

2010 -- H 7397

LC01130

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL
YEAR ENDING JUNE 30, 2011

Introduced By: Representative Robert A. Watson

Date Introduced: February 04, 2010

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 | | 2011 |
| 3 | ARTICLE 2 | RELATING TO BORROWING IN ANTICIPATION OF RECEIPTS |
| 4 | | FROM TAXES |
| 5 | ARTICLE 3 | RELATING TO SMALL BUSINESS JOBS ACT AND TAX RELIEF |
| 6 | ARTICLE 4 | RELATING TO BUDGET RESERVE FUND |
| 7 | ARTICLE 5 | RELATING TO CAPITAL DEVELOPMENT PROGRAM |
| 8 | ARTICLE 6 | RELATING TO DEBT MANAGEMENT ACT JOINT RESOLUTIONS |
| 9 | ARTICLE 7 | RELATING TO PUBLIC SAFETY COMMUNICATIONS DISPATCH |
| 10 | ARTICLE 8 | RELATING TO DIVISION OF SHERIFFS |
| 11 | ARTICLE 9 | RELATING TO PUBLIC SAFETY FEES |
| 12 | ARTICLE 10 | RELATING TO POLICE OFFICERS AND FIREFIGHTERS RELIEF |
| 13 | | BENEFITS |
| 14 | ARTICLE 11 | RELATING TO COUNCIL ON THE ARTS |
| 15 | ARTICLE 12 | RELATING TO PUBLIC UTILITIES COMMISSION CATV |
| 16 | | ASSESSMENT |
| 17 | ARTICLE 13 | RELATING TO EDUCATION AID |
| 18 | ARTICLE 14 | RELATING TO SCHOOL HOUSING AID |

- 1 ARTICLE 15 RELATING TO HOSPITAL UNCOMPENSATED CARE
- 2 ARTICLE 16 RELATING TO LICENSING OF HOSPITAL FACILITIES
- 3 ARTICLE 17 RELATING TO GENERAL PUBLIC ASSISTANCE – HARDSHIP
- 4 CONTINGENCY FUND
- 5 ARTICLE 18 RELATING TO ESTATE LIENS
- 6 ARTICLE 19 RELATING TO CHILDREN’S HEALTH ACCOUNT
- 7 ARTICLE 20 RELATING TO MEDICAL ASSISTANCE
- 8 ARTICLE 21 RELATING TO MEDICAID REFORM ACT
- 9 ARTICLE 22 RELATING TO MENTAL HEALTH LAW
- 10 ARTICLE 23 RELATING TO RESTRICTED RECEIPTS
- 11 ARTICLE 24 RELATING TO TREATMENT ALTERNATIVES TO STREET
- 12 CRIME
- 13 ARTICLE 25 RELATING TO DIVISION OF MOTOR VEHICLE FEES
- 14 ARTICLE 26 RELATING TO OFFICE OF HEALTH INSURANCE
- 15 COMMISSIONER
- 16 ARTICLE 27 RELATING TO UNEMPLOYMENT INSURANCE
- 17 ARTICLE 28 RELATING TO TURNPIKE AND BRIDGE AUTHORITY
- 18 ARTICLE 29 RELATING TO GOVERNMENT RESTRUCTURING
- 19 ARTICLE 30 RELATING TO DEPARTMENT OF VETERANS’ AFFAIRS
- 20 ARTICLE 31 RELATING TO RITE CARE PROGRAM
- 21 ARTICLE 32 RELATING TO TAX CREDITS FOR CONTRIBUTIONS TO
- 22 SCHOLARSHIP ORGANIZATIONS
- 23 ARTICLE 33 RELATING TO MOTION PICTURE TAX CREDITS
- 24 ARTICLE 34 RELATING TO DISTRESSED AREAS ECONOMIC
- 25 REVITALIZATION ACT
- 26 ARTICLE 35 RELATING TO EFFECTIVE DATE
- 27

1 **ARTICLE 1**

2 RELATING TO MAKING APPROPRIATIONS IN SUPPORT OF FY 2011

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 2011. 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 the
8 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 Revenue Total	1,479,109
15	Total - Central Management	1,479,109

16 *Legal Services*

17	General Revenue Total	1,657,030
18	Other Fund	
19	Legal Support/DOT	40,034
20	Other Funds Total	40,034
21	Total - Legal Services	1,697,064

22 *Accounts and Control*

23	General Revenue Total	3,815,189
24	Total - Accounts and Control	3,815,189

25 *Budgeting*

26	General Revenue Total	2,011,478
27	Total - Budgeting	2,011,478

28 *Purchasing*

29	General Revenue Total	2,286,350
30	Federal Funds Total	83,458
31	Restricted Receipts Total – OERR	189,996
32	Total - Purchasing	2,559,804

33 *Auditing*

34	General Revenue Total	1,290,308
----	-----------------------	-----------

1	Restricted Receipts Total – OERR	149,215
2	Total - Auditing	1,439,523
3	<i>Human Resources</i>	
4	General Revenue Total	8,771,472
5	Federal Funds Total	619,186
6	Restricted Receipts Total	373,650
7	Other Funds Total	1,402,085
8	Total – Human Resources	11,166,393
9	<i>Personnel Appeal Board</i>	
10	General Revenue Total	80,934
11	Total – Personnel Appeal Board	80,934
12	<i>Facilities Management</i>	
13	General Revenue Total	33,857,425
14	Federal Funds Total	913,073
15	Restricted Receipts Total	404,021
16	Other Funds Total	4,134,381
17	Total – Facilities Management	39,308,900
18	<i>Capital Projects and Property Management</i>	
19	General Revenue Total	2,588,193
20	Federal Funds - Stimulus	125,625
21	Restricted Receipts Total	1,068,084
22	Total – Capital Projects and Property Management	3,781,902
23	<i>Information Technology</i>	
24	General Revenue Total	19,308,561
25	Federal Funds	
26	Federal Funds	5,367,473
27	Federal Stimulus	316,490
28	Federal Funds Total	5,683,963
29	Restricted Receipts Total	913,984
30	Other Funds Total	1,765,587
31	Total – Information Technology	27,672,095
32	<i>Library and Information Services</i>	
33	General Revenue Total	888,452
34	Federal Funds Total	1,133,396

1	Restricted Receipts Total	3,000
2	Total – Library and Information Services	2,024,848
3	<i>Planning</i>	
4	General Revenue Total	3,333,890
5	Federal Funds	
6	Federal Funds	7,589,208
7	Federal Funds–Stimulus	2,011,598
8	Federal Funds Total	9,600,806
9	Other Funds	
10	Federal Highway PL Systems Planning	4,979,556
11	Air Quality Modeling	10,000
12	Other Funds Total	4,989,556
13	Total - Planning	17,924,252
14	<i>General</i>	
15	General Revenues	
16	Economic Development Corporation	5,900,807
17	EDC – Airport Impact Aid	1,025,000
18	Sixty percent (60%) of the first \$1,000,000 appropriated for airport impact aid shall be	
19	distributed to each airport serving more than 1,000,000 passengers based upon its percentage of	
20	the total passengers served by all airports serving more than 1,000,000 passengers. Forty percent	
21	(40%) of the first \$1,000,000 shall be distributed based on the share of landings during the	
22	calendar year 2010 at North Central Airport, Newport-Middletown Airport, Block Island Airport,	
23	Quonset Airport, TF Green Airport, and Westerly Airport, respectively. The Economic	
24	Development Corporation shall make an impact payment to the towns or cities in which the	
25	airport is located based on this calculation.	
26	Each community upon which any parts of the above airports are located shall receive at	
27	least \$25,000.	
28	EDC EPScore (Research Alliance)	1,500,000
29	Miscellaneous Grants	495,956
30	Slater Centers of Excellence	2,000,000
31	Torts–Court	400,000
32	Teachers Retiree Health Subsidy	2,344,502
33	Property Revaluation Program	1,000,000
34	Payment in Lieu of Tax Exempt Properties	27,767,138

1	Distressed Communities Relief Program	10,384,458
2	Resource Sharing and State Library Aid	8,773,398
3	Library Construction Aid	2,492,974
4	General Revenue Total	64,084,233
5	Restricted Receipts Total	1,378,997
6	Other Funds	
7	RICAP – State House Renovations	1,825,000
8	RICAP – Cranston Street Armory	500,000
9	RICAP – Pastore Center Rehabilitation DOA	1,000,000
10	RICAP – Zambarano Building Rehabilitation	450,000
11	RICAP – Old State House	250,000
12	RICAP – State Office Building	1,000,000
13	RICAP – Old Colony House	300,000
14	RICAP – William Powers Building	300,000
15	RICAP – Fire Code Compliance State Buildings	450,000
16	RICAP – Pastore Center Fire Code Compliance	500,000
17	RICAP – Pastore Center Utility Systems	620,000
18	RICAP – Replacement of Fueling Tanks	170,073
19	RICAP – Environmental Compliance	600,000
20	RICAP – Pastore Utilities Upgrade	1,000,000
21	RICAP – Station Park	200,000
22	RICAP – Pastore Center Building Demolition	1,500,000
23	RICAP – Health Laboratory Feasibility Study	175,000
24	RICAP – McCoy Stadium	372,500
25	RICAP – Washington County Government Center	75,000
26	RICAP – Adolph Meyer Renovations	2,500,000
27	RICAP – Pastore Center Parking	225,000
28	Other Funds Total	14,012,573
29	Total - General	79,475,803
30	<i>Debt Service Payments</i>	
31	General Revenue Total	142,841,058
32	Federal Funds Total	744,172
33	Restricted Receipts Total	5,961,330
34	Other Funds	

1	RIPTA Debt Service	1,122,918
2	Transportation Debt Service	44,780,437
3	Investment Receipts – Bond Funds	100,000
4	COPS – DLT Building - TDI	279,166
5	Other Funds Total	46,282,521
6	Total – Debt Service Payments	195,829,081
7	<i>Energy Resources</i>	
8	Federal Funds	
9	Federal Funds	34,017,221
10	Federal Funds–Stimulus	27,799,664
11	Federal Funds Total	61,816,885
12	Restricted Receipts Total	7,423,118
13	Total - Energy Resources	69,240,003
14	<i>Personnel Reform</i>	
15	General Revenues	
16	Pension Reform 2010	(12,799,401)
17	General Revenues Total	(12,799,401)
18	Federal Funds	
19	Pension Reform 2010	(4,505,430)
20	Federal Funds Total	(4,505,430)
21	Restricted Receipts	
22	Pension Reform 2010	(1,063,356)
23	Restricted Receipts Total	(1,063,356)
24	Other Funds	
25	Pension Reform 2010	(2,139,435)
26	Other Funds Total	(2,139,435)
27	Total – Pension Reform	(20,507,622)
28	Grand Total – General Revenue	275,494,281
29	Grand Total - Administration	438,998,756
30	Business Regulation	
31	<i>Central Management</i>	
32	General Revenue Total	1,067,332
33	Total – Central Management	1,067,332
34	<i>Banking Regulation</i>	

1	General Revenue Total	1,700,248
2	Restricted Receipts Total	125,000
3	Total – Banking Regulation	1,825,248
4	<i>Securities Regulation</i>	
5	General Revenue Total	871,796
6	Restricted Receipts Total	15,000
7	Total – Securities Regulation	886,796
8	<i>Insurance Regulation</i>	
9	General Revenue Total	3,887,270
10	Restricted Receipts Total	1,704,855
11	Total – Insurance Regulation	5,592,125
12	<i>Board of Accountancy</i>	
13	General Revenue Total	164,377
14	Total – Board of Accountancy	164,377
15	<i>Commercial Licensing, Racing and Athletics</i>	
16	General Revenue Total	809,567
17	Restricted Receipts Total	460,170
18	Total – Commercial Licensing, Racing and Athletics	1,269,737
19	<i>Boards for Design Professionals</i>	
20	General Revenue Total	256,329
21	Total – Boards for Design Professionals	256,329
22	Grand Total – General Revenue	8,756,919
23	Grand Total – Business Regulation	11,061,944
24	Labor and Training	
25	<i>Central Management</i>	
26	General Revenue Total	127,318
27	Restricted Receipts Total	621,097
28	Other Funds	
29	RICAP – Center General Roof	395,056
30	Other Funds Total	395,056
31	Total - Central Management	1,143,471
32	<i>Workforce Development Services</i>	
33	General Revenue Total	65,261
34	Federal Funds	

1	Federal Funds	29,742,240
2	Federal Funds - Stimulus	4,770,602
3	Federal Funds Total	34,512,842
4	Restricted Receipts Total	6,298,170
5	Total – Workforce Development Services	40,876,273
6	<i>Workforce Regulation and Safety</i>	
7	General Revenue Total	2,409,386
8	Total - Workforce Regulation and Safety	2,409,386
9	<i>Income Support</i>	
10	General Revenue Total	3,684,147
11	Federal Funds	
12	Federal Funds	17,844,946
13	Federal Funds – Stimulus - UI	24,513,000
14	Federal Funds Total	42,357,946
15	Restricted Receipts Total	1,529,556
16	Other Funds	
17	Temporary Disability Insurance Fund	173,002,366
18	Employment Security Fund	404,828,000
19	Other Funds Total	577,830,366
20	Total - Income Support	625,402,015
21	<i>Injured Workers Services</i>	
22	Restricted Receipts Total	9,080,322
23	Total - Injured Workers Services	9,080,322
24	<i>Labor Relations Board</i>	
25	General Revenue Total	403,430
26	Total - Labor Relations Board	403,430
27	Grand Total - General Revenue	6,689,542
28	Grand Total - Labor and Training	679,314,897
29	Department of Revenue	
30	<i>Director of Revenue Office</i>	
31	General Revenue Total	611,412
32	Total – Director of Revenue Office	611,412
33	<i>Office of Revenue Analysis</i>	
34	General Revenue Total	536,753

1	Total – Office of Revenue Analysis	536,753
2	<i>Lottery Division</i>	
3	Other Funds	
4	Lottery Funds	192,140,596
5	Other Funds Total	192,140,596
6	Total – Lottery Division	
7	<i>Municipal Finance</i>	
8	General Revenue Total	1,162,046
9	Total – Municipal Finance	1,162,046
10	<i>Taxation</i>	
11	General Revenue Total	16,759,362
12	Federal Funds Total	1,234,831
13	Restricted Receipts Total	809,091
14	Other Funds	
15	Motor Fuel Tax Evasion	83,735
16	Temporary Disability Insurance	908,539
17	RICAP - Tax Data Warehouse	500,000
18	Other Funds Total	1,492
19	Total – taxation	20,295,558
20	<i>Registry of Motor Vehicles</i>	
21	General Revenue Total	16,602,008
22	Federal Funds Total	1,038,531
23	Restricted Receipts Total	15,100
24	Other Funds	
25	RICAP – Registry of Motor Vehicles	5,604,501
26	Other Funds Total	5,604,501
27	Total – Registry of Motor Vehicles	23,260,140
28	Grand Total – General Revenue	35,671,581
29	Grand Total – Revenue	238,006,505
30	Legislature	
31	General Revenue Total	36,038,421
32	Restricted Receipts Total	1,575,008
33	Grand Total - Legislature	37,613,429
34	Lieutenant Governor	

1	General Revenue Total	975,080
2	Grand Total - Lieutenant Governor	975,080
3	Secretary of State	
4	<i>Administration</i>	
5	General Revenue Total	1,947,576
6	Total - Administration	1,947,576
7	<i>Corporations</i>	
8	General Revenue Total	1,823,531
9	Total - Corporations	1,823,531
10	<i>State Archives</i>	
11	General Revenue Total	80,084
12	Restricted Receipts Total	494,567
13	Total - State Archives	574,651
14	<i>Elections and Civics</i>	
15	General Revenue Total	1,915,238
16	Total – Elections and Civics	1,915,238
17	<i>State Library</i>	
18	General Revenue Total	572,768
19	Total - State Library	572,768
20	<i>Office of Public Information</i>	
21	General Revenue Total	330,263
22	Total - Office of Public Information	330,263
23	Grand Total - General Revenue	6,669,460
24	Grand Total - Secretary of State	7,164,027
25	General Treasurer	
26	<i>Treasury</i>	
27	General Revenue Total	2,301,840
28	Federal Funds Total	264,987
29	Other Funds	
30	Temporary Disability Insurance Fund	222,984
31	Other Funds Total	222,984
32	Total – Treasury	2,789,811
33	<i>State Retirement System</i>	
34	Restricted Receipts	

1	Administrative Expenses – State Retirement System	11,012,019
2	Retirement – Treasury Investment Operations	1,154,322
3	Restricted Receipts Total	12,166,341
4	Total – State Retirement System	12,166,341
5	<i>Unclaimed Property</i>	
6	Restricted Receipts Total	15,293,903
7	Total – Unclaimed Property	15,293,903
8	<i>Crime Victim Compensation Program</i>	
9	General Revenue Total	90,615
10	Federal Funds Total	846,563
11	Restricted Receipts Total	1,512,941
12	Total – Crime Victim Compensation Program	2,450,119
13	Grand Total - General Revenue	2,392,455
14	Grand Total - General Treasurer	32,700,174
15	Board of Elections	
16	General Revenue	
17	General Revenue	1,809,591
18	Public Financing of General Elections	2,110,000
19	General Revenue Total	3,919,591
20	Grand Total - Board of Elections	3,919,591
21	Rhode Island Ethics Commission	
22	General Revenue Total	1,485,693
23	Grand Total - Rhode Island Ethics Commission	1,485,693
24	Office of Governor	
25	General Revenues	
26	General Revenues	4,622,994
27	Contingency Fund	250,000
28	General Revenue Total	4,872,994
29	Restricted Receipts - OERR	1,498,546
30	Grand Total - Office of Governor	6,371,540
31	Commission for Human Rights	
32	General Revenue Total	1,016,877
33	Federal Funds Total	356,689
34	Grand Total – Commission for Human Rights	1,373,566

1	Public Utilities Commission	
2	Federal Funds	
3	Federal Funds	102,225
4	Federal Funds - Stimulus	194,105
5	Federal Funds Total	296,330
6	Restricted Receipts Total	7,430,326
7	Grand Total - Public Utilities Commission	7,726,656
8	Office of Health and Human Services	
9	General Revenue Total	3,528,201
10	Federal Funds Total	2,873,533
11	Restricted Receipts Total	874,013
12	Total – Health and Human Services	7,275,747
13	Children, Youth, and Families	
14	<i>Central Management</i>	
15	General Revenue Total	4,827,869
16	Federal Funds Total	1,960,809
17	Total - Central Management	6,788,678
18	<i>Children's Behavioral Health Services</i>	
19	General Revenue Total	11,753,857
20	Federal Fund	
21	Federal Funds	11,051,167
22	Federal Funds – Stimulus	1,121,026
23	Federal Funds Total	12,172,193
24	Other Funds	
25	RICAP – Groden Center Mt. Hope	275,000
26	RICAP – NAFI Center	550,000
27	Other Funds Total	825,000
28	Total - Children's Behavioral Health Services	24,751,050
29	<i>Juvenile Correctional Services</i>	
30	General Revenue Total	32,778,330
31	Federal Funds	
32	Federal Funds	2,226,725
33	Federal Funds – Stimulus	744,900
34	Federal Funds Total	2,971,625

1	Total - Juvenile Correctional Services	35,749,955
2	<i>Child Welfare</i>	
3	General Revenues	
4	General Revenue	96,422,073
5	18 to 21 Year Olds	9,104,273
6	General Revenue Total	105,526,346
7	Federal Funds	
8	Federal Funds	50,859,340
9	18 to 21 Year Olds	4,187,196
10	Federal Funds – Stimulus	5,761,286
11	Federal Funds Total	60,807,822
12	Restricted Receipts Total	2,005,793
13	Other Funds	
14	RICAP – Camp E-Hun-Tee	65,000
15	RICAP – Fire Code Upgrades	1,000,000
16	Other Funds Total	1,065,000
17	Total - Child Welfare	169,404,961
18	<i>Higher Education Incentive Grants</i>	
19	General Revenue Total	200,000
20	Total - Higher Education Incentive Grants	200,000
21	Grand Total – General Revenue	155,086,402
22	Grand Total – Children, Youth, and Families	236,894,644
23	Elderly Affairs	
24	General Revenues	
25	General Revenues	9,157,215
26	RIPAE	1,648,175
27	Care and Safety of the Elderly	1,300
28	General Revenue Total	10,806,690
29	Federal Funds	
30	Federal Funds	15,450,755
31	Federal Funds–Stimulus	882,402
32	Federal Funds Total	16,333,157
33	Restricted Receipts Total	130,840
34	Grand Total – General Revenue	10,806,690

1	Grand Total - Elderly Affairs	27,270,687
2	Health	
3	<i>Central Management</i>	
4	General Revenue Total	1,802,160
5	Federal Funds Total	9,194,894
6	Restricted Receipts Total	2,635,336
7	Total - Central Management	13,632,390
8	<i>State Medical Examiner</i>	
9	General Revenue Total	2,653,336
10	Federal Funds Total	212,509
11	Total – State Medical Examiner	2,865,845
12	<i>Environmental and Health Services Regulation</i>	
13	General Revenue Total	8,885,009
14	Federal Funds Total	4,426,864
15	Restricted Receipts Total	3,669,775
16	Total – Environmental and Health Services Regulation	16,981,648
17	<i>Health Laboratories</i>	
18	General Revenue Total	7,213,548
19	Federal Funds Total	1,186,887
20	Total - Health Laboratories	8,400,435
21	<i>Public Health Information</i>	
22	General Revenue Total	2,007,602
23	Federal Funds Total	1,571,266
24	Total – Public Health Information	3,578,868
25	<i>Community and Family Health and Equity</i>	
26	General Revenue Total	3,656,196
27	Federal Funds	
28	Federal Funds	39,459,811
29	Federal Funds – Stimulus	610,928
30	Federal Funds Total	40,070,739
31	Restricted Receipts Total	18,777,842
32	Other Funds	
33	Walkable Communities Initiative	13,091
34	RI Airport Corporation Funds	82,792

1	Other Funds Total	95,883
2	Total – Community and Family Health and Equity	62,600,660
3	<i>Infectious Disease and Epidemiology</i>	
4	General Revenue Total	2,354,611
5	Federal Funds Total	2,151,372
6	Total – Infectious Disease and Epidemiology	4,505,983
7	Grand Total - General Revenue	28,572,462
8	Grand Total - Health	112,565,829
9	Human Services	
10	<i>Central Management</i>	
11	General Revenue Total	5,153,490
12	Federal Funds	
13	Federal Funds	5,092,496
14	Federal Funds – Stimulus	3,784,249
15	Federal Funds Total	8,876,745
16	Restricted Receipts Total	800,001
17	Total - Central Management	14,830,236
18	<i>Child Support Enforcement</i>	
19	General Revenue Total	2,362,606
20	Federal Funds	
21	Federal Funds	6,072,456
22	Federal Funds – Stimulus	813,300
23	Federal Funds Total	6,885,756
24	Total – Child Support Enforcement	9,248,362
25	<i>Individual and Family Support</i>	
26	General Revenue Total	22,180,916
27	Federal Funds	
28	Federal Funds	80,216,754
29	Federal Funds – Stimulus	1,084,860
30	Federal Funds Total	81,301,614
31	Restricted Receipts Total	180,000
32	Other Funds	
33	RICAP – Blind Vending Facilities	75,000
34	Intermodal Surface Transportation Fund	4,210,000

1	Other Funds Total	4,285,000
2	Total – Individual and Family Support	107,947,530
3	<i>Veterans' Affairs</i>	
4	General Revenue Total	19,466,321
5	Federal Funds Total	6,682,784
6	Restricted Receipts Total	1,491,200
7	Total - Veterans' Affairs	27,640,305
8	<i>Health Care Quality, Financing and Purchasing</i>	
9	General Revenue Total	21,068,899
10	Federal Funds	
11	Federal Funds	45,026,382
12	Federal Funds – Stimulus	800,000
13	Federal Funds Total	45,826,382
14	Restricted Receipts Total	60,000
15	Total – Health Care Quality, Financing & Purchasing	66,955,281
16	<i>Medical Benefits</i>	
17	General Revenue	
18	Managed Care	213,744,144
19	Hospitals	86,796,208
20	Nursing Facilities	102,532,973
21	Home and Community Based Services	25,428,650
22	Other	33,501,154
23	Pharmacy	50,175,465
24	Rhody Health	57,878,422
25	General Revenue Total	570,057,016
26	Federal Funds	
27	Managed Care	317,131,785
28	Hospitals	107,356,763
29	Nursing Facilities	151,401,822
30	Home and Community Based Services	37,548,350
31	Other	58,710,451
32	Pharmacy	5,870,235
33	Rhody Health	85,464,201
34	Special Education	20,837,655

1	Federal Funds – Stimulus	145,585,780
2	Federal Funds Total	929,907,042
3	Restricted Receipts Total	6,615,000
4	Total – Medical Benefits	1,506,579,058
5	<i>Supplemental Security Income Program</i>	
6	General Revenue Total	22,597,404
7	Total - Supplemental Security Income Program	22,597,404
8	<i>Family Independence Program</i>	
9	General Revenues	
10	Child Care	8,282,999
11	General Revenue Total	8,282,999
12	Federal Funds	
13	Federal Funds	81,430,102
14	Federal Funds – Stimulus	596,350
15	Federal Funds Total	82,026,452
16	Total - Family Independence Program	90,309,451
17	<i>State Funded Programs</i>	
18	General Revenues	
19	General Public Assistance	2,576,658
20	General Revenue Total	2,576,658
21	Federal Funds	
22	Federal Funds	234,495,779
23	Federal Funds – Stimulus	43,000,000
24	Federal Funds Total	277,495,779
25	Total - State Funded Programs	280,072,437
26	Grand Total - General Revenue	673,746,309
27	Grand Total - Human Services	2,126,180,064
28	Mental Health, Retardation, and Hospitals	
29	<i>Central Management</i>	
30	General Revenue Total	1,031,247
31	Federal Funds Total	131,287
32	Total - Central Management	1,162,534
33	<i>Hospital and Community System Support</i>	
34	General Revenue Total	2,105,731

1	Other Funds	
2	RICAP - Medical Center Rehabilitation	1,000,000
3	RICAP – Community Facilities Fire Code	750,000
4	RICAP – DD Private Waiver Community Facility/Fire Code	1,002,691
5	Other Funds Total	2,752,691
6	Total - Hospital and Community System Support	4,858,422
7	<i>Services for the Developmentally Disabled</i>	
8	General Revenue Total	81,527,147
9	Federal Funds	
10	Federal Funds	121,963,732
11	Federal Funds – Stimulus	24,788,460
12	Federal Funds Total	146,752,192
13	Restricted Receipts Total	2,007,500
14	Other Funds	
15	RICAP - Regional Center Repair/Rehabilitation	500,000
16	RICAP – MR Community Facilities/Access to Independence	1,100,000
17	RICAP - Developmental Disability Group Homes	1,000,000
18	Other Funds Total	2,600,000
19	Total – Services for the Developmentally Disabled	232,886,839
20	<i>Behavioral Healthcare Services</i>	
21	General Revenue Total	41,527,663
22	Federal Funds	
23	Federal Funds	56,052,234
24	Federal Funds – Stimulus	8,048,234
25	Federal Funds Total	64,100,468
26	Restricted Receipts Total	90,000
27	Other Fund	
28	RICAP – MH Community Facilities Repairs	300,000
29	RICAP – MH Housing Development-Thresholds	500,000
30	RICAP – MH Residences Furniture	56,000
31	RICAP - Substance Abuse Asset Protection	200,000
32	Other Funds Total	1,056,000
33	Total – Behavioral Healthcare Services	106,774,131
34	<i>Hospital and Community Rehabilitation Services</i>	

1	General Revenue Total	38,905,460
2	Federal Funds	
3	Federal Funds	42,694,897
4	Federal Funds – Stimulus	8,741,282
5	Federal Funds Total	51,436,179
6	Restricted Receipts	7,958,252
7	Other Funds	
8	RICAP – Zambarano Buildings and Utilities	780,000
9	RICAP – Eleanor Slater HVAC/Elevators	2,000,000
10	RICAP – Infection Control	400,000
11	RICAP – Medical Equipment Modernization	520,000
12	Other Funds Total	3,700,000
13	Total - Hospital and Community Rehabilitation Services	101,999,891
14	Grand Total - General Revenue	165,097,248
15	Grand Total - Mental Health, Retardation, and Hospitals	447,681,817
16	Office of the Child Advocate	
17	General Revenue Total	545,058
18	Federal Funds	45,80
19	Grand Total – Office of the Child Advocate	590,863
20	Commission on the Deaf and Hard of Hearing	
21	General Revenue Total	363,502
22	Grand Total – Com. on the Deaf and Hard of Hearing	363,502
23	Governor's Commission on Disabilities	
24	General Revenue Total	368,032
25	Federal Funds Total	193,598
26	Restricted Receipts Total	13,626
27	Other Funds	
28	RICAP – Facility Renovation – Handicapped Accessibility	250,000
29	Other Funds Total	250,000
30	Grand Total - Governor's Commission on Disabilities	825,256
31	Office of the Mental Health Advocate	
32	General Revenue Total	441,956
33	Grand Total – Office of the Mental Health Advocate	441,956
34	Elementary and Secondary Education	

1	<i>Administration of the Comprehensive Education Strategy</i>	
2	General Revenue Total	20,130,028
3	Federal Funds	
4	Federal Funds	190,880,733
5	Federal Funds – Stimulus	63,557,969
6	Federal Funds Total	254,438,702
7	Restricted Receipts	
8	Restricted Receipts	951,487
9	HRIC Adult Education Grants	4,640,000
10	Restricted Receipts Total	5,591,487
11	Other Funds	
12	Statewide Transportation - RIPTA Grant	200,000
13	RICAP – State Owned Schools – Chariho Repairs	2,078,362
14	Other Funds Total	2,278,362
15	Total – Administration of the Comprehensive Education Strategy	282,438,579
16	<i>Davies Career and Technical School</i>	
17	General Revenue Total	14,351,546
18	Federal Funds	
19	Federal Funds	1,377,959
20	Federal Funds – Stimulus	690,087
21	Federal Funds Total	2,068,046
22	Other Funds	
23	RICAP - Davies Roof Repair	800,000
24	RICAP – Davies HVAC	999,000
25	RICAP - Davies Asset Protection	150,000
26	Other Funds Total	1,949,000
27	Total-DaviesCareerandTechnicalSchool	18,368,592
28	<i>RI School for the Deaf</i>	
29	General Revenue Total	6,045,502
30	Federal Funds	
31	Federal Funds	325,509
32	Federal Funds – Stimulus	249,940
33	Federal Funds Total	575,449
34	Restricted Receipt Total	720,941

1	Total - RI School for the Deaf	7,341,892
2	<i>Metropolitan Career and Technical School</i>	
3	General Revenue Total	12,618,353
4	Federal Funds Total – Stimulus	467,191
5	Other Funds	
6	RICAP – MET School East Bay	4,000,000
7	Other Funds Total	4,000,000
8	Total - Metropolitan Career and Technical School	17,085,544
9	<i>Education Aid</i>	
10	General Revenue Total	595,579,172
11	Federal Funds Total - Stimulus	23,782,035
12	Restricted Receipt Total	17,618,322
13	Total – Education Aid	636,979,529
14	<i>Central Falls School District</i>	
15	General Revenue Total	40,918,792
16	Federal Funds Total – Stimulus	1,629,473
17	Other Funds	
18	Permanent School Fund – Central Falls	183,624
19	Other Funds Total	183,624
20	Total - Central Falls School District	42,731,889
21	<i>Housing Aid</i>	
22	General Revenue Total	71,774,727
23	Total – Housing Aid	71,774,727
24	<i>Teachers’ Retirement</i>	
25	General Revenue Total	66,830,378
26	Total – Teachers’ Retirement	66,830,378
27	Grand Total - General Revenue	828,248,498
28	Grand Total - Elementary and Secondary Education	1,143,551,130
29	Public Higher Education	
30	<i>Board of Governors/Office of Higher Education</i>	
31	General Revenue Total	7,153,767
32	Federal Funds Total	3,483,780
33	Total – Board of Governors/Office of Higher Education	10,637,547
34	<i>University of Rhode Island</i>	

1	General Revenues	
2	General Revenue	56,609,387
3	Debt Service	15,967,304
4	General Revenue Total	72,576,691
5	Federal Funds Total - Stimulus	5,036,744
6	Other Funds	
7	University and College Funds	528,635,501
8	Debt - Dining Services	1,138,100
9	Debt - Educational and General	4,436,435
10	Debt - Health Services	156,415
11	Debt - Housing Loan Funds	8,529,091
12	Debt - Memorial Union	127,290
13	Debt - Ryan Center	2,798,555
14	Debt - Alton Jones Services	115,211
15	Debt - Parking Authority	1,187,081
16	Debt – Sponsored Research	102,388
17	Debt - URI Energy Conservation	1,896,738
18	RICAP - Asset Protection	4,577,980
19	RICAP - New Chemistry Building	3,500,000
20	RIAP - URI Biotechnology Center	2,334,910
21	Other Funds Total	559,535,695
22	Total – University of Rhode Island	637,149,130
23	Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpected or	
24	unencumbered balances as of June 30, 2011 relating to the University of Rhode Island are hereby	
25	reappropriated to fiscal year 2012.	
26	<i>Rhode Island College</i>	
27	General Revenues	
28	General Revenue	37,615,402
29	Debt Service	1,972,215
30	General Revenues Total	39,587,617
31	Federal Funds Total - Stimulus	3,973,232
32	Other Funds	
33	University and College Funds	105,117,720
34	Debt - Education and General	295,196

1	Debt - Housing	412,704
2	Debt - Student Center and Dining	172,692
3	Debt - Student Union	235,031
4	Debt - G.O. Debt Service	1,615,685
5	RICAP - Asset Protection	1,987,800
6	RICAP - New Art Center Advanced	1,300,000
7	Other Funds Total	111,136,828
8	Total – Rhode Island College	154,697,677

9 Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpected or
10 unencumbered balances as of June 30, 2011 relating to the Rhode Island College are hereby
11 reappropriated to fiscal year 2012.

12 *Community College of Rhode Island*

13	General Revenues	
14	General Revenue	42,937,143
15	Debt Service	1,623,414
16	General Revenue Total	44,560,557
17	Federal Funds Total- Stimulus	2,260,911
18	Restricted Receipts	690,000
19	Other Funds	
20	University and College Funds	81,597,956
21	Debt – Bookstore	25,430
22	RICAP - Asset Protection	1,264,970
23	Other Funds Total	82,888,356
24	Total – Community College of Rhode Island	130,399,824

25 Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpected or
26 unencumbered balances as of June 30, 2011 relating to the Community College of Rhode Island
27 are hereby reappropriated to fiscal year 2012.

28	Grand Total – General Revenue	163,878,632
29	Grand Total – Public Higher Education	932,884,178

30 **RI State Council on the Arts**

31	General Revenues	
32	Operating Support	667,291
33	Grants	323,850
34	General Revenue Total	991,141

1	Federal Funds Total	950,990
2	Grand Total - RI State Council on the Arts	1,942,131
3	RI Atomic Energy Commission	
4	General Revenue Total	877,687
5	Federal Funds Total	300,159
6	Other Funds	
7	URI Sponsored Research	266,410
8	RICAP – RINSC Asset Protection	50,000
9	Other Funds Total	316,410
10	Grand Total - RI Atomic Energy Commission	1,494,256
11	RI Higher Education Assistance Authority	
12	General Revenues	
13	Needs Based Grants and Work Opportunities	6,382,700
14	Authority Operations and Other Grants	891,658
15	General Revenue Total	7,274,358
16	Federal Fund Total	12,044,337
17	Other Funds	
18	Tuition Savings Program – Needs Based Grants & Work Op.	5,800,000
19	Tuition Savings Program - Administration	721,425
20	Other Funds Total	6,521,425
21	Grand Total – RI Higher Education Assistance Authority	25,840,120
22	RI Historical Preservation and Heritage Commission	
23	General Revenue Total	1,351,097
24	Federal Funds Total	835,804
25	Restricted Receipts Total	479,450
26	Grand Total - RI Historical Pres. and Heritage Comm.	2,666,351
27	RI Public Telecommunications Authority	
28	General Revenue Total	1,038,234
29	Other Funds	
30	Corporation for Public Broadcasting	636,750
31	Other Funds Total	636,750
32	Grand Total – RI Public Telecommunications Authority	1,674,984
33	Attorney General	
34	<i>Criminal</i>	

1	General Revenue Total	13,094,716
2	Federal Funds	
3	Federal Funds	1,151,910
4	Federal Funds - Stimulus	40,370
5	Federal Funds Total	1,192,280
6	Restricted Receipts Total	413,472
7	Total - Criminal	14,700,468
8	<i>Civil</i>	
9	General Revenue Total	4,174,150
10	Restricted Receipts Total	789,187
11	Total - Civil	4,963,337
12	<i>Bureau of Criminal Identification</i>	
13	General Revenue Total	1,075,046
14	Federal Funds Total	56,550
15	Total – Bureau of Criminal Identification	1,131,596
16	<i>General</i>	
17	General Revenue Total	2,788,249
18	Other Funds	
19	RICAP – Building Renovations and Repairs	200,000
20	Other Funds Total	200,000
21	Total - General	2,988,249
22	Grand Total - General Revenue	21,132,161
23	Grand Total - Attorney General	23,783,650
24	Corrections	
25	<i>Central Management</i>	
26	General Revenue Total	8,089,350
27	Total - Central Management	8,089,350
28	<i>Parole Board</i>	
29	General Revenue Total	1,336,212
30	Federal Funds Total	40,000
31	Total - Parole Board	1,376,212
32	<i>Institutional Corrections</i>	
33	General Revenue Total	158,625,825
34	Federal Funds	

1	Federal Funds	1,770,231
2	Federal Funds - Stimulus	38,666
3	Federal Funds Total	1,808,897
4	Other Funds	
5	RICAP - Women's Bathroom Renovations	655,400
6	RICAP - Asset Protection	2,500,000
7	RICAP - General Renovations – Women’s	2,389,724
8	RICAP - ISC Exterior Envelope and HVAC	100,000
9	RICAP - Minimum Security Kitchen Ex	325,000
10	Other Funds Total	5,970,124
11	Total - Institutional Corrections	166,404,846
12	<i>Community Corrections</i>	
13	General Revenue Total	13,660,118
14	Federal Funds	
15	Federal Funds	273,097
16	Federal Funds - Stimulus	466,000
17	Federal Funds Total	739,097
18	Total – Community Corrections	14,399,215
19	Grand Total - General Revenue	181,711,505
20	Grand Total - Corrections	190,269,623
21	Judiciary	
22	<i>Supreme Court</i>	
23	General Revenues	
24	General Revenue	25,327,127
25	Defense of Indigents	3,365,689
26	General Revenue Total	28,692,816
27	Federal Funds Total	126,968
28	Restricted Receipts Total	1,272,919
29	Other Funds	
30	RICAP - Judicial HVAC	300,000
31	RICAP - Judicial Complexes Asset Protection	550,000
32	Other Funds Total	850,000
33	Total - Supreme Court	30,942,703
34	<i>Superior Court</i>	

1	General Revenue Total	20,549,678
2	Restricted Receipts Total	312,000
3	Total - Superior Court	20,861,678
4	<i>Family Court</i>	
5	General Revenue Total	17,506,835
6	Federal Funds Total	2,234,993
7	Total - Family Court	19,741,828
8	<i>District Court</i>	
9	General Revenue Total	10,248,515
10	Restricted Receipts Total	424,421
11	Total - District Court	10,672,936
12	<i>Traffic Tribunal</i>	
13	General Revenue Total	7,620,894
14	Total - Traffic Tribunal	7,620,894
15	<i>Workers' Compensation Court</i>	
16	Restricted Receipts Total	7,583,440
17	Total - Workers' Compensation Court	7,583,440
18	<i>Judicial Tenure and Discipline</i>	
19	General Revenue Total	109,620
20	Total – Judicial Tenure and Discipline	109,620
21	Grand Total - General Revenue	84,728,358
22	Grand Total - Judiciary	97,533,099
23	Military Staff	
24	<i>National Guard</i>	
25	General Revenue Total	1,488,527
26	Federal Funds Total	10,984,193
27	Restricted Funds Total	190,000
28	Other Funds	
29	RICAP – AMC Roof Replacement	50,000
30	RICAP – State Armories Fire Code Comp.	25,000
31	RICAP – Federal Armories Fire Code	6,250
32	RICAP – Asset Protection	260,000
33	RICAP – Logistics/Maintenance Fac. Fire Code	6,250
34	RICAP – FMS#3 Roof	15,000

1	Other Funds Total	362,500
2	Total - National Guard	13,025,220
3	<i>Emergency Management</i>	
4	General Revenue Total	1,886,882
5	Federal Funds Total	11,656,303
6	Restricted Receipts Total	162,733
7	Total - Emergency Management	13,705,918
8	Grand Total - General Revenue	3,375,409
9	Grand Total - Military Staff	26,731,138
10	Public Safety	
11	<i>Central Management</i>	
12	General Revenue Total	823,626
13	Federal Funds	
14	Federal Funds	4,368,403
15	Federal Funds – Stimulus	2,251,281
16	Federal Funds Total	6,619,684
17	Restricted Receipts Total	133,000
18	Total – Central Management	7,576,310
19	<i>E-911 Emergency Telephone System</i>	
20	General Revenue Total	4,663,554
21	Grand Total - E-911 Emergency Telephone System	4,663,554
22	<i>State Fire Marshal</i>	
23	General Revenue Total	2,506,009
24	Federal Funds Total	275,000
25	Grand Total - State Fire Marshal	2,781,009
26	<i>Security Services</i>	
27	General Revenue Total	19,771,298
28	Grand Total – Security Services	19,771,298
29	<i>Municipal Police Training Academy</i>	
30	General Revenue Total	335,247
31	Federal Funds	
32	Federal Funds	199,689
33	Federal Funds - Stimulus	106,987
34	Federal Funds Total	306,676

