



Governor's Commission on Disabilities Legislation Committee

Monday June 11, 2007 3 – 4:30 PM

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Attendees:	Timothy Flynn (Chair); Kate McCarthy-Barnett (Vice Chair);; Jeanne Behie; Sharon Brinkworth; Paul Choquette; William R. Inlow; Dianne Kayala; Paula Parker; Ken Pariseau; & Arthur M. Plitt.
Excused:	Linda Deschenes; Liberty Goodwin; Janet Spinelli;
Absent:	Raymond Bandusky Rosemary C. Carmody; Deborah Garneau; Elaina Goldstein; Gwendolyn Reeve; Rev. Gerard O. Sabourin; & Michael Spoerri

----- Minutes -----

Call to Order and Acceptance of the Minutes	Tim Flynn Chairperson	5 min.
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MOTION: To accept the minutes of the previous meeting as: presented JB/KP Passed Unanimously

MOTION: To reverse the agenda order, as below:

2. Consideration of Amended versions of Bills

- H-5300 An Act Making Appropriations for the Support of the State for The Fiscal Year Ending June 30, 2008.
 - a. Article 03 Sub A An Article Relating To Government Reorganization
 - b. Art. 14 NEW Sub A An Article Relating To Medical Assistance -- Long-Term Care Service and Finance Reform
- S 266 Substitute A as Amended An Act Relating to Towns and Cities -- Zoning Ordinances ended versions of Bills
- H 5613 Substitute A An Act Relating to An Act Relating To State Affairs And Government - Rhode Island Housing and Mortgage Finance Corporation
- H-5242 Sub A An Act Relating To Education - School Committees and Superintendents

3. Consideration of New Bills

- 07 S-1074 An Act Relating To Aeronautics - The Permanent Air Quality Monitoring Act
- 07 H-6478 An Act Relating To Education – Health and Safety of Pupils
- 07 S-1060 & H 6471 Acts Relating To Public Utilities and Carriers -- Public Transit

Authority PC/SB Passed Imamop, is;u

Action Items:	Discussion Leader:	Time:
3. Consideration of Amended versions of Bills	Bob Cooper	30 min.
<p>07 H-5300 Art. 03 Sub A AN ARTICLE RELATING TO GOVERNMENT REORGANIZATION Sponsors: House Finance Committee Recommend Passage House Calendar 6/15/2007</p> <p>Description: NEW Budget Article would make the Executive Office of Health and Human Services "the principal agency of the executive branch of state government for managing the departments of children, youth and families, elderly affairs, health, human services, and mental health, retardation and hospitals". The Office would "supervise the administrations of federal and state medical assistance programs by acting as the single state agency authorized under title XIX of the U.S. Social Security act, 42 U.S.C. Section 1396a et seq., notwithstanding any general or public law or regulation to the contrary, and exercising such single state agency authority for such other federal and state programs as may be designated by the governor. Nothing in this chapter shall be construed as transferring to the secretary: (1) The powers, duties or functions conferred upon the departments by Rhode Island general laws for the administration of the foregoing federal and state programs; or (2) The administrative responsibility for the preparation and submission of any state plans, state plan amendments, or federal waiver applications, as may be approved from time to time by the secretary with respect to the foregoing federal and state programs.</p> <p>The duties of the secretary would state that "The secretary shall be subject to the direction and supervision of the governor and notwithstanding any law to the contrary, shall be considered to be an extension of the governor in the executive branch of state government in the management oversight, coordination and cohesive direction of state administered health and human services and in ensuring the laws are faithfully executed. The secretary would be required to submit to the caseload estimating conference by Feb. 1st a comprehensive overview of all Medicaid expenditures outcomes, and utilization rates. The overview shall include, but not be limited to, the following information:</p> <p>(1) Expenditures under titles xix and xxi of the social security act, as amended;</p> <p>(2) Expenditures, outcomes and utilization rates by population and sub-population served (e.g. families with children, children with disabilities, children in foster care, children receiving adoption assistance, adults with disabilities, and the elderly);</p> <p>(3) Expenditures, outcomes and utilization rates by each state department or other municipal or public entity receiving federal reimbursement under titles xix and xxi of the social security act, as amended; and</p> <p>(4) Expenditures, outcomes and utilization rates by type of service and/or service provider.</p> <p>The secretary will now:</p> <p>"Direct" rather than "Oversee" implementation of reforms in the human resources practices of the departments that streamline and upgrade services, achieve greater economies of scale and establish the coordinated system of the staff education, cross- training, and career development services necessary to recruit and retain a highly-skilled, responsive, and engaged health and human services workforce"; develop all opportunities to maximize resources by leveraging the state's purchasing power, centralizing fiscal service functions related to budget, finance, and procurement, centralizing communication, policy analysis and planning, and information systems and data management and standardizing contractual services;</p> <p>improve the coordination and efficiency of health and human services legal functions by centralizing adjudicative and legal services and overseeing their timely and judicious administration;</p> <p>"Prepare and integrate" rather than "ensure preparation of a coordinated" comprehensive budgets for the health and human services departments; and any other functions and duties assigned to the office. The budgets shall be submitted to the state budget office by the secretary, for consideration by the governor, on behalf of the state's health and human services;</p>		

"utilize" rather than "Improve the ability of departments to utilize" objective data to evaluate health and human services policy goals, resource use and outcome evaluation and to perform short and long-term policy planning and development;

"establishment" rather than "foster the establishment" of an integrated approach to interdepartmental information and data management that will facilitate the transition to consumer-centered system of state administered health and human services; and

"Hold the director of each health and human services department accountable for their administrative, fiscal and program actions in the conduct of the respective powers and duties of their agencies."

