



Governor's Commission on Disabilities' Legislation Committee

Monday February 9, 2009 3 – 4:30 PM

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Attendees:	Timothy Flynn (Chair.); Kate McCarthy-Barnett (Vice Chair.); Jeanne Behie; Rosemary C. Carmody Sharon Brinkworth; Linda Deschenes; Elaina Goldstein; Liberty Goodwin; William R. Inlow; Arthur M. Plitt; Bill Nieranowski; Gwendolyn Reeve; Rev. Gerard O. Sabourin & Linda Ward;
Absent:	Raymond Bandusky; Susan Hurd; Katherine Lowe; Paula Parker; & Janet Spinelli

----- Minutes -----

Call to Order and Acceptance of the Minutes	Tim Flynn Chairperson	5 min.
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Chair called the meeting called to order at 3:05 PM

MOTION: To accept the minutes of the previous meeting as presented LD/KMcCB passed unanimously

Action Items:	Discussion Leader:	Time:
1. Consideration of Tabled Bills	Bob Cooper	

Discussion:

H 5019 Article 38 RELATING TO MEDICAL ASSISTANCE - OUT OF STATE HOSPITALS

This article would reduce the reimbursement rates paid to out of state hospitals under the Medical Assistance Program.

137-27 **40-8-13.1. Reimbursement for out-of-state hospital services.** -- (a) The department
 137-28 of human services is hereby authorized and directed to amend, effective July 1, 1995, its
 137-29 regulations, fee schedules and the Rhode Island state plan for medical assistance (Medicaid)
 137-30 pursuant to Title XIX of the federal Social Security Act to provide for reimbursement to out-of-
 137-31 state hospitals for services provided to eligible recipients in accordance with this section.
 137-32 (b) Authorized inpatient hospital services shall be reimbursed at a rate equal to fifty
 137-33 percent (50%) of the out-of-state hospital's customary charge(s) for such services to Title XIX
 137-34 recipients in that state; provided, however, that in-patient hospital organ transplant services shall
 138-1 be reimbursed at sixty-one percent (61%) of the out-of-state hospital's customary charge(s) for
 138-2 such organ transplant services to Title XIX recipients in that state. Authorized outpatient hospital
 138-3 services (other than laboratory services) shall be reimbursed at a rate equal to fifty-three percent
 138-4 (53%) of the out-of-state hospital's customary charge(s) for such services to Title XIX recipients
 138-5 in that state; outpatient laboratory services shall be reimbursed at the Medicare allowable rate.
 138-6 (c) The department may periodically adjust the inpatient and/or outpatient service
 138-7 reimbursement rate(s) based upon a medical care cost index to be determined by the department.
 138-8 (d) Notwithstanding any provision of the law to the contrary, the department will
 138-9 reimburse out of state hospitals for services incurred on or after March 1, 2009 at rates
 138-10 determined by the department and in accordance with federal regulations.

Tabled until the March meeting

2. Consideration of New Bills

Discussion: Members reviewed and discussed the following legislation

1. TRANSPORTATION BILLS

S 0030 RELATING TO MOTOR AND OTHER VEHICLES -- REGISTRATION FEES

This act would require that every fee established pursuant to this section be increased by \$5, including (26) for the registration of a specially adapted motor vehicle necessary to transport a family member with a disability for personal, noncommercial use from \$30 to \$35, and all monies generated by said fee increases shall be transferred within 30 days to the RIPTA trust fund pursuant to section 39-18-10.

- 1-3 31-6-1. Amount of registration and miscellaneous fees. -- (a) The following
1-4 registration fees shall be paid to the division of motor vehicles for the registration of motor
1-5 vehicles, trailers, semi-trailers, and school buses subject to registration for each year of
1-6 registration:
6-20 (26) For the registration of a specially adapted motor vehicle necessary to transport a
6-21 family member with a disability for personal, noncommercial use, a fee of ~~thirty~~ thirty-five
6-22 dollars (~~\$30.00~~) (\$35.00) assessed.

MOTION: To find harmful unless amended to remove the specialty adaptive vehicle, S 0030 RELATING TO MOTOR AND OTHER VEHICLES -- REGISTRATION FEES GR/SB passed, BI abstained

H 5152/S 75 RELATING TO MOTOR AND OTHER VEHICLES - MOTOR FUEL TAX

This act would increase from \$0.0725 to \$0.0825 of the gas tax exclusively to RIPTA.

- 1-3 **31-36-20. Disposition of proceeds. --** (a) Notwithstanding any other provision of law to
1-4 the contrary, all moneys paid into the general treasury under the provisions of this chapter or
1-5 chapter 37 of this title shall be applied to and held in a separate fund and be deposited in any
1-6 depositories that may be selected by the general treasurer to the credit of the fund, which fund
1-7 shall be known as the Intermodal Surface Transportation Fund; provided, that in fiscal year 2004
1-8 for the months of July through April six and eighty-five hundredth cents (\$0.0685) per gallon of
1-9 the tax imposed and accruing for the liability under the provisions of section 31-36-7, less refunds
1-10 and credits, shall be transferred to the Rhode Island public transit authority as provided under
1-11 section 39-18-21. For the months of May and June in fiscal year 2004, the allocation shall be five
1-12 and five hundredth cents (\$0.0505). Thereafter, until fiscal year 2006, the allocation shall be six
1-13 and twenty-five hundredth cents (\$0.0625). For fiscal year 2006 and thereafter the allocation shall
1-14 be ~~seven and twenty-five hundredth cents (\$0.0725)~~ eight and twenty-five hundredths cents
1-15 (\$0.0825); provided, that expenditures shall include the costs of a market survey of non-transit
1-16 users and a management study of the agency to include the feasibility of moving the Authority
1-17 into the Department of Transportation, both to be conducted under the auspices of the state
1-18 budget officer. The state budget officer shall hire necessary consultants to perform the studies,
1-19 and shall direct payment by the Authority. Both studies shall be transmitted by the Budget Officer
2-1 to the 2006 session of the General Assembly, with comments from the Authority. One cent
2-2 (\$0.01) per gallon shall be transferred to the Elderly/Disabled Transportation Program of the
2-3 department of elderly affairs, and the remaining cents per gallon shall be available for general
2-4 revenue as determined by the following schedule:

MOTION: To find beneficial H 5152/S 75 RELATING TO MOTOR AND OTHER VEHICLES - MOTOR FUEL TAX AP/GR passed, abstained, EG, RC, BI, LW, BN

S 0015 RELATING TO MOTOR AND OTHER VEHICLES - MOTOR FUEL TAX

This act would decrease from \$0.0725 to \$0.01 of the gas tax exclusively to RIPTA.

1-3 **31-36-20. Disposition of proceeds.** -- (a) Notwithstanding any other provision of law to
1-4 the contrary, all moneys paid into the general treasury under the provisions of this chapter or
1-5 chapter 37 of this title shall be applied to and held in a separate fund and be deposited in any
1-6 depositories that may be selected by the general treasurer to the credit of the fund, which fund
1-7 shall be known as the Intermodal Surface Transportation Fund; provided, that in fiscal year 2004
1-8 for the months of July through April six and eighty-five hundredth cents (\$0.0685) per gallon of
1-9 the tax imposed and accruing for the liability under the provisions of section 31-36-7, less refunds
1-10 and credits, shall be transferred to the Rhode Island public transit authority as provided under
1-11 section 39-18-21. For the months of May and June in fiscal year 2004, the allocation shall be five
1-12 and five hundredth cents (\$0.0505). Thereafter, until fiscal year 2006, the allocation shall be six
1-13 and twenty-five hundredth cents (\$0.0625). For fiscal year 2006 and thereafter the allocation shall
1-14 be ~~seven and twenty-five hundredth cents (\$0.0725)~~ one cent (\$0.01); provided, that expenditures
1-15 shall include the costs of a market survey of non-transit users and a management study of the
1-16 agency to include the feasibility of moving the Authority into the Department of Transportation,
1-17 both to be conducted under the auspices of the state budget officer. The state budget officer shall
1-18 hire necessary consultants to perform the studies, and shall direct payment by the Authority. Both
1-19 studies shall be transmitted by the Budget Officer to the 2006 session of the General Assembly,
2-1 with comments from the Authority. One cent (\$0.01) per gallon shall be transferred to the
2-2 Elderly/Disabled Transportation Program of the department of elderly affairs, and the remaining
2-3 cents per gallon shall be available for general revenue as determined by the following schedule:

The committee took no position on S 0015 RELATING TO MOTOR AND OTHER VEHICLES - MOTOR FUEL TAX

2. TAXATION BILLS

H 5158/S 0032 RELATING TO TAXATION - PROPERTY SUBJECT TO TAXATION

This act would give cities and towns the option of entirely exempting the homestead of a disabled veteran or his or her surviving spouse from taxation.

1-1 SECTION 1. Section 44-3-4 of the General Laws in Chapter 44-3 entitled "Property
1-2 Subject to Taxation" is hereby amended to read as follows:
1-3 **44-3-4. Veterans' exemptions.** -- (a) (1) The property of each person who served in the
1-4 military or naval service of the United States in the war of the rebellion, the Spanish-American
1-5 war, the insurrection in the Philippines, the China-relief expedition, or World War I, and the
1-6 property of each person who served in the military or naval service of the United States in World
1-7 War II at any time during the period beginning December 7, 1941, and ending on December 31,
1-8 1946, and the property of each person who served in the military or naval services of the United
1-9 States in the Korean conflict at any time during the period beginning June 27, 1950 and ending
1-10 January 31, 1955 or in the Vietnam conflict at any time during the period beginning February 28,
1-11 1961 and ending May 7, 1975 or who actually served in the Grenada or Lebanon conflicts of
1-12 1983-1984, or the Persian Gulf conflict, the Haitian conflict, the Somalian conflict, and the
1-13 Bosnian conflict, at any time during the period beginning August 2, 1990 and ending May 1,
1-14 1994, or in any conflict or undeclared war for which a campaign ribbon or expeditionary medal
1-15 was earned, and who was honorably discharged from the service, or who was discharged under
1-16 conditions other than dishonorable, or who, if not discharged, served honorably, or the property
1-17 of the unmarried widow or widower of that person, is exempted from taxation to the amount of
1-18 one thousand dollars (\$1,000), except in:
7-10 (k) In addition to the exemptions previously provided, the several cities and towns are
7-11 hereby authorized to provide by ordinance for the total exemption from local taxation of the
7-12 homestead of a veteran, or his or her surviving spouse, who was honorably discharged or

7-13 separated from the military or naval service of the United States and who is totally disabled by a
7-14 service connected disability as determined by the United States Department of Veterans Affairs.