1	Grand Total - Municipal Police Training Academy	641,923
2	<i>State Police</i>	
3	General Revenue Total	56,181,962
4	Federal Funds	
5	Federal Funds	1,577,386
6	Federal Funds - Stimulus	153,385
7	Federal Funds Total	1,730,771
8	Restricted Receipts Total	244,761
9	Other Funds	
10	RICAP – Barracks and Training	1,500,000
11	RICAP – State Police New Headquarters	4,750,000
12	RICAP – Headquarters Repairs/Rehabilitation	100,000
13	RICAP – State Microwave Upgrade	2,512,140
14	RICAP - HQ Expansion (NG Facilities)	150,000
15	Traffic Enforcement - Municipal Training	116,617
16	Lottery Commission Assistance	180,044
17	Airport Corporation	207,764
18	Road Construction Reimbursement	2,173,855
19	Other Funds Total	11,690,420
20	Grand Total - State Police	69,847,914
21	Grand Total – General Revenue	84,281,696
22	Grand Total – Public Safety	105,282,008
23	Office of Public Defender	
24	General Revenue Total	9,610,354
25	Federal Funds	
26	Federal Funds	333,574
27	Federal Funds - Stimulus	96,566
28	Federal Funds Total	430,140
29	Grand Total - Office of Public Defender	10,040,494
30	Environmental Management	
31	<i>Office of the Director</i>	
32	General Revenue Total	4,640,299
33	Federal Funds Total	566,300
34	Restricted Receipts Total	2,437,098

1	Total – Office of the Director	7,643,697
2	<i>Natural Resources</i>	
3	General Revenue Total	18,028,814
4	Federal Funds Total	21,379,160
5	Restricted Receipts Total	3,930,478
6	Other Funds	
7	DOT Recreational Projects	67,608
8	Blackstone Bikepath Design	1,013,705
9	Transportation MOU	81,243
10	RICAP – Dam Repair	750,000
11	RICAP – Recreational Facilities Improvements	1,200,000
12	RICAP – Fort Adams Rehabilitation	250,000
13	RICAP - Galilee Piers Upgrade	750,000
14	RICAP - Newport Piers	250,000
15	RICAP – Fish and Wildlife Maintenance	75,000
16	Other Funds Total	4,437,556
17	Total - Natural Resources	47,776,008
18	<i>Environmental Protection</i>	
19	General Revenue Total	11,996,143
20	Federal Funds	
21	Federal Funds	12,849,946
22	Federal Funds – Stimulus	590,769
23	Federal Funds Total	13,440,715
24	Restricted Receipts Total	7,769,340
25	Other Funds	
26	Transportation - MOU	116,735
27	Retrofit Heavy-Duty Diesel Vehicles	3,560,000
28	Other Funds Total	3,676,735
29	Total - Environmental Protection	36,882,933
30	Grand Total - General Revenue	34,665,256
31	Grand Total - Environmental Management	92,302,638
32	Coastal Resources Management Council	
33	General Revenue Total	2,043,079
34	Federal Funds Total	1,574,146

1	Restricted Receipts Total	250,000
2	Grand Total – Coastal Resources Management Council	3,867,225
3	Water Resources Board	
4	General Revenue Total	1,318,150
5	Other Funds	
6	RICAP – Big River Management Area	120,000
7	Other Funds Total	120,000
8	Grand Total – Water Resources Board	1,438,150
9	Transportation	
10	<i>Central Management</i>	
11	Federal Funds Total	14,118,217
12	Other Funds	
13	Gasoline Tax	1,304,716
14	Other Funds Total	1,304,716
15	Total - Central Management	15,422,933
16	<i>Management and Budget</i>	
17	Other Funds	
18	Gasoline Tax	1,652,721
19	Other Funds Total	1,652,721
20	Total - Management and Budget	1,652,721
21	<i>Infrastructure – Engineering – Garvee/Motor Fuel Tax Bonds</i>	
22	Federal Funds	
23	Federal Funds	257,415,591
24	Federal Funds – Stimulus	44,199,319
25	Federal Funds Total	301,614,910
26	Restricted Receipts Total	1,000,000
27	Other Funds	
28	Gasoline Tax	51,869,001
29	State Infrastructure Bank	1,445,000
30	Land Sale Revenue	18,205,826
31	Highway Logo Program	100,000
32	RICAP - RIPTA Land and Buildings	70,000
33	RICAP - RIPTA Paratransit	190,400
34	Other Funds Total	71,880,227

1	Total - Infrastructure – Engineering – Garvee/Motor	
2	Fuel Tax Bonds	374,495,137
3	<i>Infrastructure Maintenance</i>	
4	Other Funds	
5	Gasoline Tax	30,560,165
6	Non-land Surplus Property	30,000
7	Outdoor Advertising	300,000
8	RICAP – Maintenance Facility Improvements	650,000
9	RICAP – East Providence Facility	1,582,810
10	RICAP – DOT Maintenance Facilities – Fire Alarms	125,000
11	Other Funds Total	33,247,975
12	Total - Infrastructure Maintenance	33,247,975
13	Grand Total - Transportation	424,818,766
14	Statewide Totals	
15	General Revenue Total	2,849,064,369
16	Federal Funds Total	2,717,461,459
17	Restricted Receipts Total	176,754,259
18	Other Funds Total	1,769,642,077
19	Statewide Grand Total	7,512,922,164

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

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

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

34 SECTION 5. The general assembly authorizes the state controller to establish the internal

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

Account	Expenditure Limit
11 State Assessed Fringe Benefit Internal Service Fund	34,617,701
12 Administration Central Utilities Internal Service Fund	25,814,372
13 State Central Mail Internal Service Fund	5,453,349
14 State Telecommunications Internal Service Fund	3,470,957
15 State Automotive Fleet Internal Service Fund	13,830,806
16 State Fleet Replacement Revolving Loan Fund	2,500,000
17 Capital Police Internal Service Fund	665,713
18 Health Insurance Internal Service Fund	306,132,044
19 Corrections General Services & Warehouse Internal Service Fund	6,769,398
20 Correctional Industries Internal Service Fund	7,371,579
21 Secretary of State Record Center Internal Service Fund	825,368

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

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

32 SECTION 7. *Appropriation of Temporary Disability Insurance Funds* -- There is hereby
 33 appropriated pursuant to sections 28-39-5 and 28-39-8 of the Rhode Island General Laws all
 34 funds required to be disbursed for the benefit payments from the Temporary Disability Insurance

1 Fund and Temporary Disability Insurance Reserve Fund for the fiscal year ending June 30, 2011.

2 SECTION 8. *Appropriation of Employment Security Funds* -- There is hereby
3 appropriated pursuant to section 28-42-19 of the Rhode Island General Laws all funds required to
4 be disbursed for benefit payments from the Employment Security Fund for the fiscal year ending
5 June 30, 2011.

6 SECTION 9. *Appropriation of University and College Funds* -- There is hereby
7 appropriated pursuant to section 16-59-9 of the Rhode Island General Laws relating to the
8 appropriation of funds by the General Assembly for Higher Education, and section 16-59-18 of
9 the General Laws relating to receipts from sources other than appropriations, any funds received
10 by the Board of Governors for Higher Education for the fiscal year ending June 30, 2011 payable
11 out of the University and College Funds.

12 SECTION 10. *Appropriation of Lottery Division Funds* – There is hereby appropriated to
13 the Lottery Division any funds required to be disbursed by the Lottery Division for the purposes
14 of paying commissions or transfers to the prize fund for the fiscal year ending June 30, 2011.

15 SECTION 11. Departments and agencies listed below may not exceed the number of full-
16 time equivalent (FTE) positions shown below in any pay period. Full-time equivalent positions do
17 not include seasonal or intermittent positions whose scheduled period of employment does not
18 exceed twenty-six consecutive weeks or whose scheduled hours do not exceed nine hundred and
19 twenty-five (925) hours, excluding overtime, in a one-year period. Nor do they include
20 individuals engaged in training, the completion of which is a prerequisite of employment.
21 Provided, however, that the Governor or designee, Speaker of the House of Representatives or
22 designee, and the President of the Senate or designee may authorize an adjustment to any
23 limitation. Prior to the authorization, the State Budget Officer shall make a detailed written
24 recommendation to the Governor, the Speaker of the House, and the President of the Senate. A
25 copy of the recommendation and authorization to adjust shall be transmitted to the chairman of
26 the House Finance Committee, Senate Finance Committee, the House Fiscal Advisor and the
27 Senate Fiscal Advisor.

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

32 Nor may any agency or department contract for services replacing work done by state
33 employees at that time without determination of need by the Director of Administration acting
34 upon the positive recommendations of the Budget Officer and the Personnel Administrator and 30

1 days after a public hearing.

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

5 FTE POSITION AUTHORIZATION

6 Departments and Agencies	Full-Time Equivalent
7 Administration	699.6
8 Business Regulation	91.0
9 Labor and Training	454.0
10 Revenue	428.0
11 Legislature	297.9
12 Office of the Lieutenant Governor	8.0
13 Office of the Secretary of State	57.0
14 Office of the General Treasurer	83.0
15 Board of Elections	12.0
16 Rhode Island Ethics Commission	12.0
17 Office of the Governor	46.0
18 Commission for Human Rights	14.5
19 Public Utilities Commission	46.0
20 Rhode Island Commission on Women	0.0
21 Office of Health and Human Services	75.6
22 Children, Youth, and Families	700.0
23 Elderly Affairs and Advocacy	31.0
24 Health	416.7
25 Human Services	967.6
26 Mental Health, Retardation, and Hospitals	1,395.2
27 Office of the Child Advocate	5.8
28 Commission on Deaf and Hard of Hearing	3.0
29 Governor's Commission on Disabilities	4.0
30 Office of the Mental Health Advocate	3.7
31 Elementary and Secondary Education	149.4
32 School for the Deaf	60.0
33 Davies Career and Technical School	133.0
34 Office of Higher Education	20.4

1 Provided that 1.0 of the total authorization would be available only for a position that is
 2 supported by third-party funds.

3	University of Rhode Island	2,453.5
---	----------------------------	---------

4 Provided that 602.0 of the total authorization would be available only for positions that
 5 are supported by third-party funds.

6	Rhode Island College	895.1
---	----------------------	-------

7 Provided that 82.0 of the total authorization would be available only for positions that are
 8 supported by third-party funds.

9	Community College of Rhode Island	813.1
---	-----------------------------------	-------

10 Provided that 100.0 of the total authorization would be available only for positions that
 11 are supported by third-party funds.

12	Rhode Island State Council on the Arts	8.6
----	--	-----

13	RI Atomic Energy Commission	8.6
----	-----------------------------	-----

14	Higher Education Assistance Authority	42.6
----	---------------------------------------	------

15	Historical Preservation and Heritage Commission	16.6
----	---	------

16	Public Telecommunications Authority	16.0
----	-------------------------------------	------

17	Office of the Attorney General	231.1
----	--------------------------------	-------

18	Corrections	1,423.0
----	-------------	---------

19	Judiciary	729.3
----	-----------	-------

20	Military Staff	112.0
----	----------------	-------

21	Public Safety	607.1
----	---------------	-------

22	Office of the Public Defender	93.0
----	-------------------------------	------

23	Environmental Management	414.0
----	--------------------------	-------

24	Coastal Resources Management Council	30.0
----	--------------------------------------	------

25	Water Resources Board	6.0
----	-----------------------	-----

26	Transportation	780.2
----	----------------	-------

27	Total	14,894.2
----	--------------	-----------------

28 SECTION 12. The amounts reflected in this Article include the appropriation of Rhode
 29 Island Capital Plan funds for fiscal year 2011 and supersede appropriations provided for FY 2011
 30 within Section 12 of Article 1 of Chapter 68 of the P.L. of 2009.

31 The following amounts are hereby appropriated out of any money in the State's Rhode
 32 Island Capital Plan Fund not otherwise appropriated to be expended during the fiscal years ending
 33 June 30, 2012, June 30, 2013, and June 30, 2014. These amounts supersede appropriations
 34 provided within Section 12 of Article 1 of Chapter 68 of the P.L. of 2009. For the purposes and

1 functions hereinafter mentioned, the State Controller is hereby authorized and directed to draw
 2 his or her orders upon the General Treasurer for the payment of such sums and such portions
 3 thereof as may be required by him or her upon receipt of properly authenticated vouchers.

4		Fiscal Yr Ending	Fiscal Yr Ending	Fiscal Yr Ending
5	Project	June 30, 2012	June 30, 2013	June 30, 2014
6	DOA-Pastore Utilities Upgrade	1,500,000	2,000,000	2,000,000
7	DOA-State House Renovations	2,000,000	3,000,000	9,000,000
8	DCYF-Fire Code Upgrades-Group Homes	1,000,000	1,000,000	-
9	ELSEC-Met. Career and Tech – East Bay	4,000,000	900,000	-
10	Higher Ed-Asset Protection-CCRI	1,407,101	1,450,000	1,493,500
11	Higher Ed-Asset Protection-RIC	2,211,160	2,275,000	2,343,250
12	Higher Ed-Asset Protection-URI	5,092,364	5,250,000	5,407,500
13	DOC Asset Protection	2,500,000	3,500,000	3,500,000
14	Judicial-Asset Protection	600,000	625,000	650,000
15	Mil Staff-Asset Protection	270,000	280,000	300,000
16	DEM-Dam Repairs	850,000	1,000,000	550,000
17	DEM-Recreation Facility Improvements	1,260,000	1,325,000	1,390,000

18 SECTION 13. *Reappropriation of Funding for Rhode Island Capital Plan Fund Projects-*
 19 -. Any unexpended and unencumbered funds from Rhode Island Capital Plan Fund project
 20 appropriations may be reappropriated at the recommendation of the Governor in the ensuing
 21 fiscal year and made available for the same purpose. The Governor shall submit a report of such
 22 reappropriations to the chairperson of the house finance committee and the chairperson of the
 23 senate finance committee stating the final enacted amount by project, the amounts expended and
 24 the amounts reappropriated by August 15, 2010.

25 SECTION 14. *Extension of previous authorizations--*. The general assembly, pursuant to
 26 the provisions of section 35-8-25 of the general laws, hereby extends to the termination date
 27 contained herein the authority to issue the following general obligation bond authorization in the
 28 amount stated. The original authorization enacted by public law and approved by the people that
 29 remain unissued as of January 1, 2010 is as follows:

30		Unissued	
31		Amt to be	Termination
32	<u>Purpose</u>	<u>Extended</u>	<u>Date</u>
33	Clean Water Act		
34	Environmental Trust Fund	Ch. 289-P.L. of 1986 \$1,260,000	June 30, 2013

1 R.I. Water Pollution Revolving
2 Loan and Trust Fund Ch. 238-P.L. of 1988
3 as Amended by Ch. 303-
4 P.L.of 1989 and Ch. 434-
5 P.L.of 1990 \$4,900,000 June 30, 2013

6 SECTION 15. This article shall take effect as of July 1, 2010.

7 **ARTICLE 2**

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

9 SECTION 1. (a) The State of Rhode Island is hereby authorized to borrow during its
10 fiscal year ending June 30, 2011, in anticipation of receipts from taxes such sum or sums, at such
11 time or times and upon such terms and conditions not inconsistent with the provisions and
12 limitations of Section 17 of Article VI of the constitution of Rhode Island, as the general
13 treasurer, with the advise of the Governor, shall deem for the best interests of the state, provided
14 that the amounts so borrowed shall not exceed three hundred and fifty million dollars
15 (\$350,000,000), at any time outstanding. The state is hereby further authorized to give its
16 promissory note or notes signed by the general treasurer and counter-signed by the secretary of
17 state for the payment of any sum so borrowed. Any such proceeds shall be invested by the
18 general treasurer until such time as they are needed. The interest income earned from such
19 investments shall be used to pay the interest on the promissory note or notes, or other forms of
20 obligations, and any expense of issuing the promissory note or notes, or other forms of
21 obligations, with the balance remaining at the end of said fiscal year, if any, shall be used toward
22 the payment of long-term debt service of the state, unless prohibited by federal law or regulation.

23 (b) Notwithstanding any other authority to the contrary, duly authorized bonds or notes of
24 the state issued during the fiscal year ending June 30, 2011 may be issued in the form of
25 commercial paper, so-called. In connection herewith, the state, acting through the general
26 treasurer, may enter into agreements with banks, trust companies or other financial institutions
27 within or outside the state, whether in the form of letters or lines of credit, liquidity facilities,
28 insurance or other support arrangements. Any notes issued as commercial paper shall be in such
29 amounts and bear such terms as the general treasurer, with the advice of the governor, shall
30 determine, which may include provisions for prepayment at any time with or without premium at
31 the option of the state. Such notes may be sold at a premium or discount, and may bear interest or
32 not and, if interest bearing, may bear interest at such rate or rates variable from time to time as
33 determined by the Federal Reserve Bank Composite Index of Commercial Paper, or the
34 Municipal Market Data General Market Index or other similar commercial paper offerings, or

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

10 (c) Notwithstanding any other authority to the contrary, other forms of obligations of the
11 state not to exceed twenty million dollars (\$20,000,000) of the three hundred fifty million dollar
12 (\$350,000,000) amount authorized in Section 1 may be issued during the fiscal year ending June
13 30, 2011 in the form of a commercial or business credit account, at any time outstanding, with
14 banks, trust companies or other financial institutions within or outside the state in order to finance
15 a payables incentive program for the state with its vendors. Any such forms of obligations entered
16 into pursuant to this subsection shall be in such amounts and bear such terms as the general
17 treasurer, with the advice of the governor, shall determine, which may include provisions for
18 prepayment at any time with or without premium at the option of the state. Any such forms of
19 obligations entered into pursuant to this subsection may also include such other covenants and
20 provisions for protecting the rights, security and remedies of the lenders as may, in the discretion
21 of the general treasurer, be reasonable, legal and proper. Any such forms of obligations entered
22 into pursuant to this subsection must also be issued in accordance with the provisions of Section
23 17 of Article VI of the Constitution of Rhode Island and within the limitations set forth in
24 Subsection (a) of Section 1 of this Article.

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

26 **ARTICLE 3**
27 **RELATING TO SMALL BUSINESS JOBS ACT AND TAX RELIEF**

28 SECTION 1. Title 44 of the General Laws entitled "TAXATION" is hereby amended by
29 adding thereto the following chapter:

30 CHAPTER 44-68
31 THE SMALL BUSINESS JOBS ACT

32 **44-68-1. Short title.** -- This chapter shall be known as "Small Business Jobs Act".

33 **44-68-2. Definitions.** -- The terms defined below shall have the following meanings
34 whenever used in this chapter:

1 (a)(1) "Eligible employee" means an employee who is a resident of this state and meets
2 the following criteria:

3 (i) Within the previous twenty-four (24) months from the date of hire, had collected
4 unemployment insurance; received temporary assistance under the Rhode Island Works Program;
5 or graduated from a college or technical school;

6 (ii) Works a minimum of thirty (30) hours per week for a small business, as defined
7 within;

8 (iii) Earns no less than two-hundred fifty percent (250%) of the state's minimum hourly
9 wage in effect at the time of hire by a small business; and

10 (iv) Is eligible for healthcare insurance from a small business.

11 (2) For the purposes of this chapter, the term "Eligible Employee" shall not include:

12 (i) A leased employee;

13 (ii) An employee of a company that merged with, acquired, or was acquired by the small
14 business; and

15 (iii) A shareholder, officer, director, manager, partner, or owner of the small business or
16 any relative thereof.

17 (b) "Healthcare insurance" means any health insurance plan offered by a small business
18 to its employees, regardless of whether an eligible employee has enrolled in the plan.

19 (c) "Resident" means a person who is domiciled in this state.

20 (d) "Rhode Island Works Program" means Rhode Island's welfare to work program
21 pursuant to chapter 5.2 of title 40, the purpose of which is to help parents, who are eligible for
22 cash assistance, support their children by preparing for, accepting and retaining employment.

23 (e) "Small business" means any corporation, limited liability company, partnership,
24 individual, sole proprietorship, joint stock company, joint venture, or any other legal entity or any
25 successors or assigns thereof, that legally conducts business in this state and has at least five (5),
26 but not more than one-hundred (100), employees working for the small business in this state, and
27 not more than two-hundred (200) employees worldwide.

28 (f) "State" means the State of Rhode Island and Providence Plantations.

29 (g) "Unemployment insurance" means unemployment compensation benefits received
30 pursuant to chapter 44 of title 28 or any comparable laws of another state.

31 **44-68-3. Tax credit.** -- (a) A small business, which hires an eligible employee between
32 July 1, 2010 and December 31, 2011, shall be eligible for a tax credit equal to two-thousand
33 dollars (\$2,000) per eligible employee hired, provided that the small business satisfies all of the
34 requirements of this chapter.

1 **(b) For purposes of this section, an eligible employee must continue to be employed in**
2 **this state by the small business for a minimum period of eighteen (18) consecutive months.**
3 **Furthermore, the total number of employees employed in the state by the small business after**
4 **eighteen (18) months shall be not less than the number contained in the small business application**
5 **for certification that was submitted pursuant to § 44-68-3(d).**

6 **(c) The tax credit shall be applied one time per eligible employee.**

7 **(d) The small business must file an application for certification for each eligible**
8 **employee with the division of taxation within thirty (30) days of the date the employee begins**
9 **work to be eligible for the tax credit. The division of taxation, with the assistance of the**
10 **department of labor and training and the department of human services, is responsible for**
11 **verifying the information contained in the application for certification. Upon approval, the**
12 **division of taxation will issue a tax credit certificate to the small business.**

13 **(e) The tax credit may be used by the small business in the tax year that the eligible**
14 **employee(s) was hired and shall be applied against any tax imposed pursuant to chapters 11, 14,**
15 **17, and 30 of this title.**

16 **(f) The tax credit is not refundable, and may be carried forward for five (5) subsequent**
17 **tax years.**

18 **44-68-4. Credit Recapture. -- In the event that a small business fails to maintain and**
19 **fulfill the requirements under §44-68-3 or otherwise fails to satisfy the requirements of this**
20 **chapter, the small business shall no longer be eligible for the tax credit. A small business that is**
21 **determined to be ineligible for any tax credit, or portion thereof, shall recapture the amount of any**
22 **such credit with interest as provided in § 44-1-7 on their current year tax return.**

23 **44-68-5. Administration. -- The tax administrator shall make available suitable forms**
24 **with instructions for filing the certification under § 44-68-3(d) and claiming the tax credit. The**
25 **tax administrator may promulgate necessary rules and regulations to carry into effect the**
26 **provisions of this chapter.**

27 SECTION 2. Section 44-11-2 of the General Laws in Chapter 44-11 entitled "Business
28 Corporate Tax" is hereby amended to read as follows:

29 **44-11-2. Imposition of tax. --** (a) Each corporation shall annually pay to the state a tax
30 equal to nine percent (9%) of net income, as defined in § 44-11-11, qualified in § 44-11-12, and
31 apportioned to this state as provided in §§ 44-11-13 – 44-11-15, for the taxable year.

32 (b) A corporation shall pay the amount of any tax as computed in accordance with
33 subsection (a) of this section after deducting from "net income," as used in this section, fifty
34 percent (50%) of the excess of capital gains over capital losses realized during the taxable year, if

1 for the taxable year:

2 (1) The corporation is engaged in buying, selling, dealing in, or holding securities on its
3 own behalf and not as a broker, underwriter, or distributor;

4 (2) Its gross receipts derived from these activities during the taxable year amounted to
5 at least ninety percent (90%) of its total gross receipts derived from all of its activities during the
6 year. "Gross receipts" means all receipts, whether in the form of money, credits, or other valuable
7 consideration, received during the taxable year in connection with the conduct of the taxpayer's
8 activities.

9 (c) A corporation shall not pay the amount of the tax computed on the basis of its net
10 income under subsection (a) of this section, but shall annually pay to the state a tax equal to ten
11 cents (\$.10) for each one hundred dollars (\$100) of gross income for the taxable year or a tax of
12 one hundred dollars (\$100), whichever tax shall be the greater, if for the taxable year the
13 corporation is either a "personal holding company" registered under the federal Investment
14 Company Act of 1940, 15 U.S.C. § 80a-1 et seq., "regulated investment company", or a "real
15 estate investment trust" as defined in the federal income tax law applicable to the taxable year.
16 "Gross income" means gross income as defined in the federal income tax law applicable to the
17 taxable year, plus:

18 (1) Any interest not included in the federal gross income; minus

19 (2) Interest on obligations of the United States or its possessions, and other interest
20 exempt from taxation by this state; and minus

21 (3) Fifty percent (50%) of the excess of capital gains over capital losses realized during
22 the taxable year.

23 (d) A small business corporation having an election in effect under subchapter S, 26
24 U.S.C. § 1361 et seq., shall not be subject to the Rhode Island income tax on corporations, except
25 that the corporation shall be subject to the provisions of subsection (a), to the extent of the income
26 that is subjected to federal tax under subchapter S.

27 (2) The shareholders of the corporation who are residents of Rhode Island shall include
28 in their income their proportionate share of the corporation's federal taxable income.

29 (3) [Deleted by P.L. 2004, ch. 595, art. 29, § 1.]

30 (4) [Deleted by P.L. 2004, ch. 595, art. 29, § 1.]

31 (e) *Minimum tax.* The tax imposed upon any corporation under this section shall not be
32 less than five hundred dollars (\$500). [For tax years beginning on or after January 1, 2011, the tax](#)
33 [imposed upon any corporation under this section shall not be less than two hundred fifty dollars](#)
34 [\(\\$250\).](#)

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

2 **ARTICLE 4**

3 **RELATING TO BUDGET RESERVE FUND**

4 SECTION 1. Section 35-3-20 of the General Laws in Chapter 35-3 entitled "State
5 Budget" is hereby amended to read as follows:

6 **35-3-20. State budget reserve and cash stabilization account.** -- (a) There is hereby
7 created within the general fund a state budget reserve and cash stabilization account, which shall
8 be administered by the state controller and which shall be used solely for the purpose of providing
9 such sums as may be appropriated to fund any unanticipated general revenue deficit caused by a
10 general revenue shortfall.

11 (b) In carrying out the provisions of § 35-3-20.1, the state controller shall, based on that
12 fiscal years estimate, transfer the amounts needed to fund cash requirements during the fiscal
13 year; the transfer shall be adjusted at the end of the fiscal year in order to conform to the
14 requirements of § 35-3-20.1. To the extent that funds so transferred are not needed by the Rhode
15 Island Capital Plan fund the funds may be loaned back to the general fund.

16 (c) For the fiscal year ending June 30, 2009, whenever the aggregate of the monies and
17 securities held for the credit of the state budget reserve and cash stabilization account exceeds
18 three and four tenths of one percent (3.4%) of total fiscal year resources, consisting of the
19 aggregate of (1) actual revenues from taxes and other departmental general revenue sources; and
20 (2) the general revenue balance available for appropriations at the beginning of the fiscal year; the
21 excess shall be transferred to the Rhode Island Capital Plan fund, to be used solely for capital
22 projects. Provided further, the applicable percentage shall increase by four-tenths of one percent
23 (.4%) for the succeeding four (4) fiscal years as follows:

24	Fiscal year ending June 30, 2010	3.8%
25	Fiscal year ending June 30, 2011	4.2%
26	Fiscal year ending June 30, 2012	4.6%
27	Fiscal years ending June 30, 2013 and thereafter	5.0%

28 (d) At any time after the third quarter of a fiscal year, that it is indicated that total
29 resources which are defined to be the aggregate of estimated general revenue, general revenue
30 receivables, and available free surplus in the general fund will be less than the estimates upon
31 which current appropriations were based, the general assembly may make appropriations from the
32 state budget reserve and cash stabilization account for the difference between the estimated total
33 resources and the original estimates upon which enacted appropriations were based, but only in
34 the amount of the difference based upon the revenues projected at latest state revenue estimating

1 conference pursuant to chapter 16 of title 35 as reported by the chairperson of that conference.

2 (e) Whenever a transfer has been made pursuant to subsection (d), that transfer shall be
3 considered as estimated general revenues for the purposes of determining the amount to be
4 transferred to the Rhode Island Capital Plan fund for the purposes of subsection 35-3-20.1(b).

5 (f) Whenever a transfer has been made pursuant to subsection (d), the amount of the
6 transfer shall be transferred to the Rhode Island Capital Plan fund from funds payable into the
7 general revenue fund pursuant to § 35-3-20.1 in the fiscal year following the fiscal year in which
8 the transfer was made, except that any repayment due in fiscal year 2011 shall be deferred to
9 fiscal year 2012.

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

11 **ARTICLE 5**

12 **RELATING TO CAPITAL DEVELOPMENT PROGRAM**

13 SECTION 1. Proposition to be submitted to the people. -- At the general election to be
14 held on the Tuesday next after the first Monday in November 2010, there shall be submitted to
15 the people for their approval or rejection the following proposition:

16 "Shall the action of the general assembly, by an act passed at the January 2010 session,
17 authorizing the issuance of bonds, refunding bonds, and temporary notes of the state for the
18 capital projects and in the amount with respect to each such project listed below be approved, and
19 the issuance of bonds, refunding bonds, and temporary notes authorized in accordance with the
20 provisions of said act?"

21 **Project**

22 (1) Higher Education Facilities \$88,900,000

23 Approval of this question will allow the State of Rhode Island to issue general obligation
24 bonds, refunding bonds, and temporary notes in an amount not to exceed sixty one million dollars
25 (\$61,000,000) for the construction of a new chemistry building at the University of Rhode Island,
26 ten million nine hundred thousand dollars (\$10,900,000) for renovations and modernization of
27 infrastructure at Rhode Island College, and seventeen million dollars (\$17,000,000) for the
28 renovation and construction of an addition to the Art Center at Rhode Island College.

29 (2) Transportation \$85,000,000

30 Approval of this question will authorize the State of Rhode Island to issue general
31 obligation bonds, refunding bonds, and temporary notes in an amount not to exceed eighty
32 million dollars (\$80,000,000) to match federal funds and provide direct funding for improvements
33 to the state's highways, roads, and bridges and five million dollars (\$5,000,000) for the
34 construction of salt storage facilities.

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

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

12 SECTION 4. Bonds for capital development program. -- The general treasurer is
13 hereby authorized and empowered with the approval of the governor and in accordance with the
14 provisions of this act, to issue from time to time capital development bonds in serial form in the
15 name and on behalf of the state in amounts as may be specified from time to time by the governor
16 in an aggregate principal amount not to exceed the total amount for all projects approved by the
17 people and designated as "capital development loan of 2010 bonds" provided, however, that the
18 aggregate principal amount of such capital development bonds and of any temporary notes
19 outstanding at any one time issued in anticipation thereof pursuant to section 7 hereof shall not
20 exceed the total amount for all such projects as have been approved by the people. All provisions
21 in this act relating to "bonds" shall also be deemed to apply to "refunding bonds".

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

1 treasurer and countersigned by the manual or facsimile signature of the secretary of state and
2 shall bear the seal of the state or a facsimile thereof. The approval of the governor shall be
3 endorsed on each bond so approved with a facsimile of his or her signature.

4 SECTION 5. Refunding bonds for 2010 capital development program. -- The general
5 treasurer is hereby authorized and empowered, with the approval of the governor and in
6 accordance with the provisions of this act, to issue from time to time bonds to refund the 2010
7 capital development program bonds in the name and on behalf of the state, in amounts as may be
8 specified from time to time by the governor in an aggregate principal amount not to exceed the
9 total amount approved by the people, to be designated as "capital development program loan of
10 2010 refunding bonds" (hereinafter "refunding bonds").

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

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

22 If the general treasurer shall deposit with the paying agent for the capital development
23 bonds the proceeds of the refunding bonds or proceeds from other sources amounts that, when
24 invested in obligations of the United States or the State of Rhode Island, are sufficient to pay all
25 principal, interest, and premium, if any, on the capital development bonds until these bonds are
26 called for prepayment, then such capital development bonds shall not be considered debts of the
27 State of Rhode Island for any purpose from the date of deposit of such moneys with the paying
28 agent. The refunding bonds shall continue to be a debt of the state until paid.

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

31 SECTION 6. Proceeds of capital development program. -- The general treasurer is
32 directed to deposit the proceeds from the sale of capital development bonds issued under this act,
33 exclusive of premiums and accrued interest and net the underwriters' cost, and cost of bond
34 insurance, in one or more of the depositories in which the funds of the state may be lawfully kept

1 in special accounts (hereinafter cumulatively referred to as "such capital development bond
2 fund") appropriately designated for each of the projects set forth in section 1 hereof which shall
3 have been approved by the people to be used for the purpose of paying the cost of all such
4 projects so approved.

5 All monies in the capital development bond fund shall be expended for the purposes
6 specified in the proposition provided for in section 1 hereof under the direction and supervision of
7 the director of administration (hereinafter referred to as "director"). The director or his or her
8 designee shall be vested with all power and authority necessary or incidental to the purposes of
9 this act, including but not limited to, the following authority: (a) to acquire land or other real
10 property or any interest, estate or right therein as may be necessary or advantageous to
11 accomplish the purposes of this act; (b) to direct payment for the preparation of any reports, plans
12 and specifications, and relocation expenses and other costs such as for furnishings, equipment
13 designing, inspecting and engineering, required in connection with the implementation of any
14 projects set forth in section 1 hereof; (c) to direct payment for the costs of construction,
15 rehabilitation, enlargement, provision of service utilities, and razing of facilities, and other
16 improvements to land in connection with the implementation of any projects set forth in section 1
17 hereof; and (d) to direct payment for the cost of equipment, supplies, devices, materials and labor
18 for repair, renovation or conversion of systems and structures as necessary for 2010 capital
19 development program bonds or notes hereunder from the proceeds thereof. No funds shall be
20 expended in excess of the amount of the capital development bond fund designated for each
21 project authorized in section 1 hereof. With respect to the bonds and temporary notes described in
22 section 1, the proceeds shall be utilized for the following purposes:

23 Question 1 relating to bonds in the amount of eighty eight million nine hundred thousand
24 dollars (\$88,900,000) for Higher Education shall be allocated as follows:

25 (a) New Chemistry Building at the University of Rhode Island \$61,000,000
26 Provide funds for the construction of a new chemistry building and related infrastructure
27 and utility connections at the University of Rhode Island.

28 (b) Infrastructure Modernization at Rhode Island College \$10,900,000
29 Provide funds for modernization and replacement of infrastructure, including, without
30 limitation, steam lines, water lines, and the electrical distribution system, on the Rhode Island
31 College campus.

32 (c) Renovations/Addition to Rhode Island College Art Center \$17,000,000
33 Provide funds for the renovation of, and construction of an addition to, the Art Center and
34 related infrastructure and utility connections at Rhode Island College.

1 Question 2 relating to bonds in the amount of eighty five million dollars (\$85,000,000)
2 for transportation purposes shall be allocated as follows:

3 (a) Highway improvement program \$80,000,000

4 Provide funds for the Department of Transportation to match federal funds or to provide
5 direct funding for improvements to the state's highway, roads and bridges.

6 (b) Salt Storage Facilities \$5,000,000

7 Provide funds for the construction of salt storage facilities for use by the Department of
8 Transportation maintenance division for the statewide storage of salt to be used on snow and ice
9 on highways and roads.

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

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

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

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

28 SECTION 8. **Bonds and notes to be tax exempt and general obligations of the state.** -

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

33 SECTION 9. **Investment of moneys in fund.** -- All moneys in the capital development
34 fund not immediately required for payment pursuant to the provisions of this act may be invested

1 by the investment commission, as established by chapter 35-10, pursuant to the provisions of such
2 chapter; provided, however, that the securities in which the capital development fund is invested
3 shall remain a part of the capital development fund until exchanged for other securities; and
4 provided further, that the income from investments of the capital development fund shall become
5 a part of the general fund of the state and shall be applied to the payment of debt service charges
6 of the state, unless directed by federal law or regulation to be used for some other purpose, or to
7 the extent necessary, to rebate to the United States treasury any income from investments
8 (including gains from the disposition of investments) of proceeds of bonds or notes to the extent
9 deemed necessary to exempt (in whole or in part) the interest paid on such bonds or notes from
10 federal income taxation.

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

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

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

1 act.

2 SECTION 13. Effective Date. -- Sections 1, 2, 3, 11, and 12 of this article shall take
3 effect upon passage. The remaining sections of this article shall take effect when and if the state
4 board of elections shall certify to the secretary of state that a majority of the qualified electors
5 voting on the propositions contained in section 1 hereof have indicated their approval of all or any
6 projects thereunder.

7 **ARTICLE 6**

8 **RELATING TO DEBT MANAGEMENT ACT JOINT RESOLUTIONS**

9 SECTION 1. This article consists of Joint Resolutions that are submitted pursuant to
10 Rhode Island General Laws § 35-18-1, et seq.

11 SECTION 2. *Energy Services Contracts – Equipment Replacement*

12 WHEREAS, the higher education system is proposing projects that involve the
13 implementation of professionally guided capital investments in energy and, to a lesser scale,
14 water efficiency improvements, to university and college buildings and infrastructure that will
15 pay for themselves through cost avoidance, while reducing long term energy and/or water
16 consumption associated with operations; and

17 WHEREAS, the higher education system manages over three hundred forty (340)
18 buildings, with associated utility infrastructure, containing over six million nine hundred
19 thousand (6,900,000) square feet of space and a majority of this space was constructed over
20 thirty (30) years ago. Energy and water efficiency has become a vital part of an institution’s
21 fiscal responsibility; and

22 WHEREAS, energy performance contracting has been significantly enhanced and refined
23 and many examples exist of statewide programs successfully employed around the country that
24 are prudent from both a fiscal management and an environmental stewardship perspective; and

25 WHEREAS, various private sector companies, hereinafter referred to as energy service
26 companies or “ESCOs”, are willing to guarantee energy savings to pay for the cost of the
27 replacement of antiquated and inefficient equipment, including boilers, heating and air
28 conditioning, lighting and other building systems and equipment; and

29 WHEREAS, the higher education system has participated with the state department of
30 administration in a request for proposal process to enter into an energy performance contract with
31 an ESCO to provide investment grade energy audit evaluations, design, installation, and
32 maintenance services, as well as assistance in securing rebate resources and the guarantee of the
33 energy or water saving performance of the installed retrofit measures; and

34 WHEREAS, the evaluations of an energy service company further affirms the significant

1 opportunity to implement energy conservation improvements on a building-by-building basis that
2 pay for themselves through operating budget savings within a fifteen year period; and

3 WHEREAS, tax exempt lease financing secured by energy cost avoidance (i.e. by
4 redirecting dollars that would have paid for utility consumption, but with the improvements can
5 be redeployed to repay the financing) is the most cost effective means of supporting the
6 investment in energy or water efficiency improvements under this program and

7 WHEREAS, the higher education system is seeking to undertake energy savings
8 contracts to replace old and obsolete equipment and the estimated cost of such contracts are:

9 University of Rhode Island, an amount not to exceed twelve million six hundred thousand
10 dollars (\$12,600,000); and

11 Community College of Rhode Island, an amount not to exceed fifteen million five
12 hundred thousand dollars (\$15,500,000); and

13 WHEREAS, total financing obligation of the State of Rhode Island would be
14 approximately thirty seven million three hundred thirty five thousand dollars (\$37,335,000), with
15 twenty eight million one hundred thousand dollars (\$28,100,000) deposited into the construction
16 fund, four million four hundred ninety thousand dollars (\$4,490,000) deposited in a capitalized
17 interest fund, three million seven hundred thirty thousand dollars (\$3,730,000) deposited in a debt
18 service reserve fund, if required, and approximately one million twenty thousand dollars
19 (\$1,020,000) to pay associated costs of financing. Total payments on the state's obligation over
20 fifteen (15) years on the thirty seven million three hundred thirty five thousand dollars
21 (\$37,335,000) issuance are projected to be fifty nine million three hundred six thousand four
22 hundred dollars (\$59,306,400), assuming an average effective interest rate of six percent (6.0%).
23 The payments would be financed with higher education from energy savings; now, therefore, be it

24 RESOLVED, that higher education is authorized to proceed with the aforementioned
25 projects in the amounts specified above, and be it further

26 RESOLVED, that these contracts will be structured so that, at a minimum, the annual
27 principal, interest and service and maintenance costs resulting from these contracts would be
28 completely offset by the annual energy savings guaranteed by the ESCOs; and be it further

29 RESOLVED, that these contracts would be multi-year contracts of up to a term of fifteen
30 years. In addition to saving energy and helping to protect higher education from future energy
31 cost increases, these contracts would aid in reducing maintenance costs by providing new
32 equipment and replacing older energy consuming systems.

