

# Minutes



## LEGISLATION COMMITTEE

Monday April 11, 2004 2:00 PM to 4:30 PM

Governor's Commission on Disabilities

**John O. Pastore Center** (Formerly the Howard Center)

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**Secretary:**

Bob Cooper

**Attendees:**

Victoria Wilcox (Chair); Tim Flynn (Vice Chair); Raymond Bandusky; Jeanne Behie; Sharon Brinkworth; Rosemary Carmody; Joseph Corrente; Joan D'Agostino; Linda Deschenes; Bill Inlow; Kate McCarthy-Barnett; Ken Pariseau; & Gwen Reeve

**Excused:**

Paul Choquette; Regina Connor; Scott Greco; Mitch Henderson; Arthur Plitt; Denise Holmes; & Rev. Gerard Sabourin

### Minutes

**2:00 PM Call to Order and acceptance of minutes Victoria Wilcox, Chair.**

Discussion: Chair calls the meeting to order at 2:05 PM.

Members and guests introduce themselves

MOTION: To accept the minutes as corrected to delete from page 10 the H 5332. TF/KP passed, VW & LD abstained,

**2:05 PM Status of GCD Legislative Package Bob Cooper**

o **Presentation by George Mason**, Attorney General's Office on S 439 & H 5544 Title: Assaults

MOTION: To reconsider position on **S 439 & H 5544 Title: ASSAULTS** KP/RC passed LD abstained

MOTION: To Find beneficial (with needing protective services) **S 439 & H 5544 Title: ASSAULTS** and #s ? NCIC / III background checks BI/KP passed unanimously

**2:10 PM Review of Tabled Bills Bob Cooper**

Discussion: Members discussed the following bills, tabled at the last meeting

**Information presented by Kate McCarthy Barnett**

**05 H-5562 Title: INSURANCE COVERAGE -- CANCER EXAMINATIONS AND TESTS**

Sponsors: Rep. McNamara & Reps. Malik and Corvese

Description: This act would require health insurance companies to cover cancer examinations and testing of asymptomatic individuals.

This act would take effect upon passage.

**MOTION: To find beneficial if amended to change to add on page 1 lines 9 & 12 after the word "examination" the words "and screening" 05 H-5562 Relating to INSURANCE COVERAGE -- CANCER EXAMINATIONS AND TESTS LD/KP passed unanimously**

**05 H-5590 Title: HEALTH -- CANCER TREATMENT FUND**

Sponsors: Rep. Joanne M. Giannini

Description: This act would establish a fund to assist uninsured and underinsured persons in paying for cancer treatment drugs.

This act would take effect upon passage.

The Committee took no position on this bill.

**05 H-5742 Title: HEALTH INSURANCE COVERAGE -- MANDATED HEARING AID COVERAGE**

Sponsors: Rep. Jacquard & Reps. Lewiss, and Schadone

Description: This act would provide that coverage for a portion of the cost of hearing aids for adults be included in every health insurance contract, plan or policy issued or renewed on or after January 1, 2006.

This act would take effect upon passage.

**MOTION: To find beneficial 05 H-5742 Relating to HEALTH INSURANCE COVERAGE -- MANDATED HEARING AID COVERAGE KMcCB/KP passed unanimously**

**05 S-0710 Title: FOOD AND DRUGS -- THE RHODE ISLAND MEDICAL MARIJUANA ACT**

Sponsors: Sen. Perry & Sens. Polisen, Damiani, McCaffrey, Sosnowski

**& 05 H-6052 Title: FOOD AND DRUGS -- THE RHODE ISLAND MEDICAL MARIJUANA ACT**

Sponsors: Rep. Slater & Reps. Watson, Diaz, Faria, and Costantino

Description: This act would protect patients with debilitating medical conditions, and their physicians and primary caregivers, from arrest and prosecution, criminal and other penalties, and property forfeiture if such patients engage in the medical use of marijuana.

This act would take effect upon passage.

**MOTION: To find beneficial 05 S-0710 & H 6052 Relating to FOOD AND DRUGS -- THE RHODE ISLAND MEDICAL MARIJUANA ACT BI/KMcCB passed unanimously**

**Information provided by Ken**

**05 H-5228 Title: INSURANCE -- EARLY INTERVENTION SERVICES**

Sponsors: Rep. Naughton & Reps. Costantino, and Slater

Description: This act would provide that a deductible and coinsurance factor may be applied to early intervention services covered by high deductible health plans issued in conjunction with health savings accounts established pursuant to section 223 of the Internal Revenue Code.

