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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

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

Introduced By: Representative Raymond E. Gallison

Date Introduced: March 13, 2015

Referred To: House Finance

It is enacted by the General Assembly as follows:

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

1	ARTICLE 16	RELATING TO BAYS, RIVERS AND WATERSHEDS
2	ARTICLE 17	RELATING TO DEPARTMENT OF CHILDREN, YOUTH AND
3	FAMILIES	
4	ARTICLE 18	RELATING TO DIVISION OF ADVOCACY
5	ARTICLE 19	RELATING TO CONSOLIDATION OF DEPARTMENT OF HEALTH
6	BOARDS	
7	ARTICLE 20	RELATING TO PROFESSIONAL LICENSES
8	ARTICLE 21	RELATING TO TRANSPORTATION
9	ARTICLE 22	RELATING TO PERSONNEL REFORM
10	ARTICLE 23	RELATING TO CORRECTIONS
11	ARTICLE 24	RELATING TO INFRASTRUCTURE BANK
12	ARTICLE 25	RELATING TO STATE POLICE PENSIONS
13	ARTICLE 26	RELATING TO DIVISION OF MOTOR VEHICLES
14	ARTICLE 27	RELATING TO LEGAL NOTICES
15	ARTICLE 28	RELATING TO HEALTH REFORM ASSESSMENT
16	ARTICLE 29	RELATING TO COMMERCE CORPORATION AND ECONOMIC
17	DEVELOPMENT	
18	ARTICLE 30	RELATING TO EFFECTIVE DATE

1 **ARTICLE 1**

2 RELATING TO MAKING APPROPRIATIONS IN SUPPORT OF FY 2016

3 SECTION 1. Subject to the conditions, limitations and restrictions hereinafter contained
4 in this act, the following general revenue amounts are hereby appropriated out of any money in
5 the treasury not otherwise appropriated to be expended during the fiscal year ending June 30,
6 2016. The amounts identified for federal funds and restricted receipts shall be made available
7 pursuant to section 35-4-22 and Chapter 41 of Title 42 of the Rhode Island General Laws. For
8 the purposes and functions hereinafter mentioned, the state controller is hereby authorized and
9 directed to draw his or her orders upon the general treasurer for the payment of such sums or such
10 portions thereof as may be required from time to time upon receipt by him or her of properly
11 authenticated vouchers.

12 **Administration**

13 *Central Management*

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

18 *Legal Services*

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

21 *Accounts and Control*

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

24 *Office of Management and Budget*

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

27 *Purchasing*

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

31 *Auditing*

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

34 *Human Resources*

1	General Revenues	7,679,763
2	Federal Funds	800,576
3	Restricted Receipts	489,333
4	Other Funds	1,401,403
5	Total – Human Resources	10,371,075
6	<i>Personnel Appeal Board</i>	
7	General Revenues	119,874
8	Total – Personnel Appeal Board	119,874
9	<i>Facilities Management</i>	
10	General Revenues	32,172,352
11	Federal Funds	1,208,674
12	Restricted Receipts	376,880
13	Other Funds	3,923,319
14	Total – Facilities Management	37,681,225
15	<i>Capital Projects and Property Management</i>	
16	General Revenues	3,559,865
17	Federal Funds	21,955
18	Restricted Receipts	127,339
19	Other Funds	
20	Statewide Capital Consolidation	495,821
21	Other Funds	495,821
22	Total – Capital Projects and Property Management	4,204,980
23	<i>Information Technology</i>	
24	General Revenues	20,201,589
25	Federal Funds	6,746,649
26	Restricted Receipts	8,509,460
27	Other Funds	2,829,157
28	Total – Information Technology	38,286,855
29	<i>Library and Information Services</i>	
30	General Revenues	913,995
31	Federal Funds	1,204,253
32	Restricted Receipts	180
33	Total – Library and Information Services	2,118,428
34	<i>Planning</i>	

1	General Revenues	1,316,146
2	Federal Funds	1,073,871
3	Other Funds	3,254,638
4	Total – Planning	5,644,655
5	<i>General</i>	
6	General Revenues	
7	Miscellaneous Grants/Payments	146,049
8	Torts – Courts/Awards	400,000
9	State Employees/Teachers Retiree Health Subsidy	2,321,057
10	Resource Sharing and State Library Aid	8,773,398
11	Library Construction Aid	2,663,300
12	General Revenue Total	14,303,804
13	Federal Funds	4,345,555
14	Restricted Receipts	421,500
15	Other Funds	
16	Rhode Island Capital Plan Fund	
17	Statehouse Renovations	575,000
18	DoIT Enterprise Operations Center	300,000
19	Cranston Street Armory	983,501
20	Cannon Building	1,240,000
21	Zambarano Building Rehabilitation	550,000
22	Pastore Center Rehab DOA Portion	2,055,000
23	Old State House	1,225,000
24	State Office Building	2,798,000
25	Old Colony House	695,000
26	William Powers Building	1,200,000
27	Pastore Center Utility Systems Upgrade	3,487,000
28	Replacement of Fueling Tanks	300,000
29	Environmental Compliance	200,000
30	Big River Management Area	120,000
31	Washington County Government Center	225,000
32	Veterans Memorial Auditorium	250,000
33	Chapin Health Laboratory	1,315,000
34	Pastore Center Parking	200,000

1	Pastore Center Water Tanks	280,000
2	RI Convention Center Authority	1,000,000
3	Dunkin Donuts Center	1,387,500
4	Mathias Building Renovation	3,100,000
5	McCoy Stadium	250,000
6	Pastore Center Power Plant	500,000
7	Virks Building Renovations	6,500,000
8	Harrington Hall Renovations	1,679,493
9	Accessibility – Facility Renovations	1,000,000
10	Other Funds Total	33,415,494
11	Total – General	52,486,353
12	<i>Debt Service Payments</i>	
13	General Revenues	97,957,176
14	Out of the general revenue appropriations for debt service, the General Treasurer is	
15	authorized to make payments for the I-195 Redevelopment District Commission loan up to the	
16	maximum debt service due in accordance with the loan agreement.	
17	Federal Funds	2,657,152
18	Restricted Receipts	2,085,410
19	Other Funds	
20	Transportation Debt Service	46,011,341
21	Investment Receipts – Bond Funds	100,000
22	COPS – DLT Building – TDI	271,653
23	Other Funds Total	46,382,994
24	Total - Debt Service Payments	149,082,732
25	<i>Energy Resources</i>	
26	Federal Funds	406,587
27	Restricted Receipts	10,194,871
28	Total – Energy Resources	10,601,458
29	<i>Rhode Island Health Benefits Exchange</i>	
30	Federal Funds	24,746,063
31	Restricted Receipts	6,180,557
32	Total – Rhode Island Health Benefits Exchange	30,926,620
33	<i>Construction Permitting, Approvals and Licensing</i>	
34	General Revenues	1,615,416

1	Restricted Receipts	1,409,497
2	Total – Construction Permitting, Approvals and Licensing	3,024,913
3	<i>Office of Diversity, Equity & Opportunity</i>	
4	General Revenues	1,098,841
5	Federal Funds	91,294
6	Total – Office of Diversity, Equity & Opportunity	1,190,135
7	<i>Personnel and Operational Reforms</i>	
8	General Revenues	(25,325,000)
9	Total – Personnel and Operational Reforms	(25,325,000)
10	Grand Total – General Revenue Funds	173,930,982
11	Grand Total – Administration	339,051,951
12	Business Regulation	
13	<i>Central Management</i>	
14	General Revenues	1,435,289
15	Total – Central Management	1,435,289
16	<i>Banking Regulation</i>	
17	General Revenues	1,674,773
18	Restricted Receipts	37,000
19	Total – Banking Regulation	1,711,773
20	<i>Securities Regulation</i>	
21	General Revenues	962,697
22	Restricted Receipts 3,500	
23	Total – Securities Regulation	966,197
24	<i>Insurance Regulation</i>	
25	General Revenues	3,885,752
26	Restricted Receipts	1,877,715
27	Total – Insurance Regulation	5,763,467
28	<i>Office of the Health Insurance Commissioner</i>	
29	General Revenues	535,017
30	Federal Funds	2,795,240
31	Restricted Receipts	11,500
32	Total – Office of the Health Insurance Commissioner	3,341,757
33	<i>Board of Accountancy</i>	
34	General Revenues	16,654

1	Total – Board of Accountancy	16,654
2	<i>Commercial Licensing, Racing & Athletics</i>	
3	General Revenues	561,821
4	Restricted Receipts	659,062
5	Total – Commercial Licensing, Racing & Athletics	1,220,883
6	<i>Boards for Design Professionals</i>	
7	General Revenues	273,009
8	Total – Boards for Design Professionals	273,009
9	Grand Total – General Revenue Funds	9,345,012
10	Grand Total – Business Regulation	14,729,029
11	Executive Office of Commerce	
12	<i>Central Management</i>	
13	General Revenues	956,254
14	Total – Central Management	956,254
15	<i>Housing and Community Development</i>	
16	General Revenues	593,082
17	Federal Funds	10,983,803
18	Restricted Receipts	2,800,000
19	Total – Housing and Community Development	14,376,885
20	<i>RI Television and Film Office</i>	
21	General Revenue	325,291
22	Total – RI Television and Film Office	325,291
23	<i>Quasi–Public Appropriations</i>	
24	General Revenues	
25	Rhode Island Commerce Corporation	7,894,514
26	Rhode Island Commerce Corporation – Legislative Grans	597,350
27	Airport Impact Aid	1,025,000
28	Sixty percent (60%) of the first \$1,000,000 appropriated for airport impact aid shall be	
29	distributed to each airport serving more than 1,000,000 passengers based upon its percentage of	
30	the total passengers served by all airports serving more than 1,000,000 passengers. Forty percent	
31	(40%) of the first \$1,000,000 shall be distributed based on the share of landings during the	
32	calendar year 2015 at North Central Airport, Newport-Middletown Airport, Block Island Airport,	
33	Quonset Airport, T.F. Green Airport and Westerly Airport, respectively. The Rhode Island	
34	Commerce Corporation shall make an impact payment to the towns or cities in which the airport	

1 is located based on this calculation. Each community upon which any parts of the above airports
 2 are located shall receive at least \$25,000.

3	STAC Research Alliance	1,150,000
4	Innovative Matching Grants/Internships	500,000
5	I-195 Redevelopment District Commission	761,000
6	Executive Office of Commerce Programs	3,600,000
7	Chafee Center at Bryant	376,200
8	General Revenue Total	15,904,064
9	Other Funds	
10	Rhode Island Capital Plan Fund	
11	I-195 Redevelopment District Commission	300,000
12	Total – Quasi–Public Appropriations	16,204,064
13	<i>Economic Development Initiatives Fund</i>	
14	General Revenue	
15	Small Business Assistance Program	5,458,000
16	Anchor Institution Tax Credits	1,750,000
17	Innovation Initiative	500,000
18	Cluster Grants	750,000
19	I-195 Development Fund	25,000,000
20	Affordable Housing Fund	3,000,000
21	Main Street RI Streetscape Improvements	1,000,000
22	Infrastructure Bank	2,000,000
23	First Wave Closing Fund	5,000,000
24	General Revenue Total	44,458,000
25	Notwithstanding any laws to the contrary, the Secretary of Commerce shall have the	
26	authority to transfer funds between the line items of the Economic Development Initiatives Fund	
27	as deemed necessary to accomplish the overall purposes of this fund. Prior to any such transfer,	
28	the Secretary shall notify in writing the Director of the Office of Management and Budget, the	
29	Chair of the House Finance Committee and the Chair of the Senate Finance Committee.	
30	Total – Economic Development Initiatives Fund	44,458,000
31	Grand Total – General Revenue Funds	62,236,691
32	Grand Total – Executive Office of Commerce	76,320,494

33 **Labor and Training**

34 *Central Management*

1	General Revenues	110,537
2	Restricted Receipts	369,575
3	Other Funds	
4	Rhode Island Capital Plan Fund	
5	Center General Asset Protection	1,500,000
6	Other Funds Total	1,500,000
7	Total – Central Management	1,980,112
8	<i>Workforce Development Services</i>	
9	General Funds	804,517
10	Federal Funds	19,475,428
11	Restricted Receipts	10,339,896
12	Total – Workforce Development Services	30,619,841
13	<i>Workforce Regulation and Safety</i>	
14	General Revenues	2,925,633
15	Total – Workforce Regulation and Safety	2,925,633
16	<i>Income Support</i>	
17	General Revenues	4,194,431
18	Federal Funds	18,688,633
19	Restricted Receipts	3,918,733
20	Other Funds	
21	Temporary Disability Insurance Fund	193,989,337
22	Employment Security Fund	180,000,000
23	Other Funds Total	373,989,337
24	Total – Income Support	400,791,134
25	<i>Injured Workers Services</i>	
26	Restricted Receipts	8,501,946
27	Total – Injured Workers Services	8,501,946
28	<i>Labor Relations Board</i>	
29	General Revenues	389,651
30	Total – Labor Relations Board	389,651
31	Grand Total – General Revenue Funds	8,424,769
32	Grand Total – Labor and Training	45,208,317
33	Department of Revenue	
34	<i>Director of Revenue</i>	

1	General Revenues	1,144,238
2	Total – Director of Revenue	1,144,238
3	<i>Office of Revenue Analysis</i>	
4	General Revenues	574,490
5	Total – Office of Revenue Analysis	574,490
6	<i>Lottery Division</i>	
7	Other Funds	
8	Lottery Funds	303,850,780
9	Other Funds Total	303,850,780
10	Total – Lottery Division	303,850,780
11	<i>Municipal Finance</i>	
12	General Revenues	2,186,998
13	Total – Municipal Finance	2,186,998
14	<i>Taxation</i>	
15	General Revenues	19,725,849
16	Federal Funds	1,267,991
17	Restricted Receipts	877,550
18	Other Funds	
19	Motor Fuel Tax Evasion	16,148
20	Temporary Disability Insurance	932,395
21	Other Funds Total	948,543
22	Total – Taxation	22,819,933
23	<i>Registry of Motor Vehicles</i>	
24	General Revenues	19,323,244
25	Federal Funds	47,163
26	Restricted Receipts	2,094,763
27	Total – Registry of Motor Vehicles	21,465,170
28	<i>State Aid</i>	
29	General Revenue	
30	Distressed Communities Relief Fund	10,384,458
31	Payment in Lieu of Tax Exempt Properties	35,080,409
32	Motor Vehicle Excise Tax Payments	10,000,000
33	Property Revaluation Program	1,778,760
34	Municipal Aid	5,000,000

1	General Revenue Total	62,243,627
2	Restricted Receipts	922,013
3	Total – State Aid	63,165,640
4	Grand Total – General Revenue Funds	105,198,446
5	Grand Total – Revenue	415,207,249
6	Legislature	
7	General Revenues	39,474,071
8	Restricted Receipts	1,680,873
9	Grand Total – Legislature	41,154,944
10	Lieutenant Governor	
11	General Revenues	1,227,621
12	Federal Funds	65,000
13	Grand Total – Lieutenant Governor	1,292,621
14	Secretary of State	
15	<i>Administration</i>	
16	General Revenues	2,553,390
17	Total – Administration	2,553,290
18	<i>Corporations</i>	
19	General Revenues	2,302,691
20	Total – Corporations	2,302,691
21	<i>State Archives</i>	
22	General Revenues	69,266
23	Restricted Receipts	584,108
24	Total – State Archives	653,374
25	<i>Elections & Civics</i>	
26	General Revenues	1,017,899
27	Total – Elections and Civics	1,017,899
28	State Library	
29	General Revenues	536,744
30	Total – State Library	536,744
31	<i>Office of Public Information</i>	
32	General Revenues	456,540
33	Receipted Receipts	15,000
34	Operating Transfer from Other Funds	436,246

1	Total – Office of Public Information	907,786
2	Grand Total – General Revenue Funds	6,936,530
3	Grand Total – Secretary of State	7,971,884
4	General Treasurer	
5	<i>Treasury</i>	
6	General Revenues	2,193,796
7	Federal Funds	267,251
8	Other Funds	
9	Temporary Disability Insurance Fund	218,818
10	Other Funds Total	218,818
11	Total – Treasury	2,679,865
12	<i>State Retirement System</i>	
13	Restricted Receipts	
14	Admin Expenses – State Retirement System	10,230,709
15	Retirement – Treasury Investment Operations	1,235,591
16	Defined Contribution – Administration	316,195
17	Restricted Receipts Total	11,782,495
18	Total – State Retirement System	11,782,495
19	<i>Unclaimed Property</i>	
20	Restricted Receipts	17,986,352
21	Total – Unclaimed Property	17,986,352
22	<i>Crime Victim Compensation Program</i>	
23	General Revenues	226,454
24	Federal Funds	624,704
25	Restricted Receipts	1,130,908
26	Total – Crime Victim Compensation Program	1,982,066
27	Grand Total – General Revenue Funds	2,420,250
28	Grand Total – General Treasurer	34,430,778
29	Board of Elections	
30	General Revenues	1,818,305
31	Grant Total – Board of Elections	1,818,305
32	Rhode Island Ethics Commission	
33	General Revenues	1,644,876
34	Grand Total – Rhode Island Ethics Commission	1,644,876

1	Office of Governor	
2	General Revenues	
3	General Revenues	4,653,467
4	Contingency Fund	250,000
5	General Revenue Total	4,903,467
6	Grand Total – Office of Governor	4,903,467
7	Commission for Human Rights	
8	General Revenues	1,252,174
9	Federal Funds	295,836
10	Grand Total – Commission for Human Rights	1,548,010
11	Public Utilities Commission	
12	Federal Funds	90,000
13	Restricted Receipts	8,594,685
14	Grand Total – Public Utilities Commission	8,684,685
15	Office of Health and Human Services	
16	<i>Central Management</i>	
17	General Revenues	26,934,665
18	Federal Funds	
19	Federal Funds	94,306,666
20	Federal Funds – Stimulus	105,512
21	Federal Funds Total	94,412,178
22	Restricted Receipts	5,122,130
23	Total – Central Management	126,468,973
24	<i>Medical Assistance</i>	
25	General Revenue	
26	Managed Care	260,601,136
27	Hospitals	94,786,990
28	Nursing Facilities	91,317,512
29	Home and Community Based Services	33,343,114
30	Other Services	43,354,142
31	Pharmacy	54,877,899
32	Rhody Health	282,331,032
33	General Revenue Total	860,611,825
34	Federal Funds	

1	Managed Care	292,444,607
2	Hospitals	95,130,207
3	Nursing Facilities	92,493,905
4	Home and Community Based Services	39,871,939
5	Other Services	605,048,605
6	Pharmacy	1,157,420
7	Rhody Health	284,824,311
8	Special Education	19,000,000
9	Federal Funds Total	1,429,970,994
10	Restricted Receipts	10,615,000
11	Total – Medical Assistance	2,301,197,819
12	<i>Division of Advocacy</i>	
13	General Revenues	1,973,138
14	Federal Funds	53,125
15	Restricted Receipts	117,343
16	Total – Division of Advocacy	2,143,606
17	Grand Total – General Revenue Funds	889,519,628
18	Grand Total – Office of Health and Human Services	2,429,810,398
19	Children, Youth, and Families	
20	<i>Central Management</i>	
21	General Revenues	5,575,757
22	Federal Funds	2,288,363
23	Total – Central Management	7,864,120
24	<i>Children's Behavioral Health Services</i>	
25	General Revenues	4,593,903
26	Federal Funds	5,700,246
27	Total – Children's Behavioral Health Services	10,294,149
28	<i>Juvenile Correctional Services</i>	
29	General Revenue	25,591,602
30	Federal Funds	276,098
31	Total – Juvenile Correctional Services	25,867,700
32	<i>Child Welfare</i>	
33	General Revenues	115,876,469
34	Federal Funds	

1	Federal Funds	49,468,781
2	Federal Funds – Stimulus	433,976
3	Federal Funds Total	49,902,757
4	Restricted Receipts	2,838,967
5	Total – Child Welfare	168,618,193
6	<i>Higher Education Incentive Grants</i>	
7	General Revenues	200,000
8	Total – Higher Education Incentive Grants	200,000
9	Grand Total – General Revenue Funds	151,837,731
10	Grand Total – Children, Youth, and Families	212,844,162
11	Health	
12	<i>Central Management</i>	
13	General Revenues	331,469
14	Federal Funds	6,513,489
15	Restricted Receipts	4,419,416
16	Total – Central Management	11,264,374
17	<i>State Medical Examiner</i>	
18	General Revenues	2,774,940
19	Federal Funds	138,641
20	Total – State Medical Examiner	2,913,581
21	<i>Environmental and Health Services Regulation</i>	
22	General Revenues	9,552,045
23	Federal Funds	5,801,677
24	Restricted Receipts	3,167,989
25	Total – Environmental and Health Services Regulation	18,521,711
26	<i>Health Laboratories</i>	
27	General Revenues	7,375,260
28	Federal Funds	1,976,761
29	Total – Health Laboratories	9,352,021
30	<i>Public Health Information</i>	
31	General Revenues	1,556,492
32	Federal Funds	2,326,827
33	Total – Public Health Information	3,883,319
34	<i>Community and Family Health and Equity</i>	

1	General Revenues	2,532,862
2	Federal Funds	
3	Federal Funds	40,588,026
4	Federal Funds – Stimulus	930,169
5	Federal Funds Total	41,518,195
6	Restricted Receipts	24,520,035
7	Total – Community and Family Health and Equity	68,571,092
8	<i>Infectious Disease and Epidemiology</i>	
9	General Revenues	1,717,250
10	Federal Funds	5,129,569
11	Total – Infectious Disease and Epidemiology	6,846,819
12	Grand Total – General Revenue	25,840,318
13	Grand Total – Health	121,352,917
14	Human Services	
15	<i>Central Management</i>	
16	General Revenues	5,032,814
17	Federal Funds	4,180,956
18	Restricted Receipts	520,231
19	Total – Central Management	9,734,001
20	<i>Child Support Enforcement</i>	
21	General Revenues	2,996,584
22	Federal Funds	6,645,827
23	Total – Child Support Enforcement	9,642,411
24	<i>Individual and Family Support</i>	
25	General Revenues	22,946,992
26	Federal Funds	
27	Federal Funds	121,456,115
28	Federal Funds – Stimulus	6,222,500
29	Federal Funds Total	127,678,615
30	Restricted Receipts	737,279
31	Other Funds	
32	Rhode Island Capital Plan Fund	
33	Blind Vending Facilities	165,000
34	Intermodal Surface Transportation Fund	4,162,981

1	Other Funds Total	4,327,981
2	Total – Individual and Family Support	155,690,867
3	<i>Veterans' Affairs</i>	
4	General Revenues	20,496,870
5	Federal Funds	8,215,161
6	Restricted Receipts	681,500
7	Total – Veterans' Affairs	29,393,531
8	<i>Health Care Eligibility</i>	
9	General Revenues	8,571,757
10	Federal Funds	11,937,561
11	Total – Health Care Eligibility	20,509,318
12	<i>Supplemental Security Income Program</i>	
13	General Revenues	18,705,407
14	Total – Supplemental Security Income Program	18,705,407
15	<i>Rhode Island Works</i>	
16	General Revenues	9,668,635
17	Federal Funds	78,920,855
18	Total – Rhode Island Works	88,589,490
19	<i>State Funded Programs</i>	
20	General Revenues	1,655,560
21	Of this appropriation, \$210,000 shall be used for hardship contingency payments.	
22	Federal Funds	268,085,000
23	Total – State Funded Programs	269,740,560
24	<i>Elderly Affairs</i>	
25	General Revenues	
26	Program Services	6,349,170
27	Care and Safety of the Elderly	1,300
28	General Revenue Total	6,350,470
29	Federal Funds	11,900,244
30	Restricted Receipts	137,026
31	Total – Elderly Affairs	18,387,740
32	Grand Total General Revenue	96,425,089
33	Grand Total – Human Services	620,393,325
34	Behavioral Health, Developmental Disabilities, and Hospitals	

1	<i>Central Management</i>	
2	General Revenues	1,015,570
3	Federal Funds	600,382
4	Total – Central Management	1,615,952
5	<i>Hospital and Community System Support</i>	
6	General Revenues	1,468,050
7	Restricted Receipts	762,813
8	Other Funds	
9	Rhode Island Capital Plan Fund	
10	Medical Center Rehabilitation	150,000
11	Community Facilities Fire Code	400,000
12	Other Funds Total	550,000
13	Total – Hospital and Community System Support	2,780,863
14	<i>Services for the Developmentally Disabled</i>	
15	General Revenues	114,123,111
16	Federal Funds	113,792,233
17	Restricted Receipts	1,759,132
18	Other Funds	
19	Rhode Island Capital Plan Fund	
20	DD Private Waiver	300,000
21	Regional Center Repair/Rehabilitation	400,000
22	MR Community Facilities/Access to Independence	500,000
23	Other Funds Total	1,200,000
24	Total – Services for the Developmentally Disabled	230,874,476
25	<i>Behavioral Healthcare Services</i>	
26	General Revenues	2,293,459
27	Federal Funds	15,600,783
28	Restricted Receipts	100,000
29	Other Funds	
30	Rhode Island Capital Plan Fund	
31	MH Community Facilities Repair	400,000
32	MH Housing Development-Thresholds	800,000
33	Substance Abuse Asset Production	100,000
34	Other Funds Total	1,300,000

1	Total – Behavioral Healthcare Services	19,294,242
2	<i>Hospital and Community Rehabilitative Services</i>	
3	General Revenues	51,525,550
4	Federal Funds	50,596,704
5	Restricted Receipts	6,558,852
6	Other Funds	
7	Rhode Island Capital Plan Fund	
8	Zambarano Buildings and Utilities	346,000
9	Eleanor Slater HVAC/Elevators	2,000,000
10	MR Community Facilities	975,000
11	Hospital Equipment	300,000
12	Other Funds Total	3,621,000
13	Total - Hospital and Community Rehabilitative Services	112,302,106
14	Grand Total – General Revenue	170,425,740
15	Grand Total – Behavioral Health, Developmental Disabilities, and Hospitals	366,867,639
16	Elementary and Secondary Education	
17	<i>Administration of the Comprehensive Education Strategy</i>	
18	General Revenues	21,231,893
19	Federal Funds	
20	Federal Funds	193,991,061
21	Federal Funds – Stimulus	5,990,558
22	RTTT LEA Share	100,000
23	RTTT Preschool Development Grants – Expansion	1,290,840
24	Federal Funds Total	201,372,459
25	Restricted Receipts	
26	Restricted Receipts	1,082,319
27	HRIC Adult Education Grants	3,500,000
28	Restricted Receipts Total	4,582,319
29	Other Funds	
30	Rhode Island Capital Plan Fund	
31	State-Owned Warwick	1,000,000
32	State-Owned Woonsocket	1,000,000
33	Other Funds Total	2,000,000
34	Total – Administration of the Comprehensive Education Strategy	229,186,671

1	<i>Davies Career and Technical School</i>	
2	General Revenues	11,656,803
3	Federal Funds	1,330,141
4	Restricted Receipts	4,281,107
5	Other Funds	
6	Rhode Island Capital Plan Fund	
7	Davies HVAC	395,000
8	Davies Asset Protection	770,000
9	Other Funds Total	
10	Total – Davies Career and Technical School	18,433,051
11	<i>RI School for the Deaf</i>	
12	General Revenues	6,279,590
13	Federal Funds	259,714
14	Restricted Receipts	785,791
15	Other Funds	
16	RI School for the Deaf Transformation Grants	59,000
17	Other Funds Total	59,000
18	Total – RI School for the Deaf	7,384,095
19	<i>Metropolitan Career and Technical School</i>	
20	Other Funds	
21	Rhode Island Capital Plan Fund	
22	MET Asset Protection	100,000
23	Other Funds Total	100,000
24	Total – Metropolitan Career and Technical School	100,000
25	<i>Education Aid</i>	
26	General Revenues	805,090,287
27	Restricted Receipts	19,299,709
28	Other Funds	
29	Permanent School Fund – Education Aid	300,000
30	Other Funds Total	300,000
31	Total – Education Aid	824,689,996
32	<i>Central Falls School District</i>	
33	General Revenues	39,369,337
34	Total – Central Falls School District	39,369,337

1	<i>School Construction Aid</i>	
2	General Revenues	
3	School Housing Aid	70,907,110
4	School Building Authority Capital Fund	20,000,000
5	General Revenue Total	90,907,110
6	Total – School Construction Aid	90,907,110
7	<i>Teachers' Retirement</i>	
8	General Revenues	92,805,836
9	Total – Teachers' Retirement	92,805,836
10	Grand Total – General Revenue	1,067,340,856
11	Grand Total – Elementary and Secondary Education	1,302,876,096
12	Public Higher Education	
13	<i>Office of Postsecondary Commissioner</i>	
14	General Revenues	5,785,323
15	Federal Funds	
16	Federal Funds	10,499,301
17	WaytogoRI Portal	943,243
18	Guaranty Agency Operating Fund-Scholarships & Grants	4,000,000
19	The \$4.0 million expended from the Guaranty Agency Operating Fund shall be used only	
20	for scholarships and grants at URI, RIC, and CCRI.	
21	Federal Funds Total	15,442,544
22	Other Funds	
23	Tuition Savings Prgm – Administration	465,610
24	Tuition Savings Prgm – Dual Enrollment	1,300,000
25	Tuition Savings Prgm – Scholarships and Grants	6,095,000
26	Other Funds Total	7,860,610
27	Total – Office of Postsecondary Commissioner	29,088,477
28	<i>University of Rhode Island</i>	
29	General Revenue	
30	General Revenues	71,103,468
31	The University shall not decrease internal student financial aid in the 2015 – 2016	
32	academic year below the level of the 2014 – 2015 academic year. The President of the institution	
33	shall report, prior to the commencement of the 2015-2016 academic year, to the chair of the	
34	Council of Postsecondary Education that such tuition charges and student aid levels have been	

1 achieved at the start of FY 2016 as prescribed above.

2	Debt Service	18,186,018
3	RI State Forensics Laboratory	1,072,892
4	General Revenue Total	90,362,378
5	Other Funds	
6	University and College Funds	591,203,000
7	Debt – Dining Services	1,113,621
8	Debt – Education and General	3,599,062
9	Debt – Health Services	136,256
10	Debt – Housing Loan Funds	10,607,660
11	Debt – Memorial Union	324,358
12	Debt – Ryan Center	2,793,305
13	Debt – Alton Jones Services	103,119
14	Debt – Parking Authority	1,029,157
15	Debt – Sponsored Research	90,278
16	Debt – URI Energy Conservation	2,520,156
17	Rhode Island Capital Plan Fund	
18	Asset Protection	5,482,900
19	Fire and Safety Protection	3,221,312
20	Electrical Substation	1,200,000
21	New Chemistry Building	4,000,000
22	Other Funds Total	627,424,184
23	Total – University of Rhode Island	717,786,562

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

27 *Rhode Island College*

28	General Revenues	
29	General Revenues	44,688,362

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

1	Debt Service	5,214,649
2	General Revenue Total	49,903,011
3	Other Funds	
4	University and College Funds	118,566,770
5	Debt – Education and General	879,147
6	Debt – Housing	2,013,281
7	Debt – Student Center and Dining	154,330
8	Debt – Student Union	235,481
9	Debt – G.O. Debt Service	1,644,459
10	Debt Energy Conservation	256,275
11	Rhode Island Capital Plan Fund	
12	Asset Protection	3,080,400
13	Infrastructure Modernization	2,000,000
14	Other Funds – Total	128,830,143
15	Total – Rhode Island College	178,733,154

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

19 *Community College of Rhode Island*

20	General Revenues	
21	General Revenues	47,965,855

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

27	Debt Service	1,676,521
28	General Revenue Total	49,642,376
29	Restricted Receipts	653,200
30	Other Funds	
31	University and College Funds	106,862,884
32	CCRI Debt Service – Energy Conservation	808,425
33	Rhode Island Capital Plan Fund	
34	Asset Protection	2,184,100

1	Knight Campus Renewal	2,000,000
2	Other Funds Total	111,855,409
3	Total – Community College of RI	162,150,985
4	Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or	
5	unencumbered balances as of June 30, 2016 relating to the Community College of Rhode Island	
6	are hereby reappropriated to fiscal year 2017.	
7	Grand Total – General Revenue	195,693,088
8	Grand Total – Public Higher Education	1,087,759,178
9	RI State Council on the Arts	
10	General Revenues	
11	Operating Support	453,187
12	Grants	1,054,574
13	General Revenue Total	1,507,761
14	Federal Funds	775,353
15	Other Funds	
16	Art for Public Facilities	1,398,293
17	Other Funds Total	1,398,293
18	Grand Total – RI State Council on the Arts	3,681,407
19	RI Atomic Energy Commission	
20	General Revenues	957,170
21	Federal Funds	54,699
22	Other Funds	
23	URI Sponsored Research	275,300
24	Rhode Island Capital Plan Funds	
25	RINSC Asset Protection	50,000
26	Other Funds Total	325,300
27	Grand Total – RI Atomic Energy Commission	1,337,169
28	RI Historical Preservation and Heritage Commission	
29	General Revenues	1,355,972
30	Federal Funds	2,054,893
31	Restricted Receipts	428,630
32	Other Funds	
33	RIDOT Project Review	71,708
34	Other Funds Total	71,708

1	Grand Total – RI Historical Preservation and Heritage Comm	3,911,203
2	Attorney General	
3	<i>Criminal</i>	
4	General Revenues	15,461,041
5	Federal Funds	1,291,777
6	Restricted Receipts	353,595
7	Total – Criminal	17,106,413
8	<i>Civil</i>	
9	General Revenues	5,285,996
10	Restricted Receipts	896,735
11	Total – Civil	6,182,731
12	<i>Bureau of Criminal Identification</i>	
13	General Revenues	1,591,162
14	Total – Bureau of Criminal Identification	1,591,162
15	<i>General</i>	
16	General Revenues	2,855,011
17	Other Funds	
18	Rhode Island Capital Plan Fund	
19	Building Renovations and Repairs	300,000
20	Other Funds Total	300,000
21	Total – General	3,155,011
22	Grand Total – General Revenue	25,193,210
23	Grand Total – Attorney General	28,035,317
24	Corrections	
25	<i>Central Management</i>	
26	General Revenues	9,308,836
27	Federal Funds	118,361
28	Total – Central Management	9,427,197
29	<i>Parole Board</i>	
30	General Revenues	1,345,685
31	Federal Funds	38,000
32	Total – Parole Board	1,383,685
33	<i>Custody and Security</i>	
34	General Revenues	126,571,465

1	Federal Funds	571,986
2	Total – Custody and Security	127,143,451
3	<i>Institutional Support</i>	
4	General Revenues	6,595,667
5	Other Funds	
6	Rhode Island Capital Plan Fund	
7	Asset Protection	4,000,000
8	Maximum – General Renovations	900,000
9	General Renovations Women’s	166,000
10	Bernadette Guay Roof	500,000
11	ISC Exterior Envelope and HVAC	1,000,000
12	Minimum Security Kitchen Expansion	1,100,000
13	Medium Infrastructure	3,000,000
14	D Building State Match – Reintergration C	450,000
15	Other Funds Total	11,116,000
16	Total – Institutional Support	27,711,667
17	<i>Institutional Based Rehab./Population Management</i>	
18	General Revenues	9,524,559
19	Federal Funds	552,034
20	Restricted Receipts	29,464
21	Total – Institutional Based Rehab/Population Mgt.	10,106,057
22	<i>Healthcare Services</i>	
23	General Revenues	20,771,182
24	Total – Healthcare Services	20,771,182
25	<i>Community Corrections</i>	
26	General Revenues	15,957,837
27	Federal Funds	57,000
28	Restricted Receipts	17,594
29	Total – Community Corrections	16,032,431
30	Grand Total – General Revenue	200,075,231
31	Grand Total – Corrections	212,575,670
32	Judiciary	
33	<i>Supreme Court</i>	
34	General Revenues	

1	General Revenues	27,107,017
2	Provided however, that no more than \$932,340 in combined total shall be offset to the	
3	Public Defender's Office, the Attorney General's Office, the Department of Corrections, the	
4	Department of Children Youth and Families, and the Department of Public Safety for square-	
5	footage occupancy costs in public courthouses.	
6	Defense of Indigents	3,542,240
7	General Revenue Total	30,649,257
8	Federal Funds	123,289
9	Restricted Receipts	2,163,386
10	Other Funds	
11	Rhode Island Capital Plan Fund	
12	Judicial HVAC	900,000
13	Judicial Complexes Asset Protection	850,000
14	Licht Judicial Complex Restoration	750,000
15	Other Funds Total	2,500,000
16	Total - Supreme Court	35,435,932
17	<i>Judicial Tenure and Discipline</i>	
18	General Revenues	121,527
19	Total – Judicial Tenure and Discipline	121,527
20	<i>Superior Court</i>	
21	General Revenues	23,209,940
22	Federal Funds	50,406
23	Restricted Receipts	300,000
24	Total – Superior Court	23,560,346
25	<i>Family Court</i>	
26	General Revenues	20,918,555
27	Federal Funds	3,014,025
28	Total – Family Court	23,932,580
29	<i>District Court</i>	
30	General Revenues	12,355,546
31	Federal Funds	30,000
32	Restricted Receipts	169,251
33	Total – District Court	12,554,797
34	<i>Traffic Tribunal</i>	

1	General Revenues	8,542,221
2	Total – Traffic Tribunal	8,542,221
3	<i>Workers' Compensation Court</i>	
4	Restricted Receipts	7,763,807
5	Total – Workers' Compensation Court	7,763,807
6	Grand Total – General Revenue	95,797,046
7	Grand Total – Judiciary	111,911,210
8	Military Staff	
9	General Revenues	2,065,434
10	Federal Funds	15,361,864
11	Restricted Receipts	
12	RI Military Relief Fund	300,000
13	Counter Drug Asset Forfeiture	23,300
14	Restricted Receipts Total	323,300
15	Other Funds	
16	Rhode Island Capital Plan Fund	
17	Armory of Mounted Command Roof Replacement	357,500
18	Asset Protection	700,000
19	Joint Force Headquarters Building	600,000
20	Other Funds Total	1,657,500
21	Grand Total – Military Staff	19,408,098
22	Emergency Management	
23	General Revenues	1,766,002
24	Federal Funds	16,551,541
25	Restricted Receipts	220,375
26	Grand Total – Emergency Management	18,537,918
27	Public Safety	
28	<i>Central Management</i>	
29	General Revenues	1,325,286
30	Federal Funds	3,770,143
31	Total – Central Management	5,095,429
32	<i>E-911 Emergency Telephone System</i>	
33	General Revenues	5,377,414
34	Total – E-911 Emergency Telephone System	5,377,414

1	<i>State Fire Marshal</i>	
2	General Revenues	2,946,169
3	Federal Funds	202,295
4	Restricted Receipts	493,212
5	Other Funds	
6	Rhode Island Capital Plan Fund	
7	Fire Academy	2,000,000
8	Quonset Development Corporation	60,541
9	Other Funds – Total	2,060,541
10	Total – State Fire Marshal	5,702,217
11	<i>Security Services</i>	
12	General Revenues	22,680,304
13	Total – Security Services	22,680,304
14	<i>Municipal Police Training Academy</i>	
15	General Revenues	254,667
16	Federal Funds	144,420
17	Total – Municipal Police Training Academy	399,087
18	<i>State Police</i>	
19	General Revenues	63,870,459
20	Federal Funds	2,229,499
21	Restricted Receipts	10,889,799
22	Other Funds	
23	Rhode Island Capital Plan Fund	
24	Consolidated Training Academy	1,250,000
25	DPS Asset Protection	250,000
26	Barrack Renovation	400,000
27	Lottery Commission Assistance	1,450,696
28	Airport Corporation Assistance	377,148
29	Road Construction Reimbursement	2,936,120
30	Other Funds Total	6,663,964
31	Total – State Police	83,653,721
32	Grand Total – General Revenue	96,454,299
33	Grand Total – Public Safety	122,908,172
34	Office of Public Defender	

1	General Revenues	11,621,977
2	Federal Funds	78,370
3	Grand Total – Office of Public Defender	11,700,347
4	Environmental Management	
5	<i>Office of the Director</i>	
6	General Revenues	4,712,770
7	Federal Funds	150,000
8	Restricted Receipts	3,100,511
9	Total – Office of the Director	7,963,281
10	<i>Natural Resources</i>	
11	General Revenues	20,040,905
12	Federal Funds	19,131,833
13	Restricted Receipts	6,460,768
14	Other Funds	
15	DOT Recreational Projects	181,649
16	Blackstone Bikepath Design	2,059,579
17	Transportation MOU	78,350
18	Rhode Island Capital Plan Fund	
19	Dam Repair	750,000
20	Fort Adams Rehabilitation	125,000
21	Fort Adams America’s Cup	1,400,000
22	Recreational Facilities Improvements	2,850,000
23	Galilee Piers Upgrade	400,000
24	Newport Piers	137,500
25	World War II Facility	770,000
26	Blackstone Valley Bike Path	198,410
27	Marine Infrastructure/Pier Development	100,000
28	Other Funds Total	9,050,488
29	Total – Natural Resources	54,683,994
30	<i>Environmental Protection</i>	
31	General Revenues	11,751,892
32	Federal Funds	10,025,644
33	Restricted Receipts	8,893,258
34	Other Funds	

1	Transportation MOU	164,734
2	Other Funds Total	164,734
3	Total – Environmental Protection	30,835,528
4	Grand Total – General Revenue	36,505,567
5	Grand Total – Environmental Management	93,482,803
6	Coastal Resources Management Council	
7	General Revenues	2,433,260
8	Federal Funds	2,614,348
9	Restricted Receipts	250,000
10	Other Funds	
11	Rhode Island Capital Plan Fund	
12	Shoreline Change Beach SAMP	50,000
13	Other Funds Total	50,000
14	Grand Total – Coastal Resources Mgmt. Council	5,347,608
15	Transportation	
16	<i>Central Management</i>	
17	Federal Funds	8,540,000
18	Other Funds	
19	Gasoline Tax	2,182,215
20	Other Funds Total	2,182,215
21	Total – Central Management	10,722,215
22	<i>Management and Budget</i>	
23	Other Funds	
24	Gasoline Tax	4,530,251
25	Other Funds Total	4,530,251
26	Total – Management and Budget	4,530,251
27	<i>Infrastructure Engineering - GARVEE/Motor Fuel Tax Bonds</i>	
28	Federal Funds	
29	Federal Funds	240,533,185
30	Federal Funds – Stimulus	14,542,237
31	Federal Funds Total	255,075,422
32	Restricted Receipts	1,000,000
33	Other Funds	
34	Gasoline Tax	71,459,558

1	Land Sale Revenue	10,800,000
2	Rhode Island Capital Fund	
3	RIPTA Land and Buildings	200,000
4	Highway Improvement Program	47,650,000
5	Other Funds Total	130,109,558
6	Total - Infrastructure Engineering – GARVEE	386,184,980
7	<i>Infrastructure Maintenance</i>	
8	Other Funds	
9	Gasoline Tax	11,478,947
10	Non-Land Surplus Property	10,000
11	Outdoor Advertising	100,000
12	Rhode Island Highway Maintenance Account	41,391,607
13	Rhode Island Capital Plan Fund	
14	Maintenance Facilities Improvements	100,000
15	Salt Storage Facilities	1,000,000
16	Portsmouth Facility	1,000,000
17	Maintenance - Capital Equipment Replacement	2,000,000
18	Train Station Maintenance and Repairs	350,000
19	Other Funds Total	57,430,554
20	Total – Infrastructure Maintenance	57,430,554
21	Grand Total – Transportation	458,868,000
22	Statewide Totals	
23	General Revenues	3,491,628,573
24	Federal Funds	3,003,078,979
25	Restricted Receipts	239,396,225
26	Other Funds	1,893,471,470
27	Statewide Grand Total	8,627,575,247

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

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

34 SECTION 4. From the appropriation for contingency shall be paid such sums as may be

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

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

18 Account	Expenditure Limit
19 State Assessed Fringe Benefit Internal Service Fund	38,930,194
20 Administration Central Utilities Internal Service Fund	17,782,800
21 State Central Mail Internal Service Fund	6,203,680
22 State Telecommunications Internal Service Fund	4,122,558
23 State Automotive Fleet Internal Service Fund	13,830,623
24 Surplus Property Internal Service Fund	2,500
25 Health Insurance Internal Service Fund	251,175,719
26 Other Post-Employment Benefits Fund	64,293,483
27 Capital Police Internal Service Fund	1,252,144
28 Corrections Central Distribution Center Internal Service Fund	6,768,097
29 Correctional Industries Internal Service Fund	7,228,052
30 Secretary of State Record Center Internal Service Fund	813,687

31 (b) The Department of Administration shall establish an internal service fund for the
 32 Division of Information Technology commencing July 1, 2015. The Division of Information
 33 Technology, which has a federally approved rate structure that identifies the cost of each service
 34 it provides, shall implement a billing system which will benchmark its costs compared to the

1 private sector. The measured components of the Division of Information Technology's internal
2 service fund shall be determined through the development of their FY 2016 rates, and shall be
3 utilized in its cost benchmarking. The Department of Administration will incorporate the Division
4 of Information Technology as an internal service fund within its FY 2016 Revised Budget.

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

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

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

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

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

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

1 recommendation to the Governor, the Speaker of the House, and the President of the Senate. A
 2 copy of the recommendation and authorization to adjust shall be transmitted to the chairman of
 3 the House Finance Committee, Senate Finance Committee, the House Fiscal Advisor and the
 4 Senate Fiscal Advisor.

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

8 FY 2016 FTE POSITION AUTHORIZATION

9	Departments and Agencies	Full-Time Equivalent
10	Administration	710.7
11	Business Regulation	99.0
12	Executive Office of Commerce	18.6
13	Labor and Training	410.0
14	Revenue	514.5
15	Legislature	298.5
16	Office of the Lieutenant Governor	8.0
17	Office of the Secretary of State	57.0
18	Office of the General Treasurer	83.0
19	Board of Elections	11.0
20	Rhode Island Ethics Commission	12.0
21	Office of the Governor	45.0
22	Commission for Human Rights	14.5
23	Public Utilities Commission	50.0
24	Office of Health and Human Services	202.0
25	Children, Youth, and Families	672.5
26	Health	488.6
27	Human Services	959.1
28	Behavioral Health, Developmental Disabilities, and Hospitals	1,421.4
29	Elementary and Secondary Education	153.4
30	School for the Deaf	60.0
31	Davies Career and Technical School	126.0
32	Office of Postsecondary Commissioner	30.0

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

1	University of Rhode Island	2,456.5
2	Provided that 573.8 of the total authorization would be available only for positions that	
3	are supported by third-party funds.	
4	Rhode Island College	923.6
5	Provided that 82.0 of the total authorization would be available only for positions that are	
6	supported by third-party funds.	
7	Community College of Rhode Island	54.1
8	Provided that 89.0 of the total authorization would be available only for positions that are	
9	supported by third-party funds.	
10	Rhode Island State Council on the Arts	6.0
11	RI Atomic Energy Commission	8.6
12	Historical Preservation and Heritage Commission	16.6
13	Office of the Attorney General	236.1
14	Corrections	1,419.0
15	Judicial	723.3
16	Military Staff	92.0
17	Public Safety	633.2
18	Office of the Public Defender	93.0
19	Emergency Management	32.0
20	Environmental Management	399.0
21	Coastal Resources Management Council	29.0
22	Transportation	752.6
23	Total	15,119.4

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

27 The following amounts are hereby appropriated out of any money in the State's Rhode
28 Island Capital Plan Fund not otherwise appropriated to be expended during the fiscal years ending
29 June 30, 2017, June 30, 2018, and June 30, 2019. These amounts supersede appropriations
30 provided within Section 11 of Article 1 of Chapter 145 of the P.L. of 2014. For the purposes and
31 functions hereinafter mentioned, the State Controller is hereby authorized and directed to draw
32 his or her orders upon the General Treasurer for the payment of such sums and such portions
33 thereof as may be required by him or her upon receipt of properly authenticated vouchers.

34 Fiscal Year Ending Fiscal Year Ending Fiscal Year Ending

1	Project	June 30, 2017	June 30, 2018	June 30, 2019
2	DOT-Highway Improvement	27,200,000	27,200,000	27,200,000
3	DOT-Maintenance – Capital Equipment	2,500,000	2,500,000	2,500,000
4	DOA-Pastore Center Rehab	7,915,000	2,500,000	2,120,000
5	Higher Ed-Asset Protection-CCRI	2,732,100	2,799,063	2,368,035
6	Higher Ed – Knight Campus Renewal	4,000,000	5,000,000	4,000,000
7	Higher Ed-Asset Protection-RIC	3,357,700	3,458,431	3,562,184
8	Higher Ed-Asset Protection-URI	7,856,000	8,030,000	7,700,000
9	DOC Asset Protection	4,000,000	4,000,000	4,000,000
10	Judicial-Asset Protection	875,000	950,000	950,000
11	Mil Staff-Joint Force Headquarters Bldg	3,000,000	3,000,000	4,100,000
12	DEM-Dam Repairs	1,000,000	1,550,000	1,500,000
13	DEM-Recreation Facility Improvements	2,250,000	1,700,000	1,550,000

14 SECTION 12. Reappropriation of Funding for Rhode Island Capital Plan Fund Projects.
15 – Any unexpended and unencumbered funds from Rhode Island Capital Plan Fund project
16 appropriations may be reappropriated at the recommendation of the Governor in the ensuing
17 fiscal year and made available for the same purpose. However, any such reappropriations are
18 subject to final approval by the General Assembly as part of the supplemental appropriations act.
19 Any unexpended funds of less than five hundred dollars (\$500) shall be reappropriated at the
20 discretion of the State Budget Officer.

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

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

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

34 SECTION 16. Notwithstanding any provisions of Chapter 25 in Title 46 of the Rhode

1 Island General Laws, the Narragansett Bay Commission shall transfer to the State Controller the
2 sum of two million eight hundred thousand dollars (\$2,800,000) by June 30, 2016.

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

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

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

10 **ARTICLE 2**
11 **RELATING TO DEBT MANAGEMENT ACT JOINT RESOLUTION**

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

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

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

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

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

32 WHEREAS, the upgrade and reconfiguration of gas, electric, and telecommunication
33 infrastructure in the district, with the cooperation of National Grid and the university’s
34 networking and telecommunications operation, will address reliability, safety and long-term

1 functionality, while reconfigured roadways, with service access, improved pedestrian safety, and
2 parking area enhancements will bring this sector in line with the hardscape, exterior lighting, and
3 blue-light emergency phone complements in the adjacent residence hall districts; and

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

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

9 RESOLVED, that the total amount of the debt approved to be issued in the aggregate
10 shall be limited to not more than five million one hundred thousand dollars (\$5,100,000). Total
11 debt service on the bonds is not expected to exceed four hundred seven thousand dollars
12 (\$407,000) annually and eight million one hundred forty thousand dollars (\$8,140,000) in the
13 aggregate based on an average interest rate of five (5.0%) percent and a twenty (20) year
14 maturity; and be it further

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

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

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

22 ARTICLE 3

23 RELATING TO LICENSING OF HOSPITAL FACILITIES

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

26 **23-17-38.1 Hospitals – Licensing fee.** ~~-- (a) There is imposed a hospital licensing fee at~~
27 ~~the rate of five and four hundred eighteen thousandths percent (5.418%) upon the net patient~~
28 ~~services revenue of every hospital for the hospital's first fiscal year ending on or after January 1,~~
29 ~~2012, except that the license fee for all hospitals located in Washington County, Rhode Island,~~
30 ~~shall be discounted by thirty seven percent (37%). The discount for Washington County hospitals~~
31 ~~is subject to approval by the Secretary of the US Department of Health and Human Services of a~~
32 ~~state plan amendment submitted by the executive office of health and human services for the~~
33 ~~purpose of pursuing a waiver of the uniformity requirement for the hospital license fee. This~~
34 ~~licensing fee shall be administered and collected by the tax administrator, division of taxation~~

1 ~~within the department of revenue, and all the administration, collection, and other provisions of~~
2 ~~chapter 51 of title 44 shall apply. Every hospital shall pay the licensing fee to the tax~~
3 ~~administrator on or before July 14, 2014, and payments shall be made by electronic transfer of~~
4 ~~monies to the general treasurer and deposited to the general fund. Every hospital shall, on or~~
5 ~~before June 16, 2014, make a return to the tax administrator containing the correct computation of~~
6 ~~net patient services revenue for the hospital fiscal year ending September 30, 2012, and the~~
7 ~~licensing fee due upon that amount. All returns shall be signed by the hospital's authorized~~
8 ~~representative, subject to the pains and penalties of perjury.~~

9 (b) (a) There is also imposed a hospital licensing fee at the rate of five and seven
10 hundred three thousandths percent (5.703%) upon the net patient services revenue of every
11 hospital for the hospital's first fiscal year ending on or after January 1, 2013, except that the
12 license fee for all hospitals located in Washington County, Rhode Island shall be discounted by
13 thirty-seven percent (37%). The discount for Washington County hospitals is subject to approval
14 by the Secretary of the US Department of Health and Human Services of a state plan amendment
15 submitted by the executive office of health and human services for the purpose of pursuing a
16 waiver of the uniformity requirement for the hospital license fee. This licensing fee shall be
17 administered and collected by the tax administrator, division of taxation within the department of
18 revenue, and all the administration, collection and other provisions of chapter 51 of title 44 shall
19 apply. Every hospital shall pay the licensing fee to the tax administrator on or before July 13,
20 2015 and payments shall be made by electronic transfer of monies to the general treasurer and
21 deposited to the general fund. Every hospital shall, on or before June 15, 2015, make a return to
22 the tax administrator containing the correct computation of net patient services revenue for the
23 hospital fiscal year ending September 30, 2013, and the licensing fee due upon that amount. All
24 returns shall be signed by the hospital's authorized representative, subject to the pains and
25 penalties of perjury.

26 (b) There is also imposed a hospital licensing fee at the rate of five and seven hundred
27 three thousandths percent (5.703%) upon the net patient services revenue of every hospital for the
28 hospital's first fiscal year ending on or after January 1, 2013, except that the license fee for all
29 hospitals located in Washington County, Rhode Island shall be discounted by thirty-seven percent
30 (37%). The discount for Washington County hospitals is subject to approval by the Secretary of
31 the US Department of Health and Human Services of a state plan amendment submitted by the
32 executive office of health and human services for the purpose of pursuing a waiver of the
33 uniformity requirement for the hospital license fee. This licensing fee shall be administered and
34 collected by the tax administrator, division of taxation within the department of revenue, and all

1 the administration, collection and other provisions of chapter 51 of title 44 shall apply. Every
2 hospital shall pay the licensing fee to the tax administrator on or before July 11, 2016 and
3 payments shall be made by electronic transfer of monies to the general treasurer and deposited to
4 the general fund. Every hospital shall, on or before June 13, 2016, make a return to the tax
5 administrator containing the correct computation of net patient services revenue for the hospital
6 fiscal year ending September 30, 2013, and the licensing fee due upon that amount. All returns
7 shall be signed by the hospital's authorized representative, subject to the pains and penalties of
8 perjury.

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

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

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

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

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

22 (e) The licensing fee imposed by this section shall apply to hospitals as defined herein
23 that are duly licensed on July 1, ~~2014~~ 2015, and shall be in addition to the inspection fee imposed
24 by § 23-17-38 and to any licensing fees previously imposed in accordance with § 23-17-38.1.

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

26 ARTICLE 4

27 RELATING TO HOSPITAL UNCOMPENSATED CARE

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

30 **40-8.3-2 Definitions.** -- As used in this chapter:

31 (1) "Base year" means for the purpose of calculating a disproportionate share payment
32 for any fiscal year ending after September 30, ~~2013~~ 2014, the period from October 1, ~~2011~~ 2012
33 through September 30, ~~2012~~ 2013, and for any fiscal year ending after September 30, ~~2014~~ 2015,
34 the period from October 1, 2012 through September 30, 2013.

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

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

11 (4) "Uncompensated care costs" means, as to any hospital, the sum of: (i) the cost
12 incurred by such hospital during the base year for inpatient or outpatient services attributable to
13 charity care (free care and bad debts) for which the patient has no health insurance or other third-
14 party coverage less payments, if any, received directly from such patients; and (ii) the cost
15 incurred by such hospital during the base year for inpatient or out-patient services attributable to
16 Medicaid beneficiaries less any Medicaid reimbursement received therefor; multiplied by the
17 uncompensated care index.

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

29 **40-8.3-3 Implementation.** -- ~~(a) For federal fiscal year 2013, commencing on October 1,~~
30 ~~2012 and ending September 30, 2013, the executive office of health and human services shall~~
31 ~~submit to the Secretary of the U.S. Department of Health and Human Services a state plan~~
32 ~~amendment to the Rhode Island Medicaid state plan for disproportionate share hospital payments~~
33 ~~(DSH Plan) to provide:~~

34 ~~(1) That the disproportionate share hospital payments to all participating hospitals, not to~~

1 ~~exceed an aggregate limit of \$128.3 million, shall be allocated by the executive office of health~~
2 ~~and human services to the Pool A, Pool C and Pool D components of the DSH Plan; and,~~

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

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

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

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

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

34 (1) That the disproportionate share hospital payments to all participating hospitals, not to

1 exceed an aggregate limit of \$136.8 million, shall be allocated by the executive office of health
2 and human services to the Pool A, Pool C and Pool D components of the DSH Plan; and,

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

12 (c) For federal fiscal year 2016, commencing on October 1, 2015 and ending September
13 30, 2016, the executive office of health and human services shall submit to the Secretary of the
14 U.S. Department of Health and Human Services a state plan amendment to the Rhode Island
15 Medicaid state plan for disproportionate share hospital payments (DSH Plan) to provide:

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

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

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

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

33 ~~40-8.3-10 Hospital adjustment payments. -- Effective July 1, 2012 and for each~~
34 ~~subsequent year, the executive office of health and human services is hereby authorized and~~

1 ~~directed to amend its regulations for reimbursement to hospitals for inpatient and outpatient~~
2 ~~services as follows:~~

3 ~~(a) Each hospital in the state of Rhode Island, as defined in subdivision 23-17-~~
4 ~~38.19(b)(1), shall receive a quarterly outpatient adjustment payment each state fiscal year of an~~
5 ~~amount determined as follows:~~

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

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

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

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

20 ~~(b) Each hospital in the state of Rhode Island, as defined in subdivision 3-17-~~
21 ~~38.19(b)(1), shall receive a quarterly inpatient adjustment payment each state fiscal year of an~~
22 ~~amount determined as follows:~~

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

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

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

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

34 ~~(c) The amounts determined in subsections (a) and (b) are in addition to Medicaid~~

1 ~~inpatient and outpatient payments and emergency services payments (exclusive of physician~~
2 ~~services) paid to hospitals in accordance with current state regulation and the Rhode Island Plan~~
3 ~~for Medicaid Assistance pursuant to Title XIX of the Social Security Act and are not subject to~~
4 ~~recoupment or settlement.~~

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

6 ARTICLE 5

7 RELATING TO MEDICAL ASSISTANCE

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

10 **40-8-13.4 Rate methodology for payment for in state and out of state hospital**
11 **services.** -- (a) The executive office of health and human services shall implement a new
12 methodology for payment for in state and out of state hospital services in order to ensure access
13 to and the provision of high quality and cost-effective hospital care to its eligible recipients.

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

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

26 (B) With respect to inpatient services, (i) it is required as of January 1, 2011 until
27 December 31, 2011, that the Medicaid managed care payment rates between each hospital and
28 health plan shall not exceed ninety and one tenth percent (90.1%) of the rate in effect as of June
29 30, 2010. Negotiated increases in inpatient hospital payments for each annual twelve (12) month
30 period beginning January 1, 2012 may not exceed the Centers for Medicare and Medicaid
31 Services national CMS Prospective Payment System (IPPS) Hospital Input Price index for the
32 applicable period; (ii) provided, however, for the twenty-four (24) month period beginning July 1,
33 2013 the Medicaid managed care payment rates between each hospital and health plan shall not
34 exceed the payment rates in effect as of January 1, 2013 [and for the twelve \(12\) month period](#)

1 beginning July 1, 2015, the Medicaid managed care payment rates between each hospital and
2 health plan shall not exceed ninety-five percent (95.0%) of the payment rates in effect as of
3 January 1, 2013; (iii) negotiated increases in inpatient hospital payments for each annual twelve
4 (12) month period beginning July 1, ~~2015~~ 2016 may not exceed the Centers for Medicare and
5 Medicaid Services national CMS Prospective Payment System (IPPS) Hospital Input Price Index,
6 less Productivity Adjustment, for the applicable period; (iv) The Rhode Island executive office of
7 health and human services will develop an audit methodology and process to assure that savings
8 associated with the payment reductions will accrue directly to the Rhode Island Medicaid
9 program through reduced managed care plan payments and shall not be retained by the managed
10 care plans; (v) All hospitals licensed in Rhode Island shall accept such payment rates as payment
11 in full; and (vi) for all such hospitals, compliance with the provisions of this section shall be a
12 condition of participation in the Rhode Island Medicaid program.

13 (2) With respect to outpatient services and notwithstanding any provisions of the law to
14 the contrary, for persons enrolled in fee for service Medicaid, the executive office will reimburse
15 hospitals for outpatient services using a rate methodology determined by the executive office and
16 in accordance with federal regulations. Fee-for-service outpatient rates shall align with Medicare
17 payments for similar services. Notwithstanding the above, there shall be no increase in the
18 Medicaid fee-for-service outpatient rates effective on July 1, 2013 ~~or~~, July 1, 2014, or July 1,
19 2015. For the twelve (12) month period beginning July 1, 2015, Medicaid fee-for-service
20 outpatient rates shall not exceed ninety-five percent (95.0%) of the rates in effect as of July 1,
21 2014. Thereafter, changes to outpatient rates will be implemented on July 1 each year and shall
22 align with Medicare payments for similar services from the prior federal fiscal year. With respect
23 to the outpatient rate, (i) it is required as of January 1, 2011 until December 31, 2011, that the
24 Medicaid managed care payment rates between each hospital and health plan shall not exceed one
25 hundred percent (100%) of the rate in effect as of June 30, 2010. Negotiated increases in hospital
26 outpatient payments for each annual twelve (12) month period beginning January 1, 2012 may
27 not exceed the Centers for Medicare and Medicaid Services national CMS Outpatient Prospective
28 Payment System (OPPS) hospital price index for the applicable period; (ii) provided, however,
29 for the twenty-four (24) month period beginning July 1, 2013 the Medicaid managed care
30 outpatient payment rates between each hospital and health plan shall not exceed the payment rates
31 in effect as of January 1, 2013 and for the twelve (12) month period beginning July 1, 2015, the
32 Medicaid managed care outpatient payment rates between each hospital and health plan shall not
33 exceed ninety-five percent (95.0%) of the payment rates in effect as of January 1, 2013; (iii)
34 negotiated increases in outpatient hospital payments for each annual twelve (12) month period

1 beginning July 1, ~~2015~~ 2016 may not exceed the Centers for Medicare and Medicaid Services
2 national CMS Outpatient Prospective Payment System (OPPS) Hospital Input Price Index, less
3 Productivity Adjustment, for the applicable period.

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

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

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

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

28 (g) The provisions of this section shall be effective upon implementation of the
29 amendments and new payment methodology pursuant to this section and § 40-8-13.3, which shall
30 in any event be no later than March 30, 2010, at which time the provisions of §§ 40-8-13.2, 27-
31 19-14, 27-19-15, and 27-19-16 shall be repealed in their entirety.

32 **40-8-19 Rates of payment to nursing facilities.** -- (a) Rate reform. (1) The rates to be
33 paid by the state to nursing facilities licensed pursuant to chapter 17 of title 23, and certified to
34 participate in the Title XIX Medicaid program for services rendered to Medicaid-eligible

1 residents, shall be reasonable and adequate to meet the costs which must be incurred by
2 efficiently and economically operated facilities in accordance with 42 U.S.C. § 1396a(a)(13). The
3 executive office of health and human services shall promulgate or modify the principles of
4 reimbursement for nursing facilities in effect as of July 1, 2011 to be consistent with the
5 provisions of this section and Title XIX, 42 U.S.C. § 1396 et seq., of the Social Security Act.

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

12 (i) A direct care rate adjusted for resident acuity;

13 (ii) An indirect care rate comprised of a base per diem for all facilities;

14 (iii) A rearray of costs for all facilities every three (3) years beginning October, 2015,
15 which may or may not result in automatic per diem revisions;

16 (iv) Application of a fair rental value system;

17 (v) Application of a pass-through system; and

18 (vi) Adjustment of rates by the change in a recognized national nursing home inflation
19 index to be applied on October 1st of each year, beginning October 1, 2012. This adjustment will
20 not occur on October 1, 2013 or October 1, 2015, but will ~~resume~~ occur on April 1, 2015. Said
21 inflation index shall be applied without regard for the transition factor in subsection (b)(2) below.

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

27 (1) No nursing facility shall receive reimbursement for direct care costs that is less than
28 the rate of reimbursement for direct care costs received under the methodology in effect at the
29 time of passage of this act; and

30 (2) No facility shall lose or gain more than five dollars (\$5.00) in its total per diem rate
31 the first year of the transition. The adjustment to the per diem loss or gain may be phased out by
32 twenty-five percent (25%) each year; and

33 (3) The transition plan and/or period may be modified upon full implementation of
34 facility per diem rate increases for quality of care related measures. Said modifications shall be

1 submitted in a report to the general assembly at least six (6) months prior to implementation.

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

5 SECTION 2. Section 40-8.13-5 of the General Laws in Chapter 40-8.13 entitled “Long-
6 Term Managed Care Arrangements” is hereby amended to read as follows:

7 **40-8.13-5 Financial savings under managed care.** -- To the extent that financial savings
8 are a goal under any managed long-term care arrangement, it is the intent of the legislature to
9 achieve such savings through administrative efficiencies, care coordination, and improvements in
10 care outcomes, rather than through reduced reimbursement rates to providers. Therefore, any
11 managed long-term care arrangement shall include a requirement that the managed care
12 organization reimburse providers for services in accordance with the following:

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

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

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

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

24 (3) Notwithstanding any law to the contrary, for the twelve (12) month period beginning
25 July 1, 2015, payment rates between each nursing facility and managed care organization shall
26 not exceed ninety-seven percent (97.0%) of the payment rates in effect during state fiscal year
27 2015.

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

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

1 following criteria:

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

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

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

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

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

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

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

19 **ARTICLE 6**

20 **RELATING TO EDUCATION**

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

23 **16-21-1 Transportation of public and private school pupils.** -- (a) The school
24 committee of any town or city shall provide suitable transportation to and from school for pupils
25 attending public and private schools of elementary and high school grades, ~~except private schools~~
26 ~~that are operated for profit~~, who reside so far from the public ~~or private~~ school which the pupil
27 attends as to make the pupil's regular attendance at school impractical and for any pupil whose
28 regular attendance would otherwise be impracticable on account of physical disability or
29 infirmity.

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

1 "school bus monitor" means any person sixteen (16) years of age or older.

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

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

23 ~~**6-23-2 Loan of textbooks.** --- (a) The school committee of every community as it is~~
24 ~~defined in § 16-7-16 shall furnish upon request, at the expense of the community, textbooks to all~~
25 ~~students in grades K-12 in the fields of mathematics, science, modern foreign languages,~~
26 ~~English/language arts and history/social studies, appearing on the list of textbooks published by~~
27 ~~the commissioner of elementary and secondary education as provided in § 16-23-3, to all pupils~~
28 ~~of elementary and secondary school grades resident in the community, the textbooks to be loaned~~
29 ~~to the pupils free of charge, subject to any rules and regulations as to care and custody that the~~
30 ~~school committee may prescribe. For loan purposes, non-public schools may not change a~~
31 ~~textbook assignment in a field more often than once in a three (3) year period as required of~~
32 ~~public schools in accordance with the provisions of § 16-23-1. Nothing in this section shall be~~
33 ~~construed as forbidding non-public schools from requiring the use of any textbook, consistent~~
34 ~~with the provisions of this chapter, that does not adhere to said limitation, provided that the~~

1 ~~textbook is furnished to the student through a means other than the school committee of the~~
2 ~~student's city or town of residence.~~

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

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

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

22 SECTION 3. Sections 16-99-2 and 16-99-3 of the General Laws in Chapter 16-99
23 entitled "Full-Day Kindergarten Accessibility Act" are hereby amended to read as follows:

24 ~~**16-99-2 Legislative findings.** --~~ The general assembly hereby finds and declares as
25 follows:

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

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

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

34 (4) According to Kids Count RI, children in full-day kindergarten are more likely to be

1 ready for first grade than those in half-day programs, regardless of family income, parental
2 education and school characteristics; [and](#)

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

6 **16-99-3 Full-day kindergarten.** -- (a) For the purpose of this chapter, the term "full-day
7 kindergarten" means a kindergarten program that operates a minimum of five and one-half (5 1/2)
8 hours or three hundred thirty (330) minutes of actual school work, excluding lunch, recess
9 periods, common planning time, pre- and post-school teacher time, study halls, homeroom
10 periods, student passing time and any other time that is not actual instructional time.

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

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

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

16 ARTICLE 7

17 RELATING TO HIGHER EDUCATION ASSISTANCE AUTHORITY

18 SECTION 1. Chapter 16-37 entitled "Best and Brightest Scholarship Fund" is hereby
19 repealed.

20 ~~**16-37-1 Short title.**--- This chapter shall be known and may be cited as the "Best and~~
21 ~~Brightest Scholarship Act."~~

22 ~~**16-37-2 Establishment of scholarship fund.**--- There is established the best and brightest~~
23 ~~scholarship fund, sometimes referred to as the "fund" or the "scholarship fund," which shall be~~
24 ~~utilized to attract the best and the brightest of the state's high school graduates, as defined in this~~
25 ~~chapter, into public school teaching within the state. The general assembly shall annually~~
26 ~~appropriate any funds as it deems necessary to implement the purposes of this chapter.~~

27 ~~**16-37-3 Scholarship committee --- Members --- Meetings --- Officers.**--- There is~~
28 ~~established the best and brightest scholarship committee, consisting of nine (9) members: one~~
29 ~~shall be the commissioner of elementary and secondary education, or the commissioner's~~
30 ~~designee; one shall be the commissioner of higher education, or the commissioner's designee; one~~
31 ~~shall be the president of the Rhode Island Federation of Teachers, or the president's designee; one~~
32 ~~shall be the president of the National Education Association of Rhode Island, or the president's~~
33 ~~designee; one shall be the president of the Rhode Island association of school committees, or the~~
34 ~~president's designee; one shall be the president of the Rhode Island Association of~~

1 ~~Superintendents of Schools, or the president's designee; one shall be the executive director of the~~
2 ~~Rhode Island higher education assistance authority, or the director's designee; and two (2) shall~~
3 ~~be the parents of public or private school students, to be appointed by the governor for a two (2)~~
4 ~~year term. The committee shall elect a chairperson, vice chairperson, secretary, and treasurer for~~
5 ~~one year terms.~~

6 ~~**16-37-4 Scholarship committee Powers.** The committee is authorized and~~
7 ~~empowered:~~

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

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

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

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

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

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

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

20 ~~**16-37-5 Eligibility for scholarship.** To be considered for the scholarship, all applicants~~
21 ~~must:~~

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

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

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

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

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

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

32 ~~**16-37-6 Award of scholarship Conditions.** At any time that sufficient funds become~~
33 ~~available the committee shall award scholarships in the amount of five thousand dollars (\$5,000)~~
34 ~~for each of the four (4) years of college attendance to each of the eligible applicants which the~~

1 ~~committee deems to be most qualified for the scholarship; provided, that to maintain entitlement~~
2 ~~to the scholarship each recipient must:~~

3 ~~(1) Be enrolled as a full time student in an accredited college or university;~~

4 ~~(2) Pursue a course of study leading to Rhode Island teacher certification; and~~

5 ~~(3) Maintain satisfactory progress as determined by the college or university attended by~~
6 ~~the recipient.~~

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

15 ~~(1) Returns to a full time course of study related to the field of public school teaching or~~
16 ~~administration;~~

17 ~~(2) Is serving, not in excess of three (3) years, as a member of the armed forces of the~~
18 ~~United States;~~

19 ~~(3) Is temporarily totally disabled for a period of time not to exceed three (3) years as~~
20 ~~established by the sworn affidavit of a qualified physician; or~~

21 ~~(4) Is seeking and unable to find employment in Rhode Island as a certified public school~~
22 ~~teacher.~~

23 ~~**16-37-8 Failure to comply with § 16-37-7 — Exceptions.** — Any recipient who fails to~~
24 ~~comply with the requirements of § 16-37-7 shall be required to reimburse the scholarship fund for~~
25 ~~all money received by the recipient, together with interest at a rate to be set by the Rhode Island~~
26 ~~higher education assistance authority in conformity with the interest rate of the guaranteed~~
27 ~~student loan program in effect at the time any required repayment begins; provided, that no~~
28 ~~person shall be required to reimburse the fund who has become permanently disabled as~~
29 ~~determined by a physician qualified by this state to render this opinion.~~

30 ~~**16-37-9 Severability.** — If any provision of this chapter or of any rule or regulation made~~
31 ~~under this chapter, or its application to any person or circumstance, is held invalid by a court of~~
32 ~~competent jurisdiction, the remainder of the chapter, rule, or regulation and the application of the~~
33 ~~provision to other persons or circumstances shall not be affected by its invalidity. The invalidity~~
34 ~~of any section or sections or parts of any section or sections of this chapter shall not affect the~~

1 ~~validity of the remainder of this chapter.~~

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

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

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

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

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

19 **16-41-5 Repayment of loans.** – (a) Dental, medical, optometry, osteopathic, and
20 veterinary medical students that attend schools under the Rhode Island health professions contract
21 program which are supported by funds from the state may decrease their indebtedness to the state
22 under the following options:

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

28 (2) Any graduate who establishes residency in the state will be relieved of ten percent
29 (10%) of that indebtedness per year for each year that he or she practices dentistry, medicine,
30 optometry, osteopathy, or veterinary medicine in the state in a full time capacity for a maximum
31 cancellation of fifty percent (50%) for five (5) years of practice.

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

34 (c) In no event shall any student be entitled to a refund of any sums paid on his or her

1 indebtedness by virtue of the provisions of this section.

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

4 SECTION 3. Sections 16-56-3, 16-56-7, 16-56-8, 16-56-9 and 16-56-13 of the General
5 Laws in Chapter 16-56 entitled "Postsecondary Student Financial Assistance" are hereby
6 repealed.

7 ~~**16-56-3 General eligibility requirements.** — (a) Eligibility of individuals. An applicant
8 is eligible for a monetary award when the authority finds:~~

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

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

12 ~~(3) That the applicant exhibits financial need.~~

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

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

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

20 ~~§ 16-56-7 Need based scholarships. — (a) Amount of funds allocated. In accordance with
21 authority policies, the authority shall allocate annually to need based scholarships any portion of
22 the total appropriation to this chapter as it may deem appropriate for the purpose of carrying out
23 the provisions of this section.~~

24 ~~(b) Definitions.~~

25 ~~(1) "Educational costs" means the same as defined in § 16-56-6.~~

26 ~~(2) "Family contribution" means the same as defined in § 16-56-6.~~

27 ~~(3) "Federal grant assistance" means the same as defined in § 16-56-6.~~

28 ~~(4) "Self help" means the same as defined in § 16-56-6.~~

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

31 ~~(c) Eligibility of individuals. Eligibility for need based scholarships shall be determined
32 by the authority when it is established that the applicant is found to meet the general eligibility
33 requirements as stated in § 16-56-3; and that the applicant is judged to be an outstanding student
34 on the basis of criteria approved by the authority. The criteria, at a minimum, shall consider the~~

1 following:

2 (1) ~~A student's scholastic ability and promise; and/or~~

3 (2) ~~A student's subject competencies including those that might extend beyond the~~
4 ~~academic fields.~~

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

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

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

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

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

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

22 **16-56-8 Need based work opportunities.** ~~(a) Amount of funds allocated. The authority~~
23 ~~shall allocate an amount annually to need-based work opportunities not exceeding twenty percent~~
24 ~~(20%) of the total appropriation to this chapter.~~

25 (b) ~~Eligibility of individuals. Eligibility for need-based work opportunities shall be~~
26 ~~determined by the authority when it is established that the applicant is found to meet the general~~
27 ~~eligibility requirements stated in § 16-56-3.~~

28 (c) ~~Number and terms of work opportunities.~~

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

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

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

1 ~~(iii) The applicant's financial situation continues to warrant the work opportunities.~~

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

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

6 ~~**16-56-9 Granting of awards.**— The authority may distribute the funds allocated to the~~
7 ~~need based work opportunity program to eligible Rhode Island institutions or directly to eligible~~
8 ~~students as the authority may deem appropriate.~~

9 ~~**16-56-13 Income exclusion from financial aid needs test.**— Notwithstanding any other~~
10 ~~provision of this chapter, chapter 57 of this title, or any other general or public law, or regulations~~
11 ~~issued pursuant to these, to the extent permitted by federal law, the first twenty five thousand~~
12 ~~dollars (\$25,000) of Rhode Island savings bond investment or the first twenty five thousand~~
13 ~~dollars (\$25,000) of United States savings bonds issued after December 31, 1989 or any~~
14 ~~combination of these not exceeding twenty five thousand dollars (\$25,000) shall not be~~
15 ~~considered in evaluating the financial situation of a student, or be deemed a financial resource of~~
16 ~~or a form of financial aid or assistance to the student, for the purposes of determining the~~
17 ~~eligibility of the student for any guaranteed loan, scholarship, grant, monetary assistance, or need~~
18 ~~based work opportunity, awarded by the Rhode Island higher education assistance authority or the~~
19 ~~state pursuant to any other law of this state; nor shall any Rhode Island savings bond investment~~
20 ~~or United States savings bonds issued after December 31, 1989, provided for a student reduce the~~
21 ~~amount of any guaranteed loan, scholarship, grant, or monetary assistance which the student is~~
22 ~~entitled to be awarded by the Rhode Island higher education assistance authority in accordance~~
23 ~~with any other law of this state.~~

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

27 ~~**16-56-2 General appropriation.** -- (a) The general assembly shall appropriate annually a~~
28 ~~sum to provide postsecondary financial assistance pay every award authorized by §§ 16-56-2—~~
29 ~~16-56-12. For each fiscal year the appropriation shall be determined by multiplying forty percent~~
30 ~~(40%) of the October enrollment for the prior four (4) June graduating classes eligible for new or~~
31 ~~renewed awards times one thousand dollars (\$1,000). This sum may be supplemented from time~~
32 ~~to time by other sources of revenue including but not limited to federal programs.~~

33 ~~(b) Notwithstanding the provisions of subsection (a), the sums appropriated in each fiscal~~
34 ~~year are the sums appropriated for this purpose in Article 1 of P.L. 1992, ch. 133.~~

1 **16-56-5 Annual evaluation.** -- An evaluation of this chapter shall be performed annually
2 by the ~~authority~~ office of the postsecondary commissioner. The evaluation shall provide, as a
3 minimum, a summary of the following information relating to award recipients: family income,
4 student financial needs, basic educational opportunity grant awards, state awards, institutional
5 based student assistance awards, federally guaranteed loans, other student assistance, institution
6 attended, and other pertinent information.

7 **16-56-6 Need based grants and scholarships.** – (a) *Amount of funds allocated.* ~~In~~
8 ~~accordance with authority policies,~~ the ~~office of the postsecondary commissioner~~ authority shall
9 allocate annually to need based grants and scholarships any portion of the total appropriation to
10 this chapter as it may deem appropriate for the purpose of carrying out the provisions of this
11 section.

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

15 ~~(1) "Educational costs" shall be equal to the costs to a student attending the institution of~~
16 ~~the student's choice.~~

17 ~~(2) "Family contribution" shall be the sum expected to be contributed by the family,~~
18 ~~which amount shall be determined by an approved needs analysis system.~~

19 ~~(3) "Federal grant assistance" shall be that grant in aid which is provided by the federal~~
20 ~~government to students for the purpose of attending postsecondary education. This assistance~~
21 ~~may include, but not necessarily be limited to, basic educational opportunity grants, social~~
22 ~~security benefits, and veterans survivors' benefits.~~

23 ~~(4) "Self help" shall be a sum determined by the authority and shall be a total determined~~
24 ~~by considering the ability of the student to earn or borrow during full time enrollment.~~

25 **(b)(e)** Eligibility of individuals. Eligibility for need based grants and scholarships shall be
26 determined by the ~~authority when it is established that the applicant is found to meet the general~~
27 ~~eligibility requirements stated in § 16-56-3~~ office of the postsecondary commissioner.

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

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

34 ~~(2) If the funds available are insufficient to satisfy fully the financial need of the eligible~~

1 ~~students, priority of students shall be determined by the authority.~~

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

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

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

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

9 **16-56-10 Rules and regulations.** -- In addition to the powers and duties prescribed in
10 previous sections of this chapter, the ~~authority~~ [office of the postsecondary commissioner](#) shall
11 promulgate rules and regulations and take any other actions which will promote the full
12 implementation of all provisions of this chapter.

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

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

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

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

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

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

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

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

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

34 ~~(8) To elect, appoint, or employ in its discretion officers and agents of the authority, and~~

1 ~~define their duties.~~

2 ~~(9) To make and alter bylaws, not inconsistent with this chapter, for the administration~~
3 ~~and regulation of the affairs of the authority, and the bylaws may contain provisions indemnifying~~
4 ~~any person who is or was a director, officer, employee, or agent of the authority, in the manner~~
5 ~~and to the extent provided in § 7-1.2-814.~~

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

7 ~~**16-57-6 Additional general powers.** — (a) In addition to the powers enumerated in § 16-~~
8 ~~57-5, the authority shall have power:~~

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

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

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

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

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

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

33 ~~(7) To prescribe rules and regulations deemed necessary or desirable to carry out the~~
34 ~~purposes of this chapter, including without limitation rules and regulations:~~

1 ~~(i) To insure compliance by the authority with the requirements imposed by statutes or~~
2 ~~regulation governing the guaranty, insurance, purchase, or other dealing in eligible loans by~~
3 ~~federal agencies, instrumentalities, or corporations;~~

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

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

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

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

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

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

30 ~~(12) To develop and administer, in conjunction with the executive director of the Rhode~~
31 ~~Island student loan authority and the commissioner of higher education, savings programs on~~
32 ~~behalf of itself, the state, students, parents, or any other private parties, all in cooperation with~~
33 ~~any other public and private parties and in accordance with any criteria or guidelines as the~~
34 ~~authority shall deem appropriate to effectuate the purposes of this chapter. To the extent~~

1 ~~practicable, these savings programs shall provide students, parents, and others an opportunity to~~
2 ~~participate conveniently and shall enable them to set aside relatively small amounts of money at a~~
3 ~~time and shall incorporate or be available in conjunction with, directly or indirectly, tuition~~
4 ~~agreements from as many eligible institutions as feasible.~~

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

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

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

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

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

23 ~~**16-57-11 Exemption from taxation.**—(a) The exercise of the powers granted by this~~
24 ~~chapter will be in all respects for the benefit of the people of this state, the increase of their~~
25 ~~commerce, welfare, and prosperity and for the improvement of their living conditions and will~~
26 ~~constitute the performance of an essential governmental function and the authority shall not be~~
27 ~~required to pay any taxes or assessments upon or in respect of any transaction or of any property~~
28 ~~or money of the authority, levied by any municipality or political subdivision of the state.~~

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

33 ~~§ 16-57-13 Authorization to accept appropriated money.—The authority is authorized to~~
34 ~~accept any money as may be appropriated by the general assembly for effectuating its corporate~~

1 ~~purposes including, without limitation, the payment of the initial expenses of administration and~~
2 ~~operation and the establishment of reserves or contingency funds to be available for the payment~~
3 ~~of obligations of the authority and to reimburse the authority for sums forgiven pursuant to § 16-~~
4 ~~41-5.~~

5 ~~**16-57-14 Assistance by state officer, departments, boards, and commissions.** (a) All~~
6 ~~state agencies may render any services to the authority within their respective functions as may be~~
7 ~~requested by the authority.~~

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

12 ~~**16-57-15 Annual report.** The authority shall submit to the governor within four (4)~~
13 ~~months after the close of its fiscal year a report of its activities for the preceding fiscal year, and~~
14 ~~the report shall set forth a complete operating and financial statement covering the authority's~~
15 ~~operations during the preceding fiscal year. The authority shall include in its report the names and~~
16 ~~addresses of each recipient. The authority shall cause an audit of its books and accounts to be~~
17 ~~made at least once each fiscal year by certified public accountants selected by it and its cost shall~~
18 ~~be paid by the authority from funds available to it pursuant to this chapter.~~

19 ~~**16-57-17 Other statutes.** Nothing contained in this chapter shall restrict or limit the~~
20 ~~powers of the authority arising under any laws of this state except where those powers are~~
21 ~~expressly contrary to the provisions of this chapter. This chapter shall be construed to provide a~~
22 ~~complete additional and alternative method for doing the things authorized by it and shall be~~
23 ~~regarded as supplemental and in addition to the powers conferred by other laws. The making of~~
24 ~~any guaranty under the provisions of this chapter need not comply with the requirements of any~~
25 ~~other statute applicable to the making of guaranties. Except as provided in this chapter no~~
26 ~~proceedings or notice of approval shall be required for the making of any guaranty.~~

27 SECTION 6. Sections 16-57-1, 16-57-2, 16-57-3, 16-57-4, 16-57-6.1, 16-57-6.2, 16-57-
28 6.3, 16-57-6.5, 16-57-6.6, 16-57-7, 16-57-8, 16-57-9, 16-57-10 and 16-57-12 of the General Laws
29 in Chapter 16-57 entitled "Higher Education Assistance Authority" are hereby amended to read
30 as follows:

31 ~~**16-57-1 Short title.** -- This chapter shall be known as the "Rhode Island [Division](#) of~~
32 ~~Higher Education Assistance **Authority** Act".~~

33 ~~**16-57-2 Findings.** -- The purpose of this chapter is to authorize a system of financial~~
34 ~~assistance, consisting of loan guaranties, savings programs, and other aids, for qualified students,~~

1 parents, and others responsible for paying the costs of education to enable them to obtain an
2 education beyond the high school level by attending public or private educational institutions.
3 The general assembly has found and declares that it is in the public interest and essential to the
4 welfare and well being of the inhabitants of the state and to the proper growth and development
5 of the state to foster and provide financial assistance to qualified students, parents, and others
6 responsible for paying the costs of education in order to help prospective students to obtain an
7 education beyond the high school level. The general assembly has found that many inhabitants of
8 the state who are fully qualified to enroll in appropriate educational institutions for furthering
9 their education beyond the high school level lack the financial means and are unable, without
10 financial assistance as authorized under this chapter, to pay the cost of their education, with a
11 consequent irreparable loss to the state of valuable talents vital to its welfare. The general
12 assembly also recognizes that educational institutions for higher education are in need of
13 appropriate additional means to provide financial assistance to qualified students, parents, and
14 others responsible for paying the costs of education. The general assembly has determined that
15 the establishment of a proper system of financial assistance, containing eligibility opportunities
16 for students and residents of this state and other states serves a public purpose and is fully
17 consistent with the long established policy of the state to encourage, promote, and assist the
18 education of the people of the state. [The general assembly further finds that higher education
19 financial assistance needs of Rhode Islanders will be better served by transferring all of the
20 functions and programs handled by the Rhode Island higher education assistance authority to the
21 Rhode Island division of higher education assistance and the office of the general treasurer.](#)

22 **16-57-3 Definitions.** -- As used in this chapter, the following words and terms have the
23 following meanings unless the context indicates another or different meaning or intent:

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

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

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

32 (4) "Eligible institution", subject to further particular or more restrictive definition by
33 regulation of the ~~authority~~ [division](#), means:

34 (i) An institution of higher learning;

1 (ii) A vocational school; or

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

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

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

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

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

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

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

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

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

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

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

33 (15) "Student", as used with reference to the guaranteed student loan program and the
34 parent loan program, means an individual who, under rules promulgated by the authority division,

1 is enrolled or accepted for enrollment at an eligible institution and who is making suitable
2 progress in his or her education toward obtaining a degree or other appropriate certification in
3 accordance with standards acceptable to the authority.

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

10 (17) "Council" means the council on postsecondary education established pursuant to §
11 16-59-1.

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

14 **16-57-4 Creation.** -- (a) There is authorized, created, and established within the office of
15 the commissioner of postsecondary education, a division of higher education assistance hereby
16 granted and authorized to use all of ~~public corporation of the state having a distinct legal~~
17 ~~existence from the state and not constituting a department of state government, which is a~~
18 ~~governmental agency and public instrumentality of the state, to be known as the "Rhode Island~~
19 ~~higher education assistance authority" with~~ the powers set forth in this chapter, for the purposes
20 of guaranteeing eligible loans to students in eligible institutions and to parents of those students
21 and of administering other programs of postsecondary student financial assistance assigned by
22 law to the ~~authority~~ division.

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

29 (c) The authority and its corporate existence shall be terminated on July 1, 2015 or upon
30 approval by the U.S. department of education, whichever is later, and ~~continue until terminated~~
31 ~~by law or until the authority shall cease entirely and continuously to conduct or be involved in~~
32 ~~any business in furtherance of its purposes; provided, that no termination shall take effect so long~~
33 ~~as the authority shall have guaranties or other obligations outstanding, unless adequate provision~~
34 ~~shall have been made for the payment of the obligations pursuant to the documents securing them~~

1 ~~or to this law. Upon termination of the existence of the authority,~~ all its rights and properties shall
2 pass to and be vested in the ~~state. At no time shall the assets or other property of the authority~~
3 ~~inure to the benefit of any person or other corporation or entity.~~ division of higher education
4 assistance, except as otherwise provided in § 16-57-6.1. The division shall continue until
5 terminated by law or until the division shall cease entirely and continuously to conduct or be
6 involved in any business in furtherance of its purposes; provided, that no termination shall take
7 effect so long as the division shall have guaranties or other obligations outstanding, unless
8 adequate provision shall have been made for the payment of the obligations pursuant to the
9 documents securing them or to this law. Upon termination of the existence of the division, all its
10 rights and properties shall pass to and be vested in the state. At no time shall the assets or other
11 property of the division inure to the benefit of any person or other corporation or entity.

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

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

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

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

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

28 **16-57-6.1 Tuition savings program.** -- (a) The ~~authority~~ general treasurer shall, in
29 conjunction with the division, the state investment commission, executive director of the Rhode
30 Island student loan authority and the commissioner of ~~higher~~ postsecondary education, shall
31 establish in any form as ~~he or she~~ he or she deems appropriate, a tuition savings program to allow persons
32 to save money for the sole purpose of meeting qualified higher education expenses.

33 (b) All money received in connection with the tuition savings program shall be
34 segregated from all other funds ~~of the authority~~ into two (2) funds, a program fund and an

1 administrative fund. No more than two percent (2%) of money in the program fund may be
2 transferred annually to the administrative fund for the purpose of paying operating costs of
3 administering the tuition savings program. Money accrued by participants in the program fund
4 may be used for payments to an eligible institution. [All proceeds from the tuition savings program](#)
5 [shall be directed to the program fund to be used for financial aid related activities in Rhode Island](#)
6 [pursuant to § 16-56-6.](#)

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

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

18 (e) Notwithstanding any of the foregoing provisions, no administrative fee may be levied
19 by the ~~authority~~ [treasurer](#) in the event that a participant requests withdrawal of funds from the
20 participant's account in the tuition savings program on account of, and within the meanings of §
21 529 of the Internal Revenue Code [26 U.S.C. § 529]:

- 22 (1) The death of the beneficiary of the account;
- 23 (2) The disability of the beneficiary; or
- 24 (3) A scholarship, allowance, or payment received by the beneficiary to the extent that
25 the amount of the refund does not exceed the amount of the scholarship, allowance, or payment.

26 (f) In the event that a participant requests a withdrawal from an account in the tuition
27 savings program other than (1) a withdrawal used for qualified higher education expenses of the
28 beneficiary of the account, or (2) for a reason referred to in subdivision (e)(1), (e)(2), or (e)(3) of
29 this section, the ~~authority~~ [treasurer](#) shall impose a more than de minimus penalty on the earnings
30 portion of the withdrawal in accordance with § 529 of the Internal Revenue Code [26 U.S.C. §
31 529]; provided that no penalty shall be imposed with respect to any such withdrawal, or any other
32 withdrawal, from any account in the tuition savings plan to which the tax made applicable by §
33 529 of the Internal Revenue Code [26 U.S.C. § 529] is effective.

34 ~~(g) Resources of the authority and the Rhode Island student loan authority shall be~~

1 ~~employed to effect implementation of the tuition savings program.~~

2 **16-57-6.2 Ownership of assets -- Transfer of ownership rights. --**

3 (a) The participant
4 retains ownership of all assets properly allocated to an account maintained for the participant in
5 the tuition savings program up to the date of withdrawal or distribution of these from the
6 program.

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

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

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

16 **16-57-6.3 Tax exempt earnings. --**

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

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

29 **16-57-6.5 Annual audited financial report to the governor and general assembly. --**

30 (a) The **authority treasurer**, shall submit to the governor, the speaker of the house of
31 representatives, the president of the senate, and the secretary of state an annual audited financial
32 report, prepared in accordance with generally accepted accounting principles, on the operations of
33 the tuition savings program by November 1 of each year. The annual audit shall be made either
34 by the auditor general or by an independent certified public accountant approved by the auditor
35 general and shall include direct and indirect costs attributable to the use of outside consultants,
36 independent contractors, and any other persons who are not state employees.

1 (b) The annual audited financial report shall be supplemented by the following
2 information, to be submitted by April 1 of each year, on the operations of the program for the
3 previous calendar year:

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

13 ~~(2)~~(1) A summary of the benefits provided by the tuition savings program including the
14 number of participants and beneficiaries;

15 ~~(3)~~(2) Any other information which is relevant in order to make a full, fair and effective
16 disclosure of the assets and operations of the program; and

17 ~~(4)~~(3) The foregoing supplemental information shall be posted electronically on the
18 general assembly's and the secretary of state's websites as prescribed in § 42-20-8.2 of the Rhode
19 Island general laws. The treasurer ~~director of the department of administration shall~~ be
20 responsible for the enforcement of this provision.

21 **16-57-6.6 Exclusion from financial aid needs test. -- It shall be at the discretion of the**
22 office of postsecondary commissioner whether ~~Notwithstanding any other provision of this~~
23 ~~chapter or chapter 56 of this title, no~~ moneys invested in the tuition savings program shall be
24 considered to be an asset for purposes of determining an individual's eligibility for a need based
25 grant, need based scholarship or need based work opportunity offered by the state under the
26 provisions of chapter 56 of this title.

27 **16-57-7 Directors, officers, and employees Council on Postsecondary Education.--**

28 ~~(a)(1) The powers of the authority shall be vested in a board of directors consisting of nine (9)~~
29 ~~members, five (5) of whom shall be appointed by the governor from among members of the~~
30 ~~general public, who are qualified by training or experience in education finance or personal~~
31 ~~investment consulting and made in accordance with subsection (b) of this section; three (3) of~~
32 ~~whom shall be appointed by the governor, who shall give due consideration to the~~
33 ~~recommendations made by the chairperson of the board of governors for higher education and by~~
34 ~~the Rhode Island Independent Higher Education Association for those appointments; and the state~~

1 ~~general treasurer ex officio or his or her designee who shall be a subordinate from within the~~
2 ~~office of the general treasurer. All gubernatorial appointments made to this board shall be subject~~
3 ~~to the advice and consent of the senate. All board members first appointed to the board after the~~
4 ~~effective date of this act shall be residents of this state. Designees of members serving ex officio~~
5 ~~shall represent him or her at all meetings of the board. Except for the chairpersons of the house~~
6 ~~and senate finance committees or their designees who shall cease to be members of the authority~~
7 ~~upon the effective date of this act, each member shall serve until his or her successor is appointed~~
8 ~~and qualified. The original members appointed by the governor shall be appointed in a manner as~~
9 ~~to provide for the expiration of the term of one member on the first day of July of each year. The~~
10 ~~council on postsecondary education established pursuant to § 16-59-1 shall retain all authority~~
11 ~~formerly vested in the higher education assistance authority board of directors, except as provided~~
12 ~~by § 16-57-6.1. Whenever in any general or public law reference is made to the “board of~~
13 ~~directors of the higher education assistance authority,” the reference shall be deemed to refer to~~
14 ~~and mean the “council on postsecondary education.”~~

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

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

25 ~~(b) During the month of June of each year, the governor shall appoint a member to~~
26 ~~succeed the member whose term will then next expire to serve for a term of five (5) years~~
27 ~~commencing on the first day of July then next following, and after this, until a successor is~~
28 ~~appointed and qualified. As soon as practicable after the effective date of this act, the governor~~
29 ~~shall appoint a member to serve an initial term to expire on July 1, 2010. Thereafter, all members~~
30 ~~appointed by the general treasurer shall be appointed to terms of five (5) years, and the governor~~
31 ~~shall, during the month of June preceding the expiration of each term, appoint a member whose~~
32 ~~term will then next expire. In the event of a vacancy occurring in the office of a member by death,~~
33 ~~resignation, removal, or otherwise, the vacancy shall be filled in the same manner as an original~~
34 ~~appointment but only for the remainder of the term of the former member.~~

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

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

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

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

32 ~~(f)(b) No full time employee shall during the period of his or her employment by the~~
33 ~~authority division engage in any other private employment, profession, or business, except with~~
34 ~~the approval of the commissioner of postsecondary education. board of directors; provided, that~~

1 ~~the executive director shall not engage in any other private employment, profession, or business,~~
2 ~~including, but not limited to consulting.~~

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

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

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

28 **16-57-8 Designated agency.** -- The ~~authority~~ [division established within the office of the](#)
29 [postsecondary commissioner](#) is designated the state agency ~~or corporation~~ to apply for, receive,
30 accept, and disburse federal funds, and funds from other public and private sources, made
31 available to the state for use as reserves to guarantee student loans or as administrative money to
32 operate student loan programs, and is designated to administer any statewide programs of student
33 assistance that shall be ~~established under~~ [established under](#) federal law.

34 **16-57-9 Loans to minors -- Loan obligations.** -- (a) Any person qualifying for an

1 eligible loan shall not be disqualified to receive a loan guaranteed by the ~~authority~~ [division](#) by
2 reason of his or her being a minor. For the purpose of applying for, securing, receiving, and
3 repaying a loan, any person shall be deemed to have full legal capacity to act and shall have all
4 the rights, powers, privileges, and obligations of a person of full age with respect to a loan.

5 (b) No loan obligation incurred by any individual under the provisions of this chapter
6 may be expunged, reduced, or discharged in any proceeding, including any proceeding in federal
7 bankruptcy court. Any individual receiving a loan under the provisions of this chapter shall be
8 required to sign an affidavit acknowledging the loan and agreeing to this condition.

9 **16-57-10 Reserve funds.** -- (a) To assure the continued operation and solvency of the
10 ~~authority guaranty loan program for the carrying out of its corporate purposes,~~ the ~~authority office~~
11 ~~of the postsecondary commissioner shall~~ [may](#) create and establish ~~any~~ reserve funds ~~as may be~~
12 ~~necessary or desirable for its corporate purposes,~~ and may pay into the funds any money
13 appropriated and made available by the state, ~~the commissioner,~~ or any other source for the
14 purpose of the funds, and any money collected by the ~~authority~~ [division](#) as fees for the guaranty
15 of eligible loans.

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

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

29 **16-57-12 Credit of state.** -- Guaranties made under the provisions of this chapter shall
30 not constitute debts, liabilities, or obligations of the state or of any political subdivision of the
31 state other than the ~~division of higher education assistance~~ ~~authority~~ or a pledge of the faith and
32 credit of the state or any political subdivision other than the ~~division of higher education~~
33 ~~assistance~~ ~~authority~~, but shall be payable solely from the revenues or assets of ~~the authority~~
34 [reserve funds set forth and established by the division of higher education assistance.](#)

1 SECTION 7. Sections 16-59-1, 16-59-4, and 16-59-6 of the General Laws in Chapter 16-
2 59 entitled "Board of Governors for Higher Education" are hereby amended to read as follows:

3 **16-59-1 Council on Postsecondary Education established.** -- (a) There is created a
4 council on postsecondary education, sometimes referred to as the "council", which shall be and is
5 constituted a public corporation, empowered to sue and be sued in its own name, and to exercise
6 all the powers, in addition to those specifically enumerated in this chapter, usually appertaining to
7 public corporations entrusted with control of postsecondary educational institutions and
8 functions. Upon its organization the council shall be invested with the legal title (in trust for the
9 state) to all property, real and personal, now owned by and/or under the control or in custody of
10 the board of regents for education for the use of the University of Rhode Island, Rhode Island
11 College, Community College of Rhode Island and the system of community colleges of Rhode
12 Island including all departments, divisions, and branches of these.

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

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

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

29 **16-59-4 Powers and duties of the council on postsecondary education.** -- (a) The
30 council on postsecondary education shall have, in addition to those enumerated in § 16-59-1, the
31 following powers and duties:

32 (1) To approve a systematic program of information gathering, processing, and analysis
33 addressed to every level, aspect, and form of higher education in this state especially as that
34 information relates to current and future educational needs so that current needs may be met with

1 reasonable promptness and plans formulated to meet future needs as they arise in the most
2 efficient and economical manner possible.

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

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

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

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

33 (6) To maintain an office of postsecondary commissioner; to provide for its staffing and
34 organization; and to manage and oversee a commissioner of postsecondary education pursuant to

1 duties and responsibilities defined in § 16-59-6 and § 16-59-7. The commissioner of
2 postsecondary education and the office of postsecondary commissioner shall have the duties and
3 responsibilities as defined in §§ 16-59-6 and 16-59-7.

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

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

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

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

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

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

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

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

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

33 (12) To incorporate into its own affirmative action reporting process periodic reports
34 monitoring specific faculty and staff searches by the chairperson of the search committee to

1 include the rationale for granting those interviews and the final hiring results. The institutions
2 must empower their affirmative action officer to monitor searches in this manner, to intervene
3 during the search, and, when necessary, to cause a search to cease if affirmative action goals are
4 not being adequately served.

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

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

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

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

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

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

32 (19) To prescribe rules and regulations deemed necessary or desirable to carry out the
33 purposes of serving as a guaranty agency for the loans set forth in § 16-59-4 (18), including
34 without limitation rules and regulations:

1 (i) To insure compliance by the division with the requirements imposed by statutes or
2 regulation governing the guaranty, insurance, purchase, or other dealing in eligible loans by
3 federal agencies, instrumentalities, or corporations.

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

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

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

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

19 **16-59-6 Commissioner of postsecondary education. --** The council on postsecondary
20 education, with approval of the board, shall appoint a commissioner of postsecondary education,
21 who shall serve at the pleasure of the council, provided that his or her initial engagement by the
22 council shall be for a period of not more than three (3) years. For the purpose of appointing,
23 retaining, or dismissing a commissioner of postsecondary education, the governor shall serve as
24 an additional voting member of the council. The position of commissioner shall be in the
25 unclassified service of the state and he or she shall serve as the chief executive officer of the
26 council on postsecondary education, ~~and as~~ the chief administrative officer of the office of
27 postsecondary commissioner, and the executive director of the division of higher education
28 assistance. The commissioner of postsecondary education shall have any duties that are defined in
29 this section and in this title and other additional duties as may be determined by the council, and
30 shall perform any other duties as may be vested in him or her by law. In addition to these duties
31 and general supervision of the office of postsecondary commissioner and the appointment of the
32 several officers and employees of the office, it shall be the duty of the commissioner of
33 postsecondary education:

34 (1) To develop and implement a systematic program of information gathering,

1 processing, and analysis addressed to every aspect of higher education in the state, especially as
2 that information relates to current and future educational needs.

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

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

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

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

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

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

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

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

32 (10) To perform the duties vested in the council with relation to independent higher
33 educational institutions within the state under the terms of chapter 40 of this title and any other
34 laws that affect independent higher education in the state.

1 (11) To be responsible for the administration of policies, rules, and regulations of the
2 council on postsecondary education with relation to the entire field of higher education within the
3 state, not specifically granted to any other department, board, or agency and not incompatible
4 with law.

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

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

10 [\(14\) To exercise all powers and duties of the division of higher education assistance as](#)
11 [set forth under the terms of Chapter 57 of this title.](#)

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

14 **16-62-3 Definitions.** -- As used in this chapter, the following words and terms shall have
15 the following meanings unless the context shall indicate another or different meaning or intent:

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

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

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

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

31 (5) "Eligible loan" means a loan to a student or to the parent of a student insured or
32 guaranteed by the secretary, Rhode Island [division of](#) higher education assistance ~~authority~~, or by
33 any other governmental or private agency, corporation, or organization having a reinsurance or
34 guaranty agreement with the secretary applicable to that loan.

1 (6) "Guaranteed student loan program" means the program of federal student loan
2 insurance and reinsurance administered by the secretary.

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

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

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

11 (10) "Student" means an individual who under rules promulgated by the authority meets
12 the enrollment and satisfactory progress requirement necessary for making an eligible student
13 loan or an education loan, as applicable. This designation shall include dependent and
14 independent undergraduate students, and graduate and professional students. 25-2-18.1

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

17 **16-63-7 Functions of office.** -- The functions of the office may include, but may not
18 necessarily be limited to, the following:

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

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

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

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

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

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

32 (vi) Professional development of administrators, teachers, counselors, paraprofessionals,
33 and other personnel employed or engaged in delivering adult education programs and services
34 within the state; and

1 (vii) Continuous research and planning in adult education, including assistance to the
2 commission in conducting the comprehensive study of adult education prescribed in § 16-58-6,
3 needs assessments in conjunction with local planning and assessment processes, and the
4 development and utilization of relevant data.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (vii) Programs and services for adults with special needs, such as people with disabilities,

1 immigrants and refugees, women and displaced homemakers, senior citizens, persons of
2 multilingual or multicultural backgrounds, and persons being discharged from the care of
3 institutions referenced in subdivision (3)(vi);

4 (viii) Programs of family and homelife education and parent effectiveness training;

5 (ix) Educational and public service programming on radio and television, including that
6 transmitted electronically and through cable systems; and

7 (x) Automobile and motorcycle driver safety education; and

8 (4) Staff support services for the commission.

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

11 **22-13-9 Access to executive sessions of a public agency -- Access to records --**

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

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

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

34 (d)(1) If in the course of an executive session any fact comes to the attention of the

1 auditor general or his or her designated representative, which in his or her judgment constitutes an
2 impropriety, irregularity, or illegal transaction, or points to the onset of an impropriety or illegal
3 transaction, then the auditor general shall disclose that information to the joint committee on
4 legislative services, the director of administration, and the chairperson of the public agency
5 involved. Where the facts or the data upon which the facts are based are deemed confidential
6 pursuant to the provisions of federal or state law, the auditor general's access to the information
7 shall not in any way change the confidential nature of the data obtained.

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

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

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

23 SECTION 11. Sections 23-14.1-2, 23-14.1-3, 23-14.1-4, 23-14.1-5, 23-14.1-6, 23-14.1-8
24 and 23-14.1-9 of the General Laws in Chapter 23-14.1 entitled "Health Professional Loan
25 Repayment Program" are hereby amended to read as follows:

26 **23-14.1-2 Definitions.** -- For the purpose of this chapter, the following words and terms
27 have the following meanings unless the context clearly requires otherwise:

28 ~~(1) "Authority" means the higher education assistance authority.~~

29 ~~(2)~~(1) "Board" means the health professional loan repayment board.

30 (2) "Commissioner" means the commissioner of postsecondary education.

31 (3) "Community health center" means a health care facility as defined and licensed under
32 chapter 17 of this title.

33 ~~(4) "Director" means the director of the higher education assistance authority.~~ "Division"
34 means the Rhode Island division of higher education assistance.

1 (5) "Eligible health professional" means a physician, dentist, dental hygienist, nurse
2 practitioner, certified nurse midwife, physician assistant, or any other eligible health care
3 professional under § 338A of the Public Health Service Act, 42 U.S.C. § 254I, licensed in the
4 state who has entered into a contract with the board to serve medically underserved populations.

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

8 **23-14.1-3 Health professional loan repayment program established.** -- There is
9 established within the [division](#) ~~higher education assistance authority~~, to be administered by the
10 [commissioner](#) ~~director~~, the health professional loan repayment program whose purpose shall be to
11 provide loan repayment to eligible health professionals to defray the cost of their professional
12 education.

13 **23-14.1-4 Health professional loan repayment board.** -- (a) There is created the health
14 professional loan repayment board, which shall consist of the director of the department of health
15 and eight (8) members appointed by the governor with the advice and consent of the senate. The
16 governor shall give due consideration to any recommendations for nominations submitted to him
17 or her by the Rhode Island Medical Society; the Rhode Island Dental Association; the Rhode
18 Island Health Center Association; the dean of the Brown University Medical School; the dean of
19 the College of Nursing at the University of Rhode Island; the Rhode Island State Nurses'
20 Association; the Hospital Association of Rhode Island; the Rhode Island [division of](#) higher
21 education assistance authority. All appointed members shall serve for terms of three (3) years and
22 shall receive no compensation for their services. Board members shall be eligible to succeed
23 themselves.

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

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

30 **23-14.1-5 Duties of the board.** -- The board shall:

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

33 (2) Receive and consider all applications for loan repayment made by eligible health
34 professionals.

1 (3) Conduct a careful and full investigation of the ability, character, financial needs, and
2 qualifications of each applicant.

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

5 (5) Submit to the [commissioner](#) ~~director~~ a list of those individuals eligible for loan
6 repayment and amount of loan repayment to be granted.

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

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

25 (8) Conduct a training course for newly appointed and qualified members within six (6)
26 months of their qualification or designation. The course shall be developed by the chair of the
27 board, be approved by the board, and be conducted by the chair of the board. The board may
28 approve the use of any board and/or staff members and/or individuals to assist with training. The
29 training course shall include instruction in the following areas: the provisions of chapters 42-46,
30 36-14 and 38-2; and the board's rules and regulations. The director of the department of
31 administration shall, within ninety (90) days of June 16, 2006, prepare and disseminate training
32 materials relating to the provisions of chapters 42-46, 36-14, and 38-2.

33 **23-14.1-6 Duties of the director Duties of the Commissioner.** -- The ~~director~~
34 [commissioner](#) shall:

1 (1) Grant loan repayments to successful applicants as determined by the board.

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

4 **23-14.1-8 Contracts required.** -- Prior to being granted loan repayment each eligible
5 health professional shall enter into a contract with the ~~authority~~ division agreeing to the terms and
6 conditions upon which the loan repayment is granted. The contract shall include any provisions
7 that are required to fulfill the purposes of this chapter and those deemed advisable by the ~~director~~
8 commissioner.

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

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

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

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

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

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

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

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

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

30 **25-2-18.1 Martin Luther King, Jr. State Holiday Commission.** -- (a) There is created a
31 permanent commission to be known as the Martin Luther King, Jr. State Holiday Commission to
32 consist of thirteen (13) members, three (3) of whom shall be from the house of representatives,
33 not more than two (2) from the same political party, to be appointed by the speaker; three (3) of
34 whom shall be from the senate, not more than two (2) from the same political party to be

1 appointed by the president of the senate; three (3) of whom shall be representatives of the general
2 public, to be appointed by the speaker; two (2) of whom shall be representatives of the general
3 public to be appointed by the president of the senate; one of whom shall be a representative of the
4 governor's office, to be appointed by the governor; and one of whom shall be the lieutenant
5 governor, all of the foregoing to be known as commission members. The commission shall
6 appoint not more than sixteen (16) representatives from organizations and groups generally
7 identified with and thought to epitomize the ideals of Dr. Martin Luther King, Jr., all of whom
8 shall be known as non-voting affiliate members, to serve for two (2) year terms.

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

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

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

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

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

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

34 (h) The commission shall meet at least four (4) times per year.

1 (i) The commission shall adopt policies concerning the responsibilities of its voting
2 members and non-voting affiliate members, including attendance at commission meetings.

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

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

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

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

12 **30-30-2 Administration.** -- The division of higher education assistance ~~authority~~ shall be
13 designated as the administering authority for this chapter and shall, no later than August 30, 1987,
14 establish rules, regulations, procedures, and safeguards for the implementation of this chapter.
15 The regulations and procedures shall include but not be limited to the establishment of income
16 guidelines and academic performance criteria. No funds shall be awarded under this chapter until
17 these regulatory and administrative measures are established.

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

20 **35-10-1 Establishment – Membership – Officers – Quorum – Investment votes –**
21 **Fund managers.** -- (a) There is hereby authorized, created and established in the office of the
22 general treasurer a state investment commission, the membership of which shall consist of the
23 general treasurer, ex officio, or a deputy general treasurer as his or her designee, who shall act as
24 chairperson, the director of administration, ex officio, or any assistant director of administration
25 as his or her designee, who shall act as secretary, ~~director of the higher education assistance~~
26 ~~authority, or his or her designee to be appointed by the general treasurer,~~ an active or retired
27 teacher, state, or municipal employee member of the retirement system or official from the
28 teacher, state, or municipal employee unions to be appointed by the general treasurer for a term of
29 three (3) years, the executive director of the state retirement board, who shall be a nonvoting
30 member, ~~two (2)~~ three (3) members of the general public to be appointed by the general treasurer,
31 one of whom shall serve for an initial term of one year, and one of whom shall serve for an initial
32 term of two (2) years and until his or her successor is appointed and qualified and three (3)
33 members of the general public to be appointed by the governor, one of whom shall serve for an
34 initial term of three (3) years, one of whom shall serve for an initial term of two (2) years, and

1 one of whom shall serve for an initial term of one year and until his or her successor is appointed
2 and qualified. Thereafter, the general public members shall serve for three (3) year terms and
3 until his or her successor is appointed and qualified. The members of the general public appointed
4 by the governor and the general treasurer shall be qualified by training or experience in the field
5 of investment or finance.

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

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

13 Newly appointed and qualified public members shall, within six (6) months of their
14 appointment, attend a training course that shall be developed and provided by the office of the
15 general treasurer and shall include instruction in the following areas: the provisions of chapters
16 35-10, 42-46, 36-14 and 38-2 of the Rhode Island general laws; and the board's rules and
17 regulations. The director of the department of administration shall, within ninety (90) days of the
18 effective date of this act [July 4, 2006], prepare and disseminate training materials relating to the
19 provisions of chapters 42-46, 36-14 and 38-2.

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

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

26 (c) A majority of all the members of the commission shall be necessary to constitute a
27 quorum thereof. The approval of a majority of the commission shall be required prior to the
28 purchase or sale of any investment, excepting those investments made by investment managers
29 engaged by the commission and invested in accordance with the commission's statement of
30 investment objectives and policies, day to day cash investments by the general treasurer, and,
31 because of the importance of speedy action, investments in obligations of the United States
32 government or certificates of deposit maturing within one year. These investments may be made
33 within the framework of a policy established by the commission without prior approval of each
34 transaction. The commission shall be empowered to engage one or more fund managers and to

1 delegate to the manager or managers the authority to carry out the investment of the funds within
2 the commission's control, or any portion thereof, in accordance with the objectives of the
3 commission as set forth in its statement of investment objectives and policies.

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

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

25 **35-10-4 Funds not subject to investment.** -- The commission shall not invest money in
26 funds which are subject to the control of the board of governors for higher education; provided,
27 however, that the commission shall not be prohibited from investing moneys in the college
28 savings program created by § 16-57-6.1 ~~and administered by the Rhode Island Higher Education~~
29 ~~Assistance Authority in conjunction with the executive director of the Rhode Island Student Loan~~
30 ~~Authority and the commissioner of higher education.~~

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

33 **37-2-7 Definitions.** -- The words defined in this section have the meanings set forth
34 below whenever they appear in this chapter, unless the context in which they are used clearly

1 requires a different meaning or a different definition is prescribed for a particular section, group
2 of sections, or provision:

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

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

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

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

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

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

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

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

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

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

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

1 regional, or county governmental entities.

2 (12) "May" means permissive.

3 (13) "Negotiation" means contracting by either the method set forth in § 37-2-19, 37-2-
4 20, or 37-2-21.

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

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

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

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

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

34 (19) "Purchasing agent" means any person authorized by a governmental entity in

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

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

9 (21) "Shall" means imperative.

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

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

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

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

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

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

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

32 (29) "Governmental entity" means any department, commission, council, board, bureau,
33 committee, institution, legislative body, agency, or government corporation of the executive,
34 legislative, or judicial branches of state, federal, and/or local governments.

1 (30) "Construction management at-risk" or "construction management at-risk services" or
2 "construction management at-risk delivery method" is a construction method wherein a
3 construction manager at-risk provides a range of preconstruction services and construction
4 management services which may include cost estimation and consultation regarding the design of
5 the building project, the preparation and coordination of bid packages, scheduling, cost control,
6 and value engineering, acting as the general contractor during the construction, detailing the trade
7 contractor scope of work, holding the trade contracts and other contracts, evaluating trade
8 contractors and subcontractors, and providing management and construction services, all at a
9 guaranteed maximum price, which shall represent the maximum amount to be paid by the using
10 agency for the building project, including the cost of work, the general conditions and the fee
11 payable to the construction management at-risk firm.

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

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

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

32 **37-13-7 Specification in contract of amount and frequency of payment of wages. --**

33 (a) Every call for bids for every contract in excess of one thousand dollars (\$1,000), to which the
34 state of Rhode Island or any political subdivision thereof or any public agency or quasi-public

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

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

23 (1) The basic hourly rate of pay; and

24 (2) The amount of:

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

27 (B) The rate of costs to the contractor or subcontractor which may be reasonably
28 anticipated in providing benefits to employees pursuant to an enforceable commitment to carry
29 out a financially responsible plan or program which was communicated in writing to the
30 employees affected, for medical or hospital care, pensions on retirement or death, compensation
31 for injuries or illness resulting from occupational activity, or insurance to provide any of the
32 foregoing, for unemployment benefits, life insurance, disability and sickness insurance, or
33 accident insurance, for vacation and holiday pay, for defraying costs of apprenticeship or other
34 similar programs, or for other bona fide fringe benefits, but only where the contractor or

1 subcontractor is not required by other federal, state, or local law to provide any of the benefits;
2 provided, that the obligation of a contractor or subcontractor to make payment in accordance with
3 the prevailing wage determinations of the director of labor and training insofar as this chapter of
4 this title and other acts incorporating this chapter of this title by reference are concerned may be
5 discharged by the making of payments in cash, by the making of contributions of a type referred
6 to in subsection (b)(2), or by the assumption of an enforceable commitment to bear the costs of a
7 plan or program of a type referred to in this subdivision, or any combination thereof, where the
8 aggregate of any payments, contributions, and costs is not less than the rate of pay described in
9 subsection (b)(1) plus the amount referred to in subsection (b)(2).

10 (c) The term "employees", as used in this section, shall include employees of contractors
11 or subcontractors performing jobs on various types of public works including mechanics,
12 apprentices, teamsters, chauffeurs, and laborers engaged in the transportation of gravel or fill to
13 the site of public works, the removal and/or delivery of gravel or fill or ready-mix concrete, sand,
14 bituminous stone, or asphalt flowable fill from the site of public works, or the transportation or
15 removal of gravel or fill from one location to another on the site of public works, and the
16 employment of the employees shall be subject to the provisions of subsections (a) and (b).

17 (d) The terms "public agency" and "quasi-public agency" shall include, but not be limited
18 to, the Rhode Island industrial recreational building authority, the Rhode Island economic
19 development corporation, the Rhode Island airport corporation, the Rhode Island industrial
20 facilities corporation, the Rhode Island refunding bond authority, the Rhode Island housing and
21 mortgage finance corporation, the Rhode Island resource recovery corporation, the Rhode Island
22 public transit authority, the Rhode Island student loan authority, the water resources board
23 corporate, the Rhode Island health and education building corporation, ~~the Rhode Island higher~~
24 ~~education assistance authority,~~ the Rhode Island turnpike and bridge authority, the Narragansett
25 Bay water quality management district commission, Rhode Island telecommunications authority,
26 the convention center authority, the board of governors for higher education, the board of regents
27 for elementary and secondary education, the capital center commission, the housing resources
28 commission, the Quonset Point-Davisville management corporation, the Rhode Island children's
29 crusade for higher education, the Rhode Island depositors economic protection corporation, the
30 Rhode Island lottery commission, the Rhode Island partnership for science and technology, the
31 Rhode Island public building authority, and the Rhode Island underground storage tank board.

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

34 **42-11.3-1 Definition.** -- As used in this chapter, the following terms have the following

1 meanings unless otherwise specified:

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

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

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

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

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

33 (5) "Commuting" means driving a motor vehicle owned by a governmental body to and
34 from the work place and the employee's residence.

1 (6) "Employee" means an individual who works for a governmental body not less than
2 thirty-five (35) hours a week.

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

5 **42-35-1 Definitions.** -- As used in this chapter:

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

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

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

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

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

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

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

34 (8) "Rule" means each agency statement of general applicability that implements,

1 interprets, or prescribes law or policy or describes the organization, procedure, or practice
2 requirements of any agency. The term includes the amendment or repeal of a prior rule, but does
3 not include: (1) statements concerning only the internal management of an agency and not
4 affecting private rights or procedures available to the public, or (2) declaratory rulings issued
5 pursuant to § 42-35-8, (3) intra-agency memoranda, or (4) an order;

6 (9) "Small business" shall have the same meanings that are provided for under title
7 13, volume 1, part 121 of the Code of Federal Regulations (13 CFR 121, as may be amended
8 from time to time);

9 (10) "Order" means the whole or a part of a final disposition, whether affirmative,
10 negative, injunctive or declaratory in form, of a contested case;

11 (11) "Small business advocate" means the person appointed by the director of the
12 economic development corporation as provided in § 42-64-34.

13 SECTION 19. Section 42-104-1 of the General Laws in Chapter 42-104 entitled "The
14 William P. Robinson, Jr., Building" is hereby amended to read as follows:

15 **42-104-1 The William P. Robinson, Jr., Building.** -- The Rhode Island [division of](#)
16 higher education assistance ~~authority~~ building on Jefferson Boulevard in the city of Warwick
17 shall be named the "William P. Robinson, Jr., Building".

18 SECTION 20. Section 42-155-3 of the General Laws in Chapter 42-155 entitled "Quasi-
19 Public Corporations Accountability and Transparency Act" is hereby amended to read as follows:

20 **42-155-3 Definitions.** -- (a) As used in this chapter, "quasi-public corporation" means
21 any body corporate and politic created, or to be created, pursuant to the general laws, including,
22 but not limited to, the following:

- 23 (1) Capital center commission;
- 24 (2) Rhode Island convention center authority;
- 25 (3) Rhode Island industrial facilities corporation;
- 26 (4) Rhode Island industrial-recreational building authority;
- 27 (5) Rhode Island small business loan fund corporation;
- 28 (6) Quonset development corporation;
- 29 (7) Rhode Island airport corporation;
- 30 (8) I-195 redevelopment district commission;
- 31 (9) Rhode Island health and educational building corporation;
- 32 (10) Rhode Island housing and mortgage finance corporation;
- 33 ~~(11) Rhode Island higher education assistance authority;~~
- 34 (12) Rhode Island student loan authority;

- 1 (13) Narragansett bay commission;
- 2 (14) Rhode Island clean water finance agency;
- 3 (15) Rhode Island water resources board;
- 4 (16) Rhode Island resource recovery corporation;
- 5 (17) Rhode Island public rail corporation;
- 6 (18) Rhode Island public transit authority;
- 7 (19) Rhode Island turnpike and bridge authority;
- 8 (20) Rhode Island tobacco settlement financing corporation; and
- 9 (21) Any subsidiary of the Rhode Island commerce corporation.

10 (b) Cities, towns, and any corporation created that is an instrumentality and agency of a
11 city or town, and any corporation created by a state law that has been authorized to transact
12 business and exercise its powers by a city or town pursuant to ordinance or resolution, and fire
13 and water districts are not subject to the provisions of this chapter.

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

18 SECTION 21. Sections 44-30.1-1, 44-30.1-3 and 44-30.1-5 of the General Laws in
19 Chapter 44-30.1 entitled "Setoff of Refund of Personal Income Tax" are hereby amended to read
20 as follows:

21 **44-30.1-1 Definitions.** -- (a) "Benefit overpayments and interest owed" means any
22 amount in excess of five hundred dollars (\$500) determined to be recoverable under the
23 provisions of chapters 39 – 44 of title 28.

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

32 (c) "Claimant agency" means either:

33 (1) The department of human services, with respect (1) to past-due support which has
34 been assigned to the department of human services by public assistance and medical assistance

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

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

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

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

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

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

25 (e) "Debtor" means:

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

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

34 (3) Any individual who owes fines, fees, and/or court costs to the superior, family,

1 district courts and the traffic tribunal and municipal court associated with motor vehicle
2 violations;

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

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

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

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

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

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

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

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

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

32 (1) Any guaranteed student loan or parent loan for undergraduate students for which [the](#)
33 [Rhode Island division of higher education assistance](#) **RIHEAA** has had to pay the guarantee, or
34 for which [the Rhode Island division of higher education assistance](#) **RIHEAA** is acting as agent on

1 behalf of the United States Department of Education or other state cooperating agencies which
2 have had to pay a guarantee,

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

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

10 (4) Any education loan held by the Rhode Island Student Loan Authority (RISLA) not
11 guaranteed by the [Rhode Island division of higher education assistance](#) ~~RIHEAA~~ or other
12 guarantor.

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

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

20 (m) "Restitution owed" means any amount which has been ordered paid pursuant to a
21 criminal case disposition by a judge of the district, family and superior courts pursuant to chapter
22 19 of title 12, which has not been paid and which has been declared delinquent by the
23 administrative judge of the court making the assessment.

24 **44-30.1-3 Collection of debts by setoff.** -- Within a time frame established by the
25 division of taxation, the claimant agency shall supply the information necessary relative to each
26 debtor owing the state money, and further, shall certify the amount of debt or debts owed to the
27 state by each debtor. Upon receiving notice from the claimant agency that a named debtor owes
28 past-due support, delinquent court costs, fines, or restitution or benefit overpayments and interest
29 owed, has obligations owed as described in § 44-30.1-1(g), cash assistance benefit overpayments,
30 medical assistance benefit overpayments, or medical assistance cost share arrearages, the division
31 of taxation shall determine whether any amount, as a refund of taxes paid, is payable to the
32 debtor, regardless of whether the debtor filed an income tax return as a married or unmarried
33 individual. If the division of taxation determines that any refund is payable, the division of
34 taxation shall set off the past-due support, delinquent court costs, fines or restitution or benefit

1 overpayments and interest owed, the obligation owed, cash assistance benefit overpayments,
2 medical assistance benefit overpayments, or medical assistance cost share arrearages, against the
3 debtor's refund and shall reduce the debtor's refund by the amount so determined. The division of
4 taxation shall transfer the amount of past-due support, delinquent court costs, fines or restitution,
5 or benefit overpayments and interest owed, obligation owed, cash assistance benefit
6 overpayments, medical assistance benefit overpayments, or medical assistance cost share
7 arrearages, set off against the debtor's refund to the claimant agency or in the case of the United
8 States Department of Education or other out-of-state agencies, to [the Rhode Island division of](#)
9 higher education assistance ~~authority (RIHEAA)~~ as its agent, and in the case of education loans
10 held by the Rhode Island Student Loan Authority (RISLA) for itself or as agent for another out-
11 of-state education loan agency and which education loans are not guaranteed by [the Rhode Island](#)
12 [division of higher education assistance](#) ~~RIHEAA~~ or another guarantor, to RISLA. The pendency
13 of judicial proceedings to contest the setoff shall not stay nor delay the setoff and transfer of
14 refunds to the claimant agency. If the amount of the debtor's refund exceeds the amount of the
15 past-due support, delinquent court costs, fines, or restitution or benefit overpayments and interest
16 owed, obligation owed, cash assistance benefit overpayments, medical assistance benefit
17 overpayments, or medical assistance cost share arrearages, the division of taxation shall refund
18 the excess amount to the debtor. If in any instance with regard to the debtor the division of
19 taxation has received notice from more than one claimant agency, the claim by the bureau of
20 child support shall receive first priority, the obligations owed shall have second priority, and the
21 delinquent court costs, fines or restitution shall have third priority, the benefit overpayments and
22 interest owed the fourth priority and the cash assistance benefit overpayments the fifth priority,
23 and medical assistance benefit overpayments, or medical assistance cost share arrearages the sixth
24 priority.

25 **44-30.1-5 Hearing procedures.** -- (a) If the claimant agency receives written application
26 pursuant to § 44-30.1-4(b) contesting the setoff or the delinquent court costs, fines or restitution
27 or the past-due support or benefit overpayments and interest owed or the obligation owed upon
28 which the setoff is based, it shall grant a hearing to the applicant in accordance with chapter 35 of
29 title 42, "Administrative Procedure".

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

33 (c) In those cases where [the Rhode Island division of](#) higher education assistance
34 ~~authority (RIHEAA)~~ acts as agent for the United States Department of Education or other out-of-

1 state agencies, [the Rhode Island division of higher education assistance RIHEAA](#) must obtain
2 appropriate documentation of the obligation owed such as promissory notes, evidence of
3 guarantees paid and any other items that may be necessary to conduct a fair hearing. [The Rhode](#)
4 [Island division of higher education assistance RIHEAA](#) as agent for other states shall negotiate
5 appropriate reciprocal agreements with those states for purposes of transferring funds and setting
6 charges for cost of services.

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

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

14 **ARTICLE 8**
15 **RELATING TO MUNICIPALITIES**

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

18 **24-12-26 Power to collect tolls and charges – Gasoline and service concessions.** -- (a)
19 The authority is hereby authorized, subject to the provisions of this chapter, to fix, revise, charge
20 and collect tolls for the use of the Newport Bridge, the Mount Hope Bridge, the turnpike and the
21 different parts or sections thereof, and for the use of any additional facility and the different parts
22 or sections thereof, and to contract with any person, partnership, association or corporation for
23 placing on any project telephone, telegraph, electric light or power lines, gas stations, garages,
24 and restaurants if deemed necessary by the authority in connection with the project, or for the use
25 of any project or part thereof, including the right-of-way adjoining the paved portion of the
26 turnpike or of any additional facility or for any other purposes and to fix the terms, conditions,
27 rents and rates of charges for such use; provided, that the authority shall construct any gasoline
28 service facilities which it may determine are needed on the project, and provided, further, that, to
29 afford users of the project a reasonable choice of motor fuels of different brands, each gasoline
30 service station shall be separately offered for lease upon sealed bids and, after notice of the offer
31 has been published once a week in three (3) consecutive weeks in a newspaper having general
32 circulation in the state, and, in the event an acceptable bid shall be received in the judgment of the
33 authority, each lease shall be awarded to the highest responsible bidder therefor, but no person
34 shall be awarded or have the use of, nor shall motor fuel identified by the trade-marks, trade

1 names, or brands of any one supplier, distributor, or retailer of such fuel be sold at more than one
2 service station if they would constitute more than twenty-five percent (25%) of the service
3 stations on the project. Notwithstanding the provisions of this section, members of the town of
4 Jamestown police and fire department and ambulance service personnel of the town of
5 Jamestown and Jamestown school department who, in the course of their duty, are required to pay
6 a toll for use of the Newport Bridge, shall, upon the presentment of receipts for the payment of
7 the toll to the town of Jamestown, be reimbursed for all charges on an annual basis by the town of
8 Jamestown who in turn shall be reimbursed for all payments made by the state. The town of
9 Jamestown shall submit a request for reimbursement to the Division of Municipal Finance for the
10 previous fiscal year (ending June 30th) to the state no later than September 30th of the fiscal year
11 following the fiscal year for which reimbursement is being requested. Notwithstanding the
12 provisions of this section, members of the city of Newport police and fire department and rescue
13 personnel who, in the course of their duty, are required to pay a toll for use of the Newport
14 Bridge, shall, upon the presentment of receipts for the payment of the toll to the city of Newport,
15 be reimbursed for all charges on an annual basis by the city of Newport who in turn shall be
16 reimbursed for all payments made by the state. The city of Newport shall submit a request for
17 reimbursement to the Division of Municipal Finance for the previous fiscal year (ending June
18 30th) to the state no later than September 30th of the fiscal year following the fiscal year for
19 which reimbursement is being requested.

20 (b) Notwithstanding the provisions of this section, members of the police and fire
21 department and rescue personnel of any city or town in this state who, in the course of their duty,
22 are required to pay a toll for use of the Mount Hope Bridge or the Sakonnet River Bridge, if any,
23 shall, upon the presentment of receipts for the payment of the toll to their town or city, be
24 reimbursed for all such charges on an annual basis by the town or city, who in turn shall be
25 reimbursed for all payments made by the state. Any town or city shall submit a request for
26 reimbursement to the Division of Municipal Finance for the previous fiscal year (ending June
27 30th) to the state no later than September 30th of the fiscal year following the fiscal year for
28 which reimbursement is being requested.

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

31 ~~45-12-33 Borrowing for road and bridge projects financed through the "municipal~~
32 ~~road and bridge revolving fund"~~ **Borrowing for road and bridge, infrastructure, and school**
33 **building projects.** -- (a) In addition to other authority previously granted, ~~during calendar year~~
34 ~~2014~~ from July 1, 2015 to June 20, 2016, a city or town may authorize the issuance of bonds,

1 notes, or other evidences of indebtedness to evidence loans from the municipal road and bridge
2 revolving fund or the efficient buildings fund administered by the Rhode Island clean water
3 finance agency infrastructure bank in accordance with chapter 18 of title 24 and chapter 12.2 of
4 title 46 of the general laws or the school building authority capital fund administered by the
5 Rhode Island health and educational building corporation in accordance with chapter ~~18~~ 38.2 of
6 title ~~24~~ 45.

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

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

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

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

21 **ARTICLE 9**

22 **RELATING TO SCHOOL BUILDING AUTHORITY CAPITAL FUND**

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

25 **16-7-41. Computation of school housing aid.** -- (d) Notwithstanding any provisions of
26 law to the contrary, in connection with the issuance of refunding bonds benefiting any local
27 community, any net interest savings resulting from the refunding bonds issued by such
28 community or a municipal public buildings authority for the benefit of the community or by the
29 Rhode Island health and educational building corporation for the benefit of the community, in
30 each case in support of school housing projects for the community, shall be allocated between the
31 community and the state of Rhode Island, by applying the applicable school housing aid ratio at
32 the time of issuance of the refunding bonds, calculated pursuant to § 16-7-39, that would
33 otherwise apply in connection with school housing projects of the community; provided however,
34 that for any refundings that occur between July 1, 2013 and ~~December 31~~ June 30, 2015, the

1 community shall receive eighty percent (80%) of the total savings and the state shall receive
2 twenty percent (20%). In connection with any such refunding of bonds, the finance director or the
3 chief financial officer of the community shall certify such net interest savings to the
4 commissioner of elementary and secondary education. Notwithstanding § 16-7-44 or any other
5 provision of law to the contrary, school housing projects costs in connection with any such
6 refunding bond issue shall include bond issuance costs incurred by the community, the municipal
7 public buildings authority or the Rhode Island health and educational building corporation, as the
8 case may be, in connection therewith. In connection with any refunding bond issue, school
9 housing project costs shall include the cost of interest payments on such refunding bonds, if the
10 cost of interest payments was included as a school housing cost for the bonds being refunded. A
11 local community or municipal public buildings authority shall not be entitled to the benefits of
12 this subsection (d) unless the net present value savings resulting from the refunding is at least
13 three percent (3%) of the refunded bond issue.

14 **16-7-44. School housing project costs.** – School housing project costs, the date of
15 completion of school housing projects, and the applicable amount of school housing project cost
16 commitments shall be in accordance with the regulations of the commissioner of elementary and
17 secondary education and the provisions of §§ 16-7-35 – 16-7-47; provided, however, that school
18 housing project costs shall include the purchase of sites, buildings, and equipment, the
19 construction of buildings, and additions or renovations of existing buildings and/or facilities.
20 School housing project costs shall include the cost of interest payment on any bond issued after
21 July 1, 1988, provided that such bond is approved by the voters on or before June 30, 2003 or
22 issued by a municipal public building authority or by the appropriate approving authority on or
23 before June 30, 2003. Except as provided in subsection 16-7-41(d), those projects approved after
24 June 30, 2003, interest payments may only be included in project costs provided that the bonds
25 for these projects are issued through the Rhode Island Health, Education and Building
26 Corporation. School housing project costs shall exclude: (1) any bond issuance costs incurred by
27 the municipality or regional school district; (2) demolition costs for buildings, facilities, or sites
28 deemed surplus by the school committee; and (3) restrictions pursuant to § 16-7-44.1 below. A
29 building, facility, or site is declared surplus by a school committee when the committee no longer
30 has such building, facility, or site under its direct care and control and transfers control to the
31 municipality, § 16-2-15. The board of regents for elementary and secondary education will
32 promulgate rules and regulations for the administration of this section. These rules and
33 regulations may provide for the use of lease revenue bonds, capital leases, or capital reserve
34 funding, to finance school housing provided that the term of any bond, or capital lease shall not

1 be longer than the useful life of the project and these instruments are subject to the public review
2 and voter approval otherwise required by law for the issuance of bonds or capital leases. Cities or
3 towns issuing bonds, or leases issued by municipal public buildings authority for the benefit of a
4 local community pursuant to chapter 50 of title 45 shall not require voter approval. Effective
5 January 1, 2008, and except for interim finance mechanisms, refunding bonds, [school building](#)
6 [authority capital fund](#), and bonds issued by the Rhode Island Health and Educational Building
7 Corporation to finance school housing projects for towns, cities, or regional school districts
8 borrowing for which has previously been authorized by an enabling act of the general assembly,
9 all bonds, notes and other forms of indebtedness issued in support of school housing projects shall
10 require passage of an enabling act by the general assembly.

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

13 [CHAPTER 105](#)

14 [SCHOOL BUILDING AUTHORITY](#)

15 **16-105-1. Declaration of policy.** – [The state of Rhode Island is committed to providing](#)
16 [equal education opportunities for all public school students. School facilities provide more than a](#)
17 [place for instruction. The physical learning environment must be designed and constructed in](#)
18 [order to contribute fully to the successful performance of educational programs designed to meet](#)
19 [students’ educational needs. Every student has the right to a safe, healthy, and sanitary learning](#)
20 [environment that promotes student learning and development. To that end, the general assembly](#)
21 [hereby designates the department of elementary and secondary education as the state’s school](#)
22 [building authority with the responsibility to implement a system of state funding for school](#)
23 [facilities designed to:](#)

- 24 [\(1\) Guarantee adequate school housing for all public school children in the state, and](#)
25 [\(2\) Prevent the cost of school housing from interfering with the effective operation of the](#)
26 [schools.](#)

27 **16-105-2. Roles and Responsibilities.** -- [The school building authority roles and](#)
28 [responsibilities shall include:](#)

- 29 [\(1\) Management of a system with the goal of assuring equitable and adequate school](#)
30 [housing for all public school children in the state;](#)

- 31 [\(2\) Prevention of the cost of school housing from interfering with the effective operation](#)
32 [of the schools;](#)

- 33 [\(3\) Management of school housing aid in accordance with statute;](#)

- 34 [\(4\) Reviewing and making recommendations to the council on elementary and secondary](#)

1 education on necessity of school construction applications for state school housing aid and the
2 school building authority capital fund;

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

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

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

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

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

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

15 **16-105-3. Funding mechanisms for school facilities. --** The school building authority
16 shall oversee two distinct funding mechanisms for school facilities: the foundation program for
17 school housing, as set forth in Sections 16-7-35 to 16-7-47 and the school building authority
18 capital fund, as set forth at Chapter 45-38.2. The school building authority shall determine the
19 necessity of school construction, establish standards for design and construction of school
20 buildings, ensure that districts have adequate asset protection plans in place to maintain their
21 school facilities, make recommendations to the council on elementary and secondary education
22 for approval of projects for school housing aid reimbursement and establish a project priority list
23 for the Rhode Island health and educational building corporation for projects funded by the
24 school building authority capital fund.

25 **16-105-4. Procedure for School Building Authority Capital Fund project approval. -**
26 **:** (a) The department of elementary and secondary education shall promulgate rules and
27 regulations that establish the process through which a city, town, or LEA may submit an
28 application for school building authority capital funding. The department may also prescribe,
29 without limitation, forms for financial assistance applications, loan agreements, and other
30 instruments. All rules and regulations promulgated pursuant to this chapter shall be promulgated
31 in accordance with the provisions of chapter 42-35.

32 (b) In consultation with the school building authority advisory board, the school building
33 authority shall establish the investment priorities and project evaluation criteria for the school
34 building authority capital fund. These priorities shall be reviewed and if necessary, revised on

1 intervals not to exceed five years. The council on elementary and secondary education shall
2 approve the investment priorities prior to implementation.

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

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

20 **16-105-5. Inspection of approved projects.** – For any approved project, the department
21 shall have the authority to inspect the construction and operation thereof to ensure compliance
22 with the provisions of this chapter.

23 **16-105-6. Expenses incurred by the department.** -- In order to provide for the expenses
24 of the department under this chapter, the corporation shall transfer to the department an amount
25 necessary to complete tasks assigned herein to the school building authority, the school building
26 authority advisory board, as well as any additional tasks as may be requested by the general
27 assembly.

28 **16-105-7. School Building Authority Advisory Board established.** -- (a) There is
29 hereby established a school building authority advisory board that shall advise the school building
30 authority regarding the best use of the school building authority capital fund, including the setting
31 of statewide priorities and criteria for project approval.

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

34 (1) The general treasurer;

- 1 (2) The director of the department of administration, who shall serve as chair;
2 (3) A member of the governor’s staff, as designated by the governor
3 (4) Four (4) members of the public, appointed by the governor, and who serve at the
4 pleasure of the governor, each of whom shall have expertise in education and/or construction, real
5 estate, or finance.

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

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

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

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

14 **16-105-8. Severability.** -- If any provision of this chapter or the application of this
15 chapter to any person or circumstances is held invalid, the invalidity shall not affect other
16 provisions or applications of the chapter, which can be given effect without the invalid provision
17 or application, and to this end the provisions of this chapter are declared to be severable.