The Substitute would transferred to the executive office of health and human services the powers and functions of the departments with respect to the following:

- (1) By July 1, 2007, fiscal services including budget preparation and review, financial management, purchasing and accounting and any related functions and duties deemed necessary by the secretary;
- (2) By July 1, 2007, legal services including applying and interpreting the law, oversight to the rule-making process, and administrative adjudication duties and any related functions and duties deemed necessary by the secretary;
- (3) By September 1, 2007, communications including those functions and services related to government relations, public education and outreach and media relations and any related functions and duties deemed necessary by the secretary;
- (4) By March 1, 2008, policy analysis and planning including those functions and services related to the policy development, planning and evaluation and any related functions and duties deemed necessary by the secretary; and
- (5) By June 30, 2008, information systems and data management including the financing, development and maintenance of all data-bases and information systems and platforms as well as any related operations deemed necessary by the secretary;
- (b) The secretary shall determine in collaboration with the department directors whether the officers, employees, agencies, advisory councils, committees, commissions, and task forces of the departments who were performing such functions shall be transferred to the office. Duties that are incidental to the performance of the functions transferred to the office in subpart (a) shall remain with the departments providing that the employees responsible thereof are performing functions that have not been transferred.
- (c) In the transference of such functions, the secretary shall be responsible for ensuring:
 - (1) Minimal disruption of services to consumers;
 - (2) Elimination of duplication of functions and operations;
 - (3) Services are coordinated and functions are consolidated where appropriate;
 - (4) Clear lines of authority are delineated and followed;
 - (5) Cost-savings are achieved whenever feasible;
 - (6) Program application and eligibility determination processes are coordinated and, where feasible, integrated; and
 - (7) State and federal funds available to the office and the entities therein are allocated and utilized for service delivery to the fullest extent possible.

Except as provided herein, no provision of this chapter or application thereof shall be construed to limit or otherwise restrict the departments of human services, elderly affairs, health, and mental health, retardation, and hospitals from fulfilling any statutory requirement or complying with any regulation deemed otherwise valid.

The New Budget Article also includes the following directive:

7	SECTION 10. The general assembly hereby requires the governor to submit, as part of
8	his FY 2009 budget, necessary legislation to create a department of advocacy, with an effective
9	date of no sooner than July 1, 2008, and no later than January 1, 2009.
10	The department shall include the child advocate, mental health advocate, commission on

11	deaf and hard of hearing, developmental disabilities council, and the commission on disabilities.
12	The governor with advice and consent of the senate shall appoint the child advocate and
13	the mental health advocate, as detailed in existing statutes. All agencies combined into this new
14	department shall maintain existing duties as set forth in current law.
15	The department shall consolidate communications, and overhead expenditures.
<p>MOTION: To find harmful unless amended (see below) 07 H-5300 Art. 03 Sub A An Article Relating to Government Reorganization Section 10.AP/KP passed Abstain PP & DK</p>	

The Commission’s Legislation Committee has reviewed **07 H-5300 Art. 03 Sub A An Article Relating To Government Reorganization Section 10**. We believe the proposed reorganization is too narrowly drawn leaving out most of the state government human service advocacy agencies (see attached list of the 51 disability related advocacy/licensing boards identified for the Separation of Powers hearings two years ago.) Several of these are 100% federally funded, at least one set it self up as a not-for-profit organization, with 1.4 FTE staff, rented quarters, and a \$136,000 budget from DHS. The council member are appointed the Governor, by Executive Order; the Statewide Independent Living Council. Other boards receive their staff support from state departments.

A great many of these 51 boards include representatives from state government agencies. There hasn’t been a comprehensive review of these boards to ensure the most efficient use of our most valuable resource – volunteers’ and state employees’ time. This is the time to determine the most effective organizational structure of the boards that review and approve state’ vocational rehabilitation plan, independent living plan, developmental disabilities plan, behavior health plan, etc. Are those state plans harmonized?

A number of the boards are interagency coordinating councils. Should they be provided staff support from the Secretariat, rather than from one of the agencies being “coordinated”?

Many volunteer boards need consistent advice on how to comply with the Open Meetings, Access to Public Records, and Ethics Commission laws. A central support staff to boards could improve compliance. Based on the Advice of the Attorney General, DoA’s Legal Services and the state’s Risk Manager, the Commission on Disabilities now has directors’ liability insurance.

To properly assess the legal conflicts arising from the inclusion of the 3 legal advocate agencies, child advocate, mental health advocate and commission on disabilities, we believe it’s important to include the chairpersons of the House and Senate Judiciary Committees in determining the proper structure of any reorganization.

The chairpersons of the House Committee on Health, Education and Welfare and the Senate Committee Health & Human Services should also be involved to assess the impact on programs they oversee.