This act would take effect upon passage.

*Please see Dawn Waydyga's response to H 5228. As you know, Dawn is the Chair of the State's Interagency Coordinating Committee on Early Intervention. She's the expert., Ken I don't like it. I think it weakens the EI insurance mandate passed last session.*

*This bill, if passed, will cost RI money in that EI is a federal entitlement program and if commercial insurance doesn't kick in, the state has to pay for the services with federal and state EI funding. I believe that this bill is the insurer's response to the mandate. Can you say loophole????  
Thanks for checking in with me on this one.*

**MOTION:** To Exec. Sec. authorized to talk to the sponsors to ensure that the state doesn't pick up the "high deductible" though Medicaid **05 H-5228 Relating to INSURANCE -- EARLY INTERVENTION SERVICES RB/BI** passed unanimously

**3:00 PM Review of New Bills**

**Victoria Wilcox**

Discussion: Members discussed the following bills.

**Category: Civil Rights**

*Committee review requested by Victoria*

**05 S-0441 Title: STATE AFFAIRS AND GOVERNMENT**

Sponsors: Sen. Pichardo Attorney General

**05 H-5715 Title: STATE AFFAIRS AND GOVERNMENT**

Sponsors: Rep. Diaz & Reps. Almeida, Slater, Kilmartin, and Moura Attorney General

Description: This act would create the office of civil rights advocate within the department of attorney general whose duties would be to protect the peaceable exercise of rights secured under the United States Constitution and the laws of the state of Rhode Island.

This act would take effect upon passage.

**MOTION:** To find beneficial **S 441 & H 5715 STATE AFFAIRS AND GOVERNMENT BI/LD** passed, TF abstained.

**05 H-5344 Title: COURTS AND CIVIL PROCEDURE - COURTS - JUSTICES OF SUPREME, SUPERIOR, AND FAMILY COURTS**

Sponsors: Rep. Flaherty & Rep. Fox

Description: This act would provide that any retiring Supreme Court justice shall, at the discretion of the chief justice and subject to the retirees' physical and mental competence, be assigned to perform such services as an associate justice of the Supreme Court as the chief justice would prescribe.

**MOTION:** To find harmful unless mirror ADA essential functions **05 H-5344 Title: COURTS AND CIVIL PROCEDURE - COURTS - JUSTICES OF SUPREME, SUPERIOR, AND FAMILY COURTS BI/KP** passed unanimously

**Category: Confidential Information**

*Committee review requested by Bob*

**05 H-5686 Title: THE DEPARTMENT OF ADMINISTRATION**

Sponsors: Rep. Dennigan & Reps. Costantino, Ajello, Pacheco and Crowley

Description: This act would require the state website to provide access to public records and documents of all state departments and agencies.

**MOTION:** To find harmful **H-5686 Title: THE DEPARTMENT OF ADMINISTRATION BI/KP** passed, RB abstained

*Committee review requested by Victoria*

**05 H-5702 Title: PUBLIC RECORDS**

Sponsors: Rep. Dennigan & Reprs. Anguilla, Almeida and Williams

Description: This act would amend the access to public records law by expanding these circumstances when an award of attorneys' fees may be made and by mandating that most requests for the search and retrieval of public records be complied within three (3) days of the request. This act would also require the chief administrative officer or each agency to certify in writing to the attorney general that all officers and employees have been trained regarding this chapter if they have the authority to grant or deny access to records.

This act would take effect upon passage.

**MOTION: To find harmful 05 H-5702 Title: PUBLIC RECORDS TF/BI passed unanimously**

**Category: Health Care Services**

*Committee review requested by Joe*

**05 H-5022 Title: CREATING A SPECIAL HOUSE COMMISSION TO UNDERTAKE A COMPREHENSIVE STUDY OF THE VETERANS HOME IN BRISTOL AND DEVELOP A MASTER PLAN FOR THE OVERALL FUTURE DIRECTION OF THE FACILITY**

Sponsors: Rep. Carter & Reprs. Gallison, Lewiss, Malik, and Gemma

Description: This resolution would create a fifteen (15) member special house commission whose purpose it would be to study the feasibility of constructing a new Veterans Home in Bristol and who would report back to the House of Representatives no later than January 24, 2006 and whose life would expire on March 24, 2006.