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

20 **45-38.1-4. Corporation established.** – (a) There is hereby created a public body
21 corporate and corporation of the state to be known as the "Rhode Island health and educational
22 building corporation" as successor to the Rhode Island educational building corporation,
23 previously created as a nonbusiness corporation under and pursuant to chapter 6 of title 7, as
24 amended by chapter 121 of the Public Laws of 1966, and constituted and established as a public
25 body corporate and corporation of the state for the exercising of the powers conferred on the
26 corporation under and pursuant to §§ 45-38.1-1 – 45-38.1-24.

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

1 governor shall appoint a new member of the board of directors for the unexpired term. Any
2 member of the board of directors is eligible for reappointment.

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

6 (d) The board of directors shall ~~select two (2) of its members as chairperson and vice~~
7 ~~chairperson, and also elect a secretary, assistant secretary, treasurer, and assistant treasurer, who~~
8 ~~need not be members of the board. Three (3) members of the board of directors of the corporation~~
9 ~~shall constitute a quorum, and the affirmative vote of the majority of the directors present and~~
10 ~~entitled to vote at any regular or special meeting at which a quorum is present, is necessary for~~
11 ~~any action to be taken by the corporation; except, however, that the affirmative vote of three (3)~~
12 ~~members of the board of directors is necessary for the election of officers of the corporation and~~
13 ~~to amend the bylaws of the corporation. No vacancy in the membership of the board of directors~~
14 ~~of the corporation impairs the right of a quorum to exercise all the powers of and perform the~~
15 ~~duties of the corporation.~~ consist of seven (7) members appointed by the governor. Board
16 members appointed and qualified prior to July 1, 2015 may continue to serve to the completion of
17 their designated terms and until such time as their successors are appointed and qualified. No
18 member appointed or reappointed after July 1, 2015 shall serve more than two (2) five (5)-year
19 terms. The governor shall select a chairperson and vice chairperson from the appointed members.

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

23 (f) The members of the board of directors shall receive compensation at the rate of fifty
24 dollars (\$50.00) per meeting attended; however, the compensation shall not exceed one thousand
25 five hundred dollars (\$1,500) per fiscal year per member until July 1, 2015. Effective July 1,
26 2015, the members of the board shall not receive any compensation for their service on the board.

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

33 (h) The board and corporation shall comply with provisions of chapter 42-155, the Quasi-
34 Public Corporations Accountability and Transparency Act.

1 SECTION 4. Title 45 of the General Laws entitled "Towns and cities" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 45-38.2

4 SCHOOL BUILDING AUTHORITY CAPITAL FUND

5 **45-38.2-1. Definitions.** – As used in this chapter, the following terms, unless the context
6 requires a different interpretation, shall have the following meanings:

7 (1) "Annual construction plan" means any project approved by the corporation for
8 financial assistance;

9 (2) "Application" means a project proposed by a city, town, or LEA that would make
10 capital improvements to a public school consistent with project evaluation criteria;

11 (3) "Approved project" means any project approved for financial assistance;

12 (4) "Corporation" means the Rhode Island health and education building corporation as
13 set forth in chapter 45-38.1;

14 (5) "Department" means the department of elementary and secondary education as
15 established under Title 16;

16 (6) "Eligible project" means an application, or a portion of an application, that meets the
17 project evaluation criteria;

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

22 (8) "Fund" means the school building authority capital fund;

23 (9) "LEA" means a local education agency, a public board of education, school
24 committee or other public authority legally constituted within the State for administrative control
25 or direction of one or more Rhode Island public elementary or secondary schools;

26 (10) "Market rate" means the rate the city, town, or LEA would receive on the open
27 market at the time of the original loan agreement as determined by the corporation in accordance
28 with its rules and regulations;

29 (11) "Project evaluation criteria" means the criteria used by the department to evaluate
30 applications and rank eligible projects;

31 (12) "Project priority list" means the list of eligible projects ranked in the order in which
32 financial assistance shall be awarded by the corporation;

33 (13) "Subsidy assistance" means the credit enhancements and other measures to reduce
34 the borrowing costs for a city, town, or LEA.

1 **45-38.2-2. School building authority capital fund.** -- (a) There is hereby established a
2 school building authority capital fund. The corporation shall establish and set up on its books the
3 fund, to be held in trust and to be administered by the corporation as provided in this chapter and
4 in any trust agreement securing bonds of the corporation. This fund shall be in addition to the
5 annual appropriation for committed expenses related to the repayment of housing aid
6 commitments. The corporation shall deposit the following monies into the fund:

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

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

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

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

16 (5) Administrative fees levied by the corporation;

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

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

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

24 **45-38.2-3. Administration.** -- (a) The corporation shall have all the powers necessary
25 and convenient to carry out and effectuate the purposes and provisions of this chapter including,
26 without limitation:

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

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

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

33 (4) To levy administrative fees on cities, towns, and LEAs as necessary to effectuate the
34 provisions of this chapter; provided the fees have been previously authorized by an agreement

1 between the corporation and the city, town, or LEA:

2 (5) To engage the services of third-party vendors to provide professional services;

3 (6) To establish one or more accounts within the fund; and

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

5 (b) Subject to the provisions of this chapter, and to any agreements with the holders of

6 any bonds of the corporation or any trustee therefor, amounts held by the corporation for the

7 account of the fund shall be applied by the corporation, either by direct expenditure,

8 disbursement, or transfer to one or more other funds and accounts held by the corporation and

9 maintained under any trust agreement pertaining to bonds, either alone or with other funds of the

10 corporation, to the following purposes:

11 (1) To provide financial assistance to cities and towns to finance costs of approved

12 projects, and to refinance the costs of the projects, subject to such terms and conditions, if any, as

13 are determined by the department and/or the corporation;

14 (2) To fund reserves for bonds of the corporation and to purchase insurance and pay the

15 premiums therefor, and pay fees and expenses of letters or lines of credit and costs of

16 reimbursement to the issuers thereof for any payments made thereon or on any insurance, and to

17 otherwise provide security for, and a source of payment for obligations of the corporation, by

18 pledge, lien, assignment, or otherwise as provided in chapter 45-38.1;

19 (3) To pay expenses of the corporation and the department in administering the fund. As

20 part of the annual appropriations bill, the department shall set forth the gross amount of expenses

21 received from the corporation and a complete, specific breakdown of the sums retained and/or

22 expended for administrative expenses;

23 (4) To pay or provide for subsidy assistance equivalent to one third (1/3) of the market

24 rate or such other subsidy assistance as determined by the corporation;

25 (5) To provide a reserve for, or to otherwise secure, amounts payable by cities, towns,

26 and LEAs on loans and city, town, and LEA obligations outstanding in the event of default

27 thereof; amounts in any account in the fund may be applied to defaults on loans outstanding to the

28 city, town, or LEA for which the account was established and, on a parity basis with all other

29 accounts, to defaults on any loans or city, town, or LEA obligations outstanding; and

30 (6) To provide a reserve for, or to otherwise secure, by pledge, lien, assignment, or

31 otherwise as provided in chapter 45-38.1, any bonds of the corporation.

32 (c) The repayment obligations of the a city, town, or LEA shall be in accordance with its

33 eligibility for state aid for school housing as set forth in regulations promulgated by the

34 department. Notwithstanding any provision of law to the contrary, any recipient of financial

1 assistance under this program shall be entitled to the percentage of state aid available to the
2 community in which the school is located.

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

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

26 **45-38.2-4. Payment of state funds.--** (a) Subject to the provisions of subsection (b),
27 upon the written request of the corporation, the general treasurer shall pay to the corporation,
28 from time to time, from the proceeds of any bonds or notes issued by the state for the purposes of
29 this chapter or funds otherwise lawfully payable to the corporation for the purposes of this
30 chapter, such amounts as shall have been appropriated or lawfully designated for the fund. All
31 amounts so paid shall be credited to the fund in addition to any other amounts credited or
32 expected to be credited to the fund.

33 (b) The corporation and the state shall enter into, execute, and deliver one or more
34 agreements setting forth or otherwise determining the terms, conditions, and procedures for, and

1 the amount, time, and manner of payment of, all amounts available from the state to the
2 corporation under this section.

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

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

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

10 **ARTICLE 10**

11 **RELATING TO MAKING REVISED APPROPRIATIONS IN SUPPORT OF FY 2015**

12 SECTION 2. Subject to the conditions, limitations and restrictions hereinafter contained
13 in this act, the following general revenue amounts are hereby appropriated out of any money in
14 the treasury not otherwise appropriated to be expended during the fiscal year ending June 30,
15 2015. The amounts identified for federal funds and restricted receipts shall be made available
16 pursuant to section 35-4-22 and Chapter 41 of Title 42 of the Rhode Island General Laws. For the
17 purposes and functions hereinafter mentioned, the state controller is hereby authorized and
18 directed to draw his or her orders upon the general treasurer for the payment of such sums or such
19 portions thereof as may be required from time to time upon receipt by him or her of properly
20 authenticated vouchers.

	FY 2015	FY 2015	FY 2015
	<u>Enacted</u>	<u>Change</u>	<u>Final</u>
Administration			
<i>Central Management</i>			
General Revenues	1,594,772	1,000,654	2,595,426
Office of Digital Excellence	908,192	(262,207)	645,985
Total - Central Management	2,502,964	738,447	3,241,411
<i>Legal Services</i>			
General Revenues	2,039,872	103,304	2,143,176
Total – Legal Services	2,039,872	103,304	2,143,176
<i>Accounts and Control</i>			
General Revenues	3,973,748	(147,430)	3,826,318
Total - Accounts and Control	3,973,748	(147,430)	3,826,318
<i>Office of Management and Budget</i>			

1	General Revenues	4,018,136	179,271	4,197,407
2	Restricted Receipts	61,374	(8,093)	53,281
3	Total – Office of Management and Budget	4,079,510	171,178	4,250,688
4	<i>Purchasing</i>			
5	General Revenues	2,670,956	(90,799)	2,580,157
6	Other Funds	308,496	8,885	317,381
7	Total – Purchasing	2,979,452	(81,914)	2,897,538
8	<i>Auditing</i>			
9	General Revenues	1,434,565	(42,649)	1,391,916
10	Total – Auditing	1,434,565	(42,649)	1,391,916
11	<i>Human Resources</i>			
12	General Revenues	7,830,548	(381,033)	7,449,515
13	Federal Funds	766,793	(37,988)	728,805
14	Restricted Receipts	461,639	(25,082)	436,557
15	Other Funds	1,547,079	(39,789)	1,507,290
16	Total - Human Resources	10,606,059	(483,892)	10,122,167
17	<i>Personnel Appeal Board</i>			
18	General Revenues	75,216	43,855	119,071
19	Total – Personnel Appeal Board	75,216	43,855	119,071
20	<i>Facilities Management</i>			
21	General Revenues	30,790,738	1,770,703	32,561,441
22	Federal Funds	1,155,237	53,867	1,209,104
23	Restricted Receipts	462,262	(81,243)	381,019
24	Other Funds	3,322,025	610,197	3,932,222
25	Total – Facilities Management	35,730,262	2,353,524	38,083,786
26	<i>Capital Projects and Property Management</i>			
27	General Revenues	1,252,875	15,920	1,268,795
28	Total – Capital Projects and			
29	Property Management	1,252,875	15,920	1,268,795
30	<i>Information Technology</i>			
31	General Revenues	19,377,273	107,353	19,484,626
32	Federal Funds	6,631,482	(84,845)	6,546,637
33	Restricted Receipts	4,099,027	9,518,586	13,617,613
34	Other Funds	3,701,511	(969,907)	2,731,604

1	Total – Information Technology	33,809,293	8,571,187	42,380,480
2	<i>Library and Information Services</i>			
3	General Revenues	881,464	(4,094)	877,370
4	Federal Funds	1,184,567	74,427	1,258,994
5	Restricted Receipts	653	(473)	180
6	Total - Library and Information			
7	Services	2,066,684	69,860	2,136,544
8	<i>Planning</i>			
9	General Revenues	1,922,778	18,586	1,941,364
10	Federal Funds	12,561,957	6,730,727	19,292,684
11	Restricted Receipts	3,400,000	0	3,400,000
12	Other Funds			
13	Federal Highway – PL Systems Planning	2,984,304	386,416	3,370,720
14	Air Quality Modeling	22,875	0	22,875
15	Total - Planning	20,891,914	7,135,729	28,027,643
16	<i>General</i>			
17	General Revenues			
18	Rhode Island Commerce Corporation	5,543,064	(126,200)	5,416,864
19	RICC – Airport Impact Aid	1,025,000	0	1,025,000
20	Sixty percent (60%) of the first one million dollars (\$1,000,000) appropriated for airport impact			
21	aid shall be distributed to each airport serving more than one million (1,000,000) passengers			
22	based upon its percentage of the total passengers served by all airports serving more than			
23	1,000,000 passengers. Forty percent (40%) of the first one million dollars (\$1,000,000) shall be			
24	distributed based on the share of landings during the calendar year 2014 at North Central Airport,			
25	Newport-Middletown Airport, Block Island Airport, Quonset Airport, T.F. Green Airport and			
26	Westerly Airport, respectively. The Rhode Island Commerce Corporation shall make an impact			
27	payment to the towns or cities in which the airport is located based on this calculation. Each			
28	community upon which any parts of the above airports are located shall receive at least twenty-			
29	five thousand dollars (\$25,000).			
30	RICC – EPScore (Research Alliance)	1,150,000	0	1,150,000
31	Innovative Matching Grants	500,000	0	500,000
32	Miscellaneous Grants/Payments	146,049	0	146,049
33	Slater Centers of Excellence	150,000	(150,000)	0
34	Torts – Courts/Awards	400,000	0	400,000

1	Current Care/Health Information Exchange	225,000	0	225,000
2	I-195 Commission	301,000	615,901	916,901
3	RI Film and Television Office	310,312	8,410	318,722
4	State Employees/Teachers Retiree Health Subsidy	2,321,057	0	2,321,057
5	Resource Sharing and State Library Aid	8,773,398	0	8,773,398
6	Library Construction Aid	2,331,057	0	2,331,057
7	Chafee Center at Bryant	0	376,200	376,200
8	General Revenue Total	23,176,469	724,311	23,900,780
9	Federal Funds	4,345,555	0	4,345,555
10	Restricted Receipts	421,500	0	421,500
11	Other Funds			
12	Rhode Island Capital Plan Funds			
13	Statehouse Renovations	3,000,000	(2,615,000)	385,000
14	DoIT Enterprise Operations Center	250,000	50,000	300,000
15	Cranston Street Armory	2,000,000	(1,050,000)	950,000
16	Cannon Building	440,000	(75,000)	365,000
17	Zambarano Building Rehabilitation	500,000	500,000	1,000,000
18	Pastore Center Rehab DOA Portion	3,150,000	(350,000)	2,800,000
19	Old State House	1,445,000	175,000	1,620,000
20	State Office Building	1,700,000	(1,273,000)	427,000
21	Old Colony House	100,000	78,472	178,472
22	William Powers Building	1,475,000	1,025,000	2,500,000
23	Fire Code Compliance State Buildings	500,000	(500,000)	0
24	Pastore Center Fire Code Compliance	1,300,000	(1,300,000)	0
25	Pastore Center Utility Systems Upgrade	2,600,000	(1,803,002)	796,998
26	Replacement of Fueling Tanks	300,000	162,000	462,000
27	Environmental Compliance	200,000	0	200,000
28	Big River Management Area	120,000	0	120,000
29	Pastore Center Building Demolition	1,000,000	329,155	1,329,155
30	Washington County Government Center	225,000	85,000	310,000
31	Chapin Health Laboratory	1,250,000	(940,000)	310,000
32	Pastore Center Parking	890,000	482,015	1,372,015
33	Pastore Center Water Tanks	250,000	216,400	466,400
34	Pastore Cottages Rehabilitation	800,000	1,200,000	2,000,000

1	Ladd Center Building Demolition	2,100,000	(820,000)	1,280,000
2	I-195 Commission	250,000	55,000	305,000
3	RI Convention Center Authority	1,000,000	109,716	1,109,716
4	Dunkin Donuts Center	1,387,500	328,420	1,715,920
5	Mathias	800,000	200,000	1,000,000
6	Pastore Center Power Plant	194,723	380,277	575,000
7	Harrington Hall Renovations	1,400,000	(687,580)	712,420
8	McCoy Stadium	150,000	0	150,000
9	Veterans Memorial Auditorium	1,370,099	(142,976)	1,227,123
10	Virks Building Renovations	400,000	119,475	519,475
11	Veterans Land Purchase	0	744,256	744,256
12	Zambarano Wood Chip Boiler	0	32,838	32,838
13	Statehouse Energy Management Improvements	0	420,000	420,000
14	Total – General	60,490,846	(4,139,223)	56,351,623
15	<i>Debt Service Payments</i>			
16	General Revenues	168,055,031	(24,969,941)	143,085,090
17	Of the general revenue appropriation for debt service, the General Treasurer is authorized to			
18	make payments for the I-195 Redevelopment District Commission loan up to the maximum debt			
19	service due in accordance with the loan agreement.			
20	Federal Funds	2,667,399	0	2,667,399
21	Restricted Receipts	21,339,305	(19,250,001)	2,089,304
22	<i>Other Funds</i>			
23	Transportation Debt Service	26,828,667	19,352,125	46,180,792
24	Investment Receipts – Bond Funds	100,000	0	100,000
25	COPS - DLT Building – TDI	271,653	0	271,653
26	Total - Debt Service Payments	219,262,055	(24,867,817)	194,394,238
27	<i>Energy Resources</i>			
28	Federal Funds	524,775	91,668	616,443
29	Restricted Receipts	5,215,426	5,007,354	10,222,780
30	Total – Energy Resources	5,740,201	5,099,022	10,839,223
31	<i>Rhode Island Health Benefits Exchange</i>			
32	Federal Funds	23,433,222	29,068,828	52,502,050
33	Total - Rhode Island Health			
34	Benefits Exchange	23,433,222	29,068,828	52,502,050

1	<i>Construction Permitting, Approvals and Licensing</i>			
2	General Revenues	1,483,525	(58,897)	1,424,628
3	Restricted Receipts	1,339,903	8,301	1,348,204
4	Total – Construction Permitting,			
5	Approvals and Licensing	2,823,428	(50,596)	2,772,832
6	<i>Office of Diversity, Equity, and Opportunity</i>			
7	General Revenues	777,197	111,742	888,939
8	Federal Funds	82,284	2,987	85,271
9	Total – Office of Diversity, Equity			
10	and Opportunity	859,481	114,729	974,210
11	<i>Statewide Personnel Adjustments</i>			
12	General Revenues	(3,420,118)	3,420,118	0
13	Federal Funds	(1,859,816)	1,859,816	0
14	Restricted Receipts	(402,343)	402,343	0
15	Other Funds	(2,603,414)	2,603,414	0
16	Total – Statewide Personnel Adjustments			
17	Grand Total – Administration	425,765,956	31,957,753	457,723,709
18	Business Regulation			
19	<i>Central Management</i>			
20	General Revenues	1,234,949	(45,426)	1,189,523
21	Total – Central Management			
22	<i>Banking Regulation</i>			
23	General Revenues	1,514,260	109,194	1,623,454
24	Restricted Receipts	50,000	(13,000)	37,000
25	Total – Banking Regulation			
26	<i>Securities Regulation</i>			
27	General Revenues	1,009,651	(83,390)	926,261
28	Restricted Receipts	3,500	0	3,500
29	Total - Securities Regulation			
30	<i>Insurance Regulation</i>			
31	General Revenues	3,883,238	(109,780)	3,773,458
32	Restricted Receipts	1,294,012	554,301	1,848,313
33	Total - Insurance Regulation			
34	<i>Office of the Health Insurance Commissioner</i>			

1	General Revenues	507,142	(45,228)	461,914
2	Federal Funds	2,021,830	447,678	2,469,508
3	Restricted Receipts	10,500	0	10,500
4	Total – Office of the Health			
5	Insurance Commissioner	2,539,472	402,450	2,941,922
6	<i>Board of Accountancy</i>			
7	General Revenues	16,654	0	16,654
8	Total – Board of Accountancy	16,654	0	16,654
9	<i>Commercial Licensing, Racing & Athletics</i>			
10	General Revenues	586,948	(40,369)	546,579
11	Restricted Receipts	583,111	62,760	645,871
12	Total - Commercial Licensing, Racing &			
13	Athletics	1,170,059	22,391	1,192,450
14	<i>Boards for Design Professionals</i>			
15	General Revenues	260,635	4,175	264,810
16	Total – Boards for Design			
17	Professionals	260,635	4,175	264,810
18	Grand Total - Business Regulation	12,976,430	840,915	13,817,345
19	Executive Office of Commerce			
20	<i>Central Management</i>			
21	General Revenues	0	335,644	335,644
22	Grand Total – Executive Office of			
23	Commerce	0	335,644	335,644
24	Labor and Training			
25	<i>Central Management</i>			
26	General Revenues	93,361	14,620	107,981
27	Restricted Receipts	337,854	272,346	610,200
28	Other Funds			
29	Rhode Island Capital Plan Funds			
30	Center General Building Roof	505,996	(505,996)	0
31	Center General Asset Protection	1,500,000	(750,000)	750,000
32	Total - Central Management	2,437,211	(969,030)	1,468,181
33	<i>Workforce Development Services</i>			
34	General Funds	1,148,769	430,082	1,578,851

1	Federal Funds	23,892,612	5,027,058	28,919,670
2	Restricted Receipts	9,644,795	4,905,256	14,550,051
3	Other Funds	75,000	36,458	111,458
4	Total - Workforce Development Services	34,761,176	10,398,854	45,160,030
5	<i>Workforce Regulation and Safety</i>			
6	General Revenues	2,720,916	73,468	2,794,384
7	Total – Workforce Regulation and Safety	2,720,916	73,468	2,794,384
8	<i>Income Support</i>			
9	General Revenues	4,317,409	(166,378)	4,151,031
10	Federal Funds	18,291,060	4,240,107	22,531,167
11	Restricted Receipts			
12	Restricted Receipts	2,146,562	1,416,712	3,563,274
13	Job Development Fund	20,460,000	3,589,156	24,049,156
14	Other Funds			
15	Temporary Disability			
16	Insurance Fund	198,485,516	(7,903,649)	190,581,867
17	Employment Security Fund	218,620,120	(34,374,230)	184,245,890
18	Total - Income Support	462,320,667	(33,198,282)	429,122,385
19	<i>Injured Workers Services</i>			
20	Restricted Receipts	8,951,372	(305,891)	8,645,481
21	Total – Injured Workers Services	8,951,372	(305,891)	8,645,481
22	<i>Labor Relations Board</i>			
23	General Revenues	388,648	(6,958)	381,690
24	Total - Labor Relations Board	388,648	(6,958)	381,690
25	Grand Total - Labor and Training	511,579,990	(24,007,839)	487,572,151
26	Department of Revenue			
27	<i>Director of Revenue</i>			
28	General Revenues	1,122,100	(8,034)	1,114,066
29	Total – Director of Revenue	1,122,100	(8,034)	1,114,066
30	<i>Office of Revenue Analysis</i>			
31	General Revenues	564,334	(18,968)	545,366
32	Total – Office of Revenue Analysis	564,334	(18,968)	545,366
33	<i>Lottery Division</i>			
34	Lottery Funds	342,306,302	(11,997,561)	330,308,741

1	Other Funds			
2	Rhode Island Capital Plan Funds			
3	Lottery Building Renovations	0	283,377	283,377
4	Total – Lottery Division	342,306,302	(11,714,184)	330,592,118
5	<i>Municipal Finance</i>			
6	General Revenues	2,256,992	22,041	2,279,033
7	Total – Municipal Finance	2,256,992	22,041	2,279,033
8	<i>Taxation</i>			
9	General Revenues	18,930,344	(561,208)	18,369,136
10	Federal Funds	1,294,330	518,098	1,812,428
11	Restricted Receipts	878,210	(25,553)	852,657
12	Other Funds			
13	Motor Fuel Tax Evasion	43,232	(27,084)	16,148
14	Temporary Disability Insurance	952,454	(46,254)	906,200
15	Total – Taxation	22,098,570	(142,001)	21,956,569
16	<i>Registry of Motor Vehicles</i>			
17	General Revenues	18,826,844	(157,405)	18,669,439
18	Federal Funds	3,818,815	(939,077)	2,879,738
19	Restricted Receipts	2,200,596	(1,665,833)	534,763
20	Other Funds			
21	Rhode Island Capital Plan Funds			
22	Safety Emissions Lifts	0	259,000	259,000
23	Total – Registry of Motor Vehicles	24,846,255	(2,503,315)	22,342,940
24	<i>State Aid</i>			
25	General Revenue			
26	Distressed Communities Relief Fund	10,384,458	0	10,384,458
27	Payment in Lieu of Tax Exempt			
28	Properties	40,080,409	0	40,080,409
29	Motor Vehicle Excise Tax Payments	10,000,000	0	10,000,000
30	Property Revaluation Program	633,209	63,191	696,500
31	Municipal Aid	5,000,000	166,266	5,166,266
32	Restricted Receipts	922,013	0	922,013
33	Total – State Aid	67,020,089	229,557	67,249,646
34	Grand Total – Revenue	460,214,642	(14,134,904)	446,079,738

1	Legislature			
2	General Revenues	36,429,671	2,803,742	39,233,413
3	Restricted Receipts	1,587,079	(71,761)	1,515,318
4	Grand Total – Legislature	38,016,750	2,731,981	40,748,731
5	Lieutenant Governor			
6	General Revenues	1,015,084	(7,876)	1,007,208
7	Federal Funds	74,350	(34,216)	40,134
8	Restricted Receipts	0	17,500	17,500
9	Grand Total - Lieutenant Governor	1,089,434	(24,592)	1,064,842
10	Secretary of State			
11	<i>Administration</i>			
12	General Revenues	2,205,748	58,802	2,264,550
13	Total – Administration	2,205,748	58,802	2,264,550
14	<i>Corporations</i>			
15	General Revenues	2,278,601	(35,919)	2,242,682
16	Total – Corporations	2,278,601	(35,919)	2,242,682
17	<i>State Archives</i>			
18	General Revenues	69,266	85,810	155,076
19	Restricted Receipts	514,752	11,510	526,262
20	Total - State Archives	584,018	97,320	681,338
21	<i>Elections & Civics</i>			
22	General Revenues	1,636,292	(40,557)	1,595,735
23	Federal Funds	0	34,123	34,123
24	Total – Elections & Civics	1,636,292	(6,434)	1,629,858
25	<i>State Library</i>			
26	General Revenues	521,178	22,359	543,537
27	Total – State Library	521,178	22,359	543,537
28	<i>Office of Public Information</i>			
29	General Revenues	626,118	(131,691)	494,427
30	Restricted Receipts	15,000	0	15,000
31	Other Funds			
32	Rhode Island Capital Plan Fund			
33	Charter Encasement	500,000	(436,246)	63,754
34	Total – Office of Public Information	1,141,118	(567,937)	573,181

1	Grand Total – Secretary of State	8,366,955	(431,809)	7,935,146
2	General Treasurer			
3	<i>Treasury</i>			
4	General Revenues	2,206,467	(12,678)	2,193,789
5	Federal Funds	270,861	(2,529)	268,332
6	Restricted Receipts	37,651	(37,651)	0
7	Other Funds			
8	Temporary Disability Insurance Fund	220,608	(1,614)	218,994
9	Total – Treasury	2,735,587	(54,472)	2,681,115
10	<i>State Retirement System</i>			
11	Restricted Receipts			
12	Admin Expenses - State Retirement System	9,308,412	719,712	10,028,124
13	Retirement - Treasury Investment Operations	1,265,045	(167,087)	1,097,958
14	Defined Contribution – Administration	263,588	(22,866)	240,722
15	Total - State Retirement System	10,837,045	529,759	11,366,804
16	<i>Unclaimed Property</i>			
17	Restricted Receipts	19,712,197	(82,568)	19,629,629
18	Total – Unclaimed Property	19,712,197	(82,568)	19,629,629
19	<i>Crime Victim Compensation Program</i>			
20	General Revenues	225,638	(2,276)	223,362
21	Federal Funds	599,477	34,957	634,434
22	Restricted Receipts	1,131,949	(1,116)	1,130,833
23	Total - Crime Victim Compensation Program	1,957,064	31,565	1,988,629
24	Grand Total – General Treasurer	35,241,893	424,284	35,666,177
25	Board of Elections			
26	General Revenues			
27	General Revenues	2,145,127	(109,201)	2,035,926
28	Public Financing of General Elections	2,000,000	620,273	2,620,273
29	Grand Total - Board of Elections	4,145,127	511,072	4,656,199
30	Rhode Island Ethics Commission			
31	General Revenues	1,581,205	37,678	1,618,883
32	Grand Total - Rhode Island Ethics			
33	Commission	1,581,205	37,678	1,618,883
34	Office of Governor			

1	General Revenues			
2	General Revenues	4,277,562	128,165	4,405,727
3	Contingency Fund	250,000	0	250,000
4	Grand Total – Office of Governor	4,527,562	128,165	4,655,727
5	Commission for Human Rights			
6	General Revenues	1,193,083	28,680	1,221,763
7	Federal Funds	287,096	23,596	310,692
8	Grand Total - Commission for Human Rights	1,480,179	52,276	1,532,455
9	Public Utilities Commission			
10	Federal Funds	87,733	0	87,733
11	Restricted Receipts	8,372,153	(29,000)	8,343,153
12	Grand Total - Public Utilities Commission	8,459,886	(29,000)	8,430,886
13	Office of Health and Human Services			
14	<i>Central Management</i>			
15	General Revenues	28,044,154	989,519	29,033,673
16	Federal Funds			
17	Federal Funds	92,223,591	9,160,250	101,383,841
18	Federal Funds – Stimulus	312,000	(241,975)	70,025
19	Restricted Receipts	5,292,880	(107,552)	5,185,328
20	Total – Central Management	125,872,625	9,800,242	135,672,867
21	<i>Medical Assistance</i>			
22	General Revenues			
23	Managed Care	297,696,087	11,454,528	309,150,615
24	Hospitals	103,617,688	4,269,739	107,887,427
25	Nursing Facilities	81,024,113	6,923,087	87,947,200
26	Home and Community Based Services	23,835,759	9,769,250	33,605,009
27	Other Services	44,649,734	(342,013)	44,307,721
28	Pharmacy	51,770,620	1,313,949	53,084,569
29	Rhody Health	273,995,508	2,768,642	276,764,150
30	Federal Funds			
31	Managed Care	317,716,679	9,632,706	327,349,385
32	Hospitals	102,962,352	5,272,656	108,235,008
33	Nursing Facilities	81,121,400	6,931,400	88,052,800
34	Home and Community Based Services	29,963,641	6,731,350	36,694,991

1	Other Services	552,234,966	45,942,313	598,177,279
2	Pharmacy	32,003	980,274	1,012,277
3	Rhody Health	275,303,671	5,732,179	281,035,850
4	Special Education	19,000,000	0	19,000,000
5	Restricted Receipts	10,615,000	0	10,615,000
6	Total - Medical Assistance	2,265,539,221	117,380,060	2,382,919,281
7	Grand Total – Office of Health and			
8	Human Services	2,391,411,846	127,180,302	2,518,592,148
9	Children, Youth, and Families			
10	<i>Central Management</i>			
11	General Revenues	4,609,150	572,007	5,181,157
12	Federal Funds	2,269,607	787,050	3,056,657
13	Total - Central Management	6,878,757	1,359,057	8,237,814
14	<i>Children's Behavioral Health Services</i>			
15	General Revenues	5,895,388	(1,388,014)	4,507,374
16	Federal Funds	5,828,492	1,079,338	6,907,830
17	Other Funds			
18	Rhode Island Capital Plan Funds			
19	NAFI Center	21,494	176,966	198,460
20	Groden Center – Fire Towers	137,500	0	137,500
21	Various Repairs and			
22	Improvements to Training School	1,154,000	201,000	1,355,000
23	Total - Children's Behavioral			
24	Health Services	13,036,874	69,290	13,106,164
25	Juvenile Correctional Services			
26	General Revenues	23,400,611	1,727,980	25,128,591
27	Federal Funds	271,588	86,544	358,132
28	Federal Funds – Stimulus	0	28,259	28,259
29	Other Funds			
30	Rhode Island Capital Plan Funds			
31	Thomas C. Slater Trng School Generators	213,837	213,163	427,000
32	Thomas C. Slater Trng School Maintenance			
33	Building	535,000	0	535,000
34	Total - Juvenile Correctional Services	24,421,036	2,055,946	26,476,982

1	<i>Child Welfare</i>			
2	General Revenues			
3	General Revenues	104,416,147	9,490,549	113,906,696
4	18 to 21 Year Olds	10,185,850	(768,088)	9,417,762
5	Federal Funds			
6	Federal Funds	45,482,485	4,300,405	49,782,890
7	18 to 21 Year Olds	2,270,152	(815,733)	1,454,419
8	Federal Funds – Stimulus	446,340	200,748	647,088
9	Restricted Receipts	2,448,750	391,393	2,840,143
10	Other Funds			
11	Rhode Island Capital Plan Funds			
12	Fire Code Upgrades	850,000	(260,000)	590,000
13	Total - Child Welfare	166,099,724	12,539,274	178,638,998
14	<i>Higher Education Incentive Grants</i>			
15	General Revenues	200,000	0	200,000
16	Total – Higher Education Incentive Grants	200,000	0	200,000
17	Grand Total - Children, Youth, and			
18	Families	210,636,391	16,023,567	226,659,958
19	Health			
20	<i>Central Management</i>			
21	General Revenues	481,489	(140,020)	341,469
22	Federal Funds	8,071,320	(1,622,540)	6,448,780
23	Restricted Receipts	4,826,651	1,432,967	6,259,618
24	Total - Central Management	13,379,460	(329,593)	13,049,867
25	<i>State Medical Examiner</i>			
26	General Revenues	1,931,511	60,394	1,991,905
27	Federal Funds	141,325	(1,403)	139,922
28	Total - State Medical Examiner	2,072,836	58,991	2,131,827
29	<i>Environmental and Health Services Regulation</i>			
30	General Revenues	9,251,095	(183,458)	9,067,637
31	Federal Funds	5,924,339	(221,032)	5,703,307
32	Restricted Receipts	3,628,936	16,920	3,645,856
33	Total - Environmental and Health Services			
34	Regulation	18,804,370	(387,570)	18,416,800

1	<i>Health Laboratories</i>			
2	General Revenues	6,130,022	344,606	6,474,628
3	Federal Funds	1,718,714	320,926	2,039,640
4	Federal Funds – Stimulus	6,500	(6,500)	0
5	Total - Health Laboratories	7,855,236	659,032	8,514,268
6	<i>Public Health Information</i>			
7	General Revenues	1,559,128	(209,120)	1,350,008
8	Federal Funds	2,066,331	548,853	2,615,184
9	Total – Public Health Information	3,625,459	339,733	3,965,192
10	<i>Community and Family Health and Equity</i>			
11	General Revenues	2,176,155	173,563	2,349,718
12	Federal Funds	40,748,562	2,706,426	43,454,988
13	Federal Funds - Stimulus	1,267,231	470,331	1,737,562
14	Restricted Receipts	26,137,670	69,269	26,206,939
15	Other Funds	0	69,050	69,050
16	Total – Community and Family			
17	Health and Equity	70,329,618	3,488,639	73,818,257
18	<i>Infectious Disease and Epidemiology</i>			
19	General Revenues	1,428,520	(162,355)	1,266,165
20	Federal Funds	5,150,071	(328,806)	4,821,265
21	Total – Infectious Disease and Epidemiology	6,578,591	(491,161)	6,087,430
22	Grand Total – Health	122,645,570	3,338,071	125,983,641
23	Human Services			
24	<i>Central Management</i>			
25	General Revenues	4,967,120	9,375	4,976,495
26	Federal Funds	3,777,064	397,351	4,174,415
27	Restricted Receipts	522,542	(2,311)	520,231
28	Total - Central Management	9,266,726	404,415	9,671,141
29	<i>Child Support Enforcement</i>			
30	General Revenues	2,362,840	(101,121)	2,261,719
31	Federal Funds	5,877,595	646,698	6,524,293
32	Total – Child Support Enforcement	8,240,435	545,577	8,786,012
33	<i>Individual and Family Support</i>			
34	General Revenues	24,413,085	(1,092,262)	23,320,823

1	Federal Funds	117,893,777	4,013,522	121,907,299
2	Federal Funds – Stimulus	10,571,598	4,974,113	15,545,711
3	Restricted Receipts	340,431	513,585	854,016
4	Other Funds			
5	Rhode Island Capital Plan Fund			
6	Blind Vending Facilities	165,000	0	165,000
7	Intermodal Surface Transportation Fund	4,162,981	0	4,162,981
8	Total - Individual and Family Support	157,546,872	8,408,958	165,955,830
9	<i>Veterans' Affairs</i>			
10	General Revenues	20,274,566	(487,398)	19,787,168
11	Federal Funds	7,481,344	1,095,996	8,577,340
12	Restricted Receipts	635,000	974,259	1,609,259
13	Total - Veterans' Affairs	28,390,910	1,532,857	29,923,767
14	<i>Health Care Eligibility</i>			
15	General Revenues	8,226,587	405,386	8,631,973
16	Federal Funds	11,774,391	731,606	12,505,997
17	Total - Health Care Eligibility	20,000,978	1,136,992	21,137,970
18	<i>Supplemental Security Income Program</i>			
19	General Revenues	18,579,280	(119,080)	18,460,200
20	Total - Supplemental Security			
21	Income Program	18,579,280	(119,080)	18,460,200
22	<i>Rhode Island Works</i>			
23	General Revenues			
24	Child Care	9,668,635	0	9,668,635
25	Federal Funds	77,040,945	(623,141)	76,417,804
26	Total – Rhode Island Works	86,709,580	(623,141)	86,086,439
27	<i>State Funded Programs</i>			
28	General Revenues			
29	General Public Assistance	1,616,000	10,107	1,626,107
30	Of this appropriation, \$210,000 shall be used for hardship contingency payments.			
31	Federal Funds	300,692,138	(32,604,831)	268,087,307
32	Total - State Funded Programs	302,308,138	(32,594,724)	269,713,414
33	<i>Elderly Affairs</i>			
34	General Revenues			

1	General Revenue	6,195,226	(121,230)	6,073,996
2	RIPAE	24,484	(24,484)	0
3	Care and Safety of the Elderly	958	342	1,300
4	Federal Funds	12,223,967	(241,474)	11,982,493
5	Restricted Receipts	299,336	(208,324)	91,012
6	Total – Elderly Affairs	18,743,971	(595,170)	18,148,801
7	Grand Total - Human Services	649,786,890	(21,903,316)	627,883,574
8	Behavioral Health, Developmental Disabilities, and Hospitals			
9	<i>Central Management</i>			
10	General Revenues	970,823	306,175	1,276,998
11	Federal Funds	539,262	(257,831)	281,431
12	Total - Central Management	1,510,085	48,344	1,558,429
13	<i>Hospital and Community System Support</i>			
14	General Revenues	1,594,280	578,217	2,172,497
15	Restricted Receipts	934,379	(640,387)	293,992
16	Other Funds			
17	Rhode Island Capital Plan Funds			
18	Medical Center Rehabilitation	1,000,000	(11,903)	988,097
19	Community Facilities Fire Code	400,000	0	400,000
20	Total - Hospital and Community			
21	System Support	3,928,659	(74,073)	3,854,586
22	<i>Services for the Developmentally Disabled</i>			
23	General Revenues	111,028,105	711,397	111,739,502
24	Federal Funds	112,976,682	(986,675)	111,990,007
25	Restricted Receipts	1,977,450	(139,318)	1,838,132
26	Other Funds			
27	Rhode Island Capital Plan Funds			
28	DD Private Waiver	507,286	(253,643)	253,643
29	Regional Center Repair/Rehabilitation	400,000	0	400,000
30	MR Community Facilities/Access to Ind.	500,000	0	500,000
31	Total - Services for the Developmentally			
32	Disabled	227,389,523	(668,239)	226,721,284
33	<i>Behavioral Healthcare Services</i>			
34	General Revenues	1,980,322	312,262	2,292,584

1	Federal Funds			
2	Federal Funds	14,581,527	1,786,618	16,368,145
3	Substance Abuse Prevention Task Forces	900,000	0	900,000
4	NAMI of RI	128,000	0	128,000
5	Restricted Receipts	125,000	(25,000)	100,000
6	Other Funds			
7	Rhode Island Capital Plan Funds			
8	MH Community Facilities Repair	400,000	0	400,000
9	MH Housing Development Thresholds	800,000	0	800,000
10	Substance Abuse Asset Production	100,000	0	100,000
11	Total – Behavioral Healthcare Services	19,014,849	2,073,880	21,088,729
12	<i>Hospital and Community Rehabilitative Services</i>			
13	General Revenues	51,963,343	(648,548)	51,314,795
14	Federal Funds	52,031,533	(547,142)	51,484,391
15	Restricted Receipts	6,571,834	(12,982)	6,558,852
16	Other Funds			
17	Rhode Island Capital Plan Funds			
18	Zambarano Buildings and Utilities	150,000	37,680	187,680
19	BHDDH Administrative Buildings	2,000,000	(1,000,000)	1,000,000
20	MR Community Facilities	950,000	0	950,000
21	Hospital Consolidation	0	99,095	99,095
22	Total - Hospital and Community			
23	Rehabilitative Services	113,666,710	(2,071,897)	111,594,813
24	Grand Total – Behavioral Healthcare,			
25	Developmental Disabilities, and Hospitals	365,509,826	(691,985)	364,817,841
26	Office of the Child Advocate			
27	General Revenues	611,817	21,337	633,154
28	Federal Funds	50,000	0	50,000
29	Grand Total – Office of the Child Advocate	661,817	21,337	683,154
30	Commission on the Deaf and Hard of Hearing			
31	General Revenues	394,279	4,462	398,741
32	Restricted Receipts	80,000	0	80,000
33	Grand Total – Com on Deaf and Hard of			
34	Hearing	474,279	4,462	478,741

1	Governor's Commission on Disabilities			
2	General Revenues	358,275	(1,134)	357,141
3	Federal Funds	141,350	164,174	305,524
4	Restricted Receipts	9,177	754	9,931
5	Other Funds			
6	Rhode Island Capital Plan Funds			
7	Handicapped Accessibility	1,000,000	(100,000)	900,000
8	Grand Total - Governor's Commission on			
9	Disabilities	1,508,802	63,794	1,572,596
10	Office of the Mental Health Advocate			
11	General Revenues	495,010	11,068	506,078
12	Grand Total - Office of the Mental Health			
13	Advocate	495,010	11,068	506,078
14	Elementary and Secondary Education			
15	<i>Administration of the Comprehensive Education Strategy</i>			
16	General Revenues	20,418,574	(227,819)	20,190,755
17	Federal Funds			
18	Federal Funds	192,750,465	1,760,075	194,510,540
19	Federal Funds – Stimulus	7,727,747	7,851,905	15,579,652
20	RTTT LEA Share	6,379,521	(4,532,120)	1,847,401
21	Restricted Receipts			
22	Restricted Receipts	1,269,741	(265,415)	1,004,326
23	HRIC Adult Education Grants	3,500,000	0	3,500,000
24	Other Funds			
25	Rhode Island Capital Plan Funds			
26	State-Owned Cranston	400,000	0	400,000
27	State-Owned Warwick	950,000	0	950,000
28	State-Owned Woonsocket	1,844,364	(844,364)	1,000,000
29	Total – Administration of the			
30	Comprehensive Education Strategy	235,240,412	3,742,262	238,982,674
31	<i>Davies Career and Technical School</i>			
32	General Revenues	12,240,174	(16,796)	12,223,378
33	Federal Funds			
34	Federal Funds	1,319,532	106,085	1,425,617

1	Federal Funds – Stimulus	42,099	44,468	86,567
2	Restricted Receipts	4,050,538	5,687	4,056,225
3	Other Funds			
4	Rhode Island Capital Plan Funds			
5	Davies HVAC	1,237,345	262,655	1,500,000
6	Davies Asset Protection	194,962	625,038	820,000
7	Total - Davies Career and Technical			
8	School	19,084,650	1,027,137	20,111,787
9	<i>RI School for the Deaf</i>			
10	General Revenues	5,929,824	(36,365)	5,893,459
11	Federal Funds	221,056	51,481	272,537
12	Federal Funds – Stimulus	55,514	37,244	92,758
13	Restricted Receipts	558,248	65,768	624,016
14	Other Funds	59,000	0	59,000
15	Total - RI School for the Deaf	6,823,642	118,128	6,941,770
16	<i>Metropolitan Career and Technical School</i>			
17	General Revenues	10,501,360	0	10,501,360
18	Other Funds			
19	Rhode Island Capital Plan Funds			
20	MET Asset Protection	100,000	502	100,502
21	MET School HVAC	1,160,657	636,236	1,796,893
22	MET School East Bay	0	93,176	93,176
23	Total – Metropolitan Career and			
24	Technical School	11,762,017	729,914	12,491,931
25	<i>Education Aid</i>			
26	General Revenues	758,820,708	(160,151)	758,660,557
27	Restricted Receipts	17,575,445	624,521	18,199,966
28	Other Funds			
29	Permanent School Fund – Education Aid	300,000	0	300,000
30	Total – Education Aid	776,696,153	464,370	777,160,523
31	<i>Central Falls School District</i>			
32	General Revenues	39,010,583	0	39,010,583
33	Total – Central Falls School District	39,010,583	0	39,010,583
34	<i>Housing Aid</i>			

1	General Revenues	67,949,504	150,568	68,100,072
2	Total – Housing Aid	67,949,504	150,568	68,100,072
3	<i>Teachers' Retirement</i>			
4	General Revenues	89,529,396	(524,347)	89,005,049
5	Total – Teachers' Retirement	89,529,396	(524,347)	89,005,049
6	Grand Total - Elementary and Secondary			
7	Education	1,246,096,357	5,708,032	1,251,804,389
8	Public Higher Education			
9	<i>Office of Postsecondary Commissioner</i>			
10	General Revenues	4,566,270	920,678	5,486,948
11	Federal Funds	5,092,287	7,500	5,099,787
12	Total - Office of Postsecondary			
13	Commissioner	9,658,557	928,178	10,586,735
14	<i>University of Rhode Island</i>			
15	General Revenues			
16	General Revenues	69,292,680	(331,798)	68,960,882
17	The University of Rhode Island shall maintain tuition charges in the 2014 – 2015 academic			
18	year at the same level as the 2013 – 2014 academic year. The University shall not decrease			
19	internal student financial aid in the 2014 – 2015 academic year below the level of the 2013 –			
20	2014 academic year. The President of the institution shall report, prior to the commencement of			
21	the 2014 – 2015 academic year, to the chair of the Rhode Island Board of Education that such			
22	tuition charges and student aid levels have been achieved at the start of FY 2015 as prescribed			
23	above.			
24	Debt Service	20,903,400	(1,738,501)	19,164,899
25	State Crime Lab	1,035,888	(7,314)	1,028,574
26	Other Funds			
27	University and College Funds	612,113,492	(9,671,582)	602,441,910
28	Debt – Dining Services	1,110,746	(1,500)	1,109,246
29	Debt – Education and General	3,180,567	3,799	3,184,366
30	Debt – Health Services	136,814	(700)	136,114
31	Debt – Housing Loan Funds	10,625,414	(38,001)	10,587,413
32	Debt – Memorial Union	314,538	3,800	318,338
33	Debt – Ryan Center	2,798,531	(1,598)	2,796,933
34	Debt – Alton Jones Services	103,078	122	103,200

1	Debt - Parking Authority	949,029	(14,000)	935,029
2	Debt – Sponsored Research	94,572	(77,905)	16,667
3	Debt – Energy Conservation	2,460,718	0	2,460,718
4	Rhode Island Capital Plan Funds			
5	Asset Protection	7,520,000	0	7,520,000
6	Fire and Safety Protection	3,250,000	1,950,000	5,200,000
7	Nursing Education Center	700,000	(700,000)	0
8	URI/RIC Nursing Education Center	0	691,714	691,714
9	White Hall Renovations	0	1,325,000	1,325,000
10	Electric Substation	7,000,000	(1,200,000)	5,800,000
11	Biotechnology Center	0	181,100	181,100
12	Total – University of Rhode Island	743,589,467	(9,627,364)	733,962,103

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

16 *Rhode Island College*

17 General Revenues

18	General Revenues	42,911,103	(259,499)	42,651,604
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19 Rhode Island College shall maintain tuition charges in the 2014 – 2015 academic year at
20 the same level as the 2013 – 2014 academic year. The College shall not decrease internal student
21 financial aid in the 2014 – 2015 academic year below the level of the 2013 – 2014 academic year.
22 The President of the institution shall report, prior to the commencement of the 2014 – 2015
23 academic year, to the chair of the Rhode Island Board of Education that such tuition charges and
24 student aid levels have been achieved at the start of FY 2015 as prescribed above.

25	Debt Service	4,450,296	(900,535)	3,549,761
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26 Other Funds

27	University and College Funds	112,190,914	3,517,171	115,708,085
28	Debt – Education and General	883,664	0	883,664
29	Debt – Housing	2,054,108	(1)	2,054,107
30	Debt – Student Center and Dining	172,600	0	172,600
31	Debt – Student Union	234,963	(1)	234,962
32	Debt – G.O. Debt Service	1,641,626	0	1,641,626
33	Rhode Island Capital Plan Funds			
34	Asset Protection	2,963,548	792,274	3,755,822

1	Infrastructure Modernization	3,871,317	593,653	4,464,970
2	Total – Rhode Island College	171,374,139	3,743,062	175,117,201

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

6 *Community College of Rhode Island*

7 General Revenues

8	General Revenues	45,882,495	(339,741)	45,542,754
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9 The Community College of Rhode Island College shall maintain tuition charges in the 2014
10 – 2015 academic year at the same level as the 2013 – 2014 academic year. The Community
11 College shall not decrease internal student financial aid in the 2014 – 2015 academic year below
12 the level of the 2013 – 2014 academic year. The President of the institution shall report, prior to
13 the commencement of the 2014 – 2015 academic year, to the chair of the Rhode Island Board of
14 Education that such tuition charges and student aid levels have been achieved at the start of FY
15 2015 as prescribed above.

16	Debt Service	1,912,779	0	1,912,779
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17	Restricted Receipts	644,000	0	644,000
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18 Other Funds

19	University and College Funds	102,754,282	173,751	102,928,033
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20	Debt – Bookstore	27,693	0	27,693
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21	CCRI Debt Service – Energy Conservation	807,475	0	807,475
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22 Rhode Island Capital Plan Funds

23	Asset Protection	2,138,305	(48,306)	2,089,999
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24	Knight Campus Renewal	2,000,000	77,770	2,077,770
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25	Total – Community College of RI	156,167,029	(136,526)	156,030,503
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26 Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or
27 unencumbered balances as of June 30, 2015 relating to the Community College of Rhode Island
28 are hereby reappropriated to fiscal year 2016.

29 Grand Total – Public Higher

30	Education	1,080,789,192	(5,092,650)	1,075,696,542
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31 **RI State Council on the Arts**

32 General Revenues

33	Operating Support	428,501	7,993	436,494
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34	Grants	1,054,574	0	1,054,574
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1	Federal Funds	799,348	(63,802)	735,546
2	Other Funds			
3	Arts for Public Facilities	632,536	113,836	746,372
4	Grand Total - RI State Council on the Arts	2,914,959	58,027	2,972,986
5	RI Atomic Energy Commission			
6	General Revenues	913,197	(5,460)	907,737
7	Federal Funds	0	351,171	351,171
8	Other Funds			
9	URI Sponsored Research	257,977	(1,797)	256,180
10	Rhode Island Capital Plan Funds			
11	RINSC Asset Protection	100,000	(10,000)	90,000
12	Grand Total - RI Atomic Energy Commission	1,271,174	333,914	1,605,088
13	RI Higher Education Assistance Authority			
14	General Revenues			
15	Authority Operations and Other Grants	147,000	0	147,000
16	Federal Funds			
17	Federal Funds	10,680,967	(4,062,864)	6,618,103
18	WaytogoRI Portal	650,000	25,000	675,000
19	Guaranty Agency Reserve Fund	4,134,726	(4,134,726)	0
20	The \$4,134,726 expended from the Guaranty Agency Reserve Fund shall be used for RIHEAA			
21	need based grants and scholarships.			
22	Other Funds			
23	Tuition Savings Program – Needs Based			
24	Grants & Work Opportunities	8,000,000	0	8,000,000
25	Tuition Savings Program – Administration	334,268	58,259	392,527
26	Grand Total – RI Higher Education			
27	Assistance Authority	23,946,961	(8,114,331)	15,832,630
28	RI Historical Preservation and Heritage Commission			
29	General Revenues	1,320,610	(114,503)	1,206,107
30	Federal Funds	2,183,588	71,707	2,255,295
31	Restricted Receipts	434,910	(6,280)	428,630
32	Other Funds			
33	RIDOT – Project Review	70,868	(319)	70,549
34	Rhode Island Capital Plan Fund			

1	Eisenhower House Asset Protection	1,900,000	220,000	2,120,000
2	Grand Total – RI Historical Preservation			
3	and Heritage Commission	5,909,976	170,605	6,080,581
4	Attorney General			
5	<i>Criminal</i>			
6	General Revenues	14,475,192	387,953	14,863,145
7	Federal Funds	1,634,631	1,044,998	2,679,629
8	Restricted Receipts	10,332,721	1,497,325	11,830,046
9	Total – Criminal	26,442,544	2,930,276	29,372,820
10	<i>Civil</i>			
11	General Revenues	4,816,217	495,088	5,311,305
12	Restricted Receipts	917,187	(44,318)	872,869
13	Total – Civil	5,733,404	450,770	6,184,174
14	<i>Bureau of Criminal Identification</i>			
15	General Revenues	1,542,124	33,759	1,575,883
16	Total – Bureau of Criminal			
17	Identification	1,542,124	33,759	1,575,883
18	<i>General</i>			
19	General Revenues	2,773,613	20,122	2,793,735
20	Other Funds			
21	Rhode Island Capital Plan Fund			
22	Building Renovations and Repairs	300,000	(50,000)	250,000
23	Total – General	3,073,613	(29,878)	3,043,735
24	Grand Total - Attorney General	36,791,685	3,384,927	40,176,612
25	Corrections			
26	<i>Central Management</i>			
27	General Revenues	9,070,974	(68,285)	9,002,689
28	Federal Funds	117,996	350,491	468,487
29	Restricted Receipts	344,240	0	344,240
30	Total – Central Management	9,533,210	282,206	9,815,416
31	<i>Parole Board</i>			
32	General Revenues	1,275,799	32,947	1,308,746
33	Federal Funds	38,000	2,764	40,764
34	Total – Parole Board	1,313,799	35,711	1,349,510

1	<i>Custody and Security</i>			
2	General Revenues	118,747,911	5,992,661	124,740,572
3	Federal Funds	810,713	(238,727)	571,986
4	Total – Custody and Security	119,558,624	5,753,934	125,312,558
5	<i>Institutional Support</i>			
6	General Revenues	15,726,066	313,021	16,039,087
7	Other Funds			
8	Rhode Island Capital Plan Fund			
9	Asset Protection	3,750,000	(450,000)	3,330,000
10	Maximum – General Renovations	715,433	650,838	1,366,271
11	General Renovations – Women’s	850,000	150,000	1,000,000
12	Bernadette Guay Roof	1,203,112	(453,112)	750,000
13	ISC Exterior Envelope and			
14	HVAC	3,933,749	(1,933,749)	2,000,000
15	Minimum Security Kitchen			
16	Expansion	4,160,392	(1,160,392)	3,000,000
17	Medium Infrastructure	4,833,931	(1,833,931)	3,000,000
18	Dix-Building Plumbing and Bathroom			
19	Renovations	80,821	72,340	153,161
20	D Building State Match – Reintegration C	0	100,000	100,000
21	Total - Institutional Support	35,253,504	(4,544,985)	30,708,519
22	<i>Institutional Based Rehab./Population Management</i>			
23	General Revenues	8,972,305	331,346	9,303,651
24	Federal Funds	619,476	233,308	852,784
25	Restricted Receipts	29,164	0	29,164
26	Total – Institutional Based Rehab/Pop/Mgt.	9,620,945	564,654	10,185,599
27	<i>Healthcare Services</i>			
28	General Revenue	18,916,896	2,039,231	20,956,127
29	Total – Healthcare Services	18,916,896	2,039,231	20,956,127
30	<i>Community Corrections</i>			
31	General Revenues	15,035,529	(122,973)	14,912,556
32	Federal Funds	68,518	6,861	75,379
33	Restricted Receipts	25,475	5,524	30,999
34	Total – Community Corrections	15,129,522	(110,588)	15,018,934

1	Grand Total – Corrections	209,326,500	4,020,163	213,346,663
2	Judiciary			
3	<i>Supreme Court</i>			
4	General Revenues			
5	General Revenues	26,320,642	503,986	26,824,628
6	Defense of Indigents	3,542,240	0	3,542,240
7	Federal Funds	151,954	(31,327)	120,627
8	Restricted Receipts	2,465,781	796,563	3,262,344
9	Other Funds			
10	Rhode Island Capital Plan Fund			
11	Judicial HVAC	525,000	62,359	587,359
12	Judicial Complexes Asset			
13	Protection	825,000	21,790	846,790
14	Total - Supreme Court	33,830,617	1,353,371	35,183,988
15	<i>Judicial Tenure and Discipline</i>			
16	General Revenues	115,513	3,648	119,161
17	Total – Judicial Tenure and Discipline	115,513	3,648	119,161
18	<i>Superior Court</i>			
19	General Revenues	22,144,027	549,128	22,693,155
20	Federal Funds	47,552	44,925	92,477
21	Restricted Receipts	302,378	(2,378)	300,000
22	Total - Superior Court	22,493,957	591,675	23,085,632
23	<i>Family Court</i>			
24	General Revenues	19,245,592	1,163,196	20,408,788
25	Federal Funds	1,709,741	1,237,920	2,947,661
26	Total - Family Court	20,955,333	2,401,116	23,356,449
27	<i>District Court</i>			
28	General Revenues	11,508,535	531,246	12,039,781
29	Federal Funds	0	30,000	30,000
30	Restricted Receipts	292,802	(123,551)	169,251
31	Total - District Court	11,801,337	437,695	12,239,032
32	<i>Traffic Tribunal</i>			
33	General Revenues	8,760,119	(329,427)	8,430,692
34	Total – Traffic Tribunal	8,760,119	(329,427)	8,430,692

1	<i>Workers' Compensation Court</i>			
2	Restricted Receipts	7,712,640	(97,708)	7,614,932
3	Total – Workers' Compensation Court	7,712,640	(97,708)	7,614,932
4	Grand Total – Judiciary	105,669,516	4,360,370	110,029,886
5	Military Staff			
6	General Revenues	1,842,096	322,839	2,164,935
7	Federal Funds	14,779,178	(260,581)	14,518,597
8	Restricted Receipts	442,800	(54,500)	388,300
9	Other Funds			
10	Rhode Island Capital Plan Fund			
11	Armory of Mounted Command Roof			
12	Replacement	300,000	(50,000)	250,000
13	State Armories Fire Code Compliance	10,000	(10,000)	0
14	Asset Protection	700,000	0	700,000
15	Logistics/Maint. Facilities Fire Code Comp.	5,000	(5,000)	0
16	Benefit Street Arsenal Rehabilitation	375,000	412,260	787,260
17	Burrillville Regional Training Institute	0	22,150	22,150
18	Camp Fogarty Armory Roof	0	12,595	12,595
19	Grand Total – Military Staff	18,454,074	389,763	18,843,837
20	Public Safety			
21	<i>Central Management</i>			
22	General Revenues	1,176,284	24,904	1,201,188
23	Federal Funds	4,096,105	(110,505)	3,985,600
24	Restricted Receipts	20,000	(20,000)	0
25	Total – Central Management	5,292,389	(105,601)	5,186,788
26	<i>E-911 Emergency Telephone System</i>			
27	General Revenues	5,428,479	(140,453)	5,288,026
28	Total - E-911 Emergency Telephone System	5,428,479	(140,453)	5,288,026
29	<i>State Fire Marshal</i>			
30	General Revenues	2,746,455	(1,794)	2,744,661
31	Federal Funds	94,000	640,803	734,803
32	Restricted Receipts	498,854	49,223	548,077
33	Other Funds			
34	Rhode Island Capital Plan Funds			

1	Fire Academy	1,934,500	(933,513)	1,000,987
2	Quonset Development Corp	57,335	964	58,299
3	Total - State Fire Marshal	5,331,144	(244,317)	5,086,827
4	<i>Security Services</i>			
5	General Revenues	21,751,650	(5,539)	21,746,111
6	Total – Security Services	21,751,650	(5,539)	21,746,111
7	<i>Municipal Police Training Academy</i>			
8	General Revenues	245,379	15,753	261,132
9	Federal Funds	397,400	(187,780)	209,620
10	Total - Municipal Police Training Academy	642,779	(172,027)	470,752
11	<i>State Police</i>			
12	General Revenues	63,945,787	2,791,974	66,737,761
13	Federal Funds	2,306,770	874,064	3,180,834
14	Restricted Receipts	12,345,000	(3,369,651)	8,975,349
15	Other Funds			
16	Rhode Island Capital Plan Fund			
17	Barracks and Training	4,127,659	(3,127,659)	1,000,000
18	Headquarters Repairs/Rehabilitation	737,800	113,029	850,829
19	HQ Expansion (NG Facilities)	0	175,000	175,000
20	Traffic Enforcement - Municipal Training	134,500	(134,500)	0
21	Lottery Commission Assistance	1,399,683	54,339	1,454,022
22	Airport Corporation	176,206	204,580	380,786
23	Road Construction Reimbursement	2,935,000	(119,792)	2,815,208
24	Total - State Police	88,108,405	(2,538,616)	85,569,789
25	Grand Total – Public Safety	126,554,846	(3,206,553)	123,348,293
26	Office of Public Defender			
27	General Revenues	11,130,816	(82,145)	11,048,671
28	Federal Funds	248,864	(95,324)	153,540
29	Grand Total - Office of Public Defender	11,379,680	(177,469)	11,202,211
30	Emergency Management			
31	General Revenues	1,959,858	(98,782)	1,861,076
32	Federal Funds	18,273,640	3,164,584	21,438,224
33	Restricted Receipts	221,729	(5,049)	216,680
34	Other Funds			

1	Rhode Island Capital Plan Fund			
2	Hurricane Sandy Cleanup	167,000	87,943	254,943
3	Grand Total - Emergency Management	20,622,227	3,148,696	23,770,923
4	Environmental Management			
5	<i>Office of the Director</i>			
6	General Revenues			
7	General Revenues	5,020,153	58,917	5,079,070
8	Permit Streamlining	33,414	(33,414)	0
9	Federal Funds	150,000	0	150,000
10	Restricted Receipts	2,884,372	624,511	3,508,883
11	Total – Office of the Director	8,087,939	650,014	8,737,953
12	<i>Natural Resources</i>			
13	General Revenues	19,244,615	254,017	19,498,632
14	Federal Funds	21,348,128	2,015,583	23,363,711
15	Restricted Receipts	4,138,036	(7,320)	4,130,716
16	Other Funds			
17	DOT Recreational Projects	1,114,278	228,228	1,342,506
18	Blackstone Bikepath Design	2,059,795	(216)	2,059,579
19	Transportation MOU	78,579	(229)	78,350
20	Rhode Island Capital Plan Funds			
21	Dam Repair	1,500,000	(7,413)	1,492,587
22	Fort Adams Rehabilitation	300,000	0	300,000
23	Fort Adams America’s Cup	3,000,000	375,515	3,375,515
24	Recreational Facilities Improvements	3,500,000	(325,000)	3,175,000
25	Galilee Piers Upgrade	2,000,000	400,000	2,400,000
26	Newport Piers	100,000	0	100,000
27	World War II Facility	2,600,000	(770,000)	1,830,000
28	Blackstone Valley Bike Path	659,170	0	659,170
29	Rocky Point Acquisition/Renovations	3,400,000	317,036	3,717,036
30	Total - Natural Resources	65,042,601	2,480,201	67,522,802
31	<i>Environmental Protection</i>			
32	General Revenues	11,241,923	285,697	11,527,620
33	Federal Funds	10,361,483	159,579	10,521,062
34	Restricted Receipts	8,912,581	(73,318)	8,839,263

1	Other Funds			
2	Transportation MOU	165,000	(266)	164,734
3	Total - Environmental Protection	30,680,987	371,692	31,052,679
4	Grand Total - Environmental			
5	Management	103,811,527	3,501,907	107,313,434
6	Coastal Resources Management Council			
7	General Revenues	2,185,538	127,305	2,312,843
8	Federal Funds	1,774,143	5,336,808	7,110,951
9	Restricted Receipts	250,000	0	250,000
10	Other Funds			
11	Rhode Island Capital Plan Funds			
12	South Coast Restoration Project	450,000	132,432	582,432
13	Shoreline Change Beach SAMP	300,000	(50,000)	250,000
14	Grand Total - Coastal Resources Mgmt.			
15	Council	4,959,681	5,546,545	10,506,226
16	Transportation			
17	<i>Central Management</i>			
18	Federal Funds	9,199,986	(159,986)	9,040,000
19	Other Funds			
20	Gasoline Tax	1,770,720	416,585	2,187,305
21	Total – Central Management	10,970,706	256,599	11,227,305
22	<i>Management and Budget</i>			
23	Other Funds			
24	Gasoline Tax	2,242,961	759,657	3,002,618
25	Total – Management and Budget	2,242,961	759,657	3,002,618
26	<i>Infrastructure Engineering – GARVEE/Motor Fuel Tax Bonds</i>			
27	Federal Funds	325,726,490	(73,540,177)	252,186,313
28	Of these federal funds, \$1,790,000 is appropriated to the Public Rail Corporation from CMAQ			
29	federal funds for the payment of liability insurance.			
30	Federal Funds – Stimulus	17,188,279	(7,393,825)	9,794,454
31	Restricted Receipts	12,352,761	(11,352,761)	1,000,000
32	Other Funds			
33	Gasoline Tax	68,064,896	3,331,538	71,396,434
34	Municipal Revolving Loan Fund – Admin Costs	0	53,000	53,000

1	Land Sale Revenue	21,300,002	(3,600,002)	17,700,000
2	Rhode Island Capital Plan Fund			
3	RIPTA Land and Buildings	223,529	81,060	304,589
4	Highway Projects Match Plan	27,650,000	0	27,650,000
5	Total – Infrastructure Engineering			
6	GARVEE/Motor Fuel Tax Bonds	472,505,957	(92,421,167)	380,084,790
7	<i>Infrastructure Maintenance</i>			
8	Other Funds			
9	Gasoline Tax	30,790,922	(16,817,804)	13,973,118
10	Non-Land Surplus Property	10,000	15,000	25,000
11	Outdoor Advertising	150,000	(50,000)	100,000
12	Rhode Island Highway Maintenance Account	0	35,034,115	35,034,115
13	Rhode Island Capital Plan Fund			
14	Maintenance Facilities Improvements	500,000	(100,000)	400,000
15	Salt Storage Facilities	1,000,000	327,133	1,327,133
16	Portsmouth Facility	500,000	(500,000)	0
17	Maintenance Equipment Replacement	2,500,000	0	2,500,000
18	Train Station Maintenance and Repairs	200,000	65,648	265,648
19	Cooperative Maint. Facility DOT/RIPTA	3,500,000	(3,500,000)	0
20	Mass Transit Preliminary Conceptual Design	250,000	(250,000)	0
21	Total – Infrastructure Maintenance	39,400,922	14,224,092	53,625,014
22	Grand Total – Transportation	525,120,546	(77,180,819)	447,939,727
23	Statewide Totals			
24	General Revenues	3,445,169,968	43,211,667	3,488,381,635
25	Federal Funds	3,086,526,049	53,969,865	3,140,495,914
26	Restricted Receipts	283,055,536	(4,841,235)	278,214,301
27	Other Funds	1,965,443,788	(33,050,246)	1,932,393,542
28	Statewide Grand Total	8,780,195,341	59,290,051	8,839,485,392

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

31 SECTION 3. The general assembly authorizes the state controller to establish the internal
32 service accounts shown below, and no other, to finance and account for the operations of state
33 agencies that provide services to other agencies, institutions and other governmental units on a
34 cost reimbursed basis. The purpose of these accounts is to ensure that certain activities are

1 managed in a businesslike manner, promote efficient use of services by making agencies pay the
 2 full costs associated with providing the services, and allocate the costs of central administrative
 3 services across all fund types, so that federal and other non-general fund programs share in the
 4 costs of general government support. The controller is authorized to reimburse these accounts for
 5 the cost of work or services performed for any other department or agency subject to the
 6 following expenditure limitations:

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

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

1 copy of the recommendation and authorization to adjust shall be transmitted to the chairman of
 2 the House Finance Committee, Senate Finance Committee, the House Fiscal Advisor and the
 3 Senate Fiscal Advisor.

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

7 FY 2015 FTE POSITION AUTHORIZATION

<u>Departments and Agencies</u>	<u>Full-Time Equivalent</u>
Administration	710.7
Business Regulation	94.0 <u>98.0</u>
<u>Executive Office of Commerce</u>	<u>5.0</u>
Labor and Training	410.0
Revenue	505.0
Legislature	298.5
Office of the Lieutenant Governor	8.0
Office of the Secretary of State	57.0
Office of the General Treasurer	83.0
Board of Elections	11.0
Rhode Island Ethics Commission	12.0
Office of the Governor	45.0
Commission for Human Rights	14.5
Public Utilities Commission	50.0
Office of Health and Human Services	184.0
Children, Youth, and Families	670.5 <u>672.5</u>
Health	491.3
Human Services	959.1
Behavioral Health, Developmental Disabilities, and Hospitals	1,422.4 <u>1,420.4</u>
Office of the Child Advocate	6.0
Commission on the Deaf and Hard of Hearing	3.0
Governor's Commission on Disabilities	4.0
Office of the Mental Health Advocate	3.7
Elementary and Secondary Education	154.9 <u>158.4</u>
School for the Deaf	60.0

1	Davies Career and Technical School	126.0
2	Office of Postsecondary Commissioner	12.8 <u>15.0</u>
3	Provided that 1.0 of the total authorization would be available only for positions that are	
4	supported by third-party funds.	
5	University of Rhode Island	2,456.5
6	Provided that 573.8 of the total authorization would be available only for positions that are	
7	supported by third-party funds.	
8	Rhode Island College	923.6
9	Provided that 82.0 of the total authorization would be available only for positions that are	
10	supported by third-party funds.	
11	Community College of Rhode Island	854.1
12	Provided that 94.0 of the total authorization would be available only for positions that are	
13	supported by third-party funds.	
14	Rhode Island State Council on the Arts	6.0
15	RI Atomic Energy Commission	8.6
16	Higher Education Assistance Authority	22.0
17	Historical Preservation and Heritage Commission	16.6
18	Office of the Attorney General	236.1
19	Corrections	1,419.0
20	Judicial	723.3
21	Military Staff	85.0
22	Public Safety	633.2
23	Office of the Public Defender	93.0
24	Emergency Management	32.0
25	Environmental Management	399.0
26	Coastal Resources Management Council	29.0
27	Transportation	752.6
28	Total	15,086.0 <u>15,100.7</u>

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

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

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ARTICLE 11

RELATING TO REVENUES

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

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

~~(1) A credit equal to fifty percent (50%) of the total amount of wages paid to those enterprise job employees comprising the five percent (5%) new jobs referenced in § 42-64.3-3(4)(i)(A). The wages subject to the credit shall be reduced by any direct state or federal wage assistance paid to employers for the employee(s) in the taxable year. The maximum credit allowed per taxable year under the provisions of this subsection shall be two thousand five hundred dollars (\$2,500), per employee. A taxpayer who takes this business tax credit shall not be eligible for the resident business owner modification pursuant to § 42-64.3-7.~~

~~(2) A credit equal to seventy five percent (75%) of the total amount of wages paid to those enterprise job employees who are domiciliaries of an enterprise zone comprising the five percent (5%) new jobs referenced in § 42-64.3-3(4)(i)(A). The wages subject to the credit shall be reduced by any direct state or federal wage assistance in the taxable year. The maximum credit allowed per taxable year under the provisions of this subdivision shall be five thousand dollars (\$5,000) per employee. A taxpayer who takes this business tax credit is not eligible for the resident business owner modification. The council shall promulgate appropriate rules to certify that the enterprise job employees are domiciliaries of an enterprise zone and shall advise the qualified business and the tax administrator. A taxpayer taking a credit for employees pursuant to this subdivision (2) shall not be entitled to a credit pursuant to subdivision (1) of this section for the employees.~~

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

~~(4) In the case of a corporation, the credit allowed under this section is only allowed against the tax of that corporation included in a consolidated return that qualifies for the credit and not against the tax of other corporations that may join in the filing of a consolidated tax return.~~

1 ~~(5) In the case of multiple business owners, the credit provided in subdivision (1) or (2)~~
2 ~~of this section is apportioned according to the ownership interests of the qualified business.~~

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

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

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

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

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

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

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

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

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

33 **42-63.1-2. Definitions.** -- For the purposes of this chapter:

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

1 lodging accommodations.

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

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

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

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

18 ~~(5)~~(6) "Occupancy" means a person, firm or corporation's use of space ordinarily used for
19 transient lodging accommodations not to exceed thirty (30) days. Excluded from "occupancy" is
20 the use of space for which the occupant has a written lease for the space, which lease covers a
21 rental period of twelve (12) months or more. Furthermore, any house, condominium or other
22 residential dwelling rented, for which the occupant has a written lease for the space covering a
23 rental period of more than thirty (30) consecutive days or for one calendar month is excluded
24 from the definition of occupancy.

25 ~~(6)~~(7) "Tax" means the hotel tax imposed by subsection 44-18-36.1(a).

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

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

33 (10) "Tour operators" means a person that derive a majority of their revenue by providing
34 tour operator packages.

1 (11) “Tour operator packages” means a travel package that include the services of a tour
2 guide and where the itinerary encompasses five (5) or more consecutive days.

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

9 **42-63.1-3. Distribution of tax. – (a) For returns and tax payments received on or before**
10 **June 30, 2015, ~~Except~~ except** as provided in § 42-63.1-12, the proceeds of the hotel tax shall be
11 distributed as follows by the division of taxation and the city of Newport:

12 (1) Forty-seven percent (47%) of the tax generated by the hotels in the district, except as
13 otherwise provided in this chapter, shall be given to the regional tourism district wherein the hotel
14 is located; provided, however, that from the tax generated by the hotels in the city of Warwick,
15 thirty-one percent (31%) of the tax shall be given to the Warwick regional tourism district
16 established in § 42-63.1-5(a)(5) and sixteen percent (16%) of the tax shall be given to the Greater
17 Providence-Warwick Convention and Visitors' Bureau established in § 42-63.1-11; and provided
18 further, that from the tax generated by the hotels in the city of Providence, sixteen percent (16%)
19 of that tax shall be given to the Greater Providence-Warwick Convention and Visitors' Bureau
20 established by § 42-63.1-11, and thirty-one percent (31%) of that tax shall be given to the
21 Convention Authority of the city of Providence established pursuant to the provisions of chapter
22 84 of the public laws of January, 1980; provided, however, that the receipts attributable to the
23 district as defined in § 42-63.1-5(a)(7) shall be deposited as general revenues;

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

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

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

32 (1) For the tax generated by the hotels in the Aquidneck Island district, as defined in §
33 42-63.1-5, forty-seven percent (47%) of the tax shall be given to the Aquidneck Island district,
34 twenty-five (25%) of the tax shall be given to the city or town where the hotel, which generated

1 the tax, is physically located, seven percent (7%) of the tax shall be given to the Greater
2 Providence-Warwick Convention and Visitors' Bureau established in § 42-63.1-11, and twenty-
3 one percent (21%) of the tax shall be given to the Rhode Island commerce corporation established
4 in chapter 42-64.

5 (2) For the tax generated by the hotels in the Providence district as defined in §42-63.1-5,
6 fifteen percent (15%) of the tax shall be given to the Providence district, twenty-five percent
7 (25%) of the tax shall be given to the city or town where the hotel, which generated the tax, is
8 physically located, twenty-three (23%) of the tax shall be given to the Greater Providence-
9 Warwick Convention and Visitors' Bureau established in § 42-63.1-11, and thirty-seven percent
10 (37%) of the tax shall be given to the Rhode Island commerce corporation established in chapter
11 42-64.

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

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

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

31 **42-63.1-5. Regional tourism districts.** – (a) The state of Rhode Island is divided into
32 eight (8) regional tourism districts to be administered by the tourism council, convention and
33 visitor's bureau or the Rhode Island ~~economic development corporation~~ commerce corporation
34 established in chapter 42-64 as designated in this section:

1 (1) South County district which shall include Westerly, Charlestown, Narragansett, South
2 Kingstown, North Kingstown, Hopkinton, Exeter, Richmond, West Greenwich, East Greenwich,
3 and Coventry to be administered by the South County tourism council, inc.;

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

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

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

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

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

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

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

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

32 [\(9\) On or before September 1, 2015 and every September 1 thereafter, all regional](#)
33 [tourism districts created under this sections shall be required to seek and obtain the approval of](#)
34 [the executive office of commerce regarding the incorporation of common statewide marketing](#)

1 [themes, logos, and slogans, among other features, prior to the release of lodging tax funds to the](#)
2 [districts.](#)

3 **42-63.1-12. Distribution of tax to Rhode Island Convention Center Authority.** – (a)

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

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

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

20 SECTION 4. Chapter 42-63.1 of the General Laws entitled “Tourism and Development”
21 is hereby amended to read by adding thereto the following section:

22 **42-63.1-14. Offering residential units through a hosting platform.** – [Cities, towns or](#)
23 [municipalities shall not prohibit an owner from offering a residential unit for tourist or transient](#)
24 [use through a hosting platform, or prohibit a hosting platform from providing a person or entity](#)
25 [the means to rent, pay for or otherwise reserve a residential unit for tourist or transient use.](#)

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

28 **44-1-36. Contracts.** - [\(a\) Except as set forth in section \(b\) below, the division of taxation](#)
29 [may enter into contracts with a person \(defined herein as an individual, firm, fiduciary,](#)
30 [partnership, corporation, trust, or association, however formed\) to be paid on a contingent fee](#)
31 [basis, for services rendered to the division of taxation where the contract is for the collection of](#)
32 [taxes, interest, or penalty or the reduction of refunds claimed. Under such contracts the](#)
33 [contingent fee shall be based on the actual amount of taxes, interest and/or penalties collected](#)
34 [and/or the amount by which the claimed refund is reduced.](#)

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

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

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

8 **44-11-29.2. Notice to tax administrator of sale of assets – Tax due.** - (a) The sale or
9 transfer of a controlling interest in any entity for valuable consideration, which possesses, directly
10 or indirectly an interest in real property in this state, shall be fraudulent and void as against the
11 state unless the entity shall, within five (5) days after the sale or transfer, notify the tax
12 administrator in writing of the sale or transfer and of the price, terms and conditions of the sale or
13 transfer and of the character and location of the assets. Whenever an entity shall make such a sale
14 or transfer, there is imposed on said sale or transfer, payable by the entity selling or transferring
15 such controlling interest, a tax at the rate set forth in § 44-25-1(a) on the interest so sold or
16 transferred, directly or indirectly. Whenever an entity shall make such a sale or transfer, the tax
17 imposed by this section shall become due and payable at the time when the tax administrator is
18 notified, or, if he or she is not notified, at the time when he or she should have been notified.

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

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

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

1 [this chapter.](#)

2 [\(e\) For the purpose of this section the term “controlling interest” means:](#)

3 [\(1\) In the case of a corporation, fifty percent \(50%\) or more of the total combined voting](#)
4 [power of all classes of stock of such corporation; or](#)

5 [\(2\) In the case of a partnership, association, trust or other entity, fifty percent \(50%\) or](#)
6 [more of the capital, profits or beneficial interest in such partnership, association, trusts or other](#)
7 [entity.](#)

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

10 **44-18-30. Gross receipts exempt from sales and use taxes.** – There are exempted from
11 the taxes imposed by this chapter the following gross receipts:

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

16 (2) *Newspapers.*

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

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

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

23 (3) *School meals.* From the sale and from the storage, use, or other consumption in this
24 state of meals served by public, private, or parochial schools, school districts, colleges,
25 universities, student organizations, and parent-teacher associations to the students or teachers of a
26 school, college, or university whether the meals are served by the educational institutions or by a
27 food service or management entity under contract to the educational institutions.

28 (4) *Containers.*

29 (i) From the sale and from the storage, use, or other consumption in this state of:

30 (A) Non-returnable containers, including boxes, paper bags, and wrapping materials that
31 are biodegradable and all bags and wrapping materials utilized in the medical and healing arts,
32 when sold without the contents to persons who place the contents in the container and sell the
33 contents with the container.

34 (B) Containers when sold with the contents if the sale price of the contents is not required

1 to be included in the measure of the taxes imposed by this chapter.

2 (C) Returnable containers when sold with the contents in connection with a retail sale of
3 the contents or when resold for refilling.

4 (ii) As used in this subdivision, the term "returnable containers" means containers of a
5 kind customarily returned by the buyer of the contents for reuse. All other containers are "non-
6 returnable containers."

7 (5)(i) *Charitable, educational, and religious organizations.* From the sale to, as in
8 defined in this section, and from the storage, use, and other consumption in this state or any other
9 state of the United States of America of tangible personal property by hospitals not operated for a
10 profit; "educational institutions" as defined in subdivision (18) not operated for a profit; churches,
11 orphanages, and other institutions or organizations operated exclusively for religious or charitable
12 purposes; interest-free loan associations not operated for profit; nonprofit, organized sporting
13 leagues and associations and bands for boys and girls under the age of nineteen (19) years; the
14 following vocational student organizations that are state chapters of national vocational students
15 organizations: Distributive Education Clubs of America (DECA); Future Business Leaders of
16 America, Phi Beta Lambda (FBLA/PBL); Future Farmers of America (FFA); Future
17 Homemakers of America/Home Economics Related Occupations (FHA/HERD); Vocational
18 Industrial Clubs of America (VICA); organized nonprofit golden age and senior citizens clubs for
19 men and women; and parent-teacher associations.

20 (ii) In the case of contracts entered into with the federal government, its agencies or
21 instrumentalities, this state or any other state of the United States of America, its agencies, any
22 city, town, district, or other political subdivision of the states; hospitals not operated for profit;
23 educational institutions not operated for profit; churches, orphanages, and other institutions or
24 organizations operated exclusively for religious or charitable purposes; the contractor may
25 purchase such materials and supplies (materials and/or supplies are defined as those that are
26 essential to the project) that are to be utilized in the construction of the projects being performed
27 under the contracts without payment of the tax.

28 (iii) The contractor shall not charge any sales or use tax to any exempt agency,
29 institution, or organization but shall in that instance provide his or her suppliers with certificates
30 in the form as determined by the division of taxation showing the reason for exemption and the
31 contractor's records must substantiate the claim for exemption by showing the disposition of all
32 property so purchased. If any property is then used for a nonexempt purpose, the contractor must
33 pay the tax on the property used.

34 (6) *Gasoline.* From the sale and from the storage, use, or other consumption in this state

1 of: (i) gasoline and other products taxed under chapter 36 of title 31 and (ii) fuels used for the
2 propulsion of airplanes.

3 (7) *Purchase for manufacturing purposes.*

4 (i) From the sale and from the storage, use, or other consumption in this state of computer
5 software, tangible personal property, electricity, natural gas, artificial gas, steam, refrigeration,
6 and water, when the property or service is purchased for the purpose of being manufactured into a
7 finished product for resale and becomes an ingredient, component, or integral part of the
8 manufactured, compounded, processed, assembled, or prepared product, or if the property or
9 service is consumed in the process of manufacturing for resale computer software, tangible
10 personal property, electricity, natural gas, artificial gas, steam, refrigeration, or water.

11 (ii) "Consumed" means destroyed, used up, or worn out to the degree or extent that the
12 property cannot be repaired, reconditioned, or rendered fit for further manufacturing use.

13 (iii) "Consumed" includes mere obsolescence.

14 (iv) "Manufacturing" means and includes manufacturing, compounding, processing,
15 assembling, preparing, or producing.

16 (v) "Process of manufacturing" means and includes all production operations performed
17 in the producing or processing room, shop, or plant, insofar as the operations are a part of and
18 connected with the manufacturing for resale of tangible personal property, electricity, natural gas,
19 artificial gas, steam, refrigeration, or water and all production operations performed insofar as the
20 operations are a part of and connected with the manufacturing for resale of computer software.

21 (vi) "Process of manufacturing" does not mean or include administration operations such
22 as general office operations, accounting, collection or sales promotion, nor does it mean or
23 include distribution operations that occur subsequent to production operations, such as handling,
24 storing, selling, and transporting the manufactured products, even though the administration and
25 distribution operations are performed by, or in connection with, a manufacturing business.

26 (8) *State and political subdivisions.* From the sale to, and from the storage, use, or other
27 consumption by, this state, any city, town, district, or other political subdivision of this state.
28 Every redevelopment agency created pursuant to chapter 31 of title 45 is deemed to be a
29 subdivision of the municipality where it is located.

30 (9) *Food and food ingredients.* From the sale and storage, use, or other consumption in
31 this state of food and food ingredients as defined in § 44-18-7.1(1).

32 For the purposes of this exemption "food and food ingredients" shall not include candy,
33 soft drinks, dietary supplements, alcoholic beverages, tobacco, food sold through vending
34 machines, or prepared food, as those terms are defined in § 44-18-7.1, unless the prepared food is:

1 (i) Sold by a seller whose primary NAICS classification is manufacturing in sector 311,
2 except sub-sector 3118 (bakeries);

3 (ii) Sold in an unheated state by weight or volume as a single item;

4 (iii) Bakery items, including bread, rolls, buns, biscuits, bagels, croissants, pastries,
5 donuts, danish, cakes, tortes, pies, tarts, muffins, bars, cookies, tortillas; and is not sold with
6 utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or
7 straws.

8 (10) *Medicines, drugs, and durable medical equipment.* From the sale and from the
9 storage, use, or other consumption in this state, of;

10 (i) "Drugs" as defined in § 44-18-7.1(h)(i), sold on prescriptions, medical oxygen, and
11 insulin whether or not sold on prescription. For purposes of this exemption drugs shall not
12 include over-the-counter drugs and grooming and hygiene products as defined in § 44-18-
13 7.1(h)(iii).

14 (ii) Durable medical equipment as defined in § 44-18-7.1(k) for home use only,
15 including, but not limited to, syringe infusers, ambulatory drug delivery pumps, hospital beds,
16 convalescent chairs, and chair lifts. Supplies used in connection with syringe infusers and
17 ambulatory drug delivery pumps that are sold on prescription to individuals to be used by them to
18 dispense or administer prescription drugs, and related ancillary dressings and supplies used to
19 dispense or administer prescription drugs, shall also be exempt from tax.

20 (11) *Prosthetic devices and mobility enhancing equipment.* From the sale and from the
21 storage, use, or other consumption in this state, of prosthetic devices as defined in § 44-18-7.1(t),
22 sold on prescription, including, but not limited to: artificial limbs, dentures, spectacles,
23 eyeglasses, and artificial eyes; artificial hearing devices and hearing aids, whether or not sold on
24 prescription; and mobility enhancing equipment as defined in § 44-18-7.1(p), including
25 wheelchairs, crutches and canes.

26 (12) *Coffins, caskets, and burial garments.* From the sale and from the storage, use, or
27 other consumption in this state of coffins or caskets, and shrouds or other burial garments that are
28 ordinarily sold by a funeral director as part of the business of funeral directing.

29 (13) *Motor vehicles sold to nonresidents.*

30 (i) From the sale, subsequent to June 30, 1958, of a motor vehicle to a bona fide
31 nonresident of this state who does not register the motor vehicle in this state, whether the sale or
32 delivery of the motor vehicle is made in this state or at the place of residence of the nonresident.
33 A motor vehicle sold to a bona fide nonresident whose state of residence does not allow a like
34 exemption to its nonresidents is not exempt from the tax imposed under § 44-18-20. In that event,

1 the bona fide nonresident pays a tax to Rhode Island on the sale at a rate equal to the rate that
2 would be imposed in his or her state of residence not to exceed the rate that would have been
3 imposed under § 44-18-20. Notwithstanding any other provisions of law, a licensed motor vehicle
4 dealer shall add and collect the tax required under this subdivision and remit the tax to the tax
5 administrator under the provisions of chapters 18 and 19 of this title. When a Rhode Island
6 licensed, motor vehicle dealer is required to add and collect the sales and use tax on the sale of a
7 motor vehicle to a bona fide nonresident as provided in this section, the dealer in computing the
8 tax takes into consideration the law of the state of the nonresident as it relates to the trade-in of
9 motor vehicles.

10 (ii) The tax administrator, in addition to the provisions of §§ 44-19-27 and 44-19-28, may
11 require any licensed motor vehicle dealer to keep records of sales to bona fide nonresidents as the
12 tax administrator deems reasonably necessary to substantiate the exemption provided in this
13 subdivision, including the affidavit of a licensed motor vehicle dealer that the purchaser of the
14 motor vehicle was the holder of, and had in his or her possession a valid out of state motor
15 vehicle registration or a valid out of state driver's license.

16 (iii) Any nonresident who registers a motor vehicle in this state within ninety (90) days of
17 the date of its sale to him or her is deemed to have purchased the motor vehicle for use, storage,
18 or other consumption in this state, and is subject to, and liable for, the use tax imposed under the
19 provisions of § 44-18-20.

20 (14) *Sales in public buildings by blind people.* From the sale and from the storage, use, or
21 other consumption in all public buildings in this state of all products or wares by any person
22 licensed under § 40-9-11.1.

23 (15) *Air and water pollution control facilities.* From the sale, storage, use, or other
24 consumption in this state of tangible personal property or supplies acquired for incorporation into
25 or used and consumed in the operation of a facility, the primary purpose of which is to aid in the
26 control of the pollution or contamination of the waters or air of the state, as defined in chapter 12
27 of title 46 and chapter 25 of title 23, respectively, and that has been certified as approved for that
28 purpose by the director of environmental management. The director of environmental
29 management may certify to a portion of the tangible personal property or supplies acquired for
30 incorporation into those facilities or used and consumed in the operation of those facilities to the
31 extent that that portion has as its primary purpose the control of the pollution or contamination of
32 the waters or air of this state. As used in this subdivision, "facility" means any land, facility,
33 device, building, machinery, or equipment.

34 (16) *Camps.* From the rental charged for living quarters, or sleeping, or housekeeping

1 accommodations at camps or retreat houses operated by religious, charitable, educational, or
2 other organizations and associations mentioned in subdivision (5), or by privately owned and
3 operated summer camps for children.

4 (17) *Certain institutions.* From the rental charged for living or sleeping quarters in an
5 institution licensed by the state for the hospitalization, custodial, or nursing care of human beings.

6 (18) *Educational institutions.* From the rental charged by any educational institution for
7 living quarters, or sleeping, or housekeeping accommodations or other rooms or accommodations
8 to any student or teacher necessitated by attendance at an educational institution. "Educational
9 institution" as used in this section means an institution of learning not operated for profit that is
10 empowered to confer diplomas, educational, literary, or academic degrees; that has a regular
11 faculty, curriculum, and organized body of pupils or students in attendance throughout the usual
12 school year; that keeps and furnishes to students and others records required and accepted for
13 entrance to schools of secondary, collegiate, or graduate rank; and no part of the net earnings of
14 which inures to the benefit of any individual.

15 (19) *Motor vehicle and adaptive equipment for persons with disabilities.*

16 (i) From the sale of: (A) Special adaptations; (B) The component parts of the special
17 adaptations; or (C) A specially adapted motor vehicle; provided that the owner furnishes to the
18 tax administrator an affidavit of a licensed physician to the effect that the specially adapted motor
19 vehicle is necessary to transport a family member with a disability or where the vehicle has been
20 specially adapted to meet the specific needs of the person with a disability. This exemption
21 applies to not more than one motor vehicle owned and registered for personal, noncommercial
22 use.

23 (ii) For the purpose of this subsection the term "special adaptations" includes, but is not
24 limited to: wheelchair lifts, wheelchair carriers, wheelchair ramps, wheelchair securements, hand
25 controls, steering devices, extensions, relocations, and crossovers of operator controls, power-
26 assisted controls, raised tops or dropped floors, raised entry doors, or alternative signaling devices
27 to auditory signals.

28 (iii) From the sale of: (a) special adaptations, (b) the component parts of the special
29 adaptations, for a "wheelchair accessible taxicab" as defined in § 39-14-1, and/or a "wheelchair
30 accessible public motor vehicle" as defined in § 39-14.1-1.

31 (iv) For the purpose of this subdivision the exemption for a "specially adapted motor
32 vehicle" means a use tax credit not to exceed the amount of use tax that would otherwise be due
33 on the motor vehicle, exclusive of any adaptations. The use tax credit is equal to the cost of the
34 special adaptations, including installation.

1 (20) *Heating fuels*. From the sale and from the storage, use, or other consumption in this
2 state of every type of fuel used in the heating of homes and residential premises.

3 (21) *Electricity and gas*. From the sale and from the storage, use, or other consumption in
4 this state of electricity and gas furnished for domestic use by occupants of residential premises.

5 (22) *Manufacturing machinery and equipment*.

6 (i) From the sale and from the storage, use, or other consumption in this state of tools,
7 dies, molds, machinery, equipment (including replacement parts), and related items to the extent
8 used in an industrial plant in connection with the actual manufacture, conversion, or processing of
9 tangible personal property, or to the extent used in connection with the actual manufacture,
10 conversion, or processing of computer software as that term is utilized in industry numbers 7371,
11 7372, and 7373 in the standard industrial classification manual prepared by the Technical
12 Committee on Industrial Classification, Office of Statistical Standards, Executive Office of the
13 President, United States Bureau of the Budget, as revised from time to time, to be sold, or that
14 machinery and equipment used in the furnishing of power to an industrial manufacturing plant.
15 For the purposes of this subdivision, "industrial plant" means a factory at a fixed location
16 primarily engaged in the manufacture, conversion, or processing of tangible personal property to
17 be sold in the regular course of business;

18 (ii) Machinery and equipment and related items are not deemed to be used in connection
19 with the actual manufacture, conversion, or processing of tangible personal property, or in
20 connection with the actual manufacture, conversion, or processing of computer software as that
21 term is utilized in industry numbers 7371, 7372, and 7373 in the standard industrial classification
22 manual prepared by the Technical Committee on Industrial Classification, Office of Statistical
23 Standards, Executive Office of the President, United States Bureau of the Budget, as revised from
24 time to time, to be sold to the extent the property is used in administration or distribution
25 operations;

26 (iii) Machinery and equipment and related items used in connection with the actual
27 manufacture, conversion, or processing of any computer software or any tangible personal
28 property that is not to be sold and that would be exempt under subdivision (7) or this subdivision
29 if purchased from a vendor or machinery and equipment and related items used during any
30 manufacturing, converting, or processing function is exempt under this subdivision even if that
31 operation, function, or purpose is not an integral or essential part of a continuous production flow
32 or manufacturing process;

33 (iv) Where a portion of a group of portable or mobile machinery is used in connection
34 with the actual manufacture, conversion, or processing of computer software or tangible personal

1 property to be sold, as previously defined, that portion, if otherwise qualifying, is exempt under
2 this subdivision even though the machinery in that group is used interchangeably and not
3 otherwise identifiable as to use.

4 (23) *Trade-in value of motor vehicles.* From the sale and from the storage, use, or other
5 consumption in this state of so much of the purchase price paid for a new or used automobile as is
6 allocated for a trade-in allowance on the automobile of the buyer given in trade to the seller, or of
7 the proceeds applicable only to the automobile as are received from the manufacturer of
8 automobiles for the repurchase of the automobile whether the repurchase was voluntary or not
9 towards the purchase of a new or used automobile by the buyer. For the purpose of this
10 subdivision, the word "automobile" means a private passenger automobile not used for hire and
11 does not refer to any other type of motor vehicle.

12 (24) *Precious metal bullion.*

13 (i) From the sale and from the storage, use, or other consumption in this state of precious
14 metal bullion, substantially equivalent to a transaction in securities or commodities.

15 (ii) For purposes of this subdivision, "precious metal bullion" means any elementary
16 precious metal that has been put through a process of smelting or refining, including, but not
17 limited to, gold, silver, platinum, rhodium, and chromium, and that is in a state or condition that
18 its value depends upon its content and not upon its form.

19 (iii) The term does not include fabricated precious metal that has been processed or
20 manufactured for some one or more specific and customary industrial, professional, or artistic
21 uses.

22 (25) *Commercial vessels.* From sales made to a commercial ship, barge, or other vessel of
23 fifty (50) tons burden or over, primarily engaged in interstate or foreign commerce, and from the
24 repair, alteration, or conversion of the vessels, and from the sale of property purchased for the use
25 of the vessels including provisions, supplies, and material for the maintenance and/or repair of the
26 vessels.

27 (26) *Commercial fishing vessels.* From the sale and from the storage, use, or other
28 consumption in this state of vessels and other water craft that are in excess of five (5) net tons and
29 that are used exclusively for "commercial fishing", as defined in this subdivision, and from the
30 repair, alteration, or conversion of those vessels and other watercraft, and from the sale of
31 property purchased for the use of those vessels and other watercraft including provisions,
32 supplies, and material for the maintenance and/or repair of the vessels and other watercraft and
33 the boats nets, cables, tackle, and other fishing equipment appurtenant to or used in connection
34 with the commercial fishing of the vessels and other watercraft. "Commercial fishing" means

1 taking or attempting to take any fish, shellfish, crustacea, or bait species with the intent of
2 disposing of it for profit or by sale, barter, trade, or in commercial channels. The term does not
3 include subsistence fishing, i.e., the taking for personal use and not for sale or barter; or sport
4 fishing; but shall include vessels and other watercraft with a Rhode Island party and charter boat
5 license issued by the department of environmental management pursuant to § 20-2-27.1 that meet
6 the following criteria: (i) The operator must have a current U.S.C.G. license to carry passengers
7 for hire; (ii) U.S.C.G. vessel documentation in the coast wide fishery trade; (iii) U.S.C.G. vessel
8 documentation as to proof of Rhode Island home port status or a Rhode Island boat registration to
9 prove Rhode Island home port status; and (iv) The vessel must be used as a commercial passenger
10 carrying fishing vessel to carry passengers for fishing. The vessel must be able to demonstrate
11 that at least fifty percent (50%) of its annual gross income derives from charters or provides
12 documentation of a minimum of one hundred (100) charter trips annually; and (v) The vessel
13 must have a valid Rhode Island party and charter boat license. The tax administrator shall
14 implement the provisions of this subdivision by promulgating rules and regulations relating
15 thereto.

16 (27) *Clothing and footwear.* From the sales of articles of clothing, including footwear,
17 intended to be worn or carried on or about the human body for sales prior to October 1, 2012.
18 Effective October 1, 2012, the exemption will apply to the sales of articles of clothing, including
19 footwear, intended to be worn or carried on or about the human body up to two hundred and fifty
20 dollars (\$250) of the sales price per item. For the purposes of this section, "clothing or footwear"
21 does not include clothing accessories or equipment or special clothing or footwear primarily
22 designed for athletic activity or protective use as these terms are defined in section 44-18-7.1(f).
23 In recognition of the work being performed by the streamlined sales and use tax governing board,
24 upon passage of any federal law that authorizes states to require remote sellers to collect and
25 remit sales and use taxes, this unlimited exemption will apply as it did prior to October 1, 2012.
26 The unlimited exemption on sales of clothing and footwear shall take effect on the date that the
27 state requires remote sellers to collect and remit sales and use taxes.

28 (28) *Water for residential use.* From the sale and from the storage, use, or other
29 consumption in this state of water furnished for domestic use by occupants of residential
30 premises.

31 (29) *Bibles.* [Unconstitutional; see Ahlburn v. Clark, 728 A.2d 449 (R.I. 1999); see Notes
32 to Decisions.] From the sale and from the storage, use, or other consumption in the state of any
33 canonized scriptures of any tax-exempt nonprofit religious organization including, but not limited
34 to, the Old Testament and the New Testament versions.

1 (30) *Boats.*

2 (i) From the sale of a boat or vessel to a bona fide nonresident of this state who does not
3 register the boat or vessel in this state or document the boat or vessel with the United States
4 government at a home port within the state, whether the sale or delivery of the boat or vessel is
5 made in this state or elsewhere; provided, that the nonresident transports the boat within thirty
6 (30) days after delivery by the seller outside the state for use thereafter solely outside the state.

7 (ii) The tax administrator, in addition to the provisions of §§ 44-19-17 and 44-19-28, may
8 require the seller of the boat or vessel to keep records of the sales to bona fide nonresidents as the
9 tax administrator deems reasonably necessary to substantiate the exemption provided in this
10 subdivision, including the affidavit of the seller that the buyer represented himself or herself to be
11 a bona fide nonresident of this state and of the buyer that he or she is a nonresident of this state.

12 (31) *Youth activities equipment.* From the sale, storage, use, or other consumption in this
13 state of items for not more than twenty dollars (\$20.00) each by nonprofit Rhode Island
14 eleemosynary organizations, for the purposes of youth activities that the organization is formed to
15 sponsor and support; and by accredited elementary and secondary schools for the purposes of the
16 schools or of organized activities of the enrolled students.

17 (32) *Farm equipment.* From the sale and from the storage or use of machinery and
18 equipment used directly for commercial farming and agricultural production; including, but not
19 limited to: tractors, ploughs, harrows, spreaders, seeders, milking machines, silage conveyors,
20 balers, bulk milk storage tanks, trucks with farm plates, mowers, combines, irrigation equipment,
21 greenhouses and greenhouse coverings, graders and packaging machines, tools and supplies and
22 other farming equipment, including replacement parts appurtenant to or used in connection with
23 commercial farming and tools and supplies used in the repair and maintenance of farming
24 equipment. "Commercial farming" means the keeping or boarding of five (5) or more horses or
25 the production within this state of agricultural products, including, but not limited to, field or
26 orchard crops, livestock, dairy, and poultry, or their products, where the keeping, boarding, or
27 production provides at least two thousand five hundred dollars (\$2,500) in annual gross sales to
28 the operator, whether an individual, a group, a partnership, or a corporation for exemptions issued
29 prior to July 1, 2002. For exemptions issued or renewed after July 1, 2002, there shall be two (2)
30 levels. Level I shall be based on proof of annual, gross sales from commercial farming of at least
31 twenty-five hundred dollars (\$2,500) and shall be valid for purchases subject to the exemption
32 provided in this subdivision except for motor vehicles with an excise tax value of five thousand
33 dollars (\$5,000) or greater. Level II shall be based on proof of annual gross sales from
34 commercial farming of at least ten thousand dollars (\$10,000) or greater and shall be valid for

1 purchases subject to the exemption provided in this subdivision including motor vehicles with an
2 excise tax value of five thousand dollars (\$5,000) or greater. For the initial issuance of the
3 exemptions, proof of the requisite amount of annual gross sales from commercial farming shall be
4 required for the prior year; for any renewal of an exemption granted in accordance with this
5 subdivision at either level I or level II, proof of gross annual sales from commercial farming at
6 the requisite amount shall be required for each of the prior two (2) years. Certificates of
7 exemption issued or renewed after July 1, 2002, shall clearly indicate the level of the exemption
8 and be valid for four (4) years after the date of issue. This exemption applies even if the same
9 equipment is used for ancillary uses, or is temporarily used for a non-farming or a non-
10 agricultural purpose, but shall not apply to motor vehicles acquired after July 1, 2002, unless the
11 vehicle is a farm vehicle as defined pursuant to § 31-1-8 and is eligible for registration displaying
12 farm plates as provided for in § 31-3-31.

13 (33) *Compressed air*. From the sale and from the storage, use, or other consumption in
14 the state of compressed air.

15 (34) *Flags*. From the sale and from the storage, consumption, or other use in this state of
16 United States, Rhode Island or POW-MIA flags.

17 (35) *Motor vehicle and adaptive equipment to certain veterans*. From the sale of a motor
18 vehicle and adaptive equipment to and for the use of a veteran with a service-connected loss of or
19 the loss of use of a leg, foot, hand, or arm, or any veteran who is a double amputee, whether
20 service connected or not. The motor vehicle must be purchased by and especially equipped for
21 use by the qualifying veteran. Certificate of exemption or refunds of taxes paid is granted under
22 rules or regulations that the tax administrator may prescribe.

23 (36) *Textbooks*. From the sale and from the storage, use, or other consumption in this
24 state of textbooks by an "educational institution", as defined in subdivision (18) of this section,
25 and any educational institution within the purview of § 16-63-9(4), and used textbooks by any
26 purveyor.

27 (37) *Tangible personal property and supplies used in on-site hazardous waste recycling,*
28 *reuse, or treatment*. From the sale, storage, use, or other consumption in this state of tangible
29 personal property or supplies used or consumed in the operation of equipment, the exclusive
30 function of which is the recycling, reuse, or recovery of materials (other than precious metals, as
31 defined in subdivision (24)(ii) of this section) from the treatment of "hazardous wastes", as
32 defined in § 23-19.1-4, where the "hazardous wastes" are generated in Rhode Island solely by the
33 same taxpayer and where the personal property is located at, in, or adjacent to a generating
34 facility of the taxpayer in Rhode Island. The taxpayer shall procure an order from the director of

1 the department of environmental management certifying that the equipment and/or supplies as
2 used or consumed, qualify for the exemption under this subdivision. If any information relating to
3 secret processes or methods of manufacture, production, or treatment is disclosed to the
4 department of environmental management only to procure an order, and is a "trade secret" as
5 defined in § 28-21-10(b), it is not open to public inspection or publicly disclosed unless
6 disclosure is required under chapter 21 of title 28 or chapter 24.4 of title 23.

7 (38) *Promotional and product literature of boat manufacturers.* From the sale and from
8 the storage, use, or other consumption of promotional and product literature of boat
9 manufacturers shipped to points outside of Rhode Island that either: (i) Accompany the product
10 that is sold; (ii) Are shipped in bulk to out-of-state dealers for use in the sale of the product; or
11 (iii) Are mailed to customers at no charge.

12 (39) *Food items paid for by food stamps.* From the sale and from the storage, use, or other
13 consumption in this state of eligible food items payment for which is properly made to the retailer
14 in the form of U.S. government food stamps issued in accordance with the Food Stamp Act of
15 1977, 7 U.S.C. § 2011 et seq.

16 (40) *Transportation charges.* From the sale or hiring of motor carriers as defined in § 39-
17 12-2(l) to haul goods, when the contract or hiring cost is charged by a motor freight tariff filed
18 with the Rhode Island public utilities commission on the number of miles driven or by the
19 number of hours spent on the job.

20 (41) *Trade-in value of boats.* From the sale and from the storage, use, or other
21 consumption in this state of so much of the purchase price paid for a new or used boat as is
22 allocated for a trade-in allowance on the boat of the buyer given in trade to the seller or of the
23 proceeds applicable only to the boat as are received from an insurance claim as a result of a stolen
24 or damaged boat, towards the purchase of a new or used boat by the buyer.

25 (42) *Equipment used for research and development.* From the sale and from the storage,
26 use, or other consumption of equipment to the extent used for research and development purposes
27 by a qualifying firm. For the purposes of this subdivision, "qualifying firm" means a business for
28 which the use of research and development equipment is an integral part of its operation and
29 "equipment" means scientific equipment, computers, software, and related items.

30 (43) *Coins.* From the sale and from the other consumption in this state of coins having
31 numismatic or investment value.

32 (44) *Farm structure construction materials.* Lumber, hardware, and other materials used
33 in the new construction of farm structures, including production facilities such as, but not limited
34 to, farrowing sheds, free stall and stanchion barns, milking parlors, silos, poultry barns, laying

1 houses, fruit and vegetable storages, rooting cellars, propagation rooms, greenhouses, packing
2 rooms, machinery storage, seasonal farm worker housing, certified farm markets, bunker and
3 trench silos, feed storage sheds, and any other structures used in connection with commercial
4 farming.

5 (45) *Telecommunications carrier access service.* Carrier access service or
6 telecommunications service when purchased by a telecommunications company from another
7 telecommunications company to facilitate the provision of telecommunications service.

8 (46) *Boats or vessels brought into the state exclusively for winter storage, maintenance,*
9 *repair or sale.* Notwithstanding the provisions of §§ 44-18-10, 44-18-11 and 44-18-20, the tax
10 imposed by § 44-18-20 is not applicable for the period commencing on the first day of October in
11 any year up to and including the 30th day of April next succeeding with respect to the use of any
12 boat or vessel within this state exclusively for purposes of: (i) Delivery of the vessel to a facility
13 in this state for storage, including dry storage and storage in water by means of apparatus
14 preventing ice damage to the hull, maintenance, or repair; (ii) The actual process of storage,
15 maintenance, or repair of the boat or vessel; or (iii) Storage for the purpose of selling the boat or
16 vessel.

17 (47) *Jewelry display product.* From the sale and from the storage, use, or other
18 consumption in this state of tangible personal property used to display any jewelry product;
19 provided that title to the jewelry display product is transferred by the jewelry manufacturer or
20 seller and that the jewelry display product is shipped out of state for use solely outside the state
21 and is not returned to the jewelry manufacturer or seller.

22 (48) *Boats or vessels generally.* Notwithstanding the provisions of this chapter, the tax
23 imposed by §§ 44-18-20 and 44-18-18 shall not apply with respect to the sale and to the storage,
24 use, or other consumption in this state of any new or used boat. The exemption provided for in
25 this subdivision does not apply after October 1, 1993, unless prior to October 1, 1993, the federal
26 ten percent (10%) surcharge on luxury boats is repealed.

27 (49) *Banks and regulated investment companies interstate toll-free calls.*
28 Notwithstanding the provisions of this chapter, the tax imposed by this chapter does not apply to
29 the furnishing of interstate and international, toll-free terminating telecommunication service that
30 is used directly and exclusively by or for the benefit of an eligible company as defined in this
31 subdivision; provided that an eligible company employs on average during the calendar year no
32 less than five hundred (500) "full-time equivalent employees" as that term is defined in § 42-64.5-
33 2. For purposes of this section, an "eligible company" means a "regulated investment company"
34 as that term is defined in the Internal Revenue Code of 1986, 26 U.S.C. § 1 et seq., or a

1 corporation to the extent the service is provided, directly or indirectly, to or on behalf of a
2 regulated investment company, an employee benefit plan, a retirement plan or a pension plan or a
3 state-chartered bank.

4 (50) *Mobile and manufactured homes generally.* From the sale and from the storage, use,
5 or other consumption in this state of mobile and/or manufactured homes as defined and subject to
6 taxation pursuant to the provisions of chapter 44 of title 31.

7 (51) *Manufacturing business reconstruction materials.*

8 (i) From the sale and from the storage, use, or other consumption in this state of lumber,
9 hardware, and other building materials used in the reconstruction of a manufacturing business
10 facility that suffers a disaster, as defined in this subdivision, in this state. "Disaster" means any
11 occurrence, natural or otherwise, that results in the destruction of sixty percent (60%) or more of
12 an operating manufacturing business facility within this state. "Disaster" does not include any
13 damage resulting from the willful act of the owner of the manufacturing business facility.

14 (ii) Manufacturing business facility includes, but is not limited to, the structures housing
15 the production and administrative facilities.

16 (iii) In the event a manufacturer has more than one manufacturing site in this state, the
17 sixty percent (60%) provision applies to the damages suffered at that one site.

18 (iv) To the extent that the costs of the reconstruction materials are reimbursed by
19 insurance, this exemption does not apply.

20 (52) *Tangible personal property and supplies used in the processing or preparation of*
21 *floral products and floral arrangements.* From the sale, storage, use, or other consumption in this
22 state of tangible personal property or supplies purchased by florists, garden centers, or other like
23 producers or vendors of flowers, plants, floral products, and natural and artificial floral
24 arrangements that are ultimately sold with flowers, plants, floral products, and natural and
25 artificial floral arrangements or are otherwise used in the decoration, fabrication, creation,
26 processing, or preparation of flowers, plants, floral products, or natural and artificial floral
27 arrangements, including descriptive labels, stickers, and cards affixed to the flower, plant, floral
28 product, or arrangement, artificial flowers, spray materials, floral paint and tint, plant shine,
29 flower food, insecticide and fertilizers.

30 (53) *Horse food products.* From the sale and from the storage, use, or other consumption
31 in this state of horse food products purchased by a person engaged in the business of the boarding
32 of horses.

33 (54) *Non-motorized recreational vehicles sold to nonresidents.*

34 (i) From the sale, subsequent to June 30, 2003, of a non-motorized recreational vehicle to

1 a bona fide nonresident of this state who does not register the non-motorized recreational vehicle
2 in this state, whether the sale or delivery of the non-motorized recreational vehicle is made in this
3 state or at the place of residence of the nonresident; provided that a non-motorized recreational
4 vehicle sold to a bona fide nonresident whose state of residence does not allow a like exemption
5 to its nonresidents is not exempt from the tax imposed under § 44-18-20; provided, further, that in
6 that event the bona fide nonresident pays a tax to Rhode Island on the sale at a rate equal to the
7 rate that would be imposed in his or her state of residence not to exceed the rate that would have
8 been imposed under § 44-18-20. Notwithstanding any other provisions of law, a licensed, non-
9 motorized recreational vehicle dealer shall add and collect the tax required under this subdivision
10 and remit the tax to the tax administrator under the provisions of chapters 18 and 19 of this title.
11 Provided, that when a Rhode Island licensed, non-motorized recreational vehicle dealer is
12 required to add and collect the sales and use tax on the sale of a non-motorized recreational
13 vehicle to a bona fide nonresident as provided in this section, the dealer in computing the tax
14 takes into consideration the law of the state of the nonresident as it relates to the trade-in of motor
15 vehicles.

16 (ii) The tax administrator, in addition to the provisions of §§ 44-19-27 and 44-19-28, may
17 require any licensed, non-motorized recreational vehicle dealer to keep records of sales to bona
18 fide nonresidents as the tax administrator deems reasonably necessary to substantiate the
19 exemption provided in this subdivision, including the affidavit of a licensed, non-motorized
20 recreational vehicle dealer that the purchaser of the non-motorized recreational vehicle was the
21 holder of, and had in his or her possession a valid out-of-state non-motorized recreational vehicle
22 registration or a valid out-of-state driver's license.

23 (iii) Any nonresident who registers a non-motorized recreational vehicle in this state
24 within ninety (90) days of the date of its sale to him or her is deemed to have purchased the non-
25 motorized recreational vehicle for use, storage, or other consumption in this state, and is subject
26 to, and liable for, the use tax imposed under the provisions of § 44-18-20.

27 (iv) "Non-motorized recreational vehicle" means any portable dwelling designed and
28 constructed to be used as a temporary dwelling for travel, camping, recreational, and vacation use
29 that is eligible to be registered for highway use, including, but not limited to, "pick-up coaches"
30 or "pick-up campers," "travel trailers," and "tent trailers" as those terms are defined in chapter 1
31 of title 31.

32 (55) *Sprinkler and fire alarm systems in existing buildings.* From the sale in this state of
33 sprinkler and fire alarm systems; emergency lighting and alarm systems; and the materials
34 necessary and attendant to the installation of those systems that are required in buildings and

1 occupancies existing therein in July 2003 in order to comply with any additional requirements for
2 such buildings arising directly from the enactment of the Comprehensive Fire Safety Act of 2003
3 and that are not required by any other provision of law or ordinance or regulation adopted
4 pursuant to that Act. The exemption provided in this subdivision shall expire on December 31,
5 2008.

6 (56) *Aircraft*. Notwithstanding the provisions of this chapter, the tax imposed by §§ 44-
7 18-18 and 44-18-20 shall not apply with respect to the sale and to the storage, use, or other
8 consumption in this state of any new or used aircraft or aircraft parts.

9 (57) *Renewable energy products*. Notwithstanding any other provisions of Rhode Island
10 general laws, the following products shall also be exempt from sales tax: solar photovoltaic
11 modules or panels, or any module or panel that generates electricity from light; solar thermal
12 collectors, including, but not limited to, those manufactured with flat glass plates, extruded
13 plastic, sheet metal, and/or evacuated tubes; geothermal heat pumps, including both water-to-
14 water and water-to-air type pumps; wind turbines; towers used to mount wind turbines if
15 specified by or sold by a wind turbine manufacturer; DC to AC inverters that interconnect with
16 utility power lines; and manufactured mounting racks and ballast pans for solar collector, module,
17 or panel installation. Not to include materials that could be fabricated into such racks; monitoring
18 and control equipment, if specified or supplied by a manufacturer of solar thermal, solar
19 photovoltaic, geothermal, or wind energy systems or if required by law or regulation for such
20 systems but not to include pumps, fans or plumbing or electrical fixtures unless shipped from the
21 manufacturer affixed to, or an integral part of, another item specified on this list; and solar storage
22 tanks that are part of a solar domestic hot water system or a solar space heating system. If the tank
23 comes with an external heat exchanger it shall also be tax exempt, but a standard hot water tank is
24 not exempt from state sales tax.

25 (58) *Returned property*. The amount charged for property returned by customers upon
26 rescission of the contract of sale when the entire amount exclusive of handling charges paid for
27 the property is refunded in either cash or credit, and where the property is returned within one
28 hundred twenty (120) days from the date of delivery.

29 (59) *Dietary Supplements*. From the sale and from the storage, use, or other consumption
30 of dietary supplements as defined in § 44-18-7.1(l)(v), sold on prescriptions.

31 (60) *Blood*. From the sale and from the storage, use, or other consumption of human
32 blood.

33 (61) *Agricultural products for human consumption*. From the sale and from the storage,
34 use, or other consumption of livestock and poultry of the kinds of products that ordinarily

1 constitute food for human consumption and of livestock of the kind the products of which
2 ordinarily constitutes fibers for human use.

3 (62) *Diesel emission control technology.* From the sale and use of diesel retrofit
4 technology that is required by § 31-47.3-4.

5 (63) *Feed for certain animals used in commercial farming.* From the sale of feed for
6 animals as described in § 44-18-30(61).

7 (64) *Alcoholic beverages.* From the sale and storage, use, or other consumption in this
8 state by a Class A licensee of alcoholic beverages, as defined in § 44-18-7.1, excluding beer and
9 malt beverages from December 1, 2013, through June 30, 2015; provided, further,
10 notwithstanding § 6-13-1 or any other general or public law to the contrary, alcoholic beverages,
11 as defined in § 44-18-7.1, shall not be subject to minimum markup from December 1, 2013,
12 through June 30, 2015.

13 (65) *Electricity, gas and heating fuels.* Effective July 1, 2015, twenty percent (20%) of
14 the gross receipts from the sale and from the storage, use, or other consumption in this state of
15 electricity, gas, and every type of fuel used in heating not covered under § 44-18-30(7), § 44-18-
16 30(20) and § 44-18-30(21). Effective July 1, 2016, forty percent (40%) of the gross receipts from
17 the sale and from the storage, use, or other consumption in this state of electricity, gas, and every
18 type of fuel used in heating not covered under § 44-18-30(7), § 44-18-30(20) and § 44-18-30(21).
19 Effective July 1, 2017, sixty percent (60%) of the gross receipts from the sale and from the
20 storage, use, or other consumption in this state of electricity, gas, and every type of fuel used in
21 heating not covered under § 44-18-30(7), § 44-18-30(20) and § 44-18-30(21). Effective July 1,
22 2018, eighty percent (80%) of the gross receipts from the sale and from the storage, use, or other
23 consumption in this state of electricity, gas, and every type of fuel used in heating not covered
24 under § 44-18-30(7), § 44-18-30(20) and § 44-18-30(21). Effective July 1, 2019, one hundred
25 percent (100%) the gross receipts from the sale and from the storage, use, or other consumption in
26 this state of electricity, gas, and every type of fuel used in heating not covered under § 44-18-
27 30(7), § 44-18-30(20) and § 44-18-30(21).

28 SECTION 8. Sections 44-18-7.3 and 44-18-36.1 of the General Laws in Chapter 44-18
29 entitled "Sales and Use Tax – Liability and Computation" are hereby amended to read as follows:

30 **44-18-7.3. Services defined.** – (a) "Services" means all activities engaged in for other
31 persons for a fee, retainer, commission, or other monetary charge, which activities involve the
32 performance of a service in this state as distinguished from selling property.

33 (b) The following businesses and services performed in this state, along with the
34 applicable 2007 North American Industrial Classification System (NAICS) codes, are included in

1 the definition of services:

2 (1) Taxicab and limousine services including but not limited to:

3 (i) Taxicab services including taxi dispatchers (485310); and

4 (ii) Limousine services (485320).

5 (2) Other road transportation service including but not limited to:

6 (i) Charter bus service (485510); and

7 (ii) All other transit and ground passenger transportation (485999).

8 (3) Pet care services (812910) except veterinary and testing laboratories services.

9 (4)(i) "Room reseller" or "reseller" means any person, except a tour operator as defined in
10 § 42-63.1-2, having any right, permission, license, or other authority from or through a hotel as
11 defined in § 42-63.1-2, to reserve, or arrange the transfer of occupancy of, accommodations the
12 reservation or transfer of which is subject to this chapter, such that the occupant pays all or a
13 portion of the rental and other fees to the room reseller or reseller. room reseller or reseller shall
14 include, but not be limited to, sellers of travel packages as defined in this section.
15 Notwithstanding the provisions of any other law, where said reservation or transfer of occupancy
16 is done using a room reseller or reseller, the application of the sales and use under §§ 44-18-18
17 and 44-18-20, and the hotel tax under § 44-18- 36.1 shall be as follows: The room reseller or
18 reseller is required to register with and shall collect and pay to the tax administrator the sales and
19 use and hotel taxes, with said taxes being calculated upon the amount of rental and other fees paid
20 by the occupant to the room reseller or reseller, less the amount of any rental and other fees paid
21 by the room reseller or reseller to the hotel. The hotel shall collect and pay to the tax
22 administrator said taxes upon the amount of rental and other fees paid to the hotel by the room
23 reseller or reseller and/or the occupant. No assessment shall be made by the tax administrator
24 against a hotel because of an incorrect remittance of the taxes under this chapter by a room
25 reseller or reseller. No assessment shall be made by the tax administrator against a room reseller
26 or reseller because of an incorrect remittance of the taxes under this chapter by a hotel. If the
27 hotel has paid the taxes imposed under this chapter, the occupant and/or room reseller or reseller,
28 as applicable, shall reimburse the hotel for said taxes. If the room reseller or reseller has paid said
29 taxes, the occupant shall reimburse the room reseller or reseller for said taxes. Each hotel and
30 room reseller or reseller shall add and collect from the occupant or the room reseller or the
31 reseller the full amount of the taxes imposed on the rental and other fees. When added to the
32 rental and other fees, the taxes shall be a debt owed by the occupant to the hotel or room reseller
33 or reseller, as applicable, and shall be recoverable at law in the same manner as other debts.
34 The amount of the taxes collected by the hotel and/or room reseller or reseller from the occupant

1 under this chapter shall be stated and charged separately from the rental and other fees, and shall
2 be shown separately on all records thereof, whether made at the time the transfer of occupancy
3 occurs, or on any evidence of the transfer issued or used by the hotel or the room reseller or the
4 reseller. A room reseller or reseller shall not be required to disclose to the occupant the amount
5 of tax charged by the hotel; provided, however, the room reseller or reseller shall represent to the
6 occupant that the separately stated taxes charged by the room reseller or reseller include taxes
7 charged by the hotel. No person shall operate a hotel in this state, or act as a room reseller or
8 reseller for any hotel in the state, unless the tax administrator has issued a permit pursuant to §
9 44-19-1.

10 (ii) "Travel package" means a room or rooms bundled with one or more other, separate
11 components of travel such as air transportation, car rental or similar items, which travel package
12 is charged to the customer or occupant for a single retail price. When the room occupancy is
13 bundled for a single consideration, with other property, services, amusement charges, or any other
14 items, the separate sale of which would not otherwise be subject to tax under this chapter, the
15 entire single consideration shall be treated as the rental or other fees for room occupancy subject
16 to tax under this chapter; provided, however, that where the amount of the rental or other fees for
17 room occupancy is stated separately from the price of such other property, services, amusement
18 charges, or other items, on any sales slip, invoice, receipt, or other statement given the occupant,
19 and such rental and other fees are determined by the tax administrator to be reasonable in
20 relation to the value of such other property, services, amusement charges or other items, only
21 such separately stated rental and other fees will be subject to tax under this chapter. The value of
22 the transfer of any room or rooms bundled as part of a travel package may be determined by the
23 tax administrator from the room reseller's and/or reseller's and/or hotel's books and records that
24 are kept in the regular course of business.

25 (c) The tax administrator is authorized to promulgate rules and regulations in accordance
26 with the provisions of chapter 42-35 to carry out the provisions, policies, and purposes of this
27 chapter.

28 **44-18-36.1. Hotel tax.** – (a) There is imposed a hotel tax of five percent (5%) upon the
29 total consideration charged for occupancy of any space furnished by any hotel, or room reseller or
30 reseller as defined in § 44-18-7.3(c), in this state. The hotel tax is in addition to any sales tax
31 imposed. This hotel tax is administered and collected by the division of taxation and unless
32 provided to the contrary in this chapter, all the administration, collection, and other provisions of
33 chapters 18 and 19 of this title apply. Nothing in this chapter shall be construed to limit the
34 powers of the convention authority of the city of Providence established pursuant to the

1 provisions of chapter 84 of the public laws of 1980, except that distribution of hotel tax receipts
2 shall be made pursuant to chapter 63.1 of title 42 rather than chapter 84 of the public laws of
3 1980.

4 (b) There is hereby levied and imposed, upon the total consideration charged for
5 occupancy of any space furnished by any hotel in this state, in addition to all other taxes and fees
6 now imposed by law, a local hotel tax at a rate of one percent (1%). The local hotel tax shall be
7 administered and collected in accordance with subsection (a).

8 (c) All sums received by the division of taxation from the local hotel tax, penalties or
9 forfeitures, interest, costs of suit and fines shall be distributed at least quarterly, credited and paid
10 by the state treasurer to the city or town where the space for occupancy that is furnished by the
11 hotel is located. Unless provided to the contrary in this chapter, all of the administration,
12 collection, and other provisions of chapters 18 and 19 of this title shall apply.

13 (d) Notwithstanding the provisions of subsection (a) of this section, the city of Newport
14 shall have the authority to collect from hotels located in the city of Newport the tax imposed by
15 subsection (a) of this section.

16 (1) Within ten (10) days of collection of the tax, the city of Newport shall distribute the
17 tax as provided in § 42-63.1-3. No later than the first day of March and the first day of September
18 in each year in which the tax is collected, the city of Newport shall submit to the division of
19 taxation a report of the tax collected and distributed during the six (6) month period ending thirty
20 (30) days prior to the reporting date.

21 (2) The city of Newport shall have the same authority as the division of taxation to
22 recover delinquent hotel taxes pursuant to chapter 44-19, and the amount of any hotel tax, penalty
23 and interest imposed by the city of Newport until collected constitutes a lien on the real property
24 of the taxpayer.

25 In recognition of the work being performed by the Streamlined Sales and Use Tax
26 Governing Board, upon any federal law which [authorizes states to](#) requires remote sellers to
27 collect and remit taxes, effective the first (1st) day of the first (1st) state fiscal quarter following
28 the change, the rate imposed under § 44-18-36.1(b) shall be one and one-half percent (1.5%).

29 SECTION 9. Chapter 44-19 of the General Laws entitled “Sales and Use Taxes –
30 Enforcement and Collection” is hereby amended by adding hereto the following section:

31 **44-19-43. Managed Audit Program.** - [\(a\) The tax administrator may, in a written](#)
32 [agreement with a taxpayer, authorize a taxpayer to conduct a managed audit pursuant to this](#)
33 [section. The agreement shall specify the period to be audited and the procedure to be followed,](#)
34 [and shall be signed by an authorized representative of the tax administrator and the taxpayer.](#)

1 **(b) For purposes of this section, the term "managed audit" means a review and analysis of**
2 **invoices, checks, accounting records, or other documents or information to determine the correct**
3 **amount of tax. A managed audit may include, but is not required to include, the following**
4 **categories of liability under this Chapter, including tax on:**

5 **(i) Sales of one or more types of taxable items.**

6 **(ii) Purchases of assets.**

7 **(iii) Purchases of expense items.**

8 **(iv) Purchases under a direct payment permit.**

9 **(v) Any other category specified in an agreement authorized by this section. It shall be in**
10 **the tax administrator's sole discretion as to which categories of liability shall be included in any**
11 **managed audit.**

12 **(c) The decision to authorize a managed audit rests solely with the tax administrator. In**
13 **determining whether to authorize a managed audit, the tax administrator may consider, in**
14 **addition to other facts the tax administrator may consider relevant, any of the following:**

15 **(i) The taxpayer's history of tax compliance.**

16 **(ii) The amount of time and resources the taxpayer has available to dedicate to the**
17 **managed audit.**

18 **(iii) The extent and availability of the taxpayer's records.**

19 **(iv) The taxpayer's ability to pay any expected liability.**

20 **(d) The tax administrator may examine records and perform reviews that he determines**
21 **are necessary before the managed audit is finalized to verify the results of the managed audit.**
22 **Unless the managed audit or information reviewed by the tax administrator discloses fraud or**
23 **willful evasion of the tax, the tax administrator may not assess a penalty and may waive all or a**
24 **part of the interest that would otherwise accrue on any amount identified as due in a managed**
25 **audit. This subsection (d) does not apply to any amount collected by the taxpayer that was a tax**
26 **or represented to be a tax that was not remitted to the state.**

27 SECTION 10. Sections 44-20-12 and 44-20-13 of the General Laws in Chapter 44-20
28 entitled "Cigarette Tax" are hereby amended to read as follows:

29 **44-20-12. Tax imposed on cigarettes sold.** -- A tax is imposed on all cigarettes sold or
30 held for sale in the state. The payment of the tax to be evidenced by stamps, which may be
31 affixed only by licensed distributors to the packages containing such cigarettes. Any cigarettes on
32 which the proper amount of tax provided for in this chapter has been paid, payment being
33 evidenced by the stamp, is not subject to a further tax under this chapter. The tax is at the rate of
34 ~~one hundred seventy five (175)~~ one hundred eighty-seven and one half (187.5) mills for each

1 cigarette.

2 **44-20-13. Tax imposed on unstamped cigarettes.** - A tax is imposed at the rate of ~~one~~
3 ~~hundred seventy five (175)~~ one hundred eighty-seven and one half (187.5) mills for each cigarette
4 upon the storage or use within this state of any cigarettes not stamped in accordance with the
5 provisions of this chapter in the possession of any consumer within this state.

6 SECTION 11. Chapter 44-20 of the General Laws entitled "Cigarette Tax" is hereby
7 amended by adding hereto the following section:

8 **44-20-12.5. Floor stock tax on cigarettes and stamps.** - (a) Whenever used in this
9 section, unless the context requires otherwise:

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

11 (2) "Person" means each individual, firm, fiduciary, partnership, corporation, trust, or
12 association, however formed.

13 (b) Each person engaging in the business of selling cigarettes at retail in this state shall
14 pay a tax or excise to the state for the privilege of engaging in that business during any part of the
15 calendar year 2015. In calendar year 2015, the tax shall be measured by the number of cigarettes
16 held by the person in this state at 12:01 a.m. on August 1, 2015 and is computed at the rate of
17 twelve and one half (12.5) mills for each cigarette on August 1, 2015.

18 (c) Each distributor licensed to do business in this state pursuant to this chapter shall pay
19 a tax or excise to the state for the privilege of engaging in that business during any part of the
20 calendar year 2015. The tax is measured by the number of stamps, whether affixed or to be
21 affixed to packages of cigarettes, as required by § 44-20-28. In calendar year 2015 the tax is
22 measured by the number of stamps, as defined in § 44-20-1(10), whether affixed or to be affixed,
23 held by the distributor at 12:01 a.m. on August 1, 2015, and is computed at the rate of twelve and
24 one half (12.5) mills per cigarette in the package to which the stamps are affixed or to be affixed.

25 (d) Each person subject to the payment of the tax imposed by this section shall, on or
26 before August 15, 2015, file a return, under oath or certified under the penalties of perjury, with
27 the tax administrator on forms furnished by him or her, showing the amount of cigarettes and
28 under subsection (b) above the number of stamps under subsection (c) above, in that person's
29 possession in this state at 12:01 a.m. on August 1, 2015, and the amount of tax due, and shall at
30 the time of filing the return pay the tax to the tax administrator. Failure to obtain forms shall not
31 be an excuse for the failure to make a return containing the information required by the tax
32 administrator.

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

1 SECTION 12. Section 44-30-2.6 and 44-30-12 of General Laws in Chapter 44-30 entitled
2 "Personal Income Tax" is hereby amended to read as follows:

3 **44-30-2.6. Rhode Island taxable income – Rate of tax.** – (a) "Rhode Island taxable
4 income" means federal taxable income as determined under the Internal Revenue Code, 26 U.S.C.
5 § 1 et seq., not including the increase in the basic standard deduction amount for married couples
6 filing joint returns as provided in the Jobs and Growth Tax Relief Reconciliation Act of 2003 and
7 the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA), and as modified by
8 the modifications in § 44-30-12.

9 (b) Notwithstanding the provisions of §§ 44-30-1 and 44-30-2, for tax years beginning on
10 or after January 1, 2001, a Rhode Island personal income tax is imposed upon the Rhode Island
11 taxable income of residents and nonresidents, including estates and trusts, at the rate of twenty-
12 five and one-half percent (25.5%) for tax year 2001, and twenty-five percent (25%) for tax year
13 2002 and thereafter of the federal income tax rates, including capital gains rates and any other
14 special rates for other types of income, except as provided in § 44-30-2.7, which were in effect
15 immediately prior to enactment of the Economic Growth and Tax Relief Reconciliation Act of
16 2001 (EGTRRA); provided, rate schedules shall be adjusted for inflation by the tax administrator
17 beginning in taxable year 2002 and thereafter in the manner prescribed for adjustment by the
18 commissioner of Internal Revenue in 26 U.S.C. § 1(f). However, for tax years beginning on or
19 after January 1, 2006, a taxpayer may elect to use the alternative flat tax rate provided in § 44-30-
20 2.10 to calculate his or her personal income tax liability.

21 (c) For tax years beginning on or after January 1, 2001, if a taxpayer has an alternative
22 minimum tax for federal tax purposes, the taxpayer shall determine if he or she has a Rhode
23 Island alternative minimum tax. The Rhode Island alternative minimum tax shall be computed by
24 multiplying the federal tentative minimum tax without allowing for the increased exemptions
25 under the Jobs and Growth Tax Relief Reconciliation Act of 2003 (as redetermined on federal
26 form 6251 Alternative Minimum Tax-Individuals) by twenty-five and one-half percent (25.5%)
27 for tax year 2001, and twenty-five percent (25%) for tax year 2002 and thereafter, and comparing
28 the product to the Rhode Island tax as computed otherwise under this section. The excess shall be
29 the taxpayer's Rhode Island alternative minimum tax.

30 (1) For tax years beginning on or after January 1, 2005 and thereafter the exemption
31 amount for alternative minimum tax, for Rhode Island purposes, shall be adjusted for inflation by
32 the tax administrator in the manner prescribed for adjustment by the commissioner of Internal
33 Revenue in 26 U.S.C. § 1(f).

34 (2) For the period January 1, 2007 through December 31, 2007, and thereafter, Rhode

1 Island taxable income shall be determined by deducting from federal adjusted gross income as
2 defined in 26 U.S.C. § 62 as modified by the modifications in § 44-30-12 the Rhode Island
3 itemized deduction amount and the Rhode Island exemption amount as determined in this section.

4 (A) Tax imposed.

5 (1) There is hereby imposed on the taxable income of married individuals filing joint
6 returns and surviving spouses a tax determined in accordance with the following table:

7 If taxable income is:	The tax is:
8 Not over \$53,150	3.75% of taxable income
9 Over \$53,150 but not over \$128,500	\$1,993.13 plus 7.00% of the excess over \$53,150
10 Over \$128,500 but not over \$195,850	\$7,267.63 plus 7.75% of the excess over \$128,500
11 Over \$195,850 but not over \$349,700	\$12,487.25 plus 9.00% of the excess over \$195,850
12 Over \$349,700	\$26,333.75 plus 9.90% of the excess over \$349,700

13 (2) There is hereby imposed on the taxable income of every head of household a tax
14 determined in accordance with the following table:

15 If taxable income is:	The tax is:
16 Not over \$42,650	3.75% of taxable income
17 Over \$42,650 but not over \$110,100	\$1,599.38 plus 7.00% of the excess over \$42,650
18 Over \$110,100 but not over \$178,350	\$6,320.88 plus 7.75% of the excess over \$110,100
19 Over \$178,350 but not over \$349,700	\$11,610.25 plus 9.00% of the excess over \$178,350
20 Over \$349,700	\$27,031.75 plus 9.90% of the excess over \$349,700

21 (3) There is hereby imposed on the taxable income of unmarried individuals (other than
22 surviving spouses and heads of households) a tax determined in accordance with the following
23 table:

24 If taxable income is:	The tax is:
25 Not over \$31,850	3.75% of taxable income
26 Over \$31,850 but not over \$77,100	\$1,194.38 plus 7.00% of the excess over \$31,850
27 Over \$77,100 but not over \$160,850	\$4,361.88 plus 7.75% of the excess over \$77,100
28 Over \$160,850 but not over \$349,700	\$10,852.50 plus 9.00% of the excess over \$160,850
29 Over \$349,700	\$27,849.00 plus 9.90% of the excess over \$349,700

30 (4) There is hereby imposed on the taxable income of married individuals filing separate
31 returns and bankruptcy estates a tax determined in accordance with the following table:

32 If taxable income is:	The tax is:
33 Not over \$26,575	3.75% of taxable income
34 Over \$26,575 but not over \$64,250	\$996.56 plus 7.00% of the excess over \$26,575

1	Over \$64,250 but not over \$97,925	\$3,633.81 plus 7.75% of the excess over \$64,250
2	Over \$97,925 but not over \$174,850	\$6,243.63 plus 9.00% of the excess over \$97,925
3	Over \$174,850	\$13,166.88 plus 9.90% of the excess over \$174,850

4 (5) There is hereby imposed a taxable income of an estate or trust a tax determined in
5 accordance with the following table:

6	If taxable income is:	The tax is:
7	Not over \$2,150	3.75% of taxable income
8	Over \$2,150 but not over \$5,000	\$80.63 plus 7.00% of the excess over \$2,150
9	Over \$5,000 but not over \$7,650	\$280.13 plus 7.75% of the excess over \$5,000
10	Over \$7,650 but not over \$10,450	\$485.50 plus 9.00% of the excess over \$7,650
11	Over \$10,450	\$737.50 plus 9.90% of the excess over \$10,450

12 (6) Adjustments for inflation. The dollars amount contained in paragraph (A) shall be
13 increased by an amount equal to:

- 14 (a) Such dollar amount contained in paragraph (A) in the year 1993, multiplied by;
- 15 (b) The cost-of-living adjustment determined under section (J) with a base year of 1993;
- 16 (c) The cost-of-living adjustment referred to in subparagraph (a) and (b) used in making
17 adjustments to the nine percent (9%) and nine and nine tenths percent (9.9%) dollar amounts shall
18 be determined under section (J) by substituting "1994" for "1993."

19 (B) Maximum capital gains rates

20 (1) In general If a taxpayer has a net capital gain for tax years ending prior to January 1,
21 2010, the tax imposed by this section for such taxable year shall not exceed the sum of:

22 (a) 2.5 % of the net capital gain as reported for federal income tax purposes under section
23 26 U.S.C. 1(h)(1)(a) and 26 U.S.C. 1(h)(1)(b).

24 (b) 5% of the net capital gain as reported for federal income tax purposes under 26 U.S.C.
25 1(h)(1)(c).

26 (c) 6.25% of the net capital gain as reported for federal income tax purposes under 26
27 U.S.C. 1(h)(1)(d).

28 (d) 7% of the net capital gain as reported for federal income tax purposes under 26 U.S.C.
29 1(h)(1)(e).

30 (2) For tax years beginning on or after January 1, 2010 the tax imposed on net capital
31 gain shall be determined under subdivision 44-30-2.6(c)(2)(A).

32 (C) Itemized deductions.

33 (1) In general

34 For the purposes of section (2) "itemized deductions" means the amount of federal

1 itemized deductions as modified by the modifications in § 44-30-12.

2 (2) Individuals who do not itemize their deductions In the case of an individual who does
3 not elect to itemize his deductions for the taxable year, they may elect to take a standard
4 deduction.

5 (3) Basic standard deduction. The Rhode Island standard deduction shall be allowed in
6 accordance with the following table:

7 Filing status	Amount
8 Single	\$5,350
9 Married filing jointly or qualifying widow(er)	\$8,900
10 Married filing separately	\$4,450
11 Head of Household	\$7,850

12 (4) Additional standard deduction for the aged and blind. An additional standard
13 deduction shall be allowed for individuals age sixty-five (65) or older or blind in the amount of
14 \$1,300 for individuals who are not married and \$1,050 for individuals who are married.

15 (5) Limitation on basic standard deduction in the case of certain dependents. In the case
16 of an individual to whom a deduction under section (E) is allowable to another taxpayer, the basic
17 standard deduction applicable to such individual shall not exceed the greater of:

18 (a) \$850;

19 (b) The sum of \$300 and such individual's earned income;

20 (6) Certain individuals not eligible for standard deduction. In the case of:

21 (a) A married individual filing a separate return where either spouse itemizes deductions;

22 (b) Nonresident alien individual;

23 (c) An estate or trust;

24 The standard deduction shall be zero.

25 (7) Adjustments for inflation. Each dollars amount contained in paragraphs (3), (4) and
26 (5) shall be increased by an amount equal to:

27 (a) Such dollar amount contained in paragraphs (3), (4) and (5) in the year 1988,
28 multiplied by

29 (b) The cost-of-living adjustment determined under section (J) with a base year of 1988.

30 (D) Overall limitation on itemized deductions

31 (1) General rule.

32 In the case of an individual whose adjusted gross income as modified by § 44-30-12
33 exceeds the applicable amount, the amount of the itemized deductions otherwise allowable for the
34 taxable year shall be reduced by the lesser of:

1 (a) Three percent (3%) of the excess of adjusted gross income as modified by § 44-30-12
2 over the applicable amount; or

3 (b) Eighty percent (80%) of the amount of the itemized deductions otherwise allowable
4 for such taxable year.

