



Governor's Commission on Disabilities' Legislation Committee

Monday March 9, 2009 3 – 4:30 PM

John O. Pastore Center, 41 Cherry Dale Court,
Cranston, RI 02920-3049

(voice) 401-462-0100 (tty) 462-0101 (fax) 462-0106

(e-mail) disabilities@gcd.ri.gov (website) www.disabilities.ri.gov

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

----- Minutes -----

Call to Order and Acceptance of the Minutes	Tim Flynn Chairperson	5 min.
Introductions: Guests introduced themselves: Ralph Rocco and Elaina Necolelo (EOH&HS)		
MOTION: To accept the minutes of the previous meeting as presented LD/AP passed unanimously		
Action Items:	Discussion Leader:	Time:
1. Consideration of Tabled Bill		
Discussion: Ralph Rocco and Elaina Necolelo from the Office of Health & Human Services. RI has set their reimbursement in statute. RI was deemed higher than most other state's.		
09 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. This article shall take effect upon passage.		

137-25 SECTION 1. Section 40-8-13.1 of the General Laws in Chapter 40-8 entitled
 137-26 "Medical Assistance" is hereby amended to read as follows:
 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.](#)
 138-11 SECTION 2. This article shall take effect upon passage.

MOTION: To take no position on 09 H 5019 Article 38 Relating to Medical Assistance - Out of State Hospitals LW/JB passed unanimously

2. Consideration of New Bills	Members & Guests	
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MOTION: To find the following 5 bills beneficial: AP/BI passed unanimously

Bill	Intent
09 H 5394 Relating to Public Utilities and Carriers -- Termination of Service to Persons Who Are Disabled Or Seriously Ill	Would require that a determination shall be completed by a community action program to see if a person is seriously ill or disabled so as to be exempt from shut off from the gas company
09 H 5175 Relating to Property -- Residential Landlord and Tenant Act	Would extend to tenants 62 - 64 years of age existing provisions for tenants 65 and older to terminate a rental agreement in order to enter a residential care and assisted living facility, a nursing facility, or unit in a private or public housing complex designated by the federal government as housing for the elderly
09 S 0533 Relating to Health and Safety -- Toxic Mold Protection Act	Would create a mold advisory board to advise the department of health with respect to establishing permissible exposure limits for mold exposure and procedures for the assessment of the health risk posed by the presence of mold, and promulgate mold remediation procedures
09 H 5654 Joint Resolution Creating a Special Legislative Commission to Study and Establish Health Care Reform Models to Expand Health Care Coverage and to Decrease Health Care Costs for Rhode Island Residents	Would create the Rhode Island Anchor Community Commission for Healthcare Reform, a 24 member special legislative study commission whose purpose it would be to make a comprehensive study and establish health care reform models to expand health care coverage and to decrease health care costs for Rhode Island residents
09 H 5656 Relating to Businesses and Professions - Patient Protection	Would exempt from prohibited acts payments from pharmaceutical companies to patients with disabling or life-threatening diseases from which there are no generic alternatives. It would further exempt donations to non-profit organizations by pharmaceutical companies or health care providers

Discussion: The Commission on the Deaf and Hard of Hearing requested the Committee review and comment on the following bills

S 0383 & H 5570 RELATING TO ELECTIONS. This act would identify and include communication access expenses to ensure participation by deaf and hard of hearing individuals as a permitted use of campaign funds. This act would take effect upon passage.

1-1 SECTION 1. Section 17-25-7.2 of the General Laws in Chapter 17-25 entitled "Rhode
1-2 Island Campaign Contributions and Expenditures Reporting" is hereby amended to read as
1-3 follows:

1-4 **17-25-7.2. Personal use of campaign funds prohibited.** -- (a) The personal use by any
1-5 elected public office holder or by any candidate for public office, as defined in section 17-25-3, of
1-6 campaign funds contributed after April 29, 1992, is prohibited. For the purposes of this section,
1-7 "personal use" is defined as any use other than expenditures related to gaining or holding public
1-8 office and for which the candidate for public office or elected public official would be required to
1-9 treat the amount of the expenditure as gross income under section 61 of the Internal Revenue
1-10 Code of 1986, 26 U.S.C. section 61, or any subsequent corresponding Internal Revenue Code of
1-11 the United States, as from time to time amended.

1-12 (b) Expenditures that are specifically prohibited under this chapter include:

1-13 (1) Any residential or household items, supplies or expenditures, including mortgage,
1-14 rent or utility payments for any part of any personal residence of a candidate or officeholder or a
1-15 member of the candidate's or officeholder's family;

1-16 (2) Mortgage, rent, or utility payments for any part of any non-residential property that is
1-17 owned by a candidate or officeholder or a member of a candidate's or officeholder's family and
1-18 used for campaign purposes, to the extent the payments exceed the fair market value of the
1-19 property usage;

2-1 (3) Funeral, cremation, or burial expenses, including any expenses related to deaths
2-2 within a candidate's or officeholder's family;

2-3 (4) Clothing, other than items of de minimis value that are used in the campaign;

2-4 (5) Tuition payments;

2-5 (6) Dues, fees, or gratuities at a country club, health club, recreational facility or other
2-6 nonpolitical organization, unless they are part of a specific fundraising event that takes place on
2-7 the organization's premises;

2-8 (7) Salary payments to a member of a candidate's family, unless the family member is
2-9 providing bona fide services to the campaign. If a family member provides bona fide services to a
2-10 campaign, any salary payments in excess of the fair market value of the services provided is
2-11 personal use;

2-12 (8) Admission to a sporting event, concert, theater, or other form of entertainment, unless
2-13 part of a specific campaign or officeholder activity;

2-14 (9) Payment of any fines, fees, or penalties assessed pursuant to this chapter.

2-15 (c) Any expense that results from campaign or officeholder activity is permitted use of
2-16 campaign funds. Such expenditures may include:

2-17 (1) The defrayal of ordinary and necessary expenses of a candidate or officeholder;

2-18 (2) Office expenses and equipment, provided the expenditures and the use of the
2-19 equipment can be directly attributable to the campaign or the officeholder's duties and
2-20 responsibilities;

2-21 (3) Donations to charitable organizations, provided the candidate or officeholder does
2-22 not personally benefit from the donation or receive compensation from the recipient organization;

2-23 (4) Travel expenses for an officeholder, provided that the travel is undertaken as an
2-24 ordinary and necessary expense of seeking, holding, or maintaining public office, or seeking,
2-25 holding, or maintaining a position within the legislature or other publicly elected body. If a
2-26 candidate or officeholder uses campaign funds to pay expenses associated with travel that
2-27 involves both personal activities and campaign or officeholder activities, the incremental
2-28 expenses that result from the personal activities are personal use, unless the person(s) benefiting
2-29 from this use reimburse(s) the campaign account within thirty (30) days for the amount of the
2-30 incremental expenses;

- 2-31 (5) Gifts of nominal value and donations of a nominal amount made on a special
 2-32 occasion such as a holiday, graduation, marriage, retirement or death, unless made to a member
 2-33 of the candidate's or officeholder's family;
- 2-34 (6) Meal expenses which are incurred as part of a campaign activity or as a part of a
 3-1 function that is related to the candidate's or officeholder's responsibilities, including meals
 3-2 between and among candidates and/or officeholders that are incurred as an ordinary and
 3-3 necessary expense of seeking, holding, or maintaining public office, or seeking holding, or
 3-4 maintaining a position within the legislature or other publicly elected body;
- 3-5 (7) Food and beverages which are purchased as part of a campaign or officeholder
 3-6 activity;
- 3-7 (8) Communication access expenses which are incurred as part of a campaign activity
 3-8 and operation to ensure that deaf and hard of hearing citizens are fully participating, are
 3-9 volunteers, and/or are otherwise maintaining a position with the campaign committee. Examples
 3-10 of communication access expenses include, but are not limited to, the following: captioning on
 3-11 television advertisements; video clips; sign language interpreters; computer aided real time
 3-12 (CART) services; and assistive learning devices.
- 3-13 (d) Any campaign funds not used to pay for the expenses of gaining or holding public
 3-14 office may:
- 3-15 (1) Be maintained in a campaign account(s);
- 3-16 (2) Be donated to a candidate for public office, to a political organization, or to a
 3-17 political action committee, subject to the limitation on contributions in section 17-25-10.1;
- 3-18 (3) Be transferred in whole or in part into a newly established political action committee
 3-19 or ballot question advocate;
- 3-20 (4) Be donated to a tax exempt charitable organization as that term is used in section
 3-21 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. section 501, or any subsequent
 3-22 corresponding internal revenue code of the United States as from time to time amended;
- 3-23 (5) Be donated to the state of Rhode Island; or
- 3-24 (6) Be returned to the donor.
- 3-25 SECTION 2. This act shall take effect upon passage.

MOTION: To find beneficial 09 S 0383 & 09 H 5570 Relating To Elections AP/LD passed unanimously

S 0327 & H 5806 RELATING TO ELECTIONS - CAMPAIGN FIDUCIARY. This act would change the current partial-matching system of public funding of elections by creating a voluntary system for full public financing of statewide and legislative elections. This act would take effect upon January 1, 2010.

- 1-1 SECTION 1. Chapter 17-25 of the General Laws entitled "Rhode Island Campaign
 1-2 Contributions and Expenditures Reporting" is hereby repealed in its entirety.
- 20-8 ~~—17-25-20. Eligibility criteria for matching public funds.—In order to receive matching~~
 20-9 ~~public funds under section 17-25-19, a qualifying candidate must comply with the following~~
 20-10 ~~requirements:~~
- 20-11 ~~—(1) The candidate must sign a statement under oath, as provided for in section 17-25-19,~~
 20-12 ~~pledging to comply with the limitations on contributions and expenditures for election purposes~~
 20-13 ~~and with all the terms and conditions set forth in this chapter. Upon the filing of the statement, a~~
 20-14 ~~candidate for general office shall be bound to abide by the limitations on contributions and~~
 20-15 ~~expenditures set forth in this chapter and may not withdraw from his or her obligation to abide by~~
 20-16 ~~these restrictions.~~
- 20-17 ~~—(2) (i) Subject to the provisions of paragraph (ii) of this subdivision, no participating~~
 20-18 ~~candidate shall either receive or expend for election purposes more than a total of public and~~

20-19 ~~private funds in the sum of one million five hundred thousand dollars (\$1,500,000) in an election~~
20-20 ~~cycle. No participating candidate for general office other than governor shall receive or expend~~
20-21 ~~for election purposes more than a total of public and private funds in the sum of three hundred~~
20-22 ~~seventy five thousand dollars (\$375,000) in an election cycle.~~
20-23 ~~—(ii) The limitations on contributions received from private sources, matching funds~~
20-24 ~~available from the state, and total permitted expenditures shall apply in the 1994 general election~~
20-25 ~~and, subject to appropriations by the general assembly, shall increase by a percentage to be~~
20-26 ~~determined by the board of elections in January of each year in which a general election involving~~
20-27 ~~general offices is held, beginning in 1998. In no case shall the increase exceed the total increase~~
20-28 ~~in the consumer price index since the month in which the previous general election involving~~
20-29 ~~general was held.~~
20-30 ~~—(3) (i) Only the first two thousand dollars (\$2,000) of the aggregate private monetary~~
20-31 ~~contributions from a single private source within an election cycle shall be eligible for matching~~
20-32 ~~public funds for candidates for governor; provided, that the entire amount contributed shall be~~
20-33 ~~considered toward the dollar limits provided in subdivision (2) of this section.~~
20-34 ~~—(ii) Only the first one thousand dollars (\$1,000) of the aggregate private monetary~~
21-1 ~~contributions from a single private source within an election cycle shall be eligible for matching~~
21-2 ~~public funds for candidates for lieutenant governor, secretary of state, attorney general, and~~
21-3 ~~general treasurer; provided, that the entire amount contributed shall be considered toward the~~
21-4 ~~dollar limits provided for in subdivision (2) of this section.~~
21-5 ~~—(iii) Any private funds lawfully contributed during the current election cycle shall be~~
21-6 ~~eligible for matching public funds subject to the terms and conditions of this section, and private~~
21-7 ~~funds donated during a preceding election cycle shall not be eligible for matching public funds.~~
21-8 ~~—(4) The direct costs incurred in connection with raising campaign funds on behalf of a~~
21-9 ~~candidate shall not be deemed to be expenditures for the purposes of the limitations on~~
21-10 ~~expenditures set forth in subdivision (2) of this section. Direct costs shall include costs of printing~~
21-11 ~~and mailing invitations to fundraising events, solicitations for contributions, costs of hosting~~
21-12 ~~fundraising events, and travel to those events, but shall not include any portion of the salary or~~
21-13 ~~wages of campaign employees, nor the cost of any radio, television, or printed advertisement. The~~
21-14 ~~cost of a fundraising event must be less than the amount of money realized from the gross~~
21-15 ~~proceeds generated by the fundraising event in order to qualify for this exclusion.~~
21-16 ~~—(5) If a candidate who has accepted public funds makes expenditures in excess of the~~
21-17 ~~permitted amounts, the candidate shall be liable for a civil assessment payable to the state in an~~
21-18 ~~amount equal to three (3) times the amount of excess funds expended. In addition, the candidate~~
21-19 ~~shall be ineligible for further participation in the public financing program during the same~~
21-20 ~~election cycle.~~
21-21 ~~—(6) In order to receive payments under this section, any independent candidate shall first~~
21-22 ~~meet the following additional minimum requirements:~~
21-23 ~~—(i) Raise an amount in qualified private contributions equal to twenty percent (20%) of~~
21-24 ~~the total amount eligible to be matched for election as to the office sought;~~
21-25 ~~—(ii) Receive private contributions from a minimum of two hundred fifty (250) individuals~~
21-26 ~~contributing at least twenty five dollars (\$25.00) each; and~~
21-27 ~~—(iii) Comply with any and all applicable nomination provisions in this title and qualify~~
21-28 ~~for the general election ballot pursuant to the process set forth in this title.~~
21-29 ~~—(7) No public funds received by any candidate pursuant to sections 17-25-19—17-25-27~~
21-30 ~~of this chapter and no private funds used to qualify for the public funds shall be expended by the~~
21-31 ~~candidate for any purpose except to pay reasonable and necessary expenses directly related to the~~
21-32 ~~candidate's campaign.~~
21-33 ~~—(8) No public funds shall be expended by the candidate, except for one or more of the~~

21-34 following uses directly related to the campaign of the candidate:
 22-1 ~~—(i) Purchase of time on radio or television stations; provided, however, the content of all~~
 22-2 ~~television time shall include captioning for the deaf and hard of hearing and the content of all~~
 22-3 ~~radio time must be available in a written or text format at the time of request;~~
 22-4 ~~—(ii) Purchase of rental space on outdoor signs or billboards;~~
 22-5 ~~—(iii) Purchase of advertising space in newspapers and regularly published magazines and~~
 22-6 ~~periodicals;~~
 22-7 ~~—(iv) Payment of the cost of producing the material aired or displayed on radio, television,~~
 22-8 ~~outdoor signs or billboards, and in newspapers, regularly published magazines, and periodicals;~~
 22-9 ~~—(v) Payment of the cost of printing and mailing campaign literature and brochures;~~
 22-10 ~~—(vi) Purchase of signs, bumper stickers, campaign buttons, and other campaign~~
 22-11 ~~paraphernalia;~~
 22-12 ~~—(vii) Payment of the cost of legal and accounting expenses incurred in complying with~~
 22-13 ~~the public financing law and regulations as required by this chapter;~~
 22-14 ~~—(viii) Payment of the cost of telephone deposits, installation charges, and monthly~~
 22-15 ~~billings in excess of deposits;~~
 22-16 ~~—(ix) Payment of the costs of public opinion polls and surveys; and~~
 22-17 ~~—(x) Payment of rent, utilities and associated expenses connected with the operation of an~~
 22-18 ~~election headquarters or satellite election offices.~~
 22-19 ~~—(9) Contributions received and expended by any candidate for the purpose of defraying~~
 22-20 ~~any expense or satisfying any loan obligations incurred prior to January 1, 1991, by the candidate~~
 22-21 ~~in furtherance of his or her candidacy in a previous election cycle, as defined in section 17-25-~~
 22-22 ~~3(5), shall not be counted toward any contribution or expenditure limitation in sections 17-25-18-~~
 22-23 ~~17-25-27.~~
 22-24 ~~—(10) No candidate who has elected to receive public funds shall contribute to or loan to~~
 22-25 ~~his or her own campaign a sum in excess of five percent (5%) of the total amount that a candidate~~
 22-26 ~~is permitted to expend in a campaign for the office pursuant to sections 17-25-19 and 17-25-21.~~

27-17 ~~—17-25-30. Public financing of election campaigns—Compliance benefits.—(1)~~
 27-18 ~~Entitled to an additional benefit of free time on community antenna television to be allocated~~
 27-19 ~~pursuant to rules determined by the administrator for the division of public utilities. During all~~
 27-20 ~~allocated free time, the candidate shall personally appear and present the message of the~~
 27-21 ~~advertisement; provided, however, the content of all television time shall include captioning for~~
 27-22 ~~the deaf and hard of hearing and the content of all radio time must be available in a written or~~
 27-23 ~~text~~
 27-24 ~~format at the time of request;~~
 27-25 ~~—(2) Entitled to an additional benefit of free time on any public broadcasting station~~
 27-26 ~~operating under the jurisdiction of the Rhode Island public telecommunications authority~~
 27-27 ~~pursuant to rules determined by the authority. During all allocated free time, the candidate shall~~
 27-28 ~~personally appear and personally present the message of the advertisement; provided, however,~~
 27-29 ~~the content of all television time shall include captioning for the deaf and hard of hearing and~~
 27-30 ~~the~~
 27-31 ~~content of all radio time must be available in a written or text format at the time of request;~~
 27-32 ~~and~~
 27-33 ~~—(3) Entitled to accept a contribution or contributions that in the aggregate do not exceed~~
 27-34 ~~two thousand dollars (\$2,000) from any person or political action committee within a calendar~~
 27-35 ~~year.~~

28-4 SECTION 2. Title 17 of the General Laws entitled “ELECTIONS” is hereby amended by

28-5 adding thereto the following chapter:

28-6

17-25-1

28-7

RHODE ISLAND PUBLIC FINANCING OF ELECTIONS ACT

28-8

17-25.1-1. Short title. -- This chapter shall be known and may be cited as the "Rhode

28-9

Island Public Financing of Elections Act".

28-10

17-25.1-2. Declaration of policy. -- (a) Public financing of election campaigns –

28-11

Findings and general purpose. – Notwithstanding any other provisions of this chapter, it is

28-12

declared to be in the public interest to establish a system of public financing for candidates

28-13

seeking election to general offices (Governor, Lieutenant Governor, Secretary of State, Attorney

28-14

General, Treasurer) and to the general assembly for the following reasons:

28-15

(1) Despite attempts at regulating campaign fund raising and spending, the current system

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of financing election campaigns for these offices has failed to halt the growth of contributions and

28-17

expenditures;

28-18

(2) The existing system of financing political campaigns contributes to an erosion of

28-19

public confidence in the political system;

28-20

(3) The increasing sums raised and spent by candidates lead to the belief that money, not

28-21

issues and policies, is the major factor determining the outcome of elections;

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(4) The extensive contributions that candidates receive from lobbyists and other

28-23

representatives of special interests cause voters to believe that elected officials represent special

28-24

interest contributors rather than their constituents and the general public;

28-25

(5) The lack of confidence in turn fuels voter apathy and alienation;

28-26

(6) In addition to restoring confidence in the electoral process, public financing frees the

28-27

candidate from the task of having to spend an inordinate time seeking campaign funds.

28-28

(b) The general assembly finds and declares that this public financing of elections act, by

28-29

providing a public finance system for Rhode Island state primary and general elections, would

28-30

enhance democracy in the following principal ways:

28-31

(1) It would strengthen public confidence in the governmental and election processes;

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(2) It would lessen the pressures of special interest campaign contributions on public

28-33

officials in Rhode Island state government;

28-34

(3) It would lessen the impact of wealth as a determinant of whether a person becomes a

29-1

candidate;

29-2

(4) It would foster more meaningful participation by small contributors in the political

29-3

process;

29-4

(5) It would provide candidates who participate in the program with a competitive level

29-5

of resources for reaching voters;

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(6) It would help restore the core first amendment value of open and robust debate in the

29-7

political process;

29-8

(7) It would increase the accountability of elected officials to their constituents;

29-9

(8) It would reduce the pressure on candidates to raise campaign money and would allow

29-10

officeholders more time to carry out their official duties.

29-11

(c) It is declared to be in the public interest and to be the policy of the state to establish a

29-12

voluntary state-funded system to finance election campaigns as defined in sections 17-25.1-26

29-13

through 17-25.1-40. This system will be known as the "public financing of elections campaign

29-14

funding system."

29-15

(d) It is declared to be in the public interest and to be the policy of the state to require all

29-16

candidates for public office who elect not to participate in the "public financing of elections

29-17

campaign funding system" to report private contributions received and expenditures of private

29-18

campaign contributions made to aid or promote the nomination, election, or defeat of all

29-19

candidates for public office.

29-20 (e) It is further declared that candidates for public office who participate in one of the two
29-21 (2) systems, the “public financing of elections campaign funding system” or the private financing
29-22 system, are ineligible to participate in the other system except as permitted herein.

29-23 **17-25.1-3. Definitions.** -- As used in this chapter, unless a different meaning clearly
29-24 appears from the context, the following terms have the meanings ascribed to them in this section:

29-25 (1) “Business entity” means any corporation, whether for profit or not for profit, domestic
29-26 corporation or foreign corporation, as defined in § 7-1.1-2, financial institution, cooperative,
29-27 association, receivership, trust, holding company, firm, joint stock company, public utility, sole
29-28 proprietorship, partnership, limited partnership, or any other entity recognized by the laws of the
29-29 United States and/or the state of Rhode Island for the purpose of doing business. The term
29-30 “business entity” shall not include a political action committee organized pursuant to this chapter
29-31 or a political party committee or an authorized campaign committee of a candidate or office
29-32 holder.

29-33 (2) “Candidate” means any individual who undertakes any action, whether preliminary or
29-34 final, under either the voluntary public financing of elections campaign funding system or the
30-1 private campaign funding system, which is necessary under the law to qualify for nomination for
30-2 election or election to public office, and/or any individual who receives a contribution or makes
30-3 an expenditure, under either the voluntary public financing of elections campaign funding system
30-4 or the private campaign funding system, or gives his or her consent for any other person to
30-5 receive a contribution or make an expenditure, with a view to bringing about his or her
30-6 nomination or election to any public office, whether or not the specific public office for which he
30-7 or she will seek nomination or election is known at the time the contribution is received or the
30-8 expenditure is made and whether or not he or she has announced his or her candidacy or filed a
30-9 declaration of candidacy at that time.

30-10 (A) In relation to the party affiliation of candidates:

30-11 (i) A “party candidate” is a candidate in a primary election or a candidate who has been
30-12 nominated through a party primary or who has been nominated or endorsed by a party in an
30-13 uncontested primary.

30-14 (ii) An “independent candidate” is a candidate who does not run in a primary or is not
30-15 nominated by a party.

30-16 (B) In relation to the participation of candidates in the public financing of elections
30-17 campaign funding system or the private funding system:

30-18 (i) “Nonparticipating candidate” means a candidate for representative or senator in the
30-19 general assembly or for general office who has not satisfied the requirements for receiving public
30-20 financing of elections funding.

30-21 (ii) “Participating Candidate” means a candidate for representative or senator in the
30-22 general assembly or for general office who qualifies for public financing of elections campaign
30-23 funding.

30-24 (C) In relation to the declaration of candidates to participate in the public financing of
30-25 elections campaign funding system or the private funding system:

30-26 (i) “Declared candidate” means the candidate has filed a signed declaration of his or her
30-27 candidacy not later than 4:00 p.m. on the last day for the filing with the secretary of state for
30-28 congressional and statewide general offices, or with the local board of the place of the candidate's
30-29 voting residence for general assembly, or state committee or senatorial and representative district
30-30 committee or with the appropriate local board for local officers.

30-31 (ii) “Undeclared candidate” means the candidate has failed to file a signed declaration of
30-32 his or her candidacy by 4:00 p.m. on the last day for the filing with the secretary of state for
30-33 congressional and statewide general offices, or with the local board of the place of the candidate's
30-34 voting residence for general assembly, or state committee or senatorial and representative district

31-1 committee or with the appropriate local board for local officers.

31-2 (3) "Campaign Period" specified for public financing of elections candidates shall
31-3 include the following terms:

31-4 (A) "Exploratory Period" is the period beginning the day following the previous general
31-5 election for the office sought and ending on the last day of the qualifying period. The exploratory
31-6 period is the period during which candidates who wish to become eligible for public financing of
31-7 elections funding for the next elections are permitted to raise and spend a limited amount of
31-8 private Seed Money for the purpose of testing their ability to run and of qualifying for public
31-9 financing of elections funding.

31-10 (B) "Qualifying Period" is the period beginning on the first day of August in the year
31-11 preceding an election year that includes statewide elections, and is the period beginning on the
31-12 first day of January of an election year that does not include statewide elections. The qualifying
31-13 period ends thirty (30) days before the day of the primary election during any election cycle. The
31-14 qualifying period is the period in which candidates are permitted to collect qualifying
31-15 contributions to become eligible for public financing of elections funding.

31-16 (C) "Primary Election Campaign Period" is the period beginning ninety (90) days before
31-17 the primary election and ending on the day of the primary election.

31-18 (D) "General Election Campaign Period" is the period beginning the day after the
31-19 primary election and ending on the day of the general election.

31-20 (E) "Special Election Primary Campaign Period" is the period beginning the day after a
31-21 vacancy in office and ending on the day of the special election primary, as designated under
31-22 section 17-15-3.

31-23 (F) "Special Election General Campaign Period" is the period beginning the day after the
31-24 special election primary and ending on the day of the special election, as designated under
31-25 section 17-3-6.

31-26 (4) "Contributions" include all transfers of money, payments, pledges, gifts, guarantees of
31-27 loans, paid personal services, or other thing of value to or by any candidate, candidate committee,
31-28 committee of a political party, political party, or political action committee. A loan shall be
31-29 considered a contribution of money until it is repaid. Disbursements from the public financing of
31-30 elections fund to a candidate or a candidate committee are not considered a contribution.
31-31 Volunteer activity does not constitute a contribution. In relation to the public financing of
31-32 elections campaign funding system:

31-33 (A) A "Qualifying Contribution" is a contribution of five dollars (\$5) that is made by an
31-34 individual eligible to vote and residing within the election district and is received during the
32-1 qualifying period by a candidate seeking to become eligible for clean election funding.

32-2 (B) "Seed Money Contribution" is a contribution of no more than one hundred dollars
32-3 (\$100) made by an individual during the exploratory period.

32-4 (5) "Election" means any primary, general, or special election or town meeting for any
32-5 public office of the state, municipality, or district or for the determination of any question
32-6 submitted to the voters of the state, municipality, or district.

32-7 (6) "Election cycle" means the twenty-four (24) month period commencing on January 1
32-8 of odd number years and ending on December 31 of even number years; provided, with respect to
32-9 the public financing using public financing of elections campaign funds of election campaigns of
32-10 general officers under 17-25.1-28 through 17-25.1-40, "election cycle" means the forty-eight (48)
32-11 month period commencing on January 1 of odd numbered years and ending December 31 of even
32-12 numbered years.

32-13 (7) The term "expenditures" includes all transfers of money, purchases, payments,
32-14 distributions, loans, advances, deposits, paid personal services, or other thing of value given to
32-15 any person, including any candidate, candidate committee, committee of a political party,

32-16 political party, or political action committee. Expenditures also include the gift of money by any
32-17 person for the purpose of expressly advocating the election or defeat of a candidate or supporting
32-18 or opposing a ballot issue or ballot question.

32-19 (8) (A) The term "electioneering communication" means any communication broadcast
32-20 by television or radio, printed in a newspaper or on a billboard, directly mailed or delivered by
32-21 hand to personal residences, or otherwise distributed that:

32-22 (i) refers to any candidate; and

32-23 (ii) is broadcast, printed, mailed, delivered, or distributed within thirty (30) days of a
32-24 primary election or sixty (60) days before a general election; and

32-25 (iii) is broadcast to, printed in a newspaper, distributed to, mailed to, delivered by hand
32-26 to, or otherwise distributed to an audience that includes members of the electorate for such public
32-27 office.

32-28 (B) The term "electioneering communication" does not include:

32-29 (i) any news articles, editorial endorsements, opinion or commentary, writings, or letters
32-30 to the editor printed in a newspaper, magazine or other periodical not owned or controlled by a
32-31 candidate or political party;

32-32 (ii) any editorial endorsements or opinions aired by a broadcast facility not owned or
32-33 controlled by a candidate or political party;

32-34 (iii) any communication by persons made in the regular course and scope of their
33-1 business or any communication made by a membership organization solely to members of such
33-2 organization and their families.

33-3 (C) The term "express advocacy" is an expenditure made by a person or group that
33-4 explicitly advocates the election or defeat of a candidate, including all costs of designing,
33-5 producing, or disseminating a communication that contains phrases such as "vote for", "re-elect",
33-6 "support", "cast your ballot for", "[name of candidate] for [name of office]", "[name of
33-7 candidate] in [year]", "vote against", "defeat", "reject", or similar phrases.

33-8 (D) The term "independent expenditures" includes any funds spent on express advocacy
33-9 or electioneering communications that are not coordinated with any candidate's campaign.

33-10 (9) "Opposing funds" are funds spent opposing a participating candidate's campaign.
33-11 The amount of opposing funds is calculated by totaling the contributions received by the
33-12 nonparticipating candidate opponent with the highest total of contributions received and
33-13 supportive independent expenditures. While initial disbursements from the public financing of
33-14 elections fund to participating candidates are counted as contributions, matching funds as defined
33-15 in section 17-25.1-10 do not count for purposes of determining opposing funds. No independent
33-16 expenditure may be counted as both opposing a participating candidate and in support of that
33-17 candidate's opponent.

33-18 (10) "Other thing of value" means any item of tangible real or personal property of a fair
33-19 market value in excess of one hundred dollars (\$100).

33-20 (11) "Paid personal services" means personal services of every kind and nature, the cost
33-21 or consideration for which is paid or provided by someone other than the committee or
33-22 nonparticipating candidate for whom the services are rendered, but shall not include personal
33-23 services provided without compensation by persons volunteering their time.

33-24 (12) "Person" means an individual, partnership, committee, association, corporation, and
33-25 any other organization.

33-26 (13) "Political action committee" means any group of two (2) or more persons that
33-27 accepts any contributions to be used for advocating the election or defeat of any candidate or
33-28 candidates or to be used for advocating the approval or rejection of any question or questions
33-29 submitted to the voters. Only political action committees that have accepted contributions from
33-30 fifteen (15) or more persons in amounts of ten dollars (\$10.00) or more within an election cycle

33-31 shall be permitted to make contributions, and those committees must make contributions to at
33-32 least five (5) candidates for state or local office within an election cycle.

33-33 (14) "Public office" means any state, municipal, school, or district office or other position
33-34 that is filled by popular election, except political party offices. "Political party offices" means any
34-1 state, city, town, ward, or representative or senatorial district committee office of a political party
34-2 or delegate to a political party convention, or any similar office.

34-3 (15) "State" means state of Rhode Island.

34-4 (16) "Testimonial affair" means an affair of any kind or nature including, but not limited
34-5 to, cocktail parties, breakfasts, luncheons, dinners, dances, picnics, or similar affairs expressly
34-6 and directly intended to raise campaign funds in behalf of a candidate to be used for nomination
34-7 or election to a public office in this state, or expressly and directly intended to raise funds in
34-8 behalf of any state or municipal committee of a political party, or expressly and directly intended
34-9 to raise funds in behalf of any political action committee.

34-10 **17-25.1-4. Applicability.** -- The provisions of this chapter shall apply in any primary,
34-11 general, or special election or town meeting for any public office of the state, municipality, or
34-12 district or for the determination of any question submitted to the voters of the state, municipality,
34-13 or district; provided, however, the public financing of elections provisions of this chapter shall
34-14 apply only to candidates for the general assembly or for general office.

34-15 **17-25.1-5. Duties and powers of the board of elections.** -- (a) The board of elections is
34-16 authorized to perform any duties that are necessary to implement the provisions of this chapter.
34-17 Without limiting the generality of this provision, the board is authorized and empowered to:

34-18 (1) Develop forms for the making of the required reports to be filed with the board of
34-19 elections, which form shall contain a notice setting forth the times and dates when reports are
34-20 required to be filed;

34-21 (2) Prepare and publish a manual for all candidates, political party committees, and
34-22 political action committees prescribing the requirements of the law, including uniform methods of
34-23 bookkeeping and reporting and requirements as to the length of time that any person required to
34-24 keep any records pursuant to the provisions of this chapter shall retain these records, or any class
34-25 or category of records, or any other documents;

34-26 (3) Adopt rules and regulations to carry out the purposes of this chapter;

34-27 (4) Prepare and make available for public inspection, through the office of the board of
34-28 elections, summaries of all reports grouped according to participating candidates,
34-29 nonparticipating candidates, political parties, political action committees, and groups advocating
34-30 the passage or defeat of referenda;

34-31 (5) Prepare and publish, prior to May 1 or as soon as practicable thereafter of each year,
34-32 an annual report to the general assembly;

34-33 (6) Ascertain whether participating candidates or nonparticipating candidates or political
34-34 party committees, or political action committees, or groups advocating the passage or defeat of
35-1 referenda have failed to file reports or have filed defective reports; and may for good cause shown
35-2 extend the dates upon which reports are required to be filed;

35-3 (7) Conduct confidential investigations and/or closed hearings in accordance with this
35-4 title relative to alleged violations of this chapter either on its own initiative or upon receipt of a
35-5 verified written complaint, which complaint shall, under pain and penalty of perjury, be based
35-6 upon actual knowledge and not merely on information and belief. Upon completion of its
35-7 investigation and/or hearings, if the board has reason to believe that a violation of this chapter has
35-8 occurred or that a complainant has willfully sworn or affirmed falsely, the chairperson of the
35-9 board of elections is authorized to and shall issue to the person found to be in violation of this
35-10 chapter a summons pursuant to § 12-7-11 to appear before the division of the district court where
35-11 the person resides and shall be prosecuted by the attorney general. Any action taken by the board

35-12 as a result of a written verified complaint shall, whenever possible, be completed no later than
35-13 five (5) business days after its receipt, and if no violation is found to exist, all records and papers
35-14 shall be kept confidential unless further legal proceedings are instituted.

35-15 (ii) The confidentiality of an audit, investigation, hearing, and/or findings may be waived
35-16 in writing only by the person or persons complained of or audited. However, once an audit is
35-17 complete and presented to the board, the audit will be a matter of public record.

35-18 (8) Conduct compliance reviews and audits of campaign accounts as necessary, and in a
35-19 manner consistent with the provisions of this chapter.

35-20 (b) The board of elections shall take any steps that may be necessary or appropriate to
35-21 furnish timely and adequate information, both in appropriate printed summaries and in any other
35-22 form that it may see fit, to every candidate or prospective candidate for public office who
35-23 becomes or is likely to become subject to the provisions of this chapter, and to every treasurer
35-24 duly designated under the provisions of this chapter, informing them of their actual or prospective
35-25 obligations and responsibilities under this chapter. Any such timely and accurate information
35-26 produced in printed summaries shall be duplicated exactly on the official website of the Rhode
35-27 Island board of elections.

35-28 (c) (1) The board of elections is authorized, upon written request, to render written
35-29 advisory opinions as to whether a given set of facts and circumstances set forth in the request
35-30 would constitute a violation of any of the provisions of this chapter, or whether a given set of
35-31 facts and circumstances set forth in the request would render any person subject to any of the
35-32 reporting requirements of this chapter; provided, that the requirement for a written opinion may
35-33 be voluntarily waived by the candidate or committee.

35-34 (2) Unless an extension of time is consented to by any person who submits a written
36-1 request for an advisory opinion, the board of elections shall, whenever possible, render its written
36-2 advisory opinion within five (5) business days of receipt of the request.

36-3 (d) (1) For each quarterly report required to be filed, the board shall send a postcard by
36-4 regular mail to each person and entity required to file a report, which will notify the person or
36-5 entity that a report required to be filed is due within fourteen (14) days.

36-6 (2) The failure to receive this notice shall not absolve the person or entity of the reporting
36-7 requirements contained in this chapter.

