



Description of graphic: RI State Seal an anchor in gold behind a blue wheelchair logo. Just below is a blue banner with the state motto "Hope". All are in the center of a ring of 8 blue stars, in groups of 2 separated by the logos for Braille, hearing aids, low vision and amplified phone.

# Governor's Commission on Disabilities Legislation Committee

**Monday April 11, 2011 3-4:30 PM** John O. Pastore Center, 41  
Cherry Dale Court,  
Cranston, RI 02920-3049  
(voice) 401-462-0100 (fax) 462-0106 (tty) via RI Relay 711  
(e-mail) [disabilities@gcd.ri.gov](mailto:disabilities@gcd.ri.gov)  
(website) [www.disabilities.ri.gov](http://www.disabilities.ri.gov)

 meeting graphic	<p><b>Attendees:</b> Linda Ward (Chair.); William R. Inlow (Vice Chair.); Rebecca Boss; Sharon Brinkworth; Rosemary C. Carmody; Julie DeRosa; Linda Deschenes; Timothy Flynn; Roger Harris; Elaina Goldstein; Laura Jones; Jean Lawlor; Arthur M. Plitt; Joseph Reppucci; Msgr. Gerard O. Sabourin; &amp; Theresa Thielke</p> <p><b>Absentees:</b> Ray Bandusky; Sarah Everhart Skeels; Kathleen Heren; Maureen Maigret; Kate McCarthy-Barnett; Paula Parker; &amp; Gwendolyn Reeve</p>
<b>Guests:</b>	Joee , Jack McGarity and Jim Dube (Attorney General), Liberty Goodwin (Toxic Information Center), Leo Canuel (PARI); & Anthony Robinson (House of Rep)
<b>Staff:</b>	Bob Cooper

	Agenda Topics	Moderator/Leader	Time
 Clock graphic	<b>Call to Order and Acceptance of the Minutes</b>	Linda Ward, Chairperson	3:00
 voting check off graphic	Chair calls the meeting to order at 3:02 Introductions of Committee members and guests <b>MOTION:</b> To accept the minutes of the previous meeting as presented RH/TF passed unanimously		

Action Items:			
 table graphic	Bills Tabled for More Information		3:05
	Purpose/Goal: To decide the impact of the bills on people with disabilities.		
	<b>Professional Standards Bills:</b>		
1.	<b>11 H 5628 AN ACT RELATING TO HUMAN SERVICES - from the Attorney General's Office</b> Rep. Naughton and Reps. McNamara, Coderre, Requested by the Attorney General Introduced on 3/3/11 House Finance Committee This act provides for licensure of personal care service agencies and personal care attendants. The act also provides for national background checks for all those seeking employment in health care, assisted living and nursing service facilities. This act would take effect upon passage.		
	Joee Lindbeck, Jack McGarity, and Jim Dube of the Attorney General's Department		

It is enacted by the General Assembly as follows:

- 1-1 SECTION 1. Chapter 40-8.1 of the General Laws entitled "Personal Care Attendant
- 1-2 Program" is hereby repealed in its entirety.

	Agenda Topics	Moderator/Leader	Time
--	---------------	------------------	------

1-3  
1-4  
1-5  
1-6  
1-7  
1-8  
1-9  
1-10  
1-11  
1-12  
1-13  
1-14  
1-15  
1-16  
1-17  
1-18  
1-19  
2-1  
2-2  
2-3  
2-4  
2-5  
2-6  
2-7  
2-8  
2-9  
2-10  
2-11  
2-12  
2-13  
2-14  
2-15  
2-16  
2-17  
2-18  
2-19  
2-20  
2-21  
2-22  
2-23  
2-24  
2-25  
2-26  
2-27  
2-28  
2-29  
2-30  
2-31  
2-32  
2-33  
2-34  
3-1

**CHAPTER 40-8.1**

**PERSONAL CARE ATTENDANT PROGRAM**

~~40-8.1-1. Authority to establish program -- Administration. -- The department of human services is hereby authorized to establish a participant directed personal care attendant program for those with severe physical disabilities, to provide personal attendant care to those disabled individuals who meet certain eligibility criteria hereinafter stated. The department of human services shall be responsible for the administration of the program but may contract with other state agencies or nonprofit organizations in connection with the program.~~

~~40-8.1-2. Services provided. -- Services that may be provided eligible persons if not available from other sources include:~~

- ~~(1) Any appropriate vocational rehabilitation service, as well as other services that will enhance the ability of individuals with disabilities to live independently and function within the family and community;~~
- ~~(2) Personal care attendant services;~~
- ~~(3) Advocacy services;~~
- ~~(4) Peer counseling;~~
- ~~(5) Housing; and~~
- ~~(6) Transportation.~~

~~40-8.1-3. Eligibility for services. -- Services available under this chapter may be provided to any person who meets the following criteria:~~

- ~~(1) Has made application therefor to the director of the department of human services in a manner prescribed by the director;~~
- ~~(2) Has a severe physical disability that caused the person to be unduly dependent, the disability to be certified by the division of vocational rehabilitation; and~~
- ~~(3) Has not sufficient income or resources to meet the cost of home care services, a determination of insufficiency to be made by the division of vocational rehabilitation.~~

~~40-8.1-4. When services may be provided. -- Personal care attendant services may be provided when:~~

- ~~(1) The requirements of section 40-8.1-3 are met; and~~
- ~~(2) An attendant is available to provide the care needed.~~

~~40-8.1-5. Appropriations. -- There is hereby appropriated to the department of human services funds adequate to implement an independent living program including a participant directed personal care attendant program in the amount of ninety five thousand dollars (\$95,000) for fiscal year ending June 30, 1980. Additional funds shall be made available on a yearly basis to maintain the program.~~

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

**CHAPTER 17.26**

**PERSONAL CARE SERVICES**

**23-17.26-1. Definitions. -- As used in this chapter:**

- (1) "Agency" means a personal care services agency.**
- (2) "Client" means an individual desiring personal care services who has been accepted to receive personal care services from an agency.**
- (3) "Department" means the department of health.**
- (4) "Director" means the director of the department of health or his or her designee.**
- (5) "Personal care services agency" means a person or entity that provides or offers to provide personal care services in a client's place of residence for compensation, whether through the agency's own employees, contractual employees, a placement agency or by arrangement with another person. Personal care services agency does not include an agency that limits its business to exclusively providing house cleaning services; a state or local health department; or entities required to be licensed under Rhode Island general laws, including, but not limited to, health care facilities, chapter 23-17, assisted living residences, chapter 23-17.4, and nursing service agencies.**

	Agenda Topics	Moderator/Leader	Time
3-2	<u>chapter 23-17.7.1.</u>		
3-3	<u>(6) "Personal care services" means assistance with activities of daily living,</u>		
3-4	<u>housekeeping, personal laundry and companionship provided to an individual in his or her</u>		
3-5	<u>residence, which are intended to enable that individual to remain safely and comfortably in their</u>		
3-6	<u>residence. Personal care services does not include incidental services provided by entities</u>		
3-7	<u>required to be licensed under Rhode Island general laws, including, but not limited to, health care</u>		
3-8	<u>facilities, chapter 23-17, assisted living residences, chapter 23-17.4, and nursing service agencies,</u>		
3-9	<u>chapter 23-17.7.1. Levels of personal care services include:</u>		
3-10	<u>(i) "Attendant care" means hands-on assistance with activities of daily living including,</u>		
3-11	<u>but not limited to, ambulation, transfer, toileting, and grooming.</u>		
3-12	<u>(ii) "Homemaker services" means and includes, but is not limited to, assistance with</u>		
3-13	<u>household tasks, shopping, and meals.</u>		
3-14	<u>(iii) "Companion care" means provisions of fellowship, care and protections for clients</u>		
3-15	<u>including, but not limited to, transportation, letter writing, escort services, reading and medication</u>		
3-16	<u>reminding.</u>		
3-17	<u>(7) "Personal care attendant" means an individual with appropriate training who provides</u>		
3-18	<u>personal care services to a client in the client's residence.</u>		
3-19	<u>(8) "Personal representative" means a person who, under applicable state law, has the</u>		
3-20	<u>authority to act on behalf of the client with regard to an action to be taken.</u>		
3-21	<u>(9) "Placement agency" means any person or entity engaged for gain or profit, regardless</u>		
3-22	<u>of federal tax status, in the business of securing or attempting to secure: (i) work for hire for</u>		
3-23	<u>persons seeking work; or (ii) workers for employers. The term includes a private employment</u>		
3-24	<u>agency and any other entity that places a worker for private hire by a client in that client's</u>		
3-25	<u>residence for purposes of providing personal care services. The term does not include a person</u>		
3-26	<u>that provides or procures temporary employment in entities required to be licensed under Rhode</u>		
3-27	<u>Island general laws, including, but not limited to, health care facilities, chapter 23-17, assisted</u>		
3-28	<u>living residences, chapter 23-17.4, and nursing service agencies, chapter 23-17.7.1.</u>		
3-29	<u>(10) "Service plan" means a written list of the types and schedule of services prepared by</u>		
3-30	<u>the personal care services agency manager, or his or her designee, updated to reflect changes in</u>		
3-31	<u>needs or services as appropriate, but at least annually, that states the services to be provided to the</u>		
3-32	<u>client subject to the client's right to temporarily suspend, permanently terminate, temporarily add,</u>		
3-33	<u>or permanently add the provision of any such service.</u>		
3-34	<b><u>23-17.26-2 Licensure required.-</u></b> (a) On or after January 1, 2012, no person shall open,		
4-1	<u>manage, conduct, or maintain a personal care services agency, or advertise himself or herself as a</u>		
4-2	<u>personal care services agency or as offering services that would be included in the definition of</u>		
4-3	<u>personal care services without a license issued by the department. This licensure shall be in</u>		
4-4	<u>accordance with the rules and regulations adopted by the department in order to protect the</u>		
4-5	<u>health, safety, and well-being of clients through licensure of personal care services agencies and</u>		
4-6	<u>personal care attendants which shall address, at a minimum, the following areas:</u>		
4-7	<u>(1) Establishment of an application for a license for personal care services agencies and</u>		
4-8	<u>personal care attendants;</u>		
4-9	<u>(2) Establishment of a license renewal procedure for personal care services agencies and</u>		
4-10	<u>personal care attendants;</u>		
4-11	<u>(3) Establishment of fees for license application and license renewal;</u>		
4-12	<u>(4) Establishment of training requirements for licensees;</u>		
4-13	<u>(5) Compliance with requirements of section 23-17.26-10 related to criminal background</u>		
4-14	<u>checks of persons to provide services to the client in his or her home;</u>		
4-15	<u>(6) Compliance with the requirement for provision of list of client rights as provided in</u>		
4-16	<u>section 23-17.26-7;</u>		
4-17	<u>(7) Establishment of any fines or penalties levied as a result of a finding by the</u>		
4-18	<u>department as to violation, including, but not limited to, correction plans;</u>		
4-19	<u>(8) Establishment of license violations and basis for license denials, suspension or</u>		
4-20	<u>revocations;</u>		

	Agenda Topics	Moderator/Leader	Time
4-21	<u>(9) Establishment of necessary financial or other resources to operate and conduct a</u>		
4-22	<u>personal services agency, including, but not limited to, bonding and liability insurance; and</u>		
4-23	<u>(10) Notification, in a form and manner established by the department in rule, to personal</u>		
4-24	<u>care attendants and clients as to the party or parties responsible under state and federal laws for</u>		
4-25	<u>payment of employment taxes, social security taxes, and workers' compensation, liability</u>		
4-26	<u>insurance coverage, the day-to-day supervision of workers, and the hiring, firing and discipline of</u>		
4-27	<u>workers with the placement arrangement for provision of in-home personal care services.</u>		
4-28	<u>(b) A license is required for any personal care services agency or personal care attendant</u>		
4-29	<u>providing services in this state where the parent agency is located in another state. The agency</u>		
4-30	<u>must be authorized by the secretary of state to conduct business in the state and have a branch</u>		
4-31	<u>office located in this state.</u>		
4-32	<u>(c) By October 1, 2011, the department shall adopt standards for the licensure and</u>		
4-33	<u>operation of personal care service agencies and personal care attendants in this state. The</u>		
4-34	<u>structure of the standards shall be based on the concept of personal care services and its focus on</u>		
5-1	<u>assistance with activities of daily living, housekeeping, personal laundry, and companionship</u>		
5-2	<u>being provided to an individual intended to enable that individual to remain safely and</u>		
5-3	<u>comfortably in his or her own personal residence. After consideration and recommendation by the</u>		
5-4	<u>personal care services advisory counsel, the department shall adopt such rules and regulations as</u>		
5-5	<u>are necessary for the proper regulation of personal care services agencies and personal care</u>		
5-6	<u>attendants.</u>		
5-7	<b><u>23-17.26-3 Licenses.-</u></b> <u>(a) An annual license shall be issued to any person conducting or</u>		
5-8	<u>maintaining an agency or acting as a personal care attendant upon receipt of an application and</u>		
5-9	<u>payment of the licensure fee, and when the other requirements of the chapter and the rules and</u>		
5-10	<u>regulations promulgated hereunder, are met.</u>		
5-11	<u>(b) Each license shall be issued only for the agency or personal care attendant named in</u>		
5-12	<u>the application and shall not be transferred or assigned. Upon sale, assignment, lease or other</u>		
5-13	<u>transfer, voluntary or involuntary, including those transfers that qualify as a change in ownership,</u>		
5-14	<u>the new owner or person in interest shall obtain a license from the department prior to</u>		
5-15	<u>maintaining, operating, or conducting the agency.</u>		
5-16	<b><u>23-17.26-4 Denial, suspension, or revocation of license.-</u></b> <u>The department, after notice</u>		
5-17	<u>and opportunity for a hearing to the applicant or licensee, is authorized to deny, suspend, or</u>		
5-18	<u>revoke a license in any case in which it finds that there has been failure to comply with the</u>		
5-19	<u>requirements established under and pursuant to this chapter. The notice shall be effected by</u>		
5-20	<u>registered or certified mail or by personal service, setting forth the particular reasons for the</u>		
5-21	<u>proposed action and fixing a date not less than thirty (30) days from the date of the mailing or</u>		
5-22	<u>service, at which time the applicant or licensee shall be given an opportunity for a prompt and fair</u>		
5-23	<u>hearing. On the basis of the hearing, or upon the failure of the applicant or licensee to appear, the</u>		
5-24	<u>department shall make a determination specifying its findings of fact and conclusion of law. A</u>		
5-25	<u>copy of the determination shall be sent by registered or certified mail or served personally upon</u>		
5-26	<u>the applicant or licensee. The decision denying, suspending, or revoking the license or application</u>		
5-27	<u>shall become final thirty (30) days after it is so mailed or served, unless the applicant or licensee,</u>		
5-28	<u>within the thirty (30) day period, appeals the decision pursuant to section 42-35-15. The</u>		
5-29	<u>procedure governing hearings authorized by this section shall be in accordance with sections 42-</u>		
5-30	<u>35-9 and 42-35-13 as stipulated in subsection 42-34-14(a). A full and complete record shall be</u>		
5-31	<u>kept of all proceedings, and all testimony shall be reported but need not be transcribed unless the</u>		
5-32	<u>decision is appealed pursuant to section 42-35-15. A copy or copies of the transcript may be</u>		
5-33	<u>obtained by an interested party on payment of the cost of preparing the copy or copies. Witnesses</u>		
5-34	<u>may be subpoenaed by either party.</u>		
6-1	<b><u>23-17.26-5 Judicial review of license action.-</u></b> <u>Any person who has exhausted all</u>		
6-2	<u>administrative remedies available to him or her within the department, and who is aggrieved by a</u>		
6-3	<u>final decision of the licensing agency, is entitled to judicial review in accordance with the</u>		
6-4	<u>provisions of section 42-35-15 and 42-35-16.</u>		
6-5	<b><u>23-17.26-6 Inspections and Investigations.-</u></b> <u>The department may conduct any such</u>		

	Agenda Topics	Moderator/Leader	Time
6-6	<u>investigation and inspection as it deems necessary to assess compliance with this chapter and the</u>		
6-7	<u>rules and regulations promulgated thereto. Wherever possible and practical, on-site reviews shall</u>		
6-8	<u>be scheduled, in an effort so as to reduce the number of visits and the disruption to the agency or</u>		
6-9	<u>attendant operation. Investigations and inspections may include the direct observation of the</u>		
6-10	<u>provision of client care in the home, if the client gives consent. Agencies or attendants licensed</u>		
6-11	<u>under the chapter shall make available to the department all books, records, policies and</u>		
6-12	<u>procedures, or any other materials requested during the course of an investigation or inspection.</u>		
6-13	<u>Refusal to make such materials available to the department shall be grounds for license</u>		
6-14	<u>revocation, or the imposition of any other penalty provided in the chapter.</u>		
6-15	<b><u>23-17.26-7 Rights of Clients.-</u></b> <u>The department shall develop rights to be distributed to</u>		
6-16	<u>the client within the five (5) calendar days of the initiation of services to the client and thereafter,</u>		
6-17	<u>on an annual basis. These rights include:</u>		
6-18	<u>(1) Client's right to be free from verbal, physical and psychological abuse and to be</u>		
6-19	<u>treated with dignity;</u>		
6-20	<u>(2) Client's right to temporarily or permanently suspend, terminate, or add the provision</u>		
6-21	<u>of any services stated in the service plan;</u>		
6-22	<u>(3) Client's right to have property treated with respect;</u>		
6-23	<u>(4) Client's right to voice grievances regarding services furnished or regarding the lack of</u>		
6-24	<u>respect for property by anyone who is furnishing services on behalf of the personal services</u>		
6-25	<u>agency and that the client must not be subject to discrimination or reprisal for doing so;</u>		
6-26	<u>(5) A statement that it is not within the scope of the personal care services agency license</u>		
6-27	<u>to manage the medical and health conditions of the clients;</u>		
6-28	<u>(6) The charges for services provided by the personal care services agency;</u>		
6-29	<u>(7) The hours of operation of the agency and the procedures for contacting the agency's</u>		
6-30	<u>manager, or his/her designee, while the agency office is open for business and while it is closed;</u>		
6-31	<u>(8) The procedure and contact information to call to file a complaint with the agency; and</u>		
6-32	<u>(9) The procedure and contact information to call to file a complaint with the department.</u>		
6-33	<b><u>23-17.26-8 Complaint Process.-</u></b> <u>An agency shall investigate complaints made by a</u>		
6-34	<u>client or the client's family or personal representative regarding services that are or have failed to</u>		
7-1	<u>be furnished, regarding lack of respect for the client's property by anyone furnishing services on</u>		
7-2	<u>behalf of the agency, and shall document the existence of the complaint and the resolution of the</u>		
7-3	<u>complaint in accordance with department requirements.</u>		
7-4	<b><u>23-17.26-9 Advisory Council.-</u></b> <u>(a) The director shall appoint a personal care services</u>		
7-5	<u>advisory council composed of eleven (11) persons to advise and consult the department in the</u>		
7-6	<u>administration of this chapter. Five (5) of the appointed members shall represent the personal care</u>		
7-7	<u>services profession. Two (2) of the appointed members shall represent consumers of personal care</u>		
7-8	<u>services, either as a direct client or a personal representative of the client. Two (2) of the</u>		
7-9	<u>appointed members shall be personal care attendants. One of the appointed members shall be a</u>		
7-10	<u>representative of an organization that advocates for clients and one member shall represent the</u>		
7-11	<u>general public.</u>		
7-12	<u>(b) The council shall meet as frequently as the director deems necessary, but no less than</u>		
7-13	<u>bi-annually.</u>		
7-14	<u>(c) The council shall provide input and recommendations to the department on the</u>		
7-15	<u>development of rules for the licensure of personal care services agencies and personal care</u>		
7-16	<u>attendants.</u>		
7-17	<b><u>23-17.26-10 Criminal records review.-</u></b> <u>(a) Any person seeking employment, whether</u>		
7-18	<u>compensated or not, as a personal care attendant or in a personal care services agency which is</u>		
7-19	<u>required to be licensed with the department if that employment involves direct contact with a</u>		
7-20	<u>client shall undergo a criminal background check to be initiated prior to employment.</u>		
7-21	<u>(b) The director of the department may by rule identify those positions requiring criminal</u>		
7-22	<u>background checks. The identified employee, through the employer, shall apply to the bureau of</u>		
7-23	<u>criminal identification of the department of attorney general, state police or local police</u>		
7-24	<u>department for a national criminal records check that shall be supported by fingerprints run</u>		

