Governor's Commission on Disabilities' Legislation Committee

Monday February 8, 2010 3 – 5 PM

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Attendees:	Linda Ward (Chair.); William R. Inlow (Vice Chair.); Ray Bandusky; Rebecca Boss; Sharon Brinkworth; Rosemary C. Carmody; Julie DeRosa; Timothy Flynn; Jean Lawlor; Arthur M. Plitt; Gwendolyn Reeve; Msgr. Gerard O. Sabourin; & Theresa Thoelke
Absent:	Jeanne Behie; Linda Deschenes; Elaina Goldstein; Liberty Goodwin; Laura Jones; Maureen Maigret; Kate McCarthy-Barnett; Paula Parker;

---------- Minutes ----------

Call to Order and Acceptance of the Minutes	**Linda Ward, Chairperson**	**5 min.**

Introductions: Chair called to order at 3:10 PM

MOTION: To accept the minutes of the previous meeting as presented TF/RC passed unanimously

Action Items:	Discussion Leader:	Time:
1. Consideration of Budget Articles Impacting People with Disabilities & their Families	**Committee Members**	**40 min.**

Discussion:

10 H 7105 Art. 07 As Amended Relating to Hospital Payments

This article eliminates scheduled payments to certain hospitals for unqualified uncompensated care expenses in FY 2010. (1) acute care hospitals in Washington County the amount of five hundred thousand dollars ($500,000) to South County Hospital, and seven hundred and fifty thousand dollars ($750,000) to The Westerly Hospital; (2) any acute care hospital in Kent County the amount of eight hundred thousand dollars ($800,000); and (3) Miriam Hospital the amount of one million six hundred thousand dollars ($1,600,000). This article shall take effect upon passage.

ARTICLE 7

RELATING TO HOSPITAL PAYMENTS

SECTION 1. Section 40-8.3-5 of the General Laws in Chapter 40-8.3 entitled "Uncompensated Care" is hereby amended to read as follows:

40-8.3-5. Hospital payments. -- Due to the high ratio of unqualified uncompensated care expenses to qualified uncompensated care expenses, the department of human services is hereby authorized and directed to pay during state fiscal ~~years~~ year 2009 ~~and 2010~~ from revenues derived from taxes imposed in accordance with § 44-17-1: (1) acute care hospitals in Washington County the amount of five hundred thousand dollars ($500,000) to South County Hospital, and seven hundred and fifty thousand dollars ($750,000) to The Westerly Hospital; (2) any acute care hospital in Kent County the amount of eight hundred thousand dollars ($800,000); and (3) Miriam Hospital the amount of one million six hundred thousand dollars ($1,600,000).

SECTION 2. This article shall take effect upon passage.

MOTION: To take No position **10 H 7105 Art. 07 Relating to Hospital Payments,** BI/GW passed, AP Nay, RBoss Abstained

10 H 7105 Art. 09 Governor's Amendment Relating to Education Aid This article provides the distribution of general revenue education aid and stabilization funds. SECTION 1. It suspends the Caruolo process in any year that education aid is reduced. SECTION 2. It allows the Department to withhold education aid to districts that do not pay for the student transportation costs or special education services to students at the School for the Deaf. Districts shall be assessed tuition to cover the costs of educational services that are additional to the core deaf and hard of hearing education program that is provided to resident students at the Rhode Island School for the Deaf. This tuition shall be based on a graduated tuition schedule that is based on the varying needs of students. SECTION 3. It also requires municipal approval of school district labor agreements. Sections 1 and 2 of this article shall take effect upon passage and shall apply retroactively to July 1, 2009. Section 3 of this article shall take effect upon passage.

Governor's Budget Amendment 1*: The new version's Section 1 change is a technical amendment to clarify the intent of statutory change.

Section 2 changes would reflect education aid adjustments based on the final group home placement numbers in these communities. The net change in the Governor's recommended appropriation is a $105,000 increase. This will be funded by a reduction in charter aid based on enrollments and will be transmitted as an Article 1 amendment in the future.

* Governor's proposed amendments are double underlined

55-10 **ARTICLE 9**
55-11 **RELATING TO EDUCATION AID**
55-12 SECTION 1. Section 16-2-21.4 of the General Laws in Chapter 16-2 entitled "School
55-13 Committees and Superintendents" is hereby amended to read as follows:
55-14 **16-2-21.4. School budgets – Compliance with certain requirements. --** (a)
55-15 Notwithstanding any provision of the general or public laws to the contrary, whenever a city,
55-16 town, or regional school committee determines that its budget is insufficient to comply with the
55-17 provisions of § 16-2-21, 16-7-23, or 16-7-24, the city, town, or regional school committee shall
55-18 adhere to the appropriated budget or the provisions of § 16-2-23 in the absence of an appropriated
55-19 budget. The chairperson of the city, town, or regional school committee, in accordance with the
55-20 provisions of § 16-2-9, shall be required to petition the commissioner, in writing, to seek
55-21 alternatives for the district to comply with state regulations and/or provide waivers to state
55-22 regulations and, in particular, those which are more restrictive than federal regulations that allow
55-23 the school committee to operate with a balanced budget. Waivers which affect the health and
55-24 safety of students and staff or which violate the provisions of chapter 24 of this title shall not be
55-25 granted. The commissioner must consider alternatives for districts to comply with regulations
55-26 and/or provide waivers to regulations in order that the school committee may operate with a
55-27 balanced budget within the previously authorized appropriation. In the petition to the
55-28 commissioner, the school committee shall be required to identify the alternatives to meet
55-29 regulations and/or identify the waivers it seeks in order to provide the commissioner with the
55-30 revised budget which allows it to have a balanced budget within the previously authorized
55-31 appropriation. The commissioner shall respond within fifteen (15) calendar days from the date of
55-32 the written petition from the school committee. If the commissioner does not approve of the
55-33 alternatives to meet regulations or the waivers from regulations which are sought by the school
55-34 committee, or if the commissioner does not approve of the modified expenditure plan submitted
56-1 by the school committee, then: (1) within ten (10) days of receiving the commissioner's response,
56-2 the school committee may submit a written request to the city or town council for the council of
56-3 the municipality to decide whether to increase the appropriation for schools to meet expenditures.
56-4 The decision to increase any appropriations shall be conducted pursuant to the local charter or the
56-5 public law controlling the approval of appropriations within the municipality; or (2) in a regional

school district, the chairperson of the school committee may, within ten (10) days of receiving the commissioner's response, submit a written request to the chief elected official of each of the municipalities to request that the city or town council in each of their respective towns meet to decide whether or not to increase the appropriation for schools to meet expenditures. The decision to increase any appropriations shall be conducted pursuant to the local charter or the public law controlling the approval of appropriations within the municipality.

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

(c) The auditor general shall select the auditor if the audit is not directly performed by his or her office.

(d) Notwithstanding any provision of general or public laws to the contrary, when a category of state aid to education or state aid appropriated pursuant to section 45-13 of the general 1aws is reduced or suspended to any local school district or municipal government after July 1, 2009, the provisions of subsections 16-2-21.4(a), 16-2-21.4(b), and 16-2-21.4(c) shall be abated for the fiscal year in which the reduction or suspension of any aid is implemented. In the event of such a reduction in state aid in the enacted budget the Governor shall convene a three (3) member panel to create a remedy, or a municipality or school committee may petition the Governor to convene a three (3) member panel. The three (3) member panel shall act as binding arbitrators and shall consist of the commissioner of education or his/her designee, the director of revenue or his/her designee, and the auditor general or his/her designee. The panel shall select a chairperson. A corrective action plan shall be developed by the panel within sixty (60) days of convening. The plan may include the suspension of any contracts or non-contractual provisions to the extent that state aid has been reduced and to the extent legally permissible. Should the suggested alterations to the terms of a contract not be permissible until the expiration of the bargaining agreement, such alterations and terms should be considered in upcoming contractual negotiations. The corrective action plan must be monitored and enforced by the department of education.

SECTION 2. Section 16-7.1-15 of the General Laws in Chapter 16-7.1 entitled “The Paul W. Crowley Rhode Island Student Investment Initiative” is hereby amended to read as follows:

16-7.1-15. The Paul W. Crowley Rhode Island student investment initiative.

~~[Effective July 1, 2010.].--~~ (a) Each locally or regionally operated school district shall receive as a base the same amount of school aid as each district received in fiscal year 1997-1998, adjusted to reflect the increases or decreases in aid enacted to meet the minimum and maximum funding levels established for FY 2000 through FY 2008. Each school district shall also receive school aid through each investment fund for which that district qualifies pursuant to §§ 16-7.1-8, 16-7.1-9,

16-7.1-10, 16-7.1-11, 16-7.1-12, 16-7.1-16 and 16-7.1-19. These sums shall be in addition to the base amount described in this section. For FY 2009 and FY 2010, the reference year for the data used in the calculation of aid pursuant to § 16-7.1-8, § 16-7.1-9, § 16-7.1-10, § 16-7.1-11, § 16-7.1-11.1, § 16-7.1-12, § 16-7.1-16, § 16-7.1-19 and 16-77.1-2(b) shall be FY 2004. Calculation and distribution of education aid under §§ 16-5-31, 16-5-32, 16-7-20, 16-7-20.5, 16-7-34.2, 16-7-34.3, 16-24-6, 16-54-4, and 16-67-4 is hereby suspended. Provided, however, calculation and distribution of education aid under § 16-7.1-10 is suspended for FY 2009 and FY 2010. School districts may continue to maintain professional development programs and may reduce other education programs to achieve savings during FY 2009 and FY 2010. The funding of the purposes and activities of chapter 67 of this title, the Rhode Island Literacy and Dropout Prevention Act of 1967, shall be the same amount of the base amount of each district funded for that purpose in fiscal year 1997-1998. In addition each district shall expend three percent (3%) of its student equity and early childhood funds under the provisions of chapter 67 of this title.

(b) Funding for full day kindergarten programs in accordance with § 16-7.1-11.1 shall be in addition to funding received under this section.

(c) Funding distributed under §§ 16-77.1-2(b) and 16-64-1.1 shall be in addition to funding distributed under this section.

(d) For FY 2009, aid to school districts shall be reduced by the equivalent savings that are realized due to a reduction of payments to the teachers' retirement system. The reduction for the Chariho regional school district shall be prorated among the member communities. In addition, for FY 2009 aid to school districts shall be reduced by any amount of previously appropriated school housing aid determined to be ineligible for reimbursement in accordance with § 16-7-44.2. For FY 2009 aid shall also be reduced by the amount of projected revenue for the period December 1, 2008 through June 30, 2009 from the permanent school fund. The projected revenue shall be determined by annualizing actual earnings from the period May 12, 2008 through November 30, 2008. The department of elementary and secondary education shall reduce aid in two equal installments, payable in May and June; provided however, that East Providence shall receive one payment of reduced aid in May.

For FY 2009, aid to school districts shall include thirty eight million, three hundred twenty-four thousand, eight hundred twenty-two dollars ($38,324,822) from federal fiscal stabilization funds offset by a like reduction from general revenues. The distribution shall be in the same proportion as general operating aid.

(e) (1) For FY 2010, aid to school districts shall be reduced by the equivalent savings that are realized due to a reduction of payments to the teachers' retirement system. The reduction for the Chariho regional school district shall be prorated among the member communities. For FY 2010, aid to school districts shall be reduced by thirty-three million nine hundred twenty-eight thousand two hundred sixteen dollars ($33,928,216) based on the school district's share of total FY 2009 enacted education aid, including state schools and charter schools. For FY 2010, a distribution of stabilization funds per the American Recovery and Reinvestment Act (ARRA) totaling thirty-four million one hundred seven thousand one hundred ninety-five dollars ($34,107,195) shall be allocated to school districts proportionately based on their share of total FY 2009 enacted education aid, including state schools and charter schools.

(2) For FY 2010, aid to school districts shall be further reduced by twenty-three million four hundred seventy-four thousand three hundred seventy-one dollars ($23,474,371) based on the school district's share of total FY 2010 originally enacted education aid, including state schools and charter schools. For FY 2010, an additional distribution of stabilization funds per the American Recovery and Reinvestment Act (ARRA) totaling four million five hundred eighty-four thousand eight hundred ninety-five dollars ($4,584,895) shall be allocated to school districts proportionately based on their share of total FY 2010 originally enacted education aid, including state schools and charter schools.

(3) Districts shall comply with the assurances and reporting requirements provided in the

federal guidance for the (ARRA) allocation and by the commissioner of elementary and secondary education.

(f) There shall be an appropriation to ensure that total aid distributed to communities in FY 2010 under this section and §§ 16-7.1-11.1, 16-64-1.1 and 16-77.1-2(b) and excluding any FY 2009 Stabilization reappropriations shall be as follows:

FY 2010 Stimulus Fiscal

General Revenues Stabilization Allocation

Barrington ~~1,863,090~~ 1,364,122 ~~128,427~~ 145,691

Burrillville ~~12,928,167~~ 12,209,624 ~~684,478~~ 776,490

Charlestown ~~1,697,497~~ 1,570,740 ~~98,948~~ 112,249

Coventry ~~18,056,601~~ 16,664,620 ~~991,787~~ 1,125,109

Cranston ~~31,662,364~~ 29,117,509 ~~1,752,647~~ 1,988,248

Cumberland ~~11,829,002~~ 10,876,120 ~~654,948~~ 742,990

East Greenwich ~~1,503,975~~ 1,117,609 ~~96,326~~ 109,275

East Providence ~~24,499,858~~ 22,919,707 ~~1,328,384~~ 1,506,953

Foster ~~1,286,565~~ 1,198,279 ~~69,979~~ 79,386

Glocester ~~2,927,940~~ 2,738,669 ~~158,776~~ 180,120

Hopkinton ~~5,677,786~~ 5,256,848 ~~308,347~~ 349,797

Jamestown ~~398,901~~ 314,678 ~~26,278~~ 29,810

Johnston ~~9,596,568~~ 8,803,524 ~~531,110~~ 602,505

Lincoln ~~6,363,969~~ 5,638,678 ~~365,750~~ 414,916

Little Compton ~~296,650~~ 240,885 ~~18,221~~ 20,670

Middletown ~~9,533,084~~ 8,824,045 ~~518,598~~ 588,311

Narragansett ~~1,467,137~~ 1,169,339 ~~93,727~~ 106,326

Newport ~~10,744,683~~ 10,041,256 ~~586,477~~ 665,315

New Shoreham ~~64,987~~ 27,298 ~~5,254~~ 5,960

North Kingstown ~~10,631,113~~ 9,702,979 ~~592,155~~ 671,756

North Providence ~~12,081,507~~ 11,135,656 ~~661,166~~ 750,044

North Smithfield ~~4,344,329~~ 3,967,671 ~~238,830~~ 270,935

Pawtucket ~~62,176,676~~ 58,870,629 ~~3,311,223~~ 3,756,338

Portsmouth ~~5,923,071~~ 5,414,104 ~~331,008~~ 375,504

Providence ~~178,309,944~~ 168,783,145 ~~9,577,917~~ 10,865,439

Richmond ~~5,652,344~~ 5,233,458 ~~305,742~~ 346,842

Scituate ~~2,926,243~~ 2,613,860 ~~168,328~~ 190,956

Smithfield ~~4,992,643~~ 4,480,671 ~~283,754~~ 321,898

South Kingstown ~~9,224,287~~ 8,313,355 ~~521,147~~ 591,203

Tiverton ~~5,271,861~~ 4,820,549 ~~293,067~~ 332,463

Warwick ~~33,468,879~~ 30,619,554 ~~1,858,870~~ 2,108,750

Westerly ~~5,774,932~~ 5,053,977 ~~338,074~~ 383,520

West Warwick ~~18,738,108~~ 17,551,591 ~~1,009,842~~ 1,145,591

Woonsocket ~~44,074,702~~ 41,765,456 ~~2,342,811~~ 2,657,746

Bristol-Warren ~~18,764,456~~ 17,625,285 ~~1,009,726~~ 1,145,459

Exeter-West Greenwich ~~6,814,331~~ 6,274,706 ~~374,779~~ 425,159

Chariho ~~378,758~~ 364,750 ~~19,679~~ 22,324

Foster-Glocester ~~5,194,804~~ 4,833,882 ~~283,077~~ 321,130

Central Falls ~~42,507,399~~ 40,486,830 ~~2,167,539~~ 2,458,913

In addition to the amounts listed above, the department of elementary and secondary education shall allocate monthly to each school district all funds received into the permanent school fund pursuant to § 42-61.2-7, as amended by chapter 13 of the 2008 Public Laws entitled "An Act Relating to State Affairs and Government", up to $14.1 million, in the same proportion as the aid distribution in the FY 2009 enacted appropriations act.

This special provision shall not limit entitlements as determined by application of other formula provisions in this section.

(g) For FY 2009 payments to charter public schools shall be reduced by the equivalent savings that are realized due to a reduction of payments to the teachers' retirement system. The reduction for district sponsored charter schools shall be incorporated in the sponsoring school district's aid as noted in subsection (f). Aid to charter public schools shall be reduced in the April quarterly payment. For FY 2009, charter public school funding is as follows:

Beacon Charter School 1,512,785
Blackstone Academy 1,469,349
Compass 614,485
Paul Cuffee 4,449,006
CVS Highlander 2,596,782
International 2,863,818
Kingston Hill Academy 736,784
Learning Community 3,669,529
NE Laborer's 1,508,866
Textron 2,361,370
Times 2 Academy 6,870,410

(h) (1) For FY 2010, payments to charter public schools shall be reduced by the equivalent savings that are realized due to a ~~deferment~~ reduction of payments to the teachers' retirement system. The reduction for district sponsored charter schools shall be incorporated in the sponsoring schools district's aid as noted in subsection (f). For FY 2010, payments to charter public schools shall be reduced by one million four hundred sixty-three thousand three hundred sixty-seven dollars ($1,463,367) based on the charter schools' share of total FY 2009 enacted education aid, including school districts and state schools. For FY 2010, a distribution of stabilization funds per the American Recovery and Reinvestment Act (ARRA) totaling one million four hundred seventy-one thousand eighty-seven dollars ($1,471,087) shall be allocated to charter public schools proportionately based on their share of total FY 2009 enacted education aid, including school districts and state schools.

