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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2008

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A N A C T

MAKING REVISED APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR
FISCAL YEAR ENDING JUNE 30, 2008

Introduced By: Representatives Mumford, Ehrhardt, and Story

Date Introduced: January 23, 2008

Referred To: House Finance

It is enacted by the General Assembly as follows:

- 1 ARTICLE 1 RELATING TO MAKING REVISED APPROPRIATIONS IN
- 2 SUPPORT OF FY 2008
- 3 ARTICLE 2 RELATING TO STATE FLEET REPLACEMENT REVOLVING LOAN
- 4 FUND
- 5 ARTICLE 3 RELATING TO PUBLIC FINANCE – DEBT MANAGEMENT
- 6 ARTICLE 4 RELATING TO RETIREE HEALTH BENEFITS FUNDING
- 7 ARTICLE 5 RELATING TO SCHOOL BUDGETS – HOUSING AID
- 8 ARTICLE 6 RELATING TO PERMITS FOR SALE OF BOTTLED WATER
- 9 ARTICLE 7 RELATING TO CORRECTIONS REFORM
- 10 ARTICLE 8 RELATING TO FURLOUGH DAYS
- 11 ARTICLE 9 RELATING TO THE FAMILY INDEPENDENCE ACT
- 12 ARTICLE 10 RELATING TO MEDICAL ASSISTANCE – ELIGIBILITY
- 13 ARTICLE 11 RELATING TO TOWNS AND CITIES – POLICE OFFICERS AND
- 14 FIREFIGHTERS RELIEF BENEFITS
- 15 ARTICLE 12 RELATING TO ATOMIC ENERGY COMMISSION
- 16 ARTICLE 13 RELATING TO THE RHODE ISLAND TRAINING SCHOOL
- 17 ARTICLE 14 RELATING TO HEALTH CARE COVERAGE FOR CHILD CARE
- 18 PROVIDERS

- 1 ARTICLE 15 RELATING TO EDUCATION AID
- 2 ARTICLE 16 RELATING TO INSURANCE – CONSUMER REPRESENTATION AT RATE
- 3 HEARINGS
- 4 ARTICLE 17 RELATING TO PROCEEDINGS IN FAMILY COURT
- 5 ARTICLE 18 RELATING TO STATE AID
- 6 ARTICLE 19 RELATING TO ADMINISTRATIVE PROCEDURES
- 7 ARTICLE 20 RELATING TO BRIDGE USE FINES
- 8 ARTICLE 21 RELATING RHODE ISLAND UNDERGROUND STORAGE TANK ACT
- 9 ARTICLE 22 RELATING TO EFFECTIVE DATE
- 10

1 **ARTICLE 1**

2 **RELATING TO MAKING REVISED APPROPRIATIONS IN SUPPORT OF FY 2008**

3 SECTION 1. Subject to the conditions, limitations and restrictions hereinafter contained
4 in this article, the following general revenue amounts are hereby appropriated out of any money
5 in the treasury not otherwise appropriated to be expended during the fiscal year ending June 30,
6 2008. The amounts identified for federal funds and restricted receipts shall be made available
7 pursuant to Section 35-4-22 and Chapter 42-41 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.

	FY 2008	FY 2008	FY 2008
	<u>Enacted</u>	<u>Change</u>	<u>Final</u>
Administration			
<i>Central Management</i>			
General Revenues	1,549,780	42,508	1,592,288
Federal Funds	238,173	(9,495)	228,678
Restricted Receipts	0	119,177	119,177
Total - Central Management	1,787,953	152,190	1,940,143
<i>Legal Services</i>			
General Revenues	1,836,817	418,411	2,255,228
Legal Support/DOT	122,057	113,473	235,530
Total - Legal Services	1,958,874	531,884	2,490,758
<i>Accounts and Control</i> General Revenues	3,252,968	246,317	3,499,285
<i>Budgeting</i> General Revenues	2,090,800	(93,472)	1,997,328
<i>Purchasing</i> General Revenues	2,398,789	(215,075)	2,183,714
<i>Auditing</i> General Revenues	1,792,239	(102,279)	1,689,960
<i>Human Resources</i>			
General Revenues	10,067,133	111,427	10,178,560
Federal Funds	2,065,791	(91,870)	1,973,921
Restricted Receipts	577,637	(93,868)	483,769
Other Funds	793,282	(265,276)	528,006
Total - Human Resources	13,503,843	(339,587)	13,164,256
<i>Personnel Appeal Board</i> General Revenues	96,793	13,954	110,747

1	<i>Facilities Management</i>			
2	General Revenues	36,055,887	520,469	36,576,356
3	Federal Funds	7,214,065	560,081	7,774,146
4	Restricted Receipts	1,137,677	(47,451)	1,090,226
5	State Fleet Replacement Restricted Receipts	6,350,000	(6,350,000)	0
6	The State Fleet Replacement restricted receipt account is hereby established,			
7	notwithstanding the provision of Section 34-3-27 of the General Laws, for the purposes of			
8	purchasing vehicles for state agencies. The Department of Administration shall adopt rules and			
9	regulations for the use of these funds and submit them to the Assembly no later than November 1,			
10	2007.			
11	Other funds	555,116	7,360	562,476
12	Total – Facilities Management	51,312,745	(5,309,541)	46,003,204
13	<i>Capital Projects and Property Management</i>			
14	General Revenues	3,748,880	(414,695)	3,334,185
15	<i>Information Technology</i>			
16	General Revenues	17,650,147	1,197,892	18,848,039
17	Federal Funds	7,389,800	(1,787,351)	5,602,449
18	Restricted Receipts	1,422,572	321,689	1,744,261
19	Other Funds	1,403,499	854,047	2,257,546
20	Total – Information Technology	27,866,018	586,277	28,452,295
21	<i>Library and Information Services</i>			
22	General Revenues	1,100,791	(115,173)	985,618
23	Federal Funds	1,084,437	(20,775)	1,063,662
24	Restricted Receipts	2,000	0	2,000
25	Total - Library and Information Services	2,187,228	(135,948)	2,051,280
26	<i>Planning</i>			
27	General Revenues	3,792,553	(10,789)	3,781,764
28	Federal Funds	9,330,126	1,124,079	10,454,205
29	<i>Intermodel Surface Transportation Funds</i>			
30	Federal Highway - PL Systems Planning	1,689,264	358,431	2,047,695
31	Air Quality Modeling	20,800	0	20,800
32	Total - Planning	14,832,743	1,471,721	16,304,464
33	<i>Security Services</i> General Revenues	19,932,620	(243,550)	19,689,070
34	<i>General</i>			

1	General Revenues			
2	Miscellaneous Grants	660,912	0	660,912
3	Torts – Courts	400,000	8,112	408,112
4	Convention Center	12,500,000	(4,100,000)	8,400,000

5 Provided that the funds shall be provided to the Rhode Island Convention Center
6 Authority at the times and in the amounts determined to be necessary by the State Budget Officer;
7 and provided further, that \$500,000 is reserved to fund expenses related to the relocation of the
8 Providence War Memorial to LaSalle Square, or in the alternative, the Dunkin Donuts Center.
9 Any funds remaining from this relocation project may be used to complete the renovation of the
10 Dunkin Donuts Center, if needed.

11	Transfer to RICAP Fund	0	19,423,025	19,423,025
12	Teachers Retiree Health Subsidy	1,442,024	(1,442,024)	0
13	Economic Development Corporation Grant	7,694,121	(39,437)	7,654,684
14	EDC – RI Airport Corporation Impact	1,004,520	(3,766)	1,000,754

15 Sixty percent (60%) of the first \$1,000,000 appropriated funds shall be distributed to each
16 airport serving more than 1,000,000 passengers based upon its percentage of the total passengers
17 served by all airports serving more than 1,000,000 passengers.

18 Forty percent (40%) of the first \$1,000,000 shall be distributed to North Central Airport,
19 Newport-Middletown Airport, Block Island Airport, Quonset Airport, TF Green Airport, and
20 Westerly Airport based on the share of landings during calendar year 2006, respectively. No
21 airport shall receive less than \$25,000.

22 Each airport receiving any portion of the amount appropriated shall make an impact
23 payment to the towns or cities in which the airport is located in the full amounts received from the
24 Corporation within 30 days of payments from the Corporation.

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

27	Economic Policy Council	300,000	(8,100)	291,900
28	Slater Centers of Excellence	3,000,000	(81,000)	2,919,000
29	EDC EPScore	1,500,000	(40,500)	1,459,500
30	Police/Fire Incentive Pay	675,000	0	675,000
31	Motor Vehicle Excise Tax Payment	135,500,042	(183,500)	135,316,542
32	Property Valuation	1,100,000	0	1,100,000
33	General Revenue Sharing Program	65,111,876	(10,000,000)	55,111,876
34	Payment in Lieu of Tax Exempt Properties	27,766,967	0	27,766,967

1	Distressed Communities Relief Program	10,384,458	0	10,384,458
2	Resource Sharing and State Library Aid	8,773,398	0	8,773,398
3	Library Construction Aid	2,813,141	0	2,813,141
4	Restricted Receipts	1,295,997	100,000	1,395,997
5	Rhode Island Capital Plan Funds			
6	State House Renovations	4,000,000	98,624	4,098,624
7	State House Terrace Walls/South Stairs	0	24,081	24,081
8	Lead Mitigation Group Homes	300,000	0	300,000
9	Cranston Street Armory	1,300,000	302,173	1,602,173
10	Cannon Building	200,000	179,381	379,381
11	Pastore Center Master Plan	600,000	0	600,000
12	Zambarano Building Rehabilitation	600,000	151,333	751,333
13	Pastore Center Rehabilitation	530,000	0	530,000
14	Old State House	500,000	29,845	529,845
15	State Office Building	950,000	187,423	1,137,423
16	Veterans Auditorium	0	24,068	24,068
17	Old Colony House	135,000	48,339	183,339
18	Washington County Government Center	0	88,599	88,599
19	William Powers Building	750,000	44,957	794,957
20	McCoy Stadium	557,500	237,356	794,856
21	Fire Code Compliance State Buildings	500,000	22,042	522,042
22	Pastore Center Fire Code Compliance	750,000	5,351	755,351
23	Pastore Center Water Tanks	480,000	0	480,000
24	Ladd Center Water System	50,000	0	50,000
25	Pastore Center Environmental Mandates	250,000	(250,000)	0
26	Pastore Center Power Plant	2,000,000	(963,692)	1,036,308
27	Replacement of Fueling Tanks	600,000	0	600,000
28	Neighborhood Opportunities Program	7,500,000	(5,000,000)	2,500,000
29	Environmental Compliance	275,000	312,956	587,956
30	Computer Center	8,975,000	0	8,975,000
31	Biotech Training Facility	0	1,479	1,479
32	Pastore Utilities Upgrade	0	504,282	504,282
33	DMV Building A&E	0	400,000	400,000
34	Forand Building Exterior Shell	0	1,200,000	1,200,000

1	OHHS Relocation	0	100,000	100,000
2	Business Regulation Relocation	0	100,000	100,000
3	Total – General	313,724,956	1,481,407	315,206,363
4	<i>Debt Service Payments</i>			
5	General Revenues	126,160,050	4,995,692	131,155,742
6	Federal Funds	1,177,854	(231,020)	946,834
7	Restricted Receipts	1,542,173	1,652,350	3,194,523
8	RIPTA Debt Service	681,005	(5,766)	675,239
9	Transportation Debt Service	35,442,466	(1,873,678)	33,568,788
10	RIRBA - DLT – Temporary Disability Insurance	45,586	0	45,586
11	COPS - DLT Building – TDI	358,825	(75,266)	283,559
12	COPS – DLT Building	26,320	(19,219)	7,101
13	Total - Debt Service Payments	165,434,279	4,443,093	169,877,372
14	<i>Energy Resources</i>			
15	General Revenues	2,236,989	42,815	2,279,804
16	Federal Funds	19,688,355	2,339,131	22,027,486
17	Restricted Receipts	200,000	943,888	1,143,888
18	Total – Energy Resources	22,125,344	3,325,834	25,451,178
19	<i>Undistributed Personnel Savings</i>			
20	General Revenues	(9,105,434)	9,105,434	0
21	Federal Funds	(2,606,705)	2,606,705	0
22	Restricted Receipts	(418,650)	418,650	0
23	Other Funds	(2,714,920)	2,714,920	0
24	Total – Undistributed Personnel Savings	(14,845,709)	14,845,709	0
25	Grand Total – Administration	633,201,363	20,244,239	653,445,602
26	Business Regulation			
27	Central Management General Revenues	1,283,012	(4,910)	1,278,102
28	<i>Banking and Securities Regulation</i>			
29	General Revenues	3,083,499	(125,985)	2,957,514
30	Restricted Receipts	145,000	0	145,000
31	Total - Banking and Securities Regulation	3,228,499	(125,985)	3,102,514
32	<i>Commercial Licensing and Racing & Athletics</i>			
33	General Revenues	1,362,961	(269,598)	1,093,363
34	Restricted Receipts	606,836	(53,584)	553,252

1	Total - Commercial Licensing and Racing and			
2	Athletics	1,969,797	(323,182)	1,646,615
3	<i>Insurance Regulation</i>			
4	General Revenues	5,184,809	(160,958)	5,023,851
5	Federal Funds	51,742	150,000	201,742
6	Restricted Receipts	856,129	112,498	968,627
7	Total - Insurance Regulation	6,092,680	101,540	6,194,220
8	<i>Board of Accountancy</i> General Revenues	155,449	(4,090)	151,359
9	<i>Boards for Design Professionals</i> General Revenues	406,186	(13,946)	392,240
10	Grand Total - Business Regulation	13,135,623	(370,573)	12,765,050
11	Labor and Training			
12	<i>Central Management</i>			
13	General Revenues	195,297	(12,713)	182,584
14	Restricted Receipts	483,507	(30,763)	452,744
15	Total - Central Management	678,804	(43,476)	635,328
16	<i>Workforce Development Services</i>			
17	General Revenues	2,500	3,796	6,296
18	Federal Funds	13,368,113	6,911,196	20,279,309
19	Restricted Receipts	14,952,134	(3,287,686)	11,664,448
20	Reed Act Funds			
21	Woonsocket Network Office	0	75,000	75,000
22	Rapid Job Entry	798,997	(3,975)	795,022
23	Workforce Development	5,200,000	(1,012,108)	4,187,892
24	Of the \$5.6 million <u>\$5.1 million</u> appropriated from Other Reed Act funds, \$798,997			
25	<u>\$795,022</u> may be used solely for the Rapid Job Entry Program to engage welfare recipients in			
26	employment preparation and placement through employment assessment workshop and job			
27	club/job search workshop activities; and \$5.2 million <u>\$4.2 million may</u> be used for the			
28	administration of this state's employment compensation law and public employment service			
29	offices.			
30	Total - Workforce Development Services	34,321,744	2,686,223	37,007,967
31	<i>Workforce Regulation and Safety</i>			
32	General Revenues	2,736,797	(257,188)	2,479,609
33	<i>Income Support</i>			
34	General Revenues	3,175,354	105,602	3,280,956

1	Federal Funds	14,756,732	481,217	15,237,949
2	Restricted Receipts	1,760,639	111,724	1,872,363
3	Temporary Disability Insurance Fund	177,634,956	(1,305,632)	176,329,324
4	Employment Security Fund	212,759,436	41,366,598	254,126,034
5	Total - Income Support	410,087,117	40,759,509	450,846,626
6	<i>Injured Workers Services</i> Restricted Receipts	11,087,418	(1,699)	11,085,719
7	<i>Labor Relations Board</i>			
8	General Revenues	473,214	(45,472)	427,742
9	Grand Total - Labor and Training	459,385,094	43,097,897	502,482,991
10	Department of Revenue			
11	<i>Director of Revenue</i> General Revenues	751,500	(319,476)	432,024
12	<i>Office of Revenue Analysis</i> General Revenues	750,003	(385,807)	364,196
13	<i>Lottery Division</i> Lottery Funds	214,697,422	(12,048,981)	202,648,441
14	<i>Property Valuation</i> General Revenues	849,819	(61,296)	788,523
15	<i>Taxation</i>			
16	General Revenues	17,820,994	(1,783,706)	16,037,288
17	Federal Funds	1,235,454	(75,195)	1,160,259
18	Restricted Receipts	830,406	46,500	876,906
19	Motor Fuel Tax Invasion	0	128,907	128,907
20	Temporary Disability Insurance	910,131	(119,045)	791,086
21	Total – Taxation	20,796,985	(1,802,539)	18,994,446
22	<i>Registry of Motor Vehicles</i>			
23	General Revenues	18,403,641	(859,828)	17,543,813
24	Federal Funds	99,691	869,047	968,738
25	Restricted Receipts	15,100	0	15,100
26	Total – Registry of Motor Vehicles	18,518,432	9,219	18,527,651
27	Grand Total – Revenue	256,364,161	(14,608,880)	241,755,281
28	Legislature			
29	General Revenues	34,440,361	(324,158)	34,116,203
30	Restricted Receipts	1,523,721	(72,186)	1,451,535
31	Grand Total – Legislature	35,964,082	(396,344)	35,567,738
32	Lieutenant Governor General Revenues	925,112	(85,296)	839,816
33	State			
34	<i>Administration</i> General Revenues	1,685,414	(27,259)	1,658,155

1	<i>Corporations</i> General Revenues	1,798,880	54,708	1,853,588
2	<i>State Archives</i>			
3	General Revenues	88,909	(88,909)	0
4	Federal Funds	40,121	(1,823)	38,298
5	Restricted Receipts	443,476	115,026	558,502
6	Total - State Archives	572,506	24,294	596,800
7	<i>Elections</i>			
8	General Revenues	583,210	28,136	611,346
9	Federal Funds	546,623	(12,418)	534,205
10	Total – Elections	1,129,833	15,718	1,145,551
11	<i>State Library</i> General Revenues	689,592	(14,001)	675,591
12	<i>Office of Civics and Public Information</i>			
13	General Revenues	190,131	53,878	244,009
14	Grand Total – State	6,066,356	107,338	6,173,694
15	General Treasurer			
16	<i>Treasury</i>			
17	General Revenues	2,589,641	(125,849)	2,463,792
18	Federal Funds	291,066	(11,339)	279,727
19	Restricted Receipts	10,000	(10,000)	0
20	Temporary Disability Insurance Fund	293,140	(53,155)	239,985
21	Total – Treasury	3,183,847	(200,343)	2,983,504
22	<i>State Retirement System</i>			
23	Restricted Receipts			
24	Admin Expenses - State Retirement System	6,131,739	197,927	6,329,666
25	Retirement - Treasury Investment Operations	877,497	39,173	916,670
26	Total - State Retirement System	7,009,236	237,100	7,246,336
27	<i>Unclaimed Property</i>			
28	Restricted Receipts	23,095,200	1,491,473	24,586,673
29	<i>RI Refunding Bond Authority</i> General Revenues	40,349	(3,446)	36,903
30	<i>Crime Victim Compensation Program</i>			
31	General Revenues	278,560	(5,488)	273,072
32	Federal Funds	1,625,080	(754,621)	870,459
33	Restricted Receipts	1,657,851	(297,207)	1,360,644
34	Total - Crime Victim Compensation Program	3,561,491	(1,057,316)	2,504,175

1	Grand Total – General Treasurer	36,890,123	467,468	37,357,591
2	Board of Elections			
3	General Revenues	1,437,214	(147,267)	1,289,947
4	Federal Funds	586,894	44,434	631,328
5	Grand Total - Board of Elections	2,024,108	(102,833)	1,921,275
6	Rhode Island Ethics Commission General Revenues	1,410,451	(79,991)	1,330,460
7	Office of Governor General Revenues	4,921,696	(147,968)	4,773,728
8	From the appropriation for contingency shall be paid such sums as may be required at			
9	the discretion of the Governor to fund expenses for which appropriations may not exist. Such			
10	contingency funds may also be used for expenditures in departments and agencies where			
11	appropriations are insufficient, or where such requirements are due to unforeseen conditions or			
12	are non-recurring items of an unusual nature. Said appropriation may also be used for the			
13	payment of bills incurred due to emergencies or to any offense against public peace and property,			
14	in accordance with the provisions of Titles 11 and 45 of the General Laws of 1956, as amended.			
15	All expenditures and transfers from this account shall be approved by the Governor.			
16	Public Utilities Commission			
17	General Revenues	661,246	(13,618)	647,628
18	Federal Funds	100,124	(3,027)	97,097
19	Restricted Receipts	6,334,717	(140,990)	6,193,727
20	Grand Total - Public Utilities Commission	7,096,087	(157,635)	6,938,452
21	Rhode Island Commission on Women General Revenues	108,203	(2,273)	105,930
22	Commission for Human Rights			
23	General Revenues	984,197	(32,520)	951,677
24	Federal Funds	404,743	(33,853)	370,890
25	Grand Total - Commission for Human Rights	1,388,940	(66,373)	1,322,567
26	Office of Health and Human Services			
27	General Revenues	307,152	80,024	387,176
28	Federal Funds	5,826,265	1,332,407	7,158,672
29	Restricted Receipts	445,548	(131,177)	314,371
30	Grand Total – Office of Health and Human Services	6,578,965	1,281,254	7,860,219
31	Children, Youth, and Families			
32	<i>Central Management</i>			
33	General Revenues	5,903,045	1,035,011	6,938,056
34	Federal Funds	3,359,730	(507,769)	2,851,961

1	Total - Central Management	9,262,775	527,242	9,790,017
2	<i>Children's Behavioral Health Services</i>			
3	General Revenues	18,805,572	(2,141,247)	16,664,325
4	Federal Funds	13,268,634	(103,250)	13,165,384
5	Rhode Island Capital Plan Funds			
6	Groden Center Mt. Hope	0	16,445	16,445
7	Total - Children's Behavioral Health Services	32,074,206	(2,228,052)	29,846,154
8	<i>Juvenile Correctional Services</i>			
9	General Revenues	29,680,225	(160,073)	29,520,152
10	Federal Funds	610,837	6,081	616,918
11	Restricted Receipts	6,000	4,000	10,000
12	Rhode Island Capital Plan Funds			
13	Girl's Facility – Training School	700,000	(700,000)	0
14	Total - Juvenile Correctional Services	30,997,062	(849,992)	30,147,070
15	<i>Child Welfare</i>			
16	General Revenues			
17	General Revenues	88,661,014	4,442,968	93,103,982
18	18 to 21 Year Olds	6,000,000	(450,000)	5,550,000
19	Federal Funds			
20	Federal Funds	58,426,893	260,425	58,687,318
21	18 to 21 Year Olds	4,545,000	(161,902)	4,383,098
22	The General Assembly shall appropriate quarterly allotments to the Department of			
23	Children, Youth and Families for child welfare for FY 2008. The state controller shall not allow			
24	the department to spend any more than \$23.7 million <u>\$24.4 million</u> from general revenues and			
25	\$15.7 million <u>\$15.8 million</u> from federal funds by September 30, 2007, no more than \$47.4			
26	million <u>\$48.9 million</u> from general revenues and \$31.4 million <u>\$31.6 million</u> from federal funds			
27	by December 31, 2007, and no more than \$71.1 million <u>\$73.3 million</u> from general revenues and			
28	\$47.1 million <u>\$47.4 million</u> from federal funds by March 31, 2008.			
29	Restricted Receipts	1,747,941	492,615	2,240,556
30	Rhode Island Capital Plan Funds			
31	Camp E-Hun-Tee	85,000	0	85,000
32	Fire Code Upgrades	750,000	3,690	753,690
33	Total - Child Welfare	160,215,848	4,587,796	164,803,644
34	<i>Higher Education Incentive Grants</i> General Revenues	200,000	0	200,000

1	Grand Total - Children, Youth, and Families	232,749,891	2,036,994	234,786,885
2	Elderly Affairs			
3	General Revenues			
4	General Revenues	16,521,951	(302,899)	16,219,052
5	RIPAE	2,081,654	(911,654)	1,170,000
6	Safety and Care of the Elderly	600	(16)	584
7	Federal Funds	13,056,931	(111,332)	12,945,599
8	Restricted Receipts	690,000	640,000	1,330,000
9	Intermodal Surface Transportation Fund	4,685,000	0	4,685,000
10	Grand Total - Elderly Affairs	37,036,136	(685,901)	36,350,235
11	Health			
12	<i>Central Management</i>			
13	General Revenues	4,901,329	(711,600)	4,189,729
14	Federal Funds	4,856,361	3,510,001	8,366,362
15	Restricted Receipts	3,716,866	772,626	4,489,492
16	Total - Central Management	13,474,556	3,571,027	17,045,583
17	<i>State Medical Examiner</i>			
18	General Revenues	2,156,986	(15,337)	2,141,649
19	Federal Funds	141,556	(9,935)	131,621
20	Total - State Medical Examiner	2,298,542	(25,272)	2,273,270
21	<i>Family Health</i>			
22	General Revenues	2,588,535	(118,589)	2,469,946
23	Federal Funds	29,851,256	4,120,897	33,972,153
24	Restricted Receipts	18,186,461	(814,208)	17,372,253
25	Total - Family Health	50,626,252	3,188,100	53,814,352
26	<i>Health Services Regulation</i>			
27	General Revenues	6,522,612	(58,923)	6,463,689
28	Federal Funds	4,913,651	1,870,727	6,784,378
29	Restricted Receipts	436,904	(39,919)	396,985
30	Total - Health Services Regulation	11,873,167	1,771,885	13,645,052
31	<i>Environmental Health</i>			
32	General Revenues	3,999,516	(217,729)	3,781,787
33	Federal Funds	6,124,861	(171,871)	5,952,990
34	Restricted Receipts	3,062,911	(154,828)	2,908,083

