of these articles or commodities to collect the use
26 tax on any articles or commodities which the purchaser is required by this chapter to pay before
27 receiving an original or transferral registration. The general assembly shall annually appropriate a
28 sum that it deems necessary to carry out the purposes of this section. Notwithstanding the
29 provisions of §§ 44-18-19, 44-18-22, and 44-18-24, the sales or use tax on any motor vehicle
30 and/or recreational vehicle requiring registration by the administrator of the division of motor
31 vehicles shall not be added by the retailer to the sale price or charge but shall be paid directly by
32 the purchaser to the tax administrator, or his or her authorized deputy or agent as provided in this
33 section.

34 (c) In cases involving total loss or destruction of a motor vehicle occurring within one

1 hundred twenty (120) days from the date of purchase and upon which the purchaser has paid the
2 use tax, the amount of the tax constitutes an overpayment. The amount of the overpayment may
3 be credited against the amount of use tax on any subsequent vehicle which the owner acquires to
4 replace the lost or destroyed vehicle or may be refunded, in whole or in part.

5 **44-18-21. Liability for use tax [effective October 1, 2012].** -- (a) Every person storing,
6 using, or consuming in this state tangible personal property, including a motor vehicle, boat,
7 airplane, or trailer, purchased from a retailer, and a motor vehicle, boat, airplane, or trailer,
8 purchased from other than a licensed motor vehicle dealer or other than a retailer of boats,
9 airplanes, or trailers respectively; or storing, using or consuming specified prewritten computer
10 software delivered electronically or by load and leave, [or services as defined in section 44-18-7.3](#)
11 is liable for the use tax. The person's liability is not extinguished until the tax has been paid to
12 this state, except that a receipt from a retailer engaging in business in this state or from a retailer
13 who is authorized by the tax administrator to collect the tax under rules and regulations that he or
14 she may prescribe, given to the purchaser pursuant to the provisions of § 44-18-22, is sufficient to
15 relieve the purchaser from further liability for the tax to which the receipt refers.

16 (b) Each person before obtaining an original or transferral registration for any article or
17 commodity in this state, which article or commodity is required to be licensed or registered in the
18 state, shall furnish satisfactory evidence to the tax administrator that any tax due under this
19 chapter with reference to the article or commodity has been paid, and for the purpose of effecting
20 compliance, the tax administrator, in addition to any other powers granted to him or her, may
21 invoke the provisions of § 31-3-4 in the case of a motor vehicle. The tax administrator, when he
22 or she deems it to be for the convenience of the general public, may authorize any agency of the
23 state concerned with the licensing or registering of these articles or commodities to collect the use
24 tax on any articles or commodities which the purchaser is required by this chapter to pay before
25 receiving an original or transferral registration. The general assembly shall annually appropriate a
26 sum that it deems necessary to carry out the purposes of this section. Notwithstanding the
27 provisions of §§ 44-18-19, 44-18-22, and 44-18-24, the sales or use tax on any motor vehicle
28 and/or recreational vehicle requiring registration by the administrator of the division of motor
29 vehicles shall not be added by the retailer to the sale price or charge but shall be paid directly by
30 the purchaser to the tax administrator, or his or her authorized deputy or agent as provided in this
31 section.

32 (c) In cases involving total loss or destruction of a motor vehicle occurring within one
33 hundred twenty (120) days from the date of purchase and upon which the purchaser has paid the
34 use tax, the amount of the tax constitutes an overpayment. The amount of the overpayment may

1 be credited against the amount of use tax on any subsequent vehicle which the owner acquires to
2 replace the lost or destroyed vehicle or may be refunded, in whole or in part.

3 **44-18-22. Collection of use tax by retailer [effective until October 1, 2012].** -- Every
4 retailer engaging in business in this state and making sales of tangible personal property or
5 prewritten computer software delivered electronically or by load and leave, ~~for storage, use, or~~
6 ~~other consumption in this state, and/or providing package tour and scenic and sightseeing~~
7 ~~transportation services,~~ not exempted under this chapter shall, at the time of making the sales, or
8 if the storage, use, or other consumption of the tangible personal property, prewritten computer
9 software delivered electronically or by load and leave, ~~and/or providing package tour and scenic~~
10 ~~and sightseeing transportation services,~~ , is not then taxable under this chapter, at the time the
11 storage, use, or other consumption becomes taxable, collect the tax from the purchaser and give to
12 the purchaser a receipt in the manner and form prescribed by the tax administrator.

13 **44-18-22. Collection of use tax by retailer [effective October 1, 2012].** -- Every retailer
14 engaging in business in this state and making sales of tangible personal property or prewritten
15 computer software delivered electronically or by load and leave, or services as defined in section
16 44-18-7.3, for storage, use, or other consumption in this state, not exempted under this chapter
17 shall, at the time of making the sales, or if the storage, use, or other consumption of the tangible
18 personal property, prewritten computer software delivered electronically or by load and leave, or
19 services as defined in section 44-18-7.3, is not then taxable under this chapter, at the time the
20 storage, use, or other consumption becomes taxable, collect the tax from the purchaser and give to
21 the purchaser a receipt in the manner and form prescribed by the tax administrator.

22 **44-18-23. "Engaging in business" defined [effective until October 1, 2012].** -- As used
23 in §§ 44-18-21 and 44-18-22 the term "engaging in business in this state" means the selling or
24 delivering in this state, or any activity in this state related to the selling or delivering in this state
25 of tangible personal property, or prewritten computer software delivered electronically or by load
26 and leave for storage, use, or other consumption in this state, ~~as well as providing package tour~~
27 ~~and scenic and sightseeing transportation services.~~ This term includes, but is not limited to, the
28 following acts or methods of transacting business:

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

33 (2) Having any subsidiary, representative, agent, salesperson, canvasser, or solicitor
34 permanently or temporarily, and whether or not the subsidiary, representative, or agent is

1 qualified to do business in this state, operate in this state for the purpose of selling, delivering, or
2 the taking of orders for any tangible personal property, or prewritten computer software delivered
3 electronically or by load and leave, ~~and/or package tour and scenic and sightseeing transportation~~
4 ~~services~~;

5 (3) The regular or systematic solicitation of sales of tangible personal property, or
6 prewritten computer software delivered electronically or by load and leave, ~~and/or package tour~~
7 ~~and scenic and sightseeing transportation services~~, in this state by means of:

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

15 (ii) Telephone;

16 (iii) Computer-assisted shopping networks; and

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

19 **44-18-23. "Engaging in business" defined [effective October 1, 2012].** -- As used in §§
20 44-18-21 and 44-18-22 the term "engaging in business in this state" means the selling or
21 delivering in this state, or any activity in this state related to the selling or delivering in this state
22 of tangible personal property, or prewritten computer software delivered electronically or by load
23 and leave for storage, use, or other consumption in this state; [or services as defined in section 44-](#)
24 [18-7.3 in this state](#). This term includes, but is not limited to, the following acts or methods of
25 transacting business:

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

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

1 (3) The regular or systematic solicitation of sales of tangible personal property, or
2 prewritten computer software delivered electronically or by load and leave, [or services as defined](#)
3 [in section 44-18-7.3](#), in this state by means of:

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

11 (ii) Telephone;

12 (iii) Computer-assisted shopping networks; and

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

15 **44-18-25. Presumption that sale is for storage, use, or consumption – Resale**
16 **certificate [effective until October 1, 2012]. --** It is presumed that all gross receipts are subject
17 to the sales tax, and that the use of all tangible personal property, or prewritten computer software
18 delivered electronically or by load and leave, ~~and/or package tour and scenic and sightseeing~~
19 ~~transportation services~~ are subject to the use tax, and that all tangible personal property, or
20 prewritten computer software delivered electronically or by load and leave, ~~and/or package tour~~
21 ~~and scenic and sightseeing transportation services~~ sold or in processing or intended for delivery or
22 delivered in this state is sold or delivered for storage, use, or other consumption in this state, until
23 the contrary is established to the satisfaction of the tax administrator. The burden of proving the
24 contrary is upon the person who makes the sale and the purchaser, unless the person who makes
25 the sale takes from the purchaser a certificate to the effect that the purchase was for resale. The
26 certificate shall contain any information and be in the form that the tax administrator may require.

27 **44-18-25. Presumption that sale is for storage, use, or consumption – Resale**
28 **certificate [effective October 1, 2012]. --** It is presumed that all gross receipts are subject to the
29 sales tax, and that the use of all tangible personal property, or prewritten computer software
30 delivered electronically or by load and leave, [or services as defined in section 44-18-7.3](#), are
31 subject to the use tax, and that all tangible personal property, or prewritten computer software
32 delivered electronically or by load and leave, [or services as defined in section 44-18-7.3](#), sold or
33 in processing or intended for delivery or delivered in this state is sold or delivered for storage,
34 use, or other consumption in this state, until the contrary is established to the satisfaction of the

1 tax administrator. The burden of proving the contrary is upon the person who makes the sale and
2 the purchaser, unless the person who makes the sale takes from the purchaser a certificate to the
3 effect that the purchase was for resale. The certificate shall contain any information and be in the
4 form that the tax administrator may require.

5 **44-18-30. Gross receipts exempt from sales and use taxes.** -- There are exempted from
6 the taxes imposed by this chapter the following gross receipts:

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

11 (2) *Newspapers.*

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

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

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

19 (3) *School meals.* From the sale and from the storage, use, or other consumption in this
20 state of meals served by public, private, or parochial schools, school districts, colleges,
21 universities, student organizations, and parent teacher associations to the students or teachers of a
22 school, college, or university whether the meals are served by the educational institutions or by a
23 food service or management entity under contract to the educational institutions.

24 (4) *Containers.*

25 (i) From the sale and from the storage, use, or other consumption in this state of:

26 (A) Non-returnable containers, including boxes, paper bags, and wrapping materials
27 which are biodegradable and all bags and wrapping materials utilized in the medical and healing
28 arts, when sold without the contents to persons who place the contents in the container and sell
29 the contents with the container.

30 (B) Containers when sold with the contents if the sale price of the contents is not required
31 to be included in the measure of the taxes imposed by this chapter.

32 (C) Returnable containers when sold with the contents in connection with a retail sale of
33 the contents or when resold for refilling.

34 (ii) As used in this subdivision, the term "returnable containers" means containers of a

1 kind customarily returned by the buyer of the contents for reuse. All other containers are "non-
2 returnable containers."

3 (5) *Charitable, educational, and religious organizations.* From the sale to as in defined
4 in this section, and from the storage, use, and other consumption in this state or any other state of
5 the United States of America of tangible personal property by hospitals not operated for a profit,
6 "educational institutions" as defined in subdivision (18) not operated for a profit, churches,
7 orphanages, and other institutions or organizations operated exclusively for religious or charitable
8 purposes, interest free loan associations not operated for profit, nonprofit organized sporting
9 leagues and associations and bands for boys and girls under the age of nineteen (19) years, the
10 following vocational student organizations that are state chapters of national vocational students
11 organizations: Distributive Education Clubs of America, (DECA); Future Business Leaders of
12 America, phi beta lambda (FBLA/PBL); Future Farmers of America (FFA); Future Homemakers
13 of America/Home Economics Related Occupations (FHA/HERD); and Vocational Industrial
14 Clubs of America (VICA), organized nonprofit golden age and senior citizens clubs for men and
15 women, and parent teacher associations.

16 (ii) In the case of contracts entered into with the federal government, its agencies or
17 instrumentalities, this state or any other state of the United States of America, its agencies, any
18 city, town, district, or other political subdivision of the states, hospitals not operated for profit,
19 educational institutions not operated for profit, churches, orphanages, and other institutions or
20 organizations operated exclusively for religious or charitable purposes, the contractor may
21 purchase such materials and supplies (materials and/or supplies are defined as those which are
22 essential to the project) that are to be utilized in the construction of the projects being performed
23 under the contracts without payment of the tax.

24 (iii) The contractor shall not charge any sales or use tax to any exempt agency,
25 institution, or organization but shall in that instance provide his or her suppliers with certificates
26 in the form as determined by the division of taxation showing the reason for exemption; and the
27 contractor's records must substantiate the claim for exemption by showing the disposition of all
28 property so purchased. If any property is then used for a nonexempt purpose, the contractor must
29 pay the tax on the property used.

30 (6) *Gasoline.* From the sale and from the storage, use, or other consumption in this state
31 of: (i) gasoline and other products taxed under chapter 36 of title 31, and (ii) fuels used for the
32 propulsion of airplanes.

33 (7) *Purchase for manufacturing purposes.*

34 (i) From the sale and from the storage, use, or other consumption in this state of computer

1 software, tangible personal property, electricity, natural gas, artificial gas, steam, refrigeration,
2 and water, when the property or service is purchased for the purpose of being manufactured into a
3 finished product for resale, and becomes an ingredient, component, or integral part of the
4 manufactured, compounded, processed, assembled, or prepared product, or if the property or
5 service is consumed in the process of manufacturing for resale computer software, tangible
6 personal property, electricity, natural gas, artificial gas, steam, refrigeration, or water.

7 (ii) "Consumed" means destroyed, used up, or worn out to the degree or extent that the
8 property cannot be repaired, reconditioned, or rendered fit for further manufacturing use.

9 (iii) "Consumed" includes mere obsolescence.