(2) For FY 2010, payments to charter public schools shall be further reduced by one million one hundred fifty-eight thousand one dollars ($1,158,001) based on the charter schools' share of total FY 2010 originally enacted education aid. For FY 2010, an additional distribution of stabilization funds per the American Recovery and Reinvestment Act (ARRA) totaling one hundred ninety-seven thousand seven hundred fifty-two dollars ($197,752) shall be allocated to charter public schools proportionately based on their share of total FY 2010 originally enacted education aid.

(3) Public charter schools shall comply with the assurances and reporting requirements provided in the federal guidance for the (ARRA) allocation and by the commissioner of elementary and secondary education.

(i) There shall be deducted from the final aid payment to each school district any amounts owed to the state at the end of the fiscal year for transportation of the district’s students under the statewide transportation system established pursuant to R.I.G.L. 16-21.1-7 and 16-21.1-8. Districts shall receive monthly invoices summarizing the basis of the transportation fees charged. Any such deductions in aid shall be transferred to the statewide student transportation services restricted receipt account.

(j) The provisions of R.I.G.L. 16-26-7.1 notwithstanding, districts shall be assessed tuition to cover the costs of educational services that are additional to the core deaf and hard of hearing education program that is provided to resident students at the Rhode Island School for the Deaf. This tuition shall be based on a graduated tuition schedule that is based on the varying needs of students. The department of elementary and secondary education shall develop and implement the schedule. Districts shall receive monthly invoices summarizing the basis for the

tuition charged. There shall be deducted from the final aid payment to each school district at the end of the fiscal year any amounts owed to the state for these additional educational services.

~~(i)~~ (k) Children with disabilities. (1) Based on its review of special education within the context of Rhode Island school reform, the general assembly recommends addressing the needs of all children and preventing disability through scientific research based, as described in the No Child Left Behind Act of 2001, Title 1, Part B, Section 1208 [20 U.S.C. § 6368], reading instruction and the development of Personal Literacy Programs for students in the early grades performing below grade level in reading and implement a system of student accountability that will enable the state to track individual students over time. Additionally, the department of elementary and secondary education must provide districts with rigorous criteria and procedures for identifying students with learning disabilities and speech/language impairments. Additional study is required of factors that influence programming for students with low incidence disabilities; those with disabilities that severely compromise life functions; and programming for students with disabilities through urban special education. Alternatives for funding special education require examination.

(2) All departments and agencies of the state shall furnish any advice and information, documentary and otherwise, to the general assembly and its agents that is deemed necessary or desirable by the study to facilitate the purposes of this section.

SECTION 3. Section 16-2-21.6 of the General Laws in Chapter 16-2 entitled "School Committees and Superintendents" is hereby amended to read as follows:

16-2-21.6. Collective bargaining fiscal impact statements. -- (a) Prior to executing any collective bargaining agreement between a school committee and representatives of teachers and/or other school employees, the school committee shall prepare or cause to be prepared a collective bargaining fiscal impact statement. These statements shall set forth, in dollar amounts, estimates of the fiscal impact, during the term of the proposed agreement. No comment or opinion relative to the merits of the terms of the contract shall be included, except that technical or mechanical errors or defects may be noted.

(b) The fiscal impact statement and the awarded contract shall be publicized and shall be made immediately available upon ratification of the contract.

(c) The final execution of a collective bargaining agreement between a School Committee and representatives of teachers and/or other school employees shall require approval of the city or town council(s) in which the school district is located.

SECTION 4. Sections 1 and 2 of this article shall take effect upon passage and shall apply retroactively to July 1, 2009. Section 3 of this article shall take effect upon passage.

MOTION: To take No position **10 H 7105 Art. 09 As Amended Relating to Education Aid** RBandusky/BI passed AP nay, RBoss Abstained

10 H 7105 Art. 14 Relating to Medical Insurance Coverage This article eliminates the requirement to provide health insurance coverage to former spouses of state employees in the event of a final judgment of divorce entered into on or before March, 2010, instead of continuing until time of remarriage. This article shall take effect as of March 1, 2010.

ARTICLE 14

RELATING TO MEDICAL INSURANCE COVERAGE

SECTION 1. Section 27-20.4-1 of the General Laws in Chapter 27-20.4 entitled "Insurance Continuation Act" is hereby amended to read as follows:

27-20.4-1. Continuation of health plan coverage for former spouse. -- (a) In the event of a final judgment of divorce entered into on or before March, 2010, whether absolute or otherwise, where one party to the divorce was at the time of the entry of the judgment for divorce a member of a health plan providing family coverage regulated under chapters 18, 19, 20, or 20.1 of this title and § 42-62-13, or a member of a health maintenance organization as defined in § 42-

62-4(5), or any similar health plan whether regulated under these chapters and sections or not, the person who was the spouse of the party prior to the entry of judgment for divorce may remain eligible for continuing benefits under the plan and health maintenance organization without additional premium or examination if the order is included in the judgment when entered. The eligibility shall continue as long as the original member is a participant in the plan or health maintenance organization and until ~~either one of~~ any of the following shall take place: (1) the remarriage of either party to the divorce, ~~or~~ (2) until a time as provided by the judgment for divorce, or (3) until May 30, 2010. If the person who was the spouse of a member of a plan or health maintenance organization as set forth in this subsection becomes eligible to participate in a comparable plan or health maintenance organization through his or her own employment, the continuation of the original plan coverage shall cease. Any final decree continuing family health insurance shall require both the member and the spouse to notify the insurer promptly of any remarriage.

(b) The person who was the spouse and remains eligible for continuing benefits under the provisions of this section or any custodial guardian of an insured minor child of the original member, having paid for covered medical costs subject to reimbursement, shall be reimbursed directly by the insurer upon the filing of the claim. The insurer shall not require that the claim be filed through the insured member, but must allow for direct filing.

SECTION 2. This article shall take effect as of March 1, 2010.

MOTION: To take No position **10 H 7105 Art. 14 Relating to Medical Insurance Coverage** BI/RC passed unanimously

10 H 7105 Art. 22 Relating to Municipal Health Insurance Cost Sharing This article establishes a 25% cost sharing requirement for municipal employees on health insurance, which is the standard cost sharing applicable to all Federal employees and approximates cost sharing applied to state workers. This requirement does not otherwise apply to collective bargaining agreements executed prior to January 1, 2010. This article shall take effect upon passage.

ARTICLE 22

RELATING TO MUNICIPAL HEALTH INSURANCE COST SHARING

SECTION 1. Chapter 28-7 of the General Laws entitled "Labor Relations Act" is hereby amended by adding thereto the following section:

28-7-49.1. Minimum Payment for Health Care Benefits. -- No collective bargaining agreement covering any group or groups of public school teachers, police officers, firefighters or municipal employees of any city, town, school district or fire district, and no extension of any such collective bargaining agreement in effect as of January 1, 2010, shall provide for an employee contribution of less than twenty-five percent (25%) of the premium costs of health care and dental benefits. This requirement does not otherwise apply to collective bargaining agreements executed prior to January 1, 2010.

SECTION 2. This article shall take effect upon passage.

MOTION: To take No position **10 H 7105 Art. 22 Relating to Municipal Health Insurance Cost Sharing** BI/RB passed unanimously

10 H FY 11 Budget Art. 13 Relating To Education Aid This article would provide the distribution of general revenue education aid and stabilization funds. The department of education would be authorized to deduct from the final aid payment to each school district any amounts owed the statewide {special education} transportation system. Any such deductions in aid shall be transferred to the statewide student transportation services restricted receipt account.

School districts would also be assessed tuition to cover the costs of educational services that are additional to

the core deaf and hard of hearing education program that is provided to students at the Rhode Island School for the Deaf. The tuition would be based on a graduated tuition schedule that is based on the varying needs of students. The department would be authorized to withhold education aid to districts that do not pay for their student transportation costs or special education services to students at the School for the Deaf. This article would take effect as of July 1, 2010.

ARTICLE 13
RELATING TO EDUCATION AID

SECTION 1. Section 16-7.1-15 of the General Laws in Chapter 16-7.1 entitled "The Paul W. Crowley Rhode Island Student Investment Initiative" is hereby amended to read as follows:

§ 16-7.1-15 The Paul W. Crowley Rhode Island student investment initiative. [Effective July 1, 2010.].– (a) Each locally or regionally operated school district shall receive as a base the same amount of school aid as each district received in fiscal year 1997-1998, adjusted to reflect the increases or decreases in aid enacted to meet the minimum and maximum funding levels established for FY 2000 through FY 2008. Each school district shall also receive school aid through each investment fund for which that district qualifies pursuant to §§ 16-7.1-8, 16-7.1-9, 16-7.1-10, 16-7.1-11, 16-7.1-12, 16-7.1-16 and 16-7.1-19. These sums shall be in addition to the base amount described in this section. For FY 2009 and FY 2010, the reference year for the data used in the calculation of aid pursuant to § 16-7.1-8, § 16-7.1-9, § 16-7.1-10, § 16-7.1-11, § 16-7.1-11.1, § 16-7.1-12, § 16-7.1-16, § 16-7.1-19 and 16-77.1-2(b) shall be FY 2004. Calculation and distribution of education aid under §§ 16-5-31, 16-5-32, 16-7-20, 16-7-20.5, 16-7-34.2, 16-7-34.3, 16-24-6, 16-54-4, and 16-67-4 is hereby suspended. Provided, however, calculation and distribution of education aid under § 16-7.1-10 is suspended for FY 2009 and FY 2010. School districts may continue to maintain professional development programs and may reduce other education programs to achieve savings during FY 2009 and FY 2010. The funding of the purposes and activities of chapter 67 of this title, the Rhode Island Literacy and Dropout Prevention Act of 1967, shall be the same amount of the base amount of each district funded for that purpose in fiscal year 1997-1998. In addition each district shall expend three percent (3%) of its student equity and early childhood funds under the provisions of chapter 67 of this title.

(b) Funding for full day kindergarten programs in accordance with § 16-7.1-11.1 shall be in addition to funding received under this section.

(c) Funding distributed under §§ 16-77.1-2(b) and 16-64-1.1 shall be in addition to funding distributed under this section.

(d) (1) For FY 2009, aid to school districts shall be reduced by the equivalent savings that are realized due to a reduction of payments to the teachers' retirement system. The reduction for the Chariho regional school district shall be prorated among the member communities. In addition, for FY 2009 aid to school districts shall be reduced by any amount of previously appropriated school housing aid determined to be ineligible for reimbursement in accordance with § 16-7-44.2. For FY 2009 aid shall also be reduced by the amount of projected revenue for the period December 1, 2008 through June 30, 2009 from the permanent school fund. The projected revenue shall be determined by annualizing actual earnings from the period May 12, 2008 through November 30, 2008. The department of elementary and secondary education shall reduce aid in two equal installments, payable in May and June; provided however, that East Providence shall receive one payment of reduced aid in May.

(2) For FY 2009, aid to school districts shall include thirty eight million, three hundred twenty4 four thousand, eight hundred twenty-two dollars ($38,324,822) from federal fiscal stabilization funds offset by a like reduction from general revenues. The distribution shall be in the same proportion as general operating aid.

(e) (1) For FY 2010, aid to school districts shall be reduced by the equivalent savings that are realized due to a reduction of payments to the teachers' retirement system. The reduction for the Chariho regional school district shall be prorated among the member communities. For FY 2010, aid to school districts shall be reduced by thirty-three million nine hundred twenty-eight thousand two hundred sixteen dollars ($33,928,216) based on the school district's share of total FY 2009 enacted education aid,

including state schools and charter schools. For FY 2010, a distribution of stabilization funds per the American Recovery and Reinvestment Act (ARRA) totaling thirty-four million one hundred seven thousand one hundred ninety-five dollars ($34,107,195) shall be allocated to school districts proportionately based on their share of total FY 2009 enacted education aid, including state schools and charter schools.

(2) For FY 2010, aid to school districts shall be further reduced by twenty-three million four hundred seventy-four thousand three hundred seventy-one dollars ($23,474,371) based on the school district's share of total FY 2010 originally enacted education aid, including state schools and charter schools. For FY 2010, an additional distribution of stabilization funds per the American Recovery and Reinvestment Act (ARRA) totaling four million five hundred eighty-four thousand eight hundred ninety22 five dollars ($4,584,895) shall be allocated to school districts proportionately based on their share of total FY 2010 originally enacted education aid, including state schools and charter schools.

(3) Districts shall comply with the assurances and reporting requirements provided in the federal guidance for the (ARRA) allocation and by the commissioner of elementary and secondary education.

(f) For FY 2011, aid to school districts shall be reduced by the equivalent savings that are realized due to a reduction of payments to the teachers' retirement system. The reduction for the Chariho regional school district shall be prorated among the member communities. For FY 2011, aid to school districts shall be further reduced by twenty million four hundred ninety thousand one hundred thirty-seven dollars ($20,490,137) from the FY 2010 originally enacted level based on the school district's share of total FY 2010 originally enacted education aid, including aid to state schools and charter schools. For FY 2011, a distribution of federal stabilization funds made available through the American Recovery and Reinvestment Act (ARRA), in the amount of twenty-four million three hundred eleven thousand eight hundred twenty dollars ($24,311,820), shall be allocated to school districts proportionately based on their share of total FY 2010 originally enacted education aid, including aid to state schools and charter schools.

~~(f)~~ (g) There shall be an appropriation to ensure that total aid distributed to communities in FY ~~2010~~ 2011 under this section and §§ 16-7.1-11.1, 16-64-1.1 and 16-77.1-2(b), excluding any FY 2009 and FY 2010 Stabilization reappropriations, shall be as follows:

	General Revenues		FY 2011 Stimulus Fiscal Stabilization Allocation	
Barrington	~~1,863,090~~	1,382,853	~~128,427~~	91,544
Burrillville	~~12,928,167~~	12,370,033	~~684,478~~	487,899
Charlestown	~~1,697,497~~	1,590,298	~~98,948~~	70,531
Coventry	~~18,056,601~~	16,888,942	~~991,787~~	706,952
Cranston	~~31,662,364~~	29,512,187	~~1,752,647~~	1,249,298
Cumberland	~~11,829,002~~	11,023,547	~~654,948~~	466,851
East Greenwich	~~1,503,975~~	1,025,209	~~96,326~~	68,662
East Providence	~~24,499,858~~	23,110,281	~~1,328,384~~	946,881
Foster	~~1,286,565~~	1,214,447	~~69,979~~	49,882
Glocester	~~2,927,940~~	2,775,776	~~158,776~~	113,177
Hopkinton	~~5,677,786~~	5,328,279	~~308,347~~	219,791
Jamestown	~~398,901~~	319,163	~~26,278~~	18,732
Johnston	~~9,596,568~~	8,922,125	~~531,110~~	378,578
Lincoln	~~6,363,969~~	5,714,364	~~365,750~~	260,710
Little Compton	~~296,650~~	243,944	~~18,221~~	12,989
Middletown	~~9,533,084~~	8,941,414	~~518,598~~	369,660
Narragansett	~~1,467,137~~	1,185,084	~~93,727~~	66,809
Newport	~~10,744,683~~	10,178,723	~~586,477~~	418,044
New Shoreham	~~64,987~~	27,381	~~5,254~~	3,746
North Kingstown	~~10,631,113~~	9,833,815	~~592,155~~	422,091
North Providence	~~12,081,507~~	11,284,019	~~661,166~~	471,283
North Smithfield	~~4,344,329~~	4,019,856	~~238,830~~	170,240

Pawtucket	~~62,176,676~~	59,663,211	~~3,311,223~~	2,360,260
Portsmouth	~~5,923,071~~	5,485,149	~~331,008~~	235,945
Providence	~~178,309,944~~	170,927,371	~~9,577,917~~	6,827,197
Richmond	~~5,652,344~~	5,304,892	~~305,742~~	217,935
Scituate	~~2,926,243~~	2,649,679	~~168,328~~	119,985
Smithfield	~~4,992,643~~	4,466,202	~~283,754~~	202,261
South Kingstown	~~9,224,287~~	8,425,386	~~521,147~~	371,476
Tiverton	~~5,271,861~~	4,885,575	~~293,067~~	208,900
Warwick	~~33,468,879~~	31,032,344	~~1,858,870~~	1,325,014
Westerly	~~5,774,932~~	5,122,572	~~338,074~~	240,981
West Warwick	~~18,738,108~~	17,787,393	~~1,009,842~~	719,821
Woonsocket	~~44,074,702~~	42,207,361	~~2,342,811~~	1,669,970
Bristol-Warren	~~18,764,456~~	17,862,942	~~1,009,726~~	719,739
Exeter-West Greenwich	~~6,814,331~~	6,238,937	~~374,779~~	267,145
Chariho	~~378,758~~	369,639	~~19,679~~	14,028
Foster-Glocester	~~5,194,804~~	4,899,198	~~283,077~~	201,778
Central Falls	~~42,507,399~~	40,997,254	~~2,167,539~~	1,545,035

In addition to the amounts listed above, the department of elementary and secondary education shall allocate monthly to each school district all funds received into the permanent school fund pursuant to § 42-61.2-7, as amended by chapter 13 of the 2008 Public Laws entitled "An Act Relating to State Affairs and Government", up to $14.1 million, in the same proportion as the aid distribution in the FY 2009 enacted appropriations act.

This special provision shall not limit entitlements as determined by application of other formula provisions in this section.