5 (2) Applicable amount.

6 (a) In general.

7 For purposes of this section, the term "applicable amount" means \$156,400 (\$78,200 in
8 the case of a separate return by a married individual)

9 (b) Adjustments for inflation. Each dollar amount contained in paragraph (a) shall be
10 increased by an amount equal to:

11 (i) Such dollar amount contained in paragraph (a) in the year 1991, multiplied by

12 (ii) The cost-of-living adjustment determined under section (J) with a base year of 1991.

13 (3) Phase-out of Limitation.

14 (a) In general.

15 In the case of taxable year beginning after December 31, 2005, and before January 1,
16 2010, the reduction under section (1) shall be equal to the applicable fraction of the amount which
17 would be the amount of such reduction.

18 (b) Applicable fraction.

19 For purposes of paragraph (a), the applicable fraction shall be determined in accordance
20 with the following table:

21 For taxable years beginning in calendar year	The applicable fraction is
22 2006 and 2007	2/3
23 2008 and 2009	1/3

24 (E) Exemption amount

25 (1) In general.

26 Except as otherwise provided in this subsection, the term "exemption amount" mean
27 \$3,400.

28 (2) Exemption amount disallowed in case of certain dependents.

29 In the case of an individual with respect to whom a deduction under this section is
30 allowable to another taxpayer for the same taxable year, the exemption amount applicable to such
31 individual for such individual's taxable year shall be zero.

32 (3) Adjustments for inflation.

33 The dollar amount contained in paragraph (1) shall be increased by an amount equal to:

34 (a) Such dollar amount contained in paragraph (1) in the year 1989, multiplied by

1 (b) The cost-of-living adjustment determined under section (J) with a base year of 1989.

2 (4) Limitation.

3 (a) In general.

4 In the case of any taxpayer whose adjusted gross income as modified for the taxable year
5 exceeds the threshold amount shall be reduced by the applicable percentage.

6 (b) Applicable percentage. In the case of any taxpayer whose adjusted gross income for
7 the taxable year exceeds the threshold amount, the exemption amount shall be reduced by two (2)
8 percentage points for each \$2,500 (or fraction thereof) by which the taxpayer's adjusted gross
9 income for the taxable year exceeds the threshold amount. In the case of a married individual
10 filing a separate return, the preceding sentence shall be applied by substituting "\$1,250" for
11 "\$2,500." In no event shall the applicable percentage exceed one hundred percent (100%).

12 (c) Threshold Amount. For the purposes of this paragraph, the term "threshold amount"
13 shall be determined with the following table:

14 Filing status	Amount
15 Single	\$156,400
16 Married filing jointly of qualifying widow(er)	\$234,600
17 Married filing separately	\$117,300
18 Head of Household	\$195,500

19 (d) Adjustments for inflation.

20 Each dollars amount contain in paragraph (b) shall be increased by an amount equal to:

21 (i) Such dollar amount contained in paragraph (b) in the year 1991, multiplied by

22 (ii) The cost-of-living adjustment determined under section (J) with a base year of 1991.

23 (5) Phase-out of Limitation.

24 (a) In general.

25 In the case of taxable years beginning after December 31, 2005, and before January 1,
26 2010, the reduction under section 4 shall be equal to the applicable fraction of the amount which
27 would be the amount of such reduction.

28 (b) Applicable fraction.

29 For the purposes of paragraph (a), the applicable fraction shall be determined in
30 accordance with the following table:

31 For taxable years beginning in calendar year	The applicable fraction is
32 2006 and 2007	2/3
33 2008 and 2009	1/3

34 (F) Alternative minimum tax

1 (1) *General rule.* - There is hereby imposed (in addition to any other tax imposed by this
2 subtitle) a tax equal to the excess (if any) of:

3 (a) The tentative minimum tax for the taxable year, over

4 (b) The regular tax for the taxable year.

5 (2) The tentative minimum tax for the taxable year is the sum of:

6 (a) 6.5 percent of so much of the taxable excess as does not exceed \$175,000, plus

7 (b) 7.0 percent of so much of the taxable excess above \$175,000.

8 (3) The amount determined under the preceding sentence shall be reduced by the
9 alternative minimum tax foreign tax credit for the taxable year.

10 (4) *Taxable excess.* - For the purposes of this subsection the term "taxable excess" means
11 so much of the federal alternative minimum taxable income as modified by the modifications in §
12 44-30-12 as exceeds the exemption amount.

13 (5) In the case of a married individual filing a separate return, subparagraph (2) shall be
14 applied by substituting "\$87,500" for \$175,000 each place it appears.

15 (6) Exemption amount. For purposes of this section "exemption amount" means:

16 Filing status	Amount
17 Single	\$39,150
18 Married filing jointly or qualifying widow(er)	\$53,700
19 Married filing separately	\$26,850
20 Head of Household	\$39,150
21 Estate or trust	\$24,650

22 (7) Treatment of unearned income of minor children

23 (a) In general.

24 In the case of a minor child, the exemption amount for purposes of section (6) shall not
25 exceed the sum of:

26 (i) Such child's earned income, plus

27 (ii) \$6,000.

28 (8) Adjustments for inflation.

29 The dollar amount contained in paragraphs (6) and (7) shall be increased by an amount
30 equal to:

31 (a) Such dollar amount contained in paragraphs (6) and (7) in the year 2004, multiplied
32 by

33 (b) The cost-of-living adjustment determined under section (J) with a base year of 2004.

34 (9) Phase-out.

1 (a) In general.

2 The exemption amount of any taxpayer shall be reduced (but not below zero) by an
3 amount equal to twenty-five percent (25%) of the amount by which alternative minimum taxable
4 income of the taxpayer exceeds the threshold amount.

5 (b) Threshold amount. For purposes of this paragraph, the term "threshold amount" shall
6 be determined with the following table:

7 Filing status	Amount
8 Single	\$123,250
9 Married filing jointly or qualifying widow(er)	\$164,350
10 Married filing separately	\$82,175
11 Head of Household	\$123,250
12 Estate or Trust	\$82,150

13 (c) Adjustments for inflation

14 Each dollar amount contained in paragraph (9) shall be increased by an amount equal to:

15 (i) Such dollar amount contained in paragraph (9) in the year 2004, multiplied by

16 (ii) The cost-of-living adjustment determined under section (J) with a base year of 2004.

17 (G) Other Rhode Island taxes

18 (1) *General rule.* - There is hereby imposed (in addition to any other tax imposed by this
19 subtitle) a tax equal to twenty-five percent (25%) of:

20 (a) The Federal income tax on lump-sum distributions.

21 (b) The Federal income tax on parents' election to report child's interest and dividends.

22 (c) The recapture of Federal tax credits that were previously claimed on Rhode Island
23 return.

24 (H) Tax for children under 18 with investment income

25 (1) *General rule.* - There is hereby imposed a tax equal to twenty-five percent (25%) of:

26 (a) The Federal tax for children under the age of 18 with investment income.

27 (I) Averaging of farm income

28 (1) *General rule.* - At the election of an individual engaged in a farming business or
29 fishing business, the tax imposed in section 2 shall be equal to twenty-five percent (25%) of:

30 (a) The Federal averaging of farm income as determined in IRC section 1301.

31 (J) Cost-of-living adjustment

32 (1) In general.

33 The cost-of-living adjustment for any calendar year is the percentage (if any) by which:

34 (a) The CPI for the preceding calendar year exceeds

1 (b) The CPI for the base year.

2 (2) CPI for any calendar year. For purposes of paragraph (1), the CPI for any calendar
3 year is the average of the Consumer Price Index as of the close of the twelve (12) month period
4 ending on August 31 of such calendar year.

5 (3) Consumer Price Index

6 For purposes of paragraph (2), the term "consumer price index" means the last consumer
7 price index for all urban consumers published by the department of labor. For purposes of the
8 preceding sentence, the revision of the consumer price index which is most consistent with the
9 consumer price index for calendar year 1986 shall be used.

10 (4) Rounding.

11 (a) In general.

12 If any increase determined under paragraph (1) is not a multiple of \$50, such increase
13 shall be rounded to the next lowest multiple of \$50.

14 (b) In the case of a married individual filing a separate return, subparagraph (a) shall be
15 applied by substituting "\$25" for \$50 each place it appears.

16 (K) *Credits against tax.* - For tax years beginning on or after January 1, 2001, a taxpayer
17 entitled to any of the following federal credits enacted prior to January 1, 1996 shall be entitled to
18 a credit against the Rhode Island tax imposed under this section:

19 (1) [Deleted by P.L. 2007, ch. 73, art. 7, § 5].

20 (2) Child and dependent care credit;

21 (3) General business credits;

22 (4) Credit for elderly or the disabled;

23 (5) Credit for prior year minimum tax;

24 (6) Mortgage interest credit;

25 (7) Empowerment zone employment credit;

26 (8) Qualified electric vehicle credit.

27 (L) *Credit against tax for adoption.* - For tax years beginning on or after January 1, 2006,
28 a taxpayer entitled to the federal adoption credit shall be entitled to a credit against the Rhode
29 Island tax imposed under this section if the adopted child was under the care, custody, or
30 supervision of the Rhode Island department of children, youth and families prior to the adoption.

31 (M) The credit shall be twenty-five percent (25%) of the aforementioned federal credits
32 provided there shall be no deduction based on any federal credits enacted after January 1, 1996,
33 including the rate reduction credit provided by the federal Economic Growth and Tax
34 Reconciliation Act of 2001 (EGTRRA). In no event shall the tax imposed under this section be

1 reduced to less than zero. A taxpayer required to recapture any of the above credits for federal tax
2 purposes shall determine the Rhode Island amount to be recaptured in the same manner as
3 prescribed in this subsection.

4 (N) Rhode Island earned income credit

5 (1) In general.

6 For tax years beginning on or after January 1, 2105 and before January 1, 2016, A a
7 taxpayer entitled to a federal earned income credit shall be allowed a Rhode Island earned income
8 credit equal to ten percent (10%) of the federal earned income credit. Such credit shall not exceed
9 the amount of the Rhode Island income tax.

10 For tax years beginning on or after January 1, 2016, and before January 1, 2017, a
11 taxpayer entitled to a federal earned income credit shall be allowed a Rhode Island earned income
12 credit equal to twelve and one-half percent (12.5%) of the federal earned income credit. Such
13 credit shall not exceed the amount of the Rhode Island income tax.

14 For tax years beginning on or after January 1, 2015 a tax payer entitled to a federal
15 earned income credit shall be allowed a Rhode Island earned income credit equal to fifteen
16 percent (15%) of the federal earned income credit. Such credit shall not exceed the amount of the
17 Rhode Island income tax.

18 (2) Refundable portion.

19 In the event the Rhode Island earned income credit allowed under section (J) exceeds the
20 amount of Rhode Island income tax, a refundable earned income credit shall be allowed.

21 (a) For purposes of paragraph (2) refundable earned income credit means one hundred
22 percent (100%) of the amount by which the Rhode Island earned income credit exceeds the
23 Rhode Island income tax.

24 (O) The tax administrator shall recalculate and submit necessary revisions to paragraphs
25 (A) through (J) to the general assembly no later than February 1, 2010 and every three (3) years
26 thereafter for inclusion in the statute.

27 (3) For the period January 1, 2011 through December 31, 2011, and thereafter, "Rhode
28 Island taxable income" means federal adjusted gross income as determined under the Internal
29 Revenue Code, 26 U.S.C. 1 et seq., and as modified for Rhode Island purposes pursuant to § 44-
30 30-12 less the amount of Rhode Island Basic Standard Deduction allowed pursuant to
31 subparagraph 44-30-2.6(c)(3)(B), and less the amount of personal exemption allowed pursuant of
32 subparagraph 44-30-2.6(c)(3)(C).

33 (A) Tax imposed.

34 (I) There is hereby imposed on the taxable income of married individuals filing joint

1 returns, qualifying widow(er), every head of household, unmarried individuals, married
 2 individuals filing separate returns and bankruptcy estates, a tax determined in accordance with the
 3 following table:

RI Taxable Income		RI Income Tax	
Over	But not Over	Pay + % On Excess	On The Amount Over
5 \$0 -	\$55,000	\$0 + 3.75%	\$0
7 55,000 -	125,000	2,063 + 4.75%	55,000
8 125,000 -		5,388 + 5.99%	125,000

9 (II) There is hereby imposed on the taxable income of an estate or trust a tax determined
 10 in accordance with the following table:

RI Taxable Income		RI Income Tax	
Over	But not Over	Pay + % On Excess	On The Amount Over
13 \$0 -	\$2,230	\$0 + 3.75%	\$0
14 2,230 -	7,022	84 + 4.75%	2,230
15 7,022 -		312 + 5.99%	7,022

16 (B) Deductions:

17 (I) Rhode Island Basic Standard Deduction. Only the Rhode Island standard deduction
 18 shall be allowed in accordance with the following table:

Filing status:	Amount
20 Single	\$7,500
21 Married filing jointly or qualifying widow(er)	\$15,000
22 Married filing separately	\$7,500
23 Head of Household	\$11,250

24 (II) Nonresident alien individuals, estates and trusts are not eligible for standard
 25 deductions.

26 (III) In the case of any taxpayer whose adjusted gross income, as modified for Rhode
 27 Island purposes pursuant to § 44-30-12, for the taxable year exceeds one hundred seventy-five
 28 thousand dollars (\$175,000), the standard deduction amount shall be reduced by the applicable
 29 percentage. The term "applicable percentage" means twenty (20) percentage points for each five
 30 thousand dollars (\$5,000) (or fraction thereof) by which the taxpayer's adjusted gross income for
 31 the taxable year exceeds one hundred seventy-five thousand dollars (\$175,000).

32 (C) Exemption Amount:

33 (I) The term "exemption amount" means three thousand five hundred dollars (\$3,500)
 34 multiplied by the number of exemptions allowed for the taxable year for federal income tax

1 purposes.

2 (II) Exemption amount disallowed in case of certain dependents. In the case of an
3 individual with respect to whom a deduction under this section is allowable to another taxpayer
4 for the same taxable year, the exemption amount applicable to such individual for such
5 individual's taxable year shall be zero.

6 (D) In the case of any taxpayer whose adjusted gross income, as modified for Rhode
7 Island purposes pursuant to § 33-30-12, for the taxable year exceeds one hundred seventy- five
8 thousand dollars (\$175,000), the exemption amount shall be reduced by the applicable
9 percentage. The term "applicable percentage" means twenty (20) percentage points for each five
10 thousand dollars (\$5,000) (or fraction thereof) by which the taxpayer's adjusted gross income for
11 the taxable year exceeds one hundred seventy-five thousand dollars (\$175,000).

12 (E) *Adjustment for inflation.* - The dollar amount contained in subparagraphs 44-30-
13 2.6(c)(3)(A), 44-30-2.6(c)(3)(B) and 44-30-2.6(c)(3)(C) shall be increased annually by an amount
14 equal to:

15 (I) Such dollar amount contained in subparagraphs 44-30-2.6(c)(3)(A), 44-30-
16 2.6(c)(3)(B) and 44-30-2.6(c)(3)(C) adjusted for inflation using a base tax year of 2000,
17 multiplied by;

18 (II) The cost-of-living adjustment with a base year of 2000.

19 (III) For the purposes of this section the cost-of-living adjustment for any calendar year is
20 the percentage (if any) by which the consumer price index for the preceding calendar year
21 exceeds the consumer price index for the base year. The consumer price index for any calendar
22 year is the average of the consumer price index as of the close of the twelve (12) month period
23 ending on August 31, of such calendar year.

24 (IV) For the purpose of this section the term "consumer price index" means the last
25 consumer price index for all urban consumers published by the department of labor. For the
26 purpose of this section the revision of the consumer price index which is most consistent with the
27 consumer price index for calendar year 1986 shall be used.

28 (V) If any increase determined under this section is not a multiple of fifty dollars
29 (\$50.00), such increase shall be rounded to the next lower multiple of fifty dollars (\$50.00). In the
30 case of a married individual filing separate return, if any increase determined under this section is
31 not a multiple of twenty-five dollars (\$25.00), such increase shall be rounded to the next lower
32 multiple of twenty-five dollars (\$25.00).

33 (E) Credits against tax.

34 (I) Notwithstanding any other provisions of Rhode Island Law, for tax years beginning on

1 or after January 1, 2011, the only credits allowed against a tax imposed under this chapter shall be
2 as follows:

3 (a) Rhode Island Earned Income Credit: Credit shall be allowed for earned income credit
4 pursuant to subparagraph 44-30-2.6(c)(2)(N).

5 (b) Property Tax Relief Credit: Credit shall be allowed for property tax relief as provided
6 in § 44-33-1 et seq.

7 (c) Lead Paint Credit: Credit shall be allowed for residential lead abatement income tax
8 credit as provided in § 44-30.3-1 et seq.

9 (d) *Credit for income taxes of other states.* - Credit shall be allowed for income tax paid
10 to other states pursuant to § 44-30-74.

11 (e) Historic Structures Tax Credit: Credit shall be allowed for historic structures tax
12 credit as provided in § 44-33.2-1 et seq.

13 (f) Motion Picture Productions Tax Credit: Credit shall be allowed for motion picture
14 production tax credit as provided in § 44-31.2-1 et seq.

15 (g) Child and Dependent Care: Credit shall be allowed for twenty-five percent (25%) of
16 the federal child and dependent care credit allowable for the taxable year for federal purposes;
17 provided, however, such credit shall not exceed the Rhode Island tax liability.

18 (h) Tax credits for contributions to Scholarship Organizations: Credit shall be allowed for
19 contributions to scholarship organizations as provided in § 44-62 et seq.

20 (i) *Credit for tax withheld.* - Wages upon which tax is required to be withheld shall be
21 taxable as if no withholding were required, but any amount of Rhode Island personal income tax
22 actually deducted and withheld in any calendar year shall be deemed to have been paid to the tax
23 administrator on behalf of the person from whom withheld, and the person shall be credited with
24 having paid that amount of tax for the taxable year beginning in that calendar year. For a taxable
25 year of less than twelve (12) months, the credit shall be made under regulations of the tax
26 administrator.

27 (2) Except as provided in section 1 above, no other state and federal tax credit shall be
28 available to the taxpayers in computing tax liability under this chapter.

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

32 (b) *Modifications increasing federal adjusted gross income.* There shall be added to
33 federal adjusted gross income:

34 (1) Interest income on obligations of any state, or its political subdivisions, other than

1 Rhode Island or its political subdivisions;

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

6 (3) The modification described in § 44-30-25(g);

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

10 (A) A transfer or rollover to a qualified tuition program under Section 529 of the Internal
11 Revenue Code, 26 U.S.C. § 529, other than to the tuition savings program referred to in § 16-57-
12 6.1; and

13 (B) A withdrawal or distribution which is:

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

16 (II) Not made for a reason referred to in § 16-57-6.1(e); or

17 (III) Not made in other circumstances for which an exclusion from tax made applicable
18 by Section 529 of the Internal Revenue Code, 26 U.S.C. § 529, pertains if the transfer, rollover,
19 withdrawal or distribution is made within two (2) taxable years following the taxable year for
20 which a contributions modification pursuant to subdivision (c)(4) of this section is taken based on
21 contributions to any tuition savings program account by the person who is the participant of the
22 account at the time of the contribution, whether or not the person is the participant of the account
23 at the time of the transfer, rollover, withdrawal or distribution;

24 (ii) In the event of a nonqualified withdrawal under subparagraphs (i)(A) or (i)(B) of this
25 subdivision, there shall be added to the federal adjusted gross income of that person for the
26 taxable year of the withdrawal an amount equal to the lesser of:

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

31 (B) The amount of the person's contribution modification pursuant to subdivision (c)(4)
32 of this section for the person's taxable year of the withdrawal and the two (2) prior taxable years
33 less the amount of any nonqualified withdrawal for the two (2) prior taxable years included in
34 computing the person's Rhode Island income by application of this subsection for those years.

1 Any amount added to federal adjusted gross income pursuant to this subdivision shall constitute
2 Rhode Island income for residents, nonresidents and part-year residents; and

3 (5) The modification described in § 44-30-25.1(d)(3)(i).

4 (6) The amount equal to any unemployment compensation received but not included in
5 federal adjusted gross income.

6 (7) The amount equal to the deduction allowed for sales tax paid for a purchase of a
7 qualified motor vehicle as defined by the Internal Revenue Code § 164(a)(6).

8 (c) *Modifications reducing federal adjusted gross income.* There shall be subtracted from
9 federal adjusted gross income:

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

19 (2) A modification described in § 44-30-25(f) or § 44-30-1.1(c)(1);

20 (3) The amount of any withdrawal or distribution from the "tuition savings program"
21 referred to in § 16-57-6.1 which is included in federal adjusted gross income, other than a
22 withdrawal or distribution or portion of a withdrawal or distribution that is a nonqualified
23 withdrawal;

24 (4) Contributions made to an account under the tuition savings program, including the
25 "contributions carryover" pursuant to paragraph (iv) of this subdivision, if any, subject to the
26 following limitations, restrictions and qualifications:

27 (i) The aggregate subtraction pursuant to this subdivision for any taxable year of the
28 taxpayer shall not exceed five hundred dollars (\$500) or one thousand dollars (\$1,000) if a joint
29 return;

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

31 (A) Contributions made by any person to an account who is not a participant of the
32 account at the time the contribution is made;

33 (B) Transfers or rollovers to an account from any other tuition savings program account
34 or from any other "qualified tuition program" under section 529 of the Internal Revenue Code, 26

1 U.S.C. § 529; or

2 (C) A change of the beneficiary of the account;

3 (iii) The subtraction pursuant to this subdivision shall not reduce the taxpayer's federal
4 adjusted gross income to less than zero (0);

5 (iv) The contributions carryover to a taxable year for purpose of this subdivision is the
6 excess, if any, of the total amount of contributions actually made by the taxpayer to the tuition
7 savings program for all preceding taxable years for which this subsection is effective over the
8 sum of:

9 (A) The total of the subtractions under this subdivision allowable to the taxpayer for all
10 such preceding taxable years; and

11 (B) That part of any remaining contribution carryover at the end of the taxable year
12 which exceeds the amount of any nonqualified withdrawals during the year and the prior two (2)
13 taxable years not included in the addition provided for in this subdivision for those years. Any
14 such part shall be disregarded in computing the contributions carryover for any subsequent
15 taxable year;

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

22 (5) The modification described in § 44-30-25.1(d)(1).

23 (6) Amounts deemed taxable income to the taxpayer due to payment or provision of
24 insurance benefits to a dependent, including a domestic partner pursuant to chapter 12 of title 36
25 or other coverage plan.

26 (7) *Modification for organ transplantation.* (i) An individual may subtract up to ten
27 thousand dollars (\$10,000) from federal adjusted gross income if he or she, while living, donates
28 one or more of his or her human organs to another human being for human organ transplantation,
29 except that for purposes of this subsection, "human organ" means all or part of a liver, pancreas,
30 kidney, intestine, lung, or bone marrow. A subtract modification that is claimed hereunder may be
31 claimed in the taxable year in which the human organ transplantation occurs.

32 (ii) An individual may claim that subtract modification hereunder only once, and the
33 subtract modification may be claimed for only the following unreimbursed expenses that are
34 incurred by the claimant and related to the claimant's organ donation:

1 (A) Travel expenses.

2 (B) Lodging expenses.

3 (C) Lost wages.

4 (iii) The subtract modification hereunder may not be claimed by a part-time resident or a
5 nonresident of this state.

6 (8) For a person who files a return as an unmarried individual, head of household or
7 married filing separate whose federal adjusted gross income for such taxable year is less than fifty
8 thousand dollars, or a married individual filing jointly or individual filing qualifying widow(er)
9 whose federal adjusted gross income for such taxable year is less than sixty thousand dollars, an
10 amount equal to the social security benefits includable in federal adjusted gross income.

11 (d) *Modification for Rhode Island fiduciary adjustment.* There shall be added to or
12 subtracted from federal adjusted gross income (as the case may be) the taxpayer's share, as
13 beneficiary of an estate or trust, of the Rhode Island fiduciary adjustment determined under § 44-
14 30-17.

15 (e) *Partners.* The amounts of modifications required to be made under this section by a
16 partner, which relate to items of income or deduction of a partnership, shall be determined under
17 § 44-30-15.

18 SECTION 13. Section 44-64-3 of General Laws in Chapter 44-64 entitled "The
19 Outpatient Health Care Facility Surcharge" is hereby amended to read as follows:

20 **44-64-3. Imposition of surcharge – Outpatient health care facility.** – (a) For the
21 purposes of this section, an "outpatient health care facility" means a person or governmental unit
22 that is licensed to establish, maintain, and operate a free-standing ambulatory surgery center or a
23 physician ambulatory surgery center or a podiatry ambulatory surgery center, in accordance with
24 chapter 17 of title 23.

25 (b) A surcharge at a rate of two percent (2.0%) shall be imposed upon the net patient
26 services revenue received each month by every outpatient health care facility. Every provider
27 shall pay the monthly surcharge no later than the twenty-fifth (25th) day of the month following
28 the month that the gross patient revenue is received. This surcharge shall be in addition to any
29 other authorized fees that have been assessed upon outpatient facilities.

30 (c) Effective July 1, 2015, a surcharge at a rate of one and one-half percent (1.5%) shall
31 be imposed upon the net patient services revenue received each month by every outpatient health
32 care facility. Every provider shall pay the monthly surcharge no later than the twenty-fifth (25th)
33 day of the month following the month that the gross patient revenue is received. This surcharge
34 shall be in addition to any other authorized fees that have been assessed upon outpatient facilities.

1 (d) Effective July 1, 2016, a surcharge at a rate of one percent (1.0%) shall be imposed
2 upon the net patient services revenue received each month by every outpatient health care facility.
3 Every provider shall pay the monthly surcharge no later than the twenty-fifth (25th) day of the
4 month following the month that the gross patient revenue is received. This surcharge shall be in
5 addition to any other authorized fees that have been assessed upon outpatient facilities.

6 (e) Effective July 1, 2017, a surcharge at a rate of one-half percent (0.5%) shall be
7 imposed upon the net patient services revenue received each month by every outpatient health
8 care facility. Every provider shall pay the monthly surcharge no later than the twenty-fifth (25th)
9 day of the month following the month that the gross patient revenue is received. This surcharge
10 shall be in addition to any other authorized fees that have been assessed upon outpatient facilities.

11 (f) Effective July 1, 2018, the surcharge imposed upon the net patient service revenue
12 under this chapter is hereby repealed.

13 SECTION 14. Section 44-65-3 of General Laws in Chapter 44-64 entitled “Imaging
14 Services Surcharge” is hereby amended to read as follows:

15 **44-65-3. Imposition of surcharge.** – (a) A surcharge shall be imposed upon the net
16 patient revenue received by every provider in each month at a rate of two percent (2.0%). Every
17 provider shall pay the monthly surcharge no later than the twenty-fifty (25th) day of each month
18 following the month of receipt of net patient services revenue. This surcharge shall be in addition
19 to any other fees or assessments upon the provider allowable by law.

20 (b) Effective July 1, 2015, a surcharge shall be imposed upon the net patient revenue
21 received by every provider in each month at a rate of one and one-half percent (1.5%). Every
22 provider shall pay the monthly surcharge no later than the twenty-fifty (25th) day of each month
23 following the month of receipt of net patient services revenue. This surcharge shall be in addition
24 to any other fees or assessments upon the provider allowable by law.

25 (c) Effective July 1, 2016, a surcharge shall be imposed upon the net patient revenue
26 received by every provider in each month at a rate of one percent (1.0%). Every provider shall
27 pay the monthly surcharge no later than the twenty-fifty (25th) day of each month following the
28 month of receipt of net patient services revenue. This surcharge shall be in addition to any other
29 fees or assessments upon the provider allowable by law.

30 (d) Effective July 1, 2017, a surcharge shall be imposed upon the net patient revenue
31 received by every provider in each month at a rate of one-half percent (0.5%). Every provider
32 shall pay the monthly surcharge no later than the twenty-fifty (25th) day of each month following
33 the month of receipt of net patient services revenue. This surcharge shall be in addition to any
34 other fees or assessments upon the provider allowable by law.

1 (e) Effective July 1, 2018, the surcharge imposed upon the net patient service revenue
2 under this chapter is hereby repealed.

3 SECTION 15. Title 44 of the General Laws entitled "Taxation" is hereby amended by
4 adding thereto the following chapter:

5 CHAPTER 70

6 THE NON-OWNER OCCUPIED PROPERTY TAX

7 **44-70-1. Short title.** – This chapter shall be known as "The Non-Owner Occupied
8 Property Tax."

9 **44-70-2. Purpose.** – (a) The state funds cities and towns pursuant to chapter § 45-13.

10 (b) There is a compelling state interest in protecting the tax base of its cities and towns.

11 (c) There are numerous non-owner occupied residential properties throughout the cities
12 and towns of Rhode Island assessed at values over \$1 million dollars (\$1,000,000).

13 (d) The existence of such properties within a city or town has an impact on the value of
14 real property within the cities and towns and the tax base within these cities and towns.

15 (e) Non-owner occupied properties sometimes place a greater demand on essential state,
16 city or town services such as police and fire protection than do occupied properties comparably
17 assessed for real estate tax purposes.

18 (f) The residents of non-owner occupied properties are not vested with a motive to
19 maintain such properties.

20 (g) The owners of non-owner occupied properties do not always contribute a fair share of
21 the costs of providing the foregoing essential state, city or town services financed in part by real
22 estate tax revenues, which revenues are solely based on the assessed value of properties.

23 (h) Some properties are deliberately left vacant by their owners in the hope that real
24 estate values will increase, thereby enabling the owners to sell these properties at a substantial
25 profit without making any of the necessary repairs or improvements to the property.

26 (i) The non-owner occupation of such property whether for profit speculation, tax benefit,
27 or any other purposes is the making use of that property and as such, is a privilege incident to the
28 ownership of the property.

29 (j) Owners of non-owner occupied properties must be encouraged to use the properties in
30 a positive manner to stop the spread of deterioration, to increase the stock of viable real estate
31 within a city or town, and to maintain real estate values within communities.

32 (k) Owners of non-owner occupied properties must be required, through a state's power
33 to tax, to pay a fair share of the cost of providing certain essential state services to protect the
34 public health, safety, and welfare.

1 (l) For all of the reasons stated within this section, the purpose of this chapter is to impose
2 a state-wide tax upon non-owner occupied residential property assessed at a value of one million
3 dollars (\$1,000,000) or more.

4 **44-70-3. Definitions.** – The following words and phrases as used in this chapter have the
5 following meaning:

6 (a) “Administrator” means the tax administrator within the department of revenue.

7 (b) “Assessed value” means the assessed value of the real estate as returned by the tax
8 assessor of the city or town where the property is located.

9 (c) “Person” means any individual, corporation, company, association, partnership, joint
10 stock association, and the legal successor thereof or any other entity or group organization against
11 which a tax may be assessed.

12 (d) “Non-owner occupied” means that the residential property is not occupied by the
13 owner of the property for a majority of the privilege year. A seasonal or vacation occupancy is
14 deemed non-owner occupied residency for the purposes of this chapter.

15 (e) “Non-owner occupied tax” means the assessment imposed upon the non-owner
16 occupied residential property assessed at one million dollars (\$1,000,000) or more pursuant to
17 this chapter.

18 (f) “Taxable year” means July 1 through June 30.

19 **44-70-4. Imposition of Tax.** – (a) The tax administrator of the state of Rhode Island is
20 empowered to impose a tax upon the privilege of utilizing property as non-owner occupied
21 residential property within the state during any privilege year commencing with the privilege year
22 beginning July 1, 2015 and every tax year thereafter. The non-owner occupied tax shall be in
23 addition to any other taxes authorized by the general or public laws.

24 **44-70-5. Exemptions:** – This act does not supersede any applicable exemption in the
25 general or public laws; provided, however, that the tax administrator shall be provided with the
26 alleged basis for that exemption in writing and may reject said alleged exemption if he/she deems
27 said exemption is not applicable.

28 **44-70-6. Rate of tax.** – The tax authorized by this chapter shall be measured by the
29 assessed value of the real estate at the rate two dollars and fifty cents (\$2.50) for each one
30 thousand dollars (\$1,000) or fractional part of the assessed value.

31 **44-70-7. Returns.** – (a) The tax imposed under authority of this chapter shall be due and
32 payable in four (4) equal installments. The first installment shall be paid on or before September
33 15 of the taxable year, the second installment shall be paid on or before December 15 of the
34 taxable year, the third installment shall be paid on or before March 15 of the taxable year, and

1 fourth installment shall be paid on or before June 15 of the taxable year.

2 (b) The tax administrator is authorized to adopt rules, pursuant to this chapter, relative to
3 the form of the return and the data that it must contained on the return for the correct computation
4 of the imposed tax. All returns shall be signed by the taxpayer or by its authorized representative,
5 subject to the pains and penalties of perjury. If a return shows an overpayment of the tax due, the
6 tax administrator shall refund or credit the overpayment to the taxpayer.

7 (c) The tax administrator, for good cause shown, may extend the time within which a
8 taxpayer is required to file a return, and if the return is filed during the period of extension. No
9 penalty or late filing charge may be imposed for failure to file the return at the time required by
10 this chapter, but the taxpayer shall be liable for interest as prescribed in this chapter. Failure to
11 file the return during the period for the extension shall void the extension.

12 **44-70-8. Set-off for delinquent payment of tax.** – If a taxpayer shall fail to pay a tax
13 within thirty (30) days of its due date, the tax administrator may request any agency of state
14 government making payments to the taxpayer to set-off the amount of the delinquency against
15 any payment due the taxpayer from the agency of state government and remit the sum to the tax
16 administrator. Upon receipt of the set-off request from the tax administrator, any agency of state
17 government is authorized and empowered to set-off the amount of the delinquency against any
18 payment or amounts due the taxpayer. The amount of set-off shall be credited against the tax due
19 from the taxpayer.

20 **44-70-9. Tax on available information – Interest on delinquencies – Penalties –**
21 **Collection powers.** – If any taxpayer shall fail to file a return within the time required by this
22 chapter, or shall file an insufficient or incorrect return, or shall not pay the tax imposed by this
23 chapter when it is due, the tax administrator shall assess the tax upon the information as may be
24 available, which shall be payable upon demand and shall bear interest at the annual rate provided
25 by § 44-1-7 of the Rhode Island general laws, as amended, from the date when the tax should
26 have been paid. If any part of the tax made is due to negligence or intentional disregard of the
27 provisions of this chapter, a penalty of ten percent (10%) of the amount of the determination shall
28 be added to the tax. The tax administrator shall collect the tax with interest in the same manner
29 and with the same powers as are prescribed for collection of taxes in this title.

30 **44-70-10. Claims for refund – Hearing upon denial.** – (a) Any taxpayer subject to the
31 provisions of this chapter, may file a claim for refund with the tax administrator at any time
32 within two (2) years after the tax has been paid. If the tax administrator determines that the tax
33 has been overpaid, he or she shall make a refund with interest from the date of overpayment.

34 (b) Any taxpayer whose claim for refund has been denied may, within thirty (30) days

1 from the date of the mailing by the administrator of the notice of the decision, request a hearing
2 and the administrator shall, as soon as practicable, set a time and place for the hearing and shall
3 notify the taxpayer.

4 **44-70-11. Hearing by tax administrator on application.** – Any taxpayer aggrieved by
5 the action of the tax administrator in determining the amount of any tax or penalty imposed under
6 the provisions of this chapter may apply to the tax administrator, within thirty (30) days after the
7 notice of the action is mailed to it, for a hearing relative to the tax or penalty. The tax
8 administrator shall fix a time and place for the hearing and shall so notify the taxpayer. Upon the
9 hearing the tax administrator shall correct manifest errors, if any, disclosed at the hearing and
10 thereupon assess and collect the amount lawfully due together with any penalty or interest
11 thereon.

12 **44-70-12. Appeals.** – (a) In any appeal from the imposition of the tax set forth in this
13 chapter, the tax administrator shall find in favor of an appellant who shows that the property
14 assessed:

15 (1) Was actively occupied by the owner during the privilege year for more than six (6)
16 months; or

17 (2) Was exempt pursuant to the Rhode Island General or Public laws from the imposition
18 of the tax set forth in that section.

19 (b) Appeals from administrative orders or decisions made pursuant to any provisions of
20 this chapter shall be to the sixth division district court pursuant to chapter 8 of title 8 of the Rhode
21 Island general laws, as amended. The taxpayer's right to appeal under this section shall be
22 expressly made conditional upon prepayment of all surcharges, interest, and penalties unless the
23 taxpayer moves for and is granted an exemption from the prepayment requirement pursuant to §
24 8-8-26 of the Rhode Island general laws, as amended. If the court, after appeal, holds that the
25 taxpayer is entitled to a refund, the taxpayer shall also be paid interest on the amount at the rate
26 provided in § 44-1-7.1 of the Rhode Island general laws, as amended.

27 **44-70-13. Taxpayer records.** – Every taxpayer shall:

28 (1) Keep records as may be necessary to determine the amount of its liability under this
29 chapter, including, but not limited to: rental agreements, payments for rent, bank statements for
30 payment of residential expenses, utility bills, and any other records establishing residency or non-
31 residency.

32 (2) Preserve those records for the period of three (3) years following the date of filing of
33 any return required by this chapter, or until any litigation or prosecution under this chapter is
34 finally determined.

1 (3) Make those records available for inspection by the administrator or his/her authorized
2 agents, upon demand, at reasonable times during regular business hours.

3 **44-70-14. Rules and regulations.** – The tax administrator is authorized to make and
4 promulgate rules, regulations, and procedures not inconsistent with state law and fiscal
5 procedures as he or she deems necessary for the proper administration of this chapter and to carry
6 out the provisions, policies, and purposes of this chapter.

7 **44-65-15. Severability.** – If any provision of this chapter or the application of this
8 chapter to any person or circumstances is held invalid, that invalidity shall not affect other
9 provisions or applications of the chapter that can be given effect without the invalid provision or
10 application, and to this end the provisions of this chapter are declared to be severable. It is
11 declared to be the legislative intent that this chapter would have been adopted had those
12 provisions not been included or that person, circumstance, or time period been expressly excluded
13 from its coverage.

14 SECTION 16. This article shall take effect as of July 1, 2015.

15 ARTICLE 12

16 RELATING TO TOBACCO SETTLEMENT FINANCING TRUST

17 SECTION 1. Article 4, Section 7 of Chapter 145 of the Public Laws of 2014, enacted in
18 Article 4 of 14-H-7133 Sub A as amended and approved on June 19, 2014, is hereby amended to
19 read as follows:

20 SECTION 7. – The Corporation shall make the following transfers from the Tobacco
21 Settlement Financing Trust:

22 (1) Five million dollars (\$5,000,000) to the state general fund in FY 2015;

23 (2) Nineteen million dollars (\$19,000,000) to the state general fund in FY 2016;

24 ~~(3)~~ (3) Five million dollars (\$5,000,000) to the municipal road and bridge revolving fund,
25 established pursuant to § 24-18-4 of the Rhode Island general laws; and

26 ~~(4)~~ (4) All remaining net bond proceeds to the information technology investment fund,
27 established pursuant to § 42-11-2.5 of the Rhode Island general laws.

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

29 ARTICLE 13

30 RELATING TO RESTRICTED RECEIPT ACCOUNTS

31 SECTION 1. Section 35-4-27 of the General Laws in Chapter 35-4 entitled “State Funds”
32 is hereby amended to read as follows:

33 **35-4-27. Indirect cost recoveries on restricted receipt accounts.** – Indirect cost
34 recoveries of ten percent (10%) of cash receipts shall be transferred from all restricted receipt

1 accounts, to be recorded as general revenues in the general fund. However, there shall be no
2 transfer from cash receipts with restrictions received exclusively: (1) from contributions from
3 non-profit charitable organizations; (2) from the assessment of indirect cost recovery rates on
4 federal grant funds; or (3) through transfers from state agencies to the department of
5 administration for the payment of debt service. These indirect cost recoveries shall be applied to
6 all accounts, unless prohibited by federal law or regulation, court order, or court settlement. The
7 following restricted receipt accounts shall not be subject to the provisions of this section:

- 8 Executive Office of Health and Human Services
- 9 Organ Transplant Fund
- 10 HIV Care Grant Drug Rebates
- 11 Department of Human Services
- 12 Veterans' home – Restricted account
- 13 Veterans' home – Resident benefits
- 14 Pharmaceutical Rebates Account
- 15 Demand Side Management Grants
- 16 Veteran's Cemetery Memorial Fund
- 17 Donations- New Veterans' Home Construction
- 18 Department of Health
- 19 Providence Water Lead Grant
- 20 Pandemic medications and equipment account
- 21 [Miscellaneous Donations/Grants from Non-Profits](#)
- 22 [State Loan Repayment Match](#)
- 23 Department of Behavioral Healthcare, Developmental Disabilities and Hospitals
- 24 Eleanor Slater non-Medicaid third-party payor account
- 25 Hospital Medicare Part D Receipts
- 26 RICLAS Group Home Operations
- 27 Commission on the Deaf and Hard of Hearing
- 28 Emergency and public communication access account
- 29 Department of Environmental Management
- 30 National heritage revolving fund
- 31 Environmental response fund II
- 32 Underground storage tanks registration fees
- 33 Rhode Island Historical Preservation and Heritage Commission
- 34 Historic preservation revolving loan fund

1 Historic Preservation loan fund – Interest revenue
2 Department of Public Safety
3 Forfeited property – Retained
4 Forfeitures – Federal
5 Forfeited property – Gambling
6 Donation – Polygraph and Law Enforcement Training
7 Rhode Island State Firefighter's League Training Account
8 Fire Academy Training Fees Account
9 Attorney General
10 Forfeiture of property
11 Federal forfeitures
12 Attorney General multi-state account
13 Forfeited property – Gambling
14 Department of Administration
15 RI Health Benefits Exchange
16 Office of Management and Budget
17 Information Technology Investment Fund
18 Restore and replacement – Insurance coverage
19 Convention Center Authority rental payments
20 Investment Receipts – TANS
21 Car Rental Tax/Surcharge-Warwick Share
22 Housing Resources Commission Restricted Account
23 Legislature
24 Audit of federal assisted programs
25 Department of Children, Youth and Families
26 Children's Trust Accounts – SSI
27 Military Staff
28 RI Military Family Relief Fund
29 RI National Guard Counterdrug Program
30 Treasury
31 Admin. Expenses – State Retirement System
32 Retirement – Treasury Investment Options
33 [Defined Contribution – Administration - RR](#)
34 Violent Crimes Compensation – Refunds

1 Treasury Research Fellowship
2 Business Regulation
3 Banking Division Reimbursement Account
4 Office of the Health Insurance Commissioner Reimbursement Account
5 Securities Division Reimbursement Account
6 Commercial Licensing and Racing and Athletics Division Reimbursement Account
7 Insurance Division Reimbursement Account
8 Historic Preservation Tax Credit Account.
9 Judiciary
10 Arbitration Fund Restricted Receipt Account
11 Third Party Grants
12 [RI Judiciary Technology Surcharge Account](#)
13 Department of Elementary and Secondary Education
14 Statewide Student Transportation Services Account
15 School for the Deaf Fee for Service Account
16 Davies Career and Technical School Local Education Aid Account
17 [Davies – National School Breakfast & Lunch Program](#)
18 Department of Labor and Training
19 Job Development Fund
20 Department of Transportation
21 Rhode Island Highway Maintenance Account

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

23 **ARTICLE 14**

24 RELATING TO STATE BUDGET

25 SECTION 1. Section 35-6-1 of the General Laws in Chapter 35-6 entitled “Accounts and
26 Control” is hereby amended to read as follows:

27 **35-6-1. Controller – Duties in general.** – (a) Within the department of administration
28 there shall be a controller who shall be appointed by the director of administration pursuant to
29 chapter 4 of title 36. The controller shall be responsible for accounting and expenditure control
30 and shall be required to:

31 (1) Administer a comprehensive accounting and recording system which will classify the
32 transactions of the state departments and agencies in accordance with the budget plan;

33 (2) Maintain control accounts for all supplies, materials, and equipment for all
34 departments and agencies except as otherwise provided by law;

1 (3) Prescribe a financial, accounting, and cost accounting system for state departments
2 and agencies;

3 (4) Preaudit all state receipts and expenditures;

4 (5) Prepare financial statements required by the several departments and agencies, by the
5 governor, or by the general assembly;

6 (6) Approve the orders drawn on the general treasurer; provided, that the preaudit of all
7 expenditures under authority of the legislative department and the judicial department by the state
8 controller shall be purely ministerial, concerned only with the legality of the expenditure and
9 availability of the funds, and in no event shall the state controller interpose his or her judgment
10 regarding the wisdom or expediency of any item or items of expenditure;

11 (7) Prepare and timely file, on behalf of the state, any and all reports required by the
12 United States, including, but not limited to, the internal revenue service, or required by any
13 department or agency of the state, with respect to the state payroll; and

14 (8) Prepare a preliminary closing statement for each fiscal year. The controller shall
15 forward the statement to the chairpersons of the house finance committee and the senate finance
16 committee, with copies to the house fiscal advisor and the senate fiscal and policy advisor, by
17 September 1 following the fiscal year ending the prior June 30 or thirty (30) days after enactment
18 of the appropriations act, whichever is later. The report shall include but is not limited to:

19 (i) A report of all revenues received by the state in the completed fiscal year, together
20 with the estimates adopted for that year as contained in the final enacted budget, and together
21 with all deviations between estimated revenues and actual collections. The report shall also
22 include cash collections and accrual adjustments;

23 (ii) A comparison of actual expenditures with each of the actual appropriations, including
24 supplemental appropriations and other adjustments provided for in the Rhode Island General
25 Laws;

26 (iii) A statement of the opening and closing surplus in the general revenue account; and
27 (iv) A statement of the opening surplus, activity, and closing surplus in the state budget
28 reserve and cash stabilization account and the state bond capital fund.

29 (b) The controller shall provide supporting information on revenues, expenditures, capital
30 projects, and debt service upon request of the house finance committee chairperson, senate
31 finance committee chairperson, house fiscal advisor, or senate fiscal and policy advisor.

32 (c) Upon issuance of the audited annual financial statement, the controller shall provide a
33 report of the differences between the preliminary financial report and the final report as contained
34 in the audited annual financial statement.

1 (d) Upon issuance of the audited financial statement and a determination by the director
2 of the office of management and budget that there is no projected deficit for the current fiscal
3 year, the controller shall transfer all general revenues received in the completed fiscal year, net of
4 transfer to the state budget reserve and cash stabilization account as required by § 35-3-20, in
5 excess of those estimates adopted for that year as contained in the final enacted budget to the
6 employees' retirement system of the state of Rhode Island as defined in § 36-8-2. There shall be
7 no transfer of excess revenues from FY 2014, as determined by the Controller's fiscal year 2014
8 final audit, to the employees' retirement system in FY 2015.

9 (e) The controller shall create a special fund not part of the general fund and shall deposit
10 amounts equivalent to all deferred contributions under this act into that fund. Any amounts
11 remaining in the fund on June 15, 2010, shall be transferred to the general treasurer who shall
12 transfer such amounts into the retirement system as appropriate.

13 (f) The controller shall implement a direct deposit payroll system for state employees.

14 (i) There shall be no service charge of any type paid by the state employee at any time
15 which shall decrease the net amount of the employee's salary deposited to the financial institution
16 of the personal choice of the employee as a result of the use of direct deposit.

17 (ii) Employees hired after September 30, 2014, shall participate in the direct deposit
18 system. At the time the employee is hired, the employee shall identify a financial institution that
19 will serve as a personal depository agent for the employee.

20 (iii) No later than June 30, 2016, each employee hired before September 30, 2014, who is
21 not a participant in the direct deposit system, shall identify a financial institution that will serve as
22 a personal depository agent for the employee.

23 (iv) The controller shall promulgate rules and regulations as necessary for
24 implementation and administration of the direct deposit system, which shall include limited
25 exceptions to required participation.

26 SECTION 2. Sections 35-16-1 and 35-16-2 of the General Laws in Chapter 35-17
27 entitled "Revenue Estimating Conferences" are hereby amended to read as follows:

28 **35-16-1. Purpose and membership.** – (a) In order to provide for a more stable and
29 accurate method of financial planning and budgeting and to facilitate the adoption of a balanced
30 budget wherein appropriations and expenditures do not exceed anticipated revenues, as is
31 required by the statutes and constitution of Rhode Island, it is hereby declared the intention of the
32 legislature that there be a procedure for the determination of an official estimate of anticipated
33 state revenues upon which the executive budget shall be based and beyond which appropriations
34 by the legislature and expenditures by the state shall not exceed.

1 (b) The budget office, the house fiscal advisor, and the senate fiscal advisor shall meet in
2 regularly scheduled consensus revenue estimating conferences (R.E.C.). These conferences shall
3 be open public meetings.

4 (c) The chairpersonship of each regularly scheduled R.E.C. will rotate among the state
5 budget officer, the house fiscal advisor, and the senate fiscal advisor, hereinafter referred to as
6 principals. The schedule shall be arranged so that no chairperson shall preside over two (2)
7 successive regularly scheduled conferences on the same subject.

8 ~~(d) Representatives of all state agencies, including by way of illustration, and not by way
9 of limitation, the division of taxation, department of transportation, department of business
10 regulation, department of health, and the office of general treasurer and any other state agency or
11 board responsible for a revenue source under consideration by the R.E.C., are to participate in all
12 conferences for which their input is germane.~~ The department of revenue and legislative
13 economist shall provide estimates for state revenues at each R.E.C with associated methodology.
14 The department of revenue and legislative economist shall develop or obtain an economic
15 forecast upon which to base revenue estimates. The economic forecast shall be available to each
16 principal in a timely fashion for each principal to review before meetings.

17 **35-16-2. Meetings.** – (a) The principals of the R.E.C. shall meet within the first ten (10)
18 days of February, May and November of each year.

19 (b) The primary purpose of regularly scheduled conferences is to ~~prepare~~ reconcile
20 economic forecasts and forecast revenue estimates between the department of revenue and
21 legislative economist, and review current revenue collections under current tax law. The
22 conference principals can agree, however, to address special legislation or special topics.

23 (c) Prior to each R.E.C., the principals will determine the documentation and information
24 necessary to support that conference.

25 (d) No votes will be taken in the revenue estimating conferences. These are truly
26 consensus conferences and all principals must agree and are bound to the conference
27 recommendations.

28 SECTION 3. Sections 35-16-5 and 35-16-7 of the General Laws in Chapter 35-16
29 entitled “Revenue Estimating Conferences” are hereby repealed.

30 ~~**35-16-5. Staff support for meetings.** – (a) The R.E.C. chairperson and his or her staff
31 will be responsible for preparing and distributing work papers before each conference. Each
32 participant and principal will be responsible for providing the chairperson with the appropriate
33 materials for the work papers on a schedule determined by the chairperson. Failure to meet this
34 schedule shall be grounds, at the chairperson's option, to delay the conference.~~

1 ~~(b) Work papers will include a side by side comparison of the revenue scenarios~~
2 ~~advocated by each of the principals. This analysis and its side by side presentation will be~~
3 ~~completed in time to distribute to each R.E.C. party at least one full day prior to the scheduled~~
4 ~~meeting date.~~

5 ~~(c) The principals may request each participant to provide the R.E.C. chairperson and the~~
6 ~~remaining principals an independent revenue estimate and supporting information for each~~
7 ~~revenue source under the responsibility of the participant's agency. This information should be~~
8 ~~provided on a schedule provided by the conference chairperson and will be included in the~~
9 ~~conference comparison report.~~

10 ~~(d) The principals may request that each participant shall notify the R.E.C. chairperson of~~
11 ~~any prospective administrative changes contemplated by their respective agency which will affect~~
12 ~~the cash flow of any revenue source under consideration.~~

13 ~~(e) For general revenue conferences, the principals shall adopt a consensus economic~~
14 ~~forecast upon which to base revenue estimates. The principals shall obtain the services of~~
15 ~~economists and economic forecast services as required for this purpose. The consensus economic~~
16 ~~forecast shall be available to each principal in a timely fashion for each principal to prepare~~
17 ~~revenue estimates.~~

18 ~~**35-16-7. Two year budget cycle study.** The budget office, the house fiscal advisor,~~
19 ~~and the senate fiscal advisor along with the house and senate fiscal staff and legal counsel shall~~
20 ~~study the feasibility and benefits of adopting a two (2) year budget cycle, and shall report in~~
21 ~~writing to the governor, the speaker of the house of representatives, and the president of the~~
22 ~~senate on or before January 2, 1994. The report shall address not only the benefits, if any, but also~~
23 ~~any disadvantages and/or legal impediments, constitutional and/or statutory, to adopting such a~~
24 ~~budget cycle.~~

25 SECTION 4. Chapter 35-17 of the General Laws entitled "Medical Assistance and Public
26 Assistance Caseload Estimating Conferences" is hereby renamed "Medical Assistance Caseload
27 Estimating Conferences".

28 SECTION 5. Sections 35-17-1 and 35-17-2 of the General Laws in Chapter 35-17
29 entitled "Medical Assistance and Public Assistance Caseload Estimating Conferences" are hereby
30 amended to read as follows:

31 **35-17-1 Purpose and membership.** – (a) In order to provide for a more stable and
32 accurate method of financial planning and budgeting, it is hereby declared the intention of the
33 legislature that there be a procedure for the determination of official estimates of anticipated
34 medical assistance expenditures ~~and public assistance caseloads~~, upon which the executive budget

1 shall be based and for which appropriations by the general assembly shall be made.

2 (b) The state budget officer, the house fiscal advisor, and the senate fiscal advisor shall
3 meet in regularly scheduled caseload estimating conferences (C.E.C.). These conferences shall be
4 open public meetings.

5 (c) The chairpersonship of each regularly scheduled C.E.C. will rotate among the state
6 budget officer, the house fiscal advisor, and the senate fiscal advisor, hereinafter referred to as
7 principals. The schedule shall be arranged so that no chairperson shall preside over two (2)
8 successive regularly scheduled conferences on the same subject.

9 (d) Representatives of all state agencies are to participate in all conferences for which
10 their input is germane.

11 (e) The ~~department of human services~~ executive office of health and human services shall
12 provide monthly data to the members of the caseload estimating conference by the fifteenth day
13 of the following month. ~~Monthly data shall include, but is not limited to, actual caseloads and~~
14 ~~expenditures for the following case assistance programs: Rhode Island Works, SSI state program,~~
15 ~~general public assistance, and child care.~~ The executive office of health and human services shall
16 report relevant caseload information and expenditures for the following medical assistance
17 categories: hospitals, long-term care, managed care, pharmacy, ~~and~~ other medical services,
18 integrated care, and medicaid expansion. In the category of managed care, caseload information
19 and expenditures for the following populations shall be separately identified and reported:
20 children with disabilities, children in foster care, and children receiving adoption assistance. The
21 information shall include the number of Medicaid recipients whose estate may be subject to a
22 recovery, the anticipated recoveries from the estate and the total recoveries collected each month.

23 **35-17-2. Meetings.** – (a) The principles of the C.E.C. shall meet within the first ten (10)
24 days of February, May, and November of each year.

25 (b) The primary purpose of regularly scheduled conferences is to forecast medical
26 assistance ~~and public assistance~~ caseloads and associated expenditures for the medical assistance
27 program administered by the executive office of health and human services, financing for which
28 is appropriated within the budget of the executive of health and human services. The conference
29 principals can agree, however, to address special legislation or special topics.

30 (c) Prior to each caseload estimating conference, the principals will determine the
31 documentation and information necessary to support that conference.

32 (d) No votes will be taken in the caseload estimating conferences. These are truly
33 consensus conferences and all principals must agree and are bound to the conference
34 recommendations.

1 (e) In the interim period between departmental testimony and the day designated for the
2 adoption of consensus estimates, the principals and /or representatives of the state budget office,
3 the house fiscal advisory staff, and the senate fiscal advisory staff may meet with officials of the
4 executive office of health and human services to further review material presented at testimony,
5 propose modifications to estimates contained therein, and ultimately to reach provisional
6 consensus estimates. These estimates will be presented at the caseload estimating conference and
7 will become the officially adopted estimates provided they are unanimously ratified by the
8 principals of the C.E.C. The executive office of health and human services will be granted the
9 opportunity to rebut these estimates in the event of disagreement, and the principals will take
10 these objections into account prior to adopting final estimates.

11 SECTION 6. Section 35-17-4 of the General Laws in Chapter 35-17 entitled “Medical
12 Assistance and Public Assistance Caseload Estimating Conferences” is hereby repealed.

13 ~~**35-17-4. Impact meetings.** (a) The caseload estimating conference principals, along~~
14 ~~with the appropriate participants, will meet from time to time to compare current caseload data~~
15 ~~with the most recent financial projections as required by § 35-3-1(6). Any principal can call an~~
16 ~~impact meeting at any time.~~

17 ~~(b) Following each legislative session, the principals, along with the appropriate~~
18 ~~participants, shall meet and review all changes in legislation affecting caseloads and shall amend~~
19 ~~the official recommendations of the caseload estimating conference accordingly.~~

20 SECTION 7. Section 35-3-7 of the General Laws in Chapter 35-3 entitled “State Budget”
21 is hereby amended to read as follows:

22 **35-3-7. Submission of budget to general assembly – Contents.** – (a) On or before the
23 third Thursday in ~~January~~ February in each year of each January session of the general assembly,
24 the governor shall submit to the general assembly a budget containing a complete plan of
25 estimated revenues and proposed expenditures, with a personnel supplement detailing the number
26 and titles of positions of each agency and the estimates of personnel costs for the next fiscal year,
27 and with the inventory required by § 35-1.1-3(b)(4). Provided, however, in those years that a new
28 governor is inaugurated, the new governor shall submit the budget on or before the ~~first~~ second
29 Thursday in March ~~February~~. In the budget the governor may set forth in summary and detail:

30 (1) Estimates of the receipts of the state during the ensuing fiscal year under laws existing
31 at the time the budget is transmitted and also under the revenue proposals, if any, contained in the
32 budget, and comparisons with the estimated receipts of the state during the current fiscal year, as
33 well as actual receipts of the state for the last two (2) completed fiscal years.

34 (2) Estimates of the expenditures and appropriations necessary in the governor's

1 judgment for the support of the state government for the ensuing fiscal year, and comparisons
2 with appropriations for expenditures during the current fiscal year, as well as actual expenditures
3 of the state for the last two (2) complete fiscal years.

4 (3) Financial statements of the:

5 (i) Condition of the treasury at the end of the last completed fiscal year;

6 (ii) The estimated condition of the treasury at the end of the current fiscal year; and

7 (iii) Estimated condition of the treasury at the end of the ensuing fiscal year if the
8 financial proposals contained in the budget are adopted.

9 (4) All essential facts regarding the bonded and other indebtedness of the state.

10 (5) A report indicating those program revenues and expenditures whose funding source is
11 proposed to be changed from state appropriations to restricted receipts, or from restricted receipts
12 to other funding sources.

13 (6) Such other financial statements and data as in the governor's opinion are necessary or
14 desirable.

15 (b) Any other provision of the general laws to the contrary notwithstanding, the proposed
16 appropriations submitted by the governor to the general assembly for the next ensuing fiscal year
17 should not be more than five and one-half percent (5.5%) in excess of total state appropriations,
18 excluding any estimated supplemental appropriations, enacted by the general assembly for the
19 fiscal year previous to that for which the proposed appropriations are being submitted; provided
20 that the increased state-share provisions required to achieve fifty percent (50%) state financing of
21 local school operations as provided for in P.L. 1985, ch. 182, shall be excluded from the
22 definition of total appropriations.

23 ~~(e) Notwithstanding the provisions of § 35-3-7(a), the governor shall submit to the~~
24 ~~general assembly a budget for the fiscal year ending June 30, 2006, not later than the fourth (4th)~~
25 ~~Thursday in January 2005.~~

26 ~~(d) Notwithstanding the provisions of § 35-3-7(a), the governor shall submit to the~~
27 ~~general assembly a supplemental budget for the fiscal year ending June 30, 2006, and/or a budget~~
28 ~~for the fiscal year ending June 30, 2007, not later than Thursday, January 26, 2006.~~

29 ~~(e) Notwithstanding the provisions of § 35-3-7(a), the governor shall submit to the~~
30 ~~general assembly a supplemental budget for the fiscal year ending June 30, 2007, and/or a budget~~
31 ~~for the fiscal year ending June 30, 2008, not later than Wednesday, January 31, 2007.~~

32 ~~(f) Notwithstanding the provisions of § 35-3-7(a), the governor shall submit to the~~
33 ~~general assembly a budget for the fiscal year ending June 30, 2012, not later than Thursday,~~
34 ~~March 10, 2011.~~

1 ~~(g) Notwithstanding the provisions of § 35-3-7(a), the governor shall submit to the~~
2 ~~general assembly a budget for the fiscal year ending June 30, 2013, not later than Tuesday,~~
3 ~~January 31, 2012.~~

4 SECTION 8. Section 1 of this article shall take effect as of July 1, 2014; all other sections
5 shall take effect upon passage.

6 ARTICLE 15

7 RELATING TO THE RHODE ISLAND LOCAL AGRICULTURE AND SEAFOOD ACT & 8 COMMERCIAL FEEDS

9 SECTION 1. Sections 2-25-5, 2-25-6, and 2-25-7 of the General Laws in Chapter 2-25
10 entitled "The Rhode Island Local Agricultural and Seafood Act" are hereby amended to read as
11 follows:

12 **2-25-5. Small grants and technical assistance program established.** – The department
13 of environmental management shall establish the local agriculture and seafood small grants and
14 technical assistance program. Through the program the department shall: (1) Assist in the
15 marketing of Rhode Island grown agricultural products and local seafood for the purpose of sale
16 and promotion within the state of Rhode Island or United States; (2) Enhance the economic
17 competitiveness of Rhode Island grown agricultural products and local seafood; (3) Provide
18 financial and technical assistance support to organizations and farmers for activities and programs
19 which enhance the economic viability of local agriculture, and support the development of a
20 locally based, safe and sustainable food system; (4) Provide individual farm grants to small or
21 beginning Rhode Island farmers that support ~~the entry or~~ sustainability and commerce within the
22 respective industry; (5) Work with the state department of health to further develop and support
23 food safety related programs and standards pertaining to local agriculture and seafood; and (6)
24 Perform other activities necessary to facilitate the success and viability of the state's agricultural
25 and seafood sectors.

26 **2-25-6. Local agriculture and seafood small grants and technical assistance fund**
27 **established and solicitation of funding.** – (a) For the purpose of paying the costs to the
28 department of environmental management of administering the local agriculture and seafood
29 small grants and technical assistance program and for the purpose of carrying out the purposes of
30 the program as stated in subdivisions 2-25-5(3) and 2-25-5(4) a restricted receipt account is
31 hereby created and known as the "local agriculture and seafood small grants and technical
32 assistance fund."

33 (b) The local agriculture and seafood small grants and technical assistance program shall
34 receive forty dollars (\$40.00) of the one-hundred dollar fee (\$100.00) required to register

1 commercial feed products in Rhode Island pursuant to § 4-2-4 (b) in order to carry out the
2 purposes of the program established in § 2-25-5. The fee shall be deposited into the local
3 agriculture and seafood small grants and technical assistance fund.

4 ~~(b)~~(c) The local agriculture and seafood small grants and technical assistance program
5 shall be empowered to apply for and receive from any federal, state, or local agency, private
6 foundation, or individual, any grants, appropriations, or gifts in order to carry out the purposes of
7 the program established in § 2-25-5.

8 **2-25-7. Use of funds.** – (a) A non-profit entity or small or beginning farmer may apply to
9 the department of environmental management for a grant to be used to fulfill the purposes of the
10 program as stated in subdivisions 2-25-5(3) and 2-25-5(4). Any grant disbursed under this
11 program shall not exceed twenty thousand dollars (\$20,000) per year or ten percent (10%) of the
12 total yearly aggregate funding granted to the program from any federal, state, or local agency,
13 private foundation, or individual, whichever amount is greater. Applications for grants authorized
14 under this section shall:

15 (1) Provide a brief summary of the nonprofit entity or small or beginning farmer's
16 mission, goals, history, programs, and major accomplishments, success stories and qualifications;

17 (2) Briefly describe the proposed project or program, the capacity to carry out the
18 program and who will benefit from the program;

19 (3) Describe the expected outcomes and the indicators of those outcomes;

20 (4) Outline the timeline to be used in the implementation of the program or project; and

21 (5) Provide a program or project budget.

22 (b) The funds shall also be used by the department to provide administrative and
23 technical support of the program, and to leverage program funds with other potential federal, state
24 or nonprofit funding sources, and shall serve to develop, implement and enforce when appropriate
25 food safety related standards and programs related to local agriculture and seafood in
26 coordination with the Rhode Island department of health and appropriate federal agencies.

27 SECTION 2. Section 4-2-4 of the General laws in Chapter 4-2 entitled “Commercial
28 Feeds” is hereby amended to read as follows:

29 **4-2-4. Registration.** – (a) No person shall manufacture a commercial feed in this state,
30 unless he or she has filed with the director on forms provided by the director, his or her name,
31 place of business and location of each manufacturing facility in this state.

32 (b) No person shall distribute in this state a commercial feed except a customer formula
33 feed, which has not been registered pursuant to this section. The application for registration,
34 accompanied by a ~~sixty dollar (\$60.00)~~ one-hundred dollar (\$100.00) per brand registration fee,

1 shall be submitted in the manner prescribed by the director, on forms furnished by the director. A
2 tag, label, or facsimile for each brand to be registered must accompany the application. Upon
3 approval by the director, the registration shall be issued to the applicant. All registrations expire
4 on the 31st day of December of each year.

5 (c) The director is empowered to refuse registration of any commercial feed not in
6 compliance with this chapter and to cancel any registration subsequently found not to be in
7 compliance with any provisions of this chapter provided, that no registration shall be refused or
8 canceled unless the registrant has been given an opportunity to be heard before the director and to
9 amend his or her application in order to comply with the requirements of this chapter.

10 (d) Changes of either chemical or ingredient composition of a registered commercial feed
11 may be permitted with no new registration required provided there is satisfactory evidence that
12 those changes would not result in a lowering of the guaranteed analysis of the product for the
13 purpose for which designed, and provided a new label is submitted to the director notifying the
14 director of the change.

15 (e) ~~All moneys~~ Sixty percent (60%) of the fees received by the director under this chapter
16 shall be deposited as general revenues, ~~and shall consist of all fertilizer registration and tonnage~~
17 ~~fees paid pursuant to §§ 2-7-4 and 2-7-6 and fees paid pursuant to § 4-2-4.~~ Forty percent (40%) of
18 the fees received under this chapter shall be deposited in the local agriculture and seafood small
19 grants and technical assistance fund in accordance with § 2-25-6 for the administration of the
20 local agriculture and seafood small grants and technical assistance program pursuant to § 2-25-5.

21 (f) All moneys appropriated for the feed and fertilizer quality testing program shall be
22 made available for the following purposes:

23 (1) To support the feed and fertilizer testing laboratory for the testing and analysis of
24 commercial feeds distributed within this state for the expressed purpose of detection of
25 deficiency.

26 (2) For payment of ancillary services, personnel and equipment incurred in order to carry
27 out the purposes of quality assurance defined by this chapter.

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

29 **ARTICLE 16**

30 **RELATING TO BAYS, RIVERS AND WATERSHEDS**

31 SECTION 1. Chapter 46-31 of the General Laws entitled “The Rhode Island Bays,
32 Rivers and Watersheds Coordination Team” is hereby repealed in its entirety:

33 ~~**46-31-1. Legislative findings.** The general assembly hereby finds and declares as~~
34 ~~follows:~~

1 ~~(1) The bays, rivers, and associated watersheds of Rhode Island are unique and~~
2 ~~unparalleled natural resources that provide significant cultural, ecological, and economic benefit~~
3 ~~to the state.~~

4 ~~(2) Pursuant to the provisions of R.I. Const., art. 1, § 17, it is the duty of the general~~
5 ~~assembly to provide for the conservation of the air, land, water, plant, animal, mineral, and other~~
6 ~~natural resources of the state; and to adopt all means necessary and proper by law to protect the~~
7 ~~natural environment of the people of the state by providing adequate resource planning for the~~
8 ~~control and regulation of the use of the natural resources of the state; and for the preservation,~~
9 ~~regeneration, and restoration of the natural environment of the state.~~

10 ~~(3) It is in the best interest of the state and its citizens to preserve, protect, and restore our~~
11 ~~bays, rivers, and associated watersheds.~~

12 ~~(4) Sixty percent (60%) of the watershed of Narragansett Bay is within Massachusetts,~~
13 ~~almost all of the watershed of Mount Hope Bay is within Massachusetts, and five percent (5%) of~~
14 ~~the watershed of Little Narragansett Bay is within Connecticut; further, a cluster of water related~~
15 ~~economic interests spans the three (3) states.~~

16 ~~(5) There are a number of separate agencies of the state defined by statute, granted~~
17 ~~statutory authority, and appropriated state resources for the performance of distinct functions, the~~
18 ~~development of various programs, and the execution of diverse regulatory powers that affect the~~
19 ~~bays, rivers, and watersheds of Rhode Island including management, preservation, restoration,~~
20 ~~and monitoring of the natural resources, and promotion of sustainable economic development of~~
21 ~~the water cluster. It is important to retain these various agencies as separate and distinct entities.~~
22 ~~Each agency has essential and distinct responsibilities. However, each of these agencies has~~
23 ~~limited responsibilities and jurisdictions. No one agency has the statutory authority to adequately~~
24 ~~address the full range of issues that pertain to the bays, rivers, and watersheds.~~

25 ~~(6) The formation of an interagency group for the coordination of the functions,~~
26 ~~programs, and regulations that affect the bays, rivers, and watersheds is the most effective way to~~
27 ~~transcend the limited responsibilities and jurisdictions of each agency, address complex issues~~
28 ~~using an ecosystem based approach, and provide for continuity over time.~~

29 ~~(7) There is a need for coordination of the development and implementation of policies~~
30 ~~and plans for the management, preservation, restoration, and monitoring of the bays, rivers, and~~
31 ~~watersheds; and the promotion of sustainable economic development of businesses that rely~~
32 ~~directly or indirectly on the bays, rivers, and watersheds.~~

33 ~~(8) There is a need for the development of a systems level plan that synthesizes~~
34 ~~individual plans and coordinates separate authorities. The systems level plan must establish~~

1 ~~overall goals and priorities, set forth a strategy for obtaining goals which delineates specific~~
2 ~~responsibilities among agencies, identify funding sources and a timetable for obtaining goals,~~
3 ~~provide an estimate of the total projected cost of implementation, and oversee a monitoring~~
4 ~~strategy to evaluate progress in implementing the plan and to provide the necessary information~~
5 ~~to adapt the plan in response to changing conditions.~~

6 ~~(9) The implementation of a systems level plan needs to include the preparation of~~
7 ~~coordinated annual work plans, annual work plan budgets, and multi-year funding plans in order~~
8 ~~to identify areas of duplicative or insufficient effort or funding.~~

9 ~~(10) The development and implementation of a systems level plan must be coordinated~~
10 ~~with local and federal efforts and efforts in Massachusetts and Connecticut and in some cases~~
11 ~~with other states in the region that have connections with the ecosystem and/or the water cluster.~~
12 ~~It must be accomplished with input from scientists, policy makers, non governmental~~
13 ~~organizations, and the general public.~~

14 ~~(11) There is a need for a structure and process that enhances the efficiency of the goal~~
15 ~~setting and oversight roles of the legislature including fiscal and performance accountability.~~

16 ~~**46-31-2. Definitions.** As used in this chapter, unless the context clearly indicates~~
17 ~~otherwise:~~

18 ~~(1) "Bays" means the estuaries including Narragansett Bay, Mount Hope Bay, Greenwich~~
19 ~~Bay, Little Narragansett Bay, the coastal ponds, the Sakonnet River, and Rhode Island territorial~~
20 ~~waters that extend seaward three geographical miles from the shoreline including the area around~~
21 ~~Block Island.~~

22 ~~(2) "Chair" means the chairperson of the coordination team.~~

23 ~~(3) "Coordination" means to harmonize in a common action or effort and/or to function in~~
24 ~~a complementary manner.~~

25 ~~(4) "Coordination team" or "team" means the Rhode Island Bays, Rivers, and Watersheds~~
26 ~~Coordination Team that is the group of senior executive officials created in § 46-31-3.~~

27 ~~(5) "Ecosystem based plan" means a plan that addresses the complex interrelationships~~
28 ~~among the ocean, land, air, and all living creatures including humans, and considers the~~
29 ~~interactions among multiple activities that affect entire systems.~~

30 ~~(6) "River" means a flowing body of water or estuary or a section, portion, or tributary~~
31 ~~thereof, including, but not limited to, streams, creeks, brooks, ponds, and small lakes.~~

32 ~~(7) "Systems level plan" means an interagency ecosystem based plan for the bays, rivers,~~
33 ~~and watersheds that:~~

34 ~~(i) Establishes overall goals and priorities for the management, preservation, and~~

1 ~~restoration of bays, rivers, and watersheds and the promotion of sustainable economic~~
2 ~~development of the water cluster;~~

3 ~~(ii) Sets forth a strategy for attaining goals which delineates specific responsibilities~~
4 ~~among agencies;~~

5 ~~(iii) Identifies funding sources and a timetable for attaining goals;~~

6 ~~(iv) Provides an estimate of the total projected cost of implementing the plan including~~
7 ~~capital improvements; and~~

8 ~~(v) Guides a strategy for a monitoring program that evaluates progress in implementing~~
9 ~~the plan and to provide the necessary information to adapt the plan in response to changing~~
10 ~~conditions.~~

11 ~~(8) "Water cluster" means an economically interconnected grouping of businesses,~~
12 ~~institutions, and people relying directly or indirectly on the bays, rivers, and watersheds~~
13 ~~including, but not limited to, the following sectors:~~

14 ~~(i) Recreation, tourism, and public events;~~

15 ~~(ii) Fisheries and aquaculture;~~

16 ~~(iii) Boat and ship building;~~

17 ~~(iv) Boating related businesses;~~

18 ~~(v) Transportation;~~

19 ~~(vi) Military;~~

20 ~~(vii) Research; and~~

21 ~~(viii) Technology development and education.~~

22 ~~(9) "Watershed" means a land area which because of its topography, soil type, and~~
23 ~~drainage patterns acts as a collector of raw waters which regorge or replenish rivers and existing~~
24 ~~or planned public water supplies.~~

25 ~~**46-31-3. Coordination team and chair position created.**~~ (a) ~~There is hereby created~~
26 ~~and established within the office of the governor the "Rhode Island bays, rivers, and watersheds~~
27 ~~coordination team". The coordination team shall include the senior executive official of the~~
28 ~~following agencies of the state: the coastal resources management council; the Rhode Island~~
29 ~~department of environmental management; the department of administration; the Rhode Island~~
30 ~~water resources board; the Rhode Island rivers council; the Rhode Island economic development~~
31 ~~corporation; and the Narragansett Bay commission.~~

32 ~~(b) A member of the coordination team may designate in writing a designee of that~~
33 ~~member's agency to act in the place of that member.~~

34 ~~(c) The members of the coordination team shall serve on said team without additional~~

1 ~~compensation.~~

2 ~~(d) The governor shall appoint a chair of the coordination team, with the advice and~~
3 ~~consent of the senate, within four (4) months of the passage of this act. The chair shall serve at~~
4 ~~the pleasure of the governor. Provided, in making the appointment of said chair, the governor~~
5 ~~shall select an individual from outside of those agencies listed in subsection (a) herein. The~~
6 ~~governor shall further provide the coordination team with suitable quarters and resources so as to~~
7 ~~enable it to perform its functions.~~

8 ~~(e) The chair of the coordination team may request the involvement of other state~~
9 ~~agencies as may be appropriate to carry out the duties of the team as set forth in this chapter.~~

10 ~~(f) The coordination team shall meet initially at the call of the governor until the chair has~~
11 ~~been appointed and qualified. The team shall remain in existence until such time as it is~~
12 ~~terminated by action of the general assembly.~~

13 ~~**46-31-4. Purpose and duties of the coordination team.**~~ (a) The purpose and duties of
14 ~~the coordination team shall include:~~

15 ~~(1) Preparing and adopting by rule a systems level plan as provided for pursuant to the~~
16 ~~provisions of § 46-31-5;~~

17 ~~(2) Coordinating the projects, programs, and activities carried out by the members of the~~
18 ~~team and its committees that pertain to the implementation of such plan pursuant to the provisions~~
19 ~~of § 46-31-6; and~~

20 ~~(3) Coordinating with other state agencies, local governments, federal agencies, other~~
21 ~~states, and non-government entities, as necessary, to accomplish the purpose of preparing and~~
22 ~~implementing a systems level plan.~~

23 ~~(b) The coordination team shall be responsible for recommending to the governor and the~~
24 ~~general assembly actions necessary to effectuate the coordination of projects, programs, and~~
25 ~~activities described in this chapter.~~

26 ~~(c) The coordination team shall provide information to the general assembly on such~~
27 ~~projects, programs, and activities to assist the general assembly in the general assembly's exercise~~
28 ~~of oversight, in order to maximize the efficient use of state and available resources.~~

29 ~~(d) The coordination team shall meet on a quarterly basis or more often if deemed~~
30 ~~necessary by its members. In order to constitute a quorum for the transaction of any business, at~~
31 ~~least two-thirds of the membership of the team must be present.~~

32 ~~(e) Within the first six (6) months after the passage of this act, the coordination team shall~~
33 ~~meet monthly at the call of the governor, and shall be chaired by the governor or a designee of the~~
34 ~~governor until such time when the chair of the team is appointed and qualified.~~

1 ~~(f) The team shall convene a joint meeting with the scientific advisory committee and the~~
2 ~~public advisory committee established pursuant to the provisions of this chapter, at least once per~~
3 ~~year.~~

4 ~~**46-31-5. Preparation of a systems level plan.** (a) The coordination team shall be~~
5 ~~responsible for the preparation of a systems level plan and may recommend adoption of all or~~
6 ~~portions of said plan by the state planning council as elements of the state guide plan. Nothing in~~
7 ~~this chapter shall be interpreted to contravene the statutory authority of the state planning council~~
8 ~~to adopt a state guide plan and elements thereof.~~

9 ~~(b) The systems level plan shall establish overall goals and priorities for the management,~~
10 ~~preservation, and restoration of the state's bays, rivers, and watersheds, and the promotion of~~
11 ~~sustainable economic development of the water cluster.~~

12 ~~(c) The systems level plan shall include a strategy for attaining goals, shall delineate~~
13 ~~specific responsibilities among agencies, and shall identify funding sources and a timetable for~~
14 ~~attaining goals.~~

15 ~~(d) The systems level plan shall include an estimate of the total projected cost of~~
16 ~~implementing the plan including capital improvements.~~

- 17 ~~(e) The systems level plan shall include, but not be limited to, planning for:~~
- 18 ~~(1) Reduction of pollution from point source discharges, including, but not limited to,~~
19 ~~municipal and industrial discharges, and storm water and combined sewer overflows;~~
 - 20 ~~(2) Reduction of pollution from non point sources, including, but not limited to, on site~~
21 ~~individual sewage disposal systems, residential and agricultural fertilizing practices, animal~~
22 ~~wastes, recreational boating, and land use practices;~~
 - 23 ~~(3) Protection and restoration of shellfish and finfish;~~
 - 24 ~~(4) Protection and restoration of aquatic and terrestrial habitat;~~
 - 25 ~~(5) Conservation of open space and promotion of smart growth practices;~~
 - 26 ~~(6) Management of aquatic nuisance species;~~
 - 27 ~~(7) Management of dredging and dredged material disposal;~~
 - 28 ~~(8) Identification of research needs and priorities;~~
 - 29 ~~(9) Promotion of education and outreach;~~
 - 30 ~~(10) Promotion of equitable public access; and~~
 - 31 ~~(11) Promotion of sustainable economic development of the water cluster.~~

32 ~~(f) The systems level plan shall include the development of strategies for both~~
33 ~~environmental and economic monitoring programs. The monitoring programs shall evaluate~~
34 ~~progress in implementing the plan and provide the necessary information to adapt the plan in~~

1 ~~response to changing conditions. The implementation of said programs shall be accomplished by~~
2 ~~the economic monitoring collaborative created by § 46-31-9(d) and the environmental monitoring~~
3 ~~collaborative created by § 46-31-9(e).~~

4 ~~(g) A scope of work for the systems level plan shall be completed within six (6) months~~
5 ~~of the passage of this act. A copy of said scope of work shall be submitted for review to the~~
6 ~~governor, the speaker of the house of representatives, and the president of the senate.~~

7 ~~(h) A draft of the systems level plan shall be completed on or before January 31, 2006. A~~
8 ~~copy of such draft shall be submitted for review to the governor, the speaker of the house of~~
9 ~~representatives, and the president of the senate.~~

10 ~~(i) The systems level plan shall be completed on or before June 30, 2006. A copy of such~~
11 ~~plan shall be submitted for review to the governor, the speaker of the house of representatives,~~
12 ~~and the president of the senate.~~

13 ~~**46-31-6. Implementation of the systems level plan.** (a) The team shall be responsible~~
14 ~~for coordinating the projects, programs, and activities necessary to implement the systems level~~
15 ~~plan.~~

16 ~~(b) In order to facilitate the coordination of the implementation of the systems level plan,~~
17 ~~the team shall prepare an annual work plan. The annual work plan shall prescribe the necessary~~
18 ~~projects, programs, and activities each member of the team shall perform for the following fiscal~~
19 ~~year to implement the systems level plan. It shall include, but not be limited to, the systems level~~
20 ~~plan priorities, individual work plan elements, and significant program products including~~
21 ~~proposed regulations, grant solicitations, schedules for production of environmental documents,~~
22 ~~and project selection processes. The preparation of the annual work plan shall include an~~
23 ~~evaluation of any needed revisions to the systems level plan including changes to the timetable~~
24 ~~for attaining goals or adaptations in response to the results of the monitoring programs.~~

25 ~~The first annual work plan shall be prepared for work to be completed during fiscal year~~
26 ~~2007 and each year thereafter.~~

27 ~~(c) In preparing an annual work plan the team shall coordinate the annual work plan~~
28 ~~activities with other relevant activities including, but not limited to, those prescribed by other~~
29 ~~state, local, federal, and non-governmental organization programs.~~

30 ~~(d) The team shall prepare a proposed annual work plan budget for inclusion in the~~
31 ~~governor's annual budget as submitted to the general assembly and for submittal to the speaker of~~
32 ~~the house of representatives, and the president of the senate which shall identify the total funds~~
33 ~~necessary to implement the annual work plan, including any proposed capital improvements. It~~
34 ~~shall also include any recommendations for the allocation of appropriated funds among agencies~~

1 ~~to achieve the purpose of this chapter. The first annual work plan budget shall be prepared for~~
2 ~~inclusion in the governor's annual budget for 2007, as submitted to the general assembly, and~~
3 ~~each year thereafter.~~

4 ~~(e) The team shall hold a minimum of one public hearing each year to solicit public~~
5 ~~comment on the annual work plan and annual work plan budget.~~

6 ~~(f) The team shall coordinate with federal agencies to develop proposed federal~~
7 ~~agreements to support the implementation of the systems level plan.~~

8 ~~(g) The team, in consultation with the scientific advisory committee, shall be responsible~~
9 ~~for coordinating the work of any entity that receives grants or other funding from the state of~~
10 ~~Rhode Island for research related to bay, river, and watershed management. The team shall seek~~
11 ~~to prioritize and direct areas of research in order to meet the goals and policies established by the~~
12 ~~systems level plan.~~

13 ~~(h) The team may facilitate the resolution of programmatic conflicts that may arise during~~
14 ~~the implementation of the systems level plan between or among members of the team.~~

15 ~~(i) The team shall develop a regulatory coordination and streamlining process for the~~
16 ~~issuance of permits and approvals required under local, state, and federal law as necessary to~~
17 ~~implement the systems level plan that reduces or eliminates duplicative permitting processes.~~

18 ~~(j) Within ninety (90) days after the end of each fiscal year, the team shall submit a~~
19 ~~written progress report that describes and evaluates the successes and shortcomings of the~~
20 ~~implementation of the annual work plan from the previous fiscal year to the governor, the speaker~~
21 ~~of the house of representatives, and the president of the senate. Where prescribed actions have not~~
22 ~~been accomplished in accordance with the annual work plan, the responsible members of the~~
23 ~~team shall include in the report written explanations for the shortfalls, together with their~~
24 ~~proposed remedies. The report shall also include an evaluation of the progress of the coordinative~~
25 ~~efforts and shall include any recommendations regarding modifications to the composition of the~~
26 ~~team, including, but not limited to, the proposed addition of any new members to the team.~~

27 ~~(k) Within six (6) months of the completion of the systems level plan, the team shall~~
28 ~~prepare a report and convene a public forum in order to disseminate information about the current~~
29 ~~condition of the environmental health of Rhode Island's bays, rivers, and watersheds; and the~~
30 ~~economic vitality of the water cluster using information collected by the economic and~~
31 ~~environmental monitoring collaboratives.~~

32 ~~(l) Within four (4) years after the completion of the systems level plan and every four (4)~~
33 ~~years thereafter, the team shall prepare a report and convene a public forum in order to~~
34 ~~disseminate information about the current condition of the environmental health of Rhode Island's~~

1 ~~bays, rivers, and watersheds; and the economic vitality of the water cluster using information~~
2 ~~collected by the economic and environmental monitoring collaboratives. The report shall include~~
3 ~~an evaluation of the progress made towards attaining the systems level plan's goals, and an~~
4 ~~evaluation of any updates necessary for the strategies for the economic and environmental~~
5 ~~monitoring programs.~~

6 ~~**46-31-7. Duties of chairperson.**~~ (a) ~~In addition to calling the meetings of the team, the~~
7 ~~chair shall facilitate the coordination necessary for the team to develop the systems level plan,~~
8 ~~and to prepare annual work plans, annual work plan budgets, reports, and any other documents~~
9 ~~requested under the provisions of this chapter.~~

10 ~~(b) The chair shall be responsible for presenting the systems level plan, annual work~~
11 ~~plans, annual work plan budgets, reports, and other documents to the governor, the speaker of the~~
12 ~~house of representatives, and the president of the senate.~~

13 ~~(c) The chair shall be responsible for the administration of all functions of the team~~
14 ~~including hiring support staff with appropriations, terminating staff when necessary, preparing~~
15 ~~budgets, contracting, and delegating administrative functions to support staff.~~

16 ~~**46-31-8. Powers of the coordination team.**~~ (a) ~~In order to accomplish the purposes of~~
17 ~~this chapter and to effectuate the coordination required by this chapter, the coordination team is~~
18 ~~authorized and directed to exercise the following powers:~~

19 ~~(1) Adopt procedures for the conduct of business as needed to carry out the provisions of~~
20 ~~this chapter;~~

21 ~~(2) Request reports from local, state, and federal entities or agencies in order to perform~~
22 ~~their duties as provided for in this chapter;~~

23 ~~(3) Make application for grants, services or other aids as may be available from public or~~
24 ~~private sources to finance or assist in effectuating any purposes or duties as set forth in this~~
25 ~~chapter, and receive and accept the same on such terms and conditions as may be required by~~
26 ~~general laws;~~

27 ~~(4) Employ the services of other public, nonprofit or private entities;~~

28 ~~(5) Enter into agreements and into contracts consistent with existing contracting practices~~
29 ~~of the department of administration;~~

30 ~~(6) Request assistance from state employees provided that such assistance does not~~
31 ~~adversely impact the operation of affected agencies; and~~

32 ~~(7) Such other powers as may be necessary or convenient to the performance of these~~
33 ~~functions.~~

34 ~~(b) The coordination team may:~~

1 ~~(1) Collect, compile, analyze, interpret, summarize, and distribute any information~~
2 ~~relative to Rhode Island's bays, rivers, and watersheds and the duties of the team, subject to any~~
3 ~~privileges or legal requirements of privacy;~~

4 ~~(2) Within available funding, employ any technical experts, other agents, and employees,~~
5 ~~permanent and temporary, that it may require to carry out its functions pursuant to this chapter,~~
6 ~~and determine their qualifications, duties, and compensation.~~

7 ~~(c) The team may have additional powers granted to it from time to time by the~~
8 ~~legislature as deemed necessary to perform its duties.~~

9 ~~(d) Nothing in this statute shall be construed to grant the coordination team the authority~~
10 ~~to impair, derogate or supersede constitutional, statutory, regulatory or adjudicatory authority or~~
11 ~~public trust responsibilities of any local, state or federal entity.~~

12 ~~**46-31-9. Committees.** (a) The coordination team may appoint such subcommittees,~~
13 ~~task forces or advisory committees to make recommendations to the team as it deems necessary~~
14 ~~to carry out the provisions of this chapter. The coordination team shall annually review the work~~
15 ~~done by, and the need for, any such subcommittees, task forces, and/or advisory committees, and~~
16 ~~shall terminate the existence of such entities that are deemed to have fulfilled their purpose and/or~~
17 ~~are no longer deemed necessary by the team.~~

18 ~~(b) A "scientific advisory committee" shall be established to advise the coordination team~~
19 ~~on research priorities, technical matters, and best management practices. The members of the~~
20 ~~scientific advisory committee shall be appointed by the governor to serve for terms of two (2)~~
21 ~~years. The members of said committee shall consist of members of the academic community as~~
22 ~~well as non-government organizations. The members of the scientific advisory committee shall~~
23 ~~receive no additional compensation for their services on the committee. The scientific advisory~~
24 ~~committee shall assist the coordination team in:~~

25 ~~(1) Ensuring that peer review is employed in the development of an environmental~~
26 ~~monitoring strategy;~~

27 ~~(2) Providing the team with unbiased reviews of current validated scientific knowledge~~
28 ~~relevant to their work; and~~

29 ~~(3) Assisting with the review of existing or future plans.~~

30 ~~The scientific advisory committee shall elect annually from among their members a chair~~
31 ~~and a vice chair.~~

32 ~~(c) A "public advisory committee" shall be established to advise the coordination team on~~
33 ~~the development and implementation of the systems level plan, and the preparation of annual~~
34 ~~work plans and annual work plan budgets. The members of the public advisory committee shall~~

1 ~~be appointed by the governor for terms of two (2) years each. The members of said public~~
2 ~~advisory committee shall include, but not be limited to, representatives from the following~~
3 ~~groups: commercial fishers, recreational fishers, environmental advocacy organizations, and~~
4 ~~economic advocacy organizations. The members of the public advisory committee shall receive~~
5 ~~no additional compensation for their services to the committee. The public advisory committee~~
6 ~~shall elect annually from among their members a chair and a vice chair.~~

7 ~~(d) An "economic monitoring collaborative" shall be established for the purpose of~~
8 ~~developing and implementing a strategy for an economic monitoring program as specified by this~~
9 ~~section. The members of the economic monitoring collaborative shall be appointed by the~~
10 ~~governor to serve for two (2) years and shall include, but not be limited to, a representative from~~
11 ~~the Rhode Island economic policy council and a representative from the Department of~~
12 ~~Environment and Natural Resource Economics at the University of Rhode Island. From among~~
13 ~~the members, the governor shall appoint a chair. Members of the economic monitoring~~
14 ~~collaborative shall serve without additional salary but may be paid expenses incurred in the~~
15 ~~performance of their duties. The strategy for the economic monitoring program shall include~~
16 ~~baselines, protocols, guidelines, and quantifiable indicators for assessing the economic health and~~
17 ~~performance of the water cluster. Economic indicators shall include, but not be limited to, the~~
18 ~~following aspects where or when appropriate and/or available:~~

19 ~~(1) Total gross state product originating in the water cluster;~~

20 ~~(2) Direct and indirect employment in the water cluster; and~~

21 ~~(3) Public expenditures for infrastructure to support the water cluster. The strategy for~~
22 ~~said economic monitoring program shall be developed by the economic monitoring collaborative~~
23 ~~and adopted by the coordination team within six (6) months of passage of this act; and shall be~~
24 ~~reviewed and updated every four (4) years, and included in the reports described in § 46-31-6(1)~~

25 ~~(e) An "environmental monitoring collaborative" shall be established for the purpose of~~
26 ~~developing and implementing a strategy for an environmental monitoring program as specified by~~
27 ~~this section or as otherwise provided for by statute. The environmental monitoring collaborative~~
28 ~~shall include, but not be limited to, one representative from each of the following: Coastal~~
29 ~~Institute at the University of Rhode Island (URI) Bay Campus (Chair); coastal resources~~
30 ~~management council; department of environmental management; department of health; URI~~
31 ~~Watershed Watch; URI Graduate School of Oceanography; Narragansett Bay commission;~~
32 ~~statewide planning program (RIGIS) division; and URI Environmental Data Center. Members of~~
33 ~~the environmental monitoring collaborative shall serve without additional salary but may be paid~~
34 ~~expenses incurred in the performance of their duties. The strategy for the environmental~~

1 ~~monitoring program shall be developed in consultation with the scientific advisory committee and~~
2 ~~shall include baselines, protocols, guidelines, and quantifiable environmental indicators.~~
3 ~~Environmental indicators shall include, but not be limited to, the following aspects where~~
4 ~~appropriate for rivers and bays:~~

5 ~~(1) Land cover or uses within the shoreline buffers;~~

6 ~~(2) Water temperature, salinity, and pH;~~

7 ~~(3) Concentrations of nitrogen, phosphorous, dissolved oxygen, and bacteria;~~

8 ~~(4) Water flows and circulation;~~

9 ~~(5) Species assemblages and relative abundances of finfish, shellfish, and benthic~~
10 ~~macroinvertebrates; and~~

11 ~~(6) Presence of aquatic nuisance species. The strategy for said monitoring program shall~~
12 ~~be developed by the environmental monitoring collaborative and adopted by the coordination~~
13 ~~team within six (6) months of passage of this act; and shall be reviewed and updated every four~~
14 ~~(4) years, and included in the reports described in § 46-31-6(1).~~

15 ~~(f) The data collected as part of the economic and environmental monitoring programs~~
16 ~~shall be analyzed, synthesized, and made accessible to the governor, the general assembly, and~~
17 ~~the general public.~~

18 ~~(g) The committees and collaboratives established pursuant to this chapter shall remain in~~
19 ~~existence so long as the coordination team is in existence. All committees shall expire and~~
20 ~~dissolve upon the expiration and/or dissolution of the coordination team.~~

21 ~~**46-31-10. Compliance with plans by local municipalities.** The statewide planning~~
22 ~~program established pursuant to the provisions of chapter 11 of title 42 shall advise the~~
23 ~~coordination team on issues of planning in general and also on local comprehensive plans, and~~
24 ~~shall consider recommendations for revisions to the state guide plan from the coordination team~~
25 ~~as necessary to achieve consistency with the systems level plan for Rhode Island's bays, rivers,~~
26 ~~and watersheds. As provided for in chapter 22.2 of title 45, cities and towns shall amend their~~
27 ~~comprehensive plans to conform with the state guide plan elements adopted or amended to~~
28 ~~effectuate this chapter, but not later than within one year.~~

29 ~~**46-31-11. Plans, reports, budgets, and other documents.** All plans, reports, budgets~~
30 ~~or other documents required to be produced pursuant to this chapter shall be submitted to the~~
31 ~~speaker of the house of representatives, president of the senate, the chairpersons of the house of~~
32 ~~representatives and senate finance committees, and the chairpersons of the appropriate house of~~
33 ~~representatives and senate oversight entities; further, all plans, reports, budgets or other~~
34 ~~documents required to be produced pursuant to this chapter shall be considered by the house of~~

1 ~~representatives and senate finance committees in their current and future budget processes.~~
2 ~~Adherence to such plans, reporting requirements, and budgets and the timely achievement of~~
3 ~~goals contained therein shall be considered by the finance committees and the oversight entities~~
4 ~~of the house of representatives and senate, among other relevant factors, in determining~~
5 ~~appropriations or other systemic changes.~~

6 ~~**46-31-12. Staff and budget.**~~ (a) ~~The coordination team may employ staff and make~~
7 ~~such expenditures as may be authorized by the general assembly from time to time. The~~
8 ~~coordination team shall annually prepare an operating budget for inclusion in the governor's~~
9 ~~annual budget as submitted to the general assembly and for submittal to the speaker of the house~~
10 ~~of representatives and the president of the senate.~~

11 ~~(b) The office of the governor is authorized and directed to establish a position in the~~
12 ~~unclassified service for the chair of the coordination team, and to perform such administrative~~
13 ~~support functions as may be required.~~

14 ~~**46-31-12.1. Bays, Rivers and Watersheds Fund.**~~ (a) ~~There is hereby established a~~
15 ~~restricted receipt account within the Department of Environmental Management to be called the~~
16 ~~Bays, Rivers and Watersheds Fund;~~

17 ~~(b) The fund shall consist of any funds which the state may from time to time~~
18 ~~appropriate, as well as money received as gifts, grants, bequests, donations or other funds from~~
19 ~~any public or private sources, as well as all fees collected pursuant to § 46-23-1(f)(2) for the~~
20 ~~leasing of submerged lands for transatlantic cables, and all fees collected pursuant to chapter 46-~~
21 ~~12.11 for the disposal of septage;~~

22 ~~(c) All funds, monies, and fees collected pursuant to this section shall be deposited in the~~
23 ~~Bays, Rivers and Watersheds Fund, and shall be disbursed by the Rhode Island Bays, Rivers, and~~
24 ~~Watersheds Coordination Team consistent with the purposes and duties of the team as set forth in~~
25 ~~chapter 46-31. All expenditures from the fund shall be subject to appropriation by the general~~
26 ~~assembly.~~

27 ~~**46-31-13. Assistance by state officers, departments, boards and commissions.**~~ (a)
28 ~~All state agencies may render any services to the coordination team within their respective~~
29 ~~functions as may be requested by the team.~~

30 ~~(b) Upon request of the coordination team, any state agency is authorized and empowered~~
31 ~~to transfer to the team any officers and employees as it may deem necessary from time to time to~~
32 ~~assist the team in carrying out its functions and duties pursuant to this chapter.~~

33 ~~**46-31-14. Severability.**~~ ~~If any provision of this chapter or the application thereof to any~~
34 ~~person or circumstances is held invalid, such invalidity shall not affect other provisions or~~

1 ~~applications of the chapter, which can be given effect without the invalid provision or application,~~
2 ~~and to this end the provisions of this chapter are declared to be severable.~~

3 SECTION 2. Title 46 of the General Laws entitled "WATERS AND NAVIGATION" is
4 hereby amended by adding thereto the following chapter:

5 CHAPTER 46-31.1

6 THE RHODE ISLAND BAYS, RIVERS AND WATERSHEDS FUND

7 **46-31.1-10. Legislative findings.** – The general assembly hereby finds and declares as
8 follows:

9 (1) The bays, rivers, and associated watersheds of Rhode Island are unique and
10 unparalleled natural resources that provide significant cultural, ecological, and economic benefit
11 to the state.

12 (2) Pursuant to the provisions of R.I. Const., art. 1, § 17, it is the duty of the general
13 assembly to provide for the conservation of the air, land, water, plant, animal, mineral, and other
14 natural resources of the state; and to adopt all means necessary and proper by law to protect the
15 natural environment of the people of the state by providing adequate resource planning for the
16 control and regulation of the use of the natural resources of the state; and for the preservation,
17 regeneration, and restoration of the natural environment of the state.

18 (3) It is in the best interest of the state and its citizens to preserve, protect, and restore our
19 bays, rivers, and associated watersheds.

20 (4) Sixty percent (60%) of the watershed of Narragansett Bay is within Massachusetts,
21 almost all of the watershed of Mount Hope Bay is within Massachusetts, and five percent (5%) of
22 the watershed of Little Narragansett Bay is within Connecticut; further, a cluster of water-related
23 economic interests spans the three (3) states.

24 (5) There is a need to foster effective management, preservation, restoration, and
25 monitoring of the bays, rivers, and watersheds; and the promotion of sustainable economic
26 development of businesses that rely directly or indirectly on the bays, rivers, and watersheds; and
27 the promotion of sustainable economic development of businesses that rely directly or indirectly
28 on the bays, rivers, and watersheds.

29 **46-31.1-2. Definitions.** – As used in this chapter, unless the context clearly indicates
30 otherwise:

31 (1) "Bays" means the estuaries including Narragansett Bay, Mount Hope Bay, Greenwich
32 Bay, Little Narragansett Bay, the coastal ponds, the Sakonnet River, and Rhode Island territorial
33 waters that extend seaward three geographical miles from the shoreline including the area around
34 Block Island.

1 (2) "Coordination" means to harmonize in a common action or effort and/or to function in
2 a complementary manner.

3 (3) "River" means a flowing body of water or estuary or a section, portion, or tributary
4 thereof, including, but not limited to, streams, creeks, brooks, ponds, and small lakes.

5 (4) "Water cluster" means an economically interconnected grouping of businesses,
6 institutions, and people relying directly or indirectly on the bays, rivers, and watersheds
7 including, but not limited to, the following sectors:

8 (i) Recreation, tourism, and public events;

9 (ii) Fisheries and aquaculture;

10 (iii) Boat and ship building;

11 (iv) Boating-related businesses;

12 (v) Transportation;

13 (vi) Military;

14 (vii) Research; and

15 (viii) Technology development and education.

16 (5) "Watershed" means a land area which because of its topography, soil type, and
17 drainage patterns acts as a collector of raw waters which regorge or replenish rivers and existing
18 or planned public water supplies.

19 **46-31.1-3. Bays, Rivers and Watersheds Fund.** – (a) There is hereby established a
20 restricted receipt account within the Department of Environmental Management to be called the
21 Bays, Rivers and Watersheds Fund;

22 (b) The fund shall consist of any funds which the state may from time to time
23 appropriate, as well as money received as gifts, grants, bequests, donations or other funds from
24 any public or private sources, as well as all fees collected pursuant to § 46-23-1(f)(2) for the
25 leasing of submerged lands for transatlantic cables, and all fees collected pursuant to chapter 46-
26 12.11 for the disposal of septage;

27 (c) All funds, monies, and fees collected pursuant to this section shall be deposited in the
28 Bays, Rivers and Watersheds Fund, and shall be utilized by the Department of Environmental
29 Management consistent with the purposes of §46-23.2-1 entitled, "The Comprehensive
30 Watershed and Marine Monitoring Act of 2004", §46-12, "Water Pollution" and §46-6.2 entitled
31 "Resilient Rhode Island Act of 2014 – Climate Change Coordination Council". All expenditures
32 from the fund shall be subject to appropriation by the general assembly.

33 **46-31.1-4. Severability.** – If any provision of this chapter or the application thereof to
34 any person or circumstances is held invalid, such invalidity shall not affect other provisions or

1 [applications of the chapter, which can be given effect without the invalid provision or application,](#)
2 [and to this end the provisions of this chapter are declared to be severable.](#)

3 SECTION 3. Section 46-12.7-13 of the General Laws in Chapter entitled “Oil Spill
4 Prevention, Administration and Response Fund” is hereby amended to read as follows:

5 **46-12.7-13. Preventative uses of the fund.** – (a) Recognizing the importance of the
6 development of readiness and response programs, the legislature may allocate not more than two
7 hundred fifty thousand dollars (\$250,000) per annum of the amount then currently in the fund to
8 be devoted to research and development in the causes, effects and removal of pollution caused by
9 oil, petroleum products and their by-products on the marine environment and the monitoring of
10 baseline environmental and economic conditions.

11 (b) The two hundred fifty thousand dollars (\$250,000) per annum allocated for research,
12 development, and monitoring shall be allocated to the [Department of Environmental Management](#)
13 ~~Coordination Team established pursuant to chapter 31 of this title~~ and expended ~~by the~~
14 ~~Coordination Team~~ consistent with the purposes of ~~subsections 46-31-9(d) and 46-31-9(e).~~ [§46-](#)
15 [23.2-3 entitled “The Comprehensive Watershed and Marine Monitoring Act of 2004”.](#)

16 (c) The remaining moneys in the fund which the legislature may allocate to research,
17 development, and monitoring shall be used for purposes approved by the director. Such purpose
18 may include, but shall not be limited to:

- 19 (1) Sensitive area data management and mapping;
20 (2) Scientific research and monitoring which is directly relevant to state legislation; and
21 (3) Development of more effective removal and containment technologies, appropriate
22 for the cleanup and containment of refined fuel oils.

23 SECTION 4. Sections 46-23.2-2, 46-23.2-5, and 46-23.2-6 of the General Laws in
24 Chapter 46-23.2 entitled “The Comprehensive Watershed and Marine Monitoring Act of 2004” is
25 hereby amended to read as follows:

26 **46-23.2-2. Legislative findings.** – (a) The general assembly finds and declares that there
27 is a need for [an environmental](#) ~~marine~~ monitoring system in the state that is capable of:

- 28 (1) Measuring the changing conditions in the functionality and health of the waters of the
29 state, including, but not limited to, Narragansett Bay and its watersheds, with one purpose being
30 identifying and predicting potential problems in the marine [and freshwater](#) habitats;
31 (2) Providing a [data-based management system that employs](#) central database via the
32 internet to store [an internet-based electronic system to monitor, store and](#) ~~monitoring data and~~
33 disseminate the analysis of this data to decision-makers and the public;
34 (3) Establishing a mechanism to coordinate and make consistent, monitoring efforts

1 between government agencies, municipalities, nonprofit organizations and universities; and

2 (4) Providing the comprehensive data needed to assess a sudden perturbation in the
3 marine and freshwater environments and to contribute to efforts of disaster prevention,
4 preparedness, response and recovery as defined in chapter 15 of title 30 entitled "The Rhode
5 Island Emergency Management Act."

6 (b) The general assembly recognizes and declares that the health of the waters of the
7 state, including, but not limited to, Narragansett Bay and its watersheds needs to be monitored
8 comprehensively on a long-term basis in order to be proactive in planning and responsive to
9 potential problems in the ~~marine~~ environment, including those that may arise due to a changing
10 climate. The availability of consistent environmental data supports ~~systems-level~~ planning and
11 management and provides resource managers, decision-makers and citizens with information on
12 how marine and freshwater habitats are responding to management programs and what
13 adjustments need to be made to existing programs or what new programs must be implemented to
14 achieve a healthy marine and freshwater environments.

15 (c) The general assembly recognizes the need for an integrated mechanism by which
16 individual monitoring efforts can be coordinated and managed as a system in which the
17 functionality of Narragansett Bay, ~~and~~ its watersheds is and other watersheds are measured and
18 individual planning and management efforts are adjusted to respond to support effective
19 environmental management, ~~the needs of this marine environment~~.

20 **46-23.2-5. The Rhode Island environmental monitoring collaborative – Creation. –**

21 (a) There is hereby authorized, created and established the "Rhode Island environmental
22 monitoring collaborative" (also known as the "collaborative") with such powers as are set forth
23 in this chapter, for the purposes of organizing, coordinating, maintaining and supporting the
24 environmental monitoring systems within Narragansett Bay ~~and~~ its watersheds and other
25 watersheds in Rhode Island. The collaborative shall consist of ten (10) members, one
26 representative from each of the following: Coastal Institute at the University of Rhode Island
27 ("URI") Bay Campus (chair); coastal resources management council; department of
28 environmental management, water quality; department of environmental management, fisheries;
29 department of health; URI Watershed Watch; URI Graduate School of Oceanography;
30 Narragansett Bay commission; Statewide Planning Program (RIGIS) Division; and URI
31 Environmental Data Center. Members of the collaborative shall serve without salary but may be
32 paid expenses incurred in the performance of their duties.

33 (b) The collaborative shall work with other organizations and agencies that monitor
34 Narragansett Bay and its watersheds to perform the powers and duties established herein. These

1 include, but are not limited to, the Environmental Protection Agency, National Oceanic and
2 Atmospheric Agency, Natural Resources Conservation Service, U.S. Fish and Wildlife, U.S.
3 Geological Survey, Massachusetts Executive Office of Environmental Affairs, Narragansett Bay
4 Estuary Program, Brown University, Roger Williams University, Rhode Island Natural History
5 Survey, Save the Bay, Rhode Island Sea Grant, URI Cooperative Extension, and the Rhode Island
6 Rivers Council.

7 **46-23.2-6. Powers and duties.** – The collaborative shall have the following powers:

8 (1) To effectuate and implement a state monitoring strategy that addresses critical state
9 resource management needs, including, but not limited to, water quality protection, water
10 pollution control, fisheries and wildlife management, habitat restoration, coastal management,
11 public health protection and emergency response and that assesses and tracks environmental
12 health and function. Within six (6) months of its enactment, the collaborative shall adopt a
13 statewide monitoring strategy that will provide cost-effective and useful policies, standards,
14 protocols and guidelines for monitoring programs undertaken for the waters of the state. ~~that will~~
15 ~~support system level planning.~~ This strategy shall be reviewed and updated every ~~three (3)~~ five
16 (5) years. This strategy shall include the following elements:

- 17 (i) An inventory of existing monitoring programs;
- 18 (ii) An outline of additional monitoring programs the state needs;
- 19 (iii) A list of indicators that will be used to measure the health of the marine and
20 freshwater habitats of the state;
- 21 (iv) ~~A list~~ Identification of data standards and protocols that will be used on a reasonable
22 and consistent basis by monitoring programs that contribute data to the state monitoring system;
- 23 (v) A ~~mechanism~~ plan for data sharing among all monitoring programs that optimizes the
24 ability enables both monitors and users to securely access monitoring data via the Internet and to
25 retain the integrity of such data;
- 26 (vi) A plan to provide data from the state ~~marine~~ environmental monitoring system for
27 disaster prevention, preparedness, response and recovery efforts in the marine environment; and
- 28 (vii) A communications strategy to provide for public access to monitoring data.

29 (2) To assist with the development and implementation of a state water monitoring and
30 assessment program, developed consistent with guidance issued by the United States
31 Environmental Protection Agency, and to augment ~~and implement~~ such a program to achieve the
32 purposes of this strategy set forth in subdivision (1).

33 (3) To prepare an annual report in the month of January to the governor and general
34 assembly on the activities for the preceding year as well as the predicted financial needs of the

1 system for the upcoming fiscal year.

2 (4) To enter into data sharing agreements with federal and state agencies, municipalities
3 and nongovernmental organizations for the purposes of coordination and management of
4 monitoring data and programs.

5 (5) To accept grants, donations and contributions in money, services, materials, or
6 otherwise, from the United States or any of its agencies, from this state and its agencies, or from
7 any other source, and to use or expend those moneys, services, materials or other contributions in
8 carrying out the purposes of this chapter.

9 (6) To enter into agreements for staff support that it deems necessary for its work, and to
10 contract with consultants for the services it may require to the extent permitted by its financial
11 resources.

12 SECTION 5. This article shall take effect as of July 1, 2015.

13 **ARTICLE 17**

14 **RELATING TO DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES**

15 SECTION 1. Sections 42-72-5 of the General Laws in Chapter 42-72 entitled
16 “Department of Children, Youth and Families” is hereby amended to read as follows:

17 **42-72-5. Powers and scope of activities.** – (a) The department is the principal agency of
18 the state to mobilize the human, physical and financial resources available to plan, develop, and
19 evaluate a comprehensive and integrated statewide program of services designed to ensure the
20 opportunity for children to reach their full potential. The services include prevention, early
21 intervention, out-reach, placement, care and treatment, and after-care programs; provided,
22 however, that the department notifies the state police and cooperates with local police
23 departments when it receives and/or investigates a complaint of sexual assault on a minor and
24 concludes that probable cause exists to support the allegations(s). The department also serves as
25 an advocate for the needs of children.

26 (b) To accomplish the purposes and duties, as set forth in this chapter, the director is
27 authorized and empowered:

28 (1) To establish those administrative and operational divisions of the department that the
29 director determines is in the best interests of fulfilling the purposes and duties of this chapter;

30 (2) To assign different tasks to staff members that the director determines best suit the
31 purposes of this chapter;

32 (3) To establish plans and facilities for emergency treatment, relocation and physical
33 custody of abused or neglected children which may include, but are not limited to,
34 homemaker/educator child case aides, specialized foster family programs, day care facilities,

1 crisis teams, emergency parents, group homes for teenage parents, family centers within existing
2 community agencies, and counseling services;

3 (4) To establish, monitor, and evaluate protective services for children including, but not
4 limited to, purchase of services from private agencies and establishment of a policy and
5 procedure manual to standardize protective services;

6 (5) To plan and initiate primary and secondary treatment programs for abused and
7 neglected children;

8 (6) To evaluate the services of the department and to conduct periodic comprehensive
9 needs assessment;

10 (7) To license, approve, monitor, and evaluate all residential and non-residential child
11 care institutions, group homes, foster homes, and programs;

12 (8) To recruit and coordinate community resources, public and private;

13 (9) To promulgate rules and regulations concerning the confidentiality, disclosure and
14 expungement of case records pertaining to matters under the jurisdiction of the department;

15 (10) To establish a minimum mandatory level of twenty (20) hours of training per year
16 and provide ongoing staff development for all staff; provided, however, all social workers hired
17 after June 15, 1991, within the department shall have a minimum of a bachelor's degree in social
18 work or a closely related field, and must be appointed from a valid civil service list;

19 (11) To establish procedures for reporting suspected child abuse and neglect pursuant to
20 chapter 11 of title 40;

21 (12) To promulgate all rules and regulations necessary for the execution of departmental
22 powers pursuant to the Administrative Procedures Act, chapter 35 of title 42;

23 (13) To provide and act as a clearinghouse for information, data and other materials
24 relative to children;

25 (14) To initiate and carry out studies and analysis which will aid in solving local, regional
26 and statewide problems concerning children;

27 (15) To represent and act on behalf of the state in connection with federal grant programs
28 applicable to programs for children in the functional areas described in this chapter;

29 (16) To seek, accept, and otherwise take advantage of all federal aid available to the
30 department, and to assist other agencies of the state, local agencies, and community groups in
31 taking advantage of all federal grants and subventions available for children;

32 (17) To review and coordinate those activities of agencies of the state and of any political
33 subdivision of the state which affect the full and fair utilization of community resources for
34 programs for children, and initiate programs that will help assure utilization;

1 (18) To administer the pilot juvenile restitution program, including the overseeing and
2 coordinating of all local community based restitution programs, and the establishment of
3 procedures for the processing of payments to children performing community service; and

4 (19) To adopt rules and regulations which:

5 (i) For the twelve (12) month period beginning on October 1, 1983, and for each
6 subsequent twelve (12) month period, establish specific goals as to the maximum number of
7 children who will remain in foster care for a period in excess of two (2) years; and

8 (ii) Are reasonably necessary to implement the child welfare services and foster care
9 programs;

10 (20) May establish and conduct seminars for the purpose of educating children regarding
11 sexual abuse;

12 (21) To establish fee schedules by regulations for the processing of requests from
13 adoption placement agencies for adoption studies, adoption study updates, and supervision related
14 to interstate and international adoptions. The fee shall equal the actual cost of the service(s)
15 rendered, but in no event shall the fee exceed two thousand dollars (\$2,000);

16 (22) To be responsible for the education of all children who are placed, assigned, or
17 otherwise accommodated for residence by the department in a state operated or supported
18 community residence licensed by a Rhode Island state agency. In fulfilling this responsibility the
19 department is authorized to enroll and pay for the education of students in the public schools or,
20 when necessary and appropriate, to itself provide education in accordance with the regulations of
21 the board of regents for elementary and secondary education either directly or through contract;

22 (23) To develop multidisciplinary service plans, in conjunction with the department of
23 health, at hospitals prior to the discharge of any drug-exposed babies. The plan requires the
24 development of a plan using all health care professionals.

25 (24) To be responsible for the delivery of appropriate mental health services to seriously
26 emotionally disturbed children and children with functional developmental disabilities.
27 Appropriate mental health services may include hospitalization, placement in a residential
28 treatment facility, or treatment in a community based setting. The department is charged with the
29 responsibility for developing the public policy and programs related to the needs of seriously
30 emotionally disturbed children and children with functional developmental disabilities.

31 In fulfilling its responsibilities the department shall:

32 (i) Plan a diversified and comprehensive network of programs and services to meet the
33 needs of seriously emotionally disturbed children and children with functional developmental
34 disabilities;

1 (ii) Provide the overall management and supervision of the state program for seriously
2 emotionally disturbed children and children with functional developmental disabilities;

3 (iii) Promote the development of programs for preventing and controlling emotional or
4 behavioral disorders in children;

5 (iv) Coordinate the efforts of several state departments and agencies to meet the needs of
6 seriously emotionally disturbed children and children with functional developmental disabilities
7 and to work with private agencies serving those children;

8 (v) Promote the development of new resources for program implementation in providing
9 services to seriously emotionally disturbed children and children with functional developmental
10 disabilities.

11 The department shall adopt rules and regulations, which are reasonably necessary to
12 implement a program of mental health services for seriously emotionally disturbed children.

13 Each community, as defined in chapter 7 of title 16, shall contribute to the department, at
14 least in accordance with rules and regulations to be adopted by the department, at least its average
15 per pupil cost for special education for the year in which placement commences, as its share of
16 the cost of educational services furnished to a seriously emotionally disturbed child pursuant to
17 this section in a residential treatment program which includes the delivery of educational services.

18 "Seriously emotionally disturbed child" means any person under the age of eighteen (18)
19 years or any person under the age of twenty-one (21) years who began to receive services from
20 the department prior to attaining eighteen (18) years of age and has continuously received those
21 services thereafter who has been diagnosed as having an emotional, behavioral or mental disorder
22 under the current edition of the Diagnostic and Statistical Manual and that disability has been on-
23 going for one year or more or has the potential of being ongoing for one year or more, and the
24 child is in need of multi-agency intervention, and the child is in an out-of-home placement or is at
25 risk of placement because of the disability.

26 A child with a "functional developmental disability" means any person under the age of
27 eighteen (18) years or any person under the age of twenty-one (21) years who began to receive
28 services from the department prior to attaining eighteen (18) years of age and has continuously
29 received those services thereafter.

30 The term "functional developmental disability" includes autism spectrum disorders and
31 means a severe, chronic disability of a person which:

32 (a) Is attributable to a mental or physical impairment or combination of mental physical
33 impairments;

34 (b) Is manifested before the person attains age eighteen (18);

- 1 (c) Is likely to continue indefinitely;
- 2 (d) Results in age- appropriate substantial functional limitations in three (3) or more of
- 3 the following areas of major life activity.
- 4 (i) Self-care;
- 5 (ii) Receptive and expressive language;
- 6 (iii) Learning;
- 7 (iv) Mobility;
- 8 (v) Self-direction;
- 9 (vi) Capacity for Independent Living; and
- 10 (vii) Economic self-sufficiency; and
- 11 (e) Reflects the person's need for a combination and sequence of special,
- 12 interdisciplinary, or generic care, treatment, or other services which are of life-long or extended
- 13 duration and are individually planned and coordinated.

14 Funding for these clients shall include funds that are transferred to the Department of

15 Human Services as part of the Managed Health Care program transfer. However, the expenditures

16 relating to these clients shall not be part of the Department of Human Services' Caseload

17 estimated for the semi-annual Caseload Estimating Conference. The expenditures shall be

18 accounted for separately.

19 (25) To provide access to services to any person under the age of eighteen (18) years or

20 any person under the age of twenty-one (21) years who began to receive child welfare services

21 from the department prior to attaining eighteen (18) years of age, has continuously received those

22 services thereafter and elects to continue to receive such services after attaining the age of

23 eighteen (18) years. The assembly has included funding in the FY 2008 Department of Children,

24 Youth and Families budget in the amount of \$10.5 million from all sources of funds and \$6.0

25 million from general revenues to provide a managed system to care for children serviced between

26 18 to 21 years of age. The department shall manage this caseload to this level of funding.

27 (26) To develop and maintain, in collaboration with other state and private agencies, a

28 comprehensive continuum of care in this state for children in the care and custody of the

29 department or at risk of being in state care. This continuum of care should be family-centered and

30 community-based with the focus of maintaining children safely within their families or, when a

31 child cannot live at home, within as close proximity to home as possible based on the needs of the

32 child and resource availability. The continuum should include community-based prevention,

33 family support and crisis intervention services as well as a full array of foster care and residential

34 services, including residential services designed to meet the needs of children who are seriously

1 emotionally disturbed, children who have a functional developmental disability and youth who
2 have juvenile justice issues. The director shall make reasonable efforts to provide a
3 comprehensive continuum of care for children in the care and custody of the DCYF, taking into
4 account the availability of public and private resources and financial appropriations and the
5 director shall submit an annual report to the general assembly as to the status of his or her efforts
6 in accordance with the provisions of subsection 42-72-4(b)(13).

7 (27) To administer funds under the John H. Chafee Foster Care Independence and
8 Educational And Training Voucher (ETV) Programs of Title IV-E of the Social Security Act, and
9 the DCYF Higher Education Opportunity Grant Program as outlined in RIGL § 42-72.8, in
10 accordance with rules and regulations as promulgated by the director of the department.

11 (28) In fulfilling the above responsibilities and subject to the provisions of chapter 3 of
12 title 35, the director of the department of children, youth and families shall have the authority to
13 reallocate line item expenditures within a bottom line appropriation for purposes of achieving
14 more effective outcomes for children, youth and families and for supporting productive and
15 efficient operational practices through program innovation practices and performance-based
16 contracting through June 30, 2017. The director's authority to reallocate line item expenditures is
17 intended to provide the department with the flexibility to implement initiatives that include but
18 are not limited to the following:

19 (i) Support program innovation, either through new or existing high performing
20 programs;

21 (ii) Expand the utilization of home-based and/or community-based services;

22 (iii) Enhance direct service support for children placed in foster homes and adoption; and

23 (iv) Strengthen the use of assessment tools and protocols for children, youth and families
24 involved with the department.

25 (29) The director of the department of children, youth and families shall identify and
26 implement fiscal controls to achieve savings throughout the department's operations and, subject
27 to the approval of the office of management and budget, may reinvest such savings in technology,
28 infrastructure and other related services through June 30, 2017.

29 (c) In order to assist in the discharge of his or her duties, the director may request from
30 any agency of the state information pertinent to the affairs and problems of children.

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

32 **ARTICLE 18**

33 RELATING TO DIVISION OF ADVOCACY

34 SECTION 1. Sections 23-1.8-1 and 23-1.8-2 of the General Laws in Chapter 23-1.8

1 entitled "Commission on the Deaf and Hard-of-Hearing" are hereby amended to read as follows:

2 **23-1.8-1. Purpose – Creation of commission.** – (a) In view of the barriers and
3 disadvantages which deafness and hearing impairments impose on those individuals so affected,
4 and in view of the testimony on deafness received by a legislative study commission, it is hereby
5 proposed that a permanent Rhode Island commission on the deaf and hard-of-hearing be
6 established. This commission shall be composed as follows: a thirteen (13) member commission,
7 eleven (11) of whom are appointed by the governor, one representative appointed by the speaker
8 of the house and one senator appointed by the president of the senate. Four (4) of the governor's
9 appointments shall be initially appointed for a term to expire July 1, 1995 and three (3) members
10 shall be appointed for a term to expire July 1, 1994. Thereafter the commissioners shall serve
11 staggered two (2) year terms, each member serving until his or her successor is appointed. These
12 commissioners shall be responsible for the establishment of policies and the appointment of an
13 executive director who shall be in the unclassified service and other staff as needed and for whom
14 appropriations are available. They shall meet not less than four (4) times per year, and shall not
15 be paid for their services, except for reimbursement of expenses incurred by their service. The
16 commissioners may elect their own officers.

17 (b) The members appointed by the governor shall include five (5) individuals who are
18 deaf who use American Sign Language, one individual who is deaf who does not use American
19 Sign Language, three (3) who are hard-of-hearing, and two (2) who are hearing. Commission
20 members shall select their own chairperson. Five (5) members shall constitute a quorum.

21 (c) For budgetary and administrative purposes only, the commission on the deaf and
22 hard-of-hearing shall be part of the division of advocacy established within the executive office of
23 health and human services pursuant to § 42-7.2-20.

24 **23-1.8-2. Duties – Activities.** – The commission shall be primarily a coordinating and
25 advocating body, acting on behalf of the special concerns of deaf and hard-of-hearing persons in
26 Rhode Island. ~~Its activities shall be independent of any existing agency or department within the~~
27 ~~state.~~ The commission shall be accountable directly to the executive office of the state, and shall
28 submit an annual report to the governor. The commission will assume the following duties:

- 29 (1) Bring about greater cooperation and coordination among agencies and organizations
30 now servicing or having the potential to serve the deaf and hard-of-hearing;
- 31 (2) Promote greater accessibility to services for the deaf and hard-of-hearing;
- 32 (3) Conduct an ongoing needs assessment;
- 33 (4) Promote increased awareness and provide information and referrals;
- 34 (5) Advocate for the enactment of legislation that would assist the needs of individuals

1 who are deaf and hard-of-hearing;

2 (6) Administer a sign language interpreter referral service;

3 (7) Take necessary action to improve the quality of life for deaf and hard-of-hearing
4 individuals living in Rhode Island;

5 (8) Develop a statewide coordinating council that will coordinate the implementation of
6 the comprehensive statewide strategic plan for children in Rhode Island who are deaf or have
7 hearing loss. The composition, functions and activities of the statewide coordinating council shall
8 be consistent with the provisions of the strategic plan developed through the Rhode Island
9 department of elementary and secondary education.

10 (9) Track the yearly services provided by exempted interpreters, as defined in subsection
11 5-71-15(4).

12 SECTION 2. Section 40.1-5-13 of the General Laws in Chapter 40.1-5 entitled “Mental
13 Health Law” is hereby amended to read as follows:

14 **40.1-5-13. Mental health advocate.** – (a) There is hereby created the office of mental
15 health advocate.

16 (b) For budgetary and administrative purposes only, the office of the mental health
17 advocate shall be part of the division of advocacy established within the executive office of health
18 and human services pursuant to § 42-7.2-20.

19 SECTION 3. Chapter 42-7.2 of the General Laws entitled “Office of Health and Human
20 Services” is hereby amended by adding thereto the following section:

21 **42-7.2-20. Creation of the division of advocacy.** – There is hereby established within
22 the executive office of health and human services the division of advocacy, which shall consist of
23 the commission on the deaf and hard-of-hearing, the governor’s commission on disabilities, the
24 office of the mental health advocate, and the child advocate office.

25 SECTION 4. Section 42-7.2-5 of the General Laws in Chapter 42-7.2 entitled “Office of
26 Health and Human Services is hereby amended to read as follows:

27 **42-7.2-5. Duties of the secretary.** – The secretary shall be subject to the direction and
28 supervision of the governor for the oversight, coordination and cohesive direction of state
29 administered health and human services and in ensuring the laws are faithfully executed, not
30 withstanding any law to the contrary. In this capacity, the Secretary of Health and Human
31 Services shall be authorized to:

32 (1) Coordinate the administration and financing of health care benefits, human services
33 and programs including those authorized by the Global Consumer Choice Compact Waiver and,
34 as applicable, the Medicaid State Plan under Title XIX of the US Social Security Act. However,

1 nothing in this section shall be construed as transferring to the secretary the powers, duties or
2 functions conferred upon the departments by Rhode Island public and general laws for the
3 administration of federal/state programs financed in whole or in part with Medicaid funds or the
4 administrative responsibility for the preparation and submission of any state plans, state plan
5 amendments, or authorized federal waiver applications, once approved by the secretary.

6 (2) Serve as the governor's chief advisor and liaison to federal policymakers on Medicaid
7 reform issues as well as the principal point of contact in the state on any such related matters.

8 (3) Review and ensure the coordination of any Global Consumer Choice Compact
9 Waiver requests and renewals as well as any initiatives and proposals requiring amendments to
10 the Medicaid state plan or category two (II) or three (III) changes, as described in the special
11 terms and conditions of the Global Consumer Choice Compact Waiver with the potential to affect
12 the scope, amount or duration of publicly-funded health care services, provider payments or
13 reimbursements, or access to or the availability of benefits and services as provided by Rhode
14 Island general and public laws. The secretary shall consider whether any such changes are legally
15 and fiscally sound and consistent with the state's policy and budget priorities. The secretary shall
16 also assess whether a proposed change is capable of obtaining the necessary approvals from
17 federal officials and achieving the expected positive consumer outcomes. Department directors
18 shall, within the timelines specified, provide any information and resources the secretary deems
19 necessary in order to perform the reviews authorized in this section;

20 (4) Beginning in 2006, prepare and submit to the governor, the chairpersons of the house
21 and senate finance committees, the caseload estimating conference, and to the joint legislative
22 committee for health care oversight, by no later than March 15 of each year, a comprehensive
23 overview of all Medicaid expenditures outcomes, and utilization rates. The overview shall
24 include, but not be limited to, the following information:

25 (i) Expenditures under Titles XIX and XXI of the Social Security Act, as amended;

26 (ii) Expenditures, outcomes and utilization rates by population and sub-population served
27 (e.g. families with children, children with disabilities, children in foster care, children receiving
28 adoption assistance, adults with disabilities, and the elderly);

29 (iii) Expenditures, outcomes and utilization rates by each state department or other
30 municipal or public entity receiving federal reimbursement under Titles XIX and XXI of the
31 Social Security Act, as amended; and

32 (iv) Expenditures, outcomes and utilization rates by type of service and/or service
33 provider.

34 The directors of the departments, as well as local governments and school departments,

1 shall assist and cooperate with the secretary in fulfilling this responsibility by providing whatever
2 resources, information and support shall be necessary.

3 (5) Resolve administrative, jurisdictional, operational, program, or policy conflicts
4 among departments and their executive staffs and make necessary recommendations to the
5 governor.

6 (6) Assure continued progress toward improving the quality, the economy, the
7 accountability and the efficiency of state-administered health and human services. In this
8 capacity, the secretary shall:

9 (i) Direct implementation of reforms in the human resources practices of the departments
10 that streamline and upgrade services, achieve greater economies of scale and establish the
11 coordinated system of the staff education, cross-training, and career development services
12 necessary to recruit and retain a highly-skilled, responsive, and engaged health and human
13 services workforce;

14 (ii) Encourage the departments to utilize consumer-centered approaches to service design
15 and delivery that expand their capacity to respond efficiently and responsibly to the diverse and
16 changing needs of the people and communities they serve;

17 (iii) Develop all opportunities to maximize resources by leveraging the state's purchasing
18 power, centralizing fiscal service functions related to budget, finance, and procurement,
19 centralizing communication, policy analysis and planning, and information systems and data
20 management, pursuing alternative funding sources through grants, awards and partnerships and
21 securing all available federal financial participation for programs and services provided through
22 the departments;

23 (iv) Improve the coordination and efficiency of health and human services legal functions
24 by centralizing adjudicative and legal services and overseeing their timely and judicious
25 administration;

26 (v) Facilitate the rebalancing of the long term system by creating an assessment and
27 coordination organization or unit for the expressed purpose of developing and implementing
28 procedures across departments that ensure that the appropriate publicly-funded health services are
29 provided at the right time and in the most appropriate and least restrictive setting; and

30 (vi) Strengthen health and human services program integrity, quality control and
31 collections, and recovery activities by consolidating functions within the office in a single unit
32 that ensures all affected parties pay their fair share of the cost of services and are aware of
33 alternative financing.

34 (vii) Broaden access to publicly funded food and nutrition services by consolidating

1 agency programs and initiatives to eliminate duplication and overlap and improve the availability
2 and quality of services; and

3 (viii) Assure protective services are available to vulnerable elders and adults with
4 developmental and other disabilities by reorganizing existing services, establishing new services
5 where gaps exist and centralizing administrative responsibility for oversight of all related
6 initiatives and programs.

7 (7) Prepare and integrate comprehensive budgets for the health and human services
8 departments and any other functions and duties assigned to the office. The budgets shall be
9 submitted to the state budget office by the secretary, for consideration by the governor, on behalf
10 of the state's health and human services in accordance with the provisions set forth in § 35-3-4 of
11 the Rhode Island general laws.

12 (8) Utilize objective data to evaluate health and human services policy goals, resource use
13 and outcome evaluation and to perform short and long-term policy planning and development.

14 (9) Establishment of an integrated approach to interdepartmental information and data
15 management that complements and furthers the goals of the CHOICES initiative and that will
16 facilitate the transition to consumer-centered system of state administered health and human
17 services.

18 (10) At the direction of the governor or the general assembly, conduct independent
19 reviews of state-administered health and human services programs, policies and related agency
20 actions and activities and assist the department directors in identifying strategies to address any
21 issues or areas of concern that may emerge thereof. The department directors shall provide any
22 information and assistance deemed necessary by the secretary when undertaking such
23 independent reviews.

24 (11) Provide regular and timely reports to the governor and make recommendations with
25 respect to the state's health and human services agenda.

26 (12) Employ such personnel and contract for such consulting services as may be required
27 to perform the powers and duties lawfully conferred upon the secretary.

28 (13) Implement the provisions of any general or public law or regulation related to the
29 disclosure, confidentiality and privacy of any information or records, in the possession or under
30 the control of the executive office or the departments assigned to the executive office, that may be
31 developed or acquired for purposes directly connected with the secretary's duties set forth herein.

32 (14) Hold the director of each health and human services department accountable for
33 their administrative, fiscal and program actions in the conduct of the respective powers and duties
34 of their agencies.

1 (15) For budgetary and administrative purposes only, oversee the division of advocacy
2 established in § 42-7.2-20.

3 SECTION 5. Section 42-51-1 of the General Laws in Chapter 42-51 entitled "Governor's
4 Commission on Disabilities" is hereby amended to read as follows:

5 **42-51-1. Establishment of commission.** – (a) There is established within the executive
6 department a permanent commission to be known as the "governor's commission on disabilities,"
7 hereinafter referred to as "the commission."

8 (b) For budgetary and administrative purposes only, the governor's commission on
9 disabilities shall be part of the division of advocacy established within the executive office of
10 health and human services pursuant to § 42-7.2-20.

11 SECTION 6. Section 42-73-1 of the General Laws in Chapter 42-73 entitled "Child
12 Advocate Office" is hereby amended to read as follows:

13 **42-73-1. Establishment.** – (a) There is created the child advocate office.

14 (b) For budgetary and administrative purposes only, the child advocate office shall be
15 part of the division of advocacy established within the executive office of health and human
16 services pursuant to §42-7.2-20.

17 SECTION 7. This article shall take effect as of July 1, 2015.

18 SECTION 8. This article shall take effect upon passage.

19 **ARTICLE 19**

20 **RELATING TO CONSOLIDATION OF DEPARTMENT OF HEALTH BOARDS**

21 SECTION 1. Chapter 5-26 of the General Laws entitled "Division of Professional
22 Regulation" is hereby repealed in its entirety.

23 **~~CHAPTER 5-26~~**

24 **~~DIVISION OF PROFESSIONAL REGULATION~~**

25 ~~**5-26-1. Establishment of division Administrator.** Within the department of health~~
26 ~~there shall be a division of professional regulation, and the director of health shall appoint an~~
27 ~~administrator of that division, in accordance with the provisions of chapter 4 of title 36. The~~
28 ~~administrator of the division professional regulation shall act as the administrative agent for the~~
29 ~~boards established.~~

30 ~~**5-26-2. Boards of examiners appointed by director of health.** The director of health,~~
31 ~~with the approval of the governor, shall also appoint to the division of professional regulation a~~
32 ~~board of nursing registration and education as provided by chapter 34 of this title, and a board of~~
33 ~~examiners of each of the following arts, practices, sciences, or callings: barbering, podiatry,~~
34 ~~chiropractic, (except as provided in § 5-30-1.1) psychology, optometry, electrolysis, and physical~~

1 therapy; and a board of five (5) examiners in speech pathology, audiology, and embalming. Those
2 boards shall perform the duties prescribed by chapters 10, 29, 30, (except as provided in § 5-30-
3 1.1), 32, 33, 34, 35, 40, 44, and 48 of this title.

4 ~~**5-26-3. Qualifications of examiners.**~~ The examiners appointed for each specific art,
5 practice, science, or calling referred to in § 5-26-2 shall be persons competent to give those
6 examinations and shall be appointed from persons licensed to practice such an art, practice,
7 science, or calling in this state, except that one member of each of the chiropractic, and
8 electrolysis boards shall be a physician licensed to practice medicine in the state.

9 ~~**5-26-4. Terms of examiners — Vacancies.**~~ The membership of the boards of
10 examiners mentioned in § 5-26-2 shall be for terms of three (3) years. On the expiration of the
11 term of any member, the director of health, by and with the advice and consent of the governor,
12 shall fill the vacancy by appointment for a term of three (3) years. On the death, resignation, or
13 removal for cause of any member, the director of health, by and with the consent and advice of
14 the governor, shall fill the vacancy by appointment for the unexpired portion of the term. Every
15 member shall serve until his or her successor has been appointed and qualified.

16 ~~**5-26-5. Holding of examinations — Compensation of examiners.**~~ The director of
17 health shall cause examinations to be held as required by law for the various arts and practices
18 enumerated in § 5-26-2. Members of each board of examiners as enumerated in § 5-26-2 shall not
19 be compensated for their service on the board of examiners.

20 ~~**5-26-6. Non-discrimination in licensing or certification.**~~ The division of professional
21 regulation and the licensing and examining boards established in this title shall administer their
22 licensing or certification programs in a manner which does not violate the requirements of 29
23 U.S.C. § 794, 42 U.S.C. § 12101 et seq., and chapter 87 of title 42.

24 SECTION 2. TITLE 5 of the General Laws entitled “BUSINESSES AND
25 PROFESSIONS” is hereby amended by adding thereto the following chapter:

26 CHAPTER 5-26.1

27 THE DIVISION OF PROFESSIONAL REGULATION AND LICENSING

28 ~~**5-26.1-1. Establishment of the division of professional regulation and licensing —**~~
29 ~~**Administrator -- Staff.**~~ (a) Within the department of health there shall be a division of
30 professional regulation and licensing. The director of health shall appoint an administrator of this
31 division, in accordance with the provisions of chapter 4 of title 36.

32 (b) Subject to appropriation, the director of health may appoint appropriate staff to the
33 division of professional regulation and licensing for the proper administration of this chapter,
34 including a chief field inspector, approved by the governor, to assist the division in the proper

1 administration of this chapter.

2 **5-26.1-2. Division of professional regulation and licensing powers and duties. – (a)**

3 The division of professional regulation and licensing shall be the licensing and regulatory
4 authority for the following arts, practices, sciences or callings:

5 (1) Barbers, hairdressers, cosmeticians, manicurists, and estheticians in chapter 10 of title
6 5;

7 (2) Chiropractic physicians in chapter 30 of title 5;

8 (3) Electrolysis in chapter 32 of title 5;

9 (4) Funeral director/embalmer in chapter 33.2 of title 5;

10 (5) Opticians in chapter 35.2 in title 5;

11 (6) Social workers in chapter 39.1 of title 5;

12 (7) Physical therapists in chapter 40 in title 5;

13 (8) Occupational therapy in chapter 40.1 in title 5;

14 (9) Psychologists in chapter 44 of title 5;

15 (10) Nursing home administrators 45 of title 5;

16 (11) Speech pathology and audiology in chapter 48 of title 5;

17 (12) Hearing aid dealers and fitters in chapter 49 of title 5;

18 (13) Prosthetist in chapter 59 of title 5;

19 (14) Athletic trainers in chapter 60 in title 5;

20 (15) Mental health counselors and marriage and family therapists in chapter 63 of title 5;

21 (16) Licensed dietician in chapter 64 of title 5;

22 (17) Dietary manager in chapter 64.1 of title 5;

23 (18) Radiologic technologists in chapter 68 of title 5;

24 (19) Licensed chemical dependency professionals in chapter 69 of title 5;

25 (20) Interpreters for the deaf in chapter 71 of title 5;

26 (21) Applied behavior analysts in chapter 86 of title 5;

27 (22) Clinical laboratory science practice in chapter 16.3 in title 23;

28 (23) Assisted living residence administrators in chapter 17.4 of title 23;

29 (24) Massage therapists in chapter 20.8 in title 23; and

30 (25) Respiratory care in chapter 39 of title 23;

31 (b) Over all professions stated in (a), the division of professional regulation and licensing
32 shall:

33 (1) Approve all written and practical examinations in accordance with (c) below;

34 (2) Issue all licenses and permits subsequently provided for in this chapter;

1 (3) Serve as the inspector of sanitation of all individuals and establishments licensed
2 under this chapter;

3 (4) Make any rules and regulations that the division deems necessary or expedient, in
4 conformity with the provisions of this chapter and not contrary to law, relating to the practice of
5 any of the professions provided in subsection (a), including, but not limited to, the licensing,
6 examination, examination fees, conduct of the business, the establishment, the sanitary
7 requirements in all establishments and of all persons licensed or unlicensed under the provisions
8 of this chapter;

9 (5) Keep a register of all persons and places of business licensed under this chapter;

10 (6) Keep complete records of all persons and establishments licensed under this chapter;

11 (7) Summon witnesses; and

12 (8) Perform all acts necessary to enforce the provisions of this chapter.

13 (9) Act as the administrative agent and keep a record of all proceedings of the health
14 professions board of review, issue all notices, attest all records, and perform any other
15 administrative duties that are required by the health professionals board of review, established in
16 accordance with § 5-26.1-3.

17 (c)(1) If an examination is deemed necessary as a condition of licensing by the director
18 of health, the examination for licensure may be conducted by the division as scheduled by the
19 division as appropriate and according to methods and in any subject fields that is deemed most
20 practical and expeditious to test the applicant's qualifications. Further:

21 (i) The division may require examinations to be written or oral, or both.

22 (ii) In any written examination, the division may require that the identity of the applicant
23 shall not be disclosed until after the examination papers have been graded.

24 (iii) Written examination papers shall be preserved and available for at least two (2)
25 years.

26 (iv) A candidate shall pass the examination upon receiving the threshold score
27 determined in advance by the division.

28 (v) Any appeal regarding the examination or score of an individual shall be submitted to
29 the health professions board of review.

30 (2) A license may be issued by the division without examination in Rhode Island if:

31 (i) An applicant who has been licensed or certified under the laws of another state, United
32 States territory, or foreign country where the division determines that the requirements are
33 substantially equivalent or stricter to those of this state; or

34 (ii) An applicant has been licensed or certified after examination by an association

1 deemed suitable by the division and the division determines that the examination is substantially
2 equivalent to, or exceeds, the requirements or examination in the State of Rhode Island.