10 (iv) "Manufacturing" means and includes manufacturing, compounding, processing,
11 assembling, preparing, or producing.

12 (v) "Process of manufacturing" means and includes all production operations performed
13 in the producing or processing room, shop, or plant, insofar as the operations are a part of and
14 connected with the manufacturing for resale of tangible personal property, electricity, natural gas,
15 artificial gas, steam, refrigeration, or water and all production operations performed insofar as the
16 operations are a part of and connected with the manufacturing for resale of computer software.

17 (vi) "Process of manufacturing" does not mean or include administration operations such
18 as general office operations, accounting, collection, sales promotion, nor does it mean or include
19 distribution operations which occur subsequent to production operations, such as handling,
20 storing, selling, and transporting the manufactured products, even though the administration and
21 distribution operations are performed by or in connection with a manufacturing business.

22 (8) *State and political subdivisions.* From the sale to, and from the storage, use, or other
23 consumption by, this state, any city, town, district, or other political subdivision of this state.
24 Every redevelopment agency created pursuant to chapter 31 of title 45 is deemed to be a
25 subdivision of the municipality where it is located.

26 (9) *Food and food ingredients.* From the sale and storage, use, or other consumption in
27 this state of food and food ingredients as defined in § 44-18-7.1(1).

28 For the purposes of this exemption "food and food ingredients" shall not include candy,
29 soft drinks, dietary supplements, alcoholic beverages, tobacco, food sold through vending
30 machines or prepared food (as those terms are defined in § 44-18-7.1, unless the prepared food is:

31 (i) Sold by a seller whose primary NAICS classification is manufacturing in sector 311,
32 except sub-sector 3118 (bakeries);

33 (ii) Sold in an unheated state by weight or volume as a single item;

34 (iii) Bakery items, including bread, rolls, buns, biscuits, bagels, croissants, pastries,

1 donuts, danish, cakes, tortes, pies, tarts, muffins, bars, cookies, tortillas; and is not sold with
2 utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or
3 straws.

4 (10) *Medicines, drugs and durable medical equipment.* From the sale and from the
5 storage, use, or other consumption in this state, of;

6 (i) "Drugs" as defined in § 44-18-7.1(h)(i), sold on prescriptions, medical oxygen, and
7 insulin whether or not sold on prescription. For purposes of this exemption, drugs shall not
8 include over the counter drugs, and grooming and hygiene products as defined in § 44-18-
9 7.1(h)(iii).

10 (ii) Durable medical equipment as defined in section 44-18-7.1(k) for home use only,
11 including, but not limited to, syringe infusers, ambulatory drug delivery pumps, hospital beds,
12 convalescent chairs, and chair lifts. Supplies used in connection with syringe infusers and
13 ambulatory drug delivery pumps which are sold on prescription to individuals to be used by them
14 to dispense or administer prescription drugs, and related ancillary dressings and supplies used to
15 dispense or administer prescription drugs shall also be exempt from tax.

16 (11) *Prosthetic devices and mobility enhancing equipment.* From the sale and from the
17 storage, use, or other consumption in this state, of prosthetic devices as defined in § 44-18-7.1(t),
18 sold on prescription, including but not limited to, artificial limbs, dentures, spectacles and
19 eyeglasses, and artificial eyes; artificial hearing devices and hearing aids, whether or not sold on
20 prescription and mobility enhancing equipment as defined in § 44-18-7.1(p) including
21 wheelchairs, crutches and canes.

22 (12) *Coffins, caskets, and burial garments.* From the sale and from the storage, use, or
23 other consumption in this state of coffins or caskets, and shrouds or other burial garments which
24 are ordinarily sold by a funeral director as part of the business of funeral directing.

25 (13) *Motor vehicles sold to nonresidents.*

26 (i) From the sale, subsequent to June 30, 1958, of a motor vehicle to a bona fide
27 nonresident of this state who does not register the motor vehicle in this state, whether the sale or
28 delivery of the motor vehicle is made in this state or at the place of residence of the nonresident.
29 A motor vehicle sold to a bona fide nonresident whose state of residence does not allow a like
30 exemption to its nonresidents is not exempt from the tax imposed under § 44-18-20. In that event
31 the bona fide nonresident pays a tax to Rhode Island on the sale at a rate equal to the rate that
32 would be imposed in his or her state of residence not to exceed the rate that would have been
33 imposed under § 44-18-20. Notwithstanding any other provisions of law, a licensed motor vehicle
34 dealer shall add and collect the tax required under this subdivision and remit the tax to the tax

1 administrator under the provisions of chapters 18 and 19 of this title. When a Rhode Island
2 licensed motor vehicle dealer is required to add and collect the sales and use tax on the sale of a
3 motor vehicle to a bona fide nonresident as provided in this section, the dealer in computing the
4 tax takes into consideration the law of the state of the nonresident as it relates to the trade-in of
5 motor vehicles.

6 (ii) The tax administrator, in addition to the provisions of §§ 44-19-27 and 44-19-28, may
7 require any licensed motor vehicle dealer to keep records of sales to bona fide nonresidents as the
8 tax administrator deems reasonably necessary to substantiate the exemption provided in this
9 subdivision, including the affidavit of a licensed motor vehicle dealer that the purchaser of the
10 motor vehicle was the holder of, and had in his or her possession a valid out of state motor
11 vehicle registration or a valid out of state driver's license.

12 (iii) Any nonresident who registers a motor vehicle in this state within ninety (90) days of
13 the date of its sale to him or her is deemed to have purchased the motor vehicle for use, storage,
14 or other consumption in this state, and is subject to, and liable for the use tax imposed under the
15 provisions of § 44-18-20.

16 (14) *Sales in public buildings by blind people.* From the sale and from the storage, use,
17 or other consumption in all public buildings in this state of all products or wares by any person
18 licensed under § 40-9-11.1.

19 (15) *Air and water pollution control facilities.* From the sale, storage, use, or other
20 consumption in this state of tangible personal property or supplies acquired for incorporation into
21 or used and consumed in the operation of a facility, the primary purpose of which is to aid in the
22 control of the pollution or contamination of the waters or air of the state, as defined in chapter 12
23 of title 46 and chapter 25 of title 23, respectively, and which has been certified as approved for
24 that purpose by the director of environmental management. The director of environmental
25 management may certify to a portion of the tangible personal property or supplies acquired for
26 incorporation into those facilities or used and consumed in the operation of those facilities to the
27 extent that that portion has as its primary purpose the control of the pollution or contamination of
28 the waters or air of this state. As used in this subdivision, "facility" means any land, facility,
29 device, building, machinery, or equipment.

30 (16) *Camps.* From the rental charged for living quarters, or sleeping or housekeeping
31 accommodations at camps or retreat houses operated by religious, charitable, educational, or
32 other organizations and associations mentioned in subdivision (5), or by privately owned and
33 operated summer camps for children.

34 (17) *Certain institutions.* From the rental charged for living or sleeping quarters in an

1 institution licensed by the state for the hospitalization, custodial, or nursing care of human beings.

2 (18) *Educational institutions.* From the rental charged by any educational institution for
3 living quarters, or sleeping or housekeeping accommodations or other rooms or accommodations
4 to any student or teacher necessitated by attendance at an educational institution. "Educational
5 institution" as used in this section means an institution of learning not operated for profit which is
6 empowered to confer diplomas, educational, literary, or academic degrees, which has a regular
7 faculty, curriculum, and organized body of pupils or students in attendance throughout the usual
8 school year, which keeps and furnishes to students and others records required and accepted for
9 entrance to schools of secondary, collegiate, or graduate rank, no part of the net earnings of which
10 inures to the benefit of any individual.

11 (19) *Motor vehicle and adaptive equipment for persons with disabilities.*

12 (i) From the sale of: (A) special adaptations, (B) the component parts of the special
13 adaptations, or (C) a specially adapted motor vehicle; provided, that the owner furnishes to the
14 tax administrator an affidavit of a licensed physician to the effect that the specially adapted motor
15 vehicle is necessary to transport a family member with a disability or where the vehicle has been
16 specially adapted to meet the specific needs of the person with a disability. This exemption
17 applies to not more than one motor vehicle owned and registered for personal, noncommercial
18 use.

19 (ii) For the purpose of this subsection the term "special adaptations" includes, but is not
20 limited to: wheelchair lifts; wheelchair carriers; wheelchair ramps; wheelchair securements; hand
21 controls; steering devices; extensions, relocations, and crossovers of operator controls; power-
22 assisted controls; raised tops or dropped floors; raised entry doors; or alternative signaling
23 devices to auditory signals.

24 (iii) From the sale of: (a) special adaptations, (b) the component parts of the special
25 adaptations, for a "wheelchair accessible taxicab" as defined in § 39-14-1 and/or a "wheelchair
26 accessible public motor vehicle" as defined in § 39-14.1-1.

27 (iv) For the purpose of this subdivision the exemption for a "specially adapted motor
28 vehicle" means a use tax credit not to exceed the amount of use tax that would otherwise be due
29 on the motor vehicle, exclusive of any adaptations. The use tax credit is equal to the cost of the
30 special adaptations, including installation.

31 (20) *Heating fuels.* From the sale and from the storage, use, or other consumption in this
32 state of every type of fuel used in the heating of homes and residential premises.

33 (21) *Electricity and gas.* From the sale and from the storage, use, or other consumption
34 in this state of electricity and gas furnished for domestic use by occupants of residential premises.

1 (22) *Manufacturing machinery and equipment.*

2 (i) From the sale and from the storage, use, or other consumption in this state of tools,
3 dies, and molds, and machinery and equipment (including replacement parts), and related items to
4 the extent used in an industrial plant in connection with the actual manufacture, conversion, or
5 processing of tangible personal property, or to the extent used in connection with the actual
6 manufacture, conversion or processing of computer software as that term is utilized in industry
7 numbers 7371, 7372, and 7373 in the standard industrial classification manual prepared by the
8 technical committee on industrial classification, office of statistical standards, executive office of
9 the president, United States bureau of the budget, as revised from time to time, to be sold, or that
10 machinery and equipment used in the furnishing of power to an industrial manufacturing plant.
11 For the purposes of this subdivision, "industrial plant" means a factory at a fixed location
12 primarily engaged in the manufacture, conversion, or processing of tangible personal property to
13 be sold in the regular course of business;

14 (ii) Machinery and equipment and related items are not deemed to be used in connection
15 with the actual manufacture, conversion, or processing of tangible personal property, or in
16 connection with the actual manufacture, conversion or processing of computer software as that
17 term is utilized in industry numbers 7371, 7372, and 7373 in the standard industrial classification
18 manual prepared by the technical committee on industrial classification, office of statistical
19 standards, executive office of the president, United States bureau of the budget, as revised from
20 time to time, to be sold to the extent the property is used in administration or distribution
21 operations;

22 (iii) Machinery and equipment and related items used in connection with the actual
23 manufacture, conversion, or processing of any computer software or any tangible personal
24 property which is not to be sold and which would be exempt under subdivision (7) or this
25 subdivision if purchased from a vendor or machinery and equipment and related items used
26 during any manufacturing, converting or processing function is exempt under this subdivision
27 even if that operation, function, or purpose is not an integral or essential part of a continuous
28 production flow or manufacturing process;

29 (iv) Where a portion of a group of portable or mobile machinery is used in connection
30 with the actual manufacture, conversion, or processing of computer software or tangible personal
31 property to be sold, as previously defined, that portion, if otherwise qualifying, is exempt under
32 this subdivision even though the machinery in that group is used interchangeably and not
33 otherwise identifiable as to use.

34 (23) *Trade-in value of motor vehicles.* From the sale and from the storage, use, or other

1 consumption in this state of so much of the purchase price paid for a new or used automobile as is
2 allocated for a trade-in allowance on the automobile of the buyer given in trade to the seller, or of
3 the proceeds applicable only to the automobile as are received from the manufacturer of
4 automobiles for the repurchase of the automobile whether the repurchase was voluntary or not
5 towards the purchase of a new or used automobile by the buyer. For the purpose of this
6 subdivision, the word "automobile" means a private passenger automobile not used for hire and
7 does not refer to any other type of motor vehicle.

8 (24) *Precious metal bullion.* (i) From the sale and from the storage, use, or other
9 consumption in this state of precious metal bullion, substantially equivalent to a transaction in
10 securities or commodities.

11 (ii) For purposes of this subdivision, "precious metal bullion" means any elementary
12 precious metal which has been put through a process of smelting or refining, including, but not
13 limited to, gold, silver, platinum, rhodium, and chromium, and which is in a state or condition
14 that its value depends upon its content and not upon its form.

15 (iii) The term does not include fabricated precious metal which has been processed or
16 manufactured for some one or more specific and customary industrial, professional, or artistic
17 uses.

18 (25) *Commercial vessels.* From sales made to a commercial ship, barge, or other vessel
19 of fifty (50) tons burden or over, primarily engaged in interstate or foreign commerce, and from
20 the repair, alteration, or conversion of the vessels, and from the sale of property purchased for the
21 use of the vessels including provisions, supplies, and material for the maintenance and/or repair
22 of the vessels.