33 SECTION 3. *Pastore Center Hospital Consolidation.*

34 WHEREAS, the Department of Mental Health, Retardation and Hospitals operates the

1 Eleanor Slater Hospital system on the Pastore Government Center in Cranston and the
2 Zambarano Campus in Burrillville; and

3 WHEREAS, the current configuration of the hospital encompasses five (5) different
4 facilities, including four (4) at the Pastore Center and one (1) at the Zambarano Campus; and

5 WHEREAS, consolidating the Pastore Center portion of the hospital system into fewer
6 buildings will result in a more efficient and costs effective operation; and

7 WHEREAS, the department seeks to renovate the Mathias and Varley buildings on the
8 Pastore Center campus which are already connected to the Regan hospital building by corridors;
9 and

10 WHEREAS, the department's goal is to consolidate patient care operations from the
11 Adolph Meyer, Pinel and Virks Buildings, thereby vacating these facilities for future renovation
12 and use by other state agencies; and

13 WHEREAS, newly renovated facilities will enable the hospital system to meet Joint
14 Committee on Accreditation of Hospitals standards and will significantly improve operations
15 logistics and result in a more efficient use of hospital resources, which will reduce staffing costs,
16 reduce the hospital's maintenance and utility budget, and improve security; and

17 WHEREAS, the project costs associated with renovating the Mathias and Varley
18 buildings are estimated to be twenty eight million three hundred thousand dollars (\$28,300,000).
19 The total financing obligation of the State of Rhode Island would be approximately thirty two
20 million ninety thousand dollars (\$32,090,000), with twenty eight million three hundred thousand
21 dollars (\$28,300,000) deposited in the construction fund, two million nine hundred fifteen
22 thousand twenty five dollars (\$2,915,025) deposited in a debt service reserve fund, if required,
23 and eight hundred seventy five thousand dollars (\$875,000) available to pay the associated costs
24 of financing. Total payments on the State's obligation over twenty (20) years on the thirty two
25 million ninety thousand dollars (\$32,090,000) issuance are projected to be fifty eight million two
26 hundred forty three thousand four hundred dollars (\$58,243,400), assuming an average effective
27 interest rate of six and one-half percent (6.5%). The payments would be financed within the
28 department of administration from general revenue appropriations; now, therefore, be it

29 RESOLVED, that consolidation of hospital services into the Mathias and Varley
30 buildings is needed to provide a more efficient and cohesive operation; and be it further

31 RESOLVED, that this General Assembly hereby approves financing in an amount not to
32 exceed thirty two million ninety thousand dollars (\$32,090,000) for the renovation of the Mathias
33 and Varley buildings; and be it further

34 RESOLVED, that this Joint Resolution shall take effect immediately upon its passage by

1 this General Assembly.

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

3 **ARTICLE 7**

4 RELATING TO PUBLIC SAFETY COMMUNICATIONS DISPATCH

5 SECTION 1. Section 42-17.1-17 of the General Laws in Chapter 42-17.1 entitled
6 “Department of Environmental Management” is hereby amended to read as follows:

7 **42-17.1-17. Transfer of powers and functions from department of environmental**
8 **management.** -- (a) There are hereby transferred to the department of administration:

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

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

15 (3) So much of other functions or parts of functions and employees and resources,
16 physical and funded, related thereto of the director of environmental management as are
17 incidental to and necessary for the performance of the functions transferred by subdivisions (1)
18 and (2).

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

21 SECTION 2. In order that there is no interruption in the dispatch functions of the division
22 of enforcement, the actual transfer of dispatch functions, corresponding resources, and personnel
23 to the department of public safety, may be postponed until such time, as determined by the
24 director of public safety, that the transfer provided herein may best be put into force and effect,
25 but shall occur no later than January 1, 2011 and shall be reflected in the FY 2011 supplemental
26 budget submission.

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

28 **ARTICLE 8**

29 RELATING TO DIVISION OF SHERIFFS

30 SECTION 1. Section 42-11-21 of the General Laws in Chapter 42-11 entitled
31 “Department of Administration” is hereby repealed.

32 ~~**42-11-21. Division of sheriffs.** -- (a) *Division established. A division of sheriffs is*~~
33 ~~*hereby established within the department of administration. This division shall be responsible for*~~
34 ~~*statewide activities assigned by law which relate to the duties and functions of the sheriffs of the*~~

1 ~~several counties. The division also shall be responsible for all statewide activities assigned by law~~
2 ~~which relate to the duties and functions of state marshals. Among its other responsibilities, the~~
3 ~~division shall also be responsible for courtroom security and cellblocks in all state courthouses,~~
4 ~~training of personnel, transportation of individuals charged with crimes, and special operations.~~

5 ~~(1) The division of sheriffs shall have the following powers and duties:~~

6 ~~(i) To provide and maintain security for judges at all state courts;~~

7 ~~(ii) To provide and maintain security in all courtrooms and other public areas within state~~
8 ~~courthouses;~~

9 ~~(iii) To provide and maintain security in the cellblocks in all state courts, and exercise all~~
10 ~~powers as required and prescribed in all other provisions of the general laws and public laws~~
11 ~~relating to the powers and duties of sheriffs.~~

12 ~~(2) The division of sheriffs shall also have the following powers and duties previously~~
13 ~~performed by the Rhode Island marshals:~~

14 ~~(i) To be responsible for transportation statewide of prisoners to and from police~~
15 ~~departments, the adult correctional institutions, all courthouses, and other places of detention;~~

16 ~~(ii) To transport persons arrested by state and local police departments to places of~~
17 ~~detention; provided, however, nothing in this subsection shall prevent state and local police~~
18 ~~departments from transporting those persons;~~

19 ~~(iii) To supervise the conduct of and maintain order and discipline of the prisoners in~~
20 ~~their custody;~~

21 ~~(iv) To be responsible for the custody and safety of prisoners while being transported to~~
22 ~~and from court sessions, places of detention, and outside hospitals prior to commitment to the~~
23 ~~adult correctional institutions;~~

24 ~~(v) To be responsible for the custody and security of prisoners detained in the cellblock~~
25 ~~areas in the Kent County courthouse and Providence County superior courthouse and for the~~
26 ~~security of these prisoners during the hearing of their cases, and while in outside hospitals prior to~~
27 ~~commitment to the adult correctional institutions;~~

28 ~~(vi) To be responsible for the safety and welfare of prisoners in their custody;~~

29 ~~(vii) To provide all security in connection with transportation in the execution of~~
30 ~~extraditions, including, but not limited to, warrants, IAD (Interstate Agreement on Detainers),~~
31 ~~arrest affidavits, interstate compact extradition, and criminal detainers; and~~

32 ~~(viii) To carry firearms as prescribed.~~

33 ~~(c) Administration and organization. The director of the department of administration~~
34 ~~shall appoint with the consent of the governor an administrator, an executive high sheriff, and~~

1 ~~sheriffs and chief deputy sheriffs for the division of sheriffs, each to be appointed to a ten (10)~~
2 ~~year term. The sheriffs and chief deputy sheriffs shall be appointed to each of the counties. The~~
3 ~~director of the department of administration shall appoint deputy sheriffs and other necessary~~
4 ~~classifications, subject to the appropriation process, to provide assistance in the areas of~~
5 ~~courthouse and cellblock security, transportation of prisoners, staff training and special~~
6 ~~operations. Special operations include, but shall not be limited to, transportation of high risk~~
7 ~~inmates, extraditions, the execution of criminal warrants, prosecution and mutual aid to the police~~
8 ~~departments of the cities and towns. This special operations unit initially will be comprised of~~
9 ~~personnel transferred from the Rhode Island state marshals. All employees in the division of~~
10 ~~sheriffs shall be in the unclassified service.~~

11 ~~(1) The director of administration, with the approval of the governor, subject to the~~
12 ~~appropriation process, shall make the determination of the number of positions, personnel,~~
13 ~~property, allocations and other funds of the sheriffs of the several counties and the department of~~
14 ~~corrections which shall be transferred to the department of administration.~~

15 ~~(2) In order to ensure continuity of the functions provided by sheriffs and marshals, the~~
16 ~~actual transfer of functions or any part of those functions may be postponed by the director until~~
17 ~~such time as the director deems appropriate; provided, however, the transfer of functions shall be~~
18 ~~completed within three (3) years.~~

19 SECTION 2. Section 36-4-2 of the General Laws in Chapter 36-4 entitled "Merit
20 System" is hereby amended to read as follows:

21 **36-4-2. Positions in unclassified service.** -- The classified service shall comprise all
22 positions in the state service now existing or hereinafter established, except the following specific
23 positions which with other positions heretofore or hereinafter specifically exempted by legislative
24 act shall constitute the unclassified service:

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

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

28 (3) Officers, secretaries, and employees of the office of the governor, office of the
29 lieutenant governor, department of state, department of the attorney general, and the treasury
30 department.

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

34 (5) The following specific offices:

- 1 (i) In the department of administration: director, chief information officer;
- 2 (ii) In the department of business regulation: director;
- 3 (iii) In the department of elementary and secondary education: commissioner of
4 elementary and secondary education;
- 5 (iv) In the department of higher education: commissioner of higher education;
- 6 (v) In the department of health: director;
- 7 (vi) In the department of labor and training: director, administrative assistant,
8 administrator of the labor board and legal counsel to the labor board;
- 9 (vii) In the department of environmental management: director;
- 10 (viii) In the department of transportation: director;
- 11 (ix) In the department of human services: director;
- 12 (x) In the state properties committee: secretary;
- 13 (xi) In the workers' compensation court: judges, administrator, deputy administrator,
14 clerk, assistant clerk, clerk secretary;
- 15 (xii) In the department of elderly affairs: director;
- 16 (xiii) In the department of mental health, retardation, and hospitals: director;
- 17 (xiv) In the department of corrections: director, assistant director
18 (institutions/operations), assistant director (rehabilitative services), assistant director
19 (administration), and wardens;
- 20 (xv) In the department of children, youth and families: director, one assistant director,
21 one associate director, and one executive director;
- 22 (xvi) In the public utilities commission: public utilities administrator;
- 23 (xvii) In the water resources board: general manager;
- 24 (xviii) In the human resources investment council: executive director.
- 25 (xix) In the office of health and human services: secretary of health and human
26 services.
- 27 (6) Chief of the hoisting engineers, licensing division, and his or her employees;
28 executive director of the veterans memorial building and his or her clerical employees.
- 29 (7) One confidential stenographic secretary for each director of a department and each
30 board and commission appointed by the governor.
- 31 (8) Special counsel, special prosecutors, regular and special assistants appointed by the
32 attorney general, the public defender and employees of his or her office, and members of the
33 Rhode Island bar occupying a position in the state service as legal counsel to any appointing
34 authority.

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

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

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

9 (12) Election officials and employees.

10 (13) ~~Administrator, executive~~ Executive high sheriff, sheriffs, chief deputy sheriffs,
11 deputy sheriffs, and other employees of the sheriff's division within the department of
12 ~~administration~~ public safety and security officers of the traffic tribunal.

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

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

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

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

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

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

30 (19) Mental health advocate.

31 (20) Child advocate.

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

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

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

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

3 SECTION 3. Section 42-7.3-3 of the General Laws in Chapter 42-7.3 entitled
4 “Department of Public Safety” is hereby amended to read as follows:

5 **42-7.3-3. Powers and duties of the department.** -- The department of public safety
6 shall be responsible for the management and administration of the following divisions and
7 agencies:

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

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

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

11 (d) Rhode Island state police (chapter 28 of title 39).

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

13 (f) Division of sheriffs.

14 SECTION 4. Chapter 42-7.3 of the General Laws entitled “Department of Public Safety”
15 is hereby amended by adding thereto the following section:

16 **42-7.3-3.1. Division of sheriffs.** -- (a) Division established. A division of sheriffs is
17 hereby established within the department of public safety. This division shall be responsible for
18 statewide activities assigned by law which relate to the duties and functions of the sheriffs of the
19 several counties. The division also shall be responsible for all statewide activities assigned by law
20 which relate to the duties and functions of state marshals. Among its other responsibilities, the
21 division shall also be responsible for courtroom security and cellblocks in all state courthouses,
22 training of personnel, transportation of individuals charged with crimes, and special operations.

23 (b) Powers and Duties. (1) The division of sheriffs shall have the following powers and
24 duties:

25 (i) To provide and maintain security for judges at all state courts;

26 (ii) To provide and maintain security in all courtrooms and other public areas within state
27 courthouses;

28 (iii) To provide and maintain security in the cellblocks in all state courts, and exercise all
29 powers as required and prescribed in all other provisions of the general laws and public laws
30 relating to the powers and duties of sheriffs.

31 (2) The division of sheriffs shall also have the following powers and duties previously
32 performed by the Rhode Island marshals:

33 (i) To be responsible for transportation statewide of prisoners to and from police
34 departments, the adult correctional institutions, all courthouses, and other places of detention;

1 (ii) To transport persons arrested by state and local police departments to places of
2 detention; provided, however, nothing in this subsection shall prevent state and local police
3 departments from transporting those persons;

4 (iii) To supervise the conduct of and maintain order and discipline of the prisoners in
5 their custody;

6 (iv) To be responsible for the custody and safety of prisoners while being transported to
7 and from court sessions, places of detention, and outside hospitals prior to commitment to the
8 adult correctional institutions;

9 (v) To be responsible for the custody and security of prisoners detained in the cellblock
10 areas in the Kent County courthouse and Providence County superior courthouse and for the
11 security of these prisoners during the hearing of their cases, and while in outside hospitals prior to
12 commitment to the adult correctional institutions;

13 (vi) To be responsible for the safety and welfare of prisoners in their custody;

14 (vii) To provide all security in connection with transportation in the execution of
15 extraditions, including, but not limited to, warrants, IAD (Interstate Agreement on Detainers),
16 arrest affidavits, interstate compact extradition, and criminal detainers; and

17 (viii) To carry firearms as prescribed.

18 (c) Administration and organization. (i) The director of the department of public safety
19 shall appoint, with the consent of the governor, an executive high sheriff. (ii) The director of the
20 department of public safety shall appoint deputy sheriffs and other necessary classifications,
21 subject to the appropriation process, to provide assistance in the areas of courthouse and cellblock
22 security, transportation of prisoners, staff training and special operations. All employees in the
23 division of sheriffs shall be in the unclassified service.

24 SECTION 5. Section 42-29-1 of the General Laws in Chapter 42-29 entitled "Sheriffs"
25 is hereby amended to read as follows:

26 **42-29-1. Appointment – Powers and duties – Removal.** -- (a) ~~The director of the~~
27 ~~department of administration shall appoint with the consent of the governor an administrator to a~~
28 ~~ten (10) year term to be in charge of the division of sheriffs within the department of~~
29 ~~administration.~~ The director of the department of ~~administration~~ public safety shall also appoint,
30 with the consent of the governor, an executive high sheriff, ~~to a ten (10) year term to assist the~~
31 ~~administrator. The director of the department of administration shall also appoint to each of the~~
32 ~~counties with the consent of the governor the sheriffs and the chief deputy sheriffs to ten (10)~~
33 ~~year terms.~~ The director of the department of ~~administration~~ public safety shall appoint deputy
34 sheriffs and other necessary classifications, subject to the appropriations process. Sheriffs, chief

1 deputy sheriffs, ~~and~~ deputy sheriffs, and other employees of the sheriff's division shall be subject
2 to the supervision of the ~~administrator~~ executive high sheriff who may assign tasks and functions
3 in order to ensure the proper management of the sheriffs division. Any deputy sheriff hired after
4 July 1, 2001 must successfully complete the sheriff academy and any courses deemed necessary
5 at the municipal police training academy prior to assuming the duties of a deputy sheriff.
6 Furthermore, the ~~administrator~~ executive high sheriff in conjunction with the personnel
7 administrator shall be responsible for promulgating written class specifications with necessary
8 minimum qualifications defined in them. The sheriffs or chief deputy sheriffs of the several
9 counties ~~and the deputy high sheriff for Providence county~~ who are in office as of February 1,
10 2010 shall continue to hold office until their present term expires. Sheriffs and deputies can be
11 removed for just cause by their appointing authority.

12 (b) The ~~administrator, assisted by the~~ executive high sheriff, the sheriffs, the chief
13 deputy sheriffs, and the deputy sheriffs shall perform all the duties required and exercise all the
14 powers prescribed in this chapter; chapter 15 of title 5; chapters 5 and 10 of title 9; chapters 5, 10
15 and 14 of title 10; chapters 8, 31, 34, 36 and 44 of title 11; chapters 4, 5 and 6 of title 12; chapter
16 22 of title 17; chapters 4 and 6 of title 22; chapter 2 of title 28; chapter 6 of title 35; chapter 8 of
17 title 37; and all other provisions of the general laws and public laws insofar as those powers and
18 duties relate to the sheriffs of the several counties and as required and prescribed in all other
19 provisions of the general laws and public laws relating to the powers and duties of the sheriffs of
20 the several counties. ~~Sheriffs and deputies can be removed for just cause by their appointing~~
21 ~~authority.~~

22 (c) All resources of the sheriffs ~~and of the several counties~~ shall be transferred to the
23 division of sheriffs within the department of ~~administration~~ public safety. These resources
24 include, but are not limited to, all positions, property, accounts and other funding pertinent to
25 sheriffs.

26 SECTION 6. Any proceeding or other business or matter undertaken or commenced,
27 prior to the effective date of this article, by a department, division, or other administrative agency,
28 the functions, powers, and duties whereof are assigned and transferred to the department of public
29 safety and are pending on the effective date of this act, may be conducted and completed by the
30 director of the department of public safety, or by a subordinate under his direction, in the same
31 manner and under the same terms and conditions and with the same effect as though it were
32 undertaken or commenced or completed by the department, division, or other administrative
33 agency prior to said transfer.

34 SECTION 7. In order that there is no interruption in the public safety functions of the

1 division of sheriffs, the actual transfer of functions to the department of public safety, from any
2 existing departments, divisions, or agencies, may be postponed until after the effective date of
3 this article and until such time, as determined by director of public safety, that the transfer
4 provided herein may best be put into force and effect.

5 SECTION 8. This article shall take effect as of July 1, 2010.

6 **ARTICLE 9**

7 RELATING TO PUBLIC SAFETY FEES

8 SECTION 1. Section 42-28-37 of the General Laws in Chapter 42-28 entitled "State
9 Police" is hereby amended to read as follows:

10 **42-28-37. Accident reports – Fee.** -- The state police, upon written request, shall furnish
11 to any person involved in an accident or his or her legal representative a copy of the official state
12 police report of the investigation of the accident. A fee of ~~ten dollars (\$10.00)~~ fifteen dollars
13 (\$15.00) shall accompany each written request. All fees collected pursuant to this section shall be
14 deposited as general revenues.

15 SECTION 2. This article shall take effect as of July 1, 2010.

16 **ARTICLE 10**

17 RELATING TO POLICE OFFICERS AND

18 FIREFIGHTERS RELIEF BENEFITS

19 SECTION 1. Sections 45-19-4, 45-19-4.1, 45-19-4.2, 45-19-12, 45-19-12.1, 45-19-12.2
20 and 45-19-12.3 of the General Laws in Chapter 45-19 entitled "Relief of Injured and Deceased
21 Fire Fighters and Police Officers" are hereby amended to read as follows:

22 **45-19-4. Annuities to dependents of deceased police officers and appropriations to**
23 **nondependent parents of police officers.** -- (a) If an active or retired member of the police force
24 of a city or town is killed or dies from injuries received while in the performance of his or her
25 duty as a member prior to July 1, 2010, or dies of a heart condition or any condition derived from
26 hypertension while still a member prior to July 1, 2010, there shall be paid out of the police
27 officer's relief fund of Rhode Island to the following dependents of the deceased person, the
28 following sums of money:

29 (1) To the widow or widower or domestic partner an annuity not exceeding three
30 thousand six hundred dollars (\$3,600) a year, payable in the number of regular installments
31 determined by the board and continuing as long as he or she remains unmarried or not in a
32 domestic partnership and commencing with the date of death but not more than six (6) months
33 prior to the date of filing of the petition by the widow or widower or domestic partner; provided,
34 that if the member died more than six (6) months prior to the filing of the petition then the

1 payments are to commence no sooner than six (6) months prior to the date of petition;

2 (2) An additional annuity of twelve hundred dollars (\$1,200) a year, payable in the
3 number of regular installments determined by the board, for each child of the deceased person
4 during the time that the child is under the age of eighteen (18) years, or over the age and
5 physically or mentally incapacitated from earning. If there is any child and no widow or widower
6 or domestic partner or the widow or widower or domestic partner dies later, the sum and the
7 annuity that would have been payable to the widow or widower or domestic partner had there
8 been one or had he or she lived, to or for the benefit of the child or of the children, in equal
9 shares, during the time previously stated;

10 (3) If there is any child and the widow or widower or domestic partner remarries or
11 enters in a domestic partnership, in lieu of the previously stated annuity to him or her, an annuity
12 not exceeding twelve hundred dollars (\$1,200) to or for the benefit of each child during the time
13 previously stated;

14 (4) If there is no widow or widower or domestic partner and no child the total sum of
15 ten thousand dollars (\$10,000) payable in a lump sum for the benefit of the father and/or mother
16 of the deceased, if not dependent upon him or her for support at the time of his or her death; and

17 (5) If there is no widow or widower or domestic partner and no child, the sum of three
18 thousand six hundred dollars (\$3,600) payable in regular installments by the board of police
19 officer's relief to or for the benefit of the father or mother of the deceased, if dependent upon him
20 or her for support at the time of his or her death, and commencing with the date of death but not
21 more than six (6) months prior to the date of filing the petition; provided, that if the member died
22 more than six (6) months prior to the filing of the petition then the payments are to commence no
23 sooner than six (6) months prior to the date of the petition and continuing so long as the
24 beneficiary is unable to support himself or herself and does not remarry or enter into a domestic
25 partnership, an annuity not exceeding three thousand six hundred dollars (\$3,600) a year, payable
26 in regular installments determined by the board. The amount of the annuity shall, from time to
27 time, be determined within the limits previously stated by the board.

28 (b) For the purpose of this section the words "police officer" mean and include any
29 active or retired member of the state police or the police of any city or town regularly employed
30 at a fixed salary or wage.

31 (c) The provisions of this section apply in the case of any dependent receiving benefits
32 in accordance with the provisions of this section as it was in effect prior to April 25, 1960.

33 (d) The provisions of this section apply in the case of any active or retired police officer
34 who from and after January 1, 1935, was killed or died from injuries received while in the

1 performance of duty, or dies of a heart condition or any condition derived from hypertension.

2 (e) The amount of the annuity shall not be reduced by reason of receipt of an annuity
3 and/or other payments to any beneficiaries from any other source.

4 (f) Upon the death of a member, the police chief shall immediately notify the widow or
5 widower or domestic partner of the member by registered or certified mail, return receipt
6 requested, of the widow or widower's or domestic partner's possible eligibility for benefits under
7 this chapter and the time restriction for filing a claim for these benefits.

8 (g) For purposes of this chapter, "domestic partner" shall be defined as a person who,
9 prior to the decedent's death, was in an exclusive, intimate and committed relationship with the
10 decedent, and who certifies by affidavit that their relationship met the following qualifications:

11 (1) Both partners were at least eighteen (18) years of age and were mentally competent
12 to contract;

13 (2) Neither partner was married to anyone else;

14 (3) Partners were not related by blood to a degree which would prohibit marriage in the
15 state of Rhode Island;

16 (4) Partners resided together and had resided together for at least one year at the time of
17 death; and

18 (5) Partners were financially interdependent as evidenced by at least two (2) of the
19 following:

20 (i) Domestic partnership agreement or relationship contract;

21 (ii) Joint mortgage or joint ownership of primary residence;

22 (iii) Two (2) of: (A) joint ownership of motor vehicle; (B) joint checking account; (C)
23 joint credit account; (D) joint lease; and/or

24 (iv) The domestic partner had been designated as a beneficiary for the decedent's will,
25 retirement contract or life insurance.

26 **45-19-4.1. Tuition to children of police officers dying or disabled as a result of**

27 **service.** -- (a) If an active member of the police force of a city or town is killed, dies, or becomes
28 totally and permanently disabled from injuries received while in the performance of his or her
29 duty as a member [prior to July 1, 2010](#), or dies of a heart condition or any condition derived from
30 hypertension while still a member [prior to July 1, 2010](#), there shall be paid out of the general fund
31 of the state of Rhode Island the charges for the tuition of children of the deceased or totally and
32 permanently disabled police officer and/or the spouse of a police officer killed in the line of duty.
33 The benefits are extended to the children and/or spouse who are attending or may attend the
34 university of Rhode Island, Rhode Island college, or any other college or university operated by

1 the state; provided, that the child has entered the institution while between the ages of sixteen
2 (16) and twenty-one (21); and provided, further, that the aid granted is available to the child
3 and/or spouse for the period of time that may equal the normal time for completing the courses
4 regularly offered by the institution, but in no case more than four (4) years.

5 (b) For the purpose of this section, the words "police officer" mean and include any
6 member of the state police, any correctional officer within the department of corrections, or the
7 police of any city or town regularly employed at a fixed salary or wage. Furthermore, this
8 excludes auxiliary and volunteer police officers of city, town, or state police. For the purpose of
9 this section, the words "totally and permanently disabled" mean any impairment of mind or body
10 making it impossible for one to follow continuously a gainful occupation.

11 **45-19-4.2. Tuition to police officers disabled as a result of service.** -- (a) If an active
12 member of the police force of a city or town becomes totally and permanently disabled from
13 injuries received while in the performance of his or her duty as a member [prior to July 1, 2010](#), or
14 if any member of the police force of a city or town becomes totally and permanently disabled
15 from injuries received while in the performance of his or her duty [prior to July 1, 2010](#), there shall
16 be paid out of the general fund of the state of Rhode Island the charges for the tuition of the
17 totally and permanently disabled police officer. The benefits are extended to members who are
18 attending or may attend the university of Rhode Island, Rhode Island college, or any other college
19 or university operated by the state; provided, that the aid granted in this section is available for
20 the period of time that may equal the normal time for completing the courses regularly offered by
21 the institution, but in no case more than four (4) years.

22 (b) For the purpose of this section the words "police officer" mean and include any
23 member of the state police or the police of any city or town regularly employed at a fixed salary
24 or wage. Furthermore, this excludes auxiliary and volunteer police officers of city, town, or state
25 police.

26 **45-19-12. Annuities to dependents of deceased fire fighters and appropriations to**
27 **nondependent parents of deceased fire fighters.** -- (a) If an active or retired member of the fire
28 force of a city or town or fire fighter for the town of North Smithfield is killed or dies from
29 injuries received while in the performance of his or her duty as a member [prior to July 1, 2010](#), or
30 dies of a heart condition, respiratory ailments, or any condition derived from hypertension while
31 still a member [prior to July 1, 2010](#), there shall be paid out of the fire fighter's relief fund of
32 Rhode Island to the following dependents of the deceased person, the following sums of money:

33 (1) To the widow or widower or domestic partner an annuity not exceeding three
34 thousand six hundred dollars (\$3,600) a year, payable in the number of regular installments

1 determined by the board and continuing as long as he or she remains unmarried or not in a
2 domestic partnership and commencing with the date of death but not more than six (6) months
3 prior to the date of filing of the petition by the widow or widower or domestic partner;

4 (2) An additional annuity of one thousand two hundred dollars (\$1,200) a year, payable
5 in the number of regular installments determined by the board, for each child of the deceased
6 person during the time that the child is under the age of eighteen (18) years, or over the age and
7 physically or mentally incapacitated from earning;

8 (3) If there is no widow or widower or domestic partner and no child, the total sum of
9 ten thousand dollars (\$10,000), payable in a lump sum for the benefit of the father and/or mother
10 of the deceased, if not dependent upon him or her for support at the time of his or her death;

11 (4) If there is any child and no widow or widower or domestic partner or the widow or
12 widower or domestic partner dies later, the sum and the annuity that should have been payable to
13 the widow or widower or domestic partner had there been one or had he or she lived, to or for the
14 benefit of the child or of the children, in equal shares during the previously stated time;

15 (5) If there is any child, and the widow or widower or domestic partner remarries or
16 enters into a domestic partnership, in lieu of the previously stated annuity to him or her, an
17 annuity not exceeding one thousand two hundred dollars (\$1,200) to or for the benefit of each
18 child during the time previously stated; and

19 (6) If there is no widow or widower or domestic partner and no child, the sum of three
20 thousand six hundred dollars (\$3,600) payable in regular installments by the board of fire fighter's
21 relief, to or for the benefit of the father or mother of the deceased, if dependent upon him or her
22 for support at the time of his or her death, and commencing with the date of death but not more
23 than six (6) months prior to the date of filing of the petition and continuing so long as the
24 beneficiary is unable to support himself or herself and does not remarry or enter into a domestic
25 partnership, an annuity not exceeding three thousand six hundred dollars (\$3,600) a year, payable
26 in the number of regular installments determined by the board.

27 (b) The amount of the annuity shall, from time to time, be determined within the limits
28 previously stated by the board.

29 (c) The provisions of this section shall in the case of any active or retired member of the
30 fire force of any city or town or fire fighter for the town of North Smithfield who, from and after
31 January 1, 1935, is killed or dies from injuries received while in the performance of his or her
32 duty, or dies of a heart condition, respiratory ailments, or any condition derived from
33 hypertension. The provisions of this section shall only be construed to apply prospectively.

34 (d) The amount of the annuity shall not be reduced by reason of receipt of any annuity

1 and/or other payments to any beneficiary from any other source.

2 (e) Upon the death of a member, the fire chief shall immediately notify the widow or
3 widower or domestic partner of the member, in writing, by registered or certified mail, return
4 receipt requested, of the widow or widower's or domestic partner's possible eligibility for benefits
5 under this chapter and the time restriction for filing a claim for the benefits.

6 **45-19-12.1. Tuition to children of deceased or disabled fire fighters.** -- (a) If an active
7 member of the fire force of a city or town or crash rescue crew persons of the state of Rhode
8 Island is killed or dies or becomes totally and permanently disabled from injuries received while
9 in the performance of his or her duty as a member [prior to July 1, 2010](#), or dies of a performance
10 related heart condition, or dies of performance related respiratory ailments, or dies of any
11 conditions derived from performance related hypertension [prior to July 1, 2010](#), there shall be
12 paid, out of the general fund of the state of Rhode Island, the charges for the tuition of children of
13 the deceased or totally and permanently disabled fire fighters. The benefits shall be extended to
14 the children who are attending or may attend the university of Rhode Island, Rhode Island
15 college, or any other college or university operated by the state; provided, that the child has
16 entered the institution while between the ages of sixteen (16) and twenty-one (21); and provided,
17 further, that the aid granted in this section is available to the child for a period of time that equals
18 the normal time for completing the courses regularly offered by the institution, but in no case
19 more than four (4) years.

20 (b) For the purposes of this section, the words "members of fire force" mean and
21 include any member of a fire force or crash rescue crew persons of any city or town regularly
22 employed at a fixed salary or wage; this includes auxiliary and volunteer fire fighters and crash
23 rescue crew persons of any city, town, or state fire fighting department.

24 **45-19-12.2. Annuities to dependents of deceased auxiliary and volunteer fire**
25 **fighters and appropriations to nondependent parents of deceased auxiliary and volunteer**
26 **fire fighters.** -- (a) If an active member of a volunteer or auxiliary fire force or volunteer crash
27 rescue or ambulance corps is killed or dies from injuries received while in the performance of his
28 or her duty [prior to July 1, 2010](#), there shall be paid out of the fire fighter's relief fund of Rhode
29 Island to the following dependents of the deceased person, the following sums of money:

30 (1) To the widow or widower or domestic partner beginning at the death, an annuity not
31 exceeding three thousand six hundred dollars (\$3,600) a year, payable in regular installments as
32 may be determined by the board and continuing as long as he or she remains unmarried or not in
33 a domestic partnership;

34 (2) An additional annuity of one thousand two hundred dollars (\$1,200) a year, payable

1 in regular installments determined by the board, for each child of the deceased person during the
2 time that the child is under the age of eighteen (18) years, or over that age and physically or
3 mentally incapacitated from earning;

4 (3) If there is any child and no widow or widower or domestic partner or the widow or
5 widower or domestic partner dies later, the sum and annuity that should have been payable to the
6 widow or widower or domestic partner had there been one or had he or she lived, to or for the
7 benefit of the child or of the children, in equal shares during the previously stated time;

8 (4) If there is any child and the widow or widower or domestic partner remarries or
9 enters into a domestic partnership, in lieu of the previously stated annuity to him or her, an
10 annuity not exceeding one thousand two hundred dollars (\$1,200) to or for the benefit of each
11 child during the previously stated time;

12 (5) If there is no widow or widower or domestic partner and no child, the total sum of
13 ten thousand dollars (\$10,000) payable in a lump for the benefit of the father and/or mother of the
14 deceased, if not dependent upon him or her for support at the time of his or her death; and

15 (6) If there is no widow or widower or domestic partner and no child, the sum of three
16 thousand six hundred dollars (\$3,600) payable in regular installments by the board of fire fighter's
17 relief, to or for the benefit of the father or mother of the deceased, if dependent upon him or her
18 for support at the time of his or her death, and beginning at the death and continuing so long as
19 the beneficiary is unable to support himself or herself and does not remarry or enter into a
20 domestic partnership, an annuity not exceeding three thousand six hundred dollars (\$3,600) a
21 year, payable in regular installments determined by the board.

22 (b) The provisions of this section shall be retroactive to July 1, 1988.

23 **45-19-12.3. Tuition to disabled fire fighters.** -- (a) If an active member of the fire force
24 of a city or town or crash rescue crew persons of the state of Rhode Island becomes totally and
25 permanently disabled from injuries received while in the performance of his or her duty as a
26 member [prior to July 1, 2010](#), or if any member of the fire force of a city or town or crash rescue
27 crew persons of the state of Rhode Island becomes totally and permanently disabled from injuries
28 received while in the performance of his or her duty [prior to July 1, 2010](#), there shall be paid, out
29 of the general fund of the state of Rhode Island, the charges for the tuition of totally and
30 permanently disabled fire fighters. The benefits are extended to members who are attending or
31 may attend the university of Rhode Island, Rhode Island college, or any other college or
32 university operated by the state; provided, that the aid granted in this section is available for a
33 period of time that equals the normal time for completing the courses regularly offered by the
34 institution, but in no case more than four (4) years.

1 (b) For the purposes of this section, the words "members of fire force" mean and
2 include any member of a fire force or crash rescue crew persons of any city or town regularly
3 employed at a fixed salary or wage; this includes auxiliary and volunteer fire fighters and crash
4 rescue crew persons of any city, town or state fire fighting department.

5 SECTION 2. This article shall take effect as of July 1, 2010.

6 ARTICLE 11

7 RELATING TO COUNCIL ON THE ARTS

8 SECTION 1. Sections 42-75.2-2 and 42-75.2-4 of the General Laws in Chapter 42-75.2
9 entitled "Allocation for Art for Public Facilities Act" are hereby amended to read as follows:

10 **42-75.2-2. Declaration of legislative intent and purpose.** -- The general assembly
11 declares that the state of Rhode Island has a responsibility for expanding the public experience of
12 art, and, it recognizes the necessity of fostering the arts and in developing artists and
13 craftspersons. Art creates a more humane environment: one of distinction, enjoyment, and pride
14 for all citizens. The general assembly recognizes that public art also is a resource, which
15 stimulates the vitality and the economy of the state's communities and which provides
16 opportunities for artists and other skilled workers to practice their crafts. The general assembly
17 declares it to be a matter of public policy that a portion of each capital construction appropriation
18 may be allocated for the acquisition of works of art to be placed in public places constructed.

19 **42-75.2-4. Allocation for art.** -- (a) A state building or state facility constructed,
20 remodeled, or renovated after January 1, 1988 and before July 1, 2010 shall include works of art
21 for public display. Projects beginning after June 30, 2010 may, but are not required to, include
22 works of art for public display.

23 (b) For projects constructed, remodeled, or renovated after January 1, 1988 and before
24 July 1, 2010, ~~AH~~ all state agencies or departments shall expend, as a nondeductible item, out of
25 any monies appropriated for construction, remodeling, or renovation of any state facility an
26 amount of at least one percent (1%) for the purpose of including works of art in the facility.
27 Projects commencing after June 30, 2010 may, but are not required to, expend funds for works of
28 art for public display.

29 (c) Where construction, remodeling or renovation of a state facility is budgeted at under
30 two hundred fifty thousand dollars (\$250,000), funds appropriated under this chapter for art for
31 that public facility may be transferred to the art for public facilities fund for expenditure by the
32 Rhode Island state council on the arts for art in other state facilities.

33 (d) Nothing in this chapter shall prohibit additional expenditures for art beyond the
34 amounts provided by specific appropriation.

1 SECTION 2. This article shall take effect as of July 1, 2010.

2 **ARTICLE 12**

3 RELATING TO PUBLIC UTILITIES COMMISSION CATV ASSESSMENT

4 SECTION 1. Section 39-19-9 of the General Laws in Chapter 39-19 entitled
5 “Community Antenna Television Systems” is hereby amended to read as follows:

6 **39-19-9. Administrative expenses – Assessment against franchise holders.** -- (a)

7 The administrator shall determine the expenses of the division of public utilities and carriers
8 associated with the regulation of operational community antenna television systems, including the
9 cost of division personnel and consultants performing duties directly associated with the systems
10 for each upcoming year. The administrator shall apportion and assess one hundred percent
11 (100%) of the expenses among the several operating CATV franchise holders located in this state
12 in the proportion that the gross revenue of each CATV franchise shall bear to the gross revenues
13 of all of the CATV franchises issued and operational; provided, however, that the sum so
14 apportioned and assessed shall not exceed ~~two hundred fifty thousand dollars (\$250,000) for any~~
15 ~~fiscal year and the amount of any individual assessment shall not exceed~~ three percent (3%) of
16 any individual CATV franchise holder's gross revenues. The sum so apportioned and assessed
17 shall be in addition to any taxes payable to the state under any other provision of law.

18 (b) CATV franchise awardees who have received compliance order certificates but
19 have not received operational certificates shall be assessed two thousand five hundred dollars
20 (\$2,500) for any fiscal year in which they are franchised but not in operation.

21 (c) The administrator shall apply any budgetary balance or shortfalls from the
22 preceding annual assessment toward the next fiscal year assessment.

23 (d) Upon collection from the several franchise holders operating in this state,
24 assessments shall be deposited in the public utilities commission funding account as established
25 pursuant to § 39-1-23. The moneys deposited in the public utilities commission funding account
26 pursuant to this section shall be expended at the discretion of the administrator for meeting
27 CATV related operations expenses of the division.

28 SECTION 2. This article shall take effect as of July 1, 2010.

29 **ARTICLE 13**

30 RELATING TO EDUCATION AID

31 SECTION 1. Section 16-7.1-15 of the General Laws in Chapter 16-7.1 entitled “The
32 Paul W. Crowley Rhode Island Student Investment Initiative” is hereby amended to read as
33 follows:

34 **16-7.1-15. The Paul W. Crowley Rhode Island student investment initiative.**

1 **[Effective July 1, 2010.]**-- (a) Each locally or regionally operated school district shall receive as
2 a base the same amount of school aid as each district received in fiscal year 1997-1998, adjusted
3 to reflect the increases or decreases in aid enacted to meet the minimum and maximum funding
4 levels established for FY 2000 through FY 2008. Each school district shall also receive school aid
5 through each investment fund for which that district qualifies pursuant to §§ 16-7.1-8, 16-7.1-9,
6 16-7.1-10, 16-7.1-11, 16-7.1-12, 16-7.1-16 and 16-7.1-19. These sums shall be in addition to the
7 base amount described in this section. For FY 2009 and FY 2010, the reference year for the data
8 used in the calculation of aid pursuant to § 16-7.1-8, § 16-7.1-9, § 16-7.1-10, § 16-7.1-11, § 16-
9 7.1-11.1, § 16-7.1-12, § 16-7.1-16, § 16-7.1-19 and 16-77.1-2(b) shall be FY 2004. Calculation
10 and distribution of education aid under §§ 16-5-31, 16-5-32, 16-7-20, 16-7-20.5, 16-7-34.2, 16-7-
11 34.3, 16-24-6, 16-54-4, and 16-67-4 is hereby suspended. Provided, however, calculation and
12 distribution of education aid under § 16-7.1-10 is suspended for FY 2009 and FY 2010. School
13 districts may continue to maintain professional development programs and may reduce other
14 education programs to achieve savings during FY 2009 and FY 2010. The funding of the
15 purposes and activities of chapter 67 of this title, the Rhode Island Literacy and Dropout
16 Prevention Act of 1967, shall be the same amount of the base amount of each district funded for
17 that purpose in fiscal year 1997-1998. In addition each district shall expend three percent (3%) of
18 its student equity and early childhood funds under the provisions of chapter 67 of this title.

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

21 (c) Funding distributed under §§ 16-77.1-2(b) and 16-64-1.1 shall be in addition to
22 funding distributed under this section.

23 (d) (1) For FY 2009, aid to school districts shall be reduced by the equivalent savings
24 that are realized due to a reduction of payments to the teachers' retirement system. The reduction
25 for the Chariho regional school district shall be prorated among the member communities. In
26 addition, for FY 2009 aid to school districts shall be reduced by any amount of previously
27 appropriated school housing aid determined to be ineligible for reimbursement in accordance with
28 § 16-7-44.2. For FY 2009 aid shall also be reduced by the amount of projected revenue for the
29 period December 1, 2008 through June 30, 2009 from the permanent school fund. The projected
30 revenue shall be determined by annualizing actual earnings from the period May 12, 2008
31 through November 30, 2008. The department of elementary and secondary education shall reduce
32 aid in two equal installments, payable in May and June; provided however, that East Providence
33 shall receive one payment of reduced aid in May.