	Agenda Topics	Moderator/Leader	Time
7-25	<u>through the National Crime Information Center ("NCIC") Interstate Identification Index ("III").</u>		
7-26	<u>Upon the discover of any disqualifying information as defined in section 23-17-37 and in</u>		
7-27	<u>accordance with the rule promulgated by the director of health, the bureau of criminal</u>		
7-28	<u>identification of the department of attorney general, state police or the local police department</u>		
7-29	<u>shall inform the applicant, in writing, of the nature of the disqualifying information; and, without</u>		
7-30	<u>disclosing the nature of the disqualifying information, will notify the employer, in writing, that</u>		
7-31	<u>disqualifying information has been discovered.</u>		
7-32	<u>(c) An employee against whom disqualifying information has been found may request</u>		
7-33	<u>that a copy of the criminal background report be sent to the employer who shall make a judgment</u>		
7-34	<u>regarding the continued employment of the employee.</u>		
8-1	<u>(d) In those situations in which no disqualifying information has been found, the bureau</u>		
8-2	<u>of criminal identification of the department of attorney general, state police or the local police</u>		
8-3	<u>shall inform the applicant and the employer, in writing, of this fact.</u>		
8-4	<u>(e) The employer shall maintain on file, subject to inspection by the department, evidence</u>		
8-5	<u>that criminal records checks have been initiated on all employees seeking employment and the</u>		
8-6	<u>results of the checks. Failure to maintain that evidence shall be grounds to revoke the license or</u>		
8-7	<u>registration of the employer.</u>		
8-8	<b><u>23-17.26-11 Prior criminal records checks.-</u></b> <u>If an applicant for employment has</u>		
8-9	<u>undergone a national criminal records check within eighteen (18) months of an application for</u>		
8-10	<u>employment, then an employer may request from the bureau of criminal identification of the</u>		
8-11	<u>department of attorney general, state police or the local police a letter indicating if any</u>		
8-12	<u>disqualifying information was discovered. The bureau of criminal identification shall respond</u>		
8-13	<u>without disclosing the nature of the disqualifying information. The letter may be maintained on</u>		
8-14	<u>file to satisfy the requirements of this chapter.</u>		
8-15	<b><u>23-17.26-12 Disqualifying information.-</u></b> <u>(a) Information produced by a criminal records</u>		
8-16	<u>review pertaining to conviction, for the following crimes shall result in a letter to the employee</u>		
8-17	<u>and employer disqualifying the applicant from the employment: murder, voluntary manslaughter,</u>		
8-18	<u>involuntary manslaughter, first degree sexual assault, second degree sexual assault, third degree</u>		
8-19	<u>sexual assault, assault on persons sixty (60) years of age or older, assault with intent to commit</u>		
8-20	<u>specified felonies murder, robbery, rape, burglary, [or the abominable and detestable crime</u>		
8-21	<u>against nature], felony assault, patient abuse, neglect or mistreatment of patients, first degree</u>		
8-22	<u>arson, robbery, felony drug offenses, larceny, or felony banking law violations.</u>		
8-23	<u>(b) Information produced by a criminal records review pertaining to convictions for</u>		
8-24	<u>crimes other than those listed in subsection (a) of this section shall entitle, but not obligate the</u>		
8-25	<u>employer to decline to hire the applicant. An employee against whom conviction information</u>		
8-26	<u>related to this subsection has been found may request that a copy of the criminal background</u>		
8-27	<u>report be sent to the employer who shall make a determination regarding the continued</u>		
8-28	<u>employment of the employee.</u>		
8-29	<u>(c) For purposes of this section "conviction" means, in addition to judgments of</u>		
8-30	<u>conviction entered by a court subsequent to a finding of guilty or a plea of guilty, those instances</u>		
8-31	<u>where the defendant has entered a plea of nolo contendere and has received a sentence of</u>		
8-32	<u>probation and those instances where a defendant has entered into a deferred sentence agreement</u>		
8-33	<u>with the attorney general.</u>		
8-34	<b><u>23-17.26-13 Immunity from liability.-</u></b> <u>No employer who disqualifies an individual from</u>		
9-1	<u>employment or continued employment within thirty (30) days of receipt of a letter containing</u>		
9-2	<u>disqualifying information as defined in section 23-17.26-5 or of a criminal background report</u>		
9-3	<u>relating to that information shall be liable for civil damages or subject to any claim, cause of</u>		
9-4	<u>action, or proceeding of any nature as a result of the disqualification.</u>		
9-5	<b><u>23-17.26-14 Public Nuisance.-</u></b> <u>The operation or maintenance of an agency in violation</u>		
9-6	<u>of this chapter or of the rules and regulations promulgated by the department is declared a public</u>		
9-7	<u>nuisance inimical to the public welfare. The director, through the attorney general, may in</u>		
9-8	<u>addition to other remedies herein provided, bring action for an injunction to restrain such</u>		
9-9	<u>violation or to enjoin the future operation or maintenance of any such agency.</u>		

	Agenda Topics	Moderator/Leader	Time
9-10	<a href="#"><u>23-17.26-15 Rules and regulations.- The director is authorized to promulgate rules and regulations to carry out the intent of this chapter.</u></a>		
9-11			
9-12	<a href="#"><u>23-17.26-16 Severability.- If any provision of this chapter or the application of any provision of this chapter to any person or circumstance shall be held invalid, the invalidity shall not affect the provisions or application of this chapter which can be given effect without the invalid provisions or application, and to this end the provisions of this chapter are declared severable.</u></a>		
9-13			
9-14			
9-15			
9-16			
9-17	SECTION 3. Sections 23-17-34 and 23-17-35 of the General Laws in Chapter 23-17		
9-18	entitled "Licensing of Health Care Facilities" are hereby amended to read as follows:		
9-19	<b><u>23-17-34. Criminal records review -- Nursing facilities -- Home nursing care providers and home care providers. --</u></b>		
9-20	(a) Any person seeking employment in a nursing facility,		
9-21	a home nursing care provider, or a home care provider which is or is required to be licensed,		
9-22	registered or certified with the department of health if that employment involves <del>routine direct</del>		
9-23	contact with a patient or resident <del>without the presence of other employees,</del> shall undergo a		
9-24	criminal background check to be initiated prior to <del>or within one week of</del> employment. All		
9-25	employees hired prior to the enactment of this section shall be exempted from the requirements of		
9-26	this section.		
9-27	(b) The director of the department of health may by rule identify those positions		
9-28	requiring criminal background checks. The identified employee, through the employer, shall		
9-29	apply to the bureau of criminal identification of the <u>department of attorney general</u> , state police or		
9-30	local police department for a <u>statewide national</u> criminal records check <u>that shall be supported by</u>		
9-31	<u>fingerprints run through National Crime Information Center ("NCIC") Interstate Identification</u>		
9-32	<u>Index ("III").</u> <del>Fingerprinting shall not be required.</del> Upon the discovery of any disqualifying		
9-33	information as defined in section 23-17-37 and in accordance with the rule promulgated by the		
9-34	director of health, the bureau of criminal identification of the <u>department of attorney general</u> , state		
10-1	police or the local police department will inform the applicant, in writing, of the nature of the		
10-2	disqualifying information; and, without disclosing the nature of the disqualifying information,		
10-3	will notify the employer, in writing, that disqualifying information has been discovered.		
10-4	(c) An employee against whom disqualifying information has been found may request		
10-5	that a copy of the criminal background report be sent to the employer who shall make a judgment		
10-6	regarding the continued employment of the employee.		
10-7	(d) In those situations in which no disqualifying information has been found, the bureau		
10-8	of criminal identification of the <u>department of attorney general</u> , state police or the local police		
10-9	shall inform the applicant and the employer, in writing, of this fact.		
10-10	(e) The employer shall maintain on file, subject to inspection by the department of		
10-11	health, evidence that criminal records checks have been initiated on all employees seeking		
10-12	employment after October 1, 1991, and the results of the checks. Failure to maintain that evidence		
10-13	would be grounds to revoke the license or registration of the employer.		
10-14	<del>(f) It shall be the responsibility of the bureau of criminal identification of the state police</del>		
10-15	<del>or the local police department to conduct the criminal records check to the applicant for</del>		
10-16	<del>employment without charge to either the employee or the employer.</del>		
10-17	<b><u>23-17-35. Prior criminal records checks. --</u></b> If an applicant for employment has		
10-18	undergone a <u>statewide national</u> criminal records check within eighteen (18) months of an		
10-19	application for employment, then an employer may request from the bureau of criminal		
10-20	identification of the <u>department of attorney general</u> , <u>state police</u> or <u>the</u> local police a letter		
10-21	indicating if any disqualifying information was discovered. The bureau of criminal identification		
10-22	will respond without disclosing the nature of the disqualifying information. The letter may be		
10-23	maintained on file to satisfy the requirements of this chapter.		
10-24	SECTION 4. Sections 23-17.4-27 and 23-17.4-28 of the General Laws in Chapter 23-		
10-25	17.4 entitled "Assisted Living Residence Licensing Act" are hereby amended to read as follows:		
10-26	<b><u>23-17.4-27. Criminal records review. --</u></b> (a) Any person seeking employment, <u>whether</u>		
10-27	<u>compensated or not</u> , in any assisted living residence licensed under this act and having <del>routine</del>		
10-28	<u>direct</u> contact with a resident or having access to a resident's belongings or funds shall undergo a		

	Agenda Topics	Moderator/Leader	Time
10-29	criminal background check to be <del>processed</del> <u>initiated</u> prior to <del>or within one week of</del> employment.		
10-30	All employees hired prior to the enactment of this section shall be exempted from the		
10-31	requirements of this section.		
10-32	(b) The director of the department of health may by rule identify those positions		
10-33	requiring criminal background checks. The employee, through the employer, shall apply to the		
10-34	bureau of criminal identification of the <u>department of attorney general</u> , state police or local police		
11-1	department for a <u>statewide national</u> criminal records check <u>that shall be supported by fingerprints</u>		
11-2	<u>run through National Crime Information Center ("NCIC") Interstate Identification Index ("III")</u> .		
11-3	<del>Fingerprinting shall not be required.</del> Upon the discovery of any disqualifying information as		
11-4	defined in section 23-17.4-30 and in accordance with the rule promulgated by the director of		
11-5	health, the bureau of criminal identification of the <u>department of attorney general</u> , state police or		
11-6	the local police department will inform the applicant in writing of the nature of the disqualifying		
11-7	information; and, without disclosing the nature of the disqualifying information, will notify the		
11-8	employer in writing that disqualifying information has been discovered.		
11-9	(c) An employee against whom disqualifying information has been found may request		
11-10	that a copy of the criminal background report be sent to the employer. The administrator shall		
11-11	make a judgment regarding the continued employment of the employee.		
11-12	(d) In those situations in which no disqualifying information has been found, the bureau		
11-13	of criminal identification (BCI) of the <u>department of attorney general</u> , state police or the local		
11-14	police shall inform the applicant and the employer in writing of this fact.		
11-15	(e) The employer shall maintain on file, subject to inspection by the department of		
11-16	health, evidence that criminal records checks have been initiated on all employees seeking		
11-17	employment after October 1, 1991, and the results of the checks. Failure to maintain that evidence		
11-18	would be grounds to revoke the license or registration of the employer.		
11-19	<del>(f) It shall be the responsibility of the bureau of criminal identification (BCI) of the state</del>		
11-20	<del>police or the local police department to conduct the criminal records check to the applicant for</del>		
11-21	<del>employment without charge to either the employee or employer.</del>		
11-22	<b>23-17.4-28. Prior criminal records checks. --</b> If an applicant for employment has		
11-23	undergone a <u>statewide national</u> criminal records check within eighteen (18) months of an		
11-24	application for employment, then an employer may request from the bureau of criminal		
11-25	identification of <u>the department of attorney general</u> , state police or <u>the local police</u> a letter		
11-26	indicating if any disqualifying information was discovered. The bureau of criminal identification		
11-27	will respond without disclosing the nature of the disqualifying information. The letter may be		
11-28	maintained on file to satisfy the requirements of this chapter.		
11-29	SECTION 5. Sections 23-17.7.1-17 and 23-17.7.1-18 of the General Laws in Chapter 23-		
11-30	17.7.1 entitled "Licensing of Nursing Service Agencies" are hereby amended to read as follows:		
11-31	<b>23-17.7.1-17. Criminal records review. --</b> (a) Any person seeking employment, <u>whether</u>		
11-32	<u>compensated or not</u> , in a facility which is or is required to be licensed or registered with the		
11-33	department of health if that employment involves <del>routine</del> <u>direct</u> contact with a patient or resident		
11-34	<del>without the presence of other employees</del> , shall undergo a criminal background check, <del>which shall</del>		
12-1	<u>to be initiated prior to, or within one week of</u> , employment. All employees hired prior to the		
12-2	enactment of this section shall be exempted from the requirements of this section.		
12-3	(b) The director of the department of health may, by rule, identify those positions		
12-4	requiring criminal background checks. The employee, through the employer, shall apply to the		
12-5	bureau of criminal identification of the <u>department of attorney general</u> , state police or local police		
12-6	department for a <u>statewide national</u> criminal records check <u>that shall be supported by fingerprints</u>		
12-7	<u>run through the National Crime Information Center ("NCIC") Interstate Identification Index</u>		
12-8	<u>("III")</u> . <del>Fingerprinting shall not be required.</del> Upon the discovery of any disqualifying information		
12-9	as defined in section 23-17.7.1-20 and in accordance with the rule promulgated by the director of		
12-10	the department of health, the bureau of criminal identification of the <u>department of attorney</u>		
12-11	<u>general</u> , state police or the local police department will inform the applicant, in writing, of the		
12-12	nature of the disqualifying information; and, without disclosing the nature of the disqualifying		
12-13	information, will notify the employer, in writing, that disqualifying information has been		

	Agenda Topics	Moderator/Leader	Time
--	---------------	------------------	------

12-14 discovered.

12-15 (c) An employee against whom disqualifying information under section 23-17.7.1-20(b)

12-16 has been found may request that a copy of the criminal background report be sent to the employer

12-17 who shall make a judgment regarding the continued employment of the employee.

12-18 (d) In those situations in which no disqualifying information has been found, the bureau

12-19 of criminal identification of the department of attorney general, state police or the local police

12-20 shall inform the applicant and the employer, in writing, of this fact.

12-21 (e) The employer shall maintain on file, subject to inspection by the department of

12-22 health, evidence that criminal records checks have been initiated on all employees. Failure to

12-23 maintain that evidence would be grounds to revoke the license or registration of the employer.

12-24 ~~(f) It shall be the responsibility of the bureau of criminal identification of the state police~~

12-25 ~~or the local police department to conduct the criminal records check to the applicant for~~

12-26 ~~employment without charge to either the employee or the employer.~~

12-27 **23-17.7.1-18. Prior criminal records checks.** -- If an applicant for employment has

12-28 undergone a statewide national criminal records check within eighteen (18) months of an

12-29 application for employment, then an employer may request from the bureau of criminal

12-30 identification of the department of attorney general, state police or the local police a letter

12-31 indicating if any disqualifying information was discovered. The bureau of criminal identification

12-32 will respond without disclosing the nature of the disqualifying information. The letter may be

12-33 maintained on file to satisfy the requirements of this chapter.

12-34 SECTION 6. Section 42-9-8.1 of the General Laws in Chapter 42-9 entitled "Department

13-1 of Attorney General" is hereby amended to read as follows:

13-2 **42-9-8.1. Office of investigation -- Powers and duties of investigators.** -- (1)

13-3 Establishment. - There is hereby established within the department of attorney general an office

13-4 of investigation.

13-5 (2) Scope and purpose. - The scope and purpose of the office of investigation shall be:

13-6 (a) To assist special assistant and assistant attorneys general in carrying out

13-7 investigations relating to grand jury investigations, pre-trial preparation and other litigation

13-8 efforts;

13-9 (b) To coordinate their efforts in investigating criminal activity with existing federal,

13-10 state and local law enforcement resources; and

13-11 (c) To initiate criminal investigations for violations of the law at the direction of the

13-12 attorney general.

13-13 (3) Composition and powers. - The office of investigation shall consist of a chief, ~~and~~

13-14 ~~not more than five (5)~~ to be designated by the attorney general, and support

13-15 personnel. The chief and the field investigators shall have the following powers:

13-16 (a) The power to arrest independently or in conjunction with local, state or federal law

13-17 enforcement agencies;

13-18 (b) The power to, with the written authorization by the attorney general or his or her

13-19 designated deputy, apply for and execute search warrants; and

13-20 (c) The power to serve civil and criminal process.

13-21 (4) Qualifications. - No person shall be appointed as chief of the office of investigation

13-22 or as a field investigator in the office unless he or she has successfully completed the basic course

13-23 of instruction for police officers at the Providence police training academy, the Rhode Island

13-24 municipal police training academy, or the Rhode Island state police training academy, and has at

13-25 least three (3) years of active law enforcement experience, or has served as a member of the

13-26 United States Marshal's Service or as a special agent of the Federal Bureau of Investigation, a

13-27 criminal law enforcement agency of the United States Department of Justice, the United States

13-28 Department of State, the United States Department of the Treasury or the United States Postal

13-29 Inspection Service and has at least three (3) years of active law enforcement experience, or has

13-30 been certified as a police officer by the duly-constituted state commission on police officer

13-31 standards and training of another state, and has at least three (3) years of active law enforcement

13-32 experience.

	Agenda Topics	Moderator/Leader	Time
13-33	(5) Appointment background check. - The attorney general shall appoint the chief, field		
13-34	investigators, and the support personnel of the office of investigation. Prior to the appointment of		
14-1	any individuals, a background examination shall be conducted utilizing federal, state and local		
14-2	law enforcement agencies, bureau of criminal identification, national crime information center,		
14-3	and any and all relevant records existing within the federal and state court systems.		
14-4	(6) Standards. - The office shall adopt and implement such standards as may be		
14-5	applicable to its scope and purpose as promulgated by the commission for the accreditation of law		
14-6	enforcement agencies.		
14-7	SECTION 7. This act shall take effect upon passage.		



voting check off graphic

**MOTION: To find beneficial if amended to retain the existing law 40-8.1 & provide a non-licensing process for personal care attendants, 11 H 5628 AN ACT RELATING TO HUMAN SERVICES RC/RH, passed yea: TT, JL, RH, RC, EG, LJ nay AP, JD, TF, BI, abstain LD & BB**

**Disability Prevention Bills:**

2. **11 H 5499 AN ACT RELATING TO HEALTH AND SAFETY -- PROHIBITION OF CHILDREN'S BOTTLES CONTAINING BISPHENOL A - from the Toxic Information Center Rep. Kennedy and Reps. Coderre E, Introduced On 3/2/11 Last Action Date 4/6/11 House Health, Education, & Welfare Committee Held for Further Study**  
 This act would prohibit the use of bisphenol A in certain baby food containers.  
 This act would take effect upon passage.  
*Reviewer recommends finding this bill beneficial. Much evidence to indicate a high degree of likelihood may cause brain disabilities.*

Liberty Goodwin (Toxics Information Center) distributed a handout and explained the harm caused by Bisphenol A

It is enacted by the General Assembly as follows:

- 1-1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby  
 1-2 amended by adding thereto the following chapter:  
 1-3 CHAPTER 86.1  
 1-4 PROHIBITION OF CHILDREN'S BOTTLES CONTAINING BISPHENOL A  
 1-5 23-86.1-1. Definitions. – As used in this chapter:  
 1-6 (1) “Baby food” means a prepared solid food consisting of a soft paste or an easily  
 1-7 chewed food that is intended for consumption by children two (2) years of age or younger and  
 1-8 that is commercially available.  
 1-9 (2) “Infant formula” means a milk-based or soy-based powder, concentrated liquid, or  
 1-10 ready-to-feed substitute for human breast milk that is intended for infant consumption and that is  
 1-11 commercially available.  
 1-12 (3) “Reusable food or beverage container” means a receptacle for storing food or  
 1-13 beverages, including baby bottles, spill-proof cups, sports bottles, and thermoses. The definition  
 1-14 herein does not include food or beverage containers intended for disposal after initial usage.  
 1-15 23-86.1-2. Bisphenol A prohibited. – Beginning January 1, 2012, no person or entity  
 1-16 shall:  
 1-17 (1) Manufacture, sell, or distribute in commerce in this state any reusable food or  
 1-18 beverage container containing bisphenol A;  
 2-1 (2) Manufacture, sell, or distribute in commerce in this state any infant formula or baby  
 2-2 food stored in a plastic container, can or jar that contains bisphenol A.  
 2-3 23-86.1-3. Bisphenol A replacement. – (a) Manufacturers shall use the least toxic  
 2-4 alternative when replacing bisphenol A in accordance with this chapter.  
 2-5 (b) Manufacturers shall not replace bisphenol A, pursuant to this section, with

	Agenda Topics	Moderator/Leader	Time
2-6	<a href="#">carcinogens rated by the U.S. Environmental Protection Agency (EPA) as A, B, or C carcinogens</a>		
2-7	<a href="#">or substances listed on the EPA's "List of Chemicals Evaluated for Carcinogenic Potential" as</a>		
2-8	<a href="#">known or likely carcinogens, known to be human carcinogens, likely to be human carcinogens, or</a>		
2-9	<a href="#">suggestive of being carcinogens.</a>		
2-10	<a href="#">(c) Manufacturers shall not replace bisphenol A, pursuant to this section, with</a>		
2-11	<a href="#">reproductive toxicants that the EPA has identified as causing birth defects, reproductive harm, or</a>		
2-12	<a href="#">developmental harm.</a>		
2-13	<a href="#">23-86.1-4. Severability. – If any provision of this chapter or the application thereof to</a>		
2-14	<a href="#">any person or circumstances is held invalid, the invalidity does not affect other provisions or</a>		
2-15	<a href="#">application of this chapter which can be given effect without the invalid provision or application,</a>		
2-16	<a href="#">and to this end the provisions of this chapter are severable.</a>		
2-17	<a href="#">SECTION 2. This act shall take effect upon passage.</a>		



voting check off graphic

**MOTION: To find *beneficial if amended to limit to delete the word "sell" on line 1711 H 5499 AN ACT RELATING TO HEALTH AND SAFETY -- PROHIBITION OF CHILDREN'S BOTTLES CONTAINING BISPHENOL A EG/AP, nay TT & RH***

3. **11 H 5636 AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- EQUIPMENT AND ACCESSORIES GENERALLY-** from the Department of Elementary & Secondary Education Rep. Jacquard and Rep. MacBeth Introduced On 3/3/11 Last Action 3/3/11 Next Action on: House Health, Education, & Welfare Committee Hearing 4/13/11 @ Rise in House Lounge

This act would require that effective August 1, 2011 all school buses purchased for use in the state be equipped with seat belt assemblies for each passenger and operator seat, and would further require mandatory safety belt use by the school bus operator and each passenger.

This act would take effect upon passage.

*Reviewer recommends finding this bill: beneficial. Seat belts save lives, prevent disabilities, and keep kids in their seats*

It is enacted by the General Assembly as follows:

- 1-1 SECTION 1. Section 31-23-41 of the General Laws in Chapter 31-23 entitled  
 1-2 "Equipment and Accessories Generally" is hereby amended to read as follows:  
 1-3 31-23-41. Safety belts in public service vehicles – (a) Every jitney, bus, private bus,  
 1-4 school bus, and trackless trolley coach, when operated upon a highway, shall be equipped with a  
 1-5 driver's seat safety belt device sufficiently anchored and attached and so constructed, designed,  
 1-6 and installed as to support a loop-load strength of not less than five thousand pounds (5,000 lbs.)  
 1-7 and a buckle or closing device which shall be of such construction and design that it can be  
 1-8 released with one hand with a pull of less than forty-five pounds (45 lbs.). Every person when  
 1-9 driving any such vehicle shall use and have his or her body anchored by the seat safety belt.  
 1-10 Violation of this section shall constitute a civil violation.  
 1-11 (b) Effective August 1, 2011, every school bus purchased for use in the state shall be  
 1-12 equipped with safety belts for the operator and each passenger seat.  
 1-13 (c) Effective August 1, 2011, any person who is an operator of or passenger in a school  
 1-14 bus shall wear a seat belt assembly as defined by federal motor vehicle safety standard 209 while  
 1-15 the vehicle is in operation on any of the roadways, streets, or highways of this state. Provided,  
 1-16 that in no event shall failure to wear a child passenger restraint system or regular seat belt be  
 1-17 considered as contributory or comparative negligence, nor the failure to wear said child passenger  
 1-18 restraint system, regular seat belt, or shoulder harness be admissible as evidence in the trial of any  
 2-1 civil action.