1	Other Funds	0	100,000	100,000
2	Total - Environmental Health	13,187,288	(444,428)	12,742,860
3	<i>Health Laboratories</i>			
4	General Revenues	8,170,513	(1,348,438)	6,822,075
5	Federal Funds	2,063,939	315,447	2,379,386
6	Total - Health Laboratories	10,234,452	(1,032,991)	9,201,461
7	<i>Disease Prevention and Control</i>			
8	General Revenues	6,147,635	(846,898)	5,300,737
9	Federal Funds	17,353,763	2,111,258	19,465,021
10	Walkable Communities Initiative	28,676	734	29,410
11	Total - Disease Prevention and Control	23,530,074	1,265,094	24,795,168
12	Grand Total – Health	125,224,331	8,293,415	133,517,746
13	Human Services			
14	<i>Central Management</i>			
15	General Revenues			
16	General Revenues	9,113,855	433,217	9,547,072
17	Statewide Operating Savings	0	(19,647,261)	(19,647,261)
18	Federal Funds			
19	Federal Funds	4,251,568	194,875	4,446,443
20	Statewide Operating Savings	0	(19,916,418)	(19,916,418)
21	Restricted Receipts	1,746,265	248,682	1,994,947
22	Total - Central Management	15,111,688	(38,686,905)	(23,575,217)
23	<i>Child Support Enforcement</i>			
24	General Revenues	3,830,853	(595,168)	3,235,685
25	Federal Funds	7,569,577	(130,261)	7,439,316
26	Restricted Receipts	50,000	(50,000)	0
27	Total – Child Support Enforcement	11,450,430	(775,429)	10,675,001
28	<i>Individual and Family Support</i>			
29	General Revenues	24,754,511	(1,945,733)	22,808,778
30	Federal Funds	52,883,675	3,562,683	56,446,358
31	Restricted Receipts	134,150	0	134,150
32	Rhode Island Capital Plan Funds			
33	Blind Vending Facilities	100,000	0	100,000
34	Forand Building Exterior Improvements	1,200,000	(1,200,000)	0

1	Total - Individual and Family Support	79,072,336	416,950	79,489,286
2	<i>Veterans' Affairs</i>			
3	General Revenues	17,109,472	1,070,319	18,179,791
4	Federal Funds	6,384,850	3,050,669	9,435,519
5	Restricted Receipts	1,516,550	580,761	2,097,311
6	Total - Veterans' Affairs	25,010,872	4,701,749	29,712,621
7	<i>Health Care Quality, Financing and Purchasing</i>			
8	General Revenues	23,023,393	(2,012,006)	21,011,387
9	Federal Funds	43,746,840	(1,865,455)	41,881,385
10	Restricted Receipts	186,714	19,766	206,480
11	Total - Health Care Quality,			
12	Financing & Purchasing	66,956,947	(3,857,695)	63,099,252
13	<i>Medical Benefits</i>			
14	General Revenues			
15	Hospitals	127,761,587	6,193,191	133,954,778
16	Long Term Care	171,867,087	809,402	172,676,489
17	Provided that \$154,280,987 <u>\$150,579,223</u> is for long term care for nursing homes			
18	and hospice care and \$17,586,100 <u>\$17,435,001</u> is for long term care for home and community			
19	based services.			
20	Managed Care	259,157,517	(2,237,880)	256,919,637
21	Pharmacy	63,239,985	(786,065)	62,453,920
22	Other	55,380,738	892,105	56,272,843
23	Federal Funds			
24	Hospitals	115,822,763	16,940,535	132,763,298
25	Long Term Care	189,938,417	685,094	190,623,511
26	Provided that \$170,524,517 <u>\$166,222,173</u> is for long term care for nursing homes			
27	and hospice care and \$19,413,900 <u>\$19,246,241</u> is for long term care for home and community			
28	based services.			
29	Managed Care	293,562,936	4,764,454	298,327,390
30	Special Education	20,733,240	0	20,733,240
31	Pharmacy	23,999,516	346,564	24,346,080
32	Other	60,550,556	1,572,784	62,123,340
33	Restricted Receipts	5,590,042	15,000	5,605,042
34	Total - Medical Benefits	1,387,604,384	29,195,184	1,416,799,568

1	<i>Supplemental Security Income Program</i>			
2	General Revenues	28,455,740	(152,598)	28,303,142
3	<i>Family Independence Program</i>			
4	General Revenues			
5	Child Care	7,442,414	2,994,985	10,437,399
6	TANF/Family Independence Program	15,957,990	329,500	16,287,490
7	Federal Funds	84,438,119	122,792	84,560,911
8	Total - Family Independence Program	107,838,523	3,447,277	111,285,800
9	<i>State Funded Programs</i>			
10	General Revenues			
11	General Public Assistance	4,090,076	(599,565)	3,490,511
12	Federal Funds	85,553,476	7,814,100	93,367,576
13	Total - State Funded Programs	89,643,552	7,214,535	96,858,087
14	Grand Total - Human Services	1,811,144,472	1,503,068	1,812,647,540
15	Mental Health, Retardation, and Hospitals			
16	<i>Central Management</i>			
17	General Revenues	740,606	1,076,440	1,817,046
18	Federal Funds	67,080	50,597	117,677
19	Total - Central Management	807,686	1,127,037	1,934,723
20	<i>Hospital and Community System Support</i>			
21	General Revenues	4,238,069	(692,905)	3,545,164
22	Federal Funds	373,404	40,042	413,446
23	Rhode Island Capital Plan Funds			
24	Medical Center Rehabilitation	290,000	21,385	311,385
25	Community Facilities Fire Code	1,250,000	(85,302)	1,164,698
26	DD Private Waiver Com Facilities-Fire Code	337,500	37,021	374,521
27	Total - Hospital and Community System Support	6,488,973	(679,759)	5,809,214
28	<i>Services for the Developmentally Disabled</i>			
29	General Revenues	120,497,502	(1,837,612)	118,659,890
30	Federal Funds	136,746,550	(2,240,301)	134,506,249
31	Rhode Island Capital Plan Funds			
32	Regional Center Repair/Rehabilitation	300,000	18,464	318,464
33	MR Community Facilities	500,000	0	500,000
34	Developmental Disability Group Homes	2,050,000	66,215	2,116,215

1	Total - Services for the Developmentally			
2	Disabled	260,094,052	(3,993,234)	256,100,818
3	<i>Integrated Mental Health Services</i>			
4	General Revenues	43,958,899	(1,949,374)	42,009,525
5	Federal Funds	38,244,839	(2,016,687)	36,228,152
6	Rhode Island Capital Plan Funds			
7	MH Community Facilities Repair	250,000	0	250,000
8	MH Housing Development-Thresholds	400,000	0	400,000
9	Total - Integrated Mental Health Services	82,853,738	(3,966,061)	78,887,677
10	<i>Hospital and Community Rehabilitation Services</i>			
11	General Revenues	57,019,642	(5,291,983)	51,727,659
12	Federal Funds	56,699,247	(6,552,142)	50,147,105
13	Restricted Receipts	2,950,000	(446,166)	2,503,834
14	Rhode Island Capital Plan Funds			
15	Zambarano Buildings and Utilities	590,000	53,273	643,273
16	Hospital Consolidation	2,250,000	1,450,000	3,700,000
17	Total - Hospital and Community			
18	Rehabilitative Services	119,508,889	(10,787,018)	108,721,871
19	<i>Substance Abuse</i>			
20	General Revenues	17,004,511	(566,461)	16,438,050
21	Federal Funds	11,839,894	1,651,086	13,490,980
22	Restricted Receipts	90,000	0	90,000
23	Rhode Island Capital Plan Funds			
24	Eastman House	0	442,271	442,271
25	Asset Protection	200,000	5,218	205,218
26	Total - Substance Abuse	29,134,405	1,532,114	30,666,519
27	Grand Total - Mental Health, Retardation,			
28	and Hospitals	498,887,743	(16,766,921)	482,120,822
29	Office of the Child Advocate			
30	General Revenues	520,757	(36,188)	484,569
31	Federal Funds	40,000	(2,499)	37,501
32	Grand Total – Office of the Child Advocate	560,757	(38,687)	522,070
33	Commission on the Deaf and Hard of Hearing			
34	General Revenues	370,154	(43,559)	326,595

1	Federal Funds	17,500	(17,500)	0
2	Grand Total - Commission on the Deaf and			
3	Hard of Hearing	387,654	(61,059)	326,595
4	RI Developmental Disabilities Council Federal Funds	461,111	(55,409)	405,702
5	Governor's Commission on Disabilities			
6	General Revenues	535,775	(185,149)	350,626
7	Federal Funds	181,692	12,688	194,380
8	Restricted Receipts	50,612	(36,257)	14,355
9	Rhode Island Capital Plan Funds			
10	Facility Renovation - Handicapped Accessibility	200,000	36,551	236,551
11	Grand Total - Governor's Commission on			
12	Disabilities	968,079	(172,167)	795,912
13	Mental Health Advocate General Revenues	424,343	(18,797)	405,546
14	Elementary and Secondary Education			
15	<i>Administration of the Comprehensive Education Strategy</i>			
16	General Revenues			
17	General Revenues	21,316,614	(743,740)	20,572,874
18	Statewide Uniform Chart of Accounts	1,100,000	0	1,100,000
19	Federal Funds	175,671,609	11,730,055	187,401,664
20	Restricted Receipts			
21	Restricted Receipts	1,189,897	(136,497)	1,053,400
22	HRIC Adult Education Grants	4,500,000	116,700	4,616,700
23	Rhode Island Capital Plan Funds			
24	Shepard Building Air Quality	286,500	0	286,500
25	Total – Administration of the Comprehensive			
26	Education Strategy	204,064,620	10,966,518	215,031,138
27	<i>Davies Career and Technical School</i>			
28	General Revenues	14,571,572	(523,849)	14,047,723
29	Federal Funds	1,237,336	187,743	1,425,079
30	Rhode Island Capital Plan Funds			
31	Davies HVAC	364,985	124	365,109
32	Davies Asset Protection	82,400	0	82,400
33	Davies Roof Repair	507,000	0	507,000
34	Total - Davies Career and Technical School	16,763,293	(335,982)	16,427,311

1	<i>RI School for the Deaf</i>			
2	General Revenues	6,807,792	(236,799)	6,570,993
3	Federal Funds	367,923	(96,953)	270,970
4	Restricted Receipts	0	1,418	1,418
5	Other Funds	0	10,181	10,181
6	Total - RI School for the Deaf	7,175,715	(322,153)	6,853,562
7	<i>Metropolitan Career and Technical School</i>			
8	General Revenues	11,487,734	0	11,487,734
9	<i>Education Aid</i>			
10	General Revenues	679,417,316	(21,174)	679,396,142
11	Federal Funds	1,119,042	(1,044,042)	75,000
12	Restricted Receipts	1,459,996	(506)	1,459,490
13	Total – Education Aid	681,996,354	(1,065,722)	680,930,632
14	<i>Central Falls School District</i>			
15	General Revenues	43,795,411	(379,189)	43,416,222
16	Provided that in addition to the appropriation contained in this article, \$379,189 be			
17	allocated to the Central Falls School District from the Permanent School Fund.			
18	<i>Housing Aid</i> General Revenues	52,861,510	(3,208,534)	49,652,976
19	<i>Teacher’s Retirement</i> General Revenues	78,071,710	2,153,645	80,225,355
20	Grand Total - Elementary and Secondary			
21	Education	1,096,216,347	7,808,583	1,104,024,930
22	Public Higher Education			
23	<i>Board of Governors/Office of Higher Education</i>			
24	General Revenues	8,135,640	(227,492)	7,908,148
25	Federal Funds	3,526,446	1,774,368	5,300,814
26	Restricted Receipts	200,000	252,851	452,851
27	Total - Board of Governors/Office of			
28	Higher Education	11,862,086	1,799,727	13,661,813
29	<i>University of Rhode Island</i>			
30	General Revenues			
31	General Revenues	77,035,968	(2,139,443)	74,896,525
32	Debt Service	11,203,337	(765,551)	10,437,786
33	University and College Funds			
34	University and College Funds	401,968,441	11,921,728	413,890,169

1	Debt – Dining Services	1,115,771	7,500	1,123,271
2	Debt – Education and General	2,556,727	(141,890)	2,414,837
3	Debt – Health Services	130,758	(2,400)	128,358
4	Debt – Housing Loan Funds	5,550,920	142,570	5,693,490
5	Debt – Memorial Union	101,165	(550)	100,615
6	Debt – Ryan Center	388,558	1,671,909	2,060,467
7	Debt – Alton Jones Services	148,728	(200)	148,528
8	Debt – Boss Arena	71,913	(71,913)	0
9	Debt Parking Authority	757,871	(2,000)	755,871
10	Debt – Sponsored Research	101,425	0	101,425
11	Rhode Island Capital Plan Funds			
12	Asset Protection	4,189,500	607,949	4,797,449
13	Superfund	954,000	0	954,000
14	Lippitt Hall	4,605,000	0	4,605,000
15	Total – University of Rhode Island	510,880,082	11,227,709	522,107,791

16 Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or
17 unencumbered balances as of June 30, 2008 relating to the University of Rhode Island are hereby
18 reappropriated to fiscal year 2009.

19 *Rhode Island College*

20	General Revenues			
21	General Revenues	45,750,547	(1,403,827)	44,346,720
22	Debt Service	2,944,957	(89,027)	2,855,930
23	RIRBA – Rhode Island College	336,386	0	336,386
24	University and College Funds			
25	University and College Funds	82,943,953	(441,469)	82,502,484
26	Debt – Education and General	295,152	0	295,152
27	Debt – Housing	494,417	0	494,417
28	Debt – Student Center and Dining	172,061	0	172,061
29	Debt – Student Union	172,194	0	172,194
30	Rhode Island Capital Plan Funds			
31	Asset Protection	1,819,125	293,532	2,112,657
32	Total – Rhode Island College	134,928,792	(1,640,791)	133,288,001

33 Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or
34 unencumbered balances as of June 30, 2008 relating to Rhode Island College are hereby

1 reappropriated to fiscal year 2009.

2 *Community College of Rhode Island*

3 General Revenues

4 General Revenues 49,254,318 (1,434,029) 47,820,289

5 Debt Service 1,406,894 (25,630) 1,381,264

6 Restricted Receipts 693,520 (52,872) 640,648

7 University and College Funds

8 University and College Funds 58,716,203 1,492,226 60,208,429

9 Debt – Bookstore 176,504 (30,837) 145,667

10 Rhode Island Capital Plan Funds

11 Knight Campus Nursing Program 60,000 0 60,000

12 Fire Code and HVAC 1,700,000 0 1,700,000

13 Asset Protection 1,157,625 1,492,425 2,650,050

14 Total – Community College of RI 113,165,064 1,441,283 114,606,347

15 Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or
16 unencumbered balances as of June 30, 2008 relating to the Community College of Rhode Island
17 are hereby reappropriated to fiscal year 2009.

18 Grand Total – Public Higher Education 770,836,024 12,827,928 783,663,952

19 **RI State Council on the Arts**

20 General Revenues

21 Operating Support 757,476 (24,105) 733,371

22 Grants 2,020,168 (54,545) 1,965,623

23 Federal Funds 706,453 (34,810) 671,643

24 Restricted Receipts 0 200,000 200,000

25 Arts for Public Facilities 3,000,000 (2,000,000) 1,000,000

26 Grand Total - RI State Council on the Arts 6,484,097 (1,913,460) 4,570,637

27 **RI Atomic Energy Commission**

28 General Revenues 819,869 (21,042) 798,827

29 Federal Funds 420,940 116,337 537,277

30 URI Sponsored Research 190,654 49,105 239,759

31 Rhode Island Capital Plan Funds-

32 RINSC Parking Lot Repair 50,000 0 50,000

33 Grand Total - RI Atomic Energy Commission 1,481,463 144,400 1,625,863

34 **RI Higher Education Assistance Authority**

1	General Revenues			
2	Needs Based Grants and Work Opportunities	10,000,000	(756,500)	9,243,500
3	Authority Operations and Other Grants	1,019,684	(43,392)	976,292
4	Federal Funds	12,612,204	(245,802)	12,366,402
5	Tuition Savings Program – Administration	5,718,516	1,403,121	7,121,637
6	Grand Total - Higher Education Assistance			
7	Authority	29,350,404	357,427	29,707,831
8	RI Historical Preservation and Heritage Commission			
9	General Revenues	1,577,792	(90,480)	1,487,312
10	Federal Funds	529,078	18,598	547,676
11	Restricted Receipts	496,294	(4,301)	491,993
12	Grand Total – RI Historical Preservation			
13	and Heritage Commission	2,603,164	(76,183)	2,526,981
14	RI Public Telecommunications Authority			
15	General Revenues	1,363,654	(47,458)	1,316,196
16	Corporation for Public Broadcasting	799,656	(65,621)	734,035
17	Grand Total – RI Public Telecommunications			
18	Authority	2,163,310	(113,079)	2,050,231
19	Attorney General			
20	<i>Criminal</i>			
21	General Revenues	12,988,267	66,239	13,054,506
22	Federal Funds	1,322,964	(48,334)	1,274,630
23	Restricted Receipts	339,183	(7,046)	332,137
24	Total – Criminal	14,650,414	10,859	14,661,273
25	<i>Civil</i>			
26	General Revenues	4,897,204	(764,256)	4,132,948
27	Restricted Receipts	634,364	(25,927)	608,437
28	Total – Civil	5,531,568	(790,183)	4,741,385
29	<i>Bureau of Criminal Identification</i>			
30	General Revenues	1,017,634	(52,458)	965,176
31	Federal Funds	56,500	61,387	117,887
32	Total - Bureau of Criminal Identification	1,074,134	8,929	1,083,063
33	<i>General</i>			
34	General Revenues	2,432,200	41,599	2,473,799

1	Rhode Island Capital Plan Funds-			
2	Building Renovations and Repairs	215,000	189,880	404,880
3	Total – General	2,647,200	231,479	2,878,679
4	Grand Total - Attorney General	23,903,316	(538,916)	23,364,400
5	Corrections			
6	<i>Central Management</i>			
7	General Revenues	10,466,116	(1,377,661)	9,088,455
8	Federal Funds	359,452	(219,337)	140,115
9	Total - Central Management	10,825,568	(1,596,998)	9,228,570
10	<i>Parole Board</i>			
11	General Revenues	1,259,056	(44,744)	1,214,312
12	Federal Funds	33,002	37,998	71,000
13	Total - Parole Board	1,292,058	(6,746)	1,285,312
14	<i>Institutional Corrections</i>			
15	General Revenues	160,571,643	(625,118)	159,946,525
16	Federal Funds	2,034,829	533,318	2,568,147
17	Rhode Island Capital Plan Funds			
18	Reintegration Center State Match	1,195,123	1,123,897	2,319,020
19	General Renovations - Maximum	400,000	3,105	403,105
20	General Renovations – Women’s	1,000,000	26,103	1,026,103
21	Women’s Bath Room Renovations	856,000	0	856,000
22	Work Release Roof	497,000	484,644	981,644
23	Asset Protection	2,500,000	721,711	3,221,711
24	Total - Institutional Corrections	169,054,595	2,267,660	171,322,255
25	<i>Community Corrections</i>			
26	General Revenues	15,657,717	(1,355,914)	14,301,803
27	Federal Funds	380,217	424,080	804,297
28	Total – Community Corrections	16,037,934	(931,834)	15,106,100
29	Grand Total – Corrections	197,210,155	(267,918)	196,942,237
30	Judiciary			
31	<i>Supreme Court</i>			
32	General Revenues			
33	General Revenues	25,903,138	(111,263)	25,791,875
34	Defense of Indigents	3,065,689	(82,774)	2,982,915

1	Judicial Tenure and Discipline	119,705	(3,263)	116,442
2	Federal Funds	121,590	243,878	365,468
3	Restricted Receipts	1,131,337	323,722	1,455,059
4	Rhode Island Capital Plan Funds			
5	Judicial HVAC	400,000	0	400,000
6	Garrahy Lighting and Ceiling	600,000	0	600,000
7	Blackstone Valley Courthouse Feasibility Study	0	83,080	83,080
8	Asset Protection	450,000	717	450,717
9	Total - Supreme Court	31,791,459	454,097	32,245,556
10	<i>Superior Court</i>			
11	General Revenues	20,417,996	(823,031)	19,594,965
12	Federal Funds	535,427	(318,518)	216,909
13	Total - Superior Court	20,953,423	(1,141,549)	19,811,874
14	<i>Family Court</i>			
15	General Revenues	17,793,670	(136,287)	17,657,383
16	Federal Funds	1,407,102	690,273	2,097,375
17	Total - Family Court	19,200,772	553,986	19,754,758
18	<i>District Court</i> General Revenues	10,505,649	(669,370)	9,836,279
19	<i>Traffic Tribunal</i> General Revenues	7,159,070	(339,013)	6,820,057
20	<i>Workers' Compensation Court</i>			
21	Restricted Receipts	7,387,455	(181,507)	7,205,948
22	Grand Total – Judiciary	96,997,828	(1,323,356)	95,674,472
23	Military Staff			
24	<i>National Guard</i>			
25	General Revenues	1,761,132	(6,069)	1,755,063
26	Federal Funds	9,288,875	(272,699)	9,016,176
27	Restricted Receipts	145,000	15,000	160,000
28	Rhode Island Capital Plan Funds			
29	Federal Armories Fire Code Comp.	118,750	(59,355)	59,395
30	AMC – Roof Replacement	644,000	0	644,000
31	State Armories Fire Code Comp.	250,000	(65,625)	184,375
32	Asset Protection	210,000	55,650	265,650
33	Quonset Hangar	0	1,335,000	1,335,000
34	Logistics/Maint Facilities Fire Code Comp	100,000	(50,000)	50,000

1	Woonsocket Building Demolition	71,250	0	71,250
2	Schofield Armory Rehabilitation	0	170,471	170,471
3	Total - National Guard	12,589,007	1,122,373	13,711,380
4	<i>Emergency Management</i>			
5	General Revenues	802,732	(59,800)	742,932
6	Federal Funds	11,305,824	12,323,206	23,629,030
7	Restricted Receipts	262,532	(121,028)	141,504
8	Total - Emergency Management	12,371,088	12,142,378	24,513,466
9	Grand Total - Military Staff	24,960,095	13,264,751	38,224,846
10	E-911 Emergency Telephone System			
11	General Revenues	4,733,109	146,258	4,879,367
12	Federal Funds	0	500,000	500,000
13	Restricted Receipts	1,296,943	(422,228)	874,715
14	Grand Total - E-911 Emergency Telephone System	6,030,052	224,030	6,254,082
15	Fire Safety Code Board of Appeal and Review			
16	General Revenues	303,435	(13,605)	289,830
17	State Fire Marshal			
18	General Revenues	2,671,285	(316,587)	2,354,698
19	Federal Funds	227,972	810,505	1,038,477
20	Grand Total - State Fire Marshal	2,899,257	493,918	3,393,175
21	Rhode Island Justice Commission			
22	General Revenues	160,815	71,038	231,853
23	Federal Funds	4,151,511	358,171	4,509,682
24	Restricted Receipts	30,000	103,000	133,000
25	Grand Total - Rhode Island Justice Commission	4,342,326	532,209	4,874,535
26	Municipal Police Training Academy			
27	General Revenues	429,252	(1,438)	427,814
28	Federal Funds	50,000	16,400	66,400
29	Grand Total - Municipal Police Training Academy	479,252	14,962	494,214
30	State Police			
31	General Revenues	52,058,385	(1,369,464)	50,688,921
32	Federal Funds	1,091,916	1,275,632	2,367,548
33	Restricted Receipts	312,100	149,347	461,447
34	Traffic Enforcement - Municipal Training	378,924	(37,290)	341,634

1	Rhode Island Capital Plan Funds			
2	Barracks & Training	150,000	0	150,000
3	State Police Training Academy	5,000,000	(3,000,000)	2,000,000
4	State Police Headquarters Repair	0	134,682	134,682
5	Lottery Commission Assistance	142,099	(4,947)	137,152
6	Airport Corporation	143,923	(5,768)	138,155
7	Road Construction Reimbursement	2,366,598	(10,894)	2,355,704
8	Grand Total - State Police	61,643,945	(2,868,702)	58,775,243
9	Office of Public Defender			
10	General Revenues	9,324,951	(308,995)	9,015,956
11	Federal Funds	421,833	(62,917)	358,916
12	Grand Total - Office of Public Defender	9,746,784	(371,912)	9,374,872
13	Environmental Management			
14	<i>Office of the Director</i>			
15	General Revenues	6,043,464	(275,486)	5,767,978
16	Federal Funds	556,097	(133,858)	422,239
17	Restricted Receipts	2,504,573	3,550	2,508,123
18	Total – Office of the Director	9,104,134	(405,794)	8,698,340
19	<i>Natural Resources</i>			
20	General Revenues	18,318,004	(416,630)	17,901,374
21	Federal Funds	17,159,404	750,541	17,909,945
22	Restricted Receipts	3,829,816	(299,322)	3,530,494
23	DOT Recreational Projects	117,996	(47,985)	70,011
24	Blackstone Bikepath Design	787,890	424	788,314
25	Rhode Capital Plan Funds			
26	Dam Repair	300,000	0	300,000
27	Recreational Facilities Improvement	1,000,000	143,793	1,143,793
28	Fort Adams Rehabilitation	250,000	0	250,000
29	Jamestown Fishing Pier	100,000	0	100,000
30	Wickford Marine Facility	0	510,000	510,000
31	Galilee Piers Upgrade	400,000	60,101	460,101
32	Newport Piers	950,000	0	950,000
33	Total - Natural Resources	43,213,110	700,922	43,914,032
34	<i>Environmental Protection</i>			

1	General Revenues	12,051,532	(1,507,422)	10,544,110
2	Federal Funds	10,438,032	2,087,244	12,525,276
3	Restricted Receipts	10,611,052	(577,797)	10,033,255
4	Rhode Island Capital Plan Funds			
5	Rosehill Landfill Superfund Site	0	1,275,000	1,275,000
6	Total - Environmental Protection	33,100,616	1,277,025	34,377,641
7	Grand Total - Environmental Management	85,417,860	1,572,153	86,990,013
8	Coastal Resources Management Council			
9	General Revenues	1,879,559	61,086	1,940,645
10	Federal Funds	1,607,000	163,436	1,770,436
11	Restricted Receipts	1,022,100	(627,100)	395,000
12	Rhode Island Capital Plan Funds			
13	Habitat Restoration Allin's Cove	0	5,500	5,500
14	Providence River Dredging	0	1,590,590	1,590,590
15	Grand Total - Coastal Resources Mgmt. Council	4,508,659	1,193,512	5,702,171
16	State Water Resources Board			
17	General Revenues	1,893,081	(264,111)	1,628,970
18	Restricted Receipts	400,000	0	400,000
19	Rhode Island Capital Plan Funds			
20	Big River Management Area	92,000	9,835	101,835
21	Grand Total - State Water Resources Board	2,385,081	(254,276)	2,130,805
22	Transportation			
23	<i>Central Management</i>			
24	Federal Funds Total	17,166,840	621,162	17,788,002
25	Gasoline Tax	3,711,727	(2,153,547)	1,558,180
26	Total - Central Management	20,878,567	(1,532,385)	19,346,182
27	<i>Management and Budget Gasoline Tax</i>	3,010,397	(715,433)	2,294,964
28	<i>Infrastructure Engineering – GARVEE/Motor Fuel Tax Bond</i>			
29	Federal Funds	257,540,116	(35,902,960)	221,637,156
30	Restricted Receipts	661,834	782,874	1,444,708
31	Gasoline Tax	46,094,158	1,988,629	48,082,787
32	Land Sale Revenue	2,000,000	7,345,600	9,345,600
33	State Infrastructure Bank	1,000,000	343,714	1,343,714
34	Rhode Island Capital Plan Funds			

1	RIPTA - Land and Buildings	2,305,486	(1,947,290)	358,196
2	Pawtucket – Central Falls Train Station	40,000	247	40,247
3	Total - Infrastructure – Engineering	309,641,594	(27,389,186)	282,252,408
4	<i>Infrastructure Maintenance</i>			
5	Gasoline Tax	39,478,984	2,192,800	41,671,784
6	Non-Land Surplus Property	287,523	48,808	336,331
7	Outdoor Advertising	18,809	483,914	502,723
8	Radio System Upgrade	0	335,000	335,000
9	Rhode Island Capital Plan Funds			
10	Cherry Hill/Lincoln Facility	625,000	0	625,000
11	Maintenance Facilities	200,000	0	200,000
12	Total - Infrastructure Maintenance	40,610,316	3,060,522	43,670,838
13	Grand Total – Transportation	374,140,874	(26,576,482)	347,564,392
14	Statewide Totals			
15	General Revenues	3,403,638,116	(33,269,445)	3,370,368,671
16	Federal Funds	2,010,642,340	28,870,680	2,039,513,020
17	Restricted Receipts	162,635,736	(4,122,133)	158,513,603
18	Other Funds	1,400,492,417	55,851,448	1,456,343,865
19	Statewide Grand Total	6,977,408,609	47,330,550	7,024,739,159

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

22 SECTION 3. Notwithstanding any provisions of Chapter 19 in Title 23 of the Rhode
23 Island General Laws, the Rhode Island Resource Recovery Corporation shall transfer to the State
24 Controller the sum of five million dollars (\$5,000,000) by June 30, 2008. The Rhode Island
25 Resource Recovery Corporation shall fund from Corporation resources a forensic audit of the
26 Corporation’s finances.