34 (2) For FY 2009, aid to school districts shall include thirty eight million, three hundred

1 twenty-four thousand, eight hundred twenty-two dollars (\$38,324,822) from federal fiscal
2 stabilization funds offset by a like reduction from general revenues. The distribution shall be in
3 the same proportion as general operating aid.

4 (e) (1) For FY 2010, aid to school districts shall be reduced by the equivalent savings
5 that are realized due to a reduction of payments to the teachers' retirement system. The reduction
6 for the Chariho regional school district shall be prorated among the member communities. For FY
7 2010, aid to school districts shall be reduced by thirty-three million nine hundred twenty-eight
8 thousand two hundred sixteen dollars (\$33,928,216) based on the school district's share of total
9 FY 2009 enacted education aid, including state schools and charter schools. For FY 2010, a
10 distribution of stabilization funds per the American Recovery and Reinvestment Act (ARRA)
11 totaling thirty-four million one hundred seven thousand one hundred ninety-five dollars
12 (\$34,107,195) shall be allocated to school districts proportionately based on their share of total
13 FY 2009 enacted education aid, including state schools and charter schools.

14 (2) For FY 2010, aid to school districts shall be further reduced by twenty-three million
15 four hundred seventy-four thousand three hundred seventy-one dollars (\$23,474,371) based on
16 the school district's share of total FY 2010 originally enacted education aid, including state
17 schools and charter schools. For FY 2010, an additional distribution of stabilization funds per the
18 American Recovery and Reinvestment Act (ARRA) totaling four million five hundred eighty-
19 four thousand eight hundred ninety-five dollars (\$4,584,895) shall be allocated to school districts
20 proportionately based on their share of total FY 2010 originally enacted education aid, including
21 state schools and charter schools.

22 (3) Districts shall comply with the assurances and reporting requirements provided in the
23 federal guidance for the (ARRA) allocation and by the commissioner of elementary and
24 secondary education.

25 (f) For FY 2011, aid to school districts shall be reduced by the equivalent savings that
26 are realized due to a reduction of payments to the teachers' retirement system. The reduction for
27 the Chariho regional school district shall be prorated among the member communities. For FY
28 2011, aid to school districts shall be further reduced by twenty million four hundred ninety
29 thousand one hundred thirty-seven dollars (\$20,490,137) from the FY 2010 originally enacted
30 level based on the school district's share of total FY 2010 originally enacted education aid,
31 including aid to state schools and charter schools. For FY 2011, a distribution of federal
32 stabilization funds made available through the American Recovery and Reinvestment Act
33 (ARRA), in the amount of twenty-four million three hundred eleven thousand eight hundred
34 twenty dollars (\$24,311,820), shall be allocated to school districts proportionately based on their

1 [share of total FY 2010 originally enacted education aid, including aid to state schools and charter](#)
 2 [schools.](#)

3 ~~(f)~~ (g) There shall be an appropriation to ensure that total aid distributed to communities
 4 in FY ~~2010~~ [2011](#) under this section and §§ 16-7.1-11.1, 16-64-1.1 and 16-77.1-2(b), [excluding](#)
 5 [any FY 2009 and FY 2010 Stabilization reappropriations](#), shall be as follows:

	General Revenues	FY 2011 Stimulus Fiscal Stabilization Allocation
8 Barrington	1,863,090 1,382,853	128,427 91,544
9 Burrillville	12,928,167 12,370,033	684,478 487,899
10 Charlestown	1,697,497 1,590,298	98,948 70,531
11 Coventry	18,056,601 16,888,942	991,787 706,952
12 Cranston	31,662,364 29,512,187	1,752,647 1,249,298
13 Cumberland	11,829,002 11,023,547	654,948 466,851
14 East Greenwich	1,503,975 1,025,209	96,326 68,662
15 East Providence	24,499,858 23,110,281	1,328,384 946,881
16 Foster	1,286,565 1,214,447	69,979 49,882
17 Glocester	2,927,940 2,775,776	158,776 113,177
18 Hopkinton	5,677,786 5,328,279	308,347 219,791
19 Jamestown	398,901 319,163	26,278 18,732
20 Johnston	9,596,568 8,922,125	531,110 378,578
21 Lincoln	6,363,969 5,714,364	365,750 260,710
22 Little Compton	296,650 243,944	18,221 12,989
23 Middletown	9,533,084 8,941,414	518,598 369,660
24 Narragansett	1,467,137 1,185,084	93,727 66,809
25 Newport	10,744,683 10,178,723	586,477 418,044
26 New Shoreham	64,987 27,381	5,254 3,746
27 North Kingstown	10,631,113 9,833,815	592,155 422,091
28 North Providence	12,081,507 11,284,019	661,166 471,283
29 North Smithfield	4,344,329 4,019,856	238,830 170,240
30 Pawtucket	62,176,676 59,663,211	3,311,223 2,360,260
31 Portsmouth	5,923,071 5,485,149	331,008 235,945
32 Providence	178,309,944 170,927,371	9,577,917 6,827,197
33 Richmond	5,652,344 5,304,892	305,742 217,935
34 Scituate	2,926,243 2,649,679	168,328 119,985

1	Smithfield	4,992,643 <u>4,466,202</u>	283,754 <u>202,261</u>
2	South Kingstown	9,224,287 <u>8,425,386</u>	521,147 <u>371,476</u>
3	Tiverton	5,271,861 <u>4,885,575</u>	293,067 <u>208,900</u>
4	Warwick	33,468,879 <u>31,032,344</u>	1,858,870 <u>1,325,014</u>
5	Westerly	5,774,932 <u>5,122,572</u>	338,074 <u>240,981</u>
6	West Warwick	18,738,108 <u>17,787,393</u>	1,009,842 <u>719,821</u>
7	Woonsocket	44,074,702 <u>42,207,361</u>	2,342,811 <u>1,669,970</u>
8	Bristol-Warren	18,764,456 <u>17,862,942</u>	1,009,726 <u>719,739</u>
9	Exeter-West Greenwich	6,814,331 <u>6,238,937</u>	374,779 <u>267,145</u>
10	Chariho	378,758 <u>369,639</u>	19,679 <u>14,028</u>
11	Foster-Glocester	5,194,804 <u>4,899,198</u>	283,077 <u>201,778</u>
12	Central Falls	42,507,399 <u>40,997,254</u>	2,167,539 <u>1,545,035</u>

13 In addition to the amounts listed above, the department of elementary and secondary
14 education shall allocate monthly to each school district all funds received into the permanent
15 school fund pursuant to § 42-61.2-7, as amended by chapter 13 of the 2008 Public Laws entitled
16 "An Act Relating to State Affairs and Government", up to \$14.1 million, in the same proportion
17 as the aid distribution in the FY 2009 enacted appropriations act.

18 This special provision shall not limit entitlements as determined by application of other
19 formula provisions in this section.

20 ~~(e)~~ (h) For FY 2009 payments to charter public schools shall be reduced by the
21 equivalent savings that are realized due to a reduction of payments to the teachers' retirement
22 system. The reduction for district sponsored charter schools shall be incorporated in the
23 sponsoring school district's aid as noted in subsection ~~(f)~~ (g). Aid to charter public schools shall
24 be reduced in the April quarterly payment. For FY 2009, charter public school funding is as
25 follows:

- 26 Beacon Charter School 1,512,785
- 27 Blackstone Academy 1,469,349
- 28 Compass 614,485
- 29 Paul Cuffee 4,449,006
- 30 CVS Highlander 2,596,782
- 31 International 2,863,818
- 32 Kingston Hill Academy 736,784
- 33 Learning Community 3,669,529
- 34 NE Laborer's 1,508,866

1 Textron 2,361,370

2 Times 2 Academy 6,870,410

3 ~~(h)~~ (i)(1) For FY 2010, payments to charter public schools shall be reduced by the
4 equivalent savings that are realized due to a ~~deferral~~ reduction of payments to the teachers'
5 retirement system. The reduction for district sponsored charter schools shall be incorporated in
6 the sponsoring schools district's aid as noted in subsection ~~(h)~~ (g). For FY 2010, payments to
7 charter public schools shall be reduced by one million four hundred sixty-three thousand three
8 hundred sixty-seven dollars (\$1,463,367) based on the charter schools' share of total FY 2009
9 enacted education aid, including school districts and state schools. For FY 2010, a distribution of
10 stabilization funds per the American Recovery and Reinvestment Act (ARRA) totaling one
11 million four hundred seventy-one thousand eighty-seven dollars (\$1,471,087) shall be allocated to
12 charter public schools proportionately based on their share of total FY 2009 enacted education
13 aid, including school districts and state schools.

14 (2) For FY 2010, payments to charter public schools shall be further reduced by one
15 million one hundred fifty-eight thousand one dollars (\$1,158,001) based on the charter schools'
16 share of total FY 2010 originally enacted education aid. For FY 2010, an additional distribution
17 of stabilization funds per the American Recovery and Reinvestment Act (ARRA) totaling one
18 hundred ninety-seven thousand seven hundred fifty-two dollars (\$197,752) shall be allocated to
19 charter public schools proportionately based on their share of total FY 2010 originally enacted
20 education aid.

21 (3) Public charter schools shall comply with the assurances and reporting requirements
22 provided in the federal guidance for the (ARRA) allocation and by the commissioner of
23 elementary and secondary education.

24 (j) For FY 2011, payments to charter public schools shall be reduced by the equivalent
25 savings that are realized due to a reduction of payments to the teachers' retirement system. The
26 reduction for district sponsored charter schools shall be incorporated in the sponsoring schools
27 district's aid as noted in subsection (g). For FY 2011, payments to charter public schools shall be
28 further reduced by one million seventy-six thousand nine hundred forty-one dollars (\$1,076,941)
29 from the FY 2010 originally enacted education aid based on the charter schools' share of total FY
30 2010 enacted education aid, including aid to school districts and state schools. For FY 2011, a
31 distribution of federal stabilization funds made available through the American Recovery and
32 Reinvestment Act (ARRA), in the amount of one million forty-eight thousand six hundred dollars
33 (\$1,048,600), shall be allocated to charter public schools proportionately based on their share of
34 total FY 2010 originally enacted education aid, including aid to school districts and state schools.

1 (k) There shall be deducted from the final aid payment to each school district any
2 amounts owed to the state at the end of the fiscal year for transportation of the district's students
3 under the statewide transportation system established pursuant to R.I.G.L. 16-21.1-7 and 16-21.1-
4 8. Districts shall receive monthly invoices summarizing the basis of the transportation fees
5 charged. Any such deductions in aid shall be transferred to the statewide student transportation
6 services restricted receipt account.

7 (l) The provisions of R.I.G.L. 16-26-7.1 notwithstanding, districts shall be assessed
8 tuition to cover the costs of educational services that are additional to the core deaf and hard of
9 hearing education program that is provided to resident students at the Rhode Island School for the
10 Deaf. This tuition shall be based on a graduated tuition schedule that is based on the varying
11 needs of students. The department of elementary and secondary education shall develop and
12 implement the schedule. Districts shall receive monthly invoices summarizing the basis for the
13 tuition charged. There shall be deducted from the final aid payment to each school district at the
14 end of the fiscal year any amounts owed to the state for these additional educational services.

15 ~~(j)~~ (m) Children with disabilities. (1) Based on its review of special education within the
16 context of Rhode Island school reform, the general assembly recommends addressing the needs of
17 all children and preventing disability through scientific research based, as described in the No
18 Child Left Behind Act of 2001, Title 1, Part B, Section 1208 [20 U.S.C. § 6368], reading
19 instruction and the development of Personal Literacy Programs for students in the early grades
20 performing below grade level in reading and implement a system of student accountability that
21 will enable the state to track individual students over time. Additionally, the department of
22 elementary and secondary education must provide districts with rigorous criteria and procedures
23 for identifying students with learning disabilities and speech/language impairments. Additional
24 study is required of factors that influence programming for students with low incidence
25 disabilities; those with disabilities that severely compromise life functions; and programming for
26 students with disabilities through urban special education. Alternatives for funding special
27 education require examination.

28 (2) All departments and agencies of the state shall furnish any advice and information,
29 documentary and otherwise, to the general assembly and its agents that is deemed necessary or
30 desirable by the study to facilitate the purposes of this section.

31 SECTION 2. This article shall take effect as of July 1, 2010.

32 **ARTICLE 14**

33 **RELATING TO SCHOOL HOUSING AID**

34 SECTION 1. Sections 16-7-41 and 16-7-45 of the General Laws in Chapter 16-7 entitled

1 “Foundation Level School Support” are hereby amended to read as follows:

2 **16-7-41. Computation of school housing aid.** -- (a) In each fiscal year the state shall
3 pay to each community a grant to be applied to the cost of school housing equal to the following:

4 The cost of each new school housing project certified to the commissioner of
5 elementary and secondary education not later than July 15 of the fiscal year shall be divided by
6 the actual number of years of the bond issued by the local community or the Rhode Island Health
7 and Educational Building Corporation in support of the specific project, times the school housing
8 aid ratio; and provided, further, with respect to costs of new school projects financed with
9 proceeds of bonds issued by the local community or the Rhode Island Health and Educational
10 Building Corporation in support of the specific project, the ~~amount of the school housing aid~~
11 ~~payable in each fiscal year shall not exceed the amount arrived at by multiplying the principal and~~
12 ~~interest of the bonds payable in each fiscal year by the school housing aid ratio and which~~
13 principal and interest amount over the life of the bonds, shall, in no event, exceed the costs of
14 each new school housing project certified to the commissioner of elementary and secondary
15 education. If a community fails to specify or identify the appropriate reimbursement schedule, the
16 commissioner of elementary and secondary education may at his or her discretion set up to a five
17 (5) year reimbursement cycle for projects under five hundred thousand dollars (\$500,000); up to
18 ten (10) years for projects up to three million dollars (\$3,000,000); and up to twenty (20) years
19 for projects over three million dollars (\$3,000,000).

20 (b) Aid shall be provided for the same period as the life of the bonds issued in support
21 of the project and at the school housing aid ratio applicable to the local community at the time of
22 the bonds issued in support of the project.

23 (c) Aid shall be paid either to the community or in the case of projects financed through
24 the Rhode Island Health and Educational Building Corporation, to the Rhode Island Health and
25 Educational Building Corporation or its designee including, but not limited to, a trustee under a
26 bond indenture or loan and trust agreement, in support of bonds issued for specific projects of the
27 local community in accordance with this section, § 16-7-40 and § 16-7-44. Notwithstanding the
28 preceding, in case of failure of any city, town or district to pay the amount due in support of
29 bonds issued on behalf of a city or town school project financed by the Rhode Island Health and
30 Educational Building Corporation, upon notification by the Rhode Island Health and Educational
31 Building Corporation, the general treasurer shall deduct the amount from aid provided under this
32 section, § 16-7-40 and § 16-7-44 due the city, town or district and direct said funding to the
33 Rhode Island Health and Educational Building Corporation or its designee.

34 (d) Notwithstanding any provisions of law to the contrary, in connection with the

1 issuance of refunding bonds benefiting any local community, any net interest savings resulting
2 from the refunding bonds issued by such community or a municipal public buildings authority for
3 the benefit of the community or by the Rhode Island health and educational building corporation
4 for the benefit of the community, in each case in support of school housing projects for the
5 community, shall be allocated between the community and the state of Rhode Island, by applying
6 the applicable school housing aid ratio at the time of issuance of the refunding bonds, calculated
7 pursuant to § 16-7-39, that would otherwise apply in connection with school housing projects of
8 the community. In connection with any such refunding of bonds, the finance director or the chief
9 financial officer of the community shall certify such net interest savings to the commissioner of
10 elementary and secondary education. Notwithstanding § 16-7-44 or any other provision of law to
11 the contrary, school housing projects costs in connection with any such refunding bond issue shall
12 include bond issuance costs incurred by the community, the municipal public buildings authority
13 or the Rhode Island health and educational building corporation, as the case may be, in
14 connection therewith. In connection with any refunding bond issue, school housing project costs
15 shall include the cost of interest payments on such refunding bonds, if the cost of interest
16 payments was included as a school housing cost for the bonds being refunded. A local community
17 or municipal public buildings authority shall not be entitled to the benefits of this subsection (d)
18 unless the net present value savings resulting from the refunding is at least three percent (3%) of
19 the refunded bond issue.

20 (e) Any provision of law to the contrary notwithstanding, the commissioner of
21 elementary and secondary education shall cause to be monitored the potential for refunding
22 outstanding bonds of local communities or municipal public building authorities or of the Rhode
23 Island Health and Educational Building Corporation issued for the benefit of local communities
24 or municipal public building authorities and benefiting from any aid referenced in this section. In
25 the event it is determined by said monitoring that the net present value savings which could be
26 achieved by refunding such bonds of the type referenced in the prior sentence including any
27 direct costs normally associated with such refundings is equal to (i) at least one hundred thousand
28 dollars (\$100,000) and (ii) for the state and the communities or public building authorities at least
29 three percent (3%) of the bond issue to be refunded including associated costs then, in such event,
30 the commissioner (or his or her designee) may direct the local community or municipal public
31 building authority for the benefit of which the bonds were issued, to refund such bonds. Failure of
32 the local community or municipal public buildings authority to timely refund such bonds, except
33 due to causes beyond the reasonable control of such local community or municipal public
34 building authority, shall result in the reduction by the state of the aid referenced in this § 16-7-4.1

1 associated with the bonds directed to be refunded in an amount equal to ninety percent (90%) of
2 the net present value savings reasonably estimated by the commissioner of elementary and
3 secondary education (or his or her designee) which would have been achieved had the bonds
4 directed to be refunded been refunded by the ninetieth (90th) day (or if such day is not a business
5 day in the state of Rhode Island, the next succeeding business day) following the date of issuance
6 of the directive of the commissioner (or his or her designee) to refund such bonds. Such reduction
7 in the aid shall begin in the fiscal year following the fiscal year in which the commissioner issued
8 such directive for the remaining term of the bond.

9 (f) Payments shall be made in accordance with § 16-7-40 and this section.

10 **16-7-45. Annual appropriations.** -- The general assembly shall annually appropriate
11 those sums that it may deem necessary to carry out the purposes of §§ 16-7-35 to 16-7-47, and the
12 state controller is authorized and directed to draw his or her orders upon the general treasurer for
13 the payment of the sum, or so much of it as may be required from time to time, upon the receipt
14 by the controller of properly authenticated vouchers. In the event that the full amount of housing
15 aid has not been appropriated in a particular fiscal year, school housing aid will not be ratably
16 reduced. In such cases, aid computed for school housing costs for debt service which has been
17 paid by the local community prior to project completion will be deferred. Such aid will be paid
18 within three fiscal years after the fiscal year that a project has been completed.

19 SECTION 2. This article shall take effect upon passage, and shall apply to all projects
20 that have not been fully reimbursed by July 1, 2010.

21 ARTICLE 15

22 RELATING TO HOSPITAL UNCOMPENSATED CARE

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

25 **40-8.3-2. Definitions.** -- As used in this chapter:

26 (1) "Base year" means for the purpose of calculating a disproportionate share payment
27 for any fiscal year ending after September 30, 2007, the period from October 1, 2005 through
28 September 30, 2006, and for any fiscal year ending after September 30, 2008, the period from
29 October 1, 2006 through September 30, 2007.

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

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

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

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

23 **40-8.3-3. Implementation.** ~~-- (a) For the fiscal year commencing on October 1, 2007 and~~
24 ~~ending September 30, 2008, the department of human services shall submit to the Secretary of the~~
25 ~~U.S. Department of Health and Human Services a state plan amendment to the Rhode Island~~
26 ~~Medicaid state plan for disproportionate share hospital payments (DSH Plan) to provide:~~

27 ~~(1) Disproportionate share hospital payments to all participating hospitals not to exceed~~
28 ~~an aggregate limit of \$99.5 million, to be allocated by the department to the Pool A, Pool C and~~
29 ~~Pool D components of the DSH Plan;~~

30 ~~(2) That the Pool D allotment shall be distributed among the participating hospitals in~~
31 ~~direct proportion to the individual participating hospitals uncompensated care costs for the base~~
32 ~~year inflated by the uncompensated care index to the total uncompensated care costs for the base~~
33 ~~year inflated by uncompensated care index for all participating hospitals. The disproportionate~~
34 ~~share payments shall be made on or before July 14, 2008 and are expressly conditioned upon~~

~~approval on or before July 7, 2008 the Secretary of the U.S. Department of Health and Human Services, or his or her authorized representative, of all Medicaid state plan amendments necessary to secure for the state the benefit of federal financial participation in federal fiscal year 2008 for the disproportionate share payments.~~

(b) (a) For the fiscal year commencing on October 1, 2008 and ending September 30, 2009, the department of human services shall submit to the Secretary of the U.S. Department of Health and Human Services a state plan amendment to the Rhode Island Medicaid state plan for disproportionate share hospital payments (DSH Plan) to provide:

(1) That the disproportionate share hospital payments to all participating hospitals not to exceed an aggregate limit of \$114.7 million, to be allocated by the department to the Pool A, Pool C and Pool D components of the DSH Plan;

(2) That the Pool D allotment shall be distributed among the participating hospitals in direct proportion to the individual participating hospital's uncompensated care costs for the base year, inflated by the uncompensated care index to the total uncompensated care costs for the base year inflated by uncompensated care index for all participating hospitals. The disproportionate share payments shall be made on or before July 13, 2009 and are expressly conditioned upon approval on or before July 6, 2009 by the Secretary of the U.S. Department of Health and Human Services, or his or her authorized representative, of all Medicaid state plan amendments necessary to secure for the state the benefit of federal financial participation in federal fiscal year 2009 for the disproportionate share payments.

(c) (b) For the fiscal year commencing on October 1, 2009 and ending September 30, 2010, the department of human services shall submit to the Secretary of the U.S. Department of Health and Human Services a state plan amendment to the Rhode Island Medicaid state plan for disproportionate share hospital payments (DSH Plan) to provide:

(1) That the disproportionate share hospital payments to all participating hospitals not to exceed an aggregate limit of \$117.8 million, to be allocated by the department to the Pool A, Pool C and Pool D components of the DSH Plan;

(2) That the Pool D allotment shall be distributed among the participating hospitals in direct proportion to the individual participating hospital's uncompensated care costs for the base year, inflated by the uncompensated care index to the total uncompensated care costs for the base year inflated by uncompensated care index for all participating hospitals. The disproportionate share payments shall be made on or before July 12, 2010 and are expressly conditioned upon approval on or before July 5, 2010 by the Secretary of the U.S. Department of Health and Human Services, or his or her authorized representative, of all Medicaid state plan amendments necessary

1 to secure for the state the benefit of federal financial participation in federal fiscal year 2010 for
2 the disproportionate share payments.

3 (c) For the fiscal year commencing on October 1, 2010 and ending September 30, 2011,
4 the department of human services shall submit to the Secretary of the U.S. Department of Health
5 and Human Services a state plan amendment to the Rhode Island Medicaid state plan for
6 disproportionate share hospital payments (DSH Plan) to provide:

7 (1) That the disproportionate share hospital payments to all participating hospitals not to
8 exceed an aggregate limit of \$117.8 million, to be allocated by the department to the Pool A, Pool
9 C and Pool D components of the DSH Plan;

10 (2) That the Pool D allotment shall be distributed among the participating hospitals in
11 direct proportion to the individual participating hospital's uncompensated care costs for the base
12 year, inflated by the uncompensated care index to the total uncompensated care costs for the base
13 year inflated by uncompensated care index for all participating hospitals. The disproportionate
14 share payments shall be made on or before July 18, 2011 and are expressly conditioned upon
15 approval on or before July 11, 2011 by the Secretary of the U.S. Department of Health and
16 Human Services, or his or her authorized representative, of all Medicaid state plan amendments
17 necessary to secure for the state the benefit of federal financial participation in federal fiscal year
18 2011 for the disproportionate share payments.

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

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

23 **ARTICLE 16**

24 RELATING TO LICENSING OF HOSPITAL FACILITIES

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

27 **23-17-38.1. Hospitals – Licensing fee.** ~~-- (a) There is also imposed a hospital licensing~~
28 ~~fee at the rate of five and four hundred seventy three thousandths percent (5.473%) upon the net~~
29 ~~patient services revenue of every hospital for the hospital's first fiscal year ending on or after~~
30 ~~January 1, 2007. This licensing fee shall be administered and collected by the tax administrator,~~
31 ~~division of taxation within the department of administration, and all the administration, collection~~
32 ~~and other provisions of chapter 50 and 51 of title 14 shall apply. Every hospital shall pay the~~
33 ~~licensing fee to the tax administrator on or before July 13, 2009 and payments shall be made by~~
34 ~~electronic transfer of monies to the general treasurer and deposited to the general fund in~~

1 ~~accordance with § 44-50-11. Every hospital shall, on or before June 15, 2009, make a return to~~
2 ~~the tax administrator containing the correct computation of net patient services revenue for the~~
3 ~~hospital fiscal year ending September 30, 2007, and the licensing fee due upon that amount. All~~
4 ~~returns shall be signed by the hospital's authorized representative, subject to the pains and~~
5 ~~penalties of perjury.~~

6 (b) (a) There is also imposed a hospital licensing fee at the rate of five and two hundred
7 thirty-seven thousandths percent (5.237%) upon the net patient services revenue of every hospital
8 for the hospital's first fiscal year ending on or after January 1, 2008. This licensing fee shall be
9 administered and collected by the tax administrator, division of taxation within the department of
10 administration, and all the administration, collection and other provisions of chapter 50 and 51 of
11 title 14 shall apply. Every hospital shall pay the licensing fee to the tax administrator on or before
12 July 12, 2010 and payments shall be made by electronic transfer of monies to the general
13 treasurer and deposited to the general fund in accordance with § 44-50-11. Every hospital shall,
14 on or before June 14, 2010, make a return to the tax administrator containing the correct
15 computation of net patient services revenue for the hospital fiscal year ending September 30,
16 ~~2007~~ 2008, and the licensing fee due upon that amount. All returns shall be signed by the
17 hospital's authorized representative, subject to the pains and penalties of perjury.

18 (b) There is also imposed a hospital licensing fee at the rate of five and two hundred
19 thirty-seven thousandths percent (5.237%) upon the net patient services revenue of every hospital
20 for the hospital's first fiscal year ending on or after January 1, 2008. This licensing fee shall be
21 administered and collected by the tax administrator, division of taxation within the department of
22 administration, and all the administration, collection and other provisions of chapter 50 and 51 of
23 title 14 shall apply. Every hospital shall pay the licensing fee to the tax administrator on or before
24 July 18, 2011 and payments shall be made by electronic transfer of monies to the general
25 treasurer and deposited to the general fund in accordance with § 44-50-11. Every hospital shall,
26 on or before June 20, 2011, make a return to the tax administrator containing the correct
27 computation of net patient services revenue for the hospital fiscal year ending September 30,
28 2008, and the licensing fee due upon that amount. All returns shall be signed by the hospital's
29 authorized representative, subject to the pains and penalties of perjury.

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

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

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

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

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

9 (e) The licensing fee imposed by this section [shall apply to hospitals as defined herein](#)
10 [which are duly licensed on July 1, 2010, and](#) shall be in addition to the inspection fee imposed by
11 § 23-17-38 and to any licensing fees previously imposed in accordance with § 23-17-38.1.

12 SECTION 2. This article shall take effect as of July 1, 2010.

13 **ARTICLE 17**

14 **RELATING TO GENERAL PUBLIC ASSISTANCE –**

15 **HARDSHIP CONTINGENCY FUND**

16 SECTION 1. [Hardship Contingency Fund – FY 2011](#) – Out of the general revenue sum
17 appropriated to the department of human services in Article 1 for general public assistance, the
18 sum of four hundred seventy eight thousand dollars (\$478,000) may be used as a hardship
19 contingency fund for the purposes and subject to the limitations hereinafter provided. The state
20 controller is hereby authorized and directed to draw his or her order upon the general treasurer for
21 the payment of such sums or such portions thereof as may be required from time to time upon
22 receipt by him or her of duly authenticated vouchers. From the aforesaid appropriation for
23 hardship contingency, the director of the department of human services, in his or her sole
24 discretion, may authorize payments of cash assistance benefits up to two hundred dollars (\$200)
25 per month upon a showing of hardship by an individual who is eligible for general public
26 assistance medical benefits under §40-6-3.1; provided, however, that individuals who are
27 determined eligible for medical assistance (“Medicaid”) under Title XIX of the Social Security
28 Act, 42 U.S.C. §1396 et seq., or who are determined eligible to receive an interim cash assistance
29 payment for the disabled pursuant to §40-6-28, shall not be eligible for assistance under this
30 section. The director shall not be required to promulgate any new, additional or separate rules or
31 regulations in connection with his or her disbursement of the contingency fund created hereby.

32 SECTION 2. This article shall take effect as of July 1, 2010.

33 **ARTICLE 18**

34 **RELATING TO ESTATE LIENS**

1 SECTION 1. Section 40-8-15 of the General Laws in Chapter 40-8 entitled “Medical
2 Assistance” is hereby amended to read as follows:

3 **40-8-15. Lien on deceased recipient's estate for assistance.** -- (a) (1) Upon the death
4 of a recipient of medical assistance under Title XIX of the federal Social Security Act, 42 U.S.C.
5 § 1396 et seq., the total sum of medical assistance so paid on behalf of a recipient who was fifty-
6 five (55) years of age or older at the time of receipt of the assistance shall be and constitute a lien
7 upon the estate, as defined herein, of the recipient in favor of the department of human services.
8 The lien shall not be effective and shall not attach as against the estate of a recipient who is
9 survived by a spouse, or a child who is under the age of twenty-one (21), or a child who is blind
10 or permanently and totally disabled as defined in Title XVI of the federal Social Security Act, 42
11 U.S.C. § 1381 et seq. The lien shall not be effective and shall not attach as against a recipient's
12 estate, which has been admitted for probate administration unless the department has filed a claim
13 for reimbursement in the probate court in accordance with § 33-11-5 or other applicable law. The
14 lien shall attach against a recipient's estate which has not been admitted to probate and the
15 department shall not be required to file letters of administration or commence an action in probate
16 court. However, said lien shall be filed in the land evidence records in accordance with section
17 40-8-15 (f). (2) Upon the death of a recipient prior to July 1, 2010 ~~For~~ and for the purposes of this
18 section, the term "estate" with respect to a deceased individual shall include all real and personal
19 property and other assets included or includable within the individual's probate estate. Upon the
20 death of a recipient on or after July 1, 2010 and for the purposes of this section, the term “estate”,
21 with respect to a deceased individual, shall include any real and personal property and other
22 assets for which the individual prior to death had any legal title or interest to the extent of such
23 legal title or interest. The estate further includes interests in real and personal property and other
24 assets that would pass to a survivor, heir, or assignee of the decedent through joint tenancy,
25 tenancy in common, survivorship, life estate, living trust, or other legal title or interest.

26 (b) The department is authorized to promulgate regulations to implement the terms,
27 intent, and purpose of this section and to require the legal representative(s) and/or the heirs-at-law
28 of the decedent to provide reasonable written notice to the department of the death of a recipient
29 of medical assistance who was fifty-five (55) years of age or older at the date of death, and to
30 provide a statement identifying the decedent's property and the names and addresses of all
31 persons entitled to take any share or interest of the estate as legatees or distributees thereof.

32 (c) The amount of medical assistance reimbursement imposed under this section shall
33 also become a debt to the state from the person or entity liable for the payment thereof.

34 (d) Upon payment of the amount of reimbursement for medical assistance imposed by

1 this section, the director of the department of human services, or his or her designee, shall issue a
2 written discharge of lien.

3 (e) Upon application to the director and a determination by the director that the lien is
4 either inapplicable or that no reimbursement for medical assistance is due with respect to the
5 estate, the director shall issue a written discharge of lien.

6 (f) Provided, however, that no lien created under this section shall attach nor become
7 effective upon any real property unless and until a statement of claim is recorded naming the
8 debtor/owner of record of the property as of the date and time of recording of the statement of
9 claim, and describing the real property by a description containing all of the following: (1) tax
10 assessor's plat and lot; and (2) street address. The statement of claim shall be recorded in the
11 records of land evidence in the town or city where the real property is situated. Notice of said lien
12 shall be sent to the duly appointed executor or administrator, the decedent's legal representative,
13 if known, or to the decedent's next of kin or heirs at law as stated in the decedent's last
14 application for medical assistance.

15 (g) The department of human services shall establish procedures, in accordance with
16 the standards specified by the secretary, U.S. Department of Health and Human Services, under
17 which the department of human services shall waive, in whole or in part, the lien and
18 reimbursement established by this section if such lien and reimbursement would work an undue
19 hardship, as determined by the department, on the basis of the criteria established by the secretary
20 in accordance with 42 U.S.C. § 1396p(b)(3).

21 (h) A petition for admission to probate of a decedent's will or for administration of a
22 decedent's estate shall include a sworn affidavit, as provided for in section 33-11-5.2, that copies
23 of said petition and death certificate have been sent to the department by certified mail. Within
24 thirty (30) days of a request by the department, an executor or administrator shall complete and
25 send to the department by certified mail a form prescribed by the department and provide such
26 additional information as the department may require. In the event a petitioner fails to send copies
27 of the petition and death certificate to the department and the decedent received medical
28 assistance for which the department is authorized to recover, any person receiving a distribution
29 of assets from the decedent's estate shall be liable to the department to the extent of such
30 distribution. Compliance with the provisions of this section shall be consistent with the
31 requirements and affidavit set forth in section 33-11-5.2. Nothing in these sections shall limit the
32 department from recovery, to the extent of the distribution, under all state and federal laws.

33 SECTION 2. Chapter 40-8 of the General laws entitled "Medical Assistance" is hereby
34 amended by adding thereto the following sections:

1 **40-8-9.1. Notice.** -- Whenever an individual who is receiving medical assistance under
2 this chapter transfers an interest in real or personal property, such individual shall notify the
3 department of human services within ten (10) days of the transfer. Such notice shall be made to
4 the individual's local office and include, at a minimum, the individual's name, social security
5 number or, if different, the department of human services identification number, the date of
6 transfer and the dollar value, if any, paid or received by the individual receiving benefits under
7 this chapter.

8 **40-8-15.1. Lien on recipient's property.** -- In addition to the lien and recovery under the
9 provisions of section 40-8-15, the department shall recover medical assistance paid for services
10 rendered on or after July 1, 2010 on behalf of an individual, as defined herein, from the
11 individual's estate, as defined in section 40-8-15, or upon the sale or transfer of the individual's
12 real property. (a) Prior to the death of an individual who is a recipient of the medical assistance
13 under Title XIX of the federal Social Security Act, 42 USC § 1396 et seq., the department may
14 impose a lien against the property of any individual on account of medical assistance paid on his
15 or her behalf as follows:

16 (1) Pursuant to the judgment of a court order on account of benefits incorrectly paid on
17 behalf of such individual, or

18 (2) Upon the real property of an individual who is an inpatient a nursing facility,
19 intermediate care facility for the mentally retarded, or other medical institution, and the
20 department determines, after notice and opportunity for hearing, that the individual cannot
21 reasonably be expected to be discharged from the medical institution and return home provided,
22 however, any such lien shall dissolve should an individual be discharged from the medical
23 institution and return home. No such lien may be imposed on the individual's home, if one of the
24 following persons is lawfully residing in the home:

25 (A) the spouse of such individual,

26 (B) such individual's child who is under age twenty-one (21), or is blind or permanently
27 and totally disabled as defined in Title XVI of the federal Social Security Act, 42 U.S.C. § 1381
28 et seq., or

29 (C) a sibling of such individual who has an equity interest in such home and who was
30 residing in such individual's home for a period of at least one year immediately before the date of
31 the individual's admission to the medical institution.

32 (b) Any recovery in the case of a lien on an individual's home under this section may be
33 made only after the death of the individual's surviving spouse, if any, and only when:

34 (1) No sibling of the individual who was residing in the individual's home for a period of

1 at least one year immediately before the date of the individual's admission to the medical
2 institution, and is lawfully residing in such home and who has resided in such home on a
3 continuous basis since the day of the individual's admission to the medical institution; and

4 (2) No child of the individual who was residing in the individual's home for a period of at
5 least two (2) years immediately before the date of the individual's admission to the medical
6 institution, and who establishes to the satisfaction of the department that he or she provided care
7 to such individual which permitted such individual to reside at home rather than in an institution,
8 who is lawfully residing in such home, and who has resided in such home on a continuous basis
9 since the day of the individual's admission to the medical institution.

10 (c) If the property upon which the department has placed a lien in accordance with this
11 section is sold or transferred during the medical assistance recipient's lifetime, the department
12 may recover all payment for services provided on or after July 1, 2010.

13 (d) The department shall not be required to pay a recording fee for filing any lien, notice
14 of lien, statement of claim, or release or discharge of a lien or encumbrance filed in accordance
15 with sections 40-8-15 and 40-8-15.1.

16 SECTION 3. Chapter 33-11 of the General Laws entitled "Claims Against Decedents'
17 Estates" is hereby amended by adding thereto the following section:

18 **33-11-5.2. Duty to notify department of human services - medical assistance. -- (a) A**
19 petition for admission to probate of a decedent's will or for administration of a decedent's estate
20 shall include a sworn affidavit stating that copies of said petition and death certificate have been
21 sent to the department by certified mail. Within thirty (30) days of a request by the department,
22 an executor or administrator shall complete and send to the department by certified mail a form
23 prescribed by the department and provide such additional information as the department may
24 require. In the event a petitioner fails to send copies of the petition and death certificate to the
25 department and the decedent had received medical assistance for which the department is
26 authorized to recover, any person receiving a distribution of assets from the decedent's estate
27 shall be liable to the department to the extent of such distribution. Compliance with the provisions
28 of this section shall be consistent with the requirements and affidavit pursuant section 40-4-
29 15(b)(2).

30 (b) An executor or administrator shall be conclusively presumed to have complied with
31 this section by sending a written notice in substantially the following form:

32 STATE OF RHODE ISLAND PROBATE COURT OF CITY/TOWN OF(NAME OF
33 CITY OR TOWN)
34 COUNTY OF (NAME OF COUNTY)

1 THE ESTATE OF (NAME OR ESTATE) (ESTATE NO.)

2 NOTICE OF COMMENCEMENT OF PROBATE

3 To: State of Rhode Island, Department of Human Services

4 Office of Legal Counsel

5 Louis Pastore Bldg. 57

6 600 New London Avenue

7 Cranston, RI 02920

8 Notice is hereby given by (name of executor or administrator) that a probate estate has
9 been commenced for (name of decedent) in the Probate Court of the (name of municipality,
10 address of court) docket no.(), said (name of fiduciary) having been qualified on (date of
11 qualification).

12 I. A. I hereby certify that-----, the decedent, received medical assistance
13 when said decedent was fifty-five (55) years of age or older or while the decedent was an
14 inpatient in a nursing facility or a medical institution (regardless of the decedent's age).

15 B. I further certify that I have sent a copy, by certified mail, of the petition, seeking to
16 have the decedent's will admitted to probate/seeking administration of decedent's estate, to the
17 Rhode Island department of human services.

18 C. I further certify that I have sent a copy, by certified mail, of the decedent's death
19 certificate to the Rhode Island department of human services.

20 II. I hereby certify that-----, the decedent, DID NOT receive medical
21 assistance when said decedent was fifty-five (55) years of age or older or while the decedent was
22 an inpatient in a nursing facility or a medical institution (regardless of the decedent's age).

23 Subscribed and sworn under the penalties of perjury the -----day of-----, 20-----.

24 Name and address of

25 Estate executor, administrator or attorney

26 Date

27 Signature of Petitioner (1)

Signature Petitioner (2)

28 INSTRUCTIONS:

29 1. This affidavit is required for every decedent's estate.

30 2. This affidavit must be signed by all petitioners.

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

32 **ARTICLE 19**

33 RELATING TO CHILDREN'S HEALTH ACCOUNT

34 SECTION 1. Section 42-12-29 of the General Laws in Chapter 42-12 entitled

1 "Department of Human Services" is hereby amended to read as follows:

2 **42-12-29. Children's health account.** -- (a) There is created within the general fund a
3 restricted receipt account to be known as the "children's health account". All money in the
4 account shall be utilized by the department of human services to effectuate coverage for the
5 following: (1) home health services, which include pediatric private duty nursing and certified
6 nursing assistant services; (2) comprehensive, evaluation, diagnosis, assessment, referral and
7 evaluation (CEDARR) services, which include CEDARR family center services, home based
8 therapeutic services, personal assistance services and supports (PASS) and kids connect services
9 and ~~children's intensive services (CIS)~~ (3) child and adolescent treatment services (CAITS). All
10 money received pursuant to this section shall be deposited in the children's health account. The
11 general treasurer is authorized and directed to draw his or her orders on the account upon receipt
12 of properly authenticated vouchers from the department of human services.