3 (d) The division may issue temporary permit or provisional license to practice to a
4 candidate for licensure who has paid the required fees as set forth in § 23-1-54 and has satisfied
5 the following requirements:

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

7 (2) Has met all of the requirements determined necessary by the division as specified in
8 rules and regulations;

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

11 (4) Shall refrain from using the professional title or representing himself or herself as a
12 licensed professional, other than by using the title "student", "trainee" or "intern", or "resident";
13 and

14 (5) The temporary permit or provisional license shall expire, but may be extended, in
15 accordance with a time period to be determined by the division under regulation.

16 (e) Establish standards for continuing education.

17 (f) (1) Be responsible for investigation and enforcement of all disciplinary actions under
18 this chapter.

19 (2) If the division has reason to believe that any person, firm, corporation or association
20 is conducting any activities requiring licensure without obtaining a license, or who after the
21 denial, suspension or revocation of a license conducts any activities requiring licensure, or who
22 conducting activities in an improper manner, in the interest of public health and safety, the
23 department may issue a cease and desist order to that person, firm, corporation or association
24 commanding them to halt unlawful activities and to appear within thirty (30) days for a hearing
25 before the health professions board of review established in accordance with § 5-26.1-
26 3. Additionally, the division may impose any appropriate sanctions or take further action
27 consistent with law or regulation.

28 (3) The order to show cause may be served on any person, firm, corporation or
29 association named in the order in the same manner that summons in a civil action may be served,
30 or by mailing a copy of the order, certified mail, return receipt requested, to that person at any
31 address at which he or she has done business or at which he or she lives. If, upon that hearing, the
32 board is satisfied that the person is in fact violating any provision of title 5, then the department
33 may order that person, in writing, to cease and desist from that violation and the department may
34 impose sanctions or take further action consistent with law or regulations. If that person, firm,

1 corporation or association fails to comply with an order of the division, the superior court in
2 Providence county has jurisdiction upon complaint of the department to restrain and enjoin that
3 person from further violation.

4 (g) Effective July 1, 2015, all functions and authority vested in the division of
5 professional regulation under § 5-26 are hereby transferred to the division of professional
6 regulation and licensing hereunder. The division of regulation and licensing shall have authority
7 as expressly provided in the provisions of chapter 26 of title 5. Notwithstanding any other general
8 law to the contrary, the division shall supersede all licensing and regulatory authority previously
9 established pursuant to chapters 10, 30, 32, 33.2, 35.2, 39.1, 40, 40.1, 44, 45, 48, 49, 59, 60, 63,
10 64, 64.1, 68, 69, 71, and 86 of title 5 and chapters 16.3, 17.4, 20.8, and 39 of title 23, granted to
11 individual boards under these chapters. All administrative appeals and advisory authority
12 conferred by these sections shall now be vested in the health professions board of review
13 established by § 5-26.1-3.

14 (h)The division shall administer their licensing or certification programs in a manner
15 which does not violate the requirements of 29 U.S.C. § 794, 42 U.S.C. § 12101 et seq., and
16 chapter 87 of title 42.

17 **5-26.1-3. Health professions board of review established.** – (a) A single health
18 professions board of review is hereby established for the purpose of appeals, discipline and
19 advisory functions for the arts, practices, sciences, or callings listed in § 5-26.1-2(a).

20 **5-26.1-4. Health professions board of review – Appointments – Terms -- Removal of**
21 **members – Vacancies – Technical Subcommittee.** – (a) With recommendation by the director
22 of health, and approval of the governor, the department shall appoint ten (10) members to the
23 health professions board of review. Four (4) of the members shall be professionals licensed and
24 in good standing in any of the arts, practices, sciences, or callings stated in § 5-26.1-2(a). Three
25 (3) of the members shall be general members of the public and consumers of the professions
26 stated in § 5-26.1-2(a). Three (3) of the members shall be employed in the healthcare industry.
27 The entire membership as a whole shall be diverse and representative of the Rhode Island
28 population to the greatest extent possible. In addition to the ten (10) appointed members, the
29 director of health or his or her designee shall serve as a member and chairperson.

30 (b) Appointed members of the board of review shall serve until their successors are
31 appointed and qualified and for the following terms:

32 1) Three (3) members for one (1) year;

33 2) Three (3) members for two (2) years;

34 3) Three (3) members for three (3) years; and

1 4) Beginning July 1, 2018, all members shall serve for three (3) years from their date of
2 appointment.

3 (c) Upon recommendation of the director of health, any member of the board may be
4 removed by the governor for cause, including, but not limited to failure to attend regularly
5 scheduled meetings or failure to maintain good standing in his or profession. On the death,
6 resignation, or removal for cause of any member of the board, the governor shall fill the vacancy
7 by appointment for a new three (3) year term in accordance with subsection (a).

8 (d) The director of health shall designate at least one (1) person licensed and in good
9 standing in each profession listed in § 5-26.1-2(a) to serve as a non-voting technical expert to the
10 board in his or her profession as necessary and required by the board.

11 (e) All members of the board and designated technical experts shall not be compensated
12 for their service.

13 (d) All members of the board are subject to the provisions of chapter 14 of title 36 and
14 associated provisions.

15 **5-26.1-5. Health professions board of review – Powers and duties.** - (a) Upon formal
16 request, the board shall hear an appeal of disciplinary actions taken by the division of professional
17 regulation and licensing related to the professions listed in § 5-26.1-3(a) within thirty (30) days
18 from the issuance of a complaint by the division. Any such hearing shall be conducted in
19 accordance with chapter 35 of title 42, administrative procedures. The board shall render a
20 decision within ten business (10) days from the close of the hearing. The board shall adopt
21 regulations for the conduct of any such hearings. The board may summon witnesses and
22 administer oaths as necessary. If a person fails to comply with an order of the board after being
23 afforded a hearing, the superior court in Providence county has jurisdiction upon complaint of the
24 department of health to restrain and enjoin that person from violating any order.

25 (b) The board shall hear all licensing and examination appeals pertaining to professions
26 listed in § 5-26.1-2(a) in a manner consistent with subsection (a).

27 (c) Any aggrieved person, including the division, may appeal from the decision of the
28 board pursuant to § 42-35-15 to the superior court.

29 (d) The board may serve in an advisory capacity and may make recommendations to the
30 director of health and the division of professional regulation and licensing regarding any
31 selection, review and evaluation of the licensing examinations; regarding any policy that may be
32 necessary to improve the operations of the division of professional regulation and licensing;
33 recommend that the director adopt rules and regulations that set professional practice standards
34 for professions listed in § 5-26.1-2(a). Any recommendations are advisory in nature and are

1 [subject to the approval of the director of health.](#)

2 [\(e\) The board shall administer their function in a manner which does not violate the](#)
3 [requirements of 29 U.S.C. § 794, 42 U.S.C. § 12101 et seq., and chapter 87 of title 42.](#)

4 SECTION 3. Sections 5-10-1, 5-10-28, 5-10-31 and 5-10-32 of the General Laws entitled
5 “Barbers, Hairdressers, Cosmeticians, Manicurists, and Estheticians” are hereby amended to read
6 as follows:

7 **5-10-1. Definitions.** – The following words and phrases, when used in this chapter, are
8 construed as follows:

9 (1) "Apprentice barber" means an employee whose principal occupation is service with a
10 barber or hairdresser who has held a current license as a barber or hairdresser for at least three (3)
11 years with a view to learning the art of barbering, as defined in subdivision (15) of this section.

12 (2) "Barber" means any person who shaves or trims the beard, waves, dresses, singses,
13 shampoos, or dyes the hair or applies hair tonics, cosmetic preparations, antiseptics, powders, oil
14 clays, or lotions to scalp, face, or neck of any person; or cuts the hair of any person, gives facial
15 and scalp massages, or treatments with oils, creams, lotions, or other preparations.

16 (3) "Board" means the [health professions board of review](#) ~~state board of barbering and~~
17 ~~hairdressing as provided for in this chapter~~ [in Chapter 26.1-3 of title 5.](#)

18 (4) "Department" means the Rhode Island department of health.

19 (5) "Division" means the division of professional regulation and licensing within the
20 department of health.

21 (6) "Esthetician" means a person who engages in the practice of esthetics, and is licensed
22 as an esthetician.

23 (7) "Esthetician shop" means a shop licensed under this chapter to do esthetics of any
24 person.

25 (8) "Esthetics" means the practice of cleansing, stimulating, manipulating, and
26 beautifying skin, including, but not limited to, the treatment of such skin problems as
27 dehydration, temporary capillary dilation, excessive oiliness, and clogged pores.

28 (9) "Hair design shop" means a shop licensed under this chapter to do barbering or
29 hairdressing/cosmetology, or both, to any person.

30 (10) "Hairdresser and cosmetician" means any person who arranges, dresses, curls, cuts,
31 waves, singses, bleaches, or colors the hair or treats the scalp, or manicures the nails of any person
32 either with or without compensation or who, by the use of the hands or appliances, or of cosmetic
33 preparations, antiseptics, tonics, lotions, creams, powders, oils or clays, engages, with or without
34 compensation, in massaging, cleansing, stimulating, manipulating, exercising, or beautifying or in

1 doing similar work upon the neck, face, or arms or who removes superfluous hair from the body
2 of any person.

3 (11) "Instructor" means any person licensed as an instructor under the provisions of this
4 chapter.

5 (12) "Manicuring shop" means a shop licensed under this chapter to do manicuring only
6 on the nails of any person.

7 (13) "Manicurist" means any person who engages in manicuring for compensation and is
8 duly licensed as a manicurist. (14) "School" means a school approved under chapter 40 of title 16,
9 as amended, devoted to the instruction in and study of the theory and practice of barbering,
10 hairdressing and cosmetic therapy, esthetics and/or manicuring.

11 (15) "The practice of barbering" means the engaging by any licensed barber in all or any
12 combination of the following practices: shaving or trimming the beard or cutting the hair; giving
13 facial and scalp massages or treatments with oils, creams, lotions, or other preparations either by
14 hand or mechanical appliances; singeing, shampooing, arranging, dressing, curling, waving,
15 chemical waving, hair relaxing, or dyeing the hair or applying hair tonics; or applying cosmetic
16 preparations, antiseptics, powders, oils, clays or lotions to scalp, face, or neck.

17 (16) "The practice of hairdressing and cosmetic therapy" means the engaging by any
18 licensed hairdresser and cosmetician in any one or more of the following practices: the
19 application of the hands or of mechanical or electrical apparatus, with or without cosmetic
20 preparations, tonics, lotions, creams, antiseptics, or clays, to massage, cleanse, stimulate,
21 manipulate, exercise, or otherwise to improve or to beautify the scalp, face, neck, shoulders,
22 arms, bust, or upper part of the body or the manicuring of the nails of any person; or the removing
23 of superfluous hair from the body of any person; or the arranging, dressing, curling, waving,
24 weaving, cleansing, cutting, singeing, bleaching, coloring, or similarly treating the hair of any
25 person.

26 (17) "The practice of manicuring" means the cutting, trimming, polishing, tinting,
27 coloring, or cleansing the nails of any person.

28 **5-10-28. Appeals.** – Any person aggrieved by any decision or ruling of the Division may
29 appeal to the [board administrator of the division or his or her designee in accordance with § 5-](#)
30 [26.1-5.](#) A further judicial appeal may ~~then be made to the appropriate board of examiners.~~ of the
31 board's decision may [be brought in accordance with § 5-26.1-5\(c\).](#) ~~Any person aggrieved by any~~
32 ~~decision or ruling of the board may appeal it to the director of the department. Any further appeal~~
33 ~~from the action of the director is in accordance with the provisions of chapter 35 of title 42.~~ For
34 the purpose of this section the division is considered a person.

1 **5-10-31. Prosecution of violations.** – Complaints for violations of the provisions of this
2 chapter shall be made ~~by to~~ the division, ~~the board of hairdressing, or a member or any person~~
3 ~~authorized by the division,~~ who shall investigate the complaint and take appropriate action in
4 accordance with regulation and as necessary. Nothing herein shall prevent the division from
5 bringing a complaint on its own accord. ~~and~~ ~~†~~The complainant, other than the division, shall not
6 be required to recognize for costs; provided, that if the division, ~~board or any member~~ refuses or
7 unreasonably neglects to prosecute a violation of this chapter, any person holding any license
8 issued by the division may complain to the attorney general, who shall assign a member of his or
9 her department to investigate the complaint and, if reasonable cause for the complaint is found to
10 exist, shall diligently prosecute the person, association, partnership, or corporation violating the
11 provisions of this chapter or portion of this chapter.

12 **5-10-32. Enforcement of chapter – Annual reports.** –The division is specifically
13 charged with the enforcement of this chapter, shall investigate all complaints for violations of the
14 provisions of this chapter. The board shall hold a hearing upon any complaint for any violation of
15 the chapter within thirty (30) days after the filing of the complaint and render a decision, in
16 writing, within ten (10) days from the close of the hearing. If the ~~division~~ board finds that any of
17 the provisions of this chapter have been violated, ~~†~~ the division shall immediately institute any
18 criminal prosecution that the violation warrants.

19 SECTION 4. Sections 5-10-2, 5-10-3, 5-10-4, 5-10-6 of the General Laws in Chapter 5-
20 10, entitled, “Barbers, Hairdressers, Cosmeticians, Manicurists and Estheticians” are hereby
21 repealed.

22 ~~**5-10-2. Creation of division of professional regulation and board of barbering and**~~
23 ~~**hairdressing – Powers and duties.**~~ (a) ~~Within the department of health there is a division of~~
24 ~~professional regulation and a board of barbering and hairdressing. The division shall:~~

- 25 ~~(1) Approve all written and practical examinations;~~
26 ~~(2) Issue all licenses and permits subsequently provided for in this chapter;~~
27 ~~(3) Serve as the sole inspector of sanitation of all establishments licensed under this~~
28 ~~chapter;~~
29 ~~(4) Make any rules and regulations that the division deems necessary or expedient, in~~
30 ~~conformity with the provisions of this chapter and not contrary to law, for the conduct of the~~
31 ~~business of barbering and hairdressing and cosmetic therapy or esthetics and manicuring, for the~~
32 ~~use of appliances, apparatus, and electrical equipment and machines and the establishment of~~
33 ~~sanitary requirements in all establishments and of all persons licensed under the provisions of this~~
34 ~~chapter;~~

- 1 ~~(5) Keep a register of all persons and places of business licensed under this chapter;~~
2 ~~(6) Keep complete records of all persons and establishments licensed under this chapter;~~
3 ~~(7) Summon witnesses and administer oaths; and~~
4 ~~(8) Do all things and perform all acts necessary to enforce the provisions of this chapter.~~

5 ~~(b) The board of barbering and hairdressing shall have a policy making role in selection~~
6 ~~of the examinations. Subsequent to the administration of the examination, the board of examiners~~
7 ~~shall review the examinations to evaluate their effectiveness. The board shall supervise the~~
8 ~~operations of the division of professional regulation in an advisory capacity in promulgating any~~
9 ~~policy that is necessary to improve the operations of the division in their areas of expertise. The~~
10 ~~promulgation of that policy is subject to the approval of the director of the department. Members~~
11 ~~of the board are subject to the provisions of chapter 14 of title 36.~~

12 ~~**5-10-3. Board of barbering and hairdressing — Appointments — Organization —**~~

13 ~~**Removal of members.** (a) The governor shall appoint seven (7) members to a board of~~
14 ~~hairdressing who shall be appointed for a term of four (4) years and until their successors are~~
15 ~~appointed and qualified. The governor shall appoint one public member, three (3) licensed~~
16 ~~cosmetologists, and three (3) licensed barbers. However, for the initial board appointments the~~
17 ~~three hairdressing members of the current board of hairdressing and the three (3) barber members~~
18 ~~of the current board of barbering shall be automatically appointed to the board of barbering and~~
19 ~~hairdressing to fulfill their unexpired terms. To be eligible for appointment to the board, the~~
20 ~~appointee shall have been a licensed barber or hairdresser and cosmetician, continuously and~~
21 ~~actively engaged in that practice for at least five (5) years immediately preceding his or her~~
22 ~~appointment, and not be connected, either directly or indirectly, with any school of barbering,~~
23 ~~hairdressing, and cosmetic therapy as defined in § 5-10-1(14), or any establishment dealing in~~
24 ~~barbering, cosmetic, or hairdressing supplies.~~

25 ~~(b) Any member of the board appointed by the governor may be removed by the~~
26 ~~governor for cause and any vacancy occurring in the membership of the board by that removal~~
27 ~~shall be filled by the governor by the appointment of a qualified person to serve for the unexpired~~
28 ~~term.~~

29 ~~(c) The division shall keep a record of all proceedings of the board, issue all notices,~~
30 ~~attest all records, and perform any other duties that are required by the board.~~

31 ~~(d) The department is authorized to employ a chief field inspector appointed by the~~
32 ~~governor and to assist the division in the proper administration of this chapter.~~

33 ~~**5-10-4. Board of barbering and hairdressing — Compensation of members.** No~~

34 ~~member of the board shall be compensated for his or her services for attendance at meetings of~~

1 ~~the board, attendance at examinations, but shall be reimbursed by the department of health for his~~
2 ~~or her traveling and other expenses incurred in the performance of his or her duties provided in~~
3 ~~this chapter.~~

4 ~~**5-10-6. Meetings of board—Time and notice of examinations.** The board shall meet~~
5 ~~as often as necessary for the transaction of any business that regularly comes before it. The board~~
6 ~~shall hold each year, at any times and places within the state that it designates, at least two (2)~~
7 ~~public examinations for the various classes of licenses that it is empowered to issue. Practical~~
8 ~~examinations shall be held for those licenses.~~

9 SECTION 5. Sections 5-30-6, 5-30-7, 5-30-8, 5-30-9, 5-30-10, 5-30-12, 5-30-13, 5-30-14
10 and 5-30-15 of the General Laws in Chapter 5-30 entitled “Chiropractic Physicians,” are hereby
11 amended as follows:

12 **5-30-6. Qualifications and examinations of applicants.** – Every person desiring to
13 begin the practice of chiropractic medicine, except as provided in this chapter, shall present
14 satisfactory evidence to the division of professional regulation [and licensing](#) of the department of
15 health, verified by oath, that he or she is more than twenty-three (23) years of age, of good moral
16 character, and that before he or she commenced the study of chiropractic medicine had
17 satisfactorily completed credit courses equal to four (4) years of pre-professional study acceptable
18 by an accredited academic college and obtained a bachelor of science or bachelor of arts degree
19 and subsequently graduated from a school or college of chiropractic medicine approved by the
20 division of professional regulation [and licensing](#) of the department of health, and has completed a
21 residential course of at least four (4) years, each year consisting of at least nine (9) months study.
22 Any qualified applicant shall take an examination ~~before the state board of chiropractic examiners~~
23 [as required by the division of professional regulation and licensing](#) to determine his or her
24 qualifications to practice chiropractic medicine. Every applicant for an examination shall pay a
25 fee as set forth in § 23-1-54 for the examination to the division of professional and licensing
26 regulation. Every candidate who passes the examination shall be recommended by the division of
27 professional regulation of the department of health to the director of the department of health to
28 receive a certificate of qualification to practice chiropractic medicine. [Nothing herein shall](#)
29 [prevent the division of professional regulation and licensing from issuing a license without](#)
30 [examination in accordance with the provisions of § 5-26.1-2\(c\)\(2\) or § 5-30-7.](#)

31 **5-30-7. Certification of chiropractic physicians authorized to practice in other states.**
32 – The division of professional regulation [and licensing](#) of the department of health may, at its
33 discretion, dispense with the examination of any chiropractic physician authorized to practice
34 chiropractic medicine in any other state, and who has been practicing his or her profession in that

1 state for at least five (5) years and desires to reside permanently and practice his or her profession
2 in this state, provided the laws of that state require qualifications of a grade equal to those
3 required in Rhode Island, and provided that equal rights are accorded by that state to chiropractic
4 physicians of Rhode Island. The chiropractic physician shall make an application to the division
5 for exemption from examination and the division may in its discretion exempt him or her. If the
6 division exempts him or her, he or she shall pay a fee as set forth in § 23-1-54 for a certificate of
7 exemption from that examination, and upon receipt of that fee, the division shall recommend him
8 or her to the director of the department of health to receive a certificate of qualification to practice
9 chiropractic medicine.

10 **5-30-8. Certification to practice physiotherapy.** – (a) Every person desiring to practice
11 physiotherapy in addition to chiropractic medicine and who completed a course of four (4) years,
12 of eight (8) months each, in some school of chiropractic medicine approved by the division of
13 professional regulation [and licensing](#) of the department of health, completed a course of three (3)
14 years, of nine (9) months each, at some school of chiropractic medicine approved by the division
15 and an additional year, of at least six (6) months, in physiotherapy and all branches of that field,
16 at that school, or has served as an intern for six (6) months in any year at an institution approved
17 by the division, and satisfies the division that he or she is qualified, may take an examination
18 ~~before the state board of chiropractic examiners~~ to determine his or her qualification to practice
19 physiotherapy in addition to chiropractic medicine.

20 (b) Every applicant for that examination shall pay a fee for the examination to the
21 division of professional regulation [and licensing](#) of the department of health, provided that if the
22 examination is taken at the same time as the examination to determine the applicant's fitness to
23 practice chiropractic medicine, only one fee as set forth in § 23-1-54 is charged. Every candidate
24 who passes that examination shall be recommended by the division of professional regulation [and](#)
25 [licensing](#) of the department of health to the director of the department of health to receive a
26 certificate of qualification to practice physiotherapy.

27 **5-30-9. Method and scope of examinations – Reexaminations.** – With the exception of
28 vertebral palpation and adjusting which is by demonstration, the examination provided for in § 5-
29 30-6 to determine the applicant's qualification to practice chiropractic medicine shall be in
30 writing, and it shall be given in any subjects that the division of professional regulation [and](#)
31 [licensing](#) of the department of health determines, but it must include questions in all of the
32 following subjects: microbiology, anatomy, histology and embryology, physiology, chemistry,
33 laboratory diagnosis, hygiene and sanitation, philosophy of chiropractic medicine, spinal analysis,
34 pathology, physical diagnosis, practice of chiropractic medicine, technique, clinical diagnosis, x-

1 ray, first aid, gynecology and dietetics. The division utilizes for the examinations in the basic
2 sciences subjects of microbiology, anatomy, physiology, chemistry, and pathology the
3 examination prepared and scored by the examination institute committee of the Federation of
4 State Medical Boards of the United States, Inc., (FLEX) or any other examination that in the
5 opinion of the division of professional regulation [and licensing](#) is substantially equivalent to it.
6 The Rhode Island board of medical licensure shall cooperate with the division in making the
7 (FLEX) examination available. In case an applicant fails to pass the first examination, he or she is
8 entitled to reexamination at the next regular examination without further fee. The examination to
9 determine the applicant's fitness to practice physiotherapy shall include questions in any branches
10 of physiotherapy that the division determines. The division shall prepare reasonable questions and
11 shall fairly mark and grade the answers to these questions, all of which shall be done for the
12 purpose of determining whether the applicant is reasonably qualified to practice chiropractic
13 medicine and physiotherapy.

14 **5-30-10. Issuance and registration of certificates.** – Upon receipt of any
15 recommendation from the [division of professional regulation and licensing](#) ~~board of chiropractic~~
16 ~~examiners~~, as provided in §§ 5-30-6 – 5-30-8, the director of the department of health shall issue
17 to the recommended person a certificate to practice chiropractic medicine or physiotherapy within
18 this state, or certificates to practice each of them, in accordance with that recommendation. Those
19 certificates shall be signed by the [administrator of the division of professional regulation and](#)
20 [licensing](#) ~~members of the board of chiropractic examiners~~ and by the director of the department of
21 health, who shall affix the official seal of the department of health to the certificates. The holder
22 of a certificate authorizing him or her to practice chiropractic medicine, immediately upon receipt
23 of the certificate, shall cause it to be filed for registration in the office of the clerk of the city or
24 town in which he or she resides, and that act shall constitute him or her a regularly registered
25 chiropractic physician.

26 **5-30-12. Annual registration – Payment of fees.** – Annually, during the month of
27 October in each year, every person granted a certificate to practice chiropractic medicine shall
28 register his or her name, address, and place of business with the division of professional
29 regulation [and licensing](#) of the department of health. The division shall keep a book for that
30 purpose, and each person registering shall pay a fee as set forth in § 23-1-54 and shall receive a
31 certificate of registration for the next succeeding fiscal year, unless the certificate of practice has
32 been suspended or revoked for cause, as provided in § 5-30-13. All fees for examination, for
33 certificate of exemption from examination, and for annual registration shall be deposited as
34 general revenues.

1 **5-30-13. Continuing education requirements** – Grounds for refusal, revocation, or
2 suspension of certificates. – (a) The division of professional regulation [and licensing](#) of the
3 department of health may, after notice and a hearing, in its discretion refuse to grant the
4 certificate provided for in this chapter to any chiropractic physician if the applicant has not
5 furnished satisfactory evidence that he or she has completed, in the twelve (12) months preceding
6 each renewal date, at least twelve (12) hours of instruction in chiropractic related subjects as
7 conducted by the Chiropractic Society of Rhode Island or the equivalent as approved by the
8 division. Satisfactory evidence of completion of postgraduate study of a type and character, or at
9 an educational session or institution approved by the division, is considered equivalent. Every
10 chiropractic physician licensed to practice within this state, on or before the thirty-first day of
11 October of every third year after the 1980 registration, shall apply to the [division Rhode Island](#)
12 ~~state board of chiropractic examiners~~ for certification of triennial registration with the division
13 ~~board~~. The division may, after notice and a hearing, in its discretion refuse to grant the certificate
14 provided for in this chapter to any chiropractic physician, if the applicant has not furnished
15 satisfactory evidence ~~to the board of examiners~~ that in the preceding three (3) years the
16 practitioner has completed sixty (60) hours of instruction in chiropractic related subjects
17 prescribed by the rules and regulations, ~~by the board of chiropractic examiners~~ as conducted by
18 the Chiropractic Society of Rhode Island or the equivalent as approved by the division.
19 Satisfactory evidence of completion of postgraduate study of a type and character, or at an
20 educational session or institution approved by the division, is considered equivalent. The division
21 may waive the educational requirements if the division is satisfied that an applicant has suffered a
22 hardship or for any other sufficient reason was prevented from meeting the educational
23 requirements.

24 (b) The division of professional regulation [and licensing](#) of the department of health may,
25 after notice and hearings, in its discretion refuse to grant the certificate provided for in this
26 chapter to any chiropractic physician who is not of good moral character, or who has violated any
27 of the laws of the state involving moral turpitude or affecting the ability of any chiropractic
28 physician to practice chiropractic medicine, or who has been guilty of gross unprofessional
29 conduct or conduct of a character likely to deceive or defraud the public, and may, after notice
30 and hearing, revoke or suspend any certificate issued or granted by it for like cause or for any
31 fraud or deception committed in obtaining the certificate. "Gross unprofessional conduct" is
32 defined as including, but not being limited to:

33 (1) The use of any false or fraudulent statement in any document connected with the
34 practice of chiropractic medicine.

- 1 (2) The obtaining of any fee by willful fraud or misrepresentation either to a patient or
2 insurance plan.
- 3 (3) The willful violation of a privileged communication.
- 4 (4) Knowingly performing any act which in any way aids or assists an unlicensed person
5 to practice chiropractic medicine in violation of this chapter.
- 6 (5) The practice of chiropractic medicine under a false or assumed name.
- 7 (6) The advertising for the practice of chiropractic medicine in a deceptive or unethical
8 manner.
- 9 (7) The obtaining of a fee as personal compensation or gain for an employer or for a
10 person on a fraudulent representation that a manifestly incurable condition can be permanently
11 cured.
- 12 (8) Habitual intoxication or addiction to the use of drugs.
- 13 (9) Willful or repeated violations of any of the rules or regulations of the state department
14 of health.
- 15 (10) Gross incompetence in the practice of his or her profession.
- 16 (11) Repeated acts of immorality or repeated acts of gross misconduct in the practice of
17 his or her profession.
- 18 (12) The procuring or aiding or abetting in procuring a criminal abortion.
- 19 (13) A chiropractic physician providing services to a person who is making a claim as a
20 result of a personal injury who charges or collects from the person any amount in excess of the
21 reimbursement to the chiropractic physician by the insurer as a condition of providing or
22 continuing to provide services or treatment.

23 (c) The division of professional regulation [and licensing](#) of the department of health shall
24 serve a copy of its decision or ruling upon any person whose certificate has been revoked or
25 refused.

26 **5-30-14. Appeals from director and division.** – Any person aggrieved by any decision
27 or ruling ~~of the director of the department of health, or~~ of the division of professional regulation
28 and licensing, in regard to any of the provisions of this chapter, may appeal to [the health](#)
29 [professions board of review in accordance with § 5-26.1-5. A further judicial appeal of the](#)
30 [board's decision may be brought pursuant to § 5-26.1-5\(c\).](#) ~~the superior court in the manner~~
31 ~~provided for in chapter 35 of title 42.~~

32 **5-30-15. Disposition of fees – Compensation of board members.** – The administrator
33 of the division of professional regulation [and licensing](#) shall collect all fees for the division under
34 the provisions of this chapter, and shall remit those fees to the general treasurer monthly. Under

1 no circumstances shall any fee be returned. ~~Members of the board of chiropractic examiners shall~~
2 ~~not be compensated for actual attendance at meetings of the board.~~

3 SECTION 6. Sections 5-30-1.1, 5-30-2, and 5-30-17 of the General Laws in Chapter 5-30
4 entitled "Chiropractic Physicians" are hereby repealed:

5 ~~**5-30-1.1. Board of Chiropractic Examiners.** (a) Within the division of professional~~
6 ~~regulation of the department of health, there shall be a state board of chiropractic examiners to be~~
7 ~~appointed by the director of the department of health with the approval of the governor. The~~
8 ~~board shall consist of five (5) members who are certified electors in this state, to be appointed to~~
9 ~~terms of three (3) years each. No member shall serve more than two (2) consecutive full terms.~~
10 ~~Three (3) members shall be chiropractic physicians licensed to practice in the state of Rhode~~
11 ~~Island, and two (2) members shall be representatives of the general public.~~

12 ~~(b) The current members of the board as provided for in chapter 26 of this title shall~~
13 ~~continue to serve until the expiration of their terms. One additional chiropractic physician and the~~
14 ~~public members shall be appointed for initial terms to expire on June 30, 2002.~~

15 ~~(c) At the expiration of the terms, the director, with the approval of the governor, shall~~
16 ~~appoint, at that time, and every three (3) years thereafter, qualified persons for a term of three (3)~~
17 ~~years. Upon the death, resignation or removal of any member, the director of the department of~~
18 ~~health, with the approval of the governor, shall appoint to vacancies, as they occur, a qualified~~
19 ~~person to serve on the board for the remainder of the term and until his or her successor is~~
20 ~~appointed and qualified.~~

21 ~~(d) The director of the department of health may remove any member of the board for~~
22 ~~neglect of any duty required by law or for any incompetent, unprofessional, or dishonorable~~
23 ~~conduct. Vacancies shall be filled in the same manner as the original appointment is made for the~~
24 ~~remainder of the term. Before beginning his or her term of office, each member shall take the~~
25 ~~oath prescribed by law for state officers, a record of which shall be filed with the secretary of~~
26 ~~state.~~

27 ~~**5-30-2. Board of examiners—Rules and regulations—Oaths—Seal.** The state board of~~
28 ~~chiropractic examiners shall make any rules and regulations, not inconsistent with law, that it~~
29 ~~deems necessary to carry out the provisions of this chapter relating to the practice of chiropractic~~
30 ~~medicine. Any member of the board has power to administer oaths for all purposes required in the~~
31 ~~discharge of his or her duties. The board shall adopt a seal to be affixed to all its official~~
32 ~~documents.~~

33 ~~**5-30-17. Applicability of chapter 37 of this title to chiropractic medicine.** Except as~~
34 ~~expressly provided in this chapter, all provisions of chapter 37 of this title apply to the practice of~~

1 ~~chiropractic medicine, and to persons practicing chiropractic medicine within the state.~~

2 SECTION 7. Sections 5-32-2, 5-32-3, 5-32-4, 5-32-6, 5-32-8, 5-32-9, 5-32-11, 5-32-12,
3 5-32-13, and 5-32-17 in Chapter 5-32 entitled "Electrolysis" are hereby amended to read as
4 follows:

5 **5-32-2. Penalty for unlicensed practice.** – Every person who subsequently engages in
6 the practice of electrolysis in this state without being licensed by the [division of professional](#)
7 [regulation and licensing](#) ~~board of examiners~~ in electrolysis is practicing illegally and, upon
8 conviction, shall be fined not more than twenty-five dollars (\$25.00) and every day of the
9 continuation of illegal practice is a separate offense.

10 **5-32-3. Certificates – Applications – Penalty for violations.** – The division of
11 professional regulation [and licensing](#) of the department of health shall issue certificates to
12 practice electrolysis, as defined in this chapter, to any persons that comply with the provisions of
13 this chapter. Any person who desires to engage in that practice shall submit, in writing, in any
14 form that is required by the [division](#) ~~board~~, an application for a certificate to engage in that
15 practice. The application shall be accompanied by a fee as set forth in § 23-1-54. Any person,
16 firm, corporation or association violating any of the provisions of this chapter commits a
17 misdemeanor and, upon conviction, shall be punished by a fine not to exceed two hundred dollars
18 (\$200), or imprisoned for a period not to exceed three (3) months, or both the fine and
19 imprisonment.

20 **5-32-4. Qualifications of applicants.** – Licenses to engage in the practice of electrolysis
21 shall be issued to the applicants who comply with the following requirements:

22 (1) Are citizens or legal residents of the United States.

23 (2) Have attained the age of eighteen (18) years.

24 (3) Have graduated from a high school or whose education is the equivalent of a high
25 school education.

26 (4) Have satisfactorily completed a course of training and study in electrolysis as a
27 registered apprentice under the supervision of a licensed Rhode Island electrologist who is
28 qualified to teach electrolysis to apprentices as prescribed in § 5-32-17 or has graduated from a
29 school of electrolysis after having satisfactorily completed a program consisting of not less than
30 six hundred fifty (650) hours of study and practice in the theory and practical application of
31 electrolysis. That apprenticeship includes at least six hundred and fifty (650) hours of study and
32 practice in the theory and practical application of electrolysis within a term of nine (9) months;
33 provided, that the apprentice registers with the division of professional regulation [and licensing](#) of
34 the department of health upon beginning his or her course of instruction, and the licensed person

1 with whom he or she serves that apprenticeship keeps a record of the hours of that instruction,
2 and upon the completion of that apprenticeship certifies that fact to the [division](#). ~~board of~~
3 ~~examiners in electrolysis.~~

4 (5) Is of good moral character.

5 (6) Passes an examination approved by the department of health.

6 **5-32-6. Examination of applicants – Expiration and renewal of certificates.** – (a)

7 Examination of applicants for certificates shall be held at least twice a year in the city of
8 Providence and may be held elsewhere at the discretion of the division of professional regulation
9 [and licensing](#) of the department of health. The division has the power to adopt, change, alter and
10 amend, rules and regulations for the conducting of those examinations, and may fix the fee for
11 reexamination. The division shall issue to each person successfully passing the examination,
12 where an examination is required, and who satisfies the division of his or her qualifications, a
13 certificate, signed by the administrator of the division, entitling him or her to practice that
14 business in this state for the annual period stated in the certificate, or until the certificate is
15 revoked or suspended, as subsequently provided.

16 (b) All certificates shall expire on the 30th day of April of each year, unless sooner
17 suspended or revoked, and shall be renewed for the next ensuing year by the division upon
18 payment to the division of an annual renewal fee as set forth in § 23-1-54 for each renewal.

19 **5-32-8. Apprenticeship register.** – The division of professional regulation and licensing

20 of the department of health shall keep a register in which the names of all persons serving
21 apprenticeships licensed under this chapter shall be recorded. This register is open to public
22 inspection.

23 **5-32-9. Fixed place of business – Sanitary regulation.** – The practice of electrolysis

24 shall be engaged in only in a fixed place or establishment, which place or establishment shall be
25 provided with any instruments, implements, and equipment and subject to any sanitary regulation
26 and inspection that the division of professional regulation [and licensing](#) of the department of
27 health prescribes.

28 **5-32-11. Display of licenses – Revocation or suspension of licenses for gross**

29 **unprofessional misconduct.** – (a) Every license issued under this chapter shall specify the name
30 of the person to whom it was issued and shall be displayed prominently in the place of business or
31 employment. The division of professional regulation [and licensing](#) of the department of health has
32 the power to revoke or suspend any license of registration issued under this chapter for gross
33 unprofessional conduct. Gross unprofessional conduct is defined as including, but not limited to:

34 (1) The use of any false or fraudulent statement in any document connected with the

1 practice of electrolysis.

2 (2) The obtaining of any fee by fraud or misrepresentation either to a patient or insurance
3 plan.

4 (3) The violation of a privileged communication.

5 (4) Knowingly performing any act which in any way aids or assists an unlicensed person
6 to practice electrolysis in violation of this chapter.

7 (5) The practice of electrolysis under a false or assumed name.

8 (6) The advertising for the practice of electrolysis in a deceptive or unethical manner.

9 (7) Habitual intoxication or addiction to the use of drugs.

10 (8) Violations of any of the rules or regulations of the state department of health, or the
11 violation of any section of this chapter.

12 (9) Gross incompetence in the practice of his or her profession.

13 (10) Repeated acts of immorality or repeated acts of gross misconduct in the practice of
14 his or her profession.

15 (b) Any person aggrieved by any decision or of the division of professional regulation, in
16 regard to any of the provisions of this chapter, may appeal to the health professions board of
17 review in accordance with § 5-26.1-5. ~~Before any license is suspended or revoked, its holder shall~~
18 ~~be notified, in writing, of the charge or charges preferred against him or her and shall have a~~
19 ~~reasonable time to prepare his or her defense and has the right to be represented by counsel and to~~
20 ~~be heard and to present his or her defense. Any person whose license has been suspended or~~
21 ~~revoked may apply to have the license reissued and the license may be reissued to him or her~~
22 ~~upon a satisfactory showing that the cause for disqualification has ceased. The division of~~
23 ~~professional regulation of the department of health has power by its administrator to summon any~~
24 ~~person to appear as a witness and testify at any hearing of the division, to examine witnesses,~~
25 ~~administer oaths and punish for contempt any person refusing to appear or testify. The division~~
26 ~~shall serve a copy of its decision or ruling upon any person whose license has been revoked or~~
27 ~~refused.~~

28 **5-32-12. Appeals from division.** – Any person aggrieved by any decision or ruling of the
29 health professions board of review ~~division of professional regulation of the department of health~~
30 may appeal that decision in accordance with § 5-26.1-5(c). ~~to the superior court in the manner~~
31 ~~provided in the Administrative Procedures Act, chapter 35 of title 42.~~

32 **5-32-13. Annual renewal of certificates.** – All certificates issued under the provisions of
33 this chapter shall be renewed annually by the holders of the certificate at an annual renewal fee as
34 set forth in § 23-1-54 by the division of professional regulation and licensing of the department of

1 health.

2 **5-32-17. Qualifications for teaching electrolysis.** – (a) A person in order to qualify as
3 an instructor or teacher of electrolysis to apprentices must:

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

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

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

9 (b) Upon satisfactorily passing this examination, the division of professional regulation
10 [and licensing](#) of the department of health shall issue a license to the person upon the payment of a
11 fee as set forth in § 23-1-54.

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

14 SECTION 8. Sections 5-33.2-1, 5-33.2-5, and 5-33.2-19 of the General Laws in Chapter
15 5-33.2 entitled “Funeral Director/Embalmer Funeral Service Establishments” are hereby amended
16 to read as follows:

17 **5-33.2-1. Definitions.** – As used in this chapter:

18 (1) "Board" means the [health professions board of review](#) ~~state board of funeral~~
19 ~~directors/embalmers.~~ [established in accordance with § 5-26.1-3.](#)

20 (2) "Cremation" means a two (2) part procedure where a dead human body or body parts
21 are reduced by direct flames to residue which includes bone fragments and the pulverization of
22 the bone fragments to a coarse powdery consistency.

23 (3) "Department" means the Rhode Island department of health.

24 (4) "Division" means the division of professional regulation and licensing created under
25 chapter 26.1 of this title.

26 (5) "Embalmer" means any person who has completed an internship, full course of study
27 at an accredited mortuary science school, has passed the national board examination and is
28 engaged in the practice or profession of embalming, as defined in this section.

29 (6) "Embalming" means the practice, science or profession of preserving, disinfecting,
30 and preparing in any manner, dead human bodies for burial, cremation or transportation.

31 (7) "Funeral" means a period following death in which there are religious services or
32 other rites or ceremonies with the body of the deceased present.

33 (8)(i) "Funeral directing" means:

34 (A) Conducting funeral services; or

1 (B) The arrangement for disposition of dead human bodies, except in the case of any
2 religion where the preparation of the body or the provision of funeral services should be done
3 according to religious custom or belief.

4 (ii) Only funeral directors/embalmers, working for a licensed funeral establishment are
5 allowed to meet with families for the purpose of arranging funerals. Provided, that any person
6 who assumed an ownership interest from their spouse or any widow or widower of a licensed
7 funeral director who at the time of November 1, 1995 has been meeting with families to arrange
8 for the conducting of funeral services are allowed to continue this practice.

9 (9) "Funeral director/embalmer" means any person engaged, or holding himself or herself
10 out as engaged in the practice or profession of funeral directing, and the science, practice or
11 profession of embalming as previously defined, including a funeral director of record, who may
12 be a funeral director at more than one establishment or any other word or title intending to imply
13 or designate him or her as a funeral director/embalmer, undertaker, or mortician. The holder of
14 this license must be the holder of an embalmer's license.

15 (10) "Funeral director/embalmer intern" means any person engaged in learning the
16 practice, or profession of funeral directing and the science, practice or profession of embalming
17 under the instruction and supervision of a funeral director/embalmer licensed and registered under
18 the provisions of this chapter and actively engaged in the practice, or profession of funeral
19 directing and embalming in this state.

20 (11) "Funeral establishment" means a fixed place, establishment or premises, licensed by
21 the department, devoted to the activities which are incident, convenient, or related to the care and
22 preparation, arrangement, financial and otherwise, for the funeral, transportation, burial or other
23 disposition of human dead bodies and including, but not limited to, a suitable room with all
24 instruments and supplies used for the storage and/or preparation of dead human bodies for burial
25 or other disposition.

26 (12) "Funeral merchandise" means those items which are normally presented for sale as
27 part of the funeral home operation on a for profit basis. These items include caskets, sealed
28 warranted outer burial containers, and burial clothing. Not included are urns, grave markers, and
29 non-sealed outer burial containers. All persons engaged in the sale of funeral merchandise must
30 comply with the provisions of chapter 33 of this title.

31 (13) "Person" includes individuals, partnership, corporations, limited liability companies,
32 associations and organization of all kinds.

33 (14) "Practice of funeral service" means a person engaging in providing shelter, care and
34 custody of human dead remains; in the practice of preparing of the human dead remains by

1 embalming or other methods for burial or other disposition; in entering into a funeral service
2 contract; engaging in the functions of funeral directing and/or embalming as presently known
3 including those stipulated within this chapter and as defined in the federal trade commission
4 "funeral rule". The practice of conducting funeral services is conducted in the presence of a
5 licensed funeral director/embalmer.

6 **5-33.2-5. Application for license – Application fee.** – Any person who desires to engage
7 in embalming or funeral directing, or both, shall submit, in writing, to the division of professional
8 regulation [and licensing](#), an application for a license. That application shall be accompanied by a
9 fee set by the department of health.

10 **5-33.2-19. Appeals.** – ~~Any person aggrieved by any decision or ruling of the division~~
11 ~~may appeal that decision to the administrator of the division or his or her designee. A further~~
12 ~~appeal may then be made to the appropriate board of examiners. Any person aggrieved by any~~
13 ~~decision or ruling of that board may appeal the decision to the director of the department. Any~~
14 ~~further appeal from the action of the director shall be in accordance with the provisions of chapter~~
15 ~~35 of title 42, "Administrative Procedures Act." The division shall be considered a person for the~~
16 ~~purposes of this section.~~ [Any person aggrieved by any decision or of the division in regard to any](#)
17 [of the provisions of this chapter, may appeal to the health professions board of review in](#)
18 [accordance with § 5-26.1-5. Any person aggrieved by any decision or ruling of the health](#)
19 [professions board of review may appeal that decision in accordance with § 5-26.1-5\(c\).](#)

20 SECTION 9. Section 5-33.2-2 of the General Laws in Chapter 5-33.2 entitled “Funeral
21 Director/Embalmer Funeral Service Establishments” is hereby repealed.

22 ~~**5-33.2-2. Board of examiners – Qualifications and removal of members – Vacancies.**~~
23 ~~–(a) The members of the board of examiners in embalming shall be residents of this state for at~~
24 ~~least five (5) years; three (3) of whom shall have had at least five (5) years’ practical experience~~
25 ~~in embalming dead human bodies and in funeral directing, and shall have been actually engaged~~
26 ~~in these professions in this state and two (2) of whom shall be private citizens who represent the~~
27 ~~consumer and who are not involved with or affiliated with, financial or otherwise, any funeral~~
28 ~~establishment and/or funeral director/embalmer. The current members shall serve their present~~
29 ~~term as they fulfill the requirements of this section. No member shall serve more than two (2)~~
30 ~~consecutive terms.~~

31 ~~(b) The director of the department of health may remove any member of the board for~~
32 ~~cause. Vacancies are filled pursuant to § 5-26-4.~~

33 SECTION 10. Sections 5-35.2-1, 5-35.2-4, 5-35.2-10, 5-35.2-13, and 5-35-14 of the
34 General Laws in Chapter 5-35.2 entitled “Opticians” are hereby amended to read as follows:

1 **5-35.2-1. Definitions.** – As used in this chapter:

2 (1) "Advisory committee" means the [health professions board of review established in](#)
3 [accordance with § 5-26.1-3.](#) ~~advisory committee of opticianry as established herein.~~

4 (2) "Department" means the department of health

5 (3) "Director" means the director of the department of health.

6 (4) ["Division" means the division of professional regulation and licensing created under](#)
7 [chapter 26.1 of this title.](#)

8 ~~(4)(5)~~ "Optician" means a person licensed in this state to practice opticianry pursuant to
9 the provisions of this chapter.

10 ~~(5)(6)~~ "The Practice of Opticianry" means the preparation or dispensing of eyeglasses,
11 spectacles, lenses, or related appurtenances, for the intended wearers, or users, on prescription
12 from licensed physicians or optometrists, or duplications or reproductions of previously prepared
13 eyeglasses, spectacles, lenses, or related appurtenances; or the person who, in accordance with
14 such prescriptions, duplications or reproductions, measures, adapts, fits, and adjusts eyeglasses,
15 spectacles, lenses, including spectacles add powers for task specific use or occupational
16 applications, or appurtenances, to the human face. Provided, however, a person licensed under the
17 provisions of this chapter shall be specifically prohibited from engaging in the practice of ocular
18 refraction, orthoptics, visual training, the prescribing of subnormal vision aids, telescopic
19 spectacles, fitting, selling, replacing, or dispensing contact lenses.

20 **5-35.2-4. Advertising by opticians.** –This division, ~~of professional regulation,~~ in
21 addition to conducting the examinations, licensing, and registering of opticians, shall make rules
22 and regulations governing advertising by opticians. The division shall have the power to revoke
23 the license of any optician violating those rules and regulations.

24 **5-35.2-10. Refusal, suspension or revocation of license for unprofessional conduct.** –

25 (a) In addition to any and all other remedies provided in this chapter, the [division](#) ~~director~~ may,
26 after notice and hearing, in the [division's](#) ~~director's~~ discretion, refuse to grants, refuse to renew,
27 suspend, or revoke any license provided for in this chapter to any person who is guilty of
28 unprofessional conduct or conduct of a character likely to deceive or defraud the public, or for
29 any fraud or deception committed in obtaining a license. "Unprofessional conduct" is defined as
30 including, but is not limited to:

31 (1) Conviction of one of the offenses set forth in § 23-17-37;

32 (2) Knowingly placing the health of a client a serious risk without maintaining proper
33 precautions;

34 (3) Advertising by means of false or deceptive statements;

1 (4) The use of drugs or alcohol to an extent that impairs that person's ability to properly
2 engage in the profession;

3 (5) The use of any false or fraudulent statement in any document connected with his or
4 her practice;

5 (6) The obtaining of any fee by fraud or willful misrepresentation of any kind either to a
6 patient or insurance plan;

7 (7) Knowingly performing any act which in any way aids or assists an unlicensed person
8 to practice in violation of this chapter;

9 (8) Violating or attempting to violate, directly or indirectly, or assisting in, or abetting,
10 the violation of, or conspiring to violate, any of the provisions of this chapter or regulations
11 previously or hereafter issued pursuant to this chapter;

12 (9) Incompetence;

13 (10) Repeated acts of gross misconduct;

14 (11) (a) Failure to conform to acceptable and prevailing community standard of
15 opticianry practice.

16 [\(b\) Any person aggrieved by any decision of the division in regard to any of the](#)
17 [provisions of this chapter may appeal to the health professions board of review in accordance](#)
18 [with § 5-26.1-5. Any person aggrieved by any decision or ruling of the health professions board](#)
19 [of review may appeal that decision in accordance with § 5-26.1-5\(c\).](#)

20 **5-35.2-13. Prosecution of violations.** – It shall be the duty of the [division](#) ~~director~~ to
21 enforce the provisions of this chapter and to prosecute every person who violates those
22 provisions. Whenever a complaint is made by the department, or by any of its authorized agents,
23 of any violation of the provisions of this chapter, they shall not be required to furnish surety for
24 costs, nor are they liable for costs on that complaint.

25 **5-35.2-14. Rules and regulations.** – The [division](#) ~~department~~, in addition to approving
26 the examinations and licensing of opticians, shall make rules and regulations governing the
27 practice of opticianry. The [division](#) ~~department~~ shall have the power to revoke the license of any
28 optician violating those rules and regulations.

29 SECTION 11. Section 5-35.2-8 of the General Laws in Chapter 5-35.2 entitled
30 “Opticians” is hereby repealed.

31 ~~**5-35.2-8. Advisory committee for opticianry.** There is created an advisory committee~~
32 ~~for opticianry, appointed by the director, to consist of five (5) members, who shall be residents of~~
33 ~~the state, four (4) of whom shall be licensed as opticians under the provisions of this chapter, and~~
34 ~~shall have practiced as opticians for a period of at least five (5) years, and one lay person who~~

1 ~~shall be from the public. The members of the advisory committee shall be appointed for terms of~~
2 ~~three (3) years; each member may serve a maximum of two (2) full terms. The duties of the~~
3 ~~advisory committee for opticianry shall include but not be limited to advising the director on all~~
4 ~~matters pertaining to the licensure and regulation of opticianry in this state.~~

5 SECTION 12. Sections 5-39.1-2, 5-39-5, 5-39-8, 5-39-9, 5-39-10, 5-39-11, and 5-39-12
6 of the General Laws in Chapter 5-39 entitled "Social Workers" are hereby amended to read as
7 follows:

8 **5-39.1-2. Definitions.** – As used in this chapter:

9 (1) "Board" means the ~~state board of social work examiners for licensure of social~~
10 ~~workers.~~ [health professions board of review established in accordance with § 5-26.1-3.](#)

11 (2) "Clinical social work practice" means the professional application of social work
12 theories, methods, and values in the diagnosis, assessment, and treatment of cognitive, affective,
13 and behavioral disorders arising from physical, environmental, or emotional conditions. Clinical
14 social work services include, but are not limited to, diagnosis; assessment; evaluation;
15 psychotherapy and counseling for individuals, couples, families, and groups; client-centered
16 advocacy; consultation; and supervision. Clinical social work services do not include
17 psychological testing, and nothing in this chapter shall be construed to permit social workers to
18 practice psychology.

19 (3) "Continuing education hours" means actual hours earned in continuing education
20 courses, seminars, and workshops.

21 (4) "Department" means the Rhode Island department of health.

22 (5) "Director" means the director of the Rhode Island department of health.

23 (6) "Division" means the division of professional regulation [and licensing](#) in the Rhode
24 Island department of health.

25 (7)(i) "Experience" means three thousand (3,000) hours of post-master's practice of
26 clinical social work during a twenty-four (24) to seventy-two (72) month period of time
27 immediately preceding the date of application for licensure.

28 (ii) One thousand five hundred (1,500) hours must consist of providing clinical social
29 work services directly to clients.

30 (8) "Supervision" means face-to-face contact with a licensed independent clinical social
31 worker for the purpose of apprising the supervisor of the diagnosis, assessment, and treatment of
32 each client; receiving oversight and guidance from the supervisor in the delivery of clinical social
33 work services to each client; and being evaluated by the supervisor. This contact must consist of:

34 (i) A minimum of two (2) hours of supervision every two (2) weeks;

1 (ii) A minimum of one hour of supervision per twenty (20) hours of direct contact with
2 clients, whether or not the number of hours of supervision required for a two (2) week period
3 have been met;

4 (iii) One-to-one contact with the supervisor at least seventy-five percent (75%) of the
5 time with group supervision of no more than ten (10) supervisees during the balance of the time;
6 and

7 (iv) Supervision by an individual other than the applicant's parents, spouse, former
8 spouse, siblings, children, employees, or anyone sharing the same household or any romantic,
9 domestic, or familial relationship.

10 **5-39.1-5. Agency powers.** – The department of health shall promulgate rules and
11 regulations that may be reasonably necessary for the administration of this chapter and to further
12 its purposes. The ~~division department of health, on the recommendation of the board of social~~
13 ~~work examiners,~~ shall:

- 14 (1) Issue licenses to those qualified under this chapter;
- 15 (2) Examine individuals seeking licensure and pass on the examinations; and
- 16 (3) Determine if applicants are qualified for licensure.

17 **5-39.1-8. Licenses.** – (a) The ~~division department~~ shall issue the appropriate license to
18 applicants who meet the qualifications of the section.

19 (b) Prerequisites: "Licensed clinical social worker". A license as a "licensed clinical
20 social worker" shall be issued to an applicant who meets the following qualifications:

21 (1) Has a doctorate in clinical social work from a duly accredited college or university or
22 master's degree from a school of social work accredited by the council on social work education,
23 and

24 (2) Has satisfactorily completed an examination for this license, or

25 (3) Has a comparable license, certification, or registration from the state, or another state
26 or territory of the United States that imposes qualifications substantially similar to those of this
27 chapter, as determined by the board.

28 (c) Prerequisites: "Licensed independent clinical social worker". A license for a "licensed
29 independent clinical social worker" shall be issued to an applicant who meets the following
30 qualifications:

31 (1) Is licensed under this chapter as a "licensed clinical social worker", and

32 (2) Has twenty-four (24) months of experience acceptable to the board, under appropriate
33 supervision, and

34 (3) Has fulfilled the continuing education requirements for this license, and

1 (4) Has satisfactorily completed an examination for this license, or
2 (5) Has a comparable license, certification, or registration from the state, or another state
3 or territory of the United States that imposes qualifications substantially similar to those of this
4 chapter.

5 (d) In addition to these qualifications, an applicant for any of the these titles must prove
6 to the board's satisfaction:

7 (1) An age of at least twenty-one (21) years;

8 (2) That he or she merits the public trust;

9 (3) A United States citizenship or proof of other legal resident status;

10 (4) An absence of conviction of a felony, which is subject to waiver by the board upon
11 presentation of satisfactory evidence that this conviction does not impair the ability of the person
12 to conduct with safety to the public the practice authorized by this license. The applicant shall
13 bear the burden of proving that his or her conviction does not impair his or her ability to conduct
14 with safety to the public the practice authorized by this license;

15 (5) An absence of NASW sanction for violation of Code of Ethics, or other state board
16 sanction which is subject to waiver by the board upon presentation of satisfactory evidence that
17 this sanction does not impair the ability of the person to conduct with safety to the public the
18 practice authorized by this license. The applicant bears the burden of proving that his or her
19 sanction does not impair his or her ability to conduct with safety to the public the practice
20 authorized by this license;

21 (6) That the applicant has not been declared mentally incompetent by any court, and if
22 any decree has ever been rendered, that there has been a subsequent court determination that the
23 applicant is competent; and

24 (7) Freedom from use of any controlled substance or any alcoholic beverages to the
25 extent that the use impairs the ability of the person to conduct with safety to the public the
26 practice authorized by this license. The applicant bears the burden of proving that he or she is free
27 from use of any controlled substance or any alcoholic beverages that impair his or her ability to
28 conduct with safety to the public the practice authorized by this license.

29 **5-39.1-9. Fees and renewal.** – The initial fee for application for licensure and the
30 renewal fee every twenty-four (24) months after initial licensure shall be as set forth in § 23-1-54.
31 Renewal shall be approved upon payment of the fee and in compliance with any additional
32 requirements that the [division board](#) promulgates.

33 **5-39.1-10. Social worker discipline.** – Licensees subject to this chapter shall conduct
34 their activities, services, and practice in accordance with this chapter and with any rules

1 promulgated pursuant to this chapter. The division board may recommend to the director refusal
2 to grant a license to, or may recommend that the director suspend, revoke, condition, limit,
3 qualify, or restrict the license of any individual who the division board, after a hearing,
4 determines:

5 (1) Is incompetent to practice under the provisions of this chapter, or is found to engage
6 in the practice of social work in a manner harmful or dangerous to a client or to the public;

7 (2) Has obtained or attempted to obtain a certificate or license, or renewal of a certificate
8 or license, by bribery or fraudulent representation;

9 (3) Has knowingly made a false statement on a form required by the division board for
10 licensing or renewal of license;

11 (4) Has failed to obtain the continuing education credits required by the division board;

12 (5) Has engaged in or solicited sexual relations with a client, or committed an act of
13 sexual abuse or sexual misconduct against a past or current client;

14 (6) Has failed to remain free from use of any controlled substance or any alcoholic
15 beverages to the extent that the use impairs the ability of the person to conduct with safety to the
16 public the practice authorized by this license. The applicant bears the burden of proving that he or
17 she is free from use of any controlled substance or any alcoholic beverages, which impair his or
18 her ability to conduct with safety to the public the practice authorized by this license;

19 (7) Has been convicted of a felony, which is subject to waiver by the Division board upon
20 presentation of satisfactory evidence that this conviction does not impair the ability of the person
21 to conduct with safety to the public practice authorized by this license. The applicant bears the
22 burden of proving that his or her conviction does not impair his or her ability to conduct with
23 safety to the public the practice authorized by this license;

24 (8) Has disciplinary action pending or has revocation, suspension, or probation taken
25 against the licensee license in another state;

26 (9) Assists or permits unlicensed persons under the licensee's supervision to perform
27 services for which a license is required under this chapter;

28 (10) Has failed to maintain confidentiality, except as required or permitted by law;

29 (11) Has engaged in false or misleading advertising;

30 (12) Has a mental disability, which significantly impairs the ability of the person to
31 conduct with safety to the public the practice authorized by this license. Mental disability
32 includes, but is not limited to, an order by a court that a licensee is in need of mental treatment for
33 incompetence; or

34 (13) Has violated any of the provisions of this chapter, or the provisions of any code of

1 ethics adopted by the division board.

2 **5-39.1-11. Complaints.** – All complaints concerning a licensee's business or professional
3 practice shall be received by ~~either the board or~~ the division state agency. Each complaint
4 received shall be logged, recording at a minimum the following information:

- 5 (1) Licensee's name;
- 6 (2) Name of the complaining party;
- 7 (3) Date of complaint;
- 8 (4) Brief statement of complaint; and
- 9 (5) Disposition.

10 **5-39.1-12. Disciplinary process.** – (a) Disciplinary procedures under this chapter shall be
11 conducted by the division in accordance with the process outlined in § 5-26.1-2. ~~Administrative~~
12 ~~Procedures Act, chapter 35 of title 42.~~

13 (b) Any person aggrieved by any determination of the division in regard to any of the
14 provisions of this chapter, may appeal to the health professions board of review in accordance
15 with § 5-26.1-5. The board ~~or its designee~~ shall hear evidence produced in support of the formal
16 charges and contrary evidence produced by the licensee. At the conclusion of the hearing, the
17 board shall make a determination. ~~recommendation to the director who shall issue an order.~~

18 (c) Any person further aggrieved by any decision or ruling of the health professions board
19 of review may appeal that decision in accordance with § 5-26.1-5(c). The term “person” in this
20 section includes the Department.

21 SECTION 13. Section 5-39.1-6 of the General Laws in Chapter 5-39 entitled “Social
22 Workers” is hereby repealed:

23 ~~**5-39.1-6. Board of social work examiners.** – (a) Within the department there is~~
24 ~~established a board of social work examiners.~~

25 ~~(b) The governor shall appoint a board consisting of seven (7) members. Two (2) shall be~~
26 ~~social workers; two (2) shall be licensed clinical social workers; and two (2) shall be licensed~~
27 ~~independent clinical social workers (for the purposes of initial appointments certified social~~
28 ~~workers represent licensed clinical social workers and certified independent social workers~~
29 ~~represent licensed independent social workers). One member shall be a public member. At least~~
30 ~~one member shall be a NASW member.~~

31 ~~(c) All board members shall be appointed for a term of three (3) years. No member shall~~
32 ~~serve more than nine (9) consecutive years. In the event a member cannot complete his or her~~
33 ~~term, a successor shall be appointed to serve the unexpired term.~~

34 ~~(d) Terms of initial members shall be staggered with two (2) members appointed for a~~

1 ~~one year term, two (2) for two (2) years, and three (3) for three (3) year terms.~~

2 SECTION 14. Sections 5-40-1, 5-40-6, 5-40-6.1, 5-40-7, 5-40-7.1, 5-40-13, 5-40-14, 5-
3 40-15 and 5-40-16 of the General Laws in Chapter 5-40 entitled "Physical Therapists" are hereby
4 amended to read as follows:

5 **5-40-1. Definitions.** – As used in this chapter:

6 (1) "Board" means the [health professions board of review established in accordance with](#)
7 ~~§ 5-26.1-3. board of physical therapy established by § 5-40-2.~~

8 (2) "Department" means the department of health.

9 [\(3\) "Division" means the division of professional regulation and licensing in the Rhode](#)
10 [Island department of health.](#)

11 [\(4\) "Examination" means an examination approved by the department in consultation](#)
12 [with the board.](#)

13 ~~(4)~~[\(5\)](#) "License" means a license issued by the department to practice physical therapy.

14 ~~(5)~~[\(6\)](#) "Physical therapist" means an individual who is licensed by the department to
15 practice physical therapy.

16 ~~(6)~~[\(7\)](#) "Physical therapist assistant" means an individual who is licensed by the
17 department to assist in the practice of physical therapy under the supervision of a physical
18 therapist.

19 ~~(7)~~[\(8\)](#)(i) "Practice physical therapy" means the examination, treatment, and instruction of
20 human beings to detect, assess, prevent, correct, alleviate and limit physical disability, physical
21 dysfunction, and pain from injury, disease and any other bodily conditions, and includes the
22 administration, interpretation, and evaluation of tests and measurements of bodily functions and
23 structures; the planning, administration, evaluation, and modification of treatment and instruction,
24 including the use of physical measures, activities, and devices, for preventive and therapeutic
25 purposes; and the provision of consultative, educational, and other advisory services for the
26 purpose of reducing the incidence and severity of physical disability, physical dysfunction and
27 pain.

28 (ii) The practice of physical therapy does not include the practice of medicine as defined
29 in chapter 37 of this title.

30 ~~(8)~~[\(9\)](#) "Supervision" means that a licensed physical therapist is at all times responsible
31 for supportive personnel and students.

32 **5-40-6. Qualification of physical therapists.** – Any applicant for licensure shall submit
33 to the [division board](#) written evidence on forms furnished by the department of health, verified by
34 oath, that the applicant meets all of the following requirements:

- 1 (1) Is at least eighteen (18) years of age;
- 2 (2) Is of good moral character;
- 3 (3) Has graduated from an education program in physical therapy accredited by the
- 4 Commission on Accreditation of Physical Therapy Education (CAPTE) or other accrediting
- 5 agency as approved by the department ~~in consultation with the board~~, in the year of the
- 6 applicant's graduation; and
- 7 (4) Has passed the National Physical Therapy Examination (NPTE) of the Federation of
- 8 State Boards of Physical Therapy (FSBPT) or other physical therapy certification examination as
- 9 approved by the department ~~in consultation with the board~~ to determine the applicant's fitness to
- 10 engage in the practice of physical therapy.

11 **5-40-6.1. Qualifications of physical therapist assistants.** – Any applicant for licensure

12 shall submit to the ~~division board~~ written evidence on forms furnished by the department of

13 health, verified by oath, that the applicant meets all of the following requirements:

- 14 (1) Is at least eighteen (18) years of age;
- 15 (2) Is of good moral character;
- 16 (3) Has graduated from an educational program in physical therapy accredited by the
- 17 Commission on Accreditation of Physical Therapy Education (CAPTE) or other accrediting
- 18 agency as approved by the department ~~in consultation with the board~~, in the year of said
- 19 applicant's graduation; and
- 20 (4) Has passed the National Physical Therapy Examination (NPTE) of the Federation of
- 21 State Boards of Physical Therapy (FSBPT) or other physical therapy assistant certification
- 22 examination as approved by the department ~~in consultation with the board~~ to determine the
- 23 applicant's fitness to engage in the practice of physical therapy.

24 **5-40-7. Licensing of physical therapists.** – (a) By Examination. The applicant is

25 required to pass with a grade determined by the ~~division board~~, an examination approved by the

26 department ~~in consultation with the board~~; physical therapists licensed under the provisions of

27 this chapter on August 31, 1982, shall continue to be licensed.

28 (b) Without Examination by Endorsement. A license to practice physical therapy may be

29 issued without examination to an applicant who has been licensed by examination as a physical

30 therapist under the laws of another state or territory or District of Columbia, if, in the opinion of

31 the ~~division board~~, the applicant meets the qualifications required of physical therapists in this

32 state.

33 (c)(1) Graduate Practice. Every graduate of a ~~division board~~ approved physical therapy

34 school who has filed a physical therapy application may, upon receiving a permit from the

1 department of health, perform as a physical therapist under the supervision of a physical therapist
2 licensed in this state.

3 (2) During this period, the applicant shall identify him or herself only as a "graduate
4 physical therapist".

5 (3) If the applicant fails to take the examination, as specified in § 5-40-7(a), within ninety
6 (90) days from effective date of graduate status, without cause, or fails to pass the examination
7 and receive a license, all privileges provided in subdivisions (1) and (2) of this subsection
8 automatically cease.

9 (d)(1) Foreign-Trained Applicants. If the foreign-trained applicant has successfully met
10 the requirements of the rules and regulations, the applicant's credentials shall be accepted by the
11 ~~division. board.~~

12 (2) Prior to becoming licensed in this state, the foreign-trained applicant must also meet
13 all of the appropriate requirements described in this section or its equivalent as established in
14 rules and regulations.

15 **5-40-7.1. Licensing of physical therapist assistants.** – (a) By Examination. The
16 applicant is required to pass with a grade determined by the ~~division board~~ an examination
17 approved by the department. ~~in consultation with the board.~~

18 (b) Without Examination by Endorsement. A license may be issued without examination
19 to an applicant who has been licensed by examination as a physical therapist assistant under the
20 laws of another state or territory or District of Columbia, if, in the opinion of the ~~division board,~~
21 the applicant meets the qualifications required of physical therapist assistants in this state.

22 (c)(1) Graduate Practice. Every graduate of a ~~division board~~ approved physical therapist
23 assistant educational program who has filed a physical therapy application may, upon receiving a
24 permit from the department of health, perform as a physical therapist assistant under the
25 supervision of a physical therapist licensed in this state.

26 (2) During this period, the applicant shall identify him or herself only as a "graduate
27 physical therapist assistant."

28 (3) If the applicant fails to take the examination, as specified in § 5-40-7(a), within ninety
29 (90) days from the effective date of graduate status, without cause or fails to pass the examination
30 and receive a license, all privileges provided in subdivisions (1) and (2) of this subsection
31 automatically cease.

32 (d)(1) Foreign-Trained Applicants. If the foreign-trained applicant has successfully met
33 the requirements of the rules and regulations, the applicant's credentials shall be accepted by the
34 ~~division. board.~~

1 (2) Prior to becoming licensed in this state, the foreign-trained applicant must also meet
2 all of the appropriate requirements described in this section or its equivalent as established in
3 rules and regulations.

4 **5-40-13. Grounds for discipline of licensees.** – (a) The [division board](#) has power to
5 deny, revoke, or suspend any license issued by the department or applied for in accordance with
6 this chapter, or to discipline a person licensed under this chapter upon proof that said person has
7 engaged in unprofessional conduct including, but not limited to:

8 (1) Fraud or deceit in procuring or attempting to procure a license or in the practice of
9 physical therapy;

10 (2) Is habitually intemperate or is addicted to the use of habit forming drugs;

11 (3) Is mentally and/or professionally incompetent;

12 (4) Has repeatedly violated any of the provisions of this chapter;

13 (5) Providing services to a person who is making a claim as a result of a personal injury,
14 who charges or collects from the person any amount in excess of the reimbursement to the
15 physical therapist by the insurer as a condition of providing or continuing to provide services or
16 treatment;

17 (6) Conviction, including a plea of nolo contendere, of one or more of the offenses listed
18 in § 23-17-37;

19 (7) Abandonment of a patient;

20 (8) Promotion by a physical therapist or physical therapist assistant of the sale of drugs,
21 devices, appliances, or goods or services provided for a patient in a manner as to exploit the
22 patient for the financial gain of the physical therapist or physical therapist assistant;

23 (9) Making or filing false reports or records in the practice of physical therapy;

24 (10) Repeated failure to file or record, or impede or obstruct a filing or recording, or
25 inducing another person to fail to file or record physical therapy reports;

26 (11) Failure to furnish patient records upon proper request;

27 (12) Practice as a physical therapist assistant without supervision by a physical therapist
28 licensed in the state of Rhode Island;

29 (13) Incompetent or negligent misconduct in the practice of physical therapy;

30 (14) Revocation, suspension, surrender, or limitation of privilege based on quality of care
31 provided or disciplinary action against a license to practice as a physical therapist or physical
32 therapist assistant in another state, jurisdiction, or country;

33 (15) Failure to furnish the board, administrator, investigator, or representatives
34 information legally requested by the [division board](#);

1 (16) Violation of this chapter or any of the rules and regulations or departure from or
2 failure to conform to the current standards of acceptable and prevailing practice and code of
3 ethics of physical therapy.

4 (b) Whenever a patient seeks or receives treatment from a physical therapist without
5 referral from a doctor of medicine, osteopathy, dentistry, podiatry, chiropractic, physician
6 assistant, or certified registered nurse practitioner, the physical therapist shall:

7 (1) Disclose to the patient, in writing, the scope and limitations of the practice of physical
8 therapy and obtain their consent in writing; and

9 (2) Refer the patient to a doctor of medicine, osteopathy, dentistry, podiatry, or
10 chiropractic within ninety (90) days after the date treatment commenced; provided, that a physical
11 therapist is not required to make this a referral after treatment is concluded;

12 (3) No physical therapist who has less than one year clinical experience as a physical
13 therapist shall commence treatment on a patient without a referral from a doctor of medicine,
14 osteopathy, dentistry, podiatry, chiropractic, physician assistant, or certified registered nurse
15 practitioner.

16 (c) For purposes of this chapter and notwithstanding any other provisions of this chapter
17 or any rules or regulations adopted by the [division board](#), any person licensed or registered under
18 this chapter who is a bona fide employee or independent contractor of a physician or a physician
19 group entitled to wages and compensation pursuant to such employment or contract, or is a co-
20 owner of a physical therapy practice with a physician group, shall not be deemed to be engaged in
21 conduct unbecoming a person licensed or registered under this chapter, or to be engaged in
22 conduct detrimental to the best interest of the public, or to be in violation of any other provision
23 of this chapter by virtue of any of the above relationships, and shall not be subject to licensure
24 denial, suspension, revocation, or any other disciplinary action or penalty under this chapter:

25 (1) Solely by virtue of such employment or contract; or

26 (2) Solely by virtue of the provision of physical therapy services pursuant to a referral
27 from the employing or contracting physician or physician group.

28 Any such interest referenced in this paragraph shall be in accordance with federal and
29 state law, specifically, including, but not limited to, chapter 5-48.1.

30 **5-40-14. Procedure for discipline of physical therapist.** – (a) When a written allegation
31 is filed with the [division board](#) charging a person with having been guilty of any of the actions
32 specified in § 5-40-13, the division of professional regulation [and licensing](#) shall immediately
33 investigate those charges. ~~or, the board, after investigation, may institute charges.~~

34 (1) In the event that investigation reveals reasonable grounds for believing that the person

1 is guilty of the charges, ~~upon the recommendation of the board or the administrator, the director~~
2 ~~the division~~ shall ~~fix a time and place for a hearing, and shall~~ serve a copy of the charges together
3 with a notice of the time and the place fixed for the hearing ~~before board~~, personally upon the
4 accused at least twenty (20) days prior to the time fixed for the hearing.

5 (2) When personal service cannot be effected and that fact is certified by oath by any
6 person authorized to make service, the ~~division board~~ shall publish once in each of two (2)
7 successive weeks, a notice of the hearing in a newspaper published in the county where the
8 accused last resided according to the records of the ~~division board~~ and shall mail a copy of the
9 charges and of that notice to the accused at his or her last known address. When publication of
10 notice is necessary, the date of the hearing shall not be less than twenty (20) days after the last
11 date of publication of the notice.

12 (3) At the hearing, the accused has the right to appear personally or by counsel or both, to
13 produce witnesses and evidence on his or her behalf, to cross-examine witnesses, and to have
14 subpoenas issued by the administrator of professional regulation. The attendance of witnesses and
15 the production of books, documents, and papers at the hearing may be compelled by subpoenas
16 issued by the administrator, which shall be served in accordance with law.

17 (4) At the hearing, the board ~~administrator~~ shall administer oaths as may be necessary for
18 the proper conduct of the hearing.

19 (5) The board is not bound by the strict rules of procedure or by the laws of evidence in
20 the conduct of its proceedings, but the determination shall be based upon sufficient legal evidence
21 to sustain it.

22 (6) If the accused is found guilty of the charges, the board may refuse to issue a
23 registration to the applicant or may revoke or suspend their license or otherwise discipline that
24 person.

25 (c) Upon the revocation or suspension of any license, the license holder shall surrender
26 the license to the administrator of professional regulation who shall strike the name of the holder
27 from the register.

28 (d) A revoked or suspended license may be reviewed at the discretion of the ~~division~~
29 ~~board~~.

30 **5-40-15. Grounds for discipline without a hearing.** – (a) In the event a person is
31 hospitalized for mental illness or as an alcoholic as defined in chapter 1.10 of title 23, the ~~division~~
32 ~~board~~ may, without the necessity of the proceedings provided for in § 5-40-16, suspend, or refuse
33 to renew the license of that person for the duration of his or her confinement or until that person
34 is medically discharged from hospitalization.

1 (b) A plea of nolo contendere cannot be used as a defense to prevent the board from
2 suspending or refusing to renew the license.

3 (c) With the approval of the director, the division may temporarily suspend the license
4 without a hearing if the division finds that evidence in its possession indicates that a continuing in
5 practice would constitute an immediate danger to the public. In the event that the division
6 temporarily suspends the license without a hearing by the board, a hearing must be held within
7 ten (10) days after the suspension has occurred.

8 **5-40-16. Appeals from board, administrator, or director.** – (a) An appeal from any
9 decision or order of the board, ~~administrator of professional regulation, or director of the~~
10 ~~department of health may be~~ may be brought by an aggrieved person in accordance with § 42-35-
11 15. The term “person” in this section includes the Department. ~~claimed by any aggrieved party~~
12 ~~within thirty (30) days of that decision or order by filing a claim of appeal and reasons for the~~
13 ~~appeal in the office of the clerk of the superior court in the county in which the aggrieved party~~
14 ~~resides.~~

15 ~~(b) A copy of the aggrieved party's claim of appeal and the reasons for the appeal shall be~~
16 ~~served on the secretary of the board, or administrator of professional regulation. The secretary or~~
17 ~~administrator shall promptly certify to the clerk of the superior court a correct and full copy of the~~
18 ~~record in connection with the order, including a transcript of the evidence, if the transcript has~~
19 ~~been taken, its findings of fact, conclusions, and a copy of the order.~~

20 ~~(c) The court shall review the record of the order or decision and in the event it finds that~~
21 ~~order or decision unlawful, arbitrary, or unreasonable, may vacate or set aside that order.~~

22 ~~(d) The aggrieved party may claim or waive a trial by jury and proceedings shall be the~~
23 ~~same as those taken at other criminal or civil proceedings, but no party shall rely on any other~~
24 ~~grounds than those stated in his or her reasons of appeal.~~

25 ~~(e)~~(b) The filing of a claim of appeal shall not in itself stay or suspend the operation of
26 any order or decision of the board, but during the pendency of those proceedings, the superior
27 court may, in its discretion, stay or suspend in whole or in part, the order or decision. No order of
28 the court staying or suspending an order or decision shall be made by the court other than on five
29 (5) days' notice and after a hearing thereon and the suspension of the order or decision shall be
30 based upon a finding by the court that great or irreparable damage would result to the aggrieved
31 party in the absence of that stay or suspension.

32 (f) An appeal may be taken from the decision of the superior court to the supreme court
33 of the state in the same manner as an appeal is taken under §42-35-16 ~~28-35-29~~.

34 SECTION 15. Sections 5-40-2, 5-40-3, 5-40-4 and 5-40-5 of the General Laws in

1 Chapter 5-40 entitled "Physical Therapists" are hereby repealed.

2 ~~**5-40-2. Board of physical therapy — Creation — Composition.** Within the division of~~
3 ~~professional regulation of the department of health there is a board of physical therapy consisting~~
4 ~~of seven (7) members as provided by § 5-40-3.~~

5 ~~**5-40-3. Board of physical therapy — Composition — Appointment, terms, oath and**~~
6 ~~**removal of members.** (a) In the month of June, 1983, and annually thereafter, the director of~~
7 ~~health, with the approval of the governor, appoints the appropriate number of persons to serve on~~
8 ~~the board for terms of three (3) years and until his or her successor has been appointed and~~
9 ~~qualified. The board shall consist of seven (7) members appointed by the director of the~~
10 ~~department of health with the approval of the governor. Four (4) members shall be licensed~~
11 ~~physical therapists; one member shall be a licensed physical therapist assistant; one member shall~~
12 ~~be a physician licensed to practice medicine in this state; and one member shall be a consumer.~~

13 (b) ~~No member shall serve for more than two (2) successive terms. The director of health~~
14 ~~may remove any member from the board for neglect of any duty required by law or for any~~
15 ~~incompetency, unprofessional or dishonorable conduct. Vacancies created by voluntary~~
16 ~~resignation or removal by the director of health shall be filled in the same manner as the original~~
17 ~~appointment is made for the remainder of the term not exceeding the original two (2) term~~
18 ~~limitation.~~

19 (c) ~~Before beginning a term, each member of the board shall takes the oath prescribed by~~
20 ~~law for state officers which shall be filed with the secretary of state.~~

21 ~~**5-40-4. Board of physical therapy — Organization and meetings.** The board shall~~
22 ~~organize immediately after the appointment and qualification of its members. The board shall~~
23 ~~elect annually a chairperson and secretary. The board shall meet at least semiannually. Meetings~~
24 ~~may also be called at any time by the chairperson, or the director of the department of health, or~~
25 ~~the administrator of the division of professional regulation, or by written request of two (2)~~
26 ~~members of the board. A majority of the fully authorized board constitutes a quorum to do~~
27 ~~business.~~

28 The board is authorized to recommend to the director of the department of health for his
29 or her approval the adoption and revision of rules and regulations not inconsistent with law, that
30 are necessary to enable it to carry into effect the provisions of this chapter. The board shall
31 recommend for licensure only qualified applicants. The board shall review applicants at least
32 twice a year. The board shall recommend the tests which applicants for licensure take. The
33 department shall adopt policies to be followed in the examination, licensure, and renewal of
34 license of duly qualified applicants. The board shall conduct hearings upon charges calling for the

1 ~~discipline of a licensee or revocation of a license. The department has the power to issue~~
2 ~~subpoenas and compel the attendance of witnesses and administer oaths to persons giving~~
3 ~~testimony at hearings. The board or the director of the department of health shall prosecute all~~
4 ~~persons violating this chapter and has the power to incur necessary expenses of prosecution. The~~
5 ~~board shall keep a record of all of its proceedings. The board may utilize other persons as~~
6 ~~necessary to carry on the work of the board.~~

7 ~~**5-40-5. Board of physical therapy — General powers.** The board is authorized to~~
8 ~~recommend to the director of the department of health for his or her approval the adoption and~~
9 ~~revision of rules and regulations not inconsistent with law, that are necessary to enable it to carry~~
10 ~~into effect the provisions of this chapter. The board shall recommend for licensure only qualified~~
11 ~~applicants. The board shall review applicants at least twice a year. The board shall recommend~~
12 ~~the tests which applicants for licensure take. The department shall adopt policies to be followed in~~
13 ~~the examination, licensure, and renewal of license of duly qualified applicants. The board shall~~
14 ~~conduct hearings upon charges calling for the discipline of a licensee or revocation of a license.~~
15 ~~The department has the power to issue subpoenas and compel the attendance of witnesses and~~
16 ~~administer oaths to persons giving testimony at hearings. The board or the director of the~~
17 ~~department of health shall prosecute all persons violating this chapter and has the power to incur~~
18 ~~necessary expenses of prosecution. The board shall keep a record of all of its proceedings. The~~
19 ~~board may utilize other persons as necessary to carry on the work of the board.~~

20 SECTION 16. Sections 5-40.1-3, 5-40.1-8, 5-40.1-10, 5-40.1-10, 5-40.1-12, and 5-40.1-
21 14 of the General Laws in Chapter 5-40 entitled "Occupational Therapists" are hereby amended
22 to read as follows:

23 **5-40.1-3. Definitions.** – (a) "Administrator" means the administrator of the division of
24 professional regulation.

25 (b) "Board" means the [health professions board of review established in accordance with](#)
26 ~~[§ 5-26.1-3.](#) board of occupational therapy within the division of professional regulation~~
27 ~~established pursuant to the provisions of § 5-40.1-4.~~

28 (c) "Chapter" refers to chapter 40.1 of this title, entitled "Occupational Therapy", of the
29 general laws of Rhode Island.

30 (d) "Director" means the director of the Rhode Island department of health.

31 (e) "Division" means the division of professional regulation [and licensing](#).

32 (f)(1) "Occupational therapy" (OT) is the use of purposeful activity or interventions
33 designed to achieve functional outcomes which promote health, prevent injury or disability, and
34 develop, improve, sustain, or restore the highest possible level of independence of any individual

1 who has an injury, illness, cognitive impairment, sensory impairment, psychosocial dysfunction,
2 mental illness, developmental or learning disability, physical disability, or other disorder or
3 condition.

4 (2) Occupational therapy includes evaluation by means of skilled observation of
5 functional performance and/or assessment through the administration and interpretation of
6 standardized or non-standardized tests and measurements.

7 (g)(1) "Occupational therapy services" includes, but is not limited to:

8 (i) Evaluating and providing treatment in consultation with the individual, family, or
9 other appropriate persons;

10 (ii) Interventions directed toward developing, improving, sustaining, or restoring daily
11 living skills, including self-care skills and activities that involve interactions with others and the
12 environment, work readiness or work performance, play skills or leisure capacities or educational
13 performance skills;

14 (iii) Developing, improving, sustaining, or restoring sensory-motor, oral-motor,
15 perceptual, or neuromuscular functioning; or emotional, motivational, cognitive, or psychosocial
16 components of performance; and

17 (iv) Educating the individual, family, or other appropriate persons in carrying out
18 appropriate interventions.

19 (2) These services may encompass evaluating need; and designing, developing, adapting,
20 applying, or training in the use of assistive technology devices; designing, fabricating or applying
21 rehabilitative technology, such as selected orthotic devices; training in the functional use of
22 orthotic or prosthetic devices; applying therapeutic activities, modalities, or exercise as an adjunct
23 to or in preparation for functional performance; applying ergonomic principles; adapting
24 environments and processes to enhance daily living skills; or promoting health and wellness.

25 (h) "Occupational therapist" means a person licensed to practice occupational therapy
26 under the provisions of this chapter and the rules and regulations authorized by this chapter.

27 (i) "Occupational therapy aide" means a person not licensed pursuant to the statutes and
28 rules applicable to the practice of occupational therapy, who works under the supervision of a
29 licensed occupational therapist or occupational therapy assistant, who assists in the practice of
30 occupational therapy and whose activities require an understanding of occupational therapy, but
31 do not require professional or advanced training in the basic anatomical, psychological, and social
32 sciences involved in the practice of occupational therapy.

33 (j) "Occupational therapy assistant" means a person licensed to practice occupational
34 therapy under the provisions of this chapter and the rules and regulations authorized by this

1 chapter.

2 (k) "Supervision" means that a licensed occupational therapist or occupational therapy
3 assistant is at all times responsible for supportive personnel and students.

4 **5-40.1-8. Requirements for licensure.** – (a) Any applicant seeking licensure as an
5 occupational therapist or occupational therapy assistant in this state must:

6 (1) Be at least eighteen (18) years of age;

7 (2) Be of good moral character;

8 (3) Have successfully completed the academic requirements of an education program in
9 occupational therapy accredited by the American Occupational Therapy Association's
10 Accreditation Council for Occupational Therapy Education or other therapy accrediting agency
11 that may be approved by the [division board](#);

12 (4) Have successfully completed a period of supervised fieldwork experience arranged by
13 the recognized educational institution where he or she met the academic requirements:

14 (i) For an occupational therapist, a minimum of twenty-four (24) weeks of supervised
15 fieldwork experience shall be required;

16 (ii) For an occupational therapy assistant, a minimum of twelve (12) weeks shall be
17 required;

18 (5) Have successfully passed the National Certification Examination for Occupational
19 Therapists, Registered, or National Certification Examination for Occupational Therapy
20 Assistants, of the National Board for Certification in Occupational Therapy (NBCOT) or other
21 occupational therapy certification examination as approved by the [division board](#).

22 (b) Application for licensure to practice occupational therapy in this state either by
23 endorsement or by examination shall be made on forms provided by the division, which shall be
24 completed, notarized, and submitted to the board thirty (30) days prior to the scheduled date of
25 the board meeting. The application shall be accompanied by the following documents:

26 (1) Three (3) affidavits from responsible persons attesting to the applicant's good moral
27 character;

28 (2) For U.S. citizens: a certified copy of birth record or naturalization papers;

29 (3) For non-U.S. citizens: documented evidence of alien status, such as immigration
30 papers or resident alien card or any other verifying papers acceptable to the administrator;

31 (4) Documented evidence and supporting transcripts of qualifying credentials as
32 prescribed in this section;

33 (5) One unmounted passport photograph of the applicant (head and shoulder view)
34 approximately 2x3 inches in size;

1 (6) A statement from the board of occupational therapy in each state in which the
2 applicant has held or holds licensure, or is otherwise subject to state regulation, to be submitted to
3 the board of this state attesting to the licensure status of the applicant during the time period the
4 applicant held licensure in that state; and

5 (7) The results of the written national examination of the National Board for Certification
6 in Occupational Therapy (NBCOT).

7 (c)(1) Applicants seeking licensure as occupational therapists or occupational therapy
8 assistants are required to pass the national written examination of the National Board for
9 Certification in Occupational Therapy (NBCOT) approved by the board to test the applicant's
10 fitness to engage in the practice of occupational therapy pursuant to the provisions of this chapter.

11 (2) The date, time, and place of examinations shall be available from the National Board
12 for Certification in Occupational Therapy (NBCOT).

13 (d) In case any applicant fails to satisfactorily pass an examination, the applicant shall be
14 entitled to re-examination.

15 (e) Occupational therapists and occupational therapy assistants who are licensed or
16 regulated to practice under laws of another state or territory or the District of Columbia may,
17 upon receiving a receipt from the division, perform as an occupational therapist or occupational
18 therapy assistant under the supervision of a qualified and licensed occupational therapist or
19 occupational therapy assistant. If this applicant fails to receive licensure when the board reviews
20 the application, all previously mentioned privileges automatically cease.

21 (f) Applicants from foreign occupational therapy schools must meet the requirements of
22 the National Board for Certification in Occupational Therapy (NBCOT) and present evidence of
23 passage of the National Certification Examination for Occupational Therapists or the National
24 Certification Examination for Occupational Therapy Assistants of the NBCOT. Applicants must
25 meet all of the appropriate requirements for licensure to the satisfaction of the board and in
26 accordance with the statutory and regulatory provisions of this chapter.

27 **5-40.1-10. Examination.** – The applicant shall be required to pass with a grade
28 determined by the [division board](#), an examination approved by the board pursuant to § 5-40.1-
29 8(a)(5).

30 **5-40.1-12. Renewal of licenses – Inactive status.** – (a) Upon the recommendation of the
31 [division board](#), the director shall issue to applicants who have satisfactorily met the licensure
32 requirements of this chapter, a license to practice occupational therapy in this state. The license,
33 unless sooner suspended or revoked, shall expire on the thirty-first (31st) day of March, of each
34 even year (biennially).

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

4 (2) Every licensed individual who desires to renew his or her license shall file with the
5 division a renewal application executed together with the evidence of continuing education
6 requirements as delineated in subdivision (3) of this subsection and the renewal fee as set forth in
7 § 23-1-54 made payable by check to the general treasurer, state of Rhode Island, on or before the
8 thirty-first (31st) day of March of each even year.

9 (3) On application for renewal of license, occupational therapists and occupational
10 therapy assistants must show proof of participation in twenty (20) hours biennially in
11 presentations, clinical instruction, publications, research, in-service programs, American
12 Occupational Therapy Association-recognized conferences, university course, and/or self-study
13 courses.

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

17 (5) Any individual who allows his or her license to lapse by failing to renew it on or
18 before the thirty-first (31st) day of March of the next even year as provided in subdivisions (1),
19 (2) and (3) of this subsection, may be reinstated by the director upon receiving a receipt from the
20 division for payment of the current renewal fee plus an additional fee as set forth in § 23-1-54
21 made payable by check to the general treasurer, state of Rhode Island.

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

25 (b) An individual licensed as an occupational therapist or occupational therapy assistant
26 in this state who does not intend to engage in the practice of occupational therapy within this state
27 during any year, may upon request to the division, have his or her name transferred to an inactive
28 status and shall not be required to register biennially or pay any fee as long as he or she remains
29 inactive. Any individual whose name has been transferred to an inactive status pursuant to this
30 section, may be restored to active status to practice occupational therapy without a penalty fee,
31 upon the filing of an application for licensure renewal, the licensure renewal fee as set forth in §
32 23-1-54 made payable by check to the general treasurer of the state of Rhode Island, and any
33 other information that may be requested by the division.

34 **5-40.1-14. Grounds for refusal to renew, suspension, or revocation of license.** – (a)

1 The ~~division board~~ may deny a license or refuse to renew a license or may suspend or revoke a
2 license or may impose probationary conditions if the licensee has been found guilty of
3 unprofessional conduct which has endangered or is likely to endanger the health, welfare, or
4 safety of the public. Unprofessional conduct includes:

5 (1) Obtaining a license by means of fraud, misrepresentation, or concealment of material
6 facts;

7 (2) Being found guilty of fraud or deceit in connection with his or her services rendered
8 as an occupational therapist or occupational therapy assistant;

9 (3) Committing a felony, whether or not involving moral turpitude, or a misdemeanor
10 involving moral turpitude. In either case, conviction by a court of competent jurisdiction or a plea
11 of "no contest" shall be conclusive evidence that a felony or misdemeanor was committed.

12 (4) Violating any lawful order, rule or regulation rendered or adopted by the board;

13 (5) Failing to report, in writing, to the ~~division board~~ any disciplinary decision issued
14 against the licensee or the applicant in another jurisdiction within thirty (30) days of the
15 disciplinary decisions;

16 (6) Violating any provision of this chapter; and

17 (7) Providing services to a person who is making a claim as a result of a personal injury,
18 who charges or collects from the person any amount in excess of the reimbursement to the
19 occupational therapist by the insurer as a condition of providing or continuing to provide services
20 or treatment.

21 (b) A denial, refusal to renew, suspension, revocation, or imposition of probationary
22 conditions upon the license may be ordered by the ~~division board~~ or the director of the
23 department of health after a hearing in the manner provided by the Administrative Procedures
24 Act, chapter 35 of title 42.

25 (c) The American Occupational Therapy Association's "Occupational Therapy Code of
26 Ethics" is adopted as a public statement of the values and principles used in promoting and
27 maintaining high standards of behavior in occupational therapy. These state:

28 (1) Occupational therapy personnel shall demonstrate a concern for the well-being of the
29 recipients of their services;

30 (2) Occupational therapy personnel shall respect the rights of the recipients of their
31 services;

32 (3) Occupational therapy personnel shall achieve and continually maintain high standards
33 of competence;

34 (4) Occupational therapy personnel shall comply with laws and association policies

1 guiding the profession of occupational therapy;

2 (5) Occupational therapy personnel shall provide accurate information about occupational
3 therapy services; and

4 (6) Occupational therapy personnel shall treat colleagues and other professionals with
5 fairness, discretion, and integrity.

6 SECTION 17. Sections 5-40.1-4, 5-40.1-5 and 5-40.1-15 of the General Laws in Chapter
7 5-40.1 entitled "Occupational Therapists" are hereby repealed.

8 ~~**5-40.1-4. Board of occupational therapy — Practice — Creation — Composition —**~~
9 ~~**Appointment and term of members — Meetings — Vacancies.**~~ (a) There is created within the
10 division of professional regulation in the department of health a board of occupational therapy
11 practice. The board shall consist of five (5) members appointed by the director of the department
12 of health with the approval of the governor. Three (3) members shall be licensed occupational
13 therapists; one member shall be a physician licensed to practice medicine in this state; and one
14 member shall be a consumer.

15 (b) The director of the department of health, with the approval of the governor, within
16 sixty (60) days following May 11, 1984, shall appoint one board member for a term of one year;
17 two (2) for a term of two (2) years; and two (2) for a term of three (3) years. Appointments made
18 thereafter shall be for three (3) year terms, but no person shall be appointed to serve more than
19 two (2) consecutive terms. Terms shall begin on the first day of the calendar year and end on the
20 last day of the calendar year or until successors are appointed, except for the first appointed
21 members who shall serve through the last calendar day of the year in which they are appointed,
22 before commencing the terms prescribed by this section.

23 (c) The board shall meet during the first month of each calendar year to select a
24 chairperson and for other purposes. At least one additional meeting shall be held before the end of
25 each calendar year. Other meetings may be convened at the call of the chairperson, the
26 administrator of professional regulation, or upon the written request of any two (2) board
27 members. A majority of the members of the board constitutes a quorum for all purposes.

28 (d) In the event of a vacancy in one of the positions, the director of the department of
29 health, with the approval of the governor, may appoint a person to fill the unexpired term.

30 ~~**5-40.1-5. Board of occupational therapy practice — Powers and duties — Office —**~~
31 ~~**Compensation of members.**~~ (a) The board is authorized to recommend to the director of the
32 department of health for his or her approval the adoption and revision of any rules and regulations
33 not inconsistent with law as necessary to enable it to carry into effect the provisions of this
34 chapter.

1 ~~(b) The board shall recommend only qualified applicants for licensure. The board shall~~
2 ~~review applicants at least twice a year.~~

3 ~~(c) The division of professional regulation shall adopt policies to be followed in the~~
4 ~~examination, licensure, and renewal of licenses of qualified applicants.~~

5 ~~(d) The board shall conduct hearings upon charges calling for the discipline of licensees~~
6 ~~or revocation of licenses as shall be necessary, in accordance with the Administrative Procedures~~
7 ~~Act, chapter 35 of title 42. The administrator of professional regulation has the power to issue~~
8 ~~subpoenas and compel the attendance of witnesses, and administer oaths to persons giving~~
9 ~~testimony at hearings.~~

10 ~~(e) The board shall maintain in the office of the division of professional regulation a~~
11 ~~register of all persons holding a license.~~

12 ~~(f) Members of the board shall receive no compensation for their services.~~

13 ~~**5-40.1-15. Board of occupational therapy practice — Seal — Authentication of**~~
14 ~~**records.** The board shall adopt a seal by which it authenticates its proceedings. Copies of the~~
15 ~~proceedings, records, and acts of the board and certificates purporting to relate the facts~~
16 ~~concerning its proceedings, records, and acts signed by the secretary and authenticated by the~~
17 ~~seal, shall be evidence in all courts of this state.~~

18 SECTION 18. Sections 5-44-1, 5-44-9, 5-44-10, 5-44-11, 5-44-13, 5-44-14, 5-44-15, 5-
19 44-18, 5-44-19, 5-44-20, and 5-44-22 of the General Laws in Chapter 5-44 entitled
20 “Psychologists” are hereby amended to read as follows:

21 **5-44-1. Definitions.** – As used in this chapter:

22 (1) "Academic psychologist" means a person employed by or associated with a
23 recognized college or university or other recognized institution who is engaged in teaching,
24 studying, or conducting research in the science of psychology.

25 (2) "Board" means the [health professions board of review established in accordance with](#)
26 [§ 5-26.1-3. board of psychology established by § 5-44-3.](#)

27 (3) "Education" means the academic program pursued by a person in obtaining a doctoral
28 degree, that program to include formal course work, seminars, and practica.

29 (4) "Licensed psychologist" means a person who has been licensed for the practice of
30 psychology under this chapter. "Psychologist" as used in this chapter means a licensed
31 psychologist as defined in this section.

32 (5) "Practice of psychology" means the rendering of professional psychological services
33 to individuals, groups, families, or any public or private organization for remuneration.
34 Professional psychological services means applying established psychological principles,

1 methods, or procedures for the purpose of preventing or eliminating symptomatic, maladaptive or
2 undesired behavior and of enhancing interpersonal relationships, work and life adjustment,
3 personal effectiveness, and mental health. The practice of psychology includes, but is not limited
4 to:

5 (i) Diagnoses and treatment of emotional, mental or behavioral dysfunction, disorder or
6 disability, alcoholism and substance abuse disorders of habit or conduct, as well as of the
7 psychological aspects of physical illness, accident, injury, or disability;

8 (ii) Psychological testing and evaluation of intelligence, personality, abilities, interests,
9 aptitudes, and neuropsychological functioning;

10 (iii) Psychoeducation evaluation, therapy, remediation and consultation; and

11 (iv) Counseling, psychotherapy, psychoanalysis, hypnotherapy, biofeedback and behavior
12 analysis and therapy.

13 (6) "Psychology student", "psychology trainee", "psychology intern", or "psychology
14 resident" means a student, intern, or other person studying or preparing for the profession of
15 psychologist under the supervision of recognized educational or training institutions or facilities.

16 (7) "Training" means the pre-professional or professional supervised experience received
17 by the person at the pre or post-doctoral level, that experience to have been obtained in an
18 internship, clinic, or other similar professional setting.

19 (8) "Department" means the Rhode Island department of health.

20 (9) "Director" means the director of the Rhode Island department of health.

21 [\(10\) "Division" means the division of professional regulation and licensing within the](#)
22 [department of health.](#)

23 **5-44-9. Qualifications of psychologists.** – An applicant for licensure shall submit to the
24 [division board](#) written evidence acceptable to the department, verified under oath, that the
25 applicant:

26 (1) Is of good moral character;

27 (2) Has received a doctorate degree in psychology from a college or university whose
28 program of study for that degree at that time meets or exceeds the stated requirements for
29 approval by the American Psychological Association, or its equivalent in terms of excellence of
30 education and training, or a doctorate degree in an allied field whose education and training
31 requirements are substantially similar to current American Psychological Association standards of
32 accreditation for the granting of a doctorate in psychology;

33 (3) Has had the requisite supervised experience as deemed acceptable to the board as
34 delineated in the rules and regulations;

1 (4) Has passed an examination conducted by the board to determine his or her
2 qualification for licensure as a psychologist, or is applying under the provisions of § 5-44-11;

3 **5-44-10. Examinations.** – (a) Examinations for licensure shall be conducted by the
4 division as scheduled by the director of the department of health, and shall be offered ~~by the~~
5 ~~board~~ at least twice a year according to methods and in any subject fields that it deems most
6 practical and expeditious to test the applicant's qualifications.

7 (1) The ~~division board~~ may require examinations to be written or oral, or both.

8 (2) In any written examination, the identity of the applicant shall not be disclosed to the
9 ~~division board~~ until after the examination papers have been graded.

10 (3) Written examination papers shall be preserved and available to the ~~division board~~ for
11 at least two (2) years.

12 (b) A candidate shall pass the examination by reaching the threshold score and
13 requirements set forth by the Division. ~~upon the affirmative vote of at least two (2) members of~~
14 ~~the board.~~

15 **5-44-11. Licensure without examination.** – A licensure as a psychologist may be
16 issued to:

17 (1) An applicant who has been licensed or certified as a psychologist under the laws of
18 another state, United States territory, or foreign country where the ~~division board~~ determines that
19 the requirements are substantially equivalent to those of this state; or

20 (2) A person who has been certified after examination by the American Board of
21 Examiners in Professional Psychology, if the division board determines that the examination is
22 substantially equivalent to, or exceeds, the requirements of the examination approved by the
23 ~~division board.~~

24 **5-44-13. Temporary license.** – (a) Pursuant to §§ 5-44-6 and 5-44-23(e) of this chapter
25 and rules and regulations promulgated hereunder, a temporary permit to practice psychology
26 under supervision may be granted to a candidate for licensure who has paid the required fee as set
27 forth in § 23-1-54 and has satisfied the following requirements:

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

29 (2) Has received a doctoral degree in accordance with § 5-44-10, and successfully
30 completed one thousand five hundred (1,500) hours of supervision satisfactory to the ~~division~~
31 ~~board~~ as specified in the rules and regulations;

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

34 (4) Shall refrain from using the title "psychologist" or representing himself or herself as a

1 psychologist other than by using the title "psychology student", "psychology trainee" or
2 "psychology intern", or "psychology resident"; and

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

5 (b) Temporary permit holders may request from the [division board](#) a one year extension.
6 Such an extension may be granted at the discretion of the [division board](#) upon review of the
7 applicant's circumstances. This extension shall only be granted once.

8 **5-44-14. Limitation of practice.** – The [division board](#) shall ensure through regulations
9 and enforcement that licensees limit their practice to demonstrated areas of competence as
10 documented by relevant professional education, training, and experience.

11 **5-44-15. Expiration and renewal of licenses – Continuing education – Lapsed**
12 **license.** – (a) The license of every person licensed under the provisions of this chapter shall
13 expire on the first day of July of the next even-numbered year following the issuance of his or her
14 license.

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

18 (c) Every licensed person who desires to renew his or her license shall file with the
19 department a renewal application, executed, together with a renewal fee as set forth in § 23-1-54,
20 on or before the first day of June in each even-numbered year. Upon receipt of a renewal
21 application and payment of the renewal fee, the accuracy of the application shall be verified and
22 the department may grant a renewal license effective July 1st and expiring the June 30th in each
23 even-numbered year.

24 (d) Every licensed psychologist who desires to continue licensure as a licensed
25 psychologist shall present satisfactory evidence to the [division board](#) and approved by rule or
26 regulation of the [division board](#) that the licensed psychologist has completed a prescribed course
27 of continuing licensed psychological education.

28 (e) Any person who allows his or her license to lapse, by failing to renew it on or before
29 June 1st in each even-numbered year, as provided in this section, may be reinstated by the
30 department on payment of the current renewal fee, plus an additional fee as set forth in § 23-1-54.
31 Any person using the title "psychologist" or offering services defined as the practice of
32 psychology under this chapter during the time his or her license has lapsed is subject to the
33 penalties provided for violation of this chapter.

34 **5-44-18. Grounds for discipline.** – The [division board](#) has the power to deny, revoke, or

1 suspend any license issued by the department in accordance with this chapter, or to discipline a
2 psychologist upon proof that the person:

3 (1) Is guilty of fraud or deceit in procuring or attempting to procure a license or
4 temporary license;

5 (2) Is guilty of a felony or of a crime of immorality;

6 (3) Is habitually intemperate or is addicted to the use of habit-forming drugs;

7 (4) Is mentally incompetent;

8 (5) Is incompetent or negligent in the practice of psychology and has violated the
9 provisions of chapter 5-44 or the rules and regulations promulgated hereunder;

10 (6) Has violated the ethical principles governing psychologists and the practice of
11 psychology, as adopted by the board and in force at the time a charge is made regardless of
12 whether or not the person is a member of any national, regional, or state psychological
13 association; provided, that those ethical principles are a national recognized standard; and
14 departure from or the failure to conform to the minimal standards of acceptable and prevailing
15 psychology practice.

16 (7) Has practiced as a psychologist or has performed the duties of a psychologist without
17 proper supervision by a psychologist licensed under this chapter unless specifically exempted by
18 this chapter.

19 (8) Has had their license revoked, suspended, privileges limited or other disciplinary
20 action in another state or jurisdiction, including the voluntary surrender of a license.

21 (9) Has failed to furnish the department or its legal representative information requested
22 by the board as part of a disciplinary action.

23 **5-44-19. Procedure for discipline.** – (a) When a sworn complaint is filed with the
24 ~~division board~~ charging a person with being guilty of any of the actions specified in § 5-44-18,
25 the department shall immediately investigate those charges. ~~or, the board, investigation, may~~
26 ~~institute charges.~~

27 (b)(1) If the investigation reveals reasonable grounds for believing that the applicant or
28 psychologist is guilty of the charges, the ~~division board shall fix a time and place for a hearing,~~
29 ~~and~~ shall serve a copy of the charges, together with a notice of the time and the place fixed for the
30 hearing before the board, personally upon the accused at least twenty (20) days prior to the time
31 fixed for the hearing.

32 (2) The board ~~may investigate and~~ will render a decision on any disciplinary complaint
33 against anyone practicing psychology (regardless of whether he or she was licensed at the time of
34 the alleged complaint) or that their license has subsequently been surrendered, revoked or not

1 renewed.

2 (3) The board at its discretion may dismiss or suspend a complaint without a finding as
3 delineated in the rules and regulations so that a person who is the subject of the complaint may
4 participate in colleague assistance program acceptable to the board. The board may suspend a
5 complaint contingent upon the person complying with directions issued by the board. The board
6 may reinstate any suspended complaint at anytime it deems that the person is not in compliance
7 with the directions of the board.

8 (4) When personal service cannot be effected and that fact is certified by oath by any
9 person authorized to make service, the ~~division board~~ shall publish once in each of two (2)
10 successive weeks, a notice of the hearing in a newspaper published in the county where the
11 accused last resided according to the records of the ~~division board~~ and shall mail a copy of the
12 charges and of the notice to the accused at his or her last known address.

13 (5) When publication of notice is necessary, the date of the hearing shall not be less than
14 twenty (20) days after the last date of publication of the notice.

15 (c)(1) At the hearing, the accused has the right to appear personally or by counsel or both,
16 to produce witnesses and evidence on his or her behalf, to cross-examine witnesses, and to have
17 subpoenas issued by the administrator of professional regulation.

18 (2) The attendance of witnesses and the production of books, documents, and papers at
19 the hearing may be compelled by subpoenas issued by the department, which shall be served in
20 accordance with law.

21 (3) The ~~board department~~ shall administer oaths as necessary for the proper conduct of
22 the hearing.

23 (4) The board is not bound by the strict rules of procedure or by the laws of evidence in
24 the conduct of its proceedings, but the determination shall be based upon sufficient legal evidence
25 to sustain it.

26 (d) If the accused is found guilty of the charges, the board may refuse to issue a
27 registration to the applicant, or may revoke or suspend his or her license, or discipline that person.

28 (e) Upon the revocation or suspension of any license, the license holder shall surrender
29 the license to the department who shall indicate same in the licensure verification database.

30 (f) A revocation or suspension of license may be reviewed at the discretion of the
31 ~~division board, or at the initiative of the department~~ who may ~~request order~~ a rehearing of the
32 issue if he or she finds cause.

33 **5-44-20. Grounds for discipline without a hearing.** – With the approval of the director,
34 the ~~division board~~ may temporarily suspend the license of a psychologist without a hearing if the

1 ~~division board~~ finds that evidence in its possession indicates that a psychologist continuing in
2 practice would constitute an immediate danger to the public. In the event that the ~~division board~~
3 temporarily suspends the license of a psychologist without a hearing by the board, a hearing must
4 be held within ten (10) days after the suspension has occurred.

5 **5-44-22. Injunction of violations.** – When it appears to the ~~division board~~ that any
6 person is violating any of the provisions of this chapter, the director may institute an action,
7 commenced in the name of the ~~department board~~, to enjoin that violation in a court of competent
8 jurisdiction. That court may enjoin any person from violating any of the provisions of this
9 chapter, without regard to whether proceedings have been or may be instituted before the board or
10 whether criminal proceedings have been or may be instituted.

11 SECTION 19. Sections 5-44-3, 5-44-4, 5-44-5, 5-44-6 of the General Laws in Chapter 5-
12 44 entitled “Psychologists” are hereby repealed.

13 ~~**5-44-3. Board of psychology — Creation — Composition.** Within the department of
14 professional regulation in the department of health, there shall be a board of psychology
15 consisting of five (5) members as provided by § 5-44-4.~~

16 ~~**5-44-4. Board of psychology — Appointment, terms, oath, and removal of members.**~~

17 ~~(a) The director of the department of health shall, with the approval of the governor, appoint five
18 (5) electors as members of the board. One member of the board shall be representative of the
19 public, and four (4) shall be psychologists pursuant to this chapter and each of them shall have
20 been engaged in their profession for at least five (5) years. At least one member of the board shall
21 be an academic psychologist.~~

22 ~~(b) The director shall, with the approval of the governor, appoint persons to serve on the
23 board for a term of three (3) years and each member shall serve until his or her successor has
24 been appointed and qualified.~~

25 ~~(c) The director may remove any member from the board for neglect of any duty required
26 by law, or for incompetence, or unprofessional or dishonorable conduct. Vacancies shall be filled
27 in the same manner as the original appointment was made, for the remainder of the term.~~

28 ~~**5-44-5. Board of psychology — Organization and meetings.** (a) The board shall
29 organize immediately after the appointment and qualification of its members.~~

30 ~~(b) The board shall annually elect a chairperson and secretary. Meetings may be called by
31 the chairperson or the director of the department of health or by written request of three (3)
32 members of the board. A majority of seats filled shall constitute a quorum. The board shall meet
33 as often as necessary.~~

34 ~~**5-44-6. Board of psychology — General powers.** The board of psychology shall:~~

1 ~~(1) Be authorized to recommend to the director for his or her approval the adoption and~~
2 ~~revision of rules and regulations not inconsistent with law as necessary to enable it to carry into~~
3 ~~effect the provisions of this chapter.~~

4 ~~(2) Determine the tests which applicants for licensure take. The department shall adopt~~
5 ~~policies to be followed in the examinations, licensure, and renewal of licenses of qualified~~
6 ~~applicants.~~

7 ~~(3) Conduct hearings upon charges calling for the discipline of a license or revocation.~~
8 ~~The department has the power to issue subpoenas and compel the attendance of witnesses and~~
9 ~~administer oaths to persons giving testimony at hearings.~~

10 ~~(4) The board, or the director shall prosecute all persons violating this chapter and has the~~
11 ~~power to incur the necessary expenses of prosecution. The board shall keep a record of all its~~
12 ~~proceedings.~~

13 SECTION 20. Sections 5-45-4, 5-45-6, 5-45-7, and 5-45-12 of the General Laws in
14 Chapter 5-45 entitled "Nursing Home Administrators" are hereby amended to read as follows:

15 **5-45-4. Definitions.** – For the purpose of this chapter, and as used in it:

16 (1) "Board" means the [health professions board of review established in accordance with](#)
17 ~~§ 5-26.1-3. board of examiners for nursing home administrators established by this chapter.~~

18 (2) "Department" means the department of health.

19 (3) "Designee" means any subordinate official of the department authorized by the
20 director to carry out any of the powers and responsibilities granted to him or her by this chapter.

21 (4) "Director" means the director of the department of health.

22 (5) ["Division" means the division of professional regulation and licensing within the](#)
23 [department of health.](#)

24 ~~(5)(6)~~ (6) "Nursing home" means any facility providing nursing care to any in-patient, which
25 is required to be licensed under any law or regulation of the state, and which is further defined as
26 a skilled nursing home by the licensing authority of the state.

27 ~~(6)(7)~~ (7) "Nursing home administrator" means the individual responsible for planning,
28 organizing, directing, and controlling the operation of the nursing home, whether or not those
29 functions are shared by one or more other persons.

30 **5-45-6. Licensing function of department of health – Term of licenses – Appeal of**
31 **license denials, suspensions, or revocations.** – The department shall license nursing home
32 administrators in accordance with rules and regulations adopted by the ~~division board~~ with the
33 approval of the director. A nursing home administrator's license shall be nontransferable and shall
34 be valid until the following June 30th, or until surrendered for cancellation, or suspended or

1 revoked for violation of this chapter or any other laws or regulations relating to the proper
2 operation of a nursing home. Any denial of issuance or renewal, or any suspension or revocation
3 shall be subject to review [by the board](#) upon the timely request of the licensee and pursuant to
4 Administrative Procedures Act, chapter 35 of title 42.

5 **5-45-7. Qualification for licensure.** – In order to be eligible for licensure pursuant to this
6 chapter, a person shall:

7 (1) Be not less than eighteen (18) years of age and of good moral character.

8 (2) Have satisfactorily completed a course of instruction and training approved by the
9 department. The course shall be designed as to content and administered as to present sufficient
10 knowledge of the needs properly to be served by nursing homes, laws governing the operation of
11 nursing homes and the protection of the interests of patients in the nursing homes, and the
12 elements of good nursing home administration.

13 (3) Have passed an examination conducted by the [division board](#) and designed to test for
14 competence in the subject matter referred to in subdivision (2) of this section. Where the
15 department deems it appropriate for purposes of according with religious teachings, the
16 examination of an individual may exclude any subjects which could be considered in derogation
17 of, or in conflict with, the teachings and practice of any recognized religious faith. Any license
18 issued on the basis of that abridged examination shall be annotated to designate the appropriate
19 limitation of the type of facility of which the licensed individual may be an administrator.

20 (4) Pay licensure fees as set forth in § 23-1-54.

21 **5-45-12. Disciplinary proceedings – Grounds for discipline.** – (a) The department may
22 suspend, revoke or refuse to renew any license issued under this chapter, or may reprimand,
23 censure, or discipline a licensee or may require participation in continuing education, or
24 professional mentoring or may place an administrator on probation in accordance with the
25 provisions of this section, upon decision and after a [board](#) hearing as provided by chapter 35 of
26 title 42, upon proof that the licensee engaged in unprofessional conduct. Unprofessional conduct
27 includes, but is not limited to, any of the following:

28 (1) Being unfit or incompetent by reason of negligence, habits, or other causes;

29 (2) Violating any of the provisions of this chapter or the rules enacted in accordance with
30 it; or acting in a manner inconsistent with the health and safety of the patients of the nursing
31 facility in which he or she is the administrator;

32 (3) Engaging in fraud or deceit in the practice of nursing home administration, or in his or
33 her admission to this practice;

34 (4) Being convicted in a court of competent jurisdiction, either within or without this

1 state, of a felony.

2 (5) Failing to conform to minimal standards of acceptable and prevailing practice of
3 nursing home administration.

4 (b) If a nursing home administrator is placed on probation, the department may require
5 the licensee to:

6 (1) Report regularly to the department on matters that are the basis of the probation;

7 (2) Limit practice to the areas prescribed by the department; or

8 (3) Complete a prescribed program of continuing professional education until the licensee
9 attains a degree of skill satisfactory to the department in those areas that are the basis of the
10 probation.

11 SECTION 21. Sections 5-45-1 and 5-45-3 of the General Laws in Chapter 5-45 entitled
12 “Nursing Home Administrators” are hereby repealed.

13 ~~5-45-1. Board of examiners—Creation—Composition—Appointment, terms, oath,
14 and removal of members—Meetings.—(a) Within the department of health, there shall be a
15 board of examiners for nursing home administrators. The board shall be appointed by the director
16 of the department of health, with the approval of the governor, and shall consist of seven (7)
17 persons who shall be certified electors of this state.~~

18 ~~(1) Three (3) members of the board shall be persons licensed as nursing home
19 administrators pursuant to the provisions of this chapter.~~

20 ~~(2) Two (2) members of the board shall be representatives from senior citizen groups.~~

21 ~~(3) On June 1, 1979, two (2) additional qualified members are appointed. One shall be a
22 nurse who is licensed in the state, is a graduate of an accredited school of nursing, and has been
23 actively engaged in nursing service for at least two (2) years immediately preceding appointment
24 or reappointment. The other member shall be a physician licensed to practice medicine in this
25 state, who has been actively engaged in the practice of medicine for at least two (2) years
26 immediately preceding appointment or reappointment. The physician and nurse members of the
27 board shall be representative of those persons of the profession concerned with the care and
28 treatment of chronically ill or infirm elderly patients.~~

29 ~~(4) A majority of the board members may not be representative of a single profession or
30 category of institution, and members who are not representative of institutions may not have a
31 direct financial interest in any nursing home. Licensed nursing home administrators shall be
32 considered representatives of institutions for the purpose of this section.~~

33 ~~(b) Members shall be appointed to a term of three (3) years. No member shall serve more
34 than two (2) terms. The director of the department of health shall, with the approval of the~~

1 ~~governor, appoint to vacancies, as they occur, a qualified person to serve on the board for the~~
2 ~~remainder of the term and until his or her successor is appointed and qualified.~~

3 ~~(c) The director of the department of health may remove, after a hearing and with the~~
4 ~~approval of the governor, any member of the board for neglect of any duty required by law or for~~
5 ~~any incompetency, unprofessional or dishonorable conduct. Vacancies shall be filled in the same~~
6 ~~manner as the original appointment was made for the remainder of the term. Before beginning his~~
7 ~~or her term of office, each member shall take the oath prescribed by law for state officers, a~~
8 ~~record of which shall be filed with the secretary of state.~~

9 ~~(d) The director shall appoint a chairperson. No member shall serve as chairperson for~~
10 ~~more than three (3) years.~~

11 ~~(e) Four (4) members of the board shall constitute a quorum.~~

12 ~~(f) The members of the board shall serve without compensation.~~

13 ~~(g) Meetings shall be called by the director of the department of health, or his or her~~
14 ~~authorized designee, or by a majority of the members of the board.~~

15 ~~(h) The administrator of professional regulation of the department of health, as provided~~
16 ~~by chapter 26 of this title shall serve as administrative agent of the board.~~

17 ~~**5-45-3. Board of examiners — Functions.** (a) It is the function of the board to:~~

18 ~~(1) Conduct examinations as required by the department and to act in an advisory~~
19 ~~capacity to the department in all matters pertaining to the licensing of nursing home~~
20 ~~administrators;~~

21 ~~(2) Develop and apply appropriate techniques, including examinations and investigations,~~
22 ~~for determining whether an individual meets those standards, subject to the approval of the~~
23 ~~director;~~

24 ~~(3) Recommend to the department the issuance of licenses and registrations to individuals~~
25 ~~determined, after application of those techniques, to meet those standards; and to recommend to~~
26 ~~the director the revocation or suspension of licenses or registrations previously issued; and to~~
27 ~~recommend disciplinary action to be taken against a nursing home administrator, including~~
28 ~~placing a licensee on probation, and ordering continuing education or professional mentoring by~~
29 ~~nursing facility professionals in any case where the individual holding that license or registration~~
30 ~~is determined substantially to have failed to conform to the requirements of those standards or~~
31 ~~when a nursing facility under the administrator's control has been found on its survey to have~~
32 ~~continued poor performance or is repeatedly unable to remain in compliance with standards; and~~

33 ~~(4) Adopt, on or before January 1, 1995, with the approval of the director of the~~
34 ~~department of health, rules and regulations governing a mandatory program of continuing~~

1 ~~education for nursing home administrators.~~

2 ~~(b) Programs for continuing education for nursing facility administrators may be~~
3 ~~presented by:~~

4 ~~(1) The Rhode Island Health Care Association;~~

5 ~~(2) The Rhode Island Association of Facilities for the Aging;~~

6 ~~(3) The American College of Health Care Administrators;~~

7 ~~(4) The Alliance for Better Nursing Home Care;~~

8 ~~(5) Nationally recognized associations of the groups listed in subdivisions (1)–(4) of this~~
9 ~~subsection;~~

10 ~~(6) Any accredited college or university; or~~

11 ~~(7) Any organizations authorized and approved by the department.~~

12 SECTION 22. Sections 5-48-1, 5-48-7, 5-48-7.1, 5-48-7.2, 5-48-9, 5-48-9.1, 5-48-12, and
13 5-48-13 of the General Laws in Chapter 5-48 entitled “Speech Pathology and Audiology” are
14 hereby amended to read as follows:

15 **5-48-1. Purpose and legislative intent – Definitions.** – (a) It is declared to be a policy of
16 this state that the practice of speech language pathology and audiology is a privilege granted to
17 qualified persons and that, in order to safeguard the public health, safety, and welfare, protect the
18 public from being misled by incompetent, unscrupulous, and unauthorized persons, and protect
19 the public from unprofessional conduct by qualified speech language pathologists and
20 audiologists, it is necessary to provide regulatory authority over persons offering speech language
21 pathology and audiology services to the public.

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

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

25 (2) "Audiology" means the application of principles, methods, and procedures related to
26 hearing and the disorders of the hearing and balance systems, to related language and speech
27 disorders, and to aberrant behavior related to hearing loss. A hearing disorder in an individual is
28 defined as altered sensitivity, acuity, function, processing, and/or damage to the integrity of the
29 physiological auditory/vestibular systems.

30 (3) "Audiology support personnel" means individuals who meets minimum
31 qualifications, established by the board, which are less than those established by this chapter as
32 necessary for licensing as an audiologist, who do not act independently, and who work under the
33 direction and supervision of an audiologist licensed under this chapter who has been actively
34 working in the field for twenty-four (24) months after completion of the postgraduate

1 professional experience and who accepts the responsibility for the acts and performances of the
2 audiology assistant while working under this chapter.

3 (4) "Board" means the [health professions board of review established in accordance with](#)
4 [§ 5-26.1-3](#). ~~state board of examiners for speech language pathology and audiology.~~

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

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

9 (ii) "Division" means the [division of professional regulation and licensing within the](#)
10 [department of health](#).

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

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

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

24 (ii) The practice of audiology may include speech and/or language screening to a pass or
25 fail determination, for the purpose of initial identification of individuals with other disorders of
26 communication.

27 (iii) A practice is deemed to be the "practice of audiology" if services are offered under
28 any title incorporating such word as "audiology", "audiologist", "audiometry", "audiometrist",
29 "audiological", "audiometrics", "hearing therapy", "hearing therapist", "hearing clinic", "hearing
30 clinician", "hearing conservation", "hearing conservationist", "hearing center", "hearing aid
31 audiologist", or any similar title or description of services.

32 (10)(i) "Practice of speech language pathology" means rendering or offering to render
33 any service in speech language pathology including prevention, identification, evaluation,
34 consultation, habilitation, rehabilitation; determining the need for augmentative communication

1 systems, dispensing and selling these systems, and providing training in the use of these systems;
2 and planning, directing, conducting, or supervising programs that render or offer to render any
3 service in speech language pathology.

4 (ii) The practice of speech language pathology may include nondiagnostic pure tone air
5 conduction screening, screening tympanometry, and acoustic reflex screening, limited to a pass or
6 fail determination, for the purpose of performing a speech and language evaluation or for the
7 initial identification of individuals with other disorders of communication.

8 (iii) The practice of speech language pathology also may include aural rehabilitation,
9 which is defined as services and procedures for facilitating adequate receptive and expressive
10 communication in individuals with hearing impairment.

11 (iv) A practice is deemed to be the "practice of speech language pathology" if services are
12 offered under any title incorporating such words as "speech pathology", "speech pathologist",
13 "speech therapy", "speech therapist", "speech correction", "speech correctionist", "speech clinic",
14 "speech clinician", "language pathology", "language pathologist", "voice therapy", "voice
15 therapist", "voice pathology", "voice pathologist", "logopedics", "logopedist", "communicology",
16 "communicologist", "aphasiology", "aphasiologist", "phoniatriest", or any similar title or
17 description of services.

18 (11) "Regionally accredited" means the official guarantee that a college or university or
19 other educational institution is in conformity with the standards of education prescribed by a
20 regional accrediting commission recognized by the United States Secretary of Education.

21 (12) "Speech language pathologist" means an individual who is licensed by the board to
22 practice speech language pathology.

23 (13) "Speech language pathology" means the application of principles, methods, and
24 procedures for prevention, identification, evaluation, consultation, habilitation, rehabilitation,
25 instruction, and research related to the development and disorders of human communication.
26 Disorders are defined to include any and all conditions, whether of organic or non-organic origin,
27 that impede the normal process of human communication in individuals or groups of individuals
28 who have or are suspected of having these conditions, including, but not limited to, disorders and
29 related disorders of:

30 (i) Speech: articulation, fluency, voice, (including respiration, phonation and resonance);

31 (ii) Language (involving the parameters of phonology, morphology, syntax, semantics
32 and pragmatics; and including disorders of receptive and expressive communication in oral,
33 written, graphic, and manual modalities);

34 (iii) Oral, pharyngeal, laryngeal, cervical esophageal, and related functions (e.g.,

1 dysphasia, including disorders of swallowing and oral function for feeding; oro-facial
2 myofunctional disorders);

3 (iv) Cognitive aspects of communication (including communication disability and other
4 functional disabilities associated with cognitive impairment); and

5 (v) Social aspects of communication (including challenging behavior, ineffective social
6 skills, lack of communication opportunities).

7 (14) "Speech language support personnel" means individuals who meet minimum
8 qualifications established by the board, which are less than those established by this chapter as
9 necessary for licensing as a speech language pathologist, who do not act independently, and who
10 work under the direction and supervision of a speech language pathologist licensed under this
11 chapter who has been actively working in the field for twenty-four (24) months after completion
12 of the postgraduate professional experience and who accepts the responsibility for the acts and
13 performances of the speech language pathology assistant while working under this chapter.
14 Speech language support personnel shall be registered with the board within thirty (30) days of
15 beginning work, or the supervising speech language pathologist will be assessed a late filing fee
16 as set forth in § 23-1-54.

17 **5-48-7. Qualifications of applicants for a license as a speech language pathologist. –**

18 To be eligible for licensure by the [division board](#) as a speech language pathologist the applicant
19 must:

20 (1) Be of good moral character;

21 (2) Apply to the department, upon a form prescribed by the department;

22 (3) Submit the appropriate application fee;

23 (4) Submit an official transcript indicating possession of a master's degree or a doctorate
24 degree or equivalent in speech language pathology from an educational institution accredited by
25 the Council on Academic Accreditation (CAA) of the American Speech Language Hearing
26 Association (ASHA) or other national accrediting association as may be approved by the board.
27 The degree shall consist of course work in accordance with the current minimum requirements for
28 the certificate of clinical competence issued by the American Speech Language Hearing
29 Association (ASHA) or other national accrediting association as may be approved by the board
30 and delineated in the rules and regulations;

31 (5) Complete supervised clinical practicum experiences from an educational institution or
32 its cooperating programs. The content of the practicum shall be in accordance with the current
33 minimum requirements for the certificate of clinical competence issued by the American Speech
34 Language Hearing Association (ASHA) or other national accrediting association as may be

1 approved by the division ~~board~~ and delineated in the rules and regulations;

2 (6) Pass a national examination in speech language pathology as required by the
3 American Speech Language Hearing Association (ASHA) or other national accrediting
4 association as may be approved by the board and delineated in the rules and regulations;

5 (7) Present verification of a certificate of clinical competence from the American Speech
6 Language Hearing Association (ASHA) or other national accrediting association as may be
7 approved by the division ~~board~~; and

8 (8) If applicable, present evidence from the board of speech language pathology in each
9 state in which the applicant has held or holds licensure to be submitted to the board of this state,
10 attesting to the licensure status of the applicant during the time period the applicant held licensure
11 in said state.

12 **5-48-7.1. Qualifications for a provisional license for a speech language pathologist. –**

13 (a) To be eligible for provisional licensure by the ~~division board~~, the speech language pathologist
14 applicant must submit an application with the required application fee and be in compliance with
15 the requirements of § 5-48-7(1), (4), (5) and (6).

16 (b) In addition to the requirements of subsection (a) of this section, content of the
17 supervised postgraduate professional experience shall meet the standards of a trainee or fellow of
18 speech pathology as required by the American Speech Language Hearing Association (ASHA) or
19 other national accrediting association as may be approved by the ~~division board~~.

20 (c) If the postgraduate professional experience extends beyond one year, provisional
21 licensure must be renewed annually and not exceed thirty-six (36) months past the initiation of
22 the professional experience.

23 (d) The provisional licensure shall expire ninety (90) days after the end of the
24 postgraduate professional experience.

25 **5-48-7.2. Qualifications for license as an audiologist. –** Persons seeking initial licensure
26 as an audiologist on or after January 1, 2008 shall meet the following requirements:

27 (1) Be of good moral character;

28 (2) Apply to the board, upon a form prescribed by the board;

29 (3) Submit the appropriate application fee;

30 (4) Submit an official transcript indicating possession of an earned doctorate degree in
31 audiology from a regionally accredited educational institution as delineated in the rules and
32 regulations;

33 (5) Pass a national examination in audiology approved by the ~~division board~~ and
34 delineated in the rules and regulations;

1 (6) Present evidence of practicum experience that is equivalent to a minimum of twelve
2 (12) months of full-time, supervised experience, that may be completed as part of the graduate
3 degree, as delineated in the rules and regulations;

4 (7) If applicable, present evidence from the board of audiology in each state in which the
5 applicant has held or holds licensure to be submitted to the board of this state, attesting to the
6 licensure status of the applicant during the time period the applicant held licensure in said state;

7 (8) Any other requirements as set forth in the rules and regulations.

8 **5-48-9. Fees – Late filing – Inactive status – Filing fees for support personnel**
9 **registration.** (a) The ~~division board~~ may charge an application fee; a biennial license renewal
10 fee payable before July 1 of even years (biennially); or a provisional license renewal fee as set
11 forth in § 23-1-54 payable annually from the date of issue.

12 (b) Any person who allows his or her license to lapse by failing to renew it on or before
13 the thirtieth (30th) day of June of even years (biennially), may be reinstated by the board on
14 payment of the current renewal fee plus an additional late filing fee as set forth in § 23-1-54.

15 (c) An individual licensed as a speech language pathologist and/or audiologist in this
16 state, not in the active practice of speech-language pathology or audiology within this state during
17 any year, may upon request to the board, have his or her name transferred to an inactive status
18 and shall not be required to register biennially or pay any fee as long as he or she remains
19 inactive. Inactive status may be maintained for no longer than two (2) consecutive licensing
20 periods, after which period licensure shall be terminated and reapplication to the board shall be
21 required to resume practice.

22 (d) Any individual whose name has been transferred to an inactive status may be restored
23 to active status within two (2) licensing periods without a penalty fee, upon the filing of:

24 (1) An application for licensure renewal, with a licensure renewal fee as set forth in § 23-
25 1-54 made payable by check to the general treasurer of the state of Rhode Island; and

26 (2) Any other information that the ~~division board~~ may request.

27 (e) Audiology and speech language pathology support personnel shall be registered with
28 the board within thirty (30) days of beginning work, or the supervising audiologist or speech
29 language pathologist shall be assessed a late filing fee as set forth in § 23-1-54.

30 **5-48-9.1. Continuing education.** – (a)(1) On or before the thirtieth (30th) day of June of
31 even years, every person licensed to practice speech language pathology and/or audiology within
32 this state shall complete not less than twenty (20) clock hours of continuing education within the
33 preceding two (2) years and be able to present satisfactory evidence of completion to the ~~division~~
34 ~~board.~~

1 (2) Those persons holding licensure in both speech language pathology and audiology
2 must have completed and have evidence of completion of not less than thirty (30) clock hours of
3 continuing education within the preceding two (2) years.

4 (b) Continuing education hours may not be carried over from one renewal period to the
5 next.

6 (c) The [division board](#) at its discretion may extend, reduce, or waive the requirement for
7 continuing education for hardship or other extenuating circumstances as the [division board](#) deems
8 appropriate.

9 **5-48-12. Penalty for violations.** – (a) The [division board](#) is granted the authority to
10 impose the following disciplinary actions in those instances in which an applicant for a license or
11 a licensee has been guilty of conduct which has endangered, or is likely to endanger, the health,
12 welfare, or safety of the public:

13 (1) Refuse to issue or renew a license.

14 (2) Issue a letter of reprimand or concern.

15 (3) Require restitution of fees.

16 (4) Impose probationary conditions.

17 (5) Suspend or revoke a license.

18 (b) Any person found to be in violation of any provision of this chapter, upon conviction,
19 shall be guilty of a misdemeanor and punished by a fine of not more than one thousand dollars
20 (\$1,000).

21 **5-48-13. Revocation and suspension procedure – Reinstatement.** – (a)(1) Notice, in
22 writing, of a contemplated revocation or suspension of a license, of this particular cause, and of
23 the date of a hearing, shall be sent by [the division through](#) registered or certified mail to the
24 licensee at his or her last known address at least fifteen (15) days before the date of the hearing
25 [before the board](#).

26 (2) The individual against whom a charge is filed has the right to appear before the board
27 in person or by counsel, or both; may produce witnesses and evidence on his or her behalf; and
28 may question witnesses.

29 (3) No license shall be revoked or suspended without a hearing, but the nonappearance of
30 the licensee, after notice, shall not prevent a hearing.

31 (4) All matters upon which the decision is based shall be introduced in evidence at the
32 proceeding.

33 (5) The licensee shall be notified, in writing, of the board's decision.

34 (6) ~~The board may make any rules and regulations that it deems proper for the filing of~~

1 ~~charges and the conduct of hearings.~~

2 ~~(b)~~ (a) After issuing an order of revocation or suspension by the board, the department
3 ~~board~~ may ~~also~~ file a petition in equity in the superior court in a county in which the respondent
4 resides or transacts business, to ensure appropriate injunctive relief to expedite and secure the
5 enforcement of its order, pending the final determination.

6 ~~(e)~~ (b) An application for reinstatement may be made to the board, which may, upon the
7 affirmative vote of at least the majority of its members, which may hear further argument
8 regarding ~~grant a~~ reinstatement.

9 (c) An appeal from any decision or order of the board may be brought by an aggrieved
10 person in accordance with § 42-35-15. The term “person” in this section includes the department.

11 SECTION 23. Sections 5-48-2, 5-48-3 and 5-48-4 of the General Laws in Chapter 5-48
12 entitled “Speech Pathology and Audiology” are hereby repealed.

13 ~~**5-48-2. Board of examiners—Composition—Appointments, terms and qualifications**~~
14 ~~**of members.**~~ (a) ~~There exists within the department of health a board of examiners of speech~~
15 ~~language pathology and audiology. The board shall consist of five (5) persons who are residents~~
16 ~~of the state, and who have worked within the state for at least one year prior to their~~
17 ~~appointments.~~

18 ~~(1) Two (2) members shall be speech language pathologists who have practiced speech~~
19 ~~language pathology for at least five (5) years preceding appointment, are currently practicing~~
20 ~~speech language pathology, and hold active and valid licensure for the practice of speech~~
21 ~~language pathology in this state.~~

22 ~~(2) One member shall be an audiologist who has practiced audiology for at least five (5)~~
23 ~~years immediately preceding appointment, is currently practicing audiology, and holds active and~~
24 ~~valid licensure for the practice of audiology in this state.~~

25 ~~(3) One member shall be an otolaryngologist who holds certification by the American~~
26 ~~Academy of Otolaryngology—head and neck surgery, who is currently practicing~~
27 ~~otolaryngology, and holds active and valid licensure as a physician within this state.~~

28 ~~(4) One member shall be a representative of the consumer public who is not associated~~
29 ~~with or financially interested in the practice or business of speech language pathology or~~
30 ~~audiology.~~

31 ~~(b) All appointments to the board shall be for the term of three (3) years. Members shall~~
32 ~~serve until the expiration of the term for which they have been appointed or until their appointed~~
33 ~~successors are qualified.~~

34 ~~(c) When a vacancy upon the board occurs, the director of the department of health shall,~~

1 ~~with the approval of the governor, appoint persons who are working within the state to fill the~~
2 ~~remainder of the vacant term.~~

3 ~~(d) The board shall reorganize annually during the month of January and shall select a~~
4 ~~chairperson.~~

5 ~~(e) A majority of currently filled positions shall constitute a quorum to do business.~~

6 ~~(f) No person shall be appointed to serve more than two (2) consecutive terms.~~

7 ~~(g) The first board and all future members shall be appointed by the director of the~~
8 ~~department of health, with the approval of the governor.~~

9 ~~(h) The director of the department of health, with the approval of the governor, may~~
10 ~~remove any member of the board for dishonorable conduct, incompetency, or neglect of duty.~~

11 ~~**5-48.3. Board of examiners — Duties and powers — Meetings — Compensation of**~~
12 ~~**members.** (a) The board shall administer, coordinate, and enforce the provisions of this chapter,~~
13 ~~evaluate the qualifications of applicants, and may issue subpoenas, examine witnesses, and~~
14 ~~administer oaths, conduct hearings, and at its discretion investigate allegations of violations of~~
15 ~~this chapter and impose penalties if any violations of the chapter have occurred.~~

16 ~~(b) The board shall conduct hearings and keep records and minutes as necessary to an~~
17 ~~orderly dispatch of business.~~

18 ~~(c) The board shall, with the approval of the director of the department of health, adopt,~~
19 ~~amend or repeal rules and regulations, including, but not limited to, regulations that delineate~~
20 ~~qualifications for licensure and establish standards of professional conduct. Following their~~
21 ~~adoption, the rules and regulations shall govern and control the professional conduct of every~~
22 ~~person who holds a license to practice speech language pathology or audiology in this state.~~

23 ~~(d) The board shall make available complete lists of the names and addresses of all~~
24 ~~licensed speech language pathologists and/or audiologists.~~

25 ~~(e) The board may request legal advice and assistance from the appropriate state legal~~
26 ~~officer.~~

27 ~~(f) Regular meetings of the board shall be held at the times and places that it prescribes,~~
28 ~~and special meetings may be held upon the call of the chairperson; provided, that at least one~~
29 ~~regular meeting shall be held each year.~~

30 ~~(g) The conferral or enumeration of specific powers in this chapter shall not be construed~~
31 ~~as a limitation of the general powers conferred by this section. No member of the board shall be~~
32 ~~liable to civil action for any act performed in good faith in the performance of his or her duties as~~
33 ~~prescribed by this chapter.~~

34 ~~(h) Board members shall serve without compensation.~~

1 ~~(i) The board may suspend the authority of any registered speech language pathologist or~~
2 ~~audiologist to practice speech language pathology or audiology for failure to comply with any of~~
3 ~~the requirements of this chapter.~~

4 ~~**5-48-4. Board examiners — Seal — Authentication of records.** — The board shall adopt~~
5 ~~the state seal by which it authenticates its proceedings. Copies of the proceedings, records, and~~
6 ~~acts of the board, and certificates purporting to relate the facts concerning those proceedings,~~
7 ~~records, and acts, signed by the secretary and authenticated by that seal, shall be evidence in all~~
8 ~~courts of this state.~~

9 SECTION 24. Sections 5-49-1, 5-49-6, 5-49-7, and 5-49-12 of the General Laws in
10 Chapter 5-49 entitled “Hearing Aid Dealers and Fitters” are hereby amended to read as follows:

11 **5-49-1. Definitions.** — As used in this chapter, except as the context may require:

12 (1) "Audiologist" means a person who has been awarded a certificate of competency by
13 the American Speech and Hearing Association and who is duly licensed by the department.

14 (2) "Board" means the [health professions board of review established in accordance with](#)
15 ~~§ 5-26.1-3. board of hearing aid dealers and fitters.~~

16 (3) "Department" means the department of health.

17 (4) "Division" means [the division of professional regulation and licensing within the](#)
18 ~~department of health.~~

19 ~~(4)~~ (5) "Hearing aid" means any wearable instrument or device designed for or offered for
20 the purpose of aiding or compensating for impaired human hearing, and any parts, attachments, or
21 accessories, including ear mold, but excluding batteries and cords.

22 ~~(5)~~ (6) "License" means a license issued by the state under this chapter to hearing aid
23 dealers and fitters.

24 ~~(6)~~ (7) "Practice of fitting and dealing in hearing aids" means the evaluation and
25 measurement of human hearing by means of an audiometer or by any other means solely for the
26 purpose of making selections, adaptations, or sale of hearing aids. The term also includes the
27 making of impressions for ear molds. This term does not include the making of audiograms for a
28 physician or a member of related professions for use in consultation with the hard of hearing.

29 ~~(7)~~ (8) "Sell" or "sale" means any transfer of title or of the right to use by lease, bailment,
30 or any other contract, excluding wholesale transactions with distributors or dealers.

31 ~~(8)~~ (9) "Temporary permit" means a permit issued while the applicant is in training to
32 become a licensed hearing aid dealer and fitter.

33 **5-49-6. Issuance of licenses and certificates of endorsement.** — (a) The [division](#)
34 ~~department~~ shall register each applicant without discrimination who passes an examination as

1 provided in § 5-49-7. Upon the applicant's payment as set forth in § 23-1-54 per annum for each
2 year of the term of license, the ~~division department~~ shall issue to the applicant a license signed by
3 the department. The total fee for the entire term of licensure shall be paid prior to the issuance of
4 the license.

5 (b) Whenever the ~~division board~~ determines that another state or jurisdiction has
6 requirements equivalent to or higher than those in effect pursuant to this chapter, and that this
7 state or jurisdiction has a program equivalent to or stricter than the program for determining
8 whether applicants pursuant to this chapter are qualified to dispense and fit hearing aids, the
9 department may issue certificates of endorsement to applicants who hold current, unsuspended,
10 and unrevoked certificates or licenses to fit and sell hearing aids in that other state or jurisdiction.