27 SECTION 4. Appropriation of Lottery Division Funds – There is hereby appropriated to
28 the Lottery Division any funds required to be disbursed by the Lottery Division for the purposes
29 of paying commissions or transfers to prize funds for the fiscal year ending June 30, 2008.

30 SECTION 5. Notwithstanding any provisions of Chapter 55 in Title 42 of the Rhode
31 Island General Laws, the Rhode Island Housing and Mortgage Finance Corporation shall transfer
32 to the State Controller the sum of twenty six million twenty thousand two hundred forty seven
33 dollars (\$26,020,247) by June 30, 2008.

34 SECTION 6. Notwithstanding any provisions of Chapter 8.1 in Title 35 of the Rhode

1 Island General Laws, the Rhode Island Refunding Bond Authority shall transfer to the State
 2 Controller the sum of three hundred twenty three thousand nine hundred seventy six dollars
 3 (\$323,976) and any additional accumulated interest as of the date of the transfer by June 30,
 4 2008.

5 SECTION 7. Pursuant to Chapter 7 in Title 13 of the Rhode Island General Laws, the
 6 State Controller shall transfer the sum of one million two hundred fifty thousand dollars
 7 (\$1,250,000) from the Correctional Industries Fund to general fund by June 30, 2008.

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

	FY 2008	FY 2008	FY 2008
<u>Account</u>	<u>Enacted</u>	<u>Change</u>	<u>Final</u>
State Assessed Fringe Benefit Internal Service Account	29,966,436	817,829	30,784,265
Administration Central Utilities Internal Service Account	19,490,769	4,379,225	23,869,994
State Central Mail Internal Service Account	5,683,450	(48,816)	5,634,634
State Telecommunications Internal Service Account	3,020,022	82,601	3,102,623
State Automotive Fleet Internal Service Account	14,649,606	(31,427)	14,618,179
State Fleet Replacement Revolving Loan Fund	0	6,350,000	6,350,000
State Surplus Property Internal Service Account	15,715	0	15,715
Capitol Police Internal Service Account	580,935	(27,208)	553,727
Health Insurance Internal Service Fund	258,553,614	(20,820,540)	237,733,074
MHRH Central Pharmacy Internal Service Account	10,274,366	(89,055)	10,185,311
MHRH Laundry Services Internal Service Account	1,266,493	116,718	1,383,211
Corrections General Services & Warehouse Internal Service			
Account	6,054,815	189,372	6,244,187
Correctional Industries Internal Service Account	7,455,680	198,258	7,653,938
Secretary of State Record Center Internal Service Account	1,177,788	(320,005)	857,783

1 SECTION 9. Departments and agencies listed below may not exceed the number of full-
2 time equivalent (FTE) positions shown below in any pay period. Full-time equivalent positions
3 do not include seasonal or intermittent positions whose scheduled period of employment does not
4 exceed twenty-six consecutive weeks or whose scheduled hours do not exceed nine hundred and
5 twenty-five (925) hours, excluding overtime, in a one-year period. Nor do they include
6 individuals engaged in training, the completion of which is a prerequisite of employment.
7 Provided, however, that the Governor or designee, Speaker of the House of Representatives or
8 designee, and President of the Senate or designee may authorize an adjustment to any limitation.
9 Prior to the authorization, the State Budget Officer shall make a detailed written recommendation
10 to the Governor, the Speaker of the House, and the President of the Senate. A copy of the
11 recommendation and authorization to adjust shall be transmitted to the chairman of the House
12 Finance Committee, the chairman of the Senate Finance Committee, the House Fiscal Advisor
13 and the Senate Fiscal Advisor.

14 FTE POSITION AUTHORIZATION

15	<u>Departments and Agencies</u>	<u>Full-Time Equivalent</u>
16	Administration	1,032.9 <u>1,032.8</u>
17	Business Regulation	105.0 <u>102.0</u>
18	Labor and Training	454.9 <u>417.5</u>
19	Revenue	475.0 <u>465.0</u>
20	Legislature	298.2 <u>297.9</u>
21	Office of the Lieutenant Governor	9.5 <u>9.0</u>
22	Secretary of State	58.0
23	General Treasurer	88.0
24	Board of Elections	14.0
25	Rhode Island Ethics Commission	12.0
26	Office of the Governor	44.0 <u>45.0</u>
27	Commission for Human Rights	14.5
28	Public Utilities Commission	45.7 <u>45.0</u>
29	Rhode Island Commission on Women	1.0
30	Office of Health and Human Services	5.0 <u>6.0</u>
31	Children, Youth, and Families	805.0 <u>788.5</u>
32	Elderly Affairs	46.0 <u>44.0</u>
33	Health	459.0 <u>437.1</u>
34	Human Services	1,109.0 <u>1,067.6</u>

1	Mental Health, Retardation, and Hospitals	1,761.0 <u>1,657.6</u>
2	Office of the Child Advocate	5.8
3	Commission on the Deaf and Hard of Hearing	3.0
4	RI Developmental Disabilities Council	2.0
5	Governor's Commission on Disabilities	5.6
6	Office of the Mental Health Advocate	3.7
7	Elementary and Secondary Education	335.2 <u>332.0</u>
8	Office of Higher Education	22.0
9	Provided that 1.0 of the total authorization would be available only for a position that is	
10	supported by third-party funds.	
11	University of Rhode Island	2,532.1
12	Provided that 602.0 of the total authorization would be available only for positions that	
13	are supported by third-party funds.	
14	Rhode Island College	932.5
15	Provided that 82.0 of the total authorization would be available only for positions that are	
16	supported by third-party funds.	
17	Community College of Rhode Island	848.2
18	Provided that 100.0 of the total authorization would be available only for positions that	
19	are supported by third-party funds.	
20	Rhode Island Council on the Arts	8.6
21	RI Atomic Energy Commission	8.6
22	Higher Education Assistance Authority	46.0 <u>42.6</u>
23	Historical Preservation and Heritage Commission	17.6
24	Public Telecommunications Authority	20.0
25	Office of the Attorney General	234.8
26	Corrections	1,508.6 <u>1515.0</u>
27	Judicial	732.5 <u>732.3</u>
28	Military Staff	110.0 <u>104.0</u>
29	E-911 Emergency Telephone System	53.6 <u>53.5</u>
30	Fire Safety Code Bd. of Appeal and Review	3.0
31	RI State Fire Marshal	35.0
32	Rhode Island Justice Commission	7.6
33	Municipal Police Training Academy	4.0
34	State Police	272.0 <u>268.0</u>

1	Office of the Public Defender	93.5
2	Environmental Management	491.4 <u>482.0</u>
3	Coastal Resources Management Council	30.0
4	Water Resources Board	9.0 <u>6.0</u>
5	Transportation	773.7 <u>733.2</u>
6	Total	15,202.3 <u>15,688.7</u>

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

8 **ARTICLE 2**

9 RELATING TO STATE FLEET REPLACEMENT REVOLVING LOAN FUND

10 SECTION 1. Chapter 42-11 of the General Laws entitled “Department of
11 Administration” is hereby amended by adding thereto the following section:

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

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

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

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

29 SECTION 2. This article shall take effect as of July 1, 2007.

30 **ARTICLE 3**

31 RELATING TO PUBLIC FINANCE – DEBT MANAGEMENT

32 SECTION 1. Article 5, Substitute A as amended, Section 4 of Chapter 73 of the 2007
33 Public Laws entitled “An Act Making Appropriations for the Support of the State for the Fiscal
34 Year Ending June 30, 2008” is hereby repealed.

1 ~~SECTION 4-Garrahy Courthouse Parking Project.~~

2 ~~WHEREAS, given the current real estate marketplace, there is significant interest in~~
3 ~~mixed use developments within the City of Providence; and~~

4 ~~WHEREAS, the Route I-195 relocation project is expected to cause significant disruption~~
5 ~~to the parking surrounding the Garrahy Courthouse, which is currently available for customers~~
6 ~~utilizing this facility and other buildings in the area; and~~

7 ~~WHEREAS, the State needs to address the upcoming parking situation and can capture~~
8 ~~the significant increased value of the land caused by the current market demand for developable~~
9 ~~land in the City; and~~

10 ~~WHEREAS, the State is prepared to entertain bids for a public private partnership to~~
11 ~~develop the land at the Garrahy Courthouse; and~~

12 ~~WHEREAS, the intent is to partner with Rhode Island Housing and Mortgage Finance~~
13 ~~Corporation or another agency, if preferable, to establish a request for proposals (RFP) for a~~
14 ~~mixed use project consisting of parking, housing and retail; and~~

15 ~~WHEREAS, the State would sell the property next to the courthouse (currently a parking~~
16 ~~lot) to the quasi public agency who would then issue an RFP for prospective developers. The~~
17 ~~State would partner with the quasi public agency to enter into a long term financial structure that~~
18 ~~would provide initial financial benefits for the State from the land sale and additional parking,~~
19 ~~and include provisions for long term revenues based on the upside potential of the project; now,~~
20 ~~therefore, be it~~

21 ~~RESOLVED, That the State is authorized to enter into a long term parking lease for court~~
22 ~~employees and other state employees, and develop a financing structure that would provide~~
23 ~~additional payments or other economic benefits or concessions to the State from the winning~~
24 ~~developer over a 20 to 30 year period; and be it further~~

25 ~~RESOLVED, That this Joint Resolution shall take effect immediately upon its passage by~~
26 ~~this General Assembly.~~

27 SECTION 2. Article 7 Substitute A as amended, Section 9 of Chapter 246 of the 2006
28 Public Laws entitled “An Act Making Appropriations for the Support of the State for the Fiscal
29 Year Ending June 30, 2007” is hereby repealed.

30 ~~SECTION 9. Student Athlete Development Center~~

31 ~~WHEREAS, The University of Rhode Island is proposing a project which involves the~~
32 ~~construction of a Student Athlete Development Center located adjacent to and part of the Keaney~~
33 ~~Gymnasium and Tootell Center at the University of Rhode Island's Kingston Campus; and~~

34 ~~WHEREAS, The project will involve the construction of the Center and the renovation to~~

1 ~~portions of Keaney Gymnasium and Tootell Center that will be utilized in support of the Center;~~
2 ~~and~~

3 ~~WHEREAS, The student athlete development facilities that currently support University~~
4 ~~of Rhode Island student athletes are outdated, inadequate, and in disrepair; and~~

5 ~~WHEREAS, The infrastructure of the University is critical to the success of student~~
6 ~~athletes and the University; and~~

7 ~~WHEREAS, Funding for this project will be financed through Rhode Island Health and~~
8 ~~Educational Building Corporation revenue bonds; and~~

9 ~~WHEREAS, The project costs are estimated to be \$7,000,000. The total financing~~
10 ~~obligation of the University would be approximately \$7,210,000, with \$7,000,000 deposited in~~
11 ~~the construction fund, and \$210,000 available to pay the associated costs of financing. Total~~
12 ~~payments on the University's obligation over twenty (20) years on the \$7,210,000 issuance are~~
13 ~~projected to be \$11,200,000, assuming an average interest rate of 4.75 percent; and~~

14 ~~WHEREAS, Debt service payments would be supported by University general revenues;~~
15 ~~now, therefore be it~~

16 ~~RESOLVED, That this General Assembly hereby approved financing in an amount not to~~
17 ~~exceed \$7,210,000 for the construction of a Student Athlete Development Center; and be it~~
18 ~~further~~

19 ~~RESOLVED, That this Joint Resolution shall take effect immediately upon its passage by~~
20 ~~this General Assembly.~~

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

22 ARTICLE 4

23 RELATING TO RETIREE HEALTH BENEFITS FUNDING

24 SECTION 1. Section 36-10-2 of the General Laws in Chapter 36-10 entitled "Retirement
25 System – Contributions and Benefits" is hereby amended to read as follows:

26 **36-10-2. State contributions.** – (a) The State of Rhode Island shall make its contribution
27 for the maintenance of the system, including the proper and timely payment of benefits in
28 accordance with the provisions of this chapter and chapters 8, 16, 28, 31 and 42 of this title, by
29 annually appropriating an amount equal to a percentage of the total compensation paid to the
30 active membership. The percentage shall be computed by the actuary employed by the retirement
31 system and shall be certified by the retirement board to the director of administration on or before
32 the fifteenth day of October in each year. In arriving at the yearly employer contribution the
33 actuary shall determine the value of:

34 (1) The contributions made by the members;

1 (2) Income on investments; and

2 (3) Other income of the system.

3 (b) The Actuary shall thereupon compute the yearly employer contribution that will:

4 (1) Pay the actuarial estimate of the normal cost for the next succeeding fiscal year;

5 (2) Amortize the unfunded liability of the system as of June 30, 1999 utilizing a time
6 period not to exceed thirty (30) years.

7 (c) The State of Rhode Island shall remit to the general treasurer the employer's share of
8 the contribution for state employees, state police, and judges on a payroll frequency basis, and for
9 teachers in a manner pursuant to § 16-16-22.

10 ~~(d) From the rate percent computed pursuant to subsection (b), the state shall contribute a~~
11 ~~sum equal to one eighth of one percent (0.125%) of each member's rate of compensation and an~~
12 ~~additional sum equal to one eighth of one percent (0.125%) of each member's rate of~~
13 ~~compensation effective July 1, 1990, as the state's share of the cost of providing retiree health~~
14 ~~benefits in accordance with the provisions of § 36-10-4. Contributions shall be actuarially~~
15 ~~adjusted to reflect refunds made to employees. The contribution shall be placed in a restricted~~
16 ~~fund and shall be used solely for providing health benefits to retirees as provided in § 36-12-4.~~
17 ~~The adequacy of the fund will be actuarially reevaluated during the fiscal year prior to July 1,~~
18 ~~1993, to determine the required amount to maintain this benefit in effect. If at any time during the~~
19 ~~aforementioned period the cost for health coverage exceeds the contributions in the restricted~~
20 ~~fund account, the state shall assume the liability for that cost by making advances to the restricted~~
21 ~~fund which advances shall be repaid from any subsequent excess funds in the restricted fund.~~

22 ~~(e) In accordance with the intent of § 36-8-20 that the retirement system satisfy the~~
23 ~~requirements of § 401(a) of the Internal Revenue Code of 1986 as amended [26 U.S.C. § 401(a)],~~
24 ~~the restricted fund for providing health benefits to retirees described in subsection (d) shall~~
25 ~~constitute a separate retiree medical benefits account within the meaning of § 401(h) of the code~~
26 ~~[26 U.S.C. § 401(h)] and the account shall be administered in accordance with the applicable~~
27 ~~requirements. Prior to the satisfaction of all retiree health liabilities no part of the corpus or~~
28 ~~income of the account shall be used for, or diverted to, any purpose other than the payment of~~
29 ~~retiree medical benefits in accordance with the provisions of § 36-12-4. However, this~~
30 ~~requirement shall not restrict the collective investment of funds of that account with funds of the~~
31 ~~retirement account. Following the satisfaction of all retiree health liabilities, any funds remaining~~
32 ~~in the retiree medical benefits account shall be paid to the state.~~

33 ~~(f)~~(d)(1) In accordance with the intent of § 36-8-20 that the retirement system satisfy the
34 requirements of § 401(a) of the Internal Revenue Code of 1986, the state shall pay to the

1 retirement system:

2 (i) By June 30, 1995, an amount equal to the sum of the benefits paid to state legislators
3 pursuant to § 36-10-10.1 in excess of ten thousand dollars (\$10,000) per member (plus accrued
4 interest on such amount at eight percent (8%)) for all fiscal years beginning July 1, 1991, and
5 ending June 30, 1995, but this amount shall be paid only if § 36-10-10.1(e) becomes effective
6 January 1, 1995; and

7 (ii) By December 31, 1994, twenty million seven hundred eighty eight thousand eight
8 hundred twelve dollars and nineteen cents (\$20,788,812.19) plus accrued interest on that amount
9 at eight percent (8%) compounded monthly beginning March 1, 1991, and ending on the date this
10 payment is completed (reduced by amortized amounts already repaid to the retirement system
11 with respect to the amounts withdrawn by the state during the fiscal year July 1, 1990 – June 30,
12 1991); and

13 (iii) By June 30, 1995, the sum of the amounts paid by the retirement system for retiree
14 health benefits described in § 36-12-4 for all fiscal years beginning July 1, 1989, and ending June
15 30, 1994, to the extent that the amounts were not paid from the restricted fund described in
16 subsection (c).

17 (2) Any and all amounts paid to the retirement system under this subsection shall not
18 increase the amount otherwise payable to the system by the state of Rhode Island under
19 subsection (a) for the applicable fiscal year. The actuary shall make such adjustments in the
20 amortization bases and other accounts of the retirement system as he or she deems appropriate to
21 carry out the provisions and intent of this subsection.

22 ~~(e)~~(e) In addition to the contributions provided for in subsection (a) through (c) and in
23 order to provide supplemental employer contributions to the retirement system, commencing in
24 fiscal year 2006, and each year thereafter:

25 (1) For each fiscal year in which the actuarially determined state contribution rate for
26 state employees is lower than that for the prior fiscal year, the governor shall include an
27 appropriation to that system equivalent to twenty percent (20%) of the rate reduction for the
28 state's contribution rate for state employees to be applied to the actuarial accrued liability of the
29 state employees' retirement system for state employees for each fiscal year;

30 (2) For each fiscal year in which the actuarially determined state contribution rate for
31 teachers is lower than that for the prior fiscal year, the governor shall include an appropriation to
32 that system equivalent to twenty percent (20%) of the rate reduction for the state's share of the
33 contribution rate for teachers to be applied to the actuarial accrued liability of the state employees'
34 retirement system for teachers for each fiscal year;

1 (3) The amounts to be appropriated shall be included in the annual appropriation bill and
2 shall be paid by the general treasurer into the retirement system.

3 ~~(f)~~(f) While the retirement system's actuary shall not adjust the computation of the annual
4 required contribution for the year in which supplemental contributions are received, such
5 contributions once made may be treated as reducing the actuarial liability remaining for
6 amortization in the next following actuarial valuation to be performed.

7 SECTION 2. Sections 36-12-2.2 and 36-12-4 of the General Laws in Chapter 36-12
8 entitled "Insurance Benefits" are hereby amended to read as follows:

9 **36-12-2.2. Disabled retired employees -- Hospital care and surgical-medical service**

10 **benefits.** -- ~~Any disabled retired employee of the state of Rhode Island shall have the right to~~
11 ~~purchase hospital care and surgical-medical service benefits as set forth in section 36-12-2 and as~~
12 ~~are received by classified employees. Payment for the coverage shall be at the same group rate~~
13 ~~used by the state in making payment for state employees and shall be deducted from the~~
14 ~~purchaser's retirement benefits received pursuant to chapter 10 of this title.~~ Notwithstanding any
15 other provision of the law to the contrary, an employee of the state of Rhode Island who retires
16 under the provisions of title 36 of the Rhode Island general laws with a disability pension benefit
17 shall receive only the following state-sponsored health care and subsidies.

18 (a) Disabled retired employees who retire on or before September 30, 2008, and who are
19 at least sixty (60) years of age as of September 30, 2008.

20 (1) Any disabled retired employee of the state of Rhode Island who retires on or before
21 September 30, 2008, and is at least sixty (60) years of age as of September 30, 2008, will be
22 eligible until age sixty-five (65) to continue to purchase hospital care and surgical-medical
23 service benefits as set forth in section 36-12-2 and as are received by classified employees.
24 Furthermore, if he/she retired subsequent to July 1, 1989, he/she shall receive for himself or
25 herself a subsidy on the individual medical plan in accordance with the following formula until
26 attaining age sixty-five (65):

<u>Years of service</u>	<u>State's share</u>	<u>Employee's share</u>
<u>10-15</u>	<u>50%</u>	<u>50%</u>
<u>16-22</u>	<u>70%</u>	<u>30%</u>
<u>23-27</u>	<u>80%</u>	<u>20%</u>
<u>28+</u>	<u>100%</u>	<u>0%</u>

32 (2) Any disabled retired employee of the state of Rhode Island who retires on or before
33 September 30, 2008, and is at least sixty-five (65) years of age as of September 30, 2008, will be
34 eligible to continue to purchase hospital care and surgical-medical service benefits as set forth in

1 section 36-12-2 and as are received by classified employees. Furthermore, if he/she retired
2 subsequent to July 1, 1989, he/she shall receive for himself or herself a subsidy on his or her
3 individual medical plan in accordance with the following formula applied to the cost of the
4 Medicare supplemental plan:

<u>Years of service</u>	<u>State' share</u>	<u>Employee's share</u>
<u>10-15</u>	<u>50%</u>	<u>50%</u>
<u>16-19</u>	<u>70%</u>	<u>30%</u>
<u>20-27</u>	<u>90%</u>	<u>10%</u>
<u>28+</u>	<u>100%</u>	<u>0%</u>

10 (3) Payment for the coverage shall be at the same group rate used by the state in making
11 payment for state employees.

12 (b) Disabled retired employees who retire after September 30, 2008, or are under sixty
13 (60) years of age on September 30, 2008. Any disabled retired employee of the state of Rhode
14 Island who retires after September 30, 2008, or any disabled retired employee of the state of
15 Rhode Island who is under sixty (60) years of age on September 30, 2008, will be eligible to
16 receive state-sponsored medical coverage and subsidies as follows:

17 (1) If the retiree is under fifty-nine (59) years of age, the retiree shall have the right to
18 purchase hospital care and surgical-medical service benefits as set forth in section 36-12-2 and as
19 are received by classified employees. Payment for the coverage shall be at the same group rate
20 used by the state in making payment for state employees.

21 Furthermore, if the retiree is under fifty-nine (59) years of age, and retired after July 1,
22 1989, and before September 30, 2008, and the retiree had a minimum of twenty-eight (28) years
23 of total service, he/she shall receive for himself or herself a ninety percent (90%) subsidy on the
24 individual medical plan until attaining age fifty-nine (59).