23 (26) *Commercial fishing vessels.* From the sale and from the storage, use, or other
24 consumption in this state of vessels and other water craft which are in excess of five (5) net tons
25 and which are used exclusively for "commercial fishing", as defined in this subdivision, and from
26 the repair, alteration, or conversion of those vessels and other watercraft, and from the sale of
27 property purchased for the use of those vessels and other watercraft including provisions,
28 supplies, and material for the maintenance and/or repair of the vessels and other watercraft and
29 the boats nets, cables, tackle, and other fishing equipment appurtenant to or used in connection
30 with the commercial fishing of the vessels and other watercraft. "Commercial fishing" means the
31 taking or the attempting to take any fish, shellfish, crustacea, or bait species with the intent of
32 disposing of them for profit or by sale, barter, trade, or in commercial channels. The term does
33 not include subsistence fishing, i.e., the taking for personal use and not for sale or barter; or sport
34 fishing; but shall include vessels and other watercraft with a Rhode Island party and charter boat

1 license issued by the department of environmental management pursuant to § 20-2-27.1 which
2 meet the following criteria: (i) the operator must have a current U.S.C.G. license to carry
3 passengers for hire; (ii) U.S.C.G. vessel documentation in the coast wide fishery trade; (iii)
4 U.S.C.G. vessel documentation as to proof of Rhode Island home port status or a Rhode Island
5 boat registration to prove Rhode Island home port status; (iv) the vessel must be used as a
6 commercial passenger carrying fishing vessel to carry passengers for fishing. The vessel must be
7 able to demonstrate that at least fifty percent (50%) of its annual gross income derives from
8 charters or provides documentation of a minimum of one hundred (100) charter trips annually; (v)
9 the vessel must have a valid Rhode Island party and charter boat license. The tax administrator
10 shall implement the provisions of this subdivision by promulgating rules and regulations relating
11 thereto.

12 (27) *Clothing and footwear.* From the sales of articles of clothing, including footwear,
13 intended to be worn or carried on or about the human body [for sales prior to October 1, 2012.](#)
14 [Effective October 1, 2012, the exemption will apply to the sales of articles of clothing, including](#)
15 [footwear, intended to be worn or carried on or about the human body up to two hundred and fifty](#)
16 [dollars \(\\$250\) of the sales price per item.](#) For the purposes of this section, "clothing or footwear"
17 does not include clothing accessories or equipment or special clothing or footwear primarily
18 designed for athletic activity or protective use as these terms are defined in § 44-18-7.1(f). [In](#)
19 [recognition of the work being performed by the Streamlined Sales and Use Tax Governing Board,](#)
20 [upon any federal law which requires remote sellers to collect and remit taxes, effective the first](#)
21 [\(1st\) day of the first \(1st\) state fiscal quarter following the change, this exemption will apply as it](#)
22 [did prior to October 1, 2012.](#)

23 (28) *Water for residential use.* From the sale and from the storage, use, or other
24 consumption in this state of water furnished for domestic use by occupants of residential
25 premises.

26 (29) *Bibles.* [Unconstitutional; see Ahlburn v. Clark, 728 A.2d 449 (R.I. 1999); see
27 Notes to Decisions.] From the sale and from the storage, use, or other consumption in the state of
28 any canonized scriptures of any tax-exempt nonprofit religious organization including, but not
29 limited to, the Old Testament and the New Testament versions.

30 (30) *Boats.*

31 (i) From the sale of a boat or vessel to a bona fide nonresident of this state who does not
32 register the boat or vessel in this state, or document the boat or vessel with the United States
33 government at a home port within the state, whether the sale or delivery of the boat or vessel is
34 made in this state or elsewhere; provided, that the nonresident transports the boat within thirty

1 (30) days after delivery by the seller outside the state for use thereafter solely outside the state.

2 (ii) The tax administrator, in addition to the provisions of §§ 44-19-17 and 44-19-28, may
3 require the seller of the boat or vessel to keep records of the sales to bona fide nonresidents as the
4 tax administrator deems reasonably necessary to substantiate the exemption provided in this
5 subdivision, including the affidavit of the seller that the buyer represented himself or herself to be
6 a bona fide nonresident of this state and of the buyer that he or she is a nonresident of this state.

7 (31) *Youth activities equipment.* From the sale, storage, use, or other consumption in this
8 state of items for not more than twenty dollars (\$20.00) each by nonprofit Rhode Island
9 eleemosynary organizations, for the purposes of youth activities which the organization is formed
10 to sponsor and support; and by accredited elementary and secondary schools for the purposes of
11 the schools or of organized activities of the enrolled students.

12 (32) *Farm equipment.* From the sale and from the storage or use of machinery and
13 equipment used directly for commercial farming and agricultural production; including, but not
14 limited to, tractors, ploughs, harrows, spreaders, seeders, milking machines, silage conveyors,
15 balers, bulk milk storage tanks, trucks with farm plates, mowers, combines, irrigation equipment,
16 greenhouses and greenhouse coverings, graders and packaging machines, tools and supplies and
17 other farming equipment, including replacement parts, appurtenant to or used in connection with
18 commercial farming and tools and supplies used in the repair and maintenance of farming
19 equipment. "Commercial farming" means the keeping or boarding of five (5) or more horses or
20 the production within this state of agricultural products, including, but not limited to, field or
21 orchard crops, livestock, dairy, and poultry, or their products, where the keeping, boarding, or
22 production provides at least two thousand five hundred dollars (\$2,500) in annual gross sales to
23 the operator, whether an individual, a group, a partnership, or a corporation for exemptions issued
24 prior to July 1, 2002; for exemptions issued or renewed after July 1, 2002, there shall be two (2)
25 levels. Level I shall be based on proof of annual gross sales from commercial farming of at least
26 twenty-five hundred dollars (\$2,500) and shall be valid for purchases subject to the exemption
27 provided in this subdivision except for motor vehicles with an excise tax value of five thousand
28 dollars (\$5,000) or greater; Level II shall be based on proof of annual gross sales from
29 commercial farming of at least ten thousand dollars (\$10,000) or greater and shall be valid for
30 purchases subject to the exemption provided in this subdivision including motor vehicles with an
31 excise tax value of five thousand dollars (\$5,000) or greater. For the initial issuance of the
32 exemptions, proof of the requisite amount of annual gross sales from commercial farming shall be
33 required for the prior year; for any renewal of an exemption granted in accordance with this
34 subdivision at either Level I or Level II, proof of gross annual sales from commercial farming at

1 the requisite amount shall be required for each of the prior two (2) years. Certificates of
2 exemption issued or renewed after July 1, 2002, shall clearly indicate the level of the exemption
3 and be valid for four (4) years after the date of issue. This exemption applies even if the same
4 equipment is used for ancillary uses, or is temporarily used for a non-farming or a non-
5 agricultural purpose, but shall not apply to motor vehicles acquired after July 1, 2002, unless the
6 vehicle is a farm vehicle as defined pursuant to § 31-1-8 and is eligible for registration displaying
7 farm plates as provided for in § 31-3-31.

8 (33) *Compressed air.* From the sale and from the storage, use, or other consumption in
9 the state of compressed air.

10 (34) *Flags.* From the sale and from the storage, consumption, or other use in this state of
11 United States, Rhode Island or POW-MIA flags.

12 (35) *Motor vehicle and adaptive equipment to certain veterans.* From the sale of a motor
13 vehicle and adaptive equipment to and for the use of a veteran with a service-connected loss of or
14 the loss of use of a leg, foot, hand, or arm, or any veteran who is a double amputee, whether
15 service connected or not. The motor vehicle must be purchased by and especially equipped for
16 use by the qualifying veteran. Certificate of exemption or refunds of taxes paid is granted under
17 rules or regulations that the tax administrator may prescribe.

18 (36) *Textbooks.* From the sale and from the storage, use, or other consumption in this
19 state of textbooks by an "educational institution" as defined in subdivision (18) of this section and
20 as well as any educational institution within the purview of § 16-63-9(4) and used textbooks by
21 any purveyor.

22 (37) *Tangible personal property and supplies used in on-site hazardous waste recycling,*
23 *reuse, or treatment.* From the sale, storage, use, or other consumption in this state of tangible
24 personal property or supplies used or consumed in the operation of equipment, the exclusive
25 function of which is the recycling, reuse, or recovery of materials (other than precious metals, as
26 defined in subdivision (24)(ii) of this section) from the treatment of "hazardous wastes", as
27 defined in § 23-19.1-4, where the "hazardous wastes" are generated in Rhode Island solely by the
28 same taxpayer and where the personal property is located at, in, or adjacent to a generating
29 facility of the taxpayer in Rhode Island. The taxpayer shall procure an order from the director of
30 the department of environmental management certifying that the equipment and/or supplies as
31 used, or consumed, qualify for the exemption under this subdivision. If any information relating
32 to secret processes or methods of manufacture, production, or treatment is disclosed to the
33 department of environmental management only to procure an order, and is a "trade secret" as
34 defined in § 28-21-10(b), it is not open to public inspection or publicly disclosed unless

1 disclosure is required under chapter 21 of title 28 or chapter 24.4 of title 23.

2 (38) *Promotional and product literature of boat manufacturers.* From the sale and from
3 the storage, use, or other consumption of promotional and product literature of boat
4 manufacturers shipped to points outside of Rhode Island which either: (i) accompany the product
5 which is sold, (ii) are shipped in bulk to out of state dealers for use in the sale of the product, or
6 (iii) are mailed to customers at no charge.

7 (39) *Food items paid for by food stamps.* From the sale and from the storage, use, or
8 other consumption in this state of eligible food items payment for which is properly made to the
9 retailer in the form of U.S. government food stamps issued in accordance with the Food Stamp
10 Act of 1977, 7 U.S.C. § 2011 et seq.

11 (40) *Transportation charges.* From the sale or hiring of motor carriers as defined in § 39-
12 12-2(1) to haul goods, when the contract or hiring cost is charged by a motor freight tariff filed
13 with the Rhode Island public utilities commission on the number of miles driven or by the
14 number of hours spent on the job.

15 (41) *Trade-in value of boats.* From the sale and from the storage, use, or other
16 consumption in this state of so much of the purchase price paid for a new or used boat as is
17 allocated for a trade-in allowance on the boat of the buyer given in trade to the seller or of the
18 proceeds applicable only to the boat as are received from an insurance claim as a result of a stolen
19 or damaged boat, towards the purchase of a new or used boat by the buyer.

20 (42) *Equipment used for research and development.* From the sale and from the storage,
21 use, or other consumption of equipment to the extent used for research and development purposes
22 by a qualifying firm. For the purposes of this subdivision, "qualifying firm" means a business for
23 which the use of research and development equipment is an integral part of its operation, and
24 "equipment" means scientific equipment, computers, software, and related items.

25 (43) *Coins.* From the sale and from the other consumption in this state of coins having
26 numismatic or investment value.

27 (44) *Farm structure construction materials.* Lumber, hardware and other materials used
28 in the new construction of farm structures, including production facilities such as, but not limited
29 to, farrowing sheds, free stall and stanchion barns, milking parlors, silos, poultry barns, laying
30 houses, fruit and vegetable storages, rooting cellars, propagation rooms, greenhouses, packing
31 rooms, machinery storage, seasonal farm worker housing, certified farm markets, bunker and
32 trench silos, feed storage sheds, and any other structures used in connection with commercial
33 farming.

34 (45) *Telecommunications carrier access service.* Carrier access service or

1 telecommunications service when purchased by a telecommunications company from another
2 telecommunications company to facilitate the provision of telecommunications service.

3 (46) *Boats or vessels brought into the state exclusively for winter storage, maintenance,*
4 *repair or sale.* Notwithstanding the provisions of §§ 44-18-10, 44-18-11, 44-18-20, the tax
5 imposed by § 44-18-20 is not applicable for the period commencing on the first day of October in
6 any year to and including the 30th day of April next succeeding with respect to the use of any
7 boat or vessel within this state exclusively for purposes of: (i) delivery of the vessel to a facility in
8 this state for storage, including dry storage and storage in water by means of apparatus preventing
9 ice damage to the hull, maintenance, or repair; (ii) the actual process of storage, maintenance, or
10 repair of the boat or vessel; or (iii) storage for the purpose of selling the boat or vessel.

11 (47) *Jewelry display product.* From the sale and from the storage, use, or other
12 consumption in this state of tangible personal property used to display any jewelry product;
13 provided, that title to the jewelry display product is transferred by the jewelry manufacturer or
14 seller and that the jewelry display product is shipped out of state for use solely outside the state
15 and is not returned to the jewelry manufacturer or seller.

16 (48) *Boats or vessels generally.* Notwithstanding the provisions of this chapter, the tax
17 imposed by §§ 44-18-20 and 44-18-18 shall not apply with respect to the sale and to the storage,
18 use, or other consumption in this state of any new or used boat. The exemption provided for in
19 this subdivision does not apply after October 1, 1993, unless prior to October 1, 1993, the federal
20 ten percent (10%) surcharge on luxury boats is repealed.

21 (49) *Banks and Regulated investment companies interstate toll-free calls.*
22 Notwithstanding the provisions of this chapter, the tax imposed by this chapter does not apply to
23 the furnishing of interstate and international, toll-free terminating telecommunication service that
24 is used directly and exclusively by or for the benefit of an eligible company as defined in this
25 subdivision; provided, that an eligible company employs on average during the calendar year no
26 less than five hundred (500) "full-time equivalent employees", as that term is defined in § 42-
27 64.5-2. For purposes of this section, an "eligible company" means a "regulated investment
28 company" as that term is defined in the Internal Revenue Code of 1986, 26 U.S.C. § 1 et seq., or a
29 corporation to the extent the service is provided, directly or indirectly, to or on behalf of a
30 regulated investment company, an employee benefit plan, a retirement plan or a pension plan or a
31 state chartered bank.