With 62% of all federal funds and 35% of general revenue funding disability related programs and activities, a total review of those services should be undertaken. Since the breakup of the Department of Social Welfare, in the 60’s services have been added one-at-a-time. Now is the time to ask; is DHS to best place for vocational rehabilitation services or should it be with all the other adult job training services in the Department of Labor and Training? Should community based residential services (group homes, etc.) remain single disability oriented or mixed in a way that the residents collectively can handle many if not most of the functions now being performed by staff?

We don’t know the answers to these questions, but they need to be asked and answered.

All options for reorganization should be considered from:

- The sharing of back office function– purchasing, payroll group model on the lines of a small medical practice or law office;
 - Centralized administrative support from the Secretariat of advisory boards is another model.
- We recommend that SECTION 10 be revised in one of the follow ways:

1 **OPTION 1.**

2 On Page 28 strike lines 7 through 15 in its entirety and insert therein the following:

3 SECTION 10. RESOLVED, That a special joint legislative commission be and the same is hereby created
4 consisting of 16 members:

5 The chairpersons or designees the:

- 6 1. House Committee on Finance’s Health and Advocates Subcommittee;
- 7 2. House Committee on Health, Education, and Welfare;
- 8 3. House Committee on Judiciary or designee;
- 9 4. Senate Committee on Finance’s Human Services and Transportation Subcommittee;
- 10 5. Senate Committee on Health and Human Services; and
- 11 6. Senate Committee on Judiciary;
- 12 7. The Child Advocate or designee;
- 13 8. The House Minority Leader or designee;
- 14 9. The Mental Health Advocate or designee;
- 15 10. The Secretary for Health and Human Services or designee;
- 16 11. The Senate Minority Leader or designee;
- 17 12. Director of the Paul V. Sherlock Center at Rhode Island College or designee; and

18 The directors or designees of the following departments:

- 19 13. Office Health & Human Services;

20 The chairpersons or designees of the following:

- 21 14. Commission on the Deaf and Hard of Hearing;
- 22 15. Governor’s Commission on Disabilities;
- 23 16. State Council on Developmental Disabilities.

24 In lieu of any appointment of a member of the legislature to a permanent advisory commission, a
25 legislative study commission, or any commission created by a General Assembly resolution, the
26 appointing authority may appoint a member of the general public to serve in lieu of a legislator, provided
27 that the majority leader or the minority leader of the political party which is entitled to the appointment
28 consents to the appointment of the member of the general public.

- 29 1. The purpose of said commission shall be to make a comprehensive study of the feasibility of
30 reorganizing state human rights and advocacy and advisory agencies to enhance the effectiveness,
31 independence, and administrative support services

32 Forthwith upon passage of this resolution, the members of the commission shall meet at the call of
33 the Speaker of the House and organize and shall select, from among the legislators, a chairperson.

34 Vacancies in said commission shall be filled in like manner as the original appointment.

35 The membership of said commission shall receive no compensation for their services.

36 All departments and agencies of the state shall furnish such advice and information, documentary and
37 otherwise, to said commission and its agents as is deemed necessary or desirable by the commission to
38 facilitate the purposes of this resolution.

39 The Speaker of the House is hereby authorized and directed to provide suitable quarters for said
40 commission; and be it further

41 RESOLVED, The general assembly hereby requires the governor to submit, as part of his FY 2009
42 budget, necessary legislation to reorganize the state human rights and advocacy and advisory agencies to
43 enhance the effectiveness, independence, and administrative support services, with an effective date of no
44 sooner than July 1, 2008, and no later than January 1, 2009.

45 RESOLVED, That the commission shall report its findings and recommendations to the Governor,
46 House of Representatives and Senate no later than October 30, 2007 and said commission shall expire on
47 March 8, 2008.

1 **Option 2.**

2 Amend SECTION 10 to read as follows:

3 "SECTION 10. The general assembly hereby requires the governor to submit, as part of his FY 2009
4 budget, necessary legislation to create a department of advocacy or other system supports, with an
5 effective date of no sooner than July 1, 2008, and no later than January 1, 2009. The governor shall
6 consult with the child advocate, mental health advocate, commission on deaf and hard of hearing,
7 developmental disabilities council, and the commission on disabilities in developing the 2009 department
8 of advocacy or other system supports.

9 The department or other system supports shall include, but not be limited to the child advocate, mental
10 health advocate, commission on deaf and hard of hearing, developmental disabilities council, and the
11 commission on disabilities.

12 The governor with advice and consent of the senate shall appoint the child advocate and the mental health
13 advocate, and appoint the members of the councils and commissions, as detailed in existing statutes. All
14 agencies combined into this new department or other system supports shall maintain existing duties and
15 independence as set forth in current law.

16 The department or other system supports shall consolidate communications, and overhead expenditures."

07 H-5300 Art. 14 NEW Sub A AN ARTICLE RELATING TO MEDICAL ASSISTANCE -- LONG-TERM CARE SERVICE AND FINANCE REFORM

Sponsors: Rep. Watson & Reps. Gorham, McManus, Story, & Ehrhardt Requested by the Governor
Recommend Passage House Calendar 6/15/2007

Description: The original Budget Article 14 was merged into Budget Article 13. The new article would change the Medical Assistance - Long Term Care Services and Financial Reform Act, otherwise known as the Perry Sullivan Act, by limiting the scope of the unified long-term care budget to nursing home and community based long-term care services to "elderly sixty-five and older". The original act also addressed the needs of people with disabilities younger than 65. The least restrictive setting requirement has been changed so the department of human services is "directed to recommend the allocation of existing Medicaid resources" rather than "directed and authorized to allocate existing Medicaid."