36-8 **17-25.1-6. Manual of legal requirements. --** The board of elections shall prepare and
36-9 publish a manual prescribing the requirements of the law, and the secretary of state shall have
36-10 copies of the manual available for individuals filing candidacy papers.

36-11 **17-25.1-7. Contents of reports to be filed by treasurers of candidates and**
36-12 **committees. –** (a) Each campaign treasurer of each candidate, participating candidate,
36-13 nonparticipating candidate, each state and municipal committee of a political party, and each
36-14 political action committee shall keep accurate records and make a full report, upon a form
36-15 prescribed by the board of elections, of all contributions received by it in excess of a total of one
36-16 hundred dollars (\$100) from any one source within a calendar year, in furtherance of the
36-17 nomination, election, or defeat of any candidate or the approval or rejection of any question
36-18 submitted to the voters during the period from the date of the last report, or in the case of the
36-19 initial report, beginning on the date of the appointment of the campaign treasurer for state and
36-20 municipal committees and political action committees and on the date a person becomes a
36-21 "candidate", as defined in 17-25.1-3(2) for individual candidates. The report shall contain the
36-22 name and address and place of employment of each person or source from whom the
36-23 contributions in excess of one hundred dollars (\$100) were received, and the amount contributed
36-24 by each person or source. The report shall be filed with the board of elections on the dates
36-25 designated in 17-25.1-18. The campaign treasurer of the candidate, or committee reporting, shall
36-26 certify to the correctness of each report.

36-27 (b) Each state and municipal committee of a political party shall also file with the board
36-28 of elections, not later than March 1 of each year, an annual report setting forth in the aggregate all
36-29 contributions received and all expenditures made during the previous calendar year, whether or
36-30 not these expenditures were made, incurred, or authorized in furtherance of the election or defeat
36-31 of any candidate. The treasurer of the committee or organization reporting shall certify to the
36-32 correctness of each report.

36-33 (c) Any report filed pursuant to the provisions of this section shall include contributions
36-34 received from any "testimonial affair", as defined in 17-25.1-3, held since the date of the most
37-1 recent report filed.

37-2 **17-25.1-8. Personal use of campaign funds prohibited --** (a) The personal use by any
37-3 elected public office holder or by any candidate, participating candidate, or nonparticipating
37-4 candidate for public office, as defined in 17-25.1-3, of campaign funds or of public funds is
37-5 prohibited. For the purposes of this section, "personal use" is defined as any use other than
37-6 expenditures related to gaining or holding public office and for which the candidate for public
37-7 office or elected public official would be required to treat the amount of the expenditure as gross
37-8 income under § 61 of the Internal Revenue Code of 1986, 26 U.S.C. § 61, or any subsequent
37-9 corresponding Internal Revenue Code of the United States, as from time to time amended.

37-10 (b) Expenditures that are specifically prohibited under this chapter include:

37-11 (1) Any residential or household items, supplies or expenditures, including mortgage, rent
37-12 or utility payments for any part of any personal residence of a candidate or officeholder or a
37-13 member of the candidate's or officeholder's family;

37-14 (2) Mortgage, rent, or utility payments for any part of any non-residential property that is
37-15 owned by a candidate or officeholder or a member of a candidate's or officeholder's family and
37-16 used for campaign purposes, to the extent the payments exceed the fair market value of the
37-17 property usage;

37-18 (3) Funeral, cremation, or burial expenses, including any expenses related to deaths
37-19 within a candidate's or officeholder's family;

37-20 (4) Clothing, other than items of de minimis value that are used in the campaign;

37-21 (5) Tuition payments;

37-22 (6) Dues, fees, or gratuities at a country club, health club, recreational facility or other
37-23 nonpolitical organization, unless they are part of a specific fundraising event that takes place on
37-24 the organization's premises;

37-25 (7) Salary payments to a member of a candidate's family, unless the family member is
37-26 providing bona fide services to the campaign. If a family member provides bona fide services to a
37-27 campaign, any salary payments in excess of the fair market value of the services provided is
37-28 personal use;

37-29 (8) Admission to a sporting event, concert, theater, or other form of entertainment, unless
37-30 part of a specific campaign or officeholder activity;

37-31 (9) Payment of any fines, fees, or penalties assessed pursuant to this chapter.

37-32 (c) Any expense that results from campaign or officeholder activity is permitted use of
37-33 campaign funds. Such expenditures may include:

37-34 (1) The defrayal of ordinary and necessary expenses of a candidate or officeholder;

38-1 (2) Office expenses and equipment, provided the expenditures and the use of the
38-2 equipment can be directly attributable to the campaign or the officeholder's duties and
38-3 responsibilities;

38-4 (3) Donations to charitable organizations, provided the candidate or officeholder does not
38-5 personally benefit from the donation or receive compensation from the recipient organization;

38-6 (4) Travel expenses for an officeholder, provided that the travel is undertaken as an
38-7 ordinary and necessary expense of seeking, holding, or maintaining public office, or seeking,

38-8 holding, or maintaining a position within the legislature or other publicly elected body. If a
38-9 candidate or officeholder uses campaign funds to pay expenses associated with travel that
38-10 involves both personal activities and campaign or officeholder activities, the incremental
38-11 expenses that result from the personal activities are personal use, unless the person(s) benefiting
38-12 from this use reimburse(s) the campaign account within thirty (30) days for the amount of the
38-13 incremental expenses;

38-14 (5) Gifts of nominal value and donations of a nominal amount made on a special occasion
38-15 such as a holiday, graduation, marriage, retirement or death, unless made to a member of the
38-16 candidate's or officeholder's family;

38-17 (6) Meal expenses which are incurred as part of a campaign activity or as apart of a
38-18 function that is related to the candidate's or officeholder's responsibilities, including meals
38-19 between and among candidates and/or officeholders that are incurred as an ordinary and
38-20 necessary expense of seeking, holding, or maintaining public office, or seeking holding, or
38-21 maintaining a position within the legislature or other publicly elected body;

38-22 (7) Food and beverages which are purchased as part of a campaign or officeholder
38-23 activity.

38-24 (d) Any campaign funds not used to pay for the expenses of gaining or holding public
38-25 office may:

38-26 (1) Be maintained in a campaign account(s);

38-27 (2) Be donated to a candidate for public office, to a political organization, or to a political
38-28 action committee, subject to the limitation on contributions in 17-25.1-17;

38-29 (3) Be transferred in whole or in part into a newly established political action committee;

38-30 (4) Be donated to a tax exempt charitable organization as that term is used in § 501(c)(3)
38-31 of the Internal Revenue Code of 1986, 26 U.S.C. § 501, or any subsequent corresponding internal
38-32 revenue code of the United States as from time to time amended;

38-33 (5) Be donated to the state of Rhode Island; or

38-34 (6) Be returned to the donor.

39-1 **17-25.1-9. Testimonial proceeds intended for personal use prohibited. --** It is
39-2 unlawful for any candidate for public office, as defined in 17-25.1-3, or any elected public office
39-3 holder to accept the proceeds of any testimonial, as defined in 17-25.1-3, for personal use, as
39-4 defined in 17-25.1-8, which were received after January 1, 2010. Nothing in this section shall be
39-5 construed to prohibit the use of testimonials for the lawful purpose of raising campaign funds.

39-6 **17-25.10. Limitations on repayment of loans. --** Campaign contributions received
39-7 pursuant to this chapter shall not be used to repay cumulative personal loans that were made on or
39-8 after January 1, 2010, to a campaign by a candidate in excess of two hundred thousand dollars
39-9 (\$200,000) during an election cycle.

39-10 **17-25.1-11. Electronic reporting – Declaration of purpose. --** The State of Rhode
39-11 Island is committed to facilitating public access to reports of campaign contributions and
39-12 expenditures by candidates for public office and other entities required to file campaign finance
39-13 reports.

39-14 **17-25.1-12. Electronic reporting --** (a) The filing of campaign finance reports to the
39-15 board of elections shall commence in accordance with the following schedule:

39-16 (1) Candidates for general office shall commence filing campaign finance reports
39-17 electronically beginning with the report required to be filed for the first quarterly reporting period
39-18 in 2002.

39-19 (2) All other candidates for public office and political parties, other than state political
39-20 parties, shall commence filing campaign finance reports electronically beginning with the first
39-21 quarterly reporting period in 2010; provided, that all candidates may commence filing campaign
39-22 finance reports electronically beginning with the first report required to be filed for the first

39-23 quarterly reporting period in 2010.

39-24 (3) State political parties, political action committees and vendors required to file
39-25 campaign finance reports shall do so commencing with the first report required to be filed for the
39-26 first quarterly reporting period in 2010.

39-27 (b) Notwithstanding the provisions in subdivision (a)(2) of this section, any candidate
39-28 who raises or expends more than five thousand dollars (\$5,000) annually, or whose report shows
39-29 a balance of five thousand dollars (\$5,000) or more in his or her campaign fund as of December
39-30 31st of the previous year, shall file his or her campaign finance reports electronically.

39-31 (c) The board of elections shall have the authority to adopt regulations to implement and
39-32 administer the provisions of this section.

39-33 (d) Notwithstanding anything else in this section and subject to the implementation of an
39-34 electronic reporting and tracking system, the board of elections shall have the authority to delay
40-1 implementation of the requirements of this section by up to ninety (90) days.

40-2 (e) The provisions of this section apply to all candidates, regardless of which campaign
40-3 financing system they elect to join.

40-4 **17-25.1-13. Appointment of campaign treasurer by candidate – Filings.** -- (a) Each
40-5 candidate in an election, regardless of which campaign financing system they elect to join, shall
40-6 file a "notice of organization" with the board of elections and appoint one campaign treasurer
40-7 before receiving any contribution or expending any money in furtherance or aid of the candidate's
40-8 candidacy. The "notice of organization" shall include the name and address of the candidate, the
40-9 campaign treasurer and the committee being established.

40-10 (b) A candidate may appoint deputy campaign treasurers as required. The candidate shall
40-11 file the names and addresses of deputy campaign treasurers with the board of elections.

40-12 (c) A candidate may remove a campaign treasurer or deputy campaign treasurer. In the
40-13 case of the death, resignation, or removal of a campaign treasurer, the candidate shall appoint a
40-14 successor as soon as practicable and shall file his or her name and address with the board of
40-15 elections within ten (10) days. A candidate may serve as his or her own campaign treasurer, and
40-16 upon failure to designate a treasurer, the candidate shall be designated his or her own treasurer by
40-17 the board of elections.

40-18 **17-25.1-14. Appointment of treasurer by political action committee – Filings.** -- (a)
40-19 Each political action committee shall appoint one campaign treasurer before receiving any
40-20 contribution or expending any money for the purpose of advocating the election or defeat of any
40-21 candidate or the approval or rejection of any question.

40-22 (b) A campaign treasurer of a political action committee may appoint deputy campaign
40-23 treasurers as may be required. The committees shall file the names and addresses of the deputy
40-24 campaign treasurers with the board of elections.

40-25 (c) Any political action committee may remove at any time its campaign treasurer. In the
40-26 case of the death, resignation, or removal of its campaign treasurer, any committee shall appoint a
40-27 successor as soon as practicable and shall file his or her name and address with the board of
40-28 elections within ten (10) days.

40-29 **17-25.1-15. Designation of campaign treasurer of political party committees –**
40-30 **Filings.** -- (a) Each state and municipal committee of a political party shall, on or before January
40-31 31 of each year, designate a campaign treasurer and shall file the name and address of that person
40-32 with the board of elections.

40-33 (b) A campaign treasurer of the state or municipal committee of a political party may
40-34 appoint deputy campaign treasurers as may be required. The committees shall file the names and
41-1 addresses of the deputy campaign treasurers with the board of elections.

41-2 (c) Any state or municipal committee of a political party may remove at any time its
41-3 campaign treasurer. In the case of the death, resignation, or removal of its campaign treasurer,

41-4 any committee shall appoint a successor as soon as practicable and file his or her name and
41-5 address with the board of elections within ten (10) days.

41-6 **17-25.1-16. Lawful methods of contributing to support of candidates – Reporting –**
41-7 **Disposition of anonymous contributions. --**

41-8 (a) No contribution shall be made or received, and no expenditures shall be directly made
41-9 or incurred, to support or defeat a candidate or to advocate the approval or rejection of any
41-10 question in any election except through:

41-11 (1) The duly appointed campaign treasurer, or deputy campaign treasurers, of the
41-12 candidates, regardless of which campaign financing system they elect to join;

41-13 (2) The duly appointed campaign treasurer or deputy campaign treasurers of a political
41-14 party committee;

41-15 (3) The duly appointed campaign treasurer or deputy campaign treasurer of a political
41-16 action committee.

41-17 (b) It shall be lawful for any person, not otherwise prohibited by law and not acting in
41-18 concert with any other person or group, to expend personally from that person's own funds a sum
41-19 which is not to be repaid to him or her for any purpose not prohibited by law to support or defeat
41-20 a candidate or to advocate the approval or rejection of any question; provided, that any person
41-21 making the expenditure shall be required to report all of his or her expenditures and expenses, if
41-22 the total of the money so expended exceeds one hundred dollars (\$100) within a calendar year, to
41-23 the board of elections within seven (7) days of making the expenditure and to the campaign
41-24 treasurer of the candidate or political party committee on whose behalf the expenditure or
41-25 contribution was made, or to his or her deputy, within seven (7) days of making the expenditure,
41-26 who shall cause the expenditures and expenses to be included in his or her reports to the board of
41-27 elections. Whether a person is "acting in concert with any other person or group" for the purposes
41-28 of this subsection shall be determined by application of the standards set forth in 17-25.1-23.

41-29 (c) Any anonymous contribution received by a campaign treasurer or deputy campaign
41-30 treasurer shall not be used or expended, but shall be returned to the donor, if the donor's identity
41-31 can be ascertained; if not, the contribution shall escheat to the state.

41-32 **17-25.1-17. Political contributions – Limitations. --** (a) (1) No person, other than the
41-33 candidate to his or her own campaign, nor any political action committee shall make a
41-34 contribution or contributions to any candidate, as defined by 17-25.1-3, or political action
42-1 committee or political party committee which in the aggregate exceed one thousand dollars
42-2 (\$1,000) within a calendar year, nor shall any person make contributions to more than one state or
42-3 local candidate, to more than one political action committee, or to more than one political party
42-4 committee, or to a combination of state and local candidates and political action committees and
42-5 political party committees which in the aggregate exceed ten thousand dollars (\$10,000) within a
42-6 calendar year, nor shall any political action committee make such contributions which in the
42-7 aggregate exceed twenty-five thousand dollars (\$25,000) within a calendar year, nor shall any
42-8 candidate or any political action committee or any political party committee accept a contribution
42-9 or contributions which in the aggregate exceed one thousand dollars (\$1,000) within a calendar
42-10 year from any one person or political action committee.

42-11 (2) Notwithstanding the provisions of subdivision (1) of this subsection, a person or
42-12 political action committee or political party committee may contribute an amount which in the
42-13 aggregate does not exceed ten thousand dollars (\$10,000) within a calendar year to a political
42-14 party committee, which funds can be utilized for organizational and party building activities, but
42-15 shall not be used for contributions to candidates state and local for public office.

42-16 (b) Contributions to a named candidate made to any political committee authorized by
42-17 that candidate to accept contributions on the candidate's behalf shall be considered to be
42-18 contributions made to the candidate. Contributions to a candidate by a political committee for

42-19 another person shall be considered to be contributions by that person.

42-20 (c) Expenditures made by any person in cooperation, consultation or concert with, or at

42-21 the request or suggestion of, a candidate, the candidate's authorized political committees, or their

42-22 agents shall be considered to be a contribution to the candidate.

42-23 (d) The financing by any person of the dissemination, distribution, or republication, in

42-24 whole or in part, of any broadcast or any written, graphic, or other form of campaign materials

42-25 prepared by the candidate, the candidate's campaign committees, or their authorized agents shall

42-26 be considered to be a contribution to a candidate.

42-27 (e) Nothing in this section shall be construed to restrict political party committees

42-28 organized pursuant to this title from making contributions to the candidates of that political party;

42-29 provided, that these contributions, other than allowable "in-kind" contributions, shall not exceed,

42-30 in the aggregate, twenty-five thousand dollars (\$25,000) to any one candidate within a calendar

42-31 year, nor shall any candidate accept a contribution or contributions, other than allowable "in-

42-32 kind" contributions, which in the aggregate exceed twenty-five thousand dollars (\$25,000) within

42-33 a calendar year from all committees of his or her political party. There shall be no restriction on

42-34 the amount of "in-kind" contributions that a political party committee may make to a candidate of

43-1 its political party; provided, that for the purposes of this subsection only, the cost of any

43-2 preparation and airing of television and/or radio advertisements and the cost of any print

43-3 advertisements shall not be considered an allowable "in-kind" contribution and shall be subject to

43-4 the aggregate limitation of twenty-five thousand dollars (\$25,000).

43-5 (f) (1) A contribution from an individual's dependent children, as defined in § 36-14-2,

43-6 shall be deemed a contribution from the individual for the purpose of determining whether

43-7 aggregate contributions exceed either the one hundred dollar (\$100) threshold for reporting

43-8 purposes or the one thousand dollar (\$1,000) maximum for contributions to a single candidate or

43-9 political action committee or the ten thousand dollar (\$10,000) maximum for contributing to all

43-10 candidates and political action committees within a calendar year.

43-11 (2) No dependent child shall contribute an amount which, when added to contributions

43-12 already made by that child's parent or legal guardian and by other dependent children of that

43-13 parent or legal guardian, exceed the one thousand dollar (\$1,000) maximum for contributions to a

43-14 single candidate or political action committee or exceed the ten thousand dollar (\$10,000)

43-15 maximum for contributions to all state or local candidates and political action committees within

43-16 a calendar year.

43-17 (g) Nothing in this section shall be construed to restrict the amount of money that a

43-18 nonparticipating candidate can borrow in his or her own name, and subsequently contribute or

43-19 loan to his or her own campaign.

43-20 (h) (1) It shall be unlawful for any corporation, whether profit or non-profit, domestic

43-21 corporation or foreign corporation, as defined in § 7-1.1-2, or other business entity to make any

43-22 campaign contribution or expenditure, as defined in 17-25.1-3, to or for any candidate, political

43-23 action committee, or political party committee, or for any candidate, political action committee,

43-24 or political party committee to accept any campaign contribution or expenditure from a

43-25 corporation or other business entity. Any contribution made in the personal name of any

43-26 employee of a corporation or other business entity, for which the employee received or will

43-27 receive reimbursement from the corporation or other business entity, shall be considered as a

43-28 contribution by the corporation or other business entity, in violation of this section.

43-29 (2) The prohibition contained in paragraph (h)(1) shall not apply to a corporation or legal

43-30 entity that is:

43-31 (i) a preexisting corporation or legal entity that uses existing funds from its general

43-32 treasury or other general accounts to advocate the passage or defeat of a ballot

43-33 question;

43-34 (ii) a preexisting corporation or legal entity that solicits funds from its membership to
44-1 advocate the passage or defeat of a ballot question;
44-2 (iii) a preexisting legal entity that solicits funds from outside of its membership to
44-3 advocate the passage or defeat of a ballot question;
44-4 (iv) a corporation or legal entity formed for a purpose that includes
44-5 (3) Any voluntary payroll deduction and/or contribution made by employees of a
44-6 corporation or other business entity shall not be deemed a contribution of a corporation or other
44-7 business entity, notwithstanding that the contributions were sent to the recipient by the
44-8 corporation or other business entity.
44-9 (i) All contributions of funds shall be by check, money order, or credit card and may be
44-10 made over the Internet, but in each case the source of the funds must be identified; provided, that
44-11 candidates may accept contributions in cash which do not exceed twenty-five dollars (\$25.00) in
44-12 the aggregate from an individual within a calendar year. The cash contribution must be delivered
44-13 directly by the donor to the candidate, his or her campaign treasurer, or deputy treasurer. The
44-14 treasurer or deputy treasurer shall maintain a record of the name and address of all persons
44-15 making these cash contributions.
44-16 (j) Except as provided in subsection (h) of this section, no entity other than an individual,
44-17 a political action committee which is duly registered and qualified pursuant to the terms of this
44-18 chapter, political party committee authorized by this title, or an authorized committee of an
44-19 elected official or candidate established pursuant to this chapter shall make any contribution to or
44-20 any expenditure on behalf of or in opposition to any candidate, ballot question, political action
44-21 committee, or political party.
44-22 **17-25.1-18. Dates for filing of reports by treasurers of all candidates or of**
44-23 **committees.** – (a) During the period between the appointment of the campaign treasurer for state
44-24 and municipal committees and political action committees, or in the case of an individual, the
44-25 date on which the individual becomes a "declared or undeclared candidate", as defined in 17-
44-26 25.1-3(2), except when the ninety (90) day reporting period ends less than forty (40) days prior to
44-27 an election, in which case the ninety (90) day report shall be included as part of the report
44-28 required to be filed on the twenty-eighth (28th) day next preceding the day of the primary,
44-29 general, or special election pursuant to subdivision (2) of this subsection, and the election, with
44-30 respect to which contributions are received or expenditures made by him or her in behalf of or in
44-31 opposition to a candidate or question, the campaign treasurer of a candidate, a political party
44-32 committee, or a political action committee shall file a report containing an account of
44-33 contributions received and expenditures made on behalf of or in opposition to a candidate or
44-34 question.
45-1 (1) At ninety (90) day intervals commencing on the date on which the individual first
45-2 becomes a candidate, as defined in 17-25.1-3(2);
45-3 (2) In a contested election, on the twenty-eighth (28th) and seventh (7th) days next
45-4 preceding the day of the primary, general, or special election; provided, that in the case of a
45-5 primary election for a special election, where the twenty-eighth (28th) day next preceding the day
45-6 of the primary election occurs prior to the first day for filing declarations of candidacy pursuant to
45-7 17-14-1, the reports shall be due on the fourteenth (14th) and seventh (7th) days next preceding
45-8 the day of the primary election for the special election; and
45-9 (3) A final report on the twenty-eighth (28th) day following the election. The report shall
45-10 contain:
45-11 (i) The name and address and place of employment of each person from whom
45-12 contributions in excess of a total of one hundred dollars (\$100) within a calendar year were
45-13 received;
45-14 (ii) The amount contributed by each person;

45-15 (iii) The name and address of each person to whom expenditures in excess of one
45-16 hundred dollars (\$100) were made; and
45-17 (iv) The amount and purpose of each expenditure.

45-18 (b) Concurrent with the report filed on the twenty-eighth (28th) day following an
45-19 election, or at any time thereafter, the campaign treasurer of a candidate, or political party
45-20 committee or political action committee, may certify to the board of elections that the campaign
45-21 fund of the candidate, political party committee, or political action committee having been
45-22 instituted for the purposes of the past election, has completed its business and been dissolved or,
45-23 in the event that the committee will continue its activities beyond the election, that its business
45-24 regarding the past election has been completed; and the certification shall be accompanied by a
45-25 final accounting of the campaign fund, or of the transactions relating to the election, including the
45-26 final disposition of any balance remaining in the fund at the time of dissolution or the
45-27 arrangements which have been made for the discharge of any obligations remaining unpaid at the
45-28 time of dissolution.

45-29 (c) Once the campaign treasurer certifies that the campaign fund has completed its
45-30 business and been dissolved, no contribution which is intended to defray expenditures incurred on
45-31 behalf of or in opposition to a candidate or to advocate the approval or rejection of any question
45-32 during the campaign can be accepted. Until the time that the campaign treasurer certifies that the
45-33 campaign fund has completed its business and been dissolved, the treasurer shall file reports
45-34 containing an account of contributions received and expenditures made at ninety (90) day
46-1 intervals commencing with the next quarterly report following the election; however, the time to
46-2 file under this subsection shall be no later than thirty (30) days following the ninety (90) day
46-3 period, except when the thirty (30) days filing deadline following the ninety (90) day reporting
46-4 period occurs less than twenty-eight (28) days before an election, in which case the report shall be
46-5 filed pursuant to the provisions of subdivisions (a)(1) and (2) of this section.

46-6 (d) There shall be no obligation to file the reports of expenditures required by this section
46-7 on behalf of or in opposition to a candidate or question if the total amount to be expended in
46-8 behalf of the candidacy or question by the candidate, by any political party committee, by any
46-9 political action committee, or by any person shall not in the aggregate exceed one thousand
46-10 dollars (\$1,000).

46-11 (2) However, even though the aggregate amount expended on behalf of the candidacy
46-12 does not exceed one thousand dollars (\$1,000), reports must be made listing the source and
46-13 amounts of all contributions in excess of a total of one hundred dollars (\$100) from any one
46-14 source within a calendar year. Even though the aggregate amount expended on behalf of the
46-15 candidacy does not exceed one thousand dollars (\$1,000) and no contribution from any one
46-16 source within a calendar year exceeds one hundred dollars (\$100), the report shall state the
46-17 aggregate amount of all contributions received. In addition, the report shall state the amount of
46-18 aggregate contributions that were from individuals, the amount from political action committees,
46-19 and the amount from political party committees.

46-20 (e) On or before the first date for filing contribution and expenditure reports, the
46-21 campaign treasurer may file a sworn statement that the treasurer will accept no contributions nor
46-22 make aggregate expenditures in excess of the minimum amounts for which a report is required by
46-23 this chapter. Thereafter, the campaign treasurer shall be excused from filing all the reports for that
46-24 campaign, other than the final report due on the twenty-eighth (28th) day following the election.

46-25 (f) A campaign treasurer must file a report containing an account of contributions
46-26 received and expenditures made at the ninety (90) day intervals provided for in subsection (c) of
46-27 this section for any ninety (90) day period in which the campaign received contributions in excess
46-28 of a total of one hundred dollars (\$100) within a calendar year from any one source and/or made
46-29 expenditures in excess of one thousand dollars (\$1,000) within a calendar year; however, the time

46-30 to file under this subsection shall be no later than thirty (30) days following the ninety (90) day
46-31 period, except when the thirty (30) days filing deadline following the ninety (90) day reporting
46-32 period occurs less than twenty-eight (28) days before an election, in which case the report shall be
46-33 filed pursuant to the provisions of subdivisions (a) (1) and (2) of this section.

46-34 (g) The board of elections may, for good cause shown and upon the receipt of a written or
47-1 electronic request, grant a seven (7) day extension for filing a report; provided, that the request
47-2 must be received no later than the date upon which the report is due to be filed.

47-3 (2) Any person or entity required to file reports with the board of elections pursuant to
47-4 this section and who has not filed the report by the required date, unless granted an extension
47-5 pursuant to subdivision (1) of this subsection, shall be fined twenty-five dollars (\$25.00).
47-6 Notwithstanding any of the provisions of this section, the board of elections shall have the
47-7 authority to waive late filing fees for good cause shown.

47-8 (3) The board of elections shall send a notice of non-compliance, by certified mail, to any
47-9 person or entity who fails to file the reports required by this section. A person or entity who is
47-10 sent a notice of non-compliance and fails to file the required report within seven (7) days of the
47-11 receipt of the notice shall be fined two dollars (\$2.00) per day from the day of receipt of the
47-12 notice of non-compliance until the day the report has been received by the state board.
47-13 Notwithstanding any of the provisions of this section, the board of elections shall have the
47-14 authority to waive late filing fees for good cause shown.

47-15 **17-25.1-19. Preservation of candidate or committee records. --** (a) For every report
47-16 filed after the effective date of this chapter, the campaign treasurer of each candidate, whether
47-17 participating or nonparticipating, seeking nomination for election or election to public office shall
47-18 maintain and preserve all records and supporting documentation for a period of four (4) years
47-19 from the filing date.

47-20 (b) For every report filed after the effective date of this chapter, the treasurer of each
47-21 political party committee and political action committee shall be required to maintain and
47-22 preserve all records in support of the committee reports filed pursuant to 17-25.1-18 for a period
47-23 of (4) years from the filing date.

47-24 **17-25.1-20. Prohibited contributions. --** No contributions shall be made, and no
47-25 expenditure shall be made or incurred, whether anonymously, in a fictitious name, or by one
47-26 person or group in the name of another, to support or defeat a candidate in a primary, general, or
47-27 special election or to advocate the approval or rejection of any question. No treasurer or candidate
47-28 shall solicit or knowingly accept any contribution contrary to the provisions of this section.

47-29 **17-25.1-21. Penalties. --** (a) Any person who willfully and knowingly violates the
47-30 provisions of this chapter shall, upon conviction, be guilty of a misdemeanor and shall be fined
47-31 not more than one thousand dollars (\$1,000) per violation.

47-32 (b) The state board may fine any person or entity who violates the provisions of this
47-33 chapter in an amount not more than one hundred dollars (\$100) per violation.

47-34 (c) Fines, fees and penalties imposed by the state board for violations of this chapter shall
48-1 be paid for by the candidate, officeholder or entity against whose campaign the fines, fees or
48-2 penalties have been levied. Fines, fees and penalties levied by the state board pursuant to this
48-3 chapter shall not be paid for from contributions or funds available in a campaign account.

48-4 **17-25.1-22. Maintenance of party organization. --** Any state or municipal committee of
48-5 any political party may receive and disburse moneys for the general purposes of maintaining the
48-6 organization during the whole or any part of the year.

48-7 **17-25.1-23. Political action committee – Notice of formation. --** (a) No political action
48-8 committee shall accept any contributions or make any expenditures prior to filing notice of its
48-9 organization with the board of elections. The notice shall contain:

48-10 (1) The name or names of any candidates whose election or defeat the committee intends

48-11 to advocate and/or the question or questions whose approval or rejection the committee intends to
48-12 advocate;

48-13 (2) The names and addresses of all officers of the committee;
48-14 (3) The mailing address or addresses of the committee;
48-15 (4) The goals and purposes of the political action committee; and
48-16 (5) A statement indicating whether the membership and/or contributor base of the
48-17 political action committee is derived primarily from the employees of one corporation or business
48-18 entity or from one business or professional group or association or labor union and, if so, the
48-19 identity of that employer or group or association or union.

48-20 (b) No committee shall advocate the election or defeat of any candidate or question other
48-21 than that set forth in its notice of organization or amendment to the notice. A political action
48-22 committee may amend its notice of organization at any time. The board of elections shall
48-23 prescribe forms in compliance with this section.

48-24 (c) In addition to all other reporting requirements, each political action committee shall
48-25 include in each report required to be filed by this chapter:

48-26 (1) The source and amount of all funds received by the committee in excess of one
48-27 hundred dollars (\$100) in the aggregate from a single source in a calendar year; provided, that
48-28 funds received through a regular payroll check-off plan in which the aggregate contribution from
48-29 each individual does not exceed one hundred dollars (\$100) per calendar year shall report the
48-30 name and address of each entity transferring the funds to the committee, the aggregate amount
48-31 received from the payroll check-off, and the total number of contributors; and provided also, that
48-32 funds received by the political action committee of a labor organization from the members of the
48-33 labor organization in amounts not exceeding twenty-five dollars (\$25.00) per calendar year from
48-34 a single source shall be reported by the aggregate amount received and the total number of
49-1 members of the labor organization contributing;

49-2 (2) The name and address of each person to whom expenditures were made, and the
49-3 amount and purpose of each expenditure; and

49-4 (3) The name and address of each elected official and candidate for elected office to
49-5 whom a contribution was made, and the amount of the contribution.

49-6 (d) The board of elections may reject the use by a political action committee of a name
49-7 which is misleading and/or does not accurately identify the membership or contributor base of the
49-8 committee.

49-9 (e) If a political action committee derives more than fifty percent (50%) of its funds from
49-10 the employees, officers, directors, investors, and/or stockholders of a corporation or other
49-11 business entity, the name of the political action committee must incorporate the name of that
49-12 corporation or business entity. If a political action committee derives more than fifty percent
49-13 (50%) of its funds from persons affiliated with one industry, profession, trade organization, or
49-14 association or labor union, the name of the political action committee must identify that industry,
49-15 profession, trade organization or association, or labor union.

49-16 (f) Notwithstanding any provision to the contrary, a political action committee organized
49-17 exclusively for the purpose of promoting or opposing a ballot question may expend in excess of
49-18 twenty-five thousand dollars (\$25,000) to promote or oppose that referendum, and shall not be
49-19 subject to the requirement of making contributions to at least five (5) candidates; and the political
49-20 action committee shall terminate all activity within thirty (30) days following that election.

49-21 **17-25.1-24. Enjoining of illegal acts – Forfeiture of contributions. --** (a) Whenever the
49-22 board of elections has reason to believe that a candidate, political party committee, or political
49-23 action committee, or the campaign treasurer or deputy campaign treasurer of the candidate or
49-24 committee, has accepted a contribution or made an expenditure in violation of the provisions of
49-25 this chapter, or willfully and knowingly has made a false statement in any of the reports required

49-26 under this chapter or failed to file any report, or has otherwise violated this chapter, the board
49-27 may, in addition to all other actions authorized by law, request the attorney general to bring an
49-28 action in the name of the state of Rhode Island in the superior court against the person and/or
49-29 committee to enjoin them from continuing the violation, or doing any acts in furtherance of the
49-30 violation, and for any other relief that the court deems appropriate. In addition, the court may
49-31 order the forfeiture of any or all contributions accepted in violation of and/or not reported as
49-32 required by this chapter. All contributions so forfeited shall become the property of the state.

49-33 (b) The court shall also impose a civil penalty not exceeding three (3) times the amount
49-34 of:

50-1 (1) Contributions made or accepted in violation of this chapter;

50-2 (2) Expenditures made in violation of this chapter; and/or

50-3 (3) Contributions or expenditures not reported as required by this chapter.

50-4 (c) All funds collected pursuant to this section shall be deposited in the fund established
50-5 for the public financing of the electoral system pursuant to this chapter.

50-6 **17-25.1-25. Funds expended by person, committee of a political party, or political**
50-7 **action committee – Private expenditure. --** For the purposes of sections 17-25.1-38 and 17-
50-8 25.1-40 any funds expended by a person, committee of a political party, or political action
50-9 committee to directly influence the outcome of the electoral contest involving the candidate shall
50-10 be considered a contribution received by or an expenditure made by the candidate for general
50-11 office, or if one or more of the following relationships between the candidate and the person,
50-12 committee of a political party, or political action committee is present:

50-13 (1) There is any arrangement, coordination, or direction with respect to the expenditure
50-14 between the candidate or the candidate's agent and the person making the expenditure;

50-15 (2) In the same election cycle, the person making the expenditure, including any officer,
50-16 director, employee, or agent of the person, is or has been authorized to raise or expend funds on
50-17 behalf of the candidate or the candidate's authorized committees, or is or has been an officer of
50-18 the candidate's authorized committees, or is or has been receiving any form of compensation or
50-19 reimbursement from the candidate in the aggregate above one hundred dollars (\$100) in the same
50-20 election cycle, the candidate's authorized committees, or the candidate's agent;

50-21 (3) The person making the expenditure, including any officer, director, employee, or
50-22 agent of the person, has communicated with, advised, or counseled the candidate or the
50-23 candidate's agents at any point in the same election cycle on the candidate's plans, projects, or
50-24 needs relating to the candidate's pursuit of election to general office in the same election cycle,
50-25 including any advice relating to the candidate's decision to seek election to general office;

50-26 (4) The person making the expenditure retains the professional services of any individual
50-27 or person also providing those services in the aggregate above one hundred dollars (\$100) to the
50-28 candidate in connection with the candidate's pursuit of election to general office in the same
50-29 election cycle, including any services in the aggregate above one hundred dollars (\$100) relating
50-30 to the candidate's decision to seek election to general office;

50-31 (5) The person making the expenditure, including any officer, director, employer, or
50-32 agent of the person, has communicated or consulted at any time during the same election cycle
50-33 about the candidate's plans, projects, or needs relating to the candidate's pursuit of election to
50-34 general office, with:

51-1 (i) Any officer, director, employee, or agent of a party committee that has made or
51-2 intends to make expenditures or contributions, in connection with the candidate's campaign; or

51-3 (ii) Any person whose professional services have been retained by a political party
51-4 committee that has made or intends to make expenditures or contributions;

51-5 (6) The expenditure is based on information provided to the person making the
51-6 expenditure directly or indirectly by the candidate or the candidate's agents about the candidate's

51-7 plans, projects, or needs; provided, that the candidate or the candidate's agents are aware that the
51-8 other person has made or is planning to make expenditures expressly advocating the candidate's
51-9 election; or

51-10 (7) The expenditure is made by a person with the intention of seeking or obtaining any
51-11 governmental benefit or consideration from the candidate by reason of the expenditure.