13 (b) Beginning in the fiscal year 2007, each insurer licensed or regulated pursuant to the
14 provisions of chapters 18, 19, 20, and 41 of title 27 shall be assessed for the purposes set forth in
15 this section. The department of human services shall make available to each insurer, upon its
16 request, information regarding the department of human services child health program and the
17 costs related to the program. Further, the department of human services shall submit to the
18 general assembly an annual report on the program and cost related to the program, on or before
19 February 1 of each year. Annual assessments shall be based on direct premiums written in the
20 year prior to the assessment and shall not include any Medicare Supplement Policy (as defined in
21 § 27-18-2.1(g)), Medicare managed care, Medicare, Federal Employees Health Plan,
22 Medicaid/Rite Care or dental premiums. As to accident and sickness insurance, the direct
23 premium written shall include, but is not limited to, group, blanket, and individual policies. Those
24 insurers assessed greater than five hundred thousand dollars (\$500,000) for the year shall be
25 assessed four (4) quarterly payments of twenty-five percent (25%) of their total assessment.
26 Beginning July 1, 2006, the annual rate of assessment shall be determined by the director of
27 human services in concurrence with the primary payors, those being insurers likely to be assessed
28 at greater than five hundred thousand dollars (\$500,000). The director of the department of
29 human services shall deposit that amount in the "children's health account". The assessment shall
30 be used solely for the purposes of the "children's health account" and no other.

31 (c) Any funds collected in excess of funds needed to carry out the programs shall be
32 deducted from the subsequent year's assessment.

33 (d) The total annual assessment on all insurers shall be equivalent to the amount paid by
34 the department of human services for such services, as listed in subsection (a), but not to exceed

1 ~~five thousand dollars (\$5,000)~~ six thousand dollars (\$6,000) per child per service per year.

2 (e) The children's health account shall be exempt from the indirect cost recovery
3 provisions of § 35-4-27 of the general laws.

4 SECTION 2. This article shall take effect as of July 1, 2010.

5 ARTICLE 20

6 RELATING TO MEDICAL ASSISTANCE

7 SECTION 1. Sections 40-8-13.4 and 40-8-29 of the General Laws in Chapter 40-8
8 entitled "Medical Assistance" are hereby amended to read as follows:

9 **40-8-13.4. Rate methodology for payment for in state and out of state hospital**
10 **services.** -- (a) The department of human services shall implement a new methodology for
11 payment for in state and out of state hospital services in order to ensure access to and the
12 provision of high quality and cost-effective hospital care to its eligible recipients.

13 (b) In order to improve efficiency and cost effectiveness, the department of human
14 services shall:

15 (1)(A) With respect to inpatient services: ~~Implement~~ for persons in fee for service
16 Medicaid, which is non-managed care, implement a new payment methodology for inpatient
17 services utilizing the Diagnosis Related Groups (DRG) method of payment, which is, a patient
18 classification method which provides a means of relating payment to the hospitals to the type of
19 patients cared for by the hospitals. It is understood that a payment method based on Diagnosis
20 Related Groups may include cost outlier payments and other specific exceptions.

21 (B) With respect to inpatient services for persons enrolled in Medicaid managed care
22 plans, (i) require that Medicaid managed care payment rates to any hospital, in aggregate on a
23 case mix adjusted basis (adjusting payment for a beneficiary's condition and needs), shall not
24 exceed that hospital's Medicaid payment rates; and (ii) Medicaid managed care payment trend(s)
25 between each hospital and health plan shall not exceed national Medicaid hospital care
26 expenditure trend(s), as measured annually by the Center for Medicare and Medicaid Services
27 (CMS) and using calendar year 2009 as a base year.

28 (2)(A) With respect to outpatient services: ~~Notwithstanding~~ and notwithstanding any
29 provisions of the law to the contrary, for persons enrolled in fee for service Medicaid, the
30 department will reimburse hospitals for outpatient services using a rate methodology determined
31 by the department and in accordance with federal regulations.

32 (B) With respect to outpatient services and notwithstanding any provisions of law to the
33 contrary, for persons enrolled in Medicaid managed care plans, the department shall: (i) require
34 that Medicaid managed care payment rates to any hospital, in aggregate on a case mix adjusted

1 basis shall not exceed that hospital's Medicaid payment rates; and (ii) Medicaid managed care
2 payment trend(s) between each hospital and health plan shall not exceed national Medicaid
3 hospital care expenditure trend(s), as measured annually by CMS and using calendar year 2009 as
4 a base year.

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

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

16 (e) The department shall comply with all public notice requirements necessary to
17 implement these rate changes.

18 (f) As a condition of participation in the DRG methodology for payment of hospital
19 services, every hospital shall submit year-end settlement reports to the department within one
20 year from the close of a hospital's fiscal year. Should a participating hospital fail to timely submit
21 a year-end settlement report as required by this section, the department shall withhold financial
22 cycle payments due by any state agency with respect to this hospital by not more than ten percent
23 (10%) until said report is submitted.

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

28 **40-8-29. Selective contracting.** – (a) Notwithstanding any other provision of state law,
29 the department of human services is authorized to utilize selective contracting with prior general
30 assembly approval for the purpose of purchasing for Medicaid recipients shared living provider
31 services, durable medical equipment and supplies, non-emergency transportation, and any other
32 Medicaid services, when appropriate, in order to assure that all service expenditures under this
33 chapter have the maximum benefit of competition, and afford Rhode Islanders the overall best
34 value, optimal quality, and the most cost-effective care possible. Beneficiaries will be limited to

1 using the services/products of only those providers determined in a competitive bidding process
2 to meet the standards for best quality, performance and price set by the department in accordance
3 with applicable federal and state laws.

4 (b) For purposes of this section "selective contracting" shall mean the process for
5 choosing providers to serve Medicaid beneficiaries based on their ability to deliver the best
6 quality products or services, at the best value or price.

7 (c) To ensure all services allowable for Medicare reimbursement for beneficiaries who
8 are dually eligible, selective contractors must be willing and able to accept Medicare.

9 SECTION 2. Section 40-8.5-1.1 of the General Laws in Chapter 40-8.5 entitled "The
10 Health Care for Elderly and Disabled Residents Act" is hereby amended to read as follows:

11 **40-8.5-1.1. Managed health care delivery systems.** -- (a) To ensure that all medical
12 assistance beneficiaries, including the elderly and all individuals with disabilities, have access to
13 quality and affordable health care, the department of human services is authorized to implement
14 mandatory managed care health systems.

15 (b) "Managed care" is defined as systems that: integrate an efficient financing
16 mechanism with quality service delivery; provides a "medical home" to assure appropriate care
17 and deter unnecessary services; and place emphasis on preventive and primary care. For purposes
18 of Medical Assistance, managed care systems are also defined to include a primary care case
19 management model in which ancillary services are provided under the direction of a physician in
20 a practice that meets standards established by the department of human services. Managed care
21 systems may also include services and supports that optimize the health and independence of
22 recipients who are determined to need Medicaid funded long-term care under § 40-8.10 or to be
23 at risk for such care under applicable rules and regulations promulgated by the department. ~~Those~~
24 Any medical assistance recipients who have third-party medical coverage or insurance may be
25 provided such services through an entity certified by or in a contractual arrangement with the
26 department or, as deemed appropriate, exempt from mandatory managed care in accordance with
27 rules and regulations promulgated by the department of human services. The department is
28 further authorized to redesign benefit packages for medical assistance beneficiaries subject to
29 appropriate federal approval.

30 (c) ~~The~~ In accordance with § 42-12.4-7, the department is authorized to obtain any
31 approval through waiver(s), category II or III changes, and/or state plan amendments, from the
32 secretary of the United States department of health and human services, that are necessary to
33 implement mandatory managed health care delivery systems for all medical assistance recipients,
34 including the primary case management model in which ancillary services are provided under the

1 direction of a physician in a practice that meets standards established by the department of human
2 services. The waiver(s), category II or III changes, and/or state plan amendments shall include the
3 authorization to ~~exempt~~ extend managed care to cover long-term care services and supports.
4 Such authorization shall also include, as deemed appropriate, exempting certain beneficiaries
5 with third-party medical coverage or insurance from mandatory managed care in accordance with
6 rules and regulations promulgated by the department of human services.

7 (d) To ensure the delivery of timely and appropriate services to persons who become
8 eligible for Medicaid by virtue of their eligibility for a U.S. social security administration
9 program, the department of human services is authorized to seek any and all data sharing
10 agreements or other agreements with the social security administration as may be necessary to
11 receive timely and accurate diagnostic data and clinical assessments. Such information shall be
12 used exclusively for the purpose of service planning, and shall be held and exchanged in
13 accordance with all applicable state and federal medical record confidentiality laws and
14 regulations.

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

16 **ARTICLE 21**

17 **RELATING TO MEDICAID REFORM ACT**

18 SECTION 1. This article shall serve as a Joint Resolution required pursuant to Rhode
19 Island General Laws § 42-12.4-1, et seq.

20 WHEREAS, the General Assembly enacted Chapter 12.4 of Title 42 entitled “The Rhode
21 Island Medicaid Reform Act of 2008”; and

22 WHEREAS, Rhode Island General Law § 42-12.4-7 provides that any change that
23 requires the implementation of a rule or regulation or modification of a rule or regulation in
24 existence prior to the implementation of the global consumer choice section 1115 demonstration
25 (“the demonstration”) shall require prior approval of the general assembly; and further provides
26 that any category II change or category III change as defined in the demonstration shall also
27 require prior approval to the general assembly; and

28 WHEREAS, Rhode Island General Law § 42-7.2-5 states that the Secretary of the Office
29 of Health and Human Services is responsible for the “review and coordination of any Global
30 Consumer Choice Compact Waiver requests and renewals as well as any initiatives and proposals
31 requiring amendments to the Medicaid state plan or category I or II changes” as described in the
32 demonstration, with “the potential to affect the scope, amount, or duration of publicly-funded
33 health care services, provider payments or reimbursements, or access to or the availability of
34 benefits and services provided by Rhode Island general and public laws”; and

1 WHEREAS, in pursuit of a more cost-effective consumer choice system of care that is
2 fiscally sound and sustainable, the Secretary requests that the following proposals to amend the
3 demonstration be approved by the general assembly:

4 (a) *Expansion and integration of care management strategies.* The department of human
5 services proposes to establish a risk-based contractual agreement between the Medicaid agency
6 and a contractor (e.g., managed care entity) to manage primary, acute and long-term care services
7 for Medicaid-only beneficiaries and managed long-term care benefits for individuals dually
8 eligible for Medicaid and Medicare. The changes in service delivery will require changes to the
9 rules, regulations and procedures governing this area for Medicaid-only and dually eligible
10 beneficiaries, as well as Category II changes to the Global Consumer Choice Compact Waiver
11 authorizing the expansion of managed care to new service areas and populations.

12 (b) *Re-procure Medicaid managed care.* The department of human services proposes to
13 seek a new managed care procurement for RIte Care children and families; children with special
14 health care needs; and adults enrolled in Rhody Health Partners living in the community with no
15 other form of coverage for the purposes of achieving cost-effective program modifications
16 including implementation of communities of care, rate reform, pharmacy efficiencies, selective
17 contracting and enhanced benefit management. The re-procurement will follow purchasing rules
18 pursuant to Chapter 37-2 of the Rhode Island General Laws. Implementation of these
19 modifications may require changes to the rules, regulations and procedures related to managed
20 care for the populations affected and Category II changes to the Global Consumer Choice
21 Compact Waiver in those areas where additional authority under the terms and conditions of the
22 demonstration agreement are warranted.

23 (c) *Enhance program integrity by improving estate recoveries.* The goal of the
24 department of human services is to assure adequate resources for those with the greatest need by
25 using the authority provided to the state under federal Medicaid law to recover Medicaid-funded
26 medical costs for certain beneficiaries who have the resources to share in the cost of their care.
27 Implementation of this goal will require approval of a Category II change to the Global Waiver
28 and certain changes to the rules, regulations and procedures related to: the scope of the estate
29 subject to recovery; the transfer of resources and property to a non-spouse by a Medicaid
30 beneficiary receiving institutionally based long term care; and the circumstances under which a
31 lien may be imposed on the property of a beneficiary residing in any institution when determined,
32 by a qualified health professional, to be unable to return to that property.

33 (d) *Modify payment system for supportive employment programs and day treatment.* The
34 department of mental health, retardation, and hospitals proposes to modify the payment system

1 for certain day programs and treatments provided to beneficiaries receiving behavioral health
2 service. These modifications will alter the way these programs and treatments are categorized
3 under Medicaid, and will require a Category II change under the terms and conditions established
4 for the Global Consumer Choice Compact Waiver.

5 (e) *Refine payment system for multi-disciplinary treatment planning.* The department of
6 mental health, retardation, and hospitals proposes to modify the current payment strategy for a
7 multi-disciplinary treatment plan to ensure program integrity and accuracy. The changes in the
8 payment structure for Medicaid funded services will require a Category II change under the terms
9 and conditions established for the Global Consumer Choice Compact Waiver.

10 (f) *Establish behavioral health community safety net.* The department of mental health,
11 retardation, and hospitals proposes that the division of behavioral health services use contracting
12 to provide community mental health centers a consistent and predictable payment system that
13 provides performance and financial incentives. The contracting strategy proposed may result in
14 payment restructuring requiring a Category II change under the Global Waiver and amendments
15 to the department's rules, regulations and procedures.

16 (g) *Restructuring of the network of providers serving persons with developmental*
17 *disabilities.* The department of mental health, retardation, and hospitals amendment intends to
18 establish through a competitive bidding process one or more networks of service providers, each
19 headed by a lead agency, for the purposes of maximizing services and operational efficiencies
20 and assuring beneficiaries' needs are met with the most appropriate services in the most
21 appropriate setting. The changes in payment structures and service delivery will require a
22 Category II change to the Global Consumer Choice Compact Waiver and certain modifications to
23 department rules, regulations and procedures.

24 (h) *Transfer of state funded methadone maintenance and treatment to costs not otherwise*
25 *matchable.* The department of mental health, retardation, and hospitals proposes to obtain federal
26 matching funds for certain state-only funded methadone maintenance and treatment costs under
27 the terms and conditions of the Global Consumer Choice Compact Waiver. Although such
28 matching funds are authorized, the department may need to request certain Category II changes to
29 the waiver demonstration prior to implementation. Now, therefore, be it

30 RESOLVED, that the general assembly hereby approves the changes set fourth in
31 proposals (a) through (h) listed above to amend the demonstration; and be it further

32 RESOLVED, that the secretary of the office of health and human services is authorized
33 to pursue and implement any such necessary waiver amendments, category II or category III
34 changes, state plan amendments and/or changes to the applicable department's rules, regulations

1 and procedures approved herein and as authorized by § 42-12.4-7.

2 SECTION 2. This article shall take effect as of July 1, 2010.

3 **ARTICLE 22**

4 **RELATING TO MENTAL HEALTH LAW**

5 SECTION 1. Section 40.1-5-26 of the General Laws in Chapter 40.1-5 entitled "Mental
6 Health Law" is hereby amended to read as follows:

7 **40.1-5-26. Disclosure of confidential information and records.** -- (a) The fact of
8 admission or certification and all information and records compiled, obtained, or maintained in
9 the course of providing services to persons under this chapter shall be confidential.

10 (b) Information and records may be disclosed only:

11 (1) To any person, with the written consent of the patient or his or her guardian.

12 (2) In communications among qualified medical or mental health professionals in the
13 provision of services or appropriate referrals, or in the course of court proceedings. The consent
14 of the patient, or his or her guardian, must be obtained before information or records may be
15 disclosed by a professional person employed by a facility to a professional person not employed
16 by the facility who does not have the medical responsibility for the patient's care.

17 (3) When the person receiving services, or his or her guardian, designates persons to
18 whom information or records may be released, or if the person is a minor, when his or her parents
19 or guardian makes the designation.

20 (4) To the extent necessary for a recipient to make a claim, or for a claim to be made on
21 behalf of a recipient for aid, insurance, or medical assistance to which he or she may be entitled.

22 (5) To proper medical authorities for the purpose of providing emergency medical
23 treatment where the person's life or health are in immediate jeopardy.

24 (6) For program evaluation and/or research, provided that the director adopts rules for the
25 conduct of the evaluations and/or research. The rules shall include, but need not be limited to, the
26 requirement that all evaluators and researchers must sign an oath of confidentiality, agreeing not
27 to divulge, publish, or otherwise make known, to unauthorized persons or the public, any
28 information obtained in the course of the evaluation or research regarding persons who have
29 received services such that the person who received the services is identifiable.

30 (7) To the courts and persons designated by judges thereof in accordance with applicable
31 rules of procedure. The records and files maintained in any court proceeding pursuant to this
32 chapter shall be confidential and available only to the person who was the subject of the
33 proceeding or his or her attorney.

34 (8) To the state medical examiner in connection with the investigation of a fatality of a

1 current or former patient to the extent necessary to assist the medical examiner in determining the
2 cause of death.

3 (9) To the director of health in accordance with and to the extent authorized by the
4 provisions of chapter 37.3 of title 5 and all applicable federal laws and regulations; provided,
5 however, that with respect to any information obtained, the department complies with all state
6 and federal confidentiality laws, including, but not limited to, chapter 37.3 of title 5 and
7 specifically section 5-37.3-4(c), and that the name or names of the patient or patients who is or
8 are determined by the director of health to be immaterial to the request, inquiry or investigation
9 remain unidentifiable. Any treatment facility, which provides information to the director of health
10 in accord with a request under this subsection is not liable for wrongful disclosure arising out of
11 any subsequent disclosure by the director of health.

12 (10) To a probate court of competent jurisdiction, petitioner, respondent, and/or their
13 attorneys, when the information is contained within a decision-making assessment tool which
14 conforms to the provisions of section 33-15-47.

15 (11) To the department of children, youth, and families and/or the department's
16 contracted designee for the purpose of facilitating effective care planning pursuant to section 42-
17 72-5.2(2) and in accordance with applicable state and federal laws, for ~~children~~ a child
18 hospitalized for psychiatric services and such ~~placement is supported by the department~~ services
19 are paid for in whole or in part by the state, or for a child who may be discharged from an acute
20 care facility to an out-of-home ~~placement supported by the department, for the purpose of~~
21 ~~effective care planning~~ mental or behavioral health agency for services and when such services
22 will be paid for in whole or in part by the state.

23 (12) To the RIt Care health plans for any child enrolled in RIt Care.

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

25 **ARTICLE 23**

26 **RELATING TO RESTRICTED RECEIPT ACCOUNTS**

27 SECTION 1. Section 35-4-27 of the General Laws in Chapter 35-4 entitled "State
28 Funds" is hereby amended to read as follows:

29 **35-4-27. Indirect cost recoveries on restricted receipt accounts.--** Indirect cost
30 recoveries of ten percent (10%) of cash receipts shall be transferred from all restricted receipt
31 accounts, to be recorded as general revenues in the general fund. However, there shall be no
32 transfer from cash receipts with restrictions received exclusively: (1) from contributions from
33 non-profit charitable organizations; (2) from the assessment of indirect cost recovery rates on
34 federal grant funds; or (3) through transfers from state agencies to the department of

1 administration for the payment of debt service. These indirect cost recoveries shall be applied to
2 all accounts, unless prohibited by federal law or regulation, court order, or court settlement. The
3 following restricted receipt accounts shall not be subject to the provisions of this section:

- 4 Department of Human Services
- 5 Veterans' home--Restricted account
- 6 Veterans' home--Resident benefits
- 7 Organ transplant fund
- 8 Veteran's Cemetery Memorial Fund
- 9 Department of Health
- 10 Pandemic medications and equipment account
- 11 Department of Mental Health, Retardation and Hospitals
- 12 Hospital Medicare Part D Receipts
- 13 RICLAS Group Home Operations
- 14 [Eleanor Slater non-medicaid third party payor account](#)
- 15 [Eleanor Slater Hospital Administration account](#)
- 16 Department of Environmental Management
- 17 National heritage revolving fund
- 18 Environmental response fund II
- 19 Underground storage tanks
- 20 Rhode Island Council on the Arts
- 21 Art for public facilities fund
- 22 Rhode Island Historical Preservation and Heritage Commission
- 23 Historic preservation revolving loan fund
- 24 Historic Preservation loan fund--Interest revenue
- 25 State Police
- 26 Forfeited property--Retained
- 27 Forfeitures--Federal
- 28 Forfeited property--Gambling
- 29 Donation--Polygraph and Law Enforcement Training
- 30 Attorney General
- 31 Forfeiture of property
- 32 Federal forfeitures
- 33 Attorney General multi-state account
- 34 Department of Administration

1 Restore and replacement--Insurance coverage
2 Convention Center Authority rental payments
3 Investment Receipts--TANS
4 Car Rental Tax/Surcharge-Warwick Share
5 OPEB System Restricted Receipt Account
6 Legislature
7 Audit of federal assisted programs
8 Department of Elderly Affairs
9 Pharmaceutical Rebates Account
10 Department of Children Youth and Families
11 Children's Trust Accounts--SSI
12 Military Staff
13 RI Military Family Relief Fund
14 Treasury
15 Admin. Expenses--State Retirement System
16 Retirement--Treasury Investment Options
17 Business Regulation
18 Banking Division Reimbursement Account
19 Office of the Health Insurance Commissioner Reimbursement Account
20 Securities Division Reimbursement Account
21 Commercial Licensing and Racing and Athletics Division Reimbursement Account
22 Insurance Division Reimbursement Account
23 Historic Preservation Tax Credit Account
24 Judiciary
25 Arbitration Fund Restricted Receipt Account
26 SECTION 2. Chapter 40.1-3 of the General Laws entitled "Curative Services" is hereby
27 amended by adding thereto the following section:
28 **40.1-3-16. Eleanor Slater Hospital-restricted receipt accounts.--** (a) There is hereby
29 created within the department of mental health, retardation, and hospitals a restricted receipt
30 account to be known as the Eleanor Slater non-medicaid third party payor account. The account
31 shall be used to fund hospital patient services that are not eligible for federal Medicaid
32 reimbursement. Reimbursements from non-medicaid third party payors shall be deposited into
33 the account.
34 (b) There is hereby created with the department of mental health, retardation and

1 hospitals a restricted receipt account to be known as the Eleanor Slater hospital administration
2 account. Medicaid reimbursements shall be deposited into the accounts and shall only be used for
3 hospital administration costs.

4 (c) All amounts deposited in the Eleanor Slater non-medicaid third party payor account
5 and the Eleanor Slater hospital administration account shall be exempt from the indirect cost
6 recovery provisions of § 35-4-27.

7 SECTION 3. This article shall take effect as of July 1, 2010.

8 ARTICLE 24

9 RELATING TO TREATMENT ALTERNATIVES TO STREET CRIME

10 SECTION 1. Section 21-28-4.01 of the General Laws in Chapter 21-28 entitled “Uniform
11 Controlled Substances Act” is hereby amended to read as follows:

12 **21-28-4. 01. Prohibited acts A-Penalties.** -- (a)(1) Except as authorized by this chapter,
13 it shall be unlawful for any person to manufacture, deliver, or possess with intent to manufacture
14 or deliver a controlled substance.

15 (2) Any person who is not a drug addicted person, as defined in § 21-28-1.02(18), who
16 violates this subsection with respect to a controlled substance classified in schedule I or II, except
17 the substance classified as marijuana, is guilty of a crime and upon conviction may be imprisoned
18 to a term up to life, or fined not more than five hundred thousand dollars (\$500,000) nor less than
19 ten thousand dollars (\$10,000), or both.

20 (3) Where the deliverance as prohibited in this subsection shall be the proximate cause of
21 death to the person to whom the controlled substance is delivered, it shall not be a defense that
22 the person delivering the substance was at the time of delivery, a drug addicted person as defined
23 in § 21-28-1.02(18).

24 (4) Any person, except as provided for in subdivision (2) of this subsection, who violates
25 this subsection with respect to:

26 (i) A controlled substance classified in schedule I or II, is guilty of a crime and upon
27 conviction may be imprisoned for not more than thirty (30) years, or fined not more than one
28 hundred thousand dollars (\$100,000) nor less than three thousand dollars (\$3,000), or both;

29 (ii) A controlled substance classified in schedule III or IV, is guilty of a crime and upon
30 conviction may be imprisoned for not more than twenty (20) years, or fined not more than forty
31 thousand dollars (\$40,000), or both; provided, with respect to a controlled substance classified in
32 schedule III (d), upon conviction may be imprisoned for not more than five (5) years, or fined not
33 more than twenty thousand dollars (\$20,000), or both.

34 (iii) A controlled substance classified in schedule V, is guilty of a crime and upon

1 conviction may be imprisoned for not more than one year, or fined not more than ten thousand
2 dollars (\$10,000), or both.

3 (b)(1) Except as authorized by this chapter, it is unlawful for any person to create,
4 deliver, or possess with intent to deliver, a counterfeit substance.

5 (2) Any person who violates this subsection with respect to:

6 (i) A counterfeit substance classified in schedule I or II, is guilty of a crime and upon
7 conviction may be imprisoned for not more than thirty (30) years, or fined not more than one
8 hundred thousand dollars (\$100,000), or both;

9 (ii) A counterfeit substance classified in schedule III or IV, is guilty of a crime and upon
10 conviction may be imprisoned for not more than twenty (20) years, or fined not more than forty
11 thousand dollars (\$40,000), or both; provided, with respect to a controlled substance classified in
12 schedule III (d), upon conviction may be imprisoned for not more than five (5) years, or fined not
13 more than twenty thousand dollars (\$20,000) or both.

14 (iii) A counterfeit substance classified in schedule V, is guilty of a crime and upon
15 conviction may be imprisoned for not more than one year, or fined not more than ten thousand
16 dollars (\$10,000), or both.

17 (c)(1) It shall be unlawful for any person knowingly or intentionally to possess a
18 controlled substance, unless the substance was obtained directly from or pursuant to a valid
19 prescription or order of a practitioner while acting in the course of his or her professional
20 practice, or except as otherwise authorized by this chapter.

21 (2) Any person who violates this subsection with respect to:

22 (i) A controlled substance classified in schedules I, II and III, IV, and V, except the
23 substance classified as marijuana, is guilty of a crime and upon conviction may be imprisoned for
24 not more than three (3) years or fined not less than five hundred dollars (\$500) nor more than five
25 thousand dollars (\$5,000), or both;

26 (ii) A controlled substance classified in schedule I as marijuana is guilty of a
27 misdemeanor and upon conviction may be imprisoned for not more than one year or fined not less
28 than two hundred dollars (\$200) nor more than five hundred dollars (\$500), or both.

29 (3) Additionally every person convicted or who pleads nolo contendere under paragraph
30 (2)(i) of this subsection or convicted or who pleads nolo contendere a second or subsequent time
31 under paragraph (2)(ii) of this subsection, who is not sentenced to a term of imprisonment to
32 serve for the offense, shall be required to:

33 (i) Perform no less than one hundred (100) hours of community service;

34 (ii) ~~Be referred to Treatment Alternatives to Street Crime (TASC) to determine the~~

~~existence of problems of drug abuse. Should TASC determine the person needs treatment, it will arrange for the treatment to be provided and after completion of the treatment, the person shall perform his or her required community service and attend the drug education program;~~

~~(iii)~~ Attend and complete a drug counseling and education program as prescribed by the director of the department of ~~health~~ mental health, retardation and hospitals and pay the sum of four hundred dollars (\$400) to help defray the costs of this program which shall be deposited as general revenues. Failure to attend may result after hearing by the court in jail sentence up to one year;

~~(iv)~~(iii) The court shall not suspend any part or all of the imposition of the fee required by this subsection, unless the court finds an inability to pay;

~~(iv)~~(iv) If the offense involves the use of any automobile to transport the substance or the substance is found within an automobile, then a person convicted or who pleads nolo contendere under paragraphs (2)(i) and (ii) of this subsection shall be subject to a loss of license for a period of six (6) months for a first offense and one year for each offense after this.

(4) All fees assessed and collected pursuant to paragraph (3)~~(iii)~~(ii) of this subsection shall be deposited as general revenues and shall be collected from the person convicted or who pleads nolo contendere before any other fines authorized by this chapter.

(d) It shall be unlawful for any person to manufacture, distribute, or possess with intent to manufacture or distribute, an imitation controlled substance. Any person who violates this subsection is guilty of a crime, and upon conviction shall be subject to the same term of imprisonment and/or fine as provided by this chapter for the manufacture or distribution of the controlled substance which the particular imitation controlled substance forming the basis of the prosecution was designed to resemble and/or represented to be; but in no case shall the imprisonment be for more than five (5) years nor the fine for more than twenty thousand dollars (\$20,000).

(e) It shall be unlawful for a practitioner to prescribe, order, distribute, supply, or sell an anabolic steroid or human growth hormone for: (1) enhancing performance in an exercise, sport, or game, or (2) hormonal manipulation intended to increase muscle mass, strength, or weight without a medical necessity. Any person who violates this subsection is guilty of a misdemeanor and upon conviction may be imprisoned for not more than six (6) months or a fine of not more than one thousand dollars (\$1,000), or both.

SECTION 2. Section 31-27-2 of the General Laws in Chapter 31-27 entitled "Motor Vehicle Offenses" is hereby amended to read as follows:

31-27-2. Driving under influence of liquor or drugs. -- (a) Whoever drives or

1 otherwise operates any vehicle in the state while under the influence of any intoxicating liquor,
2 drugs, toluene, or any controlled substance as defined in chapter 28 of title 21, or any
3 combination of these, shall be guilty of a misdemeanor except as provided in subdivision (d)(3)
4 and shall be punished as provided in subsection (d) of this section.

5 (b)(1) Any person charged under subsection (a) of this section whose blood alcohol
6 concentration is eight one-hundredths of one percent (.08%) or more by weight as shown by a
7 chemical analysis of a blood, breath, or urine sample shall be guilty of violating subsection (a) of
8 this section. This provision shall not preclude a conviction based on other admissible evidence.
9 Proof of guilt under this section may also be based on evidence that the person charged was under
10 the influence of intoxicating liquor, drugs, toluene, or any controlled substance defined in chapter
11 28 of title 21, or any combination of these, to a degree which rendered the person incapable of
12 safely operating a vehicle. The fact that any person charged with violating this section is or has
13 been legally entitled to use alcohol or a drug shall not constitute a defense against any charge of
14 violating this section.

15 (2) Whoever drives or otherwise operates any vehicle in the state with a blood presence
16 of any scheduled controlled substance as defined within chapter 28 of title 21, as shown by
17 analysis of a blood or urine sample, shall be guilty of a misdemeanor and shall be punished as
18 provided in subsection (d) of this section.

19 (c) In any criminal prosecution for a violation of subsection (a) of this section, evidence
20 as to the amount of intoxicating liquor, toluene, or any controlled substance as defined in chapter
21 28 of title 21, or any combination of these, in the defendant's blood at the time alleged as shown
22 by a chemical analysis of the defendant's breath, blood, or urine or other bodily substance shall be
23 admissible and competent, provided that evidence is presented that the following conditions have
24 been complied with:

25 (1) The defendant has consented to the taking of the test upon which the analysis is made.
26 Evidence that the defendant had refused to submit to the test shall not be admissible unless the
27 defendant elects to testify.

28 (2) A true copy of the report of the test result was mailed within seventy-two (72) hours
29 of the taking of the test to the person submitting to a breath test.

30 (3) Any person submitting to a chemical test of blood, urine, or other body fluids shall
31 have a true copy of the report of the test result mailed to him or her within thirty (30) days
32 following the taking of the test.

33 (4) The test was performed according to methods and with equipment approved by the
34 director of the department of health of the state of Rhode Island and by an authorized individual.

1 (5) Equipment used for the conduct of the tests by means of breath analysis had been
2 tested for accuracy within thirty (30) days preceding the test by personnel qualified as
3 hereinbefore provided, and breathalyzer operators shall be qualified and certified by the
4 department of health within three hundred sixty-five (365) days of the test.

5 (6) The person arrested and charged with operating a motor vehicle while under the
6 influence of intoxicating liquor, toluene, or any controlled substance as defined in chapter 28 of
7 title 21, or, any combination of these in violation of subsection (a) of this section was afforded the
8 opportunity to have an additional chemical test. The officer arresting or so charging the person
9 shall have informed the person of this right and afforded him or her a reasonable opportunity to
10 exercise this right, and a notation to this effect is made in the official records of the case in the
11 police department. Refusal to permit an additional chemical test shall render incompetent and
12 inadmissible in evidence the original report.

13 (d)(1)(i) Every person found to have violated subdivision (b)(1) of this section shall be
14 sentenced as follows: for a first violation whose blood alcohol concentration is eight one-
15 hundredths of one percent (.08%) but less than one-tenth of one percent (.1%) by weight or who
16 has a blood presence of any scheduled controlled substance as defined in subdivision (b)(2) shall
17 be subject to a fine of not less than one hundred dollars (\$100) nor more than three hundred
18 dollars (\$300), shall be required to perform ten (10) to sixty (60) hours of public community
19 restitution, and/or shall be imprisoned for up to one year. The sentence may be served in any unit
20 of the adult correctional institutions in the discretion of the sentencing judge and/or shall be
21 required to attend a special course on driving while intoxicated or under the influence of a
22 controlled substance, and his or her driver's license shall be suspended for thirty (30) days up to
23 one hundred eighty (180) days.

24 (ii) Every person convicted of a first violation whose blood alcohol concentration is one-
25 tenth of one percent (.1%) by weight or above but less than fifteen hundredths of one percent
26 (.15%) or whose blood alcohol concentration is unknown shall be subject to a fine of not less than
27 one hundred (\$100) dollars nor more than four hundred dollars (\$400) and shall be required to
28 perform ten (10) to sixty (60) hours of public community restitution and/or shall be imprisoned
29 for up to one year. The sentence may be served in any unit of the adult correctional institutions in
30 the discretion of the sentencing judge. The person's driving license shall be suspended for a
31 period of three (3) months to twelve (12) months. The sentencing judge shall require attendance
32 at a special course on driving while intoxicated or under the influence of a controlled substance
33 and/or alcoholic or drug treatment for the individual.

34 (iii) Every person convicted of a first offense whose blood alcohol concentration is

1 fifteen hundredths of one percent (.15%) or above, or who is under the influence of a drug,
2 toluene, or any controlled substance as defined in subdivision (b)(1) shall be subject to a fine of
3 five hundred dollars (\$500) and shall be required to perform twenty (20) to sixty (60) hours of
4 public community restitution and/or shall be imprisoned for up to one year. The sentence may be
5 served in any unit of the adult correctional institutions in the discretion of the sentencing judge.
6 The person's driving license shall be suspended for a period of three (3) months to eighteen (18)
7 months. The sentencing judge shall require attendance at a special course on driving while
8 intoxicated or under the influence of a controlled substance and/or alcohol or drug treatment for
9 the individual.

10 (2)(i) Every person convicted of a second violation within a five (5) year period with a
11 blood alcohol concentration of eight one-hundredths of one percent (.08%) or above but less than
12 fifteen hundredths of one percent (.15%) or whose blood alcohol concentration is unknown or
13 who has a blood presence of any controlled substance as defined in subdivision (b)(2), and every
14 person convicted of a second violation within a five (5) year period regardless of whether the
15 prior violation and subsequent conviction was a violation and subsequent conviction under this
16 statute or under the driving under the influence of liquor or drugs statute of any other state, shall
17 be subject to a mandatory fine of four hundred dollars (\$400). The person's driving license shall
18 be suspended for a period of one year to two (2) years, and the individual shall be sentenced to
19 not less than ten (10) days nor more than one year in jail. The sentence may be served in any unit
20 of the adult correctional institutions in the discretion of the sentencing judge; however, not less
21 than forty-eight (48) hours of imprisonment shall be served consecutively. The sentencing judge
22 shall require alcohol or drug treatment for the individual, and may prohibit that person from
23 operating a motor vehicle that is not equipped with an ignition interlock system for a period of
24 one year to two (2) years following the completion of the sentence as provided in § 31-27-2.8.

25 (ii) Every person convicted of a second violation within a five (5) year period whose
26 blood alcohol concentration is fifteen hundredths of one percent (.15%) or above by weight as
27 shown by a chemical analysis of a blood, breath, or urine sample or who is under the influence of
28 a drug, toluene, or any controlled substance as defined in subdivision (b)(1) shall be subject to
29 mandatory imprisonment of not less than six (6) months nor more than one year, a mandatory fine
30 of not less than one thousand dollars (\$1,000) and a mandatory license suspension for a period of
31 two (2) years from the date of completion of the sentence imposed under this subsection.

32 (3)(i) Every person convicted of a third or subsequent violation within a five (5) year
33 period with a blood alcohol concentration of eight one-hundredths of one percent (.08%) or above
34 but less than fifteen hundredths of one percent (.15%) or whose blood alcohol concentration is

1 unknown or who has a blood presence of any scheduled controlled substance as defined in
2 subdivision (b)(2) regardless of whether any prior violation and subsequent conviction was a
3 violation and subsequent conviction under this statute or under the driving under the influence of
4 liquor or drugs statute of any other state, shall be guilty of a felony and be subject to a mandatory
5 fine of four hundred (\$400) dollars. The person's driving license shall be suspended for a period
6 of two (2) years to three (3) years, and the individual shall be sentenced to not less than one year
7 and not more than three (3) years in jail. The sentence may be served in any unit of the adult
8 correctional institutions in the discretion of the sentencing judge; however, not less than forty-
9 eight (48) hours of imprisonment shall be served consecutively. The sentencing judge shall
10 require alcohol or drug treatment for the individual, and may prohibit that person from operating
11 a motor vehicle that is not equipped with an ignition interlock system for a period of two (2) years
12 following the completion of the sentence as provided in § 31-27-2.8.

13 (ii) Every person convicted of a third or subsequent violation within a five (5) year period
14 whose blood alcohol concentration is fifteen hundredths of one percent (.15%) above by weight
15 as shown by a chemical analysis of a blood, breath, or urine sample or who is under the influence
16 of a drug, toluene or any controlled substance as defined in subdivision (b)(1) shall be subject to
17 mandatory imprisonment of not less than three (3) years nor more than five (5) years, a
18 mandatory fine of not less than one thousand dollars (\$1,000) nor more than five thousand dollars
19 (\$5,000) and a mandatory license suspension for a period of three (3) years from the date of
20 completion of the sentence imposed under this subsection.

21 (iii) In addition to the foregoing penalties, every person convicted of a third or
22 subsequent violation within a five (5) year period regardless of whether any prior violation and
23 subsequent conviction was a violation and subsequent conviction under this statute or under the
24 driving under the influence of liquor or drugs statute of any other state shall be subject, in the
25 discretion of the sentencing judge, to having the vehicle owned and operated by the violator
26 seized and sold by the state of Rhode Island, with all funds obtained by the sale to be transferred
27 to the general fund.

28 (4)(i) For purposes of determining the period of license suspension, a prior violation shall
29 constitute any charge brought and sustained under the provisions of this section or § 31-27-2.1.

30 (ii) Any person over the age of eighteen (18) who is convicted under this section for
31 operating a motor vehicle while under the influence of alcohol, other drugs, or a combination of
32 these, while a child under the age of thirteen (13) years was present as a passenger in the motor
33 vehicle when the offense was committed may be sentenced to a term of imprisonment of not more
34 than one year and further shall not be entitled to the benefit of suspension or deferment of this

1 sentence. The sentence imposed under this section may be served in any unit of the adult
2 correctional institutions in the discretion of the sentencing judge.

3 (5)(i) Any person convicted of a violation under this section shall pay a highway
4 assessment fine of five hundred dollars (\$500) which shall be deposited into the general fund. The
5 assessment provided for by this subsection shall be collected from a violator before any other
6 fines authorized by this section.

7 (ii) Any person convicted of a violation under this section shall be assessed a fee. The fee
8 shall be as follows:

9 FISCAL YEAR	FISCAL YEAR	FISCAL YEAR
10 1993-1995	1996-1999	2000-2010
11 \$147	\$173	\$86

12 (6)(i) If the person convicted of violating this section is under the age of eighteen (18)
13 years, for the first violation he or she shall be required to perform ten (10) to sixty (60) hours of
14 public community restitution, and the juvenile's driving license shall be suspended for a period of
15 six (6) months, and may be suspended for a period up to eighteen (18) months. The sentencing
16 judge shall also require attendance at a special course on driving while intoxicated or under the
17 influence of a controlled substance and alcohol or drug education and/or treatment for the
18 juvenile. The juvenile may also be required to pay a highway assessment fine of no more than
19 five hundred dollars (\$500), and the assessment imposed shall be deposited into the general fund.

20 (ii) If the person convicted of violating this section is under the age of eighteen (18)
21 years, for a second or subsequent violation regardless of whether any prior violation and
22 subsequent conviction was a violation and subsequent under this statute or under the driving
23 under the influence of liquor or drugs statute of any other state, he or she shall be subject to a
24 mandatory suspension of his or her driving license until such time as he or she is twenty-one (21)
25 years of age and may, in the discretion of the sentencing judge, also be sentenced to the Rhode
26 Island training school for a period of not more than one year and/or a fine of not more than five
27 hundred dollars (\$500).

28 (7) Any person convicted of a violation under this section may undergo a clinical
29 assessment at ~~a facility approved by the department of mental health retardation and hospitals~~ the
30 community college of Rhode Island and it's center for workforce and community education.
31 Should this clinical assessment determine problems of alcohol, drug abuse, or psychological
32 problems associated with alcoholic or drug abuse, this person shall be referred to ~~the T.A.S.C.~~
33 ~~(treatment alternatives to street crime) program~~ an appropriate facility, licensed or approved by
34 the department of mental health, retardation and hospitals for treatment placement, case

1 management, and monitoring.

2 (e) Percent by weight of alcohol in the blood shall be based upon milligrams of alcohol
3 per one hundred (100) cubic centimeters of blood.

4 (f)(1) There is established an alcohol and drug safety unit within the division of motor
5 vehicles to administer an alcohol safety action program. The program shall provide for placement
6 and follow-up for persons who are required to pay the highway safety assessment. The alcohol
7 and drug safety action program will be administered in conjunction with alcohol and drug
8 programs ~~within~~ licensed by the department of mental health retardation and hospitals.