MOTION: To find harmful unless amended (see below) 07 H-5300 Art. 14 Sub A An Article Relating to Medical Assistance -- Long-Term Care Service and Finance Reform. PC/SB passed, Abstain PP & DK

1-1 **ARTICLE 14 SUBSTITUTE A** with draft floor amendment in **bold and double underlined**
1-2 **RELATING TO MEDICAL ASSISTANCE -- LONG-TERM CARE SERVICE AND FINANCE**
1-3 **REFORM**
1-4 SECTION 1. Sections 40-8.9-3, 40-8.9-4 and 40-8.9-5 of the General Laws in Chapter
1-5 40-8.9 entitled "Medical Assistance - Long-Term Care Service and Finance Reform" are hereby
1-6 amended to read as follows:
1-7 **40-8.9-3. Least restrictive setting requirement.** -- Beginning on July 1, ~~2006~~ 2007, the
1-8 department of human services is directed ~~and authorized~~ to recommend the allocate allocation of
1-9 existing Medicaid resources as needed to ensure that those in need of long-term care and support
1-10 services receive them in the least restrictive setting appropriate to their needs and preferences.
1-11 The department is hereby authorized to utilize screening criteria, to avoid unnecessary
1-12 institutionalization of persons during the full eligibility determination process for Medicaid
1-13 community based care.
1-14 **40-8.9-4. Unified long-term care budget.** -- Beginning on July 1, 2007, a unified long-
1-15 term care budget shall combine in a single line-item appropriation within the department of
1-16 human services budget, annual department of human services Medicaid appropriations for
1-17 nursing facility and community-based long-term care services for elderly sixty five (65) and older
persons at risk of nursing home admissions,
1-18 (including adult day care, home health, and personal care in assisted living settings). Beginning
1-19 on July 1, 2007, the total system savings attributable to the value of the reduction in nursing home
1-20 days including hospice nursing home days care paid for by Medicaid shall be allocated in the budget
enacted by the
1-21 general assembly for the ensuing fiscal year for the express purpose of promoting and
1-22 strengthening community-based alternatives.
1-23 The caseload estimating conference pursuant to section 35-17-1 shall determine the
1-24 amount of general revenues to be added to the current service estimate of community based long-
1-25 term care services for elderly sixty five (65) and older persons at risk of nursing home admissions for
the ensuing budget year by multiplying
1-26 the combined cost per day of nursing home and hospital hospice nursing home days estimated at the
caseload
1-27 conference for that year by the reduction in nursing home and hospice nursing home days from those in
the
1-28 second fiscal year prior to the current fiscal year to those in the first fiscal year prior to the current
1-29 fiscal year.
1-30 **40-8.9-5. Administration and regulations.** -- ~~As the~~ The single state agency designated

1-31 to administer the Rhode Island Medicaid program, ~~the department~~ is hereby directed and
2-1 authorized to develop and submit any requests for waivers, demonstration projects, grants and
2-2 state plan amendments or regulations that may be considered necessary and appropriate to
2-3 support the general purposes of this statute. Such requests shall be made in consultation with any
2-4 affected departments and, to the extent feasible, any consumer group, advisory body, or other
2-5 entity designated for such purposes.
2-6 SECTION 2. This article shall take effect upon passage.

07 S-0266 Sub A AN ACT RELATING TO TOWNS AND CITIES -- ZONING ORDINANCES

Sponsor: Sen. Levesque House Municipal Government Committee

Description: This act would permit an accessory family dwelling within a single family residence for the sole use of one or more members of the family of the occupant who is a person with a disability or is over the age of sixty-five (65). This act would take effect upon passage.

The Substitute would authorize an accessory dwelling unit in a single -family residence as a reasonable accommodation for family members with disabilities.

The double blue underlined sections are the draft "as amended" additions to the Substitute version we reviewed in May.

DRAFT 2007 – S 0266 Substitute A as Amended

It is enacted by the General Assembly as follows:

SECTION 1. Section 45-24-37 of the General Laws in Chapter 45-24 entitled "Zoning Ordinances" is hereby amended to read as follows:

45-24-37. General provisions -- Permitted uses. -- (a) The zoning ordinance provides a listing of all land uses and/or performance standards for uses which are permitted within the zoning use districts of the municipality.

(b) Notwithstanding any other provision of this chapter, the following uses are permitted uses within all residential zoning use districts of a municipality and all industrial and commercial zoning use districts except where residential use is prohibited for public health or safety reasons:

- (1) Households;
- (2) Community residences;
- (3) Family day care homes.

(c) Any time a building or other structure used for residential purposes, or a portion of a building containing residential units, is rendered uninhabitable by virtue of a casualty such as fire or flood, the owner of the property is allowed to park, temporarily, mobile and manufactured home or homes, as the need may be, elsewhere upon the land, for use and occupancy of the former occupants for a period of up to twelve (12) months, or until the building or structure is rehabilitated and otherwise made fit for occupancy. The property owner, or a properly designated agent of the owner, is only allowed to cause the mobile and manufactured home or homes to remain temporarily upon the land by making timely application to the local building official for the purposes of obtaining the necessary permits to repair or rebuild the structure.