	Agenda Topics	Moderator/Leader	Time
--	---------------	------------------	------

- 2-2 (d) If any person is deemed to be in violation of subsection (c) herein, the operator of the
- 2-3 school bus shall be fined thirty dollars (\$30.00) for each offense.
- 2-4 SECTION 2. This act shall take effect upon passage.



voting check off graphic

The Committee took no position on 11 H 5636 AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- EQUIPMENT AND ACCESSORIES GENERALLY

**Health Insurance Bills:**

- 4. 11 S 0267 AN ACT RELATING TO HEALTH AND SAFETY - RIGHTS OF NURSING HOME PATIENTS - from the Alliance for Better Long Term Care Sen. Lanzi and Sen. Miller, Tassoni, Introduced On 2/10/11 Last Action on 2/10/11 Senate Health and Human Services Committee  
 This act would require that all allegations of physical and/or sexual assault of a nursing home patient be reported to the local law enforcement agency within twenty-four (24) hours.  
 This act would take effect upon passage.

The Alliance supports the bill. I believe it was introduced by the AG. You would think people would have the common sense to call the Police but they don't. The worse situations have been when there has been a Sexual assault and the crime scene is contaminated or it goes cold.

Kathy Heren

It is enacted by the General Assembly as follows:

- 1-1 SECTION 1. Chapter 23-17.5 of the General Laws entitled "Rights of Nursing Home
- 1-2 Patients" is hereby amended by adding thereto the following section:
- 1-3 [23-17.5-9.1. Physical and/or sexual assault. -- Patients shall not be subject to physical](#)
- 1-4 [and/or sexual assault. Any allegations of physical and/or sexual assault must be immediately](#)
- 1-5 [reported to the local law enforcement agency where the nursing home is located. Said report must](#)
- 1-6 [be made within twenty-four \(24\) hours of any allegation.](#)
- 1-7 SECTION 2. This act shall take effect upon passage.



voting check off graphic

MOTION: To find beneficial 11 S 0267 AN ACT RELATING TO HEALTH AND SAFETY - RIGHTS OF NURSING HOME PATIENTS BI/JD passed, Abstained LD.

**Human Services Bills:**

- 5. 11 H 5724 Sub A. JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY THE FEASIBILITY OF ESTABLISHING A LOCATION AT A RHODE ISLAND COLLEGE FOR RHODE ISLAND VETERANS TO GO AND GET HELP WITH SCHOOL WORK AND/OR POST-TRAUMATIC SYNDROME DISORDERS  
 Rep. MacBeth and Reps. Costa, McLaughlin, Introduced On 3/3/11 Last Action House Passed on 4/5/11  
 This resolution would create an eleven (11) member special legislative commission whose purpose would be to make a comprehensive study of all aspects of the feasibility or possibility of establishing a location at the University of Rhode Island, Rhode Island College or the Community College of Rhode Island for veterans to go and get help with school work and/or post-traumatic syndrome disorders, and who would report back to the General Assembly no later than February 1, 2012, and whose life would expire May 1, 2012.

The Substitute adds one member who shall be a veterans' advocate from "Operation

	Agenda Topics	Moderator/Leader	Time
Vets" and changes the three higher education appointees from professors to staff members of the three public colleges.			
1-1 1-2 1-3 1-4 1-5 1-6 1-7 1-8 1-9 1-10 1-11	<p>RESOLVED, That a special legislative commission be and the same is hereby created consisting of twelve (12) members: three (3) of whom shall be from the House of Representatives, not more than two (2) from the same political party, to be appointed by the Speaker; three (3) of whom shall be from the Senate, not more than two (2) from the same political party, to be appointed by the Senate President; one of whom shall be a veteran representative, to be appointed by the Speaker; three (3) of whom shall be staff members of public institutions of higher education, specifically one from each of the Rhode Island state colleges and universities--URI, RIC, and CCRI--to be appointed by the chairperson of the Rhode Island Board of Governors for Higher Education; one of whom shall be a veterans' advocate from "Operation Vets," to be appointed by the Speaker; and one of whom shall be a social worker to be appointed by the Senate President.</p>		
1-12 1-13 1-14 1-15 1-16 1-17	<p>In lieu of any appointment of a member of the legislature to a permanent advisory commission, a legislative study commission, or any commission created by a general assembly resolution, the appointing authority may appoint a member of the general public to serve in lieu of a legislator, provided that the Majority Leader or the Minority Leader of the political party which is entitled to the appointment consents to the appointment of the member of the general public.</p>		
1-18 2-1 2-2 2-3	<p>The purpose of said commission shall be to make a comprehensive study of all aspects of the feasibility or possibility of establishing a location at the University of Rhode Island, Rhode Island College or the Community College of Rhode Island for Rhode Island veterans to go and get help with school work and/or post traumatic syndrome disorders.</p>		
2-4 2-5 2-6 2-7	<p>Forthwith upon passage of this resolution, the members of the commission shall meet at the call of the Speaker of the House and organize and shall select from among the legislators a chairperson. Vacancies in said commission shall be filled in like manner as the original appointment.</p>		
2-8 2-9 2-10 2-11	<p>The membership of said commission shall receive no compensation for their services. All departments, boards, commissions, and agencies of the state shall furnish such advice and information, documentary and otherwise, to said commission and its agents as is deemed necessary or desirable by the commission to facilitate the purposes of this resolution.</p>		
2-12 2-13	<p>The Speaker of the House is hereby authorized and directed to provide suitable quarters for said commission; and be it further</p>		
2-14 2-15 2-16	<p>RESOLVED, That the commission shall report its findings and recommendations to the General Assembly on or before February 1, 2012, and said commission shall expire on May 1, 2012.</p>		

<input checked="" type="checkbox"/> <small>voting check off graphic</small>	<p>MOTION: To table and ask sponsor to attend the next meeting.  <b>11 H 5724 Sub A. JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY THE FEASIBILITY OF ESTABLISHING A LOCATION AT A RHODE ISLAND COLLEGE FOR RHODE ISLAND VETERANS TO GO AND GET HELP WITH SCHOOL WORK AND/OR POST-TRAUMATIC SYNDROME DISORDERS RH/TF</b>  passed unanimously</p>		
<p><b>Special Education Bills:</b></p>			
<p>6.</p>	<p><b>H 5483 AN ACT RELATING TO INSURANCE - UNFAIR COMPETITION AND PRACTICES - from the Department of Elementary &amp; Secondary Education</b></p>		

	Agenda Topics	Moderator/Leader	Time
	<p>Rep. McNamara and Reps. Medina, Silva, Introduced On 3/2/11 Last Action on 3/2/11 House Finance Committee</p> <p>This act would provide that the Urban Collaborative Accelerated Program would receive state education funds under the new education aid formula in a manner similar to how the charter public schools receive their funding.</p> <p>This act would take effect July 1, 2011.</p> <p><i>The reviewers recommends finding this bill: beneficial</i></p>		

It is enacted by the General Assembly as follows:

- 1-1 SECTION 1. Section 16-3.1-11 of the General Laws in Chapter 16-3.1 entitled
- 1-2 "Cooperative Service Among School Districts" is hereby amended to read as follows:
- 1-3 **16-3.1-11. Urban collaborative.** -- Notwithstanding the provisions of any general or
- 1-4 special law to the contrary, the school committees of the cities of Providence, Pawtucket, East
- 1-5 Providence, Central Falls and other Rhode Island school districts as may be approved for
- 1-6 inclusion by existing member districts in accordance with collaborative bylaws are authorized and
- 1-7 empowered to continue and/or initiate cooperative efforts to provide alternate education programs
- 1-8 and/or diagnostic services required by law or regulation for students achieving limited success in
- 1-9 traditional settings and to do all things necessary including, but not limited to utilization of
- 1-10 technology, including television, all on a collaborative basis. The various school committees may
- 1-11 assign and delegate to their respective school committee chairs or designee or superintendents of
- 1-12 schools or designee, acting as a regional board any duties, responsibilities, and powers that the
- 1-13 committees may deem necessary for the conduct, administration, and management of the urban
- 1-14 collaborative. The urban collaborative shall have the same immunity possessed by school districts
- 1-15 to suit as limited by chapter 31 of title 9. The urban collaborative shall have the authority to
- 1-16 indemnify its employees to the extent that they are not already indemnified by the school district
- 1-17 and/or the board of regents pursuant to section 9-1-31. The urban collaborative shall be funded
- 1-18 pursuant to section 16-7.2-3. The state share of the permanent foundation education aid shall be
- 1-19 paid directly to the urban collaborative in the same manner that the state share of the permanent
- 2-1 foundation education aid is paid to charter public schools as outlined in section 16-7.2-5. The
- 2-2 local share of education funding shall be paid to the urban collaborative in the same manner as
- 2-3 the local share of education funding is paid to charter public schools as outlined in section 16-7.2-
- 2-4 5.
- 2-5 SECTION 2. This act shall take effect on July 1, 2011.

7.	<p><b>11 H 5495 AN ACT RELATING TO EDUCATION - from the Department of Elementary &amp; Secondary Education</b> Rep. Fellela and Reps. Carnevale, Ucci, Introduced On 3/2/11 Last Action 3/9/11 House Finance Committee Held for Further Study</p> <p>This act would allow school districts that participate in the Northern Rhode Island Education Collaborative and do not have its own vocational technical program to receive a ten percent (10%) state reimbursement for tuition and transportation costs for vocational education students.</p> <p>This act would take effect upon passage.</p> <p><i>The reviewers recommends finding this bill: beneficial. Did the committee look at this or a version of this "act" last year? If we did, it may be helpful to know how the committee stood.</i></p>
----	---

It is enacted by the General Assembly as follows:

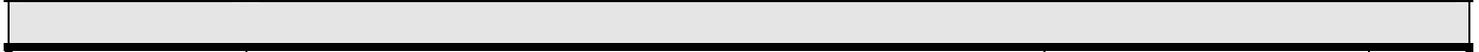
- 1-1 SECTION 1. Chapter 16-3 of the General Laws entitled "Establishment of Regional
- 1-2 School Districts" is hereby amended by adding thereto the following section:
- 1-3 16-3-7.3. Reimbursement for vocational education. – Any school district that

	Agenda Topics	Moderator/Leader	Time	
1-4	<a href="#">participates in the Northern Rhode Island Educational Collaborative, with the exception of communities that currently have their own vocational technical programs, shall be eligible to receive a ten percent (10%) state reimbursement for costs associated with tuition and transportation for vocational education students. Enrollment shall be limited to no more than five tenths of one percent (.5%) in excess of the 2010-2011 vocational technical program enrollment as a percentage of the high school enrollment for the respective school district. No enrollment date shall be before July 1, 2011.</a>			
1-5				
1-6				
1-7				
1-8				
1-9				
1-10				
1-11		SECTION 2. This act shall take effect upon passage.		

 <small>voting check off graphic</small>	<p>The Committee took no position on H 5483 AN ACT RELATING TO INSURANCE - UNFAIR COMPETITION AND PRACTICES &amp; 11 H 5495 AN ACT RELATING TO EDUCATION</p>
--	--

**Discussion of Medicaid Buy-In bills**

MOTION: To recommend the Commission to withdraw its support of S 301 & H 5618 and support H 5588 if amended to add the Global waiver language from S 301 / H 5618. EG/RC yea: AP, RC, LJ, SB. JL. EG. nay TF& TT passed. Everyone else abstained.



 <small>new graphic</small>	Consideration of New Bills/Budget Articles	Members	3:30
	Purpose/Goal: To decide the impact of the bills on people with disabilities.		
	Disability Prevention		

8. **11 H 5158 AN ACT RELATING TO TAXATION - CIGARETTE TAX** Rep. Phillips and Reps. Reilly, Brien, Introduced On 1/27/11 Last Action Date 1/27/11 House Finance Committee

This act would reduce the cigarette tax by one dollar (\$1.00) per pack. The prevalence of smoking among teenagers drops with higher cigarette taxes. This act would take effect upon passage.

*Reviewer finds this act harmful - the tax should be increased, not decreased.*

It is enacted by the General Assembly as follows:

1-1	SECTION 1. Section 44-20-12 of the General Laws in Chapter 44-20 entitled "Cigarette
1-2	Tax" is hereby amended to read as follows:
1-3	<b>44-20-12. Tax imposed on cigarettes sold.</b> -- A tax is imposed on all cigarettes sold or
1-4	held for sale in the state. The payment of the tax to be evidenced by stamps, which may be
1-5	affixed only by licensed distributors to the packages containing such cigarettes. Any cigarettes on
1-6	which the proper amount of tax provided for in this chapter has been paid, payment being
1-7	evidenced by the stamp, is not subject to a further tax under this chapter. The tax is at the rate of
1-8	<del>one hundred seventy three (173)</del> <u>one hundred twenty-three (123)</u> mills for each cigarette.
1-9	SECTION 2. This act shall take effect upon passage.

 <small>voting check off graphic</small>	<p><b>MOTION: To find harmful</b> 11 H 5158 AN ACT RELATING TO TAXATION - CIGARETTE TAX BI/JD passed, Abstaining TT, SB, LD, TT.</p>
--	--

9. **11 S 0666 AN ACT RELATING TO CRIMINAL OFFENSES - CHILDREN** Sen. Metts and Sen. Pichardo Introduced On 3/10/11 Last Action Date 3/10/11 Senate Judiciary Committee

This act would include various forms of cigars, flavored cigars, flavored and unflavored blunt wraps and rolling papers as items subject to the restrictions

	Agenda Topics	Moderator/Leader	Time
	<p>contained in section 11-9-13 "Purchase, sale or delivery of tobacco products to persons under eighteen - Posting notice of law", which prohibits the sale of certain tobacco products to minors.</p> <p>This act would take effect upon passage.</p> <p><i>Reviewer finds this act beneficial.</i></p>		

- 1-1 SECTION 1. Section 11-9-13 of the General Laws in Chapter 11-9 entitled "Children" is  
1-2 hereby amended to read as follows:  
1-3 **11-9-13. Purchase, sale or delivery of tobacco products to persons under eighteen --**  
1-4 **Posting notice of law. --** No person under eighteen (18) years of age shall purchase, nor shall any  
1-5 person sell, give or deliver to any person under eighteen (18) years of age, any tobacco in the  
1-6 form of cigarettes, bidi cigarettes, cigars, little cigars, flavored cigars known as "blunts"  
1-7 unflavored "blunts", flavored and unflavored blunt wraps, cigarette rolling papers of any size or  
1-8 composition, cigarillos, and tiparillos, pipe tobacco, chewing tobacco, or snuff. Any person, firm,  
1-9 or corporation that owns, manages, or operates a place of business in which tobacco products are  
1-10 sold, including sales through cigarette vending machines, shall post notice of this law  
1-11 conspicuously in the place of business in letters at least three-eighths of an inch (3/8") high.  
1-12 SECTION 2. This act shall take effect upon passage.

 <small>voting check off graphic</small>	<p><b>MOTION: To find <i>beneficial</i> S 0666 AN ACT RELATING TO CRIMINAL OFFENSES - CHILDREN TF/RH passed, Nay TT, SB, Abstain LD, EG, RH.</b></p> <p><b>MOTION: To Recommend the Commission to support S 666. RH/JD yea; AP, LD, JL, TF, RH, RL, BB Nay SB, TT, EG, LJ, BI. Passed.</b></p>
--	--

10. **11 S 0525 AN ACT RELATING TO HEALTH AND SAFETY - ENVIRONMENTAL CLEAN UP OBJECTIVES FOR SCHOOLS** Sen. Pichardo and Sens. Metts, Jabour, Introduced On 3/10/11 Last Action Date 3/30/11 Senate Environment and Agriculture Committee
- This act would provide further regulation of the use of former hazardous waste sites for new construction.
- This act would take effect upon passage.
- Reviewer finds this act beneficial*

- 1-1 SECTION 1. Section 23-19.14-4 of the General Laws in Chapter 23-19.14 entitled  
1-2 "Industrial Property Remediation and Reuse Act" is hereby amended to read as follows:  
1-3 **23-19.14-4. Objectives of environmental clean-up. – (a)** The department of  
1-4 environmental management will develop, maintain and publish numerical objectives for the most  
1-5 commonly found hazardous substances. These objectives will be applicable for the clean-up of  
1-6 contaminated properties to levels which are protective of human health and the environment  
1-7 based on current and reasonably foreseeable future use of a property and the surrounding natural  
1-8 resources.  
1-9 (b)(1) The construction of any new school building; or (2) Construction of an addition to  
1-10 any existing school building; or (3) Leasing of any portion of an existing building to serve as a  
1-11 school shall be prohibited on any portion of a parcel of property for which, upon occupancy, there  
1-12 exists an ongoing potential for hazardous materials and/or petroleum to migrate as vapors or  
1-13 gases into the building from the subsurface of the parcel of property, or any parcel or property in  
1-14 close proximity thereto, including any potential failure of engineered remedies to address said  
1-15 vapors or gases.  
1-16 (c) The construction of any school building, or construction of an addition to any existing  
1-17 school building, or leasing of any portion of an existing building to serve as a school on any

1-18 portion of a parcel of property formerly used for industrial, manufacturing or landfill purposes  
2-1 that is potentially contaminated by hazardous materials, other than on a parcel of property  
2-2 described in subsection (b) of this section, shall be prohibited unless at least thirty (30) days prior  
2-3 to selecting the location for construction or leasing the building the project sponsor undertakes all  
2-4 of the following measures with ten (10) days prior written notice to the public of each measure  
2-5 undertaken:

2-6 (1) Prepares and posts on the sponsor's website a written report that: (i) Projects the costs  
2-7 to acquire or lease the property, and to cleanup and maintain the property in accordance with the  
2-8 department of environmental management's Rules and Regulations for the Investigation and  
2-9 Remediation of Hazardous Material Releases (the Remediation Regulations); (ii) Projects the  
2-10 time period required to complete a cleanup of the property for school purposes by obtaining either  
2-11 a letter of compliance from the department of environmental management or a determination by  
2-12 said department that the property is not jurisdictional under the Remediation Regulations; (iii)  
2-13 Discusses the rationale for selecting the property for use as school purposes and an explanation of  
2-14 any alternatives to selecting said property considered by the project sponsor;

2-15 (2) Solicits written comments on the report prepared pursuant to subdivision (1) of this  
2-16 subsection for a period of at least thirty (30) days after posting said report on the sponsors website  
2-17 and conducts a public hearing during said thirty (30) day period at which public comment is taken  
2-18 on said report; and

2-19 (3) Prepares a second written report that summarizes and responds to the public  
2-20 comments received during the public comment period and at the public hearing and posts said  
2-21 second report on the sponsor's website.

2-22 (d) The sponsor of any school project subject to the provisions of subsection (c) of this  
2-23 section shall consider the results and findings contained in the reports required by said subsection  
2-24 (c) when selecting the location of said project.

2-25 (e) As used in this section.

2-26 (1) The term "school" shall mean any residential or non-residential school building,  
2-27 public, private or charter, of any city or town or community educational system regulated,  
2-28 directly or secondarily, by the board of regents for elementary and secondary education or the  
2-29 department of elementary and secondary education or any other state education board or local city  
2-30 or town school board or school committee or other legal educational subdivision acting under it.  
2-31 As used in this chapter, the term "school or schools" includes, but is not limited to, school  
2-32 playgrounds, school administration buildings, indoor school athletic facilities, school  
2-33 gymnasiums, school locker rooms, and similar school buildings. A school shall not include any  
2-34 institutions for education of adults (e.g. colleges, universities, graduate schools, trade schools) or  
3-1 child-care facilities as regulated by the department of children, youth and families.

3-2 (2) The term "landfill" means any portion of a parcel of property where more than three

3-3 (3) cubic yards of hazardous waste or solid waste were disposed.

3-4 (3) The term "hazardous waste" means any materials defined as hazardous waste pursuant  
3-5 to section 23-19.14-3.

3-6 (4) The term "solid waste" means any materials defined as solid waste pursuant to section  
3-7 23-18.9-7.

3-8 SECTION 2. Section 16-9-4.1 of the General Laws in Chapter 16-9 entitled "School  
3-9 Funds and Property" is hereby amended to read as follows:

3-10 **16-9-4.1. New school construction -- Regulations for technology requirements. --** (a)

3-11 The department of elementary and secondary education is instructed to develop regulations to  
3-12 ensure that any city, town, or district which undertakes "new school construction" as defined in  
3-13 this section provides in the planning for necessary wiring which is consistent with current  
3-14 standards for computer networking technology in schools.

3-15 (b) The sponsor of any new school construction project or any school project involving  
3-16 the leasing of any portion of an existing building for use as a school shall also comply with the

- 3-17 requirements for schools set forth in section 23-19.14-4.  
 3-18 (c)(b) For the purposes of this section, "new school construction" means: (1) Any new  
 3-19 school buildings.  
 3-20 (2) Additions of any new classrooms to existing school buildings.  
 3-21 SECTION 3. This act shall take effect upon passage.



voting check off graphic

The Committee took no position **11 S 0525 AN ACT RELATING TO HEALTH AND SAFETY - ENVIRONMENTAL CLEAN UP OBJECTIVES FOR SCHOOLS**

11. **11 H 5969 AN ACT RELATING TO PUBLIC PROPERTY AND WORKS** Rep. Keable  
 Requested by the DBHDDH Introduced On 3/23/11 Last Action Date 3/23/11  
 House Finance Committee

**11 S 0772 AN ACT RELATING TO PUBLIC PROPERTY AND WORKS** Sen. Perry and Sens. Miller, Requested by the DBHDDH Introduced On 3/24/11 Last Action Date 3/24/11 Senate Health and Human Services Committee

**Next Action on: Hearing on 4/13/11 @ Rise in rm 212**

This act would create a vocational rehabilitation purchasing program to provide employment opportunities, and to enhance the independence of people with disabilities, by having departments of the state government as well as its political subdivisions purchase commodities and services from certified vocational rehabilitation programs.

This act would take effect upon passage.