**MOTION: To find beneficial H 5158/S 0032 RELATING TO TAXATION -
PROPERTY SUBJECT TO TAXATION BI/GS passed, Nay JB, GR, & AP Abstain
EG, BN, & RC**

S 0076 RELATING TO TAXATION - PERSONAL INCOME TAX

This act would allow an individual to subtract from federal adjusted gross income up \$10,000 if he or she, while living, donates one of his or her organs to another human being for human organ transplantation.

1-1 SECTION 1. Section 44-30-12 of the General Laws in Chapter 44-30 entitled "Personal
1-2 Income Tax" is hereby amended to read as follows:

1-3 **44-30-12. Rhode Island income of a resident individual. --** (a) General. - The Rhode
1-4 Island income of a resident individual means his or her adjusted gross income for federal income
1-5 tax purposes, with the modifications specified in this section.

2-27 (c) Modifications reducing federal adjusted gross income. - There shall be subtracted
2-28 from federal adjusted gross income:

4-11 (7) Modification for organ transplantation. (i) An individual may subtract up to ten
4-12 thousand dollars (\$10,000) from federal adjusted gross income if he or she, while living, donates
4-13 one or more of his or her human organs to another human being for human organ transplantation,
4-14 except that for purposes of this subsection, "human organ" means all or part of a liver, pancreas,
4-15 kidney, intestine, lung, or bone marrow. A subtract modification that is claimed hereunder may be
4-16 claimed in the taxable year in which the human organ transplantation occurs.

4-17 (ii) An individual may claim that subtract modification hereunder only once, and the
4-18 subtract modification may be claimed for only the following unreimbursed expenses that are
4-19 incurred by the claimant and related to the claimant's organ donation:

4-20 (A) Travel expenses.

4-21 (B) Lodging expenses.

4-22 (C) Lost wages.

4-23 (iii) The subtract modification hereunder may not be claimed by a part-time resident or a
4-24 nonresident of this state.

**The Committee took no position on S 0076 RELATING TO TAXATION -
PERSONAL INCOME TAX**

3. DISABILITY PREVENTION BILLS

**H 5038 AN ACT RELATING TO HEALTH AND SAFETY - CHILDREN'S PRODUCT SAFETY
ACT**

This act would prohibit the manufacturing, sale or distribution of certain toys or child care articles containing bisphenol-A or certain phtalates; requiring a person to use the least toxic alternative and prohibiting a person from using certain carcinogens or certain reproductive toxicants in child care articles and/or toys.

1-3 **23-75-3.1. Toys and child care articles - Prohibitions. --** (a) For the purpose of this
1-4 section:

1-5 (1) "Child care article" means a product designed or intended by the manufacturer to
1-6 facilitate sleep, relaxation, or the feeding of a child or to help a child with sucking or teething;
1-7 and

1-8 (2) "Toy" means a product designed or intended by the manufacturer to be used by a
1-9 child when the child plays.

1-10 (b) On or after January 1, 2010, a person may not manufacture, sell, or distribute in
1-11 commerce any toy or child care article:

- 1-12 (1) Intended for use by a child under the age of 6 years and containing bisphenol-A; or
- 1-13 (2) Which contains diethylhexyl phthalate (DEHP), dibutyl phthalate (DBP), or butyl
- 1-14 benzyl phthalate (BBP) in concentrations exceeding one-tenth of a percent (0.1%); or
- 1-15 (3) Intended for use by a child under the age of six (6) years if the toy or child care article
- 1-16 can be placed in the mouth of the child; or
- 1-17 (4) Which contains diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), or dinooctyl
- 1-18 phthalate (DNOP) in concentrations exceeding one-tenth of a percent (0.1%).
- 1-19 (c) In complying with this subsection, a person:
- 2-1 (1) Shall use the least toxic alternative when replacing bisphenol-A and phthalates; and
- 2-2 (2) May not replace bisphenol-A or phthalates with:
- 2-3 (3) Carcinogens rated by the United States environmental protection agency as group A,
- 2-4 B, or C carcinogens; or
- 2-5 (4) Reproductive toxicants that cause birth defects, reproductive harm, or development
- 2-6 harm as identified by the United States environmental protection agency.
- 2-7 (d) Any person that violates any provision of this section is guilty of a misdemeanor, and
- 2-8 upon conviction shall be subject to a fine not exceeding ten thousand dollars (\$10,000) for each
- 2-9 violation.

MOTION To table 5038 & H 5132 for information from the Toxic Information Project BI/LW, passed unanimously

H 5132 RELATING TO HEALTH AND SAFETY - BANNING HARMFUL TOXINS - BISPHENOL A (BPA) FROM CONTAINERS THAT CONTACT BABY FOOD

This act would ban the use of bisphenol A (BPA) from all products intended for use by children, such as teethers, toys and soft plastics.

CHAPTER 13.6

HEALTH AND SAFETY

23-13.6-1. Legislative findings. -- The legislature finds and declares the following:

- 1-5 (1) Phthalates is a class of chemicals used in polyvinyl chloride (PVC) plastic to improve
- 1-6 flexibility and in cosmetics to bind fragrance to the product.
- 1-7 (2) Bisphenol A (BPA) is a chemical used to make hard clear plastic containers that has
- 1-8 the potential to alter human development.
- 1-9 (3) There is evidence that bisphenol A (BPA) poses significant health concerns for
- 1-10 children.
- 1-11 (4) The purpose of this act is to ensure that children are not exposed to harmful toxins.
- 1-12 (5) A further purpose of this act is to eliminate bisphenol A (BPA) in products intended
- 1-13 for use by children, such as teethers, toys, and soft plastic books.
- 1-14 (6) Substantial efforts to eliminate bisphenol A (BPA) from products are being made
- 1-15 throughout the United States. It is in the interest of Rhode Island citizens to eliminate the use of
- 1-16 BPA.

23-13.6-2. Definitions. -- For purposes of this chapter, the following words shall have the following meanings:

- 2-1 (a) "Toy" means all products designed or intended by the manufacturer to be used by
- 2-2 children when they play.
- 2-3 (b) "Child care article" means any product designed or intended by a manufacturer for
- 2-4 use either on or by children, or to facilitate sleep, relaxation, or the feeding of children, or to help
- 2-5 children with sucking or teething.

23-13.6-3. Manufacturing, processing or distribution. -- (a) No person or entity shall manufacture, sell, or distribute in commerce any toy or child care article that contains di – (2 – ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), or benzyl butyl phthalate (BBP), in concentrations exceeding one-tenth percent (0.1%).

2-11 (b) No person or entity shall manufacture, sell, or distribute in commerce any toy or child
2-12 care article intended for use by a child under five (5) years of age if that product can be placed in
2-13 the child's mouth and contains diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), or di-n-
2-14 octyl phthalate (DnOP), in concentrations exceeding one-tenth percent (0.1%).

2-15 (c) No person or entity shall manufacture, sell, or distribute in commerce any toy or child
2-16 care article intended for use by a child under five (5) years of age if that product contains
2-17 bisphenol A in detectable levels.

2-18 (d) More specifically, no person or entity shall manufacturer, sell or distribute in
2-19 commerce any bottle, cup or other container that contains bisphenol A, at a level above one-tenth
2-20 percent parts per billion (0.1 ppb), if the container is designed or intended to be filled with any
2-21 liquid, food on beverage primarily for consumption from that container by infants or children five
2-22 (5) years of age or younger.

2-23 **23-13.6-4. Manufacturers to use least toxic alternative.** -- (a) Manufacturers shall use
2-24 the least toxic alternative when replacing bisphenol A in containers and when replacing
2-25 phthalates in accordance with this chapter.

MOTION: To find beneficial H 5038 H 5132 RELATING TO HEALTH AND SAFETY - BANNING HARMFUL TOXINS - BISPHENOL A (BPA) FROM CONTAINERS THAT CONTACT BABY FOOD LG/AP passed, Abstained GR

S 0036 RELATING TO EDUCATION - SCHOOL AND MUNICIPAL PLAYGROUND SAFETY
This act would provide grants to cities and towns for projects undertaken specifically to comply with the department of education and department of health's joint health and environment recreational facility safety regulations and/or to provide access for people with disabilities.

1-3 **16-7-40. Increased school housing ratio for regional schools -- Energy conservation -**
1-4 **- Access for people with disabilities -- Asbestos removal projects.** -- (a) (1) In the case of
1-5 regional school districts, the school housing aid ratio shall be increased by two percent (2%) for
1-6 each grade so consolidated.

1-7 (2) Regional school districts undertaking renovation project(s) shall receive an increased
1-8 share ratio of four percent (4%) for those specific project(s) only, in addition to the combined
1-9 share ratio calculated in section 16-7-39 and this subsection.

1-10 (b) In the case of projects undertaken by regionalized and/or non-regionalized school
1-11 districts specifically for the purposes of energy conservation, access for people with disabilities,
1-12 recreation facility environmental safety, and/or asbestos removal, the school housing aid share
1-13 ratio shall be increased by ~~four percent (4%)~~ ten percent (10%) for these specific projects only, in
1-14 the calculation of school housing aid. The increased share ratio shall continue to be applied for as
1-15 long as the project(s) receive state housing aid. In order to qualify for the increased share ratio,
1-16 seventy-five percent (75%) of the project costs must be specifically directed to either energy
1-17 conservation, access for people with disabilities, and/or asbestos removal or any combination of
1-18 these projects. The board of regents for elementary and secondary education shall promulgate
1-19 rules and regulations for the administration and operation of this section.