(d) Notwithstanding any other provision of this chapter, appropriate access for people with disabilities to residential structures is allowed as a reasonable accommodation for any person(s) residing, or intending to reside, in the residential structure.

(e) Notwithstanding any other provision of this chapter, an accessory family dwelling unit in an owner-occupied, single-family residence shall be permitted as a reasonable accommodation only for family members with disabilities. When the structure is serviced by an individual sewage disposal system, the applicant shall have the existing or any new system approved by the department of environmental management. The zoning enforcement officer shall require that a declaration of the accessory family dwelling unit for the family member or members and its restrictions be recorded in

the land evidence records and filed with the zoning enforcement officer and the building official. Once the family member or members with disabilities no longer resides ~~on~~ in the premises on a permanent basis, or the title is transferred, the accessory family dwelling unit shall no longer be permitted, unless there is a subsequent, valid application.

(f) When used in this section the terms “people with disabilities” or “member or members with disabilities” means a person(s) who has a physical or mental impairment which substantially limits one or more major life activities, as defined in §34-37-3 of the general laws.

SECTION 2. This act takes effect upon passage.

MOTION: To accept the draft (above) for S 266 Substitute A as Amended An Act Relating to Towns and Cities -- Zoning Ordinances or language similar to the above draft. PC/BI passed unanimously

Last Action on: 4/26/2007

07 H-5613 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND HOUSING AND MORTGAGE FINANCE Sponsor: Rep. Naughton House Finance Committee

Description: This act would establish a program of loan guarantees or interest subsidies within the Rhode Island housing and mortgage finance corporation for the purpose of making home modifications to the primary residence of persons who have a disability, or age 65 or older, or are the caregiver of a family member with a disability or age 65 or older; for the purpose of improved accessibility to allow such persons to live more independently in the community. Sections 1, 2 and 3 of this act would take effect upon passage. As to sections 4 and 5, if a majority of the people voting on the proposition provided for in section 2 of this act shall vote to approve the proposition as to any project provided for in section 2 hereof, sections 4 and 5 would take effect upon passage.

No action taken on 07 H-5613

07 H-5242 Sub A Title: AN ACT RELATING TO EDUCATION - SCHOOL COMMITTEES AND SUPERINTENDENTS Sponsors: Rep. Rose & Reps. Malik, Melo, Dennigan, Story in the Senate Judiciary Committee

This act would allow school committees to seek relief from state directives that are unfunded and which exceed federal limits and guidelines by bringing an action in the Rhode Island Superior Court. This act would take effect upon passage.

The Substitute would allow school committees to seek relief from state directives that are unfunded by bringing an action in the Rhode Island Superior Court, when the school committee lacks the ability to adequately run the schools meet its obligations incurred in providing of services mandated by law.

Committee found the original version of this bill Harmful

It is enacted by the General Assembly as follows:

1-1 SECTION 1. Section 16-2-21.4 of the General Laws in Chapter 16-2 entitled "School
1-2 Committees and Superintendents" is hereby amended to read as follows:

1-3 **16-2-21.4. School budgets -- Compliance with certain requirements.** -- (a)

1-4 Notwithstanding any provision of the general or public laws to the contrary, whenever a city,
1-5 town, or regional school committee determines that its budget is insufficient to comply with the
1-6 provisions of section 16-2-21, 16-7-23, or 16-7-24, the city, town, or regional school committee
1-7 shall adhere to the appropriated budget or the provisions of section 16-2-23 in the absence of an
1-8 appropriated budget. The chairperson of the city, town, or regional school committee, in
1-9 accordance with the provisions of section 16-2-9, shall be required to petition the commissioner,
1-10 in writing, to seek alternatives for the district to comply with state regulations and/or provide

1-11 waivers to state regulations and, in particular, those which are more restrictive than federal
 1-12 regulations that allow the school committee to operate with a balanced budget. Waivers which
 1-13 affect the health and safety of students and staff or which violate the provisions of chapter 24 of
 1-14 this title shall not be granted. The commissioner must consider alternatives for districts to comply
 1-15 with regulations and/or provide waivers to regulations in order that the school committee may
 1-16 operate with a balanced budget within the previously authorized appropriation. In the petition to
 1-17 the commissioner, the school committee shall be required to identify the alternatives to meet
 1-18 regulations and/or identify the waivers it seeks in order to provide the commissioner with the
 1-19 revised budget which allows it to have a balanced budget within the previously authorized
 2-1 appropriation. The commissioner shall respond within fifteen (15) calendar days from the date of
 2-2 the written petition from the school committee. If the commissioner does not approve of the
 2-3 alternatives to meet regulations or the waivers from regulations which are sought by the school
 2-4 committee, or if the commissioner does not approve of the modified expenditure plan submitted
 2-5 by the school committee, then: (1) within ten (10) days of receiving the commissioner's response,
 2-6 the school committee may submit a written request to the city or town council for the council of
 2-7 the municipality to decide whether to increase the appropriation for schools to meet expenditures.
 2-8 The decision to increase any appropriations shall be conducted pursuant to the local charter or the
 2-9 public law controlling the approval of appropriations within the municipality; or (2) in a regional
 2-10 school district, the chairperson of the school committee may, within ten (10) days of receiving the
 2-11 commissioner's response, submit a written request to the chief elected official of each of the
 2-12 municipalities to request that the city or town council in each of their respective towns meet to
 2-13 decide whether or not to increase the appropriation for schools to meet expenditures. The decision
 2-14 to increase any appropriations shall be conducted pursuant to the local charter or the public law
 2-15 controlling the approval of appropriations within the municipality.