~~(g)~~ (h) For FY 2009 payments to charter public schools shall be reduced by the equivalent savings that are realized due to a reduction of payments to the teachers' retirement system. The reduction for district sponsored charter schools shall be incorporated in the sponsoring school district's aid as noted in subsection ~~(f)~~ (g). Aid to charter public schools shall be reduced in the April quarterly payment. For FY 2009, charter public school funding is as follows:

Beacon Charter School	1,512,785
Blackstone Academy	1,469,349
Compass	614,485
Paul Cuffee	4,449,006
CVS Highlander	2,596,782
International	2,863,818
Kingston Hill Academy	736,784
Learning Community	3,669,529
NE Laborer's	1,508,866
Textron	2,361,370
Times 2 Academy	6,870,410

~~(h)~~ (i)(1) For FY 2010, payments to charter public schools shall be reduced by the equivalent savings that are realized due to a ~~deferment~~ reduction of payments to the teachers' retirement system. The reduction for district sponsored charter schools shall be incorporated in the sponsoring schools district's aid as noted in subsection ~~(f)~~ (g). For FY 2010, payments to charter public schools shall be reduced by one million four hundred sixty-three thousand three hundred sixty-seven dollars ($1,463,367) based on the charter schools' share of total FY 2009 enacted education aid, including school districts and state schools. For FY 2010, a distribution of stabilization funds per the American Recovery and Reinvestment Act (ARRA) totaling one million four hundred seventy-one thousand eighty-seven dollars ($1,471,087) shall be allocated to charter public schools proportionately based on their share of total FY 2009 enacted education aid, including school districts and state schools.

(2) For FY 2010, payments to charter public schools shall be further reduced by one million one hundred fifty-eight thousand one dollars ($1,158,001) based on the charter schools' share of total FY 2010 originally enacted education aid. For FY 2010, an additional distribution of stabilization funds per the American Recovery and Reinvestment Act (ARRA) totaling one hundred ninety-seven thousand seven hundred fifty-two dollars ($197,752) shall be allocated to charter public schools proportionately based on their share of total FY 2010 originally enacted education aid.

(3) Public charter schools shall comply with the assurances and reporting requirements provided in the federal guidance for the (ARRA) allocation and by the commissioner of elementary and secondary education.

(j) For FY 2011, payments to charter public schools shall be reduced by the equivalent savings that are realized due to a reduction of payments to the teachers' retirement system. The reduction for district sponsored charter schools shall be incorporated in the sponsoring schools district's aid as noted in subsection (g). For FY 2011, payments to charter public schools shall be further reduced by one million seventy-six thousand nine hundred forty-one dollars ($1,076,941) from the FY 2010 originally enacted education aid based on the charter schools' share of total FY 2010 enacted education aid, including aid to school districts and state schools. For FY 2011, a distribution of federal stabilization funds made available through the American Recovery and Reinvestment Act (ARRA), in the amount of one million forty-eight thousand six hundred dollars ($1,048,600), shall be allocated to charter public schools proportionately based on their share of total FY 2010 originally enacted education aid, including aid to school districts and state schools.

(k) There shall be deducted from the final aid payment to each school district any amounts owed to the state at the end of the fiscal year for transportation of the district's students under the statewide transportation system established pursuant to R.I.G.L. 16-21.1-7 and 16-21.1-8. Districts shall receive monthly invoices summarizing the basis of the transportation fees charged. Any such deductions in aid shall be transferred to the statewide student transportation services restricted receipt account.

(l) The provisions of R.I.G.L. 16-26-7.1 notwithstanding, districts shall be assessed tuition to cover the costs of educational services that are additional to the core deaf and hard of hearing education program that is provided to resident students at the Rhode Island School for the Deaf. This tuition shall be based on a graduated tuition schedule that is based on the varying needs of students. The department of elementary and secondary education shall develop and implement the schedule. Districts shall receive monthly invoices summarizing the basis for the tuition charged. There shall be deducted from the final aid payment to each school district at the end of the fiscal year any amounts owed to the state for these additional educational services.

~~(i)~~ (m) *Children with disabilities.* (1) Based on its review of special education within the context of Rhode Island school reform, the general assembly recommends addressing the needs of all children and preventing disability through scientific research based, as described in the No Child Left Behind Act of 2001, Title 1, Part B, Section 1208 [20 U.S.C. § 6368], reading instruction and the development of Personal Literacy Programs for students in the early grades performing below grade level in reading and implement a system of student accountability that will enable the state to track individual students over time. Additionally, the department of elementary and secondary education must provide districts with rigorous criteria and procedures for identifying students with learning disabilities and speech/language impairments. Additional study is required of factors that influence programming for students with low incidence disabilities; those with disabilities that severely compromise life functions; and programming for students with disabilities through urban special education. Alternatives for funding special education require examination.

(2) All departments and agencies of the state shall furnish any advice and information, documentary and otherwise, to the general assembly and its agents that is deemed necessary or desirable by the study to facilitate the purposes of this section.

SECTION 2. This article shall take effect as of July 1, 2010.

MOTION: To take No position **10 H FY 11 Budget Art. 13 Relating To Education Aid** RB/RC passed AP Nay

FY 11 Budget Bill Art. 19 Relating to Children's Health Account This article would specify the exact set of Medicaid services that fall under the auspices of the Children's Health Account to include: (1) home health services, which include pediatric private duty nursing and certified nursing assistant services; (2) comprehensive, evaluation, diagnosis, assessment, referral and evaluation (CEDARR) services, which include CEDARR family center services, home based therapeutic services, personal assistance services and supports (PASS) and kids connect services and children's intensive services (CIS) (3) child and adolescent treatment services (CAITS). The article would also raise the amount utilized to determine the total annual assessment on insurers from $5,000 to $6,000 per child per service per year. This article would take effect as of July 1, 2010.

ARTICLE 19

RELATING TO CHILDREN'S HEALTH ACCOUNT

SECTION 1. Section 42-12-29 of the General Laws in Chapter 42-12 entitled "Department of Human Services" is hereby amended to read as follows:

§ 42-12-29 Children's health account. – (a) There is created within the general fund a restricted receipt account to be known as the "children's health account". All money in the account shall be utilized by the department of human services to effectuate coverage for the following: (1) home health services, which include pediatric private duty nursing and certified nursing assistant services; (2) comprehensive, evaluation, diagnosis, assessment, referral and evaluation (CEDARR) services, which include CEDARR family center services, home based therapeutic services, personal assistance services and supports (PASS) and kids connect services and ~~children's intensive services (CIS)~~ (3) child and adolescent treatment services (CAITS). All money received pursuant to this section shall be deposited in the children's health account. The general treasurer is authorized and directed to draw his or her orders on the account upon receipt of properly authenticated vouchers from the department of human services.

(b) Beginning in the fiscal year 2007, each insurer licensed or regulated pursuant to the provisions of chapters 18, 19, 20, and 41 of title 27 shall be assessed for the purposes set forth in this section. The department of human services shall make available to each insurer, upon its request, information regarding the department of human services child health program and the costs related to the program. Further, the department of human services shall submit to the general assembly an annual report on the program and cost related to the program, on or before February 1 of each year. Annual assessments shall be based on direct premiums written in the year prior to the assessment and shall not include any Medicare Supplement Policy (as defined in § 27-18-2.1(g)), Medicare managed care, Medicare, Federal Employees Health Plan, Medicaid/RIte Care or dental premiums. As to accident and sickness insurance, the direct premium written shall include, but is not limited to, group, blanket, and individual policies. Those insurers assessed greater than five hundred thousand dollars ($500,000) for the year shall be assessed four (4) quarterly payments of twenty-five percent (25%) of their total assessment. Beginning July 1, 2006, the annual rate of assessment shall be determined by the director of human services in concurrence with the primary payors, those being insurers likely to be assessed at greater than five hundred thousand dollars ($500,000). The director of the department of human services shall deposit that amount in the "children's health account". The assessment shall be used solely for the purposes of the "children's health account" and no other.

(c) Any funds collected in excess of funds needed to carry out the programs shall be deducted from the subsequent year's assessment.

(d) The total annual assessment on all insurers shall be equivalent to the amount paid by the department of human services for such services, as listed in subsection (a), but not to exceed ~~five thousand dollars ($5,000)~~ six thousand dollars ($6,000) per child per service per year.

(e) The children's health account shall be exempt from the indirect cost recovery provisions of § 35-4-27 of the general laws.

SECTION 2. This article shall take effect as of July 1, 2010.

MOTION: To recommend the Commission support **FY 11 Budget Bill Art. 19 Relating to Children's Health Account** AP/GR passed RBoss Abstained

FY 11 Budget Bill Art. 20 Relating to Medical Assistance This article would provide a framework for the procurement and/or reprocurement of Medicaid managed care contracts for elderly and disabled residents (including those for managed long-term care) in FY 2011. Managed care systems may also include services and supports that optimize the health and independence of recipients who are determined to need Medicaid funded long-term care under § 40-8.10 {Long Term Care Service Reform for Medicaid Eligible Individuals} or to be at risk for such care under applicable rules and regulations. The department would be authorized to obtain any approval for category II or III changes. Those category II or III changes would include authorization to extend managed care to cover long-term care services and supports. This article would also authorize selective contracting for non-emergency transportation for Medicaid recipients. This article would take effect upon passage.

ARTICLE 20
RELATING TO MEDICAL ASSISTANCE

SECTION 1. Sections 40-8-13.4 and 40-8-29 of the General Laws in Chapter 40-8 entitled "Medical Assistance" are hereby amended to read as follows:

§ 40-8-13.4 Rate methodology for payment for in state and out of state hospital services. –

(a) The department of human services shall implement a new methodology for payment for in state and out of state hospital services in order to ensure access to and the provision of high quality and cost11 effective hospital care to its eligible recipients.

(b) In order to improve efficiency and cost effectiveness, the department of human services shall:

(1)(A) With respect to inpatient services: ~~Implement~~ for persons in fee for service Medicaid, which is non-managed care, implement a new payment methodology for inpatient services utilizing the Diagnosis Related Groups (DRG) method of payment, which is, a patient classification method which provides a means of relating payment to the hospitals to the type of patients cared for by the hospitals. It is understood that a payment method based on Diagnosis Related Groups may include cost outlier payments and other specific exceptions.

(B) With respect to inpatient services for persons enrolled in Medicaid managed care plans, (i) require that Medicaid managed care payment rates to any hospital, in aggregate on a case mix adjusted basis (adjusting payment for a beneficiary's condition and needs), shall not exceed that hospital's Medicaid payment rates; and (ii) Medicaid managed care payment trend(s) between each hospital and health plan shall not exceed national Medicaid hospital care expenditure trend(s), as measured annually by the Center for Medicare and Medicaid Services (CMS) and using calendar year 2009 as a base year.

(2)(A) With respect to outpatient services~~.~~: ~~Notwithstanding~~ and notwithstanding any provisions of the law to the contrary, for persons enrolled in fee for service Medicaid, the department will reimburse hospitals for outpatient services using a rate methodology determined by the department and in accordance with federal regulations.

(B) With respect to outpatient services and notwithstanding any provisions of law to the contrary, for persons enrolled in Medicaid managed care plans, the department shall: (i) require that Medicaid managed care payment rates to any hospital, in aggregate on a case mix adjusted basis shall not exceed that hospital's Medicaid payment rates; and (ii) Medicaid managed care payment trend(s) between each hospital and health plan shall not exceed national Medicaid hospital care expenditure trend(s), as measured annually by CMS and using calendar year 2009 as a base year.

(c) It is intended that payment utilizing the Diagnosis Related Groups method shall reward hospitals for providing the most efficient care, and provide the department the opportunity to conduct value based purchasing of inpatient care.

(d) The director of the department of human services and/or the secretary of executive office of

health and human services is hereby authorized to promulgate such rules and regulations consistent with this chapter, and to establish fiscal procedures he or she deems necessary for the proper implementation and administration of this chapter in order to provide payment to hospitals using the Diagnosis Related Group payment methodology. Furthermore, amendment of the Rhode Island state plan for medical assistance (Medicaid) pursuant to Title XIX of the federal Social Security Act is hereby authorized to provide for payment to hospitals for services provided to eligible recipients in accordance with this chapter.

(e) The department shall comply with all public notice requirements necessary to implement these rate changes.

(f) As a condition of participation in the DRG methodology for payment of hospital services, every hospital shall submit year-end settlement reports to the department within one year from the close of a hospital's fiscal year. Should a participating hospital fail to timely submit a year-end settlement report as required by this section, the department shall withhold financial cycle payments due by any state agency with respect to this hospital by not more than ten percent (10%) until said report is submitted.

(g) The provisions of this section shall be effective upon implementation of the amendments and new payment methodology pursuant to this section and section 40-8-13.3, which shall in any event be no later than March 30, 2010, at which time the provisions of §§ 40-8-13.2, 27-19-14, 27-19-15 and 27-19-16 shall be repealed in their entirety.

§ 40-8-29 Selective contracting. – (a) Notwithstanding any other provision of state law, the department of human services is authorized to utilize selective contracting with prior general assembly approval for the purpose of purchasing for Medicaid recipients shared living provider services, durable medical equipment and supplies, non-emergency transportation, and any other Medicaid services, when appropriate, in order to assure that all service expenditures under this chapter have the maximum benefit of competition, and afford Rhode Islanders the overall best value, optimal quality, and the most cost29 effective care possible. Beneficiaries will be limited to using the services/products of only those providers determined in a competitive bidding process to meet the standards for best quality, performance and price set by the department in accordance with applicable federal and state laws.

(b) For purposes of this section "selective contracting" shall mean the process for choosing providers to serve Medicaid beneficiaries based on their ability to deliver the best quality products or services, at the best value or price.

(c) To ensure all services allowable for Medicare reimbursement for beneficiaries who are dually eligible, selective contractors must be willing and able to accept Medicare.

SECTION 2. Section 40-8.5-1.1 of the General Laws in Chapter 40-8.5 entitled “The Health Care for Elderly and Disabled Residents Act” is hereby amended to read as follows:

§ 40-8.5-1.1 Managed health care delivery systems. – (a) To ensure that all medical assistance beneficiaries, including the elderly and all individuals with disabilities, have access to quality and affordable health care, the department of human services is authorized to implement mandatory managed care health systems.

(b) "Managed care" is defined as systems that: integrate an efficient financing mechanism with quality service delivery; provides a "medical home" to assure appropriate care and deter unnecessary services; and place emphasis on preventive and primary care. For purposes of Medical Assistance, managed care systems are also defined to include a primary care case management model in which ancillary services are provided under the direction of a physician in a practice that meets standards established by the department of human services. Managed care systems may also include services and supports that optimize the health and independence of recipients who are determined to need Medicaid funded long-term care under § 40-8.10 or to be at risk for such care under applicable rules and regulations promulgated by the department. ~~Those~~ Any medical assistance recipients who have third-party medical coverage or insurance may be provided such services through an entity certified by or in a contractual arrangement with the department or, as deemed appropriate, exempt from mandatory managed care in accordance with rules and regulations promulgated by the department of human services. The department

is further authorized to redesign benefit packages for medical assistance beneficiaries subject to appropriate federal approval.

(c) ~~The~~ In accordance with § 42-12.4-7, the department is authorized to obtain any approval through waiver(s), category II or III changes, and/or state plan amendments, from the secretary of the United States department of health and human services, that are necessary to implement mandatory managed health care delivery systems for all medical assistance recipients, including the primary case management model in which ancillary services are provided under the direction of a physician in a practice that meets standards established by the department of human services. The waiver(s), category II or III changes, and/or state plan amendments shall include the authorization to ~~exempt~~ extend managed care to cover long-term care services and supports. Such authorization shall also include, as deemed appropriate, exempting certain beneficiaries with third-party medical coverage or insurance from mandatory managed care in accordance with rules and regulations promulgated by the department of human services.

(d) To ensure the delivery of timely and appropriate services to persons who become eligible for Medicaid by virtue of their eligibility for a U.S. social security administration program, the department of human services is authorized to seek any and all data sharing agreements or other agreements with the social security administration as may be necessary to receive timely and accurate diagnostic data and clinical assessments. Such information shall be used exclusively for the purpose of service planning, and shall be held and exchanged in accordance with all applicable state and federal medical record confidentiality laws and regulations.

SECTION 3. This article shall take effect upon passage.

MOTION: To table for more information from EOHHS **FY 11 Budget Bill Art. 20 Relating to Medical Assistance** BI/RC passed unanimously

10 H FY 11 Budget Art. 25 Relating to Division of Motor Vehicles Fees This article would increase some fees at the Division of Motor Vehicles (DMV) and bring the law in line with business practices at the DMV. With the new computer system, RIMS, coming on line in March, 2010, the DMV has reviewed its practices with the existing law, and in the case where discrepancies occurred, has proposed to change the law. In other sections of the article, fees have been imposed, such road test fees, or raised, such as licenses for manufacturers' representatives and dealers.

Fees for non-driver photo identification cards would be increased from $15 to $25 for the initial card and at renewal every 5 years. Any person who has been designated as permanently and totally disabled by the social security administration or who upon certification by an optometrist, ophthalmologist or physician that a holder of a valid and current motor vehicle operator's license is no longer able to operate a motor vehicle, the administrator of the division of motor vehicles shall issue to such person, upon request, a Rhode Island identification card for the unexpired term of such person's motor vehicle operator's license at no additional cost, nor at any subsequent renewal. The fee for license plates designated as "Veteran", "Purple Heart", and "Ex-POW" would be reduced from $20 to $10 for the order of each set of plates. This article would take effect as of July 1, 2010.

ARTICLE 25

RELATING TO DIVISION OF MOTOR VEHICLES FEES

SECTION 1. Section 3-8-6 of the General Laws in Chapter 3-8 entitled "Regulation of Sales" is hereby amended to read as follows:

§ 3-8-6 Unlawful drinking and misrepresentation by underage persons – Identification cards for persons twenty-one and older. – (a) It is unlawful for:

(1) A person who has not reached his or her twenty-first (21st) birthday to enter any premises licensed for the retail sale of alcoholic beverages for the purpose of purchasing or having served or delivered to him or her alcoholic beverages; or

(2) A person who has not reached his or her twenty-first (21st) birthday to consume any alcoholic

beverage on premises licensed for the retail sale of alcoholic beverages or to purchase, attempt to purchase, or have another purchase for him or her any alcoholic beverage; or

(3) A person to misrepresent or misstate his or her age, or the age of any other persons, or to misrepresent his or her age through the presentation of any of the following documents:

(i) An armed service identification card, valid passport, the identification card license, or any other documentation used for identification purposes that may belong to any other person who is twenty3 one (21) years or older;

(ii) A motor vehicle operator's license which bears the date of birth of the licensee, and which is issued by this state or any other state;

(iii) A Rhode Island identification card as defined in subsection (b) for the purpose of inducing any licensee or any employee of any licensee, to sell, serve or deliver any alcoholic beverage to a minor.