51-12 **17-25.1-26. Post-audit of accounts – Publication. --** The board may conduct a post-
51-13 audit of all accounts and transactions for any election cycle and may conduct any other special
51-14 audits and post-audits that it may deem necessary. The board shall publish a summary of the
51-15 reports filed by candidates for the general assembly or general office pursuant to the public
51-16 financing provisions of this chapter on or before April 1 of the year following any year in which
51-17 elections are held for the general assembly or statewide elective office.

51-18 **17-25.1-27. Board of elections -- Regulation and auditing of public matching fund**
51-19 program. – In addition to all other powers and duties established by law, the board of elections is
51-20 empowered to adopt and enforce rules, regulations, and auditing procedures required to fulfill the
51-21 mandates of 17-25.1-29 – 17-25.1-40. The board is empowered, among other things, to:

51-22 (1) Ascertain whether any contributions to or expenditures for candidates for the general
51-23 assembly or general office have exceeded limits prescribed by 17-25.1-29 – 17-25.1-40.
51-24 Ascertain the amount and source of contributions received and expenditures made by all
51-25 candidates for the general assembly or general offices, whether or not the candidate chose to
51-26 participate in public financing.

51-27 (2) Issue advisory opinions upon its own initiative or upon application of any candidate.

51-28 (3) Conduct investigations and/or hearings relative to alleged violations of 17-25.1-29 –
51-29 17-25.1-40, either on its own initiative or upon receipt of a verified written complaint, which
51-30 complaint shall, under pain and penalty of perjury, be based upon actual knowledge and not
51-31 merely on information and belief.

51-32 (ii) Upon receipt of a verified written complaint, or upon receipt of evidence which is
51-33 deemed sufficient by the board, the board may initiate a preliminary investigation into any
51-34 alleged violation of 17-25.1-29 – 17-25.1-40. All board proceedings and records relating to a
52-1 preliminary investigation shall be confidential, except that the board may turn over to the attorney
52-2 general evidence that may be used in a criminal proceeding. The board shall notify any person
52-3 who is the subject of the preliminary investigation of the existence of the investigation and the
52-4 general nature of the alleged violation by certified or registered mail, return receipt requested,
52-5 within seven (7) days of the commencement of the investigation.

52-6 (iii) If a preliminary investigation fails to indicate reasonable cause for belief that 17-2.1-
52-7 29 – 17-25.1-40 have been violated, the board shall immediately terminate the investigation and
52-8 notify, in writing, the complainant, if any, and the person who had been the subject of the
52-9 investigation.

52-10 (iv) If a preliminary investigation indicates reasonable cause for belief that 17-25.1-29 –
52-11 17-25.1-40 have been violated, the board may, upon a majority vote, initiate a full investigation
52-12 and appropriate proceedings to determine whether there has been a violation.

52-13 (v) All testimony in board proceedings shall be under oath. All parties shall have the right
52-14 to call and examine witnesses, to introduce exhibits, to cross-examine witnesses who testify, to
52-15 submit evidence, and to be represented by counsel. Before testifying, all witnesses shall be given
52-16 a copy of the regulations governing board proceedings. All witnesses shall be entitled to be
52-17 represented by counsel.

52-18 (vi) Any person whose name is mentioned during a proceeding of the board and who may
52-19 be adversely affected by it may appear personally before the board on his or her own behalf or
52-20 file a written statement for incorporation into the record of the proceeding.

52-21 (vii) Within fourteen (14) days after the end of proceedings, the board shall meet in

52-22 executive session for the purpose of reviewing the evidence before it. Within thirty (30) days after
52-23 completion of deliberations, the board shall publish a written report of its findings and
52-24 conclusions.

52-25 (viii) Upon a finding that there has been a violation of 17-25.1-29 – 17-25.1-40 or any
52-26 other campaign finance law, the board may issue an order requiring the violator to:

52-27 (I) Cease and desist from the violation;
52-28 (II) File any report, statements or other information as required by this chapter; and/or
52-29 (III) Pay a civil fine for each violation of any section of this chapter in an amount
52-30 authorized by that section or, if no authorization exists, in amount not to exceed the greater of one
52-31 thousand dollars (\$1,000) or three (3) times the amount the violator failed to properly report or
52-32 unlawfully contributed, expended, gave, or received.

52-33 (b) The board may turn over to the attorney general any evidence that may be used in a
52-34 subsequent criminal proceeding against any violator.

53-1 (ix) The board may file a civil action in superior court to enforce an order issued by it
53-2 pursuant to this section.

53-3 (x) Any final action by the board made pursuant to this chapter shall be subject to review
53-4 in superior court upon petition of any interested person filed within thirty (30) days after the
53-5 action for which review is sought. The court shall enter a judgment enforcing, modifying, or
53-6 setting aside the order of the board, or it may remand the proceeding to the board for any further
53-7 action that the court may decide.

53-8 **17-25.1-28. Appropriations – Public Financing of Elections Fund. --** (a) There is
53-9 hereby created a special, dedicated, non-lapsing public financing of elections fund for the purpose
53-10 of providing public financing for the election campaigns of certified participating candidates and
53-11 paying for the administrative and enforcement costs of the board of elections related to this act.
53-12 The public financing of elections fund shall receive any funds generated by the tax credit of
53-13 subsection 44-30-2(d), any fines assessed in connection with this act, any qualifying
53-14 contributions, any unspent funds of a participating candidate remaining after the election for
53-15 which the funds were distributed, any interest generated by the public financing of elections fund,
53-16 voluntary donations made to the public financing of elections fund, and an annual appropriation
53-17 of seven dollars (\$7) per resident of the state as calculated by the United States census bureau for
53-18 the year preceding the election, indexed for inflation. The public financing of elections fund shall
53-19 be deposited in a manner that will secure the highest rate of interest available consistent with the
53-20 safety of the sums and with the requirement that all sums on deposit be available for immediate
53-21 payment to eligible candidates at any time during the primary or general election campaign
53-22 periods.

53-23 (b) In the event the funds generated this section fail to produce sufficient money to meet
53-24 the requirements of the public financing of the electoral system as set forth in 17-25.1-29 – 17-
53-25 25.1-40 then funds sufficient to meet the levels of the public financing as set forth in this chapter
53-26 shall be supplied from the general fund of the state treasury. There is appropriated from the
53-27 general treasury those sums that may be necessary for carrying out the purposes of the public
53-28 financing of the electoral system, and an amount equal to the total of all maximum amounts of
53-29 matching public funds available to all party and independent candidates for general office
53-30 qualifying and electing to receive Public Financing of Elections Campaign Funds in an election
53-31 shall be transferred to the board of elections no later than September 1 of each election year and
53-32 deposited in a manner that will secure the highest rate of interest available consistent with the
53-33 safety of the sums and with the requirement that all sums on deposit be available for immediate
53-34 payment to eligible candidates at any time after the date of the primary election. The state
54-1 controller is authorized and directed to draw his or her orders upon the general treasurer for
54-2 transfer of all sums the board deems necessary to comply with this section. There shall also be

54-3 transferred to the board any additional sums that may be required until the permitted limits are
54-4 reached. The board shall account for all funds disbursed pursuant to this chapter.

54-5 **17-25.1-29. Public Financing of Elections Eligibility. -- (a) A party candidate qualifies**
54-6 as a participating candidate for the primary election campaign period by:

54-7 (1) filing a declaration with the board of elections stating that the candidate has complied
54-8 with and will continue complying with all of the requirements of this chapter for participating
54-9 candidates;

54-10 (2) qualifying for the primary ballot; and

54-11 (3) collecting the required number of qualifying contributions during the qualifying
54-12 period:

54-13 (i) Fifty (50) qualifying contributions for a candidate for representative;

54-14 (ii) One hundred (100) qualifying contributions for a candidate for senator;

54-15 (iii) Two thousand five hundred (2,500) qualifying contributions for a candidate for
54-16 governor; or

54-17 (iv) One thousand (1,000) qualifying contributions for a candidate for a general office
54-18 other than governor.

54-19 (v) Seventy-five percent (75%) of the number of qualifying contributions required by
54-20 relevant subdivisions (i) through (iv) of this subsection for a candidate for the same office in a
54-21 special election.

54-22 (b) (1) Each contributor of a qualifying contribution shall sign a receipt on a form
54-23 provided by the board of elections including the contributor's signature, printed name, home
54-24 address, and telephone number, and the name of the candidate on whose behalf the contribution is
54-25 made. In addition, the receipt shall state that the contributor understands that the purpose of the
54-26 qualifying contribution is to help the candidate qualify for public financing of elections funding
54-27 and that the contribution is made without coercion or reimbursement. The candidate receiving
54-28 the qualifying contribution shall submit a copy of the receipt to the board of elections.

54-29 (2) A contribution submitted as a qualifying contribution that does not include a signed
54-30 and fully completed receipt shall not be counted as a qualifying contribution.

54-31 (3) The candidate shall deposit all qualifying contributions, whether in the form of cash,
54-32 checks, or money orders in a campaign account.

54-33 (4) The candidate shall submit to the board of elections a single check for the total
54-34 amount of the qualifying contributions for deposit in the public financing of elections fund along
55-1 with all of the qualifying contribution receipts.

55-2 (c) A party candidate qualifies as a participating candidate for the general election
55-3 campaign period by qualifying as a participating candidate during the primary election campaign
55-4 period and by winning the primary election.

55-5 (d) An independent candidate qualifies as a participating candidate for both the primary
55-6 election campaign period and the general election campaign period by:

55-7 (1) filing a declaration with the board of elections stating that the candidate has complied
55-8 with and will continue complying with all of the requirements of this chapter for participating
55-9 candidates;

55-10 (2) qualifying for the general election ballot; and

55-11 (3) collecting the required number of qualifying contributions during the qualifying
55-12 period:

55-13 (a) Fifty (50) qualifying contributions for a candidate for representative;

55-14 (b) One hundred (100) qualifying contributions for a candidate for senator;

55-15 (c) Two thousand five hundred (2,500) qualifying contributions for a candidate for
55-16 governor; or

55-17 (d) One thousand (1,000) qualifying contributions for a candidate for a general office

55-18 other than governor

55-19 (e) Seventy-five percent (75%) of the number of qualifying contributions required by
55-20 relevant subdivisions (a) through (d) of this subsection for a candidate for the same office in a
55-21 special election.

55-22 **17-25.1-30. Contributions.--** (a) During the primary and general election campaign
55-23 periods, a participating candidate may accept only contributions from the participating
55-24 candidate's political party, seed money contributions, and qualifying contributions.

55-25 (b) A participating candidate who accepts any benefits during the primary election
55-26 campaign period shall comply with this requirement during the general election campaign period
55-27 regardless of whether the participating candidate accepts any benefits during the general election
55-28 campaign period.

55-29 (c) During the primary and general election campaign period, a participating candidate
55-30 shall not solicit or receive political contributions for any other candidate or for any political party
55-31 or other political committee.

55-32 (d) No person shall make a contribution in the name of another person.

55-33 (e) During the primary and general election campaign periods, a participating candidate
55-34 shall pay for all campaign expenditures, except petty cash expenditures, by means of a "public
56-1 financing of elections debit card" issued by the board of elections.

56-2 (f) Participating candidates and persons seeking to become participating candidates shall
56-3 furnish complete campaign records, including all records of seed money contributions and
56-4 qualifying contributions, to the Board of Elections at regular filing times and upon request by the
56-5 board of elections. All candidates must cooperate with any audit or examination by the board of
56-6 elections.

56-7 **17-25.1-31. Campaign accounts for participating candidates. --** (a) During an election
56-8 cycle, each participating candidate shall conduct all campaign financial activities through a single
56-9 campaign account.

56-10 (b) A participating candidate may maintain a campaign account other than the campaign
56-11 account described in paragraph (A) above if the other campaign account is for the purpose of
56-12 retiring a campaign debt that was incurred during a previous election campaign in which the
56-13 candidate was not a participating candidate.

56-14 (c) Contributions for the purposes of retiring a previous campaign debt that are deposited
56-15 in the kind of "other campaign account" described in paragraph (b) shall not be considered
56-16 contributions to the candidate's current campaign.

56-17 (d) Participating candidates shall file reports of financial activity related to the current
56-18 election cycle separately from reports of financial activity related to previous election cycles.

56-19 **17-25.1-32. Seed Money. --**

56-20 (a) The only private contributions a candidate seeking to become eligible for public
56-21 financing of elections funding shall accept, other than qualifying contributions and limited
56-22 contributions from the candidate's political party, are seed money contributions contributed by
56-23 individuals prior to the end of the qualifying period.

56-24 (b) A seed money contribution shall not exceed one hundred dollars (\$100) per donor,
56-25 and the aggregate amount of seed money contributions accepted by a candidate seeking to
56-26 become eligible for public financing of elections funding shall not exceed:

56-27 (1) Five hundred dollars (\$500) for a candidate running for representative;

56-28 (2) One thousand dollars (\$1,000) for a candidate running for senator;

56-29 (3) Ninety thousand dollars (\$90,000) for a candidate running for the office of governor;

56-30 or

56-31 (4) Thirty six thousand dollars (\$36,000) for a candidate running for general office other
56-32 than governor.

56-33 (c) Receipts for seed money contributions under twenty-five dollars (\$25) shall include
56-34 the contributor's signature, printed name, and address. Receipts for seed money contributions of
57-1 twenty-five dollars (\$25) or more shall include the contributor's signature, printed name, street
57-2 address and zip code, telephone number, occupation, and name of employer. Candidates shall not
57-3 accept seed money contributions without receiving the required disclosure information.

57-4 (d) Seed money shall be spent only during the exploratory and qualifying periods. Seed
57-5 money shall not be spent during the primary or general election campaign periods, including the
57-6 portion of the primary election campaign period that is also part of the qualifying period.

57-7 (e) Candidates seeking to become participating candidates shall, upon submitting their
57-8 qualifying contributions to the board of elections or upon the beginning of the primary election
57-9 campaign period:

57-10 (1) Fully disclose to the board of elections all seed money contributions and expenditures
57-11 on a form provided by the board of elections; and

57-12 (2) Turn over to the board of elections for deposit in the public financing of elections
57-13 fund any seed money raised during the exploratory period that exceeds the aggregate seed money
57-14 limit.

57-15 **17-25.1-33. Use of Personal Funds.--** (a) Personal funds contributed as seed money by a
57-16 candidate seeking to become eligible as a participating candidate or adult members of the
57-17 candidate's family shall not exceed the maximum of one hundred dollar (\$100) per contributor.

57-18 (b) Personal funds shall not be used to meet the qualifying contribution requirement
57-19 except for one five dollar (\$5) contribution from the candidate.

57-20 **17-25.1-34. Campaign Advertisements. --** All cable, broadcast and print advertisements
57-21 placed by any candidates or their committees shall include a clear written or spoken statement
57-22 indicating that the candidate has approved of the contents of the advertisement.

57-23 **17-25.1-35. Certification.--**

57-24 (a) No more than five (5) days after a candidate applies for public financing of elections
57-25 benefits, the board of elections shall certify whether the candidate is eligible. If a participating
57-26 candidate violates the requirements of this act knowingly and willfully, the board of elections
57-27 shall revoke the candidate's eligibility and the candidate shall repay all public financing of
57-28 elections funds expended.

57-29 (b) The candidate's request for certification shall be signed by the candidate and the
57-30 candidate's campaign treasurer under penalty of perjury.

57-31 (c) The board of elections determination is final except that it is subject to examination
57-32 and audit by the auditor general and to an expedited review in Superior Court.

57-33 **17-25.1-36. Public Financing of Elections Benefits. --** (a) Participating candidates shall
57-34 receive public financing of elections funding from the board of elections for each election in the
58-1 amounts specified in section 17-25.1-37. This funding may be used to finance any campaign
58-2 expenses during the period for which it was allocated.

58-3 (b) No participating candidate shall spend any public financing of elections funds on
58-4 personal use, as defined by section 17-25.1-8.

58-5 (c) Participating candidate shall receive public financing of elections funding for the
58-6 primary election campaign period on the date on which the board of elections certifies the
58-7 candidate as a participating candidate or the first day of the primary election campaign period,
58-8 whichever is later.

58-9 (d) A participating candidate who is eligible for general election funding shall receive
58-10 Public Financing of Elections funding for the general election campaign period within forty-eight
58-11 (48) hours after certification of the primary election results. If the primary election results for
58-12 different parties are certified on different days, all participating candidates that are eligible for
58-13 general election funding shall receive general election funds within forty-eight (48) hours of the

58-14 last party's primary certification.

58-15 **17-25.1-37. Public Financing of Elections funding amounts. --** (1) For participating
58-16 candidates who are party candidates, the amount of public financing of elections funding in a
58-17 contested primary election is:

58-18 (a) Six thousand dollars (\$6,000) for a candidate running for the office of representative;

58-19 (b) Twelve thousand dollars (\$12,000) for a candidate running for the office of senator;

58-20 (c) One million one hundred and twenty-five thousand dollars (\$1,125,000) for a
58-21 candidate running for the office of governor; and

58-22 (d) Four hundred and fifty thousand dollars (\$450,000) for a candidate running for
58-23 general office other than governor.

58-24 (2) The public financing of elections funding amount for a participating party candidate
58-25 in an uncontested primary election is twenty-five percent (25%) of the amount provided in a
58-26 contested primary election.

58-27 (3) When a party candidate files to be a participating candidate, the candidate may
58-28 declare an expectation that the general election will not be contested. A participating candidate in
58-29 a contested primary election that makes this declaration shall receive the general election public
58-30 financing of elections funding amount instead of the primary election public financing of
58-31 elections amount. During the general election campaign period, a participating candidate who
58-32 declared that the general election would not be contested shall be eligible only for the uncontested
58-33 general election public financing of elections amount, regardless of whether the general election
58-34 is in fact contested.

59-1 (4) In a contested general election in which a participating candidate is a party candidate,
59-2 if the participating candidate or all the candidates of that party that competed for nomination in
59-3 the primary election combined received at least twenty (20%) percent of the total number of votes
59-4 cast for all candidates seeking that office in the just-held primary election, or if the candidate of
59-5 the participating candidate's party received at least twenty (20) percent of the total vote in the
59-6 previous general election, the participating candidate shall receive the full amount of Public
59-7 Financing of Elections funding for the general election. The full amount of Public Financing of
59-8 Elections funding for the general election is:

59-9 (a) Nine thousand dollars (\$9,000) for a candidate for representative;

59-10 (b) Eighteen thousand dollars (\$18,000) for a candidate for senator;

59-11 (c) One million eight hundred and seventy-five thousand dollars (\$1,875,000) for a
59-12 candidate for governor; and

59-13 (d) Six hundred and seventy-five thousand (\$675,000) for a candidate for general office
59-14 other than governor.

59-15 (5) In a contested general election in which a participating candidate is a party candidate
59-16 who is not entitled to the full amount of Public Financing of Elections funding for the general
59-17 election under subparagraph (4), the participating candidate shall receive public funding based on
59-18 the higher of the ratio of the percentage of votes received in the primary election by candidates of
59-19 the participating candidate's party to twenty (20) percent or the ratio of the percentage of the vote
59-20 received by the nominee of the participating candidate's party in the previous general election to
59-21 twenty (20) percent.

59-22 (6) The Public Financing of Elections funding amount in an uncontested general election
59-23 is ten (10) percent of the amount provided for in a contested general election for the same office.

59-24 (b) (1) The Public Financing of Elections funding available for a participating
59-25 independent candidate during a primary election period is twenty-five (25) percent of the amount
59-26 received by a party candidate in a contested primary election.

59-27 (2) The Public Financing of Elections funding amount for a participating independent
59-28 candidate in the general election is the same as the full amount received by a participating party

59-29 candidate in the general election.

59-30 (c) The Public Financing of Elections funding available for a participating candidate
59-31 during a special election is seventy-five (75) percent of the amount received by a participating
59-32 candidate for the same office during the same campaign period under relevant subsections (a)
59-33 through (b) of § 17-25.1-37.

59-34 (d) For every election cycle after the first election cycle under this act, the board of
60-1 elections shall modify all Public Financing of Elections funding amounts based on the rate of
60-2 inflation or the cost-of-living (COLA) index as determined by the United States government
60-3 during a twenty-four (24) month period ending in the immediately preceding year.

60-4 **17-25.1-38. Matching Funds.** -- (a) A nonparticipating candidate shall file with the
60-5 board of elections a report, signed under penalty of perjury, within five days of when the
60-6 candidate's expenditures and obligations to make expenditures, or contributions received,
60-7 whichever is higher, exceeds eighty (80) percent of the Public Financing of Elections funding
60-8 amount received by any opponent. After the first such report, the nonparticipating candidate must
60-9 file an additional report within five days of whenever the aggregate unreported expenditures and
60-10 obligations or contributions exceed five percent of the Public Financing of Elections funding
60-11 amount of any opponent. Within twenty (20) days of the election, nonparticipating candidates
60-12 must report one percent increments within twenty-four (24) hours. All nonparticipating
60-13 candidates must file at least one report no later than twenty (20) days prior to the election, at least
60-14 one report within twenty (20) days but more than seven (7) days prior to the election, and at least
60-15 one report within seven (7) days but more than forty-eight (48) hours before the election.

60-16 (b) Any person expending or entering into an obligation to spend at least one hundred
60-17 dollars (\$100) on independent expenditures must file a report, signed under penalty of perjury,
60-18 listing the Independent expenditures, and itemizing the amounts spent or obligated and the
60-19 candidates supported or opposed, with the board of elections within five (5) days of the
60-20 expenditure. An additional report must be filed for every aggregate one hundred dollars (\$100)
60-21 spent or obligated. Independent expenditures within twenty (20) days of the election must be
60-22 reported within twenty-four (24) hours.

60-23 (c) Using the reports filed and any additional information available, the board of elections
60-24 shall track the opposing funds spent with regard to each participating candidate. When the
60-25 opposing funds exceed the Public Financing of Elections funds provided to the participating
60-26 candidate, the board of elections shall make additional Public Financing of Elections funds
60-27 available to the candidate to match the opposing funds. No participating candidate may receive
60-28 more than three hundred (300) percent of the initial allotment of Public Financing of Elections
60-29 funds, for a total of four hundred (400) percent of the initial Public Financing of Elections
60-30 allotment. Matching funds provided during the primary election campaign period do not count
60-31 against eligibility for matching funds during the general election campaign period. Matching
60-32 Funds shall be provided at an equal rate to participating candidates in a special election.

60-33 (d) Reckless or intentional failure by a candidate to file a required report or reckless or
60-34 intentional underreporting is punishable by a civil fine payable by the candidate from personal
61-1 funds of three (3) times the amount that was not reported. Should a nonparticipating candidate
61-2 fail to file a required report, any participating opponents shall be entitled to the maximum amount
61-3 of matching funds.

61-4 (e) The board of elections may reduce the amount of matching funds provided to a
61-5 participating candidate upon concluding that, due to a deliberate effort by any person to
61-6 manipulate the matching fund system, the opposing funds calculation does not accurately reflect
61-7 the opposition faced by the participating candidate. The board shall inform the participating
61-8 candidate of its reasoning in a detailed written statement and shall be subject to administrative or
61-9 judicial review.

61-10 **17-25.1-39. Administration and Dispersal of Money from the Fund.--** (a) Upon
61-11 determining that a candidate has met all the requirements for becoming a participating candidate
61-12 as provided for in this act, the board of elections shall issue to the candidate a “Public Financing
61-13 of Elections debit card” and a line of debit entitling the candidate and members of the candidate’s
61-14 staff to draw Public Financing of Elections funds from a board of elections account to pay for all
61-15 campaign costs and expenses up to the amount of Public Financing of Elections funding the
61-16 candidate has received.
61-17 (b) Neither a participating candidate nor any other person on behalf of a participating
61-18 candidate shall pay campaign costs by cash, check, money order, loan or by any other means
61-19 other than the Public Financing of Elections debit card, except for petty cash expenditures as
61-20 defined in paragraph (c).
61-21 (c) Cash amounts of one hundred dollars (\$100) or less per day may be drawn on the
61-22 Public Financing of Elections debit card and used to pay expenses of no more than twenty-five
61-23 dollars (\$25) each. Records of all such expenditures shall be maintained and reported to the
61-24 board of elections.
61-25 **17-25.1-40. Political Party Contributions and Expenditures.--** (a) Participating
61-26 candidates may accept monetary or in-kind contributions from political parties provided that the
61-27 aggregate amount of such contributions from all political party committees does not exceed the
61-28 equivalent of five (5) percent of the original Public Financing of Elections funding allotment for
61-29 that office for that election. These contributions and contributions under this aggregate amount to
61-30 nonparticipating candidates shall not be counted as opposing funds for any candidate. Additional
61-31 independent expenditures by political parties beyond the contributions provided for by this
61-32 section shall be counted towards opposing funds.
61-33 (b) Expenditures or contributions by a political party that are made to or on behalf of one
61-34 or more of the party’s candidates during the primary or general election campaign periods shall
62-1 be reported under the requirements of 17-25.1-38(b).
62-2 (c) Nothing in this act shall prevent political party funds from being used for: general
62-3 operating expenses of the party; conventions; nominating and endorsing candidates; identifying,
62-4 researching, and developing the party’s position on issues; party platform activities; non-
62-5 candidate-specific voter registration; non-candidate-specific get-out-the-vote drives; travel
62-6 expenses for non-candidate party leaders and staff; and other non-candidate-specific party
62-7 building activities.
62-8 **17-25.1-41. Community antenna television – Rules and regulations. --** The
62-9 administrator for the division of public utilities for the state of Rhode Island shall formulate rules
62-10 and regulations concerning the allocation of advertising time to be used by those candidates for
62-11 public office who are eligible to receive public funds and who comply in full with all eligible
62-12 criteria for receipt of the funds.
62-13 **17-25.1-42. Transition Rule.--** During the first election cycle that occurs after the
62-14 effective
62-15 date of this act, as proscribed in 17-25.1-43, a candidate may be certified as a participating
62-16 candidate, notwithstanding the acceptance of contributions or making of expenditures from
62-17 private funds before the date of enactment that would, absent this section, disqualify the candidate
62-18 as participating, provided that:
62-19 (a) Any private funds accepted but not expended before the effective date of this Act
62-20 shall be:
62-21 (1) returned to the contributor;
62-22 (2) held in a special campaign account and used only for retiring a debt from a previous
62-23 campaign; or
62-24 (3) submitted to the board of elections for deposit in the Public Financing of Elections

62-25 fund.

62-26 **17-25.1-43. Implementation.** -- (a) Pursuant of the authorizations of section 17-25.1-5,
62-27 the Board of Elections, in collaboration with the Secretary of State, shall prepare all forms,
62-28 manuals, and other necessary measures for implementing the "Public Financing of Elections
62-29 Campaign Funding System." These materials shall be prepared for use one year prior to the
62-30 primary elections of the first set of elections held under the new system.

62-31 (b) This system shall first become effective for the General Assembly's election cycle of
62-32 2010 for all legislative elections. This system shall become effective for all primary, general, or
62-33 special elections for any public office of the state held under the jurisdiction of this bill following
62-34 the 2010 election cycle.

63-1 **17-25.1-44. Severability.** -- If any provision of this act or the application thereof to any
63-2 person or circumstances shall be held invalid, such invalidity shall not affect other provisions or
63-3 applications of the act, which can be given effect without the invalid provision or application, and
63-4 to this end the provisions of the act are declared to be severable.

63-5 SECTION 3. This act shall take effect on January 1, 2010.

The bill could be amended to inserted the current provision into §17-25.1-36. Public Financing of Elections Benefits between lines 58-14 and 58-15 as [“\(e\) The content of all television time shall include captioning for the deaf and hard of hearing and the content of all radio time must be available in a written or text format at the time of request.”](#)

MOTION: To find harmful unless amended to insert page 58 between lines 14 and 58-15 as [“\(e\) The content of all television time shall include captioning for the deaf and hard of hearing and the content of all radio time must be available in a written or text format at the time of request.”](#) 09 S 0327 & 09 H 5806 Relating to Elections - Campaign Fiduciary AP/SB passed, Abstain RC

H 5655 RELATING TO BUSINESSES AND PROFESSIONS - HEARING AID DEALERS AND FITTERS. This act would require that a receipt for a hearing aid includes language that the client has been informed about other technologies and services for the deaf and hard of hearing. This act would take effect upon passage.

1-1 SECTION 1. Section 5-49-3 of the General Laws in Chapter 5-49 entitled "Hearing Aid
1-2 Dealers and Fitters" is hereby amended to read as follows:

1-3 **5-49-3. Receipt required to be furnished to a person supplied with hearing aid.** -- (a)

1-4 Any person who practices the fitting and sale of hearing aids shall deliver to each person supplied
1-5 with a hearing aid a receipt, which shall contain the licensee's signature and show his or her
1-6 business address and the number of his or her certificate, together with specifications as to the
1-7 make and model of the hearing aid furnished, and the full terms of sale clearly stated. If a hearing
1-8 aid which is not new is sold, the receipt and the container shall be clearly marked as "used" or
1-9 "reconditioned" whichever is applicable, with terms of guarantee, if any.

1-10 (b) The receipt shall bear in no smaller type than the largest used in the body copy
1-11 portion the following: "The purchaser has been advised at the outset of his or her relationship
1-12 with the hearing aid dealer that any examination(s) or representation(s) made by a licensed
1-13 hearing aid dealer and fitter in connection with the fitting and selling of this hearing aid(s) is not
1-14 an examination, diagnosis, or prescription by a person licensed to practice medicine in this state
1-15 and therefore must not be regarded as medical opinion or advice."

1-16 (c) The receipt, covering agreements consummated at any place other than at an address
1-17 of the seller, shall contain the following statement: "You may cancel this agreement if it has been
1-18 consummated by a party at any place other than at a business address of the seller by a written
2-1 notice directed to a business address of the seller by registered mail, telegram, or delivery, not

2-2 later than midnight of the third business day following the signing of the agreement."

2-3 (d) The receipt shall contain language that verifies that the client has been informed about
2-4 the benefits of audio switch technology, including increased access to telephones and assistive
2-5 listening systems required under the "American with Disabilities Act of 1990", and section 504 of
2-6 the Rehabilitation Act of 1973. The client shall be informed that an audio switch is also referred
2-7 to as a telecoil, t-coil or t-switch.

2-8 (e) The receipt shall contain language that informs the client about the Rhode Island
2-9 adaptive telephone equipment loan program committee established by chapter 39-23 that provides
2-10 assistive communications devices to residents of this state who have hearing loss and about the
2-11 Rhode Island commission on the deaf and hard of hearing established by chapter 23-1.8 that
2-12 provides resources related to hearing loss.

2-13 ~~(d)~~ (f) Any person engaging in the fitting and sale of hearing aids will, when dealing
2-14 with a child ten (10) years of age or under, ascertain whether the child has been examined by an
2-15 otolaryngologist, or primary care physician and an audiologist for his or her recommendation
2-16 within ninety (90) days prior to the fitting. If that is not the case, a recommendation to do so must
2-17 be made, and this examination must be conducted before the sale of any hearing aid.

2-18 ~~(e)~~ (g) Prior to delivery of services or products to the prospective purchaser, a licensee
2-19 shall provide discussion of amplification or aural rehabilitation options appropriate to the hearing
2-20 loss and communication needs presented by the patient.

2-21 ~~(f)~~ (h) A licensee delivers information, either written or oral, appropriate to the patient's
2-22 needs and options under discussion, including, but not limited to, types of circuitry, telecoils, or
2-23 programmability, and if applicable, estimated unit prices for the following service, hearing aid(s),
2-24 accessories, service contracts, hearing aid (loss and damage) insurance, health care coverage,
2-25 warranty, financing, and related goods and services.

2-26 ~~(g)~~ (i) At the time of delivery of selected amplification, the dispenser shall deliver a
2-27 written delivery receipt containing the following:

2-28 (1) Business name, full address, and department of health license number of the
2-29 dispenser;

2-30 (2) Name, full address of patient and purchaser;

2-31 (3) The instrument identification including manufacturer, model, serial number;

2-32 (4) Identification of used or reconditioned units;

2-33 (5) The total price and applicable warranty time periods of instrumentation and
2-34 accessories such as earmolds, batteries, cords, etc.;

3-1 (6) Any additional insurance that has been placed on the instrument;

3-2 (7) All services included by the dispenser program as part of the complete amplification
3-3 package, i.e. follow-up visits, or reprogramming visits in the event the instrument is
3-4 programmable;

3-5 (8) A notice conspicuously in type that is at least four points larger than the surrounding
3-6 text: "A hearing aid will not restore normal hearing. The purchaser has a thirty (30) day trial
3-7 period during which time the purchaser may return the instrument, in the original condition less
3-8 normal wear, with no further financial obligation. This product is protected by chapter 45 of title
3-9 6 entitled "Enforcement of Assistive Technology Warranties", which shall be made available by
3-10 the dispenser, upon request". The purchaser has access to the dispenser during the trial period, in
3-11 order to receive appropriate follow-up monitoring, i.e. modification, adjustment, reprogramming,
3-12 or shell refit, in order to optimize comfort and instrument benefit. The trial period may be
3-13 extended beyond thirty (30) days if agreed to, in writing, by the dispenser and the consumer.

3-14 (9) All professional and service fees shall be clearly stated in the contract. Refund shall
3-15 be made to the customer within ten (10) days of return;

3-16 (10) Signature of dispenser and name in print;

- 3-17 (11) Signature of patient;
- 3-18 (12) Date of purchase; and
- 3-19 (13) Department of health license number.
- 3-20 [\(14\) Language that verifies that the client has been informed of subsections 5-49-3 \(d\)](#)
- 3-21 [and \(e\).](#)
- 3-22 SECTION 2. This act shall take effect upon passage.

MOTION: To find beneficial H 5655 Relating to Businesses And Professions - Hearing Aid Dealers and Fitters BI/LG passed unanimously

H 5638 RELATING TO PUBLIC PROPERTY AND WORKS. This act would require that all video clips and voice-recorded clips on state and public-sponsored websites be made accessible to people with hearing impairment. This act would take effect upon passage.

- 1-1 SECTION 1. Title 37 of the General Laws entitled "PUBLIC PROPERTY AND
- 1-2 WORKS" is hereby amended by adding thereto the following chapter:
- 1-3 **CHAPTER 24**
- 1-4 **ACCESS TO AUDIO CLIPS**
- 1-5 **37-24-1. Definitions. – As used in this chapter:**
- 1-6 [\(1\) “Captions” shall mean the audio portion of video programming displayed as text](#)
- 1-7 [superimposed over a video;](#)
- 1-8 [\(2\) “Closed captions” shall mean captions that may be turned on or off by a viewer;](#)
- 1-9 [\(3\) “Open captions” shall mean captions that are always viewable and cannot be turned](#)
- 1-10 [on and off by a viewer;](#)
- 1-11 [\(4\) “Transcript” shall mean the exact word for word in-text format with respect to what is](#)
- 1-12 [said in a video clip;](#)
- 1-13 [\(5\) “American sign language” shall mean the visual/gestural language used by deaf](#)
- 1-14 [people in the United States and Canada, with semantic, syntactic, morphological, and](#)
- 1-15 [phonological rules which are distinct from English; and](#)
- 1-16 [\(6\) “Audio” shall mean the voice message launched from an audio clip or a video clip.](#)
- 1-17 **37-24-2. Access to clips. – Video clips and voice recorded clips on all state and public**
- 1-18 **sponsored websites shall be accessible to people who have hearing impairment. The acceptance**
- 1-19 **of formats that are considered accessible to people with hearing impairment is as follows:**
- 2-1 [\(1\) Open captions;](#)
- 2-2 [\(2\) Closed captions;](#)
- 2-3 [\(3\) Transcript; and](#)
- 2-4 [\(4\) A video clip of American sign language and captioning or transcript.](#)
- 2-5 SECTION 2. This act shall take effect upon passage.

This bill could be expanded to require, as the ADA already does effective communications technology / accommodations for the entire range of people with disabilities (those with vision, learning, etc. impairments). An alternative would be to codify the federal section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794d) standards and require: that when state agencies develop, procure, maintain, or use electronic and information technology, state employees with disabilities have access to and use of information and data that is comparable to the access and use by Federal employees who are not individuals with disabilities; and that individuals with disabilities, who are members of the public seeking information or services from a state agency, have access to and use of information and data that is comparable to that provided to the public who are not individuals with disabilities, unless an undue burden would be imposed on the agency.