*Reviewers finds this act beneficial or beneficial if amended*

1-1 SECTION 1. Title 37 of the General Laws entitled "PUBLIC PROPERTY AND  
 1-2 WORKS" is hereby amended by adding thereto the following chapter:

**CHAPTER 2.4**

**VOCATIONAL REHABILITATION PURCHASING PROGRAM**

1-5 **37-2.4-1. Definitions.** – The words defined in this section have the meanings set forth  
 1-6 below whenever they appear in this chapter, unless context in which they are used clearly requires  
 1-7 a different meaning or a different definition as prescribed for a particular section, group of  
 1-8 sections, or provision:

1-9 (1) "Board" means the purchasing from persons with disabilities advisory board created  
 1-10 under this section;

1-11 (2) "Central vocational rehabilitation association" means a group of experts designated by  
 1-12 the board to assist the board with its function and facilitate the implementation of board policies  
 1-13 pursuant to guidelines established by the board;

1-14 (3) "Vocational rehabilitation program" means a program that is operated primarily for  
 1-15 the purpose of the employment and training of persons with a disability by a government agency  
 1-16 or a qualified organization licensed by the State of Rhode Island providing vocational  
 1-17 rehabilitation to support people with disabilities, and:

1-18 (i) Maintains an employment ratio of at least sixty percent (60%) of the program  
 1-19 employees under the procurement contract in question have severe disabilities;

2-1 (ii) Complies with any applicable occupational health and safety standards prescribed by  
 2-2 the United States department of labor or is a supported employment program approved by the  
 2-3 State of Rhode Island office of rehabilitation services;

2-4 (iii) Has its principal place of business in Rhode Island;

2-5 (iv) Produces any good provided under this section in Rhode Island; and

2-6 (v) The services provided, in accordance with the provisions of this chapter, are provided  
 2-7 by individuals with the majority being domiciled residents of the State of Rhode Island.

2-8 (4) "Person with a disability" means any individual who has a severe physical or mental

2-9 impairment which constitutes a substantial barrier to employment, as certified by the department  
2-10 of human services or the department of behavioral health care, developmental disabilities and  
2-11 hospitals.

2-12 **37-2.4-2. Advisory Board.** – (a) There is created the purchasing from persons with  
2-13 disabilities advisory board within the division of purchasing and general services of the  
2-14 department of administration. The board shall be composed of the following three (3) members:  
2-15 (1) The director of the division of purchasing and general services created under section  
2-16 37-2-7 or his/her designee;  
2-17 (2) The director of the department of behavioral healthcare, developmental disabilities  
2-18 and hospitals created under section 40.1-1-4 or his/her designee;  
2-19 (3) A representative of the private business community who shall be appointed to a three  
2-20 (3) year term by the governor with the advice and consent of the senate;  
2-21 (b) The advisory board shall meet, as needed, to facilitate the procurement of goods and  
2-22 services from vocational rehabilitation programs by a public procurement unit under this chapter  
2-23 by:  
2-24 (1) Identifying goods and services that are available from vocational rehabilitation  
2-25 programs according to the requirements under subsections 37-2.4-4(a),(b) and (c);  
2-26 (2) Approving prices in accordance with subdivision 37-2.4-4(a)(3) for goods and  
2-27 services that are identified in subdivision (b)(1) of this section;  
2-28 (3) Developing, maintaining, and approving a preferred procurement contract list of  
2-29 goods and services identified and priced under subdivisions (b)(1) and (2) of this section;  
2-30 (4) Reviewing bids received by a vocational rehabilitation program making and making a  
2-31 recommendation of contract award to the division of purchases, the awarding authority that will  
2-32 issue the final purchase order and renew specified contracts for set contract times, without  
2-33 competitive bidding, for the purchase of goods and services as provided for in section 37-2.4-4.  
2-34 (c) The provisions of subsection 37-2.4-2(b) and subdivision 37-2.4-4(1) are an exception  
3-1 to the procurement provisions under this chapter.  
3-2 (d) If two (2) or more certified vocational rehabilitation programs bid on the solicitation  
3-3 of services, the purchasing director of the state agency shall award a contract to one of the  
3-4 certified vocational rehabilitation vendors based on a competitive price determination.

3-5 **37-2.4-3 Central vocational rehabilitation association.** – (a) The advisory board may  
3-6 create a central vocational rehabilitation association, appoint its members, and establish  
3-7 guidelines for its duties.  
3-8 (b) The designated central vocational rehabilitation association shall serve at the pleasure  
3-9 of the advisory board, and the central vocational rehabilitation association or its individual  
3-10 members may be removed by the board at any time by a majority of the vote of the board.  
3-11 (c) Subject to the board guidelines and discretion, a designated central vocational  
3-12 rehabilitation association may be assigned to perform the following duties:  
3-13 (1) Identifying qualified vocational rehabilitation programs, and the goods and services  
3-14 that they provide or have the potential to provide;  
3-15 (2) Helping to ensure that the goods and services are provided at reasonable quality and  
3-16 delivery levels;  
3-17 (3) Recommending pricing for goods and services;  
3-18 (4) Reviewing bids and recommending the award of contracts under the board's direction;  
3-19 (5) Collecting and reporting program data to the board and to the division; and  
3-20 (6) Such other duties specified by the board.

3-21 **37-2.4-4 Purchasing.** – (a) Except as provided under subsection (e) of this section and  
3-22 notwithstanding any provision in this chapter or the general or public laws to the contrary, any  
3-23 state agency shall purchase goods and services produced by a vocational rehabilitation program  
3-24 using the preferred procurement contract list approved pursuant to subdivision 37-2.4-2(b)(3)  
3-25 providing that:

3-26 (1) The good or service offered for sale by a vocational rehabilitation program reasonably  
3-27 conforms to the needs and specifications of the public procurement unit;  
3-28 (2) The community rehabilitation program can supply the good or service within a  
3-29 reasonable time; and  
3-30 (3) The price of the good or service is reasonably competitive with the cost of procuring  
3-31 the good or service from another source.  
3-32 (b) If there is no price agreement in place that a state agency plans to use, a price can be  
3-33 negotiated between the vocational rehabilitation program that can meet the specifications and the  
3-34 central vocational rehabilitation association.  
4-1 (c) Existing multi-year contracts can continue through their term. New multi-year  
4-2 requirements for services must follow the process for purchasing from the vocational  
4-3 rehabilitation program.  
4-4 (d) Each vocational rehabilitation program:  
4-5 (1) May submit a price for a product or service to the board at any time and not  
4-6 necessarily in response to a request for bids; and  
4-7 (2) Shall certify on any bid it submits to the board or to a public procurement unit under  
4-8 this section that is claiming a preference under this section.  
4-9 (e) During a fiscal year, the requirement for a public procurement unit to purchase goods  
4-10 and services produced by a vocational rehabilitation program under the preferred procurement list  
4-11 under subsections 37-2.4-4(a), (b) and (c) does not apply if the division of purchasing and general  
4-12 services determines that the total amount of procurement contracts with vocational rehabilitation  
4-13 programs has reached three million dollars (\$3,000,000) for that fiscal year. The total amount of  
4-14 procurement contracts can be changed with a recommendation by the advisory board and  
4-15 approval from the director of administration.  
4-16 (f) Any state agency that has awarded a solicitation for goods and services to a certified  
4-17 vocational rehabilitation program shall, before the expiration of the term of the contract,  
4-18 renegotiate a fair and reasonable price for the services with the certified rehabilitation program  
4-19 that has performed the services for the state agency. The state agency is not permitted to solicit  
4-20 new bids for the product or service unless one of the following occurs:  
4-21 (1) The certified vocational rehabilitation agency no longer wishes to perform the  
4-22 services for the state agency;  
4-23 (2) The state agency decides to perform the services internally and hires employees who  
4-24 will be employees of the state to perform the services;  
4-25 (3) The state agency no longer needs the service that was provided by the vocational  
4-26 rehabilitation program; or  
4-27 (4) The vocational rehabilitation program has not met the requirements for the services  
4-28 offered.  
4-29 (g) Any state agency that has awarded a solicitation for services to a certified vocational  
4-30 rehabilitation program shall report to the central vocational rehabilitation association regarding  
4-31 the progress of the solicitation once a year.  
4-32 SECTION 2. This act shall take effect upon passage.



voting check off graphic

**MOTION: To find *beneficial if amended* 11 H 5969 & S 0772 ACTS RELATING TO PUBLIC PROPERTY AND WORKS LD/RC change words “vocational rehabilitation” and the terms “rehabilitation” in differ, and on page 3 line 21 exempts the existing law passed, Abstain TT, BB, JP**

12.

**11 H 5041 AN ACT RELATING TO LABOR AND LABOR RELATIONS - EMPLOYMENT SECURITY - RETURN TO WORK ACT Rep. and Reps. Savage, Malik, Introduced On 1/18/2011 Last Action Date 2/9/2011 Held for Further Study,**

House Labor Committee

**11 S 0131 AN ACT RELATING TO LABOR AND LABOR RELATIONS - EMPLOYMENT SECURITY - RETURN TO WORK ACT** Sen. Tassoni and Sens. Lombardo, Introduced On 1/27/11 Last Action Date 3/30/11 Held for Further Study, Senate Labor Committee

This act would establish a return to work program, to be administered by the department of labor and training, to assist unemployed Rhode Islanders in obtaining new job skills and in securing new employment

This act would take effect January 1, 2012.

*Reviewer finds this act beneficial if amended. How does it relate or coordinate with on the job placement*

1-1 SECTION 1. Title 28 of the General Laws entitled "LABOR AND LABOR  
1-2 RELATIONS" is hereby amended by adding thereto the following chapter:

1-3 **CHAPTER 44.1**

1-4 **THE RHODE ISLAND RETURN TO WORK ACT**

1-5 **28-44.1. Short title.** -- This act shall be known as and may be cited as the "Rhode Island  
1-6 Return to Work Act of 2011."

1-7 **28-44.1-2. Legislative findings and purpose.** -- The general assembly hereby finds as  
1-8 follows:

1-9 (1) In this difficult economy, employers are hesitant to invest in people or programs,  
1-10 while job seekers need to get their "foot in the door" to demonstrate their value to potential  
1-11 employers.

1-12 (2) Statistics show that unemployment compensation claimants who participated in  
1-13 employer-partnered training programs return to work more quickly than those who do not, and  
1-14 that such programs have saved significant sums of employment security benefits.

1-15 (3) The purpose of the Rhode Island "Return to Work Program" is to assist employers  
1-16 and job seekers alike.

1-17 (4) The return to work program shall provide an opportunity for a worker trainee to get a  
1-18 "foot in the door" and learn new skills and obtain an opportunity for an employer to train the  
2-1 trainee without the accompanying costs.

2-2 **28-44.1-3. Definitions.** -- As used in this chapter, the following words and phrases shall  
2-3 have the following meanings, unless the context clearly indicates otherwise:

2-4 (1) "Department" means the department of labor and training.

2-5 (2) "Director" means the head of the department of labor and training or his or her  
2-6 authorized representative.

2-7 (3) "Return to work program" or "the program" means the plan established pursuant to  
2-8 section 28-44.1-4 of this chapter.

2-9 (4) "Training employer" means an employer who has voluntarily agreed to participate in  
2-10 the Rhode Island return to work program and meets the criteria for participation established by  
2-11 this chapter and as determined by the director.

2-12 (5) "Training internship" means an internship through the return to work program  
2-13 offered by an employer whereby an individual works for and receives training from a private  
2-14 employer for a period of not more than six (6) consecutive weeks, and for a weekly amount of up  
2-15 to and including twenty-four (24) hours per week.

2-16 (6) "Trainee" or "worker trainee" means any individual employed on a temporary, part-  
2-17 time basis by any employer in a return to work training program established pursuant to this  
2-18 chapter.

2-19 (7) "Unemployment benefits" means the money payable to an individual as compensation  
2-20 for his or her wage losses due to unemployment, payable pursuant to chapter 28-44

2-21 ("Employment Security -- Benefits"), and includes any amounts payable pursuant to an

2-22 agreement under any federal law providing for compensation, assistance, or allowances with  
2-23 respect to unemployment.

2-24 **28-44.1-4. Return to work program established. --** (a) There is hereby established a  
2-25 program to be known as the "Rhode Island Return to Work Program." The program shall be  
2-26 operated by and administered through the department of labor and training as a voluntary  
2-27 program to provide a structured, supervised training opportunity to Rhode Island residents  
2-28 receiving unemployment benefits, allowing such residents to obtain job training while continuing  
2-29 to collect unemployment compensation.

2-30 (1) No payment in kind may be paid by or on behalf of nor accepted by a worker trainee  
2-31 other than the training that the worker trainee receives through the training internship.  
2-32 Commissions and/or tips represent wages and may not be paid or accepted as a result of the  
2-33 internship. A claimant will continue to receive the full amount of unemployment compensation  
2-34 benefits that the claimant would be entitled to, regardless of the claimant's participation in a  
3-1 return to work program training internship.

3-2 (b) Only Rhode Island residents who are otherwise eligible to collect unemployment  
3-3 benefits pursuant to the provisions of Chapter 28-44 ("Employment Security - Benefits") shall be  
3-4 eligible to participate in a training internship under the return to work program. Participation by  
3-5 both the trainee and the training employer shall be voluntary. A person eligible to participate  
3-6 shall apply to the director of the department of labor and training for participation on forms to be  
3-7 prepared by the director.

3-8 (c) A trainee shall be eligible to participate in a training internship up to six (6)  
3-9 consecutive weeks, and a maximum of twenty-four (24) hours per week. Claimants must continue  
3-10 to file weekly continued claims to receive benefits and conduct a work search during non-training  
3-11 time unless otherwise exempted.

3-12 (d) The training provided by the training employer in the internship must be authorized  
3-13 through the department of labor and training prior to the beginning of the training. The training  
3-14 program may be for up to six (6) weeks, and a maximum of twenty-four (24) hours per week per  
3-15 benefit year. Upon timely submission of their continued claim form, and meeting all other  
3-16 unemployment compensation eligibility requirements, trainees will receive their weekly  
3-17 unemployment compensation benefits. All trainees shall be covered under a state provided  
3-18 Workers Compensation program.

3-19 (e) A trainee may stay in the program if they exhaust benefits or lose program eligibility  
3-20 prior to the end of the six (6) weeks; provided, however, once benefits are exhausted or program  
3-21 eligibility is lost, unemployment compensation shall be discontinued.

3-22 (f) Participation in the return to work program by a trainee shall be limited to six (6)  
3-23 weeks in any benefit year. A trainee shall be encouraged to end a training relationship that is not  
3-24 beneficial and are encouraged to preserve the remainder of his or her six (6) weeks of training for  
3-25 another return to work opportunity.

3-26 (g) A return to work trainee must be able and available to seek and accept work during  
3-27 this period in order to participate.

3-28 (h) Potential trainees shall be encouraged to find companies or positions that they may  
3-29 want to explore, whether it is utilizing transferable skills or seeking the opportunity to gain new  
3-30 skills. Employers shall be encouraged to work with the department in the local office to match  
3-31 open positions and trainees.

3-32 (1) Once a training opportunity is found, both the potential trainee and the training  
3-33 employer shall complete a training application. The application shall be designed to open  
3-34 communications between the employer and the trainee about what training is desired and what  
4-1 training is being offered.

4-2 (2) The potential trainee and the training employer shall return the completed forms to the  
4-3 department for training authorization. The department shall review the application. The potential  
4-4 trainee and the employer shall receive a decision letter either approving or rejecting the

4-5 application. If the application is approved, the department shall provide the training opportunity  
4-6 and the dates. The trainee shall attend an orientation video at the local office of the department  
4-7 prior to the beginning of any training internship.

4-8 (3) The claimant and the employer must agree upon a formal training schedule, which  
4-9 includes on-site training, supervision, and application of skills or experiences.

4-10 **28-44.1-5. Eligibility to be a training employer. --** (a) The director shall seek out and  
4-11 encourage Rhode Island businesses to participate in the Rhode Island return to work program.  
4-12 An employer wishing to participate in the program shall be required to meet the following  
4-13 qualifications:

4-14 (1) The training employer must be a Rhode Island employer with a place of business in  
4-15 Rhode Island; provided, the employer need not be domestic to Rhode Island;

4-16 (2) The training employer must have a full time position of employment available that the  
4-17 employer is desirous of filling;

4-18 (3) The training employer must be willing to provide a true training opportunity that  
4-19 benefits the trainee;

4-20 (4) The training employer must certify that he, she, they, or it will not pay any wages or  
4-21 provide any payment in kind to the worker trainee during the course of the worker trainee's  
4-22 participation in the program;

4-23 (5) The training employer must agree to provide information requested by the department  
4-24 and must agree that a training employee shall not displace nor have any impact on a promotion  
4-25 due an existing employee;

4-26 (6) The training employer must certify that the training opportunity is not due to lockout  
4-27 or strike; and

4-28 (7) For employers with employees who are subject to collective bargaining, the written  
4-29 approval by the collective bargaining representative for each affected unit shall be required to be  
4-30 included in the plan for any internship which would otherwise be a position covered by a  
4-31 collective bargaining agreement.

4-32 **28-44.1-6. Eligibility to be a training employer. --** (a) The director shall seek to make  
4-33 mutually beneficial placements of persons and claimants receiving unemployment benefits with  
4-34 appropriate training employers. A person receiving unemployment benefits and wishing to  
5-1 participate in the return to work program as a worker trainee shall be required to meet the  
5-2 following qualifications:

5-3 (1) The worker trainee must be eligible to receive Rhode Island unemployment  
5-4 compensation benefits;

5-5 (2) The worker trainee must desire new strengths, skills, or experiences;

5-6 (3) The worker trainee must continue to look for work, unless otherwise exempt;

5-7 (4) The worker trainee must certify that he or she understands there is no guarantee of a  
5-8 job;

5-9 (5) The worker trainee must attend a mandatory orientation with the department of labor  
5-10 and training;

5-11 (6) The worker trainee must agree to provide information requested by the department,  
5-12 and must agree to report any missed training or changes to training program

5-13 (b) Claimants with a definite recall date within six (6) weeks and those who do not  
5-14 register for employment services are not eligible for the program.

5-15 **28-44.1-7. Workers compensation. --** The department of labor and training will provide  
5-16 workers compensation coverage.

5-17 **28-44.1-8. Rules and regulations. --** The director shall promulgate such rules and  
5-18 regulations as the director deems necessary to implement the provisions of this chapter.

5-19 **28-44.1-9. Severability. --** If any of the provisions of this chapter or the application  
5-20 thereof to any persons or circumstances are held invalid, the remainder of this chapter and the  
5-21 application thereof to other persons or circumstances shall not be affected thereby. To that end,

5-22 the provisions of this chapter are declared to be joint and severable.

5-23 SECTION 2. This act shall take effect January 1, 2012.



voting check  
off graphic

**MOTION: To find *beneficial if amended to require coordination with on the ORS, DLT on the job training programs 11 H 5041 & S 0131 ACTS RELATING TO LABOR AND LABOR RELATIONS - EMPLOYMENT SECURITY - RETURN TO WORK ACT RC/EG passed nay BI abstain, TT, TF, LD,BB***

Housing

13. **11 H 5290 AN ACT RELATING TO FOOD AND DRUGS - MEDICAL MARIJUANA ACT** Rep. DaSilva and Reps. Gallison, Introduced On 2/8/11 Last Action Date 3/16/11 Held for Further Study, House Judiciary Committee

This act would permit a landlord to refuse to rent to a medical marijuana cardholder who intends to grow marijuana on the leased premises.

This act would take effect upon passage and would apply to lease agreements executed after the effective date of this act.

*Reviewer finds this act beneficial if amended*

1-1 SECTION 1. Section 21-28.6-4 of the General Laws in Chapter 21-28.6 entitled "The  
1-2 Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act" is hereby amended to read as  
1-3 follows:

1-4 **21-28.6-4. Protections for the medical use of marijuana.** -- (a) A qualifying patient  
1-5 who has in his or her possession a registry identification card shall not be subject to arrest,  
1-6 prosecution, or penalty in any manner, or denied any right or privilege, including but not limited  
1-7 to, civil penalty or disciplinary action by a business or occupational or professional licensing  
1-8 board or bureau, for the medical use of marijuana; provided, that the qualifying patient possesses  
1-9 an amount of marijuana that does not exceed twelve (12) mature marijuana plants and two and  
1-10 one-half (2.5) ounces of usable marijuana. Said plants shall be stored in an indoor facility.

1-11 (b) No school, employer or landlord may refuse to enroll, employ or lease to or  
1-12 otherwise penalize a person solely for his or her status as a cardholder. Provided, however, that a  
1-13 cardholder must inform a landlord in writing of his/her intention to possess marijuana plants upon  
1-14 the leased premises, and provided further, that a landlord may refuse to rent to a cardholder who  
1-15 cultivates or grows marijuana in any amount.

1-16 (c) A primary caregiver, who has in his or her possession, a registry identification card  
1-17 shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or  
1-18 privilege, including but not limited to, civil penalty or disciplinary action by a business or  
1-19 occupational or professional licensing board or bureau, for assisting a qualifying patient to whom  
2-1 he or she is connected through the department's registration process with the medical use of  
2-2 marijuana; provided, that the primary caregiver possesses an amount of marijuana which does not  
2-3 exceed twelve (12) mature marijuana plants and two and one-half (2.5) ounces of usable  
2-4 marijuana for each qualifying patient to whom he or she is connected through the department's  
2-5 registration process.

2-6 (d) Registered primary caregivers and registered qualifying patients shall be allowed to  
2-7 possess a reasonable amount of unusable marijuana, including up to twelve (12) seedlings, which  
2-8 shall not be counted toward the limits in this section.

2-9 (e) There shall exist a presumption that a qualifying patient or primary caregiver is  
2-10 engaged in the medical use of marijuana if the qualifying patient or primary caregiver:

2-11 (1) Is in possession of a registry identification card; and

2-12 (2) Is in possession of an amount of marijuana that does not exceed the amount permitted  
2-13 under this chapter. Such presumption may be rebutted by evidence that conduct related to  
2-14 marijuana was not for the purpose of alleviating the qualifying patient's debilitating medical  
2-15 condition or symptoms associated with the medical condition.

2-16 (f) A primary caregiver may receive reimbursement for costs associated with assisting a  
2-17 registered qualifying patient's medical use of marijuana. Compensation shall not constitute sale of  
2-18 controlled substances.