2-1 (c) Upon the transfer of ownership from the state to the respective cities and towns of the
2-2 regional career and technical center buildings located in Cranston, East Providence, Newport,
2-3 Providence, Warwick, Woonsocket and the Charho regional school district, the school housing
2-4 aid share ratio shall be increased by four percent (4%) for the renovation and/or repair of these
2-5 buildings. To qualify for the increased share ratio, as defined in section 16-7-39, renovation and
2-6 repair projects must be submitted for approval through the necessity of school construction
2-7 process prior to the end of the second full fiscal year following the transfer of ownership and
2-8 assumption of local care and control of the building. Only projects at regional career and
2-9 technical centers that have full program approval from the department of elementary and
2-10 secondary education shall be eligible for the increased share ratio. The increased share ratio shall

2-11 continue to be applied for as long as the renovation and/or repair project receives school housing
2-12 aid.

2-13 (d) Projects undertaken specifically to comply with the department of education and
2-14 department of health's joint health and environment recreational facility safety regulations must
2-15 be developed in consultation with parents of children with and without disabilities.

2-16 SECTION 2. Section 42-17.1-2 of the General Laws in Chapter 42-17.1 entitled
2-17 "Department of Environmental Management" is hereby amended to read as follows:

2-18 **42-17.1-2. Powers and duties. --** The director of environmental management shall have
2-19 the following powers and duties:

14-6 (34) To provide grants to cities and towns for projects undertaken specifically to comply
14-7 with the department of education and department of health's joint health and environment
14-8 recreational facility safety regulations and/or provide access for people with disabilities. Such
14-9 projects must be developed in consultation with parents of children with and without disabilities.

**MOTION: To find beneficial S 0036 RELATING TO EDUCATION - SCHOOL
AND MUNICIPAL PLAYGROUND SAFETY AP/EG passed unanimously
S 0126 RELATING TO HEALTH AND SAFETY - PUBLIC HEALTH AND WORKPLACE
SAFETY ACT**

This act would prohibit smoking in all pari mutual facilities.

1-3 **23-20.10-3. Prohibition of smoking in public places. --** Smoking shall be prohibited in
1-4 all enclosed public places within the state of Rhode Island, including, but not limited to, the
1-5 following places:

1-6 (1) Aquariums, galleries, libraries and museums;

1-7 (2) Areas available to and customarily used by the general public in businesses and
1-8 nonprofit entities patronized by the public, including, but not limited to, professional offices,
1-9 banks, laundromats, hotels and motels.

1-10 (3) Bars;

1-11 (4) Bingo facilities when a bingo game is in progress;

1-12 (5) Convention facilities;

1-13 (6) Elevators;

1-14 (7) Facilities primarily used for exhibiting a motion picture, stage, drama, lecture,
1-15 musical, recital or other similar performance;

1-16 (8) Health care facilities;

1-17 (9) Licensed child care and adult day care facilities;

1-18 (10) Lobbies, hallways and other common areas in apartment buildings, condominiums,
2-1 trailer parks, retirement facilities, nursing homes and other multiple unit residential facilities with
2-2 more than four (4) units;

2-3 (11) Polling places;

2-4 (12) Public transportation facilities, including buses and taxicabs, under the authority of
2-5 the state of Rhode Island, and ticket, boarding and waiting areas of public transit depots;

2-6 (13) Restaurants;

2-7 (14) Restrooms, lobbies, reception areas, hallways and other common use areas;

2-8 (15) Retail stores;

2-9 (16) Rooms, chambers, places of meeting or public assembly, including school
2-10 buildings, under the control of an agency, board, commission, committee or council of the state of
2-11 Rhode Island or a political subdivision of the state when a public meeting is in progress, to the
2-12 extent the place is subject to the jurisdiction of the state of Rhode Island;

2-13 (17) Schools; including, primary, secondary and post-secondary education facilities;

2-14 (18) Service lines;

2-15 (19) Shopping malls;

2-16 (20) Sports arenas, including outdoor arenas;.

2-17 (21) Any pari mutual facility established within chapter 3.1 or 7 of title 41 or any pari
 2-18 mutual licensed within chapter 61.2 of title 42.
 2-19 SECTION 2. Section 23-20.10-6.1 of the General Laws in Chapter 23-20.10 entitled
 2-20 "Public Health and Workplace Safety Act" is hereby repealed.
 2-21 **23-20.10-6.1. Pari mutual facilities.** -- (a) Any pari mutual facility established under
 2-22 chapter 3.1 or 7 of title 41 or any pari mutual licensee under chapter 61.2 of title 42 shall provide
 2-23 designated smoking and nonsmoking gaming areas in their facilities.
 2-24 (b) The designated nonsmoking gaming area shall be physically separated from any
 2-25 smoking area and shall be required to have separate and distinct ventilation systems so as to
 2-26 prohibit the migration of smoke into the nonsmoking area.
 2-27 (c) Except as provided for in paragraph (d), any bar or restaurant located in a pari mutual
 2-28 facility shall be nonsmoking and be physically separate from any smoking area and shall have a
 2-29 separate ventilation system so as to prohibit the migration of smoke into the restaurant.
 2-30 (d) The prohibitions of this chapter shall not apply to any bar which is presently in
 2-31 existence, located in, and not physically separated from a designated smoking area.
 2-32 (e) Any licensee of a pari mutual facility shall promulgate rules and regulations to allow
 2-33 their employees the right to work in a smoke free environment. These rules shall include, but not
 2-34 be limited to, provisions on the right to opt out of working in a smoking area and a provision that
 3-1 no adverse impact or action could take place against the employee if they request to opt out of a
 3-2 smoking area. The rules promulgated by the licensee shall be filed with the lottery commission
 3-3 with copies to the general assembly and the department of health no later than March 1, 2005.
 3-4 (f) Commencing January 1, 2005, any pari mutual licensee shall file an annual report
 3-5 with the lottery commission with copies to the general assembly and department of health
 3-6 detailing smoke mitigation efforts undertaken by the licensee during the previous year and plans
 3-7 for the upcoming year. The licensee shall be required to monitor air quality with current
 3-8 appropriate technology. A professional HVAC engineer (or other appropriate professional) shall
 3-9 certify the monitoring process and results. The results of the monitoring process shall be included
 3-10 in the annual report.
 3-11 (g) Any enactment relating to the provisions of this section on pari mutual facilities or
 3-12 licensees shall be by statute as enacted by the general assembly, provided however that the
 3-13 general assembly may by statute delegate such authority to the cities and towns.

MOTION: To find beneficial S 0126 RELATING TO HEALTH AND SAFETY - PUBLIC HEALTH AND WORKPLACE SAFETY ACT BI/LD passed, Nay LW, JB, Abstain SB

4. DISABILITY BUSINESS ENTERPRISE RELATED BILLS

H 5210/S 0116 RELATING TO PUBLIC PROPERTY AND WORKS -- MINORITY BUSINESS ENTERPRISE

This act would clarify definitions, broaden administration flexibility, provide accountability and includes women-owned business enterprises (WBE) for 10% of the dollar value of the entire project in state funded and state directed public construction programs and projects and in state purchases of goods and services.

1-2 Chapter 37-14.1 entitled "Minority Business Enterprise" are hereby amended to read as
 1-3 follows:
 1-4 **37-14.1-1. Purpose.** -- The purpose of this chapter is to carry out the state's policy of
 1-5 supporting the fullest possible participation of firms owned and controlled by minorities and
 1-6 women (MBE's and WBE's) in state funded and state directed public construction programs and
 1-7 projects and in state purchases of goods and services. This includes assisting MBE's and WBE's
 1-8 throughout the life of contracts in which they participate.
 1-9 **37-14.1-3. Definitions.** -- (a) "Affirmative action" means taking specific steps to

1-10 eliminate discrimination and its effects, to ensure nondiscriminatory results and practices in the
1-11 future, and to involve minority business enterprises fully in contracts and programs funded by the
1-12 state.

1-13 (b) "Compliance" means the condition existing when a contractor has met and
1-14 implemented the requirements of this chapter and any federal, state, or municipal laws or
1-15 regulations relevant to the purpose of the contract, including, but not limited to, the federal EEOC
1-16 recruitment and selection guidelines.

1-17 (c) "Contract" means a mutually binding legal relationship or any modification thereof
1-18 obligating the seller to furnish supplies or services, including construction, and the buyer to pay
2-1 for them. For purposes of this chapter, a lease is a contract.

2-2 (d) "Contractor" means one who participates, through a contract or subcontract, in any
2-3 procurement or program covered by this chapter and includes lessees and material suppliers.