- 1 SECTION 1. Chapter 17 of Title 37 of the General Laws entitled “PUBLIC PROPERTY AND
- 2 WORKS” is hereby amended to read as follows:

1 CHAPTER 17

2 ~~PHYSICALLY HANDICAPPED--ARCHITECTURAL STANDARDS--PUBLIC FINANCED~~
3 ~~BUILDINGS~~ ACCESSIBLE INFORMATION TECHNOLOGY

4 § 37-17-1 Purpose.

5 The purpose of this chapter is to require that when state agencies develop, procure, maintain, or use
6 electronic and information technology, (1) state employees with disabilities have access to and use of
7 information and data that is comparable to the access and use by state employees who are not individuals
8 with disabilities, unless an undue burden would be imposed on the agency; and (2) individuals with
9 disabilities, who are members of the public seeking information or services from a state agency, have
10 access to and use of information and data that is comparable to that provided to the public who are not
11 individuals with disabilities, unless an undue burden would be imposed on the agency.

12 § 37-17-2 Application.

13 (a) When developing, procuring, maintaining, or using electronic and information technology, each
14 agency shall ensure that the products comply with the applicable provisions of this chapter, unless an
15 undue burden would be imposed on the agency.

16 (1) When compliance with the provisions of this chapter imposes an undue burden, agencies shall provide
17 individuals with disabilities with the information and data involved by an alternative means of access that
18 allows the individual to use the information and data.

19 (2) When procuring a product, if an agency determines that compliance with any provision of this chapter
20 imposes an undue burden, the documentation by the agency supporting the procurement shall explain
21 why, and to what extent, compliance with each such provision creates an undue burden.

22 (b) When procuring a product, each agency shall procure products which comply with the provisions in
23 this chapter when such products are available in the commercial marketplace or when such products are
24 developed in response to a government solicitation. Agencies cannot claim a product as a whole is not
25 commercially available because no product in the marketplace meets all the standards. If products are
26 commercially available that meet some but not all of the standards, the agency must procure the product
27 that best meets the standards.

28 (c) Except as provided by §37-17-3, this chapter applies to electronic and information technology
29 developed, procured, maintained, or used by agencies directly or used by a contractor under a contract
30 with an agency which requires the use of such product, or requires the use, to a significant extent, of such
31 product in the performance of a service or the furnishing of a product.

32 § 37-17-3 General exceptions.

33 (a) This chapter does not apply to electronic and information technology that is acquired by a contractor
34 incidental to a contract.

35 (b) Except as required to comply with the provisions in this chapter, this chapter does not require the
36 installation of specific accessibility-related software or the attachment of an assistive technology device at
37 a workstation of a state employee who is not an individual with a disability.

38 (c) When agencies provide access to the public to information or data through electronic and information
39 technology, agencies are not required to make products owned by the agency available for access and use
40 by individuals with disabilities at a location other than that where the electronic and information
41 technology is provided to the public, or to purchase products for access and use by individuals with
42 disabilities at a location other than that where the electronic and information technology is provided to the
43 public.

44 (d) This chapter shall not be construed to require a fundamental alteration in the nature of a product or its
45 components.

46 (f) Products located in spaces frequented only by service personnel for maintenance, repair, or occasional
47 monitoring of equipment are not required to comply with this chapter.

48 § 37-17-4 Definitions.

49 The following definitions apply to this chapter:

- 1 (1) “State agency” mean the same as a “governmental body” and “public agency”, as defined in § 37-2-7;
2 (2) “Alternate formats” are formats usable by people with disabilities that may include, but are not limited
3 to Braille, ASCII text, large print, recorded audio, and electronic formats that comply with this chapter.
4 (3) “Alternate methods” means different means of providing information, including product
5 documentation, to people with disabilities. Alternate methods may include, but are not limited to, voice,
6 fax, relay service, TTY, Internet posting, captioning, text-to-speech synthesis, and audio description.
7 (4) “Assistive technology” means any item, piece of equipment, or system, whether acquired
8 commercially, modified, or customized, that is commonly used to increase, maintain, or improve
9 functional capabilities of individuals with disabilities.
10 (5) “Electronic and information technology” includes information technology and any equipment or
11 interconnected system or subsystem of equipment, that is used in the creation, conversion, or duplication
12 of data or information. The term electronic and information technology includes, but is not limited to,
13 telecommunications products (such as telephones), information kiosks and transaction machines, World
14 Wide Web sites, multimedia, and office equipment such as copiers and fax machines. The term does not
15 include any equipment that contains embedded information technology that is used as an integral part of
16 the product, but the principal function of which is not the acquisition, storage, manipulation, management,
17 movement, control, display, switching, interchange, transmission, or reception of data or information. For
18 example, HVAC (heating, ventilation, and air conditioning) equipment such as thermostats or temperature
19 control devices, and medical equipment where information technology is integral to its operation, are not
20 information technology.
21 (6) “Information technology” means any equipment or interconnected system or subsystem of equipment,
22 that is used in the automatic acquisition, storage, manipulation, management, movement, control, display,
23 switching, interchange, transmission, or reception of data or information. The term information
24 technology includes computers, ancillary equipment, software, firmware and similar procedures, services
25 (including support services), and related resources.
26 (7) “Operable controls” means a component of a product that requires physical contact for normal
27 operation. Operable controls include, but are not limited to, mechanically operated controls, input and
28 output trays, card slots, keyboards, or keypads.
29 (8) “Product” means electronic and information technology.
30 (9) “Self Contained, Closed Products” means products that generally have embedded software and are
31 commonly designed in such a fashion that a user cannot easily attach or install assistive technology. These
32 products include, but are not limited to, information kiosks and information transaction machines, copiers,
33 printers, calculators, fax machines, and other similar types of products.
34 (10) “Telecommunications” means the transmission, between or among points specified by the user, of
35 information of the user’s choosing, without change in the form or content of the information as sent and
36 received.
37 (11) “TTY” means an abbreviation for teletypewriter. Machinery or equipment that employs interactive
38 text based communications through the transmission of coded signals across the telephone network. TTYs
39 may include, for example, devices known as TDDs (telecommunication display devices or
40 telecommunication devices for deaf persons) or computers with special modems. TTYs are also called
41 text telephones.
42 (12) “Undue burden” mean significant difficulty or expense. In determining whether an action would
43 result in an undue burden, an agency shall consider all agency resources available to the program or
44 component for which the product is being developed, procured, maintained, or used.
45 **§37-17-5 Equivalent facilitation.**
46 Nothing in this chapter is intended to prevent the use of designs or technologies as alternatives to those
47 prescribed in this chapter provided they result in substantially equivalent or greater access to and use of a
48 product for people with disabilities.
49 **§ 37-17-7 Software applications and operating systems.**

- 1 (1) When software is designed to run on a system that has a keyboard, product functions shall be
2 executable from a keyboard where the function itself or the result of performing a function can be
3 discerned textually.
- 4 (2) Applications shall not disrupt or disable activated features of other products that are identified as
5 accessibility features, where those features are developed and documented according to industry
6 standards. Applications also shall not disrupt or disable activated features of any operating system that are
7 identified as accessibility features where the application programming interface for those accessibility
8 features has been documented by the manufacturer of the operating system and is available to the product
9 developer.
- 10 (3) A well-defined on-screen indication of the current focus shall be provided that moves among
11 interactive interface elements as the input focus changes. The focus shall be programmatically exposed so
12 that assistive technology can track focus and focus changes.
- 13 (4) Sufficient information about a user interface element including the identity, operation and state of the
14 element shall be available to assistive technology. When an image represents a program element, the
15 information conveyed by the image must also be available in text.
- 16 (5) When bitmap images are used to identify controls, status indicators, or other programmatic elements,
17 the meaning assigned to those images shall be consistent throughout an application's performance.
- 18 (6) Textual information shall be provided through operating system functions for displaying text. The
19 minimum information that shall be made available is text content, text input caret location, and text
20 attributes.
- 21 (7) Applications shall not override user selected contrast and color selections and other individual display
22 attributes.
- 23 (8) When animation is displayed, the information shall be displayable in at least one non-animated
24 presentation mode at the option of the user.
- 25 (9) Color coding shall not be used as the only means of conveying information, indicating an action,
26 prompting a response, or distinguishing a visual element.
- 27 (10) When a product permits a user to adjust color and contrast settings, a variety of color selections
28 capable of producing a range of contrast levels shall be provided.
- 29 (11) Software shall not use flashing or blinking text, objects, or other elements having a flash or blink
30 frequency greater than 2 Hz and lower than 55 Hz.
- 31 (12) When electronic forms are used, the form shall allow people using assistive technology to access the
32 information, field elements, and functionality required for completion and submission of the form,
33 including all directions and cues.
- 34 **§ 37-17-8 Web-based intranet and internet information and applications.**
- 35 (1) A text equivalent for every non-text element shall be provided (e.g., via "alt", "longdesc", or in
36 element content).
- 37 (2) Equivalent alternatives for any multimedia presentation shall be synchronized with the presentation.
- 38 (3) Web pages shall be designed so that all information conveyed with color is also available without
39 color, for example from context or markup.
- 40 (4) Documents shall be organized so they are readable without requiring an associated style sheet.
- 41 (5) Redundant text links shall be provided for each active region of a server-side image map.
- 42 (6) Client-side image maps shall be provided instead of server-side image maps except where the regions
43 cannot be defined with an available geometric shape.
- 44 (7) Row and column headers shall be identified for data tables.
- 45 (8) Markup shall be used to associate data cells and header cells for data tables that have two or more
46 logical levels of row or column headers.
- 47 (9) Frames shall be titled with text that facilitates frame identification and navigation.
- 48 (10) Pages shall be designed to avoid causing the screen to flicker with a frequency greater than 2 Hz and
49 lower than 55 Hz.

1 (11) A text-only page, with equivalent information or functionality, shall be provided to make a web site
2 comply with the provisions of this chapter, when compliance cannot be accomplished in any other way.
3 The content of the text-only page shall be updated whenever the primary page changes.

4 (12) When pages utilize scripting languages to display content, or to create interface elements, the
5 information provided by the script shall be identified with functional text that can be read by assistive
6 technology.

7 (13) When a web page requires that an applet, plug-in or other application be present on the client system
8 to interpret page content, the page must provide a link to a plug-in or applet that complies with § 37-17-7
9 (1) through (12).

10 (14) When electronic forms are designed to be completed on-line, the form shall allow people using
11 assistive technology to access the information, field elements, and functionality required for completion
12 and submission of the form, including all directions and cues.

13 (15) A method shall be provided that permits users to skip repetitive navigation links.

14 (16) When a timed response is required, the user shall be alerted and given sufficient time to indicate
15 more time is required.

16 **§ 37-17-9 Telecommunications products.**

17 (1) Telecommunications products or systems which provide a function allowing voice communication
18 and which do not themselves provide a TTY functionality shall provide a standard non-acoustic
19 connection point for TTYs. Microphones shall be capable of being turned on and off to allow the user to
20 intermix speech with TTY use.

21 (2) Telecommunications products which include voice communication functionality shall support all
22 commonly used cross-manufacturer non-proprietary standard TTY signal protocols.

23 (3) Voice mail, auto-attendant, and interactive voice response telecommunications systems shall be usable
24 by TTY users with their TTYs.

25 (4) Voice mail, messaging, auto-attendant, and interactive voice response telecommunications systems
26 that require a response from a user within a time interval, shall give an alert when the time interval is
27 about to run out, and shall provide sufficient time for the user to indicate more time is required.

28 (5) Where provided, caller identification and similar telecommunications functions shall also be available
29 for users of TTYs, and for users who cannot see displays.

30 (6) For transmitted voice signals, telecommunications products shall provide a gain adjustable up to a
31 minimum of 20 dB. For incremental volume control, at least one intermediate step of 12 dB of gain shall
32 be provided.

33 (7) If the telecommunications product allows a user to adjust the receive volume, a function shall be
34 provided to automatically reset the volume to the default level after every use.

35 (8) Where a telecommunications product delivers output by an audio transducer which is normally held
36 up to the ear, a means for effective magnetic wireless coupling to hearing technologies shall be provided.

37 (9) Interference to hearing technologies (including hearing aids, cochlear implants, and assistive listening
38 devices) shall be reduced to the lowest possible level that allows a user of hearing technologies to utilize
39 the telecommunications product.

40 (10) Products that transmit or conduct information or communication, shall pass through cross-
41 manufacturer, nonproprietary, industry-standard codes, translation protocols, formats or other information
42 necessary to provide the information or communication in a usable format. Technologies which use
43 encoding, signal compression, format transformation, or similar techniques shall not remove information
44 needed for access or shall restore it upon delivery.

45 (11) Products which have mechanically operated controls or keys, shall comply with the following:

46 (a) Controls and keys shall be tactilely discernible without activating the controls or keys.

47 (b) Controls and keys shall be operable with one hand and shall not require tight grasping, pinching, or
48 twisting of the wrist. The force required to activate controls and keys shall be 5 lbs. (22.2 N) maximum.

1 (c) If key repeat is supported, the delay before repeat shall be adjustable to at least 2 seconds. Key repeat
2 rate shall be adjustable to 2 seconds per character.

3 (d) The status of all locking or toggle controls or keys shall be visually discernible, and discernible either
4 through touch or sound.

5 **§ 37-17-10 Video and multimedia products.**

6 (1) All analog television displays 13 inches and larger, and computer equipment that includes analog
7 television receiver or display circuitry, shall be equipped with caption decoder circuitry which
8 appropriately receives, decodes, and displays closed captions from broadcast, cable, videotape, and DVD
9 signals. As soon as practicable, but not later than July 1, 2010, widescreen digital television (DTV)
10 displays measuring at least 7.8 inches vertically, DTV sets with conventional displays measuring at least
11 13 inches vertically, and stand-alone DTV tuners, whether or not they are marketed with display screens,
12 and computer equipment that includes DTV receiver or display circuitry, shall be equipped with caption
13 decoder circuitry which appropriately receives, decodes, and displays closed captions from broadcast,
14 cable, videotape, and DVD signals.

15 (2) Television tuners, including tuner cards for use in computers, shall be equipped with secondary audio
16 program playback circuitry.

17 (3) All training and informational video and multimedia productions which support the agency's mission,
18 regardless of format, that contain speech or other audio information necessary for the comprehension of
19 the content, shall be open or closed captioned.

20 (4) All training and informational video and multimedia productions which support the agency's mission,
21 regardless of format, that contain visual information necessary for the comprehension of the content, shall
22 be audio described.

23 (5) Display or presentation of alternate text presentation or audio descriptions shall be user-selectable
24 unless permanent.

25 **§ 37-17-11 Self contained, closed products.**

26 (1) Self contained products shall be usable by people with disabilities without requiring an end-user to
27 attach assistive technology to the product. Personal headsets for private listening are not assistive
28 technology.

29 (2) When a timed response is required, the user shall be alerted and given sufficient time to indicate more
30 time is required.

31 (3) Where a product utilizes touchscreens or contact-sensitive controls, an input method shall be provided
32 that complies with § 37-17-9 (11) (a) through (d).

33 (4) When biometric forms of user identification or control are used, an alternative form of identification
34 or activation, which does not require the user to possess particular biological characteristics, shall also be
35 provided.

36 (5) When products provide auditory output, the audio signal shall be provided at a standard signal level
37 through an industry standard connector that will allow for private listening. The product must provide the
38 ability to interrupt, pause, and restart the audio at anytime.

39 (6) When products deliver voice output in a public area, incremental volume control shall be provided
40 with output amplification up to a level of at least 65 dB. Where the ambient noise level of the
41 environment is above 45 dB, a volume gain of at least 20 dB above the ambient level shall be user
42 selectable. A function shall be provided to automatically reset the volume to the default level after every
43 use.

44 (7) Color coding shall not be used as the only means of conveying information, indicating an action,
45 prompting a response, or distinguishing a visual element.

46 (8) When a product permits a user to adjust color and contrast settings, a range of color selections capable
47 of producing a variety of contrast levels shall be provided.

48 (9) Products shall be designed to avoid causing the screen to flicker with a frequency greater than 2 Hz
49 and lower than 55 Hz.

1 (10) Products which are freestanding, non-portable, and intended to be used in one location and which
2 have operable controls shall comply with the following:
3 (a) The position of any operable control shall be determined with respect to a vertical plane, which is 48
4 inches in length, centered on the operable control, and at the maximum protrusion of the product within
5 the 48 inch length (see Figure 1 of this chapter).
6 (b) Where any operable control is 10 inches or less behind the reference plane, the height shall be 54
7 inches maximum and 15 inches minimum above the floor.
8 (c) Where any operable control is more than 10 inches and not more than 24 inches behind the reference
9 plane, the height shall be 46 inches maximum and 15 inches minimum above the floor.
10 (d) Operable controls shall not be more than 24 inches behind the reference plane (see Figure 2 of this
11 chapter).

12 **§ 37-17-12 Desktop and portable computers.**

13 (1) All mechanically operated controls and keys shall comply with § 37-17-9 (11) (a) through (d).
14 (2) If a product utilizes touchscreens or touch-operated controls, an input method shall be provided that
15 complies with § 37-17-9 (11) (a) through (d).
16 (3) When biometric forms of user identification or control are used, an alternative form of identification
17 or activation, which does not require the user to possess particular biological characteristics, shall also be
18 provided.
19 (4) Where provided, at least one of each type of expansion slots, ports and connectors shall comply with
20 publicly available industry standards.

21 **§ 37-17-12 Functional performance criteria.**

22 (1) At least one mode of operation and information retrieval that does not require user vision shall be
23 provided, or support for assistive technology used by people who are blind or visually impaired shall be
24 provided.
25 (2) At least one mode of operation and information retrieval that does not require visual acuity greater
26 than 20/70 shall be provided in audio and enlarged print output working together or independently, or
27 support for assistive technology used by people who are visually impaired shall be provided.
28 (3) At least one mode of operation and information retrieval that does not require user hearing shall be
29 provided, or support for assistive technology used by people who are deaf or hard of hearing shall be
30 provided.
31 (4) Where audio information is important for the use of a product, at least one mode of operation and
32 information retrieval shall be provided in an enhanced auditory fashion, or support for assistive hearing
33 devices shall be provided.
34 (5) At least one mode of operation and information retrieval that does not require user speech shall be
35 provided, or support for assistive technology used by people with disabilities shall be provided.
36 (6) At least one mode of operation and information retrieval that does not require fine motor control or
37 simultaneous actions and that is operable with limited reach and strength shall be provided.

38 **§ 37-17-13 Information, documentation, and support.**

39 (1) Product support documentation provided to end-users shall be made available in alternate formats
40 upon request, at no additional charge.
41 (2) End-users shall have access to a description of the accessibility and compatibility features of products
42 in alternate formats or alternate methods upon request, at no additional charge.
43 (3) Support services for products shall accommodate the communication needs of end-users with
44 disabilities.

45 SECTION 2. This act takes effect upon passage.

MOTION: To find beneficial if amended to mandate the federal 508 Accessibility
Standard H 5638 Relating to Public Property and Works AP/JB passed

H 5612 RELATING TO PUBLIC UTILITIES AND CARRIERS -- PUBLIC UTILITIES

COMMISSION. This act would allow wireless telecommunications providers to bill their subscribers for access to telephone information services for people with disabilities. This act would also establish the emergency communication and public telecommunication access fund to create an emergency communication program for the deaf and hard of hearing. This act would take effect upon passage.

1-1 SECTION 1. Section 39-1-42 of the General Laws in Chapter 39-1 entitled "Public
1-2 Utilities Commission" is hereby amended to read as follows:

1-3 **39-1-42. Access to telephone information services for persons with disabilities.** -- (a)

1-4 The public utilities commission shall establish, administer and promote an information
1-5 accessibility service that includes:

1-6 (1) A statewide telephone relay service and, through the competitive bidding process,
1-7 contract for the administration and operation of such a relay system for utilization of the
1-8 telecommunications network by deaf, hard of hearing and speech impaired persons;

1-9 (2) The adaptive telephone equipment loan program capable of servicing the needs of
1-10 persons who are deaf, hard of hearing, severely speech impaired, or those with neuromuscular
1-11 impairments for use with a single party telephone line, to any subscriber who is certified as deaf,
1-12 hard of hearing, severely speech impaired, or with neuromuscular impairments by a licensed
1-13 physician, audiologist, speech pathologist, or a qualified state agency, pursuant to chapter 23 of
1-14 this title; and

1-15 (3) A telephone access to the text of newspaper programs to residents who are blind,
1-16 deaf or blind, visually impaired, or reading impaired with a single party telephone line.

1-17 (b) The commission shall establish, by rule or regulation, an appropriate funding
1-18 mechanism to recover the costs of providing this service from each [wireless telecommunications](#)
1-19 [customer, and each](#) residence and business telephone access line or trunk in the state, including
2-1 PBX trunks and centrex equivalent trunks and each service line or trunk, and upon each user
2-2 interface number or extension number or similarly identifiable line, trunk, or path to or from a
2-3 digital network. Notwithstanding the foregoing, there shall not be any additional funding
2-4 mechanism used to charge each from each [wireless telecommunications customer, and each](#)
2-5 residence and business telephone access line or truck in the state, including PBX trunks and
2-6 centrex equivalent trunks and each service line or trunk, or upon each user interface number or
2-7 extension number or similarly identifiable line, trunk or path to or from a digital network, to
2-8 recover the costs of providing the services outlined in subsections (a)(1), (2) or (3) above.

2-9 [Wireless telecommunications service providers shall bill their subscribers the surcharge amount](#)
2-10 [established by the commission and each surcharge shall be payable to the telecommunications](#)
2-11 [service providers by the subscriber of the wireless telecommunications services.](#)

2-12 (c) The commission, with the assistance of the state commission on the deaf and hard of
2-13 hearing, shall also develop the appropriate rules, regulations and service standards necessary to
2-14 implement the provisions of subsection (a)(1) of this section. At a minimum, however, the
2-15 commission shall require, under the terms of the contract, that the relay service provider:

2-16 (1) Offer its relay services seven (7) days a week, twenty-four (24) hours a day,
2-17 including holidays;

2-18 (2) Hire only qualified salaried operators with deaf language skills; and

2-19 (3) Maintain the confidentiality of all communications.

2-20 (d) [Deleted by P.L. 2004, ch. 504, section 3.]

2-21 (e) The commission shall collect from the telecommunications service providers,
2-22 [including the wireless telecommunications service providers,](#) the amounts of the surcharge
2-23 collected from their subscribers and remit to the department of human services an additional ten
2-24 thousand dollars (\$10,000) annually commencing in fiscal year 2005 for the adaptive telephone
2-25 equipment loan program, **and** forty thousand dollars (\$40,000) to the department of human
2-26 services for the establishment of a new telephone access to the text of newspaper programs, [and](#)

2-27 any funding exceeding the one hundred thousand dollars (\$100,000) balance in the relay fund at
2-28 the close of the fiscal year annually be remitted to the Rhode Island commission on the deaf and
2-29 hard of hearing for emergency communication programs and public telecommunication access
2-30 accommodations within the state in accordance with section 23-1.8-4. The surcharge referenced
2-31 hereunder shall be generated from existing funding mechanisms and shall not be generated as a
2-32 result of any new funding mechanisms charged to each residence and business telephone access
2-33 line or trunk in the state, including PBX trunks and centrex equivalent trunks and each service
2-34 line or trunk, or upon each user interface number or extension number or similarly identifiable
3-1 line, trunk or path to or from a digital network.

3-2 SECTION 2. Chapter 23-1.8 of the General Laws entitled "Commission on the Deaf and
3-3 Hard of Hearing" is hereby amended by adding thereto the following section:

3-4 **23-1.8-4. Emergency communication and public telecommunication access fund. –**

3-5 (a) There is established the emergency communication and public telecommunication access fund
3-6 ("ECPTA fund"), which shall be utilized to create emergency communication and public
3-7 telecommunication access accommodations for deaf and hard of hearing people, in coherence
3-8 with subsection 39-1-42(e).

3-9 (b) The fund shall help to enhance emergency communication system to alert deaf and
3-10 hard of hearing people to any type of emergencies in the state. The commission shall be required
3-11 to collaborate with the department of public safety for procedures and enhancements of the
3-12 emergency communication system as well as other agencies if needed to achieve emergency
3-13 communication.

3-14 (c) The fund shall purchase and install public telecommunication access equipment and
3-15 products at public sites for the deaf and hard of hearing citizens.

3-16 (d) The commission is authorized to establish, administer and promote its emergency
3-17 communication and public communication access program.

3-18 (e) The commission is authorized to make purchases specifically for the ECPTA program
3-19 and empowered to receive donations and grants from sources including, but not limited to, the
3-20 federal government, governmental and private foundations, and corporate and individual donors;
3-21 these donations and grants to be deposited in the ECPTA fund.

3-22 SECTION 3. This act shall take effect upon passage.

MOTION: To find beneficial without the expanded tax and if Section 2 is amended to include emergency communication for people with vision and reading impairments 09 H 5612 Relating to Public Utilities and Carriers -- Public Utilities Commission EG/JB passed, Nay BI, LW, abstain RC

H 5601 RELATING TO HUMAN SERVICES -- RIGHTS OF BLIND AND DEAF PERSONS. This act would require movie theaters with five or more screens to provide captioning on at least one screen for persons who are deaf or hard of hearing, and provide audio descriptions for persons who are blind or visually impaired. This act would take effect upon passage.

1-1 SECTION 1. Section 40-9.1-1 of the General Laws in Chapter 40-9.1 entitled "Equal
1-2 Rights of Blind and Deaf Persons to Public Facilities" is hereby amended to read as follows:

1-3 **40-9.1-1. Declaration of policy. --** It is the policy of this state that:

1-4 (a) Persons who are blind, visually impaired, deaf, hard-of-hearing and otherwise
1-5 disabled have the same rights as the able-bodied to the full and free use of the streets, highways,
1-6 walkways, public buildings, public facilities and other public places.

1-7 (b) Persons who are blind, visually impaired, deaf, hard-of-hearing and otherwise
1-8 disabled are entitled to full and equal accommodations, advantages, facilities and privileges on
1-9 any public conveyance operated on land or water or in the air, or any stations and terminals

1-10 thereof, not limited to taxis, airplanes, motor vehicles, railroad trains, motor buses, street cars,
1-11 boats and in any educational institution, not limited to any kindergarten, primary and secondary
1-12 school, trade or business school, high school, academy, college and university, and in places of
1-13 public resort, accommodation, assemblage or amusement, not limited to hotels, lodging places,
1-14 restaurants, theater and in all other places to which the general public is invited, subject only to
1-15 the conditions and limitations established by law and applicable alike to all persons.

1-16 (c) Persons who are blind, visually impaired, deaf, hard-of-hearing and otherwise
1-17 disabled persons shall be entitled to rent, lease or purchase, as other members of the general
1-18 public, any housing accommodations offered for rent, lease or other compensation in this state,
1-19 subject to the conditions and limitations established by law and applicable alike to all persons.

2-1 [\(d\) Movie theaters with five \(5\) or more screens are required to provide captioning on at](#)
2-2 [least one of their screens for persons who are deaf or hard of hearing and to provide audio](#)
2-3 [descriptions for persons who are blind or visually impaired.](#)

2-4 SECTION 2. This act shall take effect upon passage.

MOTION: To find beneficial if amended to take effect on Jan. 1, 2010 H 5601
Relating to Human Services -- Rights of Blind and Deaf Persons AP/JP passed
unanimously

Linda Requested the Committee review the following bills:

09 H 5449 RELATING TO HEALTH AND SAFETY - LONG TERM CARE COORDINATING
COUNCIL. This act would change the composition of the long-term care coordinating council and
would designate the lieutenant governor as its chairperson. This act would take effect upon passage.

1-1 SECTION 1. Sections 23-17.3-2 and 23-17.3-3 of the General Laws in Chapter 23-17.3
1-2 entitled "Long-term Care Coordinating Council" are hereby amended to read as follows:
1-3 **23-17.3-2. Membership.** -- The council shall be comprised of thirty-seven (37) members,
1-4 as follows: the lieutenant governor ~~or designee~~; [who shall serve as chairperson](#); the secretary of
1-5 state or designee; the director of the department of health or designee; the director of the
1-6 department of human services or designee; the director of the department of mental health,
1-7 retardation, and hospitals or designee; the attorney general or designee; the director of the
1-8 department of elderly affairs or designee; the chair of the Rhode Island advisory commission on
1-9 aging or designee; the president of the Rhode Island Chapter of the American Association of
1-10 Retired Persons (AARP) or designee; the director of the Alliance for Long-term Care or designee;
1-11 the president of the Rhode Island Senior Center Directors Association or designee; the executive
1-12 director of the Rhode Island chapter of the Alzheimer's Association or designee; a representative
1-13 of a long-term care provider organization other than a nursing home owner, [a representative of a](#)
1-14 [long-term care service provider that primarily serves persons with mental retardation or](#)
1-15 [developmental disabilities](#) and a representative of an assisted living residence other than a nursing
1-16 home, to be appointed by the governor; a representative of a not-for-profit nursing home to be
1-17 appointed by the lieutenant governor; five (5) citizens of the state with no direct or indirect
1-18 interest in nursing home ownership who have demonstrated concern for the care of the elderly,
2-1 two (2) of whom shall be appointed by the lieutenant governor, two (2) of whom shall be
2-2 appointed by the speaker of the house of representatives, and one of whom shall be appointed by
2-3 the majority leader of the senate; a representative of an adult day care center to be appointed by
2-4 the speaker; a representative of senior housing to be appointed by the lieutenant governor; a
2-5 representative of a not-for-profit home health care agency to be appointed by the speaker; a
2-6 representative of a for profit home health care agency to be appointed by the speaker; and a
2-7 representative of a community mental health center, to be appointed by the senate majority
2-8 leader; a registered nurse experienced in the care of the elderly, to be appointed by the governor;
2-9 a representative of nonmanagerial nursing home employees, to be appointed by the lieutenant

2-10 governor; three (3) members of the house, not more than two (2) from the same political party, to
 2-11 be appointed by the speaker; a nursing home owner, to be appointed by the speaker; two (2)
 2-12 members of the senate, not more than one from the same political party to be appointed by the
 2-13 majority leader; one consumer of home and community based care to be appointed by the speaker
 2-14 from a list of three (3) submitted by the chairperson of the independent living council; one
 2-15 consumer of home and community based care to be appointed by the senate majority leader from
 2-16 a list of three (3) submitted by the chairperson of the Governor's Council on Mental Health; a
 2-17 member of the public representing the interests of parents of children with special care needs to
 2-18 be appointed by the president of the senate, a member of the public representing the interests of
 2-19 persons with developmental disabilities to be appointed by the speaker of the house; a general
 2-20 physician to be appointed by the senate majority leader and a psychiatrist specializing in the
 2-21 medical problems of the elderly, to be appointed by the lieutenant governor. Members of the
 2-22 general public may be appointed in lieu of legislators, provided that at least one member shall be
 2-23 appointed from the house and one from the senate, and the appointments shall be made by the
 2-24 same authority as for the legislators supplanted. The members of the council shall serve two (2)
 2-25 year terms, expiring on the second anniversary of each individual's appointment or on the date
 2-26 that their respective successors are appointed and qualified, whichever is later.
 2-27 **23-17.3-3. Organization -- Officers. --** The members of the council shall elect from
 2-28 among themselves ~~a chairperson~~, a vice chairperson, and a secretary. The officers shall serve one-
 2-29 year terms and shall be eligible to succeed themselves.
 2-30 SECTION 2. This act shall take effect upon passage.

MOTION: To find harmful H 5449 Relating to Health and Safety - Long Term Care Coordinating Council, in light of the global waiver, there is a need to reduce # number of health care councils and address the under representation of consumers of chronic & long term care services. LW/RC passed Nay Bill

09 H 5431 RELATING TO HUMAN SERVICES - MENTAL HEALTH, RETARDATION, AND HOSPITALS. This act would require the director of mental health, retardation, and hospitals to maintain a step up/step down unit. This act would take effect upon passage.

1-1 SECTION 1. Chapter 40.1-5.3 of the General Laws entitled "Incompetency to Stand Trial
 1-2 and Persons Adjudged Not Guilty by Reason of Insanity" is hereby amended by adding thereto
 1-3 the following section:
 1-4 **40.1-5.3-2.1. Step Down / Step Up Unit. -- To ensure the safety of all patients, the**
 1-5 **director of mental health, retardation, and hospitals shall maintain, at the state institution located**
 1-6 **in Cranston, a step up/step down unit.**
 1-7 SECTION 2. This act shall take effect upon passage.

MOTION: To find beneficial if amended to delete the phrase "at the state institution located in Cranston" H 5431 Relating to Human Services - Mental Health, Retardation, and Hospitals LW/SB, passed, abstained GS

09 H 5394 RELATING TO PUBLIC UTILITIES AND CARRIERS -- TERMINATION OF SERVICE TO PERSONS WHO ARE DISABLED OR SERIOUSLY ILL. This act would require that a determination shall be completed by a community action program to see if a person is seriously ill or disabled so as to be exempt from shut off from the gas company. This act would take effect upon passage.

1-1 SECTION 1. Chapter 39-1.1 of the General Laws entitled "Termination of Service to
 1-2 Persons Who Are Disabled and Seriously Ill" is hereby amended by adding thereto the following
 1-3 section:
 1-4 **39-1.1-1.1. Sick and handicapped exemption from shut off. -- Prior to a "termination"**

1-5 [of service by a gas company for a seriously ill or handicapped person, there shall be a](#)
1-6 [certification by a community action program \(hereinafter referred to a "CAP"\). If the CAP finds](#)
1-7 [that the person is seriously ill and/or disabled, then no gas company shall shut off the service to](#)
1-8 [this individual for nonpayment.](#)

1-9 SECTION 2. This act shall take effect upon passage.

Voted on as part of the consent package

09 H 5175 RELATING TO PROPERTY -- RESIDENTIAL LANDLORD AND TENANT ACT.

This act would extend to tenants 62 - 64 years of age existing provisions for tenants 65 and older to terminate a rental agreement in order to enter a residential care and assisted living facility, a nursing facility, or unit in a private or public housing complex designated by the federal government as housing for the elderly. This act would take effect upon passage.

1-1 SECTION 1. Section 34-18-15 of the General Laws in Chapter 34-18 entitled

1-2 "Residential Landlord and Tenant Act" is hereby amended to read as follows:

1-3 **34-18-15. Terms and conditions of rental agreement. --** (a) A landlord and a tenant

1-4 may include in a rental agreement terms and conditions not prohibited by this chapter or other
1-5 rule of law, including rent, term of the agreement, and other provisions governing the rights and
1-6 obligations of the parties.

1-7 (b) In absence of agreement, the tenant shall pay as rent the fair rental value for the use
1-8 and occupancy of the dwelling unit.

1-9 (c) Rent is payable without demand or notice at the time and place agreed upon by the
1-10 parties. Unless otherwise agreed, rent is payable at the dwelling unit and periodic rent is payable
1-11 at the beginning of any term of one month or less and otherwise in equal monthly installments at
1-12 the beginning of each month. Unless otherwise agreed, rent is uniformly apportionable from day-
1-13 to-day.

1-14 (d) Unless the rental agreement fixes a definite term, the tenancy is week-to-week in case
1-15 of a roomer who pays weekly rent, and in all other cases month to month.

1-16 (e) A tenant who is ~~sixty-five (65)~~ [sixty-two \(62\)](#) years of age or older or who will turn
1-17 ~~sixty-five (65)~~ [sixty-two \(62\)](#) during the term of a rental agreement for a dwelling unit may
1-18 terminate such a rental agreement in order to enter a residential care and assisted living facility, as
1-19 defined in section 23-17.4-2, a nursing facility, or a unit in a private or public housing complex
2-1 designated by the federal government as housing for the elderly. The tenant may terminate the
2-2 rental agreement by notice given in writing to the usual person to whom rental payments are
2-3 made. The notice shall be accompanied by documentation of admission or pending admission to a
2-4 facility or housing complex described in this section. Termination of the rental agreement shall be
2-5 effective no earlier than forty-five (45) days after the first rental payment due date following
2-6 delivery of written notice of termination.

2-7 SECTION 2. This act shall take effect upon passage.

Voted on as part of the consent package

Liberty requested the Committee review the following bills:

09 S 0533 RELATING TO HEALTH AND SAFETY -- TOXIC MOLD PROTECTION ACT. This act would create a mold advisory board to advise the department of health with respect to establishing permissible exposure limits for mold exposure and procedures for the assessment of the health risk posed by the presence of mold, and promulgate mold remediation procedures. This act would take effect upon passage.

1-1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby
1-2 amended by adding thereto the following chapter:

1-3 [CHAPTER 85](#)

TOXIC MOLD PROTECTION ACT

1-4
1-5 **23-84-1. Short title.** – This chapter shall be known and may be cited as the "Toxic Mold
1-6 Protection Act."