(b) The administrator of the division of motor vehicles shall issue to any person who has reached his or her twenty-first (21st) birthday a Rhode Island identification card upon payment of a fee of fifteen dollars ($15) twenty five dollars ($25), and, upon presentation of a certified birth or baptismal certificate, or U.S. or foreign passport, or U.S. naturalization certificate or a valid immigrant or refugee document issued by the United States immigration and naturalization service, including, but not limited to, any one of the following: Form I-551, Form I-94, Form I-688A, and Form I-688, together with a document bearing the applicant's signature.

(2) A person who has reached his or her fifty ninth (59th) birthday is not required to pay the fee.

(3) Each registration card shall be subject to renewal every five (5) years upon payment of a fee of ~~fifteen dollars ($15)~~ twenty five dollars ($25).

(4) No person who holds an operator's license issued by this state or any other state shall be issued a Rhode Island identification card.

(5) The identification card shall be signed by the administrator of the division of motor vehicles and by the applicant and his or her picture shall appear on the card along with the required information and the card shall be encased in laminated plastic. The card shall be two inches (2") in height and four inches (4") in length and shall be printed in the following form:

RHODE ISLAND IDENTIFICATION CARD
Date Issued No. . . . . .
First Name Middle Name Last Name
)
Address
)
BIRTH RECORD
Month Day . . . . . Year . . . . . .
Secure Color Color Sex Ht. Wt.
Photo of hair of eyes
by Pasting
here . . . . . .
Issued by
Administrator of the Division of Motor Vehicles
Administrator

(6) The identification cards shall be produced at the adult correctional institutions if they have facilities to do so; if the adult correctional institutions have no facilities to do so, then all cards shall be manufactured by the lowest responsible bidder following advertisement for the solicitation of bids.

(7) The identification cards shall be clearly distinguishable from those issued pursuant to § 3-8-6.1 and operators' and chauffeurs' licenses issued pursuant to title 31.

(8) Any person who has been designated as permanently and totally disabled by the social security administration or who upon certification by an optometrist, ophthalmologist or physician that a holder of a valid and current motor vehicle operator's license is no longer able to operate a motor vehicle,

the administrator of the division of motor vehicles shall issue to such person, upon request, a Rhode Island identification card for the unexpired term of such person's motor vehicle operator's license at no additional cost. ~~Thereafter, a renewal of such card shall be subject to the standard renewal charge of fifteen dollars ($15) until such person shall reach his or her fifty-ninth (59th) birthday.~~ There shall be no charge for the subsequent renewal of a Rhode Island identification card issued under this subsection.

(c)(1) Every retail Class A, B, C, and D licensee shall cause to be kept a book or photographic reproduction equipment which provides the same information as required by the book. That licensee and/or the licensee's employee shall require any person who has shown a document as set forth in this section substantiating his or her age to sign that book or to permit the taking of his or her photograph and indicate what document was presented. Use of the photographic reproduction equipment is voluntary for every Class A, B, C and D licensee.

(2) The sign-in as minor book and photographic reproduction equipment shall be prescribed, published, and approved at the direction and control of the division. The book shall contain at least four hundred (400) pages, shall be uniform throughout the state, and shall be distributed at a cost not to exceed seven dollars ($7).

(3) If a person whose age is in question signs the sign-in as minor book or has a photograph taken before he or she is sold any alcoholic beverage and it is later determined that the person had not reached his or her twenty-first (21st) birthday at the time of sale, it is considered prima facie evidence that the licensee and/or the licensee's agent or servant acted in good faith in selling any alcoholic beverage to the person producing the document as set forth in this section misrepresenting his or her age.

(4) Proof of good faith reliance on any misrepresentation is a defense to the prosecution of the licensee and/or the licensee's agent or servant for an alleged violation of this section.

(d)(1) Any person who violates this section shall be punished for the first offense by a mandatory fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500) and shall be further punished by thirty (30) hours of community service and shall be further punished by a suspension of his or her motor vehicle operator's license or driving privileges for a period of thirty (30) days; for the second offense by a mandatory fine of not less than five hundred dollars ($500) nor more than seven hundred fifty dollars ($750) and shall be further punished by forty (40) hours of community service and will be further punished by a suspension of his or her motor vehicle operator's license or driving privileges for a period of three (3) months; and for the third and subsequent offenses by a mandatory fine for each offense of not less than seven hundred fifty dollars ($750) nor more than one thousand dollars ($1,000) and shall be further punished by fifty (50) hours of community service and will be further punished by a suspension of his or her motor vehicle operator's license or driving privileges for a period of one year.

(2) Any suspension of an operator's license or driving privilege pursuant to this section shall not operate to affect the insurance rating of the offender and any operator's license or driving privilege suspended pursuant to this section shall be reinstated without further expense upon application.

(e) Within thirty (30) days after this incident the police chief of the city or town where the incident took place is directed to inform, in writing, the department of business regulation whether or not charges in accordance with this section have been preferred against a person who has not reached his or her twenty-first (21st) birthday and has violated this section. If no charge is brought against any person who has not reached his or her twenty-first (21st) birthday and has violated the provisions of this section, then the police chief of the city or town where the incident took place will state the reason for his or her failure to charge the person who has not reached his or her twenty-first (21st) birthday.

(f) The Rhode Island identification card may be withdrawn at any time for just cause, at the discretion of the administrator of the division of motor vehicles. The administrator of the division of motor vehicles shall keep a record of the cards issued and each card shall contain an identification number specifically assigned to the person to whom the card was issued.

SECTION 2. Sections 31-3-53 and 31-3-62 of the General Laws in Chapter 31-3 entitled "Registration of Vehicles" are hereby amended to read as follows:

§ 31-3-53 Veterans' plates. – (a) The registrar of motor vehicles shall issue for any motor vehicle eligible for registration as an automobile, or for any motorcycle eligible for registration as a motorcycle, or for a commercial vehicle having a gross weight of ten thousand one pounds (10,001 lbs.) or less, plates designated as "Veteran", "Purple Heart", and "Ex-POW" upon application on proper forms furnished by the administrator of the division of motor vehicles to veterans. Gold Star parents shall also be eligible for plates designated as "Veteran".

(b) The special plate designated "Veteran" shall be designed as follows;

(1) Letters and numbers shall be blue in a white background with the words "Rhode Island" clearly visible at the top center of the plate and the word "Veteran" visible at the bottom center of the plate.

(2) The background will be a red, white and blue waving American Flag.

(3) On the top right corner will be a decal with the military branch of the service in which the Veteran served (Army, Navy, Air Force, Marines, Coast Guard, Merchant Marines, and Gold Star Parent).

(4) For war veterans a white decal with blue letters with the words "War Veteran" placed under the military branch decal on the right side of the plate above the validation sticker.

(c) The applicant shall be required to pay a service charge of ~~twenty dollars ($20)~~ ten dollars ($10) ~~and a transfer charge of five dollars ($5)~~ for the order of each set of plates.

(d) The applicant shall be entitled to a plate for each vehicle owned by the applicant upon payment of an additional service charge and/or transfer charge for each vehicle.

(e) The owner of a motor vehicle eligible for registration as a commercial vehicle and having gross weight of ten thousand one pounds (10,001 lbs.) or less that is issued veteran plates shall continue to pay the appropriate commercial registration fee for those plates. The owner of a motor vehicle eligible for registration as a commercial vehicle having a gross weight of six thousand three hundred pounds (6,300 lbs.) but not more than ten thousand one pounds (10,001 lbs.) shall sign an affidavit at the time of application for said plates stating that the vehicle is to be used for personal use only.

(f)(1) For the purposes of this section, a "veteran" shall be defined as any person who has served on active duty in the armed forces of the United States. The term "veteran" shall also include members of the National Guard and Reserves: (i) called to active duty authorized by the President of the United States or the Secretary of Defense; or (ii) who have twenty (20) years of service with a letter and record of separation of service.

(2) For the purposes of this section "War Veteran" shall be defined as any veteran of any conflict or undeclared war who has earned a campaign ribbon or expeditionary medal for service in either declared or undeclared war as noted on the war veteran's DD-214. Upon the death of the holder of any veteran plates, the plates shall be transferred to the surviving spouse for the spouse's lifetime until he or she remarries.

(g) The "veteran" or "war veteran" described in subdivisions (f)(1)(i) or (ii) and (2) must have been honorably discharged from the armed forces of this nation in order to receive plates pursuant to this section and, for purposes of this section, a medical discharge or a general discharge shall be deemed an honorable discharge.

(h) For the purpose of this section, "Gold Star Parent" means a person who has lost a son or a daughter as a result of service with the armed forces of the United States of America; provided, the death was determined to be in the line of duty.

(i) Veterans who have served in multiple conflicts are entitled to be issued, veterans' plates equal to the number of conflicts he or she served in; provided, the plates are limited to the number of vehicles owned by the veteran.

(j) A person shall be eligible for a veterans' plate if his or her deceased spouse was eligible for a veterans' plate, notwithstanding the fact that the eligible deceased spouse died prior to the enactment of this section in 1988.

§ 31-3-62 National guard plates. – (a) The administrator of the division of motor vehicles is

empowered and authorized to make available to all active and retired members of the Rhode Island army and air national guard a special motor vehicle registration plate for any motor vehicle eligible for registration as an automobile or a commercial vehicle having a gross weight of eight thousand-five hundred pounds (8,500 lbs.) or less.

(b) The special motor vehicle registration plate shall carry on it the designation "National Guard" and shall also carry on it an emblem on the left-hand side of the plate to be designed and provided by the office of the adjutant general, with the numerals to the right of it.

(c) The administrator of the division of motor vehicles shall issue the plates upon the payment of a service charge of twenty dollars ($20) ~~and a transfer charge of five dollars ($5)~~ for the order of each set of plates. All revenues shall be deposited as general revenues.

(d) For the purposes of this section an active or retired member of the Rhode Island army and air national guard shall be defined as any person certified by the adjutant general as currently serving or having retired under honorable conditions in either the Rhode Island army or air national guard.

(e) In a state of emergency, any active member of the army or air national guard driving a vehicle bearing the special motor vehicle registration plate shall be authorized and empowered to travel upon the highways of the state notwithstanding any driving ban imposed by any state or municipal authority.

SECTION 3. Section 31-3.1-38 of the General Laws in Chapter 31-3.1 entitled “Certification of Title and Security Interests” is hereby amended to read as follows:

§ 31-3.1-38 Effective dates – Applicability. – This chapter shall apply to all model vehicles designated as ~~1973~~ 2001 models and all subsequent model year vehicles. All vehicles designated as model years prior to ~~1973~~ 2001 shall be excluded from these provisions, provided that no title certificate shall be required once a vehicle is ~~ten (10)~~ twenty (20) years old.

SECTION 4. Section 31-5-8 of the General Laws in Chapter 31-5 entitled “Dealers’, Manufacturers’ and Rental Licenses” is hereby amended to read as follows:

§ 31-5-8 License fee. – The license fee for each year shall be as follows: the fee for the license to each motor vehicle dealer shall be ~~one hundred dollars ($100)~~ three hundred dollars ($300) plus a fee in like amount for each office or branch.

SECTION 5. Section 31-5-22 of the General Laws in Chapter 31-5 entitled “Dealers’, Manufacturers’, and Rental Licenses” is hereby amended to read as follows:

§ 31-5-22 Application for license – Fee – Expiration. – (a) Any person desiring to be licensed as a manufacturer, factory representative, or distributor shall apply to the department of revenue upon a form containing any information that the department shall require. The department may require with the application or, otherwise, information relating to the applicant's solvency, his or her financial standing, or other pertinent matter commensurate with the safeguarding of the public interest, all of which may be considered by the department in determining the fitness of the applicant to engage in the business for which the applicant desires the license.

(b) Each application of a factory representative shall be accompanied by a fee of ~~forty dollars ($40)~~ one hundred dollars ($100). Each application of a manufacturer or distributor shall be accompanied by a fee of ~~two hundred dollars ($200)~~ three hundred dollars ($300).

(c) All licenses shall be granted or refused within thirty (30) days after the application is filed and shall expire, unless revoked or suspended before that time, on December 31st of the calendar year for which they are granted.

SECTION 6. Section 31-6-1 of the General Laws in Chapter 31-6 entitled “Registration Fees” is hereby amended to read as follows:

§ 31-6-1 Amount of registration and miscellaneous fees. – (a) The following registration fees shall be paid to the division of motor vehicles for the registration of motor vehicles, trailers, semi-trailers, and school buses subject to registration for each year of registration:

(1) For the registration of every automobile, when equipped with pneumatic tires, the gross weight of which is not more than four thousand pounds (4,000 lbs.): thirty dollars ($30).

(2) For the registration of every motor truck or tractor when equipped with pneumatic tires, the

gross weight of which is not more than four thousand pounds (4,000 lbs.): thirty-four dollars ($34).
(3) For the registration of every automobile, motor truck or tractor, when equipped with pneumatic tires, the gross weight of which is:
(i) More than four thousand pounds (4,000 lbs.), but not more than five thousand pounds (5,000 lbs.): forty dollars ($40);
(ii) More than five thousand pounds (5,000 lbs.), but not more than six thousand pounds (6,000 lbs.): forty-eight dollars ($48);
(iii) More than six thousand pounds (6,000 lbs.), but not more than seven thousand pounds (7,000 lbs.): fifty-six dollars ($56);
(iv) More than seven thousand pounds (7,000 lbs.), but not more than eight thousand pounds (8,000 lbs.): sixty-four dollars ($64);
(v) More than eight thousand pounds (8,000 lbs.), but not more than nine thousand pounds (9,000 lbs.): seventy dollars ($70);
(vi) More than nine thousand pounds (9,000 lbs.), but not more than ten thousand pounds (10,000 lbs.): seventy-eight dollars ($78);
(vii) More than ten thousand pounds (10,000 lbs.), but not more than twelve thousand pounds (12,000 lbs.): one hundred six dollars ($106);
(viii) More than twelve thousand pounds (12,000 lbs.), but not more than fourteen thousand pounds (14,000 lbs.): one hundred twenty-four dollars ($124);
(ix) More than fourteen thousand pounds (14,000 lbs.), but not more than sixteen thousand pounds (16,000 lbs.): one hundred forty dollars ($140);
(x) More than sixteen thousand pounds (16,000 lbs.), but not more than eighteen thousand pounds (18,000 lbs.): one hundred fifty-eight dollars ($158);
(xi) More than eighteen thousand pounds (18,000 lbs.), but not more than twenty thousand pounds (20,000 lbs.): one hundred seventy-six dollars ($176);
(xii) More than twenty thousand pounds (20,000 lbs.), but not more than twenty-two thousand pounds (22,000 lbs.): one hundred ninety-four dollars ($194);
(xiii) More than twenty-two thousand pounds (22,000 lbs.), but not more than twenty-four thousand pounds (24,000 lbs.): two hundred ten dollars ($210);
(xiv) More than twenty-four thousand pounds (24,000 lbs.), but not more than twenty-six thousand pounds (26,000 lbs.): two hundred thirty dollars ($230);
(xv) More than twenty-six thousand pounds (26,000 lbs.), but not more than twenty-eight thousand pounds (28,000 lbs.): two hundred ninety-six dollars ($296);
(xvi) More than twenty-eight thousand pounds (28,000 lbs.), but not more than thirty thousand pounds (30,000 lbs.): three hundred sixteen dollars ($316);
(xvii) More than thirty thousand pounds (30,000 lbs.), but not more than thirty-two thousand pounds (32,000 lbs.): four hundred and twenty-two dollars ($422);
(xviii) More than thirty-two thousand pounds (32,000 lbs.), but not more than thirty-four thousand pounds (34,000 lbs.): four hundred and forty-eight dollars ($448);
(xix) More than thirty-four thousand pounds (34,000 lbs.), but not more than thirty-six thousand pounds (36,000 lbs.): four hundred and seventy-six dollars ($476);
(xx) More than thirt y-six thousand pounds (36,000 lbs.), but not more than thirty-eight thousand pounds (38,000 lbs.): five hundred and two dollars ($502);
(xxi) More than thirty-eight thousand pounds (38,000 lbs.), but not more than forty thousand pounds (40,000 lbs.): five hundred and twenty-eight dollars ($528);
(xxii) More than forty thousand pounds (40,000 lbs.), but not more than forty-two thousand pounds (42,000 lbs.): five hundred and fifty-four dollars ($554);
(xxiii) More than forty-two thousand pounds (42,000 lbs.), but not more than forty-six thousand pounds (46,000 lbs.): six hundred and eight dollars ($608);
(xxiv) More than forty-six thousand pounds (46,000 lbs.), but not more than fifty thousand