32 (50) *Mobile and manufactured homes generally.* From the sale and from the storage, use,
33 or other consumption in this state of mobile and/or manufactured homes as defined and subject to
34 taxation pursuant to the provisions of chapter 44 of title 31.

1 (51) *Manufacturing business reconstruction materials.*

2 (i) From the sale and from the storage, use or other consumption in this state of lumber,
3 hardware, and other building materials used in the reconstruction of a manufacturing business
4 facility which suffers a disaster, as defined in this subdivision, in this state. "Disaster" means any
5 occurrence, natural or otherwise, which results in the destruction of sixty percent (60%) or more
6 of an operating manufacturing business facility within this state. "Disaster" does not include any
7 damage resulting from the willful act of the owner of the manufacturing business facility.

8 (ii) Manufacturing business facility includes, but is not limited to, the structures housing
9 the production and administrative facilities.

10 (iii) In the event a manufacturer has more than one manufacturing site in this state, the
11 sixty percent (60%) provision applies to the damages suffered at that one site.

12 (iv) To the extent that the costs of the reconstruction materials are reimbursed by
13 insurance, this exemption does not apply.

14 (52) *Tangible personal property and supplies used in the processing or preparation of*
15 *floral products and floral arrangements.* From the sale, storage, use, or other consumption in this
16 state of tangible personal property or supplies purchased by florists, garden centers, or other like
17 producers or vendors of flowers, plants, floral products, and natural and artificial floral
18 arrangements which are ultimately sold with flowers, plants, floral products, and natural and
19 artificial floral arrangements or are otherwise used in the decoration, fabrication, creation,
20 processing, or preparation of flowers, plants, floral products, or natural and artificial floral
21 arrangements, including descriptive labels, stickers, and cards affixed to the flower, plant, floral
22 product or arrangement, artificial flowers, spray materials, floral paint and tint, plant shine, flower
23 food, insecticide and fertilizers.

24 (53) *Horse food products.* From the sale and from the storage, use, or other consumption
25 in this state of horse food products purchased by a person engaged in the business of the boarding
26 of horses.

27 (54) *Non-motorized recreational vehicles sold to nonresidents.*

28 (i) From the sale, subsequent to June 30, 2003, of a non-motorized recreational vehicle to
29 a bona fide nonresident of this state who does not register the non-motorized recreational vehicle
30 in this state, whether the sale or delivery of the non-motorized recreational vehicle is made in this
31 state or at the place of residence of the nonresident; provided, that a non-motorized recreational
32 vehicle sold to a bona fide nonresident whose state of residence does not allow a like exemption
33 to its nonresidents is not exempt from the tax imposed under § 44-18-20; provided, further, that in
34 that event the bona fide nonresident pays a tax to Rhode Island on the sale at a rate equal to the

1 rate that would be imposed in his or her state of residence not to exceed the rate that would have
2 been imposed under § 44-18-20. Notwithstanding any other provisions of law, a licensed non-
3 motorized recreational vehicle dealer shall add and collect the tax required under this subdivision
4 and remit the tax to the tax administrator under the provisions of chapters 18 and 19 of this title.
5 Provided, that when a Rhode Island licensed non-motorized recreational vehicle dealer is required
6 to add and collect the sales and use tax on the sale of a non-motorized recreational vehicle to a
7 bona fide nonresident as provided in this section, the dealer in computing the tax takes into
8 consideration the law of the state of the nonresident as it relates to the trade-in of motor vehicles.

9 (ii) The tax administrator, in addition to the provisions of §§ 44-19-27 and 44-19-28, may
10 require any licensed non-motorized recreational vehicle dealer to keep records of sales to bona
11 fide nonresidents as the tax administrator deems reasonably necessary to substantiate the
12 exemption provided in this subdivision, including the affidavit of a licensed non-motorized
13 recreational vehicle dealer that the purchaser of the non-motorized recreational vehicle was the
14 holder of, and had in his or her possession a valid out-of-state non-motorized recreational vehicle
15 registration or a valid out-of-state driver's license.

16 (iii) Any nonresident who registers a non-motorized recreational vehicle in this state
17 within ninety (90) days of the date of its sale to him or her is deemed to have purchased the non-
18 motorized recreational vehicle for use, storage, or other consumption in this state, and is subject
19 to, and liable for the use tax imposed under the provisions of § 44-18-20.

20 (iv) "Non-motorized recreational vehicle" means any portable dwelling designed and
21 constructed to be used as a temporary dwelling for travel, camping, recreational, and vacation use
22 which is eligible to be registered for highway use, including, but not limited to, "pick-up coaches"
23 or "pick-up campers," "travel trailers," and "tent trailers" as those terms are defined in chapter 1
24 of title 31.

25 (55) *Sprinkler and fire alarm systems in existing buildings.* From the sale in this state of
26 sprinkler and fire alarm systems, emergency lighting and alarm systems, and from the sale of the
27 materials necessary and attendant to the installation of those systems, that are required in
28 buildings and occupancies existing therein in July 2003, in order to comply with any additional
29 requirements for such buildings arising directly from the enactment of the Comprehensive Fire
30 Safety Act of 2003, and that are not required by any other provision of law or ordinance or
31 regulation adopted pursuant to that Act. The exemption provided in this subdivision shall expire
32 on December 31, 2008.

33 (56) *Aircraft.* Notwithstanding the provisions of this chapter, the tax imposed by §§ 44-
34 18-18 and 44-18-20 shall not apply with respect to the sale and to the storage, use, or other

1 consumption in this state of any new or used aircraft or aircraft parts.

2 (57) *Renewable energy products.* Notwithstanding any other provisions of Rhode Island
3 general laws the following products shall also be exempt from sales tax: solar photovoltaic
4 modules or panels, or any module or panel that generates electricity from light; solar thermal
5 collectors, including, but not limited to, those manufactured with flat glass plates, extruded
6 plastic, sheet metal, and/or evacuated tubes; geothermal heat pumps, including both water-to-
7 water and water-to-air type pumps; wind turbines; towers used to mount wind turbines if
8 specified by or sold by a wind turbine manufacturer; DC to AC inverters that interconnect with
9 utility power lines; manufactured mounting racks and ballast pans for solar collector, module or
10 panel installation. Not to include materials that could be fabricated into such racks; monitoring
11 and control equipment, if specified or supplied by a manufacturer of solar thermal, solar
12 photovoltaic, geothermal, or wind energy systems or if required by law or regulation for such
13 systems but not to include pumps, fans or plumbing or electrical fixtures unless shipped from the
14 manufacturer affixed to, or an integral part of, another item specified on this list; and solar storage
15 tanks that are part of a solar domestic hot water system or a solar space heating system. If the tank
16 comes with an external heat exchanger it shall also be tax exempt, but a standard hot water tank is
17 not exempt from state sales tax.

18 (58) *Returned property.* The amount charged for property returned by customers upon
19 rescission of the contract of sale when the entire amount exclusive of handling charges paid for
20 the property is refunded in either cash or credit, and where the property is returned within one
21 hundred twenty (120) days from the date of delivery.

22 (59) *Dietary Supplements.* From the sale and from the storage, use or other consumption
23 of dietary supplements as defined in § 44-18-7.1(l)(v), sold on prescriptions.

24 (60) *Blood.* From the sale and from the storage, use or other consumption of human
25 blood.

26 (61) *Agricultural products for human consumption.* From the sale and from the storage,
27 use or other consumption of livestock and poultry of the kinds of products of which ordinarily
28 constitute food for human consumption and of livestock of the kind the products of which
29 ordinarily constitute fibers for human use.

30 (62) *Diesel emission control technology.* From the sale and use of diesel retrofit
31 technology that is required by § 31-47.3-4 of the general laws.

32 SECTION 4. Chapter 44-18 of the General Laws entitled “Sales and Use Taxes –
33 Liability and Computation” is hereby amended by adding thereto the following section:

34 **44-18-7.3. Services defined.--** (a) “Services” means all activities engaged in for other

1 [persons for a fee, retainer, commission, or other monetary charge, which activities involve the](#)
2 [performance of a service in this state as distinguished from selling property.](#)

3 [\(b\) The following businesses and services performed in this state, along with the](#)
4 [applicable 2007 North American Industrial Classification System \(NAICS\) codes, are included in](#)
5 [the definition of services:](#)

6 [\(1\) *Taxicab and limousine services including but not limited to:*](#)

7 [\(i\) Taxicab services including taxi dispatchers \(485310\); and](#)

8 [\(ii\) Limousine services \(485320\).](#)

9 [\(2\) *Other road transportation service including but not limited to:*](#)

10 [\(i\) Charter bus service \(485510\); and](#)

11 [\(ii\) All other transit and ground passenger transportation \(485999\).](#)

12 [\(3\) *Pet care services \(812910\) except veterinary and testing laboratories services.*](#)

13 [\(4\) *Car washes \(811192\).*](#)

14 [\(c\) The tax administrator is authorized to promulgate rules and regulations in accordance](#)
15 [with the provisions of chapter 42-35 to carry out the provisions, policies, and purposes of this](#)
16 [chapter.](#)

17 SECTION 5. Section 44-19-7 of the General Laws in Chapter 44-19 entitled “Sales and
18 Use Taxes – Enforcement and Collection” is hereby amended to read as follows:

19 **44-19-7. Registration of retailers [effective until October 1, 2012].** -- Every retailer
20 selling tangible personal property, or prewritten computer software delivered electronically or by
21 load and leave for storage, use, or other consumption in this state, ~~and/or package tour and scenic~~
22 ~~and sightseeing transportation services~~ or renting living quarters in any hotel, rooming house, or
23 tourist camp in this state must register with the tax administrator and give the name and address
24 of all agents operating in this state, the location of all distribution or sales houses or offices, or of
25 any hotel, rooming house, or tourist camp or other places of business in this state, and other
26 information that the tax administrator may require.

27 **44-19-7. Registration of retailers [effective October 1, 2012].** -- Every retailer selling
28 tangible personal property, or prewritten computer software delivered electronically or by load
29 and leave for storage, use, or other consumption in this state, [as well as services as defined in](#)
30 [section 44-18-7.3, in this state,](#) or renting living quarters in any hotel [as defined in section 42-](#)
31 [63.1-2,](#) rooming house, or tourist camp in this state must register with the tax administrator and
32 give the name and address of all agents operating in this state, the location of all distribution or
33 sales houses or offices, or of any hotel [as defined in section 42-63.1-2,](#) rooming house, or tourist
34 camp or other places of business in this state, and other information that the tax administrator

1 may require.

2 SECTION 6. Sections 44-20-1, 44-20-2, 44-20-3, 44-20-4.1, 44-20-12, 44-20-13, 44-20-
3 13.2, 44-20-39 and 44-20-45 of the General Laws in Chapter 44-20 entitled "Cigarette Tax" is
4 hereby amended to read as follows:

5 **44-20-1. Definitions. --** Whenever used in this chapter, unless the context requires
6 otherwise:

7 (1) "Administrator" means the tax administrator;

8 (2) "Cigarettes" means and includes any cigarettes suitable for smoking in cigarette form,
9 and each sheet of cigarette rolling paper;

10 (3) "Dealer" means any person whether located within or outside of this state, who sells
11 or distributes cigarettes to a consumer in this state;

12 (4) "Distributor" means any person:

13 (A) Whether located within or outside of this state, other than a dealer, who sells or
14 distributes cigarettes within or into this state. Such term shall not include any cigarette
15 manufacturer, export warehouse proprietor, or importer with a valid permit under 26 U.S.C. §
16 5712, if such person sells or distributes cigarettes in this state only to licensed distributors, or to
17 an export warehouse proprietor or another manufacturer with a valid permit under 26 U.S.C. §
18 5712;

19 (B) Selling cigarettes directly to consumers in this state by means of at least twenty-five
20 (25) cigarette vending machines;

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

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

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

32 (6) "Licensed", when used with reference to a manufacturer, importer, distributor or
33 dealer, means only those persons who hold a valid and current license issued under § 44-20-2 for
34 the type of business being engaged in. When the term "licensed" is used before a list of entities,

1 such as "licensed manufacturer, importer, wholesale dealer, or retailer dealer," such term shall be
2 deemed to apply to each entity in such list;

3 (7) "Manufacturer" means any person who manufactures, fabricates, assembles,
4 processes, or labels a finished cigarette;

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

7 (9) "Place of business" means and includes any place where cigarettes are sold or where
8 cigarettes are stored or kept for the purpose of sale or consumption, including any vessel, vehicle,
9 airplane, train, or vending machine;

10 (10) "Sale" or "sell" includes and applies to gifts, exchanges, and barter;

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

17 **44-20-2. Importer, distributor, and dealer licenses required – Licenses required. --**

18 Each person engaging in the business of selling cigarette and/or any tobacco products in this state,
19 including any distributor or dealer, shall secure a license from the administrator before engaging
20 in that business, or continuing to engage in it. A separate application and license is required for
21 each place of business operated by a distributor or dealer; provided, that an operator of vending
22 machines for cigarette products is not required to obtain a distributor's license for each machine.
23 If the applicant for a license does not have a place of business in this state, the license shall be
24 issued for such applicant's principal place of business, wherever located. A licensee shall notify
25 the administrator within thirty (30) days in the event that it changes its principal place of
26 business. A separate license is required for each class of business if the applicant is engaged in
27 more than one of the activities required to be licensed by this section. No person shall maintain or
28 operate or cause to be operated a vending machine for cigarette products without procuring a
29 dealer's license for each machine.