2-19 (g) A practitioner shall not be subject to arrest, prosecution, or penalty in any manner, or  
2-20 denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by  
2-21 the Rhode Island Board of Medical Licensure and Discipline or by any another business or  
2-22 occupational or professional licensing board or bureau solely for providing written certifications  
2-23 or for otherwise stating that, in the practitioner's professional opinion, the potential benefits of the  
2-24 medical marijuana would likely outweigh the health risks for a patient.

2-25 (h) Any interest in or right to property that is possessed, owned, or used in connection  
2-26 with the medical use of marijuana, or acts incidental to such use, shall not be forfeited.

2-27 (i) No person shall be subject to arrest or prosecution for constructive possession,  
2-28 conspiracy, aiding and abetting, being an accessory, or any other offense for simply being in the  
2-29 presence or vicinity of the medical use of marijuana as permitted under this chapter or for  
2-30 assisting a registered qualifying patient with using or administering marijuana.

2-31 (j) A practitioner nurse or pharmacist shall not be subject to arrest, prosecution or  
2-32 penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty  
2-33 or disciplinary action by a business or occupational or professional licensing board or bureau  
2-34 solely for discussing the benefits or health risks of medical marijuana or its interaction with other  
3-1 substances with a patient.

3-2 (k) A registry identification card, or its equivalent, issued under the laws of another state,  
3-3 U.S. territory, or the District of Columbia to permit the medical use of marijuana by a patient with  
3-4 a debilitating medical condition, or to permit a person to assist with the medical use of marijuana  
3-5 by a patient with a debilitating medical condition, shall have the same force and effect as a  
3-6 registry identification card issued by the department.

3-7 (l) Notwithstanding the provisions of subsection 21-28.6-3(6) or subsection 21-28.6-4(c),  
3-8 no primary caregiver other than a compassion center shall possess an amount of marijuana in  
3-9 excess of twenty-four (24) marijuana plants and five (5) ounces of usable marijuana for  
3-10 qualifying patients to whom he or she is connected through the department's registration process.

3-11 (m) A registered qualifying patient or registered primary caregiver may give marijuana  
3-12 to another registered qualifying patient or registered primary caregiver to whom they are not  
3-13 connected by the department's registration process, provided that no consideration is paid for the  
3-14 marijuana, and that the recipient does not exceed the limits specified in section 21-28.6-4.

3-15 (n) For the purposes of medical care, including organ transplants, a registered qualifying  
3-16 patient's authorized use of marijuana shall be considered the equivalent of the authorized use of  
3-17 any other medication used at the direction of a physician, and shall not constitute the use of an  
3-18 illicit substance.

3-19 SECTION 2. This act shall take effect upon passage and shall apply to lease agreements  
3-20 executed after the effective date of this act.



voting check  
off graphic

## The Committee took no position 11 H 5290 AN ACT RELATING TO FOOD AND DRUGS - MEDICAL MARIJUANA ACT

### Human Services

14. 11 H 5757 AN ACT RELATING TO CRIMINALS - CORRECTIONAL INSTITUTIONS - MEDICAL PAROLE Rep. Bennett and Reps. McLaughlin, Requested by the Department of Corrections Introduced On 3/3/11 Last Action Date 3/3/11

Next Action on: 4/12/2011 Scheduled for hearing @ Rise in House Lounge

11 S 0638 AN ACT RELATING TO CRIMINALS - CORRECTIONAL INSTITUTIONS - MEDICAL PAROLE Sen. McCaffrey Requested by the Department of Corrections

**Next Action on: 4/12/2011 # 002 on the Senate Calendar**

This act would provide a medical parole procedure for inmates who are severely ill. "Severely ill" means suffering from a significant and permanent or chronic physical and/or mental condition that: (1) Requires extensive medical and/or psychiatric treatment with little to no possibility of recovery; (2) Precludes significant rehabilitation from further incarceration.

The parole board shall require a prisoner who is medically paroled due to being severely ill, electronic monitoring as a condition of the medical parole, unless the health care plan mandates placement in a medical facility that cannot accommodate the electronic monitoring.

This act would take effect upon passage.

*Reviewer finds this act beneficial if amended "Seems like the rationale for this bill is to save the state money. But if the issue is medical expenses doesn't it seem likely that the individual will either have no insurance or be on Medicaid?"*

- 1-1 SECTION 1. Sections 13-8.1-2, 13-8.1-3 and 13-8.1-4 of the General Laws in Chapter  
1-2 13-8.1 entitled "Medical Parole" are hereby amended to read as follows:
- 1-3 **13-8.1-2. Purpose.** -- Medical parole is made available for humanitarian reasons or to  
1-4 alleviate exorbitant medical expenses associated with inmates whose chronic and incurable illness  
1-5 render their incarceration non-punitive and non-rehabilitative. Notwithstanding other statutory or  
1-6 administrative provisions to the contrary, all prisoners except those serving life without parole  
1-7 shall at any time after they begin serving their sentences be eligible for medical parole  
1-8 consideration, regardless of the crime committed or the sentence imposed.
- 1-9 **13-8.1-3. Definitions.** -- (a) "Permanently physically incapacitated" means suffering from  
1-10 a condition caused by injury, disease, or illness which, to a reasonable degree of medical  
1-11 certainty, permanently and irreversibly physically incapacitates the individual to the extent that  
1-12 no significant physical activity is possible, and the individual is confined to bed or a wheelchair.
- 1-13 (b) "Terminally ill" means suffering from a condition caused by injury (except self-  
1-14 inflicted injury), disease, or illness which to a reasonable degree of medical certainty will result in  
1-15 death within six (6) months.
- 1-16 (c) "Severely ill" means suffering from a significant and permanent or chronic physical  
1-17 and/or mental condition that: (1) Requires extensive medical and/or psychiatric treatment with  
1-18 little to no possibility of recovery; (2) Precludes significant rehabilitation from further  
1-19 incarceration.
- 2-1 **13-8.1-4. Procedure.** -- (a) The parole board is authorized to grant release of a prisoner,  
2-2 except a prisoner serving life without parole, at any time, who is determined to be terminally ill,  
2-3 severely or permanently physically incapacitated within the meaning of section 13-8.1-3. Inmates  
2-4 who are severely ill will only be considered for such release when their treatment causes the state  
2-5 to incur exorbitant expenses as a result of continued and frequent medical treatment during  
2-6 incarceration, as determined by the office of financial resources of the department of corrections.
- 2-7 (b) In order to apply for this relief, the prisoner, with an attending physician's written  
2-8 approval, or an attending physician, on behalf of the prisoner, shall file an application with the  
2-9 director of the department of corrections. Within seventy-two (72) hours after the filing of any  
2-10 application, the director shall refer the application to the health service unit of the department of  
2-11 corrections for a medical report and a medical discharge plan to be completed within ~~five (5)~~ ten  
2-12 (10) days. Upon receipt of the medical discharge plan the director of the department of  
2-13 corrections shall immediately transfer the medical discharge plan together with the application to  
2-14 the parole board for its consideration and decision.
- 2-15 (c) The report shall contain, at a minimum, the following information:  
2-16 (1) Diagnosis of the prisoner's medical conditions, including related medical history;  
2-17 (2) Detailed description of the conditions and treatments;  
2-18 (3) Prognosis, including life expectancy, likelihood of recovery, likelihood of

2-19 improvement, mobility, and rate of debilitation;

2-20 (4) Degree of incapacity or disability, including an assessment of whether the prisoner is

2-21 ambulatory, capable of engaging in any substantial physical activity, and the extent of that

2-22 activity;

2-23 (5) An opinion from the medical director as to whether the person is terminally ill, and if

2-24 so, the stage of the illness or whether the person is permanently physically incapacitated or

2-25 severely ill.

2-26 (6) In the case of a severely ill inmate, the report shall also contain a determination from

2-27 the office of financial resources that the inmate's illness causes the state to incur exorbitant

2-28 expenses as a result of continued and frequent medical treatment during incarceration.

2-29 (d) When the director of corrections refers a prisoner to the parole board for medical

2-30 parole, the director shall provide to the parole board a medical discharge plan which is acceptable

2-31 to the parole board.

2-32 (e) The department of corrections and the parole board shall jointly develop standards for

2-33 the medical discharge plan that are appropriately adapted to the criminal justice setting. The

2-34 discharge plan should ensure at the minimum that:

3-1 (1) An appropriate placement for the prisoner has been secured, including, but not

3-2 limited to, a hospital, nursing facility, hospice, or family home;

3-3 (2) A referral has been made for the prisoner to serve a source for payment of the

3-4 prisoner' medical expenses has been secured;

3-5 (3) A physician continues to examine the releasee and A parole officer has been

3-6 assigned to periodically obtain updates on the prisoners medical condition to report back to the

3-7 board.

3-8 (f) If the parole board finds from the credible medical evidence that the prisoner is

3-9 terminally ill, ~~or~~ permanently physically incapacitated, or severely ill the board shall grant release

3-10 to the prisoner but only after the board also considers whether, in light of the prisoner's medical

3-11 condition, there is a reasonable probability that the prisoner, if released, will live and remain at

3-12 liberty without violating the law, and that the release is compatible with the welfare of society

3-13 and will not so depreciate the seriousness of the crime as to undermine respect for the law.

3-14 Notwithstanding any other provision of law, release may be granted at any time during the term

3-15 of a prisoner's sentence.

3-16 (g) There shall be a presumption that the opinion of the physician and/or medical

3-17 director will be accepted. However, the applicant, the physician, the director, or the parole board

3-18 may request an independent medical evaluation within seven (7) days after the physician's and/or

3-19 medical director's report is presented. The evaluation shall be completed and a report, containing

3-20 the information required by subsection (b) of this section, filed with the director and the parole

3-21 board and a copy sent to the applicant within fourteen (14) days from the date of the request.

3-22 (h) Within seven (7) days of receiving the application, the medical report and the

3-23 discharge plan, the parole board shall determine whether the application, on its face, demonstrates

3-24 that relief may be warranted. If the face of the application clearly demonstrates that relief is

3-25 unwarranted, the board may deny the application without a hearing or further proceedings, and

3-26 within seven (7) days shall notify the prisoner in writing of its decision to deny the application,

3-27 setting forth its factual findings and a brief statement of the reasons for denying release without a

3-28 hearing. Denial of release does not preclude the prisoner from reapplying for medical parole after

3-29 the expiration of sixty (60) days. A reapplication under this section must demonstrate a material

3-30 change in circumstances.

3-31 (i) (1) Upon receipt of the application from the director of the department of corrections

3-32 the parole board shall, except as provided in subsection (h) of this section, set the case for a

3-33 hearing within ~~fourteen (14)~~ thirty (30) days;

3-34 (2) Notice of the hearing shall be sent to the prosecutor and the victim(s), if any, of the

4-1 offense(s) for which the prisoner is incarcerated, and the prosecutor and the victim(s) shall have

4-2 the right to be heard at the hearing, or in writing, or both;

4-3 (3) At the hearing, the prisoner shall be entitled to be represented by an attorney or by

4-4 the public defender if qualified or other representative.

4-5 (j) Within seven (7) days of the hearing, the parole board shall issue a written decision

4-6 granting or denying medical parole and explaining the reasons for the decision. If the board

4-7 determines that medical parole is warranted, it shall impose conditions of release, which shall

4-8 include the following:

4-9 (1) Periodic medical examinations;

4-10 (2) Periodic reporting to a parole officer, and the reporting interval;

4-11 (3) Any other terms or conditions that the board deems necessary; except that in the case

4-12 of a prisoner who is medically paroled due to being severely ill, the parole board shall require

4-13 electronic monitoring as a condition of the medical parole, unless the health care plan mandates

4-14 placement in a medical facility that cannot accommodate the electronic monitoring.

4-15 (k) If after release the releasee's condition or circumstances change so that he or she

4-16 would not then be eligible for medical parole, the parole board may order him or her returned to

4-17 custody to await a hearing to determine whether his or her release should be revoked. A release

4-18 may also be revoked for violation of conditions otherwise applicable to parole.

4-19 (l) An annual report shall be prepared by the director of corrections for the parole board

4-20 and the general assembly. The report shall include:

4-21 (1) The number of inmates who have applied for medical parole;

4-22 (2) The number who have been granted medical parole;

4-23 (3) The nature of the illness of the applicants, and the nature of the placement pursuant to

4-24 the medical discharge plan;

4-25 (4) The categories of reasons for denial for those who have been denied;

4-26 (5) The number of releasees on medical parole who have been returned to the custody of

4-27 the department of corrections and the reasons for return.

4-28 SECTION 2. This act shall take effect upon passage.



voting check off graphic

**MOTION: To find *beneficial if amended to require discharge planning* 11 H 5757 & S 0638 ACTS RELATING TO CRIMINALS - CORRECTIONAL INSTITUTIONS - MEDICAL PAROLE EG/JD yea, JL, JD, TF, RH, GS, EG, LJ, nay SB, TT, BI, AP, RC, abstain LD**

15.

**11 S 0539 As Amended AN ACT RELATING TO HUMAN SERVICES - SUPPORT OF HOMELESS** Sen. DeVall and Sens. Tassoni, Fogarty Introduced On 3/10/11 Last Action Date /5/11 **Recommend Passage** on Senate Desk

This act would establish a permanent council known as the "Interagency Council on Homelessness" to study and apply solutions for ending homelessness in the state. The 15 member council shall: strategic plan to end homelessness; coordinate services for the homeless; and identify and seek to remedy gaps in services.

This act would take effect upon passage.

The Amendment would make the chief of the office of housing and community development the chairperson of the council instead of the director of administration and increases the council to 17 members by adding the Medicaid director and the secretary of the executive office health and human services or their designees.

In addition the following was deleted from the Substitute: "The membership of the council shall receive no compensation for their services, but shall be allowed their travel and necessary expenses. The commission may engage such clerical, technical, and other assistance as it may deem necessary, and spend such other funds as is necessary to accomplish its purpose."

The council's duties are revised from: "To develop a strategic plan to end

homelessness" to: "To participate in the process of developing a strategic plan to end homelessness". The council will work in conjunction with the housing resources commission to end homelessness.

*Reviewer finds this act beneficial, Although an EO has been signed by the Gov. The Comm and the Homeless Coalition are in favor of passing legislation.*

1-1 SECTION 1. Sections 40-17-1, 40-17-2, 40-17-3, 40-17-4 and 40-17-5 of the General  
1-2 Laws in Chapter 40-17 entitled "Support of Homeless" are hereby amended to read as follows:

1-3 **40-17-1. Legislative findings.** -- (a) The general assembly hereby finds that there exists  
1-4 in this state undetermined numbers of homeless persons, many of whom suffer from chronic  
1-5 mental illness and disability, and that this condition exists among families and among individuals  
1-6 of all age groups without regard to ethnic or racial heritage or sex. The existence of this condition  
1-7 is declared to be detrimental to the health, safety, and welfare of the homeless individuals  
1-8 themselves and to the state.

1-9 (b) ~~The general assembly further finds and declares that this condition is particularly~~  
1-10 ~~pronounced in the city of Providence, the state's largest city which draws homeless people from~~  
1-11 ~~throughout the state.~~

1-12 **40-17-2. Purpose Agency established.** - ~~It is the purpose of this chapter to:~~

1-13 ~~(1) Establish a pilot program to aid and assist homeless and mentally ill individuals in~~  
1-14 ~~the city of Providence;~~

1-15 ~~(2) Identify the extent of the homeless problem in the state;~~

1-16 ~~(3) Examine the effectiveness of current programs dealing with the homeless; and~~

1-17 ~~(4) Propose new programs and modification and coordination of existing programs to~~  
1-18 ~~address the needs and problems of the homeless.~~

1-19 (a) There is hereby created a permanent council to be called the "Interagency Council on  
2-1 Homelessness" consisting of seventeen (17) members and one ex-officio member:

2-2 (1) One of whom shall be the chief of the office of housing and community development,  
2-3 or his or her designee, who shall chair the Interagency Council on Homelessness;

2-4 (2) One of whom shall be the director of the department of administration, or his or her  
2-5 designee;

2-6 (3) One of whom shall be the chair of the housing resources commission, or his or her  
2-7 designee;

2-8 (4) One of whom shall be the director of the department of human services, or his or her  
2-9 designee;

2-10 (5) One of whom shall be the director of the department of health, or his or her designee;

2-11 (6) One of whom shall be the director of the department of children, youth, and families,  
2-12 or his or her designee;

2-13 (7) One of whom shall be the director of elderly affairs, or his or her designee;

2-14 (8) One of whom shall be the director of behavioral healthcare, developmental disabilities  
2-15 and hospitals, or his or her designee;

2-16 (9) One of whom shall be director of the department of labor and training, or his or her  
2-17 designee;

2-18 (10) One of whom shall be the director of the department of corrections, or his or her  
2-19 designee;

2-20 (11) One of whom shall be the commissioner of the department of elementary or  
2-21 secondary education, or his or her designee;

2-22 (12) One of whom shall be the director of the Rhode Island housing and mortgage  
2-23 finance corporation, or his or her designee;

2-24 (13) One of whom shall be the director of emergency management agency, or his or her  
2-25 designee;

2-26 (14) One of whom shall be a representative from the Rhode Island division/department of

2-27 veterans' affairs or his or her designee;  
2-28 (15) One of whom shall be the public defender, or his or her designee;  
2-29 (16) One of whom shall be the Medicaid director within the department of human  
2-30 services, or his or her designee; and  
2-31 (17) One of whom shall be the secretary of the executive office health and human  
2-32 services, or his or her designee, and  
2-33 (18) One of whom shall be an ex-officio member who shall be the chair, or his or her  
2-34 designee, of the Interagency Council on Homelessness Advisory Council as described in this  
3-1 chapter herein.  
3-2 (b) Forthwith upon the effective date of this chapter, the members of the commission  
3-3 shall meet at the call of the chair and organize. Vacancies in the commission shall be filled in like  
3-4 manner as the original appointment.  
3-5 (c) The department of administration is hereby directed to provide suitable quarters and  
3-6 staff for the commission.  
3-7 (d) All departments and agencies of the state shall furnish such advice and information,  
3-8 documentary, and otherwise to the commission and its agents as is deemed necessary or desirable  
3-9 by the commission to facilitate the purposes of this chapter.  
3-10 **40-17-3. Program established Duties and responsibilities of council. -** ~~There is hereby~~  
3-11 ~~established a pilot program to aid and assist homeless mentally ill individuals in the city of~~  
3-12 ~~Providence by providing psychiatric and social services directly to individuals and families in~~  
3-13 ~~meal sites, shelters, public and private social agencies, on the street, and in any other places~~  
3-14 ~~where homeless individuals may be found.~~  
3-15 The duties and responsibilities of the council shall be:  
3-16 (1) To participate in the process of developing a strategic plan to end homelessness  
3-17 aligned with the federal strategic plan to end homelessness that will serve to reduce the number of  
3-18 homeless individuals and families in Rhode Island;  
3-19 (2) To coordinate services for the homeless among state agencies and instrumentalities,  
3-20 community-based organizations, faith-based organizations, volunteer organizations, advocacy  
3-21 groups and businesses;  
3-22 (3) To coordinate services not specifically for the homeless, but from which the homeless  
3-23 may benefit, among state agencies and instrumentalities, community-based organizations, faith-  
3-24 based organizations, volunteer organizations, advocacy groups and businesses; and  
3-25 (4) To identify and seek to remedy gaps in services, specifically in the area of making  
3-26 provisions for the availability, use and permanent funding stream for permanent supportive  
3-27 housing.  
3-28 **40-17-4. Designation of agency Meeting and reporting requirements. -** ~~The~~  
3-29 ~~Providence center for counseling and psychiatric services ("center") is hereby designated as the~~  
3-30 ~~agency to administer and develop the homeless mentally ill aid and assistance program~~  
3-31 ~~("program") in the city of Providence. The departments of human services and mental health,~~  
3-32 ~~retardation, and hospitals shall provide advice and assistance to the center in developing this~~  
3-33 ~~program and shall review the performance of the center. The center shall make a report on the~~  
3-34 ~~administration and progress of this program and report its findings concerning the homeless to the~~  
4-1 ~~"commission on the homeless" on or before February 1, 1989 and shall make such interim reports~~  
4-2 ~~as the commission shall require.~~  
4-3 Meeting and reporting requirements are as follows:  
4-4 (1) The council shall meet regularly;  
4-5 (2) The council in conjunction with the housing resources commission shall provide the  
4-6 strategic plan and specific recommendations to prevent and end homelessness to the governor,  
4-7 senate president, speaker of the house, the senate committee on housing and municipal  
4-8 government and the house corporations committee by February 1, 2012;  
4-9 (3) The council shall provide a report on funding available during calendar year 2011 for

4-10 services, facilities, programs or otherwise for people who are homeless. Said report shall be  
4-11 provided to the senate president, speaker of the house, senate fiscal advisor and house fiscal  
4-12 advisor by January 31, 2012.

4-13 (4) The council shall report annually to the governor and the general assembly, no later  
4-14 than March 2013, and annually thereafter, on the progress made in achieving the goals and  
4-15 objectives set forth in the strategic plan, on the current number of homeless individuals, families,  
4-16 and children and any other pertinent information.

4-17 **40-17-5. Commission established Advisory council established.** -- (a) There is hereby  
4-18 created a permanent legislative commission to be called the "commission on the homeless"  
4-19 consisting of twenty (20) members:

4-20 (1) Two (2) of whom shall be from the house of representatives, not more than one from  
4-21 the same political party to be appointed by the speaker, of whom two (2) may be members of the  
4-22 general public appointed in lieu of legislative appointments;

4-23 (2) Two (2) of whom shall be from the senate, not more than one from the same political  
4-24 party to be appointed by the president of the senate, of whom two (2) may be members of the  
4-25 general public appointed in lieu of legislative appointments;

4-26 (3) One of whom shall be representative of the general public to be appointed by the  
4-27 governor;

4-28 (4) One of whom shall be the director of the department of health or his or her designee;

4-29 (5) One of whom shall be the director of the department of human services or his or her  
4-30 designee;

4-31 (6) One of whom shall be the director of mental health, retardation, and hospitals or his or  
4-32 her designee;

4-33 (7) One of whom shall be the director of children, youth, and families or his or her  
4-34 designee;

5-1 (8) One of whom shall be the director of the Rhode Island housing and mortgage finance  
5-2 corporation or his or her designee;

5-3 (9) One of whom shall be the mayor of the city of Providence, or his or her designee;

5-4 (10) One of whom shall be the mayor of Warwick or his or her designee;

5-5 (11) One of whom shall be the mayor of Woonsocket or his or her designee;

5-6 (12) One of whom shall be the mayor of Newport or his or her designee;

5-7 (13) Two (2) of whom shall be representatives of shelters for the homeless located in the  
5-8 state to be appointed by the lieutenant governor;

5-9 (14) One of whom shall be the director of the Providence office of the United States  
5-10 Department of Housing and Urban Development, or his or her designee;

5-11 (15) One of whom shall be the executive director of the Association of Community  
5-12 Mental Health Centers or his or her designee;

5-13 (16) One of whom shall be the executive director of the Council on Domestic Violence or  
5-14 his or her designee;

5-15 (17) One of whom shall be the chairperson of the Emergency Food and Shelter Board or  
5-16 his or her designee and whose purpose it shall be to identify the extent of the homeless problem in  
5-17 the state to evaluate programs for the homeless developed by state and local governments and the  
5-18 Providence mental health center;

5-19 to study and make findings concerning homeless individuals and families in the state of  
5-20 Rhode Island and to make recommendations to the governor and general assembly concerning  
5-21 legislation and programs to assist the homeless.