11 (c) No applicant for certificate of endorsement shall be required to submit to or undergo a
12 qualifying examination, etc., other than the payment of fees, as set forth in § 23-1-54.

13 (d) The holder of a certificate of endorsement shall be registered in the same manner as a
14 licensee. The fee for an initial certificate of endorsement shall be the same as the fee for an initial
15 license. Fees, grounds for renewal, and procedures for the suspension and revocation of
16 certificates of endorsement shall be the same as for renewal, suspension, and revocation of a
17 license.

18 **5-49-7. License by examination.** – (a) Applicants who do not meet the experience
19 qualification of former § 5-49-5 on July 1, 1973, may obtain a license by successfully passing a
20 qualifying examination, provided the applicant:

- 21 (1) Is at least twenty-one (21) years of age;
22 (2) Is of good moral character;
23 (3) Has an education equivalent to a four-year course in an accredited high school; and
24 (4) Is free of contagious or infectious disease.

25 (b) Applicants for license by examination shall appear at a time, place, and before any
26 persons that the department designates, to be examined by means of written and practical tests in
27 order to demonstrate that he or she is qualified to practice the fitting and sale of hearing aids. The
28 examination administered as directed by the ~~division board~~ shall not be conducted in a manner
29 that requires college training in order to pass. Nothing in this examination shall imply that the
30 applicant possess the degree of medical competence normally expected of physicians.

31 **5-49-12. Complaints – Grounds and proceedings for revocation or suspension of**
32 **licenses.** – (a)(1) Any person wishing to make a complaint against a licensee under this chapter
33 shall file this complaint, in writing, with the department, within one year from the date of the
34 action upon which the complaint is based.

1 (2) If the department determines the charges made in the complaint are sufficient to
2 warrant a hearing to determine whether the license issued under this chapter should be suspended
3 or revoked, it shall make an order fixing a time and place for a hearing [before the board](#) and shall
4 require the licensee complained against to appear and defend against the complaint. The order
5 shall have annexed to it a copy of the complaint.

6 (3) The order and copy of the complaint shall be served upon the licensee, either
7 personally or by registered mail sent to the licensee's last known address, at least twenty (20) days
8 before the date set for the hearing.

9 (4) Continuances or an adjournment of the hearing shall be made if for good cause.

10 (5) At the hearing, the licensee complained against may be represented by counsel.

11 (6) The licensee complained against and the department shall have the right to take
12 depositions in advance of the hearing and after service of the complaint, and either may compel
13 the attendance of witness by subpoenas issued by the department under its seal.

14 (7) Either party taking depositions shall give at least five (5) days' written notice to the
15 other party of the time and place of those depositions, and the other party has the right to attend
16 (with counsel if desired) and cross-examine.

17 (8) [Judicial appeals Appeals](#) from suspension or revocation [by the board](#) may be made [in](#)
18 [accordance with § 42-35-15. through the appropriate administrative procedures act.](#)

19 (b) Any person registered under this chapter may have his or her license revoked or
20 suspended for a fixed period by the department for any of the following causes:

21 (1) The conviction of a felony, or a misdemeanor involving moral turpitude. The record
22 of conviction, or a certified copy, certified by the clerk of the court or by the judge in whose court
23 the conviction was had, shall be conclusive evidence of this conviction.

24 (2) Procuring a license by fraud or deceit practiced upon the department.

25 (3) Unethical conduct, including:

26 (i) Obtaining any fee or making any sale by fraud or misrepresentation.

27 (ii) Knowingly employing, directly or indirectly, any suspended or unregistered person to
28 perform any work covered by this chapter.

29 (iii) Using, or causing, or promoting the use of, any advertising matter, promotional
30 literature, testimonial, guarantee, warranty, label, brand, insignia or any other representation,
31 however disseminated or published, which is misleading, deceptive, or untruthful.

32 (iv) Advertising a particular model or type of hearing aid for sale when purchasers or
33 prospective purchasers responding to the advertisement cannot purchase the advertised model or
34 type, where it is established that the purpose of the advertisement is to obtain prospects for the

1 sale of a different model or type than that advertised.

2 (v) Representing that the service or advice of a person licensed to practice medicine will
3 be used or made available in the selection, fitting, adjustment, maintenance, or repair of hearing
4 aids when that is not true.

5 (vi) Habitual intemperance.

6 (vii) Gross immorality.

7 (viii) Permitting another's use of a license.

8 (ix) Advertising a manufacturer's product or using a manufacturer's name or trademark
9 which implies a relationship with the manufacturer that does not exist.

10 (x) Directly or indirectly giving or offering to give, or permitting or causing to be given,
11 money or anything of value to any person who advises another in a professional capacity, as an
12 inducement to influence him or her, or have him or her influence others, to purchase or contract
13 to purchase products sold or offered for sale by a hearing aid dealer or fitter, or influencing
14 persons to refrain from dealing in the products of competitors.

15 (xi) Representing, when this is not the case, that the hearing aid is or will be "custom-
16 made", "made to order", or "prescription-made", or in any other sense specially fabricated for an
17 individual person.

18 (4) Knowingly placing the health of a client at serious risk without maintaining proper
19 precautions;

20 (5) Engaging in the fitting and sale of hearing aids under a false name or alias with
21 fraudulent intent.

22 (6) Selling a hearing aid to a person who has not been given tests utilizing appropriate
23 established procedures and instrumentation in fitting of hearing aids, except in cases of selling
24 replacement hearing aids. Selling a hearing aid to a person who has discharge from the ear, loss
25 of balance and dizzy spells, or a loss of hearing for less than ninety (90) days, unless that person
26 has received a prescription from a physician.

27 (7) Gross incompetence or negligence in fitting and selling hearing aids.

28 (8) Violating any provisions of this chapter.

29 SECTION 25. Sections 5-49-15, 5-49-16, 5-49-17 of the General Laws in Chapter 5-49
30 entitled "Hearing Aid Dealers and Fitters" are hereby repealed.

31 ~~5-49-15. Board Creation Composition Appointment and terms. (a) There is~~
32 ~~established a board of hearing aid dealers and fitters which guides, advises, and makes~~
33 ~~recommendations to the department.~~

34 ~~(b)(1) Members of the board shall be residents of the state.~~

1 ~~(2) The board shall consist of three (3) hearing aid dealers and fitters; one~~
2 ~~otolaryngologist; one audiologist; and one lay member who shall be a user of hearing aids and not~~
3 ~~employed in the practice of fitting and dealing in hearing aids.~~

4 ~~(3) Each hearing aid dealer and fitter on the board shall have no less than five (5) years~~
5 ~~experience and hold a valid license as a hearing aid dealer and fitter, as provided under this~~
6 ~~chapter.~~

7 ~~(4) Excepted shall be the hearing aid dealers and fitters of the first board appointed, who~~
8 ~~have no less than five (5) years of experience and fulfill all qualifications under § 5-49-7 as~~
9 ~~provided under this chapter.~~

10 ~~(e) All members of the board shall be appointed by the governor.~~

11 ~~(d) The term of office of each member shall be three (3) years; except that of the~~
12 ~~members of the first board appointed under this chapter, two (2) shall be appointed for two (2)~~
13 ~~years, two (2) shall be appointed for three (3) years, and two (2) shall be appointed for four (4)~~
14 ~~years.~~

15 ~~(e) Before a member's term expires, the governor shall appoint a successor to assume his~~
16 ~~or her duties on the expiration of his or her predecessor's term.~~

17 ~~(f) A vacancy in the office of a member shall be filled by appointment for the unexpired~~
18 ~~term.~~

19 ~~(g) The members of the board shall annually designate one member to serve as chair and~~
20 ~~another to serve as secretary treasurer.~~

21 ~~(h) No member of the board who has served two (2) or more full terms may be~~
22 ~~reappointed to the board until at least one year after the expiration of his or her most recent full~~
23 ~~term of office.~~

24 ~~(i) Members of the board shall not be compensated for their services on the board.~~

25 ~~**5-49-16. Board Duties.**—(a) The board shall:~~

26 ~~(1) Advise the department in all matters relating to this chapter;~~

27 ~~(2) Prepare the examinations required by this chapter for the department; and~~

28 ~~(3) Assist the department in carrying out the provisions of this chapter.~~

29 ~~(b) The department shall be guided by the recommendations of the board in all matters~~
30 ~~relating to this chapter.~~

31 ~~**5-49-17. Board Meetings.**—The board shall meet not less than six (6) times each year~~
32 ~~at a place, day, and hour determined by the board. The board shall also meet at any other times~~
33 ~~and places as requested by the department.~~

34 SECTION 26. Sections 5-59.1-3, 5-59.1-6, and 5-59.1-12 of the General Laws in Chapter

1 5-59.1 entitled "Orthotics and Prosthetics Practices" are hereby amended to read as follows:

2 **5-59.1-3. Definitions.** – As used in this chapter:

3 (1) "ABC" means the American Board for Certification in Orthotics and Prosthetics or its
4 successor agency.

5 (2) "Board" means the health professions board of review established in accordance with
6 § 5-26.1-3. "BOC" means the Board for Orthotist/Prosthetist Certification or its successor agency.

7 (3) "Custom fabricated orthotics" or "custom made orthotics" means devices designed
8 and fabricated, in turn, from raw materials for a specific patient and require the generation of an
9 image, form, or mold that replicates the patient's body or body segment and, in turn, involves the
10 rectification of an image.

11 (4) "Department" means the Rhode Island department of health.

12 (5) "Director" means the director of the department of health.

13 (6) "Direct-formed orthoses" means devices formed or shaped during the molding
14 process directly on the patient's body or body segment.

15 (7) "Division" means the division of professional regulation and licensing in the
16 department of health.

17 ~~(7)~~(8) "Licensed Orthotist" means a person licensed under this chapter to practice
18 orthotics.

19 ~~(8)~~(9) "Licensed Prosthetist" means a person licensed under this chapter to practice
20 prosthetics.

21 ~~(9)~~(10) "Off-the-shelf orthosis" means devices manufactured by companies registered
22 with the Federal Food and Drug Administration other than devices designed for a particular
23 person based on that particular person's condition.

24 ~~(10)~~(11) "Orthosis" means a custom fabricated brace or support that is designed based on
25 medical necessity. Orthosis does not include prefabricated or direct-formed orthotic devices, as
26 defined in this section, or any of the following assistive technology devices: commercially
27 available knee orthoses used following injury or surgery; spastic muscle-tone inhibiting orthoses;
28 upper extremity adaptive equipment; finger splints; hand splints; wrist gauntlets; face masks used
29 following burns; wheelchair seating that is an integral part of the wheelchair and not worn by the
30 patient independent of the wheelchair; fabric or elastic supports; corsets; low-temperature formed
31 plastic splints; trusses; elastic hose; canes; crutches; cervical collars; dental appliances; and other
32 similar devices as determined by the director, such as those commonly carried in stock by a
33 pharmacy, department store, corset shop, or surgical supply facility.

34 ~~(11)~~(12) "Orthotics" means the science and practice of evaluating, measuring, designing,

1 fabricating, assembling, fitting, adjusting or, servicing, as well as providing the initial training
2 necessary to accomplish the fitting of, an orthosis for the support, correction, or alleviation of
3 neuromuscular or musculoskeletal dysfunction, disease, injury or deformity. The practice of
4 orthotics encompasses evaluation, treatment, and consultation; with basic observational gait and
5 postural analysis, orthotists assess and design orthoses to maximize function and provide not only
6 the support but the alignment necessary to either prevent or correct deformity or to improve the
7 safety and efficiency of mobility or locomotion, or both. Orthotic practice includes providing
8 continuing patient care in order to assess its effect on the patient's tissues and to assure proper fit
9 and function of the orthotic device by periodic evaluation.

10 ~~(12)~~(13)"Orthotist" means an allied health professional who is specifically trained and
11 educated to provide or manage the provision of a custom-designed, fabricated, modified and
12 fitted external orthosis to an orthotic patient, based on a clinical assessment and a physician's
13 prescription, to restore physiological function and/or cosmesis, and certified by ABC or BOC.

14 ~~(13)~~(14) "Physician" means a doctor of allopathic medicine (M.D.), osteopathic medicine
15 (D.O.), podiatric medicine (D.P.M.), and chiropractic medicine (D.C.).

16 ~~(14)~~(15)"Prefabricated orthoses" or "off-shelf orthoses" means devices that are
17 manufactured as commercially available stock items for no specific patient.

18 ~~(15)~~(16)"Prosthesis" means an artificial limb that is alignable or, in lower extremity
19 applications, capable of weight bearing. Prosthesis also means an artificial medical device that is
20 not surgically implanted and that is used to replace a missing limb, appendage, or other external
21 human body part including an artificial limb, hand, or foot. The term does not include artificial
22 eyes, ears, noses, dental appliances, osotmy products, or devices such as eyelashes or wigs or
23 artificial breasts.

24 ~~(16)~~(17)"Prosthetics" means the science and practice of evaluation, measuring, designing,
25 fabricating, assembling, fitting, aligning, adjusting or servicing, as well as providing the initial
26 training necessary to accomplish the fitting of, a prosthesis through the replacement of external
27 parts of a human body, lost due to amputation or congenital deformities or absences. The practice
28 of prosthetics also includes the generation of an image, form, or mold that replicates the patient's
29 body or body segment and that requires rectification of dimensions, contours and volumes for use
30 in the design and fabrication of a socket to accept a residual anatomic limb to, in turn, create an
31 artificial appendage that is designed either to support body weight or to improve or restore
32 function or cosmesis, or both. Involved in the practice of prosthetics is observational gait analysis
33 and clinical assessment of the requirements necessary to refine and mechanically fix the relative
34 position of various parts of the prosthesis to maximize function, stability, and safety of the

1 patient. The practice of prosthetics includes providing and continuing patient care in order to
2 assess the prosthetic device's effect on the patient's tissues and to assure proper fit and function of
3 the prosthetic device by periodic evaluation.

4 ~~(17)~~(18)"Prosthetist" means a practitioner, certified by the ABC or BOC, who provides
5 care to patients with partial or total absence of a limb by designing, fabricating, and fitting
6 devices, known as prostheses. At the request of and in consultation with physicians, the
7 prosthetist assists in formulation of prescriptions for prostheses, and examines and evaluates
8 patients' prosthetic needs in relation to their disease entity and functional loss. In providing the
9 prostheses, he or she is responsible for formulating its design, including selection of materials and
10 components; making all necessary casts, measurements and model modifications; performing
11 fittings including static and dynamic alignments; evaluating the prosthesis on the patient;
12 instructing the patient in its use, and maintaining adequate patient records; all in conformity with
13 the prescription.

14 **5-59.1-6. Qualifications for license.** – (a) Qualification for licensing under this chapter
15 shall be the possession of the title "certified prosthetist" or "certified orthotist", as issued by and
16 under the rules of the American Board for Certification in Orthotics and Prosthetics, Inc. or the
17 ~~division Board for Orthotist/Prosthetist certification~~. Evidence of the possession of that title shall
18 be presented to the department.

19 (b) In order to qualify for a license to practice orthotics or prosthetics a person shall
20 provide proof of:

21 (1) Possession of a baccalaureate degree from an accredited college or university;

22 (2) Completion of an orthotic, or prosthetic education program that meets or exceeds the
23 requirements of the National Commission on Orthotic and Prosthetic Education;

24 (3) Completion of a clinical residency in orthotics and/or prosthetics that meets or
25 exceeds the standards of the National Commission on Orthotic and Prosthetic Education; and

26 (4) Current certification by ABC or ~~division BOC~~ in the discipline for which the
27 application corresponds.

28 **5-59.1-12. Relicensing – Renewal.** – Every holder of a license issued under this chapter
29 shall biannually attest to the department as to current certification issued by the American Board
30 of Certification in Orthotics and Prosthetics or the ~~division's Board for Orthotists/Prosthetist~~
31 Certification. All licenses issued under this chapter shall expire biannually on the last day of
32 September of every odd numbered year. A biennial renewal fee as set forth in § 23-1-54 shall be
33 required. Every orthotist and prosthetist shall conform to the standards of the American Board for
34 Certification in Orthotics and Prosthetics or ~~division Board for Orthotists/Prosthetists~~

1 Ccertification.

2 SECTION 27. Sections 5-59.1-10 and 5-59.1-17 of the General Laws in Chapter 5-59.1
3 entitled "Orthotics and Prosthetics Practices" are hereby repealed.

4 ~~**5-59.1-10. Grandfather clause.**— Any person currently practicing full time in the state
5 of Rhode Island on January 1, 2007 in an orthotist and/or prosthetic facility as a certified BOC or
6 ABC orthotist and/or prosthetist must file an application for licensure prior to sixty (60) days
7 after January 1, 2007 to continue practice at his or her identified level of practice. The applicant
8 must provide verifiable proof of active certification in orthotics and/or prosthetics by the ABC or
9 BOC. This section shall not be construed to grant licensing to a person who is a certified or
10 registered orthotic or prosthetic "fitter" or orthotic or prosthetic "assistant."~~

11 ~~**5-59.1-17. Advisory Board of orthotics and prosthetics practice—Composition—
12 Appointment and terms—Powers and duties.**— (a) There is hereby created an advisory
13 licensing board to review applications for licensure to obtain a license as an orthotist or
14 prosthetist pursuant to this chapter of the general laws. The review of each applicant's licensing
15 shall require that the applicant have completed an NCOPE (National Commission on Orthotic and
16 Prosthetic Education); accredited residency under a board certified practitioner in the respective
17 discipline; and meet all of the requirements of the chapter. The board shall conduct its interviews
18 and/or investigation and shall report its findings to the director of the department of health.~~

19 ~~(b) The licensing board shall be composed of three (3) persons: the director of the
20 department of health, or his or her designee; one board certified Rhode Island state licensed
21 prosthetist; and one board certified Rhode Island state licensed orthotist. The board certified
22 orthotist and the board certified prosthetist shall be certified by the American Board of
23 Certification in orthotics and prosthetics and licensed by the State of Rhode Island, shall serve for
24 three (3) year terms and shall be selected by the board of directors of the Rhode Island Society of
25 Orthotists and Prosthetists, Inc. The members of the board shall serve without compensation.~~

26 SECTION 28. Sections 5-60-2, 5-60-9, 5-60-13, 5-60-14, and 5-60-15 of the General
27 Laws in Chapter 5-60 entitled "Athletic Trainers" are hereby amended to read as follows:

28 **5-60-2. Definitions.** – As used in this chapter:

29 (1) "Athletic trainer" means a person with the specific qualifications established in § 5-
30 60-10 who, upon the direction of his or her team physician and/or consulting physician, carries
31 out the practice of athletic training to athletic injuries incurred by athletes in preparation of or
32 participation in an athletic program being conducted by an educational institution under the
33 jurisdiction of an interscholastic or intercollegiate governing body, a professional athletic
34 organization, or a board sanctioned amateur athletic organization; provided, that no athlete shall

1 receive athletic training services if classified as geriatric by the consulting physician. No athlete
2 shall receive athletic training services if non-athletic or age-related conditions exist or develop
3 that render the individual debilitated or non-athletic. To carry out these functions, the athletic
4 trainer is authorized to utilize modalities such as heat, light, sound, cold, electricity, exercise, or
5 mechanical devices related to care and reconditioning. The athletic trainer, as defined in this
6 chapter, shall not represent himself or herself or allow an employer to represent him or her to be,
7 any other classification of healthcare professional governed by a separate and distinct practice act.
8 This includes billing for services outside of the athletic trainer's scope of practice, including, but
9 not limited to services labeled as physical therapy.

10 (2) "Board" means the [health professions board of review established in accordance with](#)
11 [§ 5-26.1-3](#). ~~Rhode Island board of athletic trainers established under § 5-60-4.~~

12 (3) "Department of health" means the department of state under which the board of
13 athletic trainers is listed.

14 (4) "Director" means the director or state official in charge of the department of health.

15 (5) ["Division" means the division of professional regulation and licensing at the](#)
16 [department of health.](#)

17 **5-60-9. License required to use title "athletic trainer".** – No person may use the title
18 "athletic trainer" or perform the duties of an athletic trainer, unless licensed by the [division state](#)
19 ~~of Rhode Island~~ to perform those duties.

20 **5-60-13. Expiration and renewal of licenses.** – A license issued under this chapter shall
21 expire on the thirtieth day of June of every odd-numbered year. Licenses shall be renewed
22 according to procedures established by the department and upon payment of the renewal fees
23 established in § 5-60-11. Beginning with the renewal application due July 1, 2003, and every
24 renewal year thereafter, each licensed athletic trainer who wishes to continue licensure as an
25 athletic trainer shall present satisfactory evidence to the [division board](#) that he or she has
26 completed the continuing education requirements established by the [division board](#) through
27 regulation.

28 **5-60-14. Grounds for refusal or revocation of licenses.** – The [division board](#) may
29 refuse to issue a license to an applicant or may suspend, revoke, or refuse to renew the license of
30 any licensee if he or she has:

31 (1) Been convicted of a felony or misdemeanor involving moral turpitude, the record of
32 conviction being conclusive evidence of conviction if the department determines after
33 investigation that the person has not been sufficiently rehabilitated to warrant the public trust;

34 (2) Secured a license under this chapter by fraud or deceit; or

1 (3) Violated or conspired to violate this chapter or rules or regulations issued pursuant to
2 this chapter.

3 **5-60-15. Appeals.** – An appeal from any decision or order of the ~~division~~ **board** may be
4 taken by any aggrieved party to the board in the manner provided for in the Administrative
5 Procedures Act, chapter 35 of title 42.

6 SECTION 29. Sections 5-60-4 and 5-60-5 of the General Laws in Chapter 5-60 entitled
7 “Athletic Trainers” are hereby repealed.

8 ~~**5-60-4. Board—Composition—Appointment, terms, oaths, and removal of members**~~
9 ~~**—Officers—Meetings.**~~ (a) ~~The director of the department of health, with the approval of the~~
10 ~~governor, shall appoint the members of the Rhode Island board of athletic trainers, which shall be~~
11 ~~composed of three (3) licensed athletic trainers and one public member and one physician~~
12 ~~licensed to practice medicine and with an interest in sports medicine. In making appointments to~~
13 ~~the board, the director shall give consideration to recommendations made by professional~~
14 ~~organizations of athletic trainers and physicians. Each appointee shall be licensed and practicing~~
15 ~~in the state, except that the director in appointing the athletic trainer members of the first board~~
16 ~~may appoint any practicing athletic trainer who possesses the qualification required by § 5-60-10.~~
17 ~~To qualify as a member, a person must be a citizen of the United States and a resident of the state~~
18 ~~for five (5) years immediately preceding appointment.~~

19 ~~(b) The members of the board shall be appointed for terms of three (3) years which expire~~
20 ~~on August 1 of even numbered years, except that in making the initial appointments the director~~
21 ~~shall designate one member to serve one year, two (2) members to serve two (2) years, and two~~
22 ~~(2) members to serve three (3) years. In the event of death, resignation, or removal of any~~
23 ~~member, the vacancy shall be filled for the unexpired portion of the term in the same manner as~~
24 ~~the original appointment. The director may remove any member for cause at any time prior to the~~
25 ~~expiration of his or her term. No member shall serve for more than two (2) consecutive three (3)~~
26 ~~year terms.~~

27 ~~(c) Each appointee to the board shall qualify by taking the constitutional oath of office~~
28 ~~within thirty (30) days from the date of his or her appointment. On presentation of the oath, the~~
29 ~~director shall issue commissions to appointees as evidence of their authority to act as members of~~
30 ~~the board.~~

31 ~~(d) The board shall elect from its members for a term of one year, a chairperson, vice-~~
32 ~~chairperson, and secretary-treasurer, and may appoint committees that it considers necessary to~~
33 ~~carry out its duties. The board shall meet at least two (2) times a year. Additional meetings may~~
34 ~~be held on the call of the chairperson or at the written request of any three (3) members of the~~

1 ~~board. The quorum required for any meeting of the board shall be three (3) members. No action~~
2 ~~by the board or its members has any effect unless a quorum of the board is present.~~

3 ~~**5-60-5. Board Powers and duties.** Subject to the approval of the director, the board~~
4 ~~has the powers and duties to:~~

5 ~~(1) Make rules and regulations consistent with this chapter, which are necessary for the~~
6 ~~performance of its duties.~~

7 ~~(2) Prescribe application forms for license applicants.~~

8 ~~(3) Keep a complete record of all licensed athletic trainers and prepare annually a roster~~
9 ~~showing the names and addresses of all licensed athletic trainers, and make available a copy of~~
10 ~~the roster to any person requesting it on payment of a fee established by the department sufficient~~
11 ~~to cover the costs of the roster.~~

12 ~~(4) Keep a permanent record of all proceedings under this chapter.~~

13 ~~(5) Issue licenses to qualified applicants.~~

14 ~~(6) Conduct hearings to deny, revoke, suspend, or refuse renewal of licenses under this~~
15 ~~chapter, and issue subpoenas to compel witnesses to testify or produce evidence at the hearings.~~

16 SECTION 30. Sections 5-63.2-2, 5-63.2-8, 5-63.2-9, 5-63.2-10, 5-63.2-13, 5-63.2-14, 5-
17 63.2-15, 5-63.2-17, 5-63.2-21, 5-63.2-22, 5-63.2-24 and 5-63.2-26 of the General Laws in
18 Chapter 5-63.2 entitled "Mental Health Counselors and Marriage and Family Therapists" are
19 hereby amended to read as follows:

20 ~~**5-63.2-2. Definitions.**~~ – As used in this chapter:

21 (1) "Advertise" means, but is not limited to, the issuing or causing to be distributed any
22 card, sign, or device to any person; or the causing, permitting or allowing any sign or marking on
23 or in any building, radio or television, or by advertising by any other means designed to secure
24 public attention.

25 (2) "Board" means the [health professions board of review established in accordance with](#)
26 ~~[§ 5-26.1-3. board of mental health counselors and marriage and family therapists.](#)~~

27 (3) "Clinical counselor in mental health" means a person who is licensed pursuant to § 5-
28 63.2-9, which license is in force and not suspended or revoked as of the particular time in
29 question.

30 (4) ["Division" means the division of professional regulation and licensing in the](#)
31 [department of health.](#)

32 (5)(4) "Internship" means a part of an organized graduate program in counseling therapy
33 and constitutes a supervised experience within a mental health and/or marriage and family setting.

34 (6)(5) "Marriage and family therapists" means a person who is licensed pursuant to § 5-

1 63.2-10 which license is in force and not suspended or revoked as of the particular time in
2 question.

3 ~~(7)(6)~~ "Person" means any individual, firm, corporation, partnership, organization or
4 body politic.

5 ~~(8)(7)~~ "Practice of clinical mental health counseling" means the rendering of professional
6 services to individuals, families or groups for monetary compensation. These professional
7 services include:

8 (i) Applying the principals, methods and theories of counseling and/or psychotherapeutic
9 techniques to define goals and develop a treatment plan of action aimed toward the prevention,
10 treatment and resolution of social, mental and emotional dysfunction and intra or interpersonal
11 disorders in persons diagnosed at intake as non-psychotic and not presenting medical problems;
12 and

13 (ii) Engaging in psychotherapy of a non-medical nature utilizing supervision when
14 appropriate and making referrals to other psychiatric, psychological or medical resources when
15 the person is diagnosed as psychotic or presenting a medical problem.

16 ~~(9)(8)~~ "Practice of marriage and family therapy" means the rendering of professional
17 services to individuals, family groups, couples or organizations for monetary compensation.
18 These professional services include applying principles, methods and therapeutic techniques for
19 the purpose of resolving emotional conflicts, modifying perceptions and behavior, enhancing
20 communications and understanding among all family members and the prevention of family and
21 individual crisis. Individual marriage and family therapists shall also engage in psychotherapy of
22 a non-medical and non -psychotic nature with appropriate referrals to psychiatric resources.

23 ~~(10)(9)~~ "Practicum" means a part of an organized graduate program in counseling therapy
24 and constitutes a supervised experience within the graduate counseling program.

25 ~~(11)(10)~~ "Qualified supervision" means the supervision of clinical services in accordance
26 with standards established by the ~~division Board~~ under the supervision of an individual who has
27 been recognized by the Board as an approved supervisor.

28 ~~(12)(11)~~ "Recognized educational institution" means any educational institution which
29 grants a Bachelor's, Master's, or Doctoral degree and which is recognized by the ~~division Board~~
30 ~~of Mental Health Counselors and Marriage and Family Therapy Examiners~~ or a recognized post-
31 graduate clinical training program as specified in §§ 5-63.2-9(2) and 5-63.2-10(2).

32 (13) (12) "Use a title or description of" means to hold oneself out to the public as having
33 a particular status by means of stating on signs, mailboxes, address plates, stationery,
34 announcements, calling cards or other instruments of professional identification.

1 **5-63.2-8. Register of mental health counselors and marriage and family therapists –**

2 **Records – Issuance of licenses.** – The ~~division administrator of professional regulations of the~~
3 ~~department of health~~ shall maintain a register of all clinical mental health counselors and
4 marriage and family therapists licensed under this chapter which shall be open at all reasonable
5 times to public inspection. The ~~division administrator~~ shall be the custodian of all records
6 pertaining to the licensure of clinical mental health counselors and marriage and family therapists.
7 The division shall determine whether a license shall be issued. ~~He or she shall issue licenses only~~
8 ~~upon the recommendation of the board.~~

9 **5-63.2-9. Qualifications of licensed clinical mental health counselors.** – (a) An
10 applicant for licensure shall submit to the ~~division board~~ written evidence on forms furnished by
11 the division ~~of professional regulation~~ verified under oath that the applicant:

- 12 (1) Is of good character; and
- 13 (2) Has received a graduate degree specializing in counseling/therapy from a college or
14 university accredited by the New England Association of Schools and Colleges, or an equivalent
15 regional accrediting agency, and which has the approval by a cognizable national or regional
16 certifying authority; and
- 17 (3) Has completed sixty (60) semester hours or ninety (90) quarter hours within their
18 graduate counseling/therapy program; and
- 19 (4) Has completed a minimum of twelve (12) semester hours or eighteen (18) quarter
20 hours of supervised practicum and a minimum of one calendar year of supervised internship
21 consisting of twenty (20) hours per week or its equivalent with emphasis in mental health
22 counseling supervised by the department within the college or university granting the requisite
23 degree or by an accredited postgraduate clinical training program recognized by the United States
24 Department of Education, or education and/or experience which is deemed equivalent by the
25 ~~division board~~; and
- 26 (5) Has completed a minimum of two (2) years of relevant postgraduate experience,
27 including at least two thousand (2,000) hours of direct client contact offering clinical or
28 counseling or therapy services with emphasis in mental health counseling subsequent to being
29 awarded a master's degree, certificate of advanced graduate study or doctorate; and
- 30 (6) A minimum of one hundred (100) hours of post-degree supervised case work spread
31 over a two (2) year period; provided, that the supervision was provided by a person who at the
32 time of rendering the supervision was recognized by the ~~division board~~ as an approved
33 supervisor; and
- 34 (7) Has passed to the satisfaction of the ~~division board~~ an examination conducted by it to

1 determine the applicant's qualification for licensure as a clinical mental health counselor or is
2 applying for licensure under the provisions of § 5-63.2-15.

3 (b) A candidate shall be held to have qualified for licensure as a clinical mental health
4 counselor upon a determination of qualifications by the division. ~~the affirmative vote of at least~~
5 ~~four (4) members of the board, two (2) of whom must be mental health counselors on the board.~~

6 **5-63.2-10. Qualifications of licensed – Marriage and family therapists.** – (a) An
7 applicant for licensure shall submit to the division ~~board~~ written evidence on forms furnished by
8 the division of professional regulation verified under oath that the applicant:

9 (1) Is of good character; and

10 (2) Has completed a graduate degree program specializing in marital and family therapy
11 from a college or university accredited by the New England Association of Schools and Colleges,
12 or an equivalent regional accreditation agency; and

13 (3) Has completed sixty (60) semester hours or ninety (90) quarter hours within their
14 graduate degree program specializing in marital and family therapy; and

15 (4) Has completed a minimum of twelve (12) semester hours or eighteen (18) quarter
16 hours of supervised practicum and a one calendar year of supervised internship consisting of
17 twenty (20) hours per week or its equivalent with emphasis in marriage and family therapy
18 supervised by the department within the college or university granting the requisite degree or by
19 an accredited postgraduate clinical training program, approved by the commission on
20 accreditation for marriage and family therapy education recognized by the United States
21 department of education or education and/or experience which is deemed equivalent by the
22 division ~~board~~; and

23 (5) Has had a minimum of two (2) years of relevant postgraduate experience, including at
24 least two thousand (2,000) hours of direct client contact offering clinical or counseling or therapy
25 services with emphasis in marriage and family therapy subsequent to being awarded a master's
26 degree or doctorate; and

27 (6) Has had a minimum of one hundred (100) hours of post-degree supervised case
28 spread over two (2) years; provided, that the supervision was provided by a person who at the
29 time of rendering the supervision was recognized by the division ~~board~~ as an approved
30 supervisor; and

31 (7) Has passed to the satisfaction of the board an examination conducted by it to
32 determine the applicant's qualifications for licensure as a marriage and family therapist or is
33 applying for licensure under the provisions of § 5-63.2-15.

34 (b) A candidate shall be qualified for licensure as a marriage and family therapist upon a

1 ~~determination of qualifications by the division. the affirmative vote of at least four (4) members~~
2 ~~of the board, two (2) of whom must be marriage and family therapists on the board.~~

3 **5-63.2-13. Licensure application.** – (a) Each person desiring to obtain a license as a
4 practicing marriage and family therapist or clinical mental health counselor shall make
5 application to the ~~division board~~ upon the form and in the manner that the board prescribes and
6 shall furnish satisfactory evidence to the ~~division board~~ that she or he:

7 (1) Is of good moral character;

8 (2) Has not engaged or is not engaged in any practice or conduct which would be a
9 ground for refusing to issue a license under § 5-63.2-21 of this chapter;

10 (3) Is qualified for licensure pursuant to the requirements of this chapter, or is currently
11 certified by the Rhode Island department of health as a mental health counselor or a marriage and
12 family therapist. The transition from certification to licensure does not require an additional fee
13 payment.

14 (b) Any person who applies to the ~~division board~~ shall be issued a license ~~by the board~~ if
15 she or he meets the qualifications stated in subdivisions (a)(1), (2), and (3) of this section and
16 provides satisfactory evidence to the board that she or he:

17 (1) Meets educational experience qualifications as follows:

18 (i) Educational requirements: a master's degree or certificate in advanced graduate studies
19 or a doctoral degree in marriage and family therapy or mental health counseling from a
20 recognized educational institution, or a graduate degree in an allied field from a recognized
21 educational institution and graduate level course work which is equivalent to a master's degree in
22 marriage and family therapy or mental health counseling, as determined by the ~~division board~~.

23 (ii) Experience requirements: successful completion of two (2) calendar years of work
24 experience in marriage and family therapy or mental health counseling under qualified
25 supervision following receipt of a qualifying degree.

26 (2) Passes an examination administered by the ~~division board~~.

27 **5-63.2-14. Examination of applicants.** – Examination for licensure shall be conducted
28 by the division as scheduled by the director of the department of health and offered ~~by the board~~
29 at least twice a year according to methods and in each subject fields that ~~it~~ ~~the division~~ deems
30 most practical and expeditious to test the applicant's qualifications. The ~~division board~~ may
31 require examinations to be written or oral, or both. In any written examination the identity of the
32 applicant shall not be disclosed to the ~~division board~~ until after the examination papers are
33 graded. Written examination papers shall be preserved and available ~~to the board~~ for at least two
34 (2) years.

1 **5-63.2-15. Licensure by endorsement.** – A license as a clinical mental health counselor
2 or marriage and family therapist may be issued, in the discretion of the division board, without
3 examination, to an applicant who is a clinical mental health counselor where the applicant is
4 licensed or certified in another state whose requirements are equivalent to or exceed the
5 requirements established pursuant to this chapter.

6 **5-63.2-17. Expiration and renewal of license.** – (a) Every clinical mental health
7 counselor and marriage and family therapist who desires to continue licensure as a licensed
8 clinical mental health counselor and licensed marriage and family therapist shall present
9 satisfactory evidence to the division board and approved by rule or regulation of the division
10 ~~board~~ that the licensed clinical mental health counselor and licensed marriage and family
11 therapist has completed a prescribed course of continuing education. The license of every person
12 licensed under the provisions of this chapter shall expire on the first day of July of the next even
13 year following the date of his or her license; provided, that no license shall expire prior to July 1,
14 1998. On or before the first day of May in each even year, commencing in the year 1998, the
15 division administrator shall mail an application for renewal of license to every person to whom a
16 license is issued or renewed during the current year, and every licensed person who desires to
17 renew his or her license files with the division the renewal application executed. This application
18 shall include verification of prescribed continuing education requirements, together with a
19 renewal fee as set forth in § 23-1-54 on or before the first day of June in each even year. Upon
20 receipt of the application and payment of the fee, the accuracy of the application shall be verified
21 and the division administrator of professional regulation shall grant a renewal license effective
22 July 1st and expiring twenty-four (24) months later.

23 (b) Any person who allows his or her license to lapse, by failing to renew it on or before
24 June 1st in each year, as provided in this section, shall be reinstated by the administrator of
25 professional regulation on payment of the current renewal fee plus an additional fee as set forth in
26 § 23-1-54; and verification of prescribed continuing education requirements. Any person using
27 the title "clinical mental health counselor" and/or "marriage and family therapist" during the time
28 his or her license has lapsed shall be subject to the penalties provided for violation of this chapter;
29 provided, that if a person has allowed his or her licensure to lapse for four (4) years or more, he or
30 she shall be reinstated only at the discretion of the director. ~~board.~~

31 **5-63.2-21. Grounds for discipline.** – The division board has the power to deny, revoke
32 or suspend any registration issued by the department administrator of professional regulation or
33 applied for in accordance with this chapter or to discipline a licensed clinical mental health
34 counselor and/or a licensed marriage and family therapist upon proof that the person:

- 1 (1) Is guilty of fraud or deceit in procuring or attempting to procure a registration;
- 2 (2) Is guilty of a felony or of a crime of immorality;
- 3 (3) Is habitually intemperate or is addicted to the use of habit-forming drugs;
- 4 (4) Is mentally incompetent;
- 5 (5) Has willfully or repeatedly violated any of the provisions of this chapter;
- 6 (6) Is habitually negligent in the performance of his or her duties;
- 7 (7) Has willfully or repeatedly violated any of the ethical principles governing mental
- 8 health counselors and marriage and family therapists and the practice of mental health counseling
- 9 and marriage and family therapy, as adopted by the department board, and in force at the time a
- 10 charge is made and determined by the division board, regardless of whether or not the person is a
- 11 member of any national, regional or state professional association; provided, that the ethical
- 12 principles are of a nationally-recognized standard of the respective national professional
- 13 organization.

14 **5-63.2-22. Procedure for discipline.** – When a sworn complaint is filed with the division
15 board charging a person with having been guilty of any of the actions specified in § 5-63.2-20,
16 the division of professional regulation shall immediately investigate the charges, and or, the
17 board, after investigation, may institute charges. In the event the investigation reveals reasonable
18 grounds for believing that the applicant or person licensed under this chapter is guilty of the
19 charges, the division the board shall fix a time and place for a hearing, and shall cause a copy of
20 the charges, together with a notice of the time and the place fixed for a hearing before the board,
21 to be personally served upon the accused at least twenty (20) days prior to the time fixed for the
22 hearing. When personal service cannot be effected and the fact is certified by oath by any person
23 authorized to make service, the division board shall cause to be published once in each of two (2)
24 successive weeks, a notice of the hearing in a newspaper published in the county where the
25 accused last resided according to the records of the division board and shall mail a copy of the
26 charges and the notice to the accused at his or her last known address. When publication of notice
27 is necessary, the date of the hearing shall not be less than twenty (20) days after the last date of
28 publication of the notice. At the hearing the accused has the right to appear personally or by
29 counsel or both, to produce witnesses and evidence on his or her behalf, to cross-examine
30 witnesses and to have subpoenas issued by the administrator of professional regulation. The
31 attendance of witnesses and the production of books, documents and papers at the hearing may be
32 compelled by subpoenas issued by the administrator, which is served in accordance with law. At
33 the hearing the board administrator shall administer oaths that are necessary for the proper
34 conduct of the hearing. The board shall not be bound by the strict rules of procedure or by the

1 laws of evidence in the conduct of its proceedings, but the determination shall be based upon
2 sufficient legal evidence to sustain it. If the accused is found guilty of the charges, the board may
3 refuse to issue a registration to the applicant or may revoke or suspend his or her license or
4 discipline the person. Upon the revocation or suspension of any license the holder shall surrender
5 the license to the administrator of professional regulation who shall strike the name of the holder
6 from the register of licensed clinical mental health counselors and/or licensed marriage and
7 family therapists. A revocation or suspension of a license may be reviewed at the discretion of the
8 board or at the initiative of the administrator of professional regulation who may order a
9 rehearing of the issue if he or she finds cause.

10 **5-63.2-24. Injunction of violations.** – When it appears to the ~~division~~ board that any
11 person is violating any of the provisions of this chapter, the director of the department of health
12 may cause an action to be instituted, commenced in the name of the ~~department~~ board, to enjoin
13 the violation in a court of competent jurisdiction and the court may enjoin any person from
14 violating any of the provisions of this chapter without regard to whether proceedings have been or
15 may be instituted before the board or whether criminal proceedings have been or may be
16 instituted.

17 **5-63.2-26. Appeals from director and board.** – Any person aggrieved by a decision or
18 ruling of the ~~director of the department of health or the~~ board may appeal to the superior court in
19 the manner provided in the Administrative Procedures Act, chapter 35 of title 42. The term
20 “person” shall include the department.

21 SECTION 31. Sections 5-63.2-3, 5-63.2-4, 5-63.2-5, 5-63.2-6, 5-63.2-7 of the General
22 Laws in Chapter 5-63.2 entitled “Mental Health Counselors and Marriage and Family Therapists”
23 are hereby repealed:

24 ~~**5-63.2-3. Board of mental health counselors and marriage and family therapists.**~~
25 ~~Within the division of professional regulation in the state department of health, there is a board of~~
26 ~~mental health counselors and marriage and family therapists consisting of nine (9) members.~~

27 ~~**5-63.2-4. Composition of board—Appointment, terms and removal of members.**~~ The
28 ~~director of the department of health with the approval of the governor shall appoint nine (9)~~
29 ~~electors as members of the board. Three (3) shall be clinical mental health counselors, at least two~~
30 ~~(2) of whom shall meet the qualifications of § 5-63.2-9 and have at least five (5) years of private~~
31 ~~practice experience in mental health counseling; three (3) shall be marriage and family therapists,~~
32 ~~who shall be clinical marriage and family therapists who meet the qualifications of § 5-63.2-10~~
33 ~~and have at least five (5) years of private practice experience in marriage and family therapy;~~
34 ~~three (3) shall be members of the public. Commencing September 1996, the director of the~~

1 ~~department of health shall appoint one clinical mental health counselor for one year, one clinical~~
2 ~~mental health counselor for two (2) years, one clinical mental health counselor for three (3) years;~~
3 ~~one marriage and family therapist for one year, one marriage and family therapist for two (2)~~
4 ~~years, and one marriage and family therapist for three (3) years, and one public member for two~~
5 ~~(2) years, and two (2) public members for three (3) years. After this all terms of appointments~~
6 ~~shall be for three (3) years. In no instance shall a person serve more than six (6) consecutive years~~
7 ~~on the board.~~

8 ~~**5-63.2-5. Organization and meeting of board.** The board shall organize immediately~~
9 ~~after the appointment and qualification of its members. The board shall annually elect a~~
10 ~~chairperson and secretary. Meetings may be called by the chairperson or the director of the~~
11 ~~department of health or by written request of four (4) members of the board. Five (5) members of~~
12 ~~the board shall constitute a quorum; provided, that a clinical mental health counselor and a~~
13 ~~marriage and family therapist must be present. The board shall meet as often as necessary.~~

14 ~~**5-63.2-6. General powers of board.** The board is authorized to recommend to the~~
15 ~~director of the department of health for his or her approval the adoption, and from time to time,~~
16 ~~the revision of the rules and regulations not inconsistent with law that may be necessary to enable~~
17 ~~it to carry into effect the provisions of this chapter. The board shall recommend for licensure at~~
18 ~~least twice a year. It shall determine the tests which applicants for licensure take. The division of~~
19 ~~professional regulation shall adopt policies to be followed in the examination, licensure and~~
20 ~~renewal of licenses of qualified applicants. The board shall conduct hearings upon charges calling~~
21 ~~for the discipline of a licensed clinical mental health counselor or licensed marriage and family~~
22 ~~therapist or for revocation of a license. The administrator of professional regulation has the power~~
23 ~~to issue subpoenas and compel the attendance of witnesses and administer oaths to persons giving~~
24 ~~testimony at hearings. The board or the director of the department of health shall cause the~~
25 ~~prosecution of all persons violating this chapter and has the power to incur the necessary~~
26 ~~expenses for the prosecution. The board shall make provisions for continuing educational~~
27 ~~requirements for licensure. The board shall keep a record of all its proceedings.~~

28 ~~**5-63.2-7. Reimbursement of board members.** Members of the board shall serve~~
29 ~~without compensation.~~

30 SECTION 32. Sections 5-64-3, 5-64-10, 5-64-12, 5-64-13 and 5-64-14 of the General
31 Laws in Chapter 5-64 entitled "Licensed Dietitian" are hereby amended to read as follows:

32 **5-64-3. Definitions.** – As used in this chapter:

- 33 (1) "Board" means the [health professions board of review established in accordance with](#)
34 [§ 5-26.1-3. Rhode Island state board of dietetics.](#)

1 (2) "Commission of dietetic registration" (CDR) means a commission on dietetic
2 registration that is a member of the National Commission for Health Certifying Agencies.

3 (3) "Degree" means a degree received from or validated by a college or university that
4 was regionally accredited through the council on postsecondary accreditation and the U.S.
5 Department of Education at the time the degree was conferred.

6 (4) "Dietetics" means the professional discipline of applying principles derived from the
7 sciences of nutrition, biochemistry, physiology, management, and behavioral and social sciences
8 in the provision of dietetic services.

9 (5) "Dietitian and/or nutritionist" means a person engaged in the practice of dietetics.

10 (6) "Director" means the director of the Rhode Island department of health.

11 (7) "Division" means the division of professional regulation and licensing in the
12 department of health.

13 ~~(8)(7)~~ "Examination" means the registration examination for dietitians or other exam as
14 determined by and approved by the board.

15 ~~(9)(8)~~ "Licensed dietitian/nutritionist" means a person licensed under this chapter.

16 ~~(10)(9)~~ "Registered dietitian" means a person registered by the commission of dietetic
17 registration.

18 **5-64-10. Procedure for discipline.** – (a) When a sworn complaint is filed with the
19 division board charging a person with having been guilty of any of the actions specified in § 5-
20 64-9, the division ~~of professional regulation~~ shall immediately investigate the charges ~~, or, the~~
21 ~~board, after investigation, may institute charges.~~ In the event the investigation reveals reasonable
22 grounds for believing that the applicant or person certified under this chapter is guilty of the
23 charges, the division board ~~shall fix a time and place for a hearing, and~~ shall cause a copy of the
24 charges together with a notice of the time and place fixed for the hearing before the board to be
25 served personally upon the accused at least twenty (20) days prior to the time fixed for the
26 hearing. When personal service cannot be affected and the fact is certified by oath by any person
27 authorized to make service, the division board shall cause to be published once in each of two (2)
28 successive weeks, a notice of the hearing in a newspaper published in the county where the
29 accused last resided according to the records of the division board and shall mail a copy of the
30 charges and the notice to the accused at his or her last known address. When publication of notice
31 is necessary, the date of the hearing shall not be less than twenty (20) days after the last date of
32 publication of the notice. At the hearing the accused has the right to appear personally or by
33 counsel or both, to produce witnesses and evidence on his or her behalf and to cross-examine
34 witnesses. The attendance of witnesses and the production of books, documents, and papers at the

1 hearing may be compelled by subpoenas issued by the administrator of the division which shall
2 be served in accordance with law. At the hearing the board administrator shall administer oaths
3 that may be necessary for the proper conduct of the hearing. The board ~~division of professional~~
4 ~~regulation~~ shall not be bound by the strict rules of procedure or by the laws of evidence in the
5 conduct of its proceedings but the determination shall be based upon sufficient legal evidence to
6 sustain it. If the accused is found guilty of the charges, the division ~~of professional regulation~~ may
7 refuse to issue a license or otherwise discipline the person.

8 (b) Upon the revocation or suspension of any license the holder shall surrender the
9 license to the division ~~administrator of professional regulation~~ who shall strike the name of the
10 holder from the register.

11 (c) A revocation or suspension of license may be reviewed at the discretion of the
12 division ~~of professional regulation or at the initiative of the administrator of professional~~
13 ~~regulation~~ who may order a rehearing of the issue if he or she finds cause.

14 **5-64-12. Exemptions.** – This chapter shall not be construed as preventing or restricting
15 the practice, services, or activities of:

16 (1) Any person who does not call himself or herself a dietitian/nutritionist from
17 furnishing nutritional information to customers or any consumer as to the use of foods, food
18 products, or dietary supplements in connection with the marketing and distribution of those
19 products; or to the general public for educational purposes and any person who provides a weight
20 loss program and/or health maintenance counseling as long as the persons do not engage in
21 nutrition counseling for the management of disease, and do not hold themselves out to be
22 dietitians/nutritionists.

23 (2) A person licensed or certified in this state under any other law from engaging in the
24 profession or occupation for which the person is licensed or certified and any person holding a
25 doctoral degree from an accredited institution in nutrition or a related field as determined by the
26 division ~~board~~; and any person with a bachelor's degree in home economics from furnishing
27 nutrition information incidental to the practice of his or her profession.

28 (3) A person employed as a dietitian/nutritionist by the government of the United States
29 or the state or by a participating local agency of the special supplemental food program for
30 women, infants and children, if the person practices solely under direction or control of the
31 organization by which the person is employed.

32 (4) A student enrolled in a division ~~board~~ approved academic program in
33 dietetics/nutrition.

34 (5) Family members, friends, or acquaintances who provide gratuitous nutrition advice as

1 long as the advisor does not hold himself or herself out to be a dietitian/nutritionist.

2 (6) Not-for-profit health-related agencies, as described in 26 U.S.C. § 501(c)(3), which
3 provide nutrition information in the normal course of doing business.

4 **5-64-13. License expiration, renewal.** – All licenses under this chapter shall be renewed
5 biennially and shall be accompanied by a fee of one hundred twenty-five dollars (\$125). The
6 application shall be accompanied or supported by evidence of the completion of a minimum of
7 twenty (20) continuing nutrition education credits as approved by the division board, reported
8 biennially every second year after the 1993 recertification period. Failure to file an application for
9 a renewal license to practice and to furnish the evidence shall constitute grounds for revocation,
10 suspension, or refusal to renew the license, unless the division board of dietetics in its discretion
11 determines the failure to be due to reasonable cause or excusable neglect. This applicant shall be
12 given six (6) months to make up the appropriate amount of credits required to bring him or her
13 into compliance. The candidate shall be subject to immediate suspension or revocation of license.

14 **5-64-14. Licensing without examination.** – (a) The division board shall recommend for
15 licensure any person:

16 (1) Who meets the qualifications of § 5-64-6(a)(1) and who submits the required
17 application and fee together with satisfactory evidence to the division board that he or she has
18 been practicing dietetics for at least one year since 1983; or

19 (2) Who provides evidence of current registration as a registered dietitian by the
20 commission of dietetic registration.

21 (b) Licensure under the provisions of subdivision (a)(1) of this section cannot be granted
22 after two (2) years following promulgation of rules and regulations.

23 SECTION 33. Section 5-64-5 of the General Laws in Chapter 5-64 entitled “Licensed
24 Dietitian” is hereby repealed.

25 ~~**5-64-5. Rhode Island state board of dietetics practice.** – (a) Within the division of
26 professional regulation in the Rhode Island department of health there is a board of dietetics
27 practice.~~

28 ~~(1) The board shall consist of nine (9) members appointed for terms of three (3) years
29 each with no member serving more than two (2) consecutive terms. One shall be the director of
30 the department of health or designee. Five (5) shall be licensed dietitians/nutritionists appointed
31 by the director of the department of health, with the approval of the governor, except that the
32 appointments made initially need not be licensed under this chapter. (In his or her initial
33 appointment the director shall designate the licensed dietitian/nutritionist members of the board as
34 follows: one member to serve for a term of one year; two (2) members to serve for a term of two~~

1 ~~(2) years; and two (2) members to serve for a term of three (3) years). One member shall be a~~
2 ~~physician licensed to practice medicine in this state appointed by the governor. Two (2) shall be~~
3 ~~consumers appointed by the governor.~~

4 ~~(2) The director of the department of health may remove any member of the board for~~
5 ~~cause.~~

6 ~~(3) Vacancies shall be filled for the unexpired portion of any term in the same manner as~~
7 ~~the original appointment.~~

8 ~~(b) The duties of the board shall be to:~~

9 ~~(1) Recommend to the director rules and regulations necessary to implement this chapter.~~

10 ~~(2) Determine the qualification and fitness of applicants and to issue and/or reinstate~~
11 ~~licenses.~~

12 ~~(3) Recommend to the director revocation, suspension and/or denial of a license.~~

13 SECTION 34. Sections 5-64.1-3, 5-64-5, 5-64.1-7, and 5-64.1-10 of the General Laws in
14 Chapter 5-64.1 entitled "Dietary Manager" are hereby amended to read as follows:

15 **5-64.1-3. Definitions.** – As used in this chapter:

16 (1) "Board" means the [health professions board of review established in accordance with](#)
17 ~~[§ 5-26.1-3. certifying board for dietary managers. The board has authority over the rules and](#)~~
18 ~~[regulations of the certification program for dietary managers.](#)~~

19 (2) "Certified dietary manager" (C.D.M.) means to have entry level competency to
20 perform the duties and responsibilities of a dietary manager; that a person has training and
21 experience, and has passed an entry level credentialing exam to document his or her competency
22 after which participation in continuing education to maintain competency.

23 (3) "Dietary manager" means a person who:

24 (i) Integrates and applies principles with education and training at an accredited school,
25 college, or university in purchasing, personnel practices, supervision of people, budgeting and
26 finance, menu planning, and nutrition;

27 (ii) Directs and coordinates food service activities of a hospital, nursing home, or a
28 related facility;

29 (iii) Confers with dietitians to ensure that menus and department policies conform to
30 nutritional standards and government and established regulations and procedures;

31 (iv) Reviews patient diet information and discusses requests, changes, and inconsistencies
32 with patient, professional staff, and/or resident food committee or council;

33 (v) Plans and coordinates through subordinate supervisors, standards and procedures of
34 food storage, preparation, and service, department and equipment sanitation, employee safety,

1 and personnel policies and procedures;

2 (vi) Inspects food and food preparation and storage areas with knowledge of health and
3 sanitation regulations;

4 (vii) Tastes, smells, and observes food to ensure conformance with recipes and
5 appearance standards;

6 (viii) Attends meetings with employees, department heads, administration, and dieticians
7 to discuss regulations, procedures, grievances, and recommendations for improving food service;

8 (ix) Computes operating costs for own information and for information of administration;

9 (x) In the absence of the dietician, a certified dietary manager is responsible for the
10 department; and

11 (xi) Oversees all therapeutic diets to be planned in writing, reviewed, approved, and dated
12 by the qualified dietician.

13 (4) "Division" means the division of professional regulation and licensing in the
14 department of health.

15 (5)(4) "Facility" or "institution" means an organization or corporation such as hospitals,
16 nursing homes, commercial and/or community feeding.

17 (6)(5) "Managerial/supervisory experience" means that eighty percent (80%) of the
18 individual's time is spent in a full-time managerial/supervisory capacity.

19 (7)(6) "Person" or "individual" means an individual person whether a resident of this state
20 or not.

21 (8)(7) "Registered dietician" means any person registered to practice dietetics as specified
22 by the commission of registration of the American Dietetic Association.

23 **5-64.1-5. Restriction on use of titles.** – Only a person certified by the division board as a
24 certified dietary manager shall use the words "Certified Dietary Manager" (C.D.M.) in connection
25 with his or her name or place of business, or may use the words, letters, abbreviations, or insignia
26 indicating or implying that he or she is a certified dietary manager.

27 **5-64.1-7. Eligibility of dietary managers.** – (a) A person shall present satisfactory
28 evidence to the division board of having successfully completed the academic requirements of an
29 educational program in dietary management recognized by the division board at an accredited
30 college or university as determined by the division. board.

31 (b) All persons shall meet the qualifications established by the commission of registration
32 of the American Dietetic Association for registered dieticians.

33 (c) An applicant for certification shall have successfully completed the written
34 examination of the Dietary Manager's Association. The title of C.D.M. must be earned by

1 successfully completing the examination.

2 (d) Applicants shall be responsible for applying to take the certifying board for dietary
3 manager's examination which is offered at a predetermined time and place. The application shall
4 be accompanied by a fee as prescribed by the [division board](#), and this fee shall not be refundable.

5 (e) An applicant shall only be required to take the examination on one occasion;
6 provided, that he or she shall be required to maintain certified status by earning sufficient work
7 time hours as prescribed by the D.M.A., and shall pay annual certification fees when they are due.

8 (f) Failure to comply with requirements of this section shall result in the loss of certified
9 status, and the person shall be required to successfully complete the exam again.

10 (g) To maintain certified status, forty-five (45) hours of continuing education must still be
11 earned in each three (3) year certifying period. If this requirement is not met, certified status shall
12 be lost.

13 (h) The exam may be taken three (3) times. If an applicant fails all three (3) times, he or
14 she has to take some board certified specific refresher courses before being eligible to take the
15 exam again. Application and fees must be submitted each time he or she applies.

16 (i) Neither D.M.A. nor the [division certifying board for dietary managers](#) shall administer
17 the examination. It shall be administered by a recognized testing firm.

18 (j) Simply graduating from a dietary manager training program only does not constitute
19 certification. The graduate must meet all eligibility requirements for membership in D.M.A. as
20 established in this chapter.

21 **5-64.1-10. Fees.** – The [division board](#) shall prescribe reasonable fees for, but not limited
22 to:

- 23 (1) Initial fees;
- 24 (2) Renewal fees;
- 25 (3) Late fees;
- 26 (4) Certification fees; and
- 27 (5) Membership fees.

28 SECTION 35. Sections 5-68.1-2, 5-68.1-4, 5-68.1-6, 5-68.1-7, 5-68.1-10, 5-68.1-11, and
29 5-68.1-13 of the General Laws in Chapter 5-68.1 entitled “Radiologic Technologists” are hereby
30 amended to read as follows:

31 **5-68.1-2 Definitions.** – As used in this chapter:

32 (1) "Authorized user" means a licensed practitioner who meets the training and
33 experience requirements defined in rules and regulations promulgated pursuant to chapter 23-1.3.

34 (2) "Board" means the [health professions board of review established in accordance with](#)

1 [§ 5-26.1-3](#)~~board of radiologic technology.~~

2 (3)(i) "Department" means the Rhode Island department of health.

3 [\(ii\) "Division" means the division of professional regulation and licensing in the](#)
4 [department of health.](#)

5 (4) "Director" means the director of the Rhode Island department of health.

6 (5) "Financial interest" means being:

7 (i) A licensed practitioner of radiologic technology; or

8 (ii) A person who deals in goods and services that are uniquely related to the practice of
9 radiologic technology; or

10 (iii) A person who has invested anything of value in a business that provides radiologic
11 technology services.

12 (6) "License" means a license issued by the director to practice radiologic technology.

13 (7) "Licensed practitioner" means an individual licensed to practice medicine,
14 chiropractic, or podiatry, or an individual licensed as a registered nurse practitioner or physician
15 assistant in this state.

16 (8) "Medical physicist" means an individual, other than a licensed practitioner, who
17 practices independently one or more of the subfields of medical physics, and is registered or
18 licensed under rules and regulations promulgated pursuant to section 23-1.3

19 (9) "National organization" means a professional association or registry, approved by the
20 director, that examines, registers, certifies or approves individuals and education programs
21 relating to operators of sources of radiation.

22 (10) "Nuclear medicine technologist" means an individual, other than a licensed
23 practitioner, who compounds, calibrates, dispenses and administers radiopharmaceuticals,
24 pharmaceuticals, and radionuclides under the general supervision of an authorized user for benefit
25 of performing a comprehensive scope of nuclear medicine procedures, and who has met and
26 continues to meet the licensure standards of this chapter.

27 (11) "Person" means any individual, corporation, partnership, firm, association, trust,
28 estate, public or private institution, group, agency, political subdivision of this state or any other
29 state, or political subdivision of any agency thereof and any legal successor, representative, agent
30 or agency of the foregoing.

31 (12) "Radiation therapist" means an individual, other than a licensed practitioner, who
32 utilizes ionizing radiation under the general supervision of an authorized user for the planning and
33 delivery of therapeutic procedures, and who has met and continues to meet the licensure
34 standards of this chapter.

1 (13) "Radiology technologist" also known as a "radiographer" means an individual, other
2 than a licensed practitioner, who performs a comprehensive scope of diagnostic radiologic
3 procedures under the general supervision of a licensed practitioner using external ionizing
4 radiation, resulting in radiographic or digital images, and who has met and continues to meet the
5 licensure standard of this chapter.

6 (14) "Radiologist" means a licensed practitioner specializing in radiology who is certified
7 by or eligible for certification by the American Board of Radiology or the American Osteopathic
8 Board of Radiology, the British Royal College of Radiology, or the Canadian College of
9 Physicians and Surgeons.

10 (15) "Radiologist assistant" means an individual, other than a licensed practitioner, who
11 performs as an advanced level radiologic technologist and works under the general supervision of
12 a radiologist to enhance patient care by assisting the radiologist in the medical imaging
13 environment, and who has met and continues to meet the licensure standards of this chapter.

14 (16) "Source of radiation" means any substance or device emitting or capable of
15 producing ionizing radiation, for the purpose of performing therapeutic or diagnostic radiologic
16 procedures on human beings.

17 (17) "Student" means an individual enrolled in a course of study for medicine or
18 radiologic technology.

19 (18) "Supervision" means and includes:

20 (i) "Direct supervision" means supervision and control by a licensed practitioner who
21 assumes legal liability for the services rendered by the radiologic technologist, which supervision
22 requires the physical presence of the licensed practitioner for consultation and direction of the
23 actions of the radiologic technologist.

24 (ii) "General supervision" means supervision whereby a licensed practitioner, who
25 assumes legal liability for the services rendered, authorizes the services to be performed by the
26 radiologic technologist, which supervision, except in cases of emergency, requires the easy
27 availability or physical presence of the licensed practitioner for consultation and direction of the
28 actions of the radiologic technologist.

29 **5-68.1-4 License required.** – (a) No individual shall practice radiologic technology or
30 shall represent themselves as practicing radiologic technology, unless they are licensed under
31 this chapter. The provisions of this section do not apply to:

32 (1) A licensed practitioner when practicing within his or her field of expertise.

33 (2) A student of medicine, when under the general supervision of an instructor who is a
34 radiologist and when acting within the scope of practice.

1 (3) A dentist, licensed dental hygienist or certified dental assistant when practicing
2 within his or her field of expertise.

3 (4) A podiatry assistant who has received a "certificate of completion" from the
4 Community College of Rhode Island or other equivalent training approved by the [division board](#),
5 after having taken and passed the course on "radiography for podiatry assistance" and when
6 acting within the practice of podiatry.

7 (5) A medical physicist when practicing within his or her field of expertise.

8 (6) A licensed healthcare provider at a licensed ambulatory care facility on Block Island
9 and where the director of health determines a waiver of the licensure requirements to be in the
10 interest of public health.

11 (b) Nothing in this chapter is intended to limit, preclude or interfere with the practice of
12 persons and health care providers licensed by appropriate agencies of Rhode Island.

13 (c) This chapter does not prohibit an individual enrolled in an approved school of
14 radiologic technology, under the direct supervision of a radiologist or a licensed radiologic
15 technologist, from performing those duties essential for completion of a student's clinical service.

16 (d) This chapter is not intended to supersede the mammography rules and regulations
17 promulgated pursuant to § 23-17-32.

18 **5-68.1-6 Licensing by training and examination.** – (a) Any individual desiring to
19 become a licensed radiologic technologist shall make application to the [division board](#) on a
20 written form and in the manner that the [division board](#) prescribes, shall pay all the required
21 application fees and shall furnish evidence to the board that the applicant:

22 (1) Has successfully completed a training program approved by the division board;

23 (2) Has passed the appropriate examination(s) given by the American Registry of
24 Radiologic Technologists, the Nuclear Medicine Technology Certification Board or other
25 national organization specified in rules and regulations adopted pursuant to this chapter; and

26 (b) Graduate practice. Any graduate of a training program approved by the [division board](#)
27 who has filed a completed application (including all documents except for examination scores)
28 for licensing shall be recognized, upon receiving a receipt from the director, as a graduate
29 technologist for a period not to exceed ninety (90) days from the date on the application fee
30 receipt.

31 (1) This receipt shall authorize the applicant to practice that branch of radiologic
32 technology specified on the application until the results of the exam are distributed and acted
33 upon by the [division board](#), but in no case shall the authorized period exceed ninety (90) days.
34 During this authorized period, the applicant shall identify him or herself only as a "graduate

1 technologist."

2 (2) If the applicant fails to take the examination and receive a license, as specified in
3 subsection 5-68.1-6(a), during this authorized ninety (90) day period or fails to pass the
4 examination, all authorization to practice as a graduate technologist shall immediately become
5 null and void.

6 (3) Authorization to practice as a graduate technologist shall only be granted by the
7 ~~division board~~ to an individual for a single period not to exceed ninety (90) days, and shall not be
8 extended or renewed.

9 **5-68.1-7 Licensing by endorsement.** – Any individual desiring to become a licensed
10 radiologic technologist by endorsement shall make application to the ~~division board~~ on a written
11 form and in a manner that the division board prescribes and shall pay all the required application
12 fees. The applicant shall also furnish evidence to the ~~division board~~ that he or she holds a current
13 certificate, license or registration to practice radiologic technology in another state, and the
14 requirements for such certificate, license or registration, as determined by the ~~division board~~, are
15 substantially equivalent to those established under this chapter, and rules and regulations
16 promulgated pursuant to this chapter.

17 **5-68.1-10 Fees.** – (a) The director, ~~in consultation with the board,~~ shall establish an initial
18 application fee as set forth in § 23-1-54 and a license renewal fee that shall be prescribed in rules
19 and regulations promulgated pursuant to § 5-68.1-15.

20 (b) The proceeds of any fees collected pursuant to the provisions of this chapter shall be
21 deposited in the general fund as general revenues.

22 **5-68.1-11 Denial, suspension, revocation and reinstatement of licenses.** – (a) The
23 ~~division board~~ may recommend refusal, suspension or revocation of any license, ~~in accordance~~
24 ~~with the provisions of section 42-35,~~ for any of the following causes:

25 (1) Having a certificate, license or registration to practice radiologic technology revoked,
26 suspended, or otherwise acted against, including being denied certification by a national
27 organization, by a specialty board recognized by the director, or by a certification authority of
28 another state, territory or country;

29 (2) Fraud in the procurement of any license under this chapter, including, but not limited
30 to, impersonating or acting a proxy for an applicant in an examination for licensure in the field of
31 radiologic technology;

32 (3) Being convicted or found guilty, regardless of adjudication, in any jurisdiction of a
33 crime that directly relates to the practice of radiologic technology or to the ability to practice
34 radiologic technology. Pleading nolo contendere shall be considered a conviction for the purpose

1 of this provision.

2 (4) Incompetence or engaging in negligent or unprofessional conduct, which includes, but
3 is not limited to, any departure from, or the failure to conform to, the standards of practice of
4 radiologic technology as established by the director, in which case actual injury need not be
5 established;

6 (5) Being unable to practice radiologic technology with reasonable skill and safety to
7 patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or other materials or as
8 a result of any mental or physical condition. A licensee affected under this paragraph shall, at
9 reasonable intervals, be afforded an opportunity to demonstrate that he or she can resume the
10 competent practice of radiologic technology with reasonable skill and safety.

11 (6) Making or filing a false report or record that the licensee knows to be false,
12 intentionally or negligently failing to file a report or record required by state or federal law, or
13 willfully impeding or obstructing such filing or inducing another to do so. Such reports or records
14 include only those reports or records which are signed in the capacity of the licensee.

15 (7) (a) Violating, or aiding or abetting any person to violate, any provision of this chapter,
16 any rule or regulation promulgated pursuant to this chapter, or any lawful order of the director
17 previously entered in a disciplinary proceeding or failing to comply with a lawfully issued
18 subpoena of the director.

19 (b) Any person aggrieved by any determination of the division in regard to any of the
20 provisions of this chapter, may appeal to the health professions board of review in accordance
21 with § 5-26.1-5.

22 ~~(c)(b)~~ Five (5) years from the date of revocation of a license under this chapter,
23 application may be made for reinstatement, restoration or modification of probation. The division
24 board has the discretion to accept or reject any application for the reinstatement.

25 **5-68.1-13 Appeals from board or director Appeals from board.** – An appeal from any
26 decision or order of the board or director may be taken in accordance with the provisions of
27 section 42-35-15.

28 SECTION 36. Section 5-68.1-3 of the General Laws in Chapter 5-68 entitled
29 “Radiologic Technologists” is hereby repealed.

30 ~~§ 5-68.1-3 Board Composition Appointment and terms of members. (a) Within the~~
31 ~~Rhode Island department of health there shall be a board of radiologic technology consisting of~~
32 ~~seven (7) members as follows:~~

33 ~~(1) One member shall be a member of the public who has no financial interest in~~
34 ~~radiologic technology other than as a consumer or possible consumer of its services. They shall~~

1 ~~have no financial interest personally or through a spouse.~~

2 ~~(2) Two (2) members of the board shall be licensed practitioners, one of whom shall be a~~
3 ~~radiologist who utilizes ionizing radiation in the normal course of his or her practice.~~
4 ~~Nominations for the licensed practitioner board members shall be submitted by the Rhode Island~~
5 ~~Medical Society and the Rhode Island Radiological Society to the director for approval.~~

6 ~~(3)(i) Three (3) members of the board shall be licensed under this chapter. One shall be~~
7 ~~from radiography, one shall be from nuclear medicine, and one shall be from radiation therapy.~~

8 ~~(ii) The director shall appoint as radiologic technologist members of the board,~~
9 ~~individuals currently practicing as registered radiologic technologists in Rhode Island.~~

10 ~~(4) One member shall be a representative of the hospital association who shall be~~
11 ~~nominated by the Hospital Association of Rhode Island and submitted to the director for~~
12 ~~approval.~~

13 ~~(5)(i) The director, with the approval of the governor, shall make appointments for a three~~
14 ~~(3) year term, but no individual shall serve more than two (2) consecutive terms. Members of the~~
15 ~~board as of the effective date of this chapter, who were previously appointed pursuant to § 5-68-4,~~
16 ~~shall continue to serve for the remainder of their appointed term.~~

17 ~~(ii) In the event of a vacancy in one of the positions, the director, with the approval of the~~
18 ~~governor, may appoint an individual who shall fill the unexpired term.~~

19 ~~(6) The board shall meet during the first month of each calendar year to select a~~
20 ~~chairperson and for other purposes. At least one additional meeting shall be held during each~~
21 ~~calendar year. Meetings may also be called at any time by the chairperson, the director or by~~
22 ~~written request of two (2) members of the board. A majority of the fully authorized board~~
23 ~~constitutes a quorum.~~

24 ~~(b) The duties of the board shall be as follows:~~

25 ~~(1) To evaluate the qualifications of applicants and review the required examination~~
26 ~~results administered by a testing agency approved by the board;~~

27 ~~(2) To recommend to the director the issuance of licenses to applicants who meet the~~
28 ~~requirements of this chapter;~~

29 ~~(3) To administer, coordinate and enforce the provisions of this chapter and investigate~~
30 ~~persons engaging in practices that may violate the provisions of the chapter;~~

31 ~~(4) To recommend to the director the denial or revocation of licenses to practice~~
32 ~~radiologic technology as provided in this chapter; and~~

33 ~~(5) To recommend to the director adoption of rules and regulations pursuant to this~~
34 ~~chapter.~~

1 SECTION 37. Sections 5-69-2, 5-69-5, 5-69-8, 5-69-10, 5-69-11, and 5-69-12 of the
2 General Laws in Chapter 5-69 entitled "License Procedure for Chemical Dependency
3 Professionals" are hereby amended to read as follows:

4 **5-69-2 Definitions.** – As used in this chapter:

5 (1) "ACDP" means an advanced chemical dependency professional certification as per
6 the Rhode Island board for certification of chemical dependency professionals requirements.

7 (2) "ACDP II" means an advanced chemical dependency professional II certification as
8 per the International Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse.
9 "ICRC/AODA".

10 (3) "Advertise" includes, but is not limited to, the issuing or causing to be distributed any
11 card, sign, or device to any person; or the causing, permitting, or allowing any sign or marking on
12 or in any building or structure, or in any newspaper or magazine or in any directory, or on radio
13 or television, or by the use of any other means designed to secure public attention.

14 (4) "Approved continuing education" means research and training programs, college and
15 university courses, in-service training programs, seminars and conferences designed to maintain
16 and enhance the skills of substance abuse counselors or clinical supervisors and which are
17 recognized by the ICRC/AODA member board.

18 (5) "CDCS" means chemical dependency clinical supervisor.

19 (6) "Clergy" includes any minister, priest, rabbi, Christian Science practitioner, or any
20 other similar religious counselor.

21 (7) "Continuum of care network" means public and private substance abuse care agencies
22 such as detoxification centers, emergency rooms, hospitals, treatment centers, outpatient and day
23 treatment clinics, and community residences for substance abusers. The services employs or
24 refers to medical, psychological, health, and counseling professions that treat substance abuse and
25 related concerns.

26 (8) "Department" means the Rhode Island department of health [and "division" means the](#)
27 [division of professional regulation and licensing in the department.](#)

28 (9) "Director" means the director of the Rhode Island department of health.

29 (10) "Documented professional work experience" means the ICRC/AODA member board
30 approved form completed by employer or approved supervisor verifying dates of employment
31 and responsibilities.

32 (11) "Experience" means six thousand (6,000) hours of supervised practice of chemical
33 dependency counseling in a department of mental health, retardation, and hospitals licensed or
34 division approved facility during a sixty (60) month period of time immediately preceding the

1 date of application for licensure.

2 (12) "ICRC/AODA" means International Certification and Reciprocity
3 Consortium/Alcohol and Other Drug Abuse.

4 (13) "Licensed chemical dependency clinical supervisor" means an individual licensed by
5 the department of health to practice and supervise substance abuse counseling and who meets the
6 qualification established in this section.

7 (14) "Licensed chemical dependency professional" means an individual licensed by the
8 department of health to practice substance abuse counseling and who meets the qualifications
9 established in this section.

10 (15) ~~"Licensing board" or "bBoard"~~ means [the health professions board of review](#)
11 [established in accordance with § 5-26.1-3](#).~~the board of licensing for chemical dependency~~
12 ~~professionals.~~

13 (16) "Member Board" means the Rhode Island Board for Certification of Chemical
14 Dependency Professionals.

15 (17) "Practice of substance abuse counseling" means rendering or offering to render
16 professional service for any fee, monetary or otherwise, documented to individuals, families or
17 groups. Those professional services include the application of the ICRC/AODA specific
18 knowledge, skills, counseling theory, and application of techniques to define goals and develop a
19 treatment plan of action aimed toward the prevention, education, or treatment in the recovery
20 process of substance abuse within the continuum of care service network. The practice further
21 includes, but is not limited to, networking and making referrals to medical, social services,
22 psychological, psychiatric, and/or legal resources when indicated.

23 (18) "Recognized education institution" means any educational institution, which grants
24 an associate, bachelor, masters, or doctoral degree and which is recognized by the [division board](#),
25 or by a nationally or regionally recognized educational or professional accrediting organization.

26 (19) "Substance abuse" means addictive (chronic or habitual) consumption, injection,
27 inhalation, or behavior of/with substance (such as alcohol and drugs), progressively injuring and
28 afflicting the user's psychological, physical, social, economical, and/or spiritual functioning.

29 (20) "Supervision" means no less than one hour per week and consists of individual or
30 group supervision with a clinician licensed or certified in substance abuse counseling with
31 education, supervisory experience, and ethics approved by the ICRC/AODA member.

32 **5-69-5 Agency powers.** – The department shall promulgate rules and regulations that are
33 reasonably necessary for the administration of this chapter and to further its purposes. The
34 department shall, ~~on recommendation of the licensing board~~, issue licenses to those qualified

1 under this chapter. The director of the department of health may issue additional levels of
2 licensing that may be developed, approved, or adopted by both the licensing board division and
3 the ICRC/AODA member board.

4 **5-69-8 Licenses.** – (a) The department shall issue the appropriate license to applicants
5 who meet the qualifications for the license as specified:

6 (1) "Licensed chemical dependency professional". Any individual desiring to obtain a
7 license as a licensed chemical dependency professional shall be currently certified as an advanced
8 chemical dependency professional or advanced chemical dependency professional II in accord
9 with the ICRC/AODA member board standards, as a prerequisite for submitting the application to
10 the division. licensing board.

11 (2) "Licensed chemical dependency clinical supervisor". Any individual desiring to
12 obtain a license as a licensed chemical dependency clinical supervisor shall be currently certified
13 as an advanced chemical dependency professional or advanced chemical dependency professional
14 II, shall have completed the ICRC/AODA member board standards for chemical dependency
15 clinical supervisor, and shall submit an application to the [division](#). ~~licensing board~~.

16 (3) Other. An applicant having a comparable license, certification, or reciprocity within
17 Rhode Island or from another state or territory of the United States that imposes qualifications
18 substantially similar to those of this chapter, as determined by the [division](#). ~~licensing board~~.

19 (b) In addition to the qualifications listed in this section, an applicant for any of these
20 titles must prove to the [division's](#) ~~licensing board's~~ satisfaction:

21 (1) Good moral character that is a continuing requirement for licensure;

22 (2) United States citizenship or status as a legal resident alien;

23 (3) Absence of a sanction from the National Association of Alcohol and Drug Abuse
24 Counselors, or ICRC/AODA member board sanction for violation of the code of ethics, or other
25 related state board which shall be waived by the [division](#) ~~board~~ upon presentation of satisfactory
26 evidence that the sanction does not impair the ability of the person to conduct with safety to the
27 public the practice authorized by this license. The applicant shall bear the burden of proving that
28 his or her sanction does not impair his or her ability to conduct with safety to the public the
29 practice authorized by this license;

30 (4) Absence of conviction of a felony, which shall be waived by the [division](#) ~~board~~ upon
31 presentation of satisfactory evidence that the conviction does not impair the ability of the person
32 to conduct with safety to the public the practice authorized by this license. The applicant shall
33 bear the burden of proving that his or her conviction does not impair his or her ability to conduct
34 with safety to the public the practice authorized by this license;

1 (5) That the applicant has not been declared mentally incompetent by any court, and if the
2 decree has ever been rendered, that there has been a subsequent court determination that the
3 applicant is competent; and

4 (6) Freedom from use of any controlled substance or any alcoholic beverages to the
5 extent that the use impairs the ability of the person to conduct with safety to the public the
6 practice authorized by this license. The applicant shall bear the burden of proving that he or she is
7 free from use of any controlled substance or any alcoholic beverages that impair his or her ability
8 to conduct with safety to the public the practice authorized by this license.

9 **5-69-10 Licensed professionals discipline.** – Licensees subject to this chapter shall
10 conduct their activities, services, and practice in accordance with this chapter and with any rules
11 promulgated pursuant to this chapter. The ~~division licensing board~~ may ~~recommend to the~~
12 ~~director refusal~~ ~~refuse~~ to grant a license to, or to suspend, revoke, condition, limit, qualify, or
13 restrict the license of any individual who the ~~division licensing board or its designee~~, after a
14 hearing ~~by the board~~, determines:

15 (1) Is incompetent to practice under the provisions of this chapter, or is found to engage
16 in the practice of chemical dependency counseling and/or supervision in a manner harmful or
17 dangerous to a client or to the public;

18 (2) Has obtained or attempted to obtain a license, or renewal, by bribery or fraudulent
19 representation;

20 (3) Has knowingly made a false statement on a form required by the ~~division licensing~~
21 ~~board~~;

22 (4) Has failed to obtain the continuing education credits necessary for re-licensing;

23 (5) Has engaged in sexual relations with a current client, solicited sexual relations with a
24 current client, or committed an act of sexual abuse, or sexual misconduct with a current client;

25 (6) Has failed to remain free from the use of any controlled substance or any alcoholic
26 beverages to the extent that the use impairs the ability of the person to conduct with safety to the
27 public the practice authorized by this license. The applicant shall bear the burden of proving that
28 he or she is free from use of any controlled substance or any alcoholic beverages that impair his
29 or her ability to conduct with safety to the public the practice authorized by this license;

30 (7) Has been convicted of a felony, which shall be waived by the board upon presentation
31 of satisfactory evidence that the conviction does not impair the ability of the person to conduct
32 with safety to the public the practice authorized by this license. The applicant shall bear the
33 burden of proving that his or her conviction does not impair his or her ability to conduct with
34 safety to the public the practice authorized by this license;

1 (8) Has disciplinary action pending or has revocation, suspension, or probation taken
2 against the licensee in Rhode Island or another state or territory of these United States;

3 (9) Has failed to maintain confidentiality per federal regulation 42 CFR part 2;

4 (10) Has engaged in false or misleading advertising;

5 (11) Has a mental disability which significantly impairs the ability or judgment (the order
6 of a court that the licensee is in need of mental treatment for incompetency shall continue the
7 mental disability); and

8 (12) Has violated any of the provisions of this chapter, or the provisions of any code of
9 ethics adopted by the [department](#). ~~licensing board.~~

10 **5-69-11 Complaints.** – All complaints concerning a licensee's business or professional
11 practice shall be received by ~~either~~ the [division](#). ~~licensing board or the department of health.~~ Each
12 complaint received shall be logged, recording at a minimum the following information:

13 (1) Licensee's name;

14 (2) Name of the complaining party;

15 (3) Date of complaint;

16 (4) Brief statement of complaint; and

17 (5) Disposition.

18 **5-69-12 Disciplinary process.** – (a) Disciplinary procedures under this chapter shall be
19 conducted in accordance with the Administrative Procedures Act, chapter 35 of title 42.

20 (b) [In accordance with § 5-26.1-5](#), ~~The~~ [licensing](#) board ~~or its designee~~ shall hear
21 evidence produced in support of the formal charges and contrary evidence produced by the
22 licensee. At the conclusion of the hearing, the [licensing](#) board shall make [a determination](#)
23 [regarding the charges](#). ~~recommendations to the director who shall issue an order.~~

24 [\(c\) An appeal from any decision or order of the board may be brought by an aggrieved](#)
25 [person in accordance with § 42-35-15. The term “person” in this section includes the department.](#)

26 **5-69-13 Disciplinary sanctions.** – (a) The [division](#) ~~licensing board~~ may recommend that
27 the director impose any of the following sanctions, singly or in combination, when it finds that a
28 licensee is guilty of any offenses described in this section:

29 (1) Revocation of the license;

30 (2) Suspension of the license for any period of time;

31 (3) Censure of the licensee;

32 (4) Issue a letter or reprimand;

33 (5) Place a licensee on probationary status and require the licensee to submit to any of the
34 following:

- 1 (i) Report regularly to the licensing board upon matters that are the basis of probation;
- 2 (ii) Continue to renew professional education until a satisfactory degree of skill has been
- 3 attached in those areas that are the basis of probation;
- 4 (iii) Attend employee assistance counseling services.
- 5 (6) Refuse to renew a license;
- 6 (7) Revoke probation which was granted and impose any other discipline provided in this
- 7 section when the requirements of probation are not fulfilled or have been violated.
- 8 (b) The director may reinstate any licensee to good standing under this chapter, if after a
- 9 hearing the department of health is satisfied that the applicant's renewed practice is in the public
- 10 interest.
- 11 (c) Upon the suspension or revocation of a license issued under this chapter, a licensee
- 12 shall be required to surrender the license to the director and upon failure to do so, the director
- 13 shall have the right to seize the license.
- 14 (d) The director may make available annually a list of the names and addresses of all
- 15 licensees under the provisions of this chapter, and of all persons who have been disciplined within
- 16 the preceding twelve (12) months.
- 17 (e) Any persons convicted of violating the provisions of this chapter shall be guilty of a
- 18 misdemeanor, punishable by a fine of not more than five hundred dollars (\$500), imprisonment
- 19 for not more than one year, or both.

20 SECTION 38. Sections 5-69-6 and 5-69-7 of the General Laws in Chapter 5-69 entitled,

21 "License Procedure for Chemical Dependency Professionals" are hereby repealed.

22 ~~§ 5-69-6 Licensing board.—(a) Within the department there shall be established a board~~

23 ~~of licensing for chemical dependency professionals. The governor shall appoint a licensing board~~

24 ~~consisting of seven (7) members.~~

25 ~~(b) Of the seven (7) licensing board members, three (3) shall be licensed under this~~

26 ~~chapter;~~

27 ~~(2) Licensing board members shall be:~~

28 ~~(i) Two (2) members appointed by the governor shall be representatives of groups that~~

29 ~~reflect demographics of person(s) served;~~

30 ~~(ii) Three (3) members shall represent the licensed professionals appointed by the director~~

31 ~~of health;~~

32 ~~(iii) One member shall be an active member or administrator of the Rhode Island board~~

33 ~~for certification of chemical dependency professionals appointed by the director of health;~~

34 ~~(iv) One member shall be a consumer advocate from an established substance abuse~~

1 ~~recovery consumer advocacy group appointed by the director of health.~~

2 ~~(3) Licensing board members shall serve without compensation.~~

3 ~~(4) Each licensing board member shall take and subscribe to the oath of affirmation~~
4 ~~prescribed by law and shall file this oath in the office of the secretary of state.~~

5 ~~(5) The term of office shall be three (3) years, except that of the members of the first~~
6 ~~licensing board. Three (3) shall be appointed for a term of one year, three (3) for a term of two (2)~~
7 ~~years, three (3) for a term of three (3) years. At least one member representing the general public,~~
8 ~~and one member representing a minority group, as defined by the federal Department of Health,~~
9 ~~Education, and Welfare, shall be appointed for the initial term of three (3) full years. Successors~~
10 ~~to these licensing board positions shall be appointed for a term of three (3) years each, except that~~
11 ~~any person appointed to fill a vacancy shall be for the unexpired term of office. Upon expiration~~
12 ~~of the term of office, a member shall continue to serve until a successor is appointed and qualified.~~
13 ~~No person shall be appointed for more than two (2) consecutive three (3) year terms.~~

14 ~~(6) The governor may remove any member of the licensing board for neglect of duty,~~
15 ~~malfeasance, conviction of a felony or a crime of moral turpitude while in office or for lack of~~
16 ~~attendance/participation in board meetings. No licensing board member shall participate in any~~
17 ~~matter before the licensing board in which pecuniary interest, personal bias, or other similar~~
18 ~~conflicts of interests is established.~~

19 ~~§ 5-69-7 Powers and duties of the licensing board.—(a) The organization, meeting, and~~
20 ~~management of the licensing board shall be established by regulations promulgated by the~~
21 ~~department of health.~~

22 ~~(b) In addition to duties set forth in this chapter, the licensing board shall:~~

23 ~~(1) Examine and pass on the qualifications of all applicants identified by the~~
24 ~~ICRC/AODA member board that all standards have been successfully completed for licensure~~
25 ~~under this chapter, and recommend to the director that a license shall be issued to each qualified~~
26 ~~successful applicant, attesting to the applicant's professional qualification to practice as a~~
27 ~~"licensed chemical dependency professional" or a "licensed chemical dependency clinical~~
28 ~~supervisor";~~

29 ~~(2) Recommend that the director adopt rules and regulations that set ICRC/AODA~~
30 ~~professional practice standards for licensed chemical dependency professionals and licensed~~
31 ~~chemical dependency clinical supervisors;~~

32 ~~(3) Recommend modifications or amendments deemed necessary to effectuate its~~
33 ~~purpose;~~

34 ~~(4) Be responsible for making recommendations to the director concerning all~~

1 ~~disciplinary functions carried out regarding all licenses under this chapter;~~

2 ~~(5) Have any other powers required to carry out the provisions of this chapter.~~

3 SECTION 39. Sections 5-71-3, 5-71-7, 5-71-8, 5-71-10, and 5-71-13 of the General
4 Laws in Chapter 5-71 entitled "Interpreters for the Deaf" are hereby amended to read as
5 follows:

6 **5-71-3 Definitions.** – (1) "Board" means the [health professions board of review](#)
7 [established in accordance with § 5-26.1-3.](#) ~~state board of examiners for interpreters for the deaf.~~

8 (2) "Certified" means any person who is a certified member of the Registry of
9 Interpreters for the Deaf, Inc., (RID), its successor agency or other agencies as approved by the
10 department. ~~in consultation with the board.~~

11 (3) "Consumer" is an individual who is deaf, hard of hearing or other individual with
12 disabilities whose primary language is sign language (e.g., American Sign Language, manually
13 coded sign systems).

14 (4) "Department" means the Rhode Island department of health [and "division" shall mean](#)
15 [the division of professional regulation and licensing.](#)

16 (5) "Director" means the director of the department of health.

17 (6) "Educational Interpreter for the Deaf" means an individual who has specialized
18 licensure in the provision of sign language interpreting to students who are deaf, hard-of-hearing
19 or deaf-blind in grades preschool through twelve (12).

20 (7) "Emergency" means an urgent circumstance that demands immediate action in order
21 for a consumer to avoid imminent harm or loss. In the event of an emergency, the consumer may
22 elect to use the services of a nonlicensed interpreter or transliterator as set forth in regulations
23 promulgated by the department.

24 (8) "Interpreter for the deaf" means any person who engages in the practice of
25 interpreting for the deaf as defined in subsection (9) below.

26 (9) "Interpreter trainee" and "interpreter student" means any person, meeting the
27 minimum requirements established by the department in consultation with the board who is
28 currently enrolled in a nationally accredited interpreter training program and participating in the
29 practicum portion of their studies.

30 (10) "Interpreting for the deaf" means conveying spoken English into American Sign
31 Language (ASL) (voice-to-sign) or conveying American Sign Language into English (sign-to-
32 voice), or interpreting English to and/or from a visual gestural system. Such practice shall not
33 include transliterating for the deaf.

34 (11) "Screened interpreter or transliterator for the deaf" means any person who presents

1 proof of an active state screening or its equivalent and presents proof of successful completion of
2 an examination as approved by the department in consultation with the board.

3 (12) "Transliterator for the deaf" means any person who engages in the practice of
4 transliterating for the deaf as defined in subsection (13) below.

5 (13) "Transliterating for the deaf" means conveying spoken English into Manually coded
6 English (voice-to-sign), or conveying manually coded English into spoken English (sign-to-
7 voice), or conveying English on the lips so that it is accessible to speech reading (i.e. oral
8 transliterating). Such practice shall not include interpreting for the deaf.

9 **5-71-7 Disposition of moneys received.** – All moneys received by the [division board](#)
10 shall be deposited in the treasury of the state.

11 **5-71-8 Qualifications of applicants for licenses.** – (a) To be eligible for licensure by the
12 [division board](#) as an interpreter for the deaf or transliterator for the deaf, or educational interpreter
13 for the deaf, the applicant must submit written evidence on forms furnished by the department,
14 verified by oath, that the applicant meets all of the following requirements:

15 (1) Is of good moral character;

16 (2) Meets the certification or screened requirements as defined in regulations
17 promulgated by the department; and

18 (3) Pays the department a license fee as set forth in § 23-1-54.

19 (b) To be eligible for licensure by the board as an educational interpreter for the deaf, the
20 applicant must meet all of the requirements as described in subsection (a) and must further
21 present proof of successful completion of the educational interpreter performance assessment
22 (EIPA), written and performance tests, or a similar test as approved by the [division board](#), at a
23 performance level established by the [division board](#).

24 **5-71-10 Endorsement.** – The department in consultation with the [division board](#) shall
25 promulgate regulations providing for a procedure for waiver of the requirements of § 5-71-9 for
26 applicants who hold a valid license, certificate, or equivalent issued within another state;
27 provided, that the requirements under which that license, certificate, or equivalent was issued,
28 meet or exceed the standards required by this chapter.

29 **5-71-13 Grounds for suspension or revocation of licenses.** – (a) The [division board](#)
30 may recommend to the director of the department of health the issuance, renewal, or revocation
31 of a license, or suspension, placement on probation, censure or reprimand a licensee, or any other
32 disciplinary action that the [division board](#) may deem appropriate, for conduct that may result
33 from, but not necessarily be limited to:

34 (1) Obtaining his or her license by means of fraud, misrepresentation, or concealment of

1 material facts;

2 (2) Being guilty of fraud, misrepresentation, concealment or material misstatement of
3 facts or deceit in connection with his or her services rendered as an interpreter for the deaf,
4 transliterator for the deaf, or educational interpreter for the deaf;

5 (3) Being guilty of unprofessional conduct as defined by the rules established by the
6 department ~~in consultation with the board~~, and/or has violated any standard of professional or
7 ethical conduct adopted by the National Registry of Interpreters for the Deaf;

8 (4) Violating the continuing education requirements of this chapter as defined in
9 subsection 5-71-9(d), and rules and regulations as promulgated by the department;

10 (5) Violating any lawful order, or any provision of this chapter or of the rules or
11 regulations promulgated in this chapter;

12 (6) Aiding or assisting another person in violating any provision of this chapter or any
13 rule or regulation adopted under this chapter;

14 (7) Departure from or failure to conform to the current standards of acceptable and
15 prevailing practice of interpreting for the deaf.

16 (b) Working under a license that is expired or on inactive status, working under a license
17 when certification is expired or on inactive status, and practicing interpreting without being
18 exempt under chapter 5-71 shall be considered to be practicing without a license.

19 (c) ~~The department shall respond to all recommendations from the board under this~~
20 ~~section within thirty (30) calendar days.~~ Disciplinary procedures under this chapter shall be
21 conducted in accordance with the Administrative Procedures Act, chapter 35 of title 42.

22 (d) In accordance with § 5-26.1-5, the board shall hear evidence produced in support of
23 the formal charges and contrary evidence produced by the licensee. At the conclusion of the
24 hearing, the board shall make a determination regarding the charges.

25 (e) An appeal from any decision or order of the board may be brought by an aggrieved
26 person in accordance with § 42-35-15. The term “person” in this section includes the department.

27 SECTION 40. Sections 5-71-4, 5-71-5 and 5-71-6 of the General Laws in Chapter 5-71
28 entitled “Interpreters for the Deaf” are hereby repealed.

29 ~~§ 5-71-4 Board of examiners—Creation—Compensation—Appointment, terms and~~
30 ~~qualifications of members.—(a) There shall exist within the state department of health a board of~~
31 ~~examiners of interpreters for the deaf. The board shall consist of five (5) persons who shall be~~
32 ~~residents of the state of Rhode Island for at least two (2) years prior to their appointments: three~~
33 ~~(3) nationally certified interpreters, and two (2) consumers.~~

34 ~~(b) All appointments made under this section shall be made by the governor with the~~

1 ~~advice and consent of the senate. In making appointments to the board, the governor shall give~~
2 ~~consideration to recommendations made by the commission on the deaf and hard of hearing~~
3 ~~established pursuant to § 23-1.8-1. All members shall serve terms of three (3) years. Members~~
4 ~~shall serve until the expiration of the term for which they have been appointed or until their~~
5 ~~successor is appointed. No person shall be appointed to serve more than two (2) consecutive~~
6 ~~terms. When a vacancy upon the board occurs, a replacement shall be appointed for the remainder~~
7 ~~of that term as prescribed in this section.~~

8 ~~(e) The board shall reorganize annually during the month of December and shall elect a~~
9 ~~chairperson and vice chairperson for the subsequent calendar year. The board may elect from~~
10 ~~among its members such other officers as it deems necessary.~~

11 ~~(d) Three (3) members of the board shall constitute a quorum to do business. A majority~~
12 ~~vote of those present shall be required for action.~~

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

16 ~~§ 5-71-5 Board of examiners—Duties and powers—Meetings—Compensation of~~
17 ~~members.~~

18 ~~(a) The department with the assistance of the board shall administer, coordinate and~~
19 ~~enforce the provisions of this chapter, evaluate the qualifications of applicants, and may issue~~
20 ~~subpoenas, examine witnesses, and administer oaths, and investigate persons engaging in~~
21 ~~practices which violate the provisions of this chapter.~~

22 ~~(b) The department shall conduct hearings and shall keep records and minutes that are~~
23 ~~necessary for the orderly dispatch of business.~~

24 ~~(c) The department shall hold public hearings regarding rules and regulations.~~

25 ~~(d) The department in consultation with the board, in accordance with the rule-making~~
26 ~~provisions of the Administrative Procedures Act, chapter 35 of title 42, shall adopt responsible~~
27 ~~rules and regulations, and may amend or repeal those rules and regulations. Following their~~
28 ~~adoption, the rules and regulations shall govern and control the professional conduct of every~~
29 ~~person who holds a license to practice interpreting or transliterating for the deaf in the state of~~
30 ~~Rhode Island.~~

31 ~~(e) Regular meetings of the board shall be held, and special meetings may be held upon~~
32 ~~the call of the chairperson as necessary to deal with such issues as violations of this chapter;~~
33 ~~provided, that at least one regular meeting is held each calendar year.~~

34 ~~(f) The conferral or enumeration of specific powers in this chapter shall not be construed~~

1 ~~as a limitation of the general powers conferred by the section. No member of the board shall be~~
2 ~~liable to civil action for any act performed in good faith in the performance of his or her duties as~~
3 ~~prescribed by this chapter.~~

4 ~~(g) Board members shall serve on an honorable basis without compensation.~~

5 ~~(h) The board may request legal advice and assistance from the appropriate legal officer.~~

6 ~~(i) The board shall conduct a training course for newly appointed and qualified members~~
7 ~~within six (6) months of their appointment. The course shall be developed and conducted by the~~
8 ~~chair of the commission, approved by the commission, and shall include instruction in the subject~~
9 ~~areas of this chapter, and chapters 42-46, 36-14, and 38-2, and the commission's rules and~~
10 ~~regulations. The director of the department of administration shall, within ninety (90) days of~~
11 ~~March 29, 2006, prepare and disseminate training materials relating to the provisions of chapters~~
12 ~~42-46, 36-14, and 38-2.~~

13 ~~(j) Within ninety (90) days after the end of each fiscal year, the board shall approve and~~
14 ~~submit an annual report to the governor, the speaker of the house of representatives, the president~~
15 ~~of the senate, and the secretary of state of its activities during that fiscal year. The report shall~~
16 ~~provide: an operating statement summarizing meetings or hearings held, including meeting~~
17 ~~minutes, subjects addressed, decisions rendered, licenses considered and their dispositions, rules~~
18 ~~or regulations promulgated, studies conducted, policies and plans developed, approved or~~
19 ~~modified, and programs administered or initiated; a consolidated financial statement of all funds~~
20 ~~received and expended including the source of the funds, a listing of any staff supported by these~~
21 ~~funds, and a summary of any clerical, administrative or technical support received; a summary of~~
22 ~~performance during the previous fiscal year including accomplishments, shortcomings and~~
23 ~~remedies; a synopsis of hearings, complaints, suspensions or other legal matters related to the~~
24 ~~authority of the board; a summary of any training courses held pursuant to the provisions of~~
25 ~~paragraph 5-71-5(i); a briefing on anticipated activities in the upcoming fiscal year; and findings~~
26 ~~and recommendations for improvements. The report shall be posted electronically on the general~~
27 ~~assembly and the secretary of state's websites as prescribed in § 42-20-8.2. The director of the~~
28 ~~department of administration shall be responsible for the enforcement of this provision.~~

29 ~~§ 5-71-6 Board of examiners — Seal — Authentication of records. — The board shall adopt~~
30 ~~the state seal by which it shall authenticate its proceedings. Copies of the proceedings, records~~
31 ~~and acts of the board, and certificates purporting to relate the facts concerning those proceedings,~~
32 ~~records, and acts, signed by the secretary and authenticated by that seal, shall be evidence in all~~
33 ~~courts of this state.~~

34 SECTION 41. Sections 5-86-2, 5-86-9, 5-86-10, 5-86-12, 5-86-16, 5-86-17, 5-86-18, and

1 5-86-20 of the General Laws in Chapter 5-86 entitled "Licensing of Applied Behavior Analysts"
2 are hereby amended to read as follows:

3 **5-86-2 Definitions.** – As used in this chapter, the following terms shall be construed as
4 follows:

5 (1) "Applied behavior analyst" means a person licensed to practice applied behavior
6 analysis under the provisions of this chapter and the rules and regulations authorized by this
7 chapter.

8 (2) "Applied behavior analyst aide" means a person not licensed pursuant to the laws and
9 rules applicable to the practice of applied behavior analysis, who works under the supervision of a
10 licensed applied behavior analyst, who assists in the practice of applied behavior analysis and
11 whose activities require an understanding of applied behavior analysis, but do not require
12 professional or advanced training in the basic anatomical, psychological, and social sciences
13 involved in the practice of applied behavior analysis.

14 (3) "Applied behavior assistant analyst" means a person licensed who practices applied
15 behavior analysis under the provisions of this chapter and the rules and regulations authorized by
16 this chapter.

17 (4) "Board" means the [health professions board of review established in accordance with](#)
18 ~~[§ 5-26.1-3. licensing board of applied behavior analysts within the Rhode Island department of](#)~~
19 ~~[health, established pursuant to the provisions of § 5-86-3 of the chapter.](#)~~

20 (5) "Department" means the Rhode Island department of health [and "division" means the](#)
21 [division of professional regulation and licensing with the department.](#)

22 (6) "Director" means the director of the Rhode Island department of health.

23 (7) "Education" means the academic program pursued by the person in obtaining the
24 bachelor's, master's or doctorate degree, that the programs to include formal course work,
25 seminars and practica.

26 (8) "Psychologist with equivalent experience" means a person deemed to hold equivalent
27 licensure as an applied behavior analyst upon satisfying equivalency requirements through
28 submission and satisfaction of written evidence of education and relevant experience to the
29 department pursuant to subsection 5-86-9(c) of this chapter.

30 (9) "Practice of applied behavior analysis" means the design, implementation and
31 evaluation of environmental modifications by a behavior analyst to produce socially significant
32 improvements in human behavior. It includes the empirical identification of functional relations
33 between environment and behavior, known as functional assessment and analysis. Applied
34 behavior analysis interventions are based on scientific research and the direct observation and

1 measurement of behavior and environment. They utilize contextual factors, establishing
2 operations, antecedent stimuli, positive reinforcement and other consequences to help people
3 develop new behaviors, increase or decrease existing behaviors, and emit behaviors under
4 specific environmental conditions. The practice of applied behavior analysis expressly excludes
5 psychological testing, neuropsychology, psychotherapy, cognitive therapy, sex therapy,
6 psychoanalysis, hypnotherapy, and long-term counseling as treatment modalities. Such services
7 are provided by a person licensed under this chapter only when applied behavior analysis services
8 are prescribed by a child psychiatrist, a behavioral developmental pediatrician, a child neurologist
9 or a licensed psychologist with training in child psychology pursuant to § 27-20.11-4.

10 (10) "Supervised experience" means the practical application of principles, methods and
11 procedures of the science of applied behavioral analysis in accordance with the requirements of §
12 5-86-9 of this chapter.

13 (11) "Supervision" means that a licensed applied behavior analyst is at all times
14 responsible for supportive personnel and clients.

15 (12) "These regulations" mean all parts of Rhode Island rules and regulations for
16 licensing applied behavior analysts, applied behavior assistant analysts, and psychologists with
17 equivalent experience.

18 (13) "Training" means the pre-professional or professional supervised experience
19 received by the person at the pre or post-doctoral level that experience to have been obtained in
20 an internship, clinic, or other similar professional setting.

21 **5-86-9 Qualifications and examinations for licensing.** – (a) An applicant for licensure
22 as a licensed applied behavior analyst shall submit to the ~~division board~~ written evidence on
23 forms furnished by the department verified under oath (i.e. notarized) that said applicant:

24 (1) Be of good moral character;

25 (2) Has obtained a graduate degree in applied behavior analysis or a related field, as
26 approved by the ~~division board~~, from a college or university accredited by the New England
27 association of schools and colleges, or an equivalent regional accrediting agency, and which has
28 the approval by a national or regional certifying authority, including but not limited to the
29 ~~division applied behavior analyst licensing board~~;

30 (3) Has successfully completed the amount of coursework in applied behavior analysis
31 acceptable to the ~~division board~~;

32 (4) Has appropriate supervised experience to include either: (i) One year, including one
33 thousand five hundred (1500) hours of supervised independent fieldwork in applied behavior
34 analysis. The distribution of supervised independent fieldwork hours must be at least ten (10)

1 hours per week, but not more than thirty (30) hours per week, for a minimum of three (3) weeks
2 per month; (ii) One thousand (1000) hours of practicum in behavior analysis within a university
3 experience program approved by the national or regional certifying authority. The distribution of
4 practicum hours must be at least ten (10) hours per week, but not more than twenty-five (25)
5 hours per week, for a minimum of three (3) weeks per month; or (iii) Seven hundred fifty (750)
6 hours of intensive practicum in behavior analysis within a university experience program
7 approved by the national or regional certifying authority. The distribution of intensive practicum
8 hours must be at least ten (10) hours per week, but not more than twenty-five (25) hours per
9 week, for a minimum of three (3) weeks per month;

10 (5) Has passed the relevant examination administered by an appropriate nationally
11 recognized accrediting organization as approved by the department of health for this function;

12 (6) Maintain active status and fulfill all relevant requirements for renewal and relicensing
13 with the nationally recognized and accredited organization(s) as approved by the department of
14 health licensing;

15 (7) Conducts his or her professional activities in accordance with accepted standards for
16 responsible professional conduct, as approved by the [division](#) ~~Rhode Island applied behavior~~
17 ~~analyst licensing board~~; and

18 (8) Meets the criteria as established in § 5-86-12.

19 (b) An applicant for licensure as a licensed applied behavior assistant analyst shall submit
20 to the division ~~board~~ written evidence on forms furnished by the department verified under oath
21 (i.e., notarized) that said applicant:

22 (1) Be of good moral character;

23 (2) Has obtained a bachelor's degree in behavior analysis or a related field, as approved
24 by the [division](#) ~~board~~, from a college or university accredited by the New England Association of
25 Schools and Colleges, or an equivalent regional accrediting agency, and which has the approval
26 by a national or regional certifying authority, including, but not limited to, the [division](#); ~~applied~~
27 ~~behavior analyst licensing board~~;

28 (3) Has successfully completed the amount of coursework in applied behavior analysis
29 acceptable to the [division](#); ~~board~~;

30 (4) Has appropriate supervised experience to include either: (i) One thousand (1000)
31 hours of supervised independent fieldwork in applied behavior analysis. The distribution of
32 supervised independent fieldwork hours must be at least ten (10) hours per week, but not more
33 than thirty (30) hours per week, for a minimum of (3) three weeks per month; (ii) Six hundred
34 seventy (670) hours of practicum in behavior analysis within a university experience program

1 approved by the national or regional certifying board. The distribution of practicum hours must
2 be at least ten (10) hours per week, but not more than twenty-five (25) hours per week, for a
3 minimum of three (3) weeks per month; or (iii) Five hundred (500) hours of intensive practicum
4 in behavior analysis within a university experience program approved by the national or regional
5 certifying board. The distribution of intensive practicum hours must be at least ten (10) hours per
6 week, but not more than twenty-five (25) hours per week, for a minimum of three (3) weeks per
7 month.

8 (5) Is supervised by a licensed applied behavior analyst in a manner consistent with the
9 [division's](#) ~~board's~~ requirements for supervision of licensed applied behavior assistant analysts;

10 (6) Has passed the examination administered by an appropriate nationally recognized
11 accrediting organization as approved by department of health licensing for this function;

12 (7) Maintain active status and fulfill all relevant requirements for renewal and relicensing
13 with the nationally recognized and accredited organization(s) as approved by the department of
14 health licensing;

15 (8) Conduct his or her professional activities in accordance with accepted standards for
16 responsible professional conduct, as required by the [division](#) ~~Rhode Island applied behavior~~
17 ~~analyst licensure board~~; and

18 (9) Meet the criteria as established in § 5-86-11.

19 (c) applicant shall be judged to hold the equivalent requirement of a licensure as an
20 applied behavior analyst upon submission to the [division](#) ~~board~~, written evidence on forms
21 furnished by the department verified under oath (i.e., notarized), if the following equivalency
22 requirements are met to the satisfaction of the [division](#): ~~licensing board~~;

23 (1) Has received a doctoral degree in psychology from a college or university accredited
24 by the New England association of schools and colleges, or an equivalent regional accrediting
25 agency, and which has the approval by a national or regional certifying authority;

26 (2) individually licensed by the department of health as a psychologist subject to chapter
27 5-44;

28 (3) Be of good moral character;

29 (4) Has completed coursework in applied behavior analysis supervised by the department
30 within the college or university granting the requisite degree or by an accredited postgraduate
31 clinical training program recognized by the United States department of education, or education
32 and/or experience which is deemed equivalent by the [division](#); ~~board~~;

33 (5) Has completed one thousand five hundred (1,500) hours of direct client contact
34 offering applied behavior analysis services subsequent to being awarded a doctoral degree in

1 psychology;

2 (6) Conducts his or her professional activities in accordance with accepted standards for
3 responsible professional conduct, as required by the [division](#); ~~Rhode Island applied behavior~~
4 ~~analyst licensure board~~; and

5 (7) Meets the criteria as established in § 5-86-12.

6 **5-86-10 Licensure.** – A license may be issued to:

7 (1) An applicant who meets the requirements for licensure as approved by the department
8 of health and licensed as a licensed applied behavior analyst, licensed applied behavior assistant
9 analyst or psychologist with equivalent experience as stated in this chapter; and

10 (2) An applicant who has been certified by an appropriate nationally recognized and
11 accredited organization, as approved by the department of health, licensing and licensed as a
12 licensed applied behavior analyst, licensed applied behavior assistant analyst or psychologist with
13 equivalent experience under the laws of another state, United States territory, or foreign country
14 where the [division board](#) determines that the requirements are substantially equivalent to those of
15 this state.

16 **5-86-12 Limitation of practice.** – The [division board](#) shall ensure through regulations
17 and enforcement that licensees limit their practice to demonstrated areas of competence as
18 documented by relevant professional education, training, and experience.

19 **5-86-16 Grounds for discipline.** – The [division board](#) has the power to deny, revoke, or
20 suspend any license issued by the department in accordance with this chapter, or to discipline a
21 licensee upon proof that the person:

22 (1) Is guilty of fraud or deceit in procuring or attempting to procure a license or
23 temporary license;

24 (2) Is guilty of a felony or of a crime of immorality;

25 (3) Is habitually intemperate or is addicted to the use of habit-forming drugs;

26 (4) Is mentally incompetent;

27 (5) Is incompetent or negligent in the practice of applied behavior analysis as determined
28 by the [division](#); ~~Rhode Island applied behavior analyst licensing board~~;

29 (6) Has not fulfilled the required continuing education requirements as determined by the
30 [division](#); ~~Rhode Island applied behavior analysis licensing board~~;

31 (7) Has violated the ethical principles governing applied behavior analysts and the
32 practice of applied behavior analysis, as adopted by the board and in force at the time a charge is
33 made, provided that those ethical principles are a nationally recognized standard;

34 (8) Has practiced as a licensed applied behavior assistant analyst or has performed the

1 duties of a licensed applied behavior assistant analyst without proper supervision by a licensed
2 applied behavior analyst pursuant to § 5-86-26;

3 (9) Has had their license revoked, suspended, privileges limited or other disciplinary
4 action in another state or jurisdiction, including the voluntary surrender of a license; or

5 (10) Has failed to furnish the department or its legal representative information requested
6 by the division board as part of a disciplinary action.

7 **5-86-17 Procedure for discipline.** – (a) When a sworn complaint is filed with the
8 division board charging a person with being guilty of any of the actions specified in section 5-86-
9 16, the department shall immediately investigate those charges. ~~or, the board, after investigation,~~
10 ~~may institute charges.~~ The department may coordinate investigations of alleged violations ~~of the~~
11 ~~Rhode Island applied behavior analyst licensing board~~ with an appropriate nationally recognized
12 accrediting organization.

13 (b) If the investigation reveals reasonable grounds for believing that the licensee or
14 applicant for licensure is guilty of the charges, the division board ~~shall fix a time and place for a~~
15 ~~hearing, and~~ shall serve a copy of the charges, together with a notice of the time and the place
16 fixed for the hearing before the board, personally upon the accused at least twenty (20) days prior
17 to the time fixed for the hearing.

18 (c) When personal service cannot be effected and that fact is certified by oath by any
19 person authorized to make service, the division board shall publish once in each of two (2)
20 successive weeks, a notice of the hearing in a newspaper published in the county where the
21 accused last resided according to the records of the division board and shall mail a copy of the
22 charges and of the notice to the accused at his or her last known address.

23 (d) When publication of notice is necessary, the date of the hearing shall not be less than
24 twenty (20) days after the last date of publication of the notice.

25 (e) At the hearing, the accused has the right to appear personally or by counsel or both, to
26 produce witnesses and evidence on his or her behalf, to cross-examine witnesses, and to have
27 subpoenas issued by the administrator of professional regulation.

28 (f) The attendance of witnesses and the production of books, documents, and papers at
29 the hearing may be compelled by subpoenas issued by the department, which shall be served in
30 accordance with law.

31 (g) The board ~~department~~ shall administer oaths as necessary for the proper conduct of
32 the hearing.

33 (h) The board is not bound by the strict rules of procedure or by the laws of evidence in
34 the conduct of its proceedings, but the determination shall be based upon sufficient legal evidence

1 to sustain it.

2 (i) If the accused is found guilty of the charges, the board may refuse to issue a license to
3 the applicant, or may revoke or suspend his or her license, or discipline that person.

4 (j) Upon the revocation or suspension of any license, the license holder shall surrender
5 the license to the department, who shall indicate the same in the licensure verification database.

6 (k) A revocation or suspension of license may be reviewed at the discretion of the
7 ~~division board, or at the initiative of the department~~ which may order a rehearing of the issue if it
8 finds cause.

9 **5-86-18 Grounds for discipline without a hearing.** – With the approval of the director,
10 the division ~~board~~ may temporarily suspend the license of a licensed applied behavior analyst,
11 licensed applied behavior assistant analyst or psychologist with equivalent experience without a
12 hearing if the ~~division board~~ finds that evidence in its possession indicates that a licensed applied
13 behavior analyst, licensed applied behavior assistant analyst or psychologist with equivalent
14 experience continuing in practice would constitute an immediate danger to the public. In the
15 event that the ~~division board~~ temporarily suspends the license of a licensed applied behavior
16 analyst, licensed applied behavior assistant analyst or psychologist with equivalent experience
17 without a hearing by the board, a hearing must be held within ten (10) days after the suspension
18 has occurred.

19 **5-86-20 Injunction of violations.** – When it appears to the ~~division board~~ that any person
20 is violating any of the provisions of this chapter, the director may institute an action, commenced
21 in the name of the ~~department board~~, to enjoin that violation in a court of competent jurisdiction.
22 That court may enjoin any person from violating any of the provisions of this chapter, without
23 regard to whether proceedings have been or may be instituted before the board or whether
24 criminal proceedings have been or may be instituted.

25 SECTION 42. Sections 5-86-4, 5-86-5, 5-86-6 and 5-86-7 of the General Laws in
26 Chapter 5-86 entitled “Licensing of Applied Behavior Analysts” are hereby repealed.

27 ~~§ 5-86-4 Board of applied behavior analysts—Creation—Composition.—Within the~~
28 ~~department of professional regulation in the department of health there shall be a Rhode Island~~
29 ~~applied behavior analyst licensing board consisting of five (5) members as provided by § 5-86-5.~~

30 ~~§ 5-86-5 Board of applied behavior analysts—Appointment, terms, and removal of~~
31 ~~members.—(a) The director of the department of health shall, with the approval of the governor,~~
32 ~~appoint five (5) electors as members of the board. Three (3) members of the board shall be~~
33 ~~licensed applied behavior analysts, one member shall be a licensed applied behavior assistant~~
34 ~~analyst, and one shall be a consumer representative holding neither license. The licensed applied~~

1 ~~behavior analysts and licensed applied behavior assistant analyst shall have at least three (3) years~~
2 ~~professional experience with credentials comparable as those established in this chapter, be~~
3 ~~certified for a minimum of five (5) years by an appropriate nationally recognized accrediting~~
4 ~~organization as approved by the department of health.~~

5 ~~(b) The director shall, with the approval of the governor, appoint persons to serve on the~~
6 ~~board. Two (2) of those members first appointed by the director of the department of health shall~~
7 ~~serve initial terms of three (3) years; two (2) of those members first appointed by the director of~~
8 ~~the department of health shall serve an initial term of two (2) years; and one of those members~~
9 ~~appointed by the director of the department of health shall serve an initial term of one year~~
10 ~~thereafter, all appointed members of the board shall be appointed to serve for terms of three (3)~~
11 ~~years.~~

12 ~~(c) The board members are eligible to succeed themselves.~~

13 ~~(d) The director may remove any member from the board for neglect of any duty required~~
14 ~~by law, or for incompetence, or unprofessional or dishonorable conduct. Vacancies shall be filled~~
15 ~~in the same manner as the original appointment was made, for the remainder of the term.~~

16 ~~§ 5-86-6 Board of applied behavior analysts — Organization and meetings. — (a) The~~
17 ~~board shall organize immediately after the appointment and qualification of its members.~~

18 ~~(b) The board shall annually elect a chairperson and secretary. Meetings may be called by~~
19 ~~the chairperson or the director of the department of health or by written request of three (3)~~
20 ~~members of the board. A majority of seats filled shall constitute a quorum. The board shall meet~~
21 ~~as often as necessary.~~

22 ~~§ 5-86-7 Board of applied behavior analysts — General powers. — The Rhode Island~~
23 ~~applied behavior analyst licensing board shall:~~

24 ~~(1) Recommend to the director for his or her approval the adoption and revision of rules~~
25 ~~and regulations not inconsistent with law as necessary to enable it to carry into effect the~~
26 ~~provisions of this chapter;~~

27 ~~(2) Adopt policies to be followed in the licensure and renewal of licenses of qualified~~
28 ~~applicants in accordance with chapter 42-35, of the administrative procedures act;~~

29 ~~(3) Conduct hearings upon charges calling for the discipline of a license or revocation.~~
30 ~~The department has the power to issue subpoenas and compel the attendance of witnesses and~~
31 ~~administer oaths to persons giving testimony at hearings; and~~

32 ~~(4) The board or the director shall prosecute all persons violating this chapter and has the~~
33 ~~power to incur the necessary expenses of prosecution. The board shall keep a record of all its~~
34 ~~proceedings, including, but not limited to, meeting minutes.~~

1 SECTION 43. Sections 23-16.3-3, 23-16.3-8, 23-16.3-9, 23-16.3-10, 23-16.3-11, 23-
2 16.3-12, and 23-16.3-13 of the General Laws in Chapter 23-16.3 entitled "Clinical Laboratory
3 Science Practice" are hereby amended to read as follows:

4 **23-16.3-3 Definitions.** – The following words and terms when used in this chapter have
5 the following meaning unless otherwise indicated within the context:

6 (1) "Accredited clinical laboratory program" means a program planned to provide a
7 predetermined amount of instruction and experience in clinical laboratory science that has been
8 accredited by one of the accrediting agencies recognized by the United States Department of
9 Education.

10 (2) "Board" means the [health professions board of review established in accordance with](#)
11 [§ 5-26.1-3. ~~clinical laboratory science board appointed by the director of health.~~](#)

12 (3) "Clinical laboratory" or "laboratory" means any facility or office in which clinical
13 laboratory tests are performed.

14 (4) "Clinical laboratory science practitioner" or "one who engages in the practice of
15 clinical laboratory science" means a health care professional who performs clinical laboratory
16 tests or who is engaged in management, education, consulting, or research in clinical laboratory
17 science, and includes laboratory directors, supervisors, clinical laboratory scientists
18 (technologists), specialists, and technicians working in a laboratory, but does not include persons
19 employed by a clinical laboratory to perform supportive functions not related to direct
20 performance of laboratory tests and does not include clinical laboratory trainees. Provided,
21 however, nothing contained in this chapter shall apply to a clinical perfusionist engaged in the
22 testing of human laboratory specimens for extracorporeal functions, which shall include those
23 functions necessary for the support, treatment, measurement, or supplementation of the
24 cardiopulmonary or circulatory system of a patient.

25 (5) "Clinical laboratory scientist" and/or "technologist" means a person who performs
26 clinical laboratory tests pursuant to established and approved protocols requiring the exercise of
27 independent judgment and responsibility, maintains equipment and records, performs quality
28 assurance activities related to test performance, and may supervise and teach within a clinical
29 laboratory setting.

30 (6) "Clinical laboratory technician" means a person who performs laboratory tests
31 pursuant to established and approved protocols which require limited exercise of independent
32 judgment and which are performed under the personal and direct supervision of a clinical
33 laboratory scientist (technologist), laboratory supervisor, or laboratory director.

34 (7) "Clinical laboratory test" or "laboratory test" means a microbiological, serological,

1 chemical, hematological, radiobioassay, cytological, immunological, or other pathological
2 examination which is performed on material derived from the human body, the test or procedure
3 conducted by a clinical laboratory which provides information for the diagnosis, prevention, or
4 treatment of a disease or assessment of a medical condition.

5 (8) "Department" means the Rhode Island department of health.

6 (9) "Director" means the director of the Rhode Island department of health.

7 [\(10\) "Division" means the division of professional regulation and licensing with the](#)
8 [department.](#)

9 ~~(11)(10)~~-"Limited function test" means a test conducted using procedures which as
10 determined by the director have an insignificant risk of an erroneous result, including those
11 which:

12 (i) Have been approved by the United States Food and Drug Administration for home
13 use;

14 (ii) Employ methodologies that are so simple and accurate as to render the likelihood of
15 erroneous results negligible; or

16 (iii) The director has determined pose no reasonable risk of harm to the patient if
17 performed incorrectly.

18 **23-16.3-8 Standards for licensure.** – (a) Clinical laboratory scientist (technologist). The
19 department of health shall issue a clinical laboratory scientist's license to an individual who meets
20 the qualifications developed by the [division board](#), including at least one of the following
21 qualifications:

22 (1) A baccalaureate degree in clinical laboratory science (medical technology) from an
23 accredited college or university whose curriculum included appropriate clinical education;

24 (2) A baccalaureate degree in biological, chemical, or physical science from an accredited
25 college or university, and subsequent to graduation has at least twelve (12) months of appropriate
26 clinical education in an accredited clinical laboratory science program;

27 (3) A baccalaureate degree which includes a minimum of thirty-six (36) semester (or
28 equivalent) hours in the biological, chemical, and physical sciences from an accredited college or
29 university plus two (2) years of full-time work experience including a minimum of four (4)
30 months in each of the four (4) major disciplines of laboratory practice (clinical chemistry, clinical
31 microbiology, hematology, immunology/immunohematology); or

32 (4) A baccalaureate degree consisting of ninety (90) semester (or equivalent) hours,
33 thirty-six (36) of which must be in the biological, chemical, or physical sciences, from an
34 accredited university, and appropriate clinical education in an accredited clinical laboratory

1 science program.

2 (5) A clinical laboratory scientist (technologist) who previously qualified under federal
3 regulatory requirements such as 42 CFR § 493.1433 of the March 14, 1990 federal register or
4 other regulations or criteria which may be established by the [division](#), ~~board~~.

5 (b) Clinical laboratory technician. The department of health shall issue a clinical
6 laboratory technician's license to an individual who meets the qualifications promulgated by the
7 [division](#) ~~board~~, including at least one of the following qualifications:

8 (1) An associate degree or completion of sixty (60) semester (or equivalent) hours from a
9 clinical laboratory technician program (MLT or equivalent) accredited by an agency recognized
10 by the United States Department of Education that included a structured curriculum in clinical
11 laboratory techniques;

12 (2) A high school diploma (or equivalent) and (i) completion of twelve (12) months in a
13 technician training program in an accredited school such as CLA (ASCP) clinical laboratory
14 assistant (American Society of Clinical Pathologists), and MLT-C medical laboratory technician-
15 certificate programs approved by the [division](#) ~~board~~; or (ii) successful completion of an official
16 military medical laboratory procedure course of at least fifty (50) weeks duration and has held the
17 military enlisted occupational specialty of medical laboratory specialist (laboratory technician); or

18 (3) A clinical laboratory technician who previously qualified under federal regulatory
19 requirements such as 42 CFR § 493.1441 of the March 14, 1990 federal register which meet or
20 exceed the requirements for licensure set forth by the [division](#), ~~board~~.

21 (c) Clinical histologic technician. The department of health shall issue a clinical
22 histologic technician license to an individual who meets the qualifications promulgated by the
23 [division](#) ~~board~~, including at least one of the following:

24 (1) Associate degree or at least sixty (60) semester hours (or equivalent) from an
25 accredited college/university to include a combination of mathematics and at least twelve (12)
26 semester hours of biology and chemistry, and successfully complete an accredited program in
27 histologic technique or one full year of training in histologic technique under the supervision of a
28 certified histotechnologist or an appropriately certified histopathology supervisor with at least
29 three (3) years experience.

30 (2) High school graduation (or equivalent) and two (2) years full time acceptable
31 experience under the supervision of a certified/licensed clinical histologic technician at a licensed
32 clinical laboratory in histologic technique.

33 (d) Cytotechnologist. The department of health shall issue a cytotechnologist license to
34 an individual who meets the qualifications promulgated by the [division](#) ~~board~~ including at least

1 one of the following:

2 (1) A baccalaureate degree from an accredited college or university with twenty (20)
3 semester hours (30 quarter hours) of biological science, eight (8) semester hours (12 quarter
4 hours) of chemistry, and three (3) semester hours (4 quarter hours) of mathematics and successful
5 completion of a twelve (12) month cytotechnology program.

6 (2) A baccalaureate degree from an accredited college or university with twenty (20)
7 semester hours (30 quarter hours) of biological science, eight (8) semester hours (12 quarter
8 hours) of chemistry, and three (3) semester hours (4 quarter hours) of mathematics and five (5)
9 years full time acceptable clinical laboratory experience including cytopreparatory techniques,
10 microscopic analysis, and evaluation of the body systems within the last ten (10) years. At least
11 two (2) of these years must be subsequent to the completion of the academic component and at
12 least two (2) years must be under the supervision of a licensed physician who is a pathologist,
13 certified, or eligible for certification, by the American Board of Pathology in anatomic pathology
14 or has other suitable qualifications acceptable to the division. ~~board.~~

15 (3) A cytotechnologist who previously qualified under federal regulatory requirements
16 such as 42 CFR § 493.1437 of the March 14, 1990 federal register.

17 (e) The board shall recommend standards for any other clinical laboratory science
18 practitioners specializing in areas such as nuclear medical technology, radioimmunoassay,
19 electron microscopy, forensic science, molecular biology, or similar recognized academic and
20 scientific disciplines with approval of the director of health.

21 **23-16.3-9 Waiver of requirements.** – The ~~division board~~ shall recommend regulations
22 providing procedures for waiver of the requirements of § 23-16.3-8 for all applicants who hold a
23 valid license or its equivalent issued by another state; provided that the requirements under which
24 that license or its equivalent was issued to meet or exceed the standards required by this chapter
25 with the approval of the director. The ~~division board~~ may also recommend regulations it deems
26 appropriate with respect to individuals who hold valid licenses or their equivalent in other
27 countries.

28 **23-16.3-10 Licensure application procedures.** – (a) Licensure applicants shall submit
29 their application for licensure to the department of health upon the forms prescribed and furnished
30 by the department of health, and shall pay the designated application or examination fee.

31 (b) Upon receipt of application and payment of a fee, the department of health shall issue
32 a license for a clinical laboratory scientist or technologist, a clinical laboratory technician, or an
33 appropriate specialty license to any person who meets the qualifications specified in this chapter
34 and the regulations promulgated under this chapter.

1 (c) The division ~~board~~ may recommend a procedure for issuance of temporary permits to
2 individuals otherwise qualified under this chapter who intend to engage in clinical laboratory
3 science practice in this state for a limited period of time not to exceed eighteen (18) months.

4 (d) The division ~~board~~ may recommend a procedure for issuance of provisional licenses
5 to individuals who otherwise qualify under this chapter but are awaiting the results of certification
6 examinations. A provisional license so issued shall be converted to a license under the provisions
7 of § 23-16.3-8 or expire not more than twelve (12) months after issuance. At the discretion of the
8 division ~~board~~, the provisional license may be reissued at least one time with the director's
9 approval.

10 **23-16.3-11 Licensure renewal.** – (a) Licenses issued pursuant to this chapter shall expire
11 on a date and time specified by the department of health.

12 (b) Every person licensed pursuant to this chapter shall be issued a renewal license every
13 two (2) years upon:

14 (1) Submission of an application for renewal on a form prescribed by the department of
15 health and payment of an appropriate fee determined by the division ~~recommended by the board~~;
16 and

17 (2) Proof of completion, in the period since the license was first issued or last renewed, of
18 at least thirty (30) hours of continuing education courses, clinics, lectures, training programs,
19 seminars, or other programs related to clinical laboratory practice which are approved or accepted
20 by the division ~~board~~; or proof of re-certification by a national certification organization that
21 mandates an annual minimum of fifteen (15) hours of continuing education, such as the National
22 Certification Agency for Medical Laboratory Personnel.

23 (c) The division ~~board~~ may recommend any other evidence of competency it shall deem
24 reasonably appropriate as a prerequisite to the renewal of any license provided for by this chapter,
25 as long as these requirements are uniform as to application, are reasonably related to the
26 measurement of qualification, performance, or competence, and are desirable and necessary for
27 the protection of the public health.

28 **23-16.3-12 Disciplinary requirements.** – The division ~~board~~ may recommend to the
29 director of health issuance, renewal, or revocation of a license, or suspension, placement on
30 probation, censure, or reprimand of a licensee, or any other disciplinary action that the board may
31 deem appropriate, including the imposition of a civil penalty, for conduct that may result from,
32 but not necessarily be limited to:

33 (1) A material misstatement in furnishing information to the department of health;

34 (2) A violation or negligent or intentional disregard of this chapter, or of the rules or

1 regulations promulgated under this chapter;

2 (3) A conviction of any crime under the laws of the United States or any state or territory
3 of the United States which is a felony or which is a misdemeanor, an essential element of which
4 is dishonesty, or of any crime which is directly related to the practice of the profession;

5 (4) Making any misrepresentation for the purpose of obtaining registration or violating
6 any provision of this chapter;

7 (5) Violating any standard of professional conduct adopted by the [department board](#);

8 (6) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to
9 deceive, defraud, or harm the public;

10 (7) Providing professional services while mentally incompetent, under the influence of
11 alcohol or narcotic or controlled dangerous substance that is in excess of therapeutic amounts or
12 without valid medical indication;

13 (8) Directly or indirectly contracting to perform clinical laboratory tests in a manner
14 which offers or implies an offer of rebate, fee-splitting inducements or arrangements, or other
15 unlawful remuneration; or

16 (9) Aiding or assisting another person in violating any provision of this chapter or any
17 rule adopted under this chapter.

18 **23-16.3-13 Hearing requirements – Procedure.** – (a) The proceedings for the
19 revocation, suspension or limiting of any license may be initiated by any person, corporation,
20 association, or public officer or by the [division board](#) by the filing of written charges, but no
21 license shall be revoked, suspended, or limited without a hearing before the board within sixty
22 (60) days after the filing of written charges in accordance with the procedures established by the
23 board. A license may be temporarily suspended without a hearing for the period not to exceed
24 thirty (30) days upon notice to the licensee following a finding by the [division board](#) that there
25 exists a significant threat to the public health and approved by the director. [In the event of a
26 temporary suspension the board will hear the matter within thirty \(30\) days and take appropriate
27 action as necessary.](#)

28 SECTION 44. Sections 23-16.3-6 and 23-16.3-7 of the General Laws in Chapter 23-16.3
29 entitled “Clinical Laboratory Science Practice” are hereby repealed.

30 ~~§ 23-16.3-6 Administration.—(a) There is created within the division of professional
31 regulation of the department of health a clinical laboratory advisory board which shall consist of
32 seven (7) persons who have been residents of the state for at least two (2) years prior to their
33 appointment, and who are actively engaged in their areas of practice. The director of the
34 department of health, with the approval of the governor, shall make appointments to the board~~

1 ~~from lists submitted by organizations of clinical laboratory science practitioners and~~
2 ~~organizations of physicians and pathologists.~~

3 ~~(b) The board shall be composed of:~~

4 ~~(1) One physician certified by the American Board of Pathology or American Board of~~
5 ~~Osteopathic Pathology;~~

6 ~~(2) One physician who is not a laboratory director and is not a pathologist;~~

7 ~~(3) Four (4) clinical laboratory science practitioners, at least one of whom is a non-~~
8 ~~physician laboratory director, one of whom is a clinical laboratory scientist (technologist), and~~
9 ~~one of whom is a clinical laboratory technician, and who, except for the initial appointments, hold~~
10 ~~active and valid licenses as clinical laboratory science practitioners in this state and one of whom~~
11 ~~is a clinical laboratory science practitioner not falling in one of the first three (3) categories; and~~

12 ~~(4) One public member who is not associated with or financially interested in the practice~~
13 ~~of clinical laboratory science.~~

14 ~~(c) Board members shall serve for a term of three (3) years, and until their successors are~~
15 ~~appointed and qualified, except that the initial appointments, which shall be made within sixty~~
16 ~~(60) days after July 1, 1992, shall be as follows:~~

17 ~~(1) One pathologist, one non-physician laboratory director, and one clinical laboratory~~
18 ~~scientist, shall be appointed to serve for three (3) years;~~

19 ~~(2) One public representative and one non-pathologist physician, shall be appointed to~~
20 ~~serve for two (2) years; and~~

21 ~~(3) The remaining members shall be appointed to serve for one year.~~

22 ~~(d) The membership of the board shall receive no compensation for their services.~~

23 ~~(e) Whenever a vacancy shall occur on the board by reason other than the expiration of a~~
24 ~~term of office, the director of the department of health with the approval of the governor shall~~
25 ~~appoint a successor of like qualifications for the remainder of the unexpired term. No person shall~~
26 ~~be appointed to serve more than two (2) successive three (3) year terms.~~

27 ~~§ 23-16.3-7 Duties and powers of the clinical laboratory advisory board. — In~~
28 ~~addition to any other power conferred upon the board pursuant to this chapter, the board shall~~
29 ~~recommend to the director:~~

30 ~~(1) Rules and regulations for the implementation of this chapter including, but not limited~~
31 ~~to, regulations that delineate qualifications for licensure of clinical laboratory science~~
32 ~~practitioners as defined in this chapter, specify requirements for the renewal of licensure,~~
33 ~~establish standards of professional conduct, and recommend on the amendment or on the repeal~~
34 ~~of the rules and regulations. Following their adoption, the rules and regulations shall govern and~~

1 ~~control the professional conduct of every person who holds a license to perform clinical~~
2 ~~laboratory tests or otherwise engages in the profession of clinical laboratory science;~~

3 ~~(2) Standard written, oral, or practical examinations for purposes of licensure of clinical~~
4 ~~laboratory science practitioners as provided for in § 23-16.3-5;~~

5 ~~(3) Rules and regulations governing qualifications for licensure of specialists in those~~
6 ~~clinical laboratory science specialties that the board may determine in accordance with § 23-16.3-~~
7 ~~8(e);~~

8 ~~(4) Rules and regulations governing personnel performing tests in limited-function~~
9 ~~laboratories;~~

10 ~~(5) A schedule of fees for applications and renewals;~~

11 ~~(6) Establish criteria for the continuing education of clinical laboratory science~~
12 ~~practitioners as required for license renewal;~~

13 ~~(7) Any other rules and regulations necessary to implement and further the purpose of~~
14 ~~this chapter.~~

15 SECTION 45. Sections 23-17.4-21.1 and 23-17.4-21.3 of the General Laws in Chapter
16 23-17.4 entitled "Assisted Living Residence Licensing Act" are hereby repealed.

17 ~~§ 23-17.4-21.1 Assisted living administrator certification board. (a) Within the~~
18 ~~department there is established an assisted living administrator certification board to be appointed~~
19 ~~by the director of health with the approval of the governor consisting of seven (7) members as~~
20 ~~follows: two (2) members of the board are persons with at least five (5) years experience in~~
21 ~~operating an assisted living residence; one member of the board is an active assisted living~~
22 ~~administrator who is not an assisted living owner; two (2) members are persons representing~~
23 ~~assisted living consumers or family members; and two (2) members are representatives of the~~
24 ~~assisted living industry or are assisted living employees.~~

25 ~~(b) Members shall be appointed to three (3) year terms. No member shall serve for more~~
26 ~~than two (2) terms. The director, with the approval of the governor, shall appoint all vacancies, as~~
27 ~~they occur for the remainder of a term or until a successor is appointed.~~

28 ~~(c) The director may remove, after a hearing and with the approval of the governor, any~~
29 ~~member of the board for neglect of any duty required by law or for any incompetency,~~
30 ~~unprofessional or dishonorable conduct. Before beginning a term, a member shall take an oath~~
31 ~~prescribed by law for state officers, a record of which shall be filed with the secretary of state.~~

32 ~~(d) The director shall appoint a chairperson.~~

33 ~~(e) Four (4) members of the board shall constitute a quorum.~~

34 ~~(f) The board shall serve without compensation.~~

1 ~~(g) Meetings of the board shall be called by the director or the director's designee, or a~~
2 ~~majority of the board members.~~

3 ~~(h) The director shall provide for a staff person of the department to serve as an~~
4 ~~administrative agent for the board.~~

5 ~~§ 23-17.4-21.3 Functions of assisted living certification board.~~—It is the function of
6 ~~the board to:~~

7 ~~(1) Conduct examinations as required by the department and to act in an advisory~~
8 ~~capacity to the department in all matters pertaining to the certification of assisted living~~
9 ~~administrators;~~

10 ~~(2) Develop and apply appropriate techniques, including examinations and investigations,~~
11 ~~for determining whether an individual meets those standards, subject to the approval of the~~
12 ~~director;~~

13 ~~(3) Recommend to the department the issuance of licenses and registrations to individuals~~
14 ~~determined, after application of those techniques, to meet those standards; and to recommend to~~
15 ~~the director the revocation or suspension of licenses or registrations previously issued in any case~~
16 ~~where the individual holding that license or registration is determined substantially to have failed~~
17 ~~to conform to the requirements of those standards; and~~

18 ~~(4) Adopt, with the approval of the director of health, rules and regulations governing a~~
19 ~~mandatory program of continuing education for assisted living administrators.~~

20 SECTION 46. Sections 23-20.8-1, 23-20.8-3, 23-20.8-5 and 23-20.8-6 of the General
21 Laws in Chapter 23-20 entitled "Licensing of Massage Therapists" are hereby amended to read as
22 follows:

23 **23-20.8-1 Definitions.**— As used in this chapter:

24 (1) "Massage therapist" means a person engaged in the practice of massage and is
25 licensed in accordance with this chapter of the general laws of the state of Rhode Island.

26 (2) "Practice of massage" means the manual manipulation of the soft tissues of the human
27 body through the systematic application of massage techniques including: effleurage, petrissage,
28 compression, friction, vibration, percussion, pressure, positional holding, movement, range of
29 motion for purposes of demonstrating muscle excursion or muscle flexibility and nonspecific
30 stretching. The term massage includes the external application of lubricants or other topical
31 preparations such as water, heat and cold via the use of the hand, foot, arm or elbow with or
32 without the aid of massage devices for the purpose of aiding muscle relaxation, reducing stress,
33 improving circulation increasing range of motion, relieving muscular pain and the overall
34 enhancement of health. Massage shall not include the touch of genitalia, diagnosis of illness or

1 disease, the prescribing of drugs, medicines or exercise, high-velocity thrust applied to the joints
2 or spine, electrical stimulation, application of ultrasound or any services or procedures for which
3 a license to practice medicine, chiropractic, occupational therapy, physical therapy or podiatry as
4 required by law.

5 (3) "Board" means the [health professions board of review established in accordance with](#)
6 [§ 5-26.1-3.](#) ~~Rhode Island State Board of Licensed Massage Therapists as established within this~~
7 ~~chapter.~~

8 (4) "Division" means [the division of professional regulation and licensing within the](#)
9 [department of health.](#)

10 **23-20.8-3 Practice of massage – Licensed required – Use of title limited –**
11 **Qualifications for licenses continuing education – Fees.** – (a) A person shall not practice or
12 hold himself or herself out to others as practicing massage therapy, or as a massage therapist
13 without first receiving from the division ~~board~~ a license to engage in that practice.

14 (b) A person shall hold himself or herself out to others as a massage therapist when the
15 person adopts or uses any title or description including "massage therapist," "masseur,"
16 "masseuse," "massagist," "massotherapist," "myotherapist," "body therapist," "massage
17 technician," "massage practitioner," or any derivation of those terms that implies this practice.

18 (c) It shall be unlawful to advertise the practice of massage using the term massage or any
19 other term that implies a massage technique or method in any public or private publication or
20 communication by a person not licensed by the state of Rhode Island department of health as a
21 massage therapist. Any person who holds a license to practice as a massage therapist in this state
22 may use the title "licensed massage therapist" and the abbreviation "LMT." No other persons may
23 assume such title or use such abbreviation or any other word, letters, signs, or figures to indicate
24 that the person using the title is a licensed massage therapist. A massage therapist's name and
25 license number must conspicuously appear on all of the massage therapist's advertisements. A
26 massage therapist licensed under this chapter must conspicuously display his or her license in his
27 or her principal place of business. If the massage therapists does not have a principal place of
28 business or conducts business in any other location, he or she must have a copy of his or her
29 license available for inspection while performing any activities related to massage therapy.