30 **44-20-3. Penalties for unlicensed business. --** Any distributor or dealer who sells, offers
31 for sale, or possesses with intent to sell, cigarettes and/or any tobacco products without a license
32 as provided in § 44-20-2, shall be fined in accordance with the provisions of and the penalties
33 contained in § 11-9-13.15.

34 **44-20-4.1. License availability. --** (a) No license under this chapter may be granted,

1 maintained or renewed if the applicant, or any combination of persons owning directly or
2 indirectly, ~~in the aggregate, more than ten percent (10%) of the ownership~~ any interests in the
3 applicant:

4 (1) Owes five hundred dollars (\$500) or more in delinquent cigarette taxes;

5 (2) Is delinquent in any tax filings for one month or more;

6 ~~(2)~~(3) Had a license under this chapter revoked by the administrator within the past two
7 (2) years;

8 ~~(3)~~(4) Has been convicted of a crime relating to cigarettes stolen or counterfeit cigarettes;

9 ~~(4)~~(5) Is a cigarette manufacturer or importer that is neither: (i) a participating
10 manufacturer as defined in subsection II (jj) of the "Master Settlement Agreement" as defined in
11 § 23-71-2; nor (ii) in full compliance with chapter 20.2 of this title and § 23-71-3;

12 ~~(5)~~(6) Has imported, or caused to be imported, into the United States any cigarette in
13 violation of 19 U.S.C. § 1681a; or

14 ~~(6)~~(7) Has imported, or caused to be imported into the United States, or manufactured for
15 sale or distribution in the United States any cigarette that does not fully comply with the Federal
16 Cigarette Labeling and Advertising Act (15 U.S.C. § 1331, et. seq).

17 (b) No person shall apply for a new license or permit (as defined in § 44-19-1) or renewal
18 of a license or permit, and no license or permit shall be issued or renewed for any person, unless
19 all outstanding fines, fees or other charges relating to any license or permit held by that person
20 have been paid.

21 (2) No license or permit shall be issued relating to a business at any specific location until
22 all prior licenses or permits relating to that location have been officially terminated and all fines,
23 fees or charges relating to the prior licenses have been paid or otherwise resolved or the
24 administrator has found that the person applying for the new license or permit is not acting as an
25 agent for the prior licensee or permit holder who is subject to any such related fines, fees or
26 charges that are still due. Evidence of such agency status includes, but is not limited to, a direct
27 familial relationship and/or an employment, contractual or other formal financial or business
28 relationship with the prior licensee or permit holder.

29 (3) No person shall apply for a new license or permit pertaining to a specific location in
30 order to evade payment of any fines, fees or other charges relating to a prior license or permit for
31 that location.

32 (4) No new license or permit shall be issued for a business at a specific location for which
33 a license or permit already has been issued unless there is a bona fide, good faith change in
34 ownership of the business at that location.

1 (5) No license or permit shall be issued, renewed or maintained for any person, including
2 the owners of the business being licensed or having applied and received a permit, that has been
3 convicted of violating any criminal law relating to tobacco products, the payment of taxes or
4 fraud or has been ordered to pay civil fines of more than twenty-five thousand dollars (\$25,000)
5 dollars for violations of any civil law relating to tobacco products, the payment of taxes or fraud.

6 **44-20-12. Tax imposed on cigarettes sold. --** A tax is imposed on all cigarettes sold or
7 held for sale in the state. The payment of the tax to be evidenced by stamps, which may be
8 affixed only by licensed distributors to the packages containing such cigarettes. Any cigarettes on
9 which the proper amount of tax provided for in this chapter has been paid, payment being
10 evidenced by the stamp, is not subject to a further tax under this chapter. The tax is at the rate of
11 ~~one hundred seventy three (173)~~ one hundred seventy five (175) mills for each cigarette.

12 **44-20-13. Tax imposed on unstamped cigarettes. --** A tax is imposed at the rate of ~~one~~
13 ~~hundred seventy three (173)~~ one hundred seventy five (175) mills for each cigarette upon the
14 storage or use within this state of any cigarettes not stamped in accordance with the provisions of
15 this chapter in the possession of any consumer within this state.

16 **44-20-13.2. Tax imposed on smokeless tobacco, cigars, and pipe tobacco products. --**

17 (a) A tax is imposed on all smokeless tobacco, cigars, and pipe tobacco products sold or held for
18 sale in the state by any person, the payment of the tax to be accomplished according to a
19 mechanism established by the administrator, division of taxation, department of administration.
20 Any tobacco product on which the proper amount of tax provided for in this chapter has been
21 paid, payment being evidenced by a stamp, is not subject to a further tax under this chapter. The
22 tax imposed by this section shall be as follows:

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

25 (2) Notwithstanding the eighty percent (80%) rate in subsection (a) above, in the case of
26 cigars, the tax shall not exceed fifty cents (\$.50) for each cigar.

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

32 (b) Any dealer having in his or her possession any tobacco, cigars, and pipe tobacco
33 products with respect to the storage or use of which a tax is imposed by this section shall, within
34 five (5) days after coming into possession of the tobacco, cigars, and pipe tobacco in this state,

1 [file a return with the tax administrator in a form prescribed by the tax administrator. The return](#)
2 [shall be accompanied by a payment of the amount of the tax shown on the form to be due.](#)
3 [Records required under this section shall be preserved on the premises described in the relevant](#)
4 [license in such a manner as to ensure permanency and accessibility for inspection at reasonable](#)
5 [hours by authorized personnel of the administrator.](#)

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

7 **44-20-39. Forgery and counterfeiting – Tampering with meters – Reuse of stamps or**
8 **containers. --** Any person who fraudulently makes or utters or forges or counterfeits any stamp,
9 disc, license, or marker, prescribed by the tax administrator under the provisions of this chapter,
10 or who causes or procures this to be done, or who willfully utters, publishes, passes or renders as
11 true, any false, altered, forged, or counterfeited stamp, license, disc, or marker, or who knowingly
12 possesses [more than twenty \(20\) packs of cigarettes containing](#) any false, altered, forged, or
13 counterfeited stamp, license, disc, or marker, or who tampers with or causes to be tampered with
14 any metering machine authorized to be used under the provisions of this chapter, or who removes
15 or prepares any stamp with intent to use, or cause that stamp to be used, after it has already been
16 used, or who buys, sells, offers for sale, or gives away any washed or removed or restored stamp
17 to any person, or who has in his or her possession any washed or restored or removed or altered
18 stamp which was removed from the article to which it was affixed, or who reuses or refills with
19 cigarettes any package, box, or container required to be stamped under this chapter from which
20 cigarettes have been removed, is deemed guilty of a felony, and, upon conviction, shall be fined
21 ten thousand dollars (\$10,000), or be imprisoned for not more than ten (10) years, or both.

22 **44-20-45. Importation of cigarettes with intent to evade tax. --** Any person, firm,
23 corporation, club, or association of persons, ~~not having a license as provided in this chapter,~~ who
24 orders any cigarettes for another or pools orders for cigarettes from any persons or connives with
25 others for pooling orders, or receives in this state any shipment of unstamped cigarettes on which
26 the tax imposed by this chapter has not been paid, for the purpose and intention of violating the
27 provisions of this chapter or to avoid payment of the tax imposed in this chapter, is guilty of a
28 felony and shall be fined ten thousand dollars (\$10,000) or five (5) times the retail value of the
29 cigarettes involved, whichever is greater, or imprisoned not more than five (5) years, or both.

30 SECTION 7. Chapter 44-20 of the General Laws entitled “Cigarette Tax” is hereby
31 amended by adding thereto the following section:

32 **44-20-12.4. Floor stock tax on cigarettes and stamps. --** [\(a\) Whenever used in this](#)
33 [section, unless the context requires otherwise:](#)

34 [\(1\) "Cigarette" means and includes any cigarette as defined in section 44-20-1\(2\);](#)

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

3 (b) Each person engaging in the business of selling cigarettes at retail in this state shall
4 pay a tax or excise to the state for the privilege of engaging in that business during any part of the
5 calendar year 2012. In calendar year 2012, the tax shall be measured by the number of cigarettes
6 held by the person in this state at 12:01 a.m. on July 1, 2012 and is computed at the rate of two
7 (2.0) mills for each cigarette on July 1, 2012.

8 (c) Each distributor licensed to do business in this state pursuant to this chapter shall pay
9 a tax or excise to the state for the privilege of engaging in business during any part of the calendar
10 year 2012. The tax is measured by the number of stamps, whether affixed or to be affixed to
11 packages of cigarettes, as required by section 44-20-28. In calendar year 2012 the tax is measured
12 by the number of stamps, as defined in section 44-20-1(10), whether affixed or to be affixed, held
13 by the distributor at 12:01 a.m. on July 1, 2012, and is computed at the rate of two (2.0) mills per
14 cigarette in the package to which the stamps are affixed or to be affixed.

15 (d) Each person subject to the payment of the tax imposed by this section shall, on or
16 before July 10, 2012, file a return with the tax administrator on forms furnished by him or her,
17 under oath or certified under the penalties of perjury, showing the amount of cigarettes or stamps
18 in that person's possession in this state at 12:01 a.m. on July 1, 2012, and the amount of tax due,
19 and shall at the time of filing the return pay the tax to the tax administrator. Failure to obtain
20 forms shall not be an excuse for the failure to make a return containing the information required
21 by the tax administrator.

22 (e) The tax administrator may promulgate rules and regulations, not inconsistent with
23 law, with regard to the assessment and collection of the tax imposed by this section.

24 SECTION 8. Section 44-20.2-1 of the General Laws in Chapter 44-20.2 entitled "Little
25 Cigar Tax" are hereby amended to read as follows:

26 **44-20.2-1. Definitions. --** Whenever used in this chapter, unless the context requires
27 otherwise:

28 (1) "Administrator" means the tax administrator;

29 (2) "Dealer" means any person whether located within or outside of this state, who sells
30 or distributes little cigars to a consumer in this state;

31 (3) "Distributor" means any person:

32 (i) Whether located within or outside of this state, other than a dealer, who sells or
33 distributes little cigars within or into this state. Such term shall not include any little cigar
34 manufacturer, export warehouse proprietor, or importer with a valid permit under 26 U.S.C. §

1 5712, if such person sells or distributes little cigars in this state only to licensed distributors, or to
2 an export warehouse proprietor or another manufacturer with a valid permit under 26 U.S.C. §
3 5712;

4 (ii) Selling little cigars directly to consumers in this state by means of at least twenty-five
5 (25) little cigar vending machines.

6 (4) "Importer" means any person who imports into the United States, either directly or
7 indirectly, a finished little cigar for sale or distribution;

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

13 (6) "Little cigars" means and includes any roll, made wholly or in part of tobacco,
14 irrespective of size or shape and irrespective of whether the tobacco is flavored, adulterated or
15 mixed with any other ingredient, where such roll has a wrapper or cover made of tobacco
16 wrapped in leaf tobacco or any substance containing tobacco paper or any other material and
17 where such roll has an integrated filter, except where such wrapper is wholly or in greater part
18 made of tobacco and where such roll has an integrated filter and ~~such roll~~ weighs over ~~three (3)~~
19 four (4) pounds per thousand (1,000);

20 (7) "Manufacturer" means any person who manufactures, fabricates, assembles,
21 processes, or labels a finished little cigar;

22 (8) "Person" means any individual, firm, fiduciary, partnership, corporation, trust, or
23 association, however formed;

24 (9) "Place of business" means and includes any place where little cigars are sold or where
25 little cigars are stored or kept for the purpose of sale or consumption, including any vessel,
26 vehicle, airplane, train, or vending machine;

27 (10) "Sale" or "Sell" includes and applies to gifts, exchanges, and barter;

28 (11) "Snuff" means any finely cut, ground, or powdered tobacco that is not intended to be
29 smoked;

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

1 provisions of this chapter.

2 SECTION 9. Section 44-44-2 of the General Laws in Chapter 44-44 entitled "Taxation of
3 Beverage Containers, Hard-to-Dispose Material and Litter Control Participation" is hereby
4 amended to read as follows:

5 **44-44-2. Definitions.** -- As used in this chapter:

6 (1) "Beverage" ~~means carbonated soft drinks, soda water, mineral water, bottled water,~~
7 ~~and~~ all non alcoholic drinks for human consumption, except milk but including beer and other
8 malt beverages.

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

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

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

16 (5) "Case" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 SECTION 10. Sections 44-31.2-2, 44-31.2-5, and 44-31.2-6 of the General Laws in
28 Chapter 44-31.2 entitled "Motion Picture Production Tax Credit" are hereby amended to read as
29 follows:

30 **44-31.2-2. Definitions.** -- For the purposes of this chapter:

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

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

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

3 ~~(3)~~(4) "Domiciled in Rhode Island" means a corporation incorporated in Rhode Island or
4 a partnership, limited liability company, or other business entity formed under the laws of the
5 state of Rhode Island for the purpose of producing motion pictures as defined in this section, or
6 an individual who is a domiciled resident of the state of Rhode Island as defined in chapter 30 of
7 this title.