5-22 (b) Forthwith upon the passage of this chapter, the members of the commission shall  
5-23 meet at the call of the governor and organize and shall select from among the members a  
5-24 chairperson. Vacancies in the commission shall be filled in like manner as the original  
5-25 appointment.

5-26 (c) The membership of the commission shall receive no compensation for their services,

5-27 ~~but shall be allowed their travel and necessary expenses. The commission may engage such~~  
5-28 ~~clerical, technical, and other assistance as it may deem necessary, and spend such other funds as~~  
5-29 ~~is necessary to accomplish its purpose.~~

5-30 ~~(d) The department of human services is hereby directed to provide suitable quarters and~~  
5-31 ~~staff for the commission.~~

5-32 ~~(e) All departments and agencies of the state shall furnish such advice and information,~~  
5-33 ~~documentary, and otherwise to the commission and its agents as is deemed necessary or desirable~~  
5-34 ~~by the commission to facilitate the purposes of this chapter.~~

6-1 (a) There is hereby created a permanent advisory council to the Interagency Council on  
6-2 Homelessness containing equal representation of advocates, service providers, current and/or  
6-3 former members of the homeless community, as well as representatives specifically affiliated  
6-4 with youth homelessness to be appointed by the governor. The chair shall be elected by a  
6-5 majority of the members.

6-6 (b) The purpose of the council is to inform the Interagency Council on Homelessness on  
6-7 the current status and issues facing the homeless throughout Rhode Island.

6-8 SECTION 2. This act shall take effect upon passage.



voting check off graphic

**MOTION: To find *beneficial* 11 S 0539 As Amended AN ACT RELATING TO HUMAN SERVICES - SUPPORT OF HOMELESS EG/RC passed, SB, TT Nay abstain LD & BB**

**MOTION To recommend the Commission support 11 S 0359 As Amended EG/RC passed TT, BI**

**Medicaid Bills:**

16. **11 S 0613 AN ACT RELATING TO HUMAN SERVICES - MEDICAL ASSISTANCE**  
Sen. Metts and Sens. Jabour, Doyle, Introduced On 3/10/11 Last Action Date 3/10/11 Senate Finance Committee

This act would require the general assembly to appropriate funds to allow the department of human services to provide sufficient reimbursement for oral health services for Medicaid eligible individuals with developmentally and physically disabling conditions.

*Reviewer finds this act beneficial "Long time coming"*

1-1 SECTION 1. Chapter 40-8 of the General Laws entitled "Medical Assistance" is hereby  
1-2 amended by adding thereto the following sections:

1-3 **40-8-20.3. Findings. --** The general assembly hereby finds and declares that the oral  
1-4 health of Medicaid-eligible children and adults with disabling conditions in this state is  
1-5 unacceptably poor. Access to dental care statewide is insufficient for these populations. Private  
1-6 dentists and community clinics who serve Medicaid residents do not receive sufficient  
1-7 reimbursement to cover the costs of care.

1-8 **40-8-20.4. Access to oral healthcare for Medicaid-eligible individuals with disabling**  
1-9 **conditions. --** The general assembly directs the department to provide adequate reimbursement  
1-10 for oral health services provided to Medicaid-eligible individuals with developmentally and  
1-11 physically disabling conditions.

1-12 **40-8-20.5. Appropriation. --** The general assembly shall annually appropriate to the  
1-13 department of human services such funds, as it deems necessary, to enable the department to  
1-14 carry out the purposes of sections 40-8-20.3 and 40-8-20.4.

1-15 SECTION 2. This act shall take effect upon passage.



voting check off graphic

**MOTION: To find *beneficial* 11 S 0613 AN ACT RELATING TO HUMAN SERVICES - MEDICAL ASSISTANCE TF/RH passed, abstain, LD, BB**

**Special Education Bills:**

17. **11 S 0046 AN ACT RELATING TO EDUCATION -- COMPULSORY ATTENDANCE**  
Sen. DiPalma and Sens. DeVall, Tassoni, Introduced On 1/19/11 Last Action Date  
1/19/11 Senate Education Committee

This act would require compulsory school attendance until the age of eighteen (18) and would allow for the waiver of compulsory attendance for pupils over the age of sixteen (16) who are involved with an alternative learning plan.

This act would take effect upon passage.

*Reviewer finds this act harmful*

1-1 SECTION 1. Section 16-19-1 of the General Laws in Chapter 16-19 entitled  
1-2 "Compulsory Attendance" is hereby amended to read as follows:

1-3 **16-19-1. Attendance required.** -- (a) Every child who has completed or will have  
1-4 completed six (6) years of life on or before September 1 of any school year and has not completed  
1-5 ~~sixteen (16)~~ eighteen (18) years of life shall regularly attend some public day school during all the  
1-6 days and hours that the public schools are in session in the city or town in which the child resides.  
1-7 Every person having under his or her control a child as described in this section shall cause the  
1-8 child to attend school as required by this section, and for every neglect of this duty the person  
1-9 having control of the child shall be fined not exceeding fifty dollars (\$50.00) for each day or part  
1-10 of a day that the child fails to attend school, and if the total of these days is more than thirty (30)  
1-11 school days during any school year, then the person shall, upon conviction, be imprisoned not  
1-12 exceeding six (6) months or shall be fined not more than five hundred dollars (\$500), or both;  
1-13 provided, that if the person so charged shall prove that the child has attended for the required  
1-14 period of time a private day school approved by the commissioner of elementary and secondary  
1-15 education pursuant to section 16-60-6(10), or a course of at-home instruction approved by the  
1-16 school committee of the town where the child resides, or has been accepted into an accredited  
1-17 postsecondary education program, or has obtained a waiver under subsection (b) of this section,  
1-18 or that the physical or mental condition of the child was such as to render his or her attendance at  
1-19 school inexpedient or impracticable, or that the child was excluded from school by virtue of some  
2-1 other general law or regulation, then attendance shall not be obligatory nor shall the penalty be  
2-2 incurred.

2-3 (b) ~~Every child enrolled in school who completes or has completed sixteen (16) years of~~  
2-4 ~~life and who has not yet attained eighteen (18) years of age shall regularly attend school during~~  
2-5 ~~all the days and hours that the public schools are in session in the city or town in which the child~~  
2-6 ~~resides unless the person having control of the child withdraws the child from enrollment in~~  
2-7 ~~accordance with section 16-67.1-3. Provided, however, that nothing in this subsection or in~~  
2-8 ~~subsection (a) of this section shall prohibit or limit cities or towns from enacting programs of~~  
2-9 ~~early intervention and/or mediation in an effort to address the problems of students who are~~  
2-10 ~~habitually late or absent from school~~ A waiver to the compulsory attendance requirement may be  
2-11 granted by the superintendent only upon proof that the pupil is sixteen (16) years of age or older  
2-12 and has an alternative learning plan for obtaining either a high school diploma or its equivalent.

2-13 (1) Alternative learning plans shall include age-appropriate academic rigor and the  
2-14 flexibility to incorporate the pupil's interests and manner of learning. These plans may include,  
2-15 but are not limited to, such components or combination of components of extended learning  
2-16 opportunities as independent study, private instruction, participation in college credit bearing  
2-17 courses, performing groups, internships, community service, apprenticeships, and online courses  
2-18 that are currently funded and available to the school department and/or the community.

2-19 (2) Alternative learning plans shall be developed, and amended if necessary, in  
2-20 consultation with the pupil, a school guidance counselor, the school principal and at least one  
2-21 parent or guardian of the pupil, and submitted to the superintendent for approval.

2-22 (3) If the superintendent does not approve the alternative learning plan, the parent or  
2-23 guardian of the pupil may appeal such decision to the school committee. A parent or guardian

2-24 may appeal the decision of the school committee to the commissioner of education pursuant to  
2-25 chapter 39 of title 16.

2-26 (c) Nothing in this section shall be deemed to limit or otherwise interfere with the rights  
2-27 of teachers and other school employees to collectively bargain pursuant to chapters 9.3 and 9.4 of  
2-28 title 28 or to allow any school committee to abrogate any agreement reached by collective  
2-29 bargaining.

2-30 SECTION 2. Section 16-67.1-3 of the General Laws in Chapter 16-67.1 entitled "Rhode  
2-31 Island High School Dropout Prevention Act of 2007" is hereby amended to read as follows:

2-32 **16-67.1-3. Defining the age and protocol for a student to leave school.** -- (a) Children  
2-33 who have ~~completed sixteen (16) years of life and who have~~ not yet attained eighteen (18) years  
2-34 of age may not withdraw from school before graduation unless:

3-1 (1) The student, the student's parent(s)/guardian and an administrator agree to the  
3-2 withdrawal;

3-3 (2) At the exit interview, the student and the student's parent(s)/guardian provide written  
3-4 acknowledgement of the withdrawal that meets the requirements of paragraph (4)~~(D)~~(iv) of this  
3-5 subsection;

3-6 (3) The school principal provides written consent for the student to withdraw from  
3-7 school; and/or

3-8 (4) The withdrawal is:

3-9 ~~(i)(A)~~ Due to documented financial hardship and the need of the individual to be  
3-10 employed to support the individual's family or a dependent;

3-11 ~~(ii)(B)~~ Due to documented illness;

3-12 ~~(iii)(C)~~ By order of a court that has jurisdiction over the student; ~~and or~~

3-13 ~~(iv)(D)~~ Accompanied by a written acknowledgement of a withdrawal under subdivision  
3-14 (2) of this subsection which must include a statement that the student and the student's

3-15 parent(s)/guardian understand that withdrawal from school is likely to reduce the student's future  
3-16 earnings and increase the student's likelihood of being unemployed in the future;

3-17 (b) If a child of the age described in subsection (a) is habitually absent from school and  
3-18 the school is unable to contact the parent(s)/guardian. the school may withdraw the child from  
3-19 enrollment provided that its attempts to contact the parent(s)/guardian by telephone, regular and  
3-20 registered mail, and home visit are documented. If a child who has been withdrawn from  
3-21 enrollment under this subsection returns to school, or if the school mistakenly withdraws the child  
3-22 from enrollment, the child shall ~~promptly~~ immediately be re-enrolled.

3-23 (c) The withdrawal of the child prior to attaining eighteen (18) years of age shall also be  
3-24 permitted if the pupil:

3-25 (1) Has successfully completed all requirements for graduation and the school district is  
3-26 prepared to issue a diploma; or

3-27 (2) Has obtained a G.E.D. certificate; or

3-28 (3) Has documented completion of a home school program at the high school level by  
3-29 submitting a certificate or letter to the department of education; or

3-30 (4) Has been accepted into an accredited postsecondary education program; or

3-31 (5) Has been accepted into a vocation program recognized by the state; or

3-32 (6) Has obtained a waiver from the local superintendent of schools, which shall only be  
3-33 granted upon proof that the pupil is sixteen (16) years of age or older and has an alternative  
3-34 learning plan for obtaining either a high school diploma or its equivalent.

4-1 (i) Alternative learning plans shall include age-appropriate academic rigor and the  
4-2 flexibility to incorporate the pupil's interest and manner of learning. These plans may include,  
4-3 but are not limited to, such components or combination of components of extended learning  
4-4 opportunities as independent study, private instruction, performing groups, internships,  
4-5 community service, apprenticeships, and online courses that are currently funded and available to  
4-6 the school department and/or the community.

4-7 (ii) Alternative learning plans shall be developed, and amended if necessary, in  
4-8 consultation with the pupil, a school guidance counselor, the school principal and at least one  
4-9 parent or guardian of the pupil, and submitted to the school district superintendent for approval.  
4-10 Said plans shall utilize resources that are currently funded and available to the school department  
4-11 and/or the community.

4-12 SECTION 3. This act shall take effect upon passage.



voting check off graphic

The Committee took no position **11 S 0046 and H 5061 ACTS**  
**RELATING TO EDUCATION -- COMPULSORY ATTENDANCE**

18. **11 S 0432 AN ACT RELATING TO EDUCATION - BOARD OF REGENTS** Sen. Algieri and Sens. Hodgson, Introduced On 3/10/11 Last Action Date 3/10/11 Senate Education Committee

This act would grant the board of regents for elementary and secondary education the power to grant relief from educational mandates in response to petitions from school districts.

This act would take effect upon passage.

*Reviewer finds this act harmful*

1-1 SECTION 1. Section 16-60-4 of the General Laws in Chapter 16-60 entitled "Board of  
1-2 Regents for Elementary and Secondary Education" is hereby amended to read as follows:

1-3 **16-60-4. Board of regents for elementary and secondary education -- Powers and**

1-4 **duties.** -- The board of regents for elementary and secondary education shall have in addition to  
1-5 those enumerated in section 16-60-1, the following powers and duties:

1-6 (1) To approve a systematic program of information gathering, processing, and analysis  
1-7 addressed to every aspect of elementary and secondary education in this state especially as that  
1-8 information relates to current and future educational needs so that current needs may be met with  
1-9 reasonable promptness and plans formulated to meet future needs as they arise in the most  
1-10 efficient and economical manner possible.

1-11 (2) To approve a master plan defining broad goals and objectives for elementary and  
1-12 secondary education in the state. These goals and objectives shall be expressed in terms of what  
1-13 men and women should know and be able to do as a result of their educational experience. The  
1-14 regents shall continually evaluate the efforts and results of education in the light of these  
1-15 objectives.

1-16 (3) To formulate broad policy to implement the goals and objectives established and  
1-17 adopted by the board of regents; to adopt standards and require enforcement and to exercise  
1-18 general supervision over all elementary and secondary public and nonpublic education in the state  
1-19 as provided in subdivision (8) of this section. The board of regents shall not engage in the  
2-1 operation or administration of any subordinate committee, local school district, school, school  
2-2 service, or school program, except its own department of elementary and secondary education,  
2-3 and except as specifically authorized by an act of the general assembly-, provided that it may, in  
2-4 response to a petition from a local or regional school district, grant that district a waiver, on such  
2-5 terms and for such a period as it deems best, from any mandate or other requirement of this title.  
2-6 The adoption and submittal of the budget and the allocation of appropriations, the acquisition,  
2-7 holding, disposition, and general management of property shall not be construed to come within  
2-8 the purview of the preceding prohibition. The regents shall communicate with and seek the advice  
2-9 of the commissioner of elementary and secondary education and all those concerned with and  
2-10 affected by its determinations as a regular procedure in arriving at its conclusions and in setting  
2-11 its policy.

2-12 (4) To allocate and coordinate the various educational functions among the educational  
2-13 agencies of the state and local school districts and to promote cooperation among them so that  
2-14 maximum efficiency and economy shall be achieved.

2-15 (5) (i) To prepare with the assistance of the commissioner of elementary and secondary  
2-16 education and to present annually to the state budget officer, in accordance with section 35-3-4, a  
2-17 total educational budget for the elementary and secondary sector which shall include, but not be  
2-18 limited to, the budgets of the department of elementary and secondary education, subordinate  
2-19 boards and agencies, and state aid to local school districts.

2-20 (ii) In the preparation of the budget, the regents shall determine priorities of expenditures  
2-21 for elementary and secondary education purposes of state revenues and other public resources  
2-22 made available for the support of public elementary and secondary education among the various  
2-23 education agencies of the state. Nothing contained in this section shall authorize any individual or  
2-24 group of individuals to reallocate resources in a manner other than that prescribed in the budget as  
2-25 appropriations by the general assembly.

2-26 (6) To maintain a department of elementary and secondary education, to provide for its  
2-27 staffing and organization and to appoint a commissioner of elementary and secondary education  
2-28 pursuant to section 16-60-6 who shall serve at its pleasure. The commissioner of elementary and  
2-29 secondary education and the department of elementary and secondary education shall have any  
2-30 duties and responsibilities as defined in sections 16-60-6 and 16-60-7.

2-31 (7) To establish other educational agencies or subcommittees necessary or desirable for  
2-32 the conduct of any or all aspects of elementary and secondary education and to determine all  
2-33 powers, functions, and composition of any agencies or subcommittees and to dissolve them when  
2-34 their purpose shall have been fulfilled; provided that nothing contained in this subdivision shall  
3-1 be construed to grant the regents the power to establish subcommittees or agencies performing the  
3-2 duties and functions of local school committees except as provided in section 16-1-10.

3-3 (8) To exercise the authority previously vested in the board of regents for education with  
3-4 relation to secondary nonpublic educational institutions within the state under the terms of  
3-5 chapter 40 of this title and other laws affecting nonpublic education in the state, and to cause the  
3-6 department of elementary and secondary education to administer the provisions of that section.

3-7 (9) To exercise all the functions, powers and duties which previously were vested in the  
3-8 board of regents for education, under the provisions of former section 16-49-4(9), including but  
3-9 not limited to the following specific functions:

3-10 (i) To approve the basic subjects and courses of study to be taught and instructional  
3-11 standards required to be maintained in the public elementary and secondary schools of the state.

3-12 (ii) To adopt standards and qualifications for the certification of teachers and to provide  
3-13 for the issuance of certificates, and to establish fees for the certification of teachers. The fees  
3-14 collected for the certification of teachers along with various education licensing and testing fees  
3-15 shall be deposited by the board of regents as general revenues. The funds appropriated by the  
3-16 general assembly shall be utilized by the department of elementary and secondary education to  
3-17 establish and support programs which enhance the quality and diversity of the teaching  
3-18 profession. The commissioner of elementary and secondary education shall regularly make  
3-19 recommendations to the board about specific programs and projects to be supported by those  
3-20 funds. The commissioner shall oversee the funds, assess the effectiveness of its programs and  
3-21 projects, and make recommendations about the general use and operation of the funds to the  
3-22 board.

3-23 (iii) To be responsible for the distribution of state school funds.

3-24 (iv) To determine the necessity of school construction and to approve standards for  
3-25 design and construction of school buildings throughout the state.

3-26 (v) To set standards for school libraries and school library services.

3-27 (vi) To make recommendations relative to transportation of pupils to school, school bus  
3-28 routes, time schedules, and other matters relating to pupil transportation.

3-29 (vii) To enforce the provisions of all laws relating to elementary and secondary  
3-30 education.

3-31 (viii) To decide and determine appeals from decisions of the commissioner.

- 3-32 (ix) To prescribe forms for the use of local school committees and local officers when  
3-33 reporting to the department of elementary and secondary education.
- 3-34 (x) To adopt and require standard accounting procedures for local school districts, except  
4-1 as provided for in subdivision (3) of section 16-24-2.
- 4-2 (xi) To adopt and require standard uniform operating and capital budgeting procedures  
4-3 for local school districts.
- 4-4 (10) To establish rules for the approval and accrediting of elementary and secondary  
4-5 schools.
- 4-6 (11) To recommend to the general assembly changes in the size and number of the  
4-7 school districts within the state; and to make any further and other recommendations to the  
4-8 general assembly as the board of regents may determine to be necessary or desirable, including,  
4-9 but not limited to, proposals for incentives for the coordination of services and facilities of certain  
4-10 school districts and the feasibility of granting taxing authority to local school committees upon  
4-11 their request, and the impact upon the quality of education within that particular community by  
4-12 granting the request. In carrying out this duty, the board of regents shall periodically issue reports  
4-13 in school district organizations for selected regions and school districts.
- 4-14 (12) To exercise all other powers with relation to the field of elementary and secondary  
4-15 education within this state not specifically granted to any other department, board, or agency, and  
4-16 not incompatible with law, which the board of regents for elementary and secondary education  
4-17 may deem advisable.
- 4-18 (13) To exercise the authority previously vested in the board of regents for education  
4-19 with relation to adult education as defined in section 16-58-2 and to establish definitive goals for  
4-20 and operate a comprehensive delivery system for adult education programs and services,  
4-21 including the counseling and testing of persons interested in obtaining high school equivalency  
4-22 diplomas, the issuance of diplomas, and the maintenance of a permanent record of applications,  
4-23 tests, and equivalency diplomas.
- 4-24 (14) To promote maximum efficiency and economy in the delivery of elementary and  
4-25 secondary educational services in the state.
- 4-26 (15) To approve a training program for school committee members to enhance their  
4-27 individual skills and their effectiveness as a corporate body. The training program should include,  
4-28 but not be limited to, the following roles and responsibilities of school committees: strategic  
4-29 planning, human and community relations, and school finance and budgeting.
- 4-30 (16) Within ninety (90) days after the end of each fiscal year, the board shall submit an  
4-31 annual report to the governor, the speaker of the house of representatives, and the president of the  
4-32 senate of its activities during that fiscal year. The report shall provide: an operating statement  
4-33 summarizing meetings or hearings held, subjects addressed, decisions rendered, rules or  
4-34 regulations promulgated, studies conducted, policies and plans developed, approved, or modified,  
5-1 and programs administered or initiated; a consolidated financial statement of all funds received  
5-2 and expended including the source of the funds, a listing of any staff supported by these funds,  
5-3 and a summary of any clerical, administrative or technical support received; a summary of  
5-4 performance during the previous fiscal year including accomplishments, shortcomings and  
5-5 remedies; a synopsis of hearings, complaints, suspensions, or other legal matters related to the  
5-6 authority of the board; a briefing on anticipated activities in the upcoming fiscal year; and  
5-7 findings and recommendations for improvements. The director of the department of  
5-8 administration shall be responsible for the enforcement of the provisions of this subsection.
- 5-9 (17) To prepare with the assistance of the commissioner a multi-year plan of priority  
5-10 educational goals and objectives. This plan should recommend policy objectives, implementation  
5-11 strategies, and a timetable for major policy initiatives.
- 5-12 (18) Each year the governor shall by writing notify the board of regents for elementary  
5-13 and secondary education concerning broad economic, cultural, and social needs that the education  
5-14 system needs to consider which the board shall address in developing educational plans and

5-15 programs.