2-4 (e) "~~Minority~~" means ~~a person who is a citizen or lawful permanent resident of the~~
2-5 ~~United States and who is:~~

2-6 ~~(1) Black (a person having origins in any of the black racial groups of Africa);~~
2-7 ~~(2) Hispanic (a person of Mexican, Puerto Rican, Cuban, Central or South American, or~~
2-8 ~~other Spanish culture or origin, regardless of race);~~
2-9 ~~(3) Portuguese (a person of Portuguese, Brazilian, or other Portuguese culture or origin,~~
2-10 ~~regardless of race);~~
2-11 ~~(4) Asian American (a person having origins in any of the original peoples of the Far~~
2-12 ~~East, Southeast Asia, the Indian subcontinent, or the Pacific Islands);~~
2-13 ~~(5) American Indian and Alaskan Native (a person having origins in any of the original~~
2-14 ~~peoples of North America); or~~

2-15 (e) "Minority individual" means an individual who is a citizen of the United States or a
2-16 noncitizen who is in full compliance with United States immigration law and who satisfies one or
2-17 more of the following definitions:

2-18 (1) "African American" means a person having origins in any of the original peoples or
2-19 nations of Africa, such as Cape Verde, Liberia and Nigeria;

2-20 (2) "Asian American" means a person having origins in any of the original peoples of the
2-21 Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands, including, but not limited
2-22 to, Japan, China, Vietnam, Samoa, Laos, Cambodia, Taiwan, Northern Mariana, the Philippines, a
2-23 U.S. Territory of the Pacific, India, Pakistan, Bangladesh, or Sri Lanka;

2-24 (3) "Latino American" means a person having origins in any of the peoples of Mexico,
2-25 South or Central America, the Caribbean Islands, or Brazil;

2-26 (4) "Native American" means a person having origins in any of the original peoples of
2-27 North America or who is recognized by a tribal organization; or

2-28 ~~(6)(5) Members of other groups or other individuals found to be economically and~~
2-29 ~~socially disadvantaged by the Small Business Administration under section 8(a) of the Small~~
2-30 ~~Business Act, as amended, 15 U.S.C. section 637(a).~~

2-31 (f) "~~Minority business enterprise~~" or "~~MBE~~" means ~~a small business concern, as defined~~
2-32 ~~pursuant to section 3 of the federal Small Business Act, 15 U.S.C. section 632, and implementing~~
2-33 ~~regulations, which is owned and controlled by one or more minorities or women. For the~~
2-34 ~~purposes of this chapter, owned and controlled means a business:~~

3-1 ~~(1) Which is at least fifty one percent (51%) owned by one or more minorities or women~~
3-2 ~~or, in the case of a publicly owned business, at least fifty one percent (51%) of the stock of which~~
3-3 ~~is owned by one or more minorities or women; and~~

3-4 ~~(2) Whose management and daily business operations are controlled by one or more such~~
3-5 ~~individuals.~~

3-6 (f) "Minority business enterprise" or "MBE" means a small business concern that is at
3-7 least fifty-one percent (51%) owned by one or more minority individuals that are found to be
3-8 socially and economically disadvantaged by the Small Business Administration under section

3-9 8(a) of the Small Business Act, as amended, 15 U.S.C. section 637(a), or in the case of any
3-10 corporation, partnership, or limited liability company or other entity, at least fifty-one percent
3-11 (51%) of the equity ownership is owned by one or more socially and economically disadvantaged
3-12 minority individuals and the management and daily business operations are controlled by one or
3-13 more of the socially and economically disadvantaged minority individuals who own it.

3-14 (g) "Women-owned business enterprises" or "WBE" means a small business concern that
3-15 is at least fifty-one percent (51%) owned by one or more women that are found to be socially and
3-16 economically disadvantaged by the Small Business Administration under section 8(a) of the
3-17 Small Business Act, as amended, 15 U.S.C. section 637(a), or in the case of any corporation,
3-18 partnership, or limited liability company or other entity, at least fifty-one percent (51%) of the
3-19 equity ownership is owned by one or more socially and economically disadvantaged women and
3-20 the management and daily business operations are controlled by one or more of the socially and
3-21 economically disadvantaged women who own it.

3-22 (h)(g) "MBE coordinator" means the official designated to have overall responsibility for
3-23 promotion of minority business enterprise in his or her departmental element.

3-24 (i)(h) "Noncompliance" means the condition existing when a recipient or contractor has
3-25 failed to implement the requirements of this chapter.

3-26 (j) "Small Business concern" means a business as defined by the Federal Small Business
3-27 Act, 15 U.S.C.

3-28 (k) "State funded and state directed public construction programs and projects" means
3-29 any construction project, construction contract or procurement contract for goods and services
3-30 funded in whole or in part by state funds, or funds which, in accordance with federal grant or
3-31 otherwise, the state expends or administers or in which the state is a signatory. Quasi-independent
3-32 state agencies, such as the Rhode Island public buildings authority. The Narragansett Bay
3-33 commission and the Rhode Island port authority, are subject to the requirements outlined under
3-34 these provisions.

4-1 **37-14.1-4. Policy.** -- It is the policy of the state of Rhode Island that minority business
4-2 enterprises (MBE's) and women-owned business enterprises (WBE's) shall have the maximum
4-3 opportunity to participate in the performance of procurements and projects outlined in section 37-
4-4 14.1-2.

4-5 **37-14.1-6. Minority business enterprise participation.** -- **Minority business**
4-6 **enterprise and women-owned business enterprise participation.** -- (a) Minority business
4-7 enterprises shall be included in all procurements and construction projects under this chapter and
4-8 shall be awarded a minimum of ten percent (10%) of the dollar value of the entire procurement or
4-9 project. The director of the department of administration is further authorized to establish by rules
4-10 and regulation formulas for giving minority business enterprises a preference in contract and
4-11 subcontract awards.

4-12 (b) Women-owned business enterprises shall be included in all procurements and
4-13 construction projects under this chapter and shall be awarded a minimum of ten percent (10%) of
4-14 the dollar value of the entire procurement or project. The director of the department of
4-15 administration is further authorized to establish by rules and regulation formulas for giving
4-16 women-owned business enterprises a preference in contract and subcontract awards.

4-17 (c) The MBE coordinator shall report state expended procurement dollars on minority
4-18 and women-owned businesses. The report shall disclose procurement expenditures by the ethnic
4-19 category and industry under the "minority definition."

4-20 SECTION 2. Chapter 37-14.1 of the General Laws entitled "Minority Business
4-21 Enterprise" is hereby amended by adding thereto the following sections:

4-22 **37-14.1-7.1. Cooperation.** -- All departments, boards, and agencies of the state shall
4-23 cooperate with all state entities charged with equal opportunity, diversity, minority business
4-24 enterprise, and/or civil rights concerns, such as the human rights commission, the state equal
4-25 opportunity office, the human resources, outreach and diversity, the minority business enterprise

4-26 office, the commission on women, the governor's commission on the handicapped, and shall
4-27 furnish any advice and information, documentary and otherwise, that may be necessary or
4-28 desirable to facilitate the purposes of this chapter.

4-29 **37-14.1-7.2. Quarterly reports.** -- The director of the department of administration shall
4-30 file quarterly reports, hereby known as the state contract roster, with the secretary of state of all
4-31 state contracts. The office of secretary of state shall post the state contract roster on its website
4-32 for public disclosure. Included in the report shall be:

4-33 (1) The date, dollar amount, date of issuance, contract period, designation of bid or no bid
4-34 status of all state contracts issued during the quarter, by state and agency; and

5-1 (2) The Rhode Island economic development corporation shall make available
5-2 electronically its directory of businesses in Rhode Island on its website, and to the secretary of
5-3 state for public disclosure on the secretary of state website, as the recorder of public documents.
5-4 The directory of businesses shall be all inclusive, annually updated, and shall designate minority
5-5 and certified minority status. For purposes of this report, female owned businesses shall be
5-6 distinguished from other minority groups. For purposes of this chapter, minority shall be
5-7 consistent with the definitions contained within.

5-8 **37-14.1-7.3. Severability.** -- If any provision or part of this chapter, or application of this
5-9 chapter to any person or circumstances is held unconstitutional or otherwise invalid, the
5-10 remaining provisions of this chapter and the application of those provisions to any other person or
5-11 persons or circumstances, other than those to which it is held invalid, shall not be affected by that
5-12 invalidity.

H 5215 RELATING TO PUBLIC PROPERTY AND WORKS -- STATE PURCHASE

This act would limit the period allowed for state contracts for services and purchases and would provide maximum opportunities for Rhode Island minority owned and small businesses to participate in the state purchasing procedures in this chapter.

1-1 SECTION 1. Section 37-2-33 of the General Laws in Chapter 37-2 entitled "State
1-2 Purchases" is hereby amended to read as follows:

1-3 **37-2-33. Multi-year contracts.** -- (a) Unless otherwise provided in the statute making
1-4 appropriations therefor, multi-year contracts for supplies and services may be entered into for
1-5 periods extending beyond the end of the fiscal year in which the contract was made, if funds for
1-6 the first fiscal year of the contemplated contract are available at the time of contracting and the
1-7 contract states that payment and performance obligations for succeeding fiscal years shall be
1-8 subject to the availability of funds therefor.

1-9 (b) Prior to the utilization of a contract as described in subsection (a) of this section, it
1-10 shall be determined, in writing, by the chief purchasing officer:

1-11 (1) That estimated requirements cover the period of the contract, are reasonably firm,
1-12 and continuing; and

1-13 (2) That the contract will serve the best interests of the state by encouraging effective
1-14 competition or otherwise promoting economics in state procurement.

1-15 (c) When funds are not appropriated or otherwise made available to support continuation
1-16 of performance in a subsequent year of a contract as described in subsection (a) of this section,
1-17 the contract for the subsequent year may be cancelled and the contractor shall be reimbursed for
1-18 the reasonable value of any nonrecurring costs incurred but not amortized in the price of the
1-19 supplies or services delivered under the contract. The cost of cancellation may be paid from:

2-1 (1) Appropriations currently available for performance of the contract;

2-2 (2) Appropriations currently available for procurement of similar supplies or services
2-3 and not otherwise obligated; or

2-4 (3) Appropriations made specifically for the payment of cancellation costs.

2-5 (d) Notwithstanding any general or public law to the contrary, all state contracts for
2-6 supplies and services shall be limited to a period of two (2) years with an option to renew said

2-7 contract for no longer than two (2) additional years. Any contract for supplies and services which
2-8 extends beyond the two (2) year period with a two (2) year option shall first be resubmitted for
2-9 consideration and must comply with all the provisions of chapter 37-2.

2-10 SECTION 2. Chapter 37-2 of the General Laws entitled "State Purchases" is hereby
2-11 amended by adding thereto the following section:

2-12 **37-2-80. Minority and small Rhode Island business preference.** – This chapter shall
2-13 provide and comply with the provisions of chapter 37-14-1 relating to “minority business
2-14 enterprise” and shall provide all minority owned businesses and small businesses located in
2-15 Rhode Island with the maximum opportunity to participate in the state purchasing procedures of
2-16 this chapter.