pounds (50,000 lbs.): six hundred and sixty dollars ($660);
(xxv) More than fifty thousand pounds (50,000 lbs.), but not more than fifty-four thousand pounds (54,000 lbs.): seven hundred and twelve dollars ($712);
(xxvi) More than fifty-four thousand pounds (54,000 lbs.), but not more than fifty-eight thousand pounds (58,000 lbs.): seven hundred and sixty-eight dollars ($768);
(xxvii) More than fifty-eight thousand pounds (58,000 lbs.), but not more than sixty-two thousand pounds (62,000 lbs.): eight hundred and sixteen dollars ($816);
(xxviii) More than sixty-two thousand pounds (62,000 lbs.), but not more than sixty-six thousand pounds (66,000 lbs.): eight hundred and seventy-six dollars ($876);
(xxix) More than sixty-six thousand pounds (66,000 lbs.), but not more than seventy thousand pounds (70,000 lbs.): nine hundred and twenty-four dollars ($924);
(xxx) More than seventy thousand pounds (70,000 lbs.), but not more than seventy-four thousand pounds (74,000 lbs.): nine hundred and seventy-two dollars ($972);
(xxxi) Over seventy-four thousand pounds (74,000 lbs.): nine hundred and seventy-two dollars ($972), plus twenty-four dollars ($24) per two thousand pounds (2,000 lbs.) gross weight.
(4) For the registration of every semi-trailer to be used with a truck-tractor as defined in § 31-1-4(a) shall be as follows annual fee of twelve dollars ($12) for a one year registration, for multi-year registrations the fee of fifty dollars ($50) for a five (5) year registration and eighty dollars ($80) for an eight (8) year registration. However, when in use the weight of the resulting semi-trailer unit and its maximum carrying capacity shall not exceed the gross weight of the original semi-trailer unit from which the gross weight of the tractor was determined. A registration certificate and registration plate shall be issued for each semi-trailer so registered. There shall be no refund of payment of such fee, except that when a plate is returned prior to ninety (90) days before the effective date of that year's registration, the pro rate amount, based on the unused portion of the multi-year registration plate period at time of surrender, shall be refunded. A multi-year semi-trailer registration may be transferred to another semi trailer subject to the provisions and fee set forth in § 31-6-11. Thirty percent (30%) of the semi-trailer registration fee shall be retained by the division of motor vehicles to defray the costs of implementation of the international registration plan (IRP) and fleet registration section.
(5) For the registration of every automobile, motor truck, or tractor, when equipped with other than pneumatic tires, there shall be added to the above gross weight fees a charge of ten cents (10¢) for each one hundred (100) pounds of gross weight.
(6) For the registration of every public bus, the rates provided for motor vehicles for hire plus two dollars ($2) for each passenger which that bus is rated to carry, the rating to be determined by the administrator of the division of motor vehicles.
(7) For the registration of every motorcycle, or motor-driven cycle, thirteen dollars ($13). Three dollars ($3) from that sum shall be turned over to the department of education to assist in the payment of the cost of the motorcycle driver's education program as enumerated in § 31-10.1-1.1.
(8) For the registration of every trailer not including semi-trailers used with a truck-tractor as defined in § 31-1-4(a), with a gross weight of three thousand pounds (3,000 lbs.) or less, five dollars ($5). Trailers with a gross weight of more than three thousand pounds (3,000 lbs.) shall be assessed a registration fee of one dollar and fifty cents ($1.50) per thousand pounds (1,000 lbs.).
(9) The annual registration fee for a motor vehicle, commonly described as a boxcar and/or locomotive, and used only by la societe des 40 hommes et 8 chevaux for civic demonstration, parades, convention purposes or social welfare work, shall be two dollars ($2).
(10) For the registration of every motor vehicle, trailer, or semi-trailer owned by any department or agency of any city or town or district, provided the name of the city or town or district or state department or agency owning the same shall be plainly printed on two (2) sides of the vehicle, two dollars ($2).
(11) For the registration of motor vehicles used for racing, fifteen dollars ($15).
(12) For every duplicate registration certificate, seventeen dollars ($17).

(13) For every certified copy of a registration certificate or application, ten dollars ($10).
(14) For every certificate assigning a special identification number or mark as provided in § 31-3-37, one dollar ($1).
(15) For every replacement of number plates or additional pair of number plates, without changing the number, thirty dollars ($30).
(16) For the registration of every farm vehicle, used in farming as provided in § 31-3-31, ten dollars ($10).
(17) For the registration of antique motor vehicles, five dollars ($5).
(18) For the registration of a suburban vehicle, when used as a pleasure vehicle and the gross weight of which is not more than four thousand pounds (4,000 lbs.), the same rates as charged in subdivision (1) of this subsection shall be applicable and when used as a commercial vehicle and the gross weight of which is not more than four thousand pounds (4,000 lbs.), the same rates as provided in subdivision (2) of this subsection shall be applicable. The rates in subdivision (3) of this subsection shall be applicable when the suburban vehicle has a gross weight of more than four thousand pounds (4,000 lbs.), regardless of the use of the vehicle.
(19) For the registration of every motor bus which is used exclusively under contract with a political subdivision or school district of the state for the transportation of school children, ~~three dollars ($3)~~ twenty-five dollars ($25) provided that the motor bus may also be used for the transportation of persons to and from church and Sunday school services, and for the transportation of children to and from educational or recreational projects sponsored by a city or town or by any association or organization supported wholly or in part by public or private donations for charitable purposes, without the payment of additional registration fee.
(20) For the registration of every motorized bicycle, ten dollars ($10).
(21) For the registration of every motorized tricycle, ten dollars ($10).
(22) For the replacement of number plates with a number change, twenty dollars ($20).
(23) For the initial issuance and each reissuance of fully reflective plates as required by §§ 31-3-10 and 31-3-32, an additional six dollars ($6).
(24) For the issuance of a trip permit under the International Registration Plan, twenty-five dollars ($25) per vehicle. The division of motor vehicles is authorized to issue seventy-two (72) hour trip permits for vehicles required to be registered in the International Registration Plan that have not been apportioned with the state of Rhode Island.
(25) For the issuance of a hunter's permit under the International Registration Plan, twenty-five dollars ($25) per vehicle. The division of motor vehicles is authorized to issue hunter's permits for motor vehicles based in the state of Rhode Island and otherwise required to be registered in the International Registration Plan. These permits are valid for thirty (30) days.
(26) For the registration of a specially adapted motor vehicle necessary to transport a family member with a disability for personal, noncommercial use, a fee of thirty dollars ($30) assessed.
(b) In the event that the registrant voluntarily cancels his registration within the period of registration, the division of motor vehicles shall refund only that portion of the fee paid which represents full-year segments of the registration fee paid.
SECTION 7. Sections 31-10-22 and 31-10-31 of the General Laws in Chapter 31-10 entitled "Operators' and Chauffeurs' Licenses" are hereby amended to read as follows:
§ 31-10-22 Road test. – All applicants for a motor vehicle license shall pass a motor vehicle road test as prescribed by the administrator of the division of motor vehicles in a motor vehicle supplied by the applicant or in a dual controlled motor vehicle supplied by the state. In the case of the examination for a chauffeur to operate a truck, tractor, trailer, tractor semi-trailer, bus, or other vehicle for hire or a person who will operate only a vehicle equipped with automatic shift or a person who is disabled and requires the use of a specially equipped motor vehicle, those persons shall be examined in vehicles furnished by them. At the option of any person who is disabled, the road test shall be administered by the local office of the division of motor vehicles nearest that person's home. A fee of twenty five dollars

($25) shall be charged for all road tests, including repeat road tests, following failure of a road test.

§ 31-10-31 Fees. – The following fees shall be paid to the division of motor vehicles:

(1) For every operator's first license to operate a motor vehicle, twenty-five dollars ($25);

(2) For every chauffeur's first license, twenty-five dollars ($25); provided, that when a Rhode Island licensed operator transfers to a chauffeur's license, the fee for the transfer shall be two dollars ($2);

(3) For every learner's permit to operate a motorcycle, twenty-five dollars ($25);

(4) For every operator's first license to operate a motorcycle, twenty-five dollars ($25);

(5) For every renewal of an operator's or chauffeur's license, thirty dollars ($30); with the exception of any person seventy-five (75) years of age or older for whom the renewal fee will be eight dollars ($8);

(6) For every duplicate operator's or chauffeur's license, twenty-five dollars ($25);

~~(7) For every road test, other than the road test included in the first license examination, two dollars ($2);~~

~~(8)~~(7) For every certified copy of any license, permit, or application issued under this chapter, ten dollars ($10);

~~(9)~~(8) For every duplicate instruction permit, ten dollars ($10);

~~(10)~~(9) For every first license examination, five dollars ($5);

~~(11)~~(10) For every routine information update, i.e., name change or address change, five dollars ($5).

~~(12)~~(11) For surrender of an out-of-state license, in addition to the above fees, five dollars ($5).

SECTION 8. Section 31-24-31 of the General Laws in Chapter 31-24 entitled "Lighting Equipment and Reflectors" is hereby amended to read as follows:

§ 31-24-31 Flashing lights – Forward viewing or rotary beam lights. – (a) Flashing lights are prohibited, except on an authorized emergency vehicle, school bus, snow removal equipment, or on any vehicle as a means for indicating a right or left turn. However, the requirements of § 31-24-33 shall be deemed to be satisfied if the vehicle is equipped with lamps at the front mounted at the same level, displaying simultaneously flashing white or amber lights, and at the rear mounted at the same level, and displaying simultaneously flashing red lights, all of which lights shall be visible from a distance of not less than five hundred feet (500').

(b) Forward viewing or rotating beam lights may be installed on and shall be restricted to the following categories of vehicles, and these lights shall be of color designated:

(1) Emergency response vehicles of any fire, rescue, or ambulance department, fire chiefs, assistant fire chiefs, deputy chiefs, captains; any privately owned vehicle of any authorized volunteer member of a fire, rescue, or ambulance department; emergency management agency directors, assistant directors, assistant medical examiners and/or forensic pathologists of the office of state medical examiners; rescue vehicles, emergency response vehicles of the department of environmental management and the division of state fire marshal; school buses; hospital emergency response vehicles; and two (2) American Red Cross disaster vehicles: Red, white and/or alternating flashing white;

(2) Wrecker trucks, service station trucks, state and town safety and maintenance vehicles; snowplows and tractors; light company trucks, telephone company trucks, water company trucks, oil company trucks, and other utilities' trucks; vehicles of television, radio and press photographers; rural mail carriers; all motor-propelled vehicles owned by the Northern Rhode Island REACT (radio emergency associated citizens team); all motor-propelled vehicles owned by or under contract to the Rhode Island department of transportation when on official state business; and vehicles marking the beginning and end of funeral processions: Amber, provided, however, that wrecker and transportation vehicles operated pursuant to a public utilities commission license, and roadside assistance vehicles of any type operated for that purpose by the American Automobile Association shall be permitted to use flashing amber lights at the front and rear of the vehicle, to be activated only in the course of providing assistance to or transportation for a disabled vehicle. A fee of twenty-five dollars ($25) shall be charged for the issuance of a flashing lights permit to every vehicle identified in this subsection, with the

exception of flashing lights permits issued to state and town safety and maintenance vehicles, which shall not be charged a fee.
(3) Police units, state and local: Center rotating beam lights: Blue or red; Outboard mounted lights: Blue or red.
(4) Violations of this section are subject to fines enumerated in § 31-41.1-4.
SECTION 9. This article shall take effect as of July 1, 2010.

MOTION: To recommend the Commission support if amended (retain the current lines 63 – 64, and delete the new lines 64 to 65) **10 H FY 11 Budget Art. 25 Relating to Division of Motor Vehicles Fees** RC/BI passed, SB, TF, AP, RBoss abstained

10 H FY 11 Budget Art. 29 Relating to Government Restructuring This article would require the Board of Governors for Higher Education, by Oct. 1, 2011, to submit a plan to the chairperson of the House Finance Committee, the chairperson of the Senate Finance Committee, and the State Budget Officer to improve the coordination of educational services provided by the Higher Education Assistance Authority and the Rhode Island Public Telecommunications Authority {RI PBS Channel 36}. The plan would recognize the goal of improving and coordinating educational programs at the University and colleges under the purview of the Board of Governors and the pre-K-12 level the Rhode Island Department of Education.

The article would also require the director of the department of transportation, by Oct. 1, 2011, to submit a plan to the chairperson of the House Finance Committee, the chairperson of the Senate Finance Committee, and the State Budget Officer on the feasibility of transferring the Rhode Island Public Transit Authority to the department of transportation. This article shall take effect upon passage. The plan shall include a review of other comparable states where public transit is provided by the state's department of transportation and shall consider such administrative factors such as a labor issues, benefit comparisons, and pension benefit comparisons, and strategic planning issues such as effective allocation of transportation funds and planning for and provision of integrated multi-modal transportation systems. The plan would review the statutory missions of the Department of Transportation and the Rhode Island Public Transit Authority; consider applicable reports, analyses, and discussions with key individuals. The plan would recognize the goal of improving and coordinating transportation in the State of Rhode Island planning, development, and implementation of transit, rail, water, and bicycle/pedestrian transportation projects to expand access and mobility opportunities for Rhode Islander.

ARTICLE 29
RELATING TO GOVERNMENT RESTRUCTURING

SECTION 1. The general assembly hereby requires that the Board of Governors for Higher Education on or before October 1, 2011, submit a plan to the chairperson of the House Finance Committee, to the chairperson of the Senate Finance Committee, and to the State Budget Officer which recommends actions to improve the coordination of educational services provided by various state agencies. The plan would include, but is not limited to, review of the statutory missions of the Higher Education Assistance Authority, contained in RIGL chapter 16-57, and the Rhode Island Public Telecommunications Authority, contained in RIGL chapter 16-61, and assess if the stated missions and actual current programs and activities of these two agencies reflect the needs of populations intended to be served. This plan shall be prepared following consultation with the Higher Education Assistance Authority, the Rhode Island Public Telecommunications Authority and other interested parties. The plan would recognize the goal of improving and coordinating educational programs at the University and colleges under the purview of the Board of Governors and the pre-K-12 level the Rhode Island Department of Education.
SECTION 2. The general assembly hereby requires that the director of the department of transportation on or before October 1, 2011, submit a plan to the chairperson of the House Finance Committee, to the chairperson of the Senate Finance Committee, and to the State Budget Officer on the feasibility of transferring the Rhode Island Public Transit Authority to that department. This plan shall

include a review of other comparable states where public transit is provided by the state's department of transportation and shall consider such administrative factors such as a labor issues, benefit comparisons, and pension benefit comparisons, and strategic planning issues such as effective allocation of transportation funds and planning for and provision of integrated multi-modal transportation systems. The plan shall be prepared following consultation with the Rhode Island Public Transit Authority and with all interested parties. The plan would review the statutory missions of the Department of Transportation and the Rhode Island Public Transit Authority; consider applicable reports, analyses, and discussions with key individuals. The plan would recognize the goal of improving and coordinating transportation in the State of Rhode Island planning, development, and implementation of transit, rail, water, and bicycle/pedestrian transportation projects to expand access and mobility opportunities for Rhode Islander.

SECTION 3. This article shall take effect upon passage.

MOTION: To recommend the Commission *support if amended to expand the study to determine the impact on people with disabilities' transit options and instructional television* **10 H FY 11 Budget Art. 29 Relating to Government Restructuring** TF/JD passed RBoss, SB, Abstained, BI Recused

10 H FY 11 Budget Art. 31 Relating To Rite Care Program This article would lower the income of recipients of Rite Care from 150% of the Federal Poverty level (FPL) to 133% who would be subject to premium cost-sharing, effective July 1, 2011. This article would take effect as of July 1, 2011.

ARTICLE 31

RELATING TO RITE CARE PROGRAM

SECTION 1. Sections 40-8.4-4 and 40-8.4-12 of the General Laws in Chapter 40-8.4 entitled "Health Care for Families" are hereby amended to read as follows:

§ 40-8.4-4. Eligibility.- *(a) Medical assistance for families.* There is hereby established a category of medical assistance eligibility pursuant to § 1931 of Title XIX of the Social Security Act, 42 U.S.C. § 1396u-1, for families whose income and resources are no greater than the standards in effect in the aid to families with dependent children program on July 16, 1996 or such increased standards as the department may determine. The department of human services is directed to amend the medical assistance Title XIX state plan and to submit to the U.S. Department of Health and Human Services an amendment to the RIte Care waiver project to provide for medical assistance coverage to families under this chapter in the same amount, scope and duration as coverage provided to comparable groups under the waiver. The department is further authorized and directed to submit such amendments and/or requests for waivers to the Title XXI state plan as may be necessary to maximize federal contribution for provision of medical assistance coverage provided pursuant to this chapter, including providing medical coverage as a "qualified state" in accordance with Title XXI of the Social Security Act, 42 U.S.C. § 1397 et seq. Implementation of expanded coverage under this chapter shall not be delayed pending federal review of any Title XXI amendment or waiver.

(b) Income. The director of the department of human services is authorized and directed to amend the medical assistance Title XIX state plan or RIte Care waiver to provide medical assistance coverage through expanded income disregards or other methodology for parents or relative caretakers whose income levels are below one hundred seventy-five percent (175%) of the federal poverty level.

(c) Waiver. The department of human services is authorized and directed to apply for and obtain appropriate waivers from the Secretary of the U.S. Department of Health and Human Services, including, but not limited to, a waiver of the appropriate provisions of Title XIX, to require that individuals with incomes equal to or greater than ~~one hundred fifty percent (150%)~~ one hundred thirty-three percent (133%) of the federal poverty level pay a share of the costs of their medical assistance coverage provided through enrollment in either the RIte Care Program or under the premium assistance program under § 40-

8.4-12, in a manner and at an amount consistent with comparable cost-sharing provisions under § 40-8.4-12, provided that such cost sharing shall not exceed five percent (5%) of annual income for those with annual income in excess of ~~one hundred fifty percent (150%)~~ one hundred thirty-three percent (133%); and provided, further, that cost-sharing shall not be required for pregnant women or children under age one.

§ 40-8.4-12. RIte Share Health Insurance Premium Assistance Program.- (1) The department of human services is authorized and directed to amend the medical assistance Title XIX state plan to implement the provisions of § 1906 of Title XIX of the Social Security Act, 42 U.S.C. § 1396e, and establish the Rhode Island health insurance premium assistance program for RIte Care eligible parents with incomes up to one hundred seventy-five percent (175%) of the federal poverty level who have access to employer-based health insurance. The state plan amendment shall require eligible individuals with access to employer-based health insurance to enroll themselves and/or their family in the employer-based health insurance plan as a condition of participation in the RIte Share program under this chapter and as a condition of retaining eligibility for medical assistance under chapters 5.1 and 8.4 of this title and/or chapter 12.3 of title 42 and/or premium assistance under this chapter, provided that doing so meets the criteria established in § 1906 of Title XIX for obtaining federal matching funds and the department has determined that the individual's and/or the family's enrollment in the employer-based health insurance plan is cost-effective and the department has determined that the employer-based health insurance plan meets the criteria set forth in subsection (d). The department shall provide premium assistance by paying all or a portion of the employee's cost for covering the eligible individual or his or her family under the employer-based health insurance plan, subject to the cost sharing provisions in subsection (b), and provided that the premium assistance is cost-effective in accordance with Title XIX, 42 U.S.C. § 1396 et seq.