25 (2) At age fifty-nine (59) the retiree and his/her dependents shall be eligible only for
26 enrollment in the medical plans available to non-disabled state employee retirees. If the retiree
27 has a minimum of ten (10) years of contributory service, and up to twenty (20) years of total
28 service, the retiree will be eligible for a fifty percent (50%) state subsidy on the cost of the
29 individual retiree medical plan. If the retiree has a minimum of ten (10) years of contributory
30 service, and twenty (20) years or more of total service, the retiree will be eligible for an eighty
31 percent (80%) state subsidy on the cost of the individual retiree medical plan. The retiree is
32 responsible for full payment for any additional dependent plans.

33 (c) Disabled retired employees who retire after September 30, 2008, or are under sixty-
34 five (65) years of age on Septemer 30, 2008. Any disabled retired employee of the state of Rhode

1 Island who retires after September 30, 2008, or any disabled retired employee of the state of
2 Rhode Island who is under sixty-five (65) years of age on September 30, 2008, will be eligible to
3 receive only the following state-sponsored medical coverage and subsidies upon attaining age
4 sixty-five (65):

5 (1) If the retiree is eligible for Medicare at age sixty-five (65), the retiree and spouse shall
6 enroll in a state-sponsored Medicare supplemental plan.

7 (2) If a retiree is not eligible for Medicare at age sixty-five (65), the retiree may remain in
8 the same medical plan that the retiree was enrolled in prior to attaining age sixty-five (65).

9 (3) If the retiree has a minimum of ten (10) years of contributory service, and up to
10 twenty (20) years of total service, the retiree will receive a fifty percent (50%) state subsidy based
11 on the cost of the individual Medicare supplemental plan. If the retiree has a minimum of ten (10)
12 years of contributory service and twenty (20) years or more of total service, the retiree will be
13 eligible for an eighty percent (80%) state subsidy based on the cost of the individual Medicare
14 supplemental plan. The retiree is responsible for full payment for any additional dependent plans.

15 (d) Payments for retiree and dependent medical coverage shall be deducted from the
16 purchaser's retirement benefits received pursuant to chapter 10 of this title.

17 **36-12-4. Coverage of retired employees. --** (a) *Retired employees who retire on or*
18 *before September 30, 2008.* Any retired employee who retired on or before September 30, 2008
19 shall be entitled to be covered under §§ 36-12-1 – 36-12-5 for himself and herself and, if he or
20 she so desires, his or her dependents, upon agreeing to pay the total cost of his or her contract at
21 the group rate for the active state employees. Payments of any retired employee for coverage
22 shall be deducted from his or her retirement allowance and remitted from time to time in payment
23 for such contract. In addition, any retired employee who retired on or before September 30, 2008
24 shall be permitted to purchase coverage for his or her dependents upon agreeing to pay the
25 additional cost of the contract at the group rate for active state employees. Payment for coverage
26 for dependents shall be deducted from his or her retirement allowances and remitted as required
27 in payment for the contract.

28 (b) *State employees who retire subsequent to July 1, 1989, and on or before September*
29 *30, 2008.* Employees who retire subsequent to July 1, 1989, and on or before September 30,
30 2008, from active service of the state, and who were employees of the state as determined by the
31 retirement board under § 36-8-1, shall be entitled to receive for himself or herself a retiree health
32 care insurance benefit as described in § 36-12-1 in accordance with the following formula:

33	Years of	Age	State's	Employee's
34	Service	<u>at Retirement</u>	Share	Share

1	10-15	60	50%	50%
2	16-22	60	70%	30%
3	23-27	60	80%	20%
4	28+	--	90%	10%
5	28+	60	100%	0%
6	35+	any	100%	0%

7 If the retired employee is receiving a subsidy on September 30, 2008, the state will
8 continue to pay the same subsidy share until the retiree attains age sixty-five (65).

9 (e) When the retiree reaches that age which will qualify him or her for Medicare
10 Supplement the formula shall be:

11	Years of	State's	Employee's
12	Service	Share	Share
13	10-15	50%	50%
14	16-19	70%	30%
15	20-27	90%	10%
16	28+	100%	0%

17 (c) Retired employees who retire on or after October 1, 2008. Any retired employee
18 who retires on or after October 1, 2008 shall be entitled to be covered under §§ 36-12-1 – 36-12-5
19 for himself and herself and, if he or she so desires, his or her dependents, upon agreeing to pay
20 the total cost of the contract in the plan in which he or she enrolls. Payments of any retired
21 employee for coverage shall be deducted from his or her retirement allowance and remitted from
22 time to time in payment for such contract. Any retired employee who retires on or after October
23 1, 2008, shall be permitted to purchase coverage for his or her dependents upon agreeing to pay
24 the additional cost of the contract at the group rate for the plan in which the dependent is enrolled.
25 Payment for coverage for dependents shall be deducted from the retired employee's retirement
26 allowances and remitted as required in payment for the contract.

27 ~~(d) If the retired employee desires, he or she shall be permitted to purchase coverage for~~
28 ~~his or her dependents upon agreeing to pay the additional cost of the contract at the group rate for~~
29 ~~active state employees. Payment for coverage for dependents shall be deducted from his or her~~
30 ~~retirement allowances and remitted as required in payment for the contract.~~

31 (d) State employees who retire on or after October 1, 2008. Employees who retire on or
32 after October 1, 2008 from active service of the state, and who were employees of the state as
33 determined by the retirement board under § 36-8-1, and who have a minimum of twenty (20)
34 years of service, and who are a minimum of fifty-nine (59) years of age, shall be entitled to

1 receive for himself or herself a retiree health care insurance benefit as described in § 36-12-1.
2 The State will subsidize 80% of the cost of the health insurance plan for individual coverage in
3 which the retired state employee is enrolled in. Payments of any retired employee for coverage
4 shall be deducted from his or her retirement allowance and remitted from time to time in payment
5 for such contract.

6 (e) Retired employees, including retired teachers, who are non-Medicare eligible and who
7 reach the age of sixty-five (65) shall be allowed to continue to purchase group health care
8 insurance benefits in the same manner as those provided to retired employees who have not
9 reached the age of sixty-five (65).

10 SECTION 3. Title 36 of the General Laws entitled “Public Officers and Employees” is
11 hereby amended by adding thereto the following chapter:

12 CHAPTER 36-12.1

13 RETIREE HEALTH CARE TRUST FUND

14 **36-12.1-1. Name of act.** -- This act shall be known as the “Health Insurance and Benefits
15 Funding Act”.

16 **36-12.1-2. Statement of purpose.** -- The purpose of the Health Insurance and Benefits
17 Funding Act is to address the necessity of funding the State’s unfunded liability for retiree health
18 care benefits required by recent accounting changes and prudent resource management.

19 **36-12.1-3. Background.** -- The general assembly finds that the State faces a significant
20 unfunded liability associated with its retiree health care benefits programs. To date, the State has
21 been funding retiree health care benefits on a pay-as-you-go basis. Recently established
22 governmental accounting standards applicable to the State require that the State account for such
23 unfunded costs on an accrued actuarial basis. An actuarial study conducted by the State shows
24 that the State faces an unfunded future liability for retiree health care benefits in excess of six
25 hundred million dollars (\$600,000,000). The creation and eventual funding of a dedicated trust
26 fund for the purpose of financing this liability on accrued actuarial basis is fiscally prudent and
27 will produce significant benefits to the State.

28 **36-12.1-4. Definitions.** -- The following words and phrases as used in the act, unless a
29 different meaning is plainly required by the context, shall have the following meanings:

30 (1) “Actuary” means the actuary retained by the OPEB Board pursuant to §36-12.1-15
31 hereof.

32 (2) “Code” means the Internal Revenue Code of 1986, as amended.

33 (3) "Employer" means the state of Rhode Island.

34 (4) "Employee" means all persons who are classified employees as the term "classified

1 employee" is defined under § 36-3-3, and all persons in the unclassified and non-classified
2 service of the state. This includes those non-classified employees of the Board of Governors for
3 Higher Education, the Office of Higher Education, the University of Rhode Island, Rhode Island
4 College, and the Community College of Rhode Island pursuant to §16-59-1 et seq., who are
5 participants in the Board of Governors' alternate retirement plans.

6 (5) "GAAP" shall mean generally accepted accounting principles.

7 (6) "GASB" shall mean governmental accounting standards board.

8 (7) "GASB 43" shall mean the rules promulgated by GASB governing the manner in
9 which financial statements issued by trusts providing OPEB benefits must be prepared in
10 accordance with GAAP, as they may be amended from time to time.

11 (8) "GASB 45" shall mean the rules promulgated by GASB governing the manner in
12 which financial statements issued by employers providing OPEB Benefits must be prepared in
13 accordance with GAAP, as they may be amended from time to time.

14 (9) "OPEB" or "OPEB Benefits" shall mean other post employment benefits, and shall
15 include, without limitation, retiree medical, dental, prescription, vision care, life insurance, long
16 term care benefits and similar post-employment benefits for a Retired Employee and/or his or her
17 Dependants.

18 (10) "OPEB Board" shall mean the board established in §36-12.1-7 to administer the
19 OPEB System.

20 (11) "OPEB System" shall mean the Rhode Island Employee's OPEB System as defined
21 in §36-12.1-5.

22 (12) "OPEB Trust" shall mean the trust fund or funds, including any sub-funds or sub-
23 trusts created by the OPEB Board pursuant to § 36-12 to hold assets of the OPEB System.

24 (13) "Party in Interest" shall mean each member of the OPEB Board, each employee of
25 the OPEB Board, any individual or organization that renders advice to the OPEB Board or the
26 OPEB System; any affiliate of such organization, and any member of the immediate family of
27 any such individual.

28 (14) "Retired Employee", means any person retired from the active service of the state, as
29 determined by the retirement board under § 36-8-1, and also all retired teachers who have elected
30 to come under the OPEB System, or any person who was a non-classified employee of the Board
31 of Governors for Higher Education, the Office of Higher Education, the University of Rhode
32 Island, Rhode Island College, or the Community College of Rhode Island pursuant to §16-59-1 et
33 seq, and who is a participant in the Board of Governors' alternate retirement plans.

34 (15) "Alternate retirement plans" shall mean those retirement plans provided by the

1 Board of Governors for Higher Education for its non-classified employees, and those of the
2 Office of Higher Education, the University of Rhode Island, Rhode Island College, and the
3 Community College of Rhode Island, pursuant to §16-17.1-1 et seq.

4 **36-12.1-5. Establishment of OPEB system.** -- An OPEB System is hereby established
5 and placed under the management of the OPEB Board for the purpose of providing and
6 administering OPEB Benefits for Retired Employees of the State of Rhode Island and their
7 dependants under the provisions of chapter 36-12, entitled “Insurance Benefits”, of this title, and
8 for retired non-classified employees who are participants in the Board of Governors for Higher
9 Education’s alternate retirement plans. The OPEB System so created shall begin operation as of
10 July 1, 2008. It shall have the power and privileges of a corporation and shall be known as the
11 "Rhode Island State Employees’ and Electing Teachers OPEB System" and by that name all of its
12 business shall be transacted.

13 **36-12.1-6. Responsibility for administration – rules and regulations.** -- The general
14 administration and the responsibility for the proper operation of the OPEB System and for
15 making effective the provisions of chapter 36-12 of this title are hereby vested in an OPEB
16 Board. The OPEB Board shall, from time to time, establish rules and regulations for the
17 administration and transaction of the business of the OPEB System. Rules and regulations which
18 have been or may be established pursuant to the provisions of this chapter shall be compiled,
19 codified, and published so that they shall be generally available to the members of the system.
20 The OPEB Board shall also perform such other functions as are required for the execution of
21 chapters 12, 12.1 and 12.2 of this title. In its discretion, the OPEB Board may issue regulations
22 governing the application of this Chapter.

23 **36-12.1-7. Composition of the OPEB board.** -- (a) The OPEB Board shall consist of
24 the State Controller, the State Budget Officer, the State Personnel Administrator and the General
25 Treasurer, or their designees.

26 **36-12.1-8. Meetings of the OPEB board.** -- Meetings shall be held at such place as
27 may be designated in the call of the meeting, provided at no cost to the state, at the call of the
28 chairperson.

29 **36-12.1-9. Duties of the OPEB board.** -- The OPEB Board shall be responsible for the
30 administration and operation of the OPEB System, determination of the amount of annual
31 contributions, and oversight of OPEB Benefit payments to Retired Employees and their
32 dependents. The OPEB Board shall have the power to collect contributions from the State of
33 Rhode Island or any municipality thereof, to direct benefit payments, to interpret relevant plan
34 documents, to resolve inconsistencies and ambiguities contained therein, to decide any claims for

1 benefits and to resolve disputes.

2 **36-12.1-10. Votes of board – record of proceedings.** -- Each member of the board shall
3 be entitled to one vote in the board and a majority of all the votes of the entire board shall be
4 necessary for a decision of the board. The board shall keep a record of all the proceedings which
5 shall be open to public inspection.

6 **36-12.1-11. Reimbursement of board members.** -- Members of the board shall serve
7 without compensation but shall be reimbursed for any necessary expenditures and no employee
8 shall suffer any loss of salary or wages through serving upon the board.

9 **36-12.1-12. Annual report and statement.** -- The OPEB Board shall submit to the
10 governor for transmittal to the general assembly, on or before the first day of January in each
11 year, an annual report showing the financial transactions of the system for the fiscal year of the
12 state next preceding said date. The report shall contain, among other things, a statement of plan
13 net assets, a statement of changes in plan net assets, a valuation balance sheet as prepared by the
14 actuary, and other statistical data as are deemed necessary for a proper interpretation of the
15 condition of the system and the results of its operations. The report shall also embody such other
16 data as may be of use in the advancement of knowledge concerning state employee OPEB and
17 any recommendations of the board for changes in the laws pertaining to the system. The OPEB
18 Board shall cause to be published for distribution among the members of the system a financial
19 statement summarizing the results of operations for the fiscal year. All financial statements
20 issued by the OPEB Board shall conform to the requirements of GAAP.

21 **36-12.1-13. Executive officers and secretary.** – (a) The Board shall elect a Chairperson
22 and Secretary. Moreover, the State Controller shall serve as the Treasurer.

23 (b) Any negotiated agreement entered into after July 1, 2008, between any state or
24 municipal agency or department and an employee or employees, whose conditions are contrary to
25 the general laws or the rules, regulations, and policies as adopted and promulgated by the OPEB
26 Board shall be null and void unless and until approved by formal action of the OPEB Board for
27 good cause shown.

28 **36-12.1-14. Accounts and statistical records – clerical and professional assistance –**
29 disbursements. – The State Controller, under the direction and supervision of the OPEB Board,
30 shall be charged with the establishment and maintenance of such accounts and statistical records
31 as the OPEB Board may require and he or she shall employ such clerical assistance as shall be
32 necessary to carry out properly the provisions of chapters 12, 12.1 and 12.2 of this title. The
33 OPEB Board shall secure the services of an actuary who shall be the actuarial advisor of the
34 board and who shall make the actuarial computations and valuations required by chapters 12, 12.1

1 and 12.2. The state controller is hereby authorized and directed to draw his or her orders upon the
2 general treasurer for the payment of such sum or sums as may from time to time be necessary,
3 upon receipt by him or her of vouchers for payment of liabilities.

4 **36-12.1-15. Payment of administrative expenses of the OPEB board and maintaining**
5 **the OPEB system – restricted receipts account.** – (a) There is hereby created within the general
6 fund a restricted receipt account entitled the “OPEB system restricted receipt account”, the
7 proceeds of which shall be used solely to pay the expenses of the OPEB Board, the cost of
8 maintaining the OPEB System, and the costs of administering the OPEB System.

9 (b) For fiscal years 2009 through 2014, the State Controller is authorized to disburse from
10 the fund the cost of the actuarial valuation, and the allocated share of investment manager fees
11 incurred by the State Investment Commission. In fiscal years, 2015 and thereafter, there shall be
12 transferred to this restricted receipt account twenty five (25) basis points where one hundred
13 (100.0) basis points equals one percent (1.0%), of the average total investments before lending
14 activities as reported in the annual report of the auditor general for the next preceding five fiscal
15 years. Any non-encumbered funds on June 30 of any fiscal year shall be credited to the OPEB
16 System.

17 **36-12.1-16. Collection of actuarial and experience data.** – The General Treasurer and
18 the state Retirement System, shall collect and keep in convenient form such data as shall be
19 necessary for the preparation of the mortality and service tables and for the compilation of such
20 other information as shall be required for the actuarial valuation of the assets and liabilities of the
21 OPEB System and to comply with the requirements of GASB 43 and 45.

22 **36-12.1-17. Actuarial investigations authorized by board.** – Immediately after his or
23 her selection, the actuary shall make such investigation of the mortality, service, and
24 compensation experience of the members as the OPEB Board shall authorize for the purpose of
25 determining the proper tables to be prepared and submitted to the OPEB Board for adoption.

26 **36-12.1-18. Periodic actuarial investigations and valuations.** – Every year beginning
27 with fiscal year 2009, the actuary shall make an actuarial investigation into the mortality, service,
28 and compensation experience of the members and beneficiaries of the OPEB System, and shall
29 make a valuation of the assets and liabilities of the system, and, taking into account the result of
30 the investigation and valuation, the OPEB Board shall:

31 (1) Adopt for the OPEB System, such mortality, service, and other tables as shall be
32 deemed necessary in the OPEB System; and

33 (2) Certify the levels of contribution payable by the state of Rhode Island to carry out the
34 provisions of chapters 12, 12.1, and 12.2 of this title.

1 (3) Certify the levels of contribution payable by the Board of Governors for Higher
2 Education to carry out the provisions of chapter 17.1 of title 16.

3 On the basis of such tables as the OPEB Board shall adopt, the actuary shall make an
4 annual valuation of the liabilities of the funds of the system created by this chapter and the
5 investment advisor or investment manager appointed by the OPEB Board shall make an annual
6 valuation of the assets of the OPEB System.

7 **36-12.1-19. State contributions.** – (a) The State of Rhode Island shall make its
8 contribution for the maintenance of the system, including the proper and timely payment of
9 benefits, by annually appropriating an amount equal to a percentage of the total compensation
10 paid to the active membership and teacher payroll base. The percentage shall be computed by the
11 actuary employed by the OPEB Board and shall be certified by the OPEB Board to the director of
12 administration on or before the fifteenth day of October in each year. In arriving at the yearly
13 employer contribution the actuary shall determine the value of:

14 (1) The contributions made by the members;

15 (2) Income on investments; and

16 (3) Other income of the system.

17 (b) The Actuary shall thereupon compute the yearly employer contribution that will:

18 (1) Pay the actuarial estimate of the normal cost for the next succeeding fiscal year;

19 (2) Amortize the unfunded liability of the system as of June 30, 2006 utilizing a time
20 period not to exceed thirty (30) years.

21 (c) The State of Rhode Island shall remit to the general treasurer the employer's share of
22 the contribution for state employees, state police, legislators, and judges on a payroll frequency
23 basis, and for teachers in a manner consistent with sound accounting and actuarial practice.

24 (d) The Board of Governors for Higher Education shall remit to the general treasurer that
25 employer's share of the contribution for its non-classified employees, and those of the University
26 of Rhode Island, Rhode Island College, and the Community College of Rhode Island, pursuant to
27 §16-17.1-1 et seq., and in a manner consistent with sound accounting and actuarial practice.

28 **36-12.1-20. Establishment of OPEB trust funds.** -- The OPEB Board shall establish
29 one or more trust funds and/or sub trusts to hold the assets of the OPEB System, to be known as
30 the Rhode Island OPEB System Trust. Title and legal ownership of all assets of the OPEB
31 System shall be in the name of the Rhode Island OPEB System Trust. The OPEB Board, or its
32 delegate is authorized to execute one or more trust instruments to effectuate the purposes of this
33 section. However, such trust instruments shall require that: a) all funds held by such trusts shall
34 be used solely to pay benefits pursuant to the OPEB System, and reasonable and legitimate

1 administrative expenses associated therewith; b) no asset of the OPEB System or contribution
2 made by the State of Rhode Island, may be recovered or returned to the State, until the OPEB
3 Board has certified all liabilities of the System have been satisfied; and c) at no time shall the
4 assets of the Rhode Island OPEB System Trust shall be subject to the claims of the creditors of
5 the State of Rhode Island or the creditors of any beneficiary of the OPEB System.

6 **36-12.1-21. Custody and investment of funds.** -- (a) All money immediately required
7 for the payment of OPEB Benefits shall be invested only in accordance with the written
8 objectives and guidelines established by the state investment commission pursuant to the
9 provisions of chapter 10 of title 35 and other applicable law.

10 (b) All money not immediately required for the payment of OPEB Benefits shall be
11 invested in accordance with the provisions of chapter 10 of title 35 and other applicable law and
12 shall be held in a custodial or trust account in accordance with § 36-12.1-5. The trust and
13 custodial account established under this section shall be maintained pursuant to written
14 documents which expressly provide that it shall be impossible at any time prior to the satisfaction
15 of all liabilities with respect to employees and their beneficiaries for any part of the corpus or
16 income to be used for or diverted to purposes other than the payment of OPEB Benefits to
17 employees and their beneficiaries (except as otherwise permitted by § 36-12.1).

18 **36-12.1-22. Disposition of investment earnings.** – The OPEB Board shall credit all
19 earned investment income from interest and dividends on investments and bank deposits during
20 any fiscal year to the Rhode Island OPEB System Trust.

21 **36-12.1-23. Improper interest in investments of board.** – Except as herein provided, no
22 member of the OPEB Board and no employee of the OPEB Board shall have any interest, direct
23 or indirect, in the gains or profits of any investment made by the OPEB Board, nor as such
24 directly or indirectly receive any pay or emolument for his or her services. No member of the
25 OPEB Board or employee of the OPEB Board shall, directly or indirectly, for himself or herself
26 or as an agent, in any manner use the gains or profits, except to make such current and necessary
27 payments as are authorized by the OPEB Board; nor shall any member or employee of the OPEB
28 Board become an endorser or surety or become in any manner an obligor for money loaned or
29 borrowed from the OPEB Board. No member of the OPEB Board shall permit the OPEB System
30 to engage in a transaction that constitutes a sale or exchange, or leasing, of any property between
31 the OPEB System and a party in interest; a lending of money or other extension of credit between
32 the OPEB System and a party in interest; furnishing of goods, services, or facilities between the
33 OPEB System and a party in interest; transfer to, or use by or for the benefit of, a party in interest,
34 of any assets of the OPEB System.

1 **36-12.1-24. Payment of OPEB benefits.** -- All OPEB Benefits shall be paid from the
2 Rhode Island OPEB System Trust, subject to the oversight and approval of the OPEB Board.

3 **36-12.1-25. Annual audits.** – The auditor general shall conduct upon the request of the
4 OPEB Board a separate annual performance audit of the OPEB System which shall include a
5 report on the actuarial valuation of the assets and liabilities of the OPEB System. The auditor
6 general may examine all records, files, and other documents, and evaluate all policies and
7 procedures for purposes of conducting the audit. The aforementioned performance audit shall be
8 in addition to the annual audit conducted by the auditor general of the financial statements of the
9 OPEB System. A copy of the report shall be given to the governor and the OPEB Board.

10 **36-12.1-26. Internal revenue code qualification.** – (a) Intent. It is intended that the
11 OPEB System and the Rhode Island OPEB System Trust satisfy the requirements of §115 or
12 §501(c)(9) of the Internal Revenue Code of 1986 as amended from time to time, 26 U.S.C. §§
13 115, 501(c)(9) - ,(hereinafter referred to as the "Code"), in form and operation, to the extent that
14 those requirements apply to a governmental use trust under §115 or a voluntary employee benefit
15 association under §501(c)(9) of the Code. To this end, the following provisions shall be
16 applicable, administered, and interpreted in a manner consistent with maintaining the tax
17 qualification of the OPEB System, and shall supersede any conflicting provisions of chapters 12,
18 12.1 and 12.2 of this title, [of chapter 16 of title 16, or of chapter 21 of title 45].

19 (b) Exclusive benefit. All funds of the OPEB System shall be held in one or more trusts
20 as provided in §36-12.1-21 or if permitted, in accordance with § 401(f) of the code, in one or
21 more custodial accounts treated as trusts or a combination thereof. Under any trust or custodial
22 account, it shall be impossible at any time prior to the satisfaction of all liabilities with respect to
23 employees and their beneficiaries, for any part of the corpus or income to be used for, or diverted
24 to, purposes other than the payment of OPEB allowances and other post employment benefits to
25 Retired Employees and their beneficiaries.

26 **36-12.1-27. Severability.** – (a) If any provision of this chapter 36-12.1 of this title, any
27 rule, or regulation made thereunder, or the application thereof to any person or circumstance is
28 held invalid by a court of competent jurisdiction the remainder of this chapter, rules, or
29 regulations and the application of those provisions to other persons or circumstances shall not be
30 affected thereby.

31 (b) The invalidity of any section or sections or parts of any section or sections of those
32 chapters shall not affect the validity of the remainder of this chapter.

33 **SECTION 4.** This article shall take effect upon passage. However, the establishment of
34 the Rhode Island State Employees’ and Electing Teachers OPEB System Trust shall occur after

1 [July 1, 2008.](#)

2 **ARTICLE 5**

3 **RELATING TO SCHOOL BUDGETS AND HOUSING AID**

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

6 **16-7-41. Computation of school housing aid.** -- (a) In each fiscal year the state shall pay
7 to each community a grant to be applied to the cost of school housing equal to the following:

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

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

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

1 Health and Educational Building Corporation, the general treasurer shall deduct the amount from
2 aid provided under this section, section 16-7-40 and section 16-7-44 due the city, town or district
3 and direct said funding to the Rhode Island Health and Educational Building Corporation or its
4 designee.