1-7 **23-84-2. Definitions.** – For purposes of this chapter:

1-8 (1) "Code enforcement officer" means a local official responsible for enforcing housing
1-9 codes and maintaining public safety in buildings.

1-10 (2) "Indoor environments" means the affected dwelling unit.

1-11 (3) "Mold" means any form of multi-cellular fungi that live on plant or animal matter and
1-12 in indoor environments. Types of mold include, but are not limited to, cladosporium, penicillium,
1-13 alternaria, aspergillus, fuarim, trichoderma, memmoniella, mucor and stachhybotrys chartarum,
1-14 often found in water-damaged building materials.

1-15 (4) "Public health officer" means a person who is either a state employee or a designee of
1-16 the health department whose duty, among others, shall be to conduct state mold inspections.

1-17 (5) "Department" means the state department of health.

1-18 (6) "Director" means the director of the department of health.

1-19 **23-84-3. Purpose.** – The purpose of this chapter is to protect the public health and public
2-1 interest by establishing procedures for the identification and treatment of molds in indoor
2-2 environments.

2-3 **23-84-4. Mold advisory board.** – (a) There is established a mold advisory board
2-4 consisting of eleven (11) members within the department of health.

2-5 (b) The purpose of the board shall be as follows:

2-6 (1) To monitor the implementation of this chapter and to ensure that the records of all
2-7 departments and agencies of state government relating to the mold protection act shall be made
2-8 accessible to the chairperson of the mold advisory board upon request, providing that the board
2-9 has directed the chairperson by a vote of the board as a whole;

2-10 (2) To report on or before March 1 of each year to the speaker of the house and the
2-11 president of the senate of any legislative changes required in this chapter;

2-12 (3) To advise the director on the desirability of proposed regulations.

2-13 (c) The members of the board shall be electors and shall be appointed as follows:

2-14 (1) There shall be three (3) ex-officio members: the director of the department of health,
2-15 the director of the department of administration, and the director of the department of
2-16 environmental management or their designees;

2-17 (2) There shall be four (4) public representatives, two (2) to be appointed by the speaker
2-18 and two (2) to be appointed by the president of the senate, and there shall be four (4) members
2-19 approved by the governor, one of whom shall be a physician familiar with mold problems, one of
2-20 whom shall be a qualified environmental health expert, and one of whom shall be an architect or
2-21 engineer familiar with mold problems, and one of whom shall be a mold abatement contractor.

2-22 (d) The term of office of each member shall be for a period of three (3) years except that
2-23 in the case of the initial appointments of public and professional members, one by the speaker and
2-24 one by the governor shall be for two (2) years and one by the speaker and two (2) by the governor
2-25 shall be for one year. Each member shall serve until a successor is appointed or designated. In
2-26 the month of August of each year, the members shall elect from among their members, a
2-27 chairperson, vice chairperson and secretary. Any member absent for three (3) or more
2-28 consecutive meetings shall be considered as having vacated the office. Six (6) members shall be
2-29 considered a quorum, and the board may fulfill any of its duties by a subcommittee of four (4)
2-30 members present.

2-31 (e) The board may engage any experts and secretarial staff as necessary at a rate of pay
2-32 approved by the unclassified pay board.

2-33 (f) The director shall provide any meeting and hearing rooms as the board may require.

2-34 **23-84-5. Advisory board duties.** -- The advisory board shall provide advice to the
3-1 department of health on the development of standards for permissible exposure limits to mold in
3-2 the indoor environment, guidelines for the identification of the presence of mold, guidelines for
3-3 the assessment of the health risk posed by the presence of mold, and remediation guidelines and
3-4 procedures for the abatement of a mold hazard.

3-5 **23-84-6. Permissible exposure limits.** – (a) Within twelve (12) months of the effective
3-6 date of this act, the department of health shall adopt permissible exposure limits to mold in indoor
3-7 environments, and procedures for the assessment of the health risk posed by the presence of
3-8 mold. The exposure limits shall be set at levels to avoid adverse effects on health, with an
3-9 adequate margin of safety. The department shall balance the protection of public health with
3-10 technological and economic feasibility when it adopts permissible exposure limits and procedures
3-11 for the assessment of the health risk posed by the presence of mold. The department shall use the
3-12 latest scientific data to develop permissible exposure limits and assessment procedures that target
3-13 the general population.

3-14 (b) The department shall consider the following criteria when it adopts permissible
3-15 exposure limits and assessment procedures for molds in indoor environments:

3-16 (1) The adverse health effects of exposure to molds on the general population, the health
3-17 effects on members of subgroups of the general population, which may include infants, children
3-18 age six (6) years and under, pregnant women, the elderly, asthmatic, allergic individuals, immune
3-19 compromised individuals or other subgroups that are identifiable as being at greater risk of
3-20 adverse health effects than the general population when exposed to mold;

3-21 (2) The standards for mold exposure and procedures for assessing its health effects, if
3-22 any, adopted by any other state or by a federal agency;

3-23 (3) The technological and economic feasibility of compliance with the proposed
3-24 permissible exposure limit for molds. For the purposes of determining economic feasibility
3-25 pursuant to this subsection, the department shall consider the costs of compliance to tenants,
3-26 landlords, homeowners, and other affected parties; and

3-27 (4) Toxicological studies and any scientific evidence as it relates to mold.

3-28 **23-84-7. Mold identification guidelines.** – (a) Within twelve (12) months of the
3-29 effective date of this act, the department of health shall adopt mold identification guidelines for
3-30 the recognition of mold in indoor environments.

3-31 (b) Identification guidelines shall include scientifically accepted methods to identify the
3-32 presence of mold, and may include procedures for the collection of air, surface and bulk samples,
3-33 visual identification, olfactory identification, laboratory analysis, measurements of amount of
3-34 moisture, and presence of mold, and any other recognized analytical method used for the
4-1 identification of molds. The department may use scientific data or existing standards or
4-2 procedures for the identification of molds adopted by any other state or by a federal agency.

4-3 (c) The department shall consider the following criteria when it develops identification
4-4 guidelines for molds:

4-5 (1) Exposure limits and the procedures for the assessment of the health threat by molds;

4-6 (2) Any scientific or other evidence developed by the United States Environmental
4-7 Protection Agency, the World Health Organization, Centers for Disease Control and Prevention,
4-8 or any other public health or scientific organization.

4-9 **23-84-8. Mold remediation procedures.** – (a) Within twelve (12) months of the
4-10 effective date of this act, the department of health shall adopt standards for mold remediation
4-11 procedures including specialized cleaning, repairs, maintenance, painting, temporary containment
4-12 and ongoing monitoring of mold hazards or potential hazards.

4-13 (b) Remediation procedures for mold developed by the department shall:

4-14 (1) Provide practical guidelines for the removal of mold and abatement of the underlying

4-15 cause of mold and associated water intrusion and water damage in indoor environments;
4-16 (2) Balance the protection of public health with technological and economic feasibility;
4-17 (3) Provide practical guidance for the removal or cleaning of contaminated materials in a
4-18 manner that protects the health of the person performing the remediation, including requirements
4-19 for the use of protective clothing or equipment.
4-20 **23-84-9. Public information.** -- The department shall make available to the public upon
4-21 request, information about contracting for the removal of mold in a building or surrounding
4-22 environment. The information to be made available shall include recommended steps to take
4-23 when contracting with a company to remove mold, existing laws, regulations, and guidelines
4-24 developed by the department of health, pertaining to permissible exposure limits to mold,
4-25 identification, and remediation, health effects of molds, methods to prevent, identify and
4-26 remediate mold growth, resources to obtain information about molds, and contact information for
4-27 individuals, organizations, or government entities to assist with public concerns about molds.
4-28 **23-84-10. Disclosure required upon sale or lease.** -- Any person who sells, transfers or
4-29 leases residential real property shall disclose, in writing, to any prospective buyer or lessee before
4-30 the transfer of title or execution of the rental agreement, when the seller, transferor or
4-31 landlord/property owner knows of the presence of mold in the unit or building and the mold either
4-32 exceeds permissible exposure limits to mold or poses a health risk, pursuant to the standards
4-33 adopted by the department of health. A disclosure shall not be required pursuant to this section if
4-34 a mold hazard is remediated pursuant to the remediation standards adopted by the department
5-1 **23-84-11. Duties of residential lessee and lessor.** – (a) Any lessee of residential
5-2 property who knows that mold is present in the building, heating system, ventilating or air
5-3 conditioning system, or appurtenant structures, or that there is a condition of chronic water
5-4 intrusion or flood, shall inform the lessor of this knowledge in writing within a reasonable period
5-5 of time. The lessee shall make the property available to the lessor or his or her agents for
5-6 appropriate assessment or remedial action as soon as is reasonably practicable if the lessor is
5-7 responsible for maintenance of the property. Nothing in this section shall affect existing duties
5-8 and obligations of residential lessees and lessors.
5-9 (b) Except as provided in subsection 23-84-11(c), any person who owns a residential
5-10 property, who knows or has notice that mold is present in the building, heating system, ventilating
5-11 or air conditioning system, or appurtenant structures, or that there is a condition of chronic water
5-12 intrusion or flood, shall, within a reasonable period of time, assess the presence of mold, or the
5-13 condition likely to result in the presence of mold and conduct any necessary remedial action.
5-14 (c) The provisions of subsection (b) of this section shall not apply to any property where
5-15 the lessee is responsible pursuant to a lease or other contract, for maintenance of the property.
5-16 (d) Any lessee of residential real property who knows that mold is present in the building,
5-17 heating system, ventilating or air conditioning system, or appurtenant structures, or that there is a
5-18 condition of chronic water intrusion or flood, and is responsible for maintenance of the property
5-19 shall inform the owner of the property, in writing of the conditions as soon as practicable and
5-20 shall correct the condition in compliance with the terms of the lease.
5-21 **23-84-12. Enforcement authority.** – Any local health inspector, local housing inspector,
5-22 or code enforcement officer may respond to complaints about mold and may enforce standards
5-23 adopted by the department of health pursuant to this chapter and may enforce the disclosure
5-24 requirements established by this chapter.
5-25 **23-84-13. Penalties.** – Any person or entity acting in violation of either this chapter or
5-26 any rules or regulations promulgated pursuant to the authority conferred by this chapter shall be
5-27 fined by the director in an amount not to exceed five thousand dollars (\$5,000) for each violation
5-28 provided that fines are not imposed until the director has afforded that person or entity an
5-29 opportunity for a hearing on the matter. Each day during which any portion of a violation

5-30 [continues shall constitute a separate offense.](#)

5-31 SECTION 2. This act shall take effect upon passage.

Voted on as part of the consent package

09 H 5358 RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS. This act would require all elementary and secondary schools whether public, private, parochial or charter to use environmentally-sensitive cleaning and maintenance products. This act would also require the commissioner of education to establish guidelines, specifications and a sample list of such environmentally-sensitive cleaning products. This act would take effect upon passage.

1-1 SECTION 1. Chapter 16-21 of the General Laws entitled "Health and Safety of Pupils is
1-2 hereby amended by adding thereto the following section:

1-3 **16-21-3.2. Procurement and use of environmentally-sensitive cleaning and**
1-4 **maintenance products in schools.** – (a) All elementary and secondary schools, whether public,
1-5 private, parochial, or charter, must use environmentally-sensitive cleaning and maintenance
1-6 products which minimize the adverse impacts on children's health, safety and the environment.

1-7 (b) The commissioner of education shall disseminate to all elementary and secondary
1-8 schools guidelines and specifications for the purchase and use of environmentally-sensitive
1-9 cleaning and maintenance products in elementary and secondary schools. The commissioner of
1-10 education, in consultation with the director of the department of environmental management,
1-11 shall also prepare and disseminate to all elementary and secondary schools a sample list of
1-12 environmentally-sensitive cleaning and maintenance products that meet these guidelines or
1-13 specifications. All elementary and secondary schools shall follow these guidelines, specifications
1-14 and sample list when purchasing cleaning and maintenance products for use in their facilities. The
1-15 commissioner of education shall provide assistance and guidance to elementary and secondary
1-16 schools in carrying out the requirements of this section.

1-17 (c) Elementary and secondary schools shall notify their personnel of the availability of
1-18 the guidelines, specifications and sample list; provided, nothing in this section shall preclude an
1-19 elementary or secondary school from depleting existing cleaning and maintenance supplies
2-1 purchased prior to the effective date of this section.

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

MOTION: To find beneficial H 5358 Relating To Education -- Health and Safety of Pupils BI/AP passed unanimously

09 H 5935 RELATING TO STATE AFFAIRS AND GOVERNMENT - CIVIL RIGHTS OF PEOPLE WITH DISABILITIES. This act would amend the meaning of persons with disabilities as it relates to discrimination and civil rights to conform to the Americans with Disabilities Amendments Act of 2008. This act would take effect upon passage.

1-1 SECTION 1. Section 11-24-2.1 of the General Laws in Chapter 11-24 entitled "Hotels
1-2 And Public Places" is hereby amended to read as follows:

1-3 **11-24-2.1. Discrimination based on disability, age, or sex prohibited.** -- (a) Whenever
1-4 in this chapter there shall appear the words "ancestral origin" there shall be inserted immediately
1-5 thereafter the words "disability, age, or sex".

1-6 (b) "~~Disability~~ Person with a disability" means any person who: ~~(1) has a physical or~~
1-7 ~~mental impairment which substantially limits one or more major life activities; (2) has a record of~~
1-8 ~~such an impairment; or (3) is regarded as having such an impairment; and (4) is otherwise~~
1-9 ~~qualified; provided, that whether a person has a disability shall be determined without regard to~~
1-10 ~~the availability or use of mitigating measures, such as reasonable accommodations, prosthetic~~
1-11 ~~devices, medications or auxiliary aids.~~ disability as defined in section 42-87-1.

1-12 (c) "~~Physical or mental impairment~~" means any ~~physiological disorder or condition,~~

~~cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental psychological disorder, such as mental retardation, organic brain syndrome, emotional, or mental illness; and specific learning disabilities.~~

~~(d) "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.~~

~~(e) "Has a record of an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.~~

~~(f) "Regarded as having an impairment" means has a physical or mental impairment that does not substantially limit major life activities but that is treated as constituting a limitation, has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of those toward the impairment, or has none of the impairments but is treated as having an impairment. The terms, as used regarding persons with disabilities, "auxiliary aids and services", "readily achievable", "reasonable accommodation", "reasonable modifications" and "undue hardship" have the same meaning as those terms are defined in section 42-87-1.1.~~

~~(g)~~(d) "Otherwise qualified" means a **disabled** person with a disability who meets the essential eligibility requirements for participation in or receipt of benefits from the program or activity.

~~(h)~~(e) Any **disabled** persons with a disability shall be entitled to full and equal access, as other members of the general public to all public accommodations, subject to the conditions and limitations established by law and applicable alike to all persons.

~~(i)~~(f) Every **disabled** person with a disability who has a personal assistive animal or who obtains a personal assistive animal, shall be entitled to full and equal access to all public accommodations provided for in this chapter, and shall not be required to pay extra compensation for a personal assistive animal, but shall be liable for any damage done to the premises by a personal assistive animal.

~~(j)~~(g) Nothing in this section shall require any person providing a place of public accommodation to, in any way, incur any greater liability or obligation, or provide a higher degree of care for a **disabled** person with a disability than for a person who is not disabled.

~~(k)~~(h) "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, bisexuality, or homosexuality. This definition is intended to describe the status of persons and does not render lawful any conduct prohibited by the criminal laws of this state nor impose any duty on a religious organization. This definition does not confer legislative approval of that status, but is intended to assure the basic human rights of persons to partake of public accommodations, regardless of that status.

~~(l)~~(i) "Gender identity or expression" includes a person's actual or perceived gender, as well as a person's gender identity, gender-related self image, gender-related appearance, or gender-related expression, whether or not that gender identity, gender-related self image, gender-related appearance, or gender-related expression is different from that traditionally associated with the person's sex at birth.

SECTION 2. Section 23-27.3-100.1.4 of the General Laws in Chapter 23-27.3 entitled "State Building Code" is hereby amended to read as follows:

23-27.3-100.1.4. Appointment and qualifications of the committee. -- (a) The building code standards committee shall be composed of twenty-three (23) members, residents of the state who shall be appointed by the governor with the advice and consent of the senate. Eight (8) members are to be appointed for terms of one year each, seven (7) for a term of two (2) years each, and eight (8) for terms of three (3) years each. Annually, thereafter, the governor, with the advice and consent of the senate, shall appoint members to the committee to succeed those whose

3-10 terms expired; the members to serve for terms of three (3) years each and until their successors
3-11 are appointed and qualified. Two (2) members shall be architects registered in the state; three (3)
3-12 shall be professional engineers registered in the state, one specializing in mechanical, one
3-13 specializing in structural, and one specializing in electrical engineering; one landscape architect,
3-14 registered in the state, one full-time certified electrical inspector; two (2) shall be builders or
3-15 superintendents of building construction; one shall be a public health official; one shall be a
3-16 qualified fire code official; two (2) shall be from the Rhode Island building trades council; one
3-17 shall be a holder of Class "A" electrician's license; one shall be a master plumber; two (2) shall be
3-18 from the general public; three (3) shall be building officials in office, one from a municipality
3-19 with a population of sixty thousand (60,000) persons or more, one from a municipality with a
3-20 population of over twenty thousand (20,000) persons but less than sixty thousand (60,000), and
3-21 one from a municipality with a population of less than twenty thousand (20,000) persons; one
3-22 shall be a minimum housing official in office from one of the local municipalities; and two (2)
3-23 residents of the state who shall be persons with disabilities as defined in section ~~28-5-6(4)~~ [42-87-](#)
3-24 [1](#).

3-25 (b) All members shall have no less than five (5) years practical experience in his or her
3-26 profession or business. The committee shall elect its own chairperson and may elect from among
3-27 its members such other officers as it deems necessary. Twelve (12) members of the board shall
3-28 constitute a quorum and the vote of a majority vote of those present shall be required for action.
3-29 The committee shall adopt rules and regulations for procedure. The state building commissioner
3-30 shall serve as the executive secretary to the committee. The committee shall have the power,
3-31 within the limits of appropriations provided therefor, to employ such assistance as may be
3-32 necessary to conduct business.

3-33 (c) Members of the commission shall be removable by the governor pursuant to section
3-34 36-1-7 of the general laws and for cause only, and removal solely for partisan or personal reasons
4-1 unrelated to capacity or fitness for the office shall be unlawful.

4-2 (d) The state housing and property maintenance code subcommittee shall be composed
4-3 of nine (9) members, residents of the state. Five (5) of these members are to be current members
4-4 of the state building code standards committee and are to be appointed by that committee. The
4-5 four (4) remaining members are to be appointed by the governor, with the advice and consent of
4-6 the senate. The four (4) appointed by the governor, with the advice and consent of the senate,
4-7 shall initially be appointed on a staggered term basis, one for one year, one for two (2) years, and
4-8 two (2) for three (3) years. Annually thereafter, the building code standards committee, and the
4-9 governor, with the advice and consent of the senate, shall appoint the subcommittee members, for
4-10 which they are respectively responsible, to succeed those whose terms have expired; the members
4-11 to serve for terms of three (3) years each and until their successors are appointed and qualified. Of
4-12 the members appointed by the committee one shall be a full-time certified electrical inspector;
4-13 one shall be a master plumber and mechanical equipment expert, one shall be a builder or
4-14 superintendent of building construction, one member shall be a qualified state fire code official,
4-15 one shall be a property manager, and one shall be a current minimum housing official from a
4-16 local municipality. The four (4) members to be appointed by the governor, with the advice and
4-17 consent of the senate, shall all be current minimum housing officials from local municipalities.
4-18 One shall be from a municipality with a population of sixty thousand (60,000) persons or more,
4-19 two (2) from municipalities with a population of over twenty thousand (20,000) persons but less
4-20 than sixty thousand (60,000), and one from a municipality with a population of less than twenty

4-21 SECTION 3. Section 28-5-6 of the General Laws in Chapter 28-5 entitled "Fair
4-22 Employment Practices" is hereby amended to read as follows:

4-23 **28-5-6. Definitions.** -- When used in this chapter:

4-24 (1) "Age" means anyone who is at least forty (40) years of age.

4-25 (2) "Because of sex" or "on the basis of sex" include, but are not limited to, because of or
4-26 on the basis of pregnancy, childbirth, or related medical conditions, and women affected by
4-27 pregnancy, childbirth, or related medical conditions shall be treated the same for all employment
4-28 related purposes, including receipt of benefits under fringe benefit programs, as other persons not
4-29 so affected but similar in their ability or inability to work, and nothing in this chapter shall be
4-30 interpreted to permit otherwise.

4-31 (3) "Commission" means the Rhode Island commission against discrimination created by
4-32 this chapter.

4-33 (4) ~~"Disability" "Person with a disability" means any person who has a disability as~~
4-34 ~~defined in section 42-87.1. physical or mental impairment which substantially limits one or more~~
5-1 ~~major life activities, has a record of an impairment, or is regarded as having an impairment by~~
5-2 ~~any person, employer, labor organization or employment agency subject to this chapter, and~~
5-3 ~~includes any disability which is provided protection under the Americans with Disabilities Act,~~
5-4 ~~42 U.S.C. section 12101 et seq. and federal regulations pertaining to the act, 28 CFR 35 and 29~~
5-5 ~~CFR 1630; provided, that whether a person has a disability shall be determined without regard to~~
5-6 ~~the availability or use of mitigating measures, such as reasonable accommodations, prosthetic~~
5-7 ~~devices, medications or auxiliary aids. As used in this subdivision, the phrase:~~

5-8 ~~(i) "Has a record of an impairment" means has a history of, or has been misclassified as~~
5-9 ~~having, a mental or physical impairment that substantially limits one or more major life activities.~~

5-10 ~~(ii) "Major life activities" means functions such as caring for one's self, performing~~
5-11 ~~manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.~~

5-12 ~~(iii) "Physical or mental impairment" means any physiological disorder or condition,~~
5-13 ~~cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems:~~
5-14 ~~neurological; musculoskeletal; special sense organs; respiratory, including speech organs;~~
5-15 ~~cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and~~
5-16 ~~endocrine; or any mental or psychological disorder, such as mental retardation, organic brain~~
5-17 ~~syndrome, emotional or mental illness, and specific learning disabilities.~~

5-18 ~~(iv) "Regarded as having an impairment" means has a physical or mental impairment~~
5-19 ~~that does not substantially limit major life activities but that is treated as constituting a limitation;~~
5-20 ~~has a physical or mental impairment that substantially limits major life activities only as a result~~
5-21 ~~of the attitudes of others toward the impairment; or has none of the impairments but is treated as~~
5-22 ~~having such an impairment.~~

5-23 (5) "Discriminate" includes segregate or separate.

5-24 (6) "Employee" does not include any individual employed by his or her parents, spouse,
5-25 or child, or in the domestic service of any person.

5-26 (7) (i) "Employer" includes the state and all political subdivisions of the state and any
5-27 person in this state employing four (4) or more individuals, and any person acting in the interest
5-28 of an employer directly or indirectly.

5-29 (ii) Nothing in this subdivision shall be construed to apply to a religious corporation,
5-30 association, educational institution, or society with respect to the employment of individuals of its
5-31 religion to perform work connected with the carrying on of its activities.

5-32 (8) "Employment agency" includes any person undertaking with or without
5-33 compensation to procure opportunities to work, or to procure, recruit, refer, or place employees.

5-34 (9) "Firefighter" means an employee the duties of whose position includes work
6-1 connected with the control and extinguishment of fires or the maintenance and use of firefighting
6-2 apparatus and equipment, including an employee engaged in this activity who is transferred or
6-3 promoted to a supervisory or administrative position.

6-4 (10) "Gender identity or expression" includes a person's actual or perceived gender, as
6-5 well as a person's gender identity, gender-related self image, gender-related appearance, or

6-6 gender-related expression; whether or not that gender identity, gender-related self image, gender-
6-7 related appearance, or gender-related expression is different from that traditionally associated
6-8 with the person's sex at birth.

6-9 (11) "Labor organization" includes any organization which exists for the purpose, in
6-10 whole or in part, of collective bargaining or of dealing with employers concerning grievances,
6-11 terms or conditions of employment, or of other mutual aid or protection in relation to
6-12 employment.

6-13 (12) "Law enforcement officer" means an employee the duties of whose position include
6-14 investigation, apprehension, or detention of individuals suspected or convicted of offenses against
6-15 the criminal laws of the state, including an employee engaged in such activity who is transferred
6-16 or promoted to a supervisory or administrative position. For the purpose of this subdivision,
6-17 "detention" includes the duties of employees assigned to guard individuals incarcerated in any
6-18 penal institution.

6-19 (13) "Person" includes one or more individuals, partnerships, associations, organizations,
6-20 corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

6-21 (14) "Religion" includes all aspects of religious observance and practice, as well as
6-22 belief, unless an employer, union or employment agency demonstrates that it is unable to
6-23 reasonably accommodate to an employee's or prospective employee's or union member's religious
6-24 observance or practice without undue hardship on the conduct of its business.

6-25 (15) "Sexual orientation" means having or being perceived as having an orientation for
6-26 heterosexuality, bisexuality, or homosexuality. This definition is intended to describe the status of
6-27 persons and does not render lawful any conduct prohibited by the criminal laws of this state nor
6-28 impose any duty on a religious organization. This definition does not confer legislative approval
6-29 of that status, but is intended to assure the basic human rights of persons to obtain and hold
6-30 employment, regardless of that status.

6-31 (16) The terms, as used regarding persons with disabilities, "auxiliary aids and services",
6-32 "readily achievable", "reasonable accommodation", "reasonable modifications", and "undue
6-33 hardship" have the same meaning as those terms are defined in section 42-87-1.1.

6-34 SECTION 4. Section 34-37-3 of the General Laws in Chapter 34-37 entitled "Rhode
7-1 Island Fair Housing Practices Act" is hereby amended to read as follows:

7-2 **34-37-3. Definitions.** -- When used in this chapter:

7-3 (1) "Age" means anyone over the age of eighteen (18).

7-4 (2) "Commission" means the Rhode Island commission for human rights created by
7-5 section 28-5-8.

7-6 (3) "Discriminate" includes segregate, separate, or otherwise differentiate between or
7-7 among individuals because of race, color, religion, sex, sexual orientation, gender identity or
7-8 expression, marital status, country of ancestral origin, disability, age, or familial status or because
7-9 of the race, color, religion, sex, sexual orientation, gender identity or expression, marital status,
7-10 country of ancestral origin, disability, age or familial status of any person with whom they are or
7-11 may wish to be associated.

7-12 (4) (i) "Familial status" means one or more individuals who have not attained the age of
7-13 eighteen (18) years being domiciled with:

7-14 (A) A parent or another person having legal custody of the individual or individuals; or

7-15 (B) The designee of the parent or other person having the custody, with the written
7-16 permission of the parent or other person provided that if the individual is not a relative or legal
7-17 dependent of the designee, that the individual shall have been domiciled with the designee for at
7-18 least six (6) months.

7-19 (ii) The protections afforded against discrimination on the basis of familial status shall
7-20 apply to any person who is pregnant or is in the process of securing legal custody of any

7-21 individual who has not attained the age of eighteen (18) years.

7-22 (5) ~~(i) "Disability"~~ "Person with a disability" means any person who: has a disability as
7-23 defined in section 42-87-1.

7-24 ~~-(A) Has a physical or mental impairment which substantially limits one or more major~~
7-25 ~~life activities;~~

7-26 ~~(B) Has a record of such an impairment, or~~

7-27 ~~-(C) Is regarded as having such an impairment, and~~

7-28 ~~-(D) Is otherwise qualified;~~

7-29 ~~(ii) Provided, however, that whether a person has a disability shall be determined without~~
7-30 ~~regard to the availability or use of mitigating measures, such as reasonable accommodations,~~
7-31 ~~prosthetic devices, medications or auxiliary aids;~~

7-32 ~~(iii) Provided further that the term "person with a disability" does not include current,~~
7-33 ~~illegal use of or addiction to a controlled substance, as defined in 21 U.S.C. section 802.~~

7-34 (6) ~~"Has a record of an impairment" means has a history of, or has been misclassified as~~
8-1 ~~having, a mental or physical impairment that substantially limits one or more major life activities.~~
8-2 The terms, as used regarding persons with disabilities, "auxiliary aids and services", "readily
8-3 available", "reasonable accommodation", "reasonable modifications" and "undue hardship" have
8-4 the same meaning as those terms defined in section 42-87-1.1.

8-5 (7) "Housing accommodation" includes any building or structure or portion of any
8-6 building or structure, or any parcel of land, developed or undeveloped, which is occupied or is
8-7 intended, designed, or arranged to be occupied, or to be developed for occupancy, as the home or
8-8 residence of one or more persons.

8-9 (8) [Deleted by P.L. 1997, ch. 150, section 8.]

8-10 ~~-(9) "Major life activities" means functions such as caring for one's self, performing~~
8-11 ~~manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.~~

8-12 ~~(10)~~(9) "Otherwise qualified" includes any person with a disability who with respect to
8-13 the rental of property, personally or with assistance arranged by the person with a disability, is
8-14 capable of performing all the responsibilities of a tenant as contained in section 34-18-24.

8-15 ~~(11)~~(10) "Owner" includes any person having the right to sell, rent, lease, or manage a
8-16 housing accommodation.

8-17 ~~(12)~~(11) "Person" includes one or more individuals, partnerships, associations,
8-18 organizations, corporations, labor organizations, mutual companies, joint stock companies, trusts,
8-19 receivers, legal representatives, trustees, other fiduciaries, or real estate brokers or real estate
8-20 salespersons as defined in chapter 20.5 of title 5.

8-21 ~~(13) "Physical or mental impairment" means any physiological disorder or condition,~~
8-22 ~~cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems:~~
8-23 ~~neurological; musculoskeletal; special sense organs; respiratory, including speech organs;~~
8-24 ~~cardiovascular; reproductive, digestive; genito-urinary; hemic and lymphatic; skin; and~~
8-25 ~~endocrine; or any mental or psychological disorder, such as mental retardation, organic brain~~
8-26 ~~syndrome, emotional or mental illness, and specific learning disabilities.~~

8-27 ~~-(14) "Regarded as having an impairment" means has a physical or mental impairment~~
8-28 ~~that does not substantially limit major life activities but that is treated as constituting a limitation;~~
8-29 ~~has a physical or mental impairment that substantially limits major life activities only as a result~~
8-30 ~~of the attitudes of those toward the impairment; or has none of the impairments but is treated as~~
8-31 ~~having an impairment.~~

8-32 ~~(15)~~(12) "Senior citizen" means a person sixty-two (62) years of age or older.

8-33 ~~(16)~~(13) The term "sexual orientation" means having or being perceived as having an
8-34 orientation for heterosexuality, bisexuality, or homosexuality. This definition is intended to
9-1 describe the status of persons and does not render lawful any conduct prohibited by the criminal

9-2 laws of this state nor impose any duty on a religious organization. This definition does not confer
9-3 legislative approval of said status, but is intended to assure the basic human rights of persons to
9-4 hold and convey property and to give and obtain credit, regardless of such status.

9-5 ~~(17)~~(14) The term "gender identity or expression" includes a person's actual or perceived
9-6 gender, as well as a person's gender identity, gender-related self image, gender-related
9-7 appearance, or gender-related expression; whether or not that gender identity, gender-related self
9-8 image, gender-related appearance, or gender-related expression is different from that traditionally
9-9 associated with the person's sex at birth.

9-10 ~~(18)~~(15) The term "domestic abuse" for the purposes of this chapter shall have the same
9-11 meaning as that set forth in section 15-15-1, and include all forms of domestic violence as set
9-12 forth in section 12-29-2, except that the domestic abuse need not involve a minor or parties with
9-13 minor children.

9-14 ~~(19)~~(16) The term "victim" means a family or household member and all other persons
9-15 contained within the definition of those terms as defined in section 12-29-2.

9-16 SECTION 5. Section 42-51-9 of the General Laws in Chapter 42-51 entitled "Governor's
9-17 Commission on Disabilities" is hereby amended to read as follows:

9-18 **42-51-9. Definitions.** -- The following words and terms, unless the context clearly
9-19 indicates a different meaning, shall have the following meanings:

9-20 (1) "People with disabilities" or "individuals with disabilities" means any person who:
9-21 [has a disability as defined in section 42-87-1.](#)

9-22 ~~(i) Has a physical or mental impairment that substantially limits one or more of the~~
9-23 ~~person's major life activities;~~

9-24 ~~(ii) Has a record of that impairment; or~~

9-25 ~~(iii) Is regarded as having that impairment.~~

9-26 (2) "Federal and state laws protecting the rights of individuals with disabilities" means,
9-27 but is not limited to, the Americans with Disabilities Act of 1990, 42 U.S.C. section 12101 et
9-28 seq.; Title V of the Rehabilitation Act of 1973, 29 U.S.C. section 794; R.I. Const., art. I, section
9-29 2; the provisions of chapter 87 of title 42 and sections 23-6-22, 37-8-15, 37-8-15.1 and 42-46-13.

9-30 (3) "State agency" means any department, division, agency, commission, board, office,
9-31 bureau, council, or authority, either branch of the Rhode Island general assembly or any agency
9-32 or any committee thereof, or any other agency that is in any branch of Rhode Island state
9-33 government and which exercises governmental functions.

9-34 (4) "Coordinating compliance" means the authority to:

10-1 (i) Issue guidelines, directives, or instructions that are necessary to effectuate compliance
10-2 with federal and state laws protecting the rights of individuals with disabilities;

10-3 (ii) Establish a grievance procedure to promptly and equitably resolve complaints of
10-4 noncompliance with federal and state laws protecting the rights of individuals with disabilities
10-5 involving state agencies, including the power to investigate possible discrimination and eliminate
10-6 unlawful practices by informal methods of conference, conciliation, and persuasion;

10-7 (iii) Initiate complaints against any state agency that willfully fails to comply with
10-8 federal and state laws protecting the rights of individuals with disabilities to the appropriate state
10-9 or federal agency; and

10-10 (iv) Develop, make periodic revisions to, and oversee the implementation of a transition
10-11 plan for the removal of environmental and communication barriers in state-owned facilities.

10-12 (5) "Providing technical assistance to public and private agencies, businesses, and
10-13 citizens on complying with federal and state laws protecting the rights of individuals with
10-14 disabilities" means information dissemination and training designed to encourage the voluntary
10-15 compliance with laws protecting the rights of individuals with disabilities; conducting disability
10-16 accessibility surveys and providing advice on how to overcome any barriers to accessibility; and a

10-17 mediation service to assist parties who voluntarily chose to utilize that service to resolve
10-18 allegations of discrimination on the basis of disability.

10-19 (6) "Promoting on behalf of the people with disabilities and assuring, on behalf of the
10-20 state, that people with disabilities are afforded the opportunities to exercise all of the rights and
10-21 responsibilities accorded to citizens of this state" means the authority to act and appear on behalf
10-22 of the people with disabilities to present evidence and make arguments before any federal, state or
10-23 local agency or public body regarding matters pending before that agency or public body that
10-24 may have an adverse effect on persons with disabilities.

10-25 SECTION 6. Section 42-87-1 of the General Laws in Chapter 42-87 entitled "Civil
10-26 Rights of People With Disabilities" is hereby amended to read as follows:

10-27 **42-87-1. Disabilities Definition of disability --** As used in this chapter:

10-28 (1) "Disability" means ~~any impairment as defined in subdivision (8); provided, however,~~
10-29 ~~that whether a person has a disability shall be determined without regard to the availability or use~~
10-30 ~~of mitigating measures, such as reasonable accommodations, prosthetic devices, medications or~~
10-31 ~~auxiliary aids.~~

10-32 ~~(2) "Discrimination" includes those acts prohibited on the basis of race by 42 U.S.C.~~
10-33 ~~sections 1981, 1983 and those on the basis of disability by 29 U.S.C. section 794, and those on~~
10-34 ~~the basis of disability by 42 U.S.C. section 12101 et seq., and those on the basis of disability by~~
11-1 ~~chapter 5 of title 28.~~

11-2 ~~(3) "Has a record of an impairment" means has a history of or has been misclassified as~~
11-3 ~~having a physical or mental impairment that substantially limits one or more major life activities.~~

11-4 (4) "Is regarded as having an impairment" means:

11-5 ~~(i) Has a physical or mental impairment that does not substantially limit major life~~
11-6 ~~activities but that is treated as constituting a limitation; or~~

11-7 ~~(ii) Has a physical or mental impairment that substantially limits major life activities~~
11-8 ~~only as a result of the attitudes of others toward the impairment; or~~

11-9 ~~(iii) Has none of the impairments defined in subdivision (8) of this section but is treated~~
11-10 ~~as having an impairment. with respect to an individual:~~

11-11 (i) A physical or mental impairment that substantially limits one or more of the major life
11-12 activities of such individual;

11-13 (ii) A record of such impairment; or

11-14 (iii) Being regarded as having such an impairment (as described in subdivision (4))

11-15 (iv) Nothing in this chapter alters the standards for determining eligibility for benefits
11-16 under workers' compensation laws or under state disability benefit programs.