30 (d)(1) The [division](#) ~~board~~ shall, by rule, establish requirements for continued education.
31 The [division](#) ~~board~~ may establish such requirements to be completed and verified biennially or
32 annually. The board shall require no more than twelve (12) hours biennially or six (6) hours
33 annually.

34 (2) Applicants for biennial licensure renewal shall meet continuing education

1 requirements as prescribed by the division ~~board~~. On application for renewal of license, massage
2 therapists shall attest to completion of six (6) hours annually in scope of practice-specific
3 offerings that may include, but not be limited to:

4 (i) Formal presentations;

5 (ii) Conferences;

6 (iii) Coursework from a regionally accredited college/university; and/or

7 (iv) Self-study course, such as online courses awarding one education hour for each hour
8 completed.

9 Such programs or offerings shall be approved or sponsored by a division ~~board~~-approved
10 organization. The board shall require no more than two (2) hours of ethics or standards of practice
11 biennially.

12 (3) A licensee who fails to complete the continuing education requirements described
13 herein may be subject to disciplinary action pursuant to § 5-40-13 of this chapter.

14 (4) A license may be denied to any applicant who fails to provide satisfactory evidence of
15 completion of continuing education relevant to massage therapy as required herein.

16 (5) The division ~~board~~ may waive the requirement for these educational requirements if
17 the board is satisfied that the applicant has suffered hardship, which may have prevented meeting
18 the educational requirements.

19 (e) The fee for original application for licensure as a massage therapist and for annual
20 license renewal shall be as set forth in § 23-1-54. Fees for all other licenses under this chapter
21 shall be fixed in an amount necessary to cover the cost of administering this chapter.

22 (f) Any person applying for a license under this chapter shall undergo a criminal
23 background check. Such persons shall apply to the bureau of criminal identification of the state
24 police or local police department for a nationwide criminal records check. Fingerprinting shall be
25 required. Upon the discovery of any disqualifying information as defined in subsection (g), the
26 bureau of criminal identification of the state police or the local police department shall inform the
27 applicant, in writing, of the nature of the disqualifying information and, without disclosing the
28 nature of the disqualifying information, shall notify the board, in writing, that disqualifying
29 information has been found. In those situations in which no disqualifying information has been
30 found, the bureau of criminal identification shall inform the applicant and the board in writing of
31 this fact. An applicant against whom disqualifying information has been found may request that a
32 copy of the criminal background report be sent to the division ~~board~~, which shall make a
33 judgment regarding the licensure of the applicant. The applicant shall be responsible for payment
34 of the costs of the criminal records check.

1 (g) "Disqualifying information" means those offenses, including, but not limited to, those
2 offenses defined in sections 11-37, 11-37-8.1, 11-37-8.3, 23-17-37, 11-34 and 11-34.1.

3 **23-20.8-5 Application for license – Issuance or denial of license – Minimum**
4 **qualifications.** – (a) Every person desiring to begin the practice of massage therapy, except
5 exempt persons as provided in this chapter, shall present satisfactory evidence to the division of
6 professional regulation of the department of health, verified by oath, that he or she is:

7 (1) Over eighteen (18) years of age;

8 (2) Of good moral character (via background check in accordance with § 23-20.8-3);

9 (3) Has successfully completed an educational program, meeting minimum requirements
10 established by the [division board](#), including at least five hundred (500) hours of in-class, hands-on
11 and supervised coursework and clinical work; and

12 (4) Has successfully completed an examination approved by the [division board](#). Any
13 examination approved by the [division board](#) must meet generally recognized standards including
14 development through the use of a job-task analysis and must meet appropriate psychometric
15 standards.

16 (b) The department may grant a license to any applicant satisfying the requirements of
17 subdivisions 23-20.8-5(a)(1) and (2), has completed all appropriate forms, paid all appropriate
18 fees and has met substantially equivalent standards in obtaining a valid license, permit, certificate
19 or registration issued by any other state or territory of the United States or by a foreign country.

20 (c) The department shall, within sixty (60) days from the time any application for a
21 license is received, grant the applications and issue a license to practice massage for a year from
22 that date if the department is satisfied that the applicant complies with the rules and regulations
23 promulgated in accordance with this chapter. An applicant, whose criminal records check reveals
24 a conviction for any sexual offense, including, but not limited to, those offenses defined in
25 chapters 34 and 37 of title 11, shall be denied a license under this chapter.

26 (d) The fee for original application for licensure as a massage therapist and the fee for
27 annual license renewal shall be determined by the [division board](#) and shall not exceed one
28 hundred dollars (\$100).

29 **23-20.8-6 Suspension and revocation of licenses.** – Whenever the [division board](#), ~~or~~
30 ~~board designee~~ has reason to believe or that any person licensed under this chapter to practice
31 massage therapy has been convicted of any sexual offense, or that any person is practicing
32 massage in violation of this chapter or regulations promulgated under this chapter, the [division](#)
33 ~~board, or board designee~~, may, pending an investigation and hearing [by the board in accordance](#)
34 [with § 5-26.1-5](#), suspend for a period not exceeding ninety (90) days any license issued under

1 authority of this chapter and may, after due notice and hearing, revoke the license if he or she
2 finds that the person practicing massage is in violation of those rules and regulations or any
3 provision of this chapter. The holder of a license shall upon its revocation promptly surrender it to
4 the division, ~~board, or board designee.~~

5 SECTION 47. Sections 23-20.8-2.1 and 23-20.8-4 of the General Laws in Chapter 23-
6 20.8 entitled "Licensing of Massage Therapists" are hereby repealed.

7 ~~§ 23-20.8-2.1 Board of massage therapists. — (a) Within the division of professional
8 regulation of the department of health, there shall be a state board of massage therapy examiners
9 to be appointed by the director of the department of health with the approval of the governor. The
10 board shall consist of seven (7) members who reside in the state of Rhode Island, four (4) of
11 whom shall be licensed pursuant to this chapter and one of whom shall be a member of the
12 general public, and who does not have financial interest in the profession, or is married to
13 someone in the profession. At no time shall more than one board member be an owner of, an
14 instructor of, or otherwise affiliated with a board approved massage therapy school or course of
15 instruction. The four (4) members who are licensed pursuant to this chapter shall represent both
16 solo practitioners as well as members of a group practice.~~

17 ~~(b) The initial board shall be appointed for staggered terms, the longest of which shall not
18 exceed three (3) years. After the initial appointments, all terms shall be for two (2) years and a
19 member may be reappointed for a second (2nd) term. No member shall serve more than three (3)
20 consecutive terms. Upon the death, resignation or removal of any member, the director of the
21 department of health, with the approval of the governor, shall appoint to fill vacancies, as they
22 occur, a qualified person to serve on the board for the remainder of his or her term or until his or
23 her successor is appointed and qualified.~~

24 ~~(c) The board shall meet at least quarterly thereafter, shall hold a meeting and elect a
25 chairman. The board may hold additional meetings at the call of the chair or at the written request
26 of any three (3) members of the board. The board may appoint such committees as it considers
27 necessary to carry out its duties. A majority of the sitting members of the board shall constitute a
28 quorum.~~

29 ~~(d) The director of the department of health may remove any member of the board for the
30 neglect of any duty required by law or for any incompetent, unprofessional, or dishonorable
31 conduct. Before beginning his or her term of office, each member shall take the oath prescribed
32 by law, a record of which shall be filed with the secretary of state.~~

33 ~~§ 23-20.8-4 Establishment — Board of massage therapists — Powers and duties. —
34 Subject to the provisions of this chapter, the board shall have the following powers and duties:~~

1 ~~(1) Adopt rules and regulations governing the licensure of massage therapists in a manner~~
2 ~~consistent with the provisions of this chapter and in accordance with the procedures outlined in~~
3 ~~the Administrative Procedures Act;~~

4 ~~(2) Establish standards of professional and ethical conduct;~~

5 ~~(3) Adopt rules that endorse equivalent licensure examinations of another state or~~
6 ~~territory of the United States, the District of Columbia, or a foreign country and that may include~~
7 ~~licensure by reciprocity; hold hearing, as necessary, in accordance with the Administrative~~
8 ~~Procedures Act.~~

9 ~~(4) Maintain a complete record of all licensed massage therapists, ensure licensee~~
10 ~~compliance with all established requirements. The board will make an annual report to the~~
11 ~~governor which shall contain duties performed, actions taken and appropriate recommendations.~~
12 ~~Consult and advise other regulatory entities as necessary regarding issues pertaining to massage~~
13 ~~therapy practice, education and/or issues related to the regulation of massage therapists.~~

14 SECTION 48. Sections 23-39-2, 23-39-7, 23-39-9, 23-39-11, and 23-39-12 of the
15 General Laws in Chapter 23-39 entitled "Respiratory Care Act" are hereby amended to read as
16 follows:

17 **23-39-2 Definitions.** – As used in this chapter:

18 (1) "Board" means the [health professions board of review established in accordance with](#)
19 [§ 5-26.1-3; ~~administrative board of respiratory care;~~](#)

20 (2) "Department" means the Rhode Island department of health;

21 (3) "Director" means the director of the Rhode Island health department;

22 (4) "Division" means the division of professional regulation [and licensing within the](#)
23 [department;](#)

24 (5) "Respiratory care" (including respiratory therapy and inhalation therapy) means a
25 health professional, under qualified medical direction, employed in the therapy, management,
26 rehabilitation, diagnostic evaluation, and care of patients with deficiencies and abnormalities
27 which affect the cardiopulmonary system and associated aspects of other system function;

28 (6) "Respiratory care practitioner" means a person who is licensed to practice respiratory
29 care in Rhode Island. The respiratory care practitioner may transcribe and implement a
30 physician's written and verbal orders pertaining to the practice of respiratory care as defined in
31 this chapter; and

32 (7) "Respiratory care training program" means a program accredited or recognized by the
33 commission on accreditation of allied health education programs in collaboration with the
34 committee on accreditation for respiratory care or any other accrediting agency that may be

1 approved by the ~~division board~~.

2 **23-39-7 Licensing by training and examination.** – (a) Any person desiring to become
3 licensed as a respiratory care practitioner shall make application to the ~~division board~~ on a written
4 form in the manner that the ~~division board~~ prescribes, pay all required application fees, and
5 certify and furnish evidence to the ~~division board~~ that the applicant:

6 (1) Has successfully completed a training program as defined in this chapter;

7 (2) Has passed the examination approved by the ~~division board~~, as specified by rules and
8 regulations of the department, for respiratory care practitioners administered by a nationally
9 recognized organization for respiratory care; and

10 (3) Is of good moral character.

11 (b) Respiratory care providers who are licensed or otherwise regulated to practice under
12 laws of another state or territory or the District of Columbia may, upon receiving an authorization
13 from the division, perform as a respiratory care practitioner under the supervision of a qualified
14 and licensed respiratory care practitioner. If the applicant fails to receive licensure when the
15 ~~division board~~ reviews the application, all mentioned privileges shall automatically cease.

16 **23-39-9 Other licensing provisions.** – (a)(1) Graduate Practice. Every graduate of a
17 ~~division board~~ approved respiratory care school who has filed a respiratory care practitioner
18 application may, upon receiving a receipt from the division ~~of professional regulation~~, perform as
19 a respiratory care practitioner under the supervision of a respiratory care practitioner licensed in
20 this state.

21 (2) During this period the applicant shall identify himself or herself only as a "graduate
22 respiratory care practitioner."

23 (3) If the applicant shall fail to take the examination within ninety (90) days from
24 effective date of graduate status, without due cause or fail to pass the examination and receive a
25 license, all privileges described in subsection (a)(1) shall automatically cease.

26 (b) Unless licensed as a respiratory care practitioner under the respiratory care act, no
27 person shall use any title or abbreviation to indicate that the person is a licensed respiratory care
28 practitioner.

29 (c) Verification of a valid license issued pursuant to this chapter shall be available at the
30 respiratory care practitioner's place of employment.

31 (d) Licenses, including initial licenses, shall be issued for a period of two (2) years.

32 (e) License renewal dates will be set by the division.

33 (f) Applicants and biennial licensure shall meet the continuing education requirements as
34 prescribed by the director of health.

1 **23-39-11 Fees.** – (a) The director, ~~in consultation with the board~~, shall establish a
2 schedule of reasonable fees for licenses, and for renewal of licenses for respiratory care
3 practitioners.

4 (b) The initial application fee shall be as set forth in § 23-1-54.

5 (c) A biennial license renewal fee shall be established in an amount as set forth in § 23-1-
6 54.

7 **23-39-12 Denial, suspension, revocation, and reinstatement of licenses.** – (a) The
8 ~~division board~~ may refuse to issue or may suspend or revoke any license in accordance with the
9 procedures set forth in the Administrative Procedures Act, chapter 35 of title 42, for any of the
10 following causes:

11 (1) Fraud in the procurement of any license under this chapter;

12 (2) Imposition of any disciplinary action upon a person by any agency of another state
13 which regulates respiratory care but not to exceed the period or extent of that action;

14 (3) Conviction of a crime which substantially relates to the qualifications, functions or
15 duties of a respiratory care practitioner. The record of conviction or a certified copy thereof shall
16 be conclusive evidence of the conviction;

17 (4) Impersonating or acting as a proxy for an applicant in any examination given under
18 this chapter;

19 (5) Habitual or excessive use of intoxicants or drugs;

20 (6) Gross negligence in his or her practice as a respiratory care practitioner;

21 (7) Violating any of the provisions of this chapter or any rules or regulations duly
22 adopted under this chapter or aiding or abetting any person to violate the provisions of or any
23 rules or regulations adopted under this chapter;

24 (8) Engaging in acts of unprofessional conduct as defined by rule and regulation; or

25 (9) (a) Committing any fraudulent, dishonest or corrupt act which is substantially related
26 to the qualifications, functions, or duties of a respiratory care practitioner.

27 (b) The proceedings for the denial, revocation, suspension or limiting of any license may
28 be initiated by any person, corporation, association, or public officer or by the division board by
29 the filing of written charges, but no license shall be revoked, suspended, or limited without a
30 hearing before the board within sixty (60) days after the filing of written charges in accordance
31 with the procedures established by the board. A license may be temporarily suspended without a
32 hearing for the period not to exceed thirty (30) days upon notice to the licensee following a
33 finding by the division that there exists a significant threat to the public health and approved by
34 the director. In the event of a temporary suspension, the board shall hear the matter within 30

1 [days and may take appropriate action as necessary.](#)

2 SECTION 49. Sections 23-39-5 and 23-39-6 of the General Laws in Chapter 23-39
3 entitled "Respiratory Care Act" are hereby repealed.

4 ~~23-39-5 Board created.~~—(a) ~~Within the division of professional regulation of the health~~
5 ~~department shall be a board of respiratory care consisting of five (5) members as follows:~~

6 ~~(1) One physician licensed in the state who is knowledgeable in respiratory care;~~

7 ~~(2) Three (3) licensed respiratory care practitioners;~~

8 ~~(3) One public member who is a resident of Rhode Island. The public member shall not~~
9 ~~have been licensed as a respiratory care practitioner nor shall he or she have any financial~~
10 ~~interest, direct or indirect, in the occupation regulated.~~

11 ~~(b) The director of the department of health, with the approval of the governor, within~~
12 ~~sixty (60) days following November 1, 1986, shall appoint one board member for a term of one~~
13 ~~year; two (2) for a term of two (2) years; and two (2) for a term of three (3) years. Appointments~~
14 ~~made thereafter shall be for three year terms but no person shall be appointed to serve more than~~
15 ~~two (2) consecutive terms.~~

16 ~~(c) The director, in his or her initial appointment, shall appoint as the respiratory care~~
17 ~~practitioner one of the members of the board or a person currently practicing as respiratory care~~
18 ~~practitioners in Rhode Island.~~

19 ~~(d) The board shall meet during the first month of each calendar year to select a~~
20 ~~chairperson and for other purposes. At least one additional meeting shall be held before the end of~~
21 ~~each calendar year. Other meetings may be convened at the call of the chairperson, the~~
22 ~~administrator of professional regulation, or upon the written request of any two (2) board~~
23 ~~members.~~

24 ~~(e) In the event of a vacancy in one of the positions, the director of the department of~~
25 ~~health, with the approval of the governor, may appoint a person who shall fill the unexpired term.~~

26 ~~§ 23-39-6 Board duties.~~—The duties of the board shall be as follows:

27 ~~(1) To evaluate the qualifications of applicants and review the required examination~~
28 ~~results administered by a testing agency approved by the board;~~

29 ~~(2) To recommend issue of licenses to applicants who meet the requirements of this~~
30 ~~chapter;~~

31 ~~(3) To administer, coordinate, and enforce the provision of this chapter and investigate~~
32 ~~persons engaging in practices which may violate the provisions of this chapter;~~

33 ~~(4) To deny, or revoke licenses to practice respiratory care as provided in this chapter;~~

34 ~~(5) To annually review the exam accepted by the board; and~~

1 ~~(6) To recommend to the director adoption of rules and regulations.~~

2 SECTION 50. This article shall take effect upon passage.

3 **ARTICLE 20**

4 **RELATING TO PROFESSIONAL LICENSES**

5 SECTION 1. Section 3-7-25 of the General Laws in Chapter 3-7 entitled "Retail
6 Licenses" is hereby amended to read as follows:

7 **3-7-25. Sanitary conditions for dispensing of malt beverages or wine.** -- (a) Beer or
8 wine pipe lines, faucets and barrel-tapping devices used for the dispensing of malt beverages or
9 wine in places where the dispensing is carried on by licensees under this chapter shall be cleaned
10 at least once every four (4) weeks by the use of a hydraulic pressure mechanism, hand-pump
11 suction or a force cleaner or other system approved by the department or shall be permanently
12 kept clean by a device approved by the department. After cleaning, the lines shall be rinsed with
13 clear water until all chemicals, if any have been used, are removed. The cleaning equipment must
14 be operated in conformance with the manufacturer's recommendations.

15 (b) A record, the form of which shall be approved by the department, shall be used to
16 record the dates and the methods used in cleaning of beer or wine pipe lines, coils, tubes and
17 appurtenances. This record shall be signed by the person who performs the cleaning operation
18 and countersigned by the licensee. The records shall be kept on the licensed premises for a period
19 of one year from the date of the last entry and made available at all times for inspection by health
20 enforcement and law enforcement officers.

21 ~~(c) Line cleaners may be certified by the department and the department shall issue a
22 license and charge a fee not to exceed fifty dollars (\$50.00) for each license.~~

23 SECTION 2. Sections 5-10-1 and 5-10-9 of the General Laws in Chapter 5-10 entitled
24 "Barbers, Hairdressers, Cosmeticians, Manicurists" are hereby amended to read as follows:

25 **5-10-1. Definitions.** -- The following words and phrases, when used in this chapter, are
26 construed as follows:

27 ~~(1) "Apprentice barber" means an employee whose principal occupation is service with a
28 barber or hairdresser who has held a current license as a barber or hairdresser for at least three (3)
29 years with a view to learning the art of barbering, as defined in subdivision (15) of this section.~~

30 (12) "Barber" means any person who shaves or trims the beard, waves, dresses, singses,
31 shampoos, or dyes the hair or applies hair tonics, cosmetic preparations, antiseptics, powders, oil
32 clays, or lotions to scalp, face, or neck of any person; or cuts the hair of any person, gives facial
33 and scalp massages, or treatments with oils, creams, lotions, or other preparations.

34 (23) "Board" means the state board of barbering and hairdressing as provided for in this

1 chapter.

2 (34) "Department" means the Rhode Island department of health.

3 (45) "Division" means the division of professional regulation within the department of
4 health.

5 (56) "Esthetician" means a person who engages in the practice of esthetics, and is
6 licensed as an esthetician.

7 (67) "Esthetician shop" means a shop licensed under this chapter to do esthetics of any
8 person.

9 (78) "Esthetics" means the practice of cleansing, stimulating, manipulating, and
10 beautifying skin, including, but not limited to, the treatment of such skin problems as
11 dehydration, temporary capillary dilation, excessive oiliness, and clogged pores.

12 (89) "Hair design shop" means a shop licensed under this chapter to do barbering or
13 hairdressing/cosmetology, or both, to any person.

14 (910) "Hairdresser and cosmetician" means any person who arranges, dresses, curls, cuts,
15 waves, singes, bleaches, or colors the hair or treats the scalp, or manicures the nails of any person
16 either with or without compensation or who, by the use of the hands or appliances, or of cosmetic
17 preparations, antiseptics, tonics, lotions, creams, powders, oils or clays, engages, with or without
18 compensation, in massaging, cleansing, stimulating, manipulating, exercising, or beautifying or in
19 doing similar work upon the neck, face, or arms or who removes superfluous hair from the body
20 of any person.

21 ~~(11) "Instructor" means any person licensed as an instructor under the provisions of this~~
22 ~~chapter.~~

23 (1012) "Manicuring shop" means a shop licensed under this chapter to do manicuring
24 only on the nails of any person.

25 (1113) "Manicurist" means any person who engages in manicuring for compensation and
26 is duly licensed as a manicurist.

27 (1214) "School" means a school approved under chapter 40 of title 16, as amended,
28 devoted to the instruction in and study of the theory and practice of barbering, hairdressing and
29 cosmetic therapy, esthetics and/or manicuring.

30 (1315) "The practice of barbering" means the engaging by any licensed barber in all or
31 any combination of the following practices: shaving or trimming the beard or cutting the hair;
32 giving facial and scalp massages or treatments with oils, creams, lotions, or other preparations
33 either by hand or mechanical appliances; singeing, shampooing, arranging, dressing, curling,
34 waving, chemical waving, hair relaxing, or dyeing the hair or applying hair tonics; or applying

1 cosmetic preparations, antiseptics, powders, oils, clays or lotions to scalp, face, or neck.

2 (1416) "The practice of hairdressing and cosmetic therapy" means the engaging by any
3 licensed hairdresser and cosmetician in any one or more of the following practices: the
4 application of the hands or of mechanical or electrical apparatus, with or without cosmetic
5 preparations, tonics, lotions, creams, antiseptics, or clays, to massage, cleanse, stimulate,
6 manipulate, exercise, or otherwise to improve or to beautify the scalp, face, neck, shoulders,
7 arms, bust, or upper part of the body or the manicuring of the nails of any person; or the removing
8 of superfluous hair from the body of any person; or the arranging, dressing, curling, waving,
9 weaving, cleansing, cutting, singeing, bleaching, coloring, or similarly treating the hair of any
10 person.

11 (1517) "The practice of manicuring" means the cutting, trimming, polishing, tinting,
12 coloring, or cleansing the nails of any person.

13 **5-10-9. Classes of licenses.** -- Licenses shall be divided into the following classes and
14 shall be issued by the division to applicants for the licenses who have qualified for each class of
15 license:

16 (1) A "hairdresser's and cosmetician's license" shall be issued by the division to every
17 applicant for the license who meets the requirements of § 5-10-8 and has completed a course of
18 instruction in hairdressing and cosmetology consisting of not less than fifteen hundred (1,500)
19 hours of continuous study and practice.

20 ~~(2) An "instructor's license" shall be granted by the division to any applicant for the~~
21 ~~license who has held a licensed hairdresser's and cosmetician's license, a barber's license, a~~
22 ~~manicurist's license, or an esthetician's license issued under the laws of this state or another state,~~
23 ~~for at least the three (3) years preceding the date of application for an instructor's license and:~~

24 ~~(i) Meets the requirements of § 5-10-8;~~

25 ~~(ii) Has satisfactorily completed three hundred (300) hours of instruction in hairdressing~~
26 ~~and cosmetology, barber, manicurist, or esthetician teacher training approved by the division as~~
27 ~~prescribed by regulation;~~

28 ~~(iii) Has satisfactorily passed a written and a practical examination approved by the~~
29 ~~division to determine the fitness of the applicant to receive an instructor's license;~~

30 ~~(iv) Has complied with § 5-10-10; and~~

31 ~~(v) Has complied with any other qualifications that the division prescribes by regulation.~~

32 (23) A "manicurist license" shall be granted to any applicant for the license who meets
33 the following qualifications:

34 (i) Meets the requirements of § 5-10-8; and

1 (ii) Has completed a course of instruction consisting of not less than three hundred (300)
2 hours of professional training in manicuring, in an approved school.

3 (34) An "esthetician license" shall be granted to any applicant for the license who meets
4 the following qualifications:

5 (i) Meets the requirements of § 5-10-8;

6 (ii) Has completed a course of instruction in esthetics consisting of not less than six
7 hundred (600) hours of continuous study and practice over a period of not less than four (4)
8 months in an approved school of hairdressing and cosmetology; and

9 (iii) Any applicant who holds a diploma or certificate from a skin care school that is
10 recognized as a skin care school by the state or nation in which it is located, and meets the
11 requirements of paragraph (i) of this subdivision, shall be granted a license to practice esthetics;
12 provided, that the skin care school has a requirement that in order to graduate from the school a
13 student must have completed a number of hours of instruction in the practice of skin care, which
14 number is at least equal to the number of hours of instruction required by the division.

15 (45) A "barber" license shall be issued by the division to every applicant for the license
16 who meets the requirements of § 5-10-8 and:

17 (i) Has completed a course of instruction in barbering consisting of not less than one
18 thousand five hundred (1,500) hours of continuous study and practice in an approved school;

19 (ii) ~~Has possessed for at least two (2) years prior to the filing of the application a~~
20 ~~certificate of registration in full force and effect from the department of health of the state~~
21 ~~specifying that person as a registered apprentice barber, and the application of that applicant is~~
22 ~~accompanied by a~~ An affidavit or affidavits of his or her employer or former employers or other
23 reasonably satisfactory evidence showing that the applicant has been actually engaged in
24 barbering as an apprentice barber in the state during those two (2) years; or

25 (iii) A combination of barber school training and apprenticeship training as determined
26 by the rules and regulations prescribed by the division.

27 SECTION 3. Section 5-10-13 of the General Laws in Chapter 5-10 entitled "Barbers,
28 Hairdressers, Cosmeticians, Manicurists" is hereby repealed.

29 ~~5-10-13. Demonstrator's permit.--- The division may in its discretion issue to any~~
30 ~~person recognized by the division as an authority on, or an expert in the theory or practice of,~~
31 ~~barbering, hairdressing, and cosmetic therapy and/or manicuring or esthetics and is the holder of a~~
32 ~~current esthetician's, manicurist's or a barber's, hairdresser's, and cosmetician's license in this~~
33 ~~state, another state or the District of Columbia, a demonstrator's permit for not more than six (6)~~
34 ~~days' duration for educational and instructive demonstrations; provided, that the permit shall not~~

1 ~~be used in the sense of a license to practice barbering, manicuring, esthetics or hairdressing and~~
2 ~~cosmetic therapy. The fee for the permit is as set forth in § 23-1-54.~~

3 SECTION 4. Section 5-32-4 of the General Laws in Chapter 5-37 entitled “Electrolysis”
4 is hereby amended to read as follows:

5 **5-32-4. Qualifications of applicants.** -- Licenses to engage in the practice of electrolysis
6 shall be issued to the applicants who comply with the following requirements:

7 (1) Are citizens or legal residents of the United States.

8 (2) Have attained the age of eighteen (18) years.

9 (3) Have graduated from a high school or whose education is the equivalent of a high
10 school education.

11 (4) Have satisfactorily completed a course of training and study in electrolysis, as
12 prescribed by rules and regulations promulgated by the department of health authorized by
13 section § 5-32-18 of this chapter. ~~as a registered apprentice under the supervision of a licensed~~
14 ~~Rhode Island electrologist who is qualified to teach electrolysis to apprentices as prescribed in §~~
15 ~~5-32-17 or has graduated from a school of electrolysis after having satisfactorily completed a~~
16 ~~program consisting of not less than six hundred fifty (650) hours of study and practice in the~~
17 ~~theory and practical application of electrolysis. That apprenticeship includes at least six hundred~~
18 ~~and fifty (650) hours of study and practice in the theory and practical application of electrolysis~~
19 ~~within a term of nine (9) months; provided, that the apprentice registers with the division of~~
20 ~~professional regulation of the department of health upon beginning his or her course of~~
21 ~~instruction, and the licensed person with whom he or she serves that apprenticeship keeps a~~
22 ~~record of the hours of that instruction, and upon the completion of that apprenticeship certifies~~
23 ~~that fact to the board of examiners in electrolysis.~~

24 (5) Is of good moral character.

25 (6) Passes an examination approved by the department of health.

26 SECTION 5. Sections 5-32-8 and 5-32-17 of the General Laws in Chapter 5-37 entitled
27 “Electrolysis” are hereby repealed.

28 ~~**5-32-8. Apprenticeship register.** -- The division of professional regulation of the~~
29 ~~department of health shall keep a register in which the names of all persons serving~~
30 ~~apprenticeships licensed under this chapter shall be recorded. This register is open to public~~
31 ~~inspection.~~

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

34 ~~(1) Have been actively engaged as a licensed practitioner of electrolysis for at least five~~

1 ~~(5) years.~~

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

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

5 ~~(b) Upon satisfactorily passing this examination, the division of professional regulation of~~
6 ~~the department of health shall issue a license to the person upon the payment of a fee as set forth~~
7 ~~in § 23-1-54.~~

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

10 SECTION 6. Chapter 5-32 of the General Laws entitled "Electrolysis" is hereby amended
11 by adding thereto the following section:

12 **5-32-18. Training and study.** -- The department of health may promulgate rules and
13 regulations applying to training and study in electrolysis.

14 SECTION 7. Sections 5-37.2-2, 5-37.2-14, and 5-37.2-15 of the General Laws in Chapter
15 5-37.2 entitled "The Healing Art of Acupuncture" are hereby amended to read as follows:

16 **5-37.2-2. Definitions.** -- Unless the context otherwise requires, the words, phrases, and
17 derivatives employed in this chapter have the meanings ascribed to them in this section:

18 (1) "Acupuncture" means the insertion of needles into the human body by piercing the
19 skin of the body, for the purpose of controlling and regulating the flow and balance of energy in
20 the body.

21 (2) "Department" means the state department of health.

22 (3) "Doctor of acupuncture" means a person licensed under the provisions of this chapter
23 to practice the art of healing known as acupuncture.

24 ~~(4) "Licensed acupuncture assistant" means a person who assists in the practice of~~
25 ~~acupuncture under the direct supervision of a person licensed under the provisions of this chapter~~
26 ~~to practice acupuncture.~~

27 **5-37.2-14. Recordation and display of licenses – Annual registration fee – Penalties**
28 **for failure to pay fee.** -- (a) Every person holding a license authorizing him or her to practice

29 acupuncture ~~or to serve as an acupuncture assistant~~ in this state shall record his or her license with
30 the city or town hall in the city or town where his or her office and residence are located. Every
31 licensee upon a change of residence or office shall have his or her certificate recorded in the same
32 manner in the municipality to which he or she has changed.

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

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

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

8 **5-37.2-15. Suspension, revocation, or refusal of license - Grounds. --** The department
9 may either refuse to issue or may suspend or revoke any license for any one or any combination
10 of the following causes:

11 (1) Conviction of a felony, conviction of any offense involving moral turpitude, or
12 conviction of a violation of any state or federal law regulating the possession, distribution or use
13 of any controlled substance as defined in § 21-28-1.02, as shown by a certified copy of record of
14 the court;

15 (2) The obtaining of, or any attempt to obtain, a license, or practice in the profession for
16 money or any other thing of value, by fraudulent misrepresentations;

17 (3) Gross malpractice;

18 (4) Advertising by means of knowingly false or deceptive statement;

19 (5) Advertising, practicing, or attempting to practice under a name other than one's own;

20 (6) Habitual drunkenness or habitual addiction to the use of a controlled substance as
21 defined in § 21-28-1.02;

22 (7) Using any false, fraudulent, or forged statement or document, or engaging in any
23 fraudulent, deceitful, dishonest, immoral practice in connection with the licensing requirement of
24 this chapter;

25 (8) Sustaining a physical or mental disability which renders further practice dangerous;

26 (9) Engaging in any dishonorable, unethical, or unprofessional conduct which may
27 deceive, defraud, or harm the public, or which is unbecoming a person licensed to practice under
28 this chapter;

29 (10) Using any false or fraudulent statement in connection with the practice of
30 acupuncture or any branch of acupuncture;

31 (11) Violating or attempting to violate, or assisting or abetting the violation of, or
32 conspiring to violate, any provision of this chapter;

33 (12) Being adjudicated incompetent or insane;

34 (13) Advertising in an unethical or unprofessional manner;

1 (14) Obtaining a fee or financial benefit for any person by the use of fraudulent diagnosis,
2 therapy, or treatment;

3 (15) Willfully disclosing a privileged communication;

4 (16) Failure of a licensee to designate his or her school of practice in the professional use
5 of his or her name by the term "doctor of acupuncture" ~~or "acupuncture assistant", as the case~~
6 ~~may be;~~

7 (17) Willful violation of the law relating to the health, safety, or welfare of the public, or
8 of the rules and regulations promulgated by the state board of health;

9 (18) Administering, dispensing, or prescribing any controlled substance as defined in §
10 21-28-1.02, except for the prevention, alleviation, or cure of disease or for relief from suffering;
11 and

12 (19) Performing, assisting, or advising in the injection of any liquid silicone substance
13 into the human body.

14 SECTION 8. Section 5-37.2-13 of the General Laws in Chapter 5-37.2 entitled "Issuance
15 of license for acupuncture assistant" is hereby repealed.

16 ~~**5-37.2-13. Qualifications of applicants.** -- An applicant for a license for acupuncture
17 assistant shall be issued a license by the department if he or she:~~

18 ~~(1) Has successfully completed a course of study in acupuncture in any college or school
19 in any country, territory, province, or state requiring any attendance to thirty-six (36) months;~~

20 ~~(2) Practiced acupuncture for not less than three (3) years;~~

21 ~~(3) Passes the examination of the department for acupuncture assistant; and~~

22 ~~(4) Pays any fees as set forth in § 23-1-54.~~

23 SECTION 9. Sections 5-40-1, 5-40-3, 5-40-9, 5-40-10, 5-40-11, 5-40-13, and 5-40-17 of
24 the General Laws in Chapter 5-40 entitled "Physical Therapists" are hereby amended to read as
25 follows:

26 **5-40-1. Definitions.** -- As used in this chapter:

27 (1) "Board" means the board of physical therapy established by § 5-40-2.

28 (2) "Department" means the department of health.

29 (3) "Examination" means an examination approved by the department in consultation
30 with the board.

31 (4) "License" means a license issued by the department to practice physical therapy.

32 (5) "Physical therapist" means an individual who is licensed by the department to practice
33 physical therapy.

34 ~~(6) "Physical therapist assistant" means an individual who is licensed by the department~~

1 ~~to assist in the practice of physical therapy under the supervision of a physical therapist.~~

2 (67)(i) "Practice physical therapy" means the examination, treatment, and instruction of
3 human beings to detect, assess, prevent, correct, alleviate and limit physical disability, physical
4 dysfunction, and pain from injury, disease and any other bodily conditions, and includes the
5 administration, interpretation, and evaluation of tests and measurements of bodily functions and
6 structures; the planning, administration, evaluation, and modification of treatment and instruction,
7 including the use of physical measures, activities, and devices, for preventive and therapeutic
8 purposes; and the provision of consultative, educational, and other advisory services for the
9 purpose of reducing the incidence and severity of physical disability, physical dysfunction and
10 pain.

11 (ii) The practice of physical therapy does not include the practice of medicine as defined
12 in chapter 37 of this title.

13 (78) "Supervision" means that a licensed physical therapist is at all times responsible for
14 supportive personnel and students.

15 **5-40-3. Board of physical therapy – Composition – Appointment, terms, oath and**

16 **removal of members.** -- (a) In the month of June, 1983, and annually thereafter, the director of
17 health, with the approval of the governor, appoints the appropriate number of persons to serve on
18 the board for terms of three (3) years and until his or her successor has been appointed and
19 qualified. The board shall consist of seven (7) members appointed by the director of the
20 department of health with the approval of the governor. ~~Four (4)~~Five (5) members shall be
21 licensed physical therapists; ~~one member shall be a licensed physical therapist assistant;~~ one
22 member shall be a physician licensed to practice medicine in this state; and one member shall be
23 a consumer.

24 (b) No member shall serve for more than two (2) successive terms. The director of health
25 may remove any member from the board for neglect of any duty required by law or for any
26 incompetency, unprofessional or dishonorable conduct. Vacancies created by voluntary
27 resignation or removal by the director of health shall be filled in the same manner as the original
28 appointment is made for the remainder of the term not exceeding the original two (2) term
29 limitation.

30 (c) Before beginning a term, each member of the board shall takes the oath prescribed by
31 law for state officers which shall be filed with the secretary of state.

32 **5-40-9. Right of use of the title of physical therapist.** -- (a) To safeguard the welfare

33 and health of the people of the state, it is unlawful for any person to represent himself or herself
34 as a physical therapist ~~or physical therapist assistant~~ in this state or to use any title, abbreviation,

1 sign, or device to indicate that the person is a physical therapist ~~or physical therapist assistant~~
2 unless this person has been licensed pursuant to the provisions of this chapter.

3 (b) Any person who holds a license to practice physical therapy in this state has the right
4 to use the title "physical therapist" and abbreviation "P.T." No other person may assume the title
5 or use the abbreviation P.T. or other words, or letters, signs, figures, or devices to indicate that the
6 person using the title is a physical therapist.

7 (c) The abbreviation "G.P.T." shall be used to identify a "graduate physical therapist".

8 ~~(d) Any person who holds a license as a physical therapist assistant in this state has the~~
9 ~~right to use the title "physical therapist assistant". No other person may assume the title or other~~
10 ~~words, or letters, signs, figures, or devices to indicate that the person using the title is a physical~~
11 ~~therapist assistant.~~

12 **5-40-10. Continuing education requirements and expiration and renewal of licenses.**

13 == (a) The certificate of every person licensed under the provisions of this chapter shall expire on
14 the first day of May of the next even year following the date of original licensure. On or before
15 the first day of March of each year, the department shall mail an application for renewal of
16 license to every person to whom a license has been issued or renewed during the current licensure
17 period. Every licensed person who desires to renew his or her license shall provide satisfactory
18 evidence to the department that in the preceding two (2) years the practitioner has completed the
19 twenty-four (24) required continuing education hours as established by the department through
20 rules and regulations and shall file with department a renewal application executed together with
21 a renewal fee as set forth in § 23-1-54 on or before the thirty-first day of March of each even
22 year. The department may extend for only one six (6) month period these educational
23 requirements if the department is satisfied that the applicant has suffered hardship, which
24 prevented meeting the educational requirement.

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

28 (c) Any person who allows his or her license to lapse by failing to renew it on or before
29 the thirty-first day of March of the next even year, as provided in this section, may be reinstated
30 by the department on payment of the current renewal fee plus an additional fee as set forth in §
31 23-1-54.

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

1 **5-40-11. Register of physical therapists – Records – Issuance of licenses.** -- (a) The
2 department shall maintain a register of all persons licensed under this chapter which shall be open
3 at all reasonable times to public inspection and the department shall be the custodian of all
4 records pertaining to the licensure of physical therapists, ~~or physical therapist assistants.~~

5 (b) The director of the department of health shall issue licenses only to applicants who
6 meet the requirements of this chapter.

7 **5-40-13. Grounds for discipline of licensees.** -- (a) The board has power to deny,
8 revoke, or suspend any license issued by the department or applied for in accordance with this
9 chapter, or to discipline a person licensed under this chapter upon proof that said person has
10 engaged in unprofessional conduct including, but not limited to:

11 (1) Fraud or deceit in procuring or attempting to procure a license or in the practice of
12 physical therapy;

13 (2) Is habitually intemperate or is addicted to the use of habit forming drugs;

14 (3) Is mentally and/or professionally incompetent;

15 (4) Has repeatedly violated any of the provisions of this chapter;

16 (5) Providing services to a person who is making a claim as a result of a personal injury,
17 who charges or collects from the person any amount in excess of the reimbursement to the
18 physical therapist by the insurer as a condition of providing or continuing to provide services or
19 treatment;

20 (6) Conviction, including a plea of nolo contendere, of one or more of the offenses listed
21 in § 23-17-37;

22 (7) Abandonment of a patient;

23 (8) Promotion by a physical therapist ~~or physical therapist assistant~~ of the sale of drugs,
24 devices, appliances, or goods or services provided for a patient in a manner as to exploit the
25 patient for the financial gain of the physical therapist ~~or physical therapist assistant~~;

26 (9) Making or filing false reports or records in the practice of physical therapy;

27 (10) Repeated failure to file or record, or impede or obstruct a filing or recording, or
28 inducing another person to fail to file or record physical therapy reports;

29 (11) Failure to furnish patient records upon proper request;

30 ~~(12) Practice as a physical therapist assistant without supervision by a physical therapist~~
31 ~~licensed in the state of Rhode Island;~~

32 (13) Incompetent or negligent misconduct in the practice of physical therapy;

33 (14) Revocation, suspension, surrender, or limitation of privilege based on quality of care
34 provided or disciplinary action against a license to practice as a physical therapist ~~or physical~~

1 ~~therapist assistant~~ in another state, jurisdiction, or country;

2 (15) Failure to furnish the board, administrator, investigator, or representatives
3 information legally requested by the board;

4 (16) Violation of this chapter or any of the rules and regulations or departure from or
5 failure to conform to the current standards of acceptable and prevailing practice and code of
6 ethics of physical therapy.

7 (b) Whenever a patient seeks or receives treatment from a physical therapist without
8 referral from a doctor of medicine, osteopathy, dentistry, podiatry, chiropractic, physician
9 assistant, or certified registered nurse practitioner, the physical therapist shall:

10 (1) Disclose to the patient, in writing, the scope and limitations of the practice of physical
11 therapy and obtain their consent in writing; and

12 (2) Refer the patient to a doctor of medicine, osteopathy, dentistry, podiatry, or
13 chiropractic within ninety (90) days after the date treatment commenced; provided, that a physical
14 therapist is not required to make this a referral after treatment is concluded;

15 (3) No physical therapist who has less than one year clinical experience as a physical
16 therapist shall commence treatment on a patient without a referral from a doctor of medicine,
17 osteopathy, dentistry, podiatry, chiropractic, physician assistant, or certified registered nurse
18 practitioner.

19 (c) For purposes of this chapter and notwithstanding any other provisions of this chapter
20 or any rules or regulations adopted by the board, any person licensed or registered under this
21 chapter who is a bona fide employee or independent contractor of a physician or a physician
22 group entitled to wages and compensation pursuant to such employment or contract, or is a co-
23 owner of a physical therapy practice with a physician group, shall not be deemed to be engaged in
24 conduct unbecoming a person licensed or registered under this chapter, or to be engaged in
25 conduct detrimental to the best interest of the public, or to be in violation of any other provision
26 of this chapter by virtue of any of the above relationships, and shall not be subject to licensure
27 denial, suspension, revocation, or any other disciplinary action or penalty under this chapter:

28 (1) Solely by virtue of such employment or contract; or

29 (2) Solely by virtue of the provision of physical therapy services pursuant to a referral
30 from the employing or contracting physician or physician group.

31 Any such interest referenced in this paragraph shall be in accordance with federal and
32 state law, specifically, including, but not limited to, chapter 5-48.1.

33 **5-40-17. Penalties for violations.** -- (a) It is a misdemeanor for any person, firm,
34 corporation, or association to:

1 (1) Use in connection with his or her name any designation tending to imply that he or
2 she is a physical therapist ~~or physical therapist assistant~~ unless licensed under the provisions of
3 this chapter;

4 (2) Use in connection with his or her name any designation tending to imply that he or
5 she is a physical therapist ~~or physical therapist assistant~~ during the time his or her license issued
6 under the provisions of this chapter is suspended or revoked;

7 (3) Violate any of the provisions of this chapter.

8 (b) All misdemeanors shall be punishable by a fine of not less than three hundred dollars
9 (\$300) for the first offense. Each subsequent offense shall be punishable by a fine of not less than
10 five hundred dollars (\$500), or by imprisonment of not more than one year, or both.

11 SECTION 10. Sections 5-40-6.1, 5-40-7.1 and 5-40-8.1 of the General Laws in Chapter
12 5-40 entitled "Physical Therapists" are hereby repealed.

13 ~~**5-40-6.1. Qualifications of physical therapist assistants.** --- Any applicant for licensure
14 shall submit to the board written evidence on forms furnished by the department of health,
15 verified by oath, that the applicant meets all of the following requirements:~~

16 ~~(1) Is at least eighteen (18) years of age;~~

17 ~~(2) Is of good moral character;~~

18 ~~(3) Has graduated from an educational program in physical therapy accredited by the
19 Commission on Accreditation of Physical Therapy Education (CAPTE) or other accrediting
20 agency as approved by the department in consultation with the board, in the year of said
21 applicant's graduation; and~~

22 ~~(4) Has passed the National Physical Therapy Examination (NPTE) of the Federation of
23 State Boards of Physical Therapy (FSBPT) or other physical therapy assistant certification
24 examination as approved by the department in consultation with the board to determine the
25 applicant's fitness to engage in the practice of physical therapy.~~

26 ~~**5-40-7.1. Licensing of physical therapist assistants.** --- (a) By Examination. The
27 applicant is required to pass with a grade determined by the board an examination approved by
28 the department in consultation with the board.~~

29 ~~(b) Without Examination by Endorsement. A license may be issued without examination
30 to an applicant who has been licensed by examination as a physical therapist assistant under the
31 laws of another state or territory or District of Columbia, if, in the opinion of the board, the
32 applicant meets the qualifications required of physical therapist assistants in this state.~~

33 ~~(c)(1) Graduate Practice. Every graduate of a board approved physical therapist assistant
34 educational program who has filed a physical therapy application may, upon receiving a permit~~

1 ~~from the department of health, perform as a physical therapist assistant under the supervision of a~~
2 ~~physical therapist licensed in this state.~~

3 ~~(2) During this period, the applicant shall identify him or herself only as a "graduate~~
4 ~~physical therapist assistant."~~

5 ~~(3) If the applicant fails to take the examination, as specified in § 5-40-7(a), within ninety~~
6 ~~(90) days from the effective date of graduate status, without cause or fails to pass the examination~~
7 ~~and receive a license, all privileges provided in subdivisions (1) and (2) of this subsection~~
8 ~~automatically cease.~~

9 ~~(d)(1) Foreign-Trained Applicants. If the foreign-trained applicant has successfully met~~
10 ~~the requirements of the rules and regulations, the applicant's credentials shall be accepted by the~~
11 ~~board.~~

12 ~~(2) Prior to becoming licensed in this state, the foreign-trained applicant must also meet~~
13 ~~all of the appropriate requirements described in this section or its equivalent as established in~~
14 ~~rules and regulations.~~

15 ~~**5-40-8.1. Application fee for physical therapists assistants.** -- When an application is~~
16 ~~submitted to the department for a license to practice physical therapy in Rhode Island pursuant to~~
17 ~~this chapter, either by endorsement or by examination, the applicant shall pay a fee as set forth in~~
18 ~~§ 23-1-54 to the general treasurer of the state of Rhode Island.~~

19 SECTION 11. Sections 5-40.1-3, 5-40.1-6, 5-40.1-7, 5-40.1-8, 5-40.1-9, 5-40.1-12, 5-
20 40.1-14, and 5-40.1-21 of the General Laws in Chapter 5-40.1 entitled "Occupational Therapy"
21 are hereby amended to read as follows:

22 **5-40.1-3. Definitions.** -- (a) "Administrator" means the administrator of the division of
23 professional regulation.

24 (b) "Board" means the board of occupational therapy within the division of professional
25 regulation established pursuant to the provisions of § 5-40.1-4.

26 (c) "Chapter" refers to chapter 40.1 of this title, entitled "Occupational Therapy", of the
27 general laws of Rhode Island.

28 (d) "Director" means the director of the Rhode Island department of health.

29 (e) "Division" means the division of professional regulation.

30 (f)(1) "Occupational therapy" (OT) is the use of purposeful activity or interventions
31 designed to achieve functional outcomes which promote health, prevent injury or disability, and
32 develop, improve, sustain, or restore the highest possible level of independence of any individual
33 who has an injury, illness, cognitive impairment, sensory impairment, psychosocial dysfunction,
34 mental illness, developmental or learning disability, physical disability, or other disorder or

1 condition.

2 (2) Occupational therapy includes evaluation by means of skilled observation of
3 functional performance and/or assessment through the administration and interpretation of
4 standardized or non-standardized tests and measurements.

5 (g)(1) "Occupational therapy services" includes, but is not limited to:

6 (i) Evaluating and providing treatment in consultation with the individual, family, or
7 other appropriate persons;

8 (ii) Interventions directed toward developing, improving, sustaining, or restoring daily
9 living skills, including self-care skills and activities that involve interactions with others and the
10 environment, work readiness or work performance, play skills or leisure capacities or educational
11 performance skills;

12 (iii) Developing, improving, sustaining, or restoring sensory-motor, oral-motor,
13 perceptual, or neuromuscular functioning; or emotional, motivational, cognitive, or psychosocial
14 components of performance; and

15 (iv) Educating the individual, family, or other appropriate persons in carrying out
16 appropriate interventions.

17 (2) These services may encompass evaluating need; and designing, developing, adapting,
18 applying, or training in the use of assistive technology devices; designing, fabricating or applying
19 rehabilitative technology, such as selected orthotic devices; training in the functional use of
20 orthotic or prosthetic devices; applying therapeutic activities, modalities, or exercise as an adjunct
21 to or in preparation for functional performance; applying ergonomic principles; adapting
22 environments and processes to enhance daily living skills; or promoting health and wellness.

23 (h) "Occupational therapist" means a person licensed to practice occupational therapy
24 under the provisions of this chapter and the rules and regulations authorized by this chapter.

25 ~~(i) "Occupational therapy aide" means a person not licensed pursuant to the statutes and~~
26 ~~rules applicable to the practice of occupational therapy, who works under the supervision of a~~
27 ~~licensed occupational therapist or occupational therapy assistant, who assists in the practice of~~
28 ~~occupational therapy and whose activities require an understanding of occupational therapy, but~~
29 ~~do not require professional or advanced training in the basic anatomical, psychological, and social~~
30 ~~sciences involved in the practice of occupational therapy.~~

31 ~~(j) "Occupational therapy assistant" means a person licensed to practice occupational~~
32 ~~therapy under the provisions of this chapter and the rules and regulations authorized by this~~
33 ~~chapter.~~

34 (k) "Supervision" means that a licensed occupational therapist or occupational therapy

1 assistant is at all times responsible for supportive personnel and students.

2 **5-40.1-6. Licenses required.** -- (a) Pursuant to this section, no person may practice
3 occupational therapy, or hold himself or herself out as an occupational therapist ~~or occupational~~
4 ~~therapy assistant~~, or as being able to practice as an occupational therapist ~~or occupational therapy~~
5 ~~assistant~~, or as being able to practice occupational therapy, or to render occupational therapy
6 services, in this state unless he or she is licensed under the provisions of this chapter and the rules
7 and regulations authorized by this chapter.

8 (b) Only an individual may be licensed under this chapter.

9 (c) Only an individual licensed in this state as an occupational therapist may use the
10 words "occupational therapist", "licensed occupational therapist", or "occupational therapist
11 registered" in connection with his or her name or place of business; or may use other words,
12 letters, abbreviations, or insignia indicating or implying that he or she is an occupational
13 therapist.

14 ~~(d) Only an individual licensed in this state as an occupational therapy assistant may use~~
15 ~~the words "certified occupational therapy assistant", "occupational therapy assistant", or "licensed~~
16 ~~occupational therapy assistant" in connection with his or her name or place of business; or may~~
17 ~~use other words, letters, abbreviations, or insignia indicating or implying that he or she is an~~
18 ~~occupational therapy assistant.~~

19 **5-40.1-7. Persons and practices not affected.** -- Nothing in this chapter shall be
20 construed as preventing or restricting the practice, services, or activities of:

21 (1) Any person licensed in this state by any other law from engaging in the profession or
22 occupation for which he or she is licensed;

23 (2) Any person employed as an occupational therapist ~~or occupational therapy assistant~~
24 by the government of the United States or any agency of it, if that person provides occupational
25 therapy solely under the direction or control of the organization by which he or she is employed;

26 (3) Any person pursuing a supervised course of study leading to a degree or certificate in
27 occupational therapy at an accredited or approved educational program, if the person is
28 designated by a title which clearly indicates his or her status as a student or trainee; or

29 (4) Any person fulfilling the supervised fieldwork experience requirements of § 5-40.1-
30 8(a)(3), if the experience constitutes a part of the experience necessary to meet the requirement of
31 that section.

32 **5-40.1-8. Requirements for licensure.** -- (a) Any applicant seeking licensure as an
33 occupational therapist ~~or occupational therapy assistant~~ in this state must:

34 (1) Be at least eighteen (18) years of age;

1 (2) Be of good moral character;

2 (3) Have successfully completed the academic requirements of an education program in
3 occupational therapy accredited by the American Occupational Therapy Association's
4 Accreditation Council for Occupational Therapy Education or other therapy accrediting agency
5 that may be approved by the board;

6 (4) Have successfully completed a period of supervised fieldwork experience arranged by
7 the recognized educational institution where he or she met the academic requirements:

8 (i) For an occupational therapist, a minimum of twenty-four (24) weeks of supervised
9 fieldwork experience shall be required;

10 ~~(ii) For an occupational therapy assistant, a minimum of twelve (12) weeks shall be~~
11 ~~required;~~

12 (5) Have successfully passed the National Certification Examination for Occupational
13 Therapists, Registered, ~~or National Certification Examination for Occupational Therapy~~
14 ~~Assistants~~, of the National Board for Certification in Occupational Therapy (NBCOT) or other
15 occupational therapy certification examination as approved by the board.

16 (b) Application for licensure to practice occupational therapy in this state either by
17 endorsement or by examination shall be made on forms provided by the division, which shall be
18 completed, notarized, and submitted to the board thirty (30) days prior to the scheduled date of
19 the board meeting. The application shall be accompanied by the following documents:

20 (1) Three (3) affidavits from responsible persons attesting to the applicant's good moral
21 character;

22 (2) For U.S. citizens: a certified copy of birth record or naturalization papers;

23 (3) For non-U.S. citizens: documented evidence of alien status, such as immigration
24 papers or resident alien card or any other verifying papers acceptable to the administrator;

25 (4) Documented evidence and supporting transcripts of qualifying credentials as
26 prescribed in this section;

27 (5) One unmounted passport photograph of the applicant (head and shoulder view)
28 approximately 2x3 inches in size;

29 (6) A statement from the board of occupational therapy in each state in which the
30 applicant has held or holds licensure, or is otherwise subject to state regulation, to be submitted to
31 the board of this state attesting to the licensure status of the applicant during the time period the
32 applicant held licensure in that state; and

33 (7) The results of the written national examination of the National Board for Certification
34 in Occupational Therapy (NBCOT).

1 (c)(1) Applicants seeking licensure as occupational therapists ~~or occupational therapy~~
2 ~~assistants~~ are required to pass the national written examination of the National Board for
3 Certification in Occupational Therapy (NBCOT) approved by the board to test the applicant's
4 fitness to engage in the practice of occupational therapy pursuant to the provisions of this chapter.

5 (2) The date, time, and place of examinations shall be available from the National Board
6 for Certification in Occupational Therapy (NBCOT).

7 (d) In case any applicant fails to satisfactorily pass an examination, the applicant shall be
8 entitled to re-examination.

9 (e) Occupational therapists ~~and occupational therapy assistants~~ who are licensed or
10 regulated to practice under laws of another state or territory or the District of Columbia may,
11 upon receiving a receipt from the division, perform as an occupational therapist ~~or occupational~~
12 ~~therapy assistant~~ under the supervision of a qualified and licensed occupational therapist ~~or~~
13 ~~occupational therapy assistant~~. If this applicant fails to receive licensure when the board reviews
14 the application, all previously mentioned privileges automatically cease.

15 (f) Applicants from foreign occupational therapy schools must meet the requirements of
16 the National Board for Certification in Occupational Therapy (NBCOT) and present evidence of
17 passage of the National Certification Examination for Occupational Therapists ~~or the National~~
18 ~~Certification Examination for Occupational Therapy Assistants~~ of the NBCOT. Applicants must
19 meet all of the appropriate requirements for licensure to the satisfaction of the board and in
20 accordance with the statutory and regulatory provisions of this chapter.

21 **5-40.1-9. Graduate practice.** -- (a) Any individual who graduates from an approved
22 occupational therapy school who has filed a completed application for licensure, may upon
23 receiving a receipt from the division, perform as an occupational therapist ~~or occupational therapy~~
24 ~~assistant~~ under the supervision of an occupational therapist licensed in this state, until the next
25 scheduled examination.

26 (b) If this applicant fails to take the next succeeding examination without cause, or fails
27 to pass the examination and received a license, all privileges provided in subsection (a) of this
28 section automatically cease. This applicant shall, during the interim period (between time of
29 application and examination) identify himself or herself only as a "graduate occupational
30 therapist" ~~or "graduate occupational therapy assistant"~~.

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

1 (biennially).

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

5 (2) Every licensed individual who desires to renew his or her license shall file with the
6 division a renewal application executed together with the evidence of continuing education
7 requirements as delineated in subdivision (3) of this subsection and the renewal fee as set forth in
8 § 23-1-54 made payable by check to the general treasurer, state of Rhode Island, on or before the
9 thirty-first (31st) day of March of each even year.

10 (3) On application for renewal of license, occupational therapists ~~and occupational~~
11 ~~therapy assistants~~ must show proof of participation in twenty (20) hours biennially in
12 presentations, clinical instruction, publications, research, in-service programs, American
13 Occupational Therapy Association-recognized conferences, university course, and/or self-study
14 courses.

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

18 (5) Any individual who allows his or her license to lapse by failing to renew it on or
19 before the thirty-first (31st) day of March of the next even year as provided in subdivisions (1),
20 (2) and (3) of this subsection, may be reinstated by the director upon receiving a receipt from the
21 division for payment of the current renewal fee plus an additional fee as set forth in § 23-1-54
22 made payable by check to the general treasurer, state of Rhode Island.

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

26 (b) An individual licensed as an occupational therapist ~~or occupational therapy assistant~~
27 in this state who does not intend to engage in the practice of occupational therapy within this state
28 during any year, may upon request to the division, have his or her name transferred to an inactive
29 status and shall not be required to register biennially or pay any fee as long as he or she remains
30 inactive. Any individual whose name has been transferred to an inactive status pursuant to this
31 section, may be restored to active status to practice occupational therapy without a penalty fee,
32 upon the filing of an application for licensure renewal, the licensure renewal fee as set forth in §
33 23-1-54 made payable by check to the general treasurer of the state of Rhode Island, and any
34 other information that may be requested by the division.

1 **5-40.1-14. Grounds for refusal to renew, suspension, or revocation of license. --** (a)

2 The board may deny a license or refuse to renew a license or may suspend or revoke a license or
3 may impose probationary conditions if the licensee has been found guilty of unprofessional
4 conduct which has endangered or is likely to endanger the health, welfare, or safety of the public.

5 Unprofessional conduct includes:

6 (1) Obtaining a license by means of fraud, misrepresentation, or concealment of material
7 facts;

8 (2) Being found guilty of fraud or deceit in connection with his or her services rendered
9 as an occupational therapist ~~or occupational therapy assistant~~;

10 (3) Committing a felony, whether or not involving moral turpitude, or a misdemeanor
11 involving moral turpitude. In either case, conviction by a court of competent jurisdiction or a plea
12 of "no contest" shall be conclusive evidence that a felony or misdemeanor was committed.

13 (4) Violating any lawful order, rule or regulation rendered or adopted by the board;

14 (5) Failing to report, in writing, to the board any disciplinary decision issued against the
15 licensee or the applicant in another jurisdiction within thirty (30) days of the disciplinary
16 decisions;

17 (6) Violating any provision of this chapter; and

18 (7) Providing services to a person who is making a claim as a result of a personal injury,
19 who charges or collects from the person any amount in excess of the reimbursement to the
20 occupational therapist by the insurer as a condition of providing or continuing to provide services
21 or treatment.

22 (b) A denial, refusal to renew, suspension, revocation, or imposition of probationary
23 conditions upon the license may be ordered by the board or the director of the department of
24 health after a hearing in the manner provided by the Administrative Procedures Act, chapter 35 of
25 title 42.

26 (c) The American Occupational Therapy Association's "Occupational Therapy Code of
27 Ethics" is adopted as a public statement of the values and principles used in promoting and
28 maintaining high standards of behavior in occupational therapy. These state:

29 (1) Occupational therapy personnel shall demonstrate a concern for the well-being of the
30 recipients of their services;

31 (2) Occupational therapy personnel shall respect the rights of the recipients of their
32 services;

33 (3) Occupational therapy personnel shall achieve and continually maintain high standards
34 of competence;

1 (4) Occupational therapy personnel shall comply with laws and association policies
2 guiding the profession of occupational therapy;

3 (5) Occupational therapy personnel shall provide accurate information about occupational
4 therapy services; and

5 (6) Occupational therapy personnel shall treat colleagues and other professionals with
6 fairness, discretion, and integrity.

7 **5-40.1-21. Supervision.** -- (a) A licensed occupational therapist shall exercise sound
8 judgment and shall provide adequate care in the performance of duties. A licensed occupational
9 therapist shall be permitted to supervise the following: occupational therapists, ~~occupational~~
10 ~~therapy assistants, occupational therapy aides,~~ care extenders, occupational therapy students, ~~and~~
11 ~~volunteers,~~ and any other staff as permitted by the director of health.

12 ~~(b) A licensed occupational therapy assistant shall exercise sound judgment and shall~~
13 ~~provides adequate care in the performance of duties. A licensed occupational therapy assistant~~
14 ~~shall be permitted to supervise the following: occupational therapy aides, care extenders,~~
15 ~~students, and volunteers.~~

16 ~~(c) Subject to the requirements of this section, a licensed occupational therapy assistant~~
17 ~~may practice limited occupational therapy only under the supervision of a licensed occupational~~
18 ~~therapist. Supervision requires at a minimum that the supervising licensed occupational therapist~~
19 ~~meet in person with the licensed occupational therapy assistant to provide initial direction and~~
20 ~~periodic on-site supervision. The supervising licensed occupational therapist working with the~~
21 ~~licensed occupational therapy assistant shall determine the amount and type of supervision~~
22 ~~necessary in response to the experience and competence of the licensed occupational therapy~~
23 ~~assistant and the complexity of the treatment program. The supervisor and the licensed~~
24 ~~occupational therapy assistant shall be jointly responsible for maintaining records, including~~
25 ~~patient records, to document compliance with this regulation.~~

26 ~~(d) A licensed occupational therapy assistant:~~

27 ~~(1) May not initiate a treatment program until the patient has been evaluated and the~~
28 ~~treatment planned by the licensed occupational therapist;~~

29 ~~(2) May not perform an evaluation, but may assist in the data gathering process and~~
30 ~~administer specific assessments where clinical competency has been demonstrated, under the~~
31 ~~direction of the licensed occupational therapist;~~

32 ~~(3) May not analyze or interpret evaluation data;~~

33 ~~(4) May participate in the screening process by collecting data and communicate the~~
34 ~~information gathered to the licensed occupational therapist;~~

1 ~~(5) Monitors the need for reassessment and report changes in status that might warrant~~
2 ~~reassessment or referral under the supervision of the licensed occupational therapist; and~~

3 ~~(6) Immediately discontinues any treatment procedure, which appears harmful to the~~
4 ~~patient and immediately notifies the supervising occupational therapist.~~

5 ~~(e)(1) An occupational therapy aide shall be a worker trained on the job. A licensed~~
6 ~~occupational therapist or licensed occupational therapy assistant using occupational therapy aide~~
7 ~~personnel to assist with the provision of occupational therapy services must provide close~~
8 ~~supervision in order to protect the health and welfare of the consumer.~~

9 ~~(2) The primary function of an occupational therapy aide functioning in an occupational~~
10 ~~therapy setting shall be to perform designated routine tasks related to the operation of an~~
11 ~~occupational therapy service. These tasks may include, but are not limited to, routine department~~
12 ~~maintenance, transporting patients/clients, preparing or setting up treatment equipment and work~~
13 ~~area, assisting patients/clients with their personal needs during treatment, assisting in the~~
14 ~~construction of adaptive equipment, and carrying out a predetermined segment or task in the~~
15 ~~patient's care.~~

16 ~~(f) The licensed occupational therapist or occupational therapy assistant shall not delegate~~
17 ~~to an occupational therapy aide:~~

18 ~~(1) Performance of occupational therapy evaluation procedures;~~

19 ~~(2) Initiation, planning, adjustment, modification, or performance of occupational therapy~~
20 ~~procedures requiring the skills or judgment of a licensed occupational therapist or licensed~~
21 ~~occupational therapy assistant;~~

22 ~~(3) Making occupational therapy entries directly in patients' or clients' official records;~~
23 ~~and~~

24 ~~(4) Acting on behalf of the occupational therapist in any matter related to occupational~~
25 ~~therapy, which requires decision-making or professional judgment.~~

26 SECTION 12. Chapter 5-40.1 of the General Laws entitled "Occupational Therapy" is
27 hereby amended by adding thereto the following section:

28 **5-40.1-22. Other personnel. --** The director may promulgate rules and regulations
29 concerning other personnel in the occupational therapy field, including, but not limited to, roles
30 such as "occupational therapist assistant" and "occupational therapy aide."

31 SECTION 13. Sections 5-48-1 and 5-48-9 of the General Laws in Chapter 5-48 entitled
32 "Speech Pathology and Audiology" are hereby amended to read as follows:

33 **5-48-1. Purpose and legislative intent - Definitions.** -- (a) It is declared to be a policy of
34 this state that the practice of speech language pathology and audiology is a privilege granted to

1 qualified persons and that, in order to safeguard the public health, safety, and welfare, protect the
2 public from being misled by incompetent, unscrupulous, and unauthorized persons, and protect
3 the public from unprofessional conduct by qualified speech language pathologists and
4 audiologists, it is necessary to provide regulatory authority over persons offering speech language
5 pathology and audiology services to the public.

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

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

9 (2) "Audiology" means the application of principles, methods, and procedures related to
10 hearing and the disorders of the hearing and balance systems, to related language and speech
11 disorders, and to aberrant behavior related to hearing loss. A hearing disorder in an individual is
12 defined as altered sensitivity, acuity, function, processing, and/or damage to the integrity of the
13 physiological auditory/vestibular systems.

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

21 (34) "Board" means the state board of examiners for speech language pathology and
22 audiology.

23 (45) "Clinical fellow" means the person who is practicing speech language pathology
24 under the supervision of a licensed speech language pathologist while completing the
25 postgraduate professional experience as required by this chapter.

26 (56) "Department" means the Rhode Island department of health.

27 (67) "Director" means the director of the Rhode Island department of health.

28 (78) "Person" means an individual, partnership, organization, or corporation, except that
29 only individuals can be licensed under this chapter.

30 (89)(i) "Practice of audiology" means rendering or offering to render any service in
31 audiology, including prevention, screening, and identification, evaluation, habilitation,
32 rehabilitation; participating in environmental and occupational hearing conservation programs,
33 and habilitation and rehabilitation programs including hearing aid and assistive listening device
34 evaluation, prescription, preparation, dispensing, and/or selling and orientation; auditory training

1 and speech reading; conducting and interpreting tests of vestibular function and nystagmus;
2 conducting and interpreting electrophysiological measures of the auditory pathway; cerumen
3 management; evaluating sound environment and equipment; calibrating instruments used in
4 testing and supplementing auditory function; and planning, directing, conducting or supervising
5 programs that render or offer to render any service in audiology.

6 (ii) The practice of audiology may include speech and/or language screening to a pass or
7 fail determination, for the purpose of initial identification of individuals with other disorders of
8 communication.

9 (iii) A practice is deemed to be the "practice of audiology" if services are offered under
10 any title incorporating such word as "audiology", "audiologist", "audiometry", "audiometrist",
11 "audiological", "audiometrics", "hearing therapy", "hearing therapist", "hearing clinic", "hearing
12 clinician", "hearing conservation", "hearing conservationist", "hearing center", "hearing aid
13 audiologist", or any similar title or description of services.

14 ~~(910)~~(i) "Practice of speech language pathology" means rendering or offering to render
15 any service in speech language pathology including prevention, identification, evaluation,
16 consultation, habilitation, rehabilitation; determining the need for augmentative communication
17 systems, dispensing and selling these systems, and providing training in the use of these systems;
18 and planning, directing, conducting, or supervising programs that render or offer to render any
19 service in speech language pathology.

20 (ii) The practice of speech language pathology may include nondiagnostic pure tone air
21 conduction screening, screening tympanometry, and acoustic reflex screening, limited to a pass or
22 fail determination, for the purpose of performing a speech and language evaluation or for the
23 initial identification of individuals with other disorders of communication.

24 (iii) The practice of speech language pathology also may include aural rehabilitation,
25 which is defined as services and procedures for facilitating adequate receptive and expressive
26 communication in individuals with hearing impairment.

27 (iv) A practice is deemed to be the "practice of speech language pathology" if services are
28 offered under any title incorporating such words as "speech pathology", "speech pathologist",
29 "speech therapy", "speech therapist", "speech correction", "speech correctionist", "speech clinic",
30 "speech clinician", "language pathology", "language pathologist", "voice therapy", "voice
31 therapist", "voice pathology", "voice pathologist", "logopedics", "logopedist", "communicology",
32 "communicologist", "aphasiology", "aphasiologist", "phoniatriest", or any similar title or
33 description of services.

34 ~~(1014)~~ "Regionally accredited" means the official guarantee that a college or university

1 or other educational institution is in conformity with the standards of education prescribed by a
2 regional accrediting commission recognized by the United States Secretary of Education.

3 ~~(11-12)~~ "Speech language pathologist" means an individual who is licensed by the board
4 to practice speech language pathology.

5 ~~(12-13)~~ "Speech language pathology" means the application of principles, methods, and
6 procedures for prevention, identification, evaluation, consultation, habilitation, rehabilitation,
7 instruction, and research related to the development and disorders of human communication.
8 Disorders are defined to include any and all conditions, whether of organic or non-organic origin,
9 that impede the normal process of human communication in individuals or groups of individuals
10 who have or are suspected of having these conditions, including, but not limited to, disorders and
11 related disorders of:

12 (i) Speech: articulation, fluency, voice, (including respiration, phonation and resonance);

13 (ii) Language (involving the parameters of phonology, morphology, syntax, semantics
14 and pragmatics; and including disorders of receptive and expressive communication in oral,
15 written, graphic, and manual modalities);

16 (iii) Oral, pharyngeal, laryngeal, cervical esophageal, and related functions (e.g.,
17 dysphasia, including disorders of swallowing and oral function for feeding; oro-facial
18 myofunctional disorders);

19 (iv) Cognitive aspects of communication (including communication disability and other
20 functional disabilities associated with cognitive impairment); and

21 (v) Social aspects of communication (including challenging behavior, ineffective social
22 skills, lack of communication opportunities).

23 ~~(14) "Speech language support personnel" means individuals who meet minimum~~
24 ~~qualifications established by the board, which are less than those established by this chapter as~~
25 ~~necessary for licensing as a speech language pathologist, who do not act independently, and who~~
26 ~~work under the direction and supervision of a speech language pathologist licensed under this~~
27 ~~chapter who has been actively working in the field for twenty four (24) months after completion~~
28 ~~of the postgraduate professional experience and who accepts the responsibility for the acts and~~
29 ~~performances of the speech language pathology assistant while working under this chapter.~~
30 ~~Speech language support personnel shall be registered with the board within thirty (30) days of~~
31 ~~beginning work, or the supervising speech language pathologist will be assessed a late filing fee~~
32 ~~as set forth in § 23-1-54.~~

33 **5-48-9. Fees – Late filing – Inactive status.** -- ~~Filing fees for support personnel~~
34 ~~registration.~~ (a) The board may charge an application fee; a biennial license renewal fee payable

1 before July 1 of even years (biennially); or a provisional license renewal fee as set forth in § 23-1-
2 54 payable annually from the date of issue.

3 (b) Any person who allows his or her license to lapse by failing to renew it on or before
4 the thirtieth (30th) day of June of even years (biennially), may be reinstated by the board on
5 payment of the current renewal fee plus an additional late filing fee as set forth in § 23-1-54.

6 (c) An individual licensed as a speech language pathologist and/or audiologist in this
7 state, not in the active practice of speech-language pathology or audiology within this state during
8 any year, may upon request to the board, have his or her name transferred to an inactive status
9 and shall not be required to register biennially or pay any fee as long as he or she remains
10 inactive. Inactive status may be maintained for no longer than two (2) consecutive licensing
11 periods, after which period licensure shall be terminated and reapplication to the board shall be
12 required to resume practice.

13 (d) Any individual whose name has been transferred to an inactive status may be restored
14 to active status within two (2) licensing periods without a penalty fee, upon the filing of:

15 (1) An application for licensure renewal, with a licensure renewal fee as set forth in § 23-
16 1-54 made payable by check to the general treasurer of the state of Rhode Island; and

17 (2) Any other information that the board may request.

18 ~~(e) Audiology and speech language pathology support personnel shall be registered with
19 the board within thirty (30) days of beginning work, or the supervising audiologist or speech
20 language pathologist shall be assessed a late filing fee as set forth in § 23-1-54.~~

21 SECTION 14. Chapter 5-58 of the General Laws entitled "Auctioneers" is hereby
22 repealed in its entirety.

23 ~~**5-58-1. Licensing of auctioneers and apprentices.** --- (a) Any person desiring to hold an
24 auctioneer's license or apprentice auctioneer's permit shall make written application for that
25 license or permit on appropriate forms provided by the director of the department of business
26 regulations. Each applicant shall be a person who has a good reputation for honesty, truthfulness,
27 and fair dealing; good moral character, and is competent and financially qualified to conduct the
28 business of an auctioneer or apprentice all of which may be considered by the director along with
29 any other information the director deems appropriate in determining whether the granting of the
30 application is in the public interest. Other information deemed appropriate includes, but is not
31 limited to, a criminal records check. The director shall process the criminal records check for all
32 resident applicants for an auctioneer's license. Non-resident applicants for an auctioneer's license
33 shall apply to the bureau of criminal identification of the state police for a nationwide criminal
34 records check. The bureau of criminal identification of the state police shall forward the results of~~

1 ~~the criminal records check to the director. The director may deny any application for a license if~~
2 ~~the director finds, based upon the results of the criminal records check, that the applicant has been~~
3 ~~convicted of a felony. Each application for an auctioneer, apprentice auctioneer, or nonresident~~
4 ~~auctioneer's license shall be accompanied by an application fee of ten dollars (\$10.00).~~

5 ~~(b) Prior to the taking of the examination, each applicant shall pay an examination fee in~~
6 ~~an amount to be established by the director of business regulation. Each applicant granted an~~
7 ~~auctioneer's license shall pay a licensing fee of two hundred dollars (\$200) per annum. Each~~
8 ~~nonresident auctioneer applicant granted a license shall pay a licensing fee of three hundred~~
9 ~~dollars (\$300) per annum. Each applicant granted an apprentice auctioneer permit shall pay a~~
10 ~~permit fee of twenty dollars (\$20.00) per annum. There is a five dollar (\$5.00) charge for issuance~~
11 ~~of a duplicate license or permit to replace a lost, damaged, or destroyed original or renewal~~
12 ~~license or permit. Fees for the replacement and for an original or renewal license or permit shall~~
13 ~~be paid into the general fund. The director shall promulgate rules and regulations mandating the~~
14 ~~term of the license or permit for each category of license or permit issued pursuant to this chapter.~~
15 ~~No license or permit shall remain in force for a period in excess of three (3) years. The fee for the~~
16 ~~initial license or renewal shall be determined by multiplying the per annum fee by the number of~~
17 ~~years in the term of license or renewal. The entire fee for the full term of licensure must be paid~~
18 ~~in full prior to issuing the renewal or initial license.~~

19 ~~**5-58-2. Auctioneer's and apprentice's bond.** -- Every auctioneer, upon approval of~~
20 ~~application and prior to issuance of a license or an apprentice permit, shall deliver and file with~~
21 ~~the department of business regulation a surety company bond in favor of the people of the state of~~
22 ~~Rhode Island in the principle amount not exceeding ten thousand dollars (\$10,000) nor less than~~
23 ~~two thousand dollars (\$2,000), at the discretion of the director; and payable to any party injured~~
24 ~~under the terms of the bond. The bond does not limit or impact any right of recovery available~~
25 ~~pursuant to law nor is the amount of the bond relevant in determining the amount of damage or~~
26 ~~other relief to which any claimant shall be entitled.~~

27 ~~**5-58-6. Announcement of conditions of sale.** -- Every auctioneer before exposing any~~
28 ~~real or personal estate to public sale shall make out, in writing, and sign and publicly read the~~
29 ~~conditions of sale.~~

30 ~~**5-58-7. Auctioneer's commission and apprentice's wage.** -- Whenever the whole~~
31 ~~amount of sales at any public auction does not exceed four hundred dollars (\$400), the auctioneer~~
32 ~~has for making that sale two and one-half percent (2 1/2%) commission; if the amount of the sale~~
33 ~~exceeds that sum and does not exceed twenty thousand dollars (\$20,000), he or she shall have~~
34 ~~only one percent (1%) on the excess; and if the amount of the sale does not exceed thirty~~

1 thousand dollars (\$30,000), he or she shall have three fourths percent ($3/4\%$) on the excess; and
2 if the amount of the sale exceeds thirty thousand dollars (\$30,000), he or she has one fourth
3 percent ($1/4\%$) on the excess. Nothing contained in this section shall be construed to prevent any
4 person interested in selling any property by auction from making a special contract with the
5 auctioneer for selling the property. Notwithstanding the preceding, agreement to change the
6 previously stated fee schedule may be made between auctioneers and either owners or consignees
7 of owners, only if those changes are specifically agreed to, in writing, by the parties. Auctioneers
8 shall enter into a written contract with owners or consignees of property sold at auction which
9 contract shall establish terms for any remuneration paid to the auctioneer for his or her services.
10 A copy of the contract shall be kept in the possession of the auctioneer for a period of three (3)
11 years and shall be made available for inspection by the director at his or her discretion.
12 Apprentices employed by licensed auctioneers in accordance with standards prescribed in
13 regulations promulgated under this chapter shall be paid for their services at a rate not less than
14 the minimum wage established by law. No apprentice shall enter into a verbal or written contract
15 or agreement for remuneration for services rendered when remuneration is separate, apart from,
16 or in addition to wages paid to the apprentice by the employing auctioneer.

17 **5-58-8. Regulation of sales.** ~~--- The director of business regulation has the authority to~~
18 ~~promulgate rules and regulations which are reasonable, proper, and necessary to enforce the~~
19 ~~provisions of this chapter, to establish procedures for the preparation and processing of~~
20 ~~examinations, applications, licenses, and permits for the conduct of auction sales; to deny,~~
21 ~~suspend, or revoke licenses, or permits, to issue cease and desist orders, to assess administrative~~
22 ~~penalties of up to one thousand dollars (\$1,000) and to establish procedures for renewals, appeals,~~
23 ~~hearings, and rulemaking proceedings.~~

24 **5-58-9. Officers of mortgagee forbidden to act as auctioneer in foreclosure.** ~~---~~
25 ~~Officers of mortgagee forbidden to act as auctioneer in foreclosure. --- No officer of any~~
26 ~~corporation shall act as an auctioneer in the foreclosure of any mortgage held by that corporation.~~

27 **5-58-10. Penalty for violations.** ~~---~~ Any person acting as auctioneer or apprentice
28 auctioneer without a license is guilty of a misdemeanor. Anyone who is convicted shall be
29 punished by a fine not to exceed five hundred dollars (\$500), or by imprisonment for a term not
30 to exceed ninety (90) days, or both the fine and imprisonment for each violation.

31 **5-58-11. Severability.** ~~---~~ If any provision of this chapter or any rule or regulation made,
32 or the application under this chapter to any person or circumstances, is held invalid by a court of
33 competent jurisdiction, the remainder of the chapter, rule, or regulation, and the application of
34 that provision to other persons or circumstances, shall not be affected.

1 SECTION 15. Chapter 5-59.1 of the General Laws entitled "Rhode Island Orthotics and
2 Prosthetics Practices" is hereby repealed in its entirety.

3 ~~**5-59.1-1. Legislative intent.** -- The purpose of this chapter is to safeguard the public
4 health to regulate the practice of orthotics and prosthetics by untrained and unethical persons.~~

5 ~~**5-59.1-2. Short title.** -- This act shall be known and may be cited as "The Rhode Island
6 Orthotics and Prosthetics Practices Act".~~

7 ~~**5-59.1-3. Definitions.** -- As used in this chapter:~~

8 (1) ~~"ABC" means the American Board for Certification in Orthotics and Prosthetics or its
9 successor agency.~~

10 (2) ~~"BOC" means the Board for Orthotist/Prosthetist Certification or its successor agency.~~

11 (3) ~~"Custom fabricated orthotics" or "custom made orthotics" means devices designed
12 and fabricated, in turn, from raw materials for a specific patient and require the generation of an
13 image, form, or mold that replicates the patient's body or body segment and, in turn, involves the
14 rectification of an image.~~

15 (4) ~~"Department" means the Rhode Island department of health.~~

16 (5) ~~"Director" means the director of the department of health.~~

17 (6) ~~"Direct formed orthoses" means devices formed or shaped during the molding
18 process directly on the patient's body or body segment.~~

19 (7) ~~"Licensed Orthotist" means a person licensed under this chapter to practice orthotics.~~

20 (8) ~~"Licensed Prosthetist" means a person licensed under this chapter to practice
21 prosthetics.~~

22 (9) ~~"Off the shelf orthosis" means devices manufactured by companies registered with
23 the Federal Food and Drug Administration other than devices designed for a particular person
24 based on that particular person's condition.~~

25 (10) ~~"Orthosis" means a custom fabricated brace or support that is designed based on
26 medical necessity. Orthosis does not include prefabricated or direct formed orthotic devices, as
27 defined in this section, or any of the following assistive technology devices: commercially
28 available knee orthoses used following injury or surgery; spastic muscle tone inhibiting orthoses;
29 upper extremity adaptive equipment; finger splints; hand splints; wrist gauntlets; face masks used
30 following burns; wheelchair seating that is an integral part of the wheelchair and not worn by the
31 patient independent of the wheelchair; fabric or elastic supports; corsets; low temperature formed
32 plastic splints; trusses; elastic hose; canes; crutches; cervical collars; dental appliances; and other
33 similar devices as determined by the director, such as those commonly carried in stock by a
34 pharmacy, department store, corset shop, or surgical supply facility.~~

1 ~~(11) "Orthotics" means the science and practice of evaluating, measuring, designing,~~
2 ~~fabricating, assembling, fitting, adjusting or, servicing, as well as providing the initial training~~
3 ~~necessary to accomplish the fitting of, an orthosis for the support, correction, or alleviation of~~
4 ~~neuromuscular or musculoskeletal dysfunction, disease, injury or deformity. The practice of~~
5 ~~orthotics encompasses evaluation, treatment, and consultation; with basic observational gait and~~
6 ~~postural analysis, orthotists assess and design orthoses to maximize function and provide not only~~
7 ~~the support but the alignment necessary to either prevent or correct deformity or to improve the~~
8 ~~safety and efficiency of mobility or locomotion, or both. Orthotic practice includes providing~~
9 ~~continuing patient care in order to assess its effect on the patient's tissues and to assure proper fit~~
10 ~~and function of the orthotic device by periodic evaluation.~~

11 ~~(12) "Orthotist" means an allied health professional who is specifically trained and~~
12 ~~educated to provide or manage the provision of a custom designed, fabricated, modified and~~
13 ~~fitted external orthosis to an orthotic patient, based on a clinical assessment and a physician's~~
14 ~~prescription, to restore physiological function and/or cosmesis, and certified by ABC or BOC.~~

15 ~~(13) "Physician" means a doctor of allopathic medicine (M.D.), osteopathic medicine~~
16 ~~(D.O.), podiatric medicine (D.P.M.), and chiropractic medicine (D.C.).~~

17 ~~(14) "Prefabricated orthoses" or "off shelf orthoses" means devices that are manufactured~~
18 ~~as commercially available stock items for no specific patient.~~

19 ~~(15) "Prosthesis" means an artificial limb that is alignable or, in lower extremity~~
20 ~~applications, capable of weight bearing. Prosthesis also means an artificial medical device that is~~
21 ~~not surgically implanted and that is used to replace a missing limb, appendage, or other external~~
22 ~~human body part including an artificial limb, hand, or foot. The term does not include artificial~~
23 ~~eyes, ears, noses, dental appliances, osotmy products, or devices such as eyelashes or wigs or~~
24 ~~artificial breasts.~~

25 ~~(16) "Prosthetics" means the science and practice of evaluation, measuring, designing,~~
26 ~~fabricating, assembling, fitting, aligning, adjusting or servicing, as well as providing the initial~~
27 ~~training necessary to accomplish the fitting of, a prosthesis through the replacement of external~~
28 ~~parts of a human body, lost due to amputation or congenital deformities or absences. The practice~~
29 ~~of prosthetics also includes the generation of an image, form, or mold that replicates the patient's~~
30 ~~body or body segment and that requires rectification of dimensions, contours and volumes for use~~
31 ~~in the design and fabrication of a socket to accept a residual anatomic limb to, in turn, create an~~
32 ~~artificial appendage that is designed either to support body weight or to improve or restore~~
33 ~~function or cosmesis, or both. Involved in the practice of prosthetics is observational gait analysis~~
34 ~~and clinical assessment of the requirements necessary to refine and mechanically fix the relative~~

1 ~~position of various parts of the prosthesis to maximize function, stability, and safety of the~~
2 ~~patient. The practice of prosthetics includes providing and continuing patient care in order to~~
3 ~~assess the prosthetic device's effect on the patient's tissues and to assure proper fit and function of~~
4 ~~the prosthetic device by periodic evaluation.~~

5 ~~(17) "Prosthetist" means a practitioner, certified by the ABC or BOC, who provides care~~
6 ~~to patients with partial or total absence of a limb by designing, fabricating, and fitting devices,~~
7 ~~known as prostheses. At the request of and in consultation with physicians, the prosthetist assists~~
8 ~~in formulation of prescriptions for prostheses, and examines and evaluates patients' prosthetic~~
9 ~~needs in relation to their disease entity and functional loss. In providing the prostheses, he or she~~
10 ~~is responsible for formulating its design, including selection of materials and components;~~
11 ~~making all necessary casts, measurements and model modifications; performing fittings including~~
12 ~~static and dynamic alignments; evaluating the prosthesis on the patient; instructing the patient in~~
13 ~~its use, and maintaining adequate patient records; all in conformity with the prescription.~~

14 ~~**5-59.1-4. Licensing of practitioners.** -- The department shall issue to those persons~~
15 ~~eligible under the provisions of this chapter certificate licenses attesting to their qualifications to~~
16 ~~practice as certified licensed orthotists or prosthetists.~~

17 ~~**5-59.1-5. Application for orthotic or prosthetic license.** -- Any person who desires to~~
18 ~~be licensed as set forth in § 5-59.1-4 shall in writing submit an application on forms provided by~~
19 ~~the department for a license accompanied by a fee as set forth in § 23-1-54 with all other~~
20 ~~credentials that the department requires and as required by this chapter. All the proceeds of any~~
21 ~~fees collected pursuant to the provisions of this chapter shall be deposited as general revenues.~~

22 ~~**5-59.1-6. Qualifications for license.** -- (a) Qualification for licensing under this chapter~~
23 ~~shall be the possession of the title "certified prosthetist" or "certified orthotist", as issued by and~~
24 ~~under the rules of the American Board for Certification in Orthotics and Prosthetics, Inc. or the~~
25 ~~Board for Orthotist/Prosthetist certification. Evidence of the possession of that title shall be~~
26 ~~presented to the department.~~

27 ~~(b) In order to qualify for a license to practice orthotics or prosthetics a person shall~~
28 ~~provide proof of:~~

29 ~~(1) Possession of a baccalaureate degree from an accredited college or university;~~

30 ~~(2) Completion of an orthotic, or prosthetic education program that meets or exceeds the~~
31 ~~requirements of the National Commission on Orthotic and Prosthetic Education;~~

32 ~~(3) Completion of a clinical residency in orthotics and/or prosthetics that meets or~~
33 ~~exceeds the standards of the National Commission on Orthotic and Prosthetic Education; and~~

34 ~~(4) Current certification by ABC or BOC in the discipline for which the application~~

1 corresponds.

2 ~~**5-59.1-7. Use of "licensed prosthetist" or "licensed orthotist" title.**— No person~~
3 ~~offering service to the public shall use the title licensed prosthetist or licensed orthotist or shall~~
4 ~~use the abbreviation "L.P." or "L.O", or in any other way represent themselves as licensed~~
5 ~~practitioners unless they hold a current license as provided in this chapter.~~

6 ~~**5-59.1-8. Exceptions.**— This chapter shall not be construed to prohibit:~~

7 ~~(a) A physician licensed in this state from engaging in the practice for which he or she is~~
8 ~~licensed;~~

9 ~~(b) The practice of orthotics or prosthetics by a person who is employed by the federal~~
10 ~~government while in the discharge of the employee's official duties;~~

11 ~~(c) The practice of orthotics or prosthetics by a resident continuing his or her clinical~~
12 ~~education in a residency accredited by the National Commission on Orthotic and Prosthetic~~
13 ~~Education;~~

14 ~~(d) Consistent with his or her license, a licensed pharmacist, physical or occupational~~
15 ~~therapist, or certified athletic trainer from engaging in his or her profession; or~~

16 ~~(e) Measuring, fitting, or adjusting an off the shelf orthosis by employees or authorized~~
17 ~~representatives of an orthosis manufacturer, which is registered with the Federal Food and Drug~~
18 ~~Administration when such employee or representative is supervised by a physician.~~

19 ~~**5-59.1-9. License and biannual renewal required.**— No person may practice orthotics~~
20 ~~or prosthetics without a license issued under authority of this chapter, which license has not been~~
21 ~~suspended or revoked as provided under this chapter, without renewal biannually, as provided in~~
22 ~~§ 5-59.1-12.~~

23 ~~**5-59.1-10. Grandfather clause.**— Any person currently practicing full time in the state~~
24 ~~of Rhode Island on January 1, 2007 in an orthotist and/or prosthetic facility as a certified BOC or~~
25 ~~ABC orthotist and/or prosthetist must file an application for licensure prior to sixty (60) days~~
26 ~~after January 1, 2007 to continue practice at his or her identified level of practice. The applicant~~
27 ~~must provide verifiable proof of active certification in orthotics and/or prosthetics by the ABC or~~
28 ~~BOC. This section shall not be construed to grant licensing to a person who is a certified or~~
29 ~~registered orthotic or prosthetic "fitter" or orthotic or prosthetic "assistant."~~

30 ~~**5-59.1-11. Limitation on provisions of care and services.**— A licensed orthotist and/or~~
31 ~~prosthetist may provide care and services only if care and services are provided pursuant to an~~
32 ~~order from a licensed physician, unless the item which may be purchased without a prescription.~~

33 ~~**5-59.1-12. Relicensing – Renewal.**— Every holder of a license issued under this chapter~~
34 ~~shall biannually attest to the department as to current certification issued by the American Board~~

1 ~~of Certification in Orthotics and Prosthetics or the Board for Orthotists/Prosthetist Certification.~~
2 ~~All licenses issued under this chapter shall expire biannually on the last day of September of~~
3 ~~every odd-numbered year. A biennial renewal fee as set forth in § 23-1-54 shall be required.~~
4 ~~Every orthotist and prosthetist shall conform to the standards of the American Board for~~
5 ~~Certification in Orthotics and Prosthetics or Board for Orthotists/Prosthetists Certification.~~

6 ~~**5-59.1-13. Rules and regulations.** --- The department is authorized to promulgate such~~
7 ~~regulations as it deems necessary to implement the provisions of this chapter.~~

8 ~~**5-59.1-14. Responsibilities of the department.** --- In addition to other authority provided~~
9 ~~by law, the department has the authority to:~~

10 ~~(1) Register applicants, issue licenses to applicants who have met the education, training~~
11 ~~and requirements for licensure, and deny licenses to applicants who do not meet the minimum~~
12 ~~qualifications;~~

13 ~~(2) Maintain the official department records of all applicants and licensees;~~

14 ~~(3) Establish requirements and procedures for an inactive license; and~~

15 ~~(4) Seek the advice and knowledge of the prosthetic and orthotic associations in this state~~
16 ~~on any matter relating to the enforcement of this chapter.~~

17 ~~**5-59.1-15. Penalty for violations.** --- Any person, firm, corporation or association~~
18 ~~violating any of the provisions of this chapter is deemed to have committed a misdemeanor and~~
19 ~~upon conviction shall be punished by a fine not to exceed two hundred dollars (\$200), or~~
20 ~~imprisonment for a period not to exceed three (3) months, or both, and for a second or subsequent~~
21 ~~violation by a fine of not less than three hundred dollars (\$300) nor more than five hundred~~
22 ~~dollars (\$500), or imprisonment for one year, or both the fine and imprisonment.~~

23 ~~**5-59.1-16. Severability.** --- If any provision of this chapter or of any rule or regulation~~
24 ~~made under this chapter, or the application of this chapter to any person or circumstances, is held~~
25 ~~invalid by a court of competent jurisdiction, the remainder of the chapter, rule or regulation, and~~
26 ~~the application of that provision to other persons or circumstances shall not be affected.~~

27 ~~**5-59.1-17. Advisory Board of orthotics and prosthetics practice — Composition —**~~
28 ~~**Appointment and terms — Powers and duties.** --- (a) There is hereby created an advisory~~
29 ~~licensing board to review applications for licensure to obtain a license as an orthotist or~~
30 ~~prosthetist pursuant to this chapter of the general laws. The review of each applicant's licensing~~
31 ~~shall require that the applicant have completed an NCOPE (National Commission on Orthotic and~~
32 ~~Prosthetic Education); accredited residency under a board-certified practitioner in the respective~~
33 ~~discipline; and meet all of the requirements of the chapter. The board shall conduct its interviews~~
34 ~~and/or investigation and shall report its findings to the director of the department of health.~~

1 ~~(b) The licensing board shall be composed of three (3) persons: the director of the~~
2 ~~department of health, or his or her designee; one board certified Rhode Island state licensed~~
3 ~~prosthetist; and one board certified Rhode Island state licensed orthotist. The board certified~~
4 ~~orthotist and the board certified prosthetist shall be certified by the American Board of~~
5 ~~Certification in orthotics and prosthetics and licensed by the State of Rhode Island, shall serve for~~
6 ~~three (3) year terms and shall be selected by the board of directors of the Rhode Island Society of~~
7 ~~Orthotists and Prosthetists, Inc. The members of the board shall serve without compensation.~~

8 SECTION 16. Chapter 5-60 of the General Laws entitled "Athletic Trainers" is hereby
9 repealed in its entirety.

10 ~~**5-60-1. Short title.** -- This chapter shall be known and may be cited as the "Rhode Island~~
11 ~~Athletic Trainers Chapter".~~

12 ~~**5-60-2. Definitions.** -- As used in this chapter:~~

13 ~~(1) "Athletic trainer" means a person with the specific qualifications established in § 5-~~
14 ~~60-10 who, upon the direction of his or her team physician and/or consulting physician, carries~~
15 ~~out the practice of athletic training to athletic injuries incurred by athletes in preparation of or~~
16 ~~participation in an athletic program being conducted by an educational institution under the~~
17 ~~jurisdiction of an interscholastic or intercollegiate governing body, a professional athletic~~
18 ~~organization, or a board sanctioned amateur athletic organization; provided, that no athlete shall~~
19 ~~receive athletic training services if classified as geriatric by the consulting physician. No athlete~~
20 ~~shall receive athletic training services if non athletic or age related conditions exist or develop~~
21 ~~that render the individual debilitated or non athletic. To carry out these functions, the athletic~~
22 ~~trainer is authorized to utilize modalities such as heat, light, sound, cold, electricity, exercise, or~~
23 ~~mechanical devices related to care and reconditioning. The athletic trainer, as defined in this~~
24 ~~chapter, shall not represent himself or herself or allow an employer to represent him or her to be,~~
25 ~~any other classification of healthcare professional governed by a separate and distinct practice act.~~
26 ~~This includes billing for services outside of the athletic trainer's scope of practice, including, but~~
27 ~~not limited to services labeled as physical therapy.~~

28 ~~(2) "Board" means the Rhode Island board of athletic trainers established under § 5-60-4.~~

29 ~~(3) "Department of health" means the department of state under which the board of~~
30 ~~athletic trainers is listed.~~

31 ~~(4) "Director" means the director or state official in charge of the department of health.~~

32 ~~**5-60-3. Practices not authorized.** -- Nothing in this chapter shall be construed to~~
33 ~~authorize the practice of medicine, or any of its branches, by any person not licensed by the~~
34 ~~department of health.~~

1 ~~**5-60-4. Board—Composition—Appointment, terms, oaths, and removal of members**~~

2 ~~**—Officers—Meetings.**~~ (a) The director of the department of health, with the approval of the
3 governor, shall appoint the members of the Rhode Island board of athletic trainers, which shall be
4 composed of three (3) licensed athletic trainers and one public member and one physician
5 licensed to practice medicine and with an interest in sports medicine. In making appointments to
6 the board, the director shall give consideration to recommendations made by professional
7 organizations of athletic trainers and physicians. Each appointee shall be licensed and practicing
8 in the state, except that the director in appointing the athletic trainer members of the first board
9 may appoint any practicing athletic trainer who possesses the qualification required by § 5-60-10.
10 To qualify as a member, a person must be a citizen of the United States and a resident of the state
11 for five (5) years immediately preceding appointment.

12 (b) The members of the board shall be appointed for terms of three (3) years which expire
13 on August 1 of even numbered years, except that in making the initial appointments the director
14 shall designate one member to serve one year, two (2) members to serve two (2) years, and two
15 (2) members to serve three (3) years. In the event of death, resignation, or removal of any
16 member, the vacancy shall be filled for the unexpired portion of the term in the same manner as
17 the original appointment. The director may remove any member for cause at any time prior to the
18 expiration of his or her term. No member shall serve for more than two (2) consecutive three (3)
19 year terms.

20 (c) Each appointee to the board shall qualify by taking the constitutional oath of office
21 within thirty (30) days from the date of his or her appointment. On presentation of the oath, the
22 director shall issue commissions to appointees as evidence of their authority to act as members of
23 the board.

24 (d) The board shall elect from its members for a term of one year, a chairperson, vice-
25 chairperson, and secretary-treasurer, and may appoint committees that it considers necessary to
26 carry out its duties. The board shall meet at least two (2) times a year. Additional meetings may
27 be held on the call of the chairperson or at the written request of any three (3) members of the
28 board. The quorum required for any meeting of the board shall be three (3) members. No action
29 by the board or its members has any effect unless a quorum of the board is present.

30 ~~**5-60-5. Board—Powers and duties.**~~ Subject to the approval of the director, the board
31 has the powers and duties to:

32 (1) Make rules and regulations consistent with this chapter, which are necessary for the
33 performance of its duties.

34 (2) Prescribe application forms for license applicants.

1 ~~(3) Keep a complete record of all licensed athletic trainers and prepare annually a roster~~
2 ~~showing the names and addresses of all licensed athletic trainers, and make available a copy of~~
3 ~~the roster to any person requesting it on payment of a fee established by the department sufficient~~
4 ~~to cover the costs of the roster.~~

5 ~~(4) Keep a permanent record of all proceedings under this chapter.~~

6 ~~(5) Issue licenses to qualified applicants.~~

7 ~~(6) Conduct hearings to deny, revoke, suspend, or refuse renewal of licenses under this~~
8 ~~chapter, and issue subpoenas to compel witnesses to testify or produce evidence at the hearings.~~

9 ~~**5-60-9. License required to use title "athletic trainer".** -- No person may use the title~~
10 ~~"athletic trainer" or perform the duties of an athletic trainer, unless licensed by the state of Rhode~~
11 ~~Island to perform those duties.~~

12 ~~**5-60-10. Qualifications of athletic trainers.** -- (a) An applicant for an athletic trainer~~
13 ~~license must possess one of the following qualifications:~~

14 ~~(1) Give proof of graduation from an accredited college or university and have met the~~
15 ~~following minimum athletic training curriculum requirements established by the board, by~~
16 ~~completing the following specific course requirements:~~

17 ~~(i) Human anatomy;~~

18 ~~(ii) Human physiology;~~

19 ~~(iii) Physiology of exercise;~~

20 ~~(iv) Applied anatomy and kinesiology;~~

21 ~~(v) Psychology (2 courses);~~

22 ~~(vi) First aid and CPR;~~

23 ~~(vii) Nutrition;~~

24 ~~(viii) Remedial exercise;~~

25 ~~(ix) Personal, community, and school health;~~

26 ~~(x) Techniques of athletic training;~~

27 ~~(xi) Advanced techniques of athletic training; and~~

28 ~~(xii) Clinical experience in accordance with national standards and as approved by the~~
29 ~~director.~~

30 ~~(2) Show proof acceptable to the board of education and experience of equal caliber to~~
31 ~~that specified in subdivision (1) of this subsection.~~

32 ~~(3) Have passed the required examination, approved by the department.~~

33 ~~(b) On and after January 1, 2004, an applicant for initial licensure shall be required to~~
34 ~~demonstrate:~~

1 ~~(1) Proof of graduation from an accredited college or university and shall have met~~
2 ~~minimum athletic training requirements as established by department regulation; and~~

3 ~~(2) Proof of having passed the required examination, approved by the department, and~~
4 ~~shall have been certified by the national certifying body recognized by the National Athletic~~
5 ~~Trainers Association (NATA).~~

6 ~~**5-60-11. Fees.** -- Applicants for athletic trainer licenses shall pay a license fee, and, if~~
7 ~~applicable, a biennial license renewal fee as set forth in § 23-1-54. Any person allowing their~~
8 ~~license to lapse shall pay a late fee as set forth in § 23-1-54.~~

9 ~~**5-60-12. Applications for licenses.** -- (a) An applicant for an athletic trainer license shall~~
10 ~~submit an application to the department on the prescribed forms and shall submit the fee listed in~~
11 ~~§ 5-60-11.~~

12 ~~(b) The applicant shall be entitled to an athletic trainer license if he or she possesses the~~
13 ~~qualifications enumerated in § 5-60-10, pays the license fee established in § 5-60-11 and has not~~
14 ~~committed an act which constitutes grounds for denial of a license under § 5-60-14.~~

15 ~~**5-60-13. Expiration and renewal of licenses.** -- A license issued under this chapter shall~~
16 ~~expire on the thirtieth day of June of every odd-numbered year. Licenses shall be renewed~~
17 ~~according to procedures established by the department and upon payment of the renewal fees~~
18 ~~established in § 5-60-11. Beginning with the renewal application due July 1, 2003, and every~~
19 ~~renewal year thereafter, each licensed athletic trainer who wishes to continue licensure as an~~
20 ~~athletic trainer shall present satisfactory evidence to the board that he or she has completed the~~
21 ~~continuing education requirements established by the board through regulation.~~

22 ~~**5-60-14. Grounds for refusal or revocation of licenses.** -- The board may refuse to~~
23 ~~issue a license to an applicant or may suspend, revoke, or refuse to renew the license of any~~
24 ~~licensee if he or she has:~~

25 ~~(1) Been convicted of a felony or misdemeanor involving moral turpitude, the record of~~
26 ~~conviction being conclusive evidence of conviction if the department determines after~~
27 ~~investigation that the person has not been sufficiently rehabilitated to warrant the public trust;~~

28 ~~(2) Secured a license under this chapter by fraud or deceit; or~~

29 ~~(3) Violated or conspired to violate this chapter or rules or regulations issued pursuant to~~
30 ~~this chapter.~~

31 ~~**5-60-15. Appeals.** -- An appeal from any decision or order of the board may be taken by~~
32 ~~any aggrieved party in the manner provided for in the Administrative Procedures Act, chapter 35~~
33 ~~of title 42.~~

34 ~~**5-60-17. Penalty for violations.** -- Any person who violates a provision of this chapter is~~

1 ~~guilty of a misdemeanor offense and upon conviction shall be punishable by a fine not less than~~
2 ~~twenty five dollars (\$25.00) nor more than five hundred dollars (\$500).~~

3 ~~**5-60-18. Receipts.** Any § 5-60-18 Receipts. The proceeds of any fees collected~~
4 ~~pursuant to the provisions of this chapter shall be deposited as general revenues.~~

5 ~~**5-60-19. Severability.** If any provision of this chapter, or the application of this~~
6 ~~chapter to any person or circumstances, is held invalid, that invalidity shall not affect other~~
7 ~~provisions or application of the chapter which can be given effect without the invalid provision or~~
8 ~~application, and to this end the provisions of this chapter are declared to be severable.~~

9 SECTION 17. Sections 5-68.1-2, 5-68.1-5, 5-68.1-8, and 5-68.1-9 of the General Laws in
10 Chapter 5-68.1 entitled "Radiologic Technologists" are hereby amended to read as follows:

11 ~~**5-68.1-2. Definitions.** As used in this chapter:~~

12 ~~(1) "Authorized user" means a licensed practitioner who meets the training and~~
13 ~~experience requirements defined in rules and regulations promulgated pursuant to chapter 23-1.3.~~

14 ~~(2) "Board" means the board of radiologic technology.~~

15 ~~(3) "Department" means the Rhode Island department of health.~~

16 ~~(4) "Director" means the director of the Rhode Island department of health.~~

17 ~~(5) "Financial interest" means being:~~

18 ~~(i) A licensed practitioner of radiologic technology; or~~

19 ~~(ii) A person who deals in goods and services that are uniquely related to the practice of~~
20 ~~radiologic technology; or~~

21 ~~(iii) A person who has invested anything of value in a business that provides radiologic~~
22 ~~technology services.~~

23 ~~(6) "License" means a license issued by the director to practice radiologic technology.~~

24 ~~(7) "Licensed practitioner" means an individual licensed to practice medicine,~~
25 ~~chiropractic, or podiatry, or an individual licensed as a registered nurse practitioner or physician~~
26 ~~assistant in this state.~~

27 ~~(8) "Medical physicist" means an individual, other than a licensed practitioner, who~~
28 ~~practices independently one or more of the subfields of medical physics, and is registered or~~
29 ~~licensed under rules and regulations promulgated pursuant to section 23-1.3~~

30 ~~(9) "National organization" means a professional association or registry, approved by the~~
31 ~~director, that examines, registers, certifies or approves individuals and education programs~~
32 ~~relating to operators of sources of radiation.~~

33 ~~(10) "Nuclear medicine technologist" means an individual, other than a licensed~~
34 ~~practitioner, who compounds, calibrates, dispenses and administers radiopharmaceuticals,~~

~~1 pharmaceuticals, and radionuclides under the general supervision of an authorized user for benefit
2 of performing a comprehensive scope of nuclear medicine procedures, and who has met and
3 continues to meet the licensure standards of this chapter.~~

4 (11) "Person" means any individual, corporation, partnership, firm, association, trust,
5 estate, public or private institution, group, agency, political subdivision of this state or any other
6 state, or political subdivision of any agency thereof and any legal successor, representative, agent
7 or agency of the foregoing.

8 (12) "Radiation therapist" means an individual, other than a licensed practitioner, who
9 utilizes ionizing radiation under the general supervision of an authorized user for the planning and
10 delivery of therapeutic procedures, and who has met and continues to meet the licensure
11 standards of this chapter.

12 (13) "Radiology technologist" also known as a "radiographer" means an individual, other
13 than a licensed practitioner, who performs a comprehensive scope of diagnostic radiologic
14 procedures under the general supervision of a licensed practitioner using external ionizing
15 radiation, resulting in radiographic or digital images, and who has met and continues to meet the
16 licensure standard of this chapter.

17 (14) "Radiologist" means a licensed practitioner specializing in radiology who is certified
18 by or eligible for certification by the American Board of Radiology or the American Osteopathic
19 Board of Radiology, the British Royal College of Radiology, or the Canadian College of
20 Physicians and Surgeons.

~~21 (15) "Radiologist assistant" means an individual, other than a licensed practitioner, who
22 performs as an advanced level radiologic technologist and works under the general supervision of
23 a radiologist to enhance patient care by assisting the radiologist in the medical imaging
24 environment, and who has met and continues to meet the licensure standards of this chapter.~~

25 (16)(17) "Source of radiation" means any substance or device emitting or capable of
26 producing ionizing radiation, for the purpose of performing therapeutic or diagnostic radiologic
27 procedures on human beings.

28 (16)(17) "Student" means an individual enrolled in a course of study for medicine or
29 radiologic technology.

30 (17)(18) "Supervision" means and includes:

31 (i) "Direct supervision" means supervision and control by a licensed practitioner who
32 assumes legal liability for the services rendered by the radiologic technologist, which supervision
33 requires the physical presence of the licensed practitioner for consultation and direction of the
34 actions of the radiologic technologist.

1 (ii) "General supervision" means supervision whereby a licensed practitioner, who
2 assumes legal liability for the services rendered, authorizes the services to be performed by the
3 radiologic technologist, which supervision, except in cases of emergency, requires the easy
4 availability or physical presence of the licensed practitioner for consultation and direction of the
5 actions of the radiologic technologist.

6 **5-68.1-5. Licensure standards.** – (a) The director shall develop standards for licensure
7 of the following categories of radiologic technology:

- 8 (1) Radiographer;
- 9 (2) Nuclear medicine technologist;
- 10 (3) Radiation therapist; and
- 11 ~~(4) Radiologist assistant.~~

12 (b) The director may promulgate rules and regulations which authorize additional
13 categories of licensure, consistent with a radiologic technology certification established by the
14 American Registry of Radiologic Technologists, the Nuclear Medicine Technology Certification
15 Board or other national organization.

16 (c) The director may promulgate rules and regulations that establish requirements for
17 radiologic technologist authorization to operate hybrid imaging modalities, including, but not
18 limited to, a combination nuclear medicine-computed tomography device.

19 **5-68.1-8. Other licensing provisions.** – (a) Each radiologic technologist license issued
20 by the director shall only specify one category of radiologic technology. An individual qualified
21 to practice more than one category of radiologic technology shall submit a separate application
22 for each category to be licensed. Each radiologic technologist license issued by the director shall
23 indicate, as appropriate, that the individual is a licensed radiographer, a licensed nuclear medicine
24 technologist, a licensed radiation therapist, ~~a licensed radiologist assistant~~ or other category of
25 radiologic technology license established by the director pursuant to subsection 5-68.1-5(c).

26 (b) Unless licensed as a radiologic technologist pursuant to this chapter, no individual
27 shall use any title or abbreviation to indicate that the individual is a licensed radiologic
28 technologist.

29 (1) An individual holding a license as a radiographer may use the title "Licensed
30 Radiologic Technologist-Radiographer" or the letters "LRT-R" after his or her name.

31 (2) An individual holding a license as a radiation therapy technologist may use the title
32 "Licensed Radiologic Technologist-Therapy" or the letters "LRT-T" after his or her name.

33 (3) An individual holding a license as a nuclear medicine technologist may use the title
34 "Licensed Radiologic Technologist-Nuclear Medicine" or the letters "LRT-N" after his or her

1 name.

2 ~~(4) An individual holding a license as a radiologist assistant may use the title "Licensed~~
3 ~~Radiologist Assistant" or the letters "LRA" after his or her name.~~

4 (c) A valid license issued pursuant to this chapter shall be carried on the person of the
5 radiologic technologist while performing the duties for which the license is required.

6 (d) Licenses, with the exception of initial licenses, shall be issued for a period of two (2)
7 years.

8 (e) The director shall promulgate rules and regulations which specify a renewal date for
9 all licenses issued pursuant to this chapter.

10 (f) The director shall promulgate rules and regulations which specify the minimum
11 continuing education credits required for renewal of a radiologic technologist license. Failure to
12 attest to completion of the minimum continuing education credits shall constitute grounds for
13 revocation, suspension or refusal to renew the license.

14 ~~**5-68.1-9. Special requirements pertaining to licensure of radiologist assistants.**—(a)~~
15 ~~The director shall promulgate rules and regulations that delineate the specific duties allowed for a~~
16 ~~licensed radiologist assistant. These duties shall be consistent with guidelines adopted by the~~
17 ~~American College of Radiology, the American Society of Radiologic Technologists and the~~
18 ~~American Registry of Radiologic Technologists, with the level of supervision required by such~~
19 ~~guidelines.~~

20 ~~(b) A licensed radiologist assistant is specifically not authorized to:~~

21 ~~(1) Perform nuclear medicine or radiation therapy procedures unless currently licensed~~
22 ~~and trained to perform those duties under the individual's nuclear medicine technologist or~~
23 ~~radiation therapy technologist license;~~

24 ~~(2) Interpret images;~~

25 ~~(3) Make diagnoses; and~~

26 ~~(4) Prescribe medications or therapies.~~

27 SECTION 18. Section 16-11.1-1 of the General Laws in Chapter 16-11.1 entitled
28 "Certification of Athletic Coaches" is hereby amended to read as follows:

29 CHAPTER 16-11.1

30 ~~Certification of~~ Athletic Coaches

31 ~~**16-11.1-1. Certification of athletic coaches — Athletic coaches - Red cross First aid**~~
32 ~~**course required.** —~~ The department of elementary and secondary education shall promulgate
33 rules and regulations concerning the necessary requirements for first aid certification for any
34 person who coaches in any athletic program in any school supported wholly or in part by public

1 ~~money. No person shall coach in any athletic program in any school supported wholly or in part~~
2 ~~by public money unless the person shall have acquired a certificate of qualification issued by or~~
3 ~~under the authority of the department of elementary and secondary education which indicates that~~
4 ~~the person has, no more than three (3) years prior to the application for certification, successfully~~
5 ~~completed the minimum of a red cross first aid course or a comparable course approved by the~~
6 ~~department of elementary and secondary education. Participating schools shall require annual~~
7 ~~proof of current and valid first aid training from all coaches in their athletic programs.~~

8 SECTION 19. Section 20-2-30 of the General Laws in Chapter 20-2 entitled "Licensing"
9 is hereby amended to read as follows:

10 **20-2-30. Fur trapping and buying licenses.** – (a)(1) Fur trapper – Resident: ten dollars
11 (\$10.00);

12 (2) Fur trapper – Non-resident: thirty dollars (\$30.00);

13 ~~(3) Fur buyer – Resident: ten dollars (\$10.00);~~

14 ~~(4) Fur buyer – Non resident: thirty dollars (\$30.00).~~

15 (b) Fur trapper ~~and fur buyer~~ licenses expire on the last day of March of each year.

16 SECTION 20. Chapter 23-16.3 of the General Laws entitled "Clinical Laboratory
17 Science Practice" is hereby repealed in its entirety.

18 ~~**23-16.3-1. Short title.** This chapter shall be known and may be cited as the "Clinical
19 Laboratory Science Practice Act".~~

20 ~~**23-16.3-2. Declaration of policy and statement of purpose.** It is declared to be a
21 policy of the state that the practice of clinical laboratory science by health care professionals
22 affects the public health, safety, and welfare and is subject to control and regulation in the public
23 interest. It is further declared that clinical laboratories and clinical laboratory science practitioners
24 provide essential services to practitioners of the healing arts by furnishing vital information which
25 may be used in the diagnosis, prevention, and treatment of disease or impairment and the
26 assessment of the health of humans. The purpose of this chapter is to provide for the better
27 protection of public health by providing minimum qualifications for clinical laboratory science
28 practitioners, and by ensuring that clinical laboratory tests are performed with the highest degree
29 of professional competency by those engaged in providing clinical laboratory science services in
30 the state.~~

31 ~~**23-16.3-3. Definitions.** The following words and terms when used in this chapter have
32 the following meaning unless otherwise indicated within the context:~~

33 ~~(1) "Accredited clinical laboratory program" means a program planned to provide a
34 predetermined amount of instruction and experience in clinical laboratory science that has been~~

1 ~~accredited by one of the accrediting agencies recognized by the United States Department of~~
2 ~~Education.~~

3 ~~(2) "Board" means the clinical laboratory science board appointed by the director of~~
4 ~~health.~~

5 ~~(3) "Clinical laboratory" or "laboratory" means any facility or office in which clinical~~
6 ~~laboratory tests are performed.~~

7 ~~(4) "Clinical laboratory science practitioner" or "one who engages in the practice of~~
8 ~~clinical laboratory science" means a health care professional who performs clinical laboratory~~
9 ~~tests or who is engaged in management, education, consulting, or research in clinical laboratory~~
10 ~~science, and includes laboratory directors, supervisors, clinical laboratory scientists~~
11 ~~(technologists), specialists, and technicians working in a laboratory, but does not include persons~~
12 ~~employed by a clinical laboratory to perform supportive functions not related to direct~~
13 ~~performance of laboratory tests and does not include clinical laboratory trainees. Provided,~~
14 ~~however, nothing contained in this chapter shall apply to a clinical perfusionist engaged in the~~
15 ~~testing of human laboratory specimens for extracorporeal functions, which shall include those~~
16 ~~functions necessary for the support, treatment, measurement, or supplementation of the~~
17 ~~cardiopulmonary or circulatory system of a patient.~~

18 ~~(5) "Clinical laboratory scientist" and/or "technologist" means a person who performs~~
19 ~~clinical laboratory tests pursuant to established and approved protocols requiring the exercise of~~
20 ~~independent judgment and responsibility, maintains equipment and records, performs quality~~
21 ~~assurance activities related to test performance, and may supervise and teach within a clinical~~
22 ~~laboratory setting.~~

23 ~~(6) "Clinical laboratory technician" means a person who performs laboratory tests~~
24 ~~pursuant to established and approved protocols which require limited exercise of independent~~
25 ~~judgment and which are performed under the personal and direct supervision of a clinical~~
26 ~~laboratory scientist (technologist), laboratory supervisor, or laboratory director.~~

27 ~~(7) "Clinical laboratory test" or "laboratory test" means a microbiological, serological,~~
28 ~~chemical, hematological, radiobioassay, cytological, immunological, or other pathological~~
29 ~~examination which is performed on material derived from the human body, the test or procedure~~
30 ~~conducted by a clinical laboratory which provides information for the diagnosis, prevention, or~~
31 ~~treatment of a disease or assessment of a medical condition.~~

32 ~~(8) "Department" means the Rhode Island department of health.~~

33 ~~(9) "Director" means the director of the Rhode Island department of health.~~

34 ~~(10) "Limited function test" means a test conducted using procedures which as~~

1 ~~determined by the director have an insignificant risk of an erroneous result, including those~~
2 ~~which:~~

3 ~~(i) Have been approved by the United States Food and Drug Administration for home~~
4 ~~use;~~

5 ~~(ii) Employ methodologies that are so simple and accurate as to render the likelihood of~~
6 ~~erroneous results negligible; or~~

7 ~~(iii) The director has determined pose no reasonable risk of harm to the patient if~~
8 ~~performed incorrectly.~~

9 ~~**23-16.3-4. Exceptions.**— This chapter shall not apply to:~~

10 ~~(1) Any person performing clinical laboratory tests within the scope of his or her practice~~
11 ~~and for which he or she is licensed pursuant to any other provisions of the general laws.~~

12 ~~(2) Clinical laboratory science practitioners employed by the United States government~~
13 ~~or any bureau, division, or agency of the United States government while in the discharge of the~~
14 ~~employee's official duties.~~

15 ~~(3) Clinical laboratory science practitioners engaged in teaching or research, provided~~
16 ~~that the results of any examination performed are not used in health maintenance, diagnosis, or~~
17 ~~treatment of disease.~~

18 ~~(4) Students or trainees enrolled in a clinical laboratory science education program~~
19 ~~provided that these activities constitute a part of a planned course in the program, that the persons~~
20 ~~are designated by title such as intern, trainee, or student, and the persons work directly under the~~
21 ~~supervision of an individual licensed by this state to practice laboratory science.~~

22 ~~(5) Individuals performing limited function tests.~~

23 ~~**23-16.3-5. License required.**— (a) No person shall practice clinical laboratory science or~~
24 ~~hold himself or herself out as a clinical laboratory science practitioner in this state unless he or~~
25 ~~she is licensed pursuant to this chapter.~~

26 ~~(b) All persons who were engaged in the practice of clinical laboratory science on July 1,~~
27 ~~1992, who are certified by or eligible for certification by an agency approved by the department~~
28 ~~of health, and who have applied to the department of health on or before July 1, 1994, and have~~
29 ~~complied with all necessary requirements for the application, may continue to perform clinical~~
30 ~~laboratory tests until July 1, 1995 unless the application is denied by the department of health, or~~
31 ~~the withdrawal of the application, whichever occurs first.~~

32 ~~(c) Persons not meeting the education, training, and experience qualifications for any~~
33 ~~license described in this chapter may be considered to have met the qualifications providing they~~
34 ~~have:~~

1 ~~(1) Three (3) years acceptable experience between January 1, 1986 and January 1, 1996~~
2 ~~and submits to the department of health the job description of the position which the applicant has~~
3 ~~most recently performed attested to by his or her employer and notarized; or~~

4 ~~(2) No less than twelve (12) years acceptable experience prior to 1993 and submits to the~~
5 ~~department of health the job description of the position which the applicant has most recently~~
6 ~~performed attested to by his or her employer and notarized on or before December 1, 2001.~~

7 ~~(d) After December 1, 2001, no initial license shall be issued until an applicant meets all~~
8 ~~of the requirements under this chapter, and successfully completes a nationally recognized~~
9 ~~certification examination, such as NCA, DHHS, ASCP, state civil service examination, or others~~
10 ~~including appropriate categorical and specialty exams. Provided, however, that the provisions of~~
11 ~~this subsection shall not be available to any individual who has been previously denied a license~~
12 ~~as a clinical laboratory science practitioner by the department of health.~~

13 ~~**23-16.3-6. Administration.** (a) There is created within the division of professional~~
14 ~~regulation of the department of health a clinical laboratory advisory board which shall consist of~~
15 ~~seven (7) persons who have been residents of the state for at least two (2) years prior to their~~
16 ~~appointment, and who are actively engaged in their areas of practice. The director of the~~
17 ~~department of health, with the approval of the governor, shall make appointments to the board~~
18 ~~from lists submitted by organizations of clinical laboratory science practitioners and~~
19 ~~organizations of physicians and pathologists.~~

20 ~~(b) The board shall be composed of:~~

21 ~~(1) One physician certified by the American Board of Pathology or American Board of~~
22 ~~Osteopathic Pathology;~~

23 ~~(2) One physician who is not a laboratory director and is not a pathologist;~~

24 ~~(3) Four (4) clinical laboratory science practitioners, at least one of whom is a non-~~
25 ~~physician laboratory director, one of whom is a clinical laboratory scientist (technologist), and~~
26 ~~one of whom is a clinical laboratory technician, and who, except for the initial appointments, hold~~
27 ~~active and valid licenses as clinical laboratory science practitioners in this state and one of whom~~
28 ~~is a clinical laboratory science practitioner not falling in one of the first three (3) categories; and~~

29 ~~(4) One public member who is not associated with or financially interested in the practice~~
30 ~~of clinical laboratory science.~~

31 ~~(c) Board members shall serve for a term of three (3) years, and until their successors are~~
32 ~~appointed and qualified, except that the initial appointments, which shall be made within sixty~~
33 ~~(60) days after July 1, 1992, shall be as follows:~~

34 ~~(1) One pathologist, one non-physician laboratory director, and one clinical laboratory~~

1 ~~scientist, shall be appointed to serve for three (3) years;~~

2 ~~(2) One public representative and one non pathologist physician, shall be appointed to~~
3 ~~serve for two (2) years; and~~

4 ~~(3) The remaining members shall be appointed to serve for one year.~~

5 ~~(d) The membership of the board shall receive no compensation for their services.~~

6 ~~(e) Whenever a vacancy shall occur on the board by reason other than the expiration of a~~
7 ~~term of office, the director of the department of health with the approval of the governor shall~~
8 ~~appoint a successor of like qualifications for the remainder of the unexpired term. No person shall~~
9 ~~be appointed to serve more than two (2) successive three (3) year terms.~~

10 ~~**23-16.3-7. Duties and powers of the clinical laboratory advisory board.**— In addition~~
11 ~~to any other power conferred upon the board pursuant to this chapter, the board shall recommend~~
12 ~~to the director:~~

13 ~~(1) Rules and regulations for the implementation of this chapter including, but not limited~~
14 ~~to, regulations that delineate qualifications for licensure of clinical laboratory science~~
15 ~~practitioners as defined in this chapter, specify requirements for the renewal of licensure,~~
16 ~~establish standards of professional conduct, and recommend on the amendment or on the repeal~~
17 ~~of the rules and regulations. Following their adoption, the rules and regulations shall govern and~~
18 ~~control the professional conduct of every person who holds a license to perform clinical~~
19 ~~laboratory tests or otherwise engages in the profession of clinical laboratory science;~~

20 ~~(2) Standard written, oral, or practical examinations for purposes of licensure of clinical~~
21 ~~laboratory science practitioners as provided for in § 23-16.3-5;~~

22 ~~(3) Rules and regulations governing qualifications for licensure of specialists in those~~
23 ~~clinical laboratory science specialties that the board may determine in accordance with § 23-16.3-~~
24 ~~8(c);~~

25 ~~(4) Rules and regulations governing personnel performing tests in limited function~~
26 ~~laboratories;~~

27 ~~(5) A schedule of fees for applications and renewals;~~

28 ~~(6) Establish criteria for the continuing education of clinical laboratory science~~
29 ~~practitioners as required for license renewal;~~

30 ~~(7) Any other rules and regulations necessary to implement and further the purpose of~~
31 ~~this chapter.~~

32 ~~**23-16.3-8. Standards for licensure.**— (a) Clinical laboratory scientist (technologist). The~~
33 ~~department of health shall issue a clinical laboratory scientist's license to an individual who meets~~
34 ~~the qualifications developed by the board, including at least one of the following qualifications:~~

1 ~~(1) A baccalaureate degree in clinical laboratory science (medical technology) from an~~
2 ~~accredited college or university whose curriculum included appropriate clinical education;~~

3 ~~(2) A baccalaureate degree in biological, chemical, or physical science from an accredited~~
4 ~~college or university, and subsequent to graduation has at least twelve (12) months of appropriate~~
5 ~~clinical education in an accredited clinical laboratory science program;~~

6 ~~(3) A baccalaureate degree which includes a minimum of thirty six (36) semester (or~~
7 ~~equivalent) hours in the biological, chemical, and physical sciences from an accredited college or~~
8 ~~university plus two (2) years of full-time work experience including a minimum of four (4)~~
9 ~~months in each of the four (4) major disciplines of laboratory practice (clinical chemistry, clinical~~
10 ~~microbiology, hematology, immunology/immunohematology); or~~

11 ~~(4) A baccalaureate degree consisting of ninety (90) semester (or equivalent) hours,~~
12 ~~thirty six (36) of which must be in the biological, chemical, or physical sciences, from an~~
13 ~~accredited university, and appropriate clinical education in an accredited clinical laboratory~~
14 ~~science program.~~

15 ~~(5) A clinical laboratory scientist (technologist) who previously qualified under federal~~
16 ~~regulatory requirements such as 42 CFR § 493.1433 of the March 14, 1990 federal register or~~
17 ~~other regulations or criteria which may be established by the board.~~

18 ~~(b) Clinical laboratory technician. The department of health shall issue a clinical~~
19 ~~laboratory technician's license to an individual who meets the qualifications promulgated by the~~
20 ~~board, including at least one of the following qualifications:~~

21 ~~(1) An associate degree or completion of sixty (60) semester (or equivalent) hours from a~~
22 ~~clinical laboratory technician program (MLT or equivalent) accredited by an agency recognized~~
23 ~~by the United States Department of Education that included a structured curriculum in clinical~~
24 ~~laboratory techniques;~~

25 ~~(2) A high school diploma (or equivalent) and (i) completion of twelve (12) months in a~~
26 ~~technician training program in an accredited school such as CLA (ASCP) clinical laboratory~~
27 ~~assistant (American Society of Clinical Pathologists), and MLT-C medical laboratory technician-~~
28 ~~certificate programs approved by the board; or (ii) successful completion of an official military~~
29 ~~medical laboratory procedure course of at least fifty (50) weeks duration and has held the military~~
30 ~~enlisted occupational specialty of medical laboratory specialist (laboratory technician); or~~

31 ~~(3) A clinical laboratory technician who previously qualified under federal regulatory~~
32 ~~requirements such as 42 CFR § 493.1441 of the March 14, 1990 federal register which meet or~~
33 ~~exceed the requirements for licensure set forth by the board.~~

34 ~~(c) Clinical histologic technician. The department of health shall issue a clinical~~

1 ~~histologic technician license to an individual who meets the qualifications promulgated by the~~
2 ~~board, including at least one of the following:~~

3 ~~(1) Associate degree or at least sixty (60) semester hours (or equivalent) from an~~
4 ~~accredited college/university to include a combination of mathematics and at least twelve (12)~~
5 ~~semester hours of biology and chemistry, and successfully complete an accredited program in~~
6 ~~histologic technique or one full year of training in histologic technique under the supervision of a~~
7 ~~certified histotechnologist or an appropriately certified histopathology supervisor with at least~~
8 ~~three (3) years experience.~~

9 ~~(2) High school graduation (or equivalent) and two (2) years full time acceptable~~
10 ~~experience under the supervision of a certified/licensed clinical histologic technician at a licensed~~
11 ~~clinical laboratory in histologic technique.~~

12 ~~(d) Cytotechnologist. The department of health shall issue a cytotechnologist license to~~
13 ~~an individual who meets the qualifications promulgated by the board including at least one of the~~
14 ~~following:~~

15 ~~(1) A baccalaureate degree from an accredited college or university with twenty (20)~~
16 ~~semester hours (30 quarter hours) of biological science, eight (8) semester hours (12 quarter~~
17 ~~hours) of chemistry, and three (3) semester hours (4 quarter hours) of mathematics and successful~~
18 ~~completion of a twelve (12) month cytotechnology program.~~

19 ~~(2) A baccalaureate degree from an accredited college or university with twenty (20)~~
20 ~~semester hours (30 quarter hours) of biological science, eight (8) semester hours (12 quarter~~
21 ~~hours) of chemistry, and three (3) semester hours (4 quarter hours) of mathematics and five (5)~~
22 ~~years full time acceptable clinical laboratory experience including cytopreparatory techniques,~~
23 ~~microscopic analysis, and evaluation of the body systems within the last ten (10) years. At least~~
24 ~~two (2) of these years must be subsequent to the completion of the academic component and at~~
25 ~~least two (2) years must be under the supervision of a licensed physician who is a pathologist,~~
26 ~~certified, or eligible for certification, by the American Board of Pathology in anatomic pathology~~
27 ~~or has other suitable qualifications acceptable to the board.~~

28 ~~(3) A cytotechnologist who previously qualified under federal regulatory requirements~~
29 ~~such as 42 CFR § 493.1437 of the March 14, 1990 federal register.~~

30 ~~(e) The board shall recommend standards for any other clinical laboratory science~~
31 ~~practitioners specializing in areas such as nuclear medical technology, radioimmunoassay,~~
32 ~~electron microscopy, forensic science, molecular biology, or similar recognized academic and~~
33 ~~scientific disciplines with approval of the director of health.~~

34 ~~**23-16.3-9. Waiver of requirements.** The board shall recommend regulations providing~~

1 ~~procedures for waiver of the requirements of § 23-16.3-8 for all applicants who hold a valid~~
2 ~~license or its equivalent issued by another state; provided that the requirements under which that~~
3 ~~license or its equivalent was issued to meet or exceed the standards required by this chapter with~~
4 ~~the approval of the director. The board may also recommend regulations it deems appropriate~~
5 ~~with respect to individuals who hold valid licenses or their equivalent in other countries.~~

6 ~~**23-16.3-10. Licensure application procedures.** (a) Licensure applicants shall submit~~
7 ~~their application for licensure to the department of health upon the forms prescribed and furnished~~
8 ~~by the department of health, and shall pay the designated application or examination fee.~~

9 ~~(b) Upon receipt of application and payment of a fee, the department of health shall issue~~
10 ~~a license for a clinical laboratory scientist or technologist, a clinical laboratory technician, or an~~
11 ~~appropriate specialty license to any person who meets the qualifications specified in this chapter~~
12 ~~and the regulations promulgated under this chapter.~~

13 ~~(c) The board may recommend a procedure for issuance of temporary permits to~~
14 ~~individuals otherwise qualified under this chapter who intend to engage in clinical laboratory~~
15 ~~science practice in this state for a limited period of time not to exceed eighteen (18) months.~~

16 ~~(d) The board may recommend a procedure for issuance of provisional licenses to~~
17 ~~individuals who otherwise qualify under this chapter but are awaiting the results of certification~~
18 ~~examinations. A provisional license so issued shall be converted to a license under the provisions~~
19 ~~of § 23-16.3-8 or expire not more than twelve (12) months after issuance. At the discretion of the~~
20 ~~board, the provisional license may be reissued at least one time with the director's approval.~~

21 ~~**23-16.3-11. Licensure renewal.** (a) Licenses issued pursuant to this chapter shall~~
22 ~~expire on a date and time specified by the department of health.~~

23 ~~(b) Every person licensed pursuant to this chapter shall be issued a renewal license every~~
24 ~~two (2) years upon:~~

25 ~~(1) Submission of an application for renewal on a form prescribed by the department of~~
26 ~~health and payment of an appropriate fee recommended by the board; and~~

27 ~~(2) Proof of completion, in the period since the license was first issued or last renewed, of~~
28 ~~at least thirty (30) hours of continuing education courses, clinics, lectures, training programs,~~
29 ~~seminars, or other programs related to clinical laboratory practice which are approved or accepted~~
30 ~~by the board; or proof of re-certification by a national certification organization that mandates an~~
31 ~~annual minimum of fifteen (15) hours of continuing education, such as the National Certification~~
32 ~~Agency for Medical Laboratory Personnel.~~

33 ~~(c) The board may recommend any other evidence of competency it shall deem~~
34 ~~reasonably appropriate as a prerequisite to the renewal of any license provided for by this chapter,~~

1 ~~as long as these requirements are uniform as to application, are reasonably related to the~~
2 ~~measurement of qualification, performance, or competence, and are desirable and necessary for~~
3 ~~the protection of the public health.~~

4 ~~**23-16.3-12. Disciplinary requirements.**—~~ The board may recommend to the director of
5 ~~health issuance, renewal, or revocation of a license, or suspension, placement on probation,~~
6 ~~censure, or reprimand of a licensee, or any other disciplinary action that the board may deem~~
7 ~~appropriate, including the imposition of a civil penalty, for conduct that may result from, but not~~
8 ~~necessarily be limited to:~~

9 ~~(1) A material misstatement in furnishing information to the department of health;~~

10 ~~(2) A violation or negligent or intentional disregard of this chapter, or of the rules or~~
11 ~~regulations promulgated under this chapter;~~

12 ~~(3) A conviction of any crime under the laws of the United States or any state or territory~~
13 ~~of the United States which is a felony or which is a misdemeanor, an essential element of which~~
14 ~~is dishonesty, or of any crime which is directly related to the practice of the profession;~~

15 ~~(4) Making any misrepresentation for the purpose of obtaining registration or violating~~
16 ~~any provision of this chapter;~~

17 ~~(5) Violating any standard of professional conduct adopted by the board;~~

18 ~~(6) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to~~
19 ~~deceive, defraud, or harm the public;~~

20 ~~(7) Providing professional services while mentally incompetent, under the influence of~~
21 ~~alcohol or narcotic or controlled dangerous substance that is in excess of therapeutic amounts or~~
22 ~~without valid medical indication;~~

23 ~~(8) Directly or indirectly contracting to perform clinical laboratory tests in a manner~~
24 ~~which offers or implies an offer of rebate, fee splitting inducements or arrangements, or other~~
25 ~~unlawful remuneration; or~~

26 ~~(9) Aiding or assisting another person in violating any provision of this chapter or any~~
27 ~~rule adopted under this chapter.~~

28 ~~**23-16.3-13. Hearing requirements—Procedure.**—~~ (a) ~~The proceedings for the~~
29 ~~revocation, suspension or limiting of any license may be initiated by any person, corporation,~~
30 ~~association, or public officer or by the board by the filing of written charges with the board, but~~
31 ~~no license shall be revoked, suspended, or limited without a hearing before the board within sixty~~
32 ~~(60) days after the filing of written charges in accordance with the procedures established by the~~
33 ~~board. A license may be temporarily suspended without a hearing for the period not to exceed~~
34 ~~thirty (30) days upon notice to the licensee following a finding by the board that there exists a~~

1 ~~significant threat to the public health and approved by the director.~~

2 ~~(b) Any appeal from the action of the board shall be in accordance with the provisions of~~
3 ~~chapter 35 of title 42.~~

4 ~~**23-16.3-14. Roster of licenses.** The department of health shall maintain a roster of the~~
5 ~~names and addresses of persons currently licensed and registered under the provision of this~~
6 ~~chapter, and of all persons whose licenses have been suspended or revoked within the previous~~
7 ~~year.~~

8 ~~**23-16.3-15. Receipts.** The proceeds of any fees collected pursuant to the provisions of~~
9 ~~this chapter shall be deposited as general revenues.~~

10 ~~**23-16.3-16. Severability.** If any provision of this chapter or the application of any~~
11 ~~provision to any person or circumstance shall be held invalid, that invalidity shall not affect the~~
12 ~~provisions or application of this chapter which can be given effect without the invalid provision~~
13 ~~or application, and to this end the provisions of the chapter are declared to be severable.~~

14 SECTION 21. Chapter 23-19.3 of the General Laws entitled "Sanitarians" is hereby
15 repealed in its entirety.

16 ~~**23-19.3-1. Definitions.** The following words as used in this chapter shall, unless the~~
17 ~~context requires otherwise, have the following meanings:~~

18 ~~(1) "Division" means the division of professional regulation in the department of health.~~

19 ~~(2) "Sanitarian" means a person with broad basic education experience in the field of~~
20 ~~environmental health sciences and technology, and who is qualified to carry out instructional and~~
21 ~~surveillance duties and enforce the laws in the field of environmental health.~~

22 ~~**23-19.3-2. Division of professional regulation—Powers and duties.** The division of~~
23 ~~professional regulation shall have the following powers and duties:~~

24 ~~(1) To prepare and establish regulations governing registration of sanitarians.~~

25 ~~(2) To appoint persons to prepare and administer examinations to applicants for~~
26 ~~registration as sanitarian.~~

27 ~~**23-19.3-3. Qualification for registration.** The division of professional regulation shall~~
28 ~~establish the minimum educational and experience qualifications which applicants must possess~~
29 ~~before being allowed to take the examinations for registration as sanitarians and may, in a similar~~
30 ~~manner, provide for the issuance of certificates of registration without examination to persons~~
31 ~~holding certificates of registration or licenses as sanitarians under the laws of another state, where~~
32 ~~the requirements are substantially equivalent or exceed the requirements of this state.~~

33 ~~**23-19.3-4. Ad hoc committee.** The director of health may establish, as the director~~
34 ~~deems necessary, an ad hoc committee of three professional environmental health scientists who~~

1 ~~are registered sanitarians with 10 or more years' experience in the field of environmental health~~
2 ~~services to assist the division of professional regulation in establishing any standards deemed~~
3 ~~necessary to carry out the provisions of this chapter.~~

4 ~~**23-19.3-5. Application for registration—Examination—Issuance of certificate.**~~ (a)

5 ~~A person who desires to be registered as a sanitarian shall file with the division of professional~~
6 ~~regulation an application upon a form to be prescribed and furnished by the division of~~
7 ~~professional regulation. He or she shall include in the application, under oath, his or her~~
8 ~~qualifications as a sanitarian. The application shall be accompanied by a registration fee as set~~
9 ~~forth in § 23-1-54.~~

10 ~~(b) If the division of professional regulation deems the education qualifications of the~~
11 ~~applicant are satisfactory and if he or she passes an examination, both written and oral,~~
12 ~~satisfactory to the division of professional regulation, the division shall issue him or her a~~
13 ~~certificate of registration. The certificate of registration shall expire at the end of the calendar~~
14 ~~year, and may be renewed on or before January fifteenth (15th) of the following year. The fee for~~
15 ~~renewal of a certificate of registration shall be as set forth in § 23-1-54.~~

16 ~~**23-19.3-6. Designation of registered sanitarian.**~~ Any person to whom a certificate of

17 ~~registration as a sanitarian has been issued shall have the right to use after his name the title~~
18 ~~"registered sanitarian" or the letters "R.S." No other person shall assume the title or use the letters~~
19 ~~or any other words, letters, or writing to indicate that he or she is a registered sanitarian.~~

20 ~~**23-19.3-7. Restricted receipts.**~~ From the proceeds of any fees collected pursuant to the

21 ~~provisions of this chapter, there is created a restricted receipts account which shall be used for the~~
22 ~~general purposes of the division of professional regulation within the Rhode Island department of~~
23 ~~health.~~

24 ~~(a) No person, firm, corporation, partnership, or association shall engage in the business~~
25 ~~of pumping, cleaning, and/or transporting septage, industrial wastes, or oil waste unless a license~~
26 ~~is obtained from the department of environmental management.~~

27 ~~(b) Any person, firm, corporation, partnership or association who desires to engage in this~~
28 ~~business shall submit in writing in any form as is required by the department, an application for a~~
29 ~~license to engage in this business.~~

30 SECTION 22. Chapter 23-20.8.1 of the General Laws entitled "Registration of Music
31 Therapists" is hereby repealed in its entirety.