**Financial Assistance**

*Committee review requested by Joe*

**05 H-5098 Title: MILITARY AFFAIRS - VETERANS' HOME**

Sponsors: Rep. Gallison & Reprs. Carter, Anguilla, Landroche, and Malik

**S 0058 Title: MILITARY AFFAIRS - VETERANS' HOME**

Sponsors: Sen. Felag & Sens. Lanzi, Ciccone, Polisena, and Bates

Description: This act would require full laundry services to be provided to residents of the state veterans' home.

This act would take effect upon passage.

**Category: Human Services**

*Committee review requested by Joe*

**05 H-5448 Title: STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF VETERANS' AFFAIRS**

Sponsors: Rep. Shanley & Carter, Rose, Gallison, Moffitt

Description: This act would create a new Department of Veterans' Affairs to assume control of veterans' affairs in Rhode Island.

This act would take effect on January 1, 2006.

**MOTION: To find beneficial:**

**05 H-5022 Title: CREATING A SPECIAL HOUSE COMMISSION TO UNDERTAKE A COMPREHENSIVE STUDY OF THE VETERANS HOME IN BRISTOL AND DEVELOP A MASTER PLAN FOR THE OVERALL FUTURE DIRECTION OF THE FACILITY;**

**05 H-5098 / S 58 Title: MILITARY AFFAIRS - VETERANS' HOME; and  
05 H-5448 Title: STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF  
VETERANS' AFFAIRS, JC/BI passed unanimously**

The chair read the text of H 5012 to the members.

“**22-7.4-93. The Joseph T. Corrente Memorial Bridge.** – The new bridge "Network Arch" for relocated Interstate Route – 195, referred to as the Hurricane Barrier Alignment, in the City of Providence, shall hereafter be named and known as the Joseph T. Corrente Memorial Bridge.”

**MOTION: To find beneficial H 5012 BI/TF passed unanimously**

*Committee review requested by Victoria*

<b>One Rhode Island Proposal and How it Helps</b>	<b>Cost</b>	<b>SENATE</b>	<b>HOUSE</b>
Extend the eligibility for a once a year clothing allowance to all children and increase the allowance to \$150	\$3,071,250	Sen. Pichardo (S0463)	Rep. Coderre (H5487)
Increase the refundable EITC to 5% of the federal credit.	\$4,063,988	Sen. Metts (S0464)	Rep. Slater (H5290)
Provide state funding for a food stamp outreach effort.	\$250,000	Sen. Perry (S0670)	Rep. Naughton (H5607)
Allow FIP recipients after the 24th month to combine work with up to 10 hours of education or training to fulfill the 30 hour work requirement and for recipients who have worked for at least 12 months allow participation in a short term, full time training program to improve job skills. Provide a one-time clothing allowance of \$150 to FIP recipients starting a job or training program.	Flexible work requirement : \$135,600 Clothing Allowance: \$376,000	Sen. Gibbs (S0525)	Rep. Dennigan (H5806)
Fulfill the promise of the Starting Right child care assistance program: increase the income eligibility from 225% to 250% of the FPL.	\$1,300,000	Sen. Roberts (S0539)	Rep. Dennigan (H5365)
Roll back the RItE Care premium to 2% of family income.	\$600,000	Sen. Lanzi (S0321)	Rep. Handy (S5521)

Expand eligibility for the pharmacy assistance program enacted in 2004 by lifting the income cap.

**05 H-5788 / S 787 Title: STATE AFFAIRS AND GOVERNMENT -- PRESCRIPTION DRUG PROGRAM FOR THE UNINSURED**

Sponsors: Rep. Moura & Reps. Anguilla, Kilmartin, Ginaitt, and Long  
Sen. Paiva-Weed & Sens. C Levesque, Goodwin, Roberts, and Sosnowski

Description: This act would eliminate the eligibility requirements that a person to qualify for the state's prescription drug discount program for the uninsured, has to have annual family income at or below 200% of the federal poverty level.

This act would take effect on January 1, 2006.