11-17 (2) Regarded as having such an impairment for purposes of paragraph (1)(iii) means:

11-18 (i) An individual meets the requirement of "being regarded as having such an
11-19 impairment" if the individual establishes that he or she has been subjected to an action prohibited
11-20 under this Chapter because of an actual or perceived physical or mental impairment whether or
11-21 not the impairment limits or is perceived to limit a major life activity.

11-22 (ii) Paragraph (2)(i) shall not apply to impairments that are transitory and minor. A
11-23 transitory impairment is an impairment with an actual or expected duration of six (6) months or
11-24 less.

11-25 ~~(5)~~(3) "Major life activities" means functions such as include but are not limited to,
11-26 caring for one's self oneself, performing manual tasks, walking, seeing, hearing, eating, sleeping,
11-27 walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating,
11-28 thinking, communicating, and working. A major life activity also includes the operation of major
11-29 bodily function, including, but not limited to, functions of the immune system, normal cell
11-30 growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and
11-31 reproductive functions.

11-32 ~~(6)~~ (4) ~~"Otherwise qualified"~~ "Qualified individual" means:

11-33 (i) With respect to employment, a person ~~with a disability~~ who, with or without
11-34 reasonable accommodations, can perform the essential functions of ~~the job in question; an~~
12-1 employment position that such individual holds or desires. For the purposes of this chapter,
12-2 consideration shall be given to the employer's judgment as to what functions of a job are
12-3 essential, and if an employer has prepared a written description before advertising or interviewing
12-4 applicants for the job, this description shall be considered evidence of the essential functions of
12-5 the job;

12-6 (ii) With respect to the rental of property, a person with a disability who, personally or
12-7 with assistance arranged by the person with a disability, is capable of performing all of the
12-8 responsibilities of a tenant as contained in section 34-18-24;

12-9 (iii) With respect to any other program or activity, a person with a disability who with or
12-10 without reasonable modifications to rules, policies or practices, the removal of architectural,
12-11 communication, or transportation barriers, or the provision of auxiliary aids and services, meets
12-12 the essential eligibility requirements for ~~participation in, or the~~ receipt of; services or benefits
12-13 ~~from or the participation in~~ the program or activity; ~~and~~

12-14 (iv) The fact that an individual has applied for, received or continues to receive private
12-15 insurance or government assistance based upon his or her disability shall not be determinative as
12-16 to whether the individual is otherwise qualified as defined herein, nor shall it constitute an
12-17 estoppel or otherwise serve as a basis to deny the individual the protections of this chapter-; and

12-18 (v) A qualified individual with a disability shall not include any employee or applicant
12-19 who is currently engaging in the illegal use of drugs, when the covered entity acts on the basis of
12-20 such use:

12-21 (A) In general.- The term "illegal use of drugs" means the use of drugs, the possession or
12-22 distribution of which is unlawful under the Controlled Substances Act (21 U.S.C. 812). Such term
12-23 does not include the use of a drug taken under supervision by a licensed health care professional,
12-24 or other uses authorized by the Controlled Substances Act or other provisions of Federal law;

12-25 (B) Drugs.- The term "drug" means a controlled substance, as defined in schedules I
12-26 through V of section 202 of the Controlled Substances Act;

12-27 (vi) A covered entity shall not use qualification standards, employment tests, or other
12-28 selection criteria based on an individual's uncorrected vision unless the standard, test, or other
12-29 selection criteria, as used by the covered entity, is shown to be job-related for the position in
12-30 question and consistent with business necessity.

12-31 ~~(7) "Person with a disability" means any person who:~~

12-32 ~~(i) Has a physical or mental impairment which substantially limits one or more major life~~
12-33 ~~activities; or~~

12-34 ~~(ii) Has a record of an impairment; or~~

13-1 ~~(iii) Is regarded as having an impairment.~~

13-2 ~~(8) "Physical or mental impairment" means any physiological disorder or condition,~~
13-3 ~~cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems:~~
13-4 ~~neurological; musculoskeletal; special sense organs; respiratory, including speech organs;~~
13-5 ~~cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and~~
13-6 ~~endocrine; or any mental or psychological disorder such as mental retardation, organic brain~~
13-7 ~~syndrome, emotional or mental illness, and specific learning disabilities.~~

13-8 (5) "Substantially limits" includes:

13-9 (i) An impairment that substantially limits one major life activity need not limit other
13-10 major life activity in order to be considered a disability.

13-11 (ii) An impairment that is episodic or in remission is a disability if it would substantially
13-12 limit a major life activity when active.

13-13 (iii)(A) The determination of whether an impairment substantially limits a major life
13-14 activity shall be made without regard to the ameliorative effects of mitigating measures such as:
13-15 (I) medication, medical supplies, equipment, or appliances, low-vision devices (which do
13-16 not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices,
13-17 hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or
13-18 oxygen therapy equipment and supplies;
13-19 (II) Use of assistive technology;
13-20 (III) Reasonable accommodations or auxiliary aids or services; or
13-21 (IV) Learned behavioral or adaptive neurological modifications;
13-22 (B) The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact
13-23 lenses shall be considered in determining whether an impairment substantially limits a major life
13-24 activity;

13-25 (C) As used in this subparagraph:
13-26 (I) The term "ordinary eyeglasses or contact lenses" means lenses that are intended to
13-27 fully correct visual acuity or eliminate refractive error; and
13-28 (II) The term "low-vision devices" means devices that magnify, enhance, or otherwise
13-29 augment a visual image.

13-30 SECTION 7. Section 42-112-1 of the General Laws in Chapter 42-112 entitled "The
13-31 Civil Rights Act of 1990" is hereby amended to read as follows:

13-32 **42-112-1. Discrimination prohibited.** -- (a) All persons within the state, regardless of
13-33 race, color, religion, sex, disability, age, or country of ancestral origin, have, except as is
13-34 otherwise provided or permitted by law, the same rights to make and enforce contracts, to inherit,
14-1 purchase, to lease, sell, hold, and convey real and personal property, to sue, be parties, give
14-2 evidence, and to the full and equal benefit of all laws and proceedings for the security of persons
14-3 and property, and are subject to like punishment, pains, penalties, taxes, licenses, and exactions of
14-4 every kind, and to no other.

14-5 (b) For the purposes of this section, the right to "make and enforce contracts, to inherit,
14-6 purchase, to lease, sell, hold, and convey real and personal property" includes the making,
14-7 performance, modification and termination of contracts and rights concerning real or personal
14-8 property, and the enjoyment of all benefits, terms, and conditions of the contractual and other
14-9 relationships.

14-10 (c) Nothing contained in this chapter shall be construed to affect chapter 14.1 of title 37,
14-11 chapter 5.1 of title 28 or any other remedial programs designed to address past societal
14-12 discrimination.

14-13 (d) For the purposes of this section, the terms "sex", "~~disability~~" and "age" have the same
14-14 meaning as those terms are defined in section 28-5-6, the state fair employment practices act.
14-15 The term "disability" has the same meaning as those terms are defined in section 42-87-1, and the
14-16 terms, as used regarding persons with disabilities, "auxiliary aids and services", "readily
14-17 achievable", reasonable accommodations", reasonable modifications", and undue hardship" have
14-18 the same meaning as those terms are defined in section 42-87-1.1.

14-19 SECTION 8. Chapter 42-87 of the General Laws entitled "Civil Rights of People With
14-20 Disabilities" is hereby amended by adding thereto the following section:

14-21 **42-87-1.1. Other definitions.** – As used in this chapter:

14-22 (1) Auxiliary aids and services" includes:

14-23 (i) Qualified interpreters or other effective methods of making aurally delivered materials
14-24 available to individuals with hearing impairments;

14-25 (ii) Qualified readers, taped texts, or other effective methods of making visually delivered
14-26 materials available to individuals with visual impairments;

14-27 (iii) Acquisition or modification of equipment or devices; and

14-28 (iv) Other similar services and actions.

14-29 (2) “Discrimination”: (i) Includes those acts prohibited on the basis of race by 42 U.S.C.

14-30 section 1981, 1983 and those on the basis of disability by 29 U.S.C. section 794, and those on the

14-31 basis of disability by 29 U.S.C. section 794, and those on the basis of disability by 42 U.S.C.

14-32 section 12101 et seq., and those on the basis of disability by chapter 5 of title 28.

14-33 (ii) Nothing in this chapter shall provide the basis for a claim by an individual without a

14-34 disability that the individual was subject to discrimination because of the individual’s lack of

15-1 disability.

15-2 (2) “Readily achievable” means easily accomplishable and able to be carried out without

15-3 much difficulty or expense. In determining whether an action is readily achievable, factors to be

15-4 considered include:

15-5 (i) The nature and cost of the action needed under this chapter;

15-6 (ii) The overall financial resources of the facility or facilities involved in the action; the

15-7 number of persons employed at such facility; the effect on expenses and resources, or the impact

15-8 otherwise of such action upon the operation of the facility;

15-9 (iii) The overall financial resources of the covered entity; the overall size of the business

15-10 of a covered entity with respect to the number of its employees; the number, type, and location of

15-11 its facilities; and

15-12 (iv) The type of operation or operations of the covered entity, including the composition,

15-13 structure, and functions of the workforce of such entity; the geographic separateness,

15-14 administrative or fiscal relationship of the facility or facilities in question to the covered entity.

15-15 (4) “Reasonable accommodation” may include:

15-16 (i) Making existing facilities used by employees readily accessible to and usable by

15-17 individuals with disabilities; and

15-18 (ii) Job restructuring, part-time or modified work schedules, reassignment to a vacant

15-19 position, acquisition or modification of equipment or devices, appropriate adjustment or

15-20 modifications of examinations, training materials or policies, the provision of qualified readers or

15-21 interpreters, and other similar accommodations for individuals with disabilities.

15-22 (iii) Nothing in this chapter shall be construed to require an individual with a disability to

15-23 accept an accommodation, aid, service, opportunity, or benefit which such individual chooses not

15-24 to accept.

15-25 (iv) An employer, state of local government agency and any person who owns, leases (or

15-26 leases to) or operates a place of public accommodation, need not provide a reasonable

15-27 accommodation or a reasonable modification or a reasonable modification to policies, practices,

15-28 or procedures to an individual who meets the definition of disability in subdivision 42-87-1(1)

15-29 solely under paragraph (iii).

15-30 (5) “Reasonable modifications”: (i) Include modifications in policies, practices, or

15-31 procedures when the modifications are necessary to avoid discrimination on the basis of

15-32 disability, unless the covered entity can demonstrate that making the modifications would

15-33 fundamentally alter the nature of the service, program, or activity.

15-34 (ii) Nothing in this chapter shall be construed to require an individual with a disability to

16-1 accept an accommodation, aid, service, opportunity, or benefit which such individual chooses not

16-2 to accept.

16-3 (iii) Any person or entity covered by section 48-87-2, need not provide a reasonable

16-4 modification or a reasonable modification to policies, practices, or procedures to an individual

16-5 who meets the definition of disability in subdivision 42-87-1(1) solely under paragraph (iii).

16-6 (iv) Nothing in this chapter alters the provision, specifying that reasonable modifications

16-7 in policies, practices, or procedures shall be required, unless an entity can demonstrate that

16-8 making such modifications in policies, practices, or procedures, including academic requirements

- 16-9 in postsecondary education, would fundamentally alter the nature of the goods, services, facilities,
16-10 privileges, advantages, or accommodations involved.
16-11 (6) "Undue hardship" means: (i) an action requiring significant difficulty or expense,
16-12 when considered in light of the factors set forth in paragraph (ii).
16-13 (ii) In determining whether an accommodation would impose an undue hardship on a
16-14 covered entity, factors to be considered include:
16-15 (A) The nature and cost of the accommodation needed under this chapter;
16-16 (B) The overall financial resources of the facility or facilities involved in the provision of
16-17 the reasonable accommodation; the number of persons employed at such facility; the effect on
16-18 expenses and resources, or the impact otherwise of such accommodation upon the operation of
16-19 the facility;
16-20 (C) The overall financial resources of the covered entity; the overall size of the business
16-21 of a covered entity with respect to the number of its employees; the number, type, and location of
16-22 its facilities; and
16-23 (D) The type of operation or operations of the covered entity, including the composition,
16-24 structure, and functions of the workforce of such entity; the geographic separateness,
16-25 administrative, or fiscal relationship of the facility or facilities in question to the covered entity.
16-26 SECTION 9. This act shall take effect upon passage.

This bill originated in the Commission's State Coordinating Committee on Disability Rights, and the final wording was being worked out with the Legal Counsel for the Commission on Human Rights who proposed a series of revisions to add clarity. That Committee requested the full Commission support the bill, which the Legislation Committee could add its recommendation.

1. Replace the definition "person with a disability" with "'Disability" means a disability as defined in §42-87-1.' in each of the civil rights law including adding the definition to §40-9.1-1.1 Equal Rights of Blind and Deaf Persons to Public Facilities.
2. In the Hotels and Public Places Act cross reference only: '(c) The terms, as used regarding persons with disabilities, "auxiliary aids and services" and "reasonable accommodation" have the same meaning as those terms are defined in §42-87-1.1.' None of the other terms appear in that act.
3. In the Fair Employment Practices Act cross reference only: The terms, as used regarding persons with disabilities:
 - (i) "auxiliary aids and services" and "reasonable accommodation" have the same meaning as those terms are defined in §42-87-1.1; and
 - (ii) "hardship" means an "undue hardship" as defined in §42-87-1.1.
4. In the Fair Housing Act cross reference only: The terms, as used regarding persons with disabilities, "auxiliary aids and services", "reasonable accommodation", and "reasonable modifications" have the same meaning as those terms are defined in §42-87-1.1.
5. In the Civil Rights Act of 1990 cross reference only: The term "disability" has the same meaning as that term are defined in §42-87-1.1, and the terms, as used regarding persons with disabilities, "auxiliary aids and services", "readily achievable", "reasonable accommodation", "reasonable modifications", and "undue hardship" have the same meaning as those terms are defined in §42-87-1.1.
6. Create a new subsection in 42-87, rather than include the following under the definition of "Qualified individual" in subsection 42-87-1.1.
42-87-1.2 Qualification Standards.
A covered entity shall not use qualification standards, employment tests, or other selection criteria based on an individual's uncorrected vision unless the standard, test, or other selection criteria, as used by the covered entity, is shown to be job-related for the position in question and consistent with business necessity.

MOTION: To find *beneficial & recommends the Commission Support 09 S 0783 & 09 H 5949* Relating to Criminal Offenses - Persons With Disabilities and beneficial if amended 09 H 5935 Relating to State Affairs and Government - Civil Rights of People with Disabilities to match 09 S 0783 & 09 H 5949 LW/RC passed unanimously

09 H 5852 RELATING TO STATE AFFAIRS AND GOVERNMENT -- HEALTH CARE REFORM ACT OF 2009. This act would create the "Health Care Reform Act of 2009", which would extend health coverage to all uninsured Rhode Islanders by January 31, 2011. This act would take effect upon passage.

1-1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND
1-2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

1-3 **CHAPTER 14.6**

1-4 **HEALTH CARE REFORM ACT OF 2009**

1-5 **42-14.6-1. Short title.** – This act shall be known and may be cited as the "Health care
1-6 Reform Act of 2009."

1-7 **42-14.6-2. Legislative findings.** – The general assembly hereby finds:

1-8 (1) That our current health care system is the most expensive in the world yet our health
1-9 outcomes do not compare favorably with other developed countries;

1-10 (2) The unabated increase in health care cost inflation is greatly outstripping the public's
1-11 and businesses' ability to pay, often bankrupting individuals, causing the state and businesses to
1-12 increase the already unacceptable number of uninsured Rhode Islanders;

1-13 (3) The current fragmented system of funding health care services among private, public,
1-14 employer and employee payers contributes to increases in health care costs due to cost-shifting
1-15 and thereby weakens Rhode Island's ability to reform our health care system;

1-16 (4) Efficient administration and planning of health care services, strengthening of primary
1-17 care and prevention, and access to health care are and should be a right of all Rhode Islanders and
1-18 thereby make strong state involvement imperative for the health of all Rhode Islanders; and

2-1 (5) Any reform of our health care system should maintain and promote access to health
2-2 services for both the insured as well as those who are currently uninsured.

2-3 **42-14.6-3. Establishment of the "Rhode Island Hub".** – (a) By January 31, 2011, a
2-4 quasi-public nonprofit hub organization shall be established through which all public and private
2-5 purchases of insurance or health care services will be transacted for all Rhode Island employers
2-6 and individuals.

2-7 (b) The hub shall be governed by a board appointed by the governor and general
2-8 assembly. The chairperson shall be nominated by the governor and appointed with the consent of
2-9 the Rhode Island senate.

2-10 (c) The hub's duties shall include, but not be limited to:

2-11 (1) Establishing a comprehensive insurance product which shall serve as a basic plan for
2-12 all Rhode Islanders (the "plan"), which shall include setting and limiting the amount of co-pays
2-13 and deductibles for the plan.

2-14 (2) Determining the set amount paid to each insurer per plan which will be equal for all
2-15 insurers.

2-16 (3) Reviewing and implementing the recommendations of the coordinated health
2-17 planning and accountability council regarding health planning, distribution of services, capital
2-18 improvements, and introduction and use of technology.

2-19 (4) Introducing incentives for the advancement of primary care, outcome-based treatment
2-20 of chronic disease, promotion of wellness and preventative services, and the use of electronic
2-21 medical records.

2-22 (5) Reviewing and recommending to the general assembly the advisability of any new

- 2-23 [mandated insurance benefit.](#)
- 2-24 [\(6\) Establishing the parameters of and implementing a sliding-scale income-based](#)
- 2-25 [subsidy for the uninsured.](#)
- 2-26 [\(7\) Establishing and administering efficiencies among the insurers and health practitioner](#)
- 2-27 [offices.](#)
- 2-28 [42-14.6-4. Extending health coverage to all Rhode Islanders. – The state of Rhode](#)
- 2-29 [Island shall extend health coverage to all uninsured Rhode Islanders by January 31, 2011 after](#)
- 2-30 [determining the amount and source of funds required to do so by means of, but not limited to:](#)
- 2-31 [\(1\) An employer and/or individual mandate for health insurance coverage.](#)
- 2-32 [\(2\) Employer payment in lieu of coverage for each employee.](#)
- 2-33 [\(3\) A per-employee payroll levy on all Rhode Island employers.](#)
- 2-34 [\(4\) Savings from restructuring of both health care delivery and the insurance market.](#)
- 3-1 SECTION 2. This act shall take effect upon passage.

MOTION: To find harmful H 5852 Relating to State Affairs and Government -- Health Care Reform Act of 2009 because it doesn't address ERISA and does not address how to incorporate existing small employer health care statute into the program AP/LG passed, Nay BI, LD.

09 H 5654 JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY AND ESTABLISH HEALTH CARE REFORM MODELS TO EXPAND HEALTH CARE COVERAGE AND TO DECREASE HEALTH CARE COSTS FOR RHODE ISLAND RESIDENTS This resolution would create the Rhode Island Anchor Community Commission for Healthcare Reform, a 24 member special legislative study commission whose purpose it would be to make a comprehensive study and establish health care reform models to expand health care coverage and to decrease health care costs for Rhode Island residents, and who would report back to the General Assembly no later than January 6, 2010 and whose life would expire on March 6, 2010.

- 1-1 RESOLVED, That a special legislative commission, herein known as the RI Anchor
- 1-2 Community Commission for Health Care Reform, be and the same is hereby created consisting of
- 1-3 twenty-four (24) members: eight (8) of whom shall be members who represent consumers, and
- 1-4 shall include persons with significant health care risks, persons with high insurance premiums,
- 1-5 persons who are uninsured and underinsured, residents of rural areas, members of racial and
- 1-6 ethnic minority groups, senior citizens, persons from faith communities, disabled persons
- 1-7 involved in health care issues, representatives of the mental health community and persons who
- 1-8 use or may use telehealth or remote home monitoring systems, two (2) of whom shall be
- 1-9 appointed by the Speaker of the House, one of whom shall be appointed by the Minority Leader
- 1-10 of the House, two (2) of whom shall be appointed by the President of the Senate, one of whom
- 1-11 shall be appointed by the Minority Leader of the Senate, and two (2) of whom shall be appointed
- 1-12 by the Governor of Rhode Island; eight (8) of whom shall be members who represent health
- 1-13 insurance purchasers, and shall include purchasers of individual and group health insurance,
- 1-14 members of large and small employer health coalitions, and rural and urban chambers of
- 1-15 commerce, two (2) of whom shall be appointed by the Speaker of the House, one of whom shall
- 1-16 be appointed by the Minority Leader of the House, two (2) of whom shall be appointed by the
- 1-17 President of the Senate, one of whom shall be appointed by the Minority Leader of the Senate,
- 1-18 and two (2) of whom shall be appointed by the Governor of Rhode Island; and eight (8) of whom
- 1-19 shall be members who represent experts and business leaders, and shall include experts in the
- 2-1 field of healthcare and health insurance, including local government and state government
- 2-2 officials and nonprofit organizations, experts in the field of developmental disabilities, health care
- 2-3 providers, including physicians, nurses, mental health professionals, drug and alcohol abuse
- 2-4 counselors, and hospitals, and members of the insurance industry, two (2) of whom shall be

2-5 appointed by the Speaker of the House, one of whom shall be appointed by the Minority Leader
2-6 of the House, two (2) of whom shall be appointed by the President of the Senate, one of whom
2-7 shall be appointed by the Minority Leader of the Senate, and two (2) of whom shall be appointed
2-8 by the Governor of Rhode Island.

2-9 The purpose of said commission shall be to make a comprehensive study and establish
2-10 health care reform models to expand health care coverage and to decrease health care costs for
2-11 Rhode Island residents. The commission shall:

2-12 Examine reform models and options for expanding affordable health coverage for all
2-13 Rhode Island residents in both the public and private sectors, with special attention
2-14 given to the uninsured, underinsured, those at risk of financial hardship due to
2-15 medical expenses, and small businesses;

2-16 Examine all aspects of comprehensive healthcare reform including, but not limited to,
2-17 eligibility for public programs, sliding scale subsidies, state agency connectors that
2-18 negotiate on behalf of individuals and small businesses, and stronger regulations on
2-19 insurance companies;

2-20 Organize a process to identify insurance reform proposals generated applicable to
2-21 Rhode Island from interested parties;

2-22 Invite interested individuals or organizations to submit proposals according to
2-23 content criteria developed by the commission that describe methods for expanding
2-24 health care coverage and related reform concepts;

2-25 Submit acceptable proposals as determined by the chairperson to the commission for
2-26 discussion and the ultimate selection of three to five favorable proposals;

2-27 Submit three to five of the proposals deemed most favored by the commission to an
2-28 independent consulting firm selected by the commission for technical comparative
2-29 analysis of cost impacts, utilization, design and other areas; and

2-30 Raise awareness and build political support for comprehensive reform in healthcare.

2-31 Forthwith upon passage of this resolution, the members of the commission shall meet at
2-32 the call of the Speaker of the House and the President of the Senate and shall organize. The
2-33 Speaker and President shall jointly select a chairperson who shall have expertise in health care
2-34 policy, data collection and analysis, report generation, organizing public meetings, and managing
3-1 project budgets and processes. Vacancies in said commission shall be filled in like manner as the
3-2 original appointment.

3-3 The commission shall have the authority to establish special purpose subcommittees with
3-4 nonvoting members to evaluate and consider health care issues as it deems necessary to fulfill its
3-5 goals and objectives, including issues of access, cost, value, and personal health responsibility.

3-6 The commission may establish bylaws, policies, and procedures necessary to meet its
3-7 objectives.

3-8 The membership of said commission shall receive no compensation for their services.

3-9 All departments and agencies of the state, shall furnish such advice and information,
3-10 documentary and otherwise, to said commission and its agents as is deemed necessary or
3-11 desirable by the commission to facilitate the purposes of this resolution.

3-12 The Joint Committee on Legislative Services is hereby authorized and directed to provide
3-13 suitable quarters for said commission; and be it further

3-14 **RESOLVED**, That the commission shall report its findings and recommendations to the
3-15 General Assembly no later than January 6, 2010, and said commission shall expire on March 6,
3-16 2010.

Voted on as part of the consent package

Gwen requested the Committee review the following bills:
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H 5656 RELATING TO BUSINESSES AND PROFESSIONS - PATIENT PROTECTION. This act would exempt from prohibited acts payments from pharmaceutical companies to patients with disabling or life-threatening diseases from which there are no generic alternatives. It would further exempt donations to non-profit organizations by pharmaceutical companies or health care providers. This act would take effect upon passage.

1-1 SECTION 1. Section 5-48.1-3 of the General Laws in Chapter 5-48.1 entitled "Patient
1-2 Protection Act" is hereby amended to read as follows:

1-3 **5-48.1-3. Prohibited acts.** -- (a) Whoever knowingly and willfully solicits or receives
1-4 any remuneration (including any kickback, bribe, or rebate) directly or indirectly, overtly or
1-5 covertly, in cash or in kind; (1) in return for referring an individual to a person for the furnishing,
1-6 or arranging for the furnishing, of any health care service or item; or (2) in return for purchasing,
1-7 leasing, ordering, or arranging for or recommending purchasing, leasing, or ordering, any health
1-8 care good, facility, service, or item is guilty of a misdemeanor, and upon conviction, shall be
1-9 fined not more than one thousand dollars (\$1,000), or imprisoned for not more than one year, or
1-10 both.

1-11 (b) Whoever knowingly and willfully offers or pays any remuneration (including any
1-12 kickback, bribe, or rebate) directly or indirectly, overtly or covertly, in cash or in kind, to any
1-13 person to induce that person: (1) to refer an individual to a person for the furnishing, or arranging
1-14 for the furnishing of, any health care item or service; or (2) to purchase, lease, order, or arrange
1-15 for or recommend purchasing, leasing, or ordering any health care good, facility, service, or item
1-16 is guilty of a misdemeanor, and upon conviction, shall be fined not more than one thousand
1-17 dollars (\$1,000), or imprisoned for not more than one year, or both.

1-18 (c) Subsections (a) and (b) of this section do not apply to:

1-19 (1) A discount or other reduction in price obtained by a provider of services or other
2-1 entity if the reduction in price is properly disclosed and appropriately reflected in the costs
2-2 claimed or charges made by the provider;

2-3 (2) Any amount paid by an employer to an employee (who has a bona fide employment
2-4 relationship with the employer) for employment in the provision of health care services;

2-5 (3) Any amount paid by a vendor of goods or services to a person authorized to act as a
2-6 purchasing agent for a group of individuals or entities who are furnishing health care services, if:

2-7 (i) The person has a written contract, with each individual or entity, which specifies the
2-8 amount to be paid the person, which amount may be a fixed amount or a fixed percentage of the
2-9 value of the purchases made by each individual or entity under the contract; and

2-10 (ii) In the case of an entity that is a provider of services, the person shall disclose (in the
2-11 form and manner that the director requires) to the entity and, upon request, to the director, the
2-12 amount received from each vendor with respect to purchases made by or on behalf of the entity.

2-13 (4) A waiver of any coinsurance under part B of title XVIII by a federally qualified
2-14 health care center with respect to an individual who qualifies for subsidized services under a
2-15 provision of the Public Health Service Act.

2-16 (5) Any payment practice specified in regulations promulgated pursuant to section 14(a)
2-17 of the Medicare and Medicaid Patient and Program Protection Act of 1987, (see 42 U.S.C. section
2-18 1320a-7b), or to chapter 66.2 of title 42 relating to Pharmaceutical Assistance to the Elderly.

2-19 (6) A discount or other reduction in price on a health care item or a limited-time free
2-20 supply of such item which is made available to an individual, if such item is provided through a
2-21 "point of sale" or "mail-in" coupon or through other similar means.

2-22 (7) Any payments from pharmaceutical companies paid directly to patients who have an
2-23 actual or potential disabling life-threatening illness or disease, who are further managing
2-24 medications for which there are no generic alternatives.

- 2-25 [\(8\) Any donations to non-profit organizations from pharmaceutical companies or health](#)
- 2-26 [care providers.](#)
- 2-27 SECTION 2. This act shall take effect upon passage.

Voted on as part of the consent package

H 5600 RELATING TO MOTOR AND OTHER VEHICLES - REGISTRATION OF VEHICLES. This act would authorize the issuance of a special plate to the National Multiple Sclerosis Society bearing the designation "Join the Movement". Twenty dollars of the service charge shall be paid to the local Multiple Sclerosis Society. This act would take effect upon passage.

- 1-1 SECTION 1. Chapter 31-3 of the General Laws entitled "Registration of Vehicles" is
- 1-2 hereby amended by adding thereto the following section:
- 1-3 [31-3-85. Special Plate for National M.S. Society. – \(a\) The administrator of the division](#)
- 1-4 [of motor vehicles is empowered to make available a special motor vehicle plate for the national](#)
- 1-5 [M.S. Society. The plate shall bear the designation “Join the Movement” and shall bear the seal of](#)
- 1-6 [the state imprinted on it. The special plate shall be displayed upon the same registration number](#)
- 1-7 [assigned to the vehicle for which it was issued and shall be used in place of and in the same](#)
- 1-8 [manner as the original registration plates issued to the vehicle. The original registration plates for](#)
- 1-9 [the vehicle shall be removed from the vehicle and the registration certificate for the plates shall be](#)
- 1-10 [carried in the vehicle, in accordance with section 31-3-9. The registration certificate shall be in](#)
- 1-11 [effect for the special plate.](#)
- 1-12 [\(b\) A special automobile or commercial “Join the Movement” plate shall be issued upon](#)
- 1-13 [application using forms furnished by the administrator upon payment in addition to the regular](#)
- 1-14 [prescribed motor vehicle registration fee, and a service charge of forty dollars \(\\$40.\) for each](#)
- 1-15 [issue. The service charge shall be paid to the administrator prior to the administrator’s acceptance](#)
- 1-16 [of the application. Twenty dollars \(\\$20.\) of the service charge shall be paid to the local M.S.](#)
- 1-17 [Society and twenty dollars \(\\$20.\) shall be allocated to the division of motor vehicles for its costs](#)
- 1-18 [in manufacturing and distributing the special plates.](#)
- 1-19 SECTION 2. This act shall take effect upon passage.

No action taken – place on next month’s agenda

Bob requested the Committee review the following bill:

09 H 5932 RELATING TO MOTOR AND OTHER VEHICLES - PARKING FACILITIES AND PRIVILEGES. This act would require that disability parking signs include the words “report violators” as well as the non-emergency telephone number of the local police department. This act would take effect upon passage.

- 1-1 SECTION 1. Section 31-28-7 of the General Laws in Chapter 31-28 entitled "Parking
- 1-2 Facilities and Privileges" is hereby amended to read as follows:
- 1-3 31-28-7. Motor vehicle plates for persons with disabilities -- Entitlement --
- 1-4 Designated parking spaces -- Violations. -- (a) Persons, as defined in subsection (h) of this
- 1-5 section, upon application and proof of permanent or long-term disability to the division of motor
- 1-6 vehicles, shall be issued one motor vehicle disability parking privilege placard or in the case of a
- 1-7 motorcycle, one motor vehicle sticker, of blue which shall be imprinted with the white
- 1-8 international symbol of access, certificate number, the words "Rhode Island Disability Parking
- 1-9 Permit" and shall bear the expiration date upon its face. A placard or motorcycle sticker issued to
- 1-10 a person whose disability is temporary shall be substantially similar to that issued to a person with
- 1-11 a permanent or long term disability. The temporary placard, however, shall be a red placard with
- 1-12 a white international symbol of access, certificate number, the words "Rhode Island Disability
- 1-13 Parking Permit" and shall bear the expiration dates upon its face. Persons issued a placard or
- 1-14 motorcycle sticker pursuant to this section shall be entitled to the immunities of sections 31-28-4

1-15 and 31-28-6. The placard shall conform to the Uniform Parking System for Disabled Drivers
1-16 standard issued by the United States Department of Transportation. If an application for a placard
1-17 or motorcycle sticker is denied, the division of motor vehicles shall promptly notify the applicant
1-18 in writing, stating the specific reason(s) for the denial, and advising the applicant of the
2-1 procedures for requesting a hearing to appeal the denial. Prior to the appeal hearing, the applicant
2-2 shall be provided with any and all documents relied upon by the division in denying the
2-3 application. If an application contains a physician certification that the applicant is sufficiently
2-4 disabled to require a placard or motorcycle sticker, and the division has not provided specific
2-5 reasons in its denial letter to the applicant, the hearing officer shall summarily order that a placard
2-6 or motorcycle sticker be provided to the applicant. At all other hearings of application denials
2-7 where a physician certification has been provided, the division shall bear the burden of proof that
2-8 the individual is not entitled to a placard or motorcycle sticker pursuant to this chapter.

2-9 (b) A placard issued pursuant to this section shall be portable and used only when the
2-10 person is being transported. The placard is to be hung from the rear view mirror so as to be seen
2-11 through the front or rear windshield of the motor vehicle. A placard may be issued to a person
2-12 with a disability who does not own a motor vehicle, to be used only when he or she is being
2-13 transported. A motorcycle sticker issued pursuant to this section shall not be portable and shall be
2-14 affixed to the rear plate of the motorcycle.

2-15 (c) (1) The certificate of entitlement to the placard or motorcycle sticker shall be
2-16 renewed every three (3) years for individuals with a long-term disability, as defined in subsection
2-17 (d) of this section, and the renewal application shall require a physician's certification that the
2-18 condition has not changed since the previous approval, and three (3) years for individuals with a
2-19 permanent disability as defined in subsection (h) of this section, in accordance with a schedule
2-20 prepared by the division of motor vehicles that uses the last name of an individual to determine
2-21 the month of renewal. If an application or subsequent renewal is accompanied by a physician's
2-22 certification that the applicant's condition is a chronic, permanent impairment and that application
2-23 is approved, then any subsequent renewal shall be authorized upon receipt of a notarized affidavit
2-24 from the applicant or applicant's, guardian or legal representative or a certificate from the
2-25 applicant's physician that his or her condition has not changed since the previous approval.

2-26 (2) The certificate of entitlement to the placard or motorcycle sticker shall be covered
2-27 with plastic or similar material. The applicant shall, upon timely renewal, receive a sticker
2-28 bearing the expiration date of the certificate of entitlement to be affixed across the expiration date
2-29 of the disability parking privilege placard or in the case of a motorcycle the applicant shall
2-30 receive a new motorcycle sticker. The division of motor vehicles shall establish rules and
2-31 regulations allowing for the renewal of the certificates of entitlement by mail.

2-32 (3) Whenever the division of motor vehicles proposes to suspend, revoke or fail to renew
2-33 the certificate of entitlement for noncompliance with the requirements of this section or for
2-34 violation of subsection (h) of this section, the individual shall first be entitled to a hearing before
3-1 the division of motor vehicles to contest the proposed action. At the hearing, the division of motor
3-2 vehicles shall bear the burden of proof that the individual is not entitled to the placard or
3-3 motorcycle sticker pursuant to this chapter. There shall be no renewal fee charged for the placards
3-4 or motorcycle sticker. The division of motor vehicles shall be authorized to issue a temporary
3-5 disability parking privilege placard or motorcycle sticker immediately upon receipt of an
3-6 application for individuals with a temporary impairment, as defined in subsection (h) of this
3-7 section. A temporary placard or motorcycle sticker shall be valid for sixty (60) days from the date
3-8 of issuance. Temporary placards or motorcycle stickers may be renewed for a period of one year
3-9 or less, as determined by the medical advisory board upon application if the disability persists.
3-10 The division of motor vehicles shall subsequently review the applications in accordance with the
3-11 procedures currently in effect as to applications from persons whose disability is long term. Any

3-12 issuance which, after subsequent review, shall be found to be inappropriate shall be revoked and
3-13 notice of the revocation shall be sent to the applicant.