MOTION: To recommend the Commission take a position on H 5210/S 0116
RELATING TO PUBLIC PROPERTY AND WORKS -- MINORITY BUSINESS
ENTERPRISE & H 5215 RELATING TO PUBLIC PROPERTY AND WORKS --
STATE PURCHASE, with advice from the DBE Cmte. BI/AP passed unanimously

5. CIVIL RIGHTS BILLS

H 5135/S 0162 RELATING TO STATE AFFAIRS AND GOVERNMENT - THE CIVIL RIGHTS
ACT OF 1990

This act would set a 3 year statute of limitations on any alleged violation of the Civil Rights Act.

1-1 SECTION 1. Section 42-112-2 of the General Laws in Chapter 42-112 entitled "The
1-2 Civil Rights Act of 1990" is hereby amended to read as follows:
1-3 **42-112-2. Civil liability.** -- A person whose rights under the provision of section 42-112-
1-4 1 have been violated may commence a civil action for injunctive and other appropriate equitable
1-5 relief, and for the award of compensatory and exemplary damages, within three (3) years after
1-6 the occurrence of the alleged violation of this chapter. An aggrieved person who prevails in an
1-7 action authorized by this section, in addition to other damages, is entitled to an award of the costs
1-8 of the litigation and reasonable attorneys' fees in an amount to be fixed by the court.

MOTION: To *find beneficial* H 5135/S 0162 RELATING TO STATE AFFAIRS
AND GOVERNMENT - THE CIVIL RIGHTS ACT OF 1990 LG/EG

MOTION: To amend the motion and urge the extension to 7 year. GR/BI passed, Nay
JB,SB,LW,AP.

Vote on the MOTION as amended passed Yea BI, LG, GS, GR, KMc, EG,& LD Nay
JB,LW,RC,AP, & SB.

S 0129 RELATING TO PROPERTY -- RHODE ISLAND FAIR HOUSING PRACTICES ACT
This act would prohibit discrimination in housing against those persons who are recipients of
government assistance.

1-1 SECTION 1. Chapter 34-37 of the General Laws entitled "Rhode Island Fair Housing
1-2 Practices Act" is hereby amended by adding thereto the following sections:
1-3 **34-37-2.5. Right to equal housing opportunities -- Government assistance recipient**
1-4 **status.** – Whenever in this chapter there shall appear the words “marital status” there shall be
1-5 inserted immediately thereafter the words “government assistance recipient status.”
1-6 **34-37-2.6. Discrimination based on government assistance recipient status --**
1-7 **Exemption.** – Nothing in this title shall prohibit an owner of a housing accommodation from
1-8 refusing to rent to a person based on his or her government assistance recipient status if the
1-9 housing accommodation is three (3) units or less, one of which is occupied by the owner.
1-10 SECTION 2. Sections 34-37-1, 34-37-2, 34-37-3, 34-37-4, 34-37-4.3, 34-37-5.2, 34-37-
1-11 5.3 and 34-37-5.4 of the General Laws in Chapter 34-37 entitled "Rhode Island Fair Housing

1-12 Practices Act" are hereby amended to read as follows:

1-13 **34-37-1. Finding and declaration of policy.** -- (a) In the State of Rhode Island and
1-14 Providence Plantations, hereinafter referred to as the state, many people are denied equal
1-15 opportunity in obtaining housing accommodations and are forced to live in circumscribed areas
1-16 because of discriminatory housing practices based upon race, color, religion, sex, sexual
1-17 orientation, gender identity or expression, marital status, government assistance recipient status,
1-18 country of ancestral origin, disability, age, familial status, or on the basis that a tenant or
1-19 applicant, or a member of the household, is or has been, or is threatened with being, the victim of
2-1 domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking, relief from
2-2 any court in the form of a restraining order for protection from domestic abuse. These practices
2-3 tend unjustly to condemn large groups of inhabitants to dwell in segregated districts or under
2-4 depressed living conditions in crowded, unsanitary, substandard, and unhealthful
2-5 accommodations. These conditions breed intergroup tension as well as vice, disease, juvenile
2-6 delinquency, and crime; increase the fire hazard; endanger the public health; jeopardize the public
2-7 safety, general welfare and good order of the entire state; and impose substantial burdens on the
2-8 public revenues for the abatement and relief of conditions so created. These discriminatory and
2-9 segregative housing practices are inimical to and subvert the basic principles upon which the
2-10 colony of Rhode Island and Providence Plantations was founded and upon which the state and the
2-11 United States were later established. Discrimination and segregation in housing tend to result in
2-12 segregation in our public schools and other public facilities, which is contrary to the policy of the
2-13 state and the constitution of the United States. Further, discrimination and segregation in housing
2-14 adversely affect urban renewal programs and the growth, progress, and prosperity of the state. In
2-15 order to aid in the correction of these evils, it is necessary to safeguard the right of all individuals
2-16 to equal opportunity in obtaining housing accommodations free of discrimination.

2-17 (b) It is hereby declared to be the policy of the state to assure to all individuals regardless
2-18 of race, color, religion, sex, sexual orientation, gender identity or expression, marital status,
2-19 government assistance recipient status, country of ancestral origin, or disability, age, familial
2-20 status, or those tenants or applicants, or members of a household, who are, or have been, or are
2-21 threatened with being, the victims of domestic abuse, or those tenants or applicants who have
2-22 obtained, or sought, or are seeking, relief from any court in the form of a restraining order for
2-23 protection from domestic abuse, equal opportunity to live in decent, safe, sanitary, and healthful
2-24 accommodations anywhere within the state in order that the peace, health, safety, and general
2-25 welfare of all the inhabitants of the state may be protected and insured.

2-26 (c) The practice of discrimination in rental housing based on the potential or actual
2-27 tenancy of a person with a minor child, or on the basis that a tenant or applicant, or a member of
2-28 the household, is or has been or is threatened with being, the victim of domestic abuse, or that the
2-29 tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a
2-30 restraining order for protection from domestic abuse is declared to be against public policy.

2-31 (d) This chapter shall be deemed an exercise of the police power of the state for the
2-32 protection of the public welfare, prosperity, health, and peace of the people of the state.

2-33 (e) Nothing in this section shall prevent a landlord from proceeding with eviction action
2-34 against a tenant who fails to comply with section 34-18-24(7).

3-1 **34-37-2. Right to equal housing opportunities -- Civil rights.** -- The right of all
3-2 individuals in the state to equal housing opportunities and regardless of race, color, religion, sex,
3-3 sexual orientation, gender identity or expression, marital status, government assistance recipient
3-4 status, country of ancestral origin, disability, age, familial status, or regardless of the fact that a
3-5 tenant or applicant, or a member of the household, is or has been, or is threatened with being, the
3-6 victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking,
3-7 relief from any court in the form of a restraining order for protection from domestic abuse, is
3-8 hereby recognized as, and declared to be, a civil right. Nothing in this section shall prevent a
3-9 landlord from proceeding with eviction action against a tenant who fails to comply with section

3-10 34-18-24(7).

3-11 **34-37-3. Definitions.** -- When used in this chapter:

3-15 (3) "Discriminate" includes segregate, separate, or otherwise differentiate between or
3-16 among individuals because of race, color, religion, sex, sexual orientation, gender identity or
3-17 expression, marital status, government assistance recipient status, country of ancestral origin,
3-18 disability, age, or familial status or because of the race, color, religion, sex, sexual orientation,
3-19 gender identity or expression, marital status, government assistance recipient status, country of
3-20 ancestral origin, disability, age or familial status of any person with whom they are or may wish
3-21 to be associated.

5-22 (20) The term "government assistance recipient status" means being the recipient of
5-23 federal, state or local public assistance, including medical assistance, or the recipient of federal,
5-24 state or local housing subsidies, including section 8, and other rental assistance or rental
5-25 supplements, or who is subject to the requirements of any public assistance, rental assistance or
5-26 housing subsidy program.

5-27 34-37-4. Unlawful housing practices. -- (a) No owner having the right to sell, rent,
5-28 lease, or manage a housing accommodation as defined in section 34-37-3(11), or an agent of any
5-29 of these shall, directly or indirectly, make or cause to be made any written or oral inquiry
5-30 concerning the race, color, religion, sex, sexual orientation, gender identity or expression, marital
5-31 status, government assistance recipient status, country of ancestral origin or disability, age,
5-32 familial status nor make any written or oral inquiry concerning whether a tenant or applicant, or a
5-33 member of the household, is or has been, or is threatened with being, the victim of domestic
5-34 abuse, or whether a tenant or applicant has obtained, or sought, or is seeking, relief from any
6-1 court in the form of a restraining order for protection from domestic abuse, of any prospective
6-2 purchaser, occupant, or tenant of the housing accommodation; or shall, directly or indirectly,
6-3 refuse to sell, rent, lease, let, or otherwise deny to or withhold from any individual the housing
6-4 accommodation because of the race, color, religion, sex, sexual orientation, gender identity or
6-5 expression, marital status, government assistance recipient status, country of ancestral origin,
6-6 disability, age, or familial status of the individual or the race, color, religion, sex, sexual
6-7 orientation, gender identity or expression, marital status, government assistance recipient status,
6-8 country of ancestral origin or disability, age, or familial status of any person with whom the
6-9 individual is or may wish to be associated; or shall, or on the basis that a tenant or applicant, or a
6-10 member of the household, is or has been, or is threatened with being, the victim of domestic
6-11 abuse, or that the tenant or applicant has obtained, or sought, or is seeking, relief from any court
6-12 in the form of a restraining order for protection from domestic abuse. Nor shall an owner having
6-13 the right to sell, rent, lease, or manage a housing accommodation as defined in section 34-37-
6-14 3(11), or an agent of any of these, directly or indirectly, issue any advertisement relating to the
6-15 sale, rental, or lease of the housing accommodation which indicates any preference, limitation,
6-16 specification, or discrimination based upon race, color, religion, sex, sexual orientation, gender
6-17 identity or expression, marital status, government assistance recipient status, country of ancestral
6-18 origin, disability, age, familial status, or on the basis that a tenant or applicant, or a member of the
6-19 household, is or has been, or is threatened with being, the victim of domestic abuse, or that the
6-20 tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a
6-21 restraining order for protection from domestic abuse, or shall, directly or indirectly, discriminate
6-22 against any individual because of his or her race, color, religion, sex, sexual orientation, gender
6-23 identity or expression, marital status, government assistance recipient status, country of ancestral
6-24 origin, disability, age, familial status, or on the basis that a tenant or applicant, or a member of the
6-25 household, is or has been, or is threatened with being, the victim of domestic abuse, or that the
6-26 tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a
6-27 restraining order for protection from domestic abuse, in the terms, conditions, or privileges of the
6-28 sale, rental, or lease of any housing accommodation or in the furnishing of facilities or services in
6-29 connection with it. Nothing in this subsection shall be construed to prohibit any oral or written