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

25 (e) Any provision of law to the contrary notwithstanding, the commissioner of
26 elementary and secondary education shall cause to be monitored the potential for refunding
27 outstanding bonds of local communities or municipal public building authorities or of the Rhode
28 Island Health and Educational Building Corporation issued for the benefit of local communities
29 or municipal public building authorities and benefiting from any aid referenced in this section. In
30 the event it is determined by said monitoring that the net present value savings which could be
31 achieved by refunding such bonds of the type referenced in the prior sentence including any
32 direct costs normally associated with such refundings is equal to (i) at least one hundred thousand
33 dollars (\$100,000) and (ii) for the state and the communities or public building authorities at least
34 three percent (3%) of the bond issue to be refunded including associated costs then, in such event,

1 the commissioner (or his designee) may direct the local community or municipal public building
2 authority for the benefit of which the bonds were issued, to refund such bonds. Failure of the
3 local community or municipal public buildings authority to timely refund such bonds, except due
4 to causes beyond the reasonable control of such local community or municipal public building
5 authority, shall result in the reduction by the state of the aid referenced in this section 16-7-4.1
6 associated with the bonds directed to be refunded in an amount equal to ninety percent (90%) of
7 the net present value savings reasonably estimated by the commissioner of elementary and
8 secondary education (or his designee) which would have been achieved had the bonds directed to
9 be refunded been refunded by the ninetieth (90th) day (or if such day is not a business day in the
10 state of Rhode Island, the next succeeding business day) following the date of issuance of the
11 directive of the commissioner (or his designee) to refund such bonds. Such reduction in the aid
12 shall begin in the fiscal year following the fiscal year in which the commissioner issued such
13 directive for the remaining term if the bond.

14 ~~(e)~~ (f) Payments shall be made in accordance with section 16-7-40 and this section.

15 **16-7-44. School housing project costs.** -- School housing project costs, the date of
16 completion of school housing projects, and the applicable amount of school housing project cost
17 commitments shall be in accordance with the regulations of the commissioner of elementary and
18 secondary education and the provisions of sections 16-7-35 -- 16-7-47; provided, however, that
19 school housing project costs shall include the purchase of sites, buildings, and equipment, the
20 construction of buildings, and additions or renovations of existing buildings and/or facilities.
21 School housing project costs shall include the cost of interest payment on any bond issued after
22 July 1, 1988, provided that such bond is approved by the voters on or before June 30, 2003 or
23 issued by a municipal public building authority or by the appropriate approving authority on or
24 before June 30, 2003. Except as provided in subsection 16-7-41(d), those projects approved after
25 June 30, 2003, interest payments may only be included in project costs provided that the bonds
26 for these projects are issued through the Rhode Island Health, Education and Building
27 Corporation. School housing project costs shall exclude: (1) any bond issuance costs incurred by
28 the municipality or regional school district; (2) demolition costs for buildings, facilities, or sites
29 deemed surplus by the school committee; and (3) restrictions pursuant to section 16-7-44.1
30 below. A building, facility, or site is declared surplus by a school committee when the committee
31 no longer has such building, facility, or site under its direct care and control and transfers control
32 to the municipality, section 16-2-15. The board of regents for elementary and secondary
33 education will promulgate rules and regulations for the administration of this section. These rules
34 and regulations may provide for the use of lease revenue bonds, capital leases, or capital reserve

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

12 SECTION 3. This article shall take effect as of January 1, 2008.

13 ARTICLE 6

14 RELATING TO PERMITS FOR SALE OF BOTTLED WATER

15 SECTION 1. Section 44-44-2 of the General Laws in Chapter 44-44 entitled "Taxation
16 of Beverage Containers, Hard-to-Dispose Material and Litter Control Participation Permittee" is
17 hereby amended to read as follows:

18 **44-44-2. Definitions.** – As used in this chapter:

19 (1) "Beverage" means carbonated soft drinks, soda water, mineral water, bottled water,
20 and beer and other malt beverages.

21 (2) "Beverage container" means any sealable bottle, can, jar, or carton which contains a
22 beverage.

23 (3) "Beverage retailer" means any person who engages in the sale of a beverage container
24 to a consumer within the state of Rhode Island, including any operator of a vending machine.

25 (4) "Beverage wholesaler" means any person who engages in the sale of beverage
26 containers to beverage retailers in this state, including any brewer, manufacturer, or bottler who
27 engages in those sales.

28 (5) "Case" means:

29 (i) Forty-eight (48) beverage containers sold or offered for sale within this state when
30 each beverage container has a liquid capacity of seven (7) fluid ounces or less;

31 (ii) Twenty-four (24) beverage containers sold or offered for sale within this state when
32 each beverage container has a liquid capacity in excess of seven (7) fluid ounces but less than or
33 equal to sixteen and nine tenths (16.9) fluid ounces;

34 (iii) Twelve (12) beverage containers sold or offered for sale within this state when each

1 beverage container has a liquid capacity in excess of sixteen and nine tenths (16.9) fluid ounces
2 but less than thirty-three and nine tenths (33.9) fluid ounces; and

3 (iv) Six (6) beverage containers sold or offered for sale within this state when each
4 beverage container has a liquid capacity of thirty-three and nine tenths (33.9) fluid ounces or
5 more.

6 (6) A permit issued in accordance with § 44-44-3.1(1) is called a Class A permit.

7 (7) A permit issued in accordance with § 44-44-3.1(2) is called a Class B permit.

8 (8) A permit issued in accordance with § 44-44-3.1(3) is called a Class C permit.

9 (9) A permit issued in accordance with § 44-44-3.1(4) is called a Class D permit.

10 (10) A permit issued in accordance with § 44-44-3.1(5) is called a Class E permit.

11 (11) "Consumer" means any person who purchases a beverage in a beverage container for
12 use or consumption with no intent to resell that filled beverage container.

13 (12) "Gross receipts" means those receipts reported for each location to the tax
14 administrator included in the measure of tax imposed under chapter 18 of this title, as amended.
15 For those persons having multiple locations' receipts reported to the tax administrator the "gross
16 receipts" to be aggregated shall be determined by each individual sales tax permit number. The
17 term gross receipts shall be computed without deduction for retail sales of items in activities other
18 than those which this state is prohibited from taxing under the constitution of the United States.

19 (13) "Hard-to-dispose material" is as defined in § 37-15.1-3.

20 (14) "Hard-to-dispose material retailer" means any person who engages in the retail sale
21 of hard-to-dispose material (as defined in § 37-15.1-3) in this state.

22 (15) "Hard-to-dispose material wholesaler" means any person, wherever located, who
23 engages in the sale of hard-to-dispose material (as defined in § 37-15.1-3) to customers for sale in
24 this state (including manufacturers, refiners, and distributors and retailers), and to other persons
25 as defined above.

26 (16) "New vehicle" means any mode of transportation for which a certificate of title is
27 required pursuant to title 31 and for which a certificate of title has not been previously issued in
28 this state or any other state or country.

29 (17) "Organic solvent" is as defined in § 37-15.1-3.

30 (18) "Person" means any natural person, corporation, partnership, joint venture,
31 association, proprietorship, firm, or other business entity.

32 (19) "Prior calendar year" means the period beginning with January 1 and ending with
33 December 31 immediately preceding the permit application due date.

34 (20) "Qualifying activities" means selling or offering for retail sale food or beverages

1 for immediate consumption and/or packaged for sale on a take out or to go basis regardless of
2 whether or not the items are subsequently actually eaten on or off the vendor's premises.

3 (21) "Vending machine" means a self-contained automatic device that dispenses for
4 sale foods, beverages, or confection products.

5 SECTION 2. This article shall take effect as of May 1, 2008.

6 **ARTICLE 7**

7 **RELATING TO CRIMINALS – CORRECTIONAL INSTITUTIONS -- PAROLE**

8 SECTION 1. Section 13-8-14.1 of the General Laws in Chapter 13-8 entitled "Parole" is
9 hereby amended to read as follows:

10 **13-8-14.1. Parole standards.** -- (a) At least once each calendar year the parole board
11 shall adopt standards to be utilized by the board in evaluating applications for parole of persons
12 convicted of a criminal offense and sentenced to the adult correctional institutions. These
13 standards shall establish, with the range of parole eligibility set by statute, the portion of a
14 sentence which should be served ~~upon conviction for each category of criminal offense prior to~~
15 ~~parole,~~ depending on the likelihood of recidivism as determined by a risk assessment, and shall
16 serve as guidelines for the board in making individual parole determinations.

17 (b) The board shall consider the applicable standard prior to rendering a decision on a
18 parole application, and may make a determination at variance with that standard only upon a
19 finding that the determination is warranted by individualized factors, such as the character and
20 criminal record of the applicant, the nature and circumstances of the offense or offenses for which
21 the applicant was sentenced, the conduct of the applicant while incarcerated, and the criteria set
22 forth in section 13-8-14.

23 (c) In each case where the board grants an application prior to the time set by the
24 applicable standard or denies an application on or after the time set by that standard, the board
25 shall set forth in writing the rationale for its determination.

26 SECTION 2. Sections 42-56-24 and 42-56-26 of the General Laws in Chapter 42-56
27 entitled "Corrections Department" are hereby amended to read as follows:

28 **42-56-24. Time allowed for good behavior.**— **Earned time for good behavior or**
29 **program participation or completion.** -- (a) The director, or his or her designee, shall keep a
30 record of the conduct of each prisoner, and for each month that a prisoner who has been
31 sentenced to imprisonment for six (6) months or more and not under sentence to imprisonment
32 for life, appears by the record to have faithfully observed all the rules and requirements of the
33 institutions and not to have been subjected to discipline, and is serving a sentence imposed for
34 violation of sexual offenses under sections 11-37-2, 11-37-4, 11-37-6, 11-37-8, 11-37-8.1 and 11-

1 [37-8.3 or 11-9-1.3](#) there shall, with the consent of the director of the department of corrections, or
2 his or her designee, upon recommendation to him or her by the assistant director of
3 institutions/operations, be deducted from the term or terms of sentence of that prisoner the same
4 number of days that there are years in the term of his or her sentence; provided, that when the
5 sentence is for a longer term than ten (10) years, only ten (10) days shall be deducted for one
6 month's good behavior; and provided, further, that in the case of sentences of at least six (6)
7 months and less than one year, one day per month shall be deducted.

8 ~~(b)~~ For the purposes of [this subsection](#) computing the number of days to be deducted for
9 good behavior, consecutive sentences shall be counted as a whole sentence. [This subsection](#)
10 [recognizes the serious nature of sex offenses; promotes community safety and protection of the](#)
11 [public; and maintains the ability of the department of corrections to oversee the rehabilitation and](#)
12 [supervision of sex offenders.](#)

13 [\(b\) For all prisoners serving sentences of more than one month, and not serving a](#)
14 [sentence of imprisonment for life or a sentence imposed for a violation of the sexual offenses](#)
15 [identified in section \(a\) the director, or his or her designee, shall keep a record of the conduct of](#)
16 [each prisoner, and for each month that prisoner has faithfully observed all the rules and](#)
17 [requirements of the institutions and has not been subjected to discipline, there shall, with the](#)
18 [consent of the director of the department of corrections or his or her designee and upon](#)
19 [recommendation by the assistant director of institutions/operations, be deducted from the term or](#)
20 [terms of sentence of that prisoner ten \(10\) days for each month's good behavior.](#)

21 (c) For every day a prisoner shall be shut up or otherwise disciplined for bad conduct, as
22 determined by the assistant director, institutions/operations, subject to the authority of the
23 director, there shall be deducted one day from the time he or she shall have gained for good
24 conduct.

25 (d) The assistant director, or his or her designee, subject to the authority of the director,
26 shall have the power to restore lost good conduct time in whole or in part upon a showing by the
27 prisoner of subsequent good behavior and disposition to reform.

28 (e) For each month that a prisoner who has been sentenced to imprisonment for [more](#)
29 [than one](#) ~~six (6) months or more~~ [month](#) and not under sentence to imprisonment for life who has
30 faithfully engaged in institutional industries there shall, with the consent of the director, upon the
31 recommendations to him or her by the assistant director, institutions/operations, be deducted from
32 the term or terms of the prisoner an additional two (2) days a month. ~~These two (2) days a month~~
33 ~~shall be deducted regardless of the length of the sentence of the prisoner.~~

34 [\(f\) Except those prisoners serving a sentence imposed for violation of any sexual offense](#)

1 committed under sections 11-37-2, 11-37-4, 11-37-6, 11-37-8, 11-37-8.1, 11-37-8.3 or 11-9-13,
2 for each month that a prisoner who has been sentenced to imprisonment for more than one month
3 and not under sentence to imprisonment for life has participated faithfully in a program that has
4 been determined by the director or his/her designee to address that prisoner's individual needs that
5 are related to his/her criminal behavior, there may, with the consent of the director and upon the
6 recommendation of the assistant director, rehabilitative services, be deducted from the term or
7 terms of the prisoner up to an additional five (5) days a month. Furthermore, whenever the
8 prisoner has successfully completed such program, they may; with the consent of the director and
9 upon the recommendation by the assistant director, rehabilitative services, be deducted from the
10 term or terms of the prisoner up to an additional thirty (30) days.

11 **42-56-26. Additional time allowed for meritorious service.** -- ~~In addition to any time~~
12 ~~allowed for good behavior pursuant to section 42-56-24,~~ With the exception of the prisoners
13 eligible for credits pursuant to subsections 42-56-24(b) and 42-56-24(f), any prisoner sentenced
14 to imprisonment for one year or more in the adult correctional institutions, whether the sentence
15 was imposed before or after May 8, 1974, shall be eligible to have deducted from his or her
16 sentence up to three (3) days per month up to a maximum of thirty-six (36) days per year ~~for each~~
17 ~~act,~~ when in the determination of the director, or his or her designee, an inmate has performed
18 heroic acts affecting the lives and welfare of the institutional personnel, inmates, or the general
19 public, or when an inmate has submitted extraordinary and useful ideas and plans which have
20 been implemented for the benefit of the state resulting in substantial savings and/or a higher
21 degree of efficiency or performance while participating in and completing academic or vocational
22 education programs, or when an inmate has submitted useful ideas concerning academic or
23 vocational programs which have been implemented at the adult correctional institutions. Nothing
24 in this section shall be construed to deprive a prisoner of time already accumulated or deducted
25 prior to May 8, 1974.

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

27
28

ARTICLE 8

29 RELATING TO FURLOUGH DAYS

30 SECTION 1. Section 36-10-10.4 of the General Laws in Chapter 36-10 entitled
31 "Retirement System-Contributions and Benefits" is hereby amended to read as follows:

32 **36-10-10.4. Effect of deferral and/or reduction of salary.** -- (a) If subsequent to
33 January 1, 1991, a member sustains a loss of salary due to a deferral of salary or a reduction in
34 salary in order to avoid shutdowns, layoffs, or because of a retrenchment of state or local
35 finances, then in calculating the service retirement allowance of the member, the amount of salary

1 deferred and/or the amount of the reduction of salary shall not reduce the amount of annual
2 compensation of the member for the purpose of establishing his or her highest three (3)
3 consecutive years of compensation. This provision is subject to subsection (c) of this section.

4 (b) (1) For purposes of subsection (a), reduction of salary shall mean:

5 (i) The actual dollar amount which represents the difference between the employee's
6 salary prior to the voluntary reduction of salary and the employee's salary after the voluntary
7 reduction of salary; or

8 (ii) The actual dollar amount which represents the difference between the employee's
9 salary prior to the renegotiation and/or alteration of an existing collective bargaining agreement
10 and the employee's salary after the renegotiation and/or alteration of an existing collective
11 bargaining agreement.

12 (2) Reduction of salary also means the voluntary or negotiated reduction in the number
13 of hours that an employee works in a pay period and for which he or she is paid.

14 (c) An employee who has sustained a reduction in salary ~~and who desires to retire prior~~
15 ~~to June 30, 1995~~, in accordance with subsection (a) shall pay, prior to retirement, to the retirement
16 board an amount equal to the difference between the amount of contribution the employee would
17 have paid on his or her salary prior to the reduction in salary and the amount that the employee
18 actually contributed plus interest.

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

20 **ARTICLE 9**

21 **RELATING TO THE FAMILY INDEPENDENCE ACT**

22 SECTION 1. Section 40-5.1-8 of the General Laws in Chapter 40-5.1 entitled "Family
23 Independence Act" is hereby amended to read as follows:

24 **40-5.1-8. Eligibility for cash assistance.** – (a)(1) Except as otherwise provided for in this
25 section, no person shall be included in any family for purposes of determining eligibility for or
26 the amount of cash to which a family is entitled under this chapter, unless the person is a resident
27 of the state and is: (i) either a citizen; or (ii) lawfully admitted for permanent residence before
28 August 22, 1996; or (iii) otherwise lawfully entitled to reside in the United States before August
29 22, 1996, and is determined to have a status within the meaning of the term "qualified alien", or
30 an exception thereto, under § 402(b) of the Personal Responsibility and Work Opportunity
31 Reconciliation Act of 1996 (Public Laws No. 104-193), and as that section may hereafter be
32 amended; or (iv) an alien who on or after August 22, 1996, is determined to have a status within
33 the meaning of the term "qualified alien", or an exception thereto, under § 402(b) of the Personal
34 Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Laws No. 104-193),

1 and as that section may hereafter be amended.

2 (2) An alien who does not meet the citizenship or alienage criteria in subsection (a)(1)
3 above, who was lawfully residing in the United States before August 22, 1996, and who is a
4 resident of this state prior to July 1, 1997, shall be eligible for cash assistance under this chapter
5 without regard to the availability of federal funding; provided, however, that the person meets all
6 other eligibility requirements under this chapter.

7 (3) No person shall be ineligible for assistance payments under this chapter due solely to
8 the restricted eligibility rules otherwise imposed by section 115(a)(2) of the Personal
9 Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Laws No. 104-193),
10 and as that section may hereafter be amended.

11 (b) No family shall be eligible for assistance payments if the combined value of its
12 available resources (reduced by any obligations or debts with respect to such resources) exceed
13 one thousand dollars (\$1,000). For purposes of this subsection, the following shall not be counted
14 as resources of the family:

15 (1) The home owned and occupied by a child, parent, relative or other individual;

16 (2) Real property owned by a husband and wife as tenants by the entirety, if the property
17 is not the home of the family and if the spouse of the applicant refuses to sell his or her interest in
18 the property;

19 (3) Real property which the family is making a good faith effort to dispose of, but any aid
20 payable to the family for any such period shall be conditioned upon such disposal and any
21 payments of aid for that period shall (at the time of disposal) be considered overpayments to the
22 extent that they would not have occurred at the beginning of the period for which the payments
23 were made. Any overpayments that may have occurred are debts subject to recovery in
24 accordance with the provisions of § 40-5.1-28;

25 (4) Income producing property other than real estate including, but not limited to,
26 equipment such as farm tools, carpenter's tools and vehicles used in the production of goods or
27 services which the department determines are necessary for the family to earn a living;

28 (5) One vehicle for each adult household member but not to exceed two (2) vehicles per
29 household, and in addition, a vehicle used primarily for income producing purposes such as, but
30 not limited to, a taxi, truck or fishing boat; a vehicle used as a family's home; a vehicle which
31 annually produces income consistent with its fair market value, even if only used on a seasonal
32 basis; a vehicle necessary to transport a family member with a disability where the vehicle is
33 specially equipped to meet the specific needs of the person with a disability or if the vehicle is a
34 special type of vehicle that makes it possible to transport the person with a disability;

1 (6) Household furnishings and appliances, clothing, personal effects and keepsakes of
2 limited value;

3 (7) Burial plots (one for each child, relative, and other individual), and funeral
4 arrangements;

5 (8) For the month of receipt and the following month, any refund of federal income taxes
6 made to the family by reason of § 32 of the Internal Revenue Code of 1986, 26 U.S.C. § 32
7 (relating to earned income tax credit), and any payment made to the family by an employer under
8 § 3507 of the Internal Revenue Code of 1986, 26 U.S.C. § 3507 (relating to advance payment of
9 such earned income credit);

10 (9) The resources of any family member receiving supplementary security income
11 assistance under the Social Security Act, 42 U.S.C. § 301 et seq.

12 (c) [Deleted by P.L. 2003, ch. 376, art. 12, § 1.]

13 (d) Except as otherwise provided for in this section, no person shall be included in any
14 family for purposes of determining eligibility for or the amount of cash to which a family is
15 entitled under this chapter if that person, after attaining eighteen (18) years of age, has received
16 cash assistance under this chapter for a total of sixty (60) months (whether or not consecutive) to
17 include any time receiving family cash assistance in any other state or territory of the United
18 States of America as defined herein.

19 Family cash assistance in any other state or territory of the United States of America shall
20 be determined by the Department of Human Services and shall include family cash assistance
21 funded in whole or in part by Temporary Assistance for Needy Families (TANF) funds [Title IV-
22 A of the federal Social Security Act, 42 U.S.C. § 601 et seq.] and/or family cash assistance
23 provided under a program similar to the Family Independence Act or the federal TANF program.

24 (2)(a) Effective August 1, 2008, no child whose parent has reached or exceeded his or her
25 sixty (60) month time limit, shall be eligible for cash assistance under this chapter unless the
26 department of human services determines that:

27 (i) his or her parent is eligible for reapplication due to hardship in accordance with
28 subsection 40-5.1-8(d)(4) due to said parent being: (1) a victim of domestic violence; (2) unable
29 to work due to a documented disability or homelessness; (3) a full-time in home caregiver for a
30 disabled child or spouse and as further described in the department of human services rules and
31 regulations.

32 (ii) the child is a minor child for whom there is a caretaker relative deemed responsible
33 for the care of the minor child due to the absence of a parent.

34 (c) Assistance to the parent(s) to access jobs and training through the Network RI One-

1 Stop Career Centers shall be offered through a collaboration between the department of human
2 services and department of labor and training.

3 ~~(2)~~ (3) In calculating the sixty (60) month limit imposed in subsection (d)(1), the
4 department shall disregard any month for which assistance was provided with respect to a minor
5 parent or minor pregnant woman during those months when the individual was a minor child, or a
6 parent employed an average of thirty (30) or more hours per week during a month in a single
7 parent family, or an average of thirty-five (35) hours per week during a month for a two (2)
8 parent family.

9 ~~(3)~~ (4) The department may exempt a family from the application of subsection (d)(1) by
10 reason of hardship; provided, however, that the number of such families to be exempted by the
11 department under this subsection shall not exceed twenty percent (20%) of the average monthly
12 number of families to which assistance is provided for under this chapter in a fiscal year;
13 provided, however, that to the extent now or hereafter permitted by federal law, any waiver
14 granted under § 40-5.1-46(a) shall not be counted in determining the twenty percent (20%)
15 maximum under this section.

16 (e) Notwithstanding any other provision of this chapter, the amount of cash to which a
17 family is entitled under the chapter shall be reduced by thirty percent (30%) until the family has
18 been a resident of the state for twelve (12) consecutive months; provided, however, that no
19 member of the family who has been a resident of the state for twelve (12) consecutive months or
20 longer shall have his or her benefit reduced under this subsection.

21 (f) A family:

22 (i) Consisting of a parent who is under the age of eighteen (18) (minor parent); and

23 (ii) Who has never been married; and

24 (iii) Who has a child, or a family which consists of a woman under the age of eighteen
25 (18) who is at least six (6) months pregnant (pregnant minor), shall be eligible for cash assistance
26 only if such family resides in the home of a parent, legal guardian or other adult relative. Such
27 assistance shall be provided to the parent, legal guardian, or other adult relative on behalf of the
28 individual and child unless otherwise authorized by the department.

29 (2) Subdivision (1) of this subsection shall not apply if:

30 (i)(A) The minor parent or pregnant minor has no parent, legal guardian or other adult
31 relative who is living and or whose whereabouts are known;

32 (B) The department determines that the physical or emotional health or safety of the
33 minor parent, or his or her child, or the pregnant minor, would be jeopardized if he or she was
34 required to live in the same residence as his or her parent, legal guardian or other adult relative

1 (refusal of a parent, legal guardian or other adult relative to allow the minor parent or his or her
2 child, or a pregnant minor, to live in his or her home shall constitute a rebuttable presumption that
3 the health or safety would be so jeopardized);

4 (C) The minor parent or pregnant minor has lived apart from his or her own parent or
5 legal guardian for a period of at least one year before either the birth of any child to a minor
6 parent or the onset of the pregnant minor's pregnancy; or

7 (D) There is good cause, under departmental regulations, for waiving the subsection; and

8 (ii) The individual resides in supervised supportive living arrangement to the extent
9 available. For purposes of this section "supervised supportive living arrangement" means an
10 arrangement which:

11 (A) Requires teen parents to enroll and make satisfactory progress in a program leading
12 to a high school diploma or a general education development certificate;

13 (B) Requires teen parents to participate in the adolescent parenting program established
14 in chapter 19 of this title to the extent the program is available; and

15 (C) Provides rules and regulations, which ensure regular adult supervision.

16 (g) As a condition of eligibility for cash and medical assistance under this chapter, each
17 adult member of the family has:

18 (1) Assigned to the state any rights to support for children within the family from any
19 person which the family member has at the time the assignment is executed or may have while
20 receiving assistance under this chapter;

21 (2) Consented to and is cooperating with the state in establishing the paternity of a child
22 born out of wedlock with respect to whom assistance is claimed, and in obtaining support
23 payments for the family member with respect to whom the aid is claimed, or in obtaining any
24 other payments or property due any family member, unless the applicant is found to have good
25 cause for refusing to comply with the requirements of this subsection.

26 Absent good cause for refusing to comply with the requirements of this subsection, the
27 amount of cash a family is otherwise entitled shall be reduced by twenty-five percent (25%) until
28 the adult member of the family who has refused to comply with the requirements of this
29 subsection consents to and cooperates with the state in accordance with the requirements of this
30 subsection.