3-14 (d) A person, other than a person with a disability, who for his or her own purposes uses
3-15 the parking privilege placard, shall be fined five hundred dollars (\$500) for each violation. A
3-16 person issued a special placard who uses the placard after expiration, or who shall allow
3-17 unauthorized use of the disability parking placard or sticker, may be subject to immediate
3-18 revocation of the use of the placard by the division of motor vehicles, and subject to a fine of five
3-19 hundred dollars (\$500).

3-20 (e) Disability parking spaces shall be designated and identified by the posting of signs
3-21 above ground level incorporating the international symbol of access of white on blue, and the
3-22 words "Handicapped Parking", "Disability Parking," "Disabled Parking," or "Reserved Parking"
3-23 at each space, at both ends of a row or series of adjacent disability parking spaces, or at the
3-24 entrance to a parking lot restricted to only disability parking. Disability parking signs shall
3-25 contain the words "report violators" and include the non-emergency telephone number of the
3-26 local police department.

3-27 (f) A person, other than a person issued a special placard or motorcycle sticker pursuant
3-28 to this section, who parks a vehicle in a parking space designated for persons with disabilities,
3-29 shall be fined: (1) one hundred dollars (\$100) for a first violation, (2) one hundred seventy-five
3-30 dollars (\$175) for a second violation, and (3) three hundred twenty-five dollars (\$325) for a third
3-31 or subsequent violation. The vehicle may be subject to towing at the owner's expense. Provided
3-32 further, that it shall not be unlawful for a person to park a vehicle in a space designated for person
3-33 with disabilities if that person is transporting a person who has been issued a special placard and
3-34 is properly displaying the placard on the vehicle.

4-1 (g) Enforcement of the parking provisions of this section shall be enforced by the local
4-2 or state authorities on public or private property when the location of the parking spaces is within
4-3 the purview of the State Building Code, chapter 27.3 of title 23.

4-4 (h) Definitions. - For the purpose of this section:

4-5 (1) "Disabled" or "disability" means a permanent or long-term impairment which
4-6 prevents or impedes walking, which shall include but not be limited to: (i) an impairment which
4-7 prevents walking and requires use of a wheelchair; (ii) an impairment which involuntarily causes
4-8 difficulty or insecurity in walking or climbing stairs with or without the need to use braces,
4-9 crutches, canes or artificial support; (iii) an impairment caused by amputation, arthritis, blindness
4-10 (including legally blind), or orthopedic condition; (iv) an impairment in respiratory, circulatory,
4-11 or neurological health which limits the person's walking capability; or (v) disabled veteran,
4-12 pursuant to section 31-6-8 after certification of eligibility from the Veterans' Administration or
4-13 other satisfactory documentation of eligibility is presented. Persons with disabilities may be
4-14 capable of working or may be presently working.

4-15 (2) "Long-term disability" means an impairment which is potentially reversible or may
4-16 improve with appropriate medical treatment. At the time of application and or renewal, the
4-17 impairment should not be expected to improve prior to the expiration of the certification, to a
4-18 point where the individual does not meet the provisions of subdivision (1) of this subsection.

4-19 (3) "Permanent disability" means an impairment which is non-reversible.

4-20 (4) "Temporary impairment" means an impairment which is expected to improve to a
4-21 point where the individual does not meet the provisions of subdivision (1) of this subsection,
4-22 within two (2) years of the application.

4-23 (i) The department of revenue shall inform each licensed driver of the certificate
4-24 procedures and parking restrictions of this section and sections 31-28-4 and 31-28-6, and a
4-25 facsimile of the portable placards and motorcycle stickers issued under this section shall be sent
4-26 to the enforcing authority of each state, and each enforcing authority shall be informed of the

4-27 parking restrictions of this section and sections 31-28-4 and 31-28-6. Recipients of disability
4-28 parking privilege placards shall also receive instructions on their use and the penalties for misuse,
4-29 when the placard is initially issued.
4-30 (j) Any person who makes, manufactures, offers for sale or knowingly uses a counterfeit
4-31 parking privilege placard shall be fined up to five hundred dollars (\$500) and/or forty (40) hours
4-32 of community restitution.
5-1 SECTION 2. This act shall take effect upon passage.

No action taken – place on next month’s agenda

S 173 RELATING TO EDUCATION - HEALTH AND SAFETY OF PUPILS. This act would allow the sale of beverages and snacks which are not in compliance with this section as long as the sale pertains to student fundraising. This act would take effect upon passage

1-1 SECTION 1. Section 16-21-7 of the General Laws in Chapter 16-21 entitled "Health and
1-2 Safety of Pupils" is hereby amended to read as follows:
1-3 **16-21-7. School health.** -- (a) All schools that are approved for the purpose of sections
1-4 16-19-1 and 16-19-2 shall have a school health program which shall be approved by the state
1-5 director of the department of health and the commissioner of elementary and secondary education
1-6 or the commissioner of higher education, as appropriate. The program shall provide for the
1-7 organized direction and supervision of a healthful school environment, health education, and
1-8 services. The program shall include and provide, within and consistent with existing school
1-9 facilities, for the administration of nursing care by certified nurse teachers, as defined in section
1-10 16-21-8, as shall be requested, in writing, by the attending physician of any student and
1-11 authorized, in writing, by the parent or legal guardian of the student. No instruction in the
1-12 characteristics, symptoms, and the treatment of disease shall be given to any child whose parent
1-13 or guardian shall present a written statement signed by them stating that the instructions should
1-14 not be given the child because of religious beliefs.
1-15 (b) All Rhode Island elementary, middle and junior high schools that sell or distribute
1-16 beverages and snacks on their premises, including those sold through vending machines, shall be
1-17 required to offer healthier beverages effective January 1, 2007, and healthier snacks effective
1-18 January 1, 2008 as defined in chapter 21 of this title.
1-19 (c) All Rhode Island senior high schools that sell or distribute beverages and snacks on
2-1 their premises, including those sold through vending machines, shall be required to offer only
2-2 healthier beverages and snacks effective January 1, 2008 as defined in chapter 21 of this title.
2-3 (d) Schools may permit the sale of beverages and snacks that do not comply with the
2-4 above paragraph as part of school fundraising at any time. ~~in any of the following circumstances:~~
2-5 ~~(1) The items are sold by pupils of the school and the sale of those items takes place off~~
2-6 ~~and away from the premises of the school.~~
2-7 ~~(2) The items are sold by pupils of the school and the sale of those items takes place one~~
2-8 ~~hour or more after the end of the school day.~~
2-9 ~~(3) The items sold during a school sponsored pupil activity after the end of the school~~
2-10 ~~day.~~
2-11 SECTION 2. This act shall take effect upon passage.

MOTION: To find harmful 09 S 173 Relating to Education - Health and Safety of Pupils LG/AP passed, NAY BI, RC, GS, abstain EG.

09 H 5946 RELATING TO PUBLIC UTILITIES AND CARRIERS - TAXICABS AND LIMITED PUBLIC MOTOR VEHICLES. This act would require taxicab operators to provide evidence that their taxicabs are handicap accessible. This act would take effect upon passage.

1-1 SECTION 1. Chapter 39-14 of the General Laws entitled "Taxicabs and Limited Public

1-2 Motor Vehicles" is hereby amended by adding thereto the following section:
1-3 **39-14-20.1. Handicap accessible.** -- No certificate or registration shall be issued or
1-4 renewed by the administrator pursuant to this chapter unless prior to such issuance the common
1-5 carrier, person, association or corporation operating or seeking to operate, a taxicab presents
1-6 evidence to the administrator, in a form satisfactory to the administrator, that its taxicab(s) are
1-7 wheelchair accessible (as defined in subsection 39-14-1(9)), or otherwise accessible to individuals
1-8 with disabilities.
1-9 SECTION 2. This act shall take effect upon passage.

MOTION: To find beneficial 09 H 5946 Relating to Public Utilities and Carriers – Taxicabs and Limited Public Motor Vehicles LW/EG passed, abstain BI

09 H 5641 RELATING TO STATE AFFAIRS AND GOVERNMENT – OFFICE OF HEALTH AND HUMAN SERVICES. This act would eliminate the five (5) health and human services departments and consolidate the functions of the departments within the executive office of health and human services. The act would create a new function based organizational structure within the executive office of health and human services that would include the following divisions: children and family services, behavioral health, developmental disabilities, public health, veterans' affairs, and elderly and long-term care. The act does not indicate where or if the Office of Rehabilitation Services or services for the blind and visually impaired would exist after enactment.

1-1 SECTION 1. Sections 42-7.2-1, 42-7.2-2, 42-7.2-4, 42-7.2-5, 42-7.2-6.1, 42-7.2-7, 42-
1-2 7.2-8 and 42-7.2-9 of the General Laws in Chapter 42-7.2 entitled "Office of Health and Human
1-3 Services" are hereby amended to read as follows:
1-4 **42-7.2-1. Statement of intent.** – (a) The purpose of this Chapter is to develop a
1-5 consumer-centered system of publicly-financed state administered health and human services that
1-6 supports access to high quality services, protects the safety of the state's most vulnerable citizens,
1-7 and ensures the efficient use of all available resources by consolidating the health and human
1-8 services functions and eliminating the five (5) departments responsible for the health and human
1-9 services programs serving all Rhode Islanders and providing direct assistance and support
1-10 services to more than 250,000 individuals and families: the department of children, youth, and
1-11 families; the department of elderly affairs; the department of health; the department of human
1-12 services; and the department of mental health, retardation and hospitals, collectively referred to
1-13 within as "departments". It is recognized that the executive office of health and human services
1-14 and the departments have undertaken a variety of initiatives to further this goal and that they
1-15 share a commitment to continue to work in concert to preserve and promote each other's unique
1-16 missions while striving to attain better outcomes for all the people and communities they serve.
1-17 However, recent and expected changes in federal and state policies and funding priorities that
1-18 affect the financing, organization, and delivery of health and human services programs pose new
2-1 challenges and opportunities that have created an even greater need for ~~structured and formal~~
2-2 ~~interdepartmental cooperation and collaboration~~ consolidation. To meet this need while
2-3 continuing to build on the achievements that have already been made, the interests of all Rhode
2-4 Islanders will best be served by codifying in the state's general laws the purposes and
2-5 responsibilities of the executive office of health and human services and the position of secretary
2-6 of health and human services.
2-7 (b) The purposes and responsibilities of the executive office of health and human services
2-8 shall include the assumption of all the duties of the departments, consolidation of the functions of
2-9 the departments, and the creation of a new function based organizational structure within the
2-10 executive office of health and human services that shall include the following divisions: children
2-11 and family services, behavioral health, developmental disabilities, public health, veterans affairs,
2-12 and elderly and long-term care.

2-13 **42-7.2-2. Executive office of health and human services.** -- There is hereby established
2-14 within the executive branch of state government an executive office of health and human services
2-15 to serve as the principal consolidated health and human services agency of the executive branch
2-16 of state government ~~for managing that shall assume all of the duties of~~ the departments of
2-17 children, youth and families, elderly affairs, health, human services, and mental health,
2-18 retardation and hospitals. In this capacity, the office shall:

2-19 (a) ~~Lead the state's five health and human services departments in order to:~~ Provide the
2-20 state's health and human services through the following divisions: children and family services;
2-21 behavioral health; developmental disabilities; public health; veterans affairs; and elderly and
2-22 long-term care.

2-23 ~~(+)~~ (b) Improve the economy, efficiency, coordination, and quality of health and human
2-24 services policy and planning, budgeting and financing.

2-25 ~~(2)~~ (c) Design strategies and implement best practices that foster service access,
2-26 consumer safety and positive outcomes.

2-27 ~~(3)~~ (d) Maximize and leverage funds from all available public and private sources,
2-28 including federal financial participation, grants and awards.

2-29 ~~(4)~~ (e) Increase public confidence by conducting independent reviews of health and
2-30 human services issues in order to promote accountability and coordination across departments.

2-31 ~~(5)~~ (f) Ensure that state health and human services policies and programs are responsive
2-32 to changing consumer needs and to the network of community providers that deliver assistive
2-33 services and supports on their behalf.

2-34 ~~(b)~~ (g) Supervise the administrations of federal and state medical assistance programs by
3-1 acting as the single state agency authorized under title XIX of the U.S. Social Security act, 42
3-2 U.S.C. section 1396a et seq., notwithstanding any general or public law or regulation to the
3-3 contrary, and exercising such single state agency authority for such other federal and state
3-4 programs as may be designated by the governor. ~~Nothing in this chapter shall be construed as~~
3-5 ~~transferring to the secretary: (1) The powers, duties or functions conferred upon the departments~~
3-6 ~~by Rhode Island general laws for the administration of the foregoing federal and state programs;~~
3-7 ~~or (2) The administrative responsibility for the preparation and submission of any state plans,~~
3-8 ~~state plan amendments, or federal waiver applications, as may be approved from time to time by~~
3-9 ~~the secretary with respect to the foregoing federal and state programs.~~

3-10 **42-7.2-4. Responsibilities of the secretary.** -- (a) The secretary shall be responsible to
3-11 the governor for supervising the executive office of health and human services and for ~~managing~~
3-12 ~~and providing strategic leadership and direction to~~ assuming all the duties of the five (5)
3-13 departments.

3-14 ~~(b) Notwithstanding the provisions set forth in this chapter, the governor shall appoint~~
3-15 ~~the directors of the departments within the executive office of health and human services.~~
3-16 ~~Directors appointed to those departments shall continue to be subject to the advice and consent of~~
3-17 ~~the senate and shall continue to hold office as set forth in sections 42-6-1 et seq. and 42-72-1(c).~~

3-18 **42-7.2-5. Duties of the secretary.** -- The secretary shall be subject to the direction and
3-19 supervision of the governor for the oversight, coordination and cohesive direction of state
3-20 administered health and human services and in ensuring the laws are faithfully executed, not
3-21 withstanding any law to the contrary. In this capacity, the Secretary of Health and Human
3-22 Services shall be authorized to:

3-23 (1) Coordinate the administration and financing of health care benefits, human services
3-24 and programs including those authorized by the Medicaid State Plan under Title XIX of the US
3-25 Social Security Act. ~~However, nothing in this section shall be construed as transferring to the~~
3-26 ~~secretary the powers, duties or functions conferred upon the departments by Rhode Island public~~
3-27 ~~and general laws for the administration of federal/state programs financed in whole or in part with~~

3-28 ~~Medicaid funds or the administrative responsibility for the preparation and submission of any~~
3-29 ~~state plans, state plan amendments, or authorized federal waiver applications.~~

3-30 (2) Serve as the governor's chief advisor and liaison to federal policymakers on Medicaid
3-31 reform issues as well as the principal point of contact in the state on any such related matters.

3-32 (3) Review and ensure the coordination of any new ~~departmental~~ waiver requests and
3-33 renewals as well as any initiatives and proposals requiring amendments to the Medicaid state plan
3-34 with the potential to affect the scope, amount or duration of publicly-funded health care services,
4-1 provider payments or reimbursements, or access to or the availability of benefits and services as
4-2 provided by Rhode Island general and public laws. The secretary shall consider whether any such
4-3 waivers or amendments are legally and fiscally sound and consistent with the state's policy and
4-4 budget priorities. The secretary shall also assess whether a proposed waiver or amendment is
4-5 capable of obtaining the necessary approvals from federal officials and achieving the expected
4-6 positive consumer outcomes. ~~Department directors shall, within the timelines specified, provide~~
4-7 ~~any information and resources the secretary deems necessary in order to perform the reviews~~
4-8 ~~authorized in this section;~~

4-9 (4) Beginning in 2006, prepare and submit to the governor, the chairpersons of the house
4-10 and senate finance committees, the caseload estimating conference, and to the joint legislative
4-11 committee for health care oversight, by no later than February 1 of each year, a comprehensive
4-12 overview of all Medicaid expenditures outcomes, and utilization rates. The overview shall
4-13 include, but not be limited to, the following information:

4-14 (i) Expenditures under Titles XIX and XXI of the Social Security Act, as amended;

4-15 (ii) Expenditures, outcomes and utilization rates by population and sub-population
4-16 served (e.g. families with children, children with disabilities, children in foster care, children
4-17 receiving adoption assistance, adults with disabilities, and the elderly);

4-18 (iii) Expenditures, outcomes and utilization rates by each state department or other
4-19 municipal or public entity receiving federal reimbursement under Titles XIX and XXI of the
4-20 Social Security Act, as amended; and

4-21 (iv) Expenditures, outcomes and utilization rates by type of service and/or service
4-22 provider.

4-23 ~~The directors of the departments, as well as local~~ [Local](#) governments and school
4-24 departments, shall assist and cooperate with the secretary in fulfilling this responsibility by
4-25 providing whatever resources, information and support shall be necessary.

4-26 (5) Resolve administrative, jurisdictional, operational, program, or policy conflicts
4-27 ~~among departments and their executive staffs~~ and make necessary recommendations to the
4-28 governor.

4-29 (6) Assure continued progress toward improving the quality, the economy, the
4-30 accountability and the efficiency of state-administered health and human services. In this
4-31 capacity, the secretary shall:

4-32 (i) Direct implementation of reforms in the human resources practices of the departments
4-33 that streamline and upgrade services, achieve greater economies of scale and establish the
4-34 coordinated system of the staff education, cross- training, and career development services
5-1 necessary to recruit and retain a highly-skilled, responsive, and engaged health and human
5-2 services workforce;

5-3 (ii) Encourage ~~the departments to utilize~~ consumer-centered approaches to service design
5-4 and delivery that expand their capacity to respond efficiently and responsibly to the diverse and
5-5 changing needs of the people and communities they serve;

5-6 (iii) Develop all opportunities to maximize resources by leveraging the state's purchasing
5-7 power, centralizing [all health and human services functions including](#) fiscal service functions
5-8 related to budget, finance, and procurement, centralizing communication, policy analysis and

5-9 planning, and information systems and data management, pursuing alternative funding sources
5-10 through grants, awards and partnerships and securing all available federal financial participation
5-11 for programs and services ~~provided through the departments~~; and
5-12 (iv) Improve the coordination and efficiency of health and human services legal
5-13 functions by centralizing adjudicative and legal services and overseeing their timely and judicious
5-14 administration.

5-15 (7) Prepare ~~and integrate~~ a comprehensive ~~budgets~~ budget for the office of health and
5-16 human services departments and any other functions and duties assigned to the office. The
5-17 ~~budgets~~ budget shall be submitted to the state budget office by the secretary, for consideration by
5-18 the governor, on behalf of the state's health and human services in accordance with the provisions
5-19 set forth in section 35-3-4 of the Rhode Island general laws.

5-20 (8) Utilize objective data to evaluate health and human services policy goals, resource
5-21 use and outcome evaluation and to perform short and long-term policy planning and
5-22 development.

5-23 (9) Establishment of an integrated approach to ~~interdepartmental~~ information and data
5-24 management that will facilitate the transition to consumer-centered system of state administered
5-25 health and human services.

5-26 (10) At the direction of the governor or the general assembly, conduct independent
5-27 reviews of state-administered health and human services programs, policies and related agency
5-28 actions and activities and ~~assist the department directors in identifying~~ identify strategies to
5-29 address any issues or areas of concern that may emerge thereof. ~~The department directors shall~~
5-30 ~~provide any information and assistance deemed necessary by the secretary when undertaking such~~
5-31 ~~independent reviews.~~

5-32 (11) Provide regular and timely reports to the governor and make recommendations with
5-33 respect to the state's health and human services agenda.

5-34 (12) Employ such personnel and contract for such consulting services as may be required
6-1 to perform the powers and duties lawfully conferred upon the secretary.

6-2 (13) Implement the provisions of any general or public law or regulation related to the
6-3 disclosure, confidentiality and privacy of any information or records, in the possession or under
6-4 the control of the executive office ~~or the departments assigned to the executive office~~, that may be
6-5 developed or acquired for purposes directly connected with the secretary's duties set forth herein.

6-6 (14) ~~Hold the director of each health and human services department accountable for~~
6-7 ~~their administrative, fiscal and program actions in the conduct of the respective powers and duties~~
6-8 ~~of their agencies.~~ Nominate chiefs of the various divisions for appointment by the governor and
6-9 subject to the advice and consent of the senate.

6-10 **42-7.2-6.1. Transfer of powers and functions.** -- (a) There are hereby transferred to the
6-11 executive office of health and human services all the powers and functions of the departments,
6-12 ~~with respect to the following:~~

6-13 ~~—(1) By July 1, 2007, fiscal services including budget preparation and review, financial~~
6-14 ~~management, purchasing and accounting and any related functions and duties deemed necessary~~
6-15 ~~by the secretary;~~

6-16 ~~—(2) By July 1, 2007, legal services including applying and interpreting the law, oversight~~
6-17 ~~to the rule-making process, and administrative adjudication duties and any related functions and~~
6-18 ~~duties deemed necessary by the secretary;~~

6-19 ~~—(3) By September 1, 2007, communications including those functions and services~~
6-20 ~~related to government relations, public education and outreach and media relations and any~~
6-21 ~~related functions and duties deemed necessary by the secretary;~~

6-22 ~~—(4) By March 1, 2008, policy analysis and planning including those functions and~~
6-23 ~~services related to the policy development, planning and evaluation and any related functions and~~

6-24 ~~duties deemed necessary by the secretary; and~~
6-25 ~~(5) By June 30, 2008, information systems and data management including the~~
6-26 ~~financing, development and maintenance of all data bases and information systems and platforms~~
6-27 ~~as well as any related operations deemed necessary by the secretary;~~
6-28 ~~(b) The secretary shall determine in collaboration with the department directors whether~~
6-29 ~~the officers, employees, agencies, advisory councils, committees, commissions, and task forces of~~
6-30 ~~the departments who were performing such functions shall be transferred to the office. Duties that~~
6-31 ~~are incidental to the performance of the functions transferred to the office in subpart (a) shall~~
6-32 ~~remain with the departments providing that the employees responsible thereof are performing~~
6-33 ~~functions that have not been transferred.~~

6-34 (e) (b) In the transference of such functions, the secretary shall be responsible for
7-1 ensuring:

- 7-2 (1) Minimal disruption of services to consumers;
- 7-3 (2) Elimination of duplication of functions and operations;
- 7-4 (3) Services are coordinated and functions are consolidated where appropriate;
- 7-5 (4) Clear lines of authority are delineated and followed;
- 7-6 (5) Cost-savings are achieved whenever feasible;
- 7-7 (6) Program application and eligibility determination processes are coordinated and,
7-8 where feasible, integrated; and
- 7-9 (7) State and federal funds available to the office and the entities therein are allocated
7-10 and utilized for service delivery to the fullest extent possible.

7-11 ~~Except as provided herein, no provision of this chapter or application thereof shall be~~
7-12 ~~construed to limit or otherwise restrict the departments of children, youth and families, human~~
7-13 ~~services, elderly affairs, health, and mental health, retardation, and hospitals from fulfilling any~~
7-14 ~~statutory requirement or complying with any regulation deemed otherwise valid.~~

7-15 **42-7.2-7. Independent advisory council -- Purposes.** -- (a) The secretary shall establish
7-16 an independent advisory council, hereafter referred to as "advisory council" composed of
7-17 representatives of the network of health and human services providers, the communities the
7-18 ~~departments serve~~ office serves, state and local policy makers and any other stakeholders or
7-19 consumers interested in improving access to high quality health and human services.

7-20 (b) The advisory council shall assist the secretary in identifying: issues of concern and
7-21 priorities in the organization and/or delivery of services; areas where there is need for
7-22 ~~interdepartmental~~ collaboration and cooperation; and opportunities for building sustainable and
7-23 effective public-private partnerships that support the missions of the ~~departments~~ office. The
7-24 advisory council shall also provide guidance to the secretary in developing a plan to further the
7-25 purposes of the executive office ~~and assist the departments in meeting their unique missions and~~
7-26 ~~shared responsibilities.~~

7-27 (c) ~~With the assistance of the department directors, the~~ The secretary shall hold health
7-28 and human services forums and open meetings that encourage community, consumer and
7-29 stakeholder input on health and human services issues, proposals and activities and actions of the
7-30 executive office that have been identified by the advisory council as areas of concern or important
7-31 policy priorities or opportunities for the state.

7-32 **42-7.2-8. Assignment and reassignment of advisory bodies.** -- ~~The governor may, by~~
7-33 ~~executive order, reassign any~~ Any advisory bodies, boards, or commissions associated or
7-34 affiliated with the departments ~~or any such agencies that may be created shall be assigned~~ to the
8-1 secretary of health and human services ~~or assign any such entities that may be created.~~

8-2 **42-7.2-9. Appointment of employees.** -- The secretary, subject to the provisions of
8-3 applicable state law, shall be the appointing authority for all employees of the executive office of
8-4 health and human services; provided, however, the chiefs of the various divisions shall be

8-5 nominated by the secretary, appointed by the governor, and subject to the advice and consent of
8-6 the senate. The secretary may assign this function to such subordinate officers and employees of
8-7 the executive office as may to him or her seem feasible or desirable. ~~The appointing authority of~~
8-8 ~~the secretary provided for herein shall not affect, interfere with, limit, or otherwise restrict the~~
8-9 ~~appointing authority vested in the directors for the employees of the departments under applicable~~
8-10 ~~general and public laws.~~

8-11 SECTION 2. Section 42-7.2-6 of the General Laws in Chapter 42-7.2 entitled "Office of
8-12 Health and Human Services" is hereby repealed.

8-13 ~~**42-7.2-6. Departments assigned to the executive office -- Powers and duties. --**~~ (a)

8-14 ~~The departments assigned to the secretary shall:~~

8-15 ~~(1) Exercise their respective powers and duties in accordance with their statutory~~
8-16 ~~authority and the general policy established by the governor or by the secretary acting on behalf~~
8-17 ~~of the governor or in accordance with the powers and authorities conferred upon the secretary by~~
8-18 ~~this chapter;~~

8-19 ~~(2) Provide such assistance or resources as may be requested or required by the governor~~
8-20 ~~and/or the secretary; and~~

8-21 ~~(3) Provide such records and information as may be requested or required by the~~
8-22 ~~governor and/or the secretary to the extent allowed under the provisions of any applicable general~~
8-23 ~~or public law, regulation, or agreement relating to the confidentiality, privacy or disclosure of~~
8-24 ~~such records or information.~~

8-25 ~~(4) Forward to the secretary copies of all reports to the governor.~~

8-26 ~~(b) Except as provided herein, no provision of this chapter or application thereof shall be~~
8-27 ~~construed to limit or otherwise restrict the department of children, youth and families, the~~
8-28 ~~department of elderly affairs, the department of health, the department of human services, and the~~
8-29 ~~department of mental health, retardation and hospitals from fulfilling any statutory requirement or~~
8-30 ~~complying with any valid rule or regulation.~~

8-31 SECTION 3. Sections 42-6-1, 42-6-2 and 42-6-3 of the General Laws in Chapter 42-6
8-32 entitled "Departments of State Government" are hereby amended to read as follows:

8-33 ~~**42-6-1. Enumeration of departments. --**~~ All the administrative powers and duties

8-34 heretofore vested by law in the several state departments, boards, divisions, bureaus,
9-1 commissions, and other agencies shall be vested in the following departments and other agencies
9-2 which are specified in this title:

9-3 (a) Executive department (chapter 7 of this title);

9-4 (b) Department of state (chapter 8 of this title);

9-5 (c) Department of the attorney general (chapter 9 of this title);

9-6 (d) Treasury department (chapter 10 of this title);

9-7 (e) Department of administration (chapter 11 of this title);

9-8 (f) Department of business regulation (chapter 14 of this title);

9-9 (g) ~~Department of children, youth, and families (chapter 72 of this title);~~

9-10 (h) Department of corrections (chapter 56 of this title);

9-11 (i) ~~Department of elderly affairs (chapter 66 of this title);~~

9-12 (j) Department of elementary and secondary education (chapter 60 of title 16);

9-13 (k) Department of environmental management (chapter 17.1 of this title);

9-14 (l) ~~Department of health (chapter 18 of this title);~~

9-15 (m) Board of governors for higher education (chapter 59 of title 16);

9-16 (n) Department of labor and training (chapter 16.1 of this title);

9-17 (o) ~~Department of mental health, retardation, and hospitals (chapter 12.1 of this title);~~

9-18 (p) ~~Department of human services (chapter 12 of this title);~~

9-19 (q) Department of transportation (chapter 13 of this title);

- 9-20 (r) Public utilities commission (chapter 14.3 of this title);
- 9-21 (s) Department of revenue (chapter 143 of title 44);
- 9-22 (t) Department of public safety (chapter 7.3 of this title).

9-23 **42-6-2. Heads of departments.** -- The governor, secretary of state, attorney general, and
9-24 general treasurer, hereinafter called general officers, shall each be in charge of a department.
9-25 There shall also be a director of administration, a director of revenue, a director of public safety, a
9-26 ~~director of human services, a director of mental health, retardation, and hospitals,~~ a director of
9-27 transportation, a director of business regulation, a director of labor and training, a director of
9-28 environmental management, ~~a director for children, youth, and families, a director of elderly~~
9-29 ~~affairs,~~ and a director of corrections. Each director shall hold office at the pleasure of the
9-30 governor and he or she shall serve until his or her successor is duly appointed and qualified unless
9-31 the director is removed from office by special order of the governor.

9-32 **42-6-3. Appointment of directors.** -- (a) At the January session following his or her
9-33 election to office, the governor shall appoint a director of administration, a director of revenue, a
9-34 director of public safety, ~~a director of human services, a director of mental health, retardation, and~~
10-1 ~~hospitals,~~ a director of transportation, a director of business regulation, a director of labor and
10-2 training, a director of environmental management, ~~a director for children, youth, and families, a~~
10-3 ~~director of elderly affairs,~~ and a director of corrections. The governor shall, in all cases of
10-4 appointment of a director while the senate is in session, notify the senate of his or her
10-5 appointment and the senate shall, within sixty (60) legislative days after receipt of the notice, act
10-6 upon the appointment. If the senate shall, within sixty (60) legislative days, vote to disapprove the
10-7 appointment it shall so notify the governor, who shall forthwith appoint and notify the senate of
10-8 the appointment of a different person as director and so on in like manner until the senate shall
10-9 fail to so vote disapproval of the governor's appointment. If the senate shall fail, for sixty (60)
10-10 legislative days next after notice, to act upon any appointment of which it has been notified by the
10-11 governor, the person so appointed shall be the director. The governor may withdraw any
10-12 appointment of which he or she has given notice to the senate, at any time within sixty (60)
10-13 legislative days thereafter and before action has been taken thereon by the senate.

10-14 (b) Except as expressly provided in section 42-6-9, no director of any department shall
10-15 be appointed or employed pursuant to any contract of employment for a period of time greater
10-16 than the remainder of the governor's current term of office. Any contract entered into in violation
10-17 of this section after July 1, 1994 is hereby declared null and void.

10-18 SECTION 4. Section 42-6-9 of the General Laws in Chapter 42-6 entitled "Departments
10-19 of State Government" is hereby repealed.

10-20 ~~**42-6-9. Director of health.** -- There shall be a director of health who shall hold office for
10-21 the term of five (5) years from the time of his or her appointment and until his or her successor is
10-22 duly appointed and qualified. The director shall be eligible for reappointment, and shall not
10-23 engage in any other occupation.~~

10-24 SECTION 5. Chapter 42-7.2 of the General Laws entitled "Office of Health and Human
10-25 Services" is hereby amended by adding thereto the following section:

10-26 **42-7.2-7.1. Oversight.** -- The permanent joint committee of the global waiver compact
10-27 established pursuant to section 42-12.4-5 shall be granted the authority to oversee all aspects of
10-28 the consolidation of health and human service functions within the executive office of health and
10-29 human services.

10-30 SECTION 6. This act shall take effect on February 1, 2011.

MOTION: To find harmful 09 H 5641 Relating to State Affairs and Government --
Office of Health and Human Services, because of the failure to address where
Office of Rehabilitation Services, Services for Blind & Visually Impaired, Center

for Adult Health, Community based chronic care services, etc. are ending up should consider such as creating a division for people with disabilities AP/EG passed., Abstain JS, LD, SB.

09 H 5546 & S 0775 RI Works Program

- 1-1 SECTION 1. Sections 40-5.2-10 and 40-5.2-12 of the General Laws in Chapter 40-5.2
1-2 entitled "The Rhode Island Works Program" are hereby amended to read as follows:
- 1-3 **40-5.2-10. Necessary requirements and conditions.** -- The following requirements and
1-4 conditions shall be necessary to establish eligibility for the program.
- 1-5 (a) Citizenship, alienage and residency requirements.
- 1-6 (1) A person shall be a resident of the State of Rhode Island.
- 1-7 (2) Effective October 1, 2008 a person shall be a United States citizen, or shall meet the
1-8 alienage requirements established in section 402(b) of the Personal Responsibility and Work
1-9 Opportunity Reconciliation Act of 1996, PRWORA, Public Laws No. 104-193 and as that section
1-10 may hereafter be amended; a person who is not a United States citizen and does not meet the
1-11 alienage requirements established in PRWORA, as amended, is not eligible for cash assistance in
1-12 accordance with this chapter.
- 1-13 (b) The family/assistance unit must meet any other requirements established by the
1-14 department of human services by rules and regulations adopted pursuant to the Administrative
1-15 Procedures Act, as necessary to promote the purpose and goals of this chapter.
- 1-16 (c) Receipt of cash assistance is conditional upon compliance with all program
1-17 requirements.
- 1-18 (d) All individuals domiciled in this state shall be exempt from the application of
1-19 subdivision 115(d)(1)(A) of Public Law 104-193, the Personal Responsibility and Work
2-1 Opportunity Reconciliation Act of 1996, PRWORA, which makes any individual ineligible for
2-2 certain state and federal assistance if that individual has been convicted under federal or state law
2-3 of any offense which is classified as a felony by the law of the jurisdiction and which has as an
2-4 element the possession, use, or distribution of a controlled substance as defined in section 102(6)
2-5 of the Controlled Substances Act (21 U.S.C. 802(6)).
- 2-6 (e) Individual employment plan as a condition of eligibility.
- 2-7 (1) Following receipt of an application, the department of human services shall assess
2-8 the financial conditions of the family, including the non-parent caretaker relative who is applying
2-9 for cash assistance for himself or herself as well as for the minor child(ren), in the context of an
2-10 eligibility determination. If a parent or non parent caretaker relative is unemployed or under-
2-11 employed, the department shall conduct an initial assessment, taking into account: (A) the
2-12 physical capacity, skills, education, work experience, health, safety, family responsibilities and
2-13 place of residence of the individual; and (B) the child care and supportive services required by the
2-14 applicant to avail himself or herself of employment opportunities and/or work readiness
2-15 programs.
- 2-16 (2) On the basis of such assessment, the department of human services, in consultation
2-17 with the applicant, shall develop an individual employment plan for the family which requires the
2-18 individual to participate in the intensive employment services provided by the department of
2-19 labor and training.
- 2-20 (3) The director, or his/her designee, may assign a case manager to an
2-21 applicant/participant, as appropriate.
- 2-22 (4) The department of labor and training and the department of human services in
2-23 conjunction with the participant shall develop a revised individual employment plan which shall
2-24 identify employment objectives, taking into consideration factors above, and shall include a
2-25 strategy for immediate employment and for preparing for, finding, and retaining employment

2-26 consistent, to the extent practicable, with the individual's career objectives.

2-27 (5) The individual employment plan must include the provision for the participant to

2-28 engage in work requirements as outlined in section 40-5.2-12 of this chapter.

2-29 (6) (A) The participant shall attend and participate immediately in intensive assessment

2-30 and employment services as the first step in the individual employment plan at the Rhode Island

2-31 department of labor and training, unless temporarily exempt from this requirement in accordance

2-32 with this chapter.

2-33 (B) Parents under age twenty (20) without a high school diploma or General Equivalency

2-34 Diploma (GED) shall be referred to special teen parent programs which will provide intensive

3-1 services designed to assist teen parent to complete high school education or GED, and to continue

3-2 approved work plan activities in accord with Works program requirements.

3-3 (7) The applicant shall become a participant in accordance with this chapter at the time

3-4 the individual employment plan is signed and entered into.

3-5 (8) Applicants and participants of the Rhode Island Work Program shall agree to comply

3-6 with the terms of the individual employment plan, and shall cooperate fully with the steps

3-7 established in the individual employment plan, including the work requirements.

3-8 (9) The department of human services has the authority under the chapter to require

3-9 attendance by the applicant/participant, either at the department of human services or at the

3-10 department of labor and training, at appointments deemed necessary for the purpose of having the

3-11 applicant enter into and become eligible for assistance through the Rhode Island Work Program.