6-30 inquiry as to whether the prospective purchaser or tenant is over the age of eighteen (18).
6-31 (b) No person to whom application is made for a loan or other form of financial
6-32 assistance for the acquisition, construction, rehabilitation, repair, or maintenance of any housing
6-33 accommodation, whether secured or unsecured shall directly or indirectly make or cause to be
6-34 made any written or oral inquiry concerning the race, color, religion, sex, sexual orientation,
7-1 gender identity or expression, marital status, government assistance recipient status, country of
7-2 ancestral origin, disability, age, familial status, or any express written or oral inquiry into whether
7-3 a tenant or applicant, or a member of the household, is or has been, or is threatened with being,
7-4 the victim of domestic abuse, or whether a tenant or applicant has obtained, or sought, or is
7-5 seeking, relief from any court in the form of a restraining order for protection from domestic
7-6 abuse, of any individual seeking the financial assistance, or of existing or prospective occupants
7-7 or tenants of the housing accommodation; nor shall any person to whom the application is made
7-8 in the manner provided, directly or indirectly, discriminate in the terms, conditions, or privileges
7-9 relating to the obtaining or use of any financial assistance against any applicant because of the
7-10 race, color, religion, sex, sexual orientation, gender identity or expression, marital status,
7-11 government assistance recipient status, country of ancestral origin, disability, age, familial status,
7-12 or on the basis that a tenant or applicant, or a member of the household, is or has been, or is
7-13 threatened with being, the victim of domestic abuse, or that the tenant or applicant has obtained,
7-14 or sought, or is seeking, relief from any court in the form of a restraining order for protection
7-15 from domestic abuse, of the applicant or of the existing or prospective occupants or tenants.
7-16 Nothing in this subsection shall be construed to prohibit any written or oral inquiry as to whether
7-17 the applicant is over the age of eighteen (18).
7-18 (c) Nothing in this section contained shall be construed in any manner to prohibit or limit
7-19 the exercise of the privilege of every person and the agent of any person having the right to sell,
7-20 rent, lease, or manage a housing accommodation to establish standards and preferences and set
7-21 terms, conditions, limitations, or specifications in the selling, renting, leasing, or letting thereof or
7-22 in the furnishing of facilities or services in connection therewith which do not discriminate on the
7-23 basis of the race, color, religion, sex, sexual orientation, gender identity or expression, marital
7-24 status, government assistance recipient status, country of ancestral origin, disability, age, familial
7-25 status, or on the basis that a tenant or applicant, or a member of the household, is or has been, or
7-26 is threatened with being, the victim of domestic abuse, or that the tenant or applicant has
7-27 obtained, or sought, or is seeking, relief from any court in the form of a restraining order for
7-28 protection from domestic abuse, of any prospective purchaser, lessee, tenant, or occupant thereof
7-29 or on the race, color, religion, sex, sexual orientation, gender identity or expression, marital
7-30 status, government assistance recipient status, country of ancestral origin, disability, age, or
7-31 familial status of any person with whom the prospective purchaser, lessee, tenant, or occupant is
7-32 or may wish to be associated. Nothing contained in this section shall be construed in any manner
7-33 to prohibit or limit the exercise of the privilege of every person and the agent of any person
7-34 making loans for or offering financial assistance in the acquisition, construction, rehabilitation,
8-1 repair, or maintenance of housing accommodations to set standards and preferences, terms,
8-2 conditions, limitations, or specifications for the granting of loans or financial assistance which do
8-3 not discriminate on the basis of the race, color, religion, sex, sexual orientation, gender identity or
8-4 expression, marital status, government assistance recipient status, country of ancestral origin,
8-5 disability, age, familial status, or on the basis that a tenant or applicant, or a member of the
8-6 household, is or has been, or is threatened with being, the victim of domestic abuse, or that the
8-7 tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a
8-8 restraining order for protection from domestic abuse, of the applicant for the loan or financial
8-9 assistance or of any existing or prospective owner, lessee, tenant, or occupant of the housing
8-10 accommodation.
10-13 34-37-4.3. Discrimination in granting credit or loans prohibited. -- No financial
10-14 organization governed by the provisions of title 19 or any other credit granting commercial

10-15 institution may discriminate in the granting or extension of any form of loan or credit, or the
10-16 privilege or capacity to obtain any form of loan or credit, on the basis of the applicant's sex,
10-17 marital status, government assistance recipient status, race or color, religion or country of
10-18 ancestral origin, disability or age or familial status, sexual orientation, or gender identity or
10-19 expression, and the form of loan and credit shall not be limited to those concerned with housing
10-20 accommodations, and the commission shall prevent any violation hereof in the same manner as it
10-21 is to prevent unlawful housing practices under the provisions of this chapter.

10-22 34-37-5.2. Discrimination in brokerage services. -- It shall be unlawful to deny any
10-23 person who meets licensing and other non-discriminatory requirements which are also applied to
10-24 other applicants and members access to or membership or participation in any real estate listing
10-25 service, real estate brokers' organization, or other service, organization, or facility relating to the
10-26 business of selling, leasing, or renting a housing accommodation, or to discriminate against him
10-27 or her in the terms or conditions of the access, membership, or participation, on account of race,
10-28 color, religion, sex, sexual orientation, gender identity or expression, marital status, government
10-29 assistance recipient status, country of ancestral origin, disability, age, or familial status.

10-30 34-37-5.3. Fostering of segregated housing prohibited. -- It shall be an unlawful
10-31 discriminatory housing practice to for profit induce or attempt to induce any person to sell or rent
10-32 any dwelling by representations regarding the entry or prospective entry into the neighborhood of
10-33 a person or persons of a particular race, color, religion, marital status, government assistance
10-34 recipient status, country of ancestral origin, sex, sexual orientation, gender identity or expression,
11-1 age, disability, or familial status.

11-2 34-37-5.4. Discrimination in residential real estate related transactions. -- (a) It shall
11-3 be unlawful for any person or other entity whose business includes engaging in residential real
11-4 estate related transactions to discriminate against any person in making available a transaction, or
11-5 in the terms and conditions of the transaction, because of race, color, religion, marital status,
11-6 government assistance recipient status, country of ancestral origin, sex, sexual orientation, gender
11-7 identity or expression, age, disability, or familial status.

11-8 (b) As used in this section, the term "residential real estate related transaction" means
11-9 any of the following:

11-10 (1) The making or purchasing of loans or providing other financial assistance:

11-11 (i) For purchasing, constructing, improving, repairing, or maintaining a dwelling; or

11-12 (ii) Secured by residential real estate.

11-13 (2) The selling, brokering, or appraising of residential real property.

11-14 (c) Nothing in this chapter prohibits a person engaged in the business of furnishing
11-15 appraisals of real property to take into consideration factors other than race, color, religion,
11-16 marital status, country of ancestral origin, sex, sexual orientation, gender identity or expression,
11-17 age, disability, or familial status.

MOTION: To find beneficial S 0129 RELATING TO PROPERTY -- RHODE ISLAND FAIR HOUSING PRACTICES ACT BI/LW passed unanimously

H 5287/S 0056 RELATING TO HEALTH AND SAFETY -- RIGHTS OF NURSING HOME PATIENTS

This act would require nursing home administrators to report abuse of residents to the state police or the police department of the municipality where the abuse occurred.

1-1 SECTION 1. Section 23-17.5-9 of the General Laws in Chapter 23-17.5 entitled "Rights
1-2 of Nursing Home Patients" is hereby amended to read as follows:

1-3 **23-17.5-9. Abuse.** -- (a) Patients shall not be subject to mental and physical abuse, and
1-4 shall be free from chemical and (except in emergencies) physical restraints except as authorized
1-5 in writing by a physician for a specified and limited period of time for the protection of the
1-6 patient.

1-7 (b) Restraining devices are generally prohibited. A controlling device to be used for the

1-8 protection of the patient may be utilized only as prescribed in writing and signed by a physician.
1-9 The length of time, the purpose, and the kind of restraint shall be specified in the physician's
1-10 order.

1-11 (c) A training program in the use of restraints shall be required for all personnel
1-12 providing direct patient care, and completion of the program shall be documented in the
1-13 employee's personnel record.

1-14 (d) If physical restraining devices are authorized by a physician in accordance with
1-15 subsection (b), the patient's next of kin or legal guardian shall be informed in writing of the
1-16 purpose and duration of restraint. A copy of the communication shall be retained in the medical
1-17 record for one year.

1-18 (e) Whenever any nursing home administrator shall receive information that a resident of
1-19 his/her facility has been harmed as a result of physical or emotional abuse, neglect, or
2-1 mistreatment, the administrator shall immediately notify the state police or the police department
2-2 of the city or town in which the abuse occurred.

MOTION: To find beneficial if amend to include financial exploitation H 5287/S 0056
RELATING TO HEALTH AND SAFETY -- RIGHTS OF NURSING HOME
PATIENTS BI/ JB passed, abstain LG

H 5140 RELATING TO LABOR AND LABOR RELATIONS -- WORKERS' COMPENSATION -
- GENERAL PROVISIONS

This act would allow an employer access to an employee's workers' compensation claim history.