9 (2) Persons convicted under the provisions of this chapter shall be required to attend a
10 special course on driving while intoxicated or under the influence of a controlled substance,
11 and/or participate in an alcohol or drug treatment program. The course shall take into
12 consideration any language barrier which may exist as to any person ordered to attend, and shall
13 provide for instruction reasonably calculated to communicate the purposes of the course in
14 accordance with the requirements of the subsection. Any costs reasonably incurred in connection
15 with the provision of this accommodation shall be borne by the person being retrained. A copy of
16 any violation under this section shall be forwarded by the court to the alcohol and drug safety
17 unit. In the event that persons convicted under the provisions of this chapter fail to attend and
18 complete the above course or treatment program, as ordered by the judge, then the person may be
19 brought before the court, and after a hearing as to why the order of the court was not followed,
20 may be sentenced to jail for a period not exceeding one year.

21 (3) The alcohol and drug safety action program within the division of motor vehicles
22 shall be funded by general revenue appropriations.

23 (g) The director of the health department of the state of Rhode Island is empowered to
24 make and file with the secretary of state regulations which prescribe the techniques and methods
25 of chemical analysis of the person's body fluids or breath, and the qualifications and certification
26 of individuals authorized to administer this testing and analysis.

27 (h) Jurisdiction for misdemeanor violations of this section shall be with the district court
28 for persons eighteen (18) years of age or older and to the family court for persons under the age
29 of eighteen (18) years. The courts shall have full authority to impose any sentence authorized and
30 to order the suspension of any license for violations of this section. All trials in the district court
31 and family court of violations of the section shall be scheduled within thirty (30) days of the
32 arraignment date. No continuance or postponement shall be granted except for good cause shown.
33 Any continuances that are necessary shall be granted for the shortest practicable time. Trials in
34 superior court are not required to be scheduled within thirty (30) days of the arraignment date.

1 (i) No fines, suspensions, assessments, alcohol or drug treatment programs, course on
2 driving while intoxicated or under the influence of a controlled substance, public community
3 restitution, or jail provided for under this section can be suspended.

4 (j) An order to attend a special course on driving while intoxicated that shall be
5 administered in cooperation with a college or university accredited by the state, shall include a
6 provision to pay a reasonable tuition for the course in an amount not less than twenty-five dollars
7 (\$25.00), and a fee of one hundred seventy-five dollars (\$175), which fee shall be deposited into
8 the general fund.

9 (k) For the purposes of this section, any test of a sample of blood, breath, or urine for the
10 presence of alcohol, which relies in whole or in part upon the principle of infrared light
11 absorption is considered a chemical test.

12 (l) If any provision of this section or the application of any provision shall for any reason
13 be judged invalid, such a judgment shall not affect, impair, or invalidate the remainder of the
14 section, but shall be confined in this effect to the provision or application directly involved in the
15 controversy giving rise to the judgment.

16 SECTION 3. Section 42-109-9 of the General Laws in Chapter 42-109 entitled "Omnibus
17 Substance Abuse Prevention Act" is hereby amended to read as follows:

18 **42-109-9. Legislative oversight commission.** -- (a) There is created a legislative
19 commission entitled "Legislative Oversight Commission on Special Substance Abuse Programs",
20 the purpose of which shall be to oversee the implementation and administration of all moneys and
21 programs involving the Benjamin Rush Detox Program, and the Driving While Intoxicated
22 Program, ~~and the TASC Program,~~ and to report to the director of the department of mental health,
23 retardation, and hospitals and to the general assembly with advice and recommendations as to the
24 adequacy, efficacy and efficiency of all statutes, rules, regulations, guidelines, practices, and
25 programs relating to those substance abuse programs, and any other matters it deems appropriate.

26 (b) The commission shall consist of five (5) members: two (2) of whom shall be
27 appointed by the president of the senate as follows: one member who shall be a physician
28 licensed to practice medicine in this state and whose medical practice concentrates on substance
29 abuse treatment and prevention; one member who shall be a registered nurse (R.N.) who is
30 licensed in this state and concentrates in substance abuse treatment and prevention; three (3) of
31 whom shall be appointed by the speaker of the house as follows: one member who shall be a
32 certified chemical dependency professional (C.C.D.P.), one member who shall be clinical
33 supervisor of a private or public substance abuse treatment and prevention clinic; and one
34 member who shall be an executive director of a private or public substance abuse treatment

1 agency; provided, however, that no member of the general assembly shall be appointed to the
2 commission. The chairperson of the commission shall be appointed by the speaker of the house of
3 representatives. Members of the commission shall serve without compensation. The commission
4 may request and shall receive from any instrumentality of the state, including the department of
5 mental health, retardation, and hospitals, department of children, youth, and families, department
6 of human services and other departments as the commission sees fit and from any municipality or
7 any instrumentality thereof, any information and assistance that it deems necessary for the proper
8 execution of its powers and duties under this section. The commission shall meet at least
9 quarterly and shall report at least annually to the general assembly on its findings and
10 recommendations with respect to any matters relating to those substance abuse treatment
11 programs listed herein.

12 (c) The commission shall operate in conjunction with the permanent legislative oversight
13 commission on substance abuse prevention established pursuant to the provisions of § 16-21.2-9
14 and with the permanent legislative oversight commission on substance abuse treatment
15 established pursuant to the provisions of § 40.1-1-12; provided, however, that primary oversight
16 of the Benjamin Rush Detox Program, and the Driving While Intoxicated Program, ~~and the TASC~~
17 ~~Program~~ shall be the function of the commission established in this section.

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

19 **ARTICLE 25**

20 **RELATING TO DIVISION OF MOTOR VEHICLES FEES**

21 SECTION 1. Section 3-8-6 of the General Laws in Chapter 3-8 entitled "Regulation of
22 Sales" is hereby amended to read as follows:

23 **3-8-6. Unlawful drinking and misrepresentation by underage persons –**
24 **Identification cards for persons twenty-one and older.** -- (a) It is unlawful for:

25 (1) A person who has not reached his or her twenty-first (21st) birthday to enter any
26 premises licensed for the retail sale of alcoholic beverages for the purpose of purchasing or
27 having served or delivered to him or her alcoholic beverages; or

28 (2) A person who has not reached his or her twenty-first (21st) birthday to consume any
29 alcoholic beverage on premises licensed for the retail sale of alcoholic beverages or to purchase,
30 attempt to purchase, or have another purchase for him or her any alcoholic beverage; or

31 (3) A person to misrepresent or misstate his or her age, or the age of any other persons,
32 or to misrepresent his or her age through the presentation of any of the following documents:

33 (i) An armed service identification card, valid passport, the identification card license,
34 or any other documentation used for identification purposes that may belong to any other person

1 who is twenty-one (21) years or older;

2 (ii) A motor vehicle operator's license which bears the date of birth of the licensee, and
3 which is issued by this state or any other state;

4 (iii) A Rhode Island identification card as defined in subsection (b) for the purpose of
5 inducing any licensee or any employee of any licensee, to sell, serve or deliver any alcoholic
6 beverage to a minor.

7 (b) The administrator of the division of motor vehicles shall issue to any person who
8 has reached his or her twenty-first (21st) birthday a Rhode Island identification card upon
9 payment of a fee of ~~fifteen dollars (\$15)~~ twenty five dollars (\$25), and, upon presentation of a
10 certified birth or baptismal certificate, or U.S. or foreign passport, or U.S. naturalization
11 certificate or a valid immigrant or refugee document issued by the United States immigration and
12 naturalization service, including, but not limited to, any one of the following: Form I-551, Form
13 I-94, Form I-688A, and Form I-688, together with a document bearing the applicant's signature.

14 (2) A person who has reached his or her fifty ninth (59th) birthday is not required to
15 pay the fee.

16 (3) Each registration card shall be subject to renewal every five (5) years upon payment
17 of a fee of ~~fifteen dollars (\$15)~~ twenty five dollars (\$25).

18 (4) No person who holds an operator's license issued by this state or any other state
19 shall be issued a Rhode Island identification card.

20 (5) The identification card shall be signed by the administrator of the division of motor
21 vehicles and by the applicant and his or her picture shall appear on the card along with the
22 required information and the card shall be encased in laminated plastic. The card shall be two
23 inches (2") in height and four inches (4") in length and shall be printed in the following form:

24 RHODE ISLAND IDENTIFICATION CARD

25 Date Issued No.

26 First Name Middle Name Last Name

27)

28 Address

29)

30 BIRTH RECORD

31 Month Day Year

32 Secure Color Color Sex Ht. Wt.

33 Photo of hair of eyes

34 by Pasting

1 here

2 Issued by

3 Administrator of the Division of Motor Vehicles

4 Administrator

5 (6) The identification cards shall be produced at the adult correctional institutions if
6 they have facilities to do so; if the adult correctional institutions have no facilities to do so, then
7 all cards shall be manufactured by the lowest responsible bidder following advertisement for the
8 solicitation of bids.

9 (7) The identification cards shall be clearly distinguishable from those issued pursuant
10 to § 3-8-6.1 and operators' and chauffeurs' licenses issued pursuant to title 31.

11 (8) Any person who has been designated as permanently and totally disabled by the
12 social security administration or who upon certification by an optometrist, ophthalmologist or
13 physician that a holder of a valid and current motor vehicle operator's license is no longer able to
14 operate a motor vehicle, the administrator of the division of motor vehicles shall issue to such
15 person, upon request, a Rhode Island identification card for the unexpired term of such person's
16 motor vehicle operator's license at no additional cost. ~~Thereafter, a renewal of such card shall be~~
17 ~~subject to the standard renewal charge of fifteen dollars (\$15) until such person shall reach his or~~
18 ~~her fifty-ninth (59th) birthday.~~ There shall be no charge for the subsequent renewal of a Rhode
19 Island identification card issued under this subsection.

20 (c)(1) Every retail Class A, B, C, and D licensee shall cause to be kept a book or
21 photographic reproduction equipment which provides the same information as required by the
22 book. That licensee and/or the licensee's employee shall require any person who has shown a
23 document as set forth in this section substantiating his or her age to sign that book or to permit the
24 taking of his or her photograph and indicate what document was presented. Use of the
25 photographic reproduction equipment is voluntary for every Class A, B, C and D licensee.

26 (2) The sign-in as minor book and photographic reproduction equipment shall be
27 prescribed, published, and approved at the direction and control of the division. The book shall
28 contain at least four hundred (400) pages, shall be uniform throughout the state, and shall be
29 distributed at a cost not to exceed seven dollars (\$7).

30 (3) If a person whose age is in question signs the sign-in as minor book or has a
31 photograph taken before he or she is sold any alcoholic beverage and it is later determined that
32 the person had not reached his or her twenty-first (21st) birthday at the time of sale, it is
33 considered prima facie evidence that the licensee and/or the licensee's agent or servant acted in
34 good faith in selling any alcoholic beverage to the person producing the document as set forth in

1 this section misrepresenting his or her age.

2 (4) Proof of good faith reliance on any misrepresentation is a defense to the prosecution
3 of the licensee and/or the licensee's agent or servant for an alleged violation of this section.

4 (d)(1) Any person who violates this section shall be punished for the first offense by a
5 mandatory fine of not less than one hundred dollars (\$100) nor more than five hundred dollars
6 (\$500) and shall be further punished by thirty (30) hours of community service and shall be
7 further punished by a suspension of his or her motor vehicle operator's license or driving
8 privileges for a period of thirty (30) days; for the second offense by a mandatory fine of not less
9 than five hundred dollars (\$500) nor more than seven hundred fifty dollars (\$750) and shall be
10 further punished by forty (40) hours of community service and will be further punished by a
11 suspension of his or her motor vehicle operator's license or driving privileges for a period of three
12 (3) months; and for the third and subsequent offenses by a mandatory fine for each offense of not
13 less than seven hundred fifty dollars (\$750) nor more than one thousand dollars (\$1,000) and shall
14 be further punished by fifty (50) hours of community service and will be further punished by a
15 suspension of his or her motor vehicle operator's license or driving privileges for a period of one
16 year.

17 (2) Any suspension of an operator's license or driving privilege pursuant to this section
18 shall not operate to affect the insurance rating of the offender and any operator's license or
19 driving privilege suspended pursuant to this section shall be reinstated without further expense
20 upon application.

21 (e) Within thirty (30) days after this incident the police chief of the city or town where
22 the incident took place is directed to inform, in writing, the department of business regulation
23 whether or not charges in accordance with this section have been preferred against a person who
24 has not reached his or her twenty-first (21st) birthday and has violated this section. If no charge is
25 brought against any person who has not reached his or her twenty-first (21st) birthday and has
26 violated the provisions of this section, then the police chief of the city or town where the incident
27 took place will state the reason for his or her failure to charge the person who has not reached his
28 or her twenty-first (21st) birthday.

29 (f) The Rhode Island identification card may be withdrawn at any time for just cause, at
30 the discretion of the administrator of the division of motor vehicles. The administrator of the
31 division of motor vehicles shall keep a record of the cards issued and each card shall contain an
32 identification number specifically assigned to the person to whom the card was issued.

33 SECTION 2. Sections 31-3-53 and 31-3-62 of the General Laws in Chapter 31-3
34 entitled "Registration of Vehicles" are hereby amended to read as follows:

1 **31-3-53. Veterans' plates.** -- (a) The registrar of motor vehicles shall issue for any
2 motor vehicle eligible for registration as an automobile, or for any motorcycle eligible for
3 registration as a motorcycle, or for a commercial vehicle having a gross weight of ten thousand
4 one pounds (10,001 lbs.) or less, plates designated as "Veteran", "Purple Heart", and "Ex-POW"
5 upon application on proper forms furnished by the administrator of the division of motor vehicles
6 to veterans. Gold Star parents shall also be eligible for plates designated as "Veteran".

7 (b) The special plate designated "Veteran" shall be designed as follows;

8 (1) Letters and numbers shall be blue in a white background with the words "Rhode
9 Island" clearly visible at the top center of the plate and the word "Veteran" visible at the bottom
10 center of the plate.

11 (2) The background will be a red, white and blue waving American Flag.

12 (3) On the top right corner will be a decal with the military branch of the service in
13 which the Veteran served (Army, Navy, Air Force, Marines, Coast Guard, Merchant Marines, and
14 Gold Star Parent).

15 (4) For war veterans a white decal with blue letters with the words "War Veteran"
16 placed under the military branch decal on the right side of the plate above the validation sticker.

17 (c) The applicant shall be required to pay a service charge of ~~twenty dollars (\$20)~~ ten
18 dollars (\$10) ~~and a transfer charge of five dollars (\$5)~~ for the order of each set of plates.

19 (d) The applicant shall be entitled to a plate for each vehicle owned by the applicant
20 upon payment of an additional service charge and/or transfer charge for each vehicle.

21 (e) The owner of a motor vehicle eligible for registration as a commercial vehicle and
22 having a gross weight of ten thousand one pounds (10,001 lbs.) or less that is issued veteran
23 plates shall continue to pay the appropriate commercial registration fee for those plates. The
24 owner of a motor vehicle eligible for registration as a commercial vehicle having a gross weight
25 of six thousand three hundred pounds (6,300 lbs.) but not more than ten thousand one pounds
26 (10,001 lbs.) shall sign an affidavit at the time of application for said plates stating that the
27 vehicle is to be used for personal use only.

28 (f)(1) For the purposes of this section, a "veteran" shall be defined as any person who
29 has served on active duty in the armed forces of the United States. The term "veteran" shall also
30 include members of the National Guard and Reserves: (i) called to active duty authorized by the
31 President of the United States or the Secretary of Defense; or (ii) who have twenty (20) years of
32 service with a letter and record of separation of service.

33 (2) For the purposes of this section "War Veteran" shall be defined as any veteran of
34 any conflict or undeclared war who has earned a campaign ribbon or expeditionary medal for

1 service in either a declared or undeclared war as noted on the war veteran's DD-214. Upon the
2 death of the holder of any veteran plates, the plates shall be transferred to the surviving spouse for
3 the spouse's lifetime until he or she remarries.

4 (g) The "veteran" or "war veteran" described in subdivisions (f)(1)(i) or (ii) and (2)
5 must have been honorably discharged from the armed forces of this nation in order to receive
6 plates pursuant to this section and, for purposes of this section, a medical discharge or a general
7 discharge shall be deemed an honorable discharge.

8 (h) For the purpose of this section, "Gold Star Parent" means a person who has lost a
9 son or a daughter as a result of service with the armed forces of the United States of America;
10 provided, the death was determined to be in the line of duty.

11 (i) Veterans who have served in multiple conflicts are entitled to be issued, veterans'
12 plates equal to the number of conflicts he or she served in; provided, the plates are limited to the
13 number of vehicles owned by the veteran.

14 (j) A person shall be eligible for a veterans' plate if his or her deceased spouse was
15 eligible for a veterans' plate, notwithstanding the fact that the eligible deceased spouse died prior
16 to the enactment of this section in 1988.

17 **31-3-62. National guard plates.** -- (a) The administrator of the division of motor
18 vehicles is empowered and authorized to make available to all active and retired members of the
19 Rhode Island army and air national guard a special motor vehicle registration plate for any motor
20 vehicle eligible for registration as an automobile or a commercial vehicle having a gross weight
21 of eight thousand-five hundred pounds (8,500 lbs.) or less.

22 (b) The special motor vehicle registration plate shall carry on it the designation
23 "National Guard" and shall also carry on it an emblem on the left-hand side of the plate to be
24 designed and provided by the office of the adjutant general, with the numerals to the right of it.

25 (c) The administrator of the division of motor vehicles shall issue the plates upon the
26 payment of a service charge of twenty dollars (\$20) ~~and a transfer charge of five dollars (\$5)~~ for
27 the [order of each set of plates](#). All revenues shall be deposited as general revenues.

28 (d) For the purposes of this section an active or retired member of the Rhode Island
29 army and air national guard shall be defined as any person certified by the adjutant general as
30 currently serving or having retired under honorable conditions in either the Rhode Island army or
31 air national guard.

32 (e) In a state of emergency, any active member of the army or air national guard driving
33 a vehicle bearing the special motor vehicle registration plate shall be authorized and empowered
34 to travel upon the highways of the state notwithstanding any driving ban imposed by any state or

1 municipal authority.

2 SECTION 3. Section 31-3.1-38 of the General Laws in Chapter 31-3.1 entitled
3 “Certification of Title and Security Interests” is hereby amended to read as follows:

4 **31-3.1-38. Effective dates – Applicability.** -- This chapter shall apply to all model
5 vehicles designated as ~~1973~~ 2001 models and all subsequent model year vehicles. All vehicles
6 designated as model years prior to ~~1973~~ 2001 shall be excluded from these provisions, provided
7 that no title certificate shall be required once a vehicle is ~~ten (10)~~ twenty (20) years old.

8 SECTION 4. Section 31-5-8 of the General Laws in Chapter 31-5 entitled “Dealers’,
9 Manufacturers’ and Rental Licenses” is hereby amended to read as follows:

10 **31-5-8. License fee.** -- The license fee for each year shall be as follows: the fee for the
11 license to each motor vehicle dealer shall be ~~one hundred dollars (\$100)~~ three hundred dollars
12 (\$300) plus a fee in like amount for each office or branch.

13 SECTION 5. Section 31-5-22 of the General Laws in Chapter 31-5 entitled “Dealers’,
14 Manufacturers’, and Rental Licenses” is hereby amended to read as follows:

15 **31-5-22. Application for license – Fee – Expiration.** -- (a) Any person desiring to be
16 licensed as a manufacturer, factory representative, or distributor shall apply to the department of
17 revenue upon a form containing any information that the department shall require. The
18 department may require with the application or, otherwise, information relating to the applicant's
19 solvency, his or her financial standing, or other pertinent matter commensurate with the
20 safeguarding of the public interest, all of which may be considered by the department in
21 determining the fitness of the applicant to engage in the business for which the applicant desires
22 the license.

23 (b) Each application of a factory representative shall be accompanied by a fee of ~~forty~~
24 ~~dollars (\$40)~~ one hundred dollars (\$100). Each application of a manufacturer or distributor shall
25 be accompanied by a fee of ~~two hundred dollars (\$200)~~ three hundred dollars (\$300).

26 (c) All licenses shall be granted or refused within thirty (30) days after the application
27 is filed and shall expire, unless revoked or suspended before that time, on December 31st of the
28 calendar year for which they are granted.

29 SECTION 6. Section 31-6-1 of the General Laws in Chapter 31-6 entitled “Registration
30 Fees” is hereby amended to read as follows:

31 **31-6-1. Amount of registration and miscellaneous fees.** -- (a) The following
32 registration fees shall be paid to the division of motor vehicles for the registration of motor
33 vehicles, trailers, semi-trailers, and school buses subject to registration for each year of
34 registration:

1 (1) For the registration of every automobile, when equipped with pneumatic tires, the
2 gross weight of which is not more than four thousand pounds (4,000 lbs.): thirty dollars (\$30).

3 (2) For the registration of every motor truck or tractor when equipped with pneumatic
4 tires, the gross weight of which is not more than four thousand pounds (4,000 lbs.): thirty-four
5 dollars (\$34).

6 (3) For the registration of every automobile, motor truck or tractor, when equipped with
7 pneumatic tires, the gross weight of which is:

8 (i) More than four thousand pounds (4,000 lbs.), but not more than five thousand
9 pounds (5,000 lbs.): forty dollars (\$40);

10 (ii) More than five thousand pounds (5,000 lbs.), but not more than six thousand pounds
11 (6,000 lbs.): forty-eight dollars (\$48);

12 (iii) More than six thousand pounds (6,000 lbs.), but not more than seven thousand
13 pounds (7,000 lbs.): fifty-six dollars (\$56);

14 (iv) More than seven thousand pounds (7,000 lbs.), but not more than eight thousand
15 pounds (8,000 lbs.): sixty-four dollars (\$64);

16 (v) More than eight thousand pounds (8,000 lbs.), but not more than nine thousand
17 pounds (9,000 lbs.): seventy dollars (\$70);

18 (vi) More than nine thousand pounds (9,000 lbs.), but not more than ten thousand
19 pounds (10,000 lbs.): seventy-eight dollars (\$78);

20 (vii) More than ten thousand pounds (10,000 lbs.), but not more than twelve thousand
21 pounds (12,000 lbs.): one hundred six dollars (\$106);

22 (viii) More than twelve thousand pounds (12,000 lbs.), but not more than fourteen
23 thousand pounds (14,000 lbs.): one hundred twenty-four dollars (\$124);

24 (ix) More than fourteen thousand pounds (14,000 lbs.), but not more than sixteen
25 thousand pounds (16,000 lbs.): one hundred forty dollars (\$140);

26 (x) More than sixteen thousand pounds (16,000 lbs.), but not more than eighteen
27 thousand pounds (18,000 lbs.): one hundred fifty-eight dollars (\$158);

28 (xi) More than eighteen thousand pounds (18,000 lbs.), but not more than twenty
29 thousand pounds (20,000 lbs.): one hundred seventy-six dollars (\$176);

30 (xii) More than twenty thousand pounds (20,000 lbs.), but not more than twenty-two
31 thousand pounds (22,000 lbs.): one hundred ninety-four dollars (\$194);

32 (xiii) More than twenty-two thousand pounds (22,000 lbs.), but not more than twenty-
33 four thousand pounds (24,000 lbs.): two hundred ten dollars (\$210);

34 (xiv) More than twenty-four thousand pounds (24,000 lbs.), but not more than twenty-

1 six thousand pounds (26,000 lbs.): two hundred thirty dollars (\$230);

2 (xv) More than twenty-six thousand pounds (26,000 lbs.), but not more than twenty-

3 eight thousand pounds (28,000 lbs.): two hundred ninety-six dollars (\$296);

4 (xvi) More than twenty-eight thousand pounds (28,000 lbs.), but not more than thirty

5 thousand pounds (30,000 lbs.): three hundred sixteen dollars (\$316);

6 (xvii) More than thirty thousand pounds (30,000 lbs.), but not more than thirty-two

7 thousand pounds (32,000 lbs.): four hundred and twenty-two dollars (\$422);

8 (xviii) More than thirty-two thousand pounds (32,000 lbs.), but not more than thirty-

9 four thousand pounds (34,000 lbs.): four hundred and forty-eight dollars (\$448);

10 (xix) More than thirty-four thousand pounds (34,000 lbs.), but not more than thirty-six

11 thousand pounds (36,000 lbs.): four hundred and seventy-six dollars (\$476);

12 (xx) More than thirty-six thousand pounds (36,000 lbs.), but not more than thirty-eight

13 thousand pounds (38,000 lbs.): five hundred and two dollars (\$502);

14 (xxi) More than thirty-eight thousand pounds (38,000 lbs.), but not more than forty

15 thousand pounds (40,000 lbs.): five hundred and twenty-eight dollars (\$528);

16 (xxii) More than forty thousand pounds (40,000 lbs.), but not more than forty-two

17 thousand pounds (42,000 lbs.): five hundred and fifty-four dollars (\$554);

18 (xxiii) More than forty-two thousand pounds (42,000 lbs.), but not more than forty-six

19 thousand pounds (46,000 lbs.): six hundred and eight dollars (\$608);

20 (xxiv) More than forty-six thousand pounds (46,000 lbs.), but not more than fifty

21 thousand pounds (50,000 lbs.): six hundred and sixty dollars (\$660);

22 (xxv) More than fifty thousand pounds (50,000 lbs.), but not more than fifty-four

23 thousand pounds (54,000 lbs.): seven hundred and twelve dollars (\$712);

24 (xxvi) More than fifty-four thousand pounds (54,000 lbs.), but not more than fifty-eight

25 thousand pounds (58,000 lbs.): seven hundred and sixty-eight dollars (\$768);

26 (xxvii) More than fifty-eight thousand pounds (58,000 lbs.), but not more than sixty-

27 two thousand pounds (62,000 lbs.): eight hundred and sixteen dollars (\$816);

28 (xxviii) More than sixty-two thousand pounds (62,000 lbs.), but not more than sixty-six

29 thousand pounds (66,000 lbs.): eight hundred and seventy-six dollars (\$876);

30 (xxix) More than sixty-six thousand pounds (66,000 lbs.), but not more than seventy

31 thousand pounds (70,000 lbs.): nine hundred and twenty-four dollars (\$924);

32 (xxx) More than seventy thousand pounds (70,000 lbs.), but not more than seventy-four

33 thousand pounds (74,000 lbs.): nine hundred and seventy-two dollars (\$972);

34 (xxxi) Over seventy-four thousand pounds (74,000 lbs.): nine hundred and seventy-two

1 dollars (\$972), plus twenty-four dollars (\$24) per two thousand pounds (2,000 lbs.) gross weight.

2 (4) For the registration of every semi-trailer to be used with a truck-tractor as defined in
3 § 31-1-4(a) shall be as follows annual fee of twelve dollars (\$12) for a one year registration, for
4 multi-year registrations the fee of fifty dollars (\$50) for a five (5) year registration and eighty
5 dollars (\$80) for an eight (8) year registration. However, when in use the weight of the resulting
6 semi-trailer unit and its maximum carrying capacity shall not exceed the gross weight of the
7 original semi-trailer unit from which the gross weight of the tractor was determined. A
8 registration certificate and registration plate shall be issued for each semi-trailer so registered.
9 There shall be no refund of payment of such fee, except that when a plate is returned prior to
10 ninety (90) days before the effective date of that year's registration, the pro rate amount, based on
11 the unused portion of the multi-year registration plate period at time of surrender, shall be
12 refunded. A multi-year semi-trailer registration may be transferred to another semi-trailer subject
13 to the provisions and fee set forth in § 31-6-11. Thirty percent (30%) of the semi-trailer
14 registration fee shall be retained by the division of motor vehicles to defray the costs of
15 implementation of the international registration plan (IRP) and fleet registration section.

16 (5) For the registration of every automobile, motor truck, or tractor, when equipped
17 with other than pneumatic tires, there shall be added to the above gross weight fees a charge of
18 ten cents (10¢) for each one hundred (100) pounds of gross weight.

19 (6) For the registration of every public bus, the rates provided for motor vehicles for
20 hire plus two dollars (\$2) for each passenger which that bus is rated to carry, the rating to be
21 determined by the administrator of the division of motor vehicles.

22 (7) For the registration of every motorcycle, or motor-driven cycle, thirteen dollars
23 (\$13). Three dollars (\$3) from that sum shall be turned over to the department of education to
24 assist in the payment of the cost of the motorcycle driver's education program as enumerated in §
25 31-10.1-1.1.

26 (8) For the registration of every trailer not including semi-trailers used with a truck-
27 tractor as defined in § 31-1-4(a), with a gross weight of three thousand pounds (3,000 lbs.) or
28 less, five dollars (\$5). Trailers with a gross weight of more than three thousand pounds (3,000
29 lbs.) shall be assessed a registration fee of one dollar and fifty cents (\$1.50) per thousand pounds
30 (1,000 lbs.).

31 (9) The annual registration fee for a motor vehicle, commonly described as a boxcar
32 and/or locomotive, and used only by la societe des 40 hommes et 8 chevaux for civic
33 demonstration, parades, convention purposes or social welfare work, shall be two dollars (\$2).

34 (10) For the registration of every motor vehicle, trailer, or semi-trailer owned by any

1 department or agency of any city or town or district, provided the name of the city or town or
2 district or state department or agency owning the same shall be plainly printed on two (2) sides of
3 the vehicle, two dollars (\$2).

4 (11) For the registration of motor vehicles used for racing, fifteen dollars (\$15).

5 (12) For every duplicate registration certificate, seventeen dollars (\$17).

6 (13) For every certified copy of a registration certificate or application, ten dollars
7 (\$10).

8 (14) For every certificate assigning a special identification number or mark as provided
9 in § 31-3-37, one dollar (\$1).

10 (15) For every replacement of number plates or additional pair of number plates,
11 without changing the number, thirty dollars (\$30).

12 (16) For the registration of every farm vehicle, used in farming as provided in § 31-3-
13 31, ten dollars (\$10).

14 (17) For the registration of antique motor vehicles, five dollars (\$5).

15 (18) For the registration of a suburban vehicle, when used as a pleasure vehicle and the
16 gross weight of which is not more than four thousand pounds (4,000 lbs.), the same rates as
17 charged in subdivision (1) of this subsection shall be applicable and when used as a commercial
18 vehicle and the gross weight of which is not more than four thousand pounds (4,000 lbs.), the
19 same rates as provided in subdivision (2) of this subsection shall be applicable. The rates in
20 subdivision (3) of this subsection shall be applicable when the suburban vehicle has a gross
21 weight of more than four thousand pounds (4,000 lbs.), regardless of the use of the vehicle.

22 (19) For the registration of every motor bus which is used exclusively under contract
23 with a political subdivision or school district of the state for the transportation of school children,
24 ~~three dollars (\$3)~~ twenty-five dollars (\$25) provided that the motor bus may also be used for the
25 transportation of persons to and from church and Sunday school services, and for the
26 transportation of children to and from educational or recreational projects sponsored by a city or
27 town or by any association or organization supported wholly or in part by public or private
28 donations for charitable purposes, without the payment of additional registration fee.

29 (20) For the registration of every motorized bicycle, ten dollars (\$10).

30 (21) For the registration of every motorized tricycle, ten dollars (\$10).

31 (22) For the replacement of number plates with a number change, twenty dollars (\$20).

32 (23) For the initial issuance and each reissuance of fully reflective plates as required by
33 §§ 31-3-10 and 31-3-32, an additional six dollars (\$6).

34 (24) For the issuance of a trip permit under the International Registration Plan, twenty-

1 five dollars (\$25) per vehicle. The division of motor vehicles is authorized to issue seventy-two
2 (72) hour trip permits for vehicles required to be registered in the International Registration Plan
3 that have not been apportioned with the state of Rhode Island.

4 (25) For the issuance of a hunter's permit under the International Registration Plan,
5 twenty-five dollars (\$25) per vehicle. The division of motor vehicles is authorized to issue
6 hunter's permits for motor vehicles based in the state of Rhode Island and otherwise required to
7 be registered in the International Registration Plan. These permits are valid for thirty (30) days.

8 (26) For the registration of a specially adapted motor vehicle necessary to transport a
9 family member with a disability for personal, noncommercial use, a fee of thirty dollars (\$30)
10 assessed.

11 (b) In the event that the registrant voluntarily cancels his registration within the period
12 of registration, the division of motor vehicles shall refund only that portion of the fee paid which
13 represents full-year segments of the registration fee paid.

14 SECTION 7. Sections 31-10-22 and 31-10-31 of the General Laws in Chapter 31-10
15 entitled "Operators' and Chauffeurs' Licenses" are hereby amended to read as follows:

16 **31-10-22. Road test.** -- All applicants for a motor vehicle license shall pass a motor
17 vehicle road test as prescribed by the administrator of the division of motor vehicles in a motor
18 vehicle supplied by the applicant or in a dual controlled motor vehicle supplied by the state. In the
19 case of the examination for a chauffeur to operate a truck, tractor, trailer, tractor semi-trailer, bus,
20 or other vehicle for hire or a person who will operate only a vehicle equipped with automatic shift
21 or a person who is disabled and requires the use of a specially equipped motor vehicle, those
22 persons shall be examined in vehicles furnished by them. At the option of any person who is
23 disabled, the road test shall be administered by the local office of the division of motor vehicles
24 nearest that person's home. [A fee of twenty five dollars \(\\$25\) shall be charged for all road tests,](#)
25 [including repeat road tests, following failure of a road test.](#)

26 **31-10-31. Fees.** -- The following fees shall be paid to the division of motor vehicles:

27 (1) For every operator's first license to operate a motor vehicle, twenty-five dollars
28 (\$25);

29 (2) For every chauffeur's first license, twenty-five dollars (\$25); provided, that when a
30 Rhode Island licensed operator transfers to a chauffeur's license, the fee for the transfer shall be
31 two dollars (\$2);

32 (3) For every learner's permit to operate a motorcycle, twenty-five dollars (\$25);

33 (4) For every operator's first license to operate a motorcycle, twenty-five dollars (\$25);

34 (5) For every renewal of an operator's or chauffeur's license, thirty dollars (\$30); with

1 the exception of any person seventy-five (75) years of age or older for whom the renewal fee will
2 be eight dollars (\$8);

3 (6) For every duplicate operator's or chauffeur's license, twenty-five dollars (\$25);

4 ~~(7) For every road test, other than the road test included in the first license examination,~~
5 ~~two dollars (\$2);~~

6 ~~(8)~~(7) For every certified copy of any license, permit, or application issued under this
7 chapter, ten dollars (\$10);

8 ~~(9)~~(8) For every duplicate instruction permit, ten dollars (\$10);

9 ~~(10)~~(9) For every first license examination, five dollars (\$5);

10 ~~(11)~~(10) For every routine information update, i.e., name change or address change,
11 five dollars (\$5).

12 ~~(12)~~(11) For surrender of an out-of-state license, in addition to the above fees, five
13 dollars (\$5).

14 SECTION 8. Section 31-24-31 of the General Laws in Chapter 31-24 entitled "Lighting
15 Equipment and Reflectors" is hereby amended to read as follows:

16 **31-24-31. Flashing lights** -- Forward viewing or rotary beam lights. -- (a) Flashing lights
17 are prohibited, except on an authorized emergency vehicle, school bus, snow removal equipment,
18 or on any vehicle as a means for indicating a right or left turn. However, the requirements of §
19 31-24-33 shall be deemed to be satisfied if the vehicle is equipped with lamps at the front
20 mounted at the same level, displaying simultaneously flashing white or amber lights, and at the
21 rear mounted at the same level, and displaying simultaneously flashing red lights, all of which
22 lights shall be visible from a distance of not less than five hundred feet (500').

23 (b) Forward viewing or rotating beam lights may be installed on and shall be restricted
24 to the following categories of vehicles, and these lights shall be of color designated:

25 (1) Emergency response vehicles of any fire, rescue, or ambulance department, fire
26 chiefs, assistant fire chiefs, deputy chiefs, captains; any privately owned vehicle of any authorized
27 volunteer member of a fire, rescue, or ambulance department; emergency management agency
28 directors, assistant directors, assistant medical examiners and/or forensic pathologists of the
29 office of state medical examiners; rescue vehicles, emergency response vehicles of the
30 department of environmental management and the division of state fire marshal; school buses;
31 hospital emergency response vehicles; and two (2) American Red Cross disaster vehicles: Red,
32 white and/or alternating flashing white;

33 (2) Wrecker trucks, service station trucks, state and town safety and maintenance
34 vehicles; snowplows and tractors; light company trucks, telephone company trucks, water

1 company trucks, oil company trucks, and other utilities' trucks; vehicles of television, radio and
2 press photographers; rural mail carriers; all motor-propelled vehicles owned by the Northern
3 Rhode Island REACT (radio emergency associated citizens team); all motor-propelled vehicles
4 owned by or under contract to the Rhode Island department of transportation when on official
5 state business; and vehicles marking the beginning and end of funeral processions: Amber,
6 provided, however, that wrecker and transportation vehicles operated pursuant to a public utilities
7 commission license, and roadside assistance vehicles of any type operated for that purpose by the
8 American Automobile Association shall be permitted to use flashing amber lights at the front and
9 rear of the vehicle, to be activated only in the course of providing assistance to or transportation
10 for a disabled vehicle. A fee of twenty-five dollars (\$25) shall be charged for the issuance of a
11 flashing lights permit to every vehicle identified in this subsection, with the exception of flashing
12 lights permits issued to state and town safety and maintenance vehicles, which shall not be
13 charged a fee.

14 (3) Police units, state and local: Center rotating beam lights: Blue or red; Outboard
15 mounted lights: Blue or red.

16 (4) Violations of this section are subject to fines enumerated in § 31-41.1-4.

17 SECTION 9. This article shall take effect as of July 1, 2010.

18 **ARTICLE 26**

19 RELATING TO OFFICE OF HEALTH INSURANCE COMMISSIONER

20 SECTION 1. Chapter 42-14.5 entitled “The Rhode Island Health Care Reform Act of
21 2004-Health Insurance Oversight” is hereby amended by adding thereto the following section:

22 **42-14.5-5. Funding for the Office of Health Insurance Commissioner -- (a) In order to**
23 **carry out the purposes of this chapter and to ensure appropriate and adequate regulation of the**
24 **health insurance industry in this state, the total cost of the office of health insurance**
25 **commissioner shall be funded through an assessment of persons or entities licensed, organized,**
26 **established or otherwise doing business pursuant to title 27 that provide health insurance in the**
27 **state of Rhode Island; third party administrators licensed or registered pursuant to chapter 27-**
28 **20.7; or any other person or entity that adjusts or settles claims or pays or reimburses licensed**
29 **health care providers for medical services provided to residents of this state. For the purposes of**
30 **this section, “health insurance” shall mean “health insurance coverage,” as defined in §§ 27-18.5-**
31 **2 and 27-18.6-2; “health benefit plan” as defined in § 27-50-3; a “medical supplement policy,” as**
32 **defined in § 27-18.2-1 or coverage similar to a Medicare supplement policy that is issued to an**
33 **employer to cover retirees; and dental coverage, including, but not limited to, coverage provided**
34 **by a “nonprofit dental service plan” as defined in § 27-20.1-1(3). The assessment shall be made**

1 on a pro-rata basis and shall be based on market share in the state, as set forth in a regulation
2 promulgated by the office of health insurance commissioner. The assessment shall be made for
3 the total cost of the office of health insurance commissioner incurred beginning July 1, 2010.

4 (b) A domestic health organization that provides a plan of health insurance, health
5 benefits, or health services to members, eighty-five percent (85%) or more of whom are
6 participants in the RIte Care program, shall not be subject to the assessment provided for in this
7 section.

8 (c) The assessment provided for in this section shall supercede the health insurance
9 commissioner’s authority to recover the reasonable cost of legal services provided by in-house
10 attorneys as provided in § 42-14-19, but shall in no way supersede, abrogate or impact the
11 authority provided in § 42-14-19 to recover the costs of outside legal counsel incurred in matters
12 pertaining to rate filings and examinations; furthermore, this assessment shall in no way
13 supersede, abrogate or impact the recoupment of costs or other authority provided for in other
14 sections of the general laws, including, but not limited to, § 27-13.1-7 and § 42-14.5-4, nor shall
15 it supersede, abrogate or impact the authority of the department of business regulation or its
16 ability to recoup costs as provided for in other sections of the general laws, including but not
17 limited to § 27-13.1-7 and § 42-14.5-4.

18 (d) The health insurance commissioner shall determine, on or before July 15 of each year
19 and after taking into account projected expenditures for the current and the next fiscal year, the
20 amount of assessment needed to provide sufficient funds, in conjunction with appropriations from
21 the general fund, if any, to fulfill the purposes enumerated in § 42-14.5-2. The health insurance
22 commissioner shall certify this assessment to the governor and the general assembly. The
23 assessment provided for in this section shall in no way supersede, abrogate or impact the
24 budgeting process otherwise authorized by statute, rule or regulation for the office of health
25 insurance commissioner as a division of state government, including but not limited to processes
26 for approval and/or elimination of personnel resources and expenditures.