32 ~~**23-20.8.1-1. Definitions.**~~ As used in this chapter:

33 ~~(1) "Board certified music therapist" means an individual who has completed the~~
34 ~~education and clinical training requirements established by the American Music Therapy~~

1 ~~Association; has passed the certification board for music therapists certification examination; or~~
2 ~~transitioned into board certification, and remains actively certified by the certification board for~~
3 ~~music therapists.~~

4 (2) ~~"Music therapist" means a person registered to practice music therapy pursuant to this~~
5 ~~chapter.~~

6 (3) ~~"Music therapy" means the clinical and evidence based use of music interventions to~~
7 ~~accomplish individualized goals within a therapeutic relationship through an individualized music~~
8 ~~therapy treatment plan for the client that identifies the goals, objectives, and potential strategies of~~
9 ~~the music therapy services appropriate for the client using music therapy interventions, which~~
10 ~~may include music improvisation, receptive music listening, song writing, lyric discussion, music~~
11 ~~and imagery, music performance, learning through music, and movement to music. Music therapy~~
12 ~~is a distinct and separate profession from other licensed, certified, or regulated professions,~~
13 ~~including speech language pathology. The practice of music therapy does not include the~~
14 ~~diagnosis of any physical, mental, or communication disorder. This term may include:~~

15 (i) ~~Accepting referrals for music therapy services from medical, developmental, mental~~
16 ~~health, or education professionals; family members; clients; or caregivers. Before providing~~
17 ~~music therapy services to a client for a medical, developmental, or mental health condition, the~~
18 ~~registrant shall collaborate, as applicable, with the client's physician, psychologist, or mental~~
19 ~~health professional to review the client's diagnosis, treatment needs, and treatment plan. During~~
20 ~~the provision of music therapy services to a client, the registrant shall collaborate, as applicable,~~
21 ~~with the client's treatment team;~~

22 (ii) ~~Conducting a music therapy assessment of a client to collect systematic,~~
23 ~~comprehensive, and accurate information necessary to determine the appropriate type of music~~
24 ~~therapy services to provide for the client;~~

25 (iii) ~~Developing an individualized music therapy treatment plan for the client;~~

26 (iv) ~~Carrying out an individualized music therapy treatment plan that is consistent with~~
27 ~~any other medical, developmental, mental health, or educational services being provided to the~~
28 ~~client;~~

29 (v) ~~Evaluating the client's response to music therapy and the individualized music therapy~~
30 ~~treatment plan and suggesting modifications, as appropriate;~~

31 (vi) ~~Developing a plan for determining when the provision of music therapy services is~~
32 ~~no longer needed in collaboration with the client, any physician, or other provider of healthcare or~~
33 ~~education of the client, any appropriate member of the family of the client, and any other~~
34 ~~appropriate person upon whom the client relies for support;~~

1 (vii) ~~Minimizing any barriers so that the client may receive music therapy services in the~~
2 ~~least restrictive environment; and~~

3 (viii) ~~Collaborating with and educating the client and the family or caregiver of the client~~
4 ~~or any other appropriate person about the needs of the client that are being addressed in music~~
5 ~~therapy and the manner in which the music therapy addresses those needs.~~

6 (4) ~~"Office" means the department of health.~~

7 (5) ~~"Director" means the director of the department of health or his or her designee.~~

8 ~~**23-20.8.1-2. Applicability and scope.** After January 1, 2015, a person shall not~~
9 ~~practice music therapy or represent himself or herself as being able to practice music therapy in~~
10 ~~this state unless the person is registered pursuant to this chapter. Nothing in this chapter may be~~
11 ~~construed to prohibit or restrict the practice, services, or activities of the following:~~

12 (1) ~~Any person licensed, certified, or regulated under the laws of this state in another~~
13 ~~profession or occupation or personnel supervised by a licensed professional in this state~~
14 ~~performing work, including the use of music, incidental to the practice of his or her licensed,~~
15 ~~certified, or regulated profession or occupation, if that person does not represent himself or~~
16 ~~herself as a music therapist; or~~

17 (2) ~~Any person whose training and national certification attests to the individual's~~
18 ~~preparation and ability to practice his or her certified profession or occupation if that person does~~
19 ~~not represent himself or herself as a music therapist.~~

20 (3) ~~Any practice of music therapy as an integral part of a program of study for students~~
21 ~~enrolled in an accredited music therapy program if the student does not represent himself or~~
22 ~~herself as a music therapist.~~

23 (4) ~~Any person who practices music therapy under the supervision of a registered music~~
24 ~~therapist if the person does not represent himself or herself as a music therapist.~~

25 ~~**23-20.8.1-3. Issuance of registration — Minimum qualifications.** (a) The director~~
26 ~~shall issue a registration to an applicant for a music therapy registration when such applicant has~~
27 ~~completed and submitted an application, upon a form and in such manner as the director~~
28 ~~prescribes, accompanied by applicable fees, and evidence satisfactory to the director that:~~

29 (1) ~~The applicant is at least eighteen (18) years of age;~~

30 (2) ~~The applicant holds a bachelor's degree or higher in music therapy, or its equivalent,~~
31 ~~from a program approved by the American Music Therapy Association, or any successor~~
32 ~~organization within an accredited college or university;~~

33 (3) ~~The applicant successfully completes a minimum of twelve hundred (1,200) hours of~~
34 ~~clinical training, with at least one hundred eighty (180) hours in pre-internship experiences and at~~

1 least nine hundred (900) hours in internship experiences; provided that the internship is approved
2 by an academic institution, the American Music Therapy Association or its successor association,
3 or both;

4 (4) ~~The applicant is in good standing based on a review of the applicant's music therapy~~
5 ~~practice history in other jurisdictions, including a review of any alleged misconduct or neglect in~~
6 ~~the practice of music therapy on the part of the applicant;~~

7 (5) ~~The applicant provides proof of passing the examination for board certification~~
8 ~~offered by the certification board for music therapists, or any successor organization, or provides~~
9 ~~proof of being transitioned into board certification, and provides proof that the applicant is~~
10 ~~currently a board-certified music therapist.~~

11 (b) ~~The director shall issue a registration to an applicant for a music therapy registration~~
12 ~~when such applicant has completed and submitted an application upon a form, and in such~~
13 ~~manner as the director prescribes, accompanied by applicable fees, and evidence satisfactory to~~
14 ~~the director that the applicant is registered and in good standing as a music therapist in another~~
15 ~~jurisdiction where the qualifications required are equal to, or greater than, those required in this~~
16 ~~chapter at the date of application.~~

17 **23-20.8.1-4. Suspension and revocation of registration.** (a) ~~Every registration issued~~
18 ~~under this chapter shall be renewed biennially. A registration shall be renewed upon payment of a~~
19 ~~renewal fee if the applicant is not in violation of any of the terms of this chapter at the time of~~
20 ~~application for renewal. The following shall also be required for registration renewal: proof of~~
21 ~~maintenance of the applicant's status as a board certified music therapist.~~

22 (b) ~~A registrant shall inform the director of any changes to his or her address. Each~~
23 ~~registrant shall be responsible for timely renewal of his or her registration.~~

24 (c) ~~Failure to renew a registration shall result in forfeiture of the registration.~~
25 ~~Registrations that have been forfeited may be restored within one year of the expiration date upon~~
26 ~~payment of renewal and restoration fees. Failure to restore a forfeited registration within one year~~
27 ~~of the date of its expiration shall result in the automatic termination of the registration and the~~
28 ~~director may require the individual to reapply for registration as a new applicant.~~

29 **23-20.8.1-5. Waiver of examination.** ~~The director shall waive the examination~~
30 ~~requirement for an applicant until January 1, 2015, who is:~~

31 (1) ~~A board-certified music therapist; or~~

32 (2) ~~Designated as a registered music therapist, certified music therapist, or advanced~~
33 ~~certified music therapist and in good standing with the national music therapy registry.~~

34 **23-20.8.1-6. Rules and regulations.** ~~The director is authorized to adopt, modify,~~

1 ~~repeal, and promulgate rules and regulations in accordance with the purposes of this chapter, and~~
2 ~~only after procedures in accordance with the administrative procedures act (chapter 35 of title 42)~~
3 ~~have been followed. The director is further authorized to assess fees for registrations issued in~~
4 ~~accordance with rules and regulations promulgated pursuant to the authority conferred by this~~
5 ~~chapter, provided that those fees are assessed only after procedures in accordance with the~~
6 ~~administrative procedures act (chapter 35 of title 42) have been followed. All fees shall be~~
7 ~~deposited into the general fund as general revenue.~~

8 SECTION 23. Section 23-22.5-1 of the General Laws in Chapter 23-22.5 entitled
9 “Drowning Prevention and Lifesaving” is hereby amended to read as follows:

10 **23-22.5-1. Rules, regulations, and orders – Facilities to which applicable.** – (a) The
11 department of environmental management is authorized and empowered to adopt and prescribe
12 rules of procedure and regulations and to amend, change, and/or repeal these rules and regulations
13 and make any orders and perform any actions that it may deem necessary to the proper
14 administration and supervision of drowning prevention, lifesaving, first aid and safety personnel
15 and equipment of all camps, camp grounds, bathhouses, bathing resorts, beachside motels or
16 boarding houses, beachside parking areas, swimming pools, other beach and swimming areas,
17 surfing areas, amusement parks, and skiing areas which serve all and/or any part of the general
18 public by fee, membership, or invitation. The provisions of this chapter shall not apply to
19 facilities maintained by a person without charge or assessment to the general public and which
20 are for the sole use of his or her family, private guests, or tenants.

21 ~~(b) The department shall charge an annual fee of ten dollars (\$10.00) for lifeguard~~
22 ~~certification required by the rules and regulations. The funds shall be appropriated to the "user~~
23 ~~fees at state beaches, parks and recreation areas—development fund" established under § 42-~~
24 ~~17.1-29.~~

25 SECTION 24. Section 41-5-21 of the General Laws in Chapter 41-5 entitled “Boxing and
26 Wrestling” is hereby amended to read as follows:

27 **41-5-21. Application of chapter to wrestling ~~and kickboxing~~ matches.** – (a) The
28 division of racing and athletics shall have and exercise the same authority, supervision, and
29 control over wrestling and kickboxing matches and exhibitions as is conferred upon the division
30 by this chapter over boxing and sparring matches and exhibitions, and the provisions of this
31 chapter, except those of § 41-5-12, shall apply in all respects to wrestling ~~and kickboxing~~ matches
32 and exhibitions to the same extent and with the same force and effect as they apply to boxing and
33 sparring matches.

34 (b) Whenever in this chapter, except in § 41-5-12, the words "boxing or sparring match or

1 exhibition" or the plural form thereof are used, they shall be construed to include the words
2 "wrestling ~~or kickboxing~~ match or exhibition" or the plural form thereof, and the word "boxer"
3 shall be construed to include "wrestler ~~or kickboxer~~," unless the context otherwise requires, and
4 any person holding, conducting, or participating in a wrestling or kickboxing match or exhibition
5 shall be subject to the same duties, liabilities, licensing requirements, penalties, and fees as are
6 imposed by this chapter upon any person holding, conducting, or participating in a boxing or
7 sparring match or exhibition.

8 (c) For the purpose of this chapter a "professional wrestler" is defined as one who
9 competes for a money prize or teaches or pursues or assists in the practice of wrestling as a means
10 of obtaining a livelihood or pecuniary gain; ~~and a "professional kickboxer" is defined as one who~~
11 ~~competes for a money prize or teaches or pursues or assists in the practice of kickboxing as a~~
12 ~~means of obtaining a livelihood or pecuniary gain.~~

13 (d) The division of racing and athletics may waive the provisions of this chapter within
14 its discretion in the case of wrestling as a form of pre-determined entertainment.

15 SECTION 25. This article shall take effect upon passage.

16 ARTICLE 21

17 RELATING TO TRANSPORTATION

18 SECTION 1. Section 39-18.1-4 of the General Laws in Chapter 39-18.1 entitled
19 "Transportation Investment and Debt Reduction Act of 2011" is hereby amended to read as
20 follows:

21 **39-18.1-4. Rhode Island highway maintenance account created.** – (a) There is hereby
22 created a special account in the intermodal surface transportation fund as established in section
23 31-36-20 that is to be known as the Rhode Island highway maintenance account.

24 (b) The fund shall consist of all those moneys which the state may from time to time
25 direct to the fund, including, not necessarily limited to, moneys derived from the following
26 sources:

27 (1) There is imposed a surcharge of thirty dollars (\$30.00) per vehicle or truck, other
28 than those with specific registrations set forth below in subsection (b)(1)(i). Such surcharge shall
29 be paid by each vehicle or truck owner in order to register that owner's vehicle or truck and upon
30 each subsequent biennial registration. This surcharge shall be phased in at the rate of ten dollars
31 (\$10.00) each year. The total surcharge will be ten dollars (\$10.00) from July 1, 2013 through
32 June 30, 2014, twenty dollars (\$20.00) from July 1, 2014 through June 30, 2015, and thirty
33 dollars (\$30.00) from July 1, 2015 through June 30, 2016 and each year thereafter.

34 (i) For owners of vehicles or trucks with the following plate types, the surcharge shall be

1 as set forth below and shall be paid in full in order to register the vehicle or truck and upon each
2 subsequent renewal:

3 Plate Type Surcharge

4 Antique \$5.00

5 Farm \$10.00

6 Motorcycle \$13.00

7 (ii) For owners of trailers, the surcharge shall be one-half (1/2) of the biennial
8 registration amount and shall be paid in full in order to register the trailer and upon each
9 subsequent renewal.

10 (2) There is imposed a surcharge of fifteen dollars (\$15.00) per vehicle or truck, other
11 than those with specific registrations set forth in subsection (b)(2)(i) below, for those vehicles or
12 trucks subject to annual registration, to be paid annually by each vehicle or truck owner in order
13 to register that owner's vehicle, trailer or truck and upon each subsequent annual registration. This
14 surcharge will be phased in at the rate of five dollars (\$5.00) each year. The total surcharge will
15 be five dollars (\$5.00) from July 1, 2013 through June 30, 2014, ten dollars (\$10.00) from July 1,
16 2014 through June 30, 2015, and fifteen dollars (\$15.00) from July 1, 2015 through June 30, 2016
17 and each year thereafter.

18 (i) For registrations of the following plate types, the surcharge shall be as set forth below
19 and shall be paid in full in order to register the plate, and upon each subsequent renewal:

20 Plate Type Surcharge

21 Boat Dealer \$6.25

22 Cycle Dealer \$6.25

23 In-transit \$5.00

24 Manufacturer \$5.00

25 New Car Dealer \$5.00

26 Used Car Dealer \$5.00

27 Racer Tow \$5.00

28 Transporter \$5.00

29 Bailee \$5.00

30 (ii) For owners of trailers, the surcharge shall be one-half (1/2) of the annual registration
31 amount and shall be paid in full in order to register the trailer and upon each subsequent renewal.

32 (iii) For owners of school buses, the surcharge will be phased in at the rate of six dollars
33 and twenty-five cents (\$6.25) each year. The total surcharge will be six dollars and twenty-five
34 cents (\$6.25) from July 1, 2013 through June 30, 2014 and twelve dollars and fifty cents (\$12.50)

1 from July 1, 2014 through June 30, 2015 and each year thereafter.

2 (3) There is imposed a surcharge of thirty dollars (\$30.00) per license to operate a motor
3 vehicle to be paid every five (5) years by each licensed operator of a motor vehicle. This
4 surcharge will be phased in at the rate of ten dollars (\$10.00) each year. The total surcharge will
5 be ten dollars (\$10.00) from July 1, 2013 through June 30, 2014, twenty dollars (\$20.00) from
6 July 1, 2014 through June 30, 2015, and thirty dollars (\$30.00) from July 1, 2015 through June
7 30, 2016 and each year thereafter. In the event that a license is issued or renewed for a period of
8 less than five (5) years, the surcharge will be prorated according to the period of time the license
9 will be valid.

10 (c) All funds collected pursuant to this section shall be deposited in the Rhode Island
11 highway maintenance account and shall be used only for the purposes set forth in this chapter.

12 (d) Unexpended balances and any earnings thereon shall not revert to the general fund but
13 shall remain in the Rhode Island highway maintenance account. There shall be no requirement
14 that monies received into the Rhode Island highway maintenance account during any given
15 calendar year or fiscal year be expended during the same calendar year or fiscal year.

16 (e) The Rhode Island highway maintenance account shall be administered by the director,
17 who shall allocate and spend monies from the fund only in accordance with the purposes and
18 procedures set forth in this chapter.

19 (4) All fees assessed pursuant to § 31-47.1-11, and chapters 3, 6, 10, and 10.1 of title 31
20 shall be deposited into the Rhode Island highway maintenance account [effective July 1, 2016](#),
21 provided that for fiscal years ~~2016~~, 2017 and 2018 these fees be transferred as follows:

22 ~~(i) From July 1, 2015 through June 30, 2016, twenty five percent (25%) will be~~
23 ~~deposited;~~

24 ~~(ii)~~ (i) From July 1, 2016 through June 30, 2017, seventy-five percent (75%) will be
25 deposited; and

26 ~~(iii)~~ (ii) From July 1, 2017 and each year thereafter, one hundred percent (100%) will be
27 deposited;

28 (5) All remaining funds from previous general obligation bond issues that have not
29 otherwise been allocated.

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

31 **ARTICLE 22**

32 **RELATING TO PERSONNEL REFORM**

33 SECTION 1. Section 16-59-22 of the General Laws in Chapter 16-59 entitled “Board of
34 Governors for Higher Education” is hereby amended to read as follows:

1 **16-59-22. Applicability of merit system – Teacher certification – List of positions**
2 **transferable to classified service.** – ~~(a)~~ The appointment, promotion, salaries, tenure, and
3 dismissal of all employees of the Rhode Island board of governors for higher education including
4 all administrative, instructional, and research employees, and secretarial, maintenance and
5 services employees ~~not exceeding ten (10) in number~~, of the state colleges and university, as well
6 as the office of higher education, shall not be subject in any manner or degree to control by the
7 personnel administrator, or merit system law, chapter 4 of title 36, or by any officer or board
8 other than the council on postsecondary education. ~~The certification of teachers at the University~~
9 ~~of Rhode Island is abolished, except for teachers that elect to come or remain under it.~~

10 ~~(b) All positions that are exempt from the Merit System Law, chapter 4 of title 36, which~~
11 ~~become vacant or that are to be established, must be forwarded to the personnel administrator,~~
12 ~~who in consultation with the deputy assistant commissioner of education in charge of personnel~~
13 ~~and labor relations shall determine whether the position(s) in question shall remain in the council~~
14 ~~on postsecondary education non-classified service or be established in the classified service of the~~
15 ~~state.~~

16 ~~(c) No position presently in the classified service of the state subject to the Merit System~~
17 ~~Law, chapter 4 of title 36, shall be changed or modified so as to establish the position in the~~
18 ~~council on postsecondary education non-classified service.~~

19 ~~(d) Faculty positions, presidents, vice presidents, deans, assistant deans, and student~~
20 ~~employees of the higher education institutions shall not be covered by the preceding provisions~~
21 ~~and shall remain in the council on postsecondary education non-classified service.~~

22 SECTION 2. Section 36-3-10 of the General Laws in Chapter 36-3 entitled “Division of
23 Personnel Administration” is hereby amended to read as follows:

24 **36-3-10. Appeals to appeal board.** – (a) The personnel appeal board shall hear appeals:

25 (1) By any person with provisional, probationary, or permanent status in a position in the
26 classified service aggrieved by an action of the administrator of adjudication for the department
27 of administration on matters of personnel administration.

28 (2) By any person with provisional, probationary, or permanent status in a position in the
29 classified service who has been discharged, demoted, suspended, or laid off by any appointing
30 authority.

31 (3) By any person who holds the belief that he or she has been discriminated against
32 because of his or her race, sex, age, disability, or his or her political or religious beliefs in any
33 personnel action.

34 (4) By any person who by the personnel policy of the state of Rhode Island or by

1 contractual agreement with the state of Rhode Island is vested with the right of appeal to the
2 board.

3 (b) Appeals shall be taken in accordance with the provisions of this chapter and chapter 4
4 of this title of the personnel rules provided, however, that the personnel appeal board may dismiss
5 the appeal of a person who has already appealed or seeks to appeal the same matter under
6 provisions of a contractual agreement or other law or regulation.

7 (c) An action of the personnel administrator or an appointing authority which is
8 appealable to the personnel appeal board pursuant to this chapter or chapter 36-4 of this title may
9 be reversed or modified on appeal to the personnel appeal board only if the board finds the action
10 to have been arbitrary, capricious, or contrary to rule or law.

11 SECTION 3. Sections 36-4-2, 36-4-7, 36-4-16.5, 36-4-17.2, 36-4-24, 36-4-25, 36-4-28,
12 36-4-29, 36-4-37, and 36-4-42 of the General Laws in Chapter 36-4 entitled “Merit System” are
13 hereby amended to read as follows:

14 **36-4-2. Positions in unclassified service.** – The classified service shall comprise all
15 positions in the state service now existing or hereinafter established, except the following specific
16 positions which with other positions heretofore or hereinafter specifically exempted by legislative
17 act shall constitute the unclassified service:

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

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

21 (3) Officers, secretaries, and employees of the office of the governor, office of the
22 lieutenant governor, department of state, department of the attorney general, and the treasury
23 department.

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

27 (5) The following specific offices:

28 (i) In the department of administration: director, chief information officer; director of
29 office of management and budget, ~~and~~ director of performance management; and in the health
30 benefits exchange created by executive order 11-09 and funded in the state budget: director,
31 deputy director, administrative assistant, senior policy analyst, chief strategic planning
32 monitoring and evaluation;

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

34 (iii) In the department of elementary and secondary education: commissioner of

1 elementary and secondary education;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (10) Members of the military or naval forces, when entering or while engaged in the
2 military or naval service.
- 3 (11) Judges, referees, receivers, clerks, assistant clerks, and clerical assistants of the
4 supreme, superior, family, and district courts, the traffic tribunal, security officers of the traffic
5 tribunal, jurors and any persons appointed by any court.
- 6 (12) Election officials and employees.
- 7 (13) Deputy sheriffs and other employees of the sheriffs division within the department
8 of public safety.
- 9 (14) Patient or inmate help in state charitable, penal, and correctional institutions and
10 religious instructors of these institutions and student nurses in training, residents in psychiatry in
11 training, and clinical clerks in temporary training at the institute of mental health within the state
12 of Rhode Island medical center.
- 13 (15)(i) Persons employed to make or conduct a temporary and special inquiry,
14 investigation, project or examination on behalf of the legislature or a committee therefor, or on
15 behalf of any other agency of the state if the inclusion of these persons in the unclassified service
16 is approved by the personnel administrator. The personnel administrator shall notify the house
17 fiscal advisor and the senate fiscal advisor whenever he or she approves the inclusion of a person
18 in the unclassified service.
- 19 (ii) The duration of the appointment of a person, other than the persons enumerated in
20 this section, shall not exceed ninety (90) days or until presented to the department of
21 administration. The department of administration may extend the appointment another ninety (90)
22 days. In no event shall the appointment extend beyond one hundred eighty (180) days.
- 23 (16) Members of the division of state police within the department of public safety.
- 24 (17) Executive secretary of the Blackstone Valley district commission.
- 25 (18) Artist and curator of state owned art objects.
- 26 (19) Mental health advocate.
- 27 (20) Child advocate.
- 28 (21) The position of aquaculture coordinator and marine infrastructure specialist within
29 the coastal resources management council.
- 30 (22) Employees of the office of the health insurance commissioner.
- 31 (23) In the department of revenue: the director, secretary, attorney.
- 32 (24) In the department of public safety: the director.
- 33 [\(25\) Positions deemed unclassified by the director of administration pursuant to § 36-4-](#)
34 [2.2.](#)

1 **36-4-7. Probationary period in noncompetitive branch – Acquisition of full status. –**

2 Persons appointed to positions in the noncompetitive branch shall serve a probationary period of
3 ~~six (6)~~ twelve (12) months during which time the appointing authority shall report to the
4 personnel administrator every ~~sixty (60)~~ one hundred and twenty (120) days concerning the work
5 of the employee and at the end of the probationary period no further salary or other compensation
6 shall be paid to the employee unless the appointing authority has filed with the personnel
7 administrator a statement, in writing, that the services of the employee have been satisfactory and
8 that it is desired that his or her services be continued. The probationary period is further defined
9 to be ~~one hundred and thirty (130)~~ two hundred and sixty (260) days worked in the non-
10 competitive position to which the person has been appointed. Upon completion of the
11 probationary period and receipt of the statement of satisfactory service by the personnel
12 administrator and having fulfilled the requirements for character and physical condition, the
13 employee shall be deemed to have acquired full status and shall enjoy all the rights and privileges
14 of that status. Whenever a class of positions shall be assigned to the noncompetitive branch, every
15 employee holding a position in that class at the time of assignment who is a temporary employee
16 and has served in that class for ~~six (6)~~ twelve (12) months or more shall be considered to have
17 completed the required probationary period and upon receipt of a statement from his or her
18 appointing authority that his or her services have been satisfactory shall be deemed to have
19 acquired full status and shall enjoy all the rights and privileges of that status. A temporary
20 employee who has served at least ~~four (4)~~ eight (8) months but has not completed ~~six (6)~~ twelve
21 (12) months shall be deemed to have served ~~four (4)~~ eight (8) months of the required probationary
22 period and his or her appointing authority shall submit a report concerning the work of the
23 employee to the personnel administrator and shall at the end of ~~sixty (60)~~ one hundred and twenty
24 (120) days submit a final probationary report for the employee. An employee who has served at
25 least ~~two (2)~~ four (4) months but has not completed ~~four (4)~~ eight (8) months shall be deemed to
26 have served ~~two (2)~~ four (4) months of the required probationary period and his or her appointing
27 authority shall submit a report concerning the work of the employee to the personnel
28 administrator and shall subsequently submit a probationary report at the end of the next ~~sixty (60)~~
29 one hundred and twenty (120) days and a final probationary report at the end of ~~six (6)~~ twelve
30 (12) months of service.

31 **36-4-16.5. Certain unclassified positions excluded. –** ~~Sections~~ Section 36-4-16.2 ~~and~~
32 ~~36-4-16.4~~ of this chapter shall have no application to those positions enumerated in subdivisions
33 36-4-2(1), 36-4-2(2) and 36-4-2(3), and the department of administration shall have no
34 jurisdiction over the status, tenure or salaries of those said enumerated positions.

1 [Section 36-4-16.2 of this chapter shall have no application to state executive department](#)
2 [director positions.](#)

3 **36-4-17.2. Future longevity payments.** – Beginning on July 1, 2011, notwithstanding
4 any rule, regulation, or provision of the public laws or general laws to the contrary, there shall be
5 no further longevity increases for state employees; provided, however, for employees with
6 longevity provisions pursuant to a collective bargaining agreement in effect on June 1, 2011,
7 longevity increases shall cease beginning on July 1, 2011 or beginning upon the expiration of the
8 applicable collective bargaining agreement, whichever occurs later. [Effective through June 30,](#)
9 [2015, to the extent an employee has previously accrued longevity payments, the employee](#)
10 [shall continue to receive the same longevity percentage in effect on June 30, 2011, or in the case](#)
11 [of an employee with longevity provisions pursuant to a collective bargaining agreement in effect](#)
12 [on June 1, 2011, the same longevity percentage in effect on June 30, 2011 or upon the expiration](#)
13 [of the applicable collective bargaining agreement, whichever occurs later. Effective on July 1,](#)
14 [2015, to the extent an employee has previously accrued longevity payments, the employee's](#)
15 [longevity payments shall be equal to the longevity amount earned by the employee for the last](#)
16 [pay period in June, 2015, or in the case of an employee with longevity provisions pursuant to a](#)
17 [collective bargaining agreement in effect on June 30, 2015, longevity payments shall be equal to](#)
18 [the longevity amount earned by the employee for the last pay period in June, 2015 or the last pay](#)
19 [period prior to the expiration of the applicable collective bargaining agreement, whichever occurs](#)
20 [later. The longevity amount shall not be included as part of the employee's base rate salary.](#)

21 **36-4-24. Removal of disqualified names from lists.** – The personnel administrator may
22 remove the name of any person from any list or lists who is physically so disabled as to be
23 rendered unfit for performance of the required duties; or who is addicted to the use of narcotics or
24 excessive use of intoxicating liquors; or who has been found guilty of any infamous or
25 notoriously disgraceful conduct; or who has made false statement of material fact in his or her
26 application; or who has terminated or retired from state service, ~~except as provided under § 36-4-~~
27 ~~23.1; and those individuals who have had their certification notices returned with no forwarding~~
28 ~~address provided the notice was sent by certified mail.~~

29 **36-4-25. Designation of appropriate list for filling of vacancies.** – ~~The preferred~~
30 ~~reemployment list shall have precedence over all other lists for the filling of vacancies of~~
31 ~~comparable or less comparable positions in state service until the list is exhausted.~~ Vacancies in
32 positions in the classified service shall be filled as far as practicable by promotional
33 appointments. Whenever a vacancy does exist in any position in the classified service, the
34 appointing authority may choose to use either the employment, [or](#) promotion, ~~or reemployment~~

1 list to fill the vacancy and shall request the personnel administrator to certify the names of
2 persons eligible for appointment from the designated list; ~~provided, however, that in the event of~~
3 ~~the reorganization of a department or division, or the abolishment of a position or positions in~~
4 ~~state service, any classified employee with permanent status affected thereby shall be placed in a~~
5 ~~comparable position within the department or division. If, however, placement within the~~
6 ~~department or division is not possible, then the affected employee shall be placed in a comparable~~
7 ~~position elsewhere in state service.~~ Whenever a position is allocated or reallocated upward, the
8 classified employee with permanent status holding that position shall be given an opportunity to
9 qualify for the allocated or reallocated position by taking a qualifying examination and shall be
10 placed on leave of absence from the old position until the employee has gained status or failed to
11 qualify for the position.

12 **36-4-28. Probationary period.** – All original appointments and promotional
13 appointments to the classified service shall be for a probationary period of ~~six (6)~~ twelve (12)
14 months, during which time the appointment authority shall report to the personnel administrator
15 every ~~sixty (60)~~ one hundred and twenty (120) days concerning the work of the employee and at
16 the expiration of the probationary period unless the appointing authority files with the personnel
17 administrator a statement in writing that the services of the employee during the probationary
18 period have not been satisfactory and that it is not desired that he or she be continued in the
19 service, he or she shall receive permanent status in this classification. Any employee may be
20 dismissed by the appointing authority during the probationary period for reasons relating to the
21 employee's qualifications or for the good of the service stated by the appointing authority in
22 writing and filed with the personnel administrator. The probationary period is further defined to
23 be ~~one hundred and thirty (130)~~ two hundred and sixty (260) days worked in the classified
24 position to which the person has been appointed.

25 **36-4-29. Restoration to former position of promotional appointees dismissed during**
26 **probation.** – Any promotional appointee who is dismissed from the position to which he or she
27 was promoted during the probationary period or at the conclusion thereof by reason of the failure
28 of the appointing authority to file a request for his or her continuance in the position ~~shall~~ may be
29 restored to the position from which he or she was promoted ~~even though it should be necessary to~~
30 ~~lay off a person holding his or her former position.~~

31 **36-4-37. Layoffs. - ~~Preference for retention or reemployment.~~** – An appointing
32 authority may lay off a classified employee whenever he or she deems it necessary because of a
33 material change in duties or organization, or shortage or stoppage of work or funds. In every case
34 of layoff, the appointing authority shall, before the effective date of the layoff, give written notice

1 of his or her action to the personnel administrator and the employee and shall certify that
2 consideration has been given to length and quality of service of all employees in the affected class
3 under his or her jurisdiction. ~~No employee with full status shall be laid off while probational,~~
4 ~~provisional, or temporary employees are employed by the same appointing authority in the same~~
5 ~~class of positions. No probationary employee shall be laid off while provisional or temporary~~
6 ~~employees are employed by the same appointing authority in the same class of positions. No~~
7 ~~provisional employee shall be laid off while temporary employees are employed by the same~~
8 ~~appointing authority in the same class of positions. Nor shall any temporary appointment be made~~
9 ~~to any position in the class by the appointing authority while any employee who has been laid off~~
10 ~~by the appointing authority is available for certification from a reemployment list. Any person~~
11 ~~who has held full status and who has been laid off shall have his or her name placed on the~~
12 ~~appropriate reemployment list.~~

13 **36-4-42. Appeal from appointing authority to appeal board.** – Any state employee
14 with provisional, probationary, or permanent status who feels aggrieved by an action of an
15 appointing authority resulting in a demotion, suspension, layoff, or dismissal or by any personnel
16 action which an appointing authority might take which causes the person to believe that he or she
17 had been discriminated against because of his or her race, sex, age, disability, or his or her
18 political or religious beliefs, may, within thirty (30) calendar days of the mailing of the notice of
19 that action, appeal in writing to the personnel appeal board for a review or public hearing. Within
20 thirty (30) days after conclusion of the hearing the personnel appeal board shall render a decision
21 and shall notify the affected employee and other interested parties of the decision which ~~may~~
22 ~~confirm or reduce the demotion, suspension, layoff, or dismissal of the employee or may reinstate~~
23 ~~the employee and the board may order payment of part or all of the salary to the employee for the~~
24 ~~period of time he or she was demoted, suspended, laid off, or dismissed.~~ shall affirm the
25 demotion, suspension, layoff, or dismissal of the employee unless the board finds the action of the
26 appointing authority to have been arbitrary, capricious, or contrary to rule or law.

27 The decision of the board shall be final and binding upon all parties concerned, and upon
28 the finding of the personnel administrator, or upon appeal, in favor of the employee, the employee
29 shall be forthwith returned to his or her office or position without loss of compensation, seniority,
30 or any other benefits he or she may have enjoyed, or under such terms as the appeal board shall
31 determine. The employee who is returned to his or her office or position by the appeal board
32 following a review or public hearing shall be granted by the state of Rhode Island counsel fees,
33 payable to his or her representative counsel, of fifty dollars (\$50.00) for each day his or her
34 counsel is required to appear before the appeal board in the behalf of the aggrieved employee.

1 SECTION 4. Chapter 36-4 of the General Laws entitled “Merit System” is hereby
2 amended by adding thereto the following section:

3 **36-4-2.2. Additional positions in unclassified service.** – (a) Whenever a senior agency
4 level position within a state department is created, is vacant or becomes vacant, the director of
5 administration may deem the position unclassified, provided that the individual filling the
6 position has been notified of such classification prior to his or her engagement.

7 (b) For purposes of this section, the term “state department” shall include the departments
8 enumerated by § 42-6-1 and any executive office, such as the executive office of health and
9 human services, provided that the head of the department or executive office is appointed by the
10 governor.

11 (c) For purposes of this section, a “senior agency level position” includes, but is not
12 limited to, classifications in the following functional areas within state service:

13 (1) Director;

14 (2) Deputy director;

15 (3) Executive director;

16 (4) Chief of staff;

17 (5) Chief financial officer;

18 (6) Budget officer;

19 (7) Chief legal counsel;

20 (8) Legislative director;

21 (9) Policy director;

22 (10) Communications director; and

23 (11) Public information officer.

24 (d) In no event shall this section authorize the director of administration to change a
25 position that is unclassified pursuant to § 36-4-2 to a classified position.

26 (e) This section shall only apply to positions that are ineligible for union membership by
27 virtue of their managerial, supervisory, administrative, or confidential status. No reclassification
28 made pursuant to this section shall circumvent the terms and conditions of a valid collective
29 bargaining agreement.

30 (f) Sections 36-4-16.2 and 36-4-16.4 of this chapter shall have no application to those
31 positions deemed unclassified pursuant to this section.

32 (g) The director of administration shall set the compensation for those positions deemed
33 unclassified pursuant to this section.

34 SECTION 5. Sections 36-4-16.4, 36-4-23 and 36-4-23.1 of the General Laws in Chapter

1 36-4 entitled "Merit System" are hereby repealed.

2 ~~**36-4-16.4 Salaries of directors.** — (a) In the month of March of each year, the~~
3 ~~department of administration shall conduct a public hearing to determine salaries to be paid to~~
4 ~~directors of all state executive departments for the following year, at which hearing all persons~~
5 ~~shall have the opportunity to provide testimony, orally and in writing. In determining these~~
6 ~~salaries, the department of administration will take into consideration the duties and~~
7 ~~responsibilities of the aforementioned officers, as well as such related factors as salaries paid~~
8 ~~executive positions in other states and levels of government, and in comparable positions~~
9 ~~anywhere which require similar skills, experience, or training. Consideration shall also be given~~
10 ~~to the amounts of salary adjustments made for other state employees during the period that pay~~
11 ~~for directors was set last.~~

12 ~~(b) Each salary determined by the department of administration will be in a flat amount,~~
13 ~~exclusive of such other monetary provisions as longevity, educational incentive awards, or other~~
14 ~~fringe additives accorded other state employees under provisions of law, and for which directors~~
15 ~~are eligible and entitled.~~

16 ~~(c) In no event will the department of administration lower the salaries of existing~~
17 ~~directors during their term of office.~~

18 ~~(d) Upon determination by the department of administration, the proposed salaries of~~
19 ~~directors will be referred to the general assembly by the last day in April of that year to go into~~
20 ~~effect thirty (30) days hence, unless rejected by formal action of the house and the senate acting~~
21 ~~concurrently within that time.~~

22 ~~**36-4-23 Preferred reemployment list.** — Any person in the classified service who holds~~
23 ~~permanent status and is laid off as a result of reorganization, abolishment of positions by reason~~
24 ~~of reduction of force due to lack of work or lack of funds shall be placed on the list in the order of~~
25 ~~length of service and appointment therefrom shall be in the same order.~~

26 ~~**36-4-23.1 Reemployment lists.** — Any person who holds full status in the classified~~
27 ~~service and resigns in good standing shall be entitled to have his or her name placed on an~~
28 ~~appropriate reemployment list, provided that the person so requests in writing within three (3)~~
29 ~~years of the date of his or her termination from the state service. Any person with full status who~~
30 ~~has resigned and whose appointing authority has failed to certify that he or she has resigned in~~
31 ~~good standing or any person with full status who has been dismissed from the classified service~~
32 ~~may request in writing within three (3) years of the date of his or her termination that his or her~~
33 ~~name be placed on the appropriate reemployment list and the request may be granted at the~~
34 ~~discretion of the personnel administrator. Each name placed on a reemployment list shall be~~

1 ~~stricken therefrom at the expiration of three (3) years from the official termination date.~~

2 SECTION 6. Sections 36-6-3, 36-6-5, and 36-6-22 of the General Laws in Chapter 36-6
3 entitled "Salaries and Traveling Expenses" are hereby amended to read as follows:

4 **36-6-3. Salaries of directors of state departments.** – The general officers of the state
5 shall receive such annual salaries as the general assembly may by law determine. Directors shall
6 receive such annual salaries as ~~may be from time to time established by the unclassified pay plan~~
7 ~~board which shall consist of seven (7) members as provided in § 36-4-16.~~ determined by the
8 director of administration. The state controller is hereby authorized and directed to draw his or
9 her orders upon the general treasurer for the payment of such sums, or so much thereof, as may be
10 required from time to time, upon receipt by him or her of properly authenticated vouchers.

11 **36-6-5. Manner of compensation prescribed by appropriation law.** – All officials and
12 employees shall be compensated in the manner provided by the annual appropriation act or as
13 may hereafter otherwise be prescribed by law. This section shall not ~~apply to the directors of the~~
14 ~~several departments of the state of Rhode Island or~~ to the general officers of the state of Rhode
15 Island whose salaries shall be fixed by the general assembly.

16 **36-6-22. Longevity payments.** – Beginning on July 1, 2011, notwithstanding any rule,
17 regulation, or provision of the public laws or general laws to the contrary, there shall be no
18 further longevity increases for officers, secretaries, and employees of the legislative branch, the
19 judicial branch, the office of the governor, the office of the lieutenant governor, the department of
20 state, the department of the attorney general, and the treasury department; provided, however, for
21 employees with longevity provisions pursuant to a collective bargaining agreement in effect on
22 June 1, 2011, longevity increases shall cease beginning on July 1, 2011 or beginning upon the
23 expiration of the applicable collective bargaining agreement, whichever occurs later. Effective
24 through June 30, 2015, to ~~To~~ the extent an employee has previously accrued longevity payments,
25 the employee shall continue to receive the same longevity percentage in effect on June 30, 2011,
26 or in the case of an employee with longevity provisions pursuant to a collective bargaining
27 agreement in effect on June 1, 2011, the same longevity percentage in effect on June 30, 2011 or
28 upon the expiration of the applicable collective bargaining agreement, whichever occurs later.
29 Effective July 1, 2015, to the extent an employee has previously accrued longevity payments, the
30 employee's longevity payments shall be equal to the longevity amount earned by the employee
31 for the last pay period in June, 2015, or in the case of an employee with longevity provisions
32 pursuant to a collective bargaining agreement in effect on June 30, 2015, longevity payments
33 shall be equal to the longevity amount earned by the employee for the last pay period in June,
34 2015 or the last pay period prior to the expiration of the applicable collective bargaining

1 [agreement, whichever occurs later. The longevity amount shall not be included as part of the](#)
2 [employee's base rate salary.](#)

3 SECTION 7. Sections 36-12-1, 36-12-2, 36-12-2.2, and 36-12-4 of the General Laws in
4 Chapter 36-12 entitled "Insurance Benefits" are hereby amended to read as follows:

5 **36-12-1. Definitions.** – The following words, as used in §§ 36-12-1 – 36-12-14, shall
6 have the following meanings:

7 (1) "Employer", means the state of Rhode Island.

8 (2) "Employee", means all persons who are classified employees as the term "classified
9 employee" is defined under § 36-3-3, and all persons in the unclassified and non-classified
10 service of the state; provided, however, that the following shall not be included as "employees"
11 under §§ 36-12-1 – 36-12-14:

12 (i) Part-time personnel whose work week is less than twenty (20) hours a week and
13 limited period and seasonal personnel;

14 (ii) Members of the general assembly, its clerks, doorkeepers, and pages.

15 (3) "Dependents" means an employee's spouse, domestic partner and unmarried children
16 under nineteen (19) years of age. Domestic partners shall certify by affidavit to the benefits
17 director of the division of personnel that the (i) partners are at least eighteen (18) years of age and
18 are mentally competent to contract, (ii) partners are not married to anyone, (iii) partners are not
19 related by blood to a degree which would prohibit marriage in the state of Rhode Island, (iv)
20 partners reside together and have resided together for at least one year, (v) partners are financially
21 interdependent as evidenced by at least two (2) of the following: (A) domestic partnership
22 agreement or relationship contract; (B) joint mortgage or joint ownership of primary residence,
23 (C) two (2) of: (I) joint ownership of motor vehicle; (II) joint checking account; (III) joint credit
24 account; (IV) joint lease; and/or (D) the domestic partner has been designated as a beneficiary for
25 the employee's will, retirement contract or life insurance. Misrepresentation of information in the
26 affidavit will result in an obligation to repay the benefits received, and a civil fine not to exceed
27 one thousand dollars (\$1000) enforceable by the attorney general and payable to the general fund.
28 The employee will notify the benefits director of the division of personnel by completion of a
29 form prescribed by the benefits director when the domestic partnership ends.

30 (4) "Retired employee", means all persons retired from the active service of the state,
31 who, immediately prior to retirement, were employees of the state as determined by the
32 retirement board under § 36-8-1, and also all retired teachers who have elected to come under the
33 employees' retirement system of the state of Rhode Island.

34 (5) "State retiree", means all persons retired from the active service of the state who,

1 immediately prior to retirement, were employees of the state as determined by the retirement
2 board under § 36-8-1.

3 (6) "Teacher retiree", means all retired teachers who have elected to come under the
4 employees ' retirement system of the state of Rhode Island.

5 (7) "Long-term health care insurance", means any insurance policy or rider advertised,
6 marketed, offered, or designed to provide coverage for not less than twelve (12) consecutive
7 months for each covered person on an expense incurred, indemnity, prepaid, or other basis for
8 one or more necessary or medically necessary diagnostic, preventive, therapeutic, rehabilitative,
9 maintenance, or personal care services, provided in a setting other than an acute care unit of a
10 hospital. The term includes: group and individual policies or riders whether issued by insurers,
11 fraternal benefit societies, nonprofit health, hospital, and medical service corporations; prepaid
12 health plans, health maintenance organizations; or any similar organization. Long-term health
13 care insurance shall not include: any insurance policy which is offered primarily to provide basic
14 medicare supplement coverage; basic hospital expense coverage; basic medical-surgical expense
15 coverage; hospital confinement indemnity coverage; major medical expense coverage; disability
16 income protection coverage; accident only coverage; specified disease or specified accident
17 coverage; or limited benefit health coverage. This list of excluded coverages is illustrative and is
18 not intended to be all inclusive.

19 (8) "Non-Medicare-eligible retiree health care insurance", means the health benefit
20 employees who retire from active service of the state (subsequent to July 1, 1989), who
21 immediately prior to retirement were employees of the state as determined by the retirement
22 board pursuant to § 36-8-1, shall be entitled to receive until attaining Medicare eligibility. ~~This~~
23 ~~health care insurance shall be equal to semi-private hospital care, surgical/medical care and major~~
24 ~~medical with a one hundred seventy five dollar (\$175) calendar year deductible.~~ The
25 aforementioned program will be provided on a shared basis in accordance with § 36-12-4.

26 (9) "Medicare-eligible retiree health care insurance", means the health benefit employees
27 who retire from active service of the state (subsequent to July 1, 1989), who immediately prior to
28 retirement were employees of the state as determined by the retirement board pursuant to § 36-8-
29 1, shall have access to when eligible for Medicare. This health care insurance shall include plans
30 providing hospital care, surgical/medical services, rights and benefits which, when taken together
31 with their federal Medicare program benefits, 42 U.S.C. § 1305 et seq., shall be comparable to
32 those provided for retirees prior to the attainment of Medicare eligibility.

33 (10) "Health reimbursement arrangement", or "HRA" means an account that:

34 (i) Is paid for and funded solely by state contributions;

1 (ii) Reimburses a Medicare-eligible state retiree for medical care expenses as defined in §
2 213(d) of the Internal Revenue Code of 1986, as amended, which includes reimbursements for
3 health care insurance premiums;

4 (iii) Provides reimbursements up to a maximum dollar amount for a coverage period; and

5 (iv) Provides that any unused portion of the maximum dollar amount at the end of a
6 coverage period is carried forward to increase the maximum reimbursement amount in
7 subsequent coverage periods.

8 **36-12-2. Hospital care and surgical-medical service benefits.** – (a) Employees of the
9 state of Rhode Island shall receive, in addition to wages, salaries, and any other remuneration or
10 benefits, hospital care and surgical-medical services, rights, and benefits purchased by the
11 director of administration pursuant to § 36-12-6, ~~with the specific condition that the benefits and~~
12 ~~services provided by the carrier(s) will be substantially equivalent to those set forth in any~~
13 ~~collective bargaining agreement(s) executed between the state of Rhode Island and authorized~~
14 ~~representatives of the unions representing state employees or the health care coverage presently~~
15 ~~being provided.~~

16 (b) The state will work diligently with leadership of organized labor in order to ensure
17 competitive, cost effective health care services for all employees of the state who may be eligible
18 for those benefits.

19 (c) Any new plan must accept pre-existing conditions for those individuals who will be
20 covered by the new policy.

21 (d) Part-time employees whose work week is less than twenty (20) hours a week may
22 purchase the benefits set forth above. The employees shall pay the same rate for the benefits as
23 the group rate paid by the state for the benefits. Payments for the benefits may be deducted in
24 accordance with the provisions of § 36-12-3.

25 **36-12-2.2. Disabled retired employees – Hospital care and surgical-medical service**
26 **benefits.** – Notwithstanding any other provision of the law to the contrary, an employee of the
27 state of Rhode Island who retires under the provisions of title 36 of the Rhode Island general laws
28 with a disability pension benefit shall receive only the following state-sponsored health care and
29 subsidies:

30 (1) Disabled retired employees who retire on or before September 30, 2008, and who are
31 at least sixty (60) years of age as of September 30, 2008.

32 (i) Any disabled retired employee of the state of Rhode Island who retires on or before
33 September 30, 2008, and is at least sixty (60) years of age as of September 30, 2008, will be
34 eligible until age sixty-five (65) to continue to purchase hospital care and surgical-medical

1 service benefits ~~as set forth in § 36-12-2 and as are received by classified employees.~~
 2 Furthermore, if he/she retired subsequent to July 1, 1989, he/she shall receive for himself or
 3 herself a subsidy on the individual medical plan in accordance with the following formula until
 4 attaining age sixty-five (65):

5	Years of Service	State's Share	Employee's Share
6	10-15	50%	50%
7	16-22	70%	30%
8	23-27	80%	20%
9	28+	100%	0%

10 (ii) Any disabled retired employee of the state of Rhode Island who retires on or before
 11 September 30, 2008, and is at least sixty-five (65) years of age as of September 30, 2008, will be
 12 eligible to continue to purchase hospital care and surgical-medical service benefits ~~as set forth in~~
 13 ~~§ 36-12-2 and as are received by classified employees.~~ Furthermore, if he/she retired subsequent
 14 to July 1, 1989, he/she shall receive for himself or herself a subsidy on his or her individual
 15 medical plan in accordance with the following formula applied to the cost of the Medicare
 16 supplemental plan:

17	Years of Service	State's Share	Employee's Share
18	10-15	50%	50%
19	16-19	70%	30%
20	20-27	90%	10%
21	28+	100%	0%

22 (iii) Payment for the coverage shall be based on the group rate used by the state for non-
 23 Medicare eligible retirees ~~at the same group rate used by the state in making payment for state~~
 24 ~~employees.~~

25 (2) Disabled retired employees who retire after September 30, 2008, or are under sixty
 26 (60) years of age on September 30, 2008. Any disabled retired employee of the state of Rhode
 27 Island who retires after September 30, 2008, or any disabled retired employee of the state of
 28 Rhode Island who is under sixty (60) years of age on September 30, 2008, will be eligible to
 29 receive state-sponsored medical coverage and subsidies as follows:

30 (i) If the retiree is under fifty-nine (59) years of age, the retiree shall have the right to
 31 purchase hospital care and surgical-medical service benefits ~~as set forth in § 36-12-2 and as are~~
 32 ~~received by classified employees.~~ Payment for the coverage shall be based on the group rate used
 33 by the state for non-Medicare eligible retirees ~~at the same group rate used by the state in making~~
 34 ~~payment for state employees.~~

1 (ii) Furthermore, if the retiree is under fifty-nine (59) years of age, and retired after July
2 1, 1989, and before September 30, 2008, and the retiree had a minimum of twenty-eight (28)
3 years of total service, he/she shall receive for himself or herself a ninety percent (90%) subsidy
4 on the individual medical plan until attaining age fifty-nine (59).

5 (iii) At age fifty-nine (59) the retiree and his/her dependents shall be eligible only for
6 enrollment in the medical plans available to non-disabled state employee retirees. If the retiree
7 has a minimum of ten (10) years of contributory service, and up to twenty (20) years of total
8 service, the retiree will be eligible for a fifty percent (50%) state subsidy on the cost of the
9 individual retiree medical plan. If the retiree has a minimum of ten (10) years of contributory
10 service, and twenty (20) years or more of total service, the retiree will be eligible for an eighty
11 percent (80%) state subsidy on the cost of the individual retiree medical plan. The retiree is
12 responsible for full payment for any additional dependent plans.

13 (3) Disabled retired employees who retire after September 30, 2008, or are under sixty-
14 five (65) years of age on September 30, 2008. Any disabled retired employee of the state of
15 Rhode Island who retires after September 30, 2008, or any disabled retired employee of the state
16 of Rhode Island who is under sixty-five (65) years of age on September 30, 2008, will be eligible
17 to receive only the following state-sponsored medical coverage and subsidies upon attaining age
18 sixty-five (65):

19 (i) If the retiree is eligible for Medicare at age sixty-five (65), the retiree and spouse shall
20 enroll in a state-sponsored Medicare supplemental plan.

21 (ii) If a retiree is not eligible for Medicare at age sixty-five (65), the retiree may remain in
22 the same medical plan that the retiree was enrolled in prior to attaining age sixty-five (65).

23 (iii) If the retiree has a minimum of ten (10) years of contributory service, and up to
24 twenty (20) years of total service, the retiree will receive a fifty percent (50%) state subsidy based
25 on the cost of the individual Medicare supplemental plan. If the retiree has a minimum of ten (10)
26 years of contributory service and twenty (20) years or more of total service, the retiree will be
27 eligible for an eighty percent (80%) state subsidy based on the cost of the individual Medicare
28 supplemental plan. The retiree is responsible for full payment for any additional dependent plans.

29 (4) Payments for retiree and dependent medical coverage ~~shall~~ may, at the discretion of
30 the director of the department of administration or his or her designee, be deducted from the
31 purchaser's retirement benefits received pursuant to chapter 10 of this title.

32 **36-12-4. Coverage of Non-Medicare-eligible retired employees.** – (a) *Non-Medicare-*
33 *eligible retired employees who retired on or before September 30, 2008.* Any retired employee
34 who retired on or before September 30, 2008 shall be entitled, until attaining Medicare eligibility,

1 to be covered under §§ 36-12-1 – 36-12-5 for himself and herself and, if he or she so desires, his
 2 or her non-Medicare-eligible dependents, upon agreeing to pay the total cost of his or her contract
 3 based on the group rate for non-Medicare eligible retirees ~~at the group rate for active state~~
 4 ~~employees~~. Payments of any non-Medicare-eligible retired employee for coverage ~~shall~~ may, at
 5 the discretion of the director of the department of administration or his or her designee, be
 6 deducted from his or her retirement allowance and remitted from time to time in payment for such
 7 contract. In addition, any retired employee who retired on or before September 30, 2008 shall be
 8 permitted to purchase coverage for his or her non-Medicare-eligible dependents upon agreeing to
 9 pay the additional cost of the contract based on the group rate for non-Medicare eligible retirees
 10 ~~at the group rate for active state employees~~. Payment for coverage for these dependents ~~shall~~
 11 may, at the discretion of the director of the department of administration or his or her designee, be
 12 deducted from his or her retirement allowances and remitted as required in payment for the
 13 contract.

14 *(b) Non-Medicare-eligible state retirees who retired subsequent to July 1, 1989, and on*
 15 *or before September 30, 2008.* Non-Medicare-eligible state retirees who retired subsequent to
 16 July 1, 1989, and on or before September 30, 2008, from active service of the state, and who were
 17 employees of the state as determined by the retirement board under § 36-8-1, shall be entitled to
 18 receive for himself or herself non-Medicare-eligible a retiree health care insurance benefit as
 19 described in § 36-12-1 in accordance with the following formula:

20	Years of Service	Age at Retirement	State's Share	Employee's Share
21	10-15	60	50%	50%
22	16-22	60	70%	30%
23	23-27	60	80%	20%
24	28+	--	90%	10%
25	28+	60	100%	0%
26	35+	any	100%	0%

27 If the retired employee is receiving a subsidy on September 30, 2008, the state will
 28 continue to pay the same subsidy share until the retiree attains age sixty-five (65).

29 Until December 31, 2013, when the state retiree reaches that age which will qualify him
 30 or her for Medicare supplement, the formula shall be:

31	Years of Service	State's Share	Employee's Share
32	10-15	50%	50%
33	16-19	70%	30%
34	20-27	90%	10%

1 provided the employee retired on or after October 1, 2008; has a minimum of twenty (20) years of
2 service; and is a minimum of fifty-nine (59) years of age. Payments for coverage ~~shall~~ may, at the
3 discretion of the director of the department of administration or his or her designee, be deducted
4 from his or her retirement allowance and remitted from time to time in payment for such health
5 insurance plan.

6 (f) Retired employees, including retired teachers, who are non-Medicare-eligible and
7 who reach the age of sixty-five (65) shall be allowed to continue to purchase group health care
8 insurance benefits in the same manner as those provided to retired employees who have not
9 reached the age of sixty-five (65).

10 SECTION 8. This article shall take effect upon passage, except for Section 1 which shall
11 take effect on passage for new employees hired after July 1, 2015 and shall take effect on
12 September 1, 2015 for existing classified employees.

13 ARTICLE 23

14 RELATING TO CORRECTIONS

15 SECTION 1. Sections 11-47-17 and 11-47-17.1 of the General Laws in Chapter 11-47
16 entitled "Weapons" are hereby amended to read as follows:

17 **11-47-17 Qualifications required of law enforcement officers appointed after June**
18 **17, 1959.** – Except as provided in § 11-47-15.3, all law enforcement officers of this state and its
19 political subdivisions whose permanent appointment shall take place after June 17, 1959, will be
20 required to qualify with the pistol or revolver with which they are armed prior to their permanent
21 appointment, that qualification to be the same as that required in § 11-47-15. Constables, special
22 officers, and all law enforcement officers who by law are authorized to carry side-arms and
23 whose appointments are made on a recurring basis will be required to qualify not later than one
24 year following the date of enactment of this section, and their commissions or warrants will be
25 plainly marked or stamped "QUALIFIED WITH PISTOL OR REVOLVER" and will be signed
26 and dated by the certifying authority attesting to that fact. The failure of any law enforcement
27 officer to qualify under the provisions of this section revokes his or her privilege of carrying a
28 pistol or revolver, whether concealed or not, on or about his or her person. All law enforcement
29 officers of this state and its political subdivisions will repeat this qualification at periods of not
30 more than one year, except for correctional officers ~~who must repeat this qualification every two~~
31 ~~(2) years.~~ who shall not qualify on an annual basis but instead shall qualify every two (2) years
32 only.

33 **11-47-17.1 Mandatory or discretionary nature of § 11-47-15.1 requirements –**
34 **Qualification reports to be filed.** – (a) All law enforcement officers of this state and its political

1 subdivisions, whose permanent appointment shall take place later than June 6, 1970, shall be
2 required to qualify with the pistol or revolver with which they are armed prior to their permanent
3 appointment, that qualification to be as required in §§ 11-47-15.1 and 11-47-15.3. All permanent
4 appointed law enforcement officers of this state and its political subdivisions who are required to
5 qualify under § 11-47-17 may, at the discretion of the officer, qualify under either § 11-47-15, 11-
6 47-15.1 or 11-47-15.3. The failure of any law enforcement officer to qualify under the provisions
7 of this section revokes his or her privilege of carrying a pistol or revolver, whether concealed or
8 not, on or about his or her person. Qualification under this section will be required at periods of
9 not more than one year, except for correctional officers ~~who must repeat this qualification every~~
10 ~~two (2) years.~~ who shall not qualify on an annual basis but instead shall qualify every two (2)
11 years only.

12 (b) Copies of all of the qualification reports shall be filed with the office of the attorney
13 general.

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

15 ARTICLE 24

16 RELATING TO INFRASTRUCTURE BANK

17 SECTION 1. Sections 24-18-2 and 24-18-3 of the General Laws in Chapter 24-18
18 entitled "Municipal Road and Bridge Revolving Fund" are hereby amended to read as follows:

19 **24-18-2. Legislative findings.** – The general assembly finds and declares that:

20 (1) Transportation plays a critical role in enabling economic activity in the state of Rhode
21 Island;

22 (2) Cities and towns can lower the costs of borrowing for road and bridge projects
23 through cooperation with the ~~Clean Water Finance Agency~~ Rhode Island infrastructure bank;

24 (3) The clean water and drinking water fund programs administered by the ~~Clean Water~~
25 ~~Finance Agency~~ Rhode Island infrastructure bank benefit from the highest bond rating of any
26 public entity in the state of Rhode Island; and

27 (4) Greater coordination among cities and towns will enable more efficient allocation of
28 infrastructure resources by the state of Rhode Island.

29 **24-18-3. Definitions.** – As used in this chapter, the following terms, unless the context
30 requires a different interpretation, shall have the following meanings:

31 (1) "Agency" means the ~~Clean Water Finance Agency~~ Rhode Island infrastructure bank
32 as set forth in chapter 46-12.2;

33 (2) "Annual construction plan" means the finalized list of approved projects to commence
34 construction each calendar year;

1 (3) "Approved project" means any project approved by the agency for financial
2 assistance;

3 (4) "Department" means the department of transportation, or, if the department shall be
4 abolished, the board, body, or commission succeeding to the principal functions thereof or upon
5 whom the powers given by chapter 5 of title 37 to the department shall be given by law.

6 (5) "Eligible project" means an infrastructure plan, or portion of an infrastructure plan,
7 that meets the project evaluation criteria;

8 (6) "Financial assistance" means any form of financial assistance other than grants
9 provided by the agency to a city or town in accordance with this chapter for all or any part of the
10 cost of an approved project, including, without limitation, temporary and permanent loans, with
11 or without interest, guarantees, insurance, subsidies for the payment of debt service on loans,
12 lines of credit, and similar forms of financial assistance;

13 (7) "Infrastructure plan" means a project proposed by a city or town that would make
14 capital improvements to roads, bridges and appurtenances thereto consistent with project
15 evaluation criteria;

16 (8) "Market rate" means the rate the city or town would receive in the open market at the
17 time of the original loan agreement as determined by the agency in accordance with its rules and
18 regulations;

19 (9) "Project evaluation criteria" means the criteria used by the department to evaluate
20 infrastructure plans and rank eligible projects and shall include the extent to which the project
21 generates economic benefits, the extent to which the project would be able to proceed at an earlier
22 date, the likelihood that the project would provide mobility benefits, the cost effectiveness of the
23 project, the likelihood that the project would increase safety, and the project's readiness to
24 proceed within the forthcoming calendar year;

25 (10) "Project priority list" means the list of eligible projects ranked in the order in which
26 financial assistance shall be awarded by the agency pursuant to section 7 of this chapter;

27 (11) "Revolving fund" means the municipal road and bridge revolving fund established
28 under section 4 of this chapter; and

29 (12) "Subsidy assistance" means credit enhancements and other measures to reduce the
30 borrowing costs for a city or town.

31 SECTION 2. Section 35-3-7.2 of the General Laws in Chapter 35-3 entitled "State
32 Budget" is hereby amended to read as follows:

33 **35-3-7.2. Budget officer as capital development officer.** – The budget officer shall be a
34 capital development program officer who shall be responsible for:

1 (1) The review of all capital development requests submitted by the various state
2 departments, as set forth in chapter 6 of title 42, which shall include all independent boards and
3 commissions and the capital development plans of the Narragansett Bay Commission, ~~Rhode~~
4 ~~Island Clean Water Finance Agency~~ [Rhode Island infrastructure bank](#), the Lottery Commission,
5 and all other public corporations, as defined in chapter 18 of this title which plans would be
6 subject to the provisions of § 35-18-3; provided, that, except as provided for in this section,
7 nothing in this section shall be construed to limit the powers of the board of governors for higher
8 education as outlined in chapter 59 of title 16. Capital development requests and plans shall be
9 submitted in such form, with such explanation, in such number of copies, and by such date as the
10 budget officer may require. Copies shall also be provided directly to the house fiscal advisor and
11 the senate fiscal advisor.

12 (2) Preparation of a capital budget which shall specify which capital items are proposed
13 for presentation to the electorate at the next general election.

14 (3) The activities which will promote capital development planning and develop criteria
15 which can be used to determine appropriate levels of bonded indebtedness.

16 (4) Acting as chairperson of the capital development planning and oversight commission
17 which is to be appointed by the governor. The commission, in addition to recommending to the
18 governor the biennial capital budget, shall implement a long range capital development planning
19 process and shall be responsible for the development of an inventory of state assets to determine
20 the need and prioritization of capital improvements.

21 (5) Working with the board of governors for higher education in the development by the
22 board of that portion of the board's capital development program involving annual general
23 revenues.

24 SECTION 3. Section 35-18-3 of the General Laws in Chapter 35-18 entitled "Public
25 Corporation Debt Management" is hereby amended to read as follows:

26 **35-18-3. Approval by the general assembly.** – (a) No elected or appointed state official
27 may enter into any financing lease or into any guarantee with any person without the prior
28 approval of the general assembly unless:

29 (1) The governor certifies that federal funds will be available to make all of the payments
30 which the state is or could be obligated to make under the financing lease or guarantee; or

31 (2) The general assembly has adjourned for the year with the expectation that it will not
32 meet again until the following year and the governor certifies that action is necessary, because of
33 events occurring after the general assembly has adjourned, to protect the physical integrity of an
34 essential public facility, to ensure the continued delivery of essential public services, or to

1 maintain the credit worthiness of the state in the financial markets.

2 (b) No bonds may be issued or other obligation incurred by any public corporation to
3 finance, in whole or in part, the construction, acquisition, or improvement of any essential public
4 facility without the prior approval of the general assembly, unless:

5 (1) The governor certifies that federal funds will be available to make all of the payments
6 required to be made by the public corporation in connection with the bond or obligation. The
7 certification shall be transmitted to the speaker of the house and the president of the senate with
8 copies to the chairpersons of the respective finance committees and fiscal advisors; or

9 (2) The general assembly has adjourned for the year with the expectation that it will not
10 meet again until the following year and the governor certifies that action is necessary, because of
11 events occurring after the general assembly has adjourned, to protect the physical integrity of an
12 essential public facility, to ensure the continued delivery of essential public services, or to
13 maintain the credit worthiness of the state in the financial markets. The certification shall be
14 transmitted to the speaker of the house and the president of the senate, with copies to the
15 chairpersons of the respective finance committees and fiscal advisors.

16 (c) In addition to, and not by way of limitation on, the exemptions provided in
17 subsections (a) and (b), prior approval by the general assembly shall not be required under this
18 chapter for bonds or other obligations issued by, or financing leases or guarantee agreements
19 entered into by:

20 (1) The Rhode Island industrial facilities corporation; provided financing leases, bonds or
21 other obligations are being issued for an economic development project;

22 (2) The ~~Rhode Island Clean Water Finance Agency~~ [Rhode Island infrastructure bank](#);

23 (3) The Rhode Island housing and mortgage finance corporation;

24 (4) The Rhode Island student loan authority;

25 (5) Any public corporation to refund any bond or other obligation issued by the public
26 corporation to finance the acquisition, construction, or improvement of an essential public facility
27 provided that the governor certifies to the speaker of the house and the president of the senate,
28 with copies to the chairpersons of the respective finance committees and fiscal advisors that the
29 refunding shall provide a net benefit to the issuer; provided, however, obligations of the Rhode
30 Island resource recovery corporation outstanding on July 31, 1999, may be refunded by the
31 issuance of obligations on or before August 1, 1999;

32 (6) The Narragansett Bay water quality management district commission;

33 (7) The Rhode Island health and educational building corporation, except bonds or other
34 obligations issued in connection with the acquisition, construction, or improvement of any facility

1 used by any state agency, department, board, or commission, including the board of governors for
2 higher education, to provide services to the public pursuant to the requirements of state or federal
3 law, and all fixtures for any of those facilities; and

4 (8) The state to refund any financing leases entered into with the authorization of the
5 general assembly, provided that the governor certifies to the speaker of the house and the
6 president of the senate, with copies to the chairpersons of the respective finance committees and
7 fiscal advisors, that the refunding shall provide a net benefit to the state.

8 (d) Nothing contained in this section applies to any loan authorized to be borrowed under
9 Article VI, § 16 or 17 of the Rhode Island Constitution.

10 (e) Nothing in this section is intended to expand in any way the borrowing authority of
11 any public corporation under its charter.

12 (f)(1) Any certification made by the governor under subsection (a), (b), or (c) of this
13 section may be relied upon by any person, including without limitation, bond counsel.

14 (2) The certifications shall be transmitted to the speaker of the house and the president of
15 the senate with copies to the chairpersons of the respective finance committees and fiscal
16 advisors.

17 (g) Except as provided for in this chapter, the requirements of this chapter supersede any
18 other special or general provision of law, including any provision which purports to exempt sales
19 or leases between the state and a public corporation from the operation of any law.

20 SECTION 4. Section 39-1-27.7 of the General Laws in Chapter 39-1 entitled "Public
21 Utilities Commission" is hereby amended to read as follows:

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

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

- 31 (1) System reliability procurement, including but not limited to:
- 32 (i) Procurement of energy supply from diverse sources, including, but not limited to,
33 renewable energy resources as defined in chapter 26 of this title;
- 34 (ii) Distributed generation, including, but not limited to, renewable energy resources and

1 thermally leading combined heat and power systems, which is reliable and is cost-effective, with
2 measurable, net system benefits;

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

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

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

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

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

21 (1) The commissioner of the office of energy resources and the energy efficiency and
22 resources management council, either or jointly or separately, shall provide the commission
23 findings and recommendations with regard to system reliability and energy efficiency and
24 conservation procurement on or before March 1, 2008, and triennially on or before March 1,
25 thereafter through March 1, 2017~~38~~. The report shall be made public and be posted electronically
26 on the website to the office of energy resources.

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

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

1 (4) Each electrical and natural gas distribution company shall submit to the commission
2 on or before September 1, 2008, and triennially on or before September 1, thereafter through
3 September 1, 2017~~38~~, a plan for system reliability and energy efficiency and conservation
4 procurement. In developing the plan, the distribution company may seek the advice of the
5 commissioner and the council. The plan shall include measurable goals and target percentages for
6 each energy resource, pursuant to standards established by the commission, including efficiency,
7 distributed generation, demand response, combined heat and power, and renewables. The plan
8 shall be made public and be posted electronically on the website to the office of energy resources,
9 and shall also be submitted to the general assembly.

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

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

29 (ii) Beginning on November 1, 2012 or before, each electric distribution company shall
30 support the installation and investment in clean and efficient combined heat and power
31 installations at commercial, institutional, municipal, and industrial facilities. This support shall be
32 documented annually in the electric distribution company's energy efficiency program plans. In
33 order to effectuate this provision, the energy efficiency and resource management council shall
34 seek input from the public, the gas and electric distribution company, the economic development

1 corporation, and commercial and industrial users, and make recommendations regarding services
2 to support the development of combined heat and power installations in the electric distribution
3 company's annual and triennial energy efficiency program plans.

4 (iii) The energy efficiency annual plan shall include, but not be limited to, a plan for
5 identifying and recruiting qualified combined heat and power projects, incentive levels, contract
6 terms and guidelines, and achievable megawatt targets for investments in combined heat and
7 power systems. In the development of the plan, the energy efficiency and resource management
8 council and the electric distribution company shall factor into the combined heat and power plan
9 and program, the following criteria: (A) Economic development benefits in Rhode Island,
10 including direct and indirect job creation and retention from investments in combined heat and
11 power systems; (B) Energy and cost savings for customers; (C) Energy supply costs; (D)
12 Greenhouse gas emissions standards and air quality benefits; and (E) System reliability benefits.

13 (iv) The energy efficiency and resource management council shall conduct at least one
14 public review meeting annually, to discuss and review the combined heat and power program,
15 with at least seven (7) business day's notice, prior to the electric and gas distribution utility
16 submitting the plan to the commission. The commission shall evaluate the submitted combined
17 heat and power program as part of the annual energy efficiency plan. The commission shall issue
18 an order approving the energy efficiency plan and programs within sixty (60) days of the filing.

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

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

29 SECTION 5. Section 39-2-1.2 of the General Laws in Chapter 39-2 entitled "Duties of
30 Utilities and Carriers" is hereby amended as follows:

31 **39-2-1.2. Utility base rate -- Advertising, demand side management and renewables -**

32 (a) In addition to costs prohibited in section 39-1-27.4(b), no public utility distributing or
33 providing heat, electricity, or water to or for the public shall include as part of its base rate any
34 expenses for advertising, either direct or indirect, which promotes the use of its product or

1 service, or is designed to promote the public image of the industry. No public utility may furnish
2 support of any kind, direct, or indirect, to any subsidiary, group, association, or individual for
3 advertising and include the expense as part of its base rate. Nothing contained in this section shall
4 be deemed as prohibiting the inclusion in the base rate of expenses incurred for advertising,
5 informational or educational in nature, which is designed to promote public safety conservation of
6 the public utility's product or service. The public utilities commission shall promulgate such rules
7 and regulations as are necessary to require public disclosure of all advertising expenses of any
8 kind, direct or indirect, and to otherwise effectuate the provisions of this section.

9 (b) Effective as of January 1, 2008, and for a period of ~~ten thirty~~ (130) years thereafter,
10 each electric distribution company shall include a charge~~s~~ per kilowatt-hour delivered to fund
11 demand side management programs (the "electric demand side charge"). Effective as of January
12 1, 2008, and for a period of ten (10) years thereafter, each electric distribution company shall
13 include a charge of 0.3 mills per kilowatt-hour delivered to fund renewable energy programs. The
14 electric distribution company shall establish and, after July 1, 2007, maintain two (2) separate
15 accounts, one for demand side management programs (the "demand side account"), which shall
16 be funded by the electric demand side charge and administered ~~and implemented~~ by the
17 distribution company, subject to the regulatory reviewing authority of the commission, and one
18 for renewable energy programs, which shall be administered by the economic development
19 corporation pursuant to § 42-64-13.2 and, shall be held and disbursed by the distribution company
20 as directed by the economic development corporation for the purposes of developing, promoting
21 and supporting renewable energy programs.

22 During the ~~ten (10) year period~~ time periods established in section 39-2-1.2(b), the
23 commission may, in its discretion, after notice and public hearing, increase the sums for demand
24 side management and renewable resources; ~~thereafter,~~ In addition, the commission shall, after
25 notice and public hearing, determine the appropriate charges for these programs. The office of
26 energy resources and/or the administrator of the renewable energy programs may seek to secure
27 for the state an equitable and reasonable portion of renewable energy credits or certificates
28 created by private projects funded through those programs. As used in this section, "renewable
29 energy resources" shall mean: (1) power generation technologies as defined in § 39-26-5,
30 "eligible renewable energy resources", including off grid and on-grid generating technologies
31 located in Rhode Island as a priority; (2) research and development activities in Rhode Island
32 pertaining to eligible renewable energy resources and to other renewable energy technologies for
33 electrical generation; or (3) projects and activities directly related to implementing eligible
34 renewable energy resources projects in Rhode Island. Technologies for converting solar energy

1 for space heating or generating domestic hot water may also be funded through the renewable
2 energy programs. Fuel cells may be considered an energy efficiency technology to be included in
3 demand sided management programs. Special rates for low-income customers in effect as of
4 August 7, 1996 shall be continued, and the costs of all of these discounts shall be included in the
5 distribution rates charged to all other customers. Nothing in this section shall be construed as
6 prohibiting an electric distribution company from offering any special rates or programs for low-
7 income customers which are not in effect as of August 7, 1996, subject to the approval by the
8 commission.

9 (1) The renewable energy investment programs shall be administered pursuant to rules
10 established by the ~~economic development corporation~~ Rhode Island commerce corporation. Said
11 rules shall provide transparent criteria to rank qualified renewable energy projects, giving
12 consideration to:

- 13 (i) the feasibility of project completion;
 - 14 (ii) the anticipated amount of renewable energy the project will produce;
 - 15 (iii) the potential of the project to mitigate energy costs over the life of the project; and
 - 16 (iv) the estimated cost per kilo-watt hour (kwh) of the energy produced from the project.
- 17 (c) [Deleted by P.L. 2012, ch. 241, § 14].

18 ~~(d) The executive director of the economic development corporation is authorized and~~
19 ~~may enter into a contract with a contractor for the cost effective administration of the renewable~~
20 ~~energy programs funded by this section. A competitive bid and contract award for administration~~
21 ~~of the renewable energy programs may occur every three (3) years and shall include as a~~
22 ~~condition that after July 1, 2008 the account for the renewable energy programs shall be~~
23 ~~maintained and administered by the economic development corporation as provided for in~~
24 ~~subdivision (b) above.~~

25 (d) (e) Effective January 1, 2007, and for a period of ~~eleven~~ thirty-one (~~131~~) years
26 thereafter, each gas distribution company shall include, with the approval of the commission, a
27 charge per deca therm delivered to fund demand side management programs (the “gas demand
28 side charge”), including, but not limited to, programs for cost effective energy efficiency, energy
29 conservation, combined heat and power systems, and weatherization services for low income
30 households.

31 (e) (f) ~~The~~ Each gas company shall establish a separate account for demand side
32 management programs (the “gas demand side account”), which shall be funded by the gas
33 demand side charge and administered and implemented by the distribution company, subject to
34 the regulatory reviewing authority of the commission. The commission may establish

1 administrative mechanisms and procedures that are similar to those for electric demand side
2 management programs administered under the jurisdiction of the commissions and that are
3 designed to achieve cost-effectiveness and high life-time savings of efficiency measures
4 supported by the program.

5 ~~(f)~~ ~~(g)~~ The commission may, if reasonable and feasible, except from this demand side
6 management charge:

7 (i) gas used for distribution generation; and

8 (ii) gas used for the manufacturing processes, where the customer has established a self
9 directed program to invest in and achieve best effective energy efficiency in accordance with a
10 plan approved by the commission and subject to periodic review and approval by the
11 commission, which plan shall require annual reporting of the amount invested and the return on
12 investments in terms of gas savings.

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

18 ~~(h)~~ ~~(i)~~ Effective January 1, 2007, the commission shall allocate from demand-side
19 management gas and electric funds authorized pursuant to this section 39-2-1.2, an amount not to
20 exceed two percent (2%) of such funds on an annual basis for the retention of expert consultants,
21 and reasonable administration costs of the energy efficiency and resources management council
22 associated with planning, management, and evaluation of energy efficiency programs, renewable
23 energy programs, system reliability, least-cost procurement, and with regulatory proceedings,
24 contested cases, and other actions pertaining to the purposes, powers and duties of the council,
25 which allocation may by mutual agreement, be used in coordination with the office of energy
26 resources to support such activities.

27 ~~(i)~~ ~~(j)~~ Effective January 1, 201~~3~~6, the commission shall annually allocate from the
28 administrative funding amount allocated in (i) from the demand-side management program as
29 described in subsection (i) as follows: fifty ~~sixty~~ percent (~~56~~0%) for the purposes identified in
30 subsection (i) and ~~forty~~ fifty percent (~~40~~50%) annually to the office of energy resources for
31 activities associated with planning management, and evaluation of energy efficiency programs,
32 renewable energy programs, system reliability, least-cost procurement, and with regulatory
33 proceedings, contested cases, and other actions pertaining to the purposes, powers and duties of
34 the office of energy resources.

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

11 (k) Effective August 1, 2015 each electric distribution company shall remit five (5)
12 percent of the monthly programmatic proceeds of the electric demand side charge to the Rhode
13 Island infrastructure bank. These proceeds shall be returned to the remitting electric distribution
14 company to fund that electric distribution company's demand side management programs in
15 accordance with Section 46-12.2-14.1.

16 (l) Effective August 1, 2015 each gas distribution company shall remit five (5) percent of
17 the monthly programmatic proceeds of the gas demand side charge to the Rhode Island
18 infrastructure bank. These proceeds shall be returned to the remitting gas distribution company to
19 fund that gas distribution company's demand side management programs in accordance with
20 Section 46-12.2-14.1.

21 SECTION 6. Section 39-26-7 of the General Laws in Chapter 39-26 entitled "Renewable
22 Energy Standard" is hereby amended to read as follows:

23 **39-26-7. Renewable energy development fund --** (a) There is hereby authorized and
24 created within the ~~economic development corporation~~ Rhode Island commerce corporation a
25 renewable energy development fund for the purpose of increasing the supply of NE-GIS
26 certificates available for compliance in future years by obligated entities with renewable energy
27 standard requirements, as established in this chapter. The fund shall be located at ~~and~~
28 ~~administered by the Rhode Island economic development corporation~~ the Rhode Island
29 commerce corporation in accordance with § 42-64-13.2. The ~~economic development corporation~~
30 Rhode Island commerce corporation shall:

31 Administer the fund and ~~Adopt~~ adopt plans and guidelines for the management and use of the
32 fund in ~~accordance with § 42-64-13.2~~ coordination with the office of energy resources and the
33 Rhode Island infrastructure bank ~~accordance with section 42-64-13.2,~~ and

34 (b) The ~~economic development corporation~~ Rhode Island commerce corporation shall

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

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

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

8 (2) Establishing and maintaining a residential renewable energy program using eligible
9 technologies in accordance with § 39-26-5;

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

12 (4) Implementing and supporting commercial and residential property assessed clean
13 energy projects;

14 ~~(45)~~ Issuing assurances and/or guarantees to support the acquisition of renewable energy
15 certificates and/or the development of new renewable energy sources for Rhode Island;

16 ~~(56)~~ Establishing escrows, reserves, and/or acquiring insurance for the obligations of the
17 fund;

18 ~~(67)~~ Paying administrative costs of the fund incurred by the Rhode Island commerce
19 corporation, ~~economic development corporation, the board of trustees, or the Rhode Island~~
20 infrastructure bank and the office of energy resources, not to exceed ten percent (10%) of the
21 income of the fund, including, but not limited to, alternative compliance payments. All funds
22 transferred from the ~~economic development corporation~~ Rhode Island commerce corporation to
23 support the Rhode Island infrastructure bank and the office of energy resources' administrative
24 costs shall be deposited as restricted receipts.

25 (d) All applications received for the use of the fund shall be reviewed by the Rhode
26 Island commerce corporation in consultation with the office of energy resources and the Rhode
27 Island infrastructure bank.

28 ~~(de)~~ NE-GIS certificates acquired through the fund may be conveyed to obligated entities
29 or may be credited against the renewable energy standard for the year of the certificate provided
30 that the commission assesses the cost of the certificates to the obligated entity, or entities,
31 benefiting from the credit against the renewable energy standard, which assessment shall be
32 reduced by previously made alternative compliance payments and shall be paid to the fund.

33 SECTION 7. Chapter 39-26.5 of the General Laws entitled "Property Assessed Clean
34 Energy -- Residential Program" is hereby renamed "Property Assessed Clean Energy Program".

1 SECTION 8. Sections 39-26.5-1, 39-26.5-2, 39-26.5-3, 39-26.5-5, 39-26.5-6, 39-26.5-7,
2 39-26.5-8, 39-26.5-9, 39-26.5-10 and 39-26.5-11, of the General Laws in Chapter 39-26.5 entitled
3 “Property Assessed Clean Energy -- Residential Program” are hereby amended to read as follows:

4 **39-26.5-1. Legislative findings.** -- It is hereby found and declared:

5 (1) Investing in energy efficiency and renewable energy improvements is financially
6 beneficial over time, as well as good for the environment;

7 (2) Upfront costs are a barrier to investments in major energy improvements for both
8 commercial and residential property owners;

9 (3) There are few financing options available that combine easy qualification, an
10 attractive interest rate, and a relatively long repayment term;

11 (4) Property-assessed clean energy, hereinafter referred to as PACE, is a voluntary
12 financing mechanism which allows ~~homeowners~~ both residential and commercial property
13 owners to access affordable, long-term financing for ~~energy upgrades to~~ renewable energy and
14 energy efficiency upgrades including system reliability upgrades, alternative fuel infrastructure
15 upgrades, and other eligible environmental and health and safety upgrades on their property;

16 (5) PACE financing offers incremental special assessment payments that are low and
17 fixed for up to twenty (20) years, with no upfront costs; the PACE special assessment fees
18 transfer to the new owner when a property is sold, or the assessment obligation can be paid in full
19 at transfer; and electricity and fuel bills are lower than they would be without the improvements;
20 and

21 (6) PACE financing will ~~allow~~ create a means for Rhode Island cities and towns to
22 ~~contribute in order to~~ provide a mechanism to ~~help meet~~ increase community sustainability,
23 greenhouse gas emissions reductions, and meet other energy goals and will also provide a
24 valuable service to the citizens of their communities.

25 **39-26.5-2. Definitions.** -- As used in this chapter, the following definitions apply:

26 (1) “Commercial property” means a property operated for commercial purposes, or a
27 residential property which contains five (5) or more housing units.

28 (2) “Distributed generation system” means an electrical generation facility located in the
29 electric distribution company’s load zone with a nameplate capacity no greater than five
30 megawatts (5 MW), using eligible renewable energy resources as defined by § 39-26-5, including
31 biogas created as a result of anaerobic digestion, but, specifically excluding all other listed
32 eligible biomass fuels, and connected to an electrical power system owned, controlled, or
33 operated by the electric distribution company.

34 (3) ~~(4)~~ “Dwelling” means a residential structure or mobile home which contains one to

1 four (4) family housing units, or individual units of condominiums or cooperatives,

2 ~~(4)~~ ~~(2)~~ “Eligible net metering system” means a facility generating electricity as defined in

3 § 39-26.4-2.

4 ~~(5)~~ ~~(3)~~ “Eligible renewable energy resources” means resources as defined in § 39-26-5.

5 ~~(6)~~ ~~(4)~~ “Energy efficient projects” means those projects that are eligible under § 39-1-

6 27.7 or projects that have been defined as eligible in the PACE rules and regulations.

7 (7) “Institution” means a private entity or quasi state agency.

8 ~~(8)~~ ~~(5)~~ “Loan loss reserve fund or “LRF” means funds set aside to cover losses in the

9 event of loan defaults.

10 ~~(9)~~ ~~(6)~~ “Municipality and towns and cities” means any Rhode Island town or city with

11 powers set forth in title 45 of the general laws.

12 ~~(7)~~ (10) “Net metering” means using electricity as defined in section 39-26.4-2.

13 ~~(8) “Office of energy resources” or “office” means the Rhode Island office of energy~~

14 ~~resources within the department of administration.~~

15 ~~(9)~~ (11) “PACE assessment” or “assessment” means the special assessment ~~placed~~ on a

16 PACE ~~property in accordance with § 39-26.5-4~~ owner’s property tax bill to be collected by the

17 PACE municipality in which that PACE property is located and remitted to the lender that has

18 financed that PACE property owner’s PACE Loan.

19 (12) “PACE lien” means the non-accelerating lien placed on a PACE property in

20 accordance with the rules and regulations promulgated by the office subject to Section 39-26.5-

21 11, in order to secure the repayment of a PACE loan made in connection to that PACE property

22 and to secure the payment of each PACE assessment to be made by that PACE property owner as

23 each assessment comes due.

24 (13) “PACE loan” means a loan, approved by the office, made in accordance with this

25 chapter and the rules and regulations promulgated by the office in accordance therewith.

26 ~~(10)~~ (14) “PACE municipality” means a municipality voluntarily designated by its city or

27 town council as a property-assessed clean energy municipality.

28 ~~(11) “PACE property” means any property which is the subject of a written agreement~~

29 ~~entered into pursuant to section 39-26.5-4~~

30 ~~(12)~~ (15) “PACE project” or “Pproject” means a distinct installation of an eligible energy

31 efficiency system, renewable energy net metering system, distributed generation system,

32 alternative fuel infrastructure upgrade, and/or other eligible environmental and health and safety

33 upgrades.

34 (16) “PACE property” or “property” means any dwelling or commercial property which

1 is the subject of an application filed pursuant to section § 39-26.5-4.

2 (17) “Past due balances” means the sum of the due and unpaid assessments on a PACE
3 Property as of the time the ownership of that PACE property is transferred. “Past due balances”
4 does not mean the unaccelerated balance of the PACE loan at the time that property is transferred.

5 ~~(13)~~ (18) “Property-assessed clean energy” or “PACE” is a voluntary financing
6 mechanism which allows both residential and commercial property owners to access affordable,
7 long-term financing for energy efficiency and renewable energy improvements to upgrades, and
8 other eligible environmental and health and safety upgrades on their property.

9 (19) “Rhode Island infrastructure bank” means the Rhode Island infrastructure bank
10 (“RIIB”). For the purposes of this chapter, Rhode Island infrastructure bank shall include other
11 related state agencies and/or third party administrators, as may be engaged by the Rhode Island
12 infrastructure bank for the purposes of providing the services envisioned by the rules and
13 regulations promulgated in accordance with section 39-26.5-11.

14 **39-26.5-3. Property-Assessed Clean Energy Municipality.** – A town or city council by
15 resolution may designate the municipality as a ~~property assessed clean energy municipality, also~~
16 ~~referred to~~ as a “PACE municipality.”

17 **39-26.5-5. ~~Rights of dwelling owners PACE Property Owners Rights of PACE~~**
18 **Property Owners.** – A ~~dwelling PACE property owner who has entered into a written agreement~~
19 ~~with a municipality under section 39-26.5-4~~ may enter into a contract for the installation or
20 construction of a project relating to renewable energy as defined in section 39-26-5, or relating to
21 energy efficiency as defined in section 39-1-27.7 or as defined by the ~~office~~ Rhode Island
22 infrastructure bank under subsection 39-26.5-~~8(a)~~11.

23 **39-26.5-6. Priority of PACE assessment lien.** – (a) A ~~lien for a PACE assessment lien~~
24 on a dwelling shall be: subordinate to all liens on the ~~property dwelling~~ in existence at the time
25 the ~~lien for the assessment in filed~~ PACE lien is created; subordinate to a first mortgage on the
26 ~~property dwelling~~ recorded after such ~~filing PACE lien is created~~; and superior to any other lien
27 on the ~~property dwelling~~ recorded after such ~~filing PACE lien is created~~. This subsection shall not
28 affect the status or priority of any other municipal or statutory lien.

29 (b) At the time of a transfer of property ownership of a dwelling, including by
30 foreclosure, the past due balances of any special assessment under this chapter shall be due for
31 payment. ~~In the event of a foreclosure action, the past due balances shall include all payments on~~
32 ~~a PACE assessment that are due and unpaid as of the date of the foreclosure.~~ Unless otherwise
33 agreed by the PACE lender, all payments on the PACE assessment that become due after the date
34 of transfer by foreclosure or otherwise shall continue to be secured by a lien on the PACE

1 property and shall be the responsibility of the transferee.

2 (c) A PACE lien on a commercial property shall be: senior to all liens on the commercial
3 property in existence at the time the PACE lien is created; senior to all liens created or recorded
4 after the time the PACE lien is created; and on parity with a municipal tax lien.

5 (d) At the time of a transfer of property ownership of a commercial property, including
6 by foreclosure, the past due balances of any special assessment under this chapter shall be due for
7 payment. Unless otherwise agreed by the PACE lender, all payments on the PACE assessment
8 that become due after the date of transfer by foreclosure or otherwise shall remain a lien on the
9 PACE property and shall be the responsibility of the transferee.

10 **39-26.5-7 Loan loss reserve fund.** – (a) the ~~office shall~~ Rhode Island infrastructure bank
11 may contract with ~~an~~ one or more approved institutions, ~~approved financial institution~~ to create
12 one or more Loan Loss reserve Funds (LRF).

13 (b) In the event that there is a foreclosure of a PACE property and the proceeds resulting
14 from such a foreclosure are insufficient to pay the past due balances on the associated PACE
15 assessment, after all superior liens have been satisfied, ~~then~~ payment from the LRF shall be made
16 from the LRF in the amount of the past due balances on the PACE assessment. The LRF shall be
17 administered by the Rhode Island infrastructure bank or by the ~~financial~~-institution selected by
18 the ~~office~~ Rhode Island infrastructure bank; in the latter case ~~with~~ the ~~office~~ Rhode Island
19 infrastructure bank shall ~~providing~~ provide oversight of the LRF.

20 **39-26.5-8. Assistance to municipalities.** – The ~~office~~ Rhode Island infrastructure bank
21 shall:

22 ~~(1)-(a) Commencing on/or before July 1, 2014 and thereafter publish~~ Publish on its
23 website a list of the types of PACE eligible energy efficiency, ~~and~~ renewable energy, other
24 projects as defined in rules and regulations promulgated under 39-26.5-11;

25 ~~(2)~~ (b) Provide information concerning implementation of this chapter to each
26 municipality that requests such information;

27 ~~(3)~~ (c) Offer administrative and technical assistance to and offer to manage the PACE
28 program on behalf of any PACE municipality that voluntarily participates in the PACE program;
29 and

30 ~~(4)~~ (d) Develop and offer informational resources to help residents make best use of the
31 PACE program.

32 **39-26.5-9. Monitoring, reporting, compliance, underwriting criteria.** – The Rhode
33 Island infrastructure bank shall determine compliance with the underwriting criteria, standards,
34 and procedures established within this chapter and shall include an accounting of the PACE

1 program in the annual report due ~~on April 15th of~~ each year ~~to the general assembly under~~
2 ~~subsection 39-2-1.2(k)~~ under § 46-12.2-24.1. The report shall describe the implementation and
3 operation of the PACE program receipts, disbursements and earnings.

4 **39-26.5-11. Rules and regulations.** – The ~~office is authorized to~~ Rhode Island
5 infrastructure bank shall consult with the office of energy resources and other relevant state
6 agencies and shall promulgate necessary rules and regulations, including but not limited to those
7 listed in section 39-26.5-4, in order to assure that PACE programs shall be successfully instituted
8 in Rhode Island; ~~such~~ in accordance with the terms of this chapter. Such rules should ensure that
9 the PACE program does not adversely affect the implementation of any other energy program in
10 whose coordination the ~~office~~ Rhode Island infrastructure bank or the office of energy resources
11 is involved.

12 SECTION 9. Section 39-26.5-4 of Chapter 39-26.5 in the General Laws entitled
13 “Property Assessed Clean Energy – Residential Program” is hereby repealed.

14 ~~39-26.5-4. Written agreements, consent of dwelling owners, energy savings analysis.~~
15 ~~After January 1, 2014, a PACE municipality may enter into a written agreement with any~~
16 ~~dwelling owner within the municipality who has:~~

17 ~~(1) An energy savings analysis approved by the office or an analysis performed under~~
18 ~~plans approved by the commission pursuant to section 39-1-27.7;~~

19 ~~(2) An energy efficiency and/or renewable energy project description approved by the~~
20 ~~office; and~~

21 ~~(3) A commitment from a financial institution to provide funds to complete the project.~~

22 ~~The agreement will require the dwelling owner to consent to be subject to the terms of the~~
23 ~~lien as set forth in Section 39-26.5-6.~~

24 SECTION 10. Chapter 39-26.5 of the General Laws entitled, “Property Assessed Clean
25 Energy – Residential Program” is hereby amended by adding thereto the following section:

26 **39-26.5-4.1. Application, project eligibility, agreement with municipality.** – (a) The
27 office, in consultation with the office of energy resources, shall be responsible for promulgating
28 regulations that establish:

29 The necessary application requirements and procedures for any dwelling owner or
30 commercial property owner seeking PACE financing.

31 The necessary qualifications and requirements for a proposed PACE project.

32 (b) The office shall be responsible for promulgating the agreements and forms, to be
33 signed by PACE property owners, PACE municipalities, and PACE lenders, necessary to
34 effectuate the PACE program.

1 SECTION 11. Section 42-64-13.2 of chapter 42-64 of the General Laws entitled "Rhode
2 Island Commerce Corporation" is hereby repealed.

3 ~~42-64-13.2 Renewable energy investment coordination (a) Intent. To develop an
4 integrated organizational structure to secure for Rhode Island and its people the full benefits of
5 cost-effective renewable energy development from diverse sources.~~

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

8 ~~Within this section, the following words and terms shall have the following meanings:~~

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

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

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

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

22 ~~(d) Duties. The corporation shall, with regards to renewable energy project investment:~~

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

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

29 ~~(e) Conduct of activities.~~

30 ~~(1) To the extent reasonable and practical, the conduct of activities under the provisions
31 of this chapter shall be open and inclusive; the director shall seek, in addressing the purposes of
32 this chapter, to involve the research and analytic capacities of institutions of higher education
33 within the state, industry, advocacy groups, and regional entities, and shall seek input from
34 stakeholders including, but not limited to, residential and commercial energy users.~~

- 1 ~~(2) By January 1, 2009, the director shall adopt:~~
- 2 ~~(A) Goals for renewable energy facility investment which is beneficial, prudent, and from~~
3 ~~diverse sources;~~
- 4 ~~(B) A plan for a period of five (5) years, annually upgraded as appropriate, to meet the~~
5 ~~forementioned goals; and~~
- 6 ~~(C) Standards and procedures for evaluating proposals for renewable energy projects in~~
7 ~~order to determine the consistency of proposed projects with the plan.~~
- 8 ~~(f) Reporting.— On March 1, of each year after the effective date of this chapter, the~~
9 ~~corporation shall submit to the governor, the president of the senate, the speaker of the house of~~
10 ~~representatives, and the secretary of state, a financial and performance report. These reports shall~~
11 ~~be posted electronically on the general assembly and the secretary of state's websites as~~
12 ~~prescribed in § 42-20-8.2. The reports shall set forth:~~
- 13 ~~(1) The corporation's receipts and expenditures in each of the renewable energy program~~
14 ~~funds administered in accordance with this section.~~
- 15 ~~(2) A listing of all private consultants engaged by the corporation on a contract basis and~~
16 ~~a statement of the total amount paid to each private consultant from the two (2) renewable energy~~
17 ~~funds administered in accordance with this chapter; a listing of any staff supported by these~~
18 ~~funds, and a summary of any clerical, administrative or technical support received; and~~
- 19 ~~(3) A summary of performance during the prior year including accomplishments and~~
20 ~~shortcomings; project investments, the cost effectiveness of renewable energy investments by the~~
21 ~~corporation; and recommendations for improvement.~~

22 SECTION 12. Section 42-155-3 of the General Laws in Chapter 42-155 entitled "Quasi-
23 Public Corporations Accountability and Transparency Act" is hereby amended to read as follows:

24 **42-155-3. Definitions. [Effective January 1, 2015].** – (a) As used in this chapter,
25 "quasi-public corporation" means any body corporate and politic created, or to be created,
26 pursuant to the general laws, including, but not limited to, the following:

- 27 (1) Capital center commission;
- 28 (2) Rhode Island convention center authority;
- 29 (3) Rhode Island industrial facilities corporation;
- 30 (4) Rhode Island industrial-recreational building authority;
- 31 (5) Rhode Island small business loan fund corporation;
- 32 (6) Quonset development corporation;
- 33 (7) Rhode Island airport corporation;
- 34 (8) I-195 redevelopment district commission;

- 1 (9) Rhode Island health and educational building corporation;
- 2 (10) Rhode Island housing and mortgage finance corporation;
- 3 (11) Rhode Island higher education assistance authority;
- 4 (12) Rhode Island student loan authority;
- 5 (13) Narragansett bay commission;
- 6 (14) ~~Rhode Island Clean Water Finance Agency~~ [Rhode Island infrastructure bank](#);
- 7 (15) Rhode Island water resources board;
- 8 (16) Rhode Island resource recovery corporation;
- 9 (17) Rhode Island public rail corporation;
- 10 (18) Rhode Island public transit authority;
- 11 (19) Rhode Island turnpike and bridge authority;
- 12 (20) Rhode Island tobacco settlement financing corporation; and
- 13 (21) Any subsidiary of the Rhode Island commerce corporation.

14 (b) Cities, towns, and any corporation created that is an instrumentality and agency of a
15 city or town, and any corporation created by a state law that has been authorized to transact
16 business and exercise its powers by a city or town pursuant to ordinance or resolution, and fire
17 and water districts are not subject to the provisions of this chapter.

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

22 SECTION 13. Section 45-12-33 of the General Laws in Chapter 45-12 entitled
23 "Indebtedness of Towns and Cities" is hereby amended to read as follows:

24 **45-12-33. Borrowing for road and bridge projects financed through the "municipal**
25 **road and bridge revolving fund"**. – (a) In addition to other authority previously granted, during
26 calendar year 2014 a city or town may authorize the issuance of bonds, notes, or other evidences
27 of indebtedness to evidence loans from the municipal road and bridge revolving fund
28 administered by the ~~Rhode Island Clean Water Finance Agency~~ [Rhode Island infrastructure bank](#)
29 in accordance with chapter 18 of title 24 of the general laws.

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

32 (c) The denominations, maturities, interest rates, methods of sale, and other terms,
33 conditions, and details of any bonds or notes issued under the provisions of this section may be
34 fixed by resolution of the city or town council authorizing them, or if no provision is made in the

1 resolution, by the treasurer or other officer authorized to issue the bonds, notes or evidences of
2 indebtedness; provided, that the payment of principal shall be by sufficient annual payments that
3 will extinguish the debt at maturity, the first of these annual payments to be made not later than
4 three (3) years, and the last payment not later than twenty (20) years after the date of the bonds.

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

9 SECTION 14. Sections 46-6.1-3 and 46-6.1-9 of the General Laws in Chapter 46-6.1
10 entitled “Maintenance of Marine Waterways and Boating Facilities” are hereby amended to read
11 as follows:

12 **46-6.1-3. Purpose.** – The purposes of this chapter are:

13 (1) To establish an integrated, coherent plan for dredging and dredge material
14 management, which includes beneficial use, dewatering, in-water disposal, and upland disposal as
15 appropriate, that sets forth the state's program for these activities and provides guidance to
16 persons planning to engage in these activities and to designate the council as the lead agency for
17 implementing the purposes of this chapter.

18 (2) To provide for coordinated, timely decision-making by state agencies on applications
19 for dredging, dewatering, and for the beneficial use and in-water and upland disposal of dredged
20 materials, with the goals of providing action, following a determination that the application is
21 complete, on applications for these activities within one hundred eighty (180) days for
22 applications pertaining to maintenance dredging projects and within five hundred forty (540) days
23 for expansion projects.

24 (3) To establish, for the purposes of this chapter and consistent with the requirements of
25 the Marine Infrastructure Maintenance Act of 1996, the following in order of priority in planning
26 for and management of dredged material, depending on the nature and characteristics of the
27 dredged material and on reasonable cost.

28 (i) Beneficial use, including specifically beach nourishment and habitat restoration and
29 creation, in the coastal zone;

30 (ii) Beneficial use in upland areas;

31 (iii) Disposal.

32 (4) To encourage the development of the infrastructure needed to dewater dredged
33 materials, and to facilitate beneficial use of dredged materials in upland areas.

34 (5) To encourage and facilitate the beneficial use of dredged materials by private parties.

1 (6) To authorize the establishment of a means of supporting projects for dewatering
2 dredged material and for beneficial use and disposal of dredged material at sites above mean high
3 water by the ~~Rhode Island Clean Water Finance Agency~~ [Rhode Island infrastructure bank](#).

4 **46-6.1-9. Cooperation of other agencies.** – (a) In order to accomplish the purposes of
5 this chapter to provide for beneficial use, dewatering, and disposal of dredged material:

6 (1) State agencies, departments, corporations, authorities, boards, commissions,
7 including, but not limited to, the department of administration, the department of transportation,
8 the ~~Rhode Island Clean Water Finance Agency~~ Rhode Island infrastructure bank, the economic
9 development corporation, the Narragansett Bay commission, and the Rhode Island resource
10 recovery corporation, and political subdivisions, shall cooperate with the council in developing
11 and implementing the comprehensive plan for dredged material management;

12 (2) The council shall seek federal acceptance of the comprehensive plan for dredged
13 material management as an element of the state's coastal zone management program and shall
14 pursue such federal approvals and general permits as may facilitate expeditious action on
15 dredging applications that are consistent with the plan;

16 (3) The economic development corporation shall:

17 (i) Make available by October 31, 2004, a site to use as a dewatering site for dredged
18 material, which site shall be available for dewatering dredged material until at least September
19 30, 2012, and may continue to be available thereafter for periods of not less than six (6) months,
20 upon the request of the council and the approval of the corporation; and

21 (ii) With advice from the council and the department, develop and implement a program
22 to market dredged material for beneficial use by private persons, including but limited to
23 brownfield reclamation projects; and

24 (4) The council, with the cooperation of the department and the ~~Clean Water Finance~~
25 ~~Agency~~ [Rhode Island infrastructure bank](#), shall develop a proposal for a fund, which may be used
26 as provided for in § 46-12.2-4.1, to support projects for dewatering dredged material for
27 beneficial use and disposal of dredged material at sites above mean high water and for confined
28 aquatic disposal of dredged materials, which proposal shall be submitted to the general assembly
29 not later than February 15, 2002.

30 (b) The fund shall not be established or go into effect unless it has been approved by the
31 general assembly.

32 SECTION 15. Section 46-12.10-1 of the General Laws in Chapter 46-12.10 entitled
33 “Commission to Study Feasibility and Funding of Homeowners Assistance Fund for Septic
34 Systems” is hereby amended to read as follows:

1 **46-12.10-1. Legislative findings.** – The General Assembly hereby recognizes and
2 declares that:

3 (a) There exists and will continue to exist within the state of Rhode Island the need to
4 construct, maintain and repair facilities and projects for the abatement of pollution caused by
5 domestic wastewater discharges, including, but not limited to, septic systems and cesspools.

6 (b) It is found that there are presently ninety thousand (90,000) cesspools within the State
7 of Rhode Island.

8 (c) Failed and poorly functioning ISDS systems contribute directly to pollution in such
9 environmentally sensitive areas as Greenwich Bay, coastal salt ponds and other water resources.

10 (d) It is further found that there is a need to establish a fund that shall provide to
11 communities financial assistance to create and adopt a community septic system management
12 plan and provide the corpus of a fund within the existing State SRF as administered by the ~~Clean~~
13 ~~Water Finance Agency~~ [Rhode Island infrastructure bank](#) that shall enable communities to offer to
14 homeowners within those communities the opportunity to access low-cost loans for repair or
15 replacement of failed or poorly functioning septic systems.

16 SECTION 16. Chapter 46-12.2 of the General Laws entitled “Rhode Island Clean Water
17 Financing Agency” is hereby renamed “Rhode Island Infrastructure Bank”.

18 SECTION 17. Sections 46-12.2-1, 46-12.2-2, 46-12.2-3, 46-12.2-4, 46-12.2-6, 46-12.2-8,
19 46-12.2-9, 46-12.2-10 and 46-12.2-11 of the General Laws in Chapter 46-12.2 entitled “Rhode
20 Island Clean Water Financing Agency” are hereby amended to read as follows:

21 **46-12.2-1. Legislative findings.** – (a) It is hereby found that there exists and will in the
22 future exist within the state of Rhode Island the need to construct facilities and [to facilitate](#)
23 projects for the abatement of pollution caused by wastewater ~~and~~ for the enhancement of the
24 waters of the state, [and for the completion of renewable energy and energy efficiency projects in](#)
25 [order to save property owners money and to encourage job and business growth in Rhode Island.](#)
26 ~~And that the traditional source for funding construction of such facilities and projects under the~~
27 ~~grant program of title II of the Clean Water Act, 33 U.S.C. §§1281-1299, will terminate at the end~~
28 ~~of fiscal year 1990.~~

29 (b) It is hereby further found that to meet water quality goals under federal and state law,
30 and to secure maximum benefit of funding programs available under federal and state law
31 pertaining to wastewater pollution abatement projects, it is necessary to establish a revolving loan
32 fund program in accordance with federal and state law to provide a perpetual source of low cost
33 financing for water pollution abatement projects.

34 (c) It is hereby further found that to secure maximum benefit to the state from funding

1 programs available under federal and state law [and, to the extent permissible to attract private](#)
2 [capital](#), for water pollution abatement projects, [for safe drinking water projects, for municipal](#)
3 [road and bridge projects](#), and other infrastructure related projects, it is necessary to establish a
4 finance agency to administer the revolving loan funds [and other financing mechanisms](#), and for
5 the finance agency to work with the department of environmental management, [Rhode Island](#)
6 [department of transportation, the Rhode Island office of energy resources and other federal and](#)
7 [state agencies](#) for proper administration of ~~the~~ revolving loan funds and other financing
8 mechanisms.

9 [\(d\) It is hereby further found that cities and towns can lower the costs of borrowing for](#)
10 [road and bridge projects through cooperation with the Rhode Island infrastructure bank and that](#)
11 [greater coordination among cities and towns will enable more efficient allocation of infrastructure](#)
12 [resources by the state of Rhode Island.](#)

13 [\(e\) It is hereby further found that the geographic size of and population of Rhode Island,](#)
14 [while often derided as an impediment to economic growth, are potential assets, not handicaps, to](#)
15 [better infrastructure development.](#)

16 [\(f\) It is hereby further found that initiatives for infrastructure finance can best be](#)
17 [accomplished through a new, streamlined entity that seeks to foster and develop a public-private](#)
18 [sector partnership that takes advantage of all of Rhode Island's strengths.](#)

19 [\(g\) It is hereby further found that expanding the Rhode Island clean water finance agency](#)
20 [and renaming it the Rhode Island infrastructure bank provides the best avenue towards fostering](#)
21 [the creation of jobs and the realization of energy cost savings through the facilitation of](#)
22 [infrastructure improvements.](#)

23 **46-12.2-2. Definitions.** – As used in this chapter, unless the context clearly indicates
24 otherwise, the following words and phrases shall have the following meanings:

25 (1) "Agency" means the ~~Rhode Island clean water finance agency~~ [Rhode Island](#)
26 [infrastructure bank](#).

27 (2) "Approved project" means any project or portion thereof that has been issued a
28 certificate of approval by the department, [or other comparable evidence of approval by any other](#)
29 [agency or political subdivision or instrumentality of the state](#), for financial assistance from the
30 agency;

31 (3) "Board" means board of directors of the agency;

32 (4) "Bond act" means any general or special law authorizing a local governmental unit to
33 incur indebtedness for all or any part of the cost of projects coming within the scope of a water
34 pollution abatement project, [or for other projects related to this chapter](#), including but not limited

1 to § 45-12-2;

2 (5) "Bonds" means bonds, notes, or other evidence of indebtedness of the agency;

3 (6) "Certificate of approval" means the certificate of approval contemplated by § 46-
4 12.2-8, or other comparable evidence of approval issued by any agency or political subdivision or
5 instrumentality of the state;

6 (7) "Chief executive officer" means the mayor in any city, the president of the town
7 council in any town, and the executive director of any authority or commission, unless some other
8 officer or body is designated to perform the functions of a chief executive officer under any bond
9 act or under the provisions of a local charter or other law;

10 (8) "Clean Water Act" or "act" means the Federal Water Pollution Control Act, act of
11 June 30, 1948, ch. 758, as added Oct. 18, 1972, Pub. L. No. 92-500, 86 Stat. 896, as added Dec.
12 27, 1977, Pub. L. No. 95-217, 91 Stat. 1566 (codified at 33 U.S.C. § 1251 et seq., as amended and
13 as hereafter amended from time to time);

14 (9) "Corporation" means any corporate person, including, but not limited to, bodies
15 politic and corporate, corporations, societies, associations, partnerships, sole proprietorships and
16 subordinate instrumentalities of any one or more political subdivisions of the state;

17 ~~(9)~~ (10) "Cost" as applied to any approved project, means any or all costs, whenever
18 incurred, approved by the agency in accordance with section eight of this chapter, of planning,
19 designing, acquiring, constructing, and carrying out and placing the project in operation,
20 including, without limiting the generality of the foregoing, amounts for the following: planning,
21 design, acquisition, construction, expansion, improvement and rehabilitation of facilities;
22 acquisition of real or personal property; demolitions and relocations; labor, materials, machinery
23 and equipment; services of architects, engineers, and environmental and financial experts and
24 other consultants; feasibility studies, plans, specifications, and surveys; interest prior to and
25 during the carrying out of any project and for a reasonable period thereafter; reserves for debt
26 service or other capital or current expenses; costs of issuance of local governmental obligations or
27 non-governmental obligations issued to finance the obligations including, without limitation, fees,
28 charges, and expenses and costs of the agency relating to the loan evidenced thereby, fees of
29 trustees and other depositories, legal and auditing fees, premiums and fees for insurance, letters or
30 lines of credit or other credit facilities securing local governmental obligations or non-
31 governmental obligations and other costs, fees, and charges in connection with the foregoing; and
32 working capital, administrative expenses, legal expenses, and other expenses necessary or
33 incidental to the aforesaid, to the financing of a project and to the issuance therefor of local
34 government obligations under the provisions of this chapter;

1 (1011) "Department" means the department of environmental management;

2 (1112) "Energy efficiency savings" means the savings derived from the implementation
3 of energy efficient and renewable energy upgrades to public buildings;

4 (1314) "Financial assistance" means any form of financial assistance ~~other than grants~~
5 provided by the agency to a local governmental unit or corporation in accordance with this
6 chapter for all or any part of the cost of an approved project, including, without limitation, grants,
7 temporary and permanent loans, with or without interest, guarantees, insurance, subsidies for the
8 payment of debt service on loans, lines of credit, and similar forms of financial assistance;
9 provided, however, notwithstanding the foregoing, for purposes of capitalization grant awards
10 made available to the agency, pursuant to the American Recovery and Reinvestment Act of 2009
11 (P.L. 111-5), or as otherwise required in connection with other capitalization grant awards made
12 available to the agency, financial assistance shall also include principal forgiveness and negative
13 interest loans;

14 (1412) "Fully marketable form" means a local governmental obligation in form
15 satisfactory to the agency duly executed and accompanied by an opinion of counsel of recognized
16 standing in the field of municipal law whose opinions have been and are accepted by purchasers
17 of like obligations to the effect that the obligation is a valid and binding obligation of the local
18 governmental unit issuing the obligation, enforceable in accordance with its terms;

19 (1513) "General revenues" , when used with reference to a local governmental unit,
20 means revenues, receipts, assessments, and other moneys of the local governmental unit received
21 from or on account of the exercise of its powers and all rights to receive the same, including
22 without limitation:

23 (i) Taxes,

24 (ii) Wastewater system revenues,

25 (iii) Assessments upon or payments received from any other local governmental unit
26 which is a member or service recipient of the local governmental unit, whether by law, contract,
27 or otherwise,

28 (iv) Proceeds of local governmental obligations and loans and grants received by the
29 local governmental unit in accordance with this chapter,

30 (v) Investment earnings,

31 (vi) Reserves for debt service or other capital or current expenses,

32 (vii) Receipts from any tax, excise, or fee heretofore or hereafter imposed by any general
33 or special law all or a part of the receipts of which are payable or distributable to or for the
34 account of the local governmental unit,

1 (viii) Local aid distributions, and

2 (ix) Receipts, distributions, reimbursements, and other assistance received by or for the
3 account of the local governmental unit from the United States or any agency, department, or
4 instrumentality thereof;

5 (16~~14~~) "Loan" means a loan by the agency to a local governmental unit or corporation for
6 costs of an approved project, including, without limitation, temporary and permanent loans, and
7 lines of credit;

8 (17~~15~~) "Loan agreement" means any agreement entered into by the agency with a local
9 governmental unit or corporation pertaining to a loan, other financial assistance, ~~or~~ local
10 governmental obligations, or non-governmental obligations, including, without limitation, a loan
11 agreement, trust agreement, security agreement, reimbursement agreement, guarantee agreement,
12 lease agreement, or similar instrument;

13 (18~~16~~) "Local aid distributions" means receipts, distributions, reimbursements, and other
14 assistance payable by the state to or for the account of a local governmental unit, except such
15 receipts, distributions, reimbursements, and other assistance restricted by law to specific
16 statutorily defined purposes;

17 (19~~17~~) "Local governmental obligations" means bonds, notes, lease obligations, and other
18 evidences of indebtedness in fully marketable form issued by a local governmental unit to
19 evidence a loan from the agency in accordance with this chapter or otherwise as provided herein;

20 (20~~18~~) "Local governmental unit" means any town, city, district, commission, agency,
21 authority, board, or other political subdivision or instrumentality of the state or of any political
22 subdivision thereof responsible for the ownership or operation of a water pollution abatement
23 project, including the Narragansett Bay water quality management district commission; and, for
24 purposes of dam safety or dam maintenance projects, any person seeking financial assistance as a
25 joint applicant with any of the above entities;

26 (21~~19~~) "Local interest subsidy trust fund" means the local interest subsidy trust fund
27 established under § 46-12.2-6;

28 (22) "Non-governmental obligations" means bonds, notes, or other evidences of
29 indebtedness in fully marketable form issued by a corporation to evidence a loan from the agency
30 in accordance with this chapter or otherwise as provided herein.

31 (23~~20~~) "Person" means any natural or corporate person, including bodies politic and
32 corporate, public departments, offices, agencies, authorities, and political subdivisions of the
33 state, corporations, societies, associations, and partnerships, and subordinate instrumentalities of
34 any one or more political subdivisions of the state;

1 ~~(2421)~~ "Priority determination system" means the system by which water pollution
2 abatement projects are rated on the basis of environmental benefit and other criteria for funding
3 assistance pursuant to rules and regulations promulgated by the department as they may be
4 amended from time to time;

5 ~~(25)~~ "Qualified energy conservation bond" or "QECCB" means those bonds designated by
6 26 USC 54D.

7 ~~(2622)~~ "Revenues" , when used with reference to the agency, means any receipts, fees,
8 payments, moneys, revenues, or other payments received or to be received by the agency in the
9 exercise of its corporate powers under this chapter, including, without limitation, loan
10 repayments, payments on local governmental obligations, non-governmental obligations, grants,
11 aid, appropriations, and other assistance from the state, the United States, or any agency,
12 department, or instrumentality of either or of a political subdivision thereof, bond proceeds,
13 investment earnings, insurance proceeds, amounts in reserves, and other funds and accounts
14 established by or pursuant to this chapter or in connection with the issuance of bonds, including,
15 without limitation, the water pollution control revolving fund, the Rhode Island water pollution
16 control revolving fund, and the local interest subsidy fund, and any other fees, charges or other
17 income received or receivable by the agency;

18 ~~(2723)~~ "Rhode Island water pollution control revolving fund" means the Rhode Island
19 water pollution control revolving fund established pursuant to § 46-12.2-6;

20 ~~(2824)~~ "Trust agreement" means a trust agreement, loan agreement, security agreement,
21 reimbursement agreement, currency or interest rate exchange agreement, or other security
22 instrument, and a resolution, loan order, or other vote authorizing, securing, or otherwise
23 providing for the issue of bonds, loans, or local governmental obligations or non-governmental
24 obligations;

25 ~~(2925)~~ "Wastewater system revenues" means all rates, rents, fee assessments, charges,
26 and other receipts derived or to be derived by a local governmental unit from wastewater
27 collection and treatment facilities and water pollution abatement projects under its ownership or
28 control, or from the services provided thereby, including, without limitation, proceeds of grants,
29 gifts, appropriations, and loans, including the proceeds of loans or grants awarded by the agency
30 or the department in accordance with this chapter, investment earnings, reserves for capital and
31 current expenses, proceeds of insurance or condemnation, and the sale or other disposition of
32 property; wastewater system revenues may also include rates, rents, fees, charges, and other
33 receipts derived by the local governmental unit from any water supply of distribution facilities or
34 other revenue producing facilities under its ownership or control; wastewater system revenues

1 shall not include any ad valorem taxes levied directly by the local governmental unit on any real
2 and personal property;

3 (30~~26~~) "Water pollution abatement project" or "project" means any project eligible
4 pursuant to Title VI of the Clean Water Act including, but not limited to, wastewater treatment or
5 conveyance project that contributes to removal, curtailment, or mitigation of pollution of the
6 surface water of the state, and conforms with any applicable comprehensive land use plan which
7 has been adopted or any dam safety, removal or maintenance project; it also means a project to
8 enhance the waters of the state, which the agency has been authorized by statute to participate in;
9 it also means a project related to brownfields remediation and/or development subject to
10 consultation with the Rhode Island commerce corporation and department of environmental
11 management, or any other project which the agency has been authorized to participate in;

12 (31~~27~~) "Water pollution control revolving fund" means the water pollution control
13 revolving fund contemplated by title VI of the Water Quality Act and established under § 46-
14 12.2-6;

15 (32~~28~~) "Water Quality Act" means the Water Quality Act of 1987, Pub. L. No. 100-4,
16 101 Stat. 7, 33 U.S.C. § 1251 et seq., as amended from time to time.

17 ~~46-12.2-3. Establishment Of agency --, Composition of agency --, Appointment of~~
18 ~~directors of the Rhode Island infrastructure bank~~ **Establishment, Composition**
19 **Appointment of directors of the Rhode Island infrastructure bank.**— (a) ~~There is hereby~~
20 ~~created a body politic and corporate and~~ The agency known as the "Rhode Island clean water
21 finance agency" shall now be known as the "Rhode Island infrastructure bank." Whenever in any
22 general law, public law, rule, regulation and/or bylaw, reference is made to the Rhode Island
23 clean water finance agency, by name or otherwise, the reference shall be deemed to refer to and
24 mean the "Rhode Island infrastructure bank." The agency shall take all necessary actions to
25 effectuate this name change, including, but not limited to, changing the name of the agency on
26 file with any government office. The Rhode Island infrastructure bank shall remain a public
27 instrumentality of the state having distinct legal existence from the state and not constituting a
28 department of the state government. ~~to be known as the Rhode Island clean water finance agency.~~
29 The exercise by ~~the~~ this agency of the powers conferred by this chapter shall be deemed to be the
30 performance of an essential public function.

31 (b) Nothing in this act shall be construed to change or modify the corporate existence of
32 the former Rhode Island clean water finance agency, which shall now be known as the "Rhode
33 Island infrastructure bank," or to change or modify any contracts or agreements of any kind by,
34 for, between, or to which the Rhode Island clean water finance agency is a party.

1 ~~(c)~~ (c) The powers of the agency shall be exercised by or under the supervision of a board
2 of directors consisting of ~~five~~ seven ~~(5)~~ (7) members, four (4) of whom shall be members of the
3 public appointed by the governor, with the advice and consent of the senate. The governor in
4 making these appointments shall give due consideration to persons skilled and experienced in
5 law, finance, and public administration and give further due consideration to a recommendation
6 by the general treasurer for one of those appointments. The newly appointed member will serve
7 for a limited term to expire in March of 2006. All appointments made by the governor shall serve
8 for a term of two (2) years. No one shall be eligible for appointment unless he or she is a resident
9 of this state. The members of the board of directors as of the effective date of this act [July 15,
10 2005] who were appointed to the board of directors by members of the general assembly shall
11 cease to be members of the board of directors on the effective date of this act. As of the effective
12 date of this act, the general treasurer or his or her designee, who shall be a subordinate within the
13 general treasurer's department, shall serve on the board of directors as an ex-officio member. The
14 commerce secretary, or his or her designee, and the director of the department of environmental
15 management, or his or her designee, shall also serve on the board of directors as ex officio
16 members. Those members of the board of directors as of the effective date of this act who were
17 appointed to the board of directors by the governor shall continue to serve the balance of their
18 current terms.

19 ~~(d)~~ (d) Each member of the board of directors shall serve until his or her successor is
20 appointed and qualified. The appointed member of the board of directors shall be eligible for
21 reappointment. Any member of the board of directors appointed to fill a vacancy of a public
22 member on the board shall be appointed by the governor, with the advice and consent of the
23 senate, for the unexpired term of the vacant position in the same manner as the member's
24 predecessor as set forth in subsection 46-12.2-3(b). The public members of the board of directors
25 shall be removable by the governor, pursuant to § 36-1-7 and for cause only, and removal solely
26 for partisan or personal reasons unrelated to capacity or fitness for the office shall be unlawful.
27 The governor shall designate one member of the board of directors to be the chairperson of the
28 agency to serve in such capacity during his or her term as a member. The board of directors may
29 elect from among its members such other officers as they deem necessary. Three (3) members of
30 the board of directors shall constitute a quorum. A majority vote of those present shall be required
31 for action. No vacancy in the membership of the board of directors shall impair the right of a
32 quorum to exercise the powers of the board of directors. The members of the board of directors
33 shall serve without compensation, but each member shall be reimbursed for all reasonable
34 expenses incurred in the performance of his or her duties.

1 ~~(d)~~ (e) Notwithstanding any other provision of general or special law to the contrary, any
2 member of the board of directors, who is also an officer or employee of the state or of a local
3 governmental unit or other public body, shall not thereby be precluded from voting for or acting
4 on behalf of the agency, the state, or local governmental unit or other public body on any matter
5 involving the agency, the state, or that local governmental unit or other public body, and any
6 director, officer, employee, or agent of the agency shall not be precluded from acting for the
7 agency on any particular matter solely because of any interest therein which is shared generally
8 with a substantial segment of the public.

9 **46-12.2-4 General powers and duties of agency.** – (a) The agency shall have all powers
10 necessary or convenient to carry out and effectuate the purposes and provisions of this ~~chapter~~
11 ~~and chapter~~ [chapter, chapter](#) 24-18 [and chapter 39-26.5](#), including, without limiting the generality
12 of the foregoing, the powers and duties:

13 (1) To adopt and amend bylaws, rules, regulations, and procedures for the governance of
14 its affairs, the administration of its financial assistance programs, and the conduct of its business;

15 (2) To adopt an official seal;

16 (3) To maintain an office at such place or places as it may determine;

17 (4) To adopt a fiscal year;

18 (5) To adopt and enforce procedures and regulations in connection with the performance
19 of its functions and duties;

20 (6) To sue and be sued;

21 (7) To employ personnel as provided in § 46-12.2-5, and to engage accounting,
22 management, legal, financial, consulting and other professional services;

23 (8) Except as provided in this chapter, to receive and apply its revenues to the purposes
24 of this chapter without appropriation or allotment by the state or any political subdivision thereof;

25 (9) To borrow money, issue bonds, and apply the proceeds thereof, as provided in this
26 chapter and chapter 24-18, and to pledge or assign or create security interests in revenues, funds,
27 and other property of the agency and otherwise as provided in this chapter and chapter 24-18, to
28 pay or secure the bonds; and to invest any funds held in reserves or in the water pollution control
29 revolving fund, the Rhode Island water pollution control revolving fund, the municipal road and
30 bridge fund established under chapter 24-18, any [other funds established in accordance with this](#)
31 [chapter](#), or the local interest subsidy trust fund, or any revenues or funds not required for
32 immediate disbursement, in such investments as may be legal investments for funds of the state;

33 (10) To obtain insurance and to enter into agreements of indemnification necessary or
34 convenient to the exercise of its powers under this chapter and chapter 24-18;

1 (11) To apply for, receive, administer, and comply with the conditions and requirements
2 respecting any grant, gift, or appropriation of property, services, or moneys;

3 (12) To enter into contracts, arrangements, and agreements with other persons, and
4 execute and deliver all instruments necessary or convenient to the exercise of its powers under
5 this chapter and chapter 24-18; such contracts and agreements may include without limitation,
6 loan agreements with a local governmental unit or corporation, capitalization grant agreements,
7 intended use plans, operating plans, and other agreements and instruments contemplated by title
8 VI of the Clean Water Act, 33 U.S.C. § 1381 et seq., or this chapter, agreement and instruments
9 contemplated by chapter 24-18, grant agreements, contracts for financial assistance or other forms
10 of assistance from the state or the United States, and trust agreements and other financing
11 agreements and instruments pertaining to bonds;

12 (13) To authorize a representative to appear on its own behalf before other public bodies,
13 including, without limiting the generality of the foregoing, the congress of the United States, in
14 all matters relating to its powers and purposes;

15 (14) To provide financial assistance to a local governmental unit, or, subject to
16 consultation with the Rhode Island commerce corporation, to a corporation to finance costs of
17 approved projects, and to thereby acquire and hold local governmental obligations and non-
18 governmental obligations at such prices and in such manner as the agency shall deem advisable,
19 and sell local governmental obligations and non-governmental obligations acquired or held by it
20 at prices without relation to cost and in such manner as the agency shall deem advisable, and to
21 secure its own bonds with such obligations all as provided in this chapter and chapter 24-18;

22 (15) To be the sole Rhode Island governmental provider of financial assistance with
23 regards to those water pollution abatement projects concerning brownfields revolving funds.

24 ~~(15)~~ (16) To establish and collect such fees and charges as the agency shall determine to
25 be reasonable;

26 ~~(16)~~ (17) To acquire, own, lease as tenant, or hold real, personal or mixed property or any
27 interest therein for its own use; and to improve, rehabilitate, sell, assign, exchange, lease as
28 landlord, mortgage, or otherwise dispose of or encumber the same;

29 ~~(17)~~ (18) To do all things necessary, convenient, or desirable for carrying out the
30 purposes of this chapter and chapter 24-18 or the powers expressly granted or necessarily implied
31 by this chapter and chapter 24-18;

32 ~~(18)~~ (19) To conduct a training course for newly appointed and qualified members and
33 new designees of ex-officio members within six (6) months of their qualification or designation.
34 The course shall be developed by the executive director, approved by the board of directors, and

1 conducted by the executive director. The board of directors may approve the use of any board of
2 directors or staff members or other individuals to assist with training. The training course shall
3 include instruction in the following areas: the provisions of chapters 46-12.2, 42-46, 36-14, and
4 38-2; and the agency's rules and regulations. The director of the department of administration
5 shall, within ninety (90) days of the effective date of this act [July 15, 2005], prepare and
6 disseminate, training materials relating to the provisions of chapters 42-46, 36-14 and 38-2; and
7 ~~(19)~~ (20) Upon the dissolution of the water resources board (corporate) pursuant to § 46-
8 15.1-22, to have all the powers and duties previously vested with the water resources board
9 (corporate), as provided pursuant to chapter 46-15.1.

10 ~~(20)~~ (21) To meet at the call of the chair at least eight (8) times per year. All meetings
11 shall be held consistent with chapters 42-46.

12 (22) To be the sole issuer of QECBs from the state of Rhode Island's allocation,
13 including any portions of which have been reallocated to the state by local governments, for any
14 project authorized to be financed with the proceeds thereof under the applicable provisions of 26
15 USC 54D.

16 (b) Notwithstanding any other provision of this chapter, the agency shall not be
17 authorized or empowered:

18 (1) To be or to constitute a bank or trust company within the jurisdiction or under the
19 control of the department of banking and insurance of the state, or the commissioner thereof, the
20 comptroller of the currency of the United States of America, or the Treasury Department thereof;
21 or

22 (2) To be or constitute a bank, banker or dealer in securities within the meaning of, or
23 subject to the provisions of, any securities, securities exchange, or securities dealers' law of the
24 United States or the state.

25 **46-12.2-6. Establishment of the water pollution control revolving fund, the Rhode**
26 **Island water pollution control revolving fund and the local interest subsidy trust fund –**

27 **Sources of funds – Permitted uses.** – (a) The agency shall be the instrumentality of the state for
28 administration of the water pollution control revolving fund, the Rhode Island water pollution
29 control revolving fund, and the local interest subsidy trust fund, and such other funds it holds or
30 for which it is responsible, and, in conjunction with the department, is empowered to and shall
31 take all action necessary or appropriate to secure to the state the benefits of title VI of the Clean
32 Water Act, 33 U.S.C. § 1381 et seq., and other federal or state legislation pertaining to the funds
33 and to the financing of approved projects. Without limiting the generality of the foregoing and
34 other powers of the agency provided in this chapter, the agency is empowered to and shall:

1 (1) Cooperate with appropriate federal agencies in all matters related to administration of
2 the water pollution control revolving fund and, pursuant to the provisions of this chapter,
3 administer the fund and receive and disburse such funds from any such agencies and from the
4 state as may be available for the purpose of the fund.

5 (2) Administer the Rhode Island water pollution control revolving fund and the local
6 interest subsidy trust fund, and receive and disburse such funds from the state as may be available
7 for the purpose of the funds subject to the provisions of this chapter.

8 (3) In cooperation with the department, prepare, and submit to appropriate federal
9 agencies applications for capitalization grants under title VI of the Clean Water Act, 33 U.S.C. §
10 1381 et seq., and enter into capitalization grant agreements, operating agreements, and other
11 agreements with appropriate federal and state agencies, and accept and disburse, as provided
12 herein, any capitalization grant awards made under title VI of the Clean Water Act, 33 U.S.C. §
13 1381 et seq.

14 (4) Cooperate with the department in the preparation and submission to appropriate
15 federal and state agencies of intended use plans identifying the use of capitalization grant awards
16 and other moneys in the water pollution control revolving fund.

17 (5) In cooperation with the department, prepare and submit to appropriate federal
18 agencies, the department and the governor, annual and other reports and audits required by law.

19 (6) Subject to the provisions of this chapter both to make, and enter into binding
20 commitments to provide financial assistance to a local governmental units or corporation from
21 amounts on deposit in the water pollution control revolving fund, the Rhode Island water
22 pollution control revolving fund and from other funds of the agency; and to provide, and enter
23 into binding commitments to provide subsidy assistance for loans ~~and~~, local governmental
24 obligations and non-governmental obligations from amounts on deposit in the local interest
25 subsidy trust fund.

26 (7) Establish and maintain fiscal controls and accounting procedures conforming to
27 generally accepted government accounting standards sufficient to ensure proper accounting for
28 receipts in and disbursements from the water pollution control revolving fund, the Rhode Island
29 water pollution control revolving fund, the local interest subsidy trust fund and other funds it
30 holds or for which it is responsible and, adopt such rules, regulations, procedures, and guidelines
31 which it deems necessary to ~~assure~~ ensure that local governmental units and corporations
32 administer and maintain approved project accounts and other funds and accounts relating to
33 financial assistance in accordance with generally accepted government accounting standards.

34 (b) The agency shall establish and set up on its books a special fund, designated the

1 water pollution control revolving fund, to be held in trust and to be administered by the agency
2 solely as provided in this chapter and in any trust agreement securing bonds of the agency. The
3 agency shall credit to the water pollution control revolving fund or one or more accounts therein:

4 (1) All federal capitalization grant awards received under title VI of the Clean Water
5 Act, 33 U.S.C. § 1381 et seq., provided the agency shall transfer to the department the amount
6 allowed by § 603(d)(7) of the Water Quality Act, 33 U.S.C. § 1383(d)(7), to defray
7 administration expenses;

8 (2) All amounts appropriated or designated to the agency by the state for purposes of the
9 fund;

10 (3) To the extent required by federal law, loan repayments and other payments received
11 by the agency on any loans, ~~and~~ local governmental obligations [and non-governmental](#)
12 [obligations](#);

13 (4) All investment earnings on amounts credited to the fund to the extent required by
14 federal law;

15 (5) All proceeds of bonds of the agency to the extent required by any trust agreement for
16 such bonds;

17 (6) All other monies which are specifically designated for this fund, including, amounts
18 from the Rhode Island Clean Water Act environmental trust fund, gifts, bequests, administrative,
19 civil and criminal penalties, or other funds from any public or private sources; and

20 (7)(i) Any other amounts required by the provisions of this chapter, agreement, or any
21 other law or by any trust agreement pertaining to bonds to be credited to the fund or which the
22 agency in its discretion shall determine to credit thereto.

23 (ii) At the request of the governor, the agency shall take all action necessary to transfer
24 the state's allotment under title II of the Clean Water Act, 33 U.S.C. § 1281 et seq., for federal
25 fiscal year 1989 and each federal fiscal year thereafter, to the purposes of the water pollution
26 control revolving fund, provided that any portion of any allotment which, under the provisions of
27 the Clean Water Act, 33 U.S.C. § 1251 et seq., may not be transferred to or used for the purposes
28 of the water pollution control revolving fund, shall continue to be received and administered by
29 the department as provided by law.

30 (c) The agency shall establish and set up on its books a special fund, designated the
31 Rhode Island water pollution control revolving fund, to be held in trust and to be administered by
32 the agency solely as provided in this chapter and in any trust agreement securing bonds of the
33 agency. The agency shall credit to the Rhode Island water pollution control revolving fund or one
34 or more accounts therein:

1 (1) All amounts appropriated or designated to the agency by the state for purposes of the
2 fund;

3 (2) At its discretion, and to the extent allowed by law, loan repayments and other
4 payments received by the agency on any loans, ~~and~~ local governmental obligations and non-
5 governmental obligations;

6 (3) At its discretion, all investment earnings and amounts credited to the fund;

7 (4) All proceeds of bonds of the agency to the extent required by any trust agreement for
8 such bonds;

9 (5) All other monies which are specifically designated for this fund, including, amounts
10 from the Rhode Island Clean Water Act environmental trust fund, gifts, bequests, administrative,
11 civil and criminal penalties, or other funds from any public or private sources; and

12 (6) Any other amounts required by provisions of this chapter or agreement, or any other
13 law or any trust agreement pertaining to bonds to be credited to the fund or which the agency in
14 its discretion shall determine to credit thereto.

15 (d) Except to the extent limited by federal law, and subject to the provisions of this
16 chapter, to the provisions of any agreement with the state authorized by § 46-12.2-7, and to any
17 agreements with the holders of any bonds of the agency or any trustee therefor, amounts held by
18 the agency for the account of either the water pollution control revolving fund or the Rhode
19 Island water pollution control revolving fund shall be applied by the agency, either by direct
20 expenditure, disbursement, or transfer to one or more other funds and accounts held by the
21 agency or maintained under any trust agreement pertaining to bonds, either alone or with other
22 funds of the agency, to the following purposes:

23 (1) To provide financial assistance to a local governmental units or corporation to
24 finance costs of approved projects, and to refinance the costs of the projects, subject to such terms
25 and conditions, if any, as are determined by the department and/or the agency in accordance with
26 § 46-12.2-8;

27 (2) To purchase or refinance debt obligations of the a local governmental units or
28 corporation, or to provide guarantees, insurance or similar forms of financial assistance for the
29 obligations;

30 (3) To fund reserves for bonds of the agency and to purchase insurance and pay the
31 premiums therefor, and pay fees and expenses of letters or lines of credit and costs of
32 reimbursement to the issuers thereof for any payments made thereon or on any insurance, and to
33 otherwise provide security for, and a source of payment for, by pledge, lien, assignment, or
34 otherwise as provided in § 46-12.2-14, bonds of the agency issued in accordance with this

1 chapter; and

2 (4)(i) To pay expenses of the agency and the department in administering the funds and
3 the financial assistance programs of the agency authorized by this chapter. As part of the annual
4 appropriations bill, the department shall set forth the gross amount of expenses received from the
5 agency and a complete, specific breakdown of the sums retained and/or expended for
6 administrative expenses.

7 (ii) By way of illustration, not by limitation, in the personnel area, the breakdown of
8 administrative expenses should contain the number of personnel paid, the position numbers of the
9 personnel, and whether or not the position is a new position or a position which had been funded
10 previously by federal funds or a position which had been previously created but unfunded.

11 (e) The agency shall also establish and set up on its books a special fund, designated the
12 local interest subsidy trust fund, to be held in trust and to be administered by the agency solely as
13 provided in this chapter and in any trust agreement securing bonds of the agency. The agency
14 may maintain a separate account in the local interest subsidy trust fund for each local
15 governmental unit or corporation which has received a loan from the agency, in accordance with
16 this chapter, to separately account for or otherwise segregate all or any part of the amounts
17 credited to the fund and receipts in and disbursements from the fund. To the extent that the
18 agency is required by this chapter, by any loan agreement or by any trust agreement, it shall, and,
19 to the extent that it is permitted, it may in its discretion, credit to the local interest subsidy trust
20 fund, and to one or more of the accounts or subaccounts therein:

21 (1) All amounts appropriated or designated to the agency by the state for purposes of the
22 fund;

23 (2) Loan repayments and other payments received on loans, ~~and~~ local governmental
24 obligations, and non-governmental obligations;

25 (3) Investment earnings on amounts credited to the local interest subsidy trust fund;

26 (4) Proceeds of agency bonds;

27 (5) All other monies which are specifically designated for this fund including, amounts
28 from the Rhode Island Clean Water Act environmental trust fund, gifts, bequests, administrative,
29 civil and criminal penalties, or other funds from any public or private sources; and

30 (6) Any other amounts permitted by law.

31 (f) Subject to any agreement with the state authorized by § 46-12.2-7, to the provisions of
32 § 46-12.2-8, and to any agreement with the holders of any bonds of the agency or any trustee
33 therefor, amounts held by the agency for the account of the local interest subsidy trust fund shall
34 be applied by the agency, either by direct expenditure, disbursement, or transfer to one or more

1 other funds and accounts held by the agency or maintained under any trust agreement pertaining
2 to bonds, either alone or with other funds of the agency, to the following purposes:

3 (1) To pay or provide for all or a portion of the interest otherwise payable by a local
4 governmental units or corporation on loans, ~~and~~ local governmental obligations, and non-
5 governmental obligations, in the amounts and on terms determined by the agency in accordance
6 with § 46-12.2-8;

7 (2) To provide a reserve for, or to otherwise secure, amounts payable by a local
8 governmental units or corporation on loans, ~~and~~ local governmental obligations and non-
9 governmental obligations outstanding in the event of default thereof; amounts in any account in
10 the local interest subsidy trust fund may be applied to defaults on loans outstanding to the local
11 governmental unit or corporation for which the account was established and, on a parity basis
12 with all other accounts, to defaults on any loans, ~~or~~ local governmental obligations, or non-
13 governmental obligations outstanding; and

14 (3) To provide a reserve for, or to otherwise secure, by pledge, lien, assignment, or
15 otherwise as provided in § 46-12.2-14, any bonds of the agency.

16 (g) Subject to any express limitation of this chapter pertaining to expenditure or
17 disbursement of funds or accounts held by the agency, funds or accounts held by the agency may
18 be transferred to any other fund or account held by the agency and expended or disbursed for
19 purposes permitted by the fund or account.

20 **46-12.2-8. Procedures for application, approval, and award of financial assistance. –**

21 (a) Any local governmental unit or corporation may apply to the agency for financial assistance in
22 accordance with this chapter to finance all or any part of the cost of a water pollution abatement
23 project. The agency shall not award financial assistance to a local governmental unit or
24 corporation until and unless the department shall have issued a certificate of approval of the
25 project or portion thereof.

26 (b) If the department shall determine, in accordance with rules and regulations
27 promulgated pursuant to this chapter, that an application for financial assistance or portion thereof
28 shall be approved, it shall deliver to the agency a certificate of approval of the project or a portion
29 thereof which shall specify the project or portion thereof eligible for financial assistance and such
30 other terms, conditions and limitations with respect to the construction and operation of the
31 project as the department shall determine. The agency shall specify, among other things, the type
32 and amount of financial assistance to be provided, the costs thereof eligible for financial
33 assistance, the amounts, if any, of the financial assistance, to be provided from the water pollution
34 control revolving fund and/or the Rhode Island water pollution control revolving fund, the

1 amount, if any, of subsidy assistance to be granted from the local interest subsidy trust fund, the
2 amount, if any, of other financial assistance permitted by this chapter to be provided, and such
3 other terms, conditions, and limitations on the financial assistance, the expenditure of loan
4 proceeds, and the construction and operation of the project as the agency shall determine or
5 approve.

6 (c) Any water pollution abatement project or portion thereof included on the priority list
7 established by the department for federal fiscal year 1989 or any federal fiscal year thereafter
8 shall be eligible for financial assistance in accordance with this chapter.

9 (d) In addition to the authority provided by law, the department shall be responsible for,
10 and shall have all requisite power to, review and approve reports and plans for water pollution
11 abatement projects and approved projects, or any part thereof, for which financial assistance has
12 been applied or granted in accordance with this chapter, to enter into contracts with a local
13 governmental units [or corporation](#) relative to approved projects, including, without limiting the
14 generality of the foregoing, the costs of approved projects eligible for financial assistance, grants,
15 and other terms, conditions and limitations with respect to the construction and operation of the
16 project, and to inspect the construction and operation thereof of projects in compliance with
17 approved plans. Without limiting the generality of the foregoing, in connection with the exercise
18 of its powers and performance of its duties under this chapter, the department shall have all the
19 powers provided by law to the department and its director. The department shall adopt rules,
20 regulations, procedures, and guidelines to carry out the purposes of this chapter and for the proper
21 administration of its powers and duties under this chapter. The rules, regulations, procedures, and
22 guidelines shall include among other things, criteria for determining those water pollution
23 abatement projects to be approved for financial assistance (the criteria shall include the priority
24 determination system), specification of eligible costs of the projects, and provisions for
25 compliance by projects constructed in whole or in part with funds directly made available under
26 this chapter by federal capitalization grants with the requirements of the Clean Water Act, 33
27 U.S.C. § 1351 et seq., and other federal laws applicable to the project. The department shall
28 cooperate with the agency in the development of capitalization grant applications, operating
29 plans, and intended use plans for federal capitalization grant awards under title VI of the Clean
30 Water Act, 33 U.S.C. § 1381 et seq., and may enter into such agreements and other undertakings
31 with the agency and federal agencies as necessary to secure to the state the benefits of title VI of
32 the Clean Water Act, 33 U.S.C. § 1381 et seq. In order to provide for the expenses of the
33 department under this chapter, the agency shall transfer to the department for application to the
34 expenses an amount from the water pollution control revolving fund equal to the maximum

1 amount authorized by federal law, and such additional amounts as may be needed from the Rhode
2 Island water pollution control fund and from any other monies available. The agency and the
3 department shall enter into an operating agreement and amend the same, from time to time,
4 allocating their respective rights, duties, and obligations with respect to the award of financial
5 assistance and grants to finance approved projects under this chapter and establishing procedures
6 for the application, approval, and oversight of projects, financial assistance, and grants.