1-1 SECTION 1. Chapter 28-29 of the General Laws entitled "Workers' Compensation -
1-2 General Provisions" is hereby amended by adding thereto the following section:

1-3 **28-29-31. Employer's right to information regarding past claims.** – Notwithstanding
1-4 any general or public law to the contrary, the department of labor and training shall, upon request,
1-5 provide any employer providing benefits pursuant to this chapter information regarding an
1-6 employee's prior workers' compensation claims. The information provided shall be limited to the
1-7 number of claims filed by the employee and the duration of any claim so awarded.

MOTION: To find harmful H 5140 RELATING TO LABOR AND LABOR
RELATIONS -- WORKERS' COMPENSATION -- GENERAL PROVISIONS BI/SB
failed, Yea BI, SB, & GS Abstain LG

H 5217/S 0060 RELATING TO EDUCATION - - MANDATES

This act would require that educational mandates be fully funded or else unenforceable. The lack of
full and adequate funding as a provision of an educational mandate shall be an absolute defense
against any legal action filed by any party for the purpose of enforcing the provisions of the mandate.

1-3

CHAPTER 88

1-4

STATE EDUCATIONAL MANDATES

1-5

16-88-1. Mandate defined. – For the purpose of this chapter, "an educational mandate"
1-6 shall mean any requirement or dictate enacted by the general assembly or promulgated by a
1-7 regulator of a state agency addressed to any school district.

1-8

16-88-2. Future mandates. – (a) No educational mandate shall be enacted or
1-9 promulgated after the effective date of this chapter, unless the body enacting or promulgating the
1-10 same shall first, after public hearing, determine the cost of the proposed mandate to each of the
1-11 school districts of the state. No rule, regulation or policy adopted by state departments, agencies
1-12 or quasi-state departments or agencies which requires any new expenditure of money or increased
1-13 expenditure of money by a city or town shall take effect unless full and adequate funding, as
1-14 determined by public hearing, is included as a portion of the language of the mandate document.

1-15

(b) The lack of full and adequate funding as a provision of an educational mandate shall

1-16 be an absolute defense against any legal action filed by any party for the purpose of enforcing the
1-17 provisions of the mandate.

MOTION: To find harmful H 5217/ S 0060 RELATING TO EDUCATION - -
MANDATES AP/JB passed unanimously

6. HEALTH CARE

H 5266 RELATING TO HEALTH AND SAFETY - THE RHODE ISLAND AUTISM SPECTRUM

This act would create a special governmental joint venture between the department of health, the department of elementary and secondary education, and the department of human services. The purpose would be to promote public awareness of and the use of early intervention services in regard to autism spectrum disorder.

1-1 SECTION 1. Section 23-79-3 of the General Laws in Chapter 23-79 entitled "The Rhode
1-2 Island Autism Spectrum Disorder Evaluation and Treatment Act" is hereby amended to read as
1-3 follows:

1-4 **23-79-3. Legislative findings.** -- It is hereby found and declared as follows:

1-5 (a) Autism is a significant neurological disorder that is a threat to the development of
1-6 children. Autism Spectrum Disorder ("ASD") has rapidly increased in diagnosis over the past
1-7 decade.

1-8 (b) The incidence of autism spectrum disorder continues to increase at a dramatic rate. In
1-9 1992, one in ten thousand (10,000) children were diagnosed with "ASD". By 2003, one in one
1-10 hundred fifty-seven (157) children was diagnosed with this disorder.

1-11 (c) "ASD" exacts an enormous economic toll on society, including the public school
1-12 system and family finances.

1-13 (d) Medical and psychological experts still do not know the causes of "ASD", prevention
1-14 of "ASD" or unified strategies dealing with children and adults afflicted with such disorder.

1-15 (e) The State of Rhode Island must take the lead in combating the increasingly rapid
1-16 problems associated with "ASD" and the current treatments and strategies.

1-17 (f) It is the intent of the legislature in enacting this chapter to reinforce screening for
1-18 children who are uninsured and/or underinsured through the Rhode Island department of health
2-1 with assistance from experts, service providers and parents.

2-2 (g) It is the further intent of the general assembly, subject to appropriation and/or the
2-3 receipt of other resources designated for these purposes, to authorize the Rhode Island department
2-4 of health to provide appropriate testing and screening models to determine a proper diagnosis of
2-5 "ASD" and to create a case management system to properly catalogue such diagnosis.

2-6 (h) In addition, subject to appropriation and/or the receipt of other resources designated
2-7 for these purposes, this chapter shall authorize programs of outreach, education, increased
2-8 awareness and cultural competence to the statewide community.

2-9 (i) In addition, there exist certain gaps between and within members of the various
2-10 communities impacted by autism, particularly on the subject of early intervention on ASD,
2-11 including, but not limited to, the following:

2-12 (1) Public awareness regarding early intervention services for ASD and how to get them;

2-13 (2) Lack of capacity among otherwise competent health care professionals to address and
2-14 provide early intervention services to the autistic population;

2-15 (3) Lack of consistency among early intervention providers;

2-16 (4) A lack of a uniform mechanism for the state to implement best practices
2-17 recommendations for diagnosis and treatment of ASD;

2-18 (5) A mechanism to promote earlier diagnosis of various disorders on the autism
2-19 spectrum;

2-20 (6) Appropriate communications and means for sharing information between
2-21 professionals regarding autistic children; and

2-22 (7) The need for increased parental education concerning the specific diagnosis of autism,
2-23 and communication in general between the medical community and the families of autistic
2-24 children.

2-25
2-26 SECTION 2. Chapter 23-79 of the General Laws entitled "The Rhode Island Autism
2-27 Spectrum Disorder Evaluation and Treatment Act" is hereby amended by adding thereto the
2-28 following section:

2-29 **23-79-4. Directives for raising public awareness and promotion of early**
2-30 **intervention.** – (a) The department of health shall coordinate and work in conjunction with the
2-31 department of human services and the department of elementary and secondary education as a
2-32 state "joint venture" to raise public awareness and promote the need for early intervention
2-33 services in the treatment of autism, and to otherwise address and meet those gaps identified in
2-34 paragraph 23-79-3(i). The specific charge of this joint venture shall be as follows:

3-1 (1) To raise public awareness, especially among families, regarding the need for early
3-2 intervention services and how to access them;

3-3 (2) To raise awareness of early intervention health care providers to families, to raise
3-4 awareness among early intervention providers for the benefits of earlier assessments and
3-5 interventions, and to disseminate information on the current best practices;

3-6 (3) To increase the capacity of and consistency in treatment by early intervention
3-7 programs and providers; and

3-8 (4) To increase the medical component of early intervention assessments and planning.

3-9 (b) All departments shall cooperate with the joint venture in the implementation of its
3-10 mission.

3-11 (c) The department of health shall report to the general assembly on the progress of the
3-12 joint venture on or before July 1, 2010, and annually on or before every July 1 of each year
3-13 thereafter.

**S 0170 JOINT RESOLUTION CREATING A SPECIAL JOINT COMMISSION TO STUDY THE
EDUCATION OF CHILDREN WITH AUTISM IN THE STATE OF RHODE ISLAND**

This resolution would create a twenty-three (23) member special joint commission whose purpose it would be to make a comprehensive study of the education of children with autism in Rhode Island and who would report back to the General Assembly no later than January 28, 2010 and said commission shall expire on June 15, 2010.

1-1 RESOLVED, That a special joint commission be and the same is hereby created
1-2 consisting of twenty-three (23) members: three (3) of whom shall be members of the House of
1-3 Representatives, not more than two (2) from the same political party, to be appointed by the
1-4 Speaker of the House; three (3) of whom shall be members of the Senate, not more than two (2)
1-5 from the same political party, to be appointed by the President of the Senate; one of whom shall
1-6 be the Commissioner of the Department of Elementary and Secondary Education, or designee;
1-7 one of whom shall be the Director of the Department of Human Services, or designee; one of
1-8 whom shall be the Director of the Department of Health, or designee; one of whom shall be the
1-9 Director of the Department of Children, Youth and Families, or designee; one of whom shall be
1-10 the Executive Director of The Autism Project of Rhode Island, or designee; one of whom shall be
1-11 the President of the National Autism Association, or designee; one of whom shall be the President
1-12 of TL Autism Research, or designee; one of whom shall be the President of the Rhode Island
1-13 Chapter-Autism Society of America; one of whom shall be a diagnostician, to be appointed by the
1-14 Speaker; one of whom shall be a representative of higher education, to be appointed by the
1-15 Speaker; one of whom shall be the Director of Clinical and Educational Services from Pathways
1-16 Strategic Teaching Center, or designee; one of whom shall be a General Education Teacher from
1-17 a Rhode Island Public school system, to be appointed by the Speaker; one of whom shall be a
1-18 Special Education Teacher from a Rhode Island School system, to be appointed by the Speaker;

1-19 one of whom shall be a Special Education Director from a Rhode Island Public school system, to
2-1 be appointed by the Speaker; one of whom shall be the Director of Development Pediatrics from
2-2 Rhode Island Hospital, or designee; one of whom shall be from the Department of Special
2-3 Education at Salve Regina University, to be appointed by the Speaker; and one of whom shall be
2-4 the Executive Director of The Groden Center, or designee.

2-5 In lieu of any appointment of a member of the legislature to a permanent advisory
2-6 commission, a legislative study commission, or any commission created by a General Assembly
2-7 resolution, the appointing authority may appoint a member of the general public to serve in lieu
2-8 of a legislator, provided that the majority leader or the minority leader of the political party which
2-9 is entitled to the appointment consents to the appointment of the member of the general public.

2-10 The purpose of said commission shall be to make a comprehensive study of the education
2-11 of children with autism, particularly the diagnosis and assessment, the prevalence of numbers in
2-12 the state, the effect on and role of families, the appropriate goals for education, effective
2-13 interventions and educational programs, public policy approaches to ensuring access to
2-14 appropriate education and personnel preparation, and to study other aspects of Autism Spectrum
2-15 Disorder.