27 SECTION 2. This article shall take effect as of July 1, 2010.

28 **ARTICLE 27**

29 **RELATING TO UNEMPLOYMENT INSURANCE**

30 SECTION 1. Sections 28-44-6 and 28-44-17 of the General Laws in Chapter 28-44
31 entitled “Employment Security – Benefits” are hereby amended to read as follows:

32 **28-44-6. Weekly benefits for total unemployment – Year established – Dependents’**
33 **allowance. --** (a) The benefit rate payable under this chapter to any eligible individual with
34 respect to any week of his or her total unemployment, when that week occurs within a benefit

1 year, shall be, for benefit years beginning on or after October 1, 1989, four and sixty-two
2 hundredths percent (4.62%) of the wages paid to the individual in that calendar quarter of the
3 base period in which the individual's wages were highest;

4 (2) Provided, that the benefit rate shall not be more than sixty-seven percent (67%) of the
5 average weekly wage paid to individuals in employment covered by the Employment Security
6 Act for the preceding calendar year ending December 31. If the maximum weekly benefit rate is
7 not an exact multiple of one dollar (\$1.00), then the rate shall be rounded to the next lower
8 multiple of one dollar (\$1.00).

9 (3) The average weekly wage of individuals in covered employment shall be computed as
10 follows: On or before May 31 of each year, the total annual wages paid to individuals in covered
11 employment for the preceding calendar year by all employers shall be divided by the monthly
12 average number of individuals in covered employment during that preceding calendar year, and
13 the quotient shall be divided by fifty-two (52). That weekly benefit rates shall be effective
14 throughout benefit years beginning on or after July 1 of that year and prior to July 1, of the
15 succeeding calendar year.

16 (4) The benefit rate of any individual, if not an exact multiple of one dollar (\$1.00), shall
17 be rounded to the next lower multiple of one dollar (\$1.00).

18 (b) An individual to whom benefits for total or partial unemployment are payable under
19 this chapter with respect to any week shall, in addition to those benefits, be paid with respect to
20 each week a dependents' allowance of ~~ten dollars (\$10.00)~~ fifteen dollars (\$15.00) or five percent
21 (5%) of the individual's benefit rate whichever is greater for each of that individual's children,
22 including adopted and stepchildren, or that individual's court appointed wards who, at the
23 beginning of the individual's benefit year, is under eighteen (18) years of age, and who is at that
24 time in fact dependent on that individual, including individuals who have been appointed the
25 legal guardian of such child by the appropriate court. The total dependents' allowance paid to any
26 individual shall not exceed the greater of fifty dollars (\$50) or twenty-five percent (25%) of the
27 individual's benefit rate. Notwithstanding the above, the total amount of the dependents'
28 allowance paid to individuals receiving partial unemployment benefits for any week shall be
29 based on the percentage that their partial weekly benefit rate is compared to their full weekly
30 benefit rate.

31 (2) The dependent's allowance shall also be paid to the individual for any child, including
32 an adopted child or a stepchild, eighteen (18) years of age or over, incapable of earning any
33 wages because of mental or physical incapacity, and who is dependent on that individual in fact at
34 the beginning of the individual's benefit year.

1 (3) In no instance shall the number of dependents for which an individual may receive
2 dependents' allowances exceed five (5) in total.

3 (4) The weekly total of dependents' allowances payable to any individual, if not an exact
4 multiple of one dollar (\$1.00), shall be rounded to the next lower multiple of one dollar (\$1.00).

5 (5) The number of an individual's dependents, and the fact of their dependency, shall be
6 determined as of the beginning of that individual's benefit year. Only one individual shall be
7 entitled to a dependent's allowance for the same dependent with respect to any week. As to two
8 (2) or more parties making claim for an allowance for the same dependent for the same week, the
9 benefit shall be provided to the party who has actual custody of the dependent or in the case of
10 joint custody, to the party who has physical possession of the dependent.

11 (6) Each individual who claims a dependent's allowance shall establish his or her claim to
12 it to the satisfaction of the director under procedures established by the director.

13 (7) This subsection shall be effective for all benefit years beginning on or after ~~July 1,~~
14 ~~1985~~ January 1, 2011.

15 SECTION 2. Section 28-44-17 of the General Laws in Chapter 28-44 entitled
16 "Employment Security – Benefits" is hereby amended to read as follows:

17 **28-44-17. Voluntary leaving without good cause.** -- (a) An individual who leaves work
18 voluntarily without good cause shall be ineligible for waiting period credit or benefits for the
19 week in which the voluntary quit occurred and until he or she establishes to the satisfaction of the
20 director that he or she has subsequent to that leaving had at least eight (8) weeks of work, and in
21 each of those eight (8) weeks has had earnings of at least twenty (20) times the minimum hourly
22 wage as defined in chapter 12 of this title for performing services in employment for one or more
23 employers subject to chapters 42 – 44 of this title. For the purposes of this section, "voluntarily
24 leaving work with good cause" shall include:

25 (1) sexual harassment against members of either sex;

26 (2) voluntarily leaving work with an employer to accompany, join or follow his or her
27 spouse to a place, due to a change in location of the spouse's employment, from which it is
28 impractical for such individual to commute; and

29 (3) the need to take care for a member of the individual's immediate family due to illness
30 or disability as defined by the Secretary of Labor; provided that the individual shall not be
31 eligible for waiting period credit or benefits until he or she is able to work and is available for
32 work. For the purposes of this provision, the following terms apply:

33 (i) "immediate family member" means a spouse, parents, mother-in-law, father-in-law
34 and children under the age of eighteen (18);

1 (ii) “illness” means a verified illness which necessitates the care of the ill person for a
2 period of time longer than the employer is willing to grant leave, paid or otherwise; and

3 (iii) “disability” means all types of verified disabilities, including mental and physical
4 disabilities, permanent and temporary disabilities, and partial and total disabilities.

5 (b) For the purposes of this section, "voluntarily leaving work without good cause" shall
6 include voluntarily leaving work with an employer to accompany, join or follow his or her spouse
7 in a new locality in connection with the retirement of his or her spouse, or failure by a temporary
8 employee to contact the temporary help agency upon completion of the most recent work
9 assignment to seek additional work unless good cause is shown for that failure; provided, that the
10 temporary help agency gave written notice to the individual that the individual is required to
11 contact the temporary help agency at the completion of the most recent work assignment to seek
12 additional work.

13 SECTION 2. This article shall take effect as of January 1, 2011.

14 **ARTICLE 28**

15 RELATING TO TURNPIKE AND BRIDGE AUTHORITY

16 SECTION 1. This article consists of Joint Resolutions relating to the Rhode Island
17 Turnpike and Bridge Authority that are submitted pursuant to Rhode Island General Laws § 35-
18 18-1, et seq., as well as amendments to Rhode Island General Laws Chapter 24-12.

19 SECTION 2. *Rhode Island Turnpike and Bridge Authority Project.*

20 WHEREAS, the Rhode Island Turnpike and Bridge Authority (the “Authority”) is a
21 public corporation of the State of Rhode Island (the “State”), constituting a public instrumentality
22 and agency exercising public and essential governmental functions of the State, created by the
23 General Assembly pursuant to Rhode Island General Laws § 24- 12-1, et seq. (as enacted,
24 reenacted and amended, the “Act”); and

25 WHEREAS, the State recognizes that the Pell Bridge and other facilities of the Authority
26 are an essential part of the State’s transportation system and facilitates the tourism industry; and it
27 is the policy of the State that the public welfare and the further economic development and the
28 prosperity of the State requires the maintenance of such facilities and the financing thereof; and

29 WHEREAS, the Act provides that the Authority shall have the power to charge and
30 collect tolls for the use of its facilities; and

31 WHEREAS, the Act also provides that the Authority shall have the power to acquire,
32 hold and dispose of real and personal property in the exercise of its powers and performance of its
33 duties; and

34 WHEREAS, the Act authorizes the Authority to make and enter into all contracts and

1 agreements necessary or incidental to the performance of its duties and the execution of its
2 powers under the Act, to issue revenue bonds of the Authority for any of its purposes and to
3 refund its bonds, borrow money in anticipation of the issuance of its bonds, and secure its bonds
4 by the pledge of its tolls and other revenues; and

5 WHEREAS, in furtherance of its corporate purposes, the Authority is authorized to issue
6 from time to time its negotiable revenue bonds and notes in one or more series in such principal
7 amounts for the purpose of paying all or a part of the costs of any one or more projects authorized
8 by the Act, making provision for working capital and a reserve for interest; and

9 WHEREAS, pursuant to Rhode Island General Laws Sections 35-18-3 and 35-18-4 of the
10 Rhode Island Public Corporation Debt Management Act (as enacted, reenacted and amended, the
11 “Debt Management Act”), the Authority hereby requests the approval of the General Assembly of
12 the Authority’s issuance of not more than sixty eight million ninety thousand dollars
13 (\$68,090,000) Rhode Island Turnpike and Bridge Authority Revenue Bonds (the “Bonds”) to be
14 secured by toll and other revenues, for the purpose of providing funds to finance the renovation,
15 renewal, repair, rehabilitation, retrofitting, upgrading and improvement of the Pell Bridge, the
16 Mount Hope Bridge, and other projects authorized under the Act, replacement of the components
17 thereof, working capital, capitalized interest, a reserve for interest and the costs of issuing and
18 insuring the Bonds (the “Project”); and

19 WHEREAS, the Project constitutes essential public facilities directly benefiting the State;
20 and

21 WHEREAS, the Authority is authorized pursuant to §24-12-28 of the Act to secure its
22 bonds by a pledge of the tolls and other revenues derived from the projects in connection with
23 which bonds shall have been issued; and

24 WHEREAS, the State shall directly benefit economically from the Project by the repair,
25 maintenance and improvement of the State transportation infrastructure; and

26 WHEREAS, in the event that not all of the Bond proceeds are used to carry out the
27 specified Project, the Authority will use any remaining funds to pay debt service on the Bonds;
28 now, therefore, be it

29 RESOLVED, that this General Assembly finds that the Project is an essential public
30 facility and is of a type and nature consistent with the purposes and within the powers of the
31 Authority to undertake, and hereby approves the Authority’s issuance of not more than sixty eight
32 million ninety thousand dollars (\$68,090,000) in Bonds, which amount is in addition to all prior
33 authorizations; and be further

34 RESOLVED, that the Bonds will be special obligations of the Authority payable from

1 funds received by the Authority from the tolls and other revenues of its facilities. The
2 Authority's maximum liability will be the total debt service on the Bonds, estimated to average
3 approximately seven million eleven thousand dollars (\$7,011,000) per year or approximately two
4 hundred six million eight hundred twelve thousand dollars (\$206,812,000) in the aggregate, prior
5 to the receipt of any federal subsidy and/or assistance, at an average interest rate of nine percent
6 (9.00%) and a thirty (30) year maturity; and be it further

7 RESOLVED, that the Bonds will not constitute indebtedness of the State or any of its
8 subdivisions or a debt for which the full faith and credit of the State or any of its subdivisions is
9 pledged.

10 SECTION 3. *Sakonnet River Bridge Project.*

11 WHEREAS, the Rhode Island Turnpike and Bridge Authority (the "Authority") is a
12 public corporation of the State of Rhode Island (the "State"), constituting a public instrumentality
13 and agency exercising public and essential governmental functions of the State, created by the
14 General Assembly pursuant to Rhode Island General Laws § 24-12-1, et seq. (as enacted,
15 reenacted and amended, the "Act"); and

16 WHEREAS, pursuant to Article 8 of Chapter 376 of the Public Laws of 2003 (the
17 "Garvee Act"), the financing for a replacement Sakonnet River Bridge (the "Replacement
18 Sakonnet River Bridge") was authorized to replace the existing Sakonnet River Bridge (the
19 "Existing Sakonnet River Bridge"); and

20 WHEREAS, in December 2008, the Governor's Blue Ribbon Panel for Transportation
21 Funding issued a report recommending that Rhode Island secure an additional two hundred
22 eighty-five million dollars (\$285,000,000) per year over the next ten (10) years to bring the
23 State's transportation infrastructure to a condition of good operation and repair; and

24 WHEREAS, the Blue Ribbon Panel identified certain options to secure additional
25 funding for transportation improvements ("RIDOT Projects"), including the tolling of the
26 Replacement Sakonnet River Bridge; and

27 WHEREAS, upon the transfer and tolling of the Replacement Sakonnet River Bridge to
28 the Authority from the Rhode Island Department of Transportation ("RIDOT"), the Federal
29 Highway Administration ("FHWA") shall require funds reflecting the federal-aid provided under
30 Section 311 of the National Highway System Designation Act of 1995, referred to as the Grant
31 Anticipation Revenue Vehicle Program ("GARVEE Program"), and other federal funds dedicated
32 to the Replacement Sakonnet River Bridge to be reimbursed for utilization in other Rhode Island
33 transportation infrastructure improvements in accordance with federal law; and

34 WHEREAS, the Act provides that the Authority shall have the power to charge and

1 collect tolls for the use of its facilities; and

2 WHEREAS, the Act also provides that the Authority shall have the power to acquire,
3 hold and dispose of real and personal property in the exercise of its powers and performance of its
4 duties; and

5 WHEREAS, the Act authorizes the Authority to make and enter into all contracts and
6 agreements necessary or incidental to the performance of its duties and the execution of its
7 powers under the Act; and

8 WHEREAS, pursuant to Rhode Island General Laws Sections 35-18-3 and 35-18-4 of the
9 Rhode Island Public Corporation Debt Management Act (as enacted, reenacted and amended, the
10 “Debt Management Act”), the Authority hereby requests the approval of the General Assembly
11 for the Authority’s incurrence of an obligation of not more than three hundred fifty million
12 dollars (\$350,000,000) (the “Sakonnet Obligation”), to RIDOT and/or the State under a financing
13 agreement for the purpose of providing funds to acquire the Replacement Sakonnet River Bridge
14 and/or for the construction, renovation, renewal, repair, rehabilitation, retrofitting, upgrading
15 and/or improvement thereof and the demolition of the Existing Sakonnet River Bridge, re-
16 imbursement to RIDOT and/or the State for any and all of the costs of construction of the
17 Replacement Sakonnet River Bridge, including any required mitigation and/or remediation and/or
18 replacement of the Garvee Program funds used therefor or for such projects as may be deemed
19 eligible under federal law due to the transfer of the Replacement Sakonnet River Bridge to the
20 Authority, replacement of the components thereof, and the costs of incurring such obligation (the
21 “Project”); and

22 WHEREAS, the Project constitutes essential public facilities directly benefiting the State;
23 and

24 WHEREAS, the State shall directly benefit economically from the Project by the repair,
25 maintenance and improvement of the State transportation infrastructure; now, therefore, be it

26 RESOLVED, that this General Assembly finds that the Project is an essential public
27 facility and is of a type and nature consistent with the purposes and within the powers of the
28 Authority to undertake, and hereby approves the Authority’s incurrence of the Sakonnet
29 Obligation; and be it further

30 RESOLVED, that the Sakonnet Obligation will be a special obligation of the Authority
31 payable to RIDOT and/or the State in accordance with federal requirements annually from a
32 portion of funds (not to exceed seventy (70%) percent) received by the Authority from the tolls
33 of the Replacement Sakonnet Bridge after deducting therefrom operating, repair, maintenance
34 and replacement expenses of the Replacement Sakonnet Bridge and any funds required to match

1 federal funds, aid and grants to the Authority therefor. The Authority's maximum liability under
2 the Sakonnet Obligation will be the repayment of principal of the Sakonnet Obligation, which
3 shall not bear interest; and be it further

4 RESOLVED, that the Sakonnet Obligation will not constitute indebtedness of the State or
5 any of its subdivisions or a debt for which the full faith and credit of the State or any of its
6 subdivisions is pledged; and be it further

7 RESOLVED, that any obligation incurred pursuant to this Joint Resolution and Act shall
8 not constitute "state debt" within the meaning of Article 6, Section 16 of the Rhode Island
9 Constitution and shall be the obligation of only the issuer of such obligations; and be it further

10 RESOLVED, that the Governor, or the State Properties Committee ("SPC") and/or
11 RIDOT are hereby authorized to transfer at any time and from time to time and to enter into a
12 financing agreement with the Authority, and the Authority is hereby authorized to enter into a
13 financing agreement with the Governor, or the State Properties Committee ("SPC") and/or
14 RIDOT, and to accept the transfer of the Existing Sakonnet River Bridge and/or the Replacement
15 Sakonnet River Bridge, including any approach roads, toll and/or entrance plazas, interchanges,
16 overpasses, underpasses and adjacent property to the Authority; and be it further

17 RESOLVED, that any or all of the amounts paid by the Authority to RIDOT and/or the
18 State in accordance with federal requirements for the Replacement Sakonnet River Bridge shall
19 be used for such projects as may be approved by FHWA or as otherwise permitted by federal law
20 and/or to reimburse the Garvee Program and other federal funds and/or RIDOT for its
21 expenditures on the Replacement Sakonnet River Bridge and provide funds for such other
22 RIDOT Projects; and be it further

23 RESOLVED, that this Joint Resolution shall take effect immediately upon its passage by
24 the General Assembly.

25 SECTION 4. Sections 24-12-1, 24-12-5, 24-12-9, 24-12-26, 24-12-28, 24-12-40.A, and
26 24-12-50 of the General Laws in Chapter 24-12 entitled "Rhode Island Bridge and Turnpike
27 Authority" are hereby amended to read as follows:

28 **24-12-1. Definitions.** -- As used in this chapter, the following words and terms shall have
29 the following meanings, unless the context shall indicate another or different meaning:

30 (1) "Additional facility" means any bridge, ~~(excluding the Sakonnet River Bridge)~~, feeder
31 road, highway, road, freeway, tunnel, overpass or underpass or parking facility, in the state,
32 equipment or signal and information system, which the authority is authorized by this chapter or
33 any other law to construct, reconstruct, renovate, acquire, maintain, repair, operate, or manage
34 after May 3, 1954 or any portion thereof.

1 (2) "Annual period" means the one-year fiscal period of the state commencing on the first
2 day of July of any year and ending the last day of June of the following year.

3 (3) "Authority" means the Rhode Island turnpike and bridge authority created by § 24-12-
4 2, or, if the authority shall be abolished, the board, body, or commission succeeding to the
5 principal functions thereof or upon whom the powers given by the chapter to the authority shall
6 be given by law.

7 (4) "Cost" as applied to any project to be constructed, reconstructed, renovated,
8 maintained, acquired, leased, repaired, operated or managed by the authority shall embrace the
9 cost of construction, reconstruction, renovation, maintenance, repair, operation or management,
10 the cost of the acquisition of all land, rights-of-way, property, rights, easements, and interests
11 acquired by the authority for the construction, reconstruction, renovation, maintenance, repair,
12 operation or management, the cost of demolishing or removing any buildings or structures on
13 land so acquired, including the cost of acquiring any lands to which the buildings or structures
14 may be moved, the cost of all machinery and equipment, financing charges, interest prior to and
15 during construction, reconstruction, renovation, maintenance, repair, operation or management,
16 and for one year after completion of construction, reconstruction, renovation, maintenance, repair,
17 operation or management, cost of traffic estimates and of engineering and legal services, plans,
18 specifications, surveys, estimates of cost and of revenues, other expenses necessary or incident to
19 determining the feasibility or practicability of construction, reconstruction, renovation,
20 maintenance, repair, operation or management, administrative expenses, and such other expenses
21 as may be necessary or incident to the construction, reconstruction, renovation, maintenance,
22 repair, operation or management, the financing of the construction, and the placing of the project
23 in operation, and in connection with the Newport Bridge shall include the purchase price of the
24 ferry franchise, and in connection with the acquisition of the Sakonnet River Bridge shall include
25 the purchase price of the Sakonnet River Bridge. The word "cost" as applied to any project which
26 the authority may be authorized to acquire means the amount of the purchase price, lease
27 payments or the amount of any condemnation award in connection with the acquisition of the
28 project, and shall include the cost of acquiring all the capital stock of the corporation owning the
29 project, if such be the case, and the amount to be paid to discharge all of the obligations of the
30 corporation in order to vest title to the project in the authority, the cost of improvements to the
31 project which may be determined by the authority to be necessary prior to the financing thereof,
32 interest during the period of construction of the improvements and for one year thereafter, the
33 cost of all lands, properties, rights, easements, franchises, and permits acquired, the cost of
34 engineering and legal services, plans, specifications, surveys, estimates of cost and of revenues,

1 other expenses necessary or incident to determining the feasibility or practicability of the
2 acquisition or improvement, administrative expenses, and such other expenses as may be
3 necessary or incident to the financing of the acquisition or improvement and the placing of the
4 project in operation by the authority.

5 (ii) "Cost" as applied to the Mount Hope Bridge means such amount, if any, as the
6 authority may deem necessary, following the acquisition of a bridge under the provisions of § 24-
7 12-40A, to place the bridge in safe and efficient condition for its operation. And as applied to any
8 project constructed or acquired by the authority under the provisions of the chapter, the word
9 "cost" shall also include such amounts as the authority may deem necessary for working capital
10 and to create a reserve for interest.

11 (iii) "Cost" as applied to the Sakonnet River Bridge also includes such amount, if any, as
12 the authority may deem necessary, following the acquisition of the Sakonnet River Bridge under
13 the provisions of § 24-12-40F, for mitigation and remediation and to place the bridge in safe and
14 efficient condition for its operation and/or to reimburse or replace federal agency grants used
15 therefor and/or bond proceeds used therefor and/or for payments on indebtedness incurred or
16 bonds or finance lease obligations issued to finance the cost thereof and to demolish the existing
17 Sakonnet River bridge. As applied to any project constructed or acquired by the authority under
18 the provisions of the chapter, the word "cost" shall also include such amounts as the authority
19 may deem necessary for capitalized interest, working capital and to create a reserve for interest.

20 (5) "Department" means the department of transportation, or, if the department shall be
21 abolished, the board, body, or commission succeeding to the principal functions thereof or upon
22 whom the powers given by chapter 5 of title 37 to the department shall be given by law.

23 (6) "Ferry franchise" means the existing franchises and rights to operate ferries belonging
24 to the Jamestown and Newport ferry company, but not including any other intangible personal
25 property or real estate or tangible personal property of the corporation which shall remain the
26 property of the corporation.

27 (7) "Jamestown Bridge" means the existing bridge over the west passage of Narragansett
28 Bay between the towns of Jamestown and North Kingstown constructed by the Jamestown Bridge
29 commission under the provisions of chapter 2536 of the Public Laws, 1937 and the approaches
30 thereto, and shall embrace all tollhouses, administration, and other buildings and structures used
31 in connection therewith, together with all property, rights, easements, and interests acquired by
32 the Jamestown Bridge commission in connection with the construction and operation of the
33 bridge.

34 (8) "Jamestown Verrazzano Bridge" means any bridge constructed in replacement of the

1 Jamestown Bridge, as defined in subdivision (7).

2 (9) "Mount Hope Bridge" means the existing bridge between the towns of Bristol and
3 Portsmouth and the approaches thereto, which was constructed by the Mount Hope Bridge
4 corporation and which was acquired and is now owned and operated by the Mount Hope Bridge
5 authority under the provisions of chapter 13 of this title, and shall embrace all tollhouses,
6 administration, and other buildings and structures used in connection therewith, together with all
7 property, rights, easements, and interests acquired by the Mount Hope Bridge corporation or the
8 Mount Hope Bridge authority in connection with the construction and operation of the bridge.

9 (10) "Newport Bridge" means the bridge or tunnel or combination of bridge and tunnel to
10 be constructed under the provisions of this chapter over or under the waters of Narragansett Bay
11 between Conanicut Island and the island of Rhode Island, shall embrace the substructure and the
12 superstructure thereof and the approaches thereto and the entrance plazas, interchanges,
13 overpasses, underpasses, tollhouses, administration, storage, and other buildings, and highways
14 connecting the bridge or tunnel with the Jamestown Bridge (defined in subdivision (7)) and with
15 state highways as the authority may determine to construct from time to time in connection
16 therewith, together with all property, rights, easements, and interests acquired by the authority for
17 the construction and operation of the bridge or tunnel or combination of bridge and tunnel.

18 (11) "Owner" means and include all individuals, incorporated companies, partnerships,
19 societies, or associations, and also municipalities, political subdivisions, and all public agencies
20 and instrumentalities, having any title or interest in any property, rights, easements, or franchises
21 authorized to be acquired under the provisions of this chapter.

22 (12) "Project" means the "Newport Bridge," "Mount Hope Bridge," "[Sakonnet River](#)
23 [Bridge.](#)" the "turnpike" or any "additional facility," as the case may be, or any portion thereof
24 which may be financed, [acquired or leased](#) under the provisions of this chapter.

25 (13) "Turnpike" means the controlled access highway or any portion thereof to be
26 constructed, from time to time, under the provisions of this chapter from a point at or near the
27 Connecticut-Rhode Island border through the county of Washington and the county of Newport
28 to a point at or near the Massachusetts-Rhode Island border in the town of Tiverton (excluding
29 the Jamestown-Verrazzano Bridge, the Mount Hope Bridge, the Newport Bridge, and the
30 Sakonnet River Bridge), together with all bridges (except those mentioned above), overpasses,
31 underpasses, interchanges, entrance plazas, approaches, approach roads, tollhouses, service
32 stations, and administration, storage, and other buildings and facilities which the authority may
33 deem necessary for the operation of the turnpike, together with all property, rights, easements,
34 and interests which may be acquired by the authority for the construction or the operation of the

1 turnpike.

2 (14) "Sakonnet River Bridge" means the replacement Sakonnet River bridge to be
3 constructed under the provisions of Article 36 of Chapter 376 of the Public Laws of 2003
4 between the towns of Tiverton and Portsmouth and shall embrace the substructure and the
5 superstructure thereof and the approaches thereto and the toll and/or entrance plazas,
6 interchanges, overpasses, underpasses, tollhouses, administration, storage, and other buildings,
7 and highways connecting the bridge with state highways, as the authority may determine to
8 construct or acquire from time to time in connection therewith, together with all property, rights,
9 easements, and interests acquired by the authority for the construction and operation of the
10 bridge.

11 **24-12-5. Power to construct, reconstruct, renovate, acquire, maintain, repair,**
12 **operate or manage projects or additional facilities and to issue bonds.** -- In order to facilitate
13 vehicular traffic, remove many of the present handicaps and hazards on the congested highways
14 in the state, alleviate the barriers caused by large bodies of water, and promote the agricultural
15 and industrial development of the state, the Rhode Island turnpike and bridge authority is hereby
16 authorized and empowered: to construct the Newport Bridge, the turnpike, any portion thereof or
17 any additional facility hereafter authorized to be constructed; to acquire the Mount Hope Bridge,
18 to acquire the Sakonnet River Bridge and any additional facility hereafter authorized to be
19 acquired (~~except the Sakonnet River Bridge~~); to maintain, construct, reconstruct, renovate,
20 acquire, repair, operate or manage any project or projects; and to issue bonds of the authority as
21 provided in this chapter to finance any project or projects; provided, however, that the Mount
22 Hope Bridge shall only be acquired as provided for by § 24-12-40A.

23 **24-12-9. Powers of authority.** -- (a) The authority is hereby authorized and empowered:
24 (1) To adopt bylaws for the regulation of its affairs and the conduct of its business;
25 (2) To adopt an official seal and alter it at pleasure;
26 (3) To maintain an office at such place or places within the state as it may designate;
27 (4) To sue and be sued in its own name, plead and be impleaded; provided, however, that
28 any and all actions at law or in equity against the authority shall be brought only in the county in
29 which the principal office of the authority shall be located;
30 (5) To determine, subject to the approval of the director of transportation, the location
31 and the design standards of the Newport Bridge, the turnpike and any additional facility to be
32 constructed;
33 (6) To issue bonds of the authority for any of its purposes and to refund its bonds, all as
34 provided in this chapter;

1 (7) To combine for financing purposes the Newport Bridge, the Mount Hope Bridge, [the](#)
2 [Sakonnet River Bridge](#), the turnpike and any additional facility or facilities, or any two (2) or
3 more of such projects;

4 (8) To borrow money in anticipation of the issuance of bonds for any of its purposes and
5 to issue notes, certificates, or other evidences of borrowing in form as may be authorized by
6 resolution of the authority, the notes, certificates, or other evidence of borrowing to be payable in
7 the first instance from the proceeds of any bonds issued under the provisions of this chapter and
8 to contain on their face a statement to the effect that neither the state, the authority nor any
9 municipality or other political subdivision of the state shall be obligated to pay the same or the
10 interest thereon except from the proceeds of bonds in anticipation of the issuance of which the
11 notes, certificates, or other evidences of borrowing shall have been issued, or from revenues;

12 (9) To fix and revise from time to time, subject to the provisions of this chapter, and to
13 charge and collect tolls for transit over the turnpike and the several parts or sections thereof, and
14 for the use of the Newport Bridge, the Mount Hope Bridge, [the Sakonnet River Bridge](#) and any
15 additional facility [acquired](#), financed [or leased](#) under the provisions of this chapter;

16 (10) To acquire, lease, hold and dispose of real and personal property in the exercise of
17 its powers and the performance of its duties;

18 (11) To acquire in the name of the authority by purchase or otherwise, on such terms and
19 conditions and in such manner as it may deem proper, or by the exercise of the rights of
20 condemnation in the manner as provided by this chapter, public or private lands, including public
21 parks, playgrounds, or reservations, or parts thereof or rights therein, rights-of-way, property,
22 rights, easements and interests as it may deem necessary for carrying out the provisions of this
23 chapter; provided, however, that all public property damaged in carrying out the powers granted
24 by this chapter shall be restored or repaired and placed in its original condition as nearly as
25 practicable;

26 (12) To designate the locations, with the approval of the director of transportation, and
27 establish, limit and control the points of ingress to and egress from the turnpike and any
28 additional facility as may be necessary or desirable in the judgment of the authority to insure the
29 proper operation and maintenance thereof, and to prohibit entrance to and exit from any point or
30 points not so designated;

31 (13) To employ, in its discretion, consulting engineers, attorneys, accountants,
32 construction and financial experts, superintendents, managers, and such other employees and
33 agents as may be necessary in its judgment, and to fix their compensation;

34 (14) To [apply for](#), receive and accept from any federal agency [aid and/or](#) grants for or in

1 aid of the [repair, maintenance and/or](#) construction of the turnpike, the Newport Bridge, [the](#)
2 [Sakonnet River Bridge](#) or any additional facility, and to receive and accept from the state, from
3 any municipality, or other political subdivision thereof and from any other source aid or
4 contributions of either money, property, labor or other things of value, to be held, used and
5 applied only for the purposes for which the grants and contributions may be made;

6 (15) To construct grade separations at intersections of the turnpike, the approaches and
7 highway connections of the Newport Bridge, [the Sakonnet River Bridge](#) and any additional
8 facility with public highways, streets, or other public ways or places, and to change and adjust the
9 lines and grades thereof so as to accommodate the same to the design of the grade separation; the
10 cost of the grade separations and any damage incurred in changing and adjusting the lines and
11 grades of the highways, streets, ways, and places shall be ascertained and paid by the authority as
12 a part of the cost of the project;

13 (16) To vacate or change the location of any portion of any public highway, street, or
14 other public way or place, sewer, pipe, main, conduit, cable, wire, tower, pole, and other
15 equipment and appliance of the state or of any municipality or other political subdivision of the
16 state and to reconstruct the same at such new location as the authority shall deem most favorable
17 for the project and of substantially the same type and in as good condition as the original
18 highway, street, way, place, sewer, pipe, main, conduit, cable, wire, tower, pole, equipment, or
19 appliance, and the cost of the reconstruction and any damage incurred in vacating or changing the
20 location thereof shall be ascertained and paid by the authority as a part of the cost of the project;
21 any public highway, street or other public way or place vacated or relocated by the authority shall
22 be vacated or relocated in the manner provided by law for the vacation or relocation of public
23 roads, and any damages awarded on account thereof shall be paid by the authority as a part of the
24 cost of the project;

25 (17) The authority shall also have the power to make reasonable regulations, subject to
26 the approval of the public utility administrator, for the installation, construction, maintenance,
27 repair, renewal, relocation and removal of tracks, pipes, mains, conduits, cables, wires, towers,
28 poles, and other equipment and appliances (herein called "public utility facilities") of any public
29 utility as defined in § 39-1-2, in, on, along, over or under any project. Whenever the authority
30 shall determine that it is necessary that any public facilities which now are, or hereafter may be,
31 located in, on, along, over, or under any project should be relocated in the project, or should be
32 removed from the project, the public utility owning or operating the facilities shall relocate or
33 remove the facilities in accordance with the order of the authority; provided, however, that the
34 cost and expenses of the relocation or removal, including the cost of installing the facilities in a

1 new location, or new locations, and the cost of any lands, or any rights or interests in lands, and
2 any other rights acquired to accomplish the relocation or removal, less the cost of any lands or
3 any rights or interests in lands of any other rights of the public utility paid to the public utility in
4 connection with the relocation or removal of the property, shall be ascertained and paid by the
5 authority as a part of the cost of the project. In case of any relocation or removal of facilities the
6 public utility owning or operating the facilities, its successors or assigns, may maintain and
7 operate the facilities, with the necessary appurtenances, in the new location or new locations, for
8 as long a period, and upon the same terms and conditions, as it had the right to maintain and
9 operate the facilities in their former location or locations;

10 (18) To make reasonable regulations and to grant easements for the installation,
11 construction, maintenance, repair, renewal, relocation, and removal of pipelines, other equipment,
12 and appliances of any corporation or person owning or operating pipelines in, on, along, over, or
13 under the turnpike, whenever the authority shall determine that it is necessary that any facilities
14 which now are, or hereafter may be located in, on, along, over or under the turnpike should be
15 relocated in the turnpike, or should be removed from the turnpike, the corporation or person
16 owning or operating the facilities shall relocate or remove the facilities in accordance with the
17 order of the authority; provided, however, that the cost and expense of the relocation or removal,
18 including the cost of installing the facilities in a new location, or new locations, and the cost of
19 any lands, or any rights or interests in lands, and any other rights acquired to accomplish the
20 relocation or removal, less the cost of any lands or any rights or interests in lands or any other
21 rights of any corporation or person paid to any corporation or person in connection with the
22 relocation or removal of the property, shall be ascertained and paid by the authority as a part of
23 the cost of the project. In case of any relocation or removal of facilities the corporation or person
24 owning or operating the facilities, its successors or assigns, may maintain and operate the
25 facilities, with the necessary appurtenances, in the new location or new locations, for as long a
26 period, and upon the same terms and conditions, as it had the right to maintain and operate the
27 facilities in their former location or locations;

28 (19) To enter upon any lands, waters, and premises for the purpose of making such
29 surveys, soundings, borings, and examinations as the authority may deem necessary or
30 convenient for its purposes, and the entry shall not be deemed a trespass, nor shall an entry for
31 such purposes be deemed an entry under any condemnation proceedings; provided, however, the
32 authority shall pay any actual damage resulting to the lands, water, and premises as a result of the
33 entry and activities as a part of the cost of the project;

34 (20) To enter into contracts or agreements with any board, commission, public

1 instrumentality of another state [or the federal government](#) or with any political subdivision of
2 another state relating to the connection or connections to be established between the turnpike or
3 any additional facility with any public highway or turnpike now in existence or hereafter to be
4 constructed in another state, and with respect to the construction, maintenance and operation of
5 interstate turnpikes or expressways;

6 (21) To enter into contracts with the department of transportation with respect to the
7 construction, reconstruction, renovation, acquisition, maintenance, repair, mitigation,
8 remediation, operation or management of any project and with the Rhode Island state police with
9 respect to the policing of any project;

10 (22) To make and enter into all contracts and agreements necessary or incidental to the
11 performance of its duties and the execution of its powers under this chapter; and

12 (23) To do all other acts and things necessary or convenient to carry out the powers
13 expressly granted in this chapter.

14 (24) To grant and/or contract through the transfer of funds of the authority to the
15 department of transportation for the construction, reconstruction, acquisition, maintenance, repair,
16 operation or management by the department of transportation of any project or projects
17 authorized by this chapter, and the department of transportation is authorized to accept any such
18 grant or transfer of funds.

19 (b) Provided, the authority in carrying out the provisions of this section shall hold public
20 hearings in the city or town where a proposed project will be located prior to the finalization of
21 any specifications or the awarding of any contracts for any project.

22 **24-12-26. Power to collect tolls and charges – Gasoline and service concessions.** -- (a)

23 The authority is hereby authorized, subject to the provisions of this chapter, to fix, revise, charge
24 and collect tolls for the use of the Newport Bridge, the Mount Hope Bridge, [the Sakonnet River](#)
25 [Bridge \(subject to federal regulations and approvals\)](#), the turnpike and the different parts or
26 sections thereof, and for the use of any additional facility and the different parts or sections
27 thereof, and to contract with any person, partnership, association or corporation for placing on
28 any project telephone, telegraph, electric light or power lines, gas stations, garages, and
29 restaurants if deemed necessary by the authority in connection with the project, or for the use of
30 any project or part thereof, including the right-of-way adjoining the paved portion of the turnpike
31 or of any additional facility or for any other purposes and to fix the terms, conditions, rents and
32 rates of charges for such use; provided, that the authority shall construct any gasoline service
33 facilities which it may determine are needed on the project, and provided, further, that, to afford
34 users of the project a reasonable choice of motor fuels of different brands, each gasoline service

1 station shall be separately offered for lease upon sealed bids and, after notice of the offer has been
2 published once a week in three (3) consecutive weeks in a newspaper having general circulation
3 in the state, and, in the event an acceptable bid shall be received in the judgment of the authority,
4 each lease shall be awarded to the highest responsible bidder therefor, but no person shall be
5 awarded or have the use of, nor shall motor fuel identified by the trade-marks, trade names, or
6 brands of any one supplier, distributor, or retailer of such fuel be sold at more than one service
7 station if they would constitute more than twenty-five percent (25%) of the service stations on the
8 project. Notwithstanding the provisions of this section, members of the town of Jamestown police
9 and fire department and ambulance service personnel of the town of Jamestown and Jamestown
10 school department who, in the course of their duty, are required to pay a toll for use of the
11 Newport Bridge, shall, upon the presentment of receipts for the payment of the toll to the town of
12 Jamestown, be reimbursed for all charges on an annual basis by the town of Jamestown who in
13 turn shall be reimbursed for all payments made by the state. Notwithstanding the provisions of
14 this section, members of the city of Newport police and fire department and rescue personnel
15 who, in the course of their duty, are required to pay a toll for use of the Newport Bridge, shall,
16 upon the presentment of receipts for the payment of the toll to the city of Newport, be reimbursed
17 for all charges on an annual basis by the city of Newport who in turn shall be reimbursed for all
18 payments made by the state.

19 (b) Notwithstanding the provisions of this section, members of the police and fire
20 department and rescue personnel of any city or town in this state who, in the course of their duty,
21 are required to pay a toll for use of the Mount Hope Bridge or the Sakonnet River Bridge, shall,
22 upon the presentment of receipts for the payment of the toll to their town or city, be reimbursed
23 for all such charges on an annual basis by the town or city, who in turn shall be reimbursed for all
24 payments made by the state.

25 **24-12-28. Revenues pledged to sinking fund.** -- To the extent provided in the resolution
26 authorizing the issuance of bonds or finance lease or in the trust agreement securing the same, the
27 tolls and all other revenues received by the authority ~~derived from the project or projects or~~
28 ~~portion or portions in connection with which the bonds of any one or more series shall have been~~
29 ~~issued~~, shall be set aside at such regular intervals as may be provided in the resolution or the trust
30 agreement in a sinking fund or funds which shall be pledged to, and charged with, the payment of
31 the lease payments and/or of the principal of and the interest on the bonds as the bonds shall
32 become due, and the redemption price or the purchase price of bonds or other obligations retired
33 by call or purchase as provided in the resolution or trust agreement. The pledge shall be valid and
34 binding from the time when the pledge is made; the tolls and other revenues or other money so

1 pledged and thereafter received by the authority shall immediately be subject to the lien of the
2 pledge without any physical delivery thereof or further act, and the lien of any pledge shall be
3 valid and binding as against all parties having claims of any kind in tort, contract, or otherwise
4 against the authority, irrespective of whether the parties have notice thereof. Neither the
5 resolution nor any trust agreement by which a pledge is created need be filed or recorded except
6 in the records of the authority. The use and disposition of money to the credit of each sinking
7 fund shall be subject to the provisions of the resolution authorizing the issuance of [the lease](#), the
8 bonds or of the trust agreement.

9 **24-12-40.A. Title to Mount Hope Bridge vested in Rhode Island turnpike and bridge**
10 **authority – Continuation of tolls.** -- All powers, control, and jurisdiction of and title to the
11 Mount Hope Bridge is hereby affirmed as having vested in the Rhode Island turnpike and bridge
12 authority as of June 1, 1964, and the transfer of funds to the authority by the trustee under the
13 trust indenture securing the Mount Hope Bridge revenue bonds is hereby ratified and affirmed.
14 The authority ~~may shall continue to~~ charge and collect tolls for the use of the Mount Hope Bridge
15 to provide funds sufficient with any other monies available therefor for paying the costs of
16 [acquiring, leasing](#), maintaining, repairing, and operating [the Jamestown Verrazzano Bridge, the](#)
17 [Mount Hope Bridge, the Newport Bridge, and the Sakonnet River Bridge, the turnpike and](#)
18 [additional facilities.](#) ~~the bridge, and in any event tolls for the use of the Mount Hope Bridge shall~~
19 ~~continue until a fund shall be provided for the payment of engineering, financing, and legal~~
20 ~~services in connection with the financing and construction of the Newport Bridge. The power and~~
21 ~~right of the authority to collect and to use tolls collected for the use of the Mount Hope Bridge~~
22 ~~subsequent to June 1, 1964 for the purpose of payment of engineering, financial, and legal~~
23 ~~services in connection with the financing and construction of the Newport Bridge in an amount~~
24 ~~heretofore expended not in excess of six hundred thousand dollars (\$600,000) is hereby ratified~~
25 ~~and affirmed.~~

26 **24-12-50. Relationship to department of transportation.** -- (a) The department of
27 transportation is hereby constituted as the agency for the authority in carrying out all of the
28 powers to construct, acquire, operate, and maintain turnpikes and bridges as conferred by the
29 general laws upon the authority.