31 (3) Consented to and is cooperating with the state in identifying and providing
32 information to assist the state in pursuing any third party who may be liable to pay for care and
33 services under Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq.

34 (h) As a condition of eligibility for cash assistance to a family under this chapter, the

1 parent(s), unless otherwise exempt under this chapter, must enter into an individual employment
2 plan in accordance with § 40-5.1-9(c). This condition of eligibility shall apply to applications for
3 assistance filed on or after July 1, 2006 and to current recipients at the time of their next
4 redetermination of eligibility occurring on or after July 1, 2006.

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

6 ARTICLE 10

7 RELATING TO THE MEDICAL ASSISTANCE - ELIGIBILITY

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

10 **40-8-1. Declaration of policy.**--- (a) Whereas, in the state of Rhode Island there are
11 many persons who do not have sufficient income and resources to meet the cost of medical care
12 and who, except for income and resource requirements, would be eligible for aid or assistance
13 under § 40-5.1-9 or 40-6-27; and

14 (b) Whereas, it is in the best interest of all the citizens of this state to promote the welfare
15 of persons with the characteristics of persons eligible to receive public assistance and ensure that
16 they will receive adequate medical care and treatment in time of need;

17 (c) Now, therefore, it is declared to be the policy of this state to provide medical
18 assistance for those persons in this state who possess the characteristics of persons receiving
19 public assistance under the provisions of § 40-5.1-9 or 40-6-27, and who do not have the income
20 and resources to provide it for themselves or who can do so only at great financial sacrifice.
21 Provided, further, that medical assistance, except as provided in subsection (d), must qualify for
22 federal financial participation pursuant to the provisions of title XIX of the federal Social Security
23 Act, 42 U.S.C. § 1396 et seq., as such provisions apply to medically needy only applicants and
24 recipients.

25 (d) Medical assistance shall be provided under this chapter without regard to the
26 availability of federal financial participation: (1) to a person who does not meet the citizenship or
27 alienage criteria under title XIX of the Social Security Act [42 U.S.C. § 1396 et seq.] and who
28 was lawfully residing in the United States before August 22, 1996 and who was a resident of this
29 state prior to July 1, 1997; ~~and (2) to a non citizen child who was lawfully admitted for~~
30 ~~permanent residence on or after August 22, 1996 or who first become otherwise entitled to reside~~
31 ~~in the United States on or after August 22, 1996 and was receiving medical assistance on or~~
32 ~~before December 31, 2006;~~ and provided, however, that such person meets all other eligibility
33 requirements under this chapter or under title XIX of the Social Security Act.

34 SECTION 2. Sections 42-12.3-4 and 42-12.3-15 of the General Laws in Chapter 42-12.3

1 entitled "Health Care for Children and Pregnant Women" are hereby amended to read as follows:

2 **42-12.3-4. "RIte track" program.** – (a) There is hereby established a payor of last resort
3 program for comprehensive health care for children until they reach nineteen (19) years of age, to
4 be known as "RIte track". The department of human services is hereby authorized to amend its
5 title XIX state plan pursuant to title XIX [42 U.S.C. § 1396 et seq.] of the Social Security Act to
6 provide for expanded Medicaid coverage through expanded family income disregards for
7 children, until they reach nineteen (19) years of age, whose family income levels are up to two
8 hundred fifty percent (250%) of the federal poverty level ~~provided, however, that health care~~
9 ~~coverage under this section shall also be provided without regard to the availability of federal~~
10 ~~financial participation to a noncitizen child lawfully residing in the United States and to a~~
11 ~~noncitizen child residing in Rhode Island, provided that the child satisfies all other eligibility~~
12 ~~requirements and is receiving medical assistance on or before December 31, 2006.~~ The
13 department is further authorized to promulgate any regulations necessary, and in accord with title
14 XIX [42 U.S.C. § 1396 et seq.] of the Social Security Act to implement the state plan amendment.
15 For those children who lack health insurance, and whose family income are in excess of (250%)
16 of the federal poverty level, the department of human services shall promulgate necessary
17 regulations to implement the program. The department of human services is further directed to
18 ascertain and promulgate the scope of services that will be available to those children whose
19 family income exceeds the maximum family income specified in the approved title XIX [42
20 U.S.C. § 1396 et seq.] state plan amendment.

21 ~~(b) Resources. Except as provided herein, no child shall be eligible for medical assistance~~
22 ~~coverage provided under this section if the combined value of the child's or the family's liquid~~
23 ~~resources exceeds ten thousand dollars (\$10,000); provided, however, that this subsection shall~~
24 ~~not apply to children with disabilities who are otherwise eligible for medical assistance coverage~~
25 ~~as categorically needy under § 134(a) of the Tax Equity and Fiscal Responsibility Act of 1982~~
26 ~~[federal P.L. 97-248], commonly known as Katie Beckett eligible, upon meeting the requirements~~
27 ~~established in § 1902(e)(3) of the federal Social Security Act~~

28 **42-12.3-15. Expansion of RIte track program.** – The Department of Human Services is
29 hereby authorized and directed to submit to the United States Department of Health and Human
30 Services an amendment to the "RIte Care" waiver project number 11-W-0004/1-01 to provide for
31 expanded Medicaid coverage for children until they reach eight (8) years of age, whose family
32 income levels are ~~up~~ to two hundred fifty percent (250%) of the federal poverty level. Expansion
33 of the RIte track program from the age of six (6) until they reach eighteen (18) years of age in
34 accordance with this chapter shall be subject to the approval of the amended waiver by the United

1 States Department of Health and Human Services. ~~Health care coverage under this section shall~~
2 ~~also be provided without regard to the availability of federal financial participation: (1) to a non-~~
3 ~~citizen child lawfully residing in the United States provided such child satisfies all other~~
4 ~~eligibility requirements and is receiving medical assistance on or before December 31, 2006.~~

5 SECTION 3. This article shall take effect on May 1, 2008. Any rules or regulations
6 necessary or advisable to implement the provisions of this article shall be effective immediately
7 as an emergency rule upon the department's filing thereof with the secretary of state as it is
8 hereby found that the current fiscal crisis in this state has caused an imminent peril to public
9 health, safety and welfare, and the department is hereby exempted from the requirements of
10 sections 42-35-3(b) and 42-35-4(b)(2) relating to agency findings of imminent peril to public
11 health, safety and welfare and the filing of statements of the agency's reasons thereof.

12 ARTICLE 11

13 RELATING TO TOWNS AND CITIES - POLICE OFFICERS

14 AND FIREFIGHTERS RELIEF BENEFITS

15 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
16 and 45-19-12.3 of the General Laws in Chapter 45-19 entitled "Relief of Injured and Deceased
17 Fire Fighters and Police Officers" are hereby amended to read as follows:

18 **45-19-4. Annuities to dependents of deceased police officers and appropriations to**
19 **nondependent parents of police officers.** – (a) If an active or retired member of the police force
20 of a city or town is killed or dies from injuries received while in the performance of his or her
21 duty as a member prior to April 1, 2008, or dies of a heart condition or any condition derived
22 from hypertension while still a member prior to April 1, 2008, there shall be paid out of the police
23 officer's relief fund of Rhode Island to the following dependents of the deceased person, the
24 following sums of money:

25 (1) To the widow or widower an annuity not exceeding three thousand six hundred
26 dollars (\$3,600) a year, payable in the number of regular installments determined by the board
27 and continuing as long as he or she remains unmarried and commencing with the date of death
28 but not more than six (6) months prior to the date of filing of the petition by the widow or
29 widower; provided, that if the member died more than six (6) months prior to the filing of the
30 petition then the payments are to commence no sooner than six (6) months prior to the date of
31 petition;

32 (2) An additional annuity of twelve hundred dollars (\$1,200) a year, payable in the
33 number of regular installments determined by the board, for each child of the deceased person
34 during the time that the child is under the age of eighteen (18) years, or over the age and

1 physically or mentally incapacitated from earning. If there is any child and no widow or widower
2 or the widow or widower dies later, the sum and the annuity that would have been payable to the
3 widow or widower had there been one or had he or she lived, to or for the benefit of the child or
4 of the children, in equal shares, during the time previously stated;

5 (3) If there is any child and the widow or widower remarries, in lieu of the previously
6 stated annuity to him or her, an annuity not exceeding twelve hundred dollars (\$1,200) to or for
7 the benefit of each child during the time previously stated;

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

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

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

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

27 (d) The provisions of this section apply in the case of any active or retired police officer
28 who from and after January 1, 1935, was killed or died from injuries received while in the
29 performance of duty, or dies of a heart condition or any condition derived from hypertension.

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

32 (f) Upon the death of a member, the police chief shall immediately notify the widow or
33 widower of the member by registered or certified mail, return receipt requested, of the widow or
34 widower's possible eligibility for benefits under this chapter and the time restriction for filing a

1 claim for these benefits.

2 **45-19-4.1. Tuition to children of police officers dying or disabled as a result of**
3 **service.** – (a) If an active member of the police force of a city or town is killed, dies, or becomes
4 totally and permanently disabled from injuries received while in the performance of his or her
5 duty as a member [prior to April 1, 2008](#), or dies of a heart condition or any condition derived
6 from hypertension while still a member [prior to April 1, 2008](#), there shall be paid out of the
7 general fund of the state of Rhode Island the charges for the tuition of children of the deceased or
8 totally and permanently disabled police officer and/or the spouse of a police officer killed in the
9 line of duty [provided that any child that was eligible to receive this benefit prior to April 1, 2008,](#)
10 [shall remain eligible for this benefit.](#) The benefits are extended to the children and/or spouse who
11 are attending or may attend the university of Rhode Island, Rhode Island college, or any other
12 college or university operated by the state; provided, that the child has entered the institution
13 while between the ages of sixteen (16) and twenty-one (21); and provided, further, that the aid
14 granted is available to the child and/or spouse for the period of time that may equal the normal
15 time for completing the courses regularly offered by the institution, but in no case more than four
16 (4) years.

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

23 **45-19-4.2. Tuition to police officers disabled as a result of service.** – (a) If an active
24 member of the police force of a city or town becomes totally and permanently disabled from
25 injuries received while in the performance of his or her duty as a member [prior to April 1, 2008](#),
26 or if any member of the police force of a city or town becomes totally and permanently disabled
27 from injuries received while in the performance of his or her duty [prior to April 1, 2008](#), there
28 shall be paid out of the general fund of the state of Rhode Island the charges for the tuition of the
29 totally and permanently disabled police officer [provided that any child that was eligible to receive](#)
30 [this benefit prior to April 1, 2008, shall remain eligible for this benefit.](#) The benefits are extended
31 to members who are attending or may attend the university of Rhode Island, Rhode Island
32 college, or any other college or university operated by the state; provided, that the aid granted in
33 this section is available for the period of time that may equal the normal time for completing the
34 courses regularly offered by the institution, but in no case more than four (4) years.

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

5 **45-19-12. Annuities to dependents of deceased fire fighters and appropriations to**
6 **nondependent parents of deceased fire fighters.** – (a) If an active or retired member of the fire
7 force of a city or town or fire fighter for the town of North Smithfield is killed or dies from
8 injuries received while in the performance of his or her duty as a member [prior to April 1, 2008](#) or
9 dies of a heart condition, respiratory ailments, or any condition derived from hypertension while
10 still a member [prior to April 1, 2008](#), there shall be paid out of the fire fighter's relief fund of
11 Rhode Island to the following dependents of the deceased person, the following sums of money:

12 (1) To the widow or widower an annuity not exceeding three thousand six hundred
13 dollars (\$3,600) a year, payable in the number of regular installments determined by the board
14 and continuing as long as he or she remains unmarried and commencing with the date of death
15 but not more than six (6) months prior to the date of filing of the petition by the widow or
16 widower;

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

21 (3) If there is no widow or widower and no child, the total sum of ten thousand dollars
22 (\$10,000), payable in a lump sum for the benefit of the father and/or mother of the deceased, if
23 not dependent upon him or her for support at the time of his or her death;

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

28 (5) If there is any child, and the widow or widower remarries, in lieu of the previously
29 stated annuity to him or her, an annuity not exceeding one thousand two hundred dollars (\$1,200)
30 to or for the benefit of each child during the time previously stated; and

31 (6) If there is no widow or widower and no child, the sum of three thousand six hundred
32 dollars (\$3,600) payable in regular installments by the board of fire fighter's relief, to or for the
33 benefit of the father or mother of the deceased, if dependent upon him or her for support at the
34 time of his or her death, and commencing with the date of death but not more than six (6) months

1 prior to the date of filing of the petition and continuing so long as the beneficiary is unable to
2 support himself or herself and does not remarry, an annuity not exceeding three thousand six
3 hundred dollars (\$3,600) a year, payable in the number of regular installments determined by the
4 board.

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

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

12 (d) The amount of the annuity shall not be reduced by reason of receipt of any annuity
13 and/or other payments to any beneficiary from any other source.

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

18 **45-19-12.1. Tuition to children of deceased or disabled fire fighters.** – (a) If an active
19 member of the fire force of a city or town or crash rescue crew persons of the state of Rhode
20 Island is killed or dies or becomes totally and permanently disabled from injuries received while
21 in the performance of his or her duty as a member [prior to April 1, 2008](#), or dies of a performance
22 related heart condition, or dies of performance related respiratory ailments, or dies of any
23 conditions derived from performance related hypertension [prior to April 1, 2008](#), there shall be
24 paid, out of the general fund of the state of Rhode Island, the charges for the tuition of children of
25 the deceased or totally and permanently disabled fire fighters [provided that any child that was](#)
26 [eligible to receive this benefit prior to April 1, 2008, shall remain eligible for this benefit](#). The
27 benefits shall be extended to the children who are attending or may attend the university of Rhode
28 Island, Rhode Island college, or any other college or university operated by the state; provided,
29 that the child has entered the institution while between the ages of sixteen (16) and twenty-one
30 (21); and provided, further, that the aid granted in this section is available to the child for a period
31 of time that equals the normal time for completing the courses regularly offered by the institution,
32 but in no case more than four (4) years.

33 (b) For the purposes of this section, the words "members of fire force" mean and include
34 any member of a fire force or crash rescue crew persons of any city or town regularly employed

1 at a fixed salary or wage; this includes auxiliary and volunteer fire fighters and crash rescue crew
2 persons of any city, town, or state fire fighting department.

3 **45-19-12.2. Annuities to dependents of deceased auxiliary and volunteer fire fighters**
4 **and appropriations to nondependent parents of deceased auxiliary and volunteer fire**

5 **fighters.** – (a) If an active member of a volunteer or auxiliary fire force or volunteer crash rescue
6 or ambulance corps is killed or dies from injuries received while in the performance of his or her
7 duty [prior to April 1, 2008](#) there shall be paid out of the fire fighter's relief fund of Rhode Island
8 to the following dependents of the deceased person, the following sums of money:

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

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

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

20 (4) If there is any child and the widow or widower remarries, in lieu of the previously
21 stated annuity to him or her, an annuity not exceeding one thousand two hundred dollars (\$1,200)
22 to or for the benefit of each child during the previously stated time;

23 (5) If there is no widow or widower and no child, the total sum of ten thousand dollars
24 (\$10,000) payable in a lump for the benefit of the father and/or mother of the deceased, if not
25 dependent upon him or her for support at the time of his or her death; and

26 (6) If there is no widow or widower and no child, the sum of three thousand six hundred
27 dollars (\$3,600) payable in regular installments by the board of fire fighter's relief, to or for the
28 benefit of the father or mother of the deceased, if dependent upon him or her for support at the
29 time of his or her death, and beginning at the death and continuing so long as the beneficiary is
30 unable to support himself or herself and does not remarry, an annuity not exceeding three
31 thousand six hundred dollars (\$3,600) a year, payable in regular installments determined by the
32 board.

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

34 **45-19-12.3. Tuition to disabled fire fighters.** – (a) If an active member of the fire force

1 of a city or town or crash rescue crew persons of the state of Rhode Island becomes totally and
2 permanently disabled from injuries received while in the performance of his or her duty as a
3 member [prior to April 1, 2008](#), or if any member of the fire force of a city or town or crash rescue
4 crew persons of the state of Rhode Island becomes totally and permanently disabled from injuries
5 received while in the performance of his or her duty [prior to April 1, 2008](#), there shall be paid, out
6 of the general fund of the state of Rhode Island, the charges for the tuition of totally and
7 permanently disabled fire fighters [provided that any child that was eligible to receive this benefit](#)
8 [prior to April 1, 2008, shall remain eligible for this benefit](#). The benefits are extended to members
9 who are attending or may attend the university of Rhode Island, Rhode Island college, or any
10 other college or university operated by the state; provided, that the aid granted in this section is
11 available for a period of time that equals the normal time for completing the courses regularly
12 offered by the institution, but in no case more than four (4) years.

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

17 SECTION 2. Section 45-19.1-3 of the General Laws in Chapter 45-19.1 entitled
18 "Cancer Benefits for Fire Fighters" is hereby amended to read as follows:

19 **45-19.1-3. Occupational cancer disability for fire fighters.** – (a) Any fire fighter [prior](#)
20 [to April 1, 2008](#), including one employed by the state, or a municipal fire fighter employed by a
21 municipality [prior to April 1, 2008](#) that participates in the optional retirement for police officers
22 and fire fighters, as provided in chapter 21.2 of this title, who is unable to perform his or her
23 duties in the fire department by reason of a disabling occupational cancer which develops or
24 manifests itself during a period while the fire fighter is in the service of the department, and any
25 retired member of the fire department of any city or town who develops occupational cancer, is
26 entitled to receive an occupational cancer disability, and he or she is entitled to all of the benefits
27 provided for in chapters 19, 21 and 21.2 of this title and chapter 10 of title 36 if the fire fighter is
28 employed by the state.

29 (b) The provisions of this section apply retroactively in the case of any retired member of
30 the fire department of any city or town.

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

32 ARTICLE 12

33 RELATING TO ATOMIC ENERGY COMMISSION

34 SECTION 1. Section 42-27-6 of the General Laws in Chapter 42-27 entitled "Atomic

1 Energy Commission” is hereby amended to read as follows:

2 **42-27-6. Reactor usage charges.** - All fees collected by the atomic energy commission
3 for use of the reactor facilities shall be deposited as general revenues. A charge of up to forty
4 percent, adjusted annually as of July 1, shall be assessed against all University of Rhode Island
5 (URI) sponsored research activity allocations. The charge shall be applied to the existing URI
6 sponsored research expenditures within the atomic energy commission.

7 SECTION 2. This article shall take effect as of July 1, 2007.

8 ARTICLE 13

9 RELATING TO THE RHODE ISLAND TRAINING SCHOOL

10 SECTION 1. Section 810-18 of the General Laws in Chapter 810 entitled "Family
11 Court" is hereby repealed in its entirety.

12 ~~**8-10-18. Youth correctional center.** --- There shall be a facility within the department of~~
13 ~~corrections to be known as the youth correctional center, to which the family court may commit~~
14 ~~any juvenile whose behavior problem is such that the court shall deem it inexpedient to place him~~
15 ~~or her with his or her parent, or in the training school for youth, or with any other agency.~~

16 SECTION 2. Section 14-1-36.1 of the General Laws in Chapter 14-1 entitled
17 "Proceedings in Family Court" is hereby amended to read as follows:

18 **14-1-36.1. Release from training school.** -- (a) No child sentenced to the training school
19 for youth, after being found delinquent or wayward, shall be released prior to the end of his or her
20 sentence unless authorized by a justice of the family court, after a hearing with due notice to the
21 parties to the petition upon which the child was sentenced. At any such hearing, the family court
22 shall authorize the release of the child to his or her home and/or to the care and custody of the
23 department of children, youth and families unless the court finds that the child:

- 24 (1) Poses a substantial risk of harm to self; or
25 (2) Poses a substantial risk of harm to others; or
26 (3) Has demonstrated that he or she may leave the jurisdiction of the court.

27 Provided, however, any child who has been certified and adjudicated pursuant to sections
28 14-1-7.2 and 14-1-7.3, may not be released prior to the end of his or her sentence, except as
29 authorized under section 14-1-42 of this chapter.

30 (b) A child so sentenced may be allowed as part of a rehabilitation program to be placed
31 temporarily in a community program outside of the training school only when authorized by the
32 family court.

33 SECTION 3. Chapter 42-72 of the General Laws entitled “Department of Children,
34 Youth and Families” is hereby amended by adding thereto the following sections:

1 42-72-17.2. Limits to Population at the Youth Development Center and the Youth
2 Assessment Center. --(a) The Rhode Island training school shall consist of a youth development
3 center, a youth assessment center and a female correctional treatment facility. The youth
4 development center and the youth assessment center shall not exceed a maximum daily capacity
5 of one hundred forty-eight (148) detained and/or adjudicated males. The female correctional
6 treatment facility shall not exceed a maximum daily capacity of twelve (12) detained and/or
7 adjudicated females.

8 (b) The director of the department of children, youth and families shall notify the chief
9 judge of the family court whenever the census of the detained and/or adjudicated male youth or of
10 the detained and/or adjudicated female youth approaches ninety five percent (95%) of maximum
11 population capacity. The training school superintendent or his or her designee shall thereupon
12 refer to the family court, for consideration for release from the training school, those youth who
13 do not pose a credible risk of harm to self or others or for whom there is no substantial risk that
14 the youth may leave the jurisdiction of the state.

15 (c) Following a hearing, the family court shall authorize the release of such youth from
16 the training school, unless the court finds that the child:

17 (1) Poses a substantial risk of harm to self; or

18 (2) Poses a substantial risk of harm to others; or

19 (3) Has demonstrated that he or she may leave the jurisdiction of the court.

20 Provided, however, any child who has been certified and adjudicated pursuant to sections
21 14-1-7.2 and 14-1-7.3, may not be released prior to the end of his or her sentence, except as
22 authorized under section 14-1-42 of this chapter.

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

24 ARTICLE 14

25 RELATING TO HEALTH CARE COVERAGE FOR CHILD CARE PROVIDERS

26 SECTION 1. Sections 40-6.2-4 and 40-6.2-5 of the General Laws in Chapter 40-6.2
27 entitled "Child Care - State Subsidies" are hereby repealed.

28 ~~40-6.2-4. Health care coverage for family day care providers. (a) The department of~~
29 ~~human services is authorized and directed to provide health care through its RItE Care or RItE~~
30 ~~Share programs to family day care providers who provide child care services paid for by the~~
31 ~~department and who meet the eligibility requirements of this section.~~

32 ~~(b) A family day care provider shall be eligible if:~~

33 ~~(1) The provider is certified as a family day care provider by the department of children,~~
34 ~~youth, and families pursuant to chapter 72.1 of title 42, and has applied for and has been found~~

1 ~~ineligible for the federally assisted RIte Care or RIte Share programs; and~~

2 ~~(2) The provider has rendered a minimum of seven thousand eight hundred dollars~~
3 ~~(\$7,800) in child care services, payable by the department through any of its child care programs,~~
4 ~~during a period of six (6) consecutive months prior to making application to the department for~~
5 ~~health care coverage; and~~

6 ~~(3) The provider's total family annualized income does not exceed 350% of the federal~~
7 ~~poverty level.~~

8 ~~(c) Upon determination of eligibility by the department, the department shall enroll the~~
9 ~~provider and the provider's minor children, who are living with the provider's household, in the~~
10 ~~RIte Care or the RIte Share program, as determined by the department, for the following six (6)~~
11 ~~months, and the enrolled provider and qualifying children shall be subject to the terms,~~
12 ~~conditions, limitations, restrictions, cost sharing, and dental benefit provisions of the RIte Care or~~
13 ~~the RIte Share programs.~~

14 ~~40-6.2-5. Health care coverage for center based care providers. (a) The department of~~
15 ~~human services is authorized and directed to establish a health care premium cost sharing option~~
16 ~~through its RIte Care program for center based child care providers who provide child care~~
17 ~~services paid for in whole or in part by the department of human services or the department of~~
18 ~~children, youth, and families, and who meet the eligibility requirements of this section.~~

19 ~~(b) A center based provider shall be eligible to participate if:~~

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

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

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

26 ~~(c) Effective January 1, 1999, if the number of children served by the provider who meet~~
27 ~~the department's child care assistance income guidelines under § 40-5.1-17 is at least fifty percent~~
28 ~~(50%) of the enrollment census of the provider, then the center based child care provider shall~~
29 ~~pay fifty percent (50%) of the monthly premiums attributable to the center's participating~~
30 ~~employees.~~

31 ~~(d) Effective July 1, 1999, if the number of children served by the provider who meet the~~
32 ~~department's child care assistance income guidelines under § 40-5.1-17 is at least forty percent~~
33 ~~(40%) of the enrollment census of the provider, then the center based child care provider shall~~
34 ~~pay fifty percent (50%) of the monthly premiums attributable to the center's participating~~

1 ~~employees.~~

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

7 SECTION 2. This article shall take effect as of July 1, 2008.

8 **ARTICLE 15**

9 **RELATING TO EDUCATION AID**

10 SECTION 1. Sections 16-7-20 and 16-7-23 of the General Laws in Chapter 16-7 entitled
11 "Foundation Level School Support" are hereby amended to read as follows:

12 **16-7-20. Determination of state's share.** – (a) for each community the state's share shall
13 be computed as follows: Let

14 R = state share ratio for the community.

15 v = adjusted equalized weighted assessed valuation for the community, as defined in §
16 16-7-21(3).

17 V = sum of the values of v for all communities.

18 m = average daily membership of pupils in the community as defined in § 16-7-22(3).

19 M = total average daily membership of pupils in the state.

20 E = approved reimbursable expenditures for the community for the reference year minus
21 the excess costs of special education, tuitions, federal and state receipts, and other income.