(b) Individuals who can afford it shall share in the cost. The department of human services is authorized and directed to apply for and obtain any necessary waivers from the secretary of the United States Department of Health and Human Services, including, but not limited to, a waiver of the appropriate sections of Title XIX, 42 U.S.C. § 1396 et seq., to require that individuals eligible for RIte Care under this chapter or chapter 12.3 of title 42 with incomes equal to or greater than ~~one hundred fifty percent (150%)~~ one hundred-thirty three percent (133%) of the federal poverty level pay a share of the costs of health insurance based on the individual's ability to pay, provided that the cost sharing shall not exceed five percent (5%) of the individual's annual income. The department of human services shall implement the cost-sharing by regulation, and shall consider co-payments, premium shares or other reasonable means to do so.

(c) Current RIte Care enrollees with access to employer-based health insurance. The department of human services shall require any individual who receives RIte Care or whose family receives RIte Care on the effective date of the applicable regulations adopted in accordance with subsection (f) to enroll in an employer-based health insurance plan at the individual's eligibility redetermination date or at an earlier date determined by the department, provided that doing so meets the criteria established in the applicable sections of Title XIX, 42 U.S.C. § 1396 et seq., for obtaining federal matching funds and the department has determined that the individual's and/or the family's enrollment in the employer-based health insurance plan is cost-effective and has determined that the health insurance plan meets the criteria in subsection (d). The insurer shall accept the enrollment of the individual and/or the family in the employer-based health insurance plan without regard to any enrollment season restrictions.

(*d) Approval of health insurance plans for premium assistance.* The department of human services shall adopt regulations providing for the approval of employer-based health insurance plans for premium assistance and shall approve employer-based health insurance plans based on these regulations. In order for an employer-based health insurance plan to gain approval, the department must determine that the benefits offered by the employer-based health insurance plan are substantially similar in amount, scope, and duration to the benefits provided to RIte Care eligible persons by the RIte Care program, when the plan is evaluated in conjunction with available supplemental benefits provided by the department. The

department shall obtain and make available to persons otherwise eligible for RIte Care as supplemental benefits those benefits not reasonably available under employer-based health insurance plans which are required for RIte Care eligible persons by state law or federal law or regulation.

(e) Maximization of federal contribution. The department of human services is authorized and directed to apply for and obtain federal approvals and waivers necessary to maximize the federal contribution for provision of medical assistance coverage under this section, including the authorization to amend the Title XXI state plan and to obtain any waivers necessary to reduce barriers to provide premium assistance to recipients as provided for in Title XXI of the Social Security Act, 42 U.S.C. § 1397 et seq.

(f) Implementation by regulation. The department of human services is authorized and directed to adopt regulations to ensure the establishment and implementation of the premium assistance program in accordance with the intent and purpose of this section, the requirements of Title XIX, Title XXI and any approved federal waivers.

SECTION 2. This article shall take effect as of July 1, 2011.

MOTION: To recommend the Commission *opposed* **10 H FY 11 Budget Art. 31 Relating To Rite Care Program** BI/GR passed, RB, TT abstained		
Discussion: Chair briefed the Committee on the Medicaid Reform Act Budget Articles Feb. 8th hearings.		
MOTION: To recommend the Commission revisit, Medicaid Reform RC/AP, passed, RBoss abstained.		
2. Status of Commission's Legislative Package	**Bob Cooper**	**10 min.**
Long Term Care Ombudsperson's Revisions to the Crisis Intervention Bill* Discussion: The Ombudsperson requested restoration of the following language: …."for those incidents involving nursing facilities, assisted living residences, home care and home nursing care providers, veterans' homes and long-term care units in Eleanor Slater Hospital". This would require 1 extra notification by health care facilities, in addition to reporting to the central crisis intervention "hot-line". * * The Long Term Care Ombudsperson's proposed amendment below is double underlined and high lighted		

SECTION 5. Section 23-17.8-2 & 23-17.8-3.1 of Chapter 23-17.8 the General Laws entitled "Abuse in Health Care Facilities" are hereby amended to read as follows:

23-17.8-2. Duty to report.

(a) Any physician, medical intern, registered nurse, licensed practical nurse, nurse's aide, orderly, certified nursing assistant, medical examiner, dentist, optometrist, optician, chiropractor, podiatrist, coroner, police officer, emergency medical technician, fire-fighter, speech pathologist, audiologist, social worker, pharmacist, physical or occupational therapist, or health officer, or any person, within the scope of their employment at a facility or in their professional capacity, who has knowledge of or reasonable cause to believe that a patient or resident in a facility has been abused, mistreated, or neglected shall make, within twenty-four (24) hours or by the end of the next business day, a telephone report to the ~~director of the health~~ secretary executive office of health and human services or his or her designee ~~for those incidents involving health care facilities,~~ and in addition to the office of the state long-term care ombudsperson for those incidents involving nursing facilities, assisted living residences, home care and home nursing care providers, veterans' homes and long-term care units in Eleanor Slater Hospital~~, or to the director of the department of mental health, retardation and hospitals or his or her designee for those incidents involving community residences for people who are mentally retarded or persons with developmental disabilities.~~ The report shall contain:

(1) The name, address, telephone number, occupation, and employer's address and the phone number of the person reporting;

(2) The name and address of the patient or resident who is believed to be the victim of the abuse, mistreatment, or neglect;

(3) The details, observations, and beliefs concerning the incident(s);

(4) Any statements regarding the incident made by the patient or resident and to whom they were made;

(5) The date, time, and place of the incident;

(6) The name of any individual(s) believed to have knowledge of the incident;

(7) The name of any individual(s) believed to have been responsible for the incident.

(b) In addition to those persons required to report pursuant to this section, any other person may make a report if that person has reasonable cause to believe that a patient or resident of a facility has been abused, mistreated, or neglected.

(c) Any person required to make a report pursuant to this section shall be deemed to have complied with these requirements if a report is made to a high managerial agent of the facility in which the alleged incident occurred. Once notified, the high managerial agent shall be required to meet all reporting requirements of this section within the time frames specified by this chapter.

(d) Telephone reports made pursuant to subsection (a) shall be followed-up within three (3) business days with a written report.

An additional section would be added to the bill to make the Long Term Care Ombudsperson's statute consistent with the already proposed changes.

The proposed amendment is double ~~struck through~~ or underlined

Section 42-66.7-5 of Chapter 66.7 of the General Laws entitled "Long-Term Care Ombudsperson Act of 1995" is hereby amended to read as follows:

42-66.7-5. Powers and duties.

The long-term care ombudsperson shall:

(1) Identify, investigate, and resolve complaints that: (a) are made by, or on behalf of, residents; and (b) relate to action, inaction, or decisions, that may adversely effect the health, safety, welfare, or rights of the residents (including the welfare and rights of the residents with respect to the appointment and activities of guardians and representative payees) and health care and financial powers of attorney;

(2) Receive all reports of incidents reportable to the ~~department of health~~ adult crisis intervention program within twenty-four (24) hours, or by the next business day of the occurrence, in cases of resident abuse, neglect, exploitation, theft, sexual abuse, accidents involving fires, elopement and patient to patient abuses;

(3) Receive all reports of thirty (30) day notices of resident discharge from long-term care facilities;

(4) Provide referral services to assist residents in protecting their health, safety, welfare and rights;

(5) Inform residents of their rights and advocate on their behalf to improve their quality of life and live with dignity and respect;

(6) Formulate policies and procedures to identify, investigate, and resolve complaints;

(7) Make appropriate referrals of investigations to other state agencies, including, but not limited to, the departments of health, human services and attorney general;

(8) Offer assistance and training to public and private organizations on long-term care of elders and persons with disabilities;

(9) Represent the interests of residents of facilities before government agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of the residents

including, but not limited to, rights with respect to the appointment or removal of guardians and representative payees powers of attorney;

(10) Review and, if necessary, comment on any existing and proposed laws, regulations, and other government policies and actions, that pertain to the rights and well-being of residents of facilities.

MOTION: To recommend the Commission support amending **10 H 7369 An Act Relating To Criminal Offenses - Adult Crisis Intervention - Center And Protective Services, and its Senate counterpart** the changes requested by the Long Term Care Ombudsperson, as presented GR/AP Passed RBoss Abstained	
Amending The Medicaid Buy-In (Sherlock) Act	Elaina Goldstein

SECTION 1. Section 40-8.7-7 of Chapter 40-8.7 of the General Laws entitled "Health Care Assistance for Working People With Disabilities" is hereby amended to read as follows:

40-8.7-7 Premiums and cost sharing. – (a) The department of human services is authorized and directed to promulgate such rules to establish the monthly premium payments for employed individuals with disabilities who opt to participate directly in the Medicaid buy-in program. To participate in the Medicaid buy-in program, the employed individual with disabilities shall be required to make payment for coverage in accordance with a monthly payment or payment formula to be established by the department. ~~which shall count the individual's monthly unearned income in excess of the medically needy income limit [MNIL] and shall count a portion of their earned income on a sliding scale basis, in accordance with rules to be established by the department;~~

(b) The department is further authorized and directed to promulgate such rules to encourage businesses, especially small businesses to hire individuals with disabilities, and to allow employed individuals with disabilities who have access to employer-based health insurance and who are determined eligible by the department pursuant to this chapter, to determine the optimal health insurance coverage in consultation with the employer and the Medicaid agency.

SECTION 2. This act takes effect upon passage.

Executive Committee Approved submission of the bill above.

Update on Securing Sponsors for the Commission's Legislation

Bill	House Sponsor	Senate Sponsor
1. An Act Relating To Criminal Offenses - Adult Crisis Intervention - Center And Protective Services	Representative Naughton 10 H 7369 referred to the House Finance Committee	Senator McCaffrey
2. John J. MacDonald Jr. Transportation Initiative [accessible taxicabs]	Representative Coderre	
3. An Act Relating To Highways - Accessible Crosswalks	Representative Kennedy 10 H 7300 referred to the House Municipal Government Committee	Senator Tassoni 10 S 2133 referred to the Senate Housing and Municipal Government Committee

3. Consideration of New Bills	**Review Team Members**	**30 min.**

10 H 7044 & 10 S 2055 ACTS RELATING TO STATE AFFAIRS AND GOVERNMENT-STATE POLICE Rep. Ajello House Judiciary Committee & Sen. Miller Senate Judiciary Committee

These acts would make the definitions of disability, sexual orientation, gender identity and expression the

same as set forth in Rhode Island general laws section 11-24-2.1. This act would take effect upon passage.

SECTION 1. Section 42-28-46 of the General Laws in Chapter 42-28 entitled "State Police" is hereby amended to read as follows:

42-28-46. Development of system monitoring crimes motivated by bigotry and bias. -- (a) For the purposes of this section, the following words shall have the following meanings:

(1) "Police department" -- means all state, municipal and campus police departments within the state of Rhode Island;

(2) "Hate crime" -- means any crime motivated by bigotry and bias, including, but not limited to threatened, attempted, or completed acts that appear after investigation to have been motivated by racial, religious, ethnic, sexual orientation, gender, gender identity or expression or disability prejudice. For the purposes of this chapter, the definitions of disability, sexual orientation and gender identity or expression shall be defined as set forth in Rhode Island general laws section 11-24-2.1;

(3) "Hate crime data" -- means information, incident reports, records and statistics relating to hate crimes, collected by the state police unit pursuant to this section;

(4) "Incident report" -- means account of any individual occurrence of hate crime received or collected by the crime reporting unit pursuant to this section.

(b) The state police shall, by January 1, 1994, develop a system monitoring the occurrence of crimes committed in the state which the evidence of the offense demonstrates was motivated by racial, religious, ethnic bigotry, or bias on any other matter defined as a "hate crime" herein. All police departments within the state shall report monthly the occurrence of such crimes to the state police. The state police shall maintain a permanent record of these offenses categorized by community of occurrence, type of offense, target of offense, and such other information as the department deems relevant. The department shall develop a plan for the collection, analysis, and dissemination of the data regarding such crimes and shall promulgate regulations relating to the collection of hate crime data, as defined in this section, which are submitted by law enforcement agencies, individuals, state and local human rights commissions, and anti-discrimination advocacy organizations.

(c) The state police shall compile and distribute to each police department a listing of all criminal offenses and penalties for those actions defined as "hate crimes" herein. Notice of the provision of these sections shall be primarily posted at each police station.

SECTION 2. This act shall take effect upon passage.

MOTION: To find beneficial **H 7044& S 2055 Acts Relating to State Government – State Police** RC/AP unanimously

10 H 7388 & S 2141 ACTS RELATING TO ELECTIONS - VOTER IDENTIFICATION Rep. Brien House Judiciary Committee & Sen. Blais Senate Judiciary Committee

This act would require each person desiring to vote to provide proof of identification:

(1) A valid and current document showing a photograph of the person to whom the document was issued, including without limitation: (i) Rhode Island driver's license; (ii) Rhode Island voter identification card; (iii) United States passport; (iv) identification card issued by a United States educational institution; (v) United States military identification card; (vi) identification card issued by the United States or the State of Rhode Island or any subdivision of the state of Rhode Island; (vii) debit or credit card.

(2) A valid and current document without a photograph of the person to whom the document was issued, including without limitation: (i) birth certificate; (ii) social security card; (iii) medicare card. From and after January 1, 2012, any person claiming to be a registered and eligible voter who desires to vote at a primary election, special election or general election shall provide proof of identity listed in subdivision (1) above.

SECTION 1. Section 17-19-24 of the General Laws in Chapter 17-19 entitled "Conduct of Election and Voting Equipment, and Supplies" is hereby amended to read as follows:

17-19-24. Procedure for voting. -- (a) Each person desiring to vote shall provide proof

of identification as required by section 17-19-24.2 and state his or her name and residence, including that person's street address, if he or she has any, to the pair of bi-partisan supervisors, who shall then announce the name and residence in a loud and distinct voice, clear and audible.

(b) A bipartisan pair shall locate the voter's name on the certified voting list for the voting district. Upon finding the voter's name on the certified voting list for the district, the voter shall sign their name on the line next to their printed name on the certified voter list, and the bipartisan pair shall initial the certified voter list in the place provided next to the voter's signature entered on the certified list of voters. The bipartisan pair shall also make a proper notation on the certified voter list that the applicant has voted in the election. If the bipartisan pair cannot locate the voter's name on the certified voting list for the voting district the bipartisan pair shall direct the voter to the clerk who shall review the certified list for the city or town and determine if the voter is registered to vote and in which voting district they are eligible to vote. The bipartisan pair of supervisors shall provide the voter with the appropriate computer ballot and security sleeve. The warden shall direct the voter to the voting booth which the voter shall use, and unless the voter needs instruction or assistance as provided in this chapter, the voter shall cast his or her vote, and if he or she desires place the voted computer ballot in a security sleeve, and shall proceed to the optical scan precinct count unit and shall personally place his or her voted ballot into the designated ballot slot on the unit, and after doing so, shall leave the enclosure at once. No voter shall remain within the voting booth longer than ten (10) minutes, and if the voter refuses to leave after the lapse of ten (10) minutes, the voter shall be removed from the voting booth by order of the warden. Except for the election officials and the election inspector, not more than two (2) voters in excess of the number of voting booths shall be permitted within the enclosed space at any time.

(c) The optical scan precinct count unit shall be programmed to return a ballot to the voter if the voter has cast votes for more persons than which he or she is entitled to cast. The warden, by reading the message given on the optical scan precinct count unit, must advise the voter of the fact that the ballot has been over-voted. The voter will be instructed by the warden to remove his or her own ballot from the optical scan precinct count unit ballot slot. The warden will then ask the voter to surrender the ballot as void and receive a new ballot. If the voter agrees, the voter will make additional marks on the ballot so as not to identify the actual votes intended by the voter for the ballot. The ballot will be marked void by the warden and deposited in the receptacle for void ballots provided at the polling place. If the voter insists on casting the over-voted ballot, he or she will be advised that all races, other than the over-voted race, will be counted by the optical scan precinct count unit, and if he or she still insists, the warden will manually override the appropriate control on the unit and allow for the ballot to be entered and counted for all races other than the over-voted race.

(d) In the event a voter incorrectly marks a ballot by indicating his or her choices other than in the spaces provided for them, the ballot will be returned to the voter. The warden, by reading the message given on the optical scan precinct count unit, must advise the voter of the fact that the ballot has been marked incorrectly. The voter will be instructed by the warden to remove his or her own ballot from the optical scan precinct unit ballot slot. The warden will then advise the voter to surrender the ballot as void and receive a new ballot. If the voter agrees, the voter will make additional marks on the ballot so as not to identify the actual votes intended by the voter for the ballot. The ballot will be marked void by the warden and deposited in the receptacle for void ballots provided at the polling place. The warden will then provide for the instruction of the voter on the correct manner of marking his or her vote and the voter will be issued a new ballot. If the voter insists on casting the incorrectly marked ballot, the warden will manually override the appropriate control on the optical scan precinct count unit and allow for the ballot to be accepted.

SECTION 2. Chapter 17-19 of the General Laws entitled "Conduct of Election and Voting Equipment, and Supplies" is hereby amended by adding thereto the following sections:

17-19-24.2. Voter Identification. – (a) Beginning on June 1, 2010, any person claiming to be a registered and eligible voter who desires to vote at a primary election, special election or general election shall provide proof of identity. For purposes of this section, proof of identity shall include:

(1) A valid and current document showing a photograph of the person to whom the document was issued, including without limitation:

(i) Rhode Island driver's license;

(ii) Rhode Island voter identification card;

(iii) United States passport;

(iv) identification card issued by a United States educational institution;

(v) United States military identification card;

(vi) identification card issued by the United States or the State of Rhode Island or any subdivision of the state of Rhode Island;

(vii) debit or credit card.