2-16 (b) In the event of a negative vote by the appropriating authority, the school committee
 2-17 shall have the right to seek additional appropriations by bringing an action in the superior court
 2-18 for the county of Providence and shall be required to demonstrate that the school committee lacks
 2-19 the ability to ~~adequately run the schools~~ meet its obligations incurred in providing of services
 2-20 mandated by law for that school year with a balanced budget within the previously authorized
 2-21 appropriation or in accordance with sections 16-2-21, 16-2-23, 16-7-23, and 16-7-24. In no event
 2-22 shall any court order obtained by the school committee have force and effect for any period
 2-23 longer than the fiscal year for which the litigation is brought. Any action filed pursuant to this
 2-24 section shall be set down for a hearing at the earliest possible time and shall be given precedence
 2-25 over all matters except older matters of the same character. The court shall render its decision
 2-26 within thirty (30) days of the close of the hearings. Upon the bringing of an action in the superior
 2-27 court by the school committee to increase appropriations, the chief executive officer of the
 2-28 municipality, or in the case of a regional school district the chief elected officials from each of the
 2-29 member municipalities, shall cause to have a financial and program audit of the school
 2-30 department conducted by the auditor general, the bureau of audits, or a certified public accounting
 2-31 firm qualified in program audits. The results of the audit shall be made public upon completion
 2-32 and paid for by the school committee to the state or private certified public accounting firm.

3-1 SECTION 2. This act shall take effect upon passage.

MOTION: To find harmful 07 H-5242 Sub A An Act Relating To Education - School Committees and Superintendents PC/JB passed unanimously		
2. Consideration of New Bills	Bob Cooper, Executive Secretary	30 min.
Civil Rights		
07 S-1074 AN ACT RELATING TO AERONAUTICS - THE PERMANENT AIR QUALITY		

MONITORING ACT Sponsors: Sen. Walaska & Sens. Sosnowski, Gallo, Paiva-Weed in the Senate Environment and Agriculture Committee

Description: This act would create a long-term air quality monitoring act which includes guidelines, funding, reporting, enforcement and violations. This act would take effect upon passage.

No position taken

07 H-6478 AN ACT RELATING TO EDUCATION – HEALTH AND SAFETY OF PUPILS

Sponsors: Rep. Fellela & Reps. Serpa, Baldelli-Hunt, Handy in the House Health, Education, & Welfare Committee

Description: This act would require the Commissioner of the Department of Elementary and Secondary Education and the Director of the Department of Health to create, and also require every school committee in the state of implement, guidelines for the management of students with life-threatening food allergies. This act would take effect upon passage.

No position taken

Transportation

07 S-1060 AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- PUBLIC TRANSIT AUTHORITY

Sponsors: Sen. Connors & Sens. Paiva-Weed, Goodwin, Pichardo, and Miller Recommend Passage on the Senate Desk Identical to H 6471 Sponsors: Rep. Pacheco & Rep. Fox in the House Finance Committee

Description: This act would refine the powers and duties of the Rhode Island public transit authority, making RIPTA responsible for providing public transit services that meet mobility needs of the people of the state, including the elderly and disabled. This act would take effect upon passage.

It is enacted by the General Assembly as follows:

1-1 SECTION 1. Sections 39-18-3 and 39-18-4 of the General Laws in Chapter 39-18

1-2 entitled "Rhode Island Public Transit Authority" are hereby amended to read as follows:

1-3 ~~39-18-3. Purpose of the authority~~ Purposes of the authority. – (a) It shall be the

1-4 purposes of the authority to:

1-5 (1) provide public transit services that meet mobility needs of the people of the state,

1-6 including the elderly and disabled;

1-7 (2) increase access to employment opportunities;

1-8 (3) connect different modes of public transportation, including rail, air and water

1-9 services;

1-10 (4) promote community design that features public transit services as defining elements

1-11 of a community;

1-12 (5) facilitate energy conservation and efficient energy use in the transportation sector by

1-13 providing public transit services; and

1-14 (6) mitigate traffic congestion and enhance air quality.

1-15 (b) It shall further be the purpose of the authority to own and operate a mass motor bus,

1-16 water, or rail passenger transportation system and to manage, to coordinate and to perform

1-17 vehicle maintenance for a state paratransit system. Whenever any operator of a mass motor bus,

1-18 water, or rail passenger transportation system files with the public utilities administrator a petition

1-19 to discontinue any service, it is the purpose and function of the authority to determine if it is in

2-1 the public interest to discontinue that service. If it is determined that it is not in the public interest

2-2 to discontinue that service, the authority is authorized and empowered to acquire all or any part of

2-3 the transit property, or any interest therein, of the system.