3-12 Said appointments include, but are not limited to, the initial interview, orientation and

3-13 assessment; job readiness and job search. Attendance is required as a condition of eligibility for

3-14 cash assistance in accordance with rules and regulations established by the department.

3-15 (10) As a condition of eligibility for assistance pursuant to this chapter, the

3-16 applicant/participant shall be obligated to keep appointments, attend orientation meetings at the

3-17 department of human services and/or the Rhode Island department of labor and training,

3-18 participate in any initial assessments or appraisals and comply with all the terms of the individual

3-19 employment plan in accordance with department of human service rules and regulations.

3-20 (11) A participant, including a parent or non-parent caretaker relative included in the

3-21 cash assistance payment, shall not voluntarily quit a job or refuse a job unless there is good cause

3-22 as defined in this chapter or the department's rules and regulations.

3-23 (12) A participant who voluntarily quits or refuses a job without good cause, as defined

3-24 in subsection 40-5.2-12(1), while receiving cash assistance in accordance with this chapter, shall

3-25 be sanctioned in accordance with rules and regulations promulgated by the department.

3-26 (f) Resources.

3-27 (1) The Family or assistance unit's countable resources shall be less than the allowable

3-28 resource limit established by the department in accordance with this chapter.

3-29 (2) No family or assistance unit shall be eligible for assistance payments if the combined

3-30 value of its available resources (reduced by any obligations or debts with respect to such

3-31 resources) exceeds one thousand dollars (\$1,000).

3-32 (3) For purposes of this subsection, the following shall not be counted as resources of the

3-33 family/assistance unit in the determination of eligibility for the works program:

3-34 (A) The home owned and occupied by a child, parent, relative or other individual;

4-1 (B) Real property owned by a husband and wife as tenants by the entirety, if the property

4-2 is not the home of the family and if the spouse of the applicant refuses to sell his or her interest in

4-3 the property;

4-4 (C) Real property which the family is making a good faith effort to dispose of, however,

4-5 any cash assistance payable to the family for any such period shall be conditioned upon such

4-6 disposal of the real property within six (6) months of the date of application and any payments of

4-7 assistance for that period shall (at the time of disposal) be considered overpayments to the extent
4-8 that they would not have occurred at the beginning of the period for which the payments were
4-9 made. All overpayments are debts subject to recovery in accordance with the provisions of the
4-10 chapter;

4-11 (D) Income producing property other than real estate including, but not limited to,
4-12 equipment such as farm tools, carpenter's tools and vehicles used in the production of goods or
4-13 Services which the department determines are necessary for the family to earn a living;

4-14 (E) One vehicle for each adult household member, but not to exceed two (2) vehicles per
4-15 household, and in addition, a vehicle used primarily for income producing purposes such as, but
4-16 not limited to, a taxi, truck or fishing boat; a vehicle used as a family's home; a vehicle which
4-17 annually produces income consistent with its fair market value, even if only used on a seasonal
4-18 basis; a vehicle necessary to transport a family member with a disability where the vehicle is
4-19 specially equipped to meet the specific needs of the person with a disability or if the vehicle is a
4-20 special type of vehicle that makes it possible to transport the person with a disability;

4-21 (F) Household furnishings and appliances, clothing, personal effects and keepsakes of
4-22 limited value;

4-23 (G) Burial plots (one for each child, relative, and other individual in the assistance unit),
4-24 and funeral arrangements;

4-25 (H) For the month of receipt and the following month, any refund of federal income
4-26 taxes made to the family by reason of section 32 of the Internal Revenue Code of 1986, 26 U.S.C.
4-27 section 32 (relating to earned income tax credit), and any payment made to the family by an
4-28 employer under section 3507 of the Internal Revenue Code of 1986, 26 U.S.C. section 3507
4-29 (relating to advance payment of such earned income credit);

4-30 (I) The resources of any family member receiving supplementary security income
4-31 assistance under the Social Security Act, 42 U.S.C. section 301 et seq.

4-32 (g) Income.

4-33 (1) Except as otherwise provided for herein, in determining eligibility for and the amount
4-34 of cash assistance to which a family is entitled under this chapter, the income of a family includes
5-1 all of the money, goods, and services received or actually available to any member of the family.

5-2 (2) In determining the eligibility for and the amount of cash assistance to which a
5-3 family/assistance unit is entitled under this chapter, income in any month shall not include the
5-4 first one hundred seventy dollars (\$170) of gross earnings plus fifty percent (50%) of the gross
5-5 earnings of the family in excess of one hundred seventy dollars (\$170) earned during the month.

5-6 (3) The income of a family shall not include:

5-7 (A) The first fifty dollars (\$50.00) in child support received in any month from each non-
5-8 custodial parent of a child plus any arrearages in child support (to the extent of the first fifty
5-9 dollars (\$50.00) per month multiplied by the number of months in which the support has been in
5-10 arrears) which are paid in any month by a non-custodial parent of a child;

5-11 (B) Earned income of any child;

5-12 (C) Income received by a family member who is receiving supplemental security income
5-13 (SSI) assistance under Title XVI of the Social Security Act, 42 U.S.C. section 1381 et seq.;

5-14 (D) The value of assistance provided by state or federal government or private agencies
5-15 to meet nutritional needs, including: value of USDA donated foods; value of supplemental food
5-16 assistance received under the Child Nutrition Act of 1966, as amended and the special food
5-17 service program for children under Title VII, nutrition program for the elderly, of the Older
5-18 Americans Act of 1965 as amended, and the value of food stamps;

5-19 (E) Value of certain assistance provided to undergraduate students, including any grant
5-20 or loan for an undergraduate student for educational purposes made or insured under any loan
5-21 program administered by the U.S. Commissioner of Education (or the Rhode Island board of

5-22 governors for higher education or the Rhode Island higher educational assistance authority);
5-23 (F) Foster Care Payments;
5-24 (G) Home energy assistance funded by state or federal government or by a nonprofit
5-25 organization;
5-26 (H) Payments for supportive services or reimbursement of out-of-pocket expenses made
5-27 to foster grandparents, senior health aides or senior companions and to persons serving in SCORE
5-28 and ACE and any other program under Title II and Title III of the Domestic Volunteer Service
5-29 Act of 1973, 42 U.S.C. section 5000 et seq.;

5-30 (I) Payments to volunteers under AmeriCorps VISTA as defined in the department's
5-31 rules and regulations;

5-32 (J) Certain payments to native Americans; payments distributed per capita to, or held in
5-33 trust for, members of any Indian Tribe under P.L. 92-254, 25 U.S.C. section 1261 et seq., P.L. 93-
5-34 134, 25 U.S.C. section 1401 et seq., or P.L. 94-540; receipts distributed to members of certain
6-1 Indian tribes which are referred to in section 5 of P.L. 94-114, 25 U.S.C. section 459d, that
6-2 became effective October 17, 1975;

6-3 (K) Refund from the federal and state earned income tax credit;

6-4 (L) The value of any state, local, or federal government rent or housing subsidy,
6-5 provided that this exclusion shall not limit the reduction in benefits provided for in the payment
6-6 standard section of this chapter.

6-7 (4) The receipt of a lump sum of income shall affect participants for cash assistance in
6-8 accordance with rules and regulations promulgated by the department.

6-9 (h) Time limit on the receipt of cash assistance.

6-10 (1) No cash assistance shall be provided, pursuant to this chapter, to a family or
6-11 assistance unit which includes an adult member who has received cash assistance, either for
6-12 him/herself or on behalf of his/her children, for a total of ~~twenty four (24) months, (whether or~~
6-13 ~~not consecutive) within any sixty (60) continuous months to~~ forty-eight (48) months, except as
6-14 allowed pursuant to section (3), with respect to certain minor children. This lifetime limit of
6-15 forty-eight (48) months shall include any time receiving any type of cash assistance in any other
6-16 state or territory of the United States of America as defined herein. ~~Provided further, in no~~
6-17 ~~circumstances other than provided for in section (3) below with respect to certain minor children,~~
6-18 ~~shall cash assistance be provided pursuant to this chapter to a family or assistance unit which~~
6-19 ~~includes an adult member who has received cash assistance for a total of a lifetime limit of forty-~~
6-20 ~~eight (48) months.~~

6-21 (2) Cash benefits received by a minor dependent child shall not be counted toward their
6-22 lifetime time limit for receiving benefits under this chapter should that minor child apply for cash
6-23 benefits as an adult.

6-24 (3) Certain minor children not subject to time limit. This section regarding the lifetime
6-25 time limit for the receipt of cash assistance, shall not apply only in the instances of a minor
6-26 child(ren) living with a parent who receives SSI benefits and a minor child(ren) living with a
6-27 responsible adult non-parent caretaker relative who is not in the case assistance payment.

6-28 (4) Receipt of family cash assistance in any other state or territory of the United States of
6-29 America shall be determined by the department of human services and shall include family cash
6-30 assistance funded in whole or in part by Temporary Assistance for Needy Families (TANF) funds
6-31 [Title IV-A of the Federal Social Security Act 42 U.S.C. section 601 et seq.]and/or family cash
6-32 assistance provided under a program similar to the Rhode Island Families Work and Opportunity
6-33 Program or the federal TANF program.

6-34 (5) (A) The department of human service shall mail a notice to each assistance unit when
7-1 the assistance unit has six (6) months of cash assistance remaining and each month thereafter
7-2 until the time limit has expired. The notice must be developed by the department of human

7-3 services and must contain information about the lifetime time limit. the number of months the
7-4 participant has remaining, the hardship extension policy, the availability of a post-employment-
7-5 and-closure bonus, and any other information pertinent to a family or an assistance unit nearing
7-6 ~~either the twenty four (24) month or~~ the forty-eight (48) month lifetime time limit.

7-7 (B) For applicants who have less than six (6) months remaining in ~~either the twenty four~~
7-8 ~~(24) month or~~ the forty-eight (48) month lifetime time limit because the family or assistance unit
7-9 previously received cash assistance in Rhode Island or in another state, the department shall
7-10 notify the applicant of the number of months remaining when the application is approved and
7-11 begin the process required in paragraph (A) above.

7-12 (6) If a cash assistance recipient family closed pursuant to Rhode Island's Temporary
7-13 Assistance for Needy Families Program, (federal TANF described in Title IV A of the Federal
7-14 Social Security Act, 42 U.S.C. 601 et seq.) formerly entitled the Rhode Island Family
7-15 Independence Program, more specifically under subdivision 40-5.1-9(2)(c), due to sanction
7-16 because of failure to comply with the cash assistance program requirements; and that recipients
7-17 family received forty-eight (48) months of cash benefits in accordance with the Family
7-18 Independence Program, than that recipient family is not able to receive further cash assistance for
7-19 his/her family, under this chapter, except under hardship exceptions.

7-20 (7) The months of state or federally funded cash assistance received by a recipient family
7-21 since May 1, 1997 under Rhode Island's Temporary Assistance for Needy Families Program,
7-22 (federal TANF described in Title IV A of the Federal Social Security Act, 42 U.S.C. section 601
7-23 et seq.) formerly entitled the Rhode Island Family Independence Program, shall be countable
7-24 toward the time limited cash assistance described in this chapter.

7-25 (i) Time limit on the receipt of cash assistance.

7-26 (1) (A) ~~No cash assistance shall be provided, pursuant to this chapter, to a family~~
7-27 ~~assistance unit in which an adult member has received cash assistance for a total of sixty (60)~~
7-28 ~~months (whether or not consecutive) to include any time receiving any type of cash assistance in~~
7-29 ~~any other state or territory of the United States as defined herein effective August 1, 2008.~~
7-30 ~~Provided further, that no cash assistance shall be provided to a family in which an adult member~~
7-31 ~~has received assistance for twenty four (24) consecutive months unless the adult member has a~~
7-32 ~~rehabilitation employment plan as provided in subsection 40-5.2-12(g)(5).~~

7-33 (B) (1) Effective August 1, 2008 no cash assistance shall be provided pursuant to this
7-34 chapter to a family in which a child has received cash assistance for a total of sixty (60) months
8-1 (whether or not consecutive) if the parent is ineligible for assistance under this chapter pursuant
8-2 to subdivision 40-5.2(a) (2) to include any time received any type of cash assistance in any other
8-3 state or territory of the United States as defined herein.

8-4 (j) Hardship Exceptions.

8-5 (1) The department may extend an assistance unit's or family's cash assistance beyond
8-6 the time limit, by reason of hardship; provided, however, that the number of such families to be
8-7 exempted by the department with respect to their time limit under this subsection shall not exceed
8-8 twenty percent (20%) of the average monthly number of families to which assistance is provided
8-9 for under this chapter in a fiscal year; provided, however, that to the extent now or hereafter
8-10 permitted by federal law, any waiver granted under section 40-5.2-35, for domestic violence,
8-11 shall not be counted in determining the twenty percent (20%) maximum under this section. For
8-12 any month in which the unemployment rate for the second month preceding the payment month
8-13 equals or exceeds seven and one-half percent (7.5%) the department shall allow an extension of
8-14 benefits as provided by this subsection.

8-15 (2) Parents who receive extensions to the time limit due to hardship must have and
8-16 comply with employment plans designed to remove or ameliorate the conditions that warranted
8-17 the extension.

8-18 (k) Parents under eighteen (18) years of age.

8-19 (1) A family consisting of a parent who is under the age of eighteen (18), and who has
8-20 never been married, and who has a child; or a family which consists of a woman under the age of
8-21 eighteen (18) who is at least six (6) months pregnant, shall be eligible for cash assistance only if
8-22 such family resides in the home of an adult parent, legal guardian or other adult relative. Such
8-23 assistance shall be provided to the adult parent, legal guardian, or other adult relative on behalf of
8-24 the individual and child unless otherwise authorized by the department.

8-25 (2) This subsection shall not apply if the minor parent or pregnant minor has no parent,
8-26 legal guardian or other adult relative who is living and/or whose whereabouts are unknown; or the
8-27 department determines that the physical or emotional health or safety of the minor parent, or his
8-28 or her child, or the pregnant minor, would be jeopardized if he or she was required to live in the
8-29 same residence as his or her parent, legal guardian or other adult relative (refusal of a parent,
8-30 legal guardian or other adult relative to allow the minor parent or his or her child, or a pregnant
8-31 minor, to live in his or her home shall constitute a presumption that the health or safety would be
8-32 so jeopardized); or the minor parent or pregnant minor has lived apart from his or her own parent
8-33 or legal guardian for a period of at least one year before either the birth of any child to a minor
8-34 parent or the onset of the pregnant minor's pregnancy; or there is good cause, under departmental
9-1 regulations, for waiving the subsection; and the individual resides in supervised supportive living
9-2 arrangement to the extent available.

9-3 (3) For purposes of this section "supervised supportive living arrangement" means an
9-4 arrangement which requires minor parents to enroll and make satisfactory progress in a program
9-5 leading to a high school diploma or a general education development certificate, and requires
9-6 minor parents to participate in the adolescent parenting program designated by the department, to
9-7 the extent the program is available; and provides rules and regulations which ensure regular adult
9-8 supervision.

9-9 (l) Assignment and Cooperation. - As a condition of eligibility for cash and medical
9-10 assistance under this chapter, each adult member, parent or caretaker relative of the
9-11 family/assistance unit must:

9-12 (1) Assign to the state any rights to support for children within the family from any
9-13 person which the family member has at the time the assignment is executed or may have while
9-14 receiving assistance under this chapter;

9-15 (2) Consent to and cooperate with the state in establishing the paternity and in
9-16 establishing and/or enforcing child support and medical support orders for all children in the
9-17 family or assistance unit in accordance with Title 15 of the general laws, as amended, unless the
9-18 parent or caretaker relative is found to have good cause for refusing to comply with the
9-19 requirements of this subsection.

9-20 (3) Absent good cause, as defined by the department of human services through the rule
9-21 making process, for refusing to comply with the requirements of (1) and (2) above, cash
9-22 assistance to the family shall be reduced by twenty-five percent (25%) until the adult member of
9-23 the family who has refused to comply with the requirements of this subsection consents to and
9-24 cooperates with the state in accordance with the requirements of this subsection.

9-25 (4) As a condition of eligibility for cash and medical assistance under this chapter, each
9-26 adult member, parent or caretaker relative of the family/assistance unit must consent to and
9-27 cooperate with the state in identifying and providing information to assist the state in pursuing
9-28 any third-party who may be liable to pay for care and services under Title XIX of the Social
9-29 Security Act, 42 U.S.C. section 1396 et seq.

9-30 **40-5.2-12. Work requirements for receipt of cash assistance.** -- (a) The department of
9-31 human services and the department of labor and training shall assess the applicant/parent or non-
9-32 parent caretaker relative's work experience, educational and vocational abilities, and the

9-33 department together with the parent shall develop and enter into a mandatory individual
9-34 employment plan in accordance with subsection 40-5.2-10(e) of this chapter.

10-1 (b) In the case of a family including two (2) parents, at least one of the parents shall be
10-2 required to participate in an employment plan leading to full-time employment. The department
10-3 may also require the second parent in a two (2) parent household to develop an employment plan
10-4 if and when the youngest child reaches six (6) years of age or older.

10-5 (c) The written individual employment plan shall specify, at minimum, the immediate
10-6 steps necessary to support a goal of long-term economic independence.

10-7 (d) All applicants and participants in the Rhode Island Works employment program must
10-8 attend and participate in required appointments, employment plan development, and employment-
10-9 related activities, unless temporarily exempt for reasons specified in this chapter.

10-10 (e) A recipient/participant temporarily exempted from the work requirements may
10-11 participate in an individual employment plan on a voluntary basis, however, remains subject to
10-12 the same program compliance requirements as a participant without a temporary exemption.

10-13 (f) The individual employment plan shall specify the participant's work activity(ies) and
10-14 the supportive services which will be provided by the department to enable the participant to
10-15 engage in the work activity(ies).

10-16 (g) Work Requirements for single parent families. - In single parent households, the
10-17 participant parent or non-parent caretaker relative in the cash assistance payment, shall participate
10-18 as a condition of eligibility, for a minimum of twenty (20) hours per week if the youngest child in
10-19 the home is under the age of six (6), and for a minimum of thirty (30) hours per week if the
10-20 youngest child in the home is six (6) years of age or older, in one or more of their required work
10-21 activities, as appropriate, in order to help the parent obtain stable full-time paid employment, as
10-22 determined by the department of human services and the department of labor and training;
10-23 provided, however, that he or she shall begin with intensive employment services through the
10-24 department of labor and training as the first step in the individual employment plan. Required
10-25 work activities are as follows:

10-26 (1) At least twenty (20) hours per week must come from participation in one or more of
10-27 the following ten (10) work activities:

10-28 (A) Unsubsidized employment;
10-29 (B) Subsidized private sector employment;
10-30 (C) Subsidized public sector employment;
10-31 (D) Work experience;
10-32 (E) On the Job Training;
10-33 (F) Job search and job readiness;
10-34 (G) Community service programs;
11-1 (H) Vocational educational training not to exceed twelve (12) months;
11-2 (I) Providing child care services to another participant parent who is participating in an
11-3 approved community service program;

11-4 (J) Adult education in an intensive work readiness program not to exceed ~~six (6)~~ twelve
11-5 (12) months.

11-6 (2) Above twenty (20) hours per week, the parent may participate in one or more of the
11-7 following three (3) activities in order to satisfy a thirty (30) hour requirement:

11-8 (A) Job skills training directly related to employment;
11-9 (B) Education directly related to employment; and,
11-10 (C) Satisfactory attendance at a secondary school or in a course of study leading to a
11-11 certificate of general equivalence if it is a teen parent under the age twenty (20) who is without a
11-12 high school diploma or General Equivalence Diploma (GED);

11-13 (3) In the case of a parent under the age of twenty (20), attendance at a secondary school

11-14 or the equivalent during the month or twenty (20) hours per week on average for the month in
11-15 education directly related to employment will be counted as engaged in work.

11-16 (4) A parent who participates in a work experience or community service program for
11-17 the maximum number of hours per week allowable by the Fair Labor Standards Act (FLSA) is
11-18 deemed to have participated in his/her required minimum hours per week in core activities if
11-19 actual participation falls short of his/her required minimum hours per week.

11-20 (5) A parent who has been determined to have a physical or mental impairment affecting
11-21 employment but who has not been found eligible for Social Security Disability Benefits or
11-22 Supplemental Security Income must participate in his or her rehabilitation employment plan as
11-23 developed with the Office of Rehabilitative Services which leads to employment and/or to receipt
11-24 of disability benefits through the Social Security Administration.

11-25 (6) A required work activity may be any other work activity permissible under federal
11-26 TANF provisions or state defined Rhode Island Works Program activity, including up to ten (10)
11-27 hours of activities required by a parent's department of children, youth and families service plan.

11-28 (h) Exemptions from Work Requirements for the single parent family. - Work
11-29 Requirements outlined in subsection 40-5.2-12(g) above shall not apply to a single parent if (and
11-30 for so long as) the department finds that he or she is:

11-31 (1) Caring for a child below the age of one, provided, however that a parent may opt for
11-32 the deferral from an individual employment plan for a maximum of twelve (12) months during
11-33 the twenty-four (24) months of eligibility for cash assistance, and provided further that a minor
11-34 parent without a high school diploma or the equivalent, and who is not married, shall not be
12-1 exempt for more than twelve weeks from the birth of the child;

12-2 (2) Caring for a disabled family member, who resides in the home and requires full time
12-3 care;

12-4 (3) A recipient of Social Security Disability benefits or Supplemental Security Income or
12-5 other disability benefits which have the same standard of disability as defined by the Social
12-6 Security Administration;

12-7 (4) An individual receiving assistance who is a victim of domestic violence as
12-8 determined by the department in accordance with rules and regulations;

12-9 (5) An applicant for assistance in her third trimester or a pregnant woman in her third
12-10 trimester who is a recipient of assistance and has medical documentation that she cannot work;

12-11 (6) An individual otherwise exempt by the department as defined in rules and regulations
12-12 promulgated by the department.

12-13 (i) Work Requirement for two parent families.

12-14 (1) In families consisting of two parents, one parent is required and shall be engaged in
12-15 work activities as defined below, for at least thirty-five (35) hours per week during the month, not
12-16 fewer than thirty (30) hours per week of which are attributable to one or more of the following
12-17 listed work activities, provided, however, that he or she shall begin with intensive employment
12-18 services through the department of labor and training as the first step in the Individual
12-19 Employment Plan. Two parent work requirements shall be defined as the following:

12-20 (A) Unsubsidized employment;

12-21 (B) Subsidized private sector employment;

12-22 (C) Subsidized public-sector employment;

12-23 (D) Work experience;

12-24 (E) On-the-job training;

12-25 (F) Job search and job readiness;

12-26 (G) Community service program;

12-27 (H) Vocational educational training not to exceed twelve (12) months;

12-28 (I) The provision of child care services to a participant individual who is participating in

- 12-29 a community service program;
- 12-30 (J) Adult education in an intensive work readiness program not to exceed ~~six (6)~~ twelve
- 12-31 (12) months.
- 12-32 (2) Above thirty (30) hours per week, the following three (3) activities may also count
- 12-33 for participation:
- 12-34 (A) Job skills training directly related to employment;
- 13-1 (B) Education directly related to employment; and
- 13-2 (C) Satisfactory attendance at secondary school or in a course of study leading to a
- 13-3 certificate of general equivalence.
- 13-4 (3) A family with two parents in which one or both parents participate in a work
- 13-5 experience or community service program shall be deemed to have participated in core work
- 13-6 activities for the maximum number of hours per week allowable by the Fair Labor Standards Act
- 13-7 (FLSA) if actual participation falls short of his/her required minimum hours per week.
- 13-8 (4) If the family receives child care assistance and an adult in the family is not disabled
- 13-9 or caring for a severely disabled child, then the work-eligible individuals must be participating in
- 13-10 work activities for an average of at least fifty-five (55) hours per week to count as a two-parent
- 13-11 family engaged in work for the month.
- 13-12 (5) At least fifty (50) of the fifty-five (55) hours per week must come from participation
- 13-13 in the activities listed in subdivision 40-5.1-12(i)(1).
- 13-14 Above fifty (50) hours per week, the three (3) activities listed in subdivision 40-5.1-(i)(2)
- 13-15 may also count as participation.
- 13-16 (6) A family with two parents receiving child care in which one or both parents
- 13-17 participate in a work experience or community service program for the maximum number of
- 13-18 hours per week allowable by the Fair Labor Standards Act (FLSA) will be considered to have met
- 13-19 their required core hours if actual participation falls short of the required minimum hours per
- 13-20 week. For families that need additional hours beyond the core activity requirement, these hours
- 13-21 must be satisfied in some other TANF work activity.
- 13-22 (j) Exemptions from work requirements for two parent families. - Work requirements
- 13-23 outlined in subsection 40-5.2-12(i) above shall not apply to two parent families if (and for so long
- 13-24 as) the department finds that:
- 13-25 (1) Both parents receive Supplemental Security Income (SSI);
- 13-26 (2) One parent receives SSI, and the other parent is caring for a disabled family member
- 13-27 who resides in the home, and who requires full time care; or
- 13-28 (3) The parents are otherwise exempt by the department as defined in rules and
- 13-29 regulations.
- 13-30 (k) Failure to comply with work requirements. Sanctions and Terminations.
- 13-31 (1) The cash assistance to which an otherwise eligible family/assistance unit is entitled
- 13-32 under this chapter, shall be reduced for three (3) months, whether or not consecutive, in
- 13-33 accordance with rules and regulations promulgated by the department, whenever any participant,
- 13-34 without good cause, as defined by the department in its rules and regulations, has failed to enter
- 14-1 into an individual employment plan; has failed to attend a required appointment; has refused or
- 14-2 quit employment; or has failed to comply with any other requirements for the receipt of cash
- 14-3 assistance under this chapter. If the family's benefit has been reduced, benefits shall be restored to
- 14-4 the full amount beginning with the initial payment made on the first of the month following the
- 14-5 month in which the parent: (1) enters into an individual employment plan or rehabilitation plan
- 14-6 and demonstrates compliance with the terms thereof; or (2) demonstrates compliance with the
- 14-7 terms of his or her existing individual employment plan or rehabilitation plan, as such plan may
- 14-8 be amended by agreement of the parent and the department.
- 14-9 (2) In the case where appropriate child care has been made available in accordance with

14-10 this chapter, a participant's failure, without good cause, to accept a bona fide offer of work,
 14-11 including full-time, part-time and/or temporary employment, or unpaid work experience or
 14-12 community service, shall be deemed a failure to comply with the work requirements of this
 14-13 section and shall result in reduction or termination of cash assistance, as defined by the
 14-14 department in rules and regulations duly promulgated.

14-15 (3) If the family/assistance unit's benefit has been reduced for a total of three (3) months,
 14-16 whether or not consecutive in accordance with this section due to the failure by one or more
 14-17 parents to enter into an individual employment plan or failure to comply with the terms of his of
 14-18 her individual employment plan, or the failure to comply with the requirements of this chapter,
 14-19 cash assistance to the entire family shall end. The family/assistance unit may reapply for benefits,
 14-20 and the benefits shall be restored to the family/assistance unit in the full amount the
 14-21 family/assistance unit is otherwise eligible for under this chapter beginning on the first of the
 14-22 month following the month in which all parents in the family/assistance unit who are subject to
 14-23 the employment or rehabilitation plan requirements under this chapter: (A) enter into an
 14-24 individual employment or rehabilitation plan as applicable, and demonstrate compliance with the
 14-25 terms thereof, or (B) demonstrate compliance with the terms of the parent's individual
 14-26 employment or rehabilitation employment plan in effect at the time of termination of benefits, as
 14-27 such plan may be amended by agreement of the parent and the department.

14-28 (4) Up to ten (10) days following a notice of adverse action to reduce or terminate
 14-29 benefits under this subsection, the client may request the opportunity to meet with a social worker
 14-30 to identify the reasons for non-compliance, establish good cause and seek to resolve any issues
 14-31 that have prevented the parent from complying with the employment plan requirements.

14-32 (5) Participants whose cases had closed in sanction status pursuant to Rhode Island's
 14-33 prior Temporary Assistance for Needy Families Program,(federal TANF described in Title IVA
 14-34 of the federal Social Security Act, 42 U.S.C. section 601 et seq.), the Family Independence
 15-1 Program, more specifically, subdivision 40-5.1-9(2) (c),due to failure to comply with the cash
 15-2 assistance program requirements, but who had received less than forty-eight (48) months of cash
 15-3 assistance at the time of closure, and who reapply for cash assistance under the Rhode Island
 15-4 Works Program, must demonstrate full compliance, as defined by the department in its rules and
 15-5 regulations, before they shall be eligible for cash assistance pursuant to this chapter.

15-6 (l) Good Cause. - Good Cause for failing to meet any program requirements including
 15-7 leaving employment, and failure to fulfill documentation requirements, shall be outlined in rules
 15-8 and regulations promulgated by the department of human services.

15-9 SECTION 2. This act shall take effect upon passage.

MOTION: To find beneficial 09 H 5546 & S 0775 RI Works Program BI/AP passed unanimously

Questions on Legislative Package Status Report:

20 min.

House Finance Committee

Referred to Committee

09 5152 RELATING TO MOTOR AND OTHER VEHICLES - MOTOR FUEL TAX Rep. Pacheco

Committee finds this bill Beneficial

Sent House Letter 2/10/2009 Sent Senate Letter House Testimony Senate Testimony

09 5158 RELATING TO TAXATION - PROPERTY SUBJECT TO TAXATION Rep. Winfield

Committee finds this bill Beneficial

Sent House Letter 2/10/2009 Sent Senate Letter House Testimony Senate Testimony

09 5019 Article 02 RELATING TO GUBERNATORIAL AUTHORITY Rep. Watson Requested

by the Governor

Committee finds this bill Harmful

Sent House Letter 1/14/2009 Sent Senate Letter 1/28/2009 House Testimony Senate Testimony
09 5019 Article 22 RELATING TO TRANSPORTATION OF PUPILS Rep. Watson Requested
by the Governor **Committee finds this bill Beneficial**

Sent House Letter 1/14/2009 Sent Senate Letter House Testimony Senate Testimony
09 5019 Article 23 RELATING TO HEALTH AND SAFETY OF PUPILS - SCHOOL NURSES
Rep. Watson Requested by the Governor **Committee finds this bill Beneficial**

Sent House Letter 1/14/2009 Sent Senate Letter House Testimony Senate Testimony
Withdrawn by sponsor

09 5019 Article 36 RELATING TO MEDICAL ASSISTANCE FOR DISABLED CHILDREN
Rep. Watson Requested by the Governor **Committee finds this bill Harmful**

Sent House Letter 1/14/2009 Sent Senate Letter House Testimony Senate Testimony
Passed and Transferred

09 S0053 Sub A as Amended STATE AFFAIRS AND GOVERNMENT -- THE RHODE ISLAND
MEDICAID REFORM ACT Sen. DaPonte **Commission Supports as amended**

Sent House Letter 3/2/2009 Sent Senate Letter House Testimony Senate Testimony 1/21/2009
House Health, Education, & Welfare Committee
Referred to Committee

09 5266 RELATING TO HEALTH AND SAFETY - THE RHODE ISLAND AUTISM
SPECTRUM DISORDER EVALUATION AND TREATMENT ACT Rep. Palumbo **Committee**
finds this bill Beneficial

Sent House Letter 2/10/2009 Sent Senate Letter House Testimony Senate Testimony
Continued

09 5132 RELATING TO HEALTH AND SAFETY - BANNING HARMFUL TOXINS -
BISPHENOL A (BPA) FROM CONTAINERS THAT CONTACT BABY FOOD Rep. Pollard
Committee finds this bill Beneficial

Sent House Letter 2/10/2009 Sent Senate Letter House Testimony Senate Testimony
09 5217 RELATING TO EDUCATION - - MANDATES

Rep. DaSilva **Committee finds this bill Harmful**

Sent House Letter 2/10/2009 Sent Senate Letter House Testimony Senate Testimony
09 5287 RELATING TO HEALTH AND SAFETY Rep. Palumbo
Committee finds this bill Beneficial if amended

Sent House Letter 2/10/2009 Sent Senate Letter House Testimony Senate Testimony
Indefinitely Postponed

09 5038 AN ACT RELATING TO HEALTH AND SAFETY - CHILDREN'S PRODUCT SAFETY
ACT Rep. Rice **Committee finds this bill Beneficial**

Sent House Letter 2/10/2009 Sent Senate Letter House Testimony Senate Testimony
House Judiciary Committee

Referred to Committee

09 5135 RELATING TO STATE AFFAIRS AND GOVERNMENT - THE CIVIL RIGHTS ACT
OF 1990 Rep. Walsh **Committee finds this bill Beneficial**

Sent House Letter 2/10/2009 Sent Senate Letter House Testimony Senate Testimony
Senate Constitutional and Regulatory Issues Committee

Referred to Committee

09 S0170 RELATING TO HEALTH AND SAFETY - THE RHODE ISLAND AUTISM
SPECTRUM DISORDER EVALUATION AND TREATMENT ACT Sen. Doyle **Committee finds**
this bill Beneficial

Sent House Letter Sent Senate Letter 2/10/2009 House Testimony Senate Testimony
Passed and Transferred

09 5691 JOINT RESOLUTION CREATING A SPECIAL JOINT COMMISSION TO STUDY THE EDUCATION OF CHILDREN WITH AUTISM IN THE STATE OF RHODE ISLAND

Rep. Palumbo **Committee finds this bill Beneficial**

Sent House Letter Sent Senate Letter 3/4/2009 House Testimony Senate Testimony
Senate Education Committee

Referred to Committee

09 S0060 RELATING TO EDUCATION - - MANDATES Sen. Blais **Committee finds this bill Harmful**

Sent House Letter Sent Senate Letter 2/10/2009 House Testimony Senate Testimony
Senate Finance Committee

Referred to Committee

09 S0030 RELATING TO MOTOR AND OTHER VEHICLES -- REGISTRATION FEES

Sen. Tassoni By Request **Committee finds this bill Harmful unless**

Sent House Letter Sent Senate Letter 2/10/2009 House Testimony Senate Testimony

09 S0075 RELATING TO MOTOR AND OTHER VEHICLES - MOTOR FUEL TAX

Sen. Tassoni By Request **Committee finds this bill Beneficial**

Sent House Letter Sent Senate Letter 2/10/2009 House Testimony Senate Testimony

Scheduled for hearing and/or consideration 3/5/2009 @ Rise in rm 211

09 S0032 RELATING TO TAXATION - PROPERTY SUBJECT TO TAXATION Sen. Tassoni
Committee finds this bill Beneficial

Sent House Letter Sent Senate Letter 2/10/2009 House Testimony Senate Testimony

09 S0036 RELATING TO EDUCATION - SCHOOL AND MUNICIPAL PLAYGROUND SAFETY

Sen. Blais **Committee finds this bill Beneficial**

Sent House Letter Sent Senate Letter 2/10/2009 House Testimony Senate Testimony

Passed and Transferred

09 5112 Sub A as Amended RELATING TO CENTERS FOR MEDICARE AND MEDICAID SERVICES WAIVER AND EXPENDITURE AUTHORITY Rep. Costantino **Commission Supports as amended**

Sent House Letter Sent Senate Letter 3/2/2009 House Testimony 1/20/2009 Senate Testimony

Senate Health and Human Services Committee

Referred to Committee

09 S0056 RELATING TO HEALTH AND SAFETY -- RIGHTS OF NURSING HOME PATIENTS

Sen. Lanzi **Committee finds this bill Beneficial if amended**

Sent House Letter Sent Senate Letter 2/10/2009 House Testimony Senate Testimony

09 S0126 RELATING TO HEALTH AND SAFETY - PUBLIC HEALTH AND WORKPLACE SAFETY ACT Sen. Fogarty **Committee finds this bill Beneficial**

Sent House Letter Sent Senate Letter 2/10/2009 House Testimony Senate Testimony

Senate Judiciary Committee

Referred to Committee

09 S0162 RELATING TO STATE AFFAIRS AND GOVERNMENT - THE CIVIL RIGHTS ACT OF 1990 Sen. Connor **Committee finds this bill Beneficial**

Sent House Letter Sent Senate Letter 2/10/2009 House Testimony Senate Testimony

Announcements and Scheduling of Meetings

Chairperson

5 min.

Next meeting will be on:	Monday April 13, 2009	Starting at: 3 PM
Adjournment:	Chairperson adjourned the meeting at 4:56 PM	
Observers:		
Resource persons:	Bob Cooper, Committee Staff	