(2) A valid and current document without a photograph of the person to whom the document was issued, including without limitation:

(i) birth certificate;

(ii) social security card;

(iii) medicare card.

(b) From and after January 1, 2012, any person claiming to be a registered and eligible voter who desires to vote at a primary election, special election or general election shall provide proof of identity listed in subdivision (a)(1).

(c) No later than June 1, 2010, Rhode Island voter identification cards will be issued upon request, and at no expense to the voters, at locations and in accordance with procedures established by rules and regulations promulgated by the secretary of state. The purpose of this section is to provide voter identification cards to those voters who do not possess the identification listed in subdivision (a)(1) or (2) above.

(d) If the person claiming to be a registered and eligible voter is unable to provide proof of identity as required in subdivision (1) or (2) above, the person claiming to be a registered voter shall be allowed to vote a provisional ballot pursuant to section 17-19-24.1 and the rules and regulations for provisional voting established by the Rhode Island board of elections upon completing a provisional ballot voter's certificate and affirmation. The local board shall determine the validity of the provisional ballot pursuant to section 17-19-24.3.

17-19-24.3. Provisional Ballot Procedures. – (a) At all elections, a person claiming to be a registered and eligible voter, but who has failed to provide proof of identity pursuant to section 17-19-24.2 shall be allowed to vote a provisional ballot upon executing a provisional ballot voter's certificate and affirmation. All provisional ballots, together with a provisional ballot voter's certificate and affirmation, shall be placed in an envelope in the form prescribed by the state board and deposited in a ballot box.

(b) The local board shall examine each provisional ballot voter's certificate and affirmation to determine if the signature matches the signature on the voter's registration. If the local board determines that the signatures match, the provisional ballot shall count. If the local board determines that the signatures do not match, the provisional ballot shall not count and the ballot shall remain in the envelope containing the provisional ballot voter's certificate and affirmation and the envelope shall be marked "Rejected as Illegal".

(c) The provisional ballot voter's certificate and affirmation shall be in substantially the following form:

STATE OF RHODE ISLAND

COUNTY OF _____

I do solemnly swear (or affirm) that my name is _____; that my date of birth is _____; that I am registered and eligible to vote in _____, Rhode Island ; that I

4-19 am an eligible voter in the city/town of _____, Rhode Island; and that I have not voted in
4-20 this election other than the provisional ballot. I understand that if I commit any fraud in
4-21 connection with voting, vote a fraudulent ballot, or vote more than once in an election, I can be
4-22 convicted of a felony and be imprisoned for a term of up to ten (10) years and/or fined not less
4-23 than one thousand dollars ($1,000) nor more than five thousand dollars ($5,000), or both, for each
4-24 offense.
4-25 Signature of Voter
4-26 Current Residence Address
4-27 Current Mailing Address
4-28 Sworn to and subscribed, under penalties of perjury, before me this day of , _____.
4-29 Signature of Election Officer
4-30 SECTION 3. This act shall take effect upon passage.

MOTION: To find harmful **H 7388 & S 2141 Acts Relating to Elections – Voter Identification** TF/RBandusky passed, Nay SB, RC, RBoss abstained.

Disability Prevention

10 H 7085 AN ACT RELATING TO MOTOR AND OTHER VEHICLES--CHILD RESTRAINTS Rep. Gablinske House Judiciary Committee

This act would provide that an adult's failure to wear a safety belt while operating a motor vehicle or his or her failure to ensure that adult passengers are wearing safety belts would constitute a primary, rather than a secondary offense. This act would take effect upon passage.

1-1 SECTION 1. Section 31-22-22 of the General Laws in Chapter 31-22 entitled
1-2 "Miscellaneous Rules" is hereby amended to read as follows:
1-3 **31-22-22. Safety belt use -- Child restraint. --** (a) (1) Any person transporting a child
1-4 under the age of eight (8), less than fifty-seven (57) inches in height and less than eighty (80)
1-5 pounds in a motor vehicle operated on the roadways, streets, or highways of this state, shall
1-6 transport the child in any rear seating position of the motor vehicle properly restrained in a child
1-7 restraint system approved by the United States Department of Transportation under Federal
1-8 Standard 213. If the child is under eight (8) years old but at least fifty-seven (57) inches in height,
1-9 or at least eighty (80) pounds the child shall be properly wearing a safety belt and/or shoulder
1-10 harness approved by the Department of Transportation pursuant to Federal Standard 208 in any
1-11 rear seating position of the motor vehicle. For the purpose of this section, applying to all parts of
1-12 this section, "rear seating position" means any seating positions located behind the driver and
1-13 front seat passenger. Under this subsection, a child must be properly restrained in the front seat if:
1-14 (i) The vehicle is not equipped with a back seat; or
1-15 (ii) All rear seating positions are being utilized by other children.
1-16 (2) In no event shall failure to wear a child restraint system or safety belt be considered
1-17 as contributory or comparative negligence, nor the failure to wear the child restraint system, seat
1-18 belt and/or shoulder harness be admissible as evidence in the trial of any civil action.
1-19 (b) (1) Any operator of a motor vehicle transporting a child who has attained the age of
2-1 eight (8) years but is under eighteen (18) years of age in any seating position within a motor
2-2 vehicle operated on the roadways, streets, or highways of the state shall ensure that the passenger
2-3 is properly wearing a safety belt and/or shoulder harness system, as defined by Federal Standard
2-4 208.
2-5 (2) Any operator of a motor vehicle under eighteen (18) years old shall properly wear a
2-6 safety belt and/or shoulder harness system.
2-7 (3) This subsection applies only to those motor vehicles required by federal law to have
2-8 safety belts.
2-9 (c) (1) Any person deemed in violation of subsection (a) of this section shall be issued a
2-10 citation. If the cited person presents proof of purchase of a federally approved child restraint

system under Standard 213 to the issuing police department within seven (7) days of issuance, the department shall void the violation. If the individual fails to present proof of purchase, he or she shall be required to appear for a hearing before the traffic tribunal, and shall be fined as provided in section 31-41.1-4 for each offense, and it shall not be recorded on the person's driving record within the rules and regulations governing chapter 41.1 of this title.

(2) Any person violating subsection (b) of this section shall be fined as provided in section 31-41.1-4 for each offense. The conviction shall not be recorded on that person's driving record within the rules and regulations governing chapter 41.1 of this title.

(d) Notwithstanding the provisions of subsection (a) of this section, any person transporting a child properly restrained in a federally approved child restraint system under Federal Standard 213, but transporting the child in a place other than a rear seating position, in violation of subsection (a) of this section, shall be subject only to the fine contained in subdivision (c)(2) of this section.

(e) All fines collected for violations of this section shall be payable to the state of Rhode Island. Fifty percent (50%) of the proceeds shall be shared with the municipality whose law enforcement department issued the citation for the violations.

(f) (1) Any operator of a motor vehicle transporting a person eighteen (18) years of age and older in any seating position of a motor vehicle operated on the roadways, streets or highways of this state shall ensure that the person be properly wearing a safety belt and/or shoulder harness system, as defined by Federal Motor Vehicle Safety Standard 208.

(2) The provisions of this subsection shall apply only to those motor vehicles required by federal law to have safety belts.

(g) (1) Any person who is an operator of a motor vehicle shall be properly wearing a safety belt and/or shoulder harness system as defined by Federal Motor Vehicle Safety Standard 208 while the vehicle is in operation on any of the roadways, streets, or highways of this state.

(2) The provisions of this subsection shall apply only to those motor vehicles required by federal law to have safety belts.

(h) In no event shall failure to be properly restrained by a child restraint system or safety belt be considered as negligence, nor the failure to be properly restrained by the child restraint system or safety belt be admissible as evidence in the trial of any civil action.

(i) The provisions of subsections (b), (f) and (g) of this section shall not apply to a driver or passenger of:

(1) A passenger motor vehicle manufactured before July 1, 1966;

(2) A passenger motor vehicle in which the driver or passenger possesses a written verification from a licensed physician that the driver or passenger is unable to wear a safety seat belt system for physical or medical reasons. The verification time period shall not exceed twelve (12) months at which time a new verification may be issued;

(3) A passenger motor vehicle which is not required to be equipped with a safety seat belt system under federal laws; or

(4) A passenger motor vehicle operated by a letter carrier of the United States Postal Service while performing the duties of a letter carrier.

(j) A program of public information and education designed to educate the motoring public to the benefits of wearing safety belt systems, shall be developed by the department of transportation's governor's office on highway safety. The department of transportation's office on highway safety, in cooperation with the department of health, shall study the effectiveness of the implementation of this section and shall submit to the general assembly a report containing its findings by July 1, 1999.

~~(k) Violations of subsections (f) and (g) of this section shall be considered secondary offenses and no motor vehicle may be stopped by any state or municipal law enforcement agency for failure of an operator or passenger to wear a safety belt system or for any violation of subsections (f) or (g) of this section; provided, that a motor vehicle may be stopped for failure to~~

~~comply with the child restraint system as described in subsections (a) and (b) of this section.~~

~~(l)~~ (k) Any person violating subsection (f) or (g) of this section shall be fined as provided in section 31-41.1-4. Any conviction for violating subsection (f) or (g) of this section shall not be recorded on that person's driving record within the rules and regulations governing chapter 41.1 of this title.

SECTION 2. This act shall take effect upon passage.

MOTION: To find beneficial **H 7085 An Act Relating to Motor and Other Vehicles--Child Restraints** BI/RC Passed AP, TF, TT Nay, RBoss Abstain

10 H 7118 & S 2062 ACTS RELATING TO MOTOR AND OTHER VEHICLES -- SUSPENSION OR REVOCATION OF LICENSES Rep. Gablinske House Judiciary Committee & Sen. Raptakis Senate Judiciary Committee

This act would make it a felony punishable by imprisonment for not more than 3 years and by a fine of not more than $3,000 for any person to drive or otherwise operate any vehicle in the state while under the influence of any intoxicating liquor, drugs, toluene, or any controlled substance, or any combination of these, when his or her license to operate is suspended, revoked or cancelled for operating under the influence of a narcotic drug or intoxicating liquor. This act would also require the sentencing court to require alcohol and/or drug treatment for the individual. This act would also require alcohol and/or drug treatment for an individual not intoxicated by operating on a suspended license, where the suspension is due to a previous conviction for driving under the influence or a chemical test refusal. This act would take effect upon passage.

SECTION 1. Section 31-27-2 of the General Laws in Chapter 31-27 entitled "Motor Vehicle Offenses" is hereby amended to read as follows:

31-27-2. Driving under influence of liquor or drugs. -- (a) Whoever drives or otherwise operates any vehicle in the state while under the influence of any intoxicating liquor, drugs, toluene, or any controlled substance as defined in chapter 28 of title 21, or any combination of these, shall be guilty of a misdemeanor except as provided in subdivision (d)(3) and shall be punished as provided in subsection (d) of this section.

(b) (1) Any person charged under subsection (a) of this section whose blood alcohol concentration is eight one-hundredths of one percent (.08%) or more by weight as shown by a chemical analysis of a blood, breath, or urine sample shall be guilty of violating subsection (a) of this section. This provision shall not preclude a conviction based on other admissible evidence. Proof of guilt under this section may also be based on evidence that the person charged was under the influence of intoxicating liquor, drugs, toluene, or any controlled substance defined in chapter 28 of title 21, or any combination of these, to a degree which rendered the person incapable of safely operating a vehicle. The fact that any person charged with violating this section is or has been legally entitled to use alcohol or a drug shall not constitute a defense against any charge of violating this section.

(2) Whoever drives or otherwise operates any vehicle in the state with a blood presence of any scheduled controlled substance as defined within chapter 28 of title 21, as shown by analysis of a blood or urine sample, shall be guilty of a misdemeanor and shall be punished as provided in subsection (d) of this section.

(c) In any criminal prosecution for a violation of subsection (a) of this section, evidence as to the amount of intoxicating liquor, toluene, or any controlled substance as defined in chapter 28 of title 21, or any combination of these, in the defendant's blood at the time alleged as shown by a chemical analysis of the defendant's breath, blood, or urine or other bodily substance shall be admissible and competent, provided that evidence is presented that the following conditions have been complied with:

(1) The defendant has consented to the taking of the test upon which the analysis is made. Evidence that the defendant had refused to submit to the test shall not be admissible unless the defendant elects to testify.

(2) A true copy of the report of the test result was mailed within seventy-two (72) hours of the taking of the test to the person submitting to a breath test.

(3) Any person submitting to a chemical test of blood, urine, or other body fluids shall have a true copy of the report of the test result mailed to him or her within thirty (30) days following the taking of the test.

(4) The test was performed according to methods and with equipment approved by the director of the department of health of the state of Rhode Island and by an authorized individual.

(5) Equipment used for the conduct of the tests by means of breath analysis had been tested for accuracy within thirty (30) days preceding the test by personnel qualified as hereinbefore provided, and breathalyzer operators shall be qualified and certified by the department of health within three hundred sixty-five (365) days of the test.

(6) The person arrested and charged with operating a motor vehicle while under the influence of intoxicating liquor, toluene, or any controlled substance as defined in chapter 28 of title 21, or, any combination of these in violation of subsection (a) of this section was afforded the opportunity to have an additional chemical test. The officer arresting or so charging the person shall have informed the person of this right and afforded him or her a reasonable opportunity to exercise this right, and a notation to this effect is made in the official records of the case in the police department. Refusal to permit an additional chemical test shall render incompetent and inadmissible in evidence the original report.

(d) (1) (i) Every person found to have violated subdivision (b)(1) of this section shall be sentenced as follows: for a first violation whose blood alcohol concentration is eight one-hundredths of one percent (.08%) but less than one-tenth of one percent (.1%) by weight or who has a blood presence of any scheduled controlled substance as defined in subdivision (b)(2) shall be subject to a fine of not less than one hundred dollars ($100) nor more than three hundred dollars ($300), shall be required to perform ten (10) to sixty (60) hours of public community restitution, and/or shall be imprisoned for up to one year. The sentence may be served in any unit of the adult correctional institutions in the discretion of the sentencing judge and/or shall be required to attend a special course on driving while intoxicated or under the influence of a controlled substance, and his or her driver's license shall be suspended for thirty (30) days up to one hundred eighty (180) days.

(ii) Every person convicted of a first violation whose blood alcohol concentration is one-tenth of one percent (.1%) by weight or above but less than fifteen hundredths of one percent (.15%) or whose blood alcohol concentration is unknown shall be subject to a fine of not less than one hundred ($100) dollars nor more than four hundred dollars ($400) and shall be required to perform ten (10) to sixty (60) hours of public community restitution and/or shall be imprisoned for up to one year. The sentence may be served in any unit of the adult correctional institutions in the discretion of the sentencing judge. The person's driving license shall be suspended for a period of three (3) months to twelve (12) months. The sentencing judge shall require attendance at a special course on driving while intoxicated or under the influence of a controlled substance and/or alcoholic or drug treatment for the individual.

(iii) Every person convicted of a first offense whose blood alcohol concentration is fifteen hundredths of one percent (.15%) or above, or who is under the influence of a drug, toluene, or any controlled substance as defined in subdivision (b)(1) shall be subject to a fine of five hundred dollars ($500) and shall be required to perform twenty (20) to sixty (60) hours of public community restitution and/or shall be imprisoned for up to one year. The sentence may be served in any unit of the adult correctional institutions in the discretion of the sentencing judge. The person's driving license shall be suspended for a period of three (3) months to eighteen (18) months. The sentencing judge shall require attendance at a special course on driving while intoxicated or under the influence of a controlled substance and/or alcohol or drug treatment for the individual.

(2) (i) Every person convicted of a second violation within a five (5) year period with a

blood alcohol concentration of eight one-hundredths of one percent (.08%) or above but less than fifteen hundredths of one percent (.15%) or whose blood alcohol concentration is unknown or who has a blood presence of any controlled substance as defined in subdivision (b)(2), and every person convicted of a second violation within a five (5) year period regardless of whether the prior violation and subsequent conviction was a violation and subsequent conviction under this statute or under the driving under the influence of liquor or drugs statute of any other state, shall be subject to a mandatory fine of four hundred dollars ($400). The person's driving license shall be suspended for a period of one year to two (2) years, and the individual shall be sentenced to not less than ten (10) days nor more than one year in jail. The sentence may be served in any unit of the adult correctional institutions in the discretion of the sentencing judge; however, not less than forty-eight (48) hours of imprisonment shall be served consecutively. The sentencing judge shall require alcohol or drug treatment for the individual, and may prohibit that person from operating a motor vehicle that is not equipped with an ignition interlock system for a period of one year to two (2) years following the completion of the sentence as provided in section 31-27-2.8.

(ii) Every person convicted of a second violation within a five (5) year period whose blood alcohol concentration is fifteen hundredths of one percent (.15%) or above by weight as shown by a chemical analysis of a blood, breath, or urine sample or who is under the influence of a drug, toluene, or any controlled substance as defined in subdivision (b)(1) shall be subject to mandatory imprisonment of not less than six (6) months nor more than one year, a mandatory fine of not less than one thousand dollars ($1,000) and a mandatory license suspension for a period of two (2) years from the date of completion of the sentence imposed under this subsection.

(3) (i) Every person convicted of a third or subsequent violation within a five (5) year period with a blood alcohol concentration of eight one-hundredths of one percent (.08%) or above but less than fifteen hundredths of one percent (.15%) or whose blood alcohol concentration is unknown or who has a blood presence of any scheduled controlled substance as defined in subdivision (b)(2) regardless of whether any prior violation and subsequent conviction was a violation and subsequent conviction under this statute or under the driving under the influence of liquor or drugs statute of any other state, shall be guilty of a felony and be subject to a mandatory fine of four hundred ($400) dollars. The person's driving license shall be suspended for a period of two (2) years to three (3) years, and the individual shall be sentenced to not less than one year and not more than three (3) years in jail. The sentence may be served in any unit of the adult correctional institutions in the discretion of the sentencing judge; however, not less than forty-eight (48) hours of imprisonment shall be served consecutively. The sentencing judge shall require alcohol or drug treatment for the individual, and may prohibit that person from operating a motor vehicle that is not equipped with an ignition interlock system for a period of two (2) years following the completion of the sentence as provided in section 31-27-2.8.