2-4 ~~39-18-4. Powers of the authority~~ Powers and duties of the authority. – (a) The

2-5 authority is hereby authorized and empowered:

- 2-6 (1) To adopt bylaws for the regulation of its affairs and the conduct of its business;
- 2-7 (2) To adopt an official seal and alter the seal at pleasure;
- 2-8 (3) To maintain an office at such place or places within the state as it may designate;
- 2-9 (4) To sue and be sued in its own name, plead and to be implead; provided, however,
- 2-10 that any and all actions against the authority shall be brought only in the county in which the
- 2-11 principal office of the authority shall be located;
- 2-12 (5) To acquire, purchase, hold, use, and dispose of any property, real, personal, or mixed,
- 2-13 tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes
- 2-14 of the authority, and, to lease as lessee or lessor any property, real, personal or mixed, or any
- 2-15 interest therein for such term and at such rental as the authority may deem fair and reasonable,
- 2-16 and to sell, transfer, convey, mortgage, or give a security interest in any property, real, personal,
- 2-17 or mixed, tangible or intangible, or any interest therein, at any time acquired by the authority;
- 2-18 (6) To employ, in its discretion, planning, architectural, and engineering consultants,
- 2-19 attorneys, accountants, construction, financial, transportation, and traffic experts and consultants,
- 2-20 superintendents, managers, and such other officers, employees, and agents as may be necessary in
- 2-21 its judgment, and to fix their compensation;
- 2-22 (7) (i) To fix from time to time, subject to the provisions of this chapter, schedules and
- 2-23 such rates of fare and charges for service furnished or operated as in its judgment are best adopted
- 2-24 to insure sufficient income to meet the cost of service; provided, however, the authority is not
- 2-25 empowered to operate a passenger vehicle under its control in competition with passenger
- 2-26 vehicles of a private carrier over routes which the private carrier operates pursuant to a certificate
- 2-27 of public convenience and necessity issued to the private carrier by the division of public utilities
- 2-28 and carriers; and provided further that the authority shall not require any person who meets the
- 2-29 means test criteria as defined by the Rhode Island Department of Elderly Affairs and who is
- 2-30 either sixty-five (65) years of age, or over, or who is disabled to pay any fare or charge for bus
- 2-31 rides during peak hours; provided, however, that such exclusion for fares or charges shall not
- 2-32 apply: (A) to special service routes and (B) during periods and routes of overcrowded conditions.
- 2-33 Any person who is either sixty-five (65) years of age, or over, or who is disabled, and who meets
- 2-34 the means test criteria as heretofore provided, shall not be required to pay any fare or charge for
- 3-1 bus rides during off-peak hours, and any person who is either sixty-five (65) years of age, or over,
- 3-2 or who is disabled, and who does not satisfy the means test criteria as heretofore provided, shall
- 3-3 only be required to pay one-half (1/2) of the fare or charge for bus rides during off-peak hours.
- 3-4 For the purposes of this chapter, "overcrowded conditions," "peak hours," "off-peak hours" and
- 3-5 "special service routes" shall be determined annually by the authority. The authority shall
- 3-6 establish an advisory committee comprised of seniors/persons with disabilities constituent users
- 3-7 of the authority's services to assist in the implementation of this section;
- 3-8 (ii) Any person who accompanies and is assisting a person with a disability when the
- 3-9 person with a disability uses a wheelchair shall be eligible for the same price exemptions
- 3-10 extended to a person with a disability by subsection (7)(i). The cost to the authority for providing
- 3-11 the service to the elderly shall be paid by the state;
- 3-12 (iii) Any person who accompanies and is assisting a passenger who is blind or visually
- 3-13 impaired shall be eligible for the same price exemptions extended to the passenger who is blind or
- 3-14 visually impaired by subsection (7)(i). The cost to the authority for providing the service to the
- 3-15 elderly shall be paid by the state;
- 3-16 (iv) The authority shall be authorized and empowered to charge a fare for any paratransit
- 3-17 services required by the Americans with Disabilities Act, 42 U.S.C. section 12101 et seq., in
- 3-18 accordance with 49 C.F.R. Part 37.
- 3-19 (8) To borrow money and to issue bonds of the authority for any of its purposes
- 3-20 including, without limitation, the borrowing of money in anticipation of the issuance of bonds or

3-21 the receipt of any operating revenues or other funds or property to be received by the authority,
3-22 and the financing of property to be owned by others and used, in whole or substantial part, by the
3-23 authority for any of its purposes, all as may from time to time, be authorized by resolution of the
3-24 authority; the bonds to contain on their face a statement to the effect that neither the state nor any
3-25 municipality or other political subdivision of the state shall be obligated to pay the same or the
3-26 interest thereon;

3-27 (9) To enter into management contracts for the operation, management, and supervision
3-28 of any or all transit properties under the jurisdiction of the authority, and to make and enter into
3-29 all contracts and agreements necessary or incidental to the performance of its duties and the
3-30 execution of its powers under this chapter;

3-31 (10) Without limitation of the foregoing, to borrow money from, to receive and accept
3-32 grants for or in aid of the purchase, leasing, improving, equipping, furnishing, maintaining,
3-33 repairing, constructing, and operating of transit property, and to enter into contracts, leases, or
3-34 other transactions with any federal agency; and to receive and accept from the state, from any
4-1 municipality, or other political subdivision thereof, and from any other source, aid or
4-2 contributions of either money, property, labor, or other things of value, to be held, used and
4-3 applied only for the purposes for which the grants and contributions may be made;