30 (b) Nothing in chapter 13 of title 42 or in this amendment to chapter 12 of title 24 shall
31 limit the discretions, powers, and authorities of the Rhode Island turnpike and bridge authority
32 necessary or desirable for it to execute and carry out the covenants, agreements, duties, and
33 liabilities assumed by it in the trust agreement by and between the authority and [U.S. Bank](#)
34 [National Association and its successors](#) ~~the Rhode Island hospital trust company~~, as trustee under

1 indenture dated as of July 1, 2003 ~~December 1, 1965~~, as supplemented from time to time, nor
2 shall these chapters be construed in any way to affect the rights, privileges, powers, and remedies
3 of U.S. Bank National Association and its successors ~~the Rhode Island hospital trust company~~
4 and its successors, or of the holders of the bonds issued under the indenture, or under any
5 resolutions of the authority.

6 SECTION 5. Section 24-12-39 of the General Laws in Chapter 24-12 entitled “Rhode
7 Island Turnpike and Bridge Authority” is hereby repealed.

8 ~~§ 24-12-39. Transfer of projects to state—Dissolution of authority.—When all bonds
9 issued under the provisions of this chapter and the interest thereon shall have been paid or a
10 sufficient amount for the payment of all the bonds and the interest thereon to the maturity thereof
11 shall have been set aside in trust for the benefit of the bondholders, all projects financed under the
12 provisions of this chapter shall be transferred to the state in good condition and repair, and
13 thereupon the authority shall be dissolved and all funds of the authority not required for the
14 payment of bonds shall be paid to the general treasurer for the use of the state and all machinery,
15 equipment and other property belonging to the authority shall be vested in the state and delivered
16 to the department of transportation.~~

17 SECTION 6. Chapter 24-12 of the General Laws entitled “Rhode Island Turnpike and
18 Bridge Authority” is hereby amended by adding thereto the following section:

19 **24-12-40.F. Title to Sakonnet River Bridge vested in Rhode Island turnpike and**
20 **bridge authority – Institution of tolls. -- All powers, control, and jurisdiction of and title to the**
21 **Sakonnet River Bridge is authorized to be transferred to the Rhode Island turnpike and bridge**
22 **authority. The authority may charge and collect tolls for the use of the Sakonnet River Bridge to**
23 **provide funds sufficient with any other monies available therefor for paying the costs of**
24 **acquiring, leasing, maintaining, repairing and operating, the Jamestown Verrazzano Bridge, the**
25 **Mount Hope Bridge, the Newport Bridge, and the Sakonnet River Bridge, the turnpike and**
26 **additional facilities.**

27 SECTION 7. This article shall take effect upon passage.

28 **ARTICLE 29**

29 **RELATING TO GOVERNMENT RESTRUCTURING**

30 SECTION 1. The general assembly hereby requires that the Board of Governors for
31 Higher Education on or before October 1, 2011, submit a plan to the chairperson of the House
32 Finance Committee, to the chairperson of the Senate Finance Committee, and to the State Budget
33 Officer which recommends actions to improve the coordination of educational services provided
34 by various state agencies. The plan would include, but is not limited to, review of the statutory

1 missions of the Higher Education Assistance Authority, contained in RIGL chapter 16-57, and the
2 Rhode Island Public Telecommunications Authority, contained in RIGL chapter 16-61, and
3 assess if the stated missions and actual current programs and activities of these two agencies
4 reflect the needs of populations intended to be served. This plan shall be prepared following
5 consultation with the Higher Education Assistance Authority, the Rhode Island Public
6 Telecommunications Authority and other interested parties. The plan would recognize the goal of
7 improving and coordinating educational programs at the University and colleges under the
8 purview of the Board of Governors and the pre-K-12 level the Rhode Island Department of
9 Education.

10 SECTION 2. The general assembly hereby requires that the director of the department of
11 transportation on or before October 1, 2011, submit a plan to the chairperson of the House
12 Finance Committee, to the chairperson of the Senate Finance Committee, and to the State Budget
13 Officer on the feasibility of transferring the Rhode Island Public Transit Authority to that
14 department. This plan shall include a review of other comparable states where public transit is
15 provided by the state's department of transportation and shall consider such administrative factors
16 such as a labor issues, benefit comparisons, and pension benefit comparisons, and strategic
17 planning issues such as effective allocation of transportation funds and planning for and provision
18 of integrated multi-modal transportation systems. The plan shall be prepared following
19 consultation with the Rhode Island Public Transit Authority and with all interested parties. The
20 plan would review the statutory missions of the Department of Transportation and the Rhode
21 Island Public Transit Authority; consider applicable reports, analyses, and discussions with key
22 individuals. The plan would recognize the goal of improving and coordinating transportation in
23 the State of Rhode Island planning, development, and implementation of transit, rail, water, and
24 bicycle/pedestrian transportation projects to expand access and mobility opportunities for Rhode
25 Islander.

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

27 ARTICLE 30

28 RELATING TO DEPARTMENT OF VETERANS' AFFAIRS

29 SECTION 1. Sections 6 and 7 of Chapter 233 of the Public Laws of 2009 are hereby
30 amended to read as follows:

31 SECTION 6. The department of human services shall make recommendations to the
32 chairman of the house and senate finance committees for implementation of chapter 42-152 on or
33 before ~~October 31, 2009~~ October 31, 2010.

34 SECTION 7. Section 6 of this act shall take effect upon passage and the remainder of the

1 act shall take effect ~~July 1, 2010~~ July 1, 2011.

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

3 **ARTICLE 31**

4 RELATING TO RITE CARE PROGRAM

5 SECTION 1. Sections 40-8.4-4 and 40-8.4-12 of the General Laws in Chapter 40-8.4
6 entitled "Health Care for Families" are hereby amended to read as follows:

7 **40-8.4-4. Eligibility.** -- (a) *Medical assistance for families.* There is hereby established a
8 category of medical assistance eligibility pursuant to § 1931 of Title XIX of the Social Security
9 Act, 42 U.S.C. § 1396u-1, for families whose income and resources are no greater than the
10 standards in effect in the aid to families with dependent children program on July 16, 1996 or
11 such increased standards as the department may determine. The department of human services is
12 directed to amend the medical assistance Title XIX state plan and to submit to the U.S.
13 Department of Health and Human Services an amendment to the RItE Care waiver project to
14 provide for medical assistance coverage to families under this chapter in the same amount, scope
15 and duration as coverage provided to comparable groups under the waiver. The department is
16 further authorized and directed to submit such amendments and/or requests for waivers to the
17 Title XXI state plan as may be necessary to maximize federal contribution for provision of
18 medical assistance coverage provided pursuant to this chapter, including providing medical
19 coverage as a "qualified state" in accordance with Title XXI of the Social Security Act, 42 U.S.C.
20 § 1397 et seq. Implementation of expanded coverage under this chapter shall not be delayed
21 pending federal review of any Title XXI amendment or waiver.

22 (b) *Income.* The director of the department of human services is authorized and directed
23 to amend the medical assistance Title XIX state plan or RItE Care waiver to provide medical
24 assistance coverage through expanded income disregards or other methodology for parents or
25 relative caretakers whose income levels are below one hundred seventy-five percent (175%) of
26 the federal poverty level.

27 (c) *Waiver.* The department of human services is authorized and directed to apply for and
28 obtain appropriate waivers from the Secretary of the U.S. Department of Health and Human
29 Services, including, but not limited to, a waiver of the appropriate provisions of Title XIX, to
30 require that individuals with incomes equal to or greater than ~~one hundred fifty percent (150%)~~
31 one hundred thirty-three percent (133%) of the federal poverty level pay a share of the costs of
32 their medical assistance coverage provided through enrollment in either the RItE Care Program or
33 under the premium assistance program under § 40-8.4-12, in a manner and at an amount
34 consistent with comparable cost-sharing provisions under § 40-8.4-12, provided that such cost

1 sharing shall not exceed five percent (5%) of annual income for those with annual income in
2 excess of ~~one hundred fifty percent (150%)~~ one hundred thirty-three percent (133%); and
3 provided, further, that cost-sharing shall not be required for pregnant women or children under
4 age one.

5 **40-8.4-12. RIte Share Health Insurance Premium Assistance Program.** -- (1) The
6 department of human services is authorized and directed to amend the medical assistance Title
7 XIX state plan to implement the provisions of § 1906 of Title XIX of the Social Security Act, 42
8 U.S.C. § 1396e, and establish the Rhode Island health insurance premium assistance program for
9 RIte Care eligible parents with incomes up to one hundred seventy-five percent (175%) of the
10 federal poverty level who have access to employer-based health insurance. The state plan
11 amendment shall require eligible individuals with access to employer-based health insurance to
12 enroll themselves and/or their family in the employer-based health insurance plan as a condition
13 of participation in the RIte Share program under this chapter and as a condition of retaining
14 eligibility for medical assistance under chapters 5.1 and 8.4 of this title and/or chapter 12.3 of title
15 42 and/or premium assistance under this chapter, provided that doing so meets the criteria
16 established in § 1906 of Title XIX for obtaining federal matching funds and the department has
17 determined that the individual's and/or the family's enrollment in the employer-based health
18 insurance plan is cost-effective and the department has determined that the employer-based health
19 insurance plan meets the criteria set forth in subsection (d). The department shall provide
20 premium assistance by paying all or a portion of the employee's cost for covering the eligible
21 individual or his or her family under the employer-based health insurance plan, subject to the cost
22 sharing provisions in subsection (b), and provided that the premium assistance is cost-effective in
23 accordance with Title XIX, 42 U.S.C. § 1396 et seq.

24 *(b) Individuals who can afford it shall share in the cost.* The department of human
25 services is authorized and directed to apply for and obtain any necessary waivers from the
26 secretary of the United States Department of Health and Human Services, including, but not
27 limited to, a waiver of the appropriate sections of Title XIX, 42 U.S.C. § 1396 et seq., to require
28 that individuals eligible for RIte Care under this chapter or chapter 12.3 of title 42 with incomes
29 equal to or greater than ~~one hundred fifty percent (150%)~~ one hundred-thirty three percent
30 (133%) of the federal poverty level pay a share of the costs of health insurance based on the
31 individual's ability to pay, provided that the cost sharing shall not exceed five percent (5%) of the
32 individual's annual income. The department of human services shall implement the cost-sharing
33 by regulation, and shall consider co-payments, premium shares or other reasonable means to do
34 so.

1 RELATING TO TAX CREDITS FOR CONTRIBUTIONS
2 TO SCHOLARSHIP ORGANIZATIONS

3 SECTION 1. Section 44-62-3 of the General Laws in Chapter 44-62 entitled "Tax Credit
4 for Contributions to Scholarship Organizations" is hereby amended to read as follows:

5 **44-62-3. Application for the tax credit program.** -- (a) Prior to the contribution, a
6 business entity shall apply in writing to the division of taxation. The application shall contain
7 such information and certification as the tax administrator deems necessary for the proper
8 administration of this chapter. A business entity shall be approved if it meets the criteria of this
9 chapter; the dollar amount of the applied for tax credit is no greater than one hundred thousand
10 dollars (\$100,000) in any tax year, and the scholarship organization which is to receive the
11 contribution has qualified under § 44-62-2.

12 (b) Approvals for contributions under this section shall be made available by the
13 division of taxation on a first-come-first-serve basis. The total aggregate amount of all tax credits
14 approved shall not exceed one million dollars (\$1,000,000) in a fiscal year. Effective July 1,
15 2010, the total aggregate amount of all tax credits approved shall not exceed two million dollars
16 (\$2,000,000).

17 (c) The division of taxation shall notify the business entity in writing within thirty (30)
18 days of the receipt of application of the division's approval or rejection of the application.

19 (d) Unless the contribution is part of a two-year plan, the actual cash contribution by
20 the business entity to a qualified scholarship organization must be made no later than one hundred
21 twenty (120) days following the approval of its application. If the contribution is part of a two-
22 year plan, the first year's contribution follows the general rule and the second year's contribution
23 must be made in the subsequent calendar year by the same date.

24 (e) The contributions must be those charitable contributions made in cash as set forth in
25 the Internal Revenue Code.

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

27 **ARTICLE 33**

28 RELATING TO MOTION PICTURE TAX CREDITS

29 SECTION 1. Section 44-31.2-5 of the General Laws in Chapter 44-31.2 entitled
30 "Reciprocity Agreements – Setoff of Refund of Personal Income Tax" is hereby amended to read
31 as follows:

32 **44-31.2-5. Motion picture production company tax credit.** -- (a) A motion picture
33 production company shall be allowed a credit to be computed as provided in this chapter against a
34 tax imposed by chapters 11, 14, 17 and 30 of this title. The amount of the credit shall be twenty-

1 five percent (25%) of the state certified production costs incurred directly attributable to activity
2 within the state, provided that the primary locations are within the state of Rhode Island and the
3 total production budget as defined herein is a minimum of three hundred thousand dollars
4 (\$300,000). The credit shall be earned in the taxable year in which production in Rhode Island is
5 completed, as determined by the film office in final certification pursuant to subsection 44-31.2-
6 6(c).

7 (b) For the purposes of this section: "total production budget" means and includes the
8 motion picture production company's pre-production, production and post-production costs
9 incurred for the production activities of the motion picture production company in Rhode Island
10 in connection with the production of a state-certified production. The budget shall not include
11 costs associated with the promotion or marketing of the film, video or television product.

12 (c) The credit shall not exceed the total production budget and shall be allowed against
13 the tax for the taxable period in which the credit is earned and can be carried forward for not
14 more than three (3) succeeding tax years.

15 (d) Credits allowed to a motion picture production company, which is a subchapter S
16 corporation, partnership, or a limited liability company that is taxed as a partnership, shall be
17 passed through respectively to persons designated as partners, members or owners on a pro rata
18 basis or pursuant to an executed agreement among such persons designated as subchapter S
19 corporation shareholders, partners, or members documenting an alternate distribution method
20 without regard to their sharing of other tax or economic attributes of such entity.

21 (e) No more than fifteen million dollars (\$15,000,000) may be issued for any tax year
22 beginning after December 31, 2007.

23 (f) Notwithstanding any provision of law to the contrary, no credits may be approved
24 for any tax year beginning after December 31, 2009.

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

26 ARTICLE 34

27 RELATING TO DISTRESSED AREAS ECONOMIC REVITALIZATION ACT

28 SECTION 1. Chapter 42-64.3 of the General Laws entitled "Distressed Areas Economic
29 Revitalization Act" is hereby repealed in its entirety.

30 ~~§ 42-64.3-1 Short title.—This chapter shall be known as the "Distressed Areas~~
31 ~~Economic Revitalization Act".~~

32 ~~§ 42-64.3-2 Legislative findings.—The general assembly finds and declares:~~

33 ~~(1) That there are certain distressed areas in this state which are characterized by~~
34 ~~substantial and persistent levels of unemployment; blighted areas; obsolete, dilapidated, and~~

1 ~~abandoned industrial and commercial structures; and, as a consequence, continually shrinking tax~~
2 ~~bases which threaten their very existence;~~

3 ~~(2) That the numerous programs undertaken by the federal government and the state~~
4 ~~during the past two (2) decades to stop the deterioration and stimulate economic activity in these~~
5 ~~urban areas have, in large part, failed;~~

6 ~~(3) That it is the public policy of this state to undertake an experimental program to~~
7 ~~stimulate economic revitalization, promote employment opportunities, and encourage business~~
8 ~~development and expansion in distressed areas.~~

9 **§ 42-64.3-3 Definitions.** — ~~As used in this chapter, the following words and terms shall~~
10 ~~have the following meanings unless the context shall indicate another or different meaning or~~
11 ~~intent:~~

12 ~~(1) "Council" or "enterprise zone council" means the governmental agency created~~
13 ~~pursuant to § 42-64.3-3.1.~~

14 ~~(2) "Enterprise zone," "economic revitalization zone," or "zone" means an economically~~
15 ~~distressed United States bureau of the census division or delineation in need of expansion of~~
16 ~~business and industry, and the creation of jobs, which is designated to be eligible for the benefits~~
17 ~~of this chapter.~~

18 ~~(3) "Governing authority" means the governing body of a state, city or town within which~~
19 ~~a qualified United States bureau of the census division or delineation lies.~~

20 ~~(4) "Qualified business" or "business facility" means any business corporation, sole~~
21 ~~proprietorship, partnership, or limited partnership or limited liability company which:~~

22 ~~(A) After the date of its original application for membership in the enterprise zone~~
23 ~~program or the date annual membership is renewed creates and hires a minimum of five percent~~
24 ~~(5%) new or additional enterprise jobs or in the case of a company having twenty (20) employees~~
25 ~~or less, this requirement shall be that the company create and hire one new or additional~~
26 ~~enterprise job, in the respective zone during the same certification year; and~~

27 ~~(B) Whose total Rhode Island wages including those Rhode Island wages for additional~~
28 ~~enterprise jobs, exceeds the total Rhode Island wages paid to its employees in the prior calendar~~
29 ~~year; and~~

30 ~~(C) Obtains certificates of good standing from the Rhode Island division of taxation, the~~
31 ~~corporations division of the Rhode Island secretary of state and the appropriate municipal~~
32 ~~authority at the time of certification; and~~

33 ~~(D) Provides the council with an affidavit stating under oath that the entity seeking~~
34 ~~certification as a qualified business has not within the preceding twelve (12) months from the date~~

1 ~~of application for certification changed its legal status for the purpose of gaining favorable~~
2 ~~treatment under the provisions of chapter 64.3 of this title; and~~

3 ~~(E) Meets certain other requirements as set forth by the council; and~~

4 ~~(F) Has received certification from the council pursuant to the rules and regulations~~
5 ~~promulgated by the council.~~

6 ~~(ii) In the event that an applicant for certification meets the criteria of subdivisions~~
7 ~~(4)(i)(A) and (4)(i)(C) to (F), but fails to meet the requirements of subdivision (4)(i)(B) solely~~
8 ~~because the amount of wages paid to the owner or owners of the business has decreased from the~~
9 ~~prior calendar year, the Council may, for good cause shown, certify the applicant as a qualified~~
10 ~~business. The applicant shall have the burden to show, notwithstanding its failure to meet the~~
11 ~~requirements of subdivision (4)(i)(B) above, that the applicant has met the intent of this chapter.~~
12 ~~For the purposes of this provision, owner shall mean a person who has at least twenty percent~~
13 ~~(20%) of the indicia of ownership of the applicant.~~

14 ~~(5) "Effective date of certification" means the date upon which the qualified business~~
15 ~~meets the tests imposed in subdivisions (4)(i)(A) through (F) above and applies to the calendar~~
16 ~~year for which these tests were performed.~~

17 ~~(6) "Enterprise job employees" means those full time employees whose business activity~~
18 ~~originates and terminates from within the enterprise zone business and facility on a daily basis,~~
19 ~~and who are domiciled residents of the state (or who, in the case of employees of a high~~
20 ~~performance manufacturer as that term is defined in § 44-31-1(b)(3)(i), pay personal income taxes~~
21 ~~to the state) and hired (or transferred, in the case of existing out of state employees) and~~
22 ~~employed by the qualified business in the enterprise zone after the effective date of certification~~
23 ~~or annual recertification in excess of those full-time employees employed by the qualified~~
24 ~~business in any Rhode Island enterprise zone in the prior calendar year. An employee who is~~
25 ~~hired and terminated in the same certification period does not constitute an enterprise job~~
26 ~~employee.~~

27 ~~(7) "Wages" means wages, tips and other compensation as defined in the Internal~~
28 ~~Revenue Code of 1986, 26 U.S.C. § 1 et seq.~~

29 ~~§ 42-64.3-3.1 Enterprise zone council. — (a) There is created within the Rhode Island~~
30 ~~economic development corporation the "enterprise zone council," which shall consist of five (5)~~
31 ~~members to be appointed by the governor; one member shall be the executive director of the~~
32 ~~Rhode Island economic development corporation; one member shall represent the urban league of~~
33 ~~Rhode Island; one member shall represent the Rhode Island League of Cities and Towns; and two~~
34 ~~(2) members from the general public. The governor shall designate one member to serve as~~

1 ~~chairperson of the enterprise zone council.~~

2 ~~(b) The members shall be appointed for terms of five (5) years each; provided, however,~~
3 ~~of the members originally appointed, one shall be appointed for a term of one year, one shall be~~
4 ~~appointed for a term of two (2) years, one shall be appointed for a term of three (3) years, one~~
5 ~~shall be appointed for a term of four (4) years and one shall be appointed for a term of five (5)~~
6 ~~years.~~

7 ~~(c) In carrying out its powers and duties under this chapter, the council shall utilize the~~
8 ~~staffs and resources of the division of statewide planning and the Rhode Island economic~~
9 ~~development corporation. Those agencies and other departments and agencies of state~~
10 ~~government shall cooperate with the council in carrying out its mandate under this chapter.~~

11 ~~(d) The council shall promulgate rules and regulations necessary to implement the intent~~
12 ~~of this chapter.~~

13 ~~§ 42-64.3-4 Designation of enterprise zones.~~ — (a) The council may designate qualified
14 United States Bureau of the Census divisions or delineations as enterprise zones upon receiving
15 notice from the appropriate governing authority that the governing authority agrees to:

16 ~~(1) Devise and implement a program of police protection within the enterprise zone;~~

17 ~~(2) Give priority to the use in the enterprise zone of any urban development action grant~~
18 ~~(UDAG), community development block grant (CDBG), economic development administration~~
19 ~~(EDA) or job training, housing or economic development assistance funds or job training funds~~
20 ~~received from the federal government;~~

21 ~~(3) Assist the council in certifying employers to be eligible for the benefits of this~~
22 ~~chapter;~~

23 ~~(4) Promulgate local regulations and ordinances which serve to encourage economic~~
24 ~~development within the enterprise zone;~~

25 ~~(5) Assist the council in evaluating progress made in any enterprise zone within its~~
26 ~~jurisdiction; and~~

27 ~~(6) Amend local zoning ordinances or regulations.~~

28 ~~(b) The council may designate five (5) zones per year but shall be limited to designating a~~
29 ~~total of ten (10) zones in the next three (3) years and this designation shall remain in effect for~~
30 ~~five (5) years unless redesignated by the council after a request of the appropriate governing~~
31 ~~authority.~~

32 ~~§ 42-64.3-5 Criteria for enterprise zone designation.~~ — (a) The zone shall consist of
33 not more than five (5) contiguous United States census tracts or portions thereof as set forth in the
34 most recent federal census, except that the council may add Block 101 of Census Tract 135 in the

1 ~~City of Cranston to any enterprise zone abutting that Block; provided, that the addition is~~
2 ~~approved by the city councils of Cranston and Providence; except that blocks 108, 110, and 111~~
3 ~~of Federal Census tract 8 of the Providence II Enterprise Zone shall not be eligible for any~~
4 ~~enterprise zone benefits, and as a replacement of those, the Council may add blocks 318, 319, and~~
5 ~~307 of census tract 37 and block 104 of census tract 9, and blocks 105, 107 and 120 of census~~
6 ~~tract 12, to the Providence II Enterprise Zone, provided that such addition is approved by the city~~
7 ~~council of Providence; and, that portion of federal census tract 114.03 in the town of Cumberland~~
8 ~~which includes any portion of the Highland II Corporate Park as approved by the Cumberland~~
9 ~~town council and the Woonsocket city council; and, that portion of the federal census tract 173 in~~
10 ~~the city of Woonsocket which includes the Singleton Street Mill District as approved by the~~
11 ~~Woonsocket City Council, and federal census tract 114.02 in the town of Cumberland; except that~~
12 ~~the council may add blocks 103, 104, 119, and 131, as well as census block group 3 of census~~
13 ~~tract 308, may add census block groups 2 and 3 of census tract 309.01, and may delete census~~
14 ~~block 2 of census tract 309.02 to the Mount Hope enterprise zone and those portions of federal~~
15 ~~census tracts 113.01 and 114.03 that constitute the Ashton/Berkeley Mill Village area; except that~~
16 ~~the council may add Census Tract 180 in the city of Woonsocket to the Woonsocket/Cumberland~~
17 ~~Enterprise Zone as approved by the Woonsocket city council; except that the council may add~~
18 ~~federal census tract 141 in the City of Cranston which includes the site of the former Narragansett~~
19 ~~Brewery, as approved by the Cranston City Council and except that the council shall add the~~
20 ~~census blocks that are along the following streets, to the Providence II Enterprise Zone~~
21 ~~designation: Hartford Avenue from census tract 19 to the Johnston town line, Plainfield Street~~
22 ~~from census tract 19 to the Johnston town line, and Pocasset Avenue from census tract 19 to the~~
23 ~~Cranston city line, and further excepting that the council may add block group 1 of census tract~~
24 ~~401.02 and delete block groups 1 and 2 of census tract 401.01 in the town of Portsmouth, as~~
25 ~~approved by the Portsmouth town council; except that the council shall add block groups 1, 2, and~~
26 ~~3 of federal census tract 136 and block groups 1, 2, 3 and 4 of federal census tract 137.01 and~~
27 ~~block groups 1 and 2 of federal census tract 138 in the city of Cranston, as approved by the~~
28 ~~Cranston city council; and except that the council may add block group 2 of federal census tract~~
29 ~~107.01 in the city of East Providence, as approved by the East Providence city council; and~~
30 ~~except that the council may add blocks 1069, 1070 and 1072 of federal census tract 506 in the~~
31 ~~town of Richmond, as approved by the Richmond town council; and except that the council may~~
32 ~~add block groups 1 and 2 of federal census tract 405 in the city of Newport, as approved by the~~
33 ~~Newport city council; and except that the council may add blocks 20400.1, 20400.2, and 20400.3~~
34 ~~of federal census tract 204, as approved by the West Warwick town council.~~

1 ~~(b) The council shall promulgate any additional criteria for the designation of an~~
2 ~~enterprise zone that the council deems appropriate. Additional criteria shall include but not be~~
3 ~~limited to:~~

4 ~~(1) The poverty level within the enterprise zone as defined by the federal office of~~
5 ~~management and budget, or the percent of households receiving public assistance; and~~

6 ~~(2) The unemployment level within the enterprise zone.~~

7 ~~§ 42-64.3-5.1 Coordination with existing programs. — To the maximum extent~~
8 ~~possible, the directors of the departments of administration, business regulation, labor and~~
9 ~~training, environmental management, workforce 2000, human services, transportation, and the~~
10 ~~Rhode Island housing and mortgage finance corporation will provide special assistance to the~~
11 ~~zones. This will include, but not be limited to:~~

12 ~~(1) Expedited processing;~~

13 ~~(2) Priority funding;~~

14 ~~(3) Program set asides; and~~

15 ~~(4) Provision of technical assistance in furtherance of the public policy enunciated in §~~
16 ~~42-64.3-2(2).~~

17 ~~§ 42-64.3-6 Business tax credits. — A qualified business in an enterprise zone is allowed~~
18 ~~a credit against the tax imposed pursuant to chapters 11, 13 (except the taxation of tangible~~
19 ~~personal property under § 44-13-13), 14, 17, and 30 of title 44:~~

20 ~~(1) A credit equal to fifty percent (50%) of the total amount of wages paid to those~~
21 ~~enterprise job employees comprising the five percent (5%) new jobs referenced in § 42-64.3-~~
22 ~~3(4)(i)(A). The wages subject to the credit shall be reduced by any direct state or federal wage~~
23 ~~assistance paid to employers for the employee(s) in the taxable year. The maximum credit~~
24 ~~allowed per taxable year under the provisions of this subsection shall be two thousand five~~
25 ~~hundred dollars (\$2,500), per employee. A taxpayer who takes this business tax credit shall not be~~
26 ~~eligible for the resident business owner modification pursuant to § 42-64.3-7.~~

27 ~~(2) A credit equal to seventy five percent (75%) of the total amount of wages paid to~~
28 ~~those enterprise job employees who are domiciliaries of an enterprise zone comprising the five~~
29 ~~percent (5%) new jobs referenced in § 42-64.3-3(4)(i)(A). The wages subject to the credit shall be~~
30 ~~reduced by any direct state or federal wage assistance in the taxable year. The maximum credit~~
31 ~~allowed per taxable year under the provisions of this subdivision shall be five thousand dollars~~
32 ~~(\$5,000) per employee. A taxpayer who takes this business tax credit is not eligible for the~~
33 ~~resident business owner modification. The council shall promulgate appropriate rules to certify~~
34 ~~that the enterprise job employees are domiciliaries of an enterprise zone and shall advise the~~

1 ~~qualified business and the tax administrator. A taxpayer taking a credit for employees pursuant to~~
2 ~~this subdivision (2) shall not be entitled to a credit pursuant to subdivision (1) of this section for~~
3 ~~the employees.~~

4 ~~(3) Any tax credit as provided in subdivision (1) or (2) of this section shall not reduce the~~
5 ~~tax below the minimum tax. Fiscal year taxpayers must claim the tax credit in the year into which~~
6 ~~the December 31st of the certification year falls. The credit shall be used to offset tax liability~~
7 ~~pursuant to the provisions of either chapters 11, 13, 14, 17, or 30 of title 44, but not more than~~
8 ~~one chapter.~~

9 ~~(4) In the case of a corporation, the credit allowed under this section is only allowed~~
10 ~~against the tax of that corporation included in a consolidated return that qualifies for the credit~~
11 ~~and not against the tax of other corporations that may join in the filing of a consolidated tax~~
12 ~~return.~~

13 ~~(5) In the case of multiple business owners, the credit provided in subdivision (1) or (2)~~
14 ~~of this section is apportioned according to the ownership interests of the qualified business.~~

15 ~~(6) The tax credits established pursuant to this section may be carried forward for a~~
16 ~~period of three (3) years if in each of the three (3) calendar years a business which has qualified~~
17 ~~for tax credits under this section: (a) does not reduce the number of its employees from the last~~
18 ~~Effective Date of Certification; (b) obtains certificates of good standing from the Rhode Island~~
19 ~~division of taxation, the corporations division of the Rhode Island secretary of state and the~~
20 ~~appropriate municipal tax collector; (c) provides the council an affidavit stating under oath that~~
21 ~~this business has not within the preceding twelve (12) months changed its legal status for the~~
22 ~~purpose of gaining favorable treatment under the provisions of chapter 64.3 of this title; and (d)~~
23 ~~meets any other requirements as may be established by the council in its rules and regulations.~~

24 ~~§ 42-64.3-6.1 Impact analysis and periodic reporting. — (a) The council shall not~~
25 ~~certify any applicant as a qualified business under subsection 42-64.3-3(4) of this chapter until it~~
26 ~~has first prepared and publicly released an analysis of the impact the proposed investment will or~~
27 ~~may have on the state. The analysis shall be supported by appropriate data and documentation and~~
28 ~~shall consider, but not be limited to, the following factors:~~

29 ~~(i) The impact on the industry or industries in which the applicant will be involved;~~

30 ~~(ii) State fiscal matters, including the state budget (revenues and expenses);~~

31 ~~(iii) The financial exposure of the taxpayers of the state under the plans for the proposed~~
32 ~~investment and negative foreseeable contingencies that may arise therefrom;~~

33 ~~(iv) The approximate number of full time, part time, temporary, seasonal and/or~~
34 ~~permanent jobs projected to be created, construction and non-construction;~~

1 ~~(v) Identification of geographic sources of the staffing for identified jobs;~~
2 ~~(vi) The projected duration of the identified construction jobs;~~
3 ~~(vii) The approximate wage rates for each category of the identified jobs;~~
4 ~~(viii) The types of fringe benefits to be provided with the identified jobs, including~~
5 ~~healthcare insurance and any retirement benefits;~~
6 ~~(ix) The projected fiscal impact on increased personal income taxes to the state of Rhode~~
7 ~~Island; and~~
8 ~~(x) The description of any plan or process intended to stimulate hiring from the host~~
9 ~~community, training of employees or potential employees, and outreach to minority job~~
10 ~~applicants and minority businesses.~~
11 ~~(b) The council shall monitor every impact analysis it completes through the duration of~~
12 ~~any approved tax credit. Such monitoring shall include annual reports made available to the~~
13 ~~public on the:~~
14 ~~(1) Actual versus projected impact for all considered factors; and~~
15 ~~(2) Verification of all commitments made in consideration of state incentives or aid.~~
16 ~~(c) Upon its preparation and release of the analysis required by subsection (b) of this~~
17 ~~section, the council shall provide copies of that analysis to the chairpersons of the house and~~
18 ~~senate finance committees, the house and senate fiscal advisors, the department of labor and~~
19 ~~training and the division of taxation. Any such analysis shall be available to the public for~~
20 ~~inspection by any person and shall be published by the tax administrator on the tax division~~
21 ~~website. Annually thereafter, through and including the second tax year after any taxpayer has~~
22 ~~applied for and received a tax credit pursuant to this chapter, the department of labor and training~~
23 ~~shall certify to the chairpersons of the house and senate finance committees, the house and senate~~
24 ~~fiscal advisors, the corporation and the division of taxation that: (i) the actual number of new full-~~
25 ~~time jobs with benefits created by the tax credit, not including construction jobs, is on target to~~
26 ~~meet or exceed the estimated number of new jobs identified in the analysis above; and (ii) the~~
27 ~~actual number of existing full time jobs with benefits has not declined. For purposes of this~~
28 ~~section, "full time jobs with benefits" means jobs that require working a minimum of thirty (30)~~
29 ~~hours per week within the state, with a median wage that exceeds by five percent (5%) the~~
30 ~~median annual wage for full time jobs in Rhode Island and within the taxpayer's industry, with a~~
31 ~~benefit package that includes healthcare insurance plus other benefits typical of companies within~~
32 ~~the taxpayer's industry. The department of labor and training shall also certify annually to the~~
33 ~~house and senate fiscal committee chairs, the house and senate fiscal advisors, and the division of~~
34 ~~taxation that jobs created by the tax credit are "new jobs" in the state of Rhode Island, meaning~~

1 ~~that the employees of the project are in addition to, and without a reduction of, those employees~~
2 ~~of the taxpayer currently employed in Rhode Island, are not relocated from another facility of the~~
3 ~~taxpayer in Rhode Island or are employees assumed by the taxpayer as the result of a merger or~~
4 ~~acquisition of a company already located in Rhode Island. The certifications made by the~~
5 ~~department of labor and training shall be available to the public for inspection by any person and~~
6 ~~shall be published by the tax administrator on the tax division website.~~

7 ~~(d) The council, with the assistance of the taxpayer, the department of labor and training,~~
8 ~~the department of human services and the division of taxation shall provide annually an analysis~~
9 ~~of whether any of the employees of the taxpayer has received RItE Care or RItE Share benefits~~
10 ~~and the impact such benefits or assistance may have on the state budget. This analysis shall be~~
11 ~~available to the public for inspection by any person and shall be published by the tax~~
12 ~~administrator on the tax division website. Notwithstanding any other provision of law or rule or~~
13 ~~regulation, the division of taxation, the department of labor and training and the department of~~
14 ~~human services are authorized to present, review and discuss taxpayer specific tax or~~
15 ~~employment information or data with the council, the chairpersons of the house and senate~~
16 ~~finance committees, and/or the house and senate fiscal advisors for the purpose of verification~~
17 ~~and compliance with this tax credit reporting requirement.~~

18 ~~(e) Any agreements or contracts entered into by the council and the taxpayer shall be sent~~
19 ~~to the division of taxation and be available to the public for inspection by any person and shall be~~
20 ~~published by the tax administrator on the tax division website.~~

21 ~~(f) By August 15th of each year the taxpayer shall report the source and amount of any~~
22 ~~bonds, grants, loans, loan guarantees, matching funds or tax credits received from any state~~
23 ~~governmental entity, state agency or public agency as defined in § 37-2-7 received during the~~
24 ~~previous state fiscal year. This annual report shall be sent to the division of taxation and be~~
25 ~~available to the public for inspection by any person and shall be published by the tax~~
26 ~~administrator on the tax division website.~~

27 ~~(g) By August 15th of each year the division of taxation shall report the name, address,~~
28 ~~and amount of tax credit received for each taxpayer during the previous state fiscal year to the~~
29 ~~council, the chairpersons of the house and senate finance committees, the house and senate fiscal~~
30 ~~advisors, the department of labor and training and the division of taxation. This report shall be~~
31 ~~available to the public for inspection by any person and shall be published by the tax~~
32 ~~administrator on the tax division website.~~

33 ~~§ 42-64.3-7 Resident business owner tax modification. — (a) In computing his or her~~
34 ~~annual tax liability pursuant to the provisions of chapter 11 or 30 of title 44, a domiciliary of an~~

~~enterprise zone who owns and operates a qualified business facility in that zone and which business is not required to file under chapter 11, 13, 14 or 17 of title 44 may:~~

~~(1) For the first three (3) years after certification, whether or not consecutive, deduct fifty thousand dollars (\$50,000) per year as a modification reducing federal adjusted gross income; and~~

~~(2) For the fourth and fifth years after certification, whether or not consecutive, deduct twenty five thousand dollars (\$25,000) per year as a modification reducing federal adjusted gross income.~~

~~(b) Any modification provided in subdivisions (1) and (2) of subsection (a) shall not be available in taxable years other than the year in which the taxpayer qualifies for tax modification.~~

~~(c) In the case of multiple business owners, the modifications provided in subdivisions (1) and (2) of subsection (a) shall be apportioned according to the ownership interests of the domiciliary owners of the qualified business.~~

~~(d) A taxpayer who elects this modification shall not be eligible for the business tax credits under § 42-64.3-6.~~

~~§ 42-64.3-7.1 [Repealed.]—~~

~~§ 42-64.3-8 [Repealed.]—~~

~~§ 42-64.3-8.1 [Repealed.]—~~

~~§ 42-64.3-8.2 Promotion of the zone.—~~ The Rhode Island economic development corporation shall promote the existence of the zone(s) and the tax incentives contained in this chapter.

~~§ 42-64.3-9 Standards for business property tax adjustment.—~~ Notwithstanding the provisions of chapters 3—9 of title 44, real and tangible property taxes in enterprise zones for qualified businesses may be exempted or stabilized upon authorization of the city or town council. Nothing in this section shall be deemed to permit the exemption or stabilization for any manufacturing or commercial concern locating from one city or town within the state to another.

~~§ 42-64.3-9.1 Authority for business property tax adjustment—West Warwick.—~~ Notwithstanding the provisions of § 44-3-9, the West Warwick Town Council may stabilize real and tangible property taxes in connection with the development and construction of a hotel/waterpark to be located in the West Warwick Business Park for a period not to exceed twenty five (25) years.

~~§ 42-64.3-10 Additional rules and regulations.—~~ The state tax administrator shall promulgate appropriate rules or regulations to insure the proper administration of the taxation provisions of this chapter. The council shall promulgate appropriate rules or regulations to certify qualified businesses and to determine that a business is entitled to carry forward tax credits as

1 ~~provided in § 42-64.3-6 and shall advise the tax administrator and taxpayers of these rules and~~
2 ~~regulations and shall promulgate any other rules and regulations that may be necessary to carry~~
3 ~~out the provisions of this chapter.~~

4 ~~§ 42-64.3-10.1 Qualified business facilities in two enterprise zones.~~—Notwithstanding
5 ~~the provisions of this chapter, when a qualified business has separate manufacturing facilities in~~
6 ~~two separate enterprise zones, the qualified business will continue to maintain its qualified status~~
7 ~~with respect to the enterprise zones if the net addition of new employees of both sites combined~~
8 ~~meets or exceeds the requirements of §42-64.3-3(4).~~

9 ~~§ 42-64.3-11 Penalty for failure to comply.~~—Any qualified business, officer or
10 ~~employee of a qualified business who willfully fails to comply with the provisions of this chapter~~
11 ~~or otherwise submits false or misleading information is guilty of a misdemeanor. Upon~~
12 ~~conviction, the qualified business, officer or employee of a qualified business shall be fined an~~
13 ~~amount not to exceed three (3) times the amount of tax credits received by the company or be~~
14 ~~imprisoned for a period not exceeding one year, or both.~~

15 ~~§ 42-64.3-12 Applicability to federal enterprise zones and communities.~~—Consistent
16 ~~with the provisions of this chapter, any company whose state-based operations are within the~~
17 ~~boundaries of a federal enterprise zone or enterprise community shall be deemed eligible to~~
18 ~~qualify for the benefits afforded by this chapter; provided, however, that the benefits shall be~~
19 ~~applicable only to that portion of the company's business which is conducted from within the~~
20 ~~federal enterprise zone or enterprise community.~~

21 ~~§ 42-64.3-13 Severability.~~—If the provisions of this chapter or the application of this
22 ~~chapter to any person or circumstances is held invalid, the invalidity shall not affect other~~
23 ~~provisions or applications of the chapter, which can be given effect without the invalid provision~~
24 ~~or application, and to this end the provisions of the chapter are declared to be severable.~~

25 SECTION 2. This article shall take effect as of January 1, 2010.

26 ARTICLE 35

27 RELATING TO EFFECTIVE DATE

28 This article shall take effect as of July 1, 2010, except as otherwise provided herein.

=====
LC01130
=====