(ii) Every person convicted of a third or subsequent violation within a five (5) year period whose blood alcohol concentration is fifteen hundredths of one percent (.15%) above by weight as shown by a chemical analysis of a blood, breath, or urine sample or who is under the influence of a drug, toluene or any controlled substance as defined in subdivision (b)(1) shall be subject to mandatory imprisonment of not less than three (3) years nor more than five (5) years, a mandatory fine of not less than one thousand dollars ($1,000) nor more than five thousand dollars ($5,000) and a mandatory license suspension for a period of three (3) years from the date of completion of the sentence imposed under this subsection.

(iii) In addition to the foregoing penalties, every person convicted of a third or subsequent violation within a five (5) year period regardless of whether any prior violation and subsequent conviction was a violation and subsequent conviction under this statute or under the driving under the influence of liquor or drugs statute of any other state shall be subject, in the discretion of the sentencing judge, to having the vehicle owned and operated by the violator seized and sold by the state of Rhode Island, with all funds obtained by the sale to be transferred

to the general fund.

(4) Whoever drives or otherwise operates any vehicle in the state while under the influence of any intoxicating liquor, drugs, toluene, or any controlled substance as defined in chapter 28 of title 21, or any combination of these, when his or her license to operate is suspended, revoked or cancelled for operating under the influence of a narcotic drug or intoxicating liquor shall be guilty of a felony punishable by imprisonment for not more than three (3) years and by a fine or not more than three thousand dollars ($3,000). The court shall require alcohol and/or drug treatment for the individual.

~~(4)~~(5) (i) For purposes of determining the period of license suspension, a prior violation shall constitute any charge brought and sustained under the provisions of this section or section 31-27-2.1.

(ii) Any person over the age of eighteen (18) who is convicted under this section for operating a motor vehicle while under the influence of alcohol, other drugs, or a combination of these, while a child under the age of thirteen (13) years was present as a passenger in the motor vehicle when the offense was committed may be sentenced to a term of imprisonment of not more than one year and further shall not be entitled to the benefit of suspension or deferment of this sentence. The sentence imposed under this section may be served in any unit of the adult correctional institutions in the discretion of the sentencing judge.

~~(5)~~(6) (i) Any person convicted of a violation under this section shall pay a highway assessment fine of five hundred dollars ($500) which shall be deposited into the general fund. The assessment provided for by this subsection shall be collected from a violator before any other fines authorized by this section.

(ii) Any person convicted of a violation under this section shall be assessed a fee. The fee shall be as follows:

FISCAL YEAR 1993-1995	FISCAL YEAR 1996-1999	FISCAL YEAR 2000-2010
$147	$173	$86

~~(6)~~(7) (i) If the person convicted of violating this section is under the age of eighteen (18) years, for the first violation he or she shall be required to perform ten (10) to sixty (60) hours of public community restitution, and the juvenile's driving license shall be suspended for a period of six (6) months, and may be suspended for a period up to eighteen (18) months. The sentencing judge shall also require attendance at a special course on driving while intoxicated or under the influence of a controlled substance and alcohol or drug education and/or treatment for the juvenile. The juvenile may also be required to pay a highway assessment fine of no more than five hundred dollars ($500), and the assessment imposed shall be deposited into the general fund.

(ii) If the person convicted of violating this section is under the age of eighteen (18) years, for a second or subsequent violation regardless of whether any prior violation and subsequent conviction was a violation and subsequent under this statute or under the driving under the influence of liquor or drugs statute of any other state, he or she shall be subject to a mandatory suspension of his or her driving license until such time as he or she is twenty-one (21) years of age and may, in the discretion of the sentencing judge, also be sentenced to the Rhode Island training school for a period of not more than one year and/or a fine of not more than five hundred dollars ($500).

~~(7)~~(8) Any person convicted of a violation under this section may undergo a clinical assessment at a facility approved by the department of mental health retardation and hospitals ~~health~~. Should this clinical assessment determine problems of alcohol, drug abuse, or psychological problems associated with alcoholic or drug abuse, this person shall be referred to the T.A.S.C. (treatment alternatives to street crime) program for treatment placement, case management, and monitoring.

(e) Percent by weight of alcohol in the blood shall be based upon milligrams of alcohol per one hundred (100) cubic centimeters of blood.

(f) (1) There is established an alcohol and drug safety unit within the division of motor vehicles to administer an alcohol safety action program. The program shall provide for placement and follow-up for persons who are required to pay the highway safety assessment. The alcohol and drug safety action program will be administered in conjunction with alcohol and drug programs within the department of health.

(2) Persons convicted under the provisions of this chapter shall be required to attend a special course on driving while intoxicated or under the influence of a controlled substance, and/or participate in an alcohol or drug treatment program. The course shall take into consideration any language barrier which may exist as to any person ordered to attend, and shall provide for instruction reasonably calculated to communicate the purposes of the course in accordance with the requirements of the subsection. Any costs reasonably incurred in connection with the provision of this accommodation shall be borne by the person being retrained. A copy of any violation under this section shall be forwarded by the court to the alcohol and drug safety unit. In the event that persons convicted under the provisions of this chapter fail to attend and complete the above course or treatment program, as ordered by the judge, then the person may be brought before the court, and after a hearing as to why the order of the court was not followed, may be sentenced to jail for a period not exceeding one year.

(3) The alcohol and drug safety action program within the division of motor vehicles shall be funded by general revenue appropriations.

(g) The director of the health department of the state of Rhode Island is empowered to make and file with the secretary of state regulations which prescribe the techniques and methods of chemical analysis of the person's body fluids or breath, and the qualifications and certification of individuals authorized to administer this testing and analysis.

(h) Jurisdiction for misdemeanor violations of this section shall be with the district court for persons eighteen (18) years of age or older and to the family court for persons under the age of eighteen (18) years. The courts shall have full authority to impose any sentence authorized and to order the suspension of any license for violations of this section. All trials in the district court and family court of violations of the section shall be scheduled within thirty (30) days of the arraignment date. No continuance or postponement shall be granted except for good cause shown. Any continuances that are necessary shall be granted for the shortest practicable time. Trials in superior court are not required to be scheduled within thirty (30) days of the arraignment date.

(i) No fines, suspensions, assessments, alcohol or drug treatment programs, course on driving while intoxicated or under the influence of a controlled substance, public community restitution, or jail provided for under this section can be suspended.

(j) An order to attend a special course on driving while intoxicated that shall be administered in cooperation with a college or university accredited by the state, shall include a provision to pay a reasonable tuition for the course in an amount not less than twenty-five dollars ($25.00), and a fee of one hundred seventy-five dollars ($175), which fee shall be deposited into the general fund.

(k) For the purposes of this section, any test of a sample of blood, breath, or urine for the presence of alcohol, which relies in whole or in part upon the principle of infrared light absorption is considered a chemical test.

(l) If any provision of this section or the application of any provision shall for any reason be judged invalid, such a judgment shall not affect, impair, or invalidate the remainder of the section, but shall be confined in this effect to the provision or application directly involved in the controversy giving rise to the judgment.

SECTION 2. Section 31-11-18.1 of the General Laws in Chapter 31-11 entitled "Suspension or Revocation of Licenses - Violations" is hereby amended to read as follows:

31-11-18.1. Driving after denial, revocation, or suspension for certain violations. -- (a) Any person who drives a motor vehicle on any highway of this state who never applied for a license or who drives after his or her application for a license has been refused, or after his or her

8-13 license has expired or who otherwise drives without a license or at a time when his or her license
8-14 to operate is suspended, revoked, or cancelled, for: (1) operating under the influence of a narcotic
8-15 drug or intoxicating liquor; (2) refusing to submit to a chemical test; reckless driving; (3)
8-16 manslaughter from the operation of a motor vehicle or operating so as to endanger resulting in
8-17 death; or (4) three (3) moving violations within a one-year period; shall be guilty of a
8-18 misdemeanor for the first and second offenses and shall be deemed guilty of a felony for the third
8-19 or subsequent offenses.
8-20 (b) The division of motor vehicles upon receiving a record of the conviction of any
8-21 person upon a charge of driving a motor vehicle while the license of the person was suspended,
8-22 for reasons set forth in this section shall suspend the person's license or deny the person's
8-23 application for any length of time that it shall deem proper but in no case less than an additional
8-24 three (3) months. Upon receiving a record of conviction of a second violation of driving a motor
8-25 vehicle while the license of that person was suspended for reasons set forth in this section, the
8-26 division of motor vehicles shall suspend the person's license or deny the person's application for
8-27 any length of time that it shall deem proper but in no case less than an additional six (6) months.
8-28 Any subsequent conviction shall result in license revocation. Upon receiving a record of the
8-29 conviction of any person upon a charge of driving after his or her application for a license had
8-30 been refused, or after his or her license had been revoked or cancelled for reasons set forth in this
8-31 section, the division of motor vehicles shall not issue a new license for an additional period of one
8-32 year from and after the date the person would otherwise have been entitled to apply for a new
8-33 license.
8-34 (c) (1) Upon a first conviction under this section a mandatory fine of five hundred dollars
9-1 ($500) shall be imposed, and if the person was driving after his or her application for a license
9-2 had been refused, or at a time when his or her license to operate was suspended, revoked, or
9-3 cancelled for operating under the influence of a controlled substance or intoxicating liquor, or his
9-4 or her refusal to submit to a chemical test, reckless driving, manslaughter from the operation of a
9-5 motor vehicle, or operation so as to endanger, death resulting, the person shall be imprisoned for
9-6 a minimum of ten (10) days.
9-7 (2) A mandatory fine of five hundred dollars ($500) for a second conviction under this
9-8 section within a five (5) year period shall be imposed, and if the person was driving after his or
9-9 her application for a license had been refused, or at a time when his or her license to operate was
9-10 suspended, revoked, or cancelled for operating under the influence of a controlled substance or
9-11 intoxicating liquor or his or her refusal to submit to a chemical test, reckless driving,
9-12 manslaughter from the operation of a motor vehicle, or operation so as to endanger, death
9-13 resulting, the person shall be imprisoned for a minimum of six (6) months to one year.
9-14 (3) For any subsequent conviction within a five (5) year period, a fine of one thousand
9-15 dollars ($1,000) shall be imposed and the person may be imprisoned for up to one year or be
9-16 required to participate in a public service program designated and approved by the court. If the
9-17 person was driving after his or her application for a license had been refused or at a time when his
9-18 or her license to operate was suspended, revoked, or cancelled for: (i) operating under the
9-19 influence of a controlled substance or intoxicating liquor; (ii) his or her refusal to submit to a
9-20 chemical test; (iii) reckless driving; (iv) manslaughter from the operation of a motor vehicle; or
9-21 (v) operating so as to endanger, death resulting; the person shall be imprisoned for a minimum of
9-22 one year. Jurisdiction for violations of this section is given to the district court and the court shall
9-23 have full authority to impose any sentence authorized for violations of this section.
9-24 (d) No fines, suspensions, treatment, or jail provided for under this section can be
9-25 suspended.
9-26 SECTION 3. This act shall take effect upon passage.

MOTION: To find beneficial **H 7118 & S 2062 Acts Relating to Motor and Other**

Vehicles -- Suspension or Revocation of Licenses TF/RC Passed, RBoss Abstained

10 S 2034 & H 7036 AN ACT RELATING TO EDUCATION Sen. Felag Senate Education Committee & Rep. Gallison House Health, Education, & Welfare Held for Further Study or Continued

This act would require school districts to work with the Rhode Island interscholastic league to develop guidelines for educating coaches and players in youth sports about the risks associated with concussions. This act would also limit the liability of school districts and others for such injuries, provided certain insurance coverage is provided. This act would take effect upon passage.

1-1 SECTION 1. Title 16 of the General Laws entitled "EDUCATION" is hereby amended
1-2 by adding thereto the following chapter:

1-3 **CHAPTER 90**

1-4 **SCHOOL AND YOUTH PROGRAMS CONCUSSION ACT**

1-5 **16-90-1. Findings of fact. –** The general assembly hereby finds and declares: (1)
1-6 Concussions are one of the most commonly reported injuries in children and adolescents who
1-7 participate in sports and recreational activities. A concussion is caused by a blow or motion to the
1-8 head or body that causes the brain to more rapidly inside the skull. The risk of catastrophic
1-9 injuries or death is significant when a concussion or head injury is not properly evaluated and
1-10 managed.
1-11 (2) Concussions are a type of brain injury that can range from mild to severe and can
1-12 disrupt the way the brain normally works. Concussions can occur in any organized or
1-13 unorganized sport or recreational activity and can result from a fall or from players colliding with
1-14 each other, the ground, or with obstacles. Concussions occur with or without loss of
1-15 consciousness, but the vast majority occurs without loss of consciousness.
1-16 (3) Continuing to play with a concussion or symptoms of a head injury leaves the young
1-17 athlete especially vulnerable to greater injury and even death. The general assembly also
1-18 recognizes that, despite having generally recognized return to play standards for concussion and
1-19 head injury, some affected youth athletes are prematurely returned to play resulting in actual or
2-1 potential physical injury or death to youth athletes in the State of Rhode Island.
2-2 **16-90-2. School district's guidelines to be developed and implemented. –** (a) Each
2-3 school district shall work in consort with the Rhode Island interscholastic league to develop and
2-4 implement guidelines and other pertinent information and forms to inform and educate coaches,
2-5 youth athletes, and their parents and/or guardians of the nature and risk of concussion and head
2-6 injury including continuing to play after concussion or head injury. A concussion and head injury
2-7 information sheet shall be signed and returned by the youth athlete and the athlete's parent and/or
2-8 guardian prior to the youth athlete's return to practice or competition.
2-9 (b) A youth athlete who is suspected of sustaining a concussion or head injury in a
2-10 practice or game shall be removed from competition at that time.
2-11 (c) A youth athlete who has been removed from play may not return to play until the
2-12 athlete is evaluated by a licensed health care provider trained in the evaluation and management
2-13 of concussions and head injuries and receives written clearance to return to play from that health
2-14 care provider.
2-15 **16-90-3. Limitation of liability for concussion injuries. –** (a) A school district and/or a
2-16 private nonprofit youth group shall not be liable for an injury to or the death of a person due to
2-17 action or inaction of persons employed by, or under contract with, a youth program, if:
2-18 (1) The action or inaction takes place on school property and during the delivery of
2-19 services of the youth program;
2-20 (2) The private nonprofit youth group provides proof of being insured, under an accident
2-21 and liability policy issued by an insurance company authorized to do business in this state, that
2-22 covers any injury or damage arising from delivery of its services. Coverage for a policy meeting
2-23 the requirements of this section must be at least fifty thousand dollars ($50,000) due to bodily
2-24 injury or death of one person, and at least one hundred thousand dollars ($100,000) due to bodily

2-25 injury or death of two (2) or more persons in any incident. The private nonprofit youth group
2-26 shall also provide a statement of compliance with the policies for the management of concussion
2-27 and head injury in youth sports as set forth in section 16-90-1; and
2-28 (3) The group provides proof of such insurance before the first use of the school facilities.
2-29 The immunity granted shall last only as long as the insurance remains in effect.
2-30 (b) As used in this section, the term "youth sports programs" means and includes any
2-31 program organized for recreational athletic competition and/or instruction, and whose participants
2-32 are: (1) Nineteen (19) years of age or younger; or (2) Physically or mentally disabled, regardless
2-33 of age.
2-34 (c) This chapter shall not impair or limit the ability of any person to recover damages for
3-1 harm done by: (1) Any contractor or employee of a school district acting in his or her capacity as
3-2 a contractor or employee; or (2) The existence of unsafe facilities or structures or programs of any
3-3 school district; provided that this section shall not limit or diminish any immunity from civil
3-4 liability provided pursuant to section 9-1-48.
3-5 SECTION 2. This act shall take effect upon passage.

MOTION: To find beneficial if amended to include training of private non-profit sports coach **10 S 2034 & H 7036 An Act Relating to Education** JL/SB passed unanimously

Human Services

10 H 7378 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF MENTAL HEALTH, RETARDATION AND HOSPITALS -- NEW TITLE Rep. Ferri House Health, Education, & Welfare

This act would change the name and any reference to the department of mental health, retardation and hospitals to the department of behavioral healthcare, developmental disabilities and hospitals. This act would take effect upon passage.

1-8 SECTION 2. Chapter 40.1-1 of the General Laws entitled "Department of Mental Health,
1-9 Retardation, and Hospitals" is hereby amended by adding thereto the following section:
1-10 **40.1-1-3.1. New title for department. –** Wherever in the general or public laws, or any
1-11 rule or regulation, any reference to the "department of mental health, retardation and hospitals" or
1-12 to "department" shall appear, it shall be deemed to mean and shall mean "the department of
1-13 behavioral healthcare, developmental disabilities and hospitals."
1-14 SECTION 3. This act shall take effect upon passage.

MOTION: To find the intent beneficial, seek consumer input for a new name **10 H 7378 An Act Relating to State Affairs and Government -- Department of Mental Health, Retardation and Hospitals -- New Title** BI/JD passed, BI, TF Nay, Abstained RB.

Announcements and Scheduling of Meetings	**Chairperson**	**5 min.**

The Legislation Committee meets the 2nd Monday 3 – 4:30 PM: 01/11; 02/08; 03/08; 04/12; 05/10; 06/14; 07/12; 08/30*; 09/20; 11/08; and 12/13. The Committee also conducts public forums on the concerns of people with disabilities annually during the week of July 26th – 30th celebrating the anniversary of the signing of the Americans with Disabilities Act (ADA) on July 26, 1990.

Next meeting will be on:	Monday February 22, 2010	Starting at: 3 PM
Adjournment:	Chairperson adjourned the meeting at 4:50 PM	
Resource persons:	Bob Cooper, Committee Staff	