5-16 (19) Appoint a standing committee that will develop a schedule to systematically review  
5-17 all board policies over a three (3) year period.

5-18 (20) To prepare with the assistance of the commissioner a statement of regulatory policy.  
5-19 This policy should set forth the goals and objectives of state regulations which are expressed in  
5-20 terms of what educational inputs and outputs the board expects regulations to address.

5-21 (21) (i) To prepare with the assistance of the commissioner of elementary and secondary  
5-22 education and to present annually to the general assembly by January 1 a report on school  
5-23 discipline in Rhode Island schools. This report shall include:

5-24 (A) Expulsions by district, including duration and the reason for each action.

5-25 (B) Suspensions by district, including duration and the reason for each action.

5-26 (C) Placements to alternative programs for disciplinary reasons.

5-27 (D) Assaults of teachers, students, and school staff by students.

5-28 (E) Incidents involving possession of weapons on school property. For the purpose of  
5-29 this section, a weapon shall be considered any of those weapons described in sections 11-47-2  
5-30 and 11-47-42.

5-31 (F) Incidents of the sale of controlled substances by students.

5-32 (G) Incidents of the possession with the intent to sell controlled substances by students.

5-33 (H) Additional demographic information including, but not limited to, the ethnic and  
5-34 racial classifications, age, and gender, as prescribed by the commissioner, of each of the students  
6-1 involved in the incidents, events or actions described in subparagraphs (A) through (G) of this  
6-2 subdivision.

6-3 (I) A description of the education program provided to each student suspended for over  
6-4 ten (10) consecutive school days in a school year.

6-5 (ii) All school superintendents shall supply the necessary information on forms  
6-6 established by the commissioner of elementary and secondary education to the board of regents to  
6-7 assist in the preparation of the board of regents' report on school discipline.

6-8 (22) To prepare and promulgate a uniform statewide school reporting system which  
6-9 would provide information including, but not limited to, the following:

6-10 (i) Student and teacher attendance rates;

6-11 (ii) Standardized test scores;

6-12 (iii) Demographic profiles;

6-13 (iv) Results of polls of students, parents, and teachers;

6-14 (v) Descriptions of goals, initiatives, and achievements;

6-15 (vi) Best teaching practices;

6-16 (vii) Alternative student assessments;

6-17 (viii) Special programs;

6-18 (ix) Number of student suspensions and teacher grievances and the amount of parental  
6-19 involvement.

6-20 (23) The board shall conduct a training course for newly appointed and qualified  
6-21 members within six (6) months of their qualification. The course shall be developed by the  
6-22 chairperson of the board, approved by the board, and conducted by the chairperson of the board.  
6-23 The board may approve the use of any board or staff members or other individuals to assist with  
6-24 training. The training course shall include instruction in the following areas: the provisions of  
6-25 chapters 42-46, 36-14, and 38-2; and the board's own rules. The director of the department of  
6-26 administration shall, within ninety (90) days of the effective date of this act, prepare and  
6-27 disseminate training materials relating to the provisions of chapters 42-46, 36-14, and 38-2.

6-28 SECTION 2. This act shall take effect upon passage.



voting check off graphic

**MOTION: To find *harmful* 11 S 0432 AN ACT RELATING TO  
EDUCATION - BOARD OF REGENTS AP/RH passed, Abstained SB,**

LD, BB, EG

MOTION To recommend the Commission oppose 11 S 0432 AP/JR passed, Abstain LD, TF, SB, EG

19. 11 S 0522 AN ACT RELATING TO EDUCATION - HEALTH AND SAFETY OF PUPILS Sen. Metts Introduced On 3/10/11 Last Action Date 3/10/11

This act would allow a municipality to establish ordinances that would permit a municipality to relieve itself from payment for certain services and products for students who attend private schools, but would not apply to parochial, and/or sectarian schools. The services would include loan of textbooks; transportation of students; certified nurses or nurse teachers; and other mandates or obligations which a municipality petitions for exemption and approval is given by the general assembly.

This act would take effect upon passage.

*Reviewer finds this act harmful*

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

1-3 **16-21-33. Findings of fact. --** The general assembly makes the following findings of  
1-4 fact:

1-5 (1) The present financial resources of cities, towns and the state are stretched to their  
1-6 limit with regard to providing adequate funding for education, yet the need to fund public  
1-7 education at its present level remains unabated.

1-8 (2) School districts, school departments, boards of directors, and school committees are  
1-9 limited in their ability to seek alternative sources of funding for budgetary items outside of the  
1-10 annual appropriation of state aid to education and municipal tax levies.

1-11 (3) That certain requirements imposed by state law on local cities and towns to provide  
1-12 certain educationally-related items and services to private, parochial, and/or sectarian schools,  
1-13 impose additional hardships upon municipalities which said municipalities can no longer bear to  
1-14 fund.

1-15 **16-21-34. Relief from certain state educationally-related mandates. -- (a)**  
1-16 Recognizing the financial burdens on municipalities as identified in section 16-2-33, the general  
1-17 assembly authorizes municipalities to establish ordinances which shall permit the municipality to  
1-18 relieve itself from the following:

1-19 (1) Any obligation pursuant to section 16-23-2 ("Loan of Textbooks") to provide  
2-1 textbooks to students from the municipality who attend private schools;

2-2 (2) Any obligation pursuant to chapter 16-21 ("Health and Safety of Pupils") to provide  
2-3 transportation for students who attend private schools;

2-4 (3) Any obligation pursuant to chapter 16-21 to provide the services of certified nurses or  
2-5 nurse teachers to any private schools; and

2-6 (4) Such other mandates or obligations which a municipality petitions the general  
2-7 assembly for exemption from, and for which approval is given by the general assembly.

2-8 (b) Provided, that this section shall not apply to parochial or sectarian schools. Any  
2-9 obligations imposed by section 16-23-2 and/or chapter 16-21 in regard to parochial or sectarian  
2-10 schools shall remain in effect, and no ordinance or petition under the provisions of this section  
2-11 shall be deemed to remove any municipality's obligation under these laws to a parochial or  
2-12 sectarian school.

2-13 SECTION 2. This act shall take effect upon passage.



voting check off graphic

MOTION: To find *harmful* 11 S 0522 AN ACT RELATING TO EDUCATION - HEALTH AND SAFETY OF PUPILS RC/AP passed,

**Abstain BB, TF, LD**

20. **11 H 5057 AN ACT RELATING TO TOWNS AND CITIES -- STATE AID**

Rep. Edwards and Reps. Brien, Silva, Introduced On 1/19/11 Last Action Date 2/16/11 House Finance Committee

This act would provide that if during any fiscal year the state reimbursement to cities and towns and school districts is insufficient to cover the costs of state mandates as reported by the department of revenue, those affected cities, towns and school districts may cease implementation of state mandates at their discretion up to fifty percent (50%) of the value of the reimbursement shortfall.

This act would take effect upon passage.

Reviewer finds this act harmful

1-1 SECTION 1. Section 45-13-9 of the General Laws in Chapter 45-13 entitled "State Aid"

1-2 is hereby amended to read as follows:

1-3 **45-13-9. Reimbursement to cities and towns and school districts for the costs of state**

1-4 **mandates.** -- (a) (1) The department of revenue shall submit to the budget office by October 1 of

1-5 each year, a report by each city and town, of the cost of state mandates established after January

1-6 1, 1979, to be reimbursed for the next preceding July 1 -- June 30 period.

1-7 (2) The budget office shall annually include the statewide total of the statement of costs

1-8 of state mandates eligible to be reimbursed in the state budget for the next fiscal year for

1-9 consideration by the governor in preparing a final budget proposal for submission to the general

1-10 assembly in accordance with section 35-3-7 of the General Laws; provided, that any costs

1-11 resulting from the rules and regulations of state departments or agencies shall be allocated to the

1-12 budgets of those departments or agencies.

1-13 (b) The state treasurer shall in July of each year distribute to cities and towns the

1-14 reimbursements for state mandated costs as may be appropriated by the general assembly.

1-15 (c) If during any fiscal year that state reimbursement to cities and towns and school

1-16 districts is insufficient to cover the costs of state mandates as reported by the department of

1-17 revenue, the affected cities, towns and school districts may cease implementation of the state

1-18 mandates at their discretion up to fifty percent (50%) of the value of the reimbursement shortfall,

1-19 provided that:

2-1 (1) Existing personnel contracts are honored in their entirety or renegotiated to the

2-2 satisfaction of both parties; and

2-3 (2) Implementation of state mandates is restored upon the full restoration of state

2-4 reimbursements.

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



voting check off graphic

**MOTION: To find *harmful* 11 H 5057 & H 5374 AN ACT RELATING TO TOWNS AND CITIES -- STATE AID RC/TT passed abstain SB, LD, JD, TF**

21. **11 S 0433 AN ACT RELATING TO EDUCATION -- THE PAUL W. CROWLEY RHODE ISLAND STUDENT INVESTMENT INITIATIVE** Sen. Picard Introduced On 3/10/11 Last Action Date 3/10/11 Senate Education Committee

This act would provide that the annual state assessment program would include the results of alternate assessments for up to one percent (1%) of certain students from a school district who are identified as having severe cognitive disabilities and up to two percent (2%) of students from a school district who are identified as performing academically below grade level.

This act would take effect upon passage.

Reviewer finds this act harmful

1-1 SECTION 1. Section 16-7.1-13 of the General Laws in Chapter 16-7.1 entitled "The Paul  
 1-2 W. Crowley Rhode Island Student Investment Initiative" is hereby amended to read as follows:  
 1-3 **16-7.1-13. State leadership in conducting annual assessments of student**  
 1-4 **performance.** -- Setting high standards for student performance must be paired with related  
 1-5 assessments that will determine what progress the state is making toward bringing all children to  
 1-6 high levels of achievement. A state assessment program shall be continued and expanded in core  
 1-7 areas (mathematics, reading, writing and health). The program shall include performance  
 1-8 standards and an annual report that disaggregates performance by race, poverty, native language  
 1-9 and gender. The general assembly shall annually appropriate funds to support the programs, and  
 1-10 the amount shall be recalculated annually. The commissioner of education shall implement the  
 1-11 state assessment program, which shall include the results from an alternative test for up to one  
 1-12 percent (1%) of those students from each school district who are identified as having the most  
 1-13 severe cognitive disabilities, and also the results for up to two percent (2%) of those students  
 1-14 from each school district whose academic performance is identified as falling below grade level,  
 1-15 but who are higher functioning than those students identified as having severe cognitive  
 1-16 disabilities.  
 2-1 SECTION 2. This act shall take effect upon passage.

 <small>voting check off graphic</small>	<b>MOTION: To Table for info from Ed 11 S 0433 AN ACT RELATING TO EDUCATION -- THE PAUL W. CROWLEY RHODE ISLAND STUDENT INVESTMENT INITIATIVE SB/RC passed unanimously</b>
22.	<b>11 S 0439 AN ACT RELATING TO EDUCATION - RECOVERY HIGH SCHOOLS</b> Sen. Tassoni and Sens. Picard, Cote Introduced On 3/10/11 Last Action Date 3/10/11 Senate Education Committee This act would allow for the establishment of recovery high schools for students diagnosed with substance use disorder or dependency. This act would take effect upon passage. <i>Reviewer finds this act harmful</i>

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 93**  
 1-4 **THE RECOVERY HIGH SCHOOLS ACT**  
 1-5 **16-93-1. Short title.** -- This chapter shall be known and may be cited as "The Recovery  
 1-6 High Schools Act."  
 1-7 **16-93-2. Definitions.** -- As used in this chapter, the following words shall have the  
 1-8 following meaning unless the context clearly indicates otherwise:  
 1-9 (1) "Recovery High School" means a public school or collaborative program for students  
 1-10 diagnosed with substance use disorder or dependency, as defined by the diagnostic and statistical  
 1-11 manual of mental disorders IV-TR, that provides: (1) A comprehensive four (4) year high school  
 1-12 education; and (2) A structured plan of recovery.  
 1-13 (2) "Board of regents" means the Rhode Island board of regents for elementary and  
 1-14 secondary education.  
 1-15 (3) "Commissioner" means the Rhode Island commissioner of elementary and secondary  
 1-16 education.  
 1-17 (4) "Sending school district" means the district where the student attending or planning to  
 1-18 attend a recovery high school resides.  
 1-19 **16-93-3. Recovery high schools established.** -- (a) Any persons or entities eligible to  
 2-1 establish a public charter school may submit a proposal to establish a recovery high school. Said  
 2-2 proposal shall be submitted to the commissioner and to the school committee of the district where  
 2-3 the recovery high school is to be located no later than December 1st of the school year before the

2-4 school year in which the recovery high school is to begin operation. The approval of the board of  
2-5 regents and the school committee shall be required in order for the recovery high school to begin  
2-6 operation.

2-7 (b) By approval of the proposal upon the recommendation of the commissioner, the board  
2-8 of regents will be deemed to have authorized all necessary variances from law and regulation  
2-9 enumerated in the proposal.

2-10 **16-93-4. Transfer of aid. --** (a) Any school district in Rhode Island that may have a  
2-11 student or students who are currently or were last enrolled in said district and who are considered  
2-12 both clinically and academically appropriate for placement at a Rhode Island recovery high  
2-13 school referred to such school. If said student is admitted to said school, the sending school  
2-14 district shall ensure that tuition for students who attend the recovery high school is paid, and  
2-15 further, that upon completion of all other graduation requirements, said student or students shall  
2-16 receive a diploma.

2-17 (b) A sending school district shall transfer the per pupil allotment it receives pursuant to  
2-18 chapter 16-7.2 ("The Education Equity and Property Tax Relief Act") to a recovery high school  
2-19 for any student attending the recovery high school and meeting the following criteria: (1) The  
2-20 student is currently enrolled in the district or currently resides in the municipality in which the  
2-21 district is located; (2) The student is considered by a clinician, to be clinically appropriate, using  
2-22 the criteria for substance use disorders as defined in the diagnostic and statistical manual of  
2-23 mental disorders IV-TR; and (3) The student meets all matriculation criteria as outlined by the  
2-24 sending district and the department of elementary and secondary education, with determination of  
2-25 academic eligibility based on existing documentation provided by the district. The district and the  
2-26 recovery high school shall arrange to confer a diploma when a student completes state and  
2-27 district-mandated graduation requirements.

2-28 (c) A recovery high school shall submit to the board of regents data considered necessary  
2-29 by the board to provide information regarding each student's academic performance. A recovery  
2-30 high school shall also submit to the department of health data regarding each student's recovery.

2-31 (d) The board of regents, in consultation with the department of health, shall promulgate  
2-32 rules and regulations as necessary to implement and carry out the intent of this chapter.

2-33 **16-93-5. Start-up of initial recovery high school. --** The general assembly shall, by  
2-34 appropriation, provide funding for one-time start-up costs for recovery high schools as the general  
3-1 assembly determines to be in the best interests of and in furtherance of its duties to promote  
3-2 schools and education pursuant to article XII of the constitution of Rhode Island.

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



voting check off graphic

**MOTION: To find *beneficial* S 0439 AN ACT RELATING TO  
EDUCATION - RECOVERY HIGH SCHOOLS BB/RC passed JL, BB,  
LJ, RC, TT, LW Nay TT, BI, SB, AP, JR Nay LD, GS, JD, EG**

23.

**11 S 0013 AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE**

Sen. Tassoni and Sens. Bates, Doyle, Introduced On 1/11/11 Last Action Date  
1/11/2011 Senate Finance Committee

This act would establish an Ocean State Youth ChalleNGe Academy for at-risk  
youth through a cooperative agreement between the Rhode Island National Guard  
and the Rhode Island adjutant general.

This act would take effect upon passage.

*Reviewer finds this act harmful*

1-1 SECTION 1. Title 30 of the General Laws entitled "MILITARY AFFAIRS AND  
1-2 DEFENSE" is hereby amended by adding thereto the following chapter:

1-3 **CHAPTER 34**  
1-4 **RHODE ISLAND NATIONAL GUARD**

1-5 **OCEAN STATE YOUTH CHALLENGE ACADEMY PROGRAM ACT**

1-6 **30-34-1. Short Title.** -- This chapter shall be known and may be cited as “The Rhode  
1-7 Island National Guard Ocean State Youth ChalleNGe Academy Act”.

1-8 **30-34-2. Definitions.** -- As used in this chapter:

1-9 (1) “At-risk youth” means a person who is at least sixteen (16) years old but less than  
1-10 twenty (20) years of age and who has “quit”, been suspended or expelled from school, is  
1-11 habitually truant, or is otherwise habitually disruptive in school and/or is unemployed or  
1-12 underemployed.

1-13 (2) “GED” means a certificate that demonstrates that a person has passed a battery of  
1-14 tests given at a testing center, authorized by the commissioner of education, that are designed to  
1-15 measure the major outcomes and concepts generally associated with four (4) years of high school  
1-16 education.

1-17 (3) “Program” means the Ocean State Youth ChalleNGe Academy Program.

1-18 **30-34-3. Authorization.** -- The office of adjutant general is hereby authorized to operate  
1-19 a Youth ChalleNGe Academy program through the use of National Guard facilities and  
2-1 equipment for the purpose of providing at-risk youth with a program to help them obtain a GED,  
2-2 and/or high school diploma, increase their employment potential, and enhance their education and  
2-3 life skills.

2-4 The office of the adjutant general is hereby authorized to establish forty-seven (47) state  
2-5 positions to support the new program. The Ocean State Youth ChalleNGe Academy employees  
2-6 will be hired in accordance with the program start-up timeline established by the National Guard  
2-7 bureau.

2-8 **30-34-4. Costs.** -- The State of Rhode Island intends to enter into a cooperative  
2-9 agreement to establish the Ocean State Youth ChalleNGe Academy; provided, the cooperative  
2-10 agreement specifies that the national guard bureau will provide a seventy-five percent/twenty-five  
2-11 percent (75%/25%) federal/state matching fund requirement. The state match will not exceed  
2-12 twenty-five percent (25%).

2-13 **30-34-5. Criteria and conditions of program.** -- The program shall comply with the  
2-14 criteria and conditions specified in a cooperative agreement entered into between the chief of the  
2-15 National Guard bureau and the adjutant general of the State of Rhode Island.

2-16 **30-34-6. Program Management and Resource Utilization.** --

2-17 (a) The adjutant general shall appoint, in writing, a program manager for the Ocean State  
2-18 Youth ChalleNGe Academy.

2-19 (b) The program manager is directed and authorized to apply for federal monies that may  
2-20 be available to the state for the implementation and operation of the program.

2-21 (c) The adjutant general of the State of Rhode Island is authorized to accept, on behalf of  
2-22 the state, any gifts, grants, or donations from any private or public source for the purpose of  
2-23 implementing this chapter unless the gift, grant, or donation is subject to conditions that are  
2-24 inconsistent with this chapter or any other law of the state.

2-25 (d) The adjutant general is directed to establish a restricted receipt account to facilitate  
2-26 the state’s financial management of this program.

2-27 (e) All private and public monies received through gifts, grants, or donations shall be  
2-28 transmitted to the general treasurer, who shall credit the same amount received to the Ocean State  
2-29 Youth ChalleNGE Academy program restricted receipt account.

2-30 (f) The funds credited to this account are to be utilized for the sole purpose of resourcing  
2-31 direct and indirect costs associated with the implementation and administration of this program  
2-32 without regard to state or federal fiscal year limitations.

2-33 (g) All investment earnings derived from the deposit and investment of monies in the  
2-34 fund shall be credited to the program’s restricted receipt account.

3-1 (h) Any funds not expended by the end of the state fiscal year, in any given year, shall  
3-2 remain in the account and shall not be transferred or revert to the general fund at the end of any

3-3 fiscal year.  
 3-4 (i) The Rhode Island National Guard may receive federal funding to implement, conduct  
 3-5 and administer this program. The adjutant general and the United States property and fiscal  
 3-6 officer for Rhode Island will ensure that the expenditure of any funds received comply with  
 3-7 appropriate federal laws, regulations and policies. In the event that the Rhode Island National  
 3-8 Guard does not receive federal funds in any given federal fiscal year, the Rhode Island National  
 3-9 Guard is not authorized to conduct this program.  
 3-10 SECTION 2. This act shall take effect upon passage.

voting check off graphic  
**The Committee took no position 11 S 0013 & H 5071 ACTS RELATING TO MILITARY AFFAIRS AND DEFENSE**

 law graphic	Commission's Legislative Package	4:15
	Purpose/Goal: To update the Committee on the status of the Commission's bills.	
<b>Status of GCD's Legislative Package List on 4/7/11</b>		

**Commission Supports**  
Recommend Passage

**Senate Calendar**

4/12/11 # 001

**11 S 0352 As Amended AN ACT RELATING TO PUBLIC PROPERTY AND WORKS - DISABILITY BUSINESS ENTERPRISES**

Sen. Lanzi Requested by the Governor's Commission on Disabilities  
 Sent House Letter Sent Senate Letter 3/1/11 House Testimony Senate Testimony 3/24/11  
**Notes:** Theresa Theolke and Andy Argenbright testified on 3/24. *The amendment shifts the date for the regulations to be promulgated from September 30, 2011 to January 1, 2012. Need a floor amendment to change MHRH to BHDDH throughout the act.*

voting check off graphic  
**MOTION: To accept the amendment to change MHRH to BHDDH 11 S 0352 As Amended AN ACT RELATING TO PUBLIC PROPERTY AND WORKS - DISABILITY BUSINESS ENTERPRISES AP/GS passed Abstained RC, BB, LD**

**Senate Desk**

**11 S 0206 AN ACT RELATING TO HEALTH AND SAFETY - STATE BUILDING CODE** Sen. Fogarty  
 Requested by the Governor's Commission on Disabilities

Sent House Letter Sent Senate Letter 3/1/11 House Testimony Senate Testimony

**11 S 0207 AN ACT RELATING TO MOTOR AND OTHER VEHICLES - PARKING FACILITIES AND PRIVILEGES** Sen. Algieri Requested by the Governor's Commission on Disabilities

Sent House Letter Sent Senate Letter 3/1/11 House Testimony Senate Testimony

**Held for Further Study, Continued, or Heard**

**House Corporations Committee**

**11 H 5284 AN ACT RELATING TO HEALTH AND SAFETY - STATE BUILDING CODE** Rep. McCauley  
 Requested by the Governor's Commission on Disabilities

Sent House Letter 3/22/11 Sent Senate Letter House Testimony: Joseph Cirillo 3/23/11 Senate Testimony

**Notes:** Sent to H. HEW on 3/1/11. Bill transferred to H. Corp.

**House Finance Committee**

**11 H 5330 AN ACT RELATING TO PUBLIC PROPERTY AND WORKS - DISABILITY BUSINESS ENTERPRISES** Rep. Walsh Requested by the Governor's Commission on Disabilities

Sent House Letter 3/1/11 Sent Senate Letter House Testimony Theresa Thoeke 3/2/11 Senate Testimony

**Notes:** Sent Reps. Walsh & Naughton draft sub A to replace MHRH with BHDDH 3-3-11.

**House Judiciary Committee**

**11 H 5665 AN ACT RELATING TO HEALTH AND SAFETY -- CRIMINAL BACKGROUND CHECKS** Rep. Marcello Requested by the Governor's Commission on Disabilities  
Sent House Letter 3/22/11 Sent Senate Letter House Testimony B. Cooper 3/23/11 Senate Testimony  
**Notes:** spoke to AG's Office, will work on sub A.