7 (e) Upon issuance of a certificate of approval, the agency shall award as soon as
8 practicable the financial assistance to the local governmental unit [or corporation](#) for any approved
9 project specified in the certificate; provided, however, the agency may decline to award any
10 financial assistance which the agency determines will have a substantial adverse effect on the
11 interests of holders of bonds or other indebtedness of the agency or the interests of other
12 participants in the financial assistance program, or for good and sufficient cause affecting the
13 finances of the agency. All financial assistance shall be made pursuant to a loan agreement
14 between the agency and the local governmental unit [or corporation](#), acting by and through the
15 officer or officers, board, committee, or other body authorized by law, or otherwise its chief
16 executive officer, according to the terms and conditions of the certificate of approval and such
17 other terms and conditions as may be established by the agency, and each loan shall be evidenced
18 and secured by the issue to the agency of local governmental obligations [or non-governmental](#)
19 [obligations](#) in fully marketable form in principal amount, bearing interest at the rate or rates
20 specified in the applicable loan agreement, and shall otherwise bear such terms and conditions as
21 authorized by this chapter and the loan agreement.

22 (f) The agency shall adopt rules, regulations, procedures, and guidelines for the proper
23 administration of its financial assistance programs and the provision of financial assistance under
24 this chapter. The rules, regulations, procedures, and guidelines shall be consistent with the
25 requirements of title VI of the Clean Water Act, 33 U.S.C. § 1381 et seq., and any rules,
26 regulations, procedures, and guidelines adopted by the department, and may include, without
27 limitation, forms of financial assistance applications, loan agreements, and other instruments, and
28 provision for submission to the agency and the department by a local governmental unit [or](#)
29 [corporation](#) of the information regarding the proposed water pollution abatement project, the
30 wastewater system of which it is a part, and the local governmental unit or corporation as the
31 agency or the department shall deem necessary, to determine the eligibility of a project for
32 financial assistance under this chapter, the financial feasibility of a project, and the sufficiency of
33 general revenues or wastewater system revenues to secure and pay the loan and the local
34 governmental obligations [or non-governmental obligations](#) issued to evidence the project.

1 (g) Subject to the provisions of any trust agreement securing bonds of the agency, when
2 the agency shall have awarded a loan eligible for subsidy assistance from funds held by the
3 agency for the credit of the local interest subsidy trust fund, the agency shall credit to the
4 applicable account in the fund maintained in accordance with § 46-12.2-6(e), the amount, if any,
5 as provided in the loan agreement to defray all or a portion of the interest otherwise payable by
6 the local governmental unit [or corporation](#) on the loan.

7 (h) In addition to other remedies of the agency under any loan agreement or otherwise
8 provided by law, the agency may also recover from a local governmental unit [or corporation](#), in
9 an action in superior court, any amount due the agency together with any other actual damages
10 the agency shall have sustained from the failure or refusal of the local governmental unit or
11 corporation to make the payments.

12 **46-12.2-9. Authorization to expend funds available for local grants.** – In addition to
13 the financial assistance provided by the agency to a local governmental unit ~~s~~ [or corporation](#) for
14 approved projects in accordance with this chapter, the department is hereby authorized to expend
15 funds otherwise available for grants a local governmental unit ~~s~~ or corporation to the extent
16 permitted by federal and state law.

17 **46-12.2-10. Powers of local governmental units.** – Notwithstanding any provision of
18 general law, special law or municipal charter to the contrary:

19 (1) In addition to authority granted otherwise by this chapter and in any bond act or other
20 law, a local governmental unit, acting by and through the officer or officers, board, committee, or
21 other body authorized by law, if any, or otherwise the chief executive officer, shall have the
22 power to:

23 (i) Issue local governmental obligations as provided herein: (A) if and to the amount
24 authorized by a bond act; ~~or~~ (B) without limitation as to the amount, if issued as limited
25 obligations, pursuant to §46-12.2-12 [or §46-12.2-12.1](#); or (C) [without limitation as to the amount,](#)
26 [if issued as a financing lease or other appropriation obligation](#);

27 (ii) Plan, design, acquire, construct, operate, maintain, and otherwise undertake any ~~water~~
28 ~~pollution abatement~~ project subject to the rules, regulations, procedures, and guidelines of the
29 department, if applicable, in effect from time to time and the requirements of any other applicable
30 law;

31 (iii) Apply for, accept, and expend, financial assistance and grants for the purpose of
32 financing costs of ~~water pollution abatement~~ projects subject to the rules, regulations, procedures,
33 and guidelines of the agency and the department, [if applicable](#), in effect from time to time, the
34 provisions of the applicable loan agreement, and the requirements of other applicable law;

1 (iv) Authorize, execute, deliver, and comply with loan agreements, trust agreements,
2 grant agreements, [financing leases, appropriation agreements](#), and other agreements, and
3 instruments with the agency, the department, and other persons relating to financial assistance
4 and grants hereunder, and the issue of local governmental obligations to evidence loans, and
5 perform the same;

6 (v) Receive, apply, pledge, assign, and grant security interests in its general revenues and
7 wastewater system revenues to secure its obligations under local governmental obligations and
8 other financial assistance; and

9 (vi) Fix, revise, charge, and collect such fees, rates, rents, assessments, and other charges
10 of general or special application for the costs and/or use of any approved project, ~~the~~ [any](#)
11 wastewater system ~~of which it is a part~~, and any other revenue producing facilities from which the
12 local governmental unit may derive ~~wastewater-system~~ revenues, or for the services provided
13 thereby, as it shall deem necessary to meet its obligations under any loan agreement or local
14 governmental obligations outstanding or otherwise to provide for the costs and/or operation of the
15 project [and any wastewater](#) ~~the~~ system.

16 (2) In order to provide for the collection and enforcement of fees, rates, rents,
17 assessments, and other charges for the operation of any approved project, [any](#) ~~the~~ wastewater
18 system ~~of which it is a part~~, and any other revenue producing facilities from which the local
19 governmental units may derive ~~wastewater-system~~ revenues, in addition to any other authority
20 provided by law or any bond act applicable to a particular local governmental unit, local
21 governmental units are hereby granted all the powers and privileges granted to them by the
22 general laws of the state with respect to any similar fee, rate, rent, assessment, or other charge.
23 All unpaid fees, rates, rents, assessments, and other charges shall be a lien upon the real estate
24 served for which the unpaid fees, rates, rents, assessments, or other charges have been made. A
25 lien shall arise and attach as of the due date of each unpaid fee, rate, rent, assessment, or other
26 charge. The lien shall be superior to any other lien other than a tax lien, encumbrance, or interest
27 in the real estate, whether by way of mortgage, attachment, or otherwise, except easements and
28 restrictions. In the case of a life estate, the interest of the tenant for life shall first be liable for the
29 unpaid fees, rates, rents, assessments, or other charges. The local governmental unit may enforce
30 the lien by advertising and selling any real estate liable for unpaid fees, rents, assessments, and
31 other charges in the manner provided for the enforcement of liens for unpaid taxes by chapter 9 of
32 title 44, as amended from time to time.

33 (3) Any city or town and any other local governmental unit acting by and through the
34 officer or officers, board, committee, other body authorized by law, or otherwise the chief

1 executive officer, may enter into agreements with the agency or the department, [if applicable](#),
2 regarding the operation of a pricing system adopted under any applicable law for the services
3 provided by any approved project, the wastewater system of which it is a part, and any other
4 revenue producing facilities from which the local governmental unit may derive wastewater
5 system revenues. The agreements may include, without limitation, provisions defining the costs
6 of services, the approved project, and the wastewater system and other facilities, and covenants or
7 agreements, regarding the fixing and collection of fees, rates, rents, assessments and other
8 charges for the costs and the maintenance of the pricing system at levels sufficient to pay or
9 provide for all the costs and any payments due the agency under any loan agreement or local
10 governmental obligations.

11 (4) Any city or town and any other local governmental unit acting by and through the
12 officer or officers, board, committee, or other body authorized by law, or otherwise the chief
13 executive officer, may enter into agreements with the agency and the department, [if applicable](#),
14 regarding the operation of an enterprise fund established for any approved project, [any the](#)
15 wastewater system ~~of which it is a part~~, and any other revenue producing facilities from which the
16 local governmental unit may derive ~~wastewater-system~~ revenues. The agreements may include,
17 without limitation, fiscal and accounting controls and procedures, provisions regarding the
18 custody, safeguarding, and investment of ~~wastewater-system~~ revenues, and other amounts
19 credited thereto, the establishment of reserves and other accounts and funds, and the application
20 of any surplus funds.

21 [\(5\) The provisions of any charter, other laws or ordinances, general, special, or local, or](#)
22 [of any rule or regulation of the state or any municipality, restricting or regulating in any manner](#)
23 [the power of any municipality to lease \(as lessee or lessor\) or sell property, real, personal, or](#)
24 [mixed, shall not apply to leases and sales made with the agency pursuant to this chapter.](#)

25 [\(6\) Any municipality, notwithstanding any contrary provision of any charter, other laws](#)
26 [or ordinances, general, special or local, or of any rule or regulations of the state or any](#)
27 [municipality, is authorized and empowered to lease, lend, pledge, grant, or convey to the agency,](#)
28 [at its request, upon terms and conditions that the chief executive officer, if any, or where no chief](#)
29 [executive officer exists, the city or town council of the municipality, may deem reasonable and](#)
30 [fair and without the necessity for any advertisement, order of court, or other action or formality,](#)
31 [any real property or personal property which may be necessary or convenient to effectuation of](#)
32 [the authorized purpose of the agency, including public roads and other real property already](#)
33 [devoted to public use; and, subject to what has been stated, the municipality consents to the use of](#)
34 [all lands owned by the municipality which are deemed by the agency to be necessary for the](#)

1 [construction or operation of any project.](#)

2 **46-12.2-11 Authority of local governmental units to issue obligations – Terms. – (a)**

3 In addition to the powers of any local governmental unit provided in any bond act, whenever a
4 local governmental unit has applied for and accepted a loan from the agency and entered into a
5 loan agreement therefor, any local governmental obligations issued by the local governmental
6 unit to evidence the loan may be issued in accordance with, and subject to the limitations of this
7 chapter, notwithstanding the provisions of the bond act authorizing the obligation or any other
8 general or special law or provision of municipal charter to the contrary. The provisions of this
9 chapter shall apply to the issuance of local governmental obligations under authority of any bond
10 act heretofore enacted and under authority of any bond act hereafter enacted unless the bond act
11 expressly provides that the provisions of this chapter shall not so apply. Notwithstanding the
12 foregoing, no local governmental obligation [issued as a general obligation bond](#) shall be issued
13 unless authorized by a vote of the body or bodies required by the charter, ordinances, or laws
14 governing the local governmental unit, or the applicable bond act for the authorization of
15 indebtedness of the local governmental unit.

16 (b) Local governmental obligations issued by any local governmental unit shall be dated,
17 may bear interest at such rate or rates, including rates variable, from time to time, subject to such
18 minimum or maximum rate, if any, as may be determined by such index or other method of
19 determination provided in the applicable loan agreement, shall mature in such amount or amounts
20 and at such time or times, not later than the maximum dates, if any, provided herein, and may be
21 made redeemable in whole or in part before maturity at the option of the local governmental unit
22 or at the option of the agency, at such price or prices and under such terms and conditions as may
23 be fixed in the loan agreement prior to the issue of the local governmental obligations. Local
24 governmental obligations may be issued as serial bonds or term bonds or any combination thereof
25 with such provision, if any, for sinking funds for the payment of bonds as the local governmental
26 unit and the agency may agree. The local governmental obligations may be sold at private sale
27 and may be in such form, payable to the bearer thereof or the registered owner, whether
28 certificated or uncertificated, be in such denominations, payable at such place or places, within or
29 without the state, and otherwise bear such terms and conditions, not inconsistent with this
30 chapter, as provided in the applicable loan agreement or as the agency and the local governmental
31 unit shall otherwise agree. The local governmental obligations may be issued in principal amount
32 equal to the loan evidenced thereby or at such discount as the agency and the local governmental
33 unit shall agree.

34 (c) Local governmental obligations shall be payable within a period not exceeding the

1 greater of the period, if any, specified in the applicable bond act or the useful life of the approved
2 project financed by such obligations as determined by the department, or, if incurred to finance
3 more than one project, the average useful life of the projects. Except as otherwise provided in this
4 chapter, the local governmental obligations shall be payable by such equal, increasing, or
5 decreasing installments of principal, annual or otherwise, as will extinguish the obligations at
6 maturity, the first installment to be payable no later than ~~one~~ three years after the date of issuance
7 of the obligations ~~or one year after the date of completion of the approved project financed by the~~
8 ~~obligations, as determined by the department~~, whichever date is later, and the remaining
9 installments of principal, if any, to be in such amounts and payable on such dates as the agency
10 and the local governmental unit shall agree.

11 (d) If a local governmental unit has authorized borrowing in accordance with this chapter
12 and the issuance of local governmental obligations to evidence the borrowing under any bond act,
13 the local governmental unit may, subject to the applicable loan agreement and with the approval
14 of the agency, issue notes to the agency to evidence ~~of~~ the loan. The issuance of the notes shall be
15 governed by the provisions of this chapter relating to the issue of bonds other than notes, to the
16 extent applicable, provided the maturity date of the notes shall not exceed five (5) years from the
17 date of issue of the notes, ~~or the expected date of completion of the approved project financed~~
18 ~~thereby as determined by the department, if later~~. Notes issued for less than the maximum
19 maturity date may be renewed by the issue of other notes maturing no later than the maximum
20 maturity date.

21 (e) A local governmental unit may issue local governmental obligations to refund or pay
22 at maturity or earlier redemption any local governmental obligations outstanding under any loan
23 agreement, or to refund or pay any other debt of the local governmental unit issued to finance the
24 approved project to which the loan agreement pertains. The refunding local governmental
25 obligations may be issued in sufficient amounts to pay or provide for the principal of the
26 obligations refunded, any redemption premium thereon, any interest accrued and to accrue to the
27 date of payment of the obligations, the costs of issuance of the refunding obligations and any
28 reserves required by the applicable loan agreement. The issue of refunding local governmental
29 obligations, the amount and dates of maturity or maturities and other details thereof, the security
30 therefor, and the rights, duties, and obligations of the local governmental unit in respect to the
31 same shall be governed by the provisions of this chapter relating to the issue of local
32 governmental obligations other than refunding obligations as this chapter may be applicable.

33 (f) Except as otherwise provided in § 46-12.2-12 and § 46-12.2-12.1, the applicable bond
34 act, or by agreement between the agency and a local governmental unit, all local governmental

1 obligations issued in accordance with this section shall be general obligations of the local
2 governmental unit issuing the obligations for which its full faith and credit are pledged and for the
3 payment of which all taxable property in the local governmental unit shall be subject to ad
4 valorem taxation without limit as to rate or amount except as otherwise provided by law.

5 **46-12.2-13 Trust agreements pertaining to local governmental obligations.** – (a)

6 Notwithstanding any general or special law to the contrary, local governmental obligations issued
7 in accordance with this chapter may be secured by one or more trust agreements, including, or in
8 addition to the applicable loan agreement, between the local governmental unit and a corporate
9 trustee, which may be a trust company or bank having the powers of a trust company within or
10 without the state, or directly between the agency and the local governmental unit. Any trust
11 agreement shall be in such form and shall be executed as provided in the applicable loan
12 agreement or as otherwise agreed to between the agency and the local governmental unit.

13 (b) Any trust agreement directly or indirectly securing local governmental obligations
14 may, in addition to other security provided by law, pledge or assign, and create security interests
15 in, all or any part of the general revenues of the local governmental unit. Any trust agreement
16 may contain such provisions for protecting and enforcing the rights, security, and remedies of the
17 agency, or other holders of the local governmental obligations, as may be determined by the
18 agency including, without limitation, provisions defining defaults and providing for remedies in
19 the event thereof, which may include the acceleration of maturities [to the extent permitted by law](#),
20 and covenants setting forth the duties of, and limitations on, the local governmental unit in
21 relation to the custody, safeguarding, investment, and application of moneys, including general
22 revenues and wastewater system revenues, the issue of additional and refunding local
23 governmental obligations and other bonds, notes, or obligations on a parity or superior thereto,
24 the establishment of reserves, the establishment of sinking funds for the payment of local
25 governmental obligations, and the use of surplus proceeds of local governmental obligations. A
26 trust agreement securing local governmental obligations issued in accordance with § 46-12.2-12
27 may also include covenants and provisions not in violation of law regarding the acquisition,
28 construction, operation, and carrying out of the approved project financed by the obligations, the
29 wastewater system of which it is a part, and any other revenue producing facilities from which the
30 local governmental unit may derive wastewater system revenues, the fixing and collection of
31 wastewater system revenues, and the making and amending of contracts relating thereto.

32 (c) In addition to other security provided herein or otherwise by law, any local
33 governmental obligations issued under authority of this chapter may be secured, in whole or in
34 part, by insurance or by letters or lines of credit or other credit facilities issued by any insurance

1 company, bank, trust company, or other financial institution, within or without the state, and a
2 local governmental unit may pledge [subject to applicable voter approval requirements](#), ~~or~~ assign
3 appropriate any of its general revenues or wastewater system revenues, as appropriate, as security
4 for the reimbursement to the issuers of insurance, letters, or lines of credit or other credit facilities
5 of any payments made thereunder.

6 (d) Any trust agreement may set forth the rights and remedies of the agency or other
7 holders of the local governmental obligations secured thereby and of any trustee or other
8 fiduciary thereunder.

9 (e) In addition to any other remedies provided under the applicable loan agreement or
10 otherwise by law, the agency and any other holder of local governmental obligations issued under
11 the provisions of this chapter, and any trustee under any trust agreement securing the obligations
12 may bring suit in the superior court upon the local governmental obligations, and may, either at
13 law or in equity, by suit, action, mandamus, or other proceeding for legal or equitable relief,
14 including, in the case of local governmental obligations issued in accordance with § 46-12.2-12,
15 proceedings for the appointment of a receiver to take possession and control of the approved
16 project financed thereby, the wastewater system of which it is a part, or any other revenue
17 producing facilities from which the local governmental unit may derive wastewater system
18 revenues, to operate and maintain the system or facility in compliance with law, to make any
19 necessary repairs, renewals, and replacements and to fix, revise, and collect wastewater system
20 revenues, protect, and enforce any and all rights under the laws of the state or granted in this
21 chapter or under any trust agreement, and may enforce and compel the performance of all duties
22 required by this chapter, the loan agreement, the applicable bond act, or the trust agreement to be
23 performed by the local governmental unit or any officer thereof.

24 (f) A pledge of general revenues or wastewater system revenues in accordance with this
25 chapter shall constitute a sufficient appropriation thereof for the purposes of any provision for
26 appropriation for so long as the pledge shall be in effect, and, notwithstanding any general or
27 special law or municipal charter to the contrary, the revenues shall be applied as required by the
28 pledge and the trust agreement evidencing the revenues without further appropriation.

29 (g) A pledge or assignment of general revenues, other than wastewater system revenues,
30 may be made only to secure general obligations of a local governmental unit.

31 SECTION 18. Chapter 46-12.2 of the General Laws entitled “Rhode Island Clean Water
32 Financing Agency” is hereby amended by adding thereto the following sections:

33 **46-12.2-4.2 Establishment of the efficient buildings fund.** – [\(a\) The Rhode Island](#)
34 [infrastructure bank shall be authorized to create a fund, to be known as the efficient buildings](#)

1 fund, and, in consultation with the office of energy resources including with regards to the
2 development of a project priority list, to provide technical, funding and administrative assistance
3 to public entities for energy efficient and renewable energy upgrades to public buildings and
4 infrastructure. Eligibility for receipt of this support by a municipality shall be conditioned upon
5 that municipality reallocating their remaining proportional QECB allocation to the state of Rhode
6 Island.

7 (b) The Rhode Island infrastructure bank may create one or more loan loss reserve funds
8 to serve as further security for the debt funding the efficient buildings fund.

9 (c) To the extent possible, and consistent with law, the infrastructure bank shall
10 encourage the use of project labor agreements and local hiring on appropriate projects.

11 **46-12.2-12.1 Power of local governmental units to issue limited obligations payable**
12 **from energy efficiency savings.** – (a) If required by the applicable loan agreement, and
13 notwithstanding any general or special law or municipal charter to the contrary, local
14 governmental obligations shall be issued as limited obligations payable solely from energy
15 efficiency savings pledged to their payment. Notwithstanding § 45-12.2-2 or any general or
16 special law or municipal charter to the contrary, all local governmental units shall have the power
17 to issue local governmental obligations payable solely from energy efficiency savings pursuant to
18 this section without limit as to amount, and the amount of principal and premium, if any, and
19 interest on the obligations shall not be included in the computation of any limit on the
20 indebtedness of the local governmental unit or on the total taxes which may be levied or assessed
21 by the local governmental unit in any year or on any assessment, levy, or other charge made by
22 the local governmental unit on any other political subdivision or instrumentality of the state. This
23 chapter shall constitute the bond act for the issuance of the local governmental obligations
24 payable solely from energy efficiency savings by local governmental units. Any local
25 governmental obligations issued in accordance with this section that is payable solely from
26 energy efficiency savings shall recite on its face that it is a limited obligation payable solely from
27 energy efficiency savings pledged to its payment.

28 (b) The issue of local governmental obligations in accordance with this section, the
29 maturity or maturities and other terms thereof, the security therefor, the rights of the holders
30 thereof, and the rights, duties, and obligation of the local governmental unit in respect of the same
31 shall be governed by the provisions of this chapter relating to the issue of local governmental
32 obligations to the extent applicable and not inconsistent with this section.

33 (c) A local government unit may appropriate general revenues on an annual basis to pay
34 any financing, lease, or appropriation obligation, provided that an event of non-appropriation

1 shall not be an event of default under any financing lease or appropriation obligation.

2 **46-12.2-14.1 Electric and gas demand side charge proceeds as further security for**
3 **debt funding energy efficiency improvements in public buildings.** – Upon receipt of the
4 electric and gas demand side charge proceeds identified in §§ 39-2-1.2(1-m) (collectively, the
5 “surcharge proceeds”), the Rhode Island infrastructure bank shall forward these funds back to the
6 remitting distribution companies subject to the following limitations:

7 The Rhode Island infrastructure bank shall maintain a separate account to exclusively
8 hold the surcharge proceeds (the “surcharge account”);

9 At no point shall the balance of the surcharge account be less than two times the balance
10 required to make all debt service payments, on debts that are secured by the surcharge account,
11 coming due in the next one hundred eighty five (185) days;

12 The surcharge account shall only be used to secure debt incurred in connection with
13 Section 46-12.2-4.2 or to prevent a default in connection therewith;

14 Any lien arising against the surcharge account in connection with debt incurred by the
15 Rhode Island infrastructure bank shall have a first priority.

16 SECTION 19. Sections 46-12.8-1 and 46-12.8-2 of the General Laws in Chapter 46-
17 12.10 entitled “Water Projects Revolving Loan Fund” are hereby amended to read as follows:

18 **46-12.8-1 Legislative findings.** – (a) It is hereby found that there exists and will in the
19 future exist within the state of Rhode Island the need to construct and reconstruct facilities related
20 to and acquire watershed protection land in connection with the provision of safe drinking water
21 throughout the state of Rhode Island.

22 (b) It is hereby further found that to provide financial assistance for the acquisition,
23 design, planning, construction, enlargement, repair, protection or improvement of public drinking
24 water supplies or treatment facilities, including any of those actions required under the federal
25 Safe Drinking Water Act of 1974, 42 U.S.C., §§ 300f – 300j-9, including the Safe Drinking
26 Water Act (SDWA) amendments of 1996 (Pub. L. 104-182) and any amendments thereto, it is
27 necessary to establish a revolving loan fund program to provide a perpetual source of low cost
28 financing for safety drinking water projects.

29 (c) It is hereby further found that to secure maximum benefit to the state from a safe
30 drinking water revolving loan fund, it is necessary to place such fund within the jurisdiction and
31 control of the Rhode Island ~~clean water finance agency~~ infrastructure bank, which agency
32 presently runs the state's revolving fund with respect to the state's wastewater pollution abatement
33 program, which agency shall exclusively administer the financing portion of the safe drinking
34 water revolving loan fund, but which shall nevertheless work, as necessary, with the department

1 of environmental management, the water resources board, the Rhode Island department of health,
2 the division of public utilities and carriers and any other agency or instrumentality of the state or
3 federal government with responsibility for the development or supervision of water supply
4 facilities within the state.

5 **46-12.8-2 Definitions.** – (a) "Agency" means the Rhode Island ~~clean-water-finance~~
6 ~~agency~~ [infrastructure bank](#).

7 (b) "Approved project" means any project or portion thereof of a governmental unit or
8 privately organized water supplier that has been issued a certificate of approval by the department
9 for assistance through the agency.

10 (c) "Department" means the department of health.

11 (d) "Local governmental obligations" means bonds, notes or other evidences of
12 indebtedness in fully marketable form issued by a governmental unit to evidence a loan from the
13 agency in accordance with this chapter or otherwise as provided herein.

14 (e) "Local governmental unit" means any town, city, district, commission, agency,
15 authority, board of other political subdivision or instrumentality of the state or of any political
16 subdivision thereof responsible for the ownership or operation of water supply facilities within
17 the state.

18 (f) "Obligations of private water companies" means bonds, notes or other evidences of
19 indebtedness, of private water companies, in fully marketable form.

20 (g) "Privately organized water supplier" means any water company not owned or
21 operated by a local governmental unit, existing under the laws of the state, and in the business of
22 operating a safe drinking water facility.

23 (h) "Water supply facility or facilities" means water reservoirs, wells and well sites,
24 transmission or distribution system, any and all real estate or interests in real estate held in
25 connection therewith, all equipment and improvements held in connection therewith, and any
26 property or interests therein, real, personal or mixed, used or held on to be used in connection
27 therewith.

28 (i) "Financial assistance" means any form of financial assistance other than grants
29 provided by the agency to a local governmental unit or private water company in accordance with
30 this chapter for all or any part of the cost of an approved project, including, without limitation,
31 temporary and permanent loans, with or without interest, guarantees, insurance, subsidies for the
32 payment of debt service on loans, lines of credit, and similar forms of financial assistance;
33 provided, however, notwithstanding the foregoing, for purposes of capitalization grant awards
34 made available to the agency pursuant to the American Recovery and Reinvestment Act of 2009

1 (P.L. 111-5), or as otherwise required in connection with other capitalization grant awards made
2 available to the agency, financial assistance shall also include principal forgiveness and negative
3 interest loans.

4 SECTION 20. Section 46-15.1-22 of the General Laws in Chapter 46-15.1 entitled
5 “Water Supply Facilities” is hereby amended to read as follows:

6 **46-15.1-22 Discontinuation of borrowing authority and abolishment of water**
7 **resources board (corporate).** – (a) Notwithstanding any law to the contrary, including, but not
8 limited to, § 46-15.1-10, upon the effective date of this section, the water resources board
9 (corporate), established as a body politic and corporate and public instrumentality pursuant to this
10 chapter, shall be prohibited from borrowing money or issuing bonds for any purpose.

11 (b) The water resources board (corporate) shall continue to repay existing debt until all
12 such debt is fully repaid. Upon the repayment by the water resources board (corporate) of all such
13 existing obligations, the water resources board (corporate) shall be dissolved and all existing
14 functions and duties of the water resources board (corporate) shall be transferred to the Rhode
15 Island ~~clean water finance agency~~ [infrastructure bank](#), a body politic and corporate and public
16 instrumentality of the state established pursuant to chapter 46-12.2.

17 SECTION 21. Section 46-15.3-25 of the General Laws in Chapter 46-15.3 entitled
18 “Public Drinking Water Supply System Protection” is hereby amended to read as follows:

19 ~~**46-15.3-25. Transfer of charges to Rhode Island Clean Water Finance Agency**~~
20 ~~**Rhode Island infrastructure bank**~~ **Transfer of charges to Rhode Island infrastructure bank.**
21 = Notwithstanding any law, rule or regulation to the contrary, upon the dissolution of the water
22 resources board (corporate) pursuant to § 46-15.1-22, any charges remitted to the water resources
23 board (corporate) pursuant to this chapter shall be remitted to the Rhode Island ~~clean water~~
24 ~~finance agency~~ [infrastructure bank](#), a body politic and corporate and public instrumentality of the
25 state established pursuant to chapter 46-12-2.

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

27 ARTICLE 25

28 RELATING TO STATE POLICE PENSIONS

29 SECTION 1. Section 42-28-22.1 of the General Laws in Chapter 42-28 entitled “State
30 Police” is hereby amended to read as follows:

31 **42-28-22.1 Retirement contribution.** -- (a) [Legislative findings. The general assembly](#)
32 [finds that:](#)

33 [\(1\) A trust was created for retirement purposes for members of the state police who were](#)
34 [hired after July 1, 1987; however, as of January 1, 2015, there was an unfunded liability of](#)

1 approximately \$200 million attributable to the retirement benefits for members of the state police
2 hired on or before July 1, 1987, and no trust had been created for them.

3 (2) Unless a trust is established, these members' benefits will continue to be funded on a
4 pay-as-you-go basis and would not be recognized as a liability on the state's financial statements
5 under generally accepted accounting purposes.

6 (3) An investigation of Google, Inc., conducted by the Rhode Island U.S. attorney's
7 office and the Rhode Island task force of the U.S. food and drug administration's office of
8 criminal investigations, the department of the attorney general, and state and local police netted
9 settlement amounts of approximately \$230 million to the state, of which \$45.0 million has been
10 allocated for use by the state police.

11 (4) The allocation of Google settlement monies to the state police presents a unique
12 opportunity to reduce the amount of the unfunded liability attributable to the retirement benefits
13 for members of the state police hired on or before July 1, 1987.

14 (5) It is in the best interests of the members of the state police and the taxpayers of this
15 state to reduce the amount of the unfunded liability attributable to retirement benefits for these
16 police officers by creating a separate trust and to fund those benefits on an actuarial basis.

17 ~~(a)~~(b) Each member of the state police initially hired after July 1, 1987 shall have
18 deducted from "compensation" as defined in § 36-8-1(8) beginning July 1, 1989, an amount equal
19 to a rate percent of such compensation of eight and three quarters percent (8.75%). The receipts
20 collected from members of the state police shall be deposited in a restricted revenue account
21 entitled "state police retirement benefits". The proceeds deposited in this account shall be held in
22 trust for the purpose of paying retirement benefits under this section to participating members of
23 the state police or their beneficiaries. The retirement board shall establish rules and regulations to
24 govern the provisions of this section.

25 ~~(b)~~(c) A member of the state police initially hired after July 1, 1987 who withdraws from
26 service or ceases to be a member for any reason other than death or retirement, will, at the
27 member's request, be paid on demand a refund consisting of the accumulated contributions
28 standing to his or her credit in his or her individual account in the state police retirement benefits
29 account. Any member receiving a refund shall thereby forfeit and relinquish all accrued rights as
30 a member of the system together with credits for total service previously granted to the member;
31 provided, however, that if any member who has received a refund shall subsequently reenter the
32 service and again become a member of the system, he or she shall have the privilege of restoring
33 all moneys previously received or disbursed to his or her credit as refund of contributions, plus
34 regular interest for the period from the date of refund to the date of restoration.

1 ~~(e)~~(d) Upon the repayment of the refund ~~as herein~~ provided in subsection (c) above, the
2 member shall again receive credit for the amount of total service which he or she had previously
3 forfeited by the acceptance of the refund.

4 (e) The state shall deposit contributions for members of the state police initially hired on
5 or before July 1, 1987, from time to time (as provided in § 42-28-22.2) to be held in trust. The
6 proceeds of this trust shall pay retirement benefits under this section to participating members of
7 the state police or their beneficiaries. The retirement board shall establish rules and regulations to
8 govern the provisions of this section.

9 SECTION 2. Section 42-28-22.2 of the General Laws in Chapter 42-28 entitled “State
10 Police” is hereby amended to read as follows:

11 **42-28-22.2 State contributions.** -- The state of Rhode Island shall make its contribution
12 for the maintaining of the system established by § 42-28-22.1 and providing the annuities,
13 benefits, and retirement allowances in accordance with the provisions of this chapter by (a)
14 annually appropriating an amount which will pay a rate percent of the compensation paid after
15 July 1, 1989 to members of the state police hired after July 1, 1987 and (b) appropriating an
16 amount which will amortize the unfunded liability associated with the benefits payable to
17 members of the state police hired on or before July 1, 1987. ~~This rate percent~~ The dollar amount
18 specified in subsection (b) above shall be computed on an actuarial basis using an eighteen (18)
19 year amortization schedule commencing on July 1, 2015, taking into account an initial
20 supplemental contribution from the state, and certified in accordance with the procedures set forth
21 in §§ 36-8-13 and 36-10-2 under rules and regulations promulgated by the retirement board
22 pursuant to § 36-8-3.

23 SECTION 3. Section 36-8-1 of the General Laws in Chapter 36-8 entitled “Retirement
24 System – Administration” is hereby amended to read as follows:

25 **36-8-1 Definition of terms.** – The following words and phrases as used in chapters 8 to
26 10 of this title unless a different meaning is plainly required by the context, shall have the
27 following meanings:

28 (1) "Accumulated contributions" shall mean the sum of all the amounts deducted from
29 the compensation of a member and credited to his or her individual pension account.

30 (2) "Active member" shall mean any employee of the state of Rhode Island as defined in
31 this section for whom the retirement system is currently receiving regular contributions pursuant
32 to §§ 36-10-1 and 36-10-1.1.

33 (3) "Actuarial equivalent" shall mean an allowance or benefit of equal value to any other
34 allowance or benefit when computed upon the basis of the actuarial tables in use by the system.

1 (4) "Annuity reserve" shall mean the present value of all payments to be made on account
2 of any annuity, benefit, or retirement allowance granted under the provisions of chapter 10 of this
3 title computed upon the basis of such mortality tables as shall be adopted from time to time by the
4 retirement board with regular interest.

5 (5)(a) "Average compensation" for members eligible to retire as of September 30, 2009
6 shall mean the average of the highest three (3) consecutive years of compensation, within the total
7 service when the average compensation was the highest. For members eligible to retire on or after
8 October 1, 2009, "Average compensation" shall mean the average of the highest five (5)
9 consecutive years of compensation within the total service when the average compensation was
10 the highest.

11 (b) For members who become eligible to retire on or after July 1, 2012, if more than one
12 half (1/2) of the member's total years of service consist of years of service during which the
13 member devoted less than thirty (30) business hours per week to the service of the state, but the
14 member's average compensation consists of three (3) or more years during which the member
15 devoted more than thirty (30) business hours per week to the service of the state, such member's
16 average compensation shall mean the average of the highest ten (10) consecutive years of
17 compensation within the total service when the average compensation was the highest.

18 (6) "Beneficiary" shall mean any person in receipt of a pension, an annuity, a retirement
19 allowance, or other benefit as provided by chapter 10 of this title.

20 (7) "Casual employee" shall mean those persons hired for a temporary period, a period of
21 emergency or an occasional period.

22 (8) "Compensation" as used in chapters 8 – 10 of this title, chapters 16 and 17 of title 16,
23 and chapter 21 of title 45 shall mean salary or wages earned and paid for the performance of
24 duties for covered employment, including regular longevity or incentive plans approved by the
25 board, but shall not include payments made for overtime or any other reason other than
26 performance of duties, including but not limited to the types of payments listed below:

27 (i) Payments contingent on the employee having terminated or died;

28 (ii) Payments made at termination for unused sick leave, vacation leave, or compensatory
29 time;

30 (iii) Payments contingent on the employee terminating employment at a specified time in
31 the future to secure voluntary retirement or to secure release of an unexpired contract of
32 employment;

33 (iv) Individual salary adjustments which are granted primarily in anticipation of the
34 employee's retirement;

1 (v) Additional payments for performing temporary or extra duties beyond the normal or
2 regular work day or work year.

3 (9) "Employee" shall mean any officer or employee of the state of Rhode Island whose
4 business time is devoted exclusively to the services of the state, but shall not include one whose
5 duties are of a casual or seasonal nature. The retirement board shall determine who are employees
6 within the meaning of this chapter. The governor of the state, the lieutenant governor, the
7 secretary of state, the attorney general, the general treasurer, and the members of the general
8 assembly, ex officio, shall not be deemed to be employees within the meaning of that term unless
9 and until they elect to become members of the system as provided in § 36-9-6, but in no case shall
10 it deem as an employee, for the purposes of this chapter, any individual who devotes less than
11 twenty (20) business hours per week to the service of the state, and who receives less than the
12 equivalent of minimum wage compensation on an hourly basis for his or her services, except as
13 provided in § 36-9-24. Any commissioner of a municipal housing authority or any member of a
14 part-time state, municipal or local board, commission, committee or other public authority shall
15 not be deemed to be an employee within the meaning of this chapter.

16 (10) "Full actuarial costs" or "full actuarial value" shall mean the lump sum payable by a
17 member claiming service credit for certain employment for which that payment is required which
18 is determined according to the age of the member and the employee's annual rate of compensation
19 at the time he or she applies for service credit and which is expressed as a rate percent of the
20 employee's annual rate of compensation to be multiplied by the number of years for which he or
21 she claims service credit as prescribed in a schedule adopted by the retirement board from time to
22 time on the basis of computation by the actuary. Except as provided in §§ 16-16-7.1, 36-5-3, 36-
23 9-31, 36-10-10.4, 45-21-53, 36-10-8, 45-21-29, 8-3-16(b), 8-8-10.1(b), 42-28-22.1~~(b)~~(c) and 28-
24 30-18.1(b);

25 (i) all service credit purchases requested after June 16, 2009 and prior to July 1, 2012,
26 shall be at full actuarial value; and

27 (ii) all service credit purchases requested after June 30, 2012 shall be at full actuarial
28 value which shall be determined using the system's assumed investment rate of return minus one
29 percent (1%).

30 The rules applicable to a service credit purchase shall be the rules of the retirement
31 system in effect at the time the purchase application is submitted to the retirement system.

32 (11) "Inactive member" shall mean a member who has withdrawn from service as an
33 employee but who has not received a refund of contributions.

34 (12) "Members" shall mean any person included in the membership of the retirement

1 system as provided in §§ 36-9-1 – 36-9-7.

2 (13) "Prior service" shall mean service as a member rendered before July 1, 1936,
3 certified on his or her prior service certificate and allowable as provided in § 36-9-28.

4 (14) "Regular interest" shall mean interest at the assumed investment rate of return,
5 compounded annually, as may be prescribed from time to time by the retirement board.

6 (15) "Retirement allowance" shall mean annual payments for life made after retirement
7 under and in accordance with chapters 8 to 10 of this title. All allowances shall be paid in equal
8 monthly installments beginning as of the effective date thereof; provided, that a smaller pro rata
9 amount may be paid for part of a month where separation from service occurs during the month
10 in which the application was filed, and when the allowance ceases before the last day of the
11 month.

12 (16) "Retirement board" or "board" shall mean the board provided in § 36-8-3 to
13 administer the retirement system.

14 (17) "Retirement system" shall mean the employees' retirement system of the state of
15 Rhode Island as defined in § 36-8-2.

16 (18) "Service" shall mean service as an employee of the state of Rhode Island as
17 described in subdivision (9) of this section.

18 (19) "Social Security retirement age" shall mean a member's full retirement age as
19 determined in accordance with the federal Old Age, Survivors and Disability Insurance Act, not
20 to exceed age sixty-seven (67).

21 (20) "Total service" shall mean prior service as defined above, plus service rendered as a
22 member on or after July 1, 1936.

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

24 **ARTICLE 26**

25 **RELATING TO DIVISION OF MOTOR VEHICLES**

26 SECTION 1. Section 31-3-33 of the General Laws in Chapter 31-3 entitled "Registration
27 of Vehicles" is hereby amended to read as follows:

28 **31-3-33 Renewal of registration.** – (a) Application for renewal of a vehicle registration
29 shall be made by the owner on a proper application form and by payment of the registration fee
30 for the vehicle as provided by law.

31 (b) The division of motor vehicles may receive applications for renewal of registration,
32 and may grant the renewal and issue new registration cards and plates at any time prior to
33 expiration of registration.

34 (c) Upon renewal, owners will be issued a renewal sticker for each registration plate

1 which shall be placed at the bottom right hand corner of the plate. Owners shall be issued a new
2 fully reflective plate beginning September 1, ~~2015~~ 2016 at the time of initial registration or at the
3 renewal of an existing registration and reissuance will be conducted no less than every ten (10)
4 years.

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

6 ARTICLE 27

7 RELATING TO LEGAL NOTICES

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

10 CHAPTER 11.4

11 MODERNIZATION OF LEGAL NOTICES AND ADVERTISEMENTS

12 **42-11.4-1. Legislative Findings.** -- It is hereby found and declared as follows: (a)
13 Throughout the Rhode Island General Laws, there are over two hundred and fifty (250) discrete
14 requirements for legal notices or advertisements to be published in newspapers. While the
15 responsible parties, geographies (e.g., statewide or local), and frequencies of notice vary widely
16 among these hundreds of different requirements, their common goal is to notify the public about
17 informational requirements under law and to give the public a meaningful opportunity to
18 participate in its government. However, modes of communication change over time, and along
19 with these changes there is an obligation to openness for technological innovation.

20 (b) The United States Census Bureau reports that computer possession and household
21 internet usage have consistently risen over time. For example, in 1997, there was a computer in
22 thirty six and six-tenths percent (36.6%) of U.S. households, with eighteen percent (18%) of U.S.
23 households reporting internet usage. By 2011, there was a computer in seventy five and six-tenths
24 percent (75.6%) of U.S. households, with seventy one and seven-tenths percent (71.7%) of U.S.
25 households reporting internet usage. The Bureau reported similar rates of household internet
26 connection of Rhode Islanders in 2011 [seventy two and two-tenths percent (72.2%)]. These
27 increases are inclusive, cutting across age, education attainment, income, and racial and ethnic
28 boundaries.

29 (c) Using the internet to conduct civic transactions is a common practice according to a
30 2010 Pew Research Center's Internet & American Life Project survey, which reported that eighty
31 two percent (82%) of U.S. internet users looked for information or completed a transaction on a
32 government website in the preceding twelve (12) months. This data is consistent with the
33 experience in Rhode Island, where executive agencies have rolled out several new initiatives over
34 the past few years that illustrate this trend: the expansion of online services at the division of

1 motor vehicles; the introduction of a transparency portal (one of the first in the country) to
2 provide more information regarding the operation and management of government; the creation
3 of a new division of veterans' affairs website; and the launch of an e-Licensing initiative by the
4 department of business regulation, working with the office of digital excellence and the division
5 of information technology.

6 (d) Further, Rhode Island is particularly well poised to harness the power of
7 communicating digitally because of its depth of digital infrastructure. The New York Times
8 reported in 2011 that Rhode Island had the fastest internet speed for residential customers in the
9 country; and "broadband service," which describes high-speed internet, digital cable and digital
10 phone services traveling through a single pipeline, is available to ninety seven percent (97%) of
11 Rhode Islanders, with eighty three percent (83%) of Rhode Islanders having the choice of at least
12 two (2) broadband providers, according to the Broadband Rhode Island initiative.

13 (e) While the use of the internet has grown nationally and in Rhode Island over time, with
14 investments in expansion of online services and digital infrastructure, readership of daily
15 newspapers has shown a steady slide in paid circulation. For example, the Pew Research Center's
16 Project for Excellence in Journalism reported in 2011 that daily newspaper circulation, which
17 stood at sixty two million three hundred thousand (62,300,000) in 1990, had fallen to forty three
18 million four hundred thousand (43,400,000) in 2010, a decline of thirty percent (30%). In 1990,
19 evening papers, which began to decline in the 1970s, made up about a third of daily circulation.
20 In 2009, this ratio had dropped to just over ten percent (10%).

21 (f) Moreover, a national survey by the Pew Research Center for the People and the Press
22 in 2010 found that "more people continue to cite the internet than newspapers as their main
23 source of news, reflecting both the growth of the internet, and the gradual decline in newspaper
24 readership [from thirty four percent (34%) in 2007 to thirty one percent (31%) now]."

25 (g) Given historical and current trends, offering an electronic means of publishing notices
26 and advertisements is a common-sense, efficient way to disseminate vital information to the
27 public for several reasons:

28 i. Publication of legal notices and advertisements by electronic means is more likely to
29 reach citizens, providing them with crucial information about information required to be
30 disclosed under law and a better opportunity to participate in government;

31 ii. Expanding the amount of information available electronically will allow for new forms
32 of connection between citizens and government, through e-mail alerts and enhanced search
33 opportunities; and

34 iii. Posting legal notices and advertisements electronically may ease the regulatory

1 burden of compliance for businesses, especially small businesses, and governmental agencies by
2 offering a cost-effective alternative to newspaper publication that capitalizes on the state's
3 existing technological assets and investments.

4 **42-11.4-2. Definitions.** -- As used within this chapter:

5 (a) “Department” shall mean the department of administration; and

6 (b) “Person” shall mean any individual, corporation, partnership, association,
7 municipality, other public body, legal entity, employee or agent of the person.

8 **42-11.4-3. Authorized website transitional notice.** -- (a) Notwithstanding any provision
9 of the general or public laws to the contrary, any notice or other written matter required to be
10 published by any law of this state in a newspaper shall be deemed to satisfy such requirement if
11 posted on an “authorized website,” as defined in the rules and regulations promulgated in
12 accordance with section 42-11.4-7.

13 (b) Before any person may post a notice or advertisement on an authorized website, such
14 person must announce its intention to do so in the following ways and for the following periods
15 of time:

16 (i) by publishing an announcement at least three (3) times a week for three (3)
17 consecutive weeks in the newspaper or newspapers - where notice or advertisement is currently
18 required to be published;

19 (ii) by publishing an announcement on the secretary of state's website for at least three
20 (3) consecutive weeks; and

21 (iii) by publishing an announcement on the Rhode Island transparency portal
22 (<http://www.transparency.ri.gov/>) for at least three (3) consecutive weeks.

23 **42-11.4-4. Required posting.** -- Posting a notice or advertisement on the secretary of
24 state's website pursuant to section 42-46-6 shall not be sufficient to meet the requirements for
25 posting on an authorized website pursuant to section 42-11.4-7.

26 **42-11.4-5. Costs.** -- Any costs associated with posting the notice or advertisement on the
27 authorized website shall be borne by the party required to post the notice or advertisement as set
28 forth in the rules and regulations promulgated in accordance with section 42-11.4-7.

29 **42-11.4-6. Burden of proof.** -- In all actions brought under this chapter, the burden shall
30 be on the party required to provide notice or advertisement to demonstrate notice or
31 advertisement was sufficient pursuant to the rules and regulations set forth in accordance with
32 section 42-11.4-7.

33 **42-11.4-7. Rules and regulations.** -- (a) No later than one hundred and twenty (120)
34 days after the passage of this act, the department shall promulgate rules and regulations, after

1 review and recommendation by the office of digital excellence, to implement the provisions of
2 this chapter.

3 (b) Such rules and regulations shall include:

4 (i) a mechanism by which the authorized website can send a subscribing person e-mail
5 alerts (as specified by such subscribing person), including a choice of how often to receive such
6 alerts and the option to terminate such alerts;

7 (ii) the ability to search the authorized website by statutory cite, keyword, or date of
8 posting; and

9 (iii) the particular specifications, if any, required for mobile electronic devices to access
10 the authorized website and utilize its functionalities.

11 **42-11.4-8. Penalties.** -- Any person aggrieved as a result of violations of the provisions
12 of this chapter may file a complaint with the department of attorney general. The attorney general
13 shall investigate the complaint and, if the department of attorney general determines that the
14 allegations of the complaint are meritorious, such person may file a complaint on behalf of the
15 complainant in the superior court against the entities alleged to have violated the requirements of
16 this chapter.

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

18 **ARTICLE 28**

19 **RELATING TO HEALTH REFORM ASSESSMENT**

20 SECTION 1. Section 42-7.2-5 of the General Laws in Chapter 42-7.2 entitled "Office of
21 Health and Human Services" is hereby amended to read as follows:

22 **42-7.2-5. Duties of the secretary.** – The secretary shall be subject to the direction and
23 supervision of the governor for the oversight, coordination and cohesive direction of state
24 administered health and human services and in ensuring the laws are faithfully executed, not
25 withstanding any law to the contrary. In this capacity, the Secretary of Health and Human
26 Services shall be authorized to:

27 (1) Coordinate the administration and financing of health care benefits, human services
28 and programs including those authorized by the Global Consumer Choice Compact Waiver and,
29 as applicable, the Medicaid State Plan under Title XIX of the US Social Security Act. However,
30 nothing in this section shall be construed as transferring to the secretary the powers, duties or
31 functions conferred upon the departments by Rhode Island public and general laws for the
32 administration of federal/state programs financed in whole or in part with Medicaid funds or the
33 administrative responsibility for the preparation and submission of any state plans, state plan
34 amendments, or authorized federal waiver applications, once approved by the secretary.

1 (2) Serve as the governor's chief advisor and liaison to federal policymakers on Medicaid
2 reform issues as well as the principal point of contact in the state on any such related matters.

3 (3) Review and ensure the coordination of any Global Consumer Choice Compact
4 Waiver requests and renewals as well as any initiatives and proposals requiring amendments to
5 the Medicaid state plan or category two (II) or three (III) changes, as described in the special
6 terms and conditions of the Global Consumer Choice Compact Waiver with the potential to affect
7 the scope, amount or duration of publicly-funded health care services, provider payments or
8 reimbursements, or access to or the availability of benefits and services as provided by Rhode
9 Island general and public laws. The secretary shall consider whether any such changes are legally
10 and fiscally sound and consistent with the state's policy and budget priorities. The secretary shall
11 also assess whether a proposed change is capable of obtaining the necessary approvals from
12 federal officials and achieving the expected positive consumer outcomes. Department directors
13 shall, within the timelines specified, provide any information and resources the secretary deems
14 necessary in order to perform the reviews authorized in this section;

15 (4) Beginning in 2006, prepare and submit to the governor, the chairpersons of the house
16 and senate finance committees, the caseload estimating conference, and to the joint legislative
17 committee for health care oversight, by no later than March 15 of each year, a comprehensive
18 overview of all Medicaid expenditures outcomes, and utilization rates. The overview shall
19 include, but not be limited to, the following information:

20 (i) Expenditures under Titles XIX and XXI of the Social Security Act, as amended;

21 (ii) Expenditures, outcomes and utilization rates by population and sub-population served
22 (e.g. families with children, children with disabilities, children in foster care, children receiving
23 adoption assistance, adults with disabilities, and the elderly);

24 (iii) Expenditures, outcomes and utilization rates by each state department or other
25 municipal or public entity receiving federal reimbursement under Titles XIX and XXI of the
26 Social Security Act, as amended; and

27 (iv) Expenditures, outcomes and utilization rates by type of service and/or service
28 provider.

29 The directors of the departments, as well as local governments and school departments,
30 shall assist and cooperate with the secretary in fulfilling this responsibility by providing whatever
31 resources, information and support shall be necessary.

32 (5) Resolve administrative, jurisdictional, operational, program, or policy conflicts
33 among departments and their executive staffs and make necessary recommendations to the
34 governor.

1 (6) Assure continued progress toward improving the quality, the economy, the
2 accountability and the efficiency of state-administered health and human services. In this
3 capacity, the secretary shall:

4 (i) Direct implementation of reforms in the human resources practices of the departments
5 that streamline and upgrade services, achieve greater economies of scale and establish the
6 coordinated system of the staff education, cross-training, and career development services
7 necessary to recruit and retain a highly-skilled, responsive, and engaged health and human
8 services workforce;

9 (ii) Encourage the departments to utilize consumer-centered approaches to service design
10 and delivery that expand their capacity to respond efficiently and responsibly to the diverse and
11 changing needs of the people and communities they serve;

12 (iii) Develop all opportunities to maximize resources by leveraging the state's purchasing
13 power, centralizing fiscal service functions related to budget, finance, and procurement,
14 centralizing communication, policy analysis and planning, and information systems and data
15 management, pursuing alternative funding sources through grants, awards and partnerships and
16 securing all available federal financial participation for programs and services provided through
17 the departments;

18 (iv) Improve the coordination and efficiency of health and human services legal functions
19 by centralizing adjudicative and legal services and overseeing their timely and judicious
20 administration;

21 (v) Facilitate the rebalancing of the long term system by creating an assessment and
22 coordination organization or unit for the expressed purpose of developing and implementing
23 procedures across departments that ensure that the appropriate publicly-funded health services are
24 provided at the right time and in the most appropriate and least restrictive setting; and

25 (vi) Strengthen health and human services program integrity, quality control and
26 collections, and recovery activities by consolidating functions within the office in a single unit
27 that ensures all affected parties pay their fair share of the cost of services and are aware of
28 alternative financing.

29 (vii) Broaden access to publicly funded food and nutrition services by consolidating
30 agency programs and initiatives to eliminate duplication and overlap and improve the availability
31 and quality of services; and

32 (viii) Assure protective services are available to vulnerable elders and adults with
33 developmental and other disabilities by reorganizing existing services, establishing new services
34 where gaps exist and centralizing administrative responsibility for oversight of all related

1 initiatives and programs.

2 (7) Prepare and integrate comprehensive budgets for the health and human services
3 departments and any other functions and duties assigned to the office. The budgets shall be
4 submitted to the state budget office by the secretary, for consideration by the governor, on behalf
5 of the state's health and human services in accordance with the provisions set forth in § 35-3-4 of
6 the Rhode Island general laws.

7 (8) Impose a health reform assessment across all health insurance carriers as defined by
8 27-18-1.1 offering health plans as defined by 27-18-1.1 in the small employer health insurance
9 market as defined in chapter 50 of title 27 and the individual health insurance market as defined
10 in chapter 18.5 of title 27.

11 (i) The assessment shall be administered as follows:

12 (A) The secretary shall determine separate rates for products offered in the small
13 employer market and products offered in the individual health insurance market.

14 (1) The total assessment imposed by the secretary shall be equal to the budget for the
15 Rhode Island health benefits exchange for the applicable fiscal year(s).

16 (2) The amount assessed upon each market shall be in proportion to the anticipated
17 enrollment for that market in the upcoming coverage year on the Rhode Island health benefits
18 exchange.

19 (3) The assessment in each market shall be expressed as a percentage of premium.

20 (4) The percentage of premium assessed in each market shall be based upon the total
21 premium dollars expected to be collected in the upcoming coverage year by health insurance
22 carriers in that market.

23 (5) For products with a coverage start date of January 1, 2016 the secretary shall
24 determine the rates no later than fifteen (15) days following the passage of this statute. The
25 secretary may in determining the rate of assessment for coverage year 2016 consider any
26 anticipated operating expenses to be incurred by the Rhode Island health benefits exchange prior
27 to January 1, 2016 and may grant requests by the agency to use assessment funds in advance to
28 cover such costs.

29 (6) For products with a coverage start date of January 1, 2017 the secretary shall
30 determine the rates by January 1, 2016.

31 (B) Every health insurance carrier assessed under this section shall, on or before the last
32 day of July, October, January and April of each year, make a payment to the secretary for the
33 quarter ending on that day.

34 (C) The assessment set forth herein shall be in addition to any other fees or assessments

1 imposed upon health insurance carriers by law.

2 (ii) For all coverage years beginning January 1, 2018 or later, the assessment rate shall be
3 announced by the secretary no later than the first day of the preceding year.

4 (iii) Payments made by health insurance carriers under this section may be made by
5 electronic transfer of monies to the general treasurer. The general treasurer shall take all steps
6 necessary to facilitate the transfer of monies to the department of administration to be drawn upon
7 solely for the purposes of supporting the ongoing operations of the Rhode Island health benefits
8 exchange. All funds shall be deposited into a restricted receipt account entitled the Rhode Island
9 health benefits exchange within the department of administration. The restricted receipt account
10 shall be exempt from the indirect cost recovery assessment established pursuant to § 35-4-27.

11 (iv) The secretary shall administer the assessment in such a way as will ensure that a
12 request by the Rhode Island health benefits exchange for advance use of assessment funds to
13 cover operating expenses incurred in preceding fiscal year may be granted.

14 (v) Should any health insurance carrier fall more than thirty (30) days in arrears with
15 respect to assessment payments due to the secretary under this section the secretary may request
16 the Rhode Island health benefits exchange to set-off the amount of the delinquency against any
17 payments due to that health insurance carrier and remit such sums to the secretary. The health
18 benefits exchange is authorized and empowered to set-off amounts due under this section against
19 any payments due to health insurance carriers.

20 (vi) All health insurance carriers assessed under this section may fairly pass on the cost of
21 the assessment in the form of the premium rates it offers in the markets implicated by the health
22 reform assessment.

23 ~~(8)~~(9) Utilize objective data to evaluate health and human services policy goals, resource
24 use and outcome evaluation and to perform short and long-term policy planning and
25 development.

26 ~~(9)~~(10) Establishment of an integrated approach to interdepartmental information and
27 data management that complements and furthers the goals of the CHOICES initiative and that
28 will facilitate the transition to consumer-centered system of state administered health and human
29 services.

30 ~~(10)~~(11) At the direction of the governor or the general assembly, conduct independent
31 reviews of state-administered health and human services programs, policies and related agency
32 actions and activities and assist the department directors in identifying strategies to address any
33 issues or areas of concern that may emerge thereof. The department directors shall provide any
34 information and assistance deemed necessary by the secretary when undertaking such

1 independent reviews.

2 ~~(11)~~(12) Provide regular and timely reports to the governor and make recommendations
3 with respect to the state's health and human services agenda.

4 ~~(12)~~(13) Employ such personnel and contract for such consulting services as may be
5 required to perform the powers and duties lawfully conferred upon the secretary.

6 ~~(13)~~(14) Implement the provisions of any general or public law or regulation related to
7 the disclosure, confidentiality and privacy of any information or records, in the possession or
8 under the control of the executive office or the departments assigned to the executive office, that
9 may be developed or acquired for purposes directly connected with the secretary's duties set forth
10 herein.

11 ~~(14)~~(15) Hold the director of each health and human services department accountable for
12 their administrative, fiscal and program actions in the conduct of the respective powers and duties
13 of their agencies.

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

15 **ARTICLE 29**

16 **RELATING TO COMMERCE CORPORATION AND ECONOMIC DEVELOPMENT**

17 SECTION 1. Section 42-64-13 of the General Laws in Chapter 42-13 entitled "Rhode
18 Island Commerce Corporation" is hereby amended as follows:

19 **42-64-13. Relations with municipalities.** - (a) (1) With respect to projects situated on
20 federal land, the Rhode Island commerce corporation is authorized to plan, construct, reconstruct,
21 rehabilitate, alter, improve, develop, maintain, and operate projects: (i) in conformity with the
22 applicable provisions of chapter 1 of title 2 except that the projects shall not require the approval
23 of a town or city council provided for in § 2-1-21, and (ii) without regard to the zoning or other
24 land use ordinances, codes, plans, or regulations of any municipality or political subdivision;
25 provided, however, that the exemption from the zoning or other land use ordinances, codes, plans,
26 or regulations shall be subject to the corporation's compliance with the provisions of this
27 subsection. Projects which are planned, constructed, reconstructed, rehabilitated, altered,
28 improved, or developed by the corporation on federal land in accordance with the provisions of
29 this subsection may be maintained and operated by lessees from and successors in interest to the
30 corporation in the same manner as if the projects had been in existence prior to the enactment of
31 the zoning or other land use ordinances, codes, plans, or regulations which, but for this chapter,
32 would otherwise be applicable. With respect to other projects of the commerce corporation, or
33 projects receiving state incentives as administered by the commerce corporation, developers are
34 authorized to plan, construct, reconstruct, rehabilitate, alter, improve, develop, maintain, and

1 operate project subject only to the state building code and the state fire code, and all inspections
2 regarding any such project shall be conducted by the state building commissioner or his designee
3 without regard to the building and fire codes of any municipality or political subdivision;
4 provided, however, that the exemption from the building and fire codes shall be subject to the
5 corporation's compliance with the provisions of this subsection. Provided further that any
6 municipality with a population in excess of 150,000 may opt, at the election of its chief elected
7 official, to have the state building commissioner and/or the state fire marshal assume the
8 responsibility for review and inspections of projects, and in such case only the state building and
9 state fire codes shall be applicable to projects located within said municipality.

10 (2) As used in this section, "the comprehensive plan" means a comprehensive plan
11 adopted pursuant to chapter 22 of title 45 by a planning board or commission; "the applicable
12 comprehensive plan" shall mean the comprehensive plan of any municipality within which any
13 project is to be situated, in whole or in part; and "the project plan" shall mean a general
14 description of a proposed project situated on federal land, describing in reasonable detail its
15 location, nature, and size. A zoning ordinance adopted by a municipality pursuant to chapter 24 of
16 title 45 shall not be deemed to be a comprehensive plan nor a statement of the land use goals,
17 objectives, and standards.

18 (3) If any project plan of the corporation with respect to projects situated on federal
19 land conforms to the land use goals, objectives, and standards of the applicable comprehensive
20 plan as of the time of the corporation's adoption of the project plan, or if there is no applicable
21 comprehensive plan, then before proceeding with the project described in the project plan, the
22 corporation shall refer the project plan to the appropriate community advisory committee which
23 may thereafter hold any public hearings as it may deem to be desirable for the purpose of
24 permitting the public to comment on the project plan. The community advisory committee shall
25 not later than forty-five (45) days after its receipt of the project plan, transmit its comments on the
26 project plan, in either written or oral form, to the corporation and thereupon, or upon the
27 community advisory committee's failure to take any action within the time specified, the
28 corporation shall be authorized to proceed with the project described in the project plan without
29 regard to the zoning or other land use ordinances, codes, plans, or regulations of a municipality
30 within which the project is to be situated in whole or in part.

31 (4) If any project plan of the corporation with respect to projects situated on federal land
32 does not conform to the land use goals, objectives, and standards of the applicable comprehensive
33 plan as of the time of the corporation's adoption of the project plan, then, before proceeding with
34 the project described in the project plan, the corporation shall refer the project plan to the local

1 governing body of any municipality within which any project is to be situated, in whole or in part.
2 The local governing body may thereafter hold any public hearings as it may deem to be desirable
3 for the purpose of permitting the public to comment on the project plan. The local governing
4 body shall, not later than forty-five (45) days after its receipt of the project plan, advise the
5 corporation of its approval or disapproval of that plan. If it shall disapprove the project plan, the
6 corporation shall nevertheless be authorized to proceed with the project described in the project
7 plan (without regard to the zoning or other land use ordinances, codes, plans, or regulations of a
8 municipality within which the project is to be situated in whole or in part) upon the subsequent
9 affirmative vote of a majority of the members of the board of directors then holding office as
10 directors taken at a meeting open to the public. If the local governing body approves the project
11 plan or fails to take any action within the time specified, the corporation shall be authorized to
12 proceed with the project described in the project plan without regard to the zoning or other land
13 use ordinances, codes, plans, or regulations of a municipality within which the project is to be
14 situated in whole or in part.

15 (5) The project plan's conformity with the applicable comprehensive plan shall be
16 determined by the board of directors of the corporation and its determination shall be binding and
17 conclusive for all purposes.

18 (b) With respect to projects situated on real property other than federal land, the
19 corporation shall plan, construct, reconstruct, rehabilitate, alter, improve, develop, maintain, and
20 operate projects in conformity with the applicable zoning or other land use ordinances, codes,
21 plans, or regulations of any municipality or political subdivision of the state in which those
22 projects are situated.

23 (c) The corporation shall, in planning, constructing, reconstructing, rehabilitating,
24 altering, or improving any project, comply with all requirements of state and federal laws, codes,
25 or regulations applicable to that planning, construction, reconstruction, rehabilitation, alteration,
26 or improvement. The corporation shall adopt a comprehensive building code (which may, but
27 need not be, the BOCA Code) with which all projects shall comply. That adoption shall not
28 preclude the corporation's later adoption of a different comprehensive building code or of its
29 alteration, amendment, or supplementation of any comprehensive building code so adopted.
30 Except as otherwise specifically provided to the contrary, no municipality or other political
31 subdivision of the state shall have the power to modify or change in whole or in part the
32 drawings, plans, or specifications for any project of the corporation; nor to require that any
33 person, firm, or corporation employed with respect to that project perform work in any other or
34 different manner than that provided by those drawings, plans, and specifications; nor to require

1 that any such person, firm, or corporation obtain any approval, permit, or certificate from the
2 municipality or political subdivision in relation to the project; and the doing of that work by any
3 person, firm, or corporation in accordance with the terms of those drawings, plans, specifications,
4 or contracts shall not subject the person, firm, or corporation to any liability or penalty, civil or
5 criminal, other than as may be stated in the contracts or may be incidental to the proper
6 enforcement thereof; nor shall any municipality or political subdivision have the power to require
7 the corporation, or any lessee or successor in interest, to obtain any approval, permit, or
8 certificate from the municipality or political subdivision as a condition of owning, using,
9 maintaining, operating, or occupying any project acquired, constructed, reconstructed,
10 rehabilitated, altered, or improved by the corporation or pursuant to drawings, plans, and
11 specifications made or approved by the corporation; provided, however, that nothing contained in
12 this subsection shall be deemed to relieve any person, firm, or corporation from the necessity of
13 obtaining from any municipality or other political subdivision of the state any license which, but
14 for the provisions of this chapter, would be required in connection with the rendering of personal
15 services or sale at retail of tangible personal property.

16 (d) Except to the extent that the corporation shall expressly otherwise agree, a
17 municipality or political subdivision, including, but not limited to, a county, city, town, or district,
18 in which a project of the corporation is located, shall provide for the project, whether then owned
19 by the corporation or any successor in interest, police, fire, sanitation, health protection, and other
20 municipal services of the same character and to the same extent as those provided for other
21 residents of that municipality or political subdivision, but nothing contained in this section shall
22 be deemed to require any municipality or political subdivision to make capital expenditures for
23 the sole purpose of providing any of these services for that project.

24 (e) In carrying out a project, the corporation shall be empowered to enter into contractual
25 agreements with municipalities and public corporations and those municipalities and public
26 corporations are authorized and empowered, notwithstanding any other law, to enter into any
27 contractual agreements with the corporation and to do all things necessary to carry out their
28 obligations under the agreements.

29 (f) Notwithstanding the provisions of any general, special, or local law or charter,
30 municipalities and public corporations are empowered to purchase, or to lease for a term not
31 exceeding ninety-nine (99) years, projects of the corporation, upon any terms and conditions as
32 may be agreed upon by the municipality or public corporation and the corporation.

33 SECTION 2. Chapter 42-64.19 of the General Laws in Chapter 42-64.3 entitled
34 “Executive Office of Commerce” is hereby amended by adding thereto the following section:

1 and stimulate growth in real estate developments and/or businesses that are prepared to make
2 meaningful investment and foster job creation in Rhode Island.

3 (b) Through the establishment of a rebuild Rhode Island tax credit program, Rhode
4 Island can take steps to stimulate business development; retain and attract new business and
5 industry to the state; create good-paying jobs for its residents; assist with business, commercial,
6 and industrial real estate development; and generate revenues for necessary state and local
7 governmental services.

8 **42-64.20-3. Definitions. -- As used in this chapter:**

9 (1) "Affiliate" means an entity that directly or indirectly controls, is under common
10 control with, or is controlled by the business. Control exists in all cases in which the entity is a
11 member of a controlled group of corporations as defined pursuant to section 1563 of the Internal
12 Revenue Code of 1986 (26 U.S.C. § 1563) or the entity is an organization in a group of
13 organizations under common control as defined pursuant to subsection (b) or (c) of section 414 of
14 the Internal Revenue Code of 1986 (26 U.S.C. § 414). A taxpayer may establish by clear and
15 convincing evidence, as determined by the tax administrator, that control exists in situations
16 involving lesser percentages of ownership than required by those statutes. An affiliate of a
17 business may contribute to meeting either the capital investment or full-time employee
18 requirements of a business that applies for a credit under general laws section 46-64.20-5.

19 (2) "Applicant" means a developer applying for a rebuild Rhode Island tax credit under
20 this chapter.

21 (3) "Business" means a corporation as defined in general laws section 44-1-1(4), or is a
22 partnership, an S corporation, a non-profit corporation, a sole proprietorship, or a limited liability
23 corporation. A business shall include an affiliate of the business if that business applies for a
24 credit based upon any capital investment made by an affiliate.

25 (4) "Capital investment" in a real estate project means expenses by a business or any
26 affiliate of the business incurred after application for:

27 (i) Site preparation and construction, repair, renovation, improvement, equipping, or
28 furnishing on real property or of a building, structure, facility, or improvement to real property;

29 (ii) Obtaining and installing furnishings and machinery, apparatus, or equipment,
30 including but not limited to material goods for the operation of a business on real property or in a
31 building, structure, facility, or improvement to real property.

32 In addition to the foregoing, if a business acquires or leases a qualified project, the capital
33 investment made or acquired by the seller or owner, as the case may be, if pertaining primarily to
34 the premises of the qualified project, shall be considered a capital investment by the business

1 and, if pertaining generally to the qualified project being acquired or leased, shall be allocated to
2 the premises of the qualified project on the basis of the gross leasable area of the premises in
3 relation to the total gross leasable area in the qualified project. The capital investment described
4 herein shall be defined through rules and regulations promulgated by the commerce corporation.

5 (5) “Commerce corporation” means the Rhode Island commerce corporation established
6 pursuant to general laws section 42-64-1 et. seq.

7 (6) “Commercial” shall mean non-residential development.

8 (7) “Hope community” means a community where family poverty levels exceed the state
9 median. Upon passage, these communities include Providence, Central Falls, West Warwick,
10 Pawtucket and Woonsocket.

11 (8) “Eligibility period” means the period in which a business may claim a tax credit under
12 this act, beginning with the tax period in which the commerce corporation accepts certification of
13 the business that it has met the requirements of the act and extending thereafter for a term of five
14 (5) years.

15 (9) “Full-time employee” means a person who is employed by a business for
16 consideration for at least 35 hours a week, or who renders any other standard of service generally
17 accepted by custom or practice as full-time employment, or who is employed by a professional
18 employer organization pursuant to an employee leasing agreement between the business and the
19 professional employer organization for at least 35 hours a week, or who renders any other
20 standard of service generally accepted by custom or practice as full-time employment, and whose
21 wages are subject to withholding.

22 (10) “Affordable housing” means housing affordable according to recognized standards
23 for home ownership and rental costs.

24 (11) “Mixed use” means a development comprising both commercial and residential
25 components.

26 (12) “Partnership” means an entity classified as a partnership for federal income tax
27 purposes.

28 (13) “Project area” means land or lands under common ownership or control in which a
29 qualified project is located.

30 (14) “Project cost” means the costs incurred in connection with the qualified project or
31 qualified residential or mixed use project by the applicant until the issuance of a permanent
32 certificate of occupancy, or until such other time specified by the commerce corporation, for a
33 specific investment or improvement, as defined through rules and regulations promulgated by the
34 commerce corporation.

1 (15) “Financing gap” means

2 (i) The part of the total project cost that remains to be financed after all other sources of
3 capital have been accounted for, including, but not limited to, developer-contributed capital,
4 which shall be defined through rules and regulations promulgated by the commerce corporation;
5 or

6 (ii) The amount by which total project cost exceeds the cost of an out-of-state alternative
7 location for a commercial project.

8 (16) “Qualified project” shall mean any project meeting the requirements of this chapter.

9 (17) “Residential” means a development of residential dwelling units.

10 (18) “Redevelopment project” means a specific construction project or improvement,
11 including lands, buildings, improvements, real and personal property or any interest therein,
12 including lands under water, riparian rights, space rights and air rights, acquired, owned, leased,
13 developed or redeveloped, constructed, reconstructed, rehabilitated or improved, undertaken by a
14 developer, owner or tenant, or both, within a project area as set forth in an application to be made
15 to the commerce corporation.

16 (19) “Targeted industry” means any advanced, promising or otherwise prioritized
17 industry identified in the economic development vision and policy promulgated pursuant General
18 Laws section 42-64.17-1.

19 (20) “Transit oriented development area” means an area in proximity to transit
20 infrastructure that will be further defined by regulation of the commerce corporation in
21 consultation with the Rhode Island department of transportation.

22 **42-64.20-4. Establishment of program. --** The rebuild Rhode Island tax credit program
23 is hereby established as a program under the jurisdiction and administration of the commerce
24 corporation. The program may provide tax credits to businesses meeting the requirements of this
25 chapter for an eligibility period of five (5) years. On an annual basis, the commerce corporation
26 shall confer with the executive office of commerce, the department of administration, and the
27 division of taxation regarding the availability of funds for the award of new tax credits.

28 **42-64.20-5. Tax credits.--** (a) An applicant meeting the requirements of this chapter may
29 be allowed a credit as set forth hereinafter against taxes imposed upon such person under
30 applicable provisions of title 44 of the general laws for a qualified project.

31 (b) To be eligible as a qualified project entitled to tax credits, an applicant's chief
32 executive officer or equivalent officer shall demonstrate to the commerce corporation, at the time
33 of application, that:

34 (1) The applicant has committed capital investment or owner equity in not less than

1 twenty percent (20%) of the total project cost;

2 (2) Based upon an analysis, there is a financing gap for the project, in that, after taking
3 into account all available private and public funding sources, the project is likely to be realized
4 with the provision of tax credits at the level requested, but is not likely to be accomplished by
5 private enterprise without the tax credits;

6 (3) The real estate project is a new or rehabilitated qualified development, new or
7 rehabilitated qualified residential project, new or rehabilitated mixed use project, or is a new or
8 rehabilitated project in a Hope Community; and

9 (4) The real estate project fulfills the state's policy and planning objectives and priorities
10 in that:

11 (i) The applicant will, at the discretion of the commerce corporation, obtain a tax
12 stabilization agreement from the municipality in which the real estate project is located on such
13 terms as the commerce corporation deems acceptable;

14 (ii) It (A) is a commercial development consisting of at least 25,000 square feet and
15 containing at least 25 full-time employees or such additional full-time employees as the
16 commerce corporation may determine; (B) is a multi-family residential development in a new,
17 adaptive reuse, or historic structure consisting of at least 20,000 square feet and having at least 20
18 residential units in a hope community; or (C) is a mixed use development in a new, adaptive
19 reuse, or historic structure consisting of at least 25,000 square feet, subject to further definition
20 through rules and regulations promulgated by the commerce corporation; and

21 (iii) Involves a total project cost of not less than \$5,000,000, except for a project in a
22 hope community or redevelopment area designated under section 45-32-4 of the general laws in
23 which event the commerce corporation shall have the discretion to modify the total project cost
24 minimum threshold.

25 (c) For qualified projects, the maximum tax credit allowed under this chapter shall be the
26 lesser of (1) thirty percent (30%) of the total project cost; or (2) the amount needed to close a
27 demonstrable financing gap (after taking into account all other private and public funding sources
28 available to the project), as determined by the commerce corporation.

29 (d) Tax credits allowed pursuant to this chapter shall be allowed for the taxable year in
30 which a certificate of occupancy issues for the project.

31 (e) The amount of a tax credit allowed under this chapter shall be allowable to the
32 taxpayer in five increments.

33 (f) If the portion of the tax credit allowed under this chapter exceeds the taxpayer's total
34 tax liability for the year in which the relevant portion of the credit is allowed, the amount that

1 exceeds the taxpayer's tax liability may be carried forward for credit against the taxes imposed for
2 the succeeding four (4) years, or until the full credit is used, whichever occurs first for the tax
3 credits. Credits allowed to a partnership, a limited liability company taxed as a partnership, or
4 multiple owners of property shall be passed through to the persons designated as partners,
5 members or owners respectively pro rata or pursuant to an executed agreement among such
6 persons designated as partners, members or owners documenting an alternate distribution method
7 without regard to their sharing of other tax or economic attributes of such entity.

8 (g) The commerce corporation in consultation with the division of taxation shall
9 establish, by regulation, the process for the assignment, transfer or conveyance of tax credits.

10 (h) For purposes of this chapter, any assignment or sales proceeds received by the
11 taxpayer for its assignment or sale of the tax credits allowed pursuant to this section shall be
12 exempt from taxation under title 44 of the general laws. If a tax credit is subsequently revoked or
13 adjusted, the seller's tax calculation for the year of revocation or adjustment shall be increased by
14 the total amount of the sales proceeds, without proration, as a modification under chapter 30 of
15 title 44 of the general laws. In the event that the seller is not a natural person, the seller's tax
16 calculation under chapters 11, 13, 14, or 17 of title 44 of the general laws, as applicable, for the
17 year of revocation, or adjustment, shall be increased by including the total amount of the sales
18 proceeds without proration.

19 (i) The tax credit allowed under this chapter may be used as a credit against corporate
20 income taxes imposed under chapters 11, 13, 14, or 17, of title 44, or may be used as a credit
21 against personal income taxes imposed under chapter 30 of title 44 against owners of pass-
22 through entities such as a partnership, a limited liability company taxed as a partnership, or
23 multiple owners of property.

24 (j) In the case of a corporation, this credit is only allowed against the tax of a corporation
25 included in a consolidated return that qualifies for the credit and not against the tax of other
26 corporations that may join in the filing of a consolidated tax return.

27 (k) Prior to assignment or transfer of a tax credit granted under this chapter, the state shall
28 be entitled to redeem such credit in whole or in part for ninety percent (90%) of the value of the
29 tax credit. The division of taxation shall establish by regulation a redemption process for tax
30 credits.

31 (l) Projects eligible to receive a tax credit under this chapter, may at the discretion of the
32 commerce corporation, be exempt from sales and use taxes imposed on the purchase of furniture,
33 fixtures and equipment, except automobiles, trucks or other motor vehicles, or other materials that
34 otherwise are depreciable and have a useful life of one year or more that are essential to and will

1 be utilized in the qualified project.

2 (m) The tax credit available under this chapter shall not exceed twenty percent (20%),
3 provided, however, that the applicant shall be eligible for additional tax credit of not more than
4 ten percent (10%) if the applicant meets any of the following criteria or such other additional
5 criteria determined by the commerce corporation from time to time in response to evolving
6 economic or market conditions:

7 (1) For redevelopment projects involving adaptive re-use of historic structures;

8 (2) For qualified projects undertaken by or for targeted industries;

9 (3) For qualified projects in transit oriented development areas;

10 (4) For residential projects in which at least twenty percent (20%) of the residential units
11 are for affordable housing or workforce housing;

12 (5) For projects involving property subject to the requirements of the industrial property
13 remediation and reuse act, sections 23-19.14-1, et seq. of the general laws; and

14 (6) For projects involving qualified business facilities constructed in accordance with the
15 minimum environmental and sustainability standards, as certified by the commerce corporation
16 pursuant to LEED or other equivalent standards.

17 (n) The commerce corporation shall promulgate rules and regulations for the
18 administration and certification of additional tax credit under subsection (m) of this section,
19 including criteria for the eligibility, evaluation, prioritization, and approval of projects that
20 qualify for such additional tax credit.

21 (o) The commerce corporation shall have no obligation to make any award or grant any
22 benefits under this chapter.

23 **42-64.20-6. Implementation guidelines, directives, criteria, rules, regulations. -- (a)**

24 The commerce corporation may adopt implementation guidelines, directives, criteria, and rules
25 and regulations pursuant to section 42-35-3 of the general laws, as are necessary to implement
26 this chapter, including, but not limited to: examples of the enumeration of specific targeted
27 industries; specific delineation of incentive areas; the determination of additional limits; the
28 promulgation of procedures and forms necessary to apply for a tax credit, including the
29 enumeration of the certification procedures; the allocation of new tax credits in consultation with
30 the executive office of commerce, division of taxation and department of administration; and
31 provisions for tax credit applicants to be charged an initial application fee, and ongoing service
32 fees, to cover the administrative costs related to the tax credit.

33 (b) The rules that the commerce corporation promulgates shall incorporate the following:

34 (1) Procedures for implementing this act shall include processes whereby any credit

1 allowed under this program must be approved by the commerce corporation board. Before the
2 commerce corporation board meets to consider an application for a credit under this chapter, both
3 the director of the office of management and budget and the director of the department of revenue
4 shall provide written analysis to the commerce corporation board regarding the application. The
5 analysis from the office of management and budget should include the impact that granting the
6 application would have on the budget for the state of Rhode Island both in the fiscal year in which
7 the application is considered, and in subsequent fiscal years. The director of the department of
8 administration shall submit to the commerce corporation a letter of opinion regarding the
9 financial capacity of the state to grant the credits under this chapter. The commerce corporation
10 shall not be authorized to grant credits to new qualified project(s) under this chapter if the
11 department of administration determines that the credits would exceed the existing and
12 anticipated revenue capacity of the state. Such determination by the department of administration
13 shall be made in a timely manner.

14 (2) As the commerce corporation board determines whether to grant credits under this
15 chapter, it shall consider the purposes for which this chapter is established, which include (but are
16 not necessarily limited to) the following: (i) to create jobs with an emphasis on high-quality jobs;
17 and (ii) to spur economic growth and new development in Rhode Island.

18 (c) The division of taxation may adopt implementation guidelines, directives, criteria, and
19 rules and regulations pursuant to section 42-35-3 of the general laws, as are necessary for the
20 implementation of the division's responsibilities under this chapter.

21 **42-64.20-7. Program integrity.** -- Program integrity being of paramount importance, the
22 commerce corporation shall establish procedures to ensure ongoing compliance with the terms
23 and conditions of the program established herein, including procedures to safeguard the
24 expenditure of public funds and to ensure that the funds further the objectives of the program.

25 SECTION 4. Title 42 of the General Laws entitled "State Affairs and Government" is
26 hereby amended by adding thereto the following chapter:

27 CHAPTER 64.21

28 TAX INCREMENT FINANCING

29 **42-64.21-1. Short title.** -- This act shall be known and may be cited as the "Rhode Island
30 Tax Increment Financing Act of 2015."

31 **42-64.21-2. Legislative findings.**-- (a) It is hereby found and declared that due to long-
32 term and short-term stagnant or declining economic trends in Rhode Island, businesses in the
33 state have found it difficult to make investments that would stimulate economic activity and
34 create new jobs for the citizens of the state. Moreover, such economic trends have caused

1 business closures or out-of-state business relocations, while other out-of-state businesses are
2 deterred from relocating to this state. This situation has contributed to a high rate of
3 unemployment in the state. Consequently, a need exists to promote the retention and expansion
4 of existing jobs, stimulate the creation of new jobs, attract new business and industry to the state,
5 and stimulate growth in real estate developments and/or businesses that are prepared to make
6 meaningful investment and foster job creation in Rhode Island.

7 (b) Through the establishment of a tax increment financing program, Rhode Island can
8 take steps to stimulate business development; retain and attract new business and industry to the
9 state; create good-paying jobs for its residents; assist with business, commercial, and industrial
10 real estate development; and generate revenues for necessary state and local governmental
11 services.

12 **42-64.21-3. Definitions. --** (1) “Applicant” means a developer proposing to enter into a
13 TIF agreement.

14 (2) “Commerce corporation” means the Rhode Island commerce corporation established
15 pursuant to general laws section 42-64-1 et. seq.

16 (3) “Developer” means any person, entity, or political subdivision that enters or proposes
17 to enter into a redevelopment incentive grant agreement pursuant to the provisions of this chapter.

18 (4) “Hope Community” means a community where family poverty levels exceed the state
19 median. Upon passage, these communities include Providence, Central Falls, West Warwick,
20 Pawtucket and Woonsocket.

21 (5) “Eligible revenue” means the incremental revenues set forth in section 42-64.21-5 of
22 this chapter.

23 (6) “Incremental” means (i) net new revenue to the State of Rhode Island as defined by
24 the commerce corporation, in consultation with the department of revenue as established in
25 Chapter 42-142 of the general laws, or (ii) existing revenue at substantial risk of loss to the State
26 of Rhode Island as defined by the commerce corporation in consultation with the department of
27 revenue.

28 (7) “TIF payment” means reimbursement of all or a portion of the project financing gap
29 of a redevelopment project from the division of taxation as provided under this chapter.

30 (8) “Project area” means land or lands under common ownership or control as certified
31 by the commerce corporation.

32 (9) “Project financing gap” means (i) the part of the total project cost that remains to be
33 financed after all other sources of capital have been accounted for, including, but not limited to,
34 developer-contributed capital, which shall be defined through rules and regulations promulgated

1 by the commerce corporation and (ii) the amount by which total project cost exceeds the cost of
2 an alternative out-of-state location for a redevelopment project.

3 (10) “Qualifying TIF area” shall mean an area containing a redevelopment project
4 identified by the commerce corporation as a priority because of its potential to generate, preserve
5 or otherwise enhance jobs or its potential to produce, preserve or otherwise enhance housing
6 units. The commerce corporation shall take into account the following factors in determining
7 whether a redevelopment project is a priority:

8 (i) Generation or preservation of manufacturing jobs;

9 (ii) Promotion of targeted industries;

10 (iii) Location in a port or airport district;

11 (iv) Location in an industrial or research park;

12 (v) Location in a transit oriented development area;

13 (vi) Location in a Hope Community;

14 (vii) Location in an area designated by a municipality as a redevelopment area under
15 section 45-32-4 of the general laws; and

16 (viii) Location in an area located within land approved for closure under any federal
17 commission on base realignment and closure action.

18 (11) “TIF agreement” means an agreement between the commerce corporation and a
19 developer, under which, in exchange for the benefits of the funding derived from qualification
20 under this chapter, the developer agrees to perform any work or undertaking necessary for a
21 redevelopment project, including the clearance, development or redevelopment, construction, or
22 rehabilitation of any structure or improvement of commercial, industrial, or residential property;
23 public infrastructure; preexisting municipally-owned stadium of 10,000 seats or greater; or
24 utilities within a qualifying TIF area.

25 (12) “Redevelopment project” means a specific work or improvement, including lands,
26 buildings, improvements, real and personal property or any interest therein, including lands under
27 water, riparian rights, space rights and air rights, acquired, owned, developed or redeveloped,
28 constructed, reconstructed, rehabilitated or improved, or undertaken by a developer within a
29 project area.

30 (13) “Revenue increment base” means the amounts of all eligible revenues from sources
31 within the redevelopment project area in the calendar year preceding the year in which the TIF
32 agreement is executed, as certified by the division of taxation.

33 **42-64.21-4. TIF program. -- The commerce corporation shall establish a TIF program**
34 **for the purpose of encouraging redevelopment projects in qualifying TIF areas.**

1 **42-64.21-5. Financing.** -- (a) Up to the limits established in subsection (c) of this section
2 and in accordance with a TIF agreement, the division of taxation shall pay to the developer
3 incremental state revenues directly realized from businesses operating on the redevelopment
4 project premises from the taxes assessed and collected under chapters 11, 13, 14, 17, 18, 19, and
5 30 of Title 44 of the general laws or realized from such venue ticket sales or parking taxes as may
6 be established and levied under state law.

7 (b) The division of taxation shall annually, on or before December first, provide the
8 governor with the sum, if any, to be appropriated to fund the program. The governor shall submit
9 to the general assembly printed copies of a budget including the total of the sums, if any, as part
10 of the governor's budget required to be appropriated for the program created under this chapter.

11 (c) Up to 75 percent of the projected annual incremental revenues may be allocated under
12 a TIF agreement. The incremental revenue for the revenues listed in subsection (a) of this section
13 shall be calculated as the difference between the amount collected in any fiscal year from any
14 eligible revenue source included in the TIF agreement, less the revenue increment base for that
15 eligible revenue.

16 (d) Under conditions defined by the commerce corporation and in consultation with the
17 department of revenue, those taxes eligible for inclusion in this TIF program may instead be
18 exempted up to the levels permitted by this act in cases of significant taxpayers. Such significant
19 taxpayers may instead be required to contribute payments in lieu of taxes (PILOTs) into a
20 dedicated fund established by the commerce corporation. Such payments shall be up to 75 percent
21 of the amount that would otherwise be due to the state in the form of taxation as per the
22 provisions this statute. Such dedicated funds must be used for the redevelopment project
23 purposes described in this act. The commerce corporation may issue revenue bonds secured by
24 this dedicated fund. Such bonds shall not be a general obligation of the state.

25 (e) The commerce corporation shall promulgate an application form and procedure for
26 the program.

27 **42-64.21-6. Agreements permitted.** -- (a) The commerce corporation is authorized to
28 enter into a TIF agreement with a developer for any redevelopment project located within a
29 qualifying TIF area. The TIF agreement between the commerce corporation and the developer
30 shall contain a provision acknowledging that the benefits of said agreement, with the exception of
31 42-64.21-5 (d) of this chapter, are subject to such annual appropriation.

32 (b) The decision whether or not to enter into a TIF agreement is solely within the
33 discretion of the commerce corporation.

34 (c) The TIF agreement shall specify the amount to be awarded the developer, the

1 frequency of payments, and the length of time, which shall not exceed 20 years, during which the
2 reimbursement shall be granted. In no event shall the amount of the reimbursements under a TIF
3 agreement exceed 30 percent of the total cost of the project and provided further, that the
4 commerce corporation may exempt public infrastructure, a preexisting municipally-owned
5 stadium of 10,000 seats or greater, or utilities as defined above from said 30 percent cap.

6 (d) The commerce corporation may enter into a TIF agreement only if it determines that
7 TIF payments are needed to cover a project financing gap except in cases of public infrastructure,
8 a preexisting municipally-owned stadium of 10,000 seats or greater, or utilities as defined above.

9 (e) A developer that has entered into a TIF agreement with the commerce corporation
10 pursuant to this section may, upon notice to and consent of the corporation, pledge and assign as
11 security for any loan, any or all of its right, title and interest in and to the TIF agreement and in
12 the TIF payments due thereunder, and the right to receive same, along with the rights and
13 remedies provided to the developer under such agreement. Any such assignment shall be an
14 absolute assignment for all purposes, including the federal bankruptcy code.

15 (f) Any pledge of TIF payments made by the developer shall be valid and binding from
16 the time when the pledge is made and filed in the records of the commerce corporation. The TIF
17 agreement and payments so pledged and thereafter received by the developer shall immediately
18 be subject to the lien of the pledge without any physical delivery thereof or further act, and the
19 lien of any pledge shall be valid and binding as against all parties having claims of any kind in
20 tort, contract, or otherwise against the developer irrespective of whether the parties have notice
21 thereof. Neither the TIF agreement nor any other instrument by which a pledge under this section
22 is created need be filed or recorded except with the commerce corporation.

23 (g) The commerce corporation shall be entitled to impose an application fee and impose
24 other charges upon developers associated with the review of a project and the administration of
25 the program.

26 **42-64.21-7. Program integrity.** -- Program integrity being of paramount importance, the
27 commerce corporation shall establish procedures to ensure ongoing compliance with the terms
28 and conditions of the program established herein, including procedures to safeguard the
29 expenditure of public funds and to ensure that the funds further the objectives of the program.

30 SECTION 5. Title 42 of the General Laws entitled "State Affairs and Government" is
31 hereby amended by adding thereto the following chapter:

32 CHAPTER 64.22

33 TAX STABILIZATION INCENTIVE

34 **42-64.22-1. Findings and declarations.** -- The General Assembly finds and declares:

1 (a) The general assembly seeks to enact several economic stimulus laws to assist Rhode
2 Island businesses and municipalities, including legislation providing incentives to encourage
3 economic and real estate development and to create jobs throughout this state.

4 (b) In order to encourage this economic growth, the general assembly seeks to enhance
5 and strengthen several of the current statutes governing economic development in this state. The
6 general assembly's goal is to create an economic stimulus program to promote development and
7 growth and address the economic challenges currently impacting the State and local
8 municipalities.

9 **42-64.22-2. Definitions. -- As used in this chapter:**

10 (1) "Applicant" means a qualifying community or hope community applying for
11 incentives under this chapter.

12 (2) "Capital investment" in a qualified project means expenses by a business or any
13 affiliate of the business incurred after application for:

14 (i) Site preparation and construction, repair, renovation, improvement, equipping, or
15 furnishing on real property or of a building, structure, facility, or improvement to real property;
16 and/or

17 (ii) Obtaining and installing furnishings and machinery, apparatus, or equipment,
18 including but not limited to material goods for the operation of a business on real property or in a
19 building, structure, facility, or improvement to real property.

20 In addition to the foregoing, if a business acquires or leases a qualified business facility,
21 the capital investment made or acquired by the seller or owner, as the case may be, if pertaining
22 primarily to the premises of the qualified business facility, shall be considered a capital
23 investment by the business and, if pertaining generally to the qualified business facility being
24 acquired or leased, shall be allocated to the premises of the qualified business facility on the basis
25 of the gross leasable area of the premises in relation to the total gross leasable area in the
26 qualified business facility. The capital investment described herein may include any capital
27 investment made or acquired within twenty-four (24) months prior to the date of application so
28 long as the amount of capital investment made or acquired by the business, any affiliate of the
29 business, or any owner after the date of application equals at least fifty percent (50%) of the
30 amount of capital investment, allocated to the premises of the qualified business facility being
31 acquired or leased on the basis of the gross leasable area of such premises in relation to the total
32 gross leasable area in the qualified business facility made or acquired prior to the date of
33 application.

34 (3) "Commerce corporation" means the Rhode Island commerce corporation established

1 pursuant to general laws §42-64-1 et. seq.

2 (4) “Developer” means any person who develops or proposes to develop a qualified
3 project, or its successors or assigns, including but not limited to a lender that completes a
4 real estate project, operates a real estate project, or completes and operates a real estate project.

5 (5) “Hope Community” means a community where family poverty levels exceed the state
6 median. Upon passage, these communities include Providence, Central Falls, West Warwick,
7 Pawtucket and Woonsocket

8 (6) “Eligibility period” means the period in which a qualified community and/or Hope
9 Community may apply for reimbursement under this chapter. The eligibility period shall be
10 subject to the term defined in the qualifying tax stabilization agreement granted by said
11 community. The amounts subject to reimbursement shall cease upon any termination or cessation
12 of the underlying qualified tax stabilization agreement.

13 (7) “Forgone tax revenue” means the amount of revenue that a municipality would have
14 received from a qualifying project had a tax stabilization agreement not been in place, less the
15 amount of revenue the municipality would be expected to receive from that qualifying project
16 with a tax stabilization agreement in place.

17 (8) “Project cost” means the costs incurred in connection with a project by an applicant
18 until the issuance of a permanent certificate of occupancy, or until such other time specified by
19 the commerce corporation.

20 (9) “Qualifying communities” are those communities not defined as a hope community.

21 (10) “Qualifying projects” include:

22 (i) Rehabilitation of an existing structure where total cost of development budget
23 exceeds fifty percent (50%) of adjusted basis in such a qualifying property as of the date that the
24 parties applied for said qualifying tax stabilization agreement; or

25 (ii) Construction of a new building wherein:

26 (a) The subject community has issued a tax stabilization agreement, as set forth herein
27 and pursuant to § 44-3-9 of the general laws as well as other applicable rules, regulations and,
28 procedures;

29 (b) Construction commences within twelve (12) months of the subject tax stabilization
30 agreement being approved; and

31 (c) Completion of the proposed development project occurs within thirty six (36) months,
32 subject to the approval of qualifying or hope communities.

33 (11) “Qualifying property” means any building or structure used or intended to be used
34 essentially for offices or commercial enterprises or residential purposes.

1 (12) “Qualifying tax stabilization agreement” are those tax stabilization agreements with
2 a minimum term of twelve (12) years, granted by a qualified and/or hope community in
3 connection with a qualifying project.

4 **42-64.22-3. Establishment of program. --** (a) The Tax Stabilization Incentive Program
5 is hereby created to provide incentives to Rhode Island municipalities to enter into qualifying
6 property tax stabilization agreements in connection with qualifying projects set forth herein.

7 (b) Under the program, qualified and Hope Communities in the state of Rhode Island that
8 grant qualifying tax stabilization agreements, subject to the provisions of § 44-3-9 of the Rhode
9 Island general laws, in connection with a qualifying project, may apply to the commerce
10 corporation for certification for partial reimbursement of the real estate taxes and/or personal
11 property taxes that would have otherwise been paid had the qualified and/or hope communities
12 not granted said tax stabilization agreement.

13 **42-64.22-4. Incentives for municipalities. --** The qualifying community or hope
14 community grants a qualifying tax stabilization agreement in connection with a qualifying
15 project, upon certification by the commerce corporation and subject to availability of
16 appropriated funds, the commerce corporation shall provide a partial reimbursement of no more
17 than ten percent (10%) of the qualified community and/or hope community’s forgone tax
18 revenue. The qualification for reimbursement shall cease upon any termination or cessation of
19 the underlying tax stabilization agreement or upon exhaustion of funds appropriated pursuant to
20 this section.

21 **42-64.22-5. Eligibility requirements for qualifying communities. --** In order for a
22 qualifying community to be eligible to receive incentives under this chapter, in addition to the
23 provisions set forth herein, the tax stabilization agreement must be for a qualified project
24 resulting in the creation of at least fifty (50) new full-time jobs, and the developer must commit a
25 capital investment of not less than ten million dollars (\$10,000,000.00) towards the project cost.

26 **42-64.22-6. Eligibility requirements for hope communities. --** In order for a hope
27 community to be eligible to receive incentives under this chapter, in addition to the provisions set
28 forth herein, the tax stabilization agreement must be for a qualified project resulting in the
29 creation of at least twenty-five (25) new full-time jobs, and the developer must commit a capital
30 investment of not less than five million dollars (\$5,000,000.00) towards the project cost.

31 **42-64.22-7. Alternative eligibility requirements. --** (a) Qualified communities may
32 receive incentives under this chapter, where the tax stabilization agreement is for a qualified
33 project involving an adaptive re-use of a historic structure or results in the creation of at least
34 twenty (20) units of residential housing; provided that at least twenty percent (20%) of the

1 residential units are for affordable or workforce housing.

2 (b) Hope communities may receive incentives under this chapter, where the tax
3 stabilization agreement for a qualified project results in the creation of at least twenty (20) units
4 of residential housing.

5 **42-64.22-8. Reimbursement.** -- The aggregate value of all reimbursements approved by
6 the commerce corporation pursuant to this chapter during the eligibility period shall not exceed
7 the lesser of ten (10%) percent of the qualifying and/or hope communities' forgone tax revenue or
8 annual appropriations received by the commerce corporation for the program.

9 **42-64.22-9. Applicability.** -- The amounts subject to reimbursement under this chapter
10 shall apply to any real and/or personal property tax abatement provided pursuant to a tax
11 stabilization agreement, granted pursuant to section 44-3-9 of the general laws, after January 1,
12 2015. The amounts subject to reimbursement shall also include any reduction in the then current
13 real property taxes and/or personal property taxes, as well as a reduction in the prospective
14 amounts that would be due in connection with the completion of the qualifying project.

15 **42-64.22-10. Approval.** -- The commerce corporation's approval of reimbursement to
16 the qualifying or hope communities may be made in accordance with or conditional upon the
17 conditions set forth under section 44-3-9 of the general laws and other guidelines, criteria, and
18 priorities that may be adopted by the commerce corporation. In order to distribute funds under
19 the chapter, the commerce corporation shall enter into an agreement with the community setting
20 forth the terms of the reimbursements subject hereto. The commerce corporation may require
21 communities to provide reports and documentation regarding any reimbursements provided under
22 this chapter.

23 **42-64.22-11. Restrictions.** -- Nothing in this section shall be construed to interfere,
24 restrict or prevent any qualifying community or hope community from granting tax stabilization
25 agreements pursuant to section 44-3-9 of the general laws or other applicable sections of title 44
26 of the general laws.

27 **42-64.22-12. Implementation guidelines, directives, criteria, rules, regulations.** -- (a)
28 The commerce corporation shall establish further guidelines, directives, criteria, rules and
29 regulations in regards to the implementation of this chapter.

30 (b) The adoption and implementation of rules and regulations shall be made pursuant to
31 section 42-35-3 of the general laws as are necessary for the implementation of the commerce
32 corporation's responsibilities under this chapter.

33 **42-64.22-13. Program integrity.** -- Program integrity being of paramount importance,
34 the commerce corporation shall establish procedures to ensure ongoing compliance with the terms

1 and conditions of the program established herein, including procedures to safeguard the
2 expenditure of public funds and to ensure that the funds further the objectives of the program.

3 SECTION 6. Title 42 of the General Laws entitled “State Affairs and Government” is
4 hereby amended by adding thereto the following chapter:

5 CHAPTER 64.23

6 FIRST WAVE CLOSING FUND

7 **42-64.23-1. Short title.** -- This chapter shall be known as the “First Wave Closing Fund
8 Act.”

9 **42-64.23-2. Legislative findings.** -- The general assembly finds and declares:

10 (a) It is hereby found and declared that due to long-term and short-term stagnant or
11 declining economic trends in Rhode Island, businesses in the state have found it difficult to make
12 investments that would stimulate economic activity and create new jobs for the citizens of the
13 state. Moreover, such economic trends have caused business closures or out-of-state business
14 relocations, while other out-of-state businesses are deterred from relocating to this state. This
15 situation has contributed to a high rate of unemployment in the state. Consequently, a need exists
16 to promote the retention and expansion of existing jobs, stimulate the creation of new jobs, attract
17 new business and industry to the state, and stimulate growth in real estate developments and/or
18 businesses that are prepared to make meaningful investments and foster job creation in Rhode
19 Island.

20 (b) Through the establishment of an economic development closing fund, Rhode Island
21 can take steps to stimulate business development; retain and attract new business and industry to
22 the state; create good-paying jobs for its residents; assist with business, commercial, and
23 industrial real estate development; and generate revenues for necessary state and local
24 governmental services.

25 **42-64.23-3. Definitions.** -- As used in this chapter:

26 (1) “Affiliate” means an entity that directly or indirectly controls, is under common
27 control with, or is controlled by the business. Control exists in all cases in which the entity is a
28 member of a controlled group of corporations as defined pursuant to section 1563 of the Internal
29 Revenue Code of 1986 (26 U.S.C. § 1563) or the entity is an organization in a group of
30 organizations under common control as defined pursuant to subsection (b) or (c) of section 414 of
31 the Internal Revenue Code of 1986 (26 U.S.C. § 414). A taxpayer may establish by clear and
32 convincing evidence, as determined by the commerce corporation in its sole discretion, that
33 control exists in situations involving lesser percentages of ownership than required by those
34 statutes. An affiliate of a business may contribute to meeting full-time employee requirements of

1 a business that applies for a credit under this chapter.

2 (2) “Applicant” means a business applying for assistance under this chapter.

3 (3) “Business” means a corporation as defined in general laws section 44-1-1(4), or is a
4 partnership, an S corporation, a non-profit corporation, a sole proprietorship or a limited liability
5 company.

6 (4) “Investment” in a development project means expenses by a business or any affiliate
7 incurred after application including, but without limitation, for:

8 (i) Site preparation and construction, repair, renovation, improvement, equipping, or
9 furnishing on real property or of a building, structure, facility, or improvement to real property;
10 and/or

11 (ii) Obtaining and installing furnishings and machinery, apparatus, or equipment,
12 including but not limited to material goods for the operation of a business on real property or in a
13 building, structure, facility, or improvement to real property.

14 (5) “Commerce corporation” means the Rhode Island commerce corporation established
15 by general laws section 42-64-1 et. seq.

16 (6) “Developer” means any person, firm, or business that develops or proposes to develop
17 a development project and/or to make a substantial investment that will result in the creation
18 and/or retention of jobs for full-time employees.

19 (7) “Development project” means a real estate based development or other investment.

20 (8) “Full-time employee” means a person who is employed by a business for
21 consideration for at least 35 hours a week, or who renders any other standard of service generally
22 accepted by custom or practice as full-time employment, or who is employed by a professional
23 employer organization pursuant to an employee leasing agreement between the business and the
24 professional employer organization for at least 35 hours a week, or who renders any other
25 standard of service generally accepted by custom or practice as full-time employment, whose
26 wages are subject to withholding.

27 (9) “Project cost” means the costs incurred in connection with a project by an applicant
28 until the issuance of a permanent certificate of occupancy, or until such other time specified by
29 the commerce corporation.

30 (10) “Project financing gap” means:

31 (i) The part of the total project cost that remains to be financed after all other sources of
32 capital have been accounted for, which shall be defined through rules and regulations
33 promulgated by the commerce corporation; or

34 (ii) The amount by which Rhode Island is required to invest in a project to gain a

1 competitive advantage over an alternative location in another state.

2 **42-64.23-4. Establishment of fund; purposes; composition.** -- (a) There is hereby
3 established the first wave closing fund (the “Fund”) to be administered by the commerce
4 corporation as set forth in this chapter.

5 (b) The purpose of the fund is to provide lynchpin financing unavailable from other
6 sources, bringing to closure transactions that are of a critical or catalytic nature for Rhode Island’s
7 economy and communities.

8 (c) The fund shall consist of:

9 (1) Money appropriated in the state budget to the fund;

10 (2) Money made available to the fund through federal programs or private contributions;

11 (3) Repayments of principal and interest from loans made from the fund;

12 (4) Proceeds from the sale, disposition, lease, or rental of collateral related to financial
13 assistance provided under this chapter;

14 (5) Application or other fees paid to the fund to process requests for financial assistance;

15 (6) Recovery made by the commerce corporation, or the sale of an appreciated asset in
16 which the commerce corporation has acquired an interest under this chapter; and

17 (7) Any other money made available to the fund.

18 **42-64.23-5. Powers of commerce corporation.** -- (a) The commerce corporation board
19 shall promulgate regulations setting forth criteria for approving awards under the fund and such
20 criteria shall ensure that awards from the fund are economically advantageous to the citizens of
21 Rhode Island. To qualify for the benefits of this chapter, an applicant shall submit an application
22 to the commerce corporation. Upon receipt of a proper application from an applicant, the
23 commerce corporation board may approve a loan, a conditional grant or other investment. In
24 making each award, the commerce corporation shall consider, among other factors, the:

25 (1) Economic impact of the project, including costs and benefits to the state;

26 (2) The amount of the project financing gap;

27 (3) Strategic importance of the project to the state, region, or locality;

28 (4) Quality and number of jobs produced;

29 (5) Quality of industry and project; and

30 (6) Competitive offers regarding the project from another state or country.

31 (b) The proceeds of the funding approved by the commerce corporation under this
32 chapter may be used for (1) working capital, equipment, furnishings, fixtures; (2) the
33 construction, rehabilitation, purchase of real property; (3) as permanent financing; or (4) such
34 other purposes that the commerce corporation approves.

1 (c) The commerce corporation shall have no obligation to make any award or grant any
2 benefits under this chapter.

3 (d) The commerce corporation shall publish a report on the fund at the end of each fiscal
4 year. The report shall contain information on the commitment, disbursement, and use of funds
5 allocated under the Fund. The report shall also, to the extent practicable, track the economic
6 impact of projects that have been completed using the fund. The report is due no later than sixty
7 (60) days after the end of the fiscal year, and shall be provided to the speaker of the house of
8 representatives and the president of the senate.

9 **42-64.23-6. Implementation guidelines, directives, criteria, rules, regulations. --** The
10 commerce corporation may adopt implementation guidelines, directives, criteria, rules and
11 regulations pursuant to section 42-35-3 of the General Laws as are necessary for the
12 implementation and administration of the fund.

13 **42-64.23-7. Program integrity. --** Program integrity being of paramount importance, the
14 commerce corporation shall establish procedures to ensure ongoing compliance with the terms
15 and conditions of the program established herein, including procedures to safeguard the
16 expenditure of public funds and to ensure that the funds further the objectives of the program.

17 SECTION 7. Title 42 of the General Laws entitled "State Affairs and Government" is
18 hereby amended by adding thereto the following chapter:

19 CHAPTER 64.24

20 I-195 REDEVELOPMENT PROJECT FUND

21 **42-64.24-1. Short title. --** This chapter shall be known as the "I-195 Redevelopment
22 Project Fund."

23 **42-64.24-2. Legislative findings. --** The general assembly finds and declares:

24 (a) That due to global economic trends, businesses in Rhode Island have found it
25 difficult to invest in development projects and other significant capital investments in and
26 surrounding the I-195 land within the City of Providence. Investment in such projects would
27 stimulate economic activity, facilitate the creation of new jobs for the citizens of the state and
28 promote economic growth and development.

29 (b) Through the establishment of the I-195 redevelopment project fund, Rhode Island
30 can take steps to attract and grow new businesses and industries to and for the state; create good-
31 paying jobs for its residents; assist with business and real estate development; and generate
32 revenues for necessary state and local governmental services.

33 **42-64.24-3. Definitions. --** As used in this act:

34 (1) "Applicant" means a developer or occupant applying for a loan or conditional loan

1 under this chapter.

2 (2) “Business” means a corporation as defined in general laws section 44-1-1(4), or is a
3 partnership, an S corporation, a non-profit corporation, sole proprietorship or a limited liability
4 corporation.

5 (3) “Capital investment” in a redevelopment project means costs or expenses by a
6 business or any affiliate of the business incurred after application for:

7 (i) Site preparation and construction, repair, renovation, improvement, equipping, or
8 furnishing on real property or of a building, structure, facility, or improvement to real property;

9 (ii) Obtaining and installing furnishings and machinery, apparatus, or equipment,
10 including but not limited to material goods for the operation of a business on real property or in a
11 building, structure, facility, or improvement to real property.

12 (4) “Commission” shall mean the I-195 district commission.

13 (5) “Developer” means any person, firm, or business that develops or proposes to
14 develop a redevelopment project and/or to make a substantial capital investment that will result in
15 the creation and/or retention of jobs or generation of revenue.

16 (6) “I-195 land” means the surplus land within the city of Providence owned by the I-
17 195 district commission and the area within a one-quarter mile radius of the outermost
18 boundary of said surplus land as further delineated by regulation of the commission.

19 (7) “Occupant” shall mean a business as a tenant, owner, or joint venture partner,
20 occupying space pursuant to a lease or other occupancy agreement on the I-195 land or a
21 project developed on such land.

22 (8) “Personal property” shall mean furniture, fixtures and equipment, except automobiles,
23 trucks or other motor vehicles, or materials that otherwise are depreciable and have a useful life
24 of one year or more, that are utilized for the redevelopment project for any given phase of the
25 redevelopment project inclusive of a period not to exceed six (6) months after receipt of a
26 certificate of occupancy for the given phase of the development.

27 (9) “Project cost” means the costs incurred in connection with a project by an applicant
28 until the issuance of a permanent certificate of occupancy, or until such other time specified by
29 the commerce corporation.

30 (10) “Project financing gap” means (i) the part of the total project cost, including return
31 on investment, that remains to be funded after all other sources of capital have been accounted
32 for, including, but not limited to, developer-contributed capital, which shall be defined by the
33 commission; or (ii) the amount by which total project cost exceeds the cost of an alternative
34 location for an out-of-state development project.

1 **42-64.24-4. Establishment of the Fund; uses; composition.** -- (a) The I-195
2 Redevelopment Project Fund (the “Fund”) is hereby established under the jurisdiction of and
3 shall be administered by the commission in order to further the goals set forth in Chapter 42-
4 64.14 of the general laws and to promote, among other purposes, the development and attraction
5 of advanced industries and innovation on and near the I-195 land in order to enhance Rhode
6 Island’s economic vitality.

7 (b) The uses of the fund include but are not limited to:

8 (1) Contributing to capital investment requirements for anchor institutions or other
9 catalytic project components chosen in accordance with a vision developed, by the commission
10 for location on the I-195 land, adjacent and proximate parcels;

11 (2) Filling project financing gaps for real estate projects on the I-195 land, adjacent and
12 proximate parcels;

13 (3) Financing land acquisition in areas adjacent to and proximate to the I-195 land
14 including street rights of way and abandonment costs;

15 (4) Financing public infrastructure and public facilities to support or enhance
16 development including, but not limited to, transportation, parks, greenways, performance venues,
17 meeting facilities, community facilities, and public safety precincts.

18 (c) This statute shall not be construed as authorizing expenditure from this fund for the
19 purpose of financing a stadium or other such facility built primarily for sporting activity.

20 (d) The fund shall consist of:

21 (1) Money appropriated in the state budget to the fund;

22 (2) Money made available to the Fund through federal programs or private contributions;

23 (3) Repayments of principal and interest from loans made from the fund;

24 (4) Proceeds from the sale, disposition, lease, or rental of collateral related to financial
25 assistance provided under this chapter;

26 (5) Application or other fees paid to the fund to process requests for financial assistance;

27 (6) Recovery made by the commission or on the sale of an appreciated asset in which the
28 commission has acquired an interest under this chapter; and

29 (7) Any other money made available to the fund.

30 **42-64.24-5. Assistance; powers of commission, reports.** -- (a) An applicant seeking
31 assistance under this chapter shall submit a request to the commission pursuant to an application
32 procedure prescribed by the commission.

33 (b) Any approval for funding under this chapter may only be granted by the commission
34 and shall require the concurrence of the secretary of commerce.

1 (c) The commission may set the terms and conditions for assistance under this
2 chapter. Except as provided in subsection (b) of this section, any decision to grant or deny such
3 assistance lies within the sole discretion of the commission.

4 (d) The commission shall publish a report on the fund at the end of each fiscal year. The
5 report shall contain information on the commitment, disbursement, and use of funds allocated
6 under the fund. The report shall also, to the extent practicable, track the economic impact of
7 projects that have been completed using the fund. The report is due no later than sixty (60) days
8 after the end of the fiscal year, and shall be provided to the speaker of the house of
9 representatives, the president of the senate and the secretary of commerce.

10 **42-64.24-6. Implementation guidelines, directives, criteria, rules, regulations. --** The
11 commission shall adopt implementation guidelines, directives, criteria, rules and regulations
12 pursuant to section 42-35-3 of the general laws as are necessary for the implementation of the
13 commission's responsibilities under this chapter and impose such fees and charges as are
14 necessary to pay for the administration and implementation of this program.

15 **42-64.24-7. Program integrity. --** Program integrity being of paramount importance, the
16 commerce corporation shall establish procedures to ensure ongoing compliance with the terms
17 and conditions of the program established herein, including procedures to safeguard the
18 expenditure of public funds and to ensure that the funds further the objectives of the program.

19 SECTION 8. Title 42 of the General Laws entitled "State Affairs and Government" is
20 hereby amended by adding thereto the following chapter:

21 CHAPTER 64.25

22 SMALL BUSINESS ASSISTANCE

23 **42-64.25-1. Short title. --** This chapter shall be known as the "Small Business Assistance
24 Program Act."

25 **42-64.25-2. Statement of intent. --** The general assembly hereby finds and declares that
26 small businesses are the economic backbone of the state and the source of a majority of new jobs.
27 The general assembly further finds that too many such businesses often have difficulty obtaining
28 capital from traditional banking organizations to start up, improve or expand operations.
29 Providing greater access to capital would enable the formation and expansion of small businesses
30 across the state and provide job opportunities to the state's citizens. The purpose of this act is to
31 assist small businesses that encounter difficulty in obtaining adequate credit or adequate terms for
32 such credit. Among the small businesses that this act aims to assist are minority business
33 enterprises and women-owned business enterprises.

34 **42-64.25-3. Establishment of small business capital access fund. --** The small business

1 capital access fund program is hereby created within the Rhode Island commerce corporation.
2 The commerce corporation is authorized, within available appropriations, to provide direct
3 assistance and/or partner with lending organizations to provide funding for loans to small
4 businesses located in Rhode Island. As used in this chapter, a “small business” means a business
5 that is resident in Rhode Island and employs two hundred (200) or fewer persons. The commerce
6 corporation is authorized, from time to time, to establish rules and regulations for the
7 administration of the program.

8 **42-64.25-4. Qualification of lending organizations.** -- The commerce corporation may
9 elect to partner with an outside lending organization and authorize that organization to receive
10 and administer program funds. Before partnering with an outside lending organization, the
11 commerce corporation may identify eligible lending organizations through one or more
12 competitive statewide or regional solicitations.

13 **42-64.25-5. Program loan structures.** -- Loan programs shall be structured by the
14 commerce corporation that may include, but not be limited to, the following programs:
15 (a) financing programs for companies that require additional capital outside of conventional
16 senior debt or equity financing channels; (b) direct lending of subordinated and mezzanine debt;
17 (c) collateral support in the form of credit enhancement; (d) pledge of cash collateral accounts to
18 lending institutions to enhance collateral coverage of individual loans; and (e) technical assistance
19 to small businesses.

20 **42-64.25-6. Micro loan allocation.** -- Notwithstanding anything to the contrary in this
21 chapter, ten percent (10%) of program funds will be allocated to “micro loans” with a principal
22 amount between two thousand dollars and twenty-five thousand dollars. Micro loans will be
23 administered by lending organizations, which will be selected by the commerce corporation on a
24 competitive basis and shall have experience in providing technical and financial assistance to
25 microenterprises.

26 **42-64.25-7. Lending organization reports.** -- Any participating lending organizations
27 shall submit to the commerce corporation annual reports stating the following: the number of
28 program loans made; the amount of program funding used for loans; the use of loan proceeds by
29 the borrowers; the number of jobs created or retained; a description of the economic development
30 generated; the status of each outstanding loan; and such other information as the commerce
31 corporation may require.

32 **42-64.25-8. Audits.** -- The commerce corporation may conduct audits of any
33 participating lending organization in order to ensure compliance with the provisions of this
34 chapter, any regulations promulgated with respect thereto and agreements between the lending

1 organizations and the commerce corporation on all aspects of the use of program funds and
2 program loan transactions. In the event that the commerce corporation finds noncompliance, the
3 commerce corporation may terminate the lending organization's participation in the program.

4 **42-64.25-9. Termination.** -- Upon termination of a lending organization's participation
5 in the program, the lending organization shall return to the commerce corporation, promptly after
6 its demand therefor, an accounting of all program funds received by the lending organization,
7 including a transfer of all currently outstanding loans that were made using program funds.
8 Notwithstanding such termination, the lending organization shall remain liable to the commerce
9 corporation with respect to any unpaid amount due from the lending organization pursuant to the
10 terms of the commerce corporation's provision of funds to the lending organization.

11 **42-64.25-10. Discretion.** -- The commerce corporation shall have no obligation to grant
12 any loan under this chapter or provide any funding to a lending organization.

13 **42-64.25-11. Program integrity.** -- Program integrity being of paramount importance,
14 the commerce corporation shall establish procedures to ensure ongoing compliance with the terms
15 and conditions of the program established herein, including procedures to safeguard the
16 expenditure of public funds and to ensure that the funds further the objectives of the program.

17 SECTION 9. Title 42 of the General Laws entitled "State Affairs and Government" is
18 hereby amended by adding thereto the following chapter:

19 CHAPTER 64.26

20 STUDENT LOAN REIMBURSEMENT FUND

21 **42-64.26-1. Short title.** -- This chapter shall be known as the "Competitive Student Loan
22 Reimbursement Fund."

23 **42-64.26-2. Legislative findings.**-- The general assembly finds and declares:

24 (a) Establishing a competitive student loan reimbursement fund for qualified graduates in
25 fields related to science, technology, engineering, and mathematics and in other careers aligned
26 with the state's strategic economic plan would assist the state's employers in attracting the most
27 qualified candidates in such fields.

28 (b) A well-educated citizenry is critical to this state's ability to compete in the national
29 and global economies.

30 (c) Higher education both benefits individual students and is a public good benefitting
31 the state as a whole.

32 (d) Excessive student loan debt is impeding economic growth in this state. Faced with
33 excessive repayment burdens, many individuals are unable to start businesses, invest, or buy
34 homes, and may be forced to leave the state in search of higher paying jobs elsewhere.

1 (e) Relieving student loan debt would give these individuals greater control over their
2 earnings, would increase entrepreneurship and demand for goods and services, and would enable
3 employers in this state to recruit and/or retain graduates in the fields of science, technology,
4 engineering, mathematics, and other careers aligned with the state's strategic economic plan.

5 **42-64.26-3. Definitions. -- As used in this chapter:**

6 (1) "Applicant" means an individual who meets the eligibility requirements and who
7 applies for reimbursement of education loan repayment expenses under this chapter.

8 (2) "Award" means an award by the commerce corporation to a successful applicant that
9 has been chosen to receive student loan reimbursement under this chapter.

10 (3) "Awardee" means an applicant that has been chosen to receive student loan
11 reimbursement under this chapter.

12 (4) "Commerce corporation" means the Rhode Island commerce corporation established
13 pursuant to general laws section 42-64-1 et. seq.

14 (5) "Eligible expenses" or "education loan repayment expenses" means annual higher
15 education loan repayment expenses, including, without limitation, principal, interest and fees, as
16 may be applicable, incurred by an applicant and which the applicant is obligated to repay for
17 attendance at a post-secondary institution of higher learning.

18 (6) "Eligibility period" means a term of up to four consecutive service periods beginning
19 with the date that the commerce corporation specifies in the award to an awardee and expiring at
20 the conclusion of the fourth service period after such date specified.

21 (7) "Eligibility requirements" means those qualifications or criteria, as established from
22 time-to-time by rule adopted by the commerce corporation, that are required for an applicant to be
23 eligible for an award under this chapter, which shall include without limitation:

24 (i) That the applicant shall have graduated from an accredited two-year, four-year or
25 graduate post-secondary institution of higher learning with an associates, bachelors, graduate, or
26 post-graduate degree and at which the applicant incurred education loan repayment expenses;

27 (ii) That the applicant shall be a full-time employee with an employer located in this
28 state throughout the eligibility period in one or more of the following careers or fields: life,
29 natural or environmental sciences; computer technology or other technological field; engineering;
30 medicine; or such other careers or fields as are aligned with the state's economic strategic plan, as
31 may be published from time-to-time by the commerce corporation;

32 (iii) That the applicant shall reside in this state throughout the eligibility period; and

33 (iv) That at least two-thirds (2/3) of the awardees shall either be permanent residents of
34 the state of Rhode Island or shall have attended an institution of higher education located in

1 Rhode Island when they incurred the education loan expenses to be repaid.

2 (8) “Full-time employee” means a person who is self-employed or is employed by a
3 business for consideration for at least thirty-five (35) hours per week, or who renders any other
4 standard of service generally accepted by custom or practice as full-time employment, or who is
5 employed by a professional employer organization pursuant to an employee leasing agreement
6 between the business and the professional employer organization for at least thirty-five (35) hours
7 per week, or who renders any other standard of service generally accepted by custom or practice
8 as full-time employment, and whose wages are subject to withholding.

9 (9) “Service period” means a twelve-month period beginning on the date specified in an
10 award under this chapter.

11 (10) “Student loan” means a loan to an individual by a public authority or private lender
12 to assist the individual to pay for tuition, books, and living expenses in order to attend a post-
13 secondary institution of higher learning.

14 **42-64.26-4. Establishment of fund; purposes; composition. --** (a) There is hereby
15 established a “competitive student loan reimbursement fund (the “fund”) to be administered by
16 the commerce corporation as set forth in this chapter.

17 (b) The purpose of the fund is to expand employment opportunities in the state and to
18 retain talented individuals in the state by providing reimbursement of education loan repayment
19 expenses to applicants who meet the eligibility requirements under this chapter.

20 (c) The fund shall consist of:

21 (1) money appropriated in the state budget to the fund;

22 (2) money made available to the Fund through federal programs or private contributions;

23 (3) application or other fees paid to the fund to process applications for awards under this
24 chapter; and

25 (4) any other money made available to the fund.

26 **42-64.26-5. Administration. --** (a) Application. -

27 (1) Form. -- An applicant for an award under this chapter shall submit to the commerce
28 corporation an application in the manner that the commerce corporation shall prescribe.

29 (2) Fees. -- The applicant shall pay a fee to the fund at the time of submission of the
30 application in such amount as the commerce corporation shall specify, not to exceed \$50.00.

31 (b) Upon receipt of a proper application from an applicant who meets all of the eligibility
32 requirements, the commerce corporation shall select applicants on a competitive basis to receive
33 awards to reimburse awardees for up to one hundred percent (100%) of the education loan
34 repayment expenses incurred by such awardee during each service period completed for up to

1 four consecutive service periods; provided, that the awardee continues to meet the eligibility
2 requirements throughout the eligibility period. The commerce corporation shall only issue
3 awards up to the amount contained in the Fund.

4 (c) The proceeds of an award approved by the commerce corporation under this chapter
5 shall be used exclusively to reimburse the awardee for up to one hundred percent (100%) of the
6 education loan repayment expenses incurred by such awardee during each service period
7 completed for up to four consecutive service periods. Annual payment under an award shall be
8 made to the awardee upon proof that the awardee has actually incurred and paid such education
9 loan repayment expenses.

10 (d) In administering awards and carrying out the purposes of this chapter, the commerce
11 corporation shall have broad powers, including without limitation:

12 (1) To require suitable proof that an applicant meets the eligibility requirements for an
13 award under this chapter;

14 (2) To solicit input from employers regarding the administration of awards;

15 (3) To determine the contents of applications and other materials to be submitted in
16 support of an application for an award under this chapter;

17 (4) To select applicants, upon a competitive basis, at the discretion of the board of the
18 commerce corporation, who shall receive awards under this chapter;

19 (5) To collect reports and other information during the eligibility period for each award
20 to verify that an awardee continues to meet the eligibility requirements for an award; and

21 (6) To require such other information and to perform such other actions as the commerce
22 corporation in its discretion shall determine in order to carry out the policies, goals, and purposes
23 of this chapter.

24 **42-64.26-6. Reporting.** -- (a) The commerce corporation shall require awardees to
25 submit annual reports, in such form and on such dates as the commerce corporation shall require,
26 in order to confirm that the awardees continue to meet all of the eligibility requirements of this
27 chapter and as a prerequisite to funding any reimbursement award under this chapter.

28 (b) Notwithstanding any other provision of law, no awardee shall receive an award
29 without first consenting to the public disclosure of the receipt of any award given under this act.
30 The commerce corporation shall annually publish a list of awardees on the commerce corporation
31 website and in such other locations as it deems appropriate.

32 **42-64.26-7. Remedies.** -- (a) If an awardee of an award under this chapter violates any
33 provision of the award or ceases to meet the eligibility requirements of this chapter, the
34 commerce corporation may, on reasonable notice to the awardee:

1 financing to facilitate improvement of streetscapes such as but not limited to (1) enhanced
2 sidewalks, (2) new wayfinding signage, (3) upgraded building facades, and (4) improved street
3 and public space lighting, in support of creating an attractive environment for small business
4 development and commerce. Applications and awards of grants or loans shall be on a rolling
5 basis. There is established an account in the name of the “main street RI streetscape
6 improvement fund” under the control of the commerce corporation, and the commerce
7 corporation shall pay into such account any eligible funds available to the commerce corporation
8 from any source, including funds appropriated by the state and any grants made available by the
9 United States or any agency of the United States.

10 **42-64.27-3. Rules and regulations.** -- The commerce corporation is hereby authorized to
11 promulgate such rules and regulations as are necessary to fulfill the purposes of this chapter,
12 including the criteria by which grant or loan applications will be judged and awarded.

13 **42-64.27-4. Program integrity.** -- Program integrity being of paramount importance, the
14 commerce corporation shall establish procedures to ensure ongoing compliance with the terms
15 and conditions of the program established herein, including procedures to safeguard the
16 expenditure of public funds and to ensure that the funds further the objectives of the program.

17 SECTION 11. Title 42 of the General Laws entitled “State Affairs and Government” is
18 hereby amended by adding thereto the following chapter:

19 CHAPTER 64.28

20 INNOVATION INITIATIVE

21 **42-64.28-1. Legislative findings.** -- (a) While large enterprises have the expert personnel
22 and financial resources to make strategic investments in innovation, few small businesses have
23 the resources to do so. The resulting underinvestment in innovation stunts the growth of Rhode
24 Island’s economy, inhibits the potential of small businesses and impedes local universities and
25 other technological resources from providing technological input and other developmental
26 assistance to such small businesses. It is the intention of the general assembly to foster
27 innovation in small businesses and increase demand for technological services by creating an
28 innovation initiative. This initiative will further advance the competitiveness of Rhode Island’s
29 companies in the national and global economies and result in the creation and/or retention of jobs
30 and tax revenues for the state.

31 **42-64.28-2 Definitions.** -- As used in this chapter:

32 (1) “Commerce corporation” means the Rhode Island commerce corporation established
33 pursuant to General Laws section 42-64-1 et. seq.

34 (2) “Small business” means a business that is resident in Rhode Island, has its business

1 facility located within the state, and employs five hundred (500) or fewer persons.

2 (3) “Match” shall mean a funding match, or in kind services provided by a third party.

3 **42-64.28-3. Programs established. --** (a) The Rhode Island commerce corporation shall
4 establish a voucher program and an innovation network program as provided under this chapter.
5 The programs are subject to available appropriations and such other funding as may be dedicated
6 to the programs.

7 (b) There is established an account in the name of the “innovation initiative fund (the
8 “fund”) under the control of the commerce corporation to fund the programs.

9 (1) The fund shall consist of:

10 (i) money appropriated in the state budget to the fund;

11 (ii) money made available to the Fund through federal grants, programs or private
12 contributions;

13 (iii) application or other fees paid to the Fund to process applications for awards under
14 this chapter; and

15 (iv) any other money made available to the fund.

16 (c) Voucher program –The commerce corporation is authorized, to develop and
17 implement an innovation voucher program to provide financing to small businesses to purchase
18 research and development support or other forms of technical assistance and services from Rhode
19 Island institutions of higher education and other providers.

20 (d) Innovation network program – The commerce corporation is authorized to provide
21 innovation grants to organizations, including non-profit organizations, for-profit organizations,
22 universities, and co-working space operators that offer technical assistance, space on flexible
23 terms, and access to capital to businesses in advanced or targeted industries. The commerce
24 corporation shall only issue grants under this section when those grants are matched by private
25 sector or non-profit partners. The commerce corporation shall establish guidelines for appropriate
26 matching criteria under this section, including necessary matching ratios.

27 **42-64.28-4. Eligible uses. --** (a) Vouchers available under this chapter shall be used
28 exclusively by small businesses to access technical assistance and other services including, but
29 not limited to, research, technological development, product development, commercialization,
30 market development, technology exploration, and improved business practices that implement
31 strategies to grow business and create operational efficiencies.

32 (b) Matching fund awards shall be used exclusively by small businesses in industries
33 designated from time-to-time by the corporation, including without limitation, life science and
34 healthcare; food and agriculture; clean technology and energy efficiency; and cyber security to

1 pay for and access technological assistance, to procure space on flexible terms, and to access
2 capital from organizations, including non-profit organizations, for-profit organizations,
3 universities, and co-working space businesses.

4 **42-64.28-5. Qualification.** -- To qualify for a voucher or for a matching fund award
5 under this chapter, a business must make application to the commerce corporation, and upon
6 selection, shall enter into an agreement with the commerce corporation. The commerce
7 corporation shall have no obligation to issue any voucher, make any award or grant any benefits
8 under this chapter.

9 **42-64.28-6. Voucher Amounts and matching fund awards.** -- (a) Voucher award
10 amounts to a selected applicant shall be determined by the corporation, to be in the minimum
11 amount of five thousand dollars (\$5,000) and the maximum amount of fifty thousand dollars
12 (\$50,000), subject to appropriations or other available moneys in the Fund.

13 (b) Matching fund awards shall be awarded to organizations in an amount approved by
14 the corporation, subject to appropriations or other available moneys in the Fund.

15 **42-64.28-7. Rules and regulations.** -- The commerce corporation is hereby authorized to
16 promulgate such rules and regulations as are necessary to fulfill the purposes of this chapter,
17 including the criteria by which voucher and matching fund applications will be judged, awards
18 will be approved, and vendors of services will be approved.

19 **42-64.28-8. Program integrity.** -- Program integrity being of paramount importance, the
20 commerce corporation shall establish procedures to ensure ongoing compliance with the terms
21 and conditions of the program established herein, including procedures to safeguard the
22 expenditure of public funds and to ensure that the funds further the objectives of the program.

23 **42-64.28-9. Annual Report.**-- The commerce corporation shall submit a report annually
24 on December thirty-first to the speaker of the house and the president of the senate detailing: (1)
25 the total amount of innovation vouchers and matching funds awarded; (2) the number of
26 innovation vouchers and matching fund awards approved, (3) the amount of each voucher or
27 matching fund award and a description of services purchased; and (4) such other information as
28 the commerce corporation deems necessary.

29 SECTION 12. Title 42 of the General Laws entitled “State Affairs and Government” is
30 hereby amended by adding thereto the following chapter:

31 CHAPTER 64.29

32 INDUSTRY CLUSTER GRANTS

33 **42-64.29-1. Statement of intent.** -- Robust industry clusters – geographic concentrations
34 of interconnected firms and related institutions in a field – drive competitiveness and innovation

1 by fostering dynamic interactions among businesses such as labor force pooling, supplier
2 specialization, collaborative problem solving, technology exchange and knowledge sharing. It is
3 the intention of the general assembly to foster such industry clusters by creating a grant program
4 to stimulate cluster initiatives and enhance industry competitiveness.

5 **42-64.29-2. Fund established.** -- The industry cluster grant fund (the “fund”) is hereby
6 created within the Rhode Island commerce corporation. The commerce corporation is authorized,
7 within available appropriations, to award grants to organizations on a competitive basis as more
8 particularly set forth in this chapter. Applications and awards of grants shall be on a rolling basis,
9 and the commerce corporation shall only issue grants up to the amount contained in the fund.
10 There is established an account in the name of the fund under the control of the commerce
11 corporation, and the commerce corporation shall pay into such account any eligible funds
12 available to the commerce corporation from any source, including funds appropriated by the state
13 and any grants made available by the United States Government or any agency of the United
14 States Government.

15 **42-64.29-3. Startup and technical assistance grants.** -- Startup and technical assistance
16 grants of seventy-five thousand dollars to two hundred fifty thousand dollars shall be made
17 available to support activities within the industry cluster that enable collaboration among
18 businesses and other institutions in order to advance innovation and increase sector profitability.
19 Eligible organizations may be regional or statewide in scope and may include, but not solely be
20 composed of, relevant companies or institutions outside of Rhode Island. The commerce
21 corporation shall establish, by regulation, both (a) the criteria for issuing grants under this section;
22 and (b) a process for receiving and reviewing applications for grants under this section.

23 **42-64.29-4. Competitive program grants.** -- (a) Competitive program grants of one
24 hundred thousand dollars to five hundred thousand dollars shall be made available to support
25 activities to overcome identified cluster gaps and documented constraints on cluster growth or to
26 improve clusters’ effectiveness. The commerce corporation shall establish, by regulation, both (1)
27 the criteria for issuing competitive program grants under this section; and (2) a process for
28 receiving and reviewing applications for grants under this section. The criteria that the commerce
29 corporation establishes to evaluate applications for grants under this section shall include
30 objective evidence of the entity's organizational capacity, degree of internal acceptance of the
31 proposed program, economic rationale for the proposed activity to be funded and the entity's
32 ability to raise future funds to sustain the activity when the grant has been expended.

33 (b) The commerce corporation shall have no obligation to make any award or grant any
34 benefits under this chapter.

1 five (5) years.

2 (3) “Hope community” means a community where family poverty levels exceed the state
3 median. Upon passage, these communities currently include Providence, Central Falls, West
4 Warwick, Pawtucket and Woonsocket.

5 (4) “Qualifying relocation” means a qualified business with the minimum number of
6 employees as set forth in 42-64.30-5(a)(1) and (2), which moves an existing facility to the state of
7 Rhode Island or constructs a new facility to supply goods or services to a Rhode Island business.

8 (5) “Qualified business” means an entity that supplies goods or services to a Rhode Island
9 business or is a material service provider or a material customer of a Rhode Island business, or is
10 an affiliate of such supplier, service provider or customer.

11 (6) “Rhode Island business” means a business enterprise physically located in, and
12 authorized to do business in, the state of Rhode Island.

13 (7) “Taking Possession” means executing a lease, acquiring title or otherwise committing
14 to occupy as defined by the commerce corporation.

15 **42-64.30-4. Establishment of anchor institution tax credit. --** The tax credit program is
16 hereby established as a program under the jurisdiction of the commerce corporation and shall be
17 administered by the commerce corporation. The purposes of the program are to encourage
18 economic development and job creation in connection with the relocation of qualified businesses
19 to the state of Rhode Island by providing an incentive to existing Rhode Island businesses to
20 encourage a qualified business to relocate Rhode Island. To implement these purposes, the
21 program may provide tax credits to eligible businesses for a period of five (5) years.

22 **42-64.30-5. Allowance of tax credits. --** (a) A Rhode Island business, upon application
23 to and approval from the commerce corporation, shall be allowed a credit as set forth hereinafter
24 against taxes imposed under applicable provisions of title 44 of the general laws for having
25 played a substantial role in the decision of a qualified business to relocate a minimum number of
26 jobs as provided below:

27 (1) For the years 2015 through 2018, not less than ten (10) employees to Rhode Island;
28 and

29 (2) For the years 2019 through 2020, not less than twenty-five (25) employees to Rhode
30 Island.

31 (b) To be eligible for the tax credit, an existing Rhode Island business must demonstrate
32 to the commerce corporation, in accordance with regulations promulgated by the commerce
33 corporation, that it played a substantial role in the decision of a qualified business to relocate.

34 (c) If the commerce corporation approves an application, then an eligible Rhode Island

1 business which has procured a qualifying relocation shall be entitled to a tax credit. The amount
2 of the tax credit shall be based upon criteria to be established by the commerce corporation. Such
3 criteria shall include the number of jobs created, types of jobs and compensation, industry sector
4 and whether the relocation benefits a hope community.

5 (d) In determination of the tax credit amount, the commerce corporation may take into
6 account such factors as area broker's fees, the strategic importance of the businesses involved,
7 and the economic return to the state. The tax credits issued under this chapter shall not exceed the
8 funds appropriated for these credit(s).

9 (e) Tax credits allowed pursuant to this chapter shall be allowed for the taxable year in
10 which the existing Rhode Island business demonstrates, to the satisfaction of the commerce
11 corporation, both (1) that a certificate of occupancy issues for the project or as of a lease
12 commencement date or other such related commitment; and (2) that the qualified business has
13 created the number of net new jobs required by section 42-64.30-5(a)(1) and (2).

14 (f) The tax credit allowed under this chapter may be used as a credit against corporate
15 income taxes imposed under chapters 11, 12, 13, 14, or 17, of title 44.

16 (g) In the case of a corporation, this credit is only allowed against the tax of a
17 corporation included in a consolidated return that qualifies for the credit and not against the tax of
18 other corporations that may join in the filing of a consolidated tax return.

19 (h) If the existing Rhode Island business has not claimed the tax credit allowed under
20 this chapter in whole or part, the existing Rhode Island business eligible for the tax credit shall,
21 prior to assignment or transfer to a third party, file a request with the division of taxation to
22 redeem the tax credit in whole or in part to the state. Within ninety (90) days from the
23 submission of a request to the division of taxation to redeem the tax credits, the division shall be
24 entitled to redeem the tax credits in exchange for payment by the state to the existing Rhode
25 Island business of (1) one hundred percent (100%) of the value of the portion of the tax credit
26 redeemed, or (2) for tax credits redeemed in whole, one hundred percent (100%) of the total
27 remaining value of the tax credit; provided, however, that the redemption shall be prorated
28 equally over each year of the remaining term of the eligible period of the tax credit.

29 (i) Any redemption under subsection (h) of this section shall be subject to annual
30 appropriation by the general assembly.

31 **42-64.30-6. Administration.** -- (a) To be eligible to receive a tax credit authorized by
32 this chapter, an existing Rhode Island business shall apply to the commerce corporation prior to
33 the qualified business commencing a relocation search within the state for a certification that the
34 existing Rhode Island business qualifies for tax credits under this chapter.

1 (b) The commerce corporation and the division of taxation shall be entitled to rely on the
2 facts represented in the application and upon the certification of a certified public accountant
3 licensed in the state of Rhode Island with respect to the requirements of this chapter.

4 (c) The tax credits provided for under this chapter shall be granted at the discretion of the
5 commerce corporation.

6 (d) If information comes to the attention of the commerce corporation or the division of
7 taxation at any time up to and including the last day of the eligibility period that is materially
8 inconsistent with representations made in an application, the commerce corporation or the
9 division of taxation may deny the requested certification, or revoke a certification previously
10 given, with any processing fees paid to be forfeited.

11 **42-64.30-7. Rules and regulations.** -- The commerce corporation is hereby authorized to
12 promulgate such rules and regulations as are necessary to fulfill the purposes of this chapter,
13 including the criteria by which applications for tax credit will be evaluated and approved and to
14 provide for repayment of credits received if the qualified business leaves Rhode Island within a
15 period of time to be established by the commerce corporation. The division of taxation is hereby
16 authorized to promulgate such rules and regulations as are necessary to fulfill the purposes of this
17 chapter.

18 **42-64.30-8. Program integrity.** -- Program integrity being of paramount importance, the
19 commerce corporation shall establish procedures to ensure ongoing compliance with the terms
20 and conditions of the program established herein, including procedures to safeguard the
21 expenditure of public funds and to ensure that the funds further the objectives of the program.

22 **42-64.30-9. Reports.** -- On an annual basis, the commerce corporation shall provide a
23 report to the speaker of the house of representatives and the president of the senate identifying
24 which Rhode Island businesses received tax credits under this act, the amount of those tax credits,
25 and the resulting economic impact on the state of Rhode Island.

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

27 **ARTICLE 30**

28 **RELATING TO EFFECTIVE DATE**

29 SECTION 1. This act shall take effect as of July 1, 2015, except as otherwise provided
30 herein.

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

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