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

12 ~~(4)~~(6) "Motion picture" means a feature-length film, documentary production, video,
13 video games, television series, or commercial made in Rhode Island, in whole or in part, for
14 theatrical or television viewing or as a television pilot or for educational distribution. The term
15 "motion picture" shall not include the production of television coverage of news or athletic
16 events, nor shall it apply to any film, video, television series or commercial or a production for
17 which records are required under section 2257 of title 18, U.S.C., to be maintained with respect to
18 any performer in such production or reporting of books, films, etc. with respect to sexually
19 explicit conduct.

20 ~~(5)~~(7) "Motion picture production company" means a corporation, partnership, limited
21 liability company or other business entity engaged in the business of producing one or more
22 motion pictures as defined in this section. Motion picture production company shall not mean or
23 include: (a) any company owned, affiliated, or controlled, in whole or in part by any company or
24 person which is in default: (i) on taxes owed to the state in the application year; or (ii) on a loan
25 made by the state; or (iii) a loan guaranteed by the state in the application year; nor (iv) any
26 company or person who has even declared bankruptcy under which an obligation of the company
27 or person to pay or repay public funds or monies was discharged as a part of such bankruptcy.

28 ~~(6)~~(8) "Primary locations" means the locations within which (1) at least fifty-one percent
29 (51%) of the motion picture principal photography days are filmed; or (2) at least fifty-one
30 percent (51%) of the motion picture's final production budget is spent and employs at least five
31 (5) individuals during the production in this state; or (3) for documentary productions, the
32 location of at least fifty-one percent (51%) of the total productions days, which shall include pre-
33 production and post-production locations.

34 ~~(7)~~(9) "Rhode Island film and television office" means an office within the ~~Rhode Island~~

1 ~~state council on the arts~~ [department of administration](#) that has been established in order to
2 promote and encourage the locating of film and television productions within the state of Rhode
3 Island. The office is also referred to within as the "film office".

4 ~~(8)~~[\(10\)](#) "State-certified production" means a motion picture production approved by the
5 Rhode Island film office and produced by a motion picture production company domiciled in
6 Rhode Island, whether or not such company owns or controls the copyright and distribution rights
7 in the motion picture; provided, that such company has either: (a) signed a viable distribution
8 plan; or (b) is producing the motion picture for: (i) a major motion picture distributor; (ii) a major
9 theatrical exhibitor; (iii) television network; or (iv) cable television programmer.

10 ~~(9)~~[\(11\)](#) "State certified production cost" means any pre-production, production and post-
11 production cost that a motion picture production company incurs and pays to the extent it occurs
12 within the state of Rhode Island. Without limiting the generality of the foregoing, "state certified
13 production costs" include: set construction and operation; wardrobes, make-up, accessories, and
14 related services; costs associated with photography and sound synchronization, lighting, and
15 related services and materials; editing and related services, including, but not limited to, film
16 processing, transfers of film to tape or digital format, sound mixing, computer graphics services,
17 special effects services, and animation services, salary, wages, and other compensation, including
18 related benefits, of persons employed, either director or indirectly, in the production of a film
19 including writer, motion picture director, producer (provided the work is performed in the state of
20 Rhode Island); rental of facilities and equipment used in Rhode Island; leasing of vehicles; costs
21 of food and lodging; music, if performed, composed, or recorded by a Rhode Island musician, or
22 released or published by a person domiciled in Rhode Island; travel expenses incurred to bring
23 persons employed, either directly or indirectly, in the production of the motion picture, to Rhode
24 Island (but not expenses of such persons departing from Rhode Island); and legal (but not the
25 expense of a completion bond or insurance and accounting fees and expenses related to the
26 production's activities in Rhode Island); provided such services are provided by Rhode Island
27 licensed attorneys or accountants.

28 [\(12\) "Application year" means within the calendar year the motion picture production](#)
29 [company files an application for the tax credit.](#)

30 **44-31.2-5. Motion picture production company tax credit.** -- (a) A motion picture
31 production company shall be allowed a credit to be computed as provided in this chapter against a
32 tax imposed by chapters 11, 14, 17 and 30 of this title. The amount of the credit shall be twenty-
33 five percent (25%) of the state certified production costs incurred directly attributable to activity
34 within the state, provided that the primary locations ~~are within~~ [being](#) the state of Rhode Island

1 and the total production budget as defined herein is a minimum of ~~three~~ one hundred thousand
2 dollars ~~(\$300,000)~~ (\$100,000). The credit shall be earned in the taxable year in which production
3 in Rhode Island is completed, as determined by the film office in final certification pursuant to
4 subsection 44-31.2-6(c).

5 (b) For the purposes of this section: "total production budget" means and includes the
6 motion picture production company's pre-production, production and post-production costs
7 incurred for the production activities of the motion picture production company in Rhode Island
8 in connection with the production of a state-certified production. The budget shall not include
9 costs associated with the promotion or marketing of the film, video or television product.

10 (c) Notwithstanding subsection (a), the ~~The~~ credit shall not exceed ~~the total production~~
11 ~~budget~~ five million dollars (\$5,000,000) and shall be allowed against the tax for the taxable
12 period in which the credit is earned and can be carried forward for not more than three (3)
13 succeeding tax years. Pursuant to rules promulgated by the tax administrator, the administrator
14 may issue a waiver of the five million dollar (\$5,000,000) tax credit cap for any feature-length
15 film or television series up to the remaining funds available pursuant to section (e).

16 (d) Credits allowed to a motion picture production company, which is a subchapter S
17 corporation, partnership, or a limited liability company that is taxed as a partnership, shall be
18 passed through respectively to persons designated as partners, members or owners on a pro rata
19 basis or pursuant to an executed agreement among such persons designated as subchapter S
20 corporation shareholders, partners, or members documenting an alternate distribution method
21 without regard to their sharing of other tax or economic attributes of such entity.

22 (e) No more than fifteen million dollars (\$15,000,000) in total may be issued for any tax
23 year beginning after December 31, 2007 for motion picture tax credits pursuant to this chapter
24 and/or musical and theatrical production tax credits pursuant to chapter 31.3 of this title. Said
25 credits shall be equally available to motion picture productions and musical and theatrical
26 productions. No specific amount shall be set aside for either type of production.

27 **44-31.2-6. Certification and administration. --** *(a) Initial certification of a production.*
28 The applicant shall properly prepare, sign and submit to the film office an application for initial
29 certification of the Rhode Island production. The application shall include such information and
30 data as the film office deems necessary for the proper evaluation and administration of said
31 application, including, but not limited to, any information about the motion picture production
32 company, and a specific Rhode Island motion picture. The film office shall review the completed
33 application and determine whether it meets the requisite criteria and qualifications for the initial
34 certification for the production. If the initial certification is granted, the film office shall issue a

1 notice of initial certification of the motion picture production to the motion picture production
2 company and to the tax administrator. The notice shall state that, after appropriate review, the
3 initial application meets the appropriate criteria for conditional eligibility. The notice of initial
4 certification will provide a unique identification number for the production and is only a
5 statement of conditional eligibility for the production and, as such, does not grant or convey any
6 Rhode Island tax benefits.

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

28 **(c) Final certification and credits.** Upon determination that the motion picture production
29 company qualifies for final certification ~~and the resultant credits,~~ the film office shall issue a
30 letter to the production company indicating "certificate of completion of a state certified
31 production" ~~and shall provide specifically designed certificates for the motion picture production~~
32 ~~company credit under § 44-31.2-5.~~ A motion picture production company is prohibited from
33 using state funds, state loans or state guaranteed loans to qualify for the motion picture tax credit.

34 All documents that are issued by the film office pursuant to this section shall reference the

1 identification number that was issued to the production as part of its initial certification.

2 (d) The director of the ~~Rhode Island film and television office~~ department of
3 administration, in consultation as needed with the tax administrator, shall promulgate such rules
4 and regulations as are necessary to carry out the intent and purposes of this chapter in accordance
5 with the general guidelines provided herein for the certification of the production and the
6 resultant production credit.

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

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

13 SECTION 11. Chapter 44-31.2 of the General Laws entitled "Motion Picture Production
14 Tax Credit" is hereby amended by adding thereto the following section:

15 **44-31.2-11. Sunset.** -- No credits shall be issued on or after July 1, 2019 unless the
16 production has received initial certification under subsection 44-31.2-6(a) prior to July 1, 2019.

17 SECTION 12. Title 44 of the General Laws entitled "TAXATION" is hereby amended by
18 adding thereto the following chapter:

19 CHAPTER 31.3

20 MUSICAL AND THEATRICAL PRODUCTION TAX CREDITS

21 **44-31.3-1. Declaration of purpose.** -- (a) The general assembly finds and declares that it
22 is Rhode Island's priority to reduce the state's unemployment rate by stimulating new industries
23 that have large employment growth potential by providing tax incentives and other means
24 necessary and therefore recognizes that such incentives should be created for the arts and
25 entertainment industry. The purpose of this chapter is to create economic incentives for the
26 purpose of stimulating the local economy and reducing unemployment in Rhode Island.

27 **44-31.3-2. Musical and Theatrical Production Tax Credits.** --

28 (a) Definitions - As used in this chapter:

29 (1) "Accredited theater production" means a for-profit live stage presentation in a
30 qualified production facility, as defined in this chapter that is either: (i) A Pre-Broadway
31 production, or (ii) A Post-Broadway production.

32 (2) "Accredited theater production certificate" means a certificate issued by the film
33 office certifying that the production is an accredited theater production that meets the guidelines
34 of this chapter.

1 (3) “Advertising and public relations expenditure” means costs incurred within the state
2 by the accredited theater productions for goods or services related to the national marketing,
3 public relations, creation and placement of print, electronic, television, billboards and other forms
4 of advertising to promote the accredited theater production.

5 (4) "Payroll" means all salaries, wages, fees, and other compensation including related
6 benefits for services performed and costs incurred within Rhode Island.

7 (5) “Pre-Broadway Production” means a live stage production that, in its original or
8 adaptive version, is performed in a qualified production facility having a presentation scheduled
9 for Broadway’s theater district in New York City within (12) months after its Rhode Island
10 presentation.

11 (6) “Post-Broadway production” means a live stage production that, in its original or
12 adaptive version, is performed in a qualified production facility and opens its US tour in Rhode
13 Island after a presentation scheduled for Broadway’s theater district in New York City.

14 (7) “Production and Performance Expenditures” means a contemporaneous exchange of
15 cash or cash equivalent for goods or services related to development, production, performance or
16 operating expenditures incurred in this state for a qualified theater production including, but not
17 limited to, expenditures for design, construction and operation, including sets, special and visual
18 effects, costumes, wardrobes, make-up, accessories, costs associated with sound, lighting,
19 staging, payroll, transportation expenditures, advertising and public relations expenditures,
20 facility expenses, rentals, per diems, accommodations and other related costs.

21 (8) “Qualified Production Facility” means a facility located in the State of Rhode Island
22 in which live theatrical productions are, or are intended to be, exclusively presented that contains
23 at least one stage, a seating capacity of one thousand five hundred (1,500) or more seats, and
24 dressing rooms, storage areas, and other ancillary amenities necessary for the accredited theater
25 production.

26 (9) “Resident” or “Rhode Island resident” means for the purpose of determination of
27 eligibility for the tax incentives provided by this chapter, an individual who is domiciled in the
28 State of Rhode Island or who is not domiciled in this state but maintains a permanent place of
29 abode in this state and is in this state for an aggregate of more than one hundred eighty-three
30 (183) days of the taxable year, unless the individual is in the armed forces of the United States.

31 (10) “Rhode Island film and television office” means the office within the department of
32 administration that has been established in order to promote and encourage the locating of film
33 and television productions within the state of Rhode Island. The office is also referred to as the
34 “film office”.

1 (11) (i) “Transportation expenditures” means expenditures for the packaging, crating, and
2 transportation both to the state for use in a qualified theater production of sets, costumes, or other
3 tangible property constructed or manufactured out of state, and/or from the state after use in a
4 qualified theater production of sets, costumes, or other tangible property constructed or
5 manufactured in this state and the transportation of the cast and crew to and from the state. Such
6 term shall include the packaging, crating, and transporting of property and equipment used for
7 special and visual effects, sound, lighting, and staging, costumes, wardrobes, make-up and related
8 accessories and materials, as well as any other performance or production-related property and
9 equipment.

10 (ii) Transportation expenditures shall not include any costs to transport property and
11 equipment to be used only for filming and not in a qualified theater production, any indirect costs,
12 and expenditures that are later reimbursed by a third party, or any amounts that are paid to
13 persons or entities as a result of their participation in profits from the exploitation of the
14 production.

15 (b) Tax Credit. (1) Any person, firm, partnership, trust, estate or other entity that receives
16 an accredited theater production certificate shall be allowed a tax credit equal to twenty-five
17 percent (25%) of the total production and performance expenditures and transportation
18 expenditures for the accredited theater production and to be computed as provided in this chapter
19 against a tax imposed by chapters 11, 12, 13, 14, 17 and 30 of this title. Said credit shall not
20 exceed five million dollars (\$5,000,000) and shall be limited to certified production cost directly
21 attributable to activities in the state and transportation expenditures defined above. The total
22 production budget shall be a minimum of one hundred thousand dollars (\$100,000).