2-16 Upon passage of this resolution, the members of the commission shall meet at the call of
2-17 the Speaker of the House and President of the Senate and organize and shall select, from among
2-18 the legislators, a chairperson.

2-19 Vacancies in said commission shall be filled in like manner as the original appointment.

2-20 The membership of said commission shall receive no compensation for their services.

2-21 All departments and agencies of the state shall furnish such advice and information,
2-22 documentary and otherwise, to said commission and its agents as is deemed necessary or
2-23 desirable by the commission to facilitate the purposes of this resolution.

2-24 The Joint Committee on Legislative Services is hereby authorized and directed to provide
2-25 suitable quarters for said commission, and be it further.

2-26 RESOLVED, That the commission shall report its findings and recommendations to the
2-27 General Assembly no later than January 28, 2010 and said commission shall expire on June 15,
2-28 2010.

**MOTION: To find beneficial H 5266 RELATING TO HEALTH AND SAFETY -
THE RHODE ISLAND AUTISM SPECTRUM & S 0170 JOINT RESOLUTION
CREATING A SPECIAL JOINT COMMISSION TO STUDY THE EDUCATION
OF CHILDREN WITH AUTISM IN THE STATE OF RHODE ISLAND AP/GS
MOTION: To vote on each bill separately, LG/EG failed, Yea LG & EG
Vote on the motion, passed, Nay LG, & JB, Abstain LW**

S 0057 RELATING TO INSURANCE -- MANDATED BENEFITS

This act would require a mandated benefit review by the health insurance commissioner or any
mandated benefit introduced after January 1, 2010, contingent on the review being paid for by health
care providers authorized to do business in this state.

1-3 **27-69-4.1. Mandated benefit review.** – (a) Notwithstanding any law or regulation to the
1-4 contrary, the health insurance commissioner shall conduct a review of the impact of each
1-5 proposed state benefit mandate proposed by the general assembly after January 1, 2010. Each
1-6 review shall be contingent upon the agreement by the health care insurers authorized to do
1-7 business in this state to pay the cost of the review.

1-8 (b) Nothing in this section shall exempt health care plans from any mandated benefit
1-9 enacted prior to or subsequent to the enactment of this section.

**MOTION: To find harmful S 0057 RELATING TO INSURANCE -- MANDATED
BENEFITS BI/AP passed yea BI, AP, GS abstain.**

MOTION: To reconsider BI/GS passed, LG, AP.

MOTION: To take no position GR/EG passed unanimously

Status Report on Commission's Legislative Package

10 min.

Commission Position Commission Supports

Category Transportation

Status: Continued

Location House Corporations Committee

09 H 5149 RELATING TO PUBLIC UTILITIES AND CARRIERS -- WHEELCHAIR ACCESSIBLE TAXICABS

Commission Reasons

Commission Vote: 11/17/2008

Since the 2007 enacted of tax credits for the purchase of wheelchair accessible taxis and public motor vehicles, no accessible taxis have been purchased. Rhode Islanders outside of RIPTA's ADA paratransit corridor (3/4th of a mile on either side of a bus route) who can not transfer from a wheelchair into a car seat without assistance have no means of getting around. In addition visitors to RI are stranded at the airport, since there are no wheelchair accessible taxis.

Sent House Letter 2/3/2009

House Testimony 2/3/2009

Status: Referred to committee

Location Senate Corporations Committee

09 S 0172 RELATING TO PUBLIC UTILITIES AND CARRIERS -- WHEELCHAIR ACCESSIBLE TAXICABS

Commission Reasons

Commission Vote: 11/17/2008

Since the 2007 enacted of tax credits for the purchase of wheelchair accessible taxis and public motor vehicles, no accessible taxis have been purchased. Rhode Islanders outside of RIPTA's ADA paratransit corridor (3/4th of a mile on either side of a bus route) who can not transfer from a wheelchair into a car seat without assistance have no means of getting around. In addition visitors to RI are stranded at the airport, since there are no wheelchair accessible taxis.

Sent Senate Letter

Senate Testimony

Commission Position Commission Supports if amended

Category Health Care Services

Status: Recommend Passage

Location Senate Calendar

09 S 0053 Sub A as Amended STATE AFFAIRS AND GOVERNMENT -- THE RHODE ISLAND MEDICAID REFORM ACT

Next Action On 2/11/2009 # 001

Similar to H 5112

Commission Reasons

Executive Committee Vote: 1/5/2009

The Commission is pleased to support 2009 S 0053 An Act Relating to State Affairs and Government -- The Rhode Island Medicaid Reform Act. We believe the General Assembly must be a full partner in rebalancing long term care services.

Consumers and their families also must be a partner in the development, design and implementation of the wavier, the assessment and coordination system and redesign of benefits. We were disappointed last week when Director Alexander spoke of monthly meeting with providers and department directors, but did not mention meetings with consumers, their families or their advocacy organizations. We strongly recommend the inclusion of a section creating an implementation task force comprised of the chairpersons of the: Advisory Council on Aging; Advisory Council on the Blind; Commission on the Deaf and Hard of Hearing; Developmental Disabilities Council; Governor's Council on Behavioral Health; Governor's Commission on Disabilities; Home and Community Care Advisory Committee; Interagency Coordinating Council; Long-Term Care Coordinating Council; Permanent Advisory Commission on Traumatic Brain Injuries; and Statewide Independent Living Council (see attached language). Utilizing the existing network of consumers, family members and providers represented on these state boards will ensure consumer input and greater coordination of Medicaid and other human services for seniors and people with disabilities.

The Commission also developed an amendment at the request of Representative Naughton to overcome the current problem where the state gets charged for every service, because the provider doesn't accept Medicare or

isn't qualified to provide Medicare services, for beneficiaries who are dually eligible.

I've also attached a comparison S 0053 and its House counterpart H 5112.

Sent Senate Letter 1/21/09 Senate Testimony 1/21/2009

Status: Passed

Location House Desk

09 H 5112 Sub A as Amended RELATING TO CENTERS FOR MEDICARE AND MEDICAID SERVICES WAIVER AND EXPENDITURE AUTHORITY

Similar to S 0053 Sub A

Commission Reasons

Executive Committee Vote: 1/5/2009

The Commission is pleased to support 2009 H 5112 An Act Relating to Centers for Medicare and Medicaid Services Waiver and Expenditure Authority. We believe the General Assembly must be a full partner in rebalancing long term care services.

Consumers and their families also must be a partner in the development, design and implementation of the wavier, the assessment and coordination system and redesign of benefits. We were disappointed last week when Director Alexander spoke of monthly meeting with providers and department directors, but did not mention meetings with consumers, their families or their advocacy organizations. We strongly recommend the inclusion of a section creating an implementation task force comprised of the chairpersons of the: Advisory Council on Aging; Advisory Council on the Blind; Commission on the Deaf and Hard of Hearing; Developmental Disabilities Council; Governor's Council on Behavioral Health; Governor's Commission on Disabilities; Home and Community Care Advisory Committee; Interagency Coordinating Council; Long-Term Care Coordinating Council; Permanent Advisory Commission on Traumatic Brain Injuries; and Statewide Independent Living Council (see attached language). Utilizing the existing network of consumers, family members and providers represented on these state boards will ensure consumer input and greater coordination of Medicaid and other human services for seniors and people with disabilities. I've also attached a comparison H 5112 and its Senate counterpart S 0053.

Sent House Letter 1/20/09

House Testimony 1/20/2009

Commission Position Committee finds these bills Beneficial

Category Health Care Services

Status: Continued

Location House Finance Committee

09 H 5019 Article 23 RELATING TO HEALTH AND SAFETY OF PUPILS - SCHOOL NURSES

Commission Reasons

Legislation Cmte Vote: 1/13/2009

Often, especially in elementary schools, parents are required to come to school daily to administer medicine to their own children who require medication during the school day for diabetes, seizer disorders, mood disorders, etc. Since school nurses are required to also be certified teachers, most service 2, 3 or more elementary schools, and are often not available to administer medicines at the appropriate

Sent House Letter 1/14/2009

Category Special Education

Status: Scheduled for hearing and/or consideration

Location Senate Finance Committee

09 H 5019 Article 22 RELATING TO TRANSPORTATION OF PUPILS

Commission Reasons Legislation Cmte Vote: 1/13/2009

Consolidation of special education related out-of-district transportation would allow more of the IDEA funding to be spent on education, rather than school buses.

Sent House Letter 1/14/2009

House Testimony

Commission Position Committee finds these bills Harmful

Category Health Care Services

Status: Continued

Location House Finance Committee

09 H 5019 Article 02 RELATING TO GUBERNATORIAL AUTHORITY

Commission Reasons

Legislation Cmte Vote: 1/13/2009

The Committee is concerned about the unintended consequences when regulations are changed or program

funding is withdrawn without prior public input. Citizens who utilize government services need to be consulted before potentially life or health threatening policy changes are made.

Sent House Letter 1/14/2009 Sent Senate Letter 1/28/2009 House Testimony

09 H 5019 Article 36 RELATING TO MEDICAL ASSISTANCE FOR DISABLED CHILDREN

Commission Reasons Commission Legislation Cmte Vote:1/13/2

Families of children who have severe disabilities, have the option of institutionalizing the child at state expense or caring for their child, in their home with support services, through the Katie Beckett program. They also must pay for many special services, not available through that program and not covered by private insurance. Adding greater co-payments onto these families would create a disincentive to keeping their child at home.

Sent House Letter 1/14/2009

Announcements and Scheduling of Meetings	Chairperson	5 min.
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Next meeting will be on:	Monday March 9 th	Starting at: 3 PM
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Adjournment:	Chairperson adjourned the meeting at 4:41 PM
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Other Information

Observers:	Laura Jones, RIPIN
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Resource persons:	Bob Cooper, Committee Staff
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