22 Then the state share entitlement for the community shall be RE where

23
$$R = 1 - s \frac{0.5vM}{(Vm)},$$

24 Except that in no case shall R be less than zero percent (0%). This percentage shall be
25 applied to one hundred percent (100%) of all expenditures approved by the board of regents for
26 elementary and secondary education in accordance with currently existing rules and regulations
27 for administering state aid, including but not limited to the setting of appropriate limits for
28 expenditures eligible for reimbursement; provided, however, that the costs of special education
29 required under chapter 24 of this title shall be excluded; and the costs for regional vocational
30 school operation and tuition which are funded in chapter 45 of this title for the reference year
31 1987-1988 and thereafter, shall be excluded. "Special education costs" mean the costs that are in
32 excess of the average per pupil expenditure in average daily membership for the second school
33 year preceding. The average per pupil expenditure in average daily membership of those students
34 receiving special education shall be included in the cost of the basic program for the reference

1 year, as "reference year" is defined in § 16-7-16. Expenditures from federal money in lieu of
2 taxes shall not be counted and, provided further that the individual communities in the Chariho
3 regional districts shall each receive the seven and five hundredths percent (7.05%) for those
4 grades serviced by the regional school district.

5 (b) The department of elementary and secondary education shall base reimbursement on
6 one hundred percent (100%) of the expenditures for its state operated schools in accordance with
7 the reference year provision as defined in § 16-7-16(11). Any funds to supplement the
8 reimbursement shall be appropriated and included in the department budget.

9 (c) This section shall apply to the School for the Deaf and the Davies Vocational School
10 notwithstanding any provisions of this section to the contrary.

11 (d) Whenever any funds are appropriated for educational purposes, the funds shall be
12 used for educational purposes only and all state funds appropriated for educational purposes must
13 be used to supplement any and all money allocated by a city or town for educational purposes and
14 in no event shall state funds be used to supplant, directly or indirectly, any money allocated by a
15 city or town for educational purposes. The courts of this state shall enforce this section by writ of
16 mandamus.

17 ~~(e) Notwithstanding the calculations in subsection (a), the hospital school at the Hasbro
18 Children's Hospital shall be reimbursed one hundred percent (100%) of all expenditures approved
19 by the board of regents for elementary and secondary education in accordance with currently
20 existing rules and regulations for administering state aid, and subject to annual appropriations by
21 the general assembly including, but not limited to, expenditures for educational personnel,
22 supplies, and materials in the prior fiscal year.~~

23 **16-7-23. Community requirements – Adequate minimum budget provision.** – (a)

24 The school committee's budget provisions of each community for current expenditures in each
25 budget year shall provide for an amount from all sources sufficient to support the basic program
26 and all other approved programs shared by the state. Each community shall contribute local funds
27 to its school committee in an amount not less than its local contribution for schools in the
28 previous fiscal year. Calculation of the annual local contribution shall not include Medicaid
29 revenues received by the municipality or district pursuant to chapter 8 of title 40 or contributions
30 for capital expenditures in support of school facilities. A community which has a decrease in
31 enrollment may compute maintenance of effort on a per pupil rather than on an aggregate basis
32 when determining its local contribution; furthermore, a community which experiences a
33 nonrecurring expenditure for its schools may deduct the nonrecurring expenditure in computing
34 its maintenance of effort. The deduction of nonrecurring expenditures shall be with the approval

1 of the commissioner. The courts of this state shall enforce this section by writ of mandamus.

2 (b) Whenever any state funds are appropriated for educational purposes, the funds shall
3 be used for educational purposes only and all state funds appropriated for educational purposes
4 must be used to supplement any and all money allocated by a city or town for educational
5 purposes and, in no event, shall state funds be used to supplant, directly or indirectly, any money
6 allocated by a city or town for educational purposes. All state funds shall be appropriated by the
7 municipality to the school committee for educational purposes in the same fiscal year in which
8 they are appropriated at the state level even if the municipality has already adopted a school
9 budget. All state and local funds unexpended by the end of the fiscal year of appropriation shall
10 remain a surplus of the school committee and shall not revert to the municipality. Any surplus of
11 state or local funds appropriated for educational purposes shall not in any respect affect the
12 requirement that each community contribute local funds in an amount not less than its local
13 contribution for schools in the previous fiscal year, subject to subsection (a) of this section, and
14 shall not in any event be deducted from the amount of the local appropriation required to meet the
15 maintenance of effort provision in any given year.

16 (c)(1) An advisory council shall be established to determine the ability of the city of
17 Central Falls to contribute funds to the Central Falls school district. The council shall be
18 composed of five (5) members as follows: (1) The auditor general of the state of Rhode Island or
19 his or her designee; (2) commissioner of elementary and secondary education or his or her
20 designee; (3) The mayor of the city of Central Falls or his or her designee; (4) president of the
21 Central Falls school district board of trustees, (5) The director of the department of revenue or his
22 or her designee. The auditor general or his or her designee shall chair the advisory council. By
23 May 1, 2008, the council shall develop recommendations that will determine the percentage of
24 the Central Falls school district's budget that will be contributed by the city. Said
25 recommendations will be used in the budget preparation for the state appropriation to Central
26 Falls.

27 (2) In the event that the mayor and the city council of the city of Central Falls fail to
28 appropriate the funds as recommended by the Central Falls advisory council, the director of
29 administration is authorized to create a budget and review commission as authorized by §45-9-3
30 of the General Laws. Said commission shall be composed of the members as of the Central Falls
31 advisory council and shall be vested with all authority granted to a budget and review
32 commission, including the authority to levy and assess taxes without regard to the limitations
33 imposed by §44-5-2 of the General Laws relating to maximum tax levy.

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

1 **ARTICLE 16**

2 RELATING TO INSURANCE - CONSUMER REPRESENTATION

3 AT RATE HEARINGS

4 SECTION 1. Section 27-36-2 of the General Laws in Chapter 27-36 entitled "Consumer
5 Representation at Rate Hearings" is hereby amended to read as follows:

6 **27-36-2. Annual assessments of insurance companies.** -- (a) The ~~insurance~~
7 ~~commissioner~~ director of the department of business regulation shall make an annual assessment
8 against each insurance company, those corporations and other entities subject to ~~chapters 19, 20,~~
9 ~~20.1, and 20.2 of~~ this title and chapter 62 of title 42, hereafter referred to as a "company", for
10 payment of all reasonable expenditures incurred by the attorney general in representation at
11 insurance rate hearings for matters involving insurance regulation. The assessments shall be in
12 amounts annually determined and certified by the attorney general to the ~~insurance commissioner~~
13 director of the department of business regulation as sufficient reimbursement for the general
14 expenditures of the attorney general to fulfill the attorney general's obligations under this chapter.
15 The general expenditures ~~and~~ shall be proportionately assessed by the ~~insurance commissioner~~
16 director of the department of business regulation against each company. In addition, actual
17 reasonable costs for experts, such as but not limited to actuaries and economists, and other
18 specific costs incurred by the attorney general related to insurance rate hearings, whether or not a
19 public hearing has been held or the rate review has proceeded through a final decision by the
20 department of business regulation or office of the health insurance commissioner, shall be billed
21 directly by the attorney general to the company that initiated the filing.

22 (b) ~~A company may meet its obligations under this section by directly reimbursing the~~
23 ~~attorney general and by notifying the commissioner of the amount of the payment.~~ The company
24 billed for such specific costs shall make payment to the attorney general by forwarding a check,
25 payable to the service provider, to the chief of the Insurance Advocacy Unit of the attorney
26 general's office within sixty (60) days of the date invoiced.

27 ~~(e)~~ Assessments made pursuant to this section may be credited to the normal operating
28 costs of each company and shall be deposited as general revenue.

29 SECTION 2. This article shall take effect as of January 17, 2008.

30 **ARTICLE 17**

31 RELATING TO PROCEEDINGS IN FAMILY COURT

32 SECTION 1. Section 14-1-6 of the General Laws in Chapter 14-1 entitled "Proceedings
33 in Family Court" is hereby amended as follows:

34 **14-1-6. Retention of jurisdiction.** – (a) When the court shall have obtained jurisdiction

1 over any child prior to the child having attained the age of eighteen (18) years by the filing of a
2 petition alleging that the child is wayward or delinquent pursuant to § 14-1-5, the child shall,
3 except as specifically provided in this chapter, continue under the jurisdiction of the court until he
4 or she becomes nineteen (19) years of age, unless discharged prior to turning nineteen (19). When
5 the court shall have obtained jurisdiction over any child prior to the child's eighteenth birthday by
6 the filing of a petition alleging that the child is dependent, neglected and abused pursuant to §§
7 14-1-5 and 40-11-7, including any child under the jurisdiction of the family court on petitions
8 filed and/or pending before the court prior to July 1, 2007, the child shall, except as specifically
9 provided in this chapter, continue under the jurisdiction of the court until he or she becomes
10 eighteen (18) years of age; provided, that prior to ~~an order of discharge or emancipation being~~
11 ~~entered~~, a child turning eighteen (18) years of age, the court shall require the department of
12 children, youth, and families to provide a description of the transition services afforded the child
13 in placement or a detailed explanation as to the reason those services were not offered; provided
14 further, that any youth who comes within the jurisdiction of the court by the filing of a wayward
15 or delinquent petition based upon an offense which was committed prior to July 1, 2007,
16 including youth who are adjudicated and committed to the Rhode Island Training School and who
17 are placed in a temporary community placement as authorized by the family court, may continue
18 under the jurisdiction of the court until he or she turns twenty one (21) years of age.

19 (b) In any case where the court shall not have acquired jurisdiction over any person prior
20 to the person's eighteenth birthday by the filing of a petition alleging that the person had
21 committed an offense, but a petition alleging that the person had committed an offense which
22 would be punishable as a felony if committed by an adult has been filed before that person attains
23 the age of nineteen (19) years of age, that person shall, except as specifically provided in this
24 chapter, be subject to the jurisdiction of the court until he or she becomes nineteen (19) years of
25 age, unless discharged prior to turning nineteen (19).

26 (c) In any case where the court shall not have acquired jurisdiction over any person prior
27 to the person attaining the age of nineteen (19) years by the filing of a petition alleging that the
28 person had committed an offense prior to the person attaining the age of eighteen (18) years
29 which would be punishable as a felony if committed by an adult, that person shall be referred to
30 the court which would have had jurisdiction over the offense if it had been committed by an adult.
31 The court shall have jurisdiction to try that person for the offense committed prior to the person
32 attaining the age of eighteen (18) years and, upon conviction, may impose a sentence not
33 exceeding the maximum penalty provided for the conviction of that offense.

34 (d) In any case where the court has certified and adjudicated a child in accordance with

1 the provisions of §§ 14-1-7.2 and 14-1-7.3, the jurisdiction of the court shall encompass the
2 power and authority to sentence the child to a period in excess of the age of nineteen (19) years.
3 However, in no case shall the sentence be in excess of the maximum penalty provided by statute
4 for the conviction of the offense.

5 (e) Nothing in this section shall be construed to affect the jurisdiction of other courts over
6 offenses committed by any person after he or she reaches the age of eighteen (18) years.

7 SECTION 2. Section 42-72-5 of the General Laws in Chapter 42-72 entitled
8 “Department of Children, Youth and Families” is hereby amended as follows:

9 **42-72-5. Powers and scope of activities.** – (a) The department is the principal agency of
10 the state to mobilize the human, physical and financial resources available to plan, develop, and
11 evaluate a comprehensive and integrated statewide program of services designed to ensure the
12 opportunity for children to reach their full potential. The services include prevention, early
13 intervention, out-reach, placement, care and treatment, and after-care programs; provided,
14 however, that the department notifies the state police and cooperates with local police
15 departments when it receives and/or investigates a complaint of sexual assault on a minor and
16 concludes that probable cause exists to support the allegations(s). The department also serves as
17 an advocate for the needs of children.

18 (b) To accomplish the purposes and duties, as set forth in this chapter, the director is
19 authorized and empowered:

20 (1) To establish those administrative and operational divisions of the department that the
21 director determines is in the best interests of fulfilling the purposes and duties of this chapter;

22 (2) To assign different tasks to staff members that the director determines best suit the
23 purposes of this chapter;

24 (3) To establish plans and facilities for emergency treatment, relocation and physical
25 custody of abused or neglected children which may include, but are not limited to,
26 homemaker/educator child case aides, specialized foster family programs, day care facilities,
27 crisis teams, emergency parents, group homes for teenage parents, family centers within existing
28 community agencies, and counseling services;

29 (4) To establish, monitor, and evaluate protective services for children including, but not
30 limited to, purchase of services from private agencies and establishment of a policy and
31 procedure manual to standardize protective services;

32 (5) To plan and initiate primary and secondary treatment programs for abused and
33 neglected children;

34 (6) To evaluate the services of the department and to conduct periodic comprehensive

1 needs assessment;

2 (7) To license, approve, monitor, and evaluate all residential and non-residential child
3 care institutions, group homes, foster homes, and programs;

4 (8) To recruit and coordinate community resources, public and private;

5 (9) To promulgate rules and regulations concerning the confidentiality, disclosure and
6 expungement of case records pertaining to matters under the jurisdiction of the department;

7 (10) To establish a minimum mandatory level of twenty (20) hours of training per year
8 and provide ongoing staff development for all staff; provided, however, all social workers hired
9 after June 15, 1991, within the department shall have a minimum of a bachelor's degree in social
10 work or a closely related field, and must be appointed from a valid civil service list;

11 (11) To establish procedures for reporting suspected child abuse and neglect pursuant to
12 chapter 11 of title 40;

13 (12) To promulgate all rules and regulations necessary for the execution of departmental
14 powers pursuant to the Administrative Procedures Act, chapter 35 of title 42;

15 (13) To provide and act as a clearinghouse for information, data and other materials
16 relative to children;

17 (14) To initiate and carry out studies and analysis which will aid in solving local, regional
18 and statewide problems concerning children;

19 (15) To represent and act on behalf of the state in connection with federal grant programs
20 applicable to programs for children in the functional areas described in this chapter;

21 (16) To seek, accept, and otherwise take advantage of all federal aid available to the
22 department, and to assist other agencies of the state, local agencies, and community groups in
23 taking advantage of all federal grants and subventions available for children;

24 (17) To review and coordinate those activities of agencies of the state and of any political
25 subdivision of the state which affect the full and fair utilization of community resources for
26 programs for children, and initiate programs that will help assure utilization;

27 (18) To administer the pilot juvenile restitution program, including the overseeing and
28 coordinating of all local community based restitution programs, and the establishment of
29 procedures for the processing of payments to children performing community service; and

30 (19) To adopt rules and regulations which:

31 (i) For the twelve (12) month period beginning on October 1, 1983, and for each
32 subsequent twelve (12) month period, establish specific goals as to the maximum number of
33 children who will remain in foster care for a period in excess of two (2) years; and

34 (ii) Are reasonably necessary to implement the child welfare services and foster care

1 programs;

2 (20) May establish and conduct seminars for the purpose of educating children regarding
3 sexual abuse;

4 (21) To establish fee schedules by regulations for the processing of requests from
5 adoption placement agencies for adoption studies, adoption study updates, and supervision related
6 to interstate and international adoptions. The fee shall equal the actual cost of the service(s)
7 rendered, but in no event shall the fee exceed two thousand dollars (\$2,000);

8 (22) To be responsible for the education of all children who are placed, assigned, or
9 otherwise accommodated for residence by the department in a state operated or supported
10 community residence licensed by a Rhode Island state agency. In fulfilling this responsibility the
11 department is authorized to enroll and pay for the education of students in the public schools or,
12 when necessary and appropriate, to itself provide education in accordance with the regulations of
13 the board of regents for elementary and secondary education either directly or through contract;

14 (23) To develop multidisciplinary service plans, in conjunction with the department of
15 health, at hospitals prior to the discharge of any drug-exposed babies. The plan requires the
16 development of a plan using all health care professionals.

17 (24) To be responsible for the delivery of appropriate mental health services to seriously
18 emotionally disturbed children and children with functional developmental disabilities.
19 Appropriate mental health services may include hospitalization, placement in a residential
20 treatment facility, or treatment in a community based setting. The department is charged with the
21 responsibility for developing the public policy and programs related to the needs of seriously
22 emotionally disturbed children and children with functional developmental disabilities. In
23 fulfilling its responsibilities the department shall:

24 (i) Plan a diversified and comprehensive network of programs and services to meet the
25 needs of seriously emotionally disturbed children and children with functional developmental
26 disabilities;

27 (ii) Provide the overall management and supervision of the state program for seriously
28 emotionally disturbed children and children with functional developmental disabilities;

29 (iii) Promote the development of programs for preventing and controlling emotional or
30 behavioral disorders in children;

31 (iv) Coordinate the efforts of several state departments and agencies to meet the needs of
32 seriously emotionally disturbed children and children with functional developmental disabilities
33 and to work with private agencies serving those children;

34 (v) Promote the development of new resources for program implementation in providing

1 services to seriously emotionally disturbed children and children with functional developmental
2 disabilities.

3 The department shall adopt rules and regulations, which are reasonably necessary to
4 implement a program of mental health services for seriously emotionally disturbed children.

5 Each community, as defined in chapter 7 of title 16, shall contribute to the department, at
6 least in accordance with rules and regulations to be adopted by the department, at least its average
7 per pupil cost for special education for the year in which placement commences, as its share of
8 the cost of educational services furnished to a seriously emotionally disturbed child pursuant to
9 this section in a residential treatment program which includes the delivery of educational services.

10 "Seriously emotionally disturbed child" means any person under the age of eighteen (18)
11 years or any person under the age of twenty-one (21) years who began to receive services from
12 the department prior to attaining eighteen (18) years of age and has continuously received those
13 services thereafter who has been diagnosed as having an emotional, behavioral or mental disorder
14 under the current edition of the Diagnostic and Statistical Manual and that disability has been on-
15 going for one year or more or has the potential of being ongoing for one year or more, and the
16 child is in need of multi-agency intervention, and the child is in an out-of-home placement or is at
17 risk of placement because of the disability.

18 A child with a "functional developmental disability" means any person under the age of
19 eighteen (18) years or any person under the age of twenty-one (21) years who began to receive
20 services from the department prior to attaining eighteen (18) years of age and has continuously
21 received those services thereafter.

22 The term "functional developmental disability" includes autism spectrum disorders and
23 means a severe, chronic disability of a person which:

- 24 (a) Is attributable to a mental or physical impairment or combination of mental physical
25 impairments;
- 26 (b) Is manifested before the person attains age eighteen (18);
- 27 (c) Is likely to continue indefinitely;
- 28 (d) Results in age- appropriate substantial functional limitations in three (3) or more of
29 the following areas of major life activity.
- 30 (i) Self-care;
- 31 (ii) Receptive and expressive language;
- 32 (iii) Learning;
- 33 (iv) Mobility;
- 34 (v) Self-direction;

- 1 (vi) Capacity for Independent Living; and
2 (vii) Economic self-sufficiency; and
3 (e) Reflects the person's need for a combination and sequence of special,
4 interdisciplinary, or generic care, treatment, or other services which are of life-long or extended
5 duration and are individually planned and coordinated.

6 Funding for these clients shall include funds that are transferred to the Department of
7 Human Services as part of the Managed Health Care program transfer. However, the expenditures
8 relating to these clients shall not be part of the Department of Human Services' Caseload
9 estimated for the semi-annual Caseload Estimating Conference. The expenditures shall be
10 accounted for separately.

11 (25) To provide access to services to any person under the age of eighteen (18) years or
12 any person under the age of twenty-one (21) years who began to receive child welfare services
13 from the department prior to attaining eighteen (18) years of age, has continuously received those
14 services thereafter and elects to continue to receive such services after attaining the age of
15 eighteen (18) years. The assembly has included funding in the FY 2008 Department of Children,
16 Youth and Families budget in the amount of \$10.5 million from all sources of funds and \$6.0
17 million from general revenues to provide a managed system to care for children serviced between
18 18 to 21 years of age. The department shall manage this caseload to this level of funding.

19 (26) To develop and maintain, in collaboration with other state and private agencies, a
20 comprehensive continuum of care in this state for children in the care and custody of the
21 department or at risk of being in state care. This continuum of care should be family-centered and
22 community-based with the focus of maintaining children safely within their families or, when a
23 child cannot live at home, within as close proximity to home as possible based on the needs of the
24 child and resource availability. The continuum should include community-based prevention,
25 family support and crisis intervention services as well as a full array of foster care and residential
26 services, including residential services designed to meet the needs of children who are seriously
27 emotionally disturbed, children who have a functional developmental disability and youth who
28 have juvenile justice issues. The director shall make reasonable efforts to provide a
29 comprehensive continuum of care for children in the care and custody of the DCYF, taking into
30 account the availability of public and private resources and financial appropriations and the
31 director shall submit an annual report to the general assembly as to the status of his or her efforts
32 in accordance with the provisions of subsection 42-72-4(b)(13).

33 (c) In order to assist in the discharge of his or her duties, the director may request from
34 any agency of the state information pertinent to the affairs and problems of children.

1 ~~(d) Funding for these clients shall include funds that are transferred to the Department of~~
2 ~~Human Services as part of the Managed Health Care program transfer. However, the expenditures~~
3 ~~relating to these clients shall not be part of the Department of Human Services' Caseload~~
4 ~~estimated for the semi annual Caseload Estimating Conference. The expenditures shall be~~
5 ~~accounted for separately.~~

6 ~~(e) The assembly has included funding in the FY 2008 Department of Children, Youth~~
7 ~~and Families budget in the amount of \$10.5 million from all sources of funds and \$6.0 million~~
8 ~~from general revenues to provide a managed system to care for children serviced between 18 to~~
9 ~~21 years of age. The department shall manage this caseload to this level of funding.~~

10 (27) To administer funds under the John H. Chafee Foster Care Independence and
11 Educational And Training Voucher (ETV) Programs of Title IV-E of the Social Security Act, and
12 the DCYF Higher Education Opportunity Grant Program as outlined in RIGL §42-72.8, in
13 accordance with rules and regulations as promulgated by the director of the department.

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

15 ARTICLE 18

16 RELATING TO STATE AID

17 SECTION 1. Sections 45-13-1 and 45-13-9 of the General Laws in Chapter 45-13
18 entitled "State Aid" are hereby amended to read as follows:

19 **45-13-1. Apportionment of annual appropriation for state aid.** – (a) As used in this
20 chapter, the following words and terms have the following meanings:

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

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

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

31 (4) "Reference year" means the second fiscal year preceding the beginning of the fiscal
32 year in which the distribution of state aid to cities and towns is made provided however that the
33 reference year for distributions made in fiscal year 2007-2008 shall be the third fiscal year
34 preceding the beginning of the fiscal year 2007-2008.

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

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

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

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

17 For fiscal year 2004, notwithstanding the provisions of subsection (a), aid calculations
18 shall be based on a blended rate of ninety percent (90%) of the data from the 1990 census and ten
19 percent (10%) of the data from the 2000 census. In each of the succeeding nine (9) fiscal years,
20 the calculations shall be based on a blended rate that increases the percentage of data utilized
21 from the 2000 census by ten percent (10%) from the previous year and decreases the percentage
22 of the data utilized from the 1990 census by ten percent (10%) from the previous year.

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

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

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

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

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

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

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

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

5 (8) For the fiscal year ending June 30, 2005, the total amount of aid shall be fifty-two
6 million four hundred thirty-eight thousand five hundred thirty-two dollars (\$52,438,532).

7 (9) For the fiscal year ending June 30, 2006, the total amount of aid shall be based upon
8 three percent (3.0%) of total state tax revenues in the reference year.

9 (10) For the fiscal year ending June 30, 2007 the total amount of aid shall be sixty-four
10 million six hundred ninety-nine thousand three dollars (\$64,699,003).

11 (11) For the fiscal year ending June 30, 2008, the total amount of aid shall be sixty-four
12 million six hundred ninety-nine thousand three dollars (\$64,699,003).

13 (12) For the fiscal year ending June 30, 2009 and each year thereafter, the total amount of
14 aid shall be based upon three percent (3.0%) of total state tax revenues in the reference year.

15 (13) [Deleted by P.L. 2007, ch. 73, art. 25, § 1.]

16 (14) [Deleted by P.L. 2007, ch. 73, art. 25, § 1.]

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

19 (e) For the fiscal year ending June 30, 2008 the apportionments of state aid as derived
20 through the calculations as required by subsections a through c of this section shall be adjusted
21 downward statewide by \$10,000,000.

22 **45-13-9. Reimbursement to cities and towns and school districts for the costs of state**

23 **mandates.** – (a)(1) The department of ~~administration~~ revenue shall submit to the budget office by
24 October 1 of each year, a report by each city and town, of the cost of state mandates established
25 after January 1, 1979, to be reimbursed for the next preceding July 1 – June 30 period.

26 (2) The budget office shall annually include the statewide total of the statement of costs
27 of state mandates eligible to be reimbursed in the state budget for the next fiscal year for
28 consideration by the governor in preparing a final budget proposal for submission to the general
29 assembly in accordance with §35-3-7 of the General Laws; provided, that any costs resulting
30 from the rules and regulations of state departments or agencies shall be allocated to the budgets of
31 those departments or agencies.

32 (b) The state treasurer shall in July of each year distribute to cities and towns the
33 reimbursements for state mandated costs ~~in accordance with the report submitted by the~~
34 ~~department of administration to the state budget office.~~ as may be appropriated by the general

1 [assembly](#).

2 SECTION 2. Section 44-34.1-2 of the General Laws in Chapter 44-34.1 entitled “Motor
3 Vehicle and Trailer Excise Tax Elimination Act of 1998” is hereby amended as follows:

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

14 (b) The director of administration shall determine the amount of general revenues to be
15 distributed to each city and town and fire district for the fiscal years 1999 and thereafter so that
16 every city and town and fire district is held harmless from tax loss resulting from this chapter,
17 assuming that tax rates are indexed to inflation through fiscal year 2003.