23 (2) No more than fifteen million dollars (\$15,000,000) in total may be issued for any tax
24 year for motion picture tax credits pursuant to chapter 31.2 of this title and/or musical and
25 theatrical production tax credits pursuant to this chapter. Said credits shall be equally available to
26 motion picture productions and musical and theatrical productions. No specific amount shall be
27 set aside for either type of production.

28 (3) The tax credit shall be allowed against the tax for the taxable period in which the
29 credit is earned and can be carried forward for not more than three (3) succeeding tax years.

30 (4) Credits allowed to a company, which is a subchapter S corporation, partnership, or a
31 limited liability company that is taxed as a partnership, shall be passed through respectively to
32 persons designated as partners, members or owners on a pro rata basis or pursuant to an executed
33 agreement among such persons designated as subchapter S corporation shareholders, partners, or
34 members documenting an alternate distribution method without regard to their sharing of other

1 tax or economic attributes of such entity.

2 (5) If the company has not claimed the tax credits in whole or part, taxpayers eligible for
3 the tax credits may assign, transfer or convey the tax credits, in whole or in part, by sale or
4 otherwise to any individual or entity and such assignee of the tax credits that have not claimed the
5 tax credits in whole or part may assign, transfer or convey the tax credits, in whole or in part, by
6 sale or otherwise to any individual or entity. The assignee of the tax credits may use acquired
7 credits to offset up to one hundred percent (100%) of the tax liabilities otherwise imposed
8 pursuant to chapter 11, 12, 13 (other than the tax imposed under section 44-13-13), 14, 17 or 30
9 of this title. The assignee may apply the tax credit against taxes imposed on the assignee for not
10 more than three (3) succeeding tax years. The assignor shall perfect the transfer by notifying the
11 state of Rhode Island division of taxation, in writing, within thirty (30) calendar days following
12 the effective date of the transfer and shall provide any information as may be required by the
13 division of taxation to administer and carry out the provisions of this section.

14 (6) For purposes of this chapter, any assignment or sales proceeds received by the
15 assignor for its assignment or sale of the tax credits allowed pursuant to this section shall be
16 exempt from this title.

17 (7) In the case of a corporation, this credit is only allowed against the tax of a corporation
18 included in a consolidated return that qualifies for the credit and not against the tax of other
19 corporations that may join in the filing of a consolidated tax return.

20 (c) Certification and administration. - (1) The applicant shall properly prepare, sign and
21 submit to the film office an application for initial certification of the theater production. The
22 application shall include such information and data as the film office deems reasonably necessary
23 for the proper evaluation and administration of said application, including, but not limited to, any
24 information about the theater production company and a specific Rhode Island live theater or
25 musical production. The film office shall review the completed application and determine
26 whether it meets the requisite criteria and qualifications for the initial certification for the
27 production. If the initial certification is granted, the film office shall issue a notice of initial
28 certification of the accredited theater production to the theater production company and to the tax
29 administrator. The notice shall state that, after appropriate review, the initial application meets the
30 appropriate criteria for conditional eligibility. The notice of initial certification will provide a
31 unique identification number for the production and is only a statement of conditional eligibility
32 for the production and, as such, does not grant or convey any Rhode Island tax benefits. (2) Upon
33 completion of an accredited theater production, the applicant shall properly prepare, sign and
34 submit to the film office an application for final certification of the accredited theater production.

1 The final application shall also contain a cost report and an “accountant’s certification.” The film
2 office and tax administrator may rely without independent investigation, upon the accountant’s
3 certification, in the form of an opinion, confirming the accuracy of the information included in
4 the cost report. Upon review of a duly completed and filed application and upon no later than
5 thirty (30) days of submission thereof, the division of taxation will make a determination
6 pertaining to the final certification of the accredited theater production and the resultant tax
7 credits.

8 (3) Upon determination that the company qualifies for final certification and the resultant
9 tax credits, the tax administrator of the division of taxation shall issue to the company: (i) An
10 Accredited Theater Production Certificate; and (ii) A tax credit certificate in an amount in
11 accordance with this section (b) hereof. A musical and theatrical production company is
12 prohibited from using state funds, state loans or state guaranteed loans to qualify for the motion
13 picture tax credit. All documents that are issued by the film office pursuant to this section shall
14 reference the identification number that was issued to the production as part of its initial
15 certification.

16 (4) The director of the department of administration, in consultation as needed with the
17 tax administrator, shall promulgate such rules and regulations as are necessary to carry out the
18 intent and purposes of this chapter in accordance with the general guidelines provided herein for
19 the certification of the production and the resultant production credit.

20 (5) If information comes to the attention of the film office that is materially inconsistent
21 with representations made in an application, the film office may deny the requested certification.
22 In the event that tax credits or a portion of tax credits are subject to recapture for ineligible costs
23 and such tax credits have been transferred, assigned and/or allocated, the state will pursue its
24 recapture remedies and rights against the applicant of the theater production tax credits. No
25 redress shall be sought against assignees, sellers, transferees or allocates of such credits.

26 (d) Information requests. (i) The director of the film office and his or her agents, for the
27 purpose of ascertaining the correctness of any credit claimed under the provisions of this chapter,
28 may examine any books, paper, records, or memoranda bearing upon the matters required to be
29 included in the return, report, or other statement, and may require the attendance of the person
30 executing the return, report, or other statement, or of any officer or employee of any taxpayer, or
31 the attendance of any other person, and may examine the person under oath respecting any matter
32 which the director or his or her agent deems pertinent or material in administration and
33 application of this chapter and where not inconsistent with other legal provisions, the director
34 may request information from the tax administrator.

1 (ii) The tax administrator and his or her agents, for the purpose of ascertaining the
2 correctness of any credit claimed under the provisions of this chapter, may examine any books,
3 paper, records, or memoranda bearing upon the matters required to be included in the return,
4 report, or other statement, and may require the attendance of the person executing the return,
5 report, or other statement, or of any officer or employee of any taxpayer, or the attendance of any
6 other person, and may examine the person under oath respecting any matter which the tax
7 administrator or his or her agent deems pertinent or material in determining the eligibility for
8 credits claimed and may request information from the film office, and the film office shall
9 provide the information in all cases to the tax administrator.

10 (e) The film office shall comply with the impact analysis and periodic reporting
11 provisions of 44-31.2-6.1.

12 **44-31.3-3. Hearings and appeals. --** (a) From an action of the film office. - For matters
13 pertaining exclusively to application, production, and certification of musical and theatrical
14 productions, any person aggrieved by a denial action of the film office under this chapter shall
15 notify the director of the film office in writing, within thirty (30) days from the date of mailing of
16 the notice of denial action by the film office and request a hearing relative to the denial or action.
17 The director of the film office shall, as soon as is practicable, fix a time and place of hearing, and
18 shall render a final decision. Appeals from a final decision of the director of the film office under
19 this chapter are to the sixth (6th) division district court pursuant to chapter 35 of title 42 of the
20 general laws.

21 (b) From denial of tax credit. - Any person aggrieved by the tax administrator's denial of
22 a tax credit or tax benefit in this section shall notify the tax administrator in writing within thirty
23 (30) days from the date of mailing of the notice of denial of the tax credit and request a hearing
24 relative to the denial of the tax credit. The tax administrator shall, as soon as is practicable, fix a
25 time and place for a hearing, and shall render a final decision. Appeals from a final decision of
26 the tax administrator under this chapter are to the sixth (6th) division district court pursuant to
27 chapter 8 of title 8 of the general laws. The taxpayer's right to appeal is expressly made
28 conditional upon prepayment of all taxes, interest, and penalties, unless the taxpayer files a timely
29 motion for exemption from prepayment with the district court in accordance with the
30 requirements imposed pursuant to section 8-8-26 of the general laws.

31 **44-31.3-4. Sunset. --** No credits shall be issued on or after July 1, 2019 unless the
32 production has received initial certification under subsection 44-31.3-2(c) prior to July 1, 2019.

33 SECTION 13. Section 42-75-12 of the General Laws in Chapter 42-75 entitled "Council
34 on the Arts" is hereby amended to read as follows:

1 42-75-12. Rhode Island film and television office. -- Within the ~~commission~~
2 department of administration there is established a separate, distinct office entitled the "Rhode
3 Island film and television office." This office is established in order to promote and encourage
4 film and television productions within the state of Rhode Island. This office is also responsible
5 for the review of applications of motion picture productions pursuant to the requirements of
6 chapter 31.2 of title 44.

7 SECTION 14. Section 31-22-11 of the General Laws in Chapter 31-22 entitled
8 "Miscellaneous Rules" is hereby amended to read as follows:

9 31-22-11. Inspection of school buses. -- (a) The division of motor vehicles shall inspect
10 or cause to be inspected all school buses used for the transportation of school children as defined
11 in section 31-1-3(v) at least twice throughout the year. Both of the inspections are to be done at a
12 state certified facility on a semiannual scheduled basis. These inspections will be known as tear
13 down inspections that will include pulling wheels at least once each year if the school bus is
14 equipped with drum brakes and any other work deemed necessary by the state employed or state
15 certified inspectors. Reports of the inspections shall be made in writing and shall be filed with the
16 inspection division of the department of revenue, and the reports shall be available at no cost for
17 public inspection during usual business hours of the division. In the event that a school bus does
18 no pass an inspection and a re-inspection is required, the division of motor vehicles shall impose
19 a fee of one hundred dollars (\$100) for each re-inspection.

20 (b) Upon receipt of the report, the inspection division shall immediately forward a copy
21 to the registered owner and to the superintendent and school committee of the school district for
22 which the school bus transports children.

23 SECTION 15. Section 3-10-5 of the General Laws in Chapter 3-10 entitled "Taxation of
24 Beverages" is hereby amended to read as follows:

25 3-10-5. Information supplemental to returns -- Audit of books. -- The tax
26 administrator may at any time request further information from any person or from the officers
27 and employees of any corporation which he or she may deem necessary to verify, explain or
28 correct any return made in pursuance of the provisions of this chapter, and for the like purpose the
29 administrator or his or her authorized agent may examine the books of account of that person or
30 corporation during business hours.

31 (b) Each licensee authorized to sell intoxicating beverages at wholesale or retail in this
32 state shall file an annual report on or before February 1 with the division of taxation in the form
33 required by the tax administrator. Such report shall included, but not limited to, total sales of
34 alcoholic beverages, sales tax and excise tax collections on such sales for immediately preceding

1 calendar year. Annually, on or before May 1, the tax administrator shall prepare and submit to the
2 chairs of house and senate finance committees a report reflecting data from the annuals reports
3 submitted by said licensee to the division of taxation. The tax administrators report shall compile
4 total sales of alcoholic beverages, sales tax and excise tax collections by county.

5 SECTION 16. Section 4 of this article shall take effect on October 1, 2012.

6 The remaining sections of this article shall take effect on July 1, 2012.

7

ARTICLE 22

RELATING TO CENTRAL FALLS

SECTION 1. Central Falls Settlement Agreement.

(a) Definitions. As used in this public law, the following words and terms shall have the following meaning, unless the context shall indicate otherwise:

(1) “Administrative and Financial Officer” is an administration and finance officer appointed by the Director of Revenue under Rhode Island general laws section 45-9-10.

(2) “Appropriation Payment” means for purposes of this article the State appropriation set forth in subsection (c)(1) of this section to fund transition payments to Participating Retirees (“Transition Payments”).

(3) “Bankruptcy Court” means the United States Bankruptcy Court for the District of Rhode Island.

(4) “Central Falls Pension Plan” means the so-called “1% Plan” and the so-called “John Hancock Pension Plan” as restructured after the filing of the Chapter 9 petition for the City.

(5) “City” means the City of Central Falls, Rhode Island.

(6) “Contract Date” means December 19, 2012.

(7) “Director” shall mean the Rhode Island Director of Revenue.

(8) “MERS” means the Rhode Island Municipal Employee Retirement System.

(9) “Participating Retirees” means the retirees that signed the Settlement Agreement.

(10) “Participating Retirees’ Restricted 5-year Account” means the federally-insured interest-bearing account into which the City shall deposit the Appropriation Payment pursuant to Section 4 of the Settlement Agreement.

(11) “Plan of Debt Adjustment” means the amended plan of debt adjustment to be filed with the Court by the City.

(12) “State” means the State of Rhode Island.

(13) “Settlement Agreement” means the Settlement and Release Agreement by and between Receiver, the Director, the Participating Retirees, the Central Falls Police Retirees Association, Inc. and the Central Falls Firefighters Retirees Association entered into on the Contract Date.

(14) “Receiver” means Robert J. Flanders, Jr. in his capacity as state-appointed receiver

1 for the City, and any successor receiver appointed by the Director under Rhode Island general
2 laws section 45-9-7.

3 (15) "Transition Payments" means the annual payments made to Participation Retirees
4 from the Appropriation Payment pursuant to the terms of the Settlement Agreement.

5 (b) Legislative Findings and Purpose.

6 (1) On August 2, 2011, the Receiver filed a Chapter 9 petition on behalf of the City with
7 the Bankruptcy Court. Prior to January 9, 2012, the Settlement Agreement was executed by the
8 Receiver, the Director, the Participating Retirees, the Central Falls Police Retirees Association,
9 Inc. and the Central Falls Firefighters Retirees Association. On January 9, 2012, the Bankruptcy
10 Court entered an Order approving the Settlement Agreement.