Cost:  
\$0

**MOTION: To find beneficial the entire One Rhode Island legislative package moved by KP/ motion died for lack of a second.**

<p><b>S 651 &amp; H 5175</b> Provide a 50% increase in funding for the Neighborhood Opportunities Program. The Commission has already voted to support S 651 &amp; H 5175</p>	<p>Cost: \$2,500,000</p>
<p><b>05 S-0672 Title: STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF HUMAN SERVICES</b> Sponsors: Sen. Roberts &amp; Sens. Perry and Gibbs Description: This act would expand and enhance oral health care for indigent and low income children and adults. The department is also designated as the state agency responsible for the administration and supervision of services to special populations such as the elderly and persons with special health care needs. This act would take effect upon passage.</p>	
<p><b>MOTION: To find beneficial 05 S-0672 Title: STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF HUMAN SERVICES SB/KP passed, BI nay</b></p>	
<p style="text-align: center;"><b>Category: Housing</b> <i>Committee review requested by Bob</i></p> <p><b>05 S-0755 Title: ZONING ORDINANCES</b> Sponsors: Sen. Daniel J. Issa <b>05 H-5579 Title: ZONING ORDINANCES</b> Sponsors: Rep. William San Bento Description: This act would amend the definition of "Family Day Care Home" and provide a definition for "Family Group Day Care Home" as they pertain to municipal zoning ordinances. This act would take effect upon passage. The Committee took no position.</p>	
<p style="text-align: center;"><b>Category: Life Safety &amp; Health / Disability Prevention</b> <i>Committee review requested by Jeanne &amp; Victoria</i></p> <p><b>05 H-5278 Title: EDUCATION-HEALTH AND SAFETY OF PUPILS</b> Sponsors: Rep. Savage &amp; Reps. McManus, Loughlin, and McHugh &amp; <b>S 803 Title: EDUCATION-HEALTH AND SAFETY OF PUPILS</b> Sponsor: Sen. Paiva-Weed Description: This act would provide that the department of elementary and secondary education and the department of health would incorporate into their policies, rules and regulations pertaining to school health programs, a procedure for addressing an incidence of hypoglycemia resulting in unconsciousness or seizure in order to provide for the health and safety of any child who has been medically identified as having diabetes. This act would take effect upon passage.</p>	
<p><b>MOTION: To find beneficial S 803 &amp; H-5278 Title: EDUCATION-HEALTH AND SAFETY OF PUPILS RC/BI passed unanimously</b></p>	
<p style="text-align: center;"><b>Category: Special Education</b> <i>Committee review requested by Jeanne</i></p> <p><b>05 H-6050 Title: EDUCATION</b> Sponsors: Rep. Smith Description: This act would require school districts to employ one full time speech language pathologist for every forty students receiving speech language services.</p>	

This act would take effect upon passage.  
The Committee took no position.

**Category: Employment**

*Committee review requested by Bob*

**05 S-0683 Title: LABOR AND LABOR RELATIONS**

Sponsors: Sen. Kevin A. Breene Requested by the Governor

**05 H-5848 Title: LABOR AND LABOR RELATIONS**

Sponsors: Rep. Robert A. Watson Requested by the Governor

Description: This act would permit individuals who are partially unemployed due to sickness to collect a partial temporary disability insurance payment for any week in which the individual had earnings of less than his or her weekly benefit rate. The individual's weekly benefit shall be reduced dollar for dollar by any earnings for that week which are in excess of one-fifth (1/5) of his or her weekly benefit rate.

**MOTION: To find beneficial/harmful 05 H-5848 Title: LABOR AND LABOR RELATIONS BI/RC passed unanimously**

**Category: Transportation**

*Committee review requested by Victoria*

**05 S-0928 Title: PARKING FACILITIES AND PRIVILEGES**

Sponsors: Sen. Ciccone & Sens. Badeau, and Ruggerio

Description: This act would add language requiring applicants for renewal of a disability placard or motorcycle sticker to provide a notarized affidavit from the applicants guardian or legal representative or physician that the applicants condition has not changed.

This act would take effect upon passage.

Recommend Passage Senate Constitutional and Gaming Issues Committee

**MOTION: To find harmful S-0928 Title: PARKING FACILITIES AND PRIVILEGES BI/JB passed unanimously**

**4:25 PM Other Business**

None

**Adjourned at:** 5:02 PM