18 (2) The director of administration shall index the tax rates for inflation by applying the
19 annual change in the December Consumer Price Index – All Urban Consumers (CPI-U),
20 published by the Bureau of Labor Statistics of the United States Department of Labor, to the
21 indexed tax rate used for the prior fiscal year calculation; provided, that for state reimbursements
22 in fiscal years 2004 and thereafter, the indexed tax rate shall not be subject to further CPI-U
23 adjustments. The director shall apply the following principles in determining reimbursements:

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

27 (ii) City, town, and fire districts shall be reimbursed by the state for revenue losses
28 attributable to the exemptions provided for in § 44-34.1-1 and the inflation indexing of tax rates
29 through fiscal 2003. Reimbursement for revenue losses shall be calculated based upon the
30 difference between the maximum taxable value less personal exemptions and the net assessed
31 value.

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

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

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

3 (B) The levy calculated by applying the appropriate cumulative inflation adjustment
4 through state fiscal 2003 to the tax rate used by each city and town and fire district for fiscal year
5 1998; provided, that for the town of Johnston the tax rate used for fiscal year 1999 shall be used
6 for the calculation after adjustments for personal exemptions but prior to adjustments for
7 exemptions contained in § 44-34.1-1.

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

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

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

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

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

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

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

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

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

30 (2) Each city, town, or fire district shall submit final certified and reconciled motor
31 vehicle levy information by August 30 of each year. Any adjustment to the estimated amounts
32 paid in the previous fiscal year shall be included or deducted from the payment due November 1.

33 (3) On any of the payment dates specified in paragraphs (1)(i) through (vii) of this
34 subsection, the director is authorized to deduct previously made over-payments or add

1 supplemental payments as may be required to bring the reimbursements into full compliance with
2 the requirements of this chapter.

3 (4) For the city of East Providence, the payment schedule is twenty-five percent (25%) on
4 February 20, 1999, and each February 20 thereafter through February 20, 2002, twenty-five
5 percent (25%) on June 20, 1999, and each June 20 thereafter through June 20, 2002, which
6 includes final reconciliation of the previous year's payment, and fifty percent (50%) on October
7 20, 1999, and each October 20 thereafter through October 20, 2002. For local fiscal years 2003
8 and thereafter, the payment schedule is twenty-five percent (25%) on each November 1, twenty-
9 five percent (25%) on each February 1, twenty-five percent (25%) on each May 1, which includes
10 final reconciliation of the previous year's payment, and twenty-five percent (25%) on each
11 August 1; provided, the May and August payments shall be subject to submission of final
12 certified and reconciled motor vehicle levy information.

13 (5) When the tax is phased out, funds distributed to the cities, towns, and fire districts for
14 the following fiscal year shall be calculated as the funds distributed in the fiscal year of the phase-
15 out. Twenty-five percent (25%) of the amounts calculated shall be distributed to the cities and
16 towns and fire districts on August 1, in the fiscal year of the phase-out, twenty-five percent (25%)
17 on the following November 1, twenty-five percent (25%) on the following February 1, and
18 twenty-five percent (25%) on the following May 1. The funds shall be distributed to each city and
19 town and fire district in the same proportion as distributed in the fiscal year of the phase-out.

20 (6) When the tax is phased out to August 1, of the following fiscal year the director of
21 administration shall calculate to the nearest tenth of one cent (\$.001) the number of cents of sales
22 tax received for the fiscal year ending June 30, of the year following the phase-out equal to the
23 amount of funds distributed to the cities, towns, and fire districts under this chapter during the
24 fiscal year following the phase-out and the percent of the total funds distributed in the fiscal year
25 following the phase-out received by each city, town, and fire district, calculated to the nearest
26 one-hundredth of one percent (0.01%). The director of the department of administration shall
27 transmit those calculations to the governor, the speaker of the house, the president of the senate,
28 the chairperson of the house finance committee, the chairperson of the senate finance committee,
29 the house fiscal advisor, and the senate fiscal advisor. The number of cents, applied to the sales
30 taxes received for the prior fiscal year, shall be the basis for determining the amount of sales tax
31 to be distributed to the cities and towns and fire districts under this chapter for second fiscal year
32 following the phase-out and each year thereafter. The cities and towns and fire districts shall
33 receive that amount of sales tax in the proportions calculated by the director of administration as
34 that received in the fiscal year following the phase-out.

1 (7) When the tax is phased out, twenty-five percent (25%) of the funds shall be
2 distributed to the cities, towns, and fire districts on August 1, of the following fiscal year and
3 every August 1 thereafter; twenty-five percent (25%) shall be distributed on the following
4 November 1, and every November 1 thereafter; twenty-five percent (25%) shall be distributed on
5 the following February 1, and every February 1 thereafter; and twenty-five percent (25%) shall be
6 distributed on the following May 1, and every May 1 thereafter.

7 (8) For the city of East Providence, in the event the tax is phased out, twenty-five percent
8 (25%) shall be distributed on November 1, of the following fiscal year and every November 1
9 thereafter, twenty-five percent (25%) shall be distributed on the following February 1, and every
10 February 1 thereafter; twenty-five percent (25%) shall be distributed on the following May 1, and
11 every May 1 thereafter; and twenty-five percent (25%) of the funds shall be distributed on the
12 following August 1, and every August 1 thereafter.

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

17 (10) For reimbursements payable in the year ending June 30, 2008 and thereafter, the
18 director of administration shall discount the calculated value of the exemption to ninety-eight
19 percent (98%) in order to establish a collection rate that is comparable to the collection rate
20 achieved by municipalities in the levy of the motor vehicle excise tax.

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

22 **ARTICLE 19**

23 **RELATING TO ADMINISTRATIVE PROCEDURES**

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

26 **42-35-3. Procedures for adoption of rules.** -- (a) Prior to the adoption, amendment, or
27 repeal of any rule the agency shall:

28 (1) Give at least thirty (30) days notice of its intended action. The notice shall include a
29 statement of either the terms or substance of the intended action or a description of the subjects
30 and issues involved, and of the time when, the place where, and the manner in which interested
31 persons may present their views thereon. The notice shall be mailed to all persons who have made
32 timely request of the agency for advance notice of its rule-making proceedings, and published in a
33 newspaper or newspapers having aggregate general circulation throughout the state; provided,
34 however, that if the action is limited in its applicability to a particular area, then the publication

1 may be in a newspaper having general circulation in the area. ~~Notwithstanding the above~~
2 ~~requirements, in~~ In lieu of newspaper publication, advance notice of proposed rulemaking by the
3 department of health may be provided via electronic media on a website maintained by the office
4 of the secretary of state. Authorization for such electronic notice shall commence on July 1,
5 2005. ~~and shall expire on June 30, 2010.~~ In lieu of newspaper publication, advance notice of
6 proposed rulemaking by all other state departments, agencies, authorities and municipal
7 governments may also be provided via electronic media on a website maintained by the office of
8 secretary of state, and authorization for such electronic notice shall commence on May 1, 2008.
9 Copies of proposed rules shall be available at the agency at the time of the notice required by this
10 subsection, and by mail to any member of the public upon request. The agency shall also prepare
11 a concise summary of all non-technical amendments being proposed that shall be made available
12 with copies of the proposed rules themselves.

13 (2) Afford all interested persons reasonable opportunity to submit data, views, or
14 arguments, orally or in writing. In the case of rules, opportunity for oral hearing must be granted
15 if requested by twenty-five (25) persons, or by a governmental subdivision or agency, or by an
16 association having not less than twenty-five (25) members. The agency shall consider fully all
17 written and oral submissions respecting the proposed rule. Upon adoption of a rule, the agency, if
18 requested to do so by an interested person, either prior to adoption or within thirty (30) days
19 thereafter, shall issue a concise statement of the principal reasons for and against its adoption,
20 incorporating therein its reasons for overruling the considerations urged against its adoption.

21 (3) Demonstrate the need for the adoption, amendment, or repeal of any rule in the
22 record of the rulemaking proceeding. The agency shall demonstrate that there is no alternative
23 approach among the alternatives considered during the rulemaking proceeding which would be as
24 effective and less burdensome to affected private persons as another regulation. This standard
25 requires that an agency proposing to adopt any new regulation must identify any other state
26 regulation which is overlapped or duplicated by the proposed regulation and justify any overlap
27 or duplication.

28 (4) Comply with section 42-35-3.3.

29 (5) Ensure that any proposed additions, deletions or other amendments to the rules and
30 regulations be clearly marked. If an agency proposes adoption of a new rule to supersede an
31 existing rule, the agency shall make available a summary of all non-technical differences between
32 the existing and proposed rules. An agency's lawful promulgation of amendments to an existing
33 rule shall be deemed to supersede and repeal the previous enactments of that rule, provided that
34 the public notice required under subdivision (a)(1) of this section indicated such an intent.

1 (b) If an agency finds that an imminent peril to the public health, safety, or welfare
2 requires adoption of a rule upon less than thirty (30) days' notice, and states in writing its reasons
3 for that finding, it may proceed without prior notice or hearing or upon any abbreviated notice
4 and hearing that it finds practicable, to adopt an emergency rule. The rule so adopted may be
5 effective for a period of not longer than one hundred twenty (120) days renewable once for a
6 period not exceeding ninety (90) days, but the adoption of an identical rule under subdivisions
7 (a)(1) and (a)(2) is not precluded.

8 (c) No rule hereafter adopted is valid unless adopted in substantial compliance with this
9 section, but no contest of any rule on its face on the ground of noncompliance with the procedural
10 requirements of this section may be commenced after two (2) years from its effective date, but a
11 contest of any rule as applied to the complainant may proceed if the complainant can demonstrate
12 prejudice as a result of the agency's noncompliance with this section.

13 SECTION 2. This article shall take effect as of May 1, 2008.

14 ARTICLE 20

15 RELATING TO BRIDGE USE FINES

16 SECTION 1. Chapter 31-25 of the General Laws entitled "Size, Weight, and Load
17 Limits" is hereby amended by adding thereto the following section:

18 **31-25-30. Axle restriction on the Pawtucket River Bridge and the Sakonnet River**
19 **Bridge.** – (a) It shall be unlawful to transport or operate over or upon the Pawtucket River Bridge
20 or the Sakonnet River Bridge any vehicle equipped with more than two (2) axles except those
21 listed in this section.

22 (b) The director of the department of transportation is directed to post signs to limit
23 access as prescribed in subsection (a) of this section.

24 (c) The following vehicles shall be exempt from the provisions of this section: any and all
25 emergency vehicles, state vehicles, municipal vehicles, and Rhode Island public transit authority
26 vehicles.

27 (d) For the purposes of this section, "carrier" means and includes any company or person
28 who furthers their commercial or private enterprise by use of the vehicle.

29 (e) Any carrier operating a vehicle or combination of vehicles in violation of this section
30 shall be fined three thousand dollars (\$3,000) for the first offense, not to exceed five thousand
31 dollars (\$5,000) for each and every subsequent offense.

32 (f) Nothing in this provision shall waive or modify existing weight restrictions on the
33 bridges as defined in section 31-25-27.

34 SECTION 2. Section 31-41.1-4 of the General Laws in Chapter 31-41.1 entitled

1 "Adjudication of Traffic Offenses" is hereby amended to read as follows:

2 **31-41.1-4. Schedule of violations.** -- (a) The penalties for violations of the enumerated
3 sections, listed in numerical order, correspond to the fines described. However, those offenses for
4 which punishments which may vary according to the severity of the offense, or punishment which
5 require the violator to perform a service, shall be heard and decided by the traffic tribunal or
6 municipal court. The following violations may be handled administratively through the method
7 prescribed in this chapter. This list is not exclusive and jurisdiction may be conferred on the
8 traffic tribunal with regard to other violations.

9 VIOLATIONS SCHEDULE

10	8-8.2-2	DOT, DEM, or other agency and	\$75.00
11		department violations	
12	24-10-17	Soliciting rides in motor vehicles	40.00
13	24-10-18	Backing up prohibited	75.00
14	24-10-20	Park and ride lots	75.00
15	24-12-37	Nonpayment of toll	100.00
16	31-3-12	Visibility of plates	75.00
17	31-3-18	Display of plates	75.00
18	31-3-32	Driving with expired registration	75.00
19	31-3-34	Failure to notify division of change of address	75.00
20	31-3-35	Notice of change of name	75.00
21	31-3-40	Temporary plates - dealer issued	75.00
22	31-4-3	Temporary registration - twenty	
23		(20) day bill of sale	75.00
24	31-10-10	Rules as to armed forces license	75.00
25	31-10-30	Driving on expired license	75.00
26	31-10-32	Notice of change of address	75.00
27	31-10.1-4	No motorcycle helmet (operator)	60.00
28	31-10.1-5	Motorcycle handlebar violation	75.00
29	31-10.1-6	No motorcycle helmet (passenger)	75.00
30	31-10.1-7	Inspection of motorcycle required	75.00
31	31-12-12	Local motor vehicle ordinance	75.00
32	31-13-04	Obedience to devices	75.00
33	31-13-6(3)(i)	Eluding traffic light	75.00
34	31-13-09	Flashing signals	75.00

1	31-13-11	Injury to signs or devices	75.00
2	31-14-1	Reasonable and prudent speed	85.00
3	31-14-03	Condition requiring reduced speed	85.00
4	31-14-09	Below minimum speed	85.00
5	31-14-12	Speed limit on bridges and structures	85.00
6	31-15-1	Leaving lane of travel	75.00
7	31-15-2	Slow traffic to right	75.00
8	31-15-3	Operator left of center	75.00
9	31-15-4	Overtaking on left	75.00
10	31-15-5(a)	Overtaking on right	75.00
11	31-15-6	Clearance for overtaking	75.00
12	31-15-7	Places where overtaking prohibited	75.00
13	31-15-8	No passing zone	75.00
14	31-15-9	One way highways	75.00
15	31-15-10	Rotary traffic islands	75.00
16	31-15-11	Laned roadway violation	75.00
17	31-15-12	Following too closely	75.00
18	31-15-12.1	Entering intersection	75.00
19	31-15-13	Crossing center section of divided	
20		highway	75.00
21	31-15-14	Entering or leaving limited access	
22		roadways	75.00
23	31-15-16	Use of emergency break-down lane	
24		for travel	75.00
25	13-15-17	Crossing bicycle lane	75.00
26	31-16-1	Care in starting from stop	75.00
27	31-16-2	Manner of turning at intersection	75.00
28	31-16-4	U turn where prohibited	75.00
29	31-16-5	Turn signal required	75.00
30	31-16-6	Time of signaling turn	75.00
31	31-16-7	Failure to give stop signal	75.00
32	31-16-8	Method of giving signals	75.00
33	31-16.1-3	Diesel vehicle idling rules	
34		first offense not to exceed	100.00

1		second and subsequent offense not	
2		to exceed	500.00
3	31-17-1	Failure to yield right of way	75.00
4	31-17-2	Vehicle turning left	75.00
5	31-17-3	Yield right of way (intersection)	75.00
6	31-17-4	Obedience to stop signs	75.00
7	31-17-5	Entering from private road or driveway	75.00
8	31-17-8	Vehicle within right of way, rotary	75.00
9	31-17-9	Yielding to bicycles on bicycle lane	75.00
10	31-18-3	Right of way in crosswalks	75.00 first
11			violation
12			\$100.00 sec-
13			ond violation
14			or any subse-
15			quent viola-
16			tion
17	31-18-5	Crossing other than at crosswalks	75.00
18	31-18-8	Due care by drivers	75.00
19	31-18-12	Hitchhiking	75.00
20	31-18-18	Right of way on sidewalks	75.00
21	31-19-3	Traffic laws applied to bicycles	75.00
22	31-19-20	Sale of new bicycles	75.00
23	31-19-21	Sale of used bicycles	75.00
24	31-19.1-2	Operating motorized bicycle on an	
25		interstate highway	75.00
26	31-19.2-2	Operating motorized tricycle on an	
27		interstate highway	75.00
28	31-20-1	Failure to stop at railroad crossing	75.00
29	31-20-2	Driving through railroad gate	75.00
30	31-20-9	Obedience to stop sign	75.00
31	31-21-4	Places where parking or stopping	
32		prohibited	75.00
33	31-21-14	Opening of vehicle doors	45.00
34	31-22-2	Improper backing up	75.00

1	31-22-4	Overloading vehicle	75.00
2	31-22-5	Violation of safety zone	75.00
3	31-22-6	Coasting	75.00
4	31-22-7	Following fire apparatus	75.00
5	31-22-8	Crossing fire hose	75.00
6	31-22-9	Throwing debris on highway –	
7		snow removal	75.00
8	31-22-11.5	Improper use of school bus –	
9			not to exceed
10			five hundred
11			dollars (\$500)
12			for each day
13			of improper use
14			
15			
16	31-22-22(a)	No child restraint	75.00
17	31-22-22(a)	Child restraint/seat belt but not in	
18		any rear seating position	75.00
19	31-22-22(b), (f)	No seat belt - passenger	75.00
20	31-22-22(g)	No seat belt - operator	75.00
21	31-22-23	Tow trucks - proper identification	275.00
22	31-22-24	Operation of interior lights	75.00
23	31-23-1(b)(2)	U.S. department of transportation	
24		motor carrier safety	
25		rules and regulations	
26			Not less than
27			\$25.00
28			or more than
29			\$500.00
30	31-23-1(e)(6)	Removal of an "out of service vehi-	
31		cle" sticker	125.00
32	31-23-1(e)(7)	Operation of an "out of service ve-	
33		hicle"	100.00
34	31-23-4	Brake equipment required	75.00

1	31-23-8	Horn required	75.00
2	31-23-10	Sirens prohibited	75.00
3	31-23-13	Muffler required	75.00
4	31-23-13.1	Altering height or operating a mo-	
5		tor vehicle with an	
6		altered height	75.00
7	31-23-14	Prevention of excessive fumes or	
8		smoke	75.00
9	31-23-16	Windshield and window stickers	
10		(visibility)	75.00
11	31-23-17	Windshield wipers	75.00
12	31-23-19	Metal tires prohibited	75.00
13	31-23-20	Protuberances on tires	75.00
14	31-23-26	Fenders and wheel flaps required	75.00
15	31-23-27	Rear wheel flaps on buses, trucks	
16		and trailers	75.00
17	31-23-29	Flares or red flag required over	
18		four thousand pounds (4,000 lbs.)	75.00
19	31-23-40	Approved types of seat belt re-	
20		quirements	75.00
21	31-23-42.1	Special mirror - school bus	75.00
22	31-23-43	Chocks required (1 pair) - over	
23		four thousand pounds (4,000 lbs.)	75.00
24	31-23-45	Tire treads - defective tires	75.00
25	31-23-47	Slow moving emblem required	75.00
26	31-23-49	Transportation of gasoline – pas-	
27		senger vehicle	75.00
28	31-23-51	Operating bike or motor vehicle	
29		wearing ear phones	60.00 (first
30			offense)
31			70.00 second
32			offense
33			140.00 for the
34			third and

1			each subse-
2			quent offense
3	31-24-1	Times when lights required	75.00
4		through	
5	31-24-54		
6	31-25-03	Maximum width of one hundred	
7		and two inches (102") exceeded	75.00
8	31-25-04	Maximum height of one hundred	
9		sixty-two inches (162") exceeded	75.00
10	31-25-06	Maximum number and length of	
11		coupled vehicles	500.00
12	31-25-07	Load extending three feet (3')	
13		front, six feet (6') rear exceeded	75.00
14	31-25-9	Leaking load	75.00
15	31-25-11	Connections between coupled vehicles	75.00
16	31-25-12	Towing chain, twelve inch (12")	
17		square flag required	75.00
18	31-25-12.1	Tow truck - use of lanes (first	
19		offense)	50.00
20		second offense	75.00
21			100.00 for the
22			third and
23			each subse-
24			quent offense
25	31-25-14(d)(1)	Maximum weight and tandem ax-	
26		les	125.00
27	31-25-14(d)(2)	Maximum weight and tandem ax-	
28		les	125.00
29	31-25-14(d)(3)	Maximum weight and tandem ax-	
30		les	125.00
31	31-25-16(c)(2)	Maximum weight shown in regis-	
32		tration	65.00 per
33			thousand lbs.
34			overweight or

1			portion
2			thereof.
3	31-25-16(c)(3)	Maximum weight shown in regis-	
4		tration	125.00 per
5			thousand lbs.
6			overweight or
7			portion
8			thereof.
9	31-25-16(c)(4)	Maximum weight shown in regis-	
10		tration	1,025.00 plus
11			\$125.00 per
12			thousand
13			pounds
14			overweight or
15			portion
16			thereof.
17	31-25-17	Identification of trucks and truck-	
18		tractors (first offense)	50.00
19		(second offense)	75.00
20			125.00 for the
21			third and
22			subsequent
23			offenses
24	31-25-24	Carrying and inspection of excess	
25		load limit	175.00
26	31-25-27(c)	Maximum axle	3,000.00 (first offense)
27			not to exceed 5,000 for
28			each and every subsequent
29			offense
30	31-25-30	Maximum axle Pawtucket River Bridge and Sakonnet River	
31		Bridge	3,000.00 (first offense
32			not to exceed 5,000 for
33			each and every subsequent
34			offense

1	31-27-2.3	Refusal to take preliminary breath	
2		test	75.00
3	31-28-7(d)	Wrongful use of handicapped	
4		parking placard	500.00
5	31-28-7(f)	Handicapped parking space viola-	
6		tion:	
7		First offense	100.00
8		Second offense	175.00
9		Third offense and subsequent of-	
10		fenses	325.00
11	31-28-7.1(e)	Wrongful use of institutional	
12		handicapped parking placard	125.00
13	31-33-2	Failure to file accident report	45.00
14	31-36.1-17	No fuel tax stamp (out-of-state)	
15			75.00 and not
16			exceeding
17			(\$100) for
18			subsequent
19			offense
20	31-38-3	No inspection sticker	75.00
21	31-38-4	Violation of inspection laws	75.00
22	31-47.2-06	Heavy-duty vehicle emission in-	
23		spections:	
24		First offense	125.00
25		Second offense	525.00
26		Third and subsequent offenses	1,025.00
27	37-15-7	Littering	not less than
28			55.00
29			not more
30			than five
31			hundred dol-
32			lars (\$500)
33	39-12-26	Public carriers violation	300.00
34		SPEEDING	Fine

1 (A) One to ten miles per hour (1-10 mph)
2 in excess of posted speed limit \$ 85.00

3 (B) Eleven miles per hour (11 mph) in excess
4 of posted speed limit with a fine of
5 ten dollars (\$10.00) per mile in excess 195.00
6 of speed limit shall be assessed. minimum

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

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

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

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

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

27 **ARTICLE 21**

28 **RELATING TO RHODE ISLAND UNDERGROUND STORAGE TANK ACT**

29 SECTION 4. Section 46-12.9-11 of the General Laws in Chapter 46-12.9 entitled "Rhode
30 Island Underground Storage Tank Financial Responsibility Act" is hereby amended to read as
31 follows:

32 **46-12.9-11. Fundings.** -- (a) There is hereby imposed an environmental protection
33 regulatory fee of at the rate of one cent (\$0.01) per gallon payable of motor fuel, to be collected
34 by distributors of motor fuel when the product is sold to owners and/or operators of underground

1 storage tanks. Each distributor shall be responsible to the tax administrator for the collection of
2 the regulatory fee, and if the distributor is unable to recover the fee from the person who ordered
3 the product, the distributor shall nonetheless remit to the tax administrator the regulatory fee
4 associated with the delivery. In accordance with the regulations to be promulgated hereunder, the
5 fee shall be collected, reported, and paid to the Rhode Island division of taxation as a separate
6 line item entry, on a quarterly tax report by those persons charged with the collection, reporting,
7 and payment of motor fuels taxes. This fee shall be administered and collected by the division of
8 taxation. Notwithstanding the provisions of this section, the fee shall not be applicable to
9 purchases by the United States government.

10 (b) All fees derived under the provisions of this chapter, including tank registration fees
11 assessed pursuant to section 46-12.9-7(9), shall be paid to and received by the review board,
12 which shall keep such money in a distinct interest bearing restricted receipt account to the credit
13 of and for the exclusive use of the fund provided that for the period January 1, 2008 through June
14 30, 2008, all revenues generated by the environmental protection regulatory fee up to a maximum
15 of two million dollars (\$2,000,000) shall be deposited into the general fund. All fees collected
16 may be invested as provided by law and all interest received on such investment shall be credited
17 to the fund.

18 ~~(b)~~ (c) When the fund reaches the sum of eight million dollars (\$8,000,000), the
19 imposition of the fee set forth in this chapter shall be suspended, and the division of taxation shall
20 notify all persons responsible for the collection, reporting and payments of the fee of the
21 suspension. In the event that the account balance of the fund subsequently is reduced to a sum
22 less than five million dollars (\$5,000,000) as a result of fund activity, the fee shall be reinstated
23 by the division of taxation, following proper notice thereof, and once reinstated, the collection,
24 reporting, and payment of the fee shall continue until the account balance again reaches the sum
25 of eight million dollars (\$8,000,000).

26 ~~(c)~~ (d) Upon the determination by the review board and the department that the fund has
27 reached a balance sufficient to satisfy all pending or future claims, the review board shall
28 recommend to the general assembly the discontinuation of the imposition of the fee created in this
29 section.

30 SECTION 2. This article shall take effect as of January 1, 2008.

31 **ARTICLE 22**

32 **RELATING TO EFFECTIVE DATE**

33 This article provides that the act shall take effect upon passage, except as otherwise
34 provided herein.

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