4-4 (11) To acquire in the name of the authority, by negotiated purchase or otherwise, on
4-5 such terms and conditions and in such manner as it may deem proper, or by the exercise of the
4-6 power of condemnation to the extent only and in the manner as provided in this chapter, such
4-7 public and private lands, including public parks, playgrounds or reservations, or parts thereof, or
4-8 rights therein, rights-of-way, property rights, easements, and interests as it may deem necessary
4-9 for carrying out the provisions of this chapter; provided, however, that all public property
4-10 damaged in carrying out the powers granted by this chapter shall be restored or repaired and
4-11 placed in its original condition as nearly as practicable;

4-12 (12) To contract with any municipality, public or private company or organization,
4-13 whereby the authority will receive a subsidy to avoid discontinuance of service, and each
4-14 municipality within the state is hereby authorized to make and enter into such contracts and to
4-15 make, grant, or give to the authority a subsidy in such amount and for such period of time as it
4-16 may deem advisable;

4-17 (13) To operate service to nearby Massachusetts and nearby Connecticut terminals for
4-18 the purpose of deboarding Rhode Island passengers at major traffic generating locations for the
4-19 benefit of passengers and to board Rhode Islanders for the return trip, provided, however, that the
4-20 authority operate closed door in Massachusetts and nearby Connecticut to and from its
4-21 destination; and

4-22 (14) To do all things necessary, convenient, or desirable to carry out the purpose of this
4-23 chapter.

4-24 (b) To effectuate the purposes of this chapter the authority shall have the following
4-25 duties:

4-26 (1) To participate in and contribute to transportation planning initiatives that are relevant
4-27 to the purposes of the authority;

4-28 (2) To plan, coordinate, develop, operate, maintain and manage a statewide public transit
4-29 system consistent with the purposes of the authority, including plans to meet demands for public
4-30 transit where such demand, current or prospective, exceeds supply and/or availability of public
4-31 transit services;

4-32 (3) To work with departments, agencies, authorities and corporations of federal, state and
4-33 local government, public and private institutions, businesses, non-profit organization, users of the
4-34 system and other entities and persons to coordinate public transit services and provide a seamless
5-1 network of mobility options.

5-2 SECTION 2. Chapter 39-18 of the General Laws entitled "Rhode Island Public Transit
5-3 Authority" is hereby amended by adding thereto the following section:
5-4 **39-18-1.1. Findings.** – It is hereby found and declared as follows:
5-5 (1) Rhode Island has had a long and rich legacy of providing public transit services that
5-6 contribute to the fabric of the state;
5-7 (2) Public transit continues to evolve and can play increasingly important roles in the
5-8 future;
5-9 (3) Public transit services provide benefits to the quality of communities by curtailing
5-10 energy consumption, helping people participate in their communities by offering mobility
5-11 options, defining spaces and promoting sound urban design, and linking activity centers to
5-12 support social networks;
5-13 (4) Pedestrian access and safety is crucial to supporting public transit services;
5-14 (5) One of the values of an improved public transit system is the generation of investment
5-15 and wealth in areas served by the system;
5-16 (6) The state's public transit system should provide a variety of mobility options for
5-17 people that include services for people with special needs, and services to tourism destinations,
5-18 employment and retail centers, education institutions and other modes of transportation including
5-19 rail, air and water transportation services;
5-20 (7) The use of technology is vital for making informed decisions about existing and
5-21 future public transit services and for providing efficient, user responsive public transit; and
5-22 (8) The state in partnership with local communities should support the legacy of public
5-23 transit services in Rhode Island and improve, expand and augment that system to meet the needs
5-24 of the people in the twenty-first (21st) century.
5-25 SECTION 3. This act shall take effect upon passage.

MOTION: To find beneficial 07 S-1060 & H 6471 Acts Relating To Public Utilities and Carriers -- Public Transit Authority PC/AP passed, Abstain BI		
Questions on Report: (mailed with the agenda)		20 min.
<u>Scheduled for hearing and/or consideration</u>		
Last Action on: 5/29/2007 Next Action on: <u>Tuesday June 12th 2 PM in House Finance Rm 35</u>		
07 S-0553 Sub A An Act Relating To Public Utilities And Carriers -- Accessible Taxicabs Sponsor: Sen. Walaska Identical to 07 H-5371 Sub A An Act Relating To Public Utilities And Carriers -- Handicapped Accessible Taxicabs Sponsor: Rep. Coderre		
Description: This act would require taxicab companies to maintain at least two percent (2%) but no less than one wheelchair accessible taxicabs purchased or leased after January 1, 2008. This act would also allow for certain tax credits to said companies in reaching this goal. This act would take effect on January 1, 2008.		
Substitute would provide not require large taxicab companies have wheelchair accessible taxicabs but instead provide a sales (use) tax credit for the special adaptations and component parts of the special adaptations for a "wheelchair accessible taxicab" and/or "wheelchair accessible public motor vehicles". The category of public motor vehicle is broader than taxicabs and is not restricted to service only a specific geographic area.		
Announcements and Scheduling of Meetings	Chairperson	5 min.
Next meeting will be on:	July 16, 2007	Starting at: 3 PM
Adjournment:	Chairperson adjourned the meeting at 5:07 PM.	
Observers:	Steven Florio, Commission on the Deaf and Hard of Hearing	