**House Municipal Government Committee**

**11 H 5300 AN ACT RELATING TO MOTOR AND OTHER VEHICLES - PARKING FACILITIES AND PRIVILEGES** Rep. Jacquard Requested by Governor's Commission on Disabilities  
Sent House Letter 3/3/11 Sent Senate Letter House Testimony Senate Testimony

**Senate Finance Committee**

**11 S 0148 AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - TRANSPORTATION FUND** Sen. DiPalma  
Sent House Letter Sent Senate Letter 4/6/11 House Testimony Senate Testimony B. Cooper 4/7/11  
**Notes:** Executive Cmte voted on 4/4/11 to change position. Original letter sent to S. Finance on 3/22/11. Revised testimony presented to S. Finance on 4/7/11.

**Senate Health and Human Services Committee**

**11 S 0268 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - STATE COORDINATING COMMITTEE ON DISABILITY RIGHTS** Sen. Cote Requested by the Governor's Commission on Disabilities  
Sent House Letter Sent Senate Letter 3/1/11 House Testimony Senate Testimony B. Cooper 3/9/11

**Senate Judiciary Committee**

**11 S 0693 AN ACT RELATING TO HEALTH AND SAFETY -- CRIMINAL BACKGROUND CHECKS**  
Sen. Goodwin Requested by the Governor's Commission on Disabilities  
Sent House Letter Sent Senate Letter 3/22/11 House Testimony Senate Testimony B. Cooper 3/24/11  
**Notes:** AG want to incorporate into their overhaul of the entire system.

**Scheduled for hearing and/or consideration**

**Senate Finance Committee**

4/12/11 @ 2 in rm 211

**11 H 5894 Art. 10 AN ARTICLE RELATING TO THE DEPARTMENT OF EDUCATION**

Rep. Melo Requested by the Governor  
Sent House Letter 4/5/11 Sent Senate Letter 4/5/11 House Testimony Senate Testimony  
**Notes:** Executive Committee voted 4/4/11.

**Senate Health and Human Services Committee**

4/13/11 @ Rise in rm 212

**11 S 0301 AN ACT RELATING TO HUMAN SERVICES - HEALTH CARE ASSISTANCE FOR WORKING PEOPLE WITH DISABILITIES** Sen. Felag By Governors Commission on Disabilities  
Sent House Letter Sent Senate Letter 4/6/11 House Testimony Senate Testimony

**11 S 0304 AN ACT RELATING TO CRIMINAL OFFENSES -- ADULT CRISIS INTERVENTION AND PROTECTIVE SERVICES** Sen. McCaffrey Requested by the Governor's Commission on Disabilities  
Sent House Letter Sent Senate Letter 3/1/11 House Testimony Senate Testimony

**Referred to Committee - No Hearing Scheduled**

**House Finance Committee**

**11 H 5479 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND HOUSING AND MORTGAGE FINANCE CORPORATION** Rep. Kennedy requested by Governor's Commission on Disabilities

Sent House Letter 3/2/11 Sent Senate Letter House Testimony Senate Testimony

**11 H 5613 AN ACT RELATING TO CRIMINAL OFFENSES -- ADULT CRISIS INTERVENTION AND PROTECTIVE SERVICES** Rep. Naughton Requested by the Governor's Commission on Disabilities  
Sent House Letter 3/4/11 Sent Senate Letter House Testimony Senate Testimony

**11 H 5618 AN ACT RELATING TO HUMAN SERVICES - HEALTH CARE ASSISTANCE FOR WORKING PEOPLE WITH DISABILITIES** Rep. Naughton Requested by the Governor's Commission on Disabilities  
Sent House Letter 3/4/11 Sent Senate Letter House Testimony Senate Testimony

**11 H 5789 AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - TRANSPORTATION FUND**  
Rep. O'Grady

Sent House Letter 4/6/11 Sent Senate Letter House Testimony Senate Testimony

**Notes:** Executive Committee voted to change position on 4/4/11. Original letter sent to H. Finance on 3/22/11. Revised letter sent to H. Finance on 4/7/11.

**11 H 5913 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- RHODE ISLAND HOUSING**

RESOURCES ACT OF 1998 Rep. Slater  
Sent House Letter 3/22/11 Sent Senate Letter House Testimony Senate Testimony

**Senate Finance Committee**

**11 S 0356 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND HOUSING AND MORTGAGE FINANCE CORPORATION** Sen. Tassoni Requested by the Governor's Commission on Disabilities

Sent House Letter Sent Senate Letter 3/1/11 House Testimony Senate Testimony

**11 S 0571 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- RHODE ISLAND HOUSING RESOURCES ACT OF 1998** Sen. Pichardo

Sent House Letter Sent Senate Letter 3/22/11 House Testimony Senate Testimony

**Commission Supports if amended**

Held for Further Study, Continued, or Heard

**House Finance Committee**

**11 H 5894 Art. 11 AN ARTICLE RELATING TO THE CHILDREN'S HEALTH ACCOUNT** Rep. Melo Requested by the Governor

Sent House Letter 4/5/11 Sent Senate Letter 4/5/11 House Testimony Senate Testimony 4/5/11

**Notes:** Executive Committee voted 4/4/11.

**11 H 5894 Art. 22 AN ARTICLE RELATING TO REGISTRATION FEES** Rep. Melo Requested by the Governor

Sent House Letter 4/5/11 Sent Senate Letter 4/5/11 House Testimony Senate Testimony

**11 H 5894 Art. 31 AN ARTICLE RELATING TO HUMAN SERVICES--ABUSED AND NEGLECTED CHILDREN** Rep. Melo Requested by the Governor

Sent House Letter 4/6/11 Sent Senate Letter 4/5/11 House Testimony Senate Testimony B. Cooper 4/7/11

**Notes:** Executive Committee voted on 4/4/11.

**Commission Opposes**

Held for Further Study, Continued, or Heard

**House Finance Committee**

**11 H 5894 Art. 27 AN ARTICLE RELATING TO PHARMACEUTICAL ASSISTANCE TO THE ELDERLY** Rep. Melo Requested by the Governor

Sent House Letter 4/5/11 Sent Senate Letter 4/5/11 House Testimony Senate Testimony 4/7/11

**11 H 5894 Art. 28 AN ARTICLE RELATING TO THE RHODE ISLAND VETERANS' HOME**

Rep. Melo Requested by the Governor

Sent House Letter 4/5/11 Sent Senate Letter 4/5/11 House Testimony Senate Testimony 4/7/11

**Notes:** Executive Committee voted on 4/4/11.

**Commission Opposes unless amended**

Held for Further Study, Continued, or Heard

**House Finance Committee**

**11 H 5894 Art. 16 AN ARTICLE RELATING TO THE MEDICAID REFORM ACT** Rep. Melo Requested by the Governor

Sent House Letter 4/5/11 Sent Senate Letter 4/5/11 House Testimony Senate Testimony B. Cooper 4/5/11

**Committee finds this bill Beneficial**

Resolution Adopted

House Resolution 2011 -171 Effective Date: 3/30/11

**11 H 5402 HOUSE RESOLUTION REINSTATING THE LIFE AND EXTENDING THE REPORTING AND EXPIRATION DATES FOR THE SPECIAL LEGISLATIVE COMMISSION TO STUDY AND ESTABLISH AN OLMSTEAD DECISION TASK FORCE IN THE STATE OF RHODE ISLAND** Rep. Naughton

Sent House Letter 3/22/11 Sent Senate Letter House Testimony Senate Testimony

Held for Further Study, Continued, or Heard

**House Health, Education, & Welfare Committee**

**11 H 5173 AN ACT RELATING TO HEALTH AND SAFETY -- WOMEN'S CARDIOVASCULAR SCREENING AND RISK REDUCTION PILOT PROGRAM** Rep. Naughton

Sent House Letter 3/15/11 Sent Senate Letter House Testimony Senate Testimony

**11 H 5275 AN ACT RELATING TO INSURANCE -- AUTISM SPECTRUM DISORDERS** Rep. Palumbo

Sent House Letter 3/1/11 Sent Senate Letter House Testimony Senate Testimony

**11 H 5440 AN ACT RELATING TO EDUCATION - SCHOOL AND YOUTH PROGRAMS CONCUSSION ACT**  
Rep. Gallison

Sent House Letter 3/15/11 Sent Senate Letter House Testimony Senate Testimony

**11 H 5441 AN ACT RELATING TO BUSINESSES AND PROFESSIONS - NURSES** Rep. Bennett

Sent House Letter 3/22/11 Sent Senate Letter House Testimony Senate Testimony

**House Judiciary Committee**

**11 H 5089 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - STATE POLICE** Rep. Ajello

Sent House Letter 3/1/11 Sent Senate Letter House Testimony Senate Testimony

**11 H 5294 AN ACT RELATING TO EDUCATION -- CRIMINAL RECORDS BACKGROUND CHECKS**

Rep. Nunes

Sent House Letter 3/15/11 Sent Senate Letter House Testimony Senate Testimony

**11 H 5357 AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLE OFFENSES**

Rep. Menard

Sent House Letter 3/22/11 Sent Senate Letter House Testimony Senate Testimony

**11 H 5361 AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLE OFFENSES**

Rep. Menard

Sent House Letter 3/22/11 Sent Senate Letter House Testimony Senate Testimony

**11 H 5444 AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- CHILD RESTRAINTS** Rep. Mattiello

Sent House Letter 3/22/11 Sent Senate Letter House Testimony Senate Testimony

**11 H 5449 AN ACT RELATING TO MOTOR AND OTHER VEHICLES - SAFETY BELT USE** Rep. Williams

Sent House Letter 3/22/11 Sent Senate Letter House Testimony Senate Testimony

**11 H 5455 AN ACT RELATING TO EDUCATION - CERTIFICATION OF PERSONNEL** Rep. Keable

Sent House Letter 3/15/11 Sent Senate Letter House Testimony Senate Testimony

**11 H 5506 AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLE OFFENSES**

Rep. Walsh

Sent House Letter 3/22/11 Sent Senate Letter House Testimony Senate Testimony

**House Labor Committee**

**10 H 5222 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES** Rep. Carnevale

Sent House Letter 3/15/11 Sent Senate Letter House Testimony Senate Testimony

**Senate Health and Human Services Committee**

**11 S 0060 AN ACT RELATING TO HEALTH AND SAFETY -- WOMEN'S CARDIOVASCULAR SCREENING AND RISK REDUCTION PILOT PROGRAM** Sen. Crowley

Sent House Letter Sent Senate Letter 3/15/11 House Testimony Senate Testimony

**11 S 0107 AN ACT RELATING TO INSURANCE -- AUTISM SPECTRUM DISORDERS** Sen. O'Neill E

Sent House Letter Sent Senate Letter 3/1/11 House Testimony Senate Testimony

**Notes:** BC spoke to sponsor on 4/7, a sub A has been ordered.

**Scheduled for Hearing and/or consideration**

**4/13/11 at the Rise**

**11 S 0302 AN ACT RELATING TO BUSINESSES AND PROFESSIONS - INTERPRETERS FOR THE DEAF**

Sen. Walaska

Sent House Letter Sent Senate Letter 3/22/11 House Testimony Senate Testimony

**Senate Judiciary Committee**

**11 S 0236 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES** Sen. Ciccone

Sent House Letter Sent Senate Letter 3/16/11 House Testimony Senate Testimony

**11 S 0665 AN ACT RELATING TO EDUCATION -- CRIMINAL RECORDS BACKGROUND CHECKS**

Sen. Pinga

Sent House Letter Sent Senate Letter 3/22/11 House Testimony Senate Testimony

**Scheduled for hearing and/or consideration**

**House Health, Education, & Welfare Committee**

**4/13/11 @ Rise in House Lounge**

**11 H 5799 AN ACT RELATING TO BUSINESSES AND PROFESSIONS - INTERPRETERS FOR THE DEAF**

Rep. Handy

Sent House Letter 3/22/11 Sent Senate Letter House Testimony Senate Testimony

**Senate Education Committee**

4/13/11 @ Rise in rm 310

**11 S 0291 AN ACT RELATING TO EDUCATION - SCHOOL AND YOUTH PROGRAMS CONCUSSION ACT**

Sen. Felag

Sent House Letter Sent Senate Letter3/15/11House Testimony Senate Testimony

Postponed by sponsor

**House Judiciary Committee**

**11 H 5519 AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- HABITUAL OFFENDERS**

Rep. Marcello

Sent House Letter3/22/11Sent Senate Letter House Testimony Senate Testimony

Referred to Committee - No Hearing Scheduled

**House Finance Committee**

**11 H 5324 AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - PUBLIC UTILITIES COMMISSION**

Rep. Naughton

Sent House Letter3/22/11Sent Senate Letter House Testimony Senate Testimony

**11 H 5393 AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - PUBLIC UTILITIES COMMISSION**

Rep. Naughton

Sent House Letter3/22/11Sent Senate Letter House Testimony Senate Testimony

**11 H 5588 AN ACT RELATING TO HUMAN SERVICES -- HEALTH CARE ASSISTANCE FOR WORKING**

**PEOPLE WITH DISABILITIES** Rep. Naughton

Sent House Letter3/22/11Sent Senate Letter House Testimony Senate Testimony

**Senate Judiciary Committee**

**11 S 0022 AN ACT RELATING TO MOTOR AND OTHER VEHICLES - SAFETY BELT USE** Sen. Tassoni

Sent House Letter Sent Senate Letter3/22/11House Testimony Senate Testimony

**11 S 0121 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- STATE POLICE** Sen. Miller

Sent House Letter Sent Senate Letter3/1/11 House Testimony Senate Testimony

**11 S 0225 AN ACT RELATING TO PROPERTY -- RHODE ISLAND FAIR HOUSING PRACTICES ACT**

Sen. Metts

Sent House Letter Sent Senate Letter3/1/11 House Testimony Senate Testimony

**11 S 0241 AN ACT RELATING MOTOR AND OTHER VEHICLES -- MOTOR VEHICLE OFFENSES**

Sen. Sosnowski

Sent House Letter Sent Senate Letter3/22/11House Testimony Senate Testimony

**Committee finds this bill Beneficial if amended**

Recommend Passage

**Senate Calendar 4/13/11 # 002**

**11 S 0677 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- CORRECTIONS**

**DEPARTMENT** Sen. McCaffrey Requested by the Department of Corrections

Sent House Letter Sent Senate Letter3/22/11House Testimony Senate Testimony

Held for Further Study, Continued, or Heard

**House Health, Education, & Welfare Committee**

**11 H 5626 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- CORRECTIONS**

**DEPARTMENT** Rep. Lally Requested by the Department of Corrections

Sent House Letter3/15/11Sent Senate Letter House Testimony Senate Testimony

**Senate Health and Human Services Committee**

**11 S 0202 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - LONG-TERM CARE**

**OMBUDSPERSON ACT OF 1995** Sen. Perry

Sent House Letter Sent Senate Letter3/1/11 House Testimony Senate Testimony 3/9/11

Referred to Committee

**Senate Finance Committee**

**11 S 0609 AN ACT RELATING TO HUMAN SERVICES - THE RHODE ISLAND WORKS PROGRAM**

Sen. Pichardo

Sent House Letter Sent Senate Letter3/22/11House Testimony Senate Testimony

Withdrawn by sponsor

**House Finance Committee**

**11 H 5326 AN ACT RELATING TO HUMAN SERVICES - THE RHODE ISLAND WORKS PROGRAM**

Rep. Cimini

Sent House Letter3/22/11Sent Senate Letter House Testimony Senate Testimony  
**House Health, Education, & Welfare Committee**  
**11 H 5278 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - LONG-TERM CARE OMBUDSPERSON ACT OF 1995** Rep. Coderre E

Sent House Letter3/2/11Sent Senate Letter House Testimony Senate Testimony  
**Notes:**Letter sent to H. Corp on 3/1/11 to House HEW on 3/2/11

**Committee finds this bill Harmful**

**Held for Further Study, Continued, or Heard**

**House Health, Education, & Welfare Committee**

**11 H 5632 AN ACT RELATING TO HEALTH AND SAFETY - DETERMINATION OF NEED FOR NEW HEALTH CARE EQUIPMENT AND NEW INSTITUTIONAL HEALTH SERVICES** Rep. McNamara

Sent House Letter3/22/11Sent Senate Letter House Testimony Senate Testimony  
**House Judiciary Committee**

**11 H 5450 AN ACT RELATING TO ELECTIONS - VOTER IDENTIFICATION** Rep. Baldelli-Hunt

Sent House Letter3/22/11Sent Senate Letter House Testimony Senate Testimony

**11 H 5680 AN ACT RELATING TO ELECTIONS - VOTER IDENTIFICATION** Rep. Brien Requested by the Secretary of State

Sent House Letter3/22/11Sent Senate Letter House Testimony Senate Testimony

**Senate Health and Human Services Committee**

**11 S 0203 AN ACT RELATING TO HEALTH AND SAFETY - DETERMINATION OF NEED FOR NEW HEALTH CARE EQUIPMENT AND NEW INSTITUTIONAL HEALTH SERVICES** Sen. Perry

Sent House Letter Sent Senate Letter3/22/11House Testimony Senate Testimony

**Senate Judiciary Committee**

**11 S 0400 AN ACT RELATING TO ELECTIONS - VOTER IDENTIFICATION** Sen. Metts Requested by the Secretary of State

Sent House Letter Sent Senate Letter3/22/11House Testimony Senate Testimony

**Referred to Committee**

**House Finance Committee**

**10 H 5157 AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR FUEL TAX** Rep. Phillips

Sent House Letter3/1/11Sent Senate Letter House Testimony Senate Testimony

**House Judiciary Committee**

**11 H 5749 AN ACT RELATING TO ALCOHOLIC BEVERAGES** Rep. Malik

Sent House Letter3/22/11Sent Senate Letter House Testimony Senate Testimony

**House Labor Committee**

**11 H 5544 AN ACT RELATING TO LABOR AND LABOR RELATIONS -- WORKERS' COMPENSATION -- GENERAL PROVISIONS** Rep. Silva

Sent House Letter3/22/11Sent Senate Letter House Testimony Senate Testimony

**Senate Finance Committee**

**11 S 0053 AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR FUEL TAX** Sen. Felag

Sent House Letter Sent Senate Letter3/1/11 House Testimony Senate Testimony

**Scheduled for hearing and/or consideration**

**House Judiciary Committee**

**4/13/11 @ Rise in rm 313**

**11 H 5809 AN ACT RELATING TO PUBLIC RECORDS - ACCESS TO PUBLIC RECORDS** Rep. Marcello

Sent House Letter3/22/11Sent Senate Letter House Testimony Senate Testimony

**Withdrawn by sponsor**

**House Judiciary Committee**

**11 H 5525 AN ACT RELATING TO ELECTIONS - VOTER IDENTIFICATION** Rep. Costa

Sent House Letter3/22/11Sent Senate Letter House Testimony Senate Testimony

	Public Forums	4:20
	Purpose/Goal: To schedule the dates/times/locations for the public forums	
	Discussion: Members asked to find locations for the forums.	



voting check off graphic

**MOTION:** To spread over the week of and the week after the ADA anniversary AP/TF passed



Announcer graphic

**Announcements**

Linda Ward

4:28

April 22<sup>nd</sup> RIPIN Conference on health care.



calendar graphic

**Agenda and Scheduling the Next Meeting**

Linda Ward

4:29

Items to be placed on the next meeting's agenda:

Next meeting will be on: May 9<sup>th</sup> 3 PM.



alarm clock graphic

**Adjournment**

Linda Ward

4:30



voting check off graphic

**MOTION:** To adjourn at 5: 15 PM.

Statement of Conflict of Interest  
pursuant to R.I. Gen. Laws § 36-14-6

I William Inlow, holding the position of ( check one below):

- Chairperson
- Vice Chairperson
- Committee Chairperson
- Committee Vice Chairperson
- Commissioner
- Associate Member of the Committee checked off below:
- Employee

on the ( check one below):

- Governor's Commission on Disabilities
  - Accessibility Committee
  - Disability Business Enterprise Committee
  - Election Assistance Committee
  - Employment Committee
  - Hearing Board
  - Legislation Committee
  - State Coordinating Committee on Disability Rights
  - Executive Committee

, hereby under oath depose and say:

1. A matter involving RIPTA's share of the state's <sup>Revenue #</sup> of 4/20 <sub>registrat fees</sub> is presently before the Governor's Commission on Disabilities (or its Committee  checked off above).

2. I have the following interest in the matter noted in paragraph 1 above:  
employed by RIPTA

3. [Please select one of the following]:

- A. In compliance with R.I. Gen. Laws § 36-14-6(1), I hereby recuse from participating in the discussion of or taking official action relating to said matter. (This does not prohibit participation as a member of the public in an open meeting, pursuant to Commission Regulation 7003.)
- B. In compliance with R.I. Gen. Laws § 36-14-6(1), I hereby state that despite the interest described above, I believe I am able to participate fairly, objectively and in the public interest regarding said matter for the following reasons:

Signed under the penalties of perjury this 14th day of April, 2011.

Signature [Signature]