11 (2) For purposes of this Article, the key terms of the Settlement Agreement include,
12 without limitation:

13 (i) That the Participating Retirees' pension benefits have been reduced by up to fifty-five
14 (55%) of their pre-bankruptcy pension payments; provided however if the General Assembly
15 authorizes an appropriation in the amount of \$2,636,932, then during Fiscal Years 2012-2016,
16 participating Retirees shall also receive Transition Payments, so that their combined reduced
17 pension payments and Transition Payments shall not aggregate to less than seventy-five percent
18 (75%) of their pre-bankruptcy pension payments;

19 (ii) That the Participating Retirees, the Central Falls Police Retirees Association, Inc. and
20 the Central Falls Firefighters Retirees Association have waived substantially all of their claims
21 against the City and the State; and

22 (iii) That in the event that the General Assembly fails to appropriate a minimum of
23 \$2,000,000 for Transition Payments, the Participating Retirees may "opt out" of the Settlement
24 Agreement and have it declared to be null and void.

25 (3) For the following and other reasons, this Article shall not be deemed a precedent that
26 would require the General Assembly to make similar appropriations to any other Rhode Island
27 distressed city or town:

28 (i) The City alone must pay 100% of the legal fees incurred in the litigation that
29 established the constitutionality of the Fiscal Stability Act (Rhode Island general laws section 45-
30 9-1 et seq.) and several important bankruptcy precedents, these precedents which have conferred
31 a significant benefit on all Rhode Island cities and towns;

32 (ii) Participating Retirees have agreed to reductions in their annual pension benefits of up
33 to 55%; and

34 (iii) The Settlement Agreement was approved by the Bankruptcy Court in order to make a

1 Chapter 9 plan of debt adjustment feasible.

2 (4) The requested Appropriation Payment which will ease the Participating Retirees’
3 transition to a pension benefit that has been reduced by up to fifty-five percent (55%) is fair and
4 appropriate.

5 (5) The Settlement Agreement is hereby incorporated into this Article by reference.

6 (c) Appropriation Payment.

7 (1) Appropriation Payment and Restrictions on Use. There is hereby provided to the City
8 of Central Falls a one-time lump-sum Appropriation Payment in the amount of \$2,636,932 to be
9 used solely for the purposes and subject to the restrictions set forth in the Settlement Agreement
10 to fund Transition Payment to Participating Retirees.

11 (2) Deposit of Appropriation Payment and Payments to Participating Retirees. The
12 Appropriation Payment shall be immediately deposited by the City into a restricted federally
13 backed or federally insured interest-bearing account under the name of the City and denominated
14 the “Participating Retirees’ Restricted 5-Year Account.” Within thirty (30) days after receipt of
15 the Appropriation Payment from the State, for fiscal year ending 2012, the City (jointly with
16 either the Receiver or an Administrative and Finance Officer for the City appointed by the
17 Director) shall withdraw from the Participating Retirees’ Restricted 5-Year Account exactly the
18 amount required to promptly pay and distribute to Participating Retirees the Transition Payments.
19 Thereafter, during the months of July in fiscal years ending 2013, 2014, 2015, and 2016, the City
20 (jointly with either the Receiver or an Administrative and Finance Officer for the City appointed
21 by the Director) shall withdraw from the Participating Retirees’ Restricted 5-Year Account
22 exactly the amount required to promptly pay and distribute to Participating Retirees the
23 Appropriation Transition Payments.

24 Any and all withdrawals, transfers and payments from the Participating Retirees’
25 Restricted 5-Year Account shall require the signature of two (2) persons, one of whom shall be
26 either the Receiver or an Administrative and Finance Officer of the City after the Receiver’s
27 duties are completed. Participating Retirees’ Restricted 5-Year Account shall remain under the
28 control of the City jointly with either the Receiver or an Administrative and Finance Officer and
29 that it shall be segregated from and shall not be controlled or managed by any third party
30 managing the single Central Falls Pension Plan, whether administered by the City or if
31 transitioned into MERS. Further, the Transition Payments shall be paid to Participating Retirees
32 jointly by the City and the Receiver or an Administrative and Finance Officer and not by any
33 third-party pension fund manager. Such Transition Payments shall cease after the distribution at
34 the end of fiscal year ending 2016.

1 (3) Relationship to Base Pension Payments. The Transition Payments shall not be
2 included in the calculation of the base pension benefits of Participating Retirees for purposes of
3 determining a Participating Retiree’s COLA. However, a spouse or statutory beneficiary under
4 Rhode Island general laws section 45-21.3-1 shall be entitled to sixty-seven and one-half percent
5 (67.5%) of a deceased Participating Retiree’s Transition Payment.

6 (4) Distribution of Balance. Within thirty (30) days of the end of fiscal year ending 2016,
7 the City shall withdraw the balance of the funds in the Participating Retirees’ Restricted 5-Year
8 Account (i.e. the accumulated interest and any remaining sums) and shall pay and distribute those
9 funds to each Participating Retiree based on the percentage assigned to each Participating Retiree
10 in accordance with the requirements set forth in APPENDIX B of the Settlement Agreement.
11 After all of the funds in the Participating Retirees’ Restricted 5-Year Account have been
12 appropriately distributed, the City shall promptly close the Participating Retirees’ Restricted 5-
13 Year Account.

14 (5) Access to Account Information and Records. The City, as overseen by the Receiver or
15 an Administrative and Finance Officer, as the case may be, shall maintain appropriate account
16 information and records relating to all receipts into, maintenance of, and distributions from the
17 Participating Retirees’ Restricted 5-Year Account, and shall allow at all reasonable times for the
18 full inspection of and copying and sharing of information about such account and any and all
19 Transition Payments by and with any Participating Retiree.

20 (6) Unclaimed Payments. Any money distributed to a Participating Retiree from the
21 Participating Retirees’ Restricted 5-Year Account and not claimed by a Participating Retiree after
22 the City has exercised good faith attempts over a six (6) month period to deliver it to the best last
23 known address of such Participating Retiree shall not escheat under state law, but shall be
24 deposited in the “Participating Retirees Wyatt Payments Account” which shall thereafter be
25 distributed in accordance with Section 5.3 of the Settlement Agreement.

26 (7) Liability and Penalties for Improper Use of Appropriation Payment. Any person,
27 whether in his/her individual or official capacity, who uses, appropriates or takes or instructs or
28 causes another to use, appropriate or take, the Appropriation Payment, or any portion thereof, that
29 is not specifically used for making Transition Payments to Participating Retirees as required
30 hereunder and under the terms, provisions and/or restrictions of the Settlement Agreement, shall
31 be personally liable for repayment of said funds and further shall be subject to any and all other
32 applicable civil and criminal sanctions and/or penalties for such act(s).

33 (8) *Return of Appropriations*. Notwithstanding anything set forth herein to the contrary,
34 in the event that the Settlement Agreement becomes legally void and/or of no further legal force

1 and effect, whether because the retirees have "opted out" of the Settlement Agreement, or because
2 a party duly declares the Settlement Agreement to be null and void pursuant to the terms of the
3 Settlement Agreement, or because a court determines the Settlement Agreement to be void, then
4 all remaining amounts of the Appropriation Payment held by the City shall be returned to the
5 State of Rhode Island.

6 SECTION 2. Section 28-9.1-6 of the General Laws in Chapter 28-9.1 entitled
7 "Firefighters' Arbitration" is hereby amended to read as follows:

8 **28-9.1-6. Obligation to bargain.** -- It shall be the obligation of the city or town, acting
9 through its corporate authorities, to meet and confer in good faith with the representative or
10 representatives of the bargaining agent within ten (10) days after receipt of written notice from
11 the bargaining agent of the request for a meeting for collective bargaining purposes. This
12 obligation shall include the duty to cause any agreement resulting from the negotiations to be
13 reduced to a written contract, provided that no contract shall exceed the term of one year, unless a
14 longer period is agreed upon in writing by the corporate authorities and the bargaining agents, but
15 in no event shall the contract exceed the term of three (3) years unless a budget commission or a
16 receiver has been appointed for a municipality pursuant to Chapter 45-9, in which case the
17 contract shall not exceed the term of five (5) years. An unfair labor practice charge may be
18 complained of by either the employer's representative or the bargaining agent to the state labor
19 relations board which shall deal with the complaint in the manner provided in chapter 7 of this
20 title.

21 SECTION 3. Section 28-9.2-6 of the General Laws in Chapter 28-9.2 entitled "Municipal
22 Police Arbitration" is hereby amended to read as follows:

23 **28-9.2-6. Obligation to bargain.** -- It shall be the obligation of the city or town, acting
24 through its corporate authorities, to meet and confer in good faith with the designated
25 representative or representatives of the bargaining agent, including any legal counsel selected by
26 the bargaining agent, within ten (10) days after receipt of written notice from the bargaining agent
27 of the request for a meeting for collective bargaining purposes. This obligation includes the duty
28 to cause any agreement resulting from the negotiations to be reduced to a written contract,
29 provided that no contract shall exceed the term of one year, unless a longer period is agreed upon
30 in writing by the corporate authorities and the bargaining agent, but in no event shall the contract
31 exceed the term of three (3) years unless a budget commission or a receiver has been appointed
32 for a municipality pursuant to chapter 45-9, in which case the contract shall not exceed the term
33 of five (5) years. An unfair labor charge may be complained of by either the employer's
34 representative or the bargaining agent to the state labor relations board which shall deal with the

1 complaint in the manner provided in chapter 7 of this title.

2 SECTION 4. Section 28-9.3-4 of the General Laws in Chapter 28-9.3 entitled “Certified
3 School Teachers’ Arbitration” is hereby amended to read as follows:

4 **28-9.3-4. Obligation to bargain. --** It shall be the obligation of the school committee to
5 meet and confer in good faith with the representative or representatives of the negotiating or
6 bargaining agent within ten (10) days after receipt of written notice from the agent of the request
7 for a meeting for negotiating or collective bargaining purposes. This obligation includes the duty
8 to cause any agreement resulting from negotiations or bargaining to be reduced to a written
9 contract; provided, that no contract shall exceed the term of three (3) years unless a budget
10 commission or a receiver has been appointed for a municipality pursuant to chapter 45-9, in
11 which case the contract shall not exceed the term of five (5) years. An unfair labor practice
12 charge may be complained of by either the bargaining agent or the school committee to the state
13 labor relations board which shall deal with the complaint in the manner provided in chapter 7 of
14 this title.

15 SECTION 5. Section 28-9.4-5 of the General Laws in Chapter 28-9.4 entitled “Municipal
16 Employees’ Arbitration” is hereby amended to read as follows:

17 **28-9.4-5. Obligation to bargain. --** It shall be the obligation of the municipal employer
18 to meet and confer in good faith with the representative or representatives of the negotiating or
19 bargaining agent within ten (10) days after receipt of written notice from the agent of the request
20 for a meeting for negotiating or collective bargaining purposes. This obligation includes the duty
21 to cause any agreement resulting from negotiation or bargaining to be reduced to a written
22 contract; provided, that no contract shall exceed the term of three (3) years unless a budget
23 commission or a receiver has been appointed for a municipality pursuant to chapter 45-9, in
24 which case the contract shall not exceed the term of five (5) years. Failure to negotiate or bargain
25 in good faith may be complained of by either the negotiating or bargaining agent or the municipal
26 employer to the state labor relations board, which shall deal with the complaint in the manner
27 provided in chapter 7 of this title. An unfair labor practice charge may be complained of by either
28 the bargaining agent or employer's representative to the state labor relations board, which shall
29 deal with the complaint in the manner provided in chapter 7 of this title.

30 SECTION 6. Under Rhode Island general laws section 45-9-1 et seq. a municipality
31 subject to the jurisdiction of a fiscal overseer, budget commission or receiver is responsible for
32 payment of expenses and costs incurred carrying out the responsibilities of the fiscal overseer,
33 budget commission and/or receiver. During fiscal 2011, the State incurred and paid on behalf of
34 the City of Central Falls expenses totaling \$ 1,073,131. On or about September 15, 2011, the

1 State billed the City of Central Falls for said \$1,073,131 expenses, for which the City of Central
2 Falls is responsible under section 45-9-1 et seq., and which continue to be incurred and paid for
3 by the State on behalf of the city. The State intends to bill the City of Central Falls for those
4 expenses. Recognizing that the City of Central Falls does not currently have the financial ability
5 to reimburse the State in full for said expenses and may need additional time to reimburse the
6 State for expenses reflected in future bills submitted by the State for such expenses, the City of
7 Central Falls shall have up to June 30, 2021 to reimburse the State for all such expenses paid by
8 the State and billed to the city.

9 SECTION 7. Pathway to Retirement System Transition. – The Office of the General
10 Treasurer, in consultation with the Department of Revenue, shall develop a framework for the
11 City of Central Falls to transition its employees and retirees into the Municipal Employees'
12 Retirement System. The Office of the General Treasurer shall report its findings and identified
13 transition mechanisms to the General Assembly by January 1, 2013.

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

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ARTICLE 23

RELATING TO EFFECTIVE DATE

SECTION 1. This act shall take effect on July 1, 2012, except as otherwise provided herein.

SECTION 2. This article shall take effect upon passage.