

**Chapter 023**  
**2010 -- H 7397 SUBSTITUTE A AS AMENDED**  
**Enacted 06/12/10**

**A N A C T**  
**MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE**  
**FISCAL YEAR ENDING JUNE 30, 2011**

**Introduced By:** Representative Robert A. Watson

**Date Introduced:** February 04, 2010

It is enacted by the General Assembly as follows:

- ARTICLE 1 RELATING TO MAKING APPROPRIATIONS IN SUPPORT OF FY  
2011
- ARTICLE 2 RELATING TO BORROWING IN ANTICIPATION OF RECEIPTS  
FROM TAXES
- ARTICLE 3 RELATING TO SUPPLEMENTAL SECURITY INCOME  
PAYMENTS
- ARTICLE 4 RELATING TO BUDGET RESERVE FUND
- ARTICLE 5 RELATING TO CAPITAL DEVELOPMENT PROGRAM
- ARTICLE 6 RELATING TO DEBT MANAGEMENT ACT JOINT RESOLUTIONS
- ARTICLE 7 RELATING TO GOVERNMENT RESTRUCTURING
- ARTICLE 8 RELATING TO RESTRICTED RECEIPT ACCOUNTS
- ARTICLE 9 RELATING TO REVENUES
- ARTICLE 10 RELATING TO RHODE ISLAND RESOURCE RECOVERY  
CORPORATION
- ARTICLE 11 RELATING TO MAKING REVISED APPROPRIATIONS IN  
SUPPORT OF FY 2010
- ARTICLE 12 RELATING TO PUBLIC UTILITIES COMMISSION CATV  
ASSESSMENT
- ARTICLE 13 RELATING TO EDUCATION AID
- ARTICLE 14 RELATING TO MENTAL HEALTH LAW
- ARTICLE 15 RELATING TO HOSPITAL UNCOMPENSATED CARE
- ARTICLE 16 RELATING TO PENSION REFORM
- ARTICLE 17 RELATING TO GENERAL PUBLIC ASSISTANCE – HARDSHIP  
CONTINGENCY FUND
- ARTICLE 18 RELATING TO TREATMENT ALTERNATIVES TO STREET  
CRIME
- ARTICLE 19 RELATING TO CHILDREN’S HEALTH ACCOUNT
- ARTICLE 20 RELATING TO MEDICAL ASSISTANCE
- ARTICLE 21 RELATING TO MEDICAID REFORM
- ARTICLE 22 RELATING TO UNEMPLOYMENT INSURANCE
- ARTICLE 23 RELATING TO MOTOR VEHICLE REIMBURSEMENTS
- ARTICLE 24 RELATING TO EFFECTIVE DATE

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# ARTICLE 22 SUBSTITUTE A AS AMENDED

## RELATING TO UNEMPLOYMENT INSURANCE

SECTION 1. Section 28-44-6 of the General Laws in Chapter 28-44 entitled "Employment Security – Benefits" is hereby amended to read as follows:

**28-44-6. Weekly benefits for total unemployment – Year established – Dependents' allowance.** -- (a) The benefit rate payable under this chapter to any eligible individual with respect to any week of his or her total unemployment, when that week occurs within a benefit year, shall be, for benefit years beginning on or after October 1, 1989, four and sixty-two hundredths percent (4.62%) of the wages paid to the individual in that calendar quarter of the base period in which the individual's wages were highest;

(2) Provided, that the benefit rate shall not be more than sixty-seven percent (67%) of the average weekly wage paid to individuals in employment covered by the Employment Security Act for the preceding calendar year ending December 31. If the maximum weekly benefit rate is not an exact multiple of one dollar (\$1.00), then the rate shall be rounded to the next lower multiple of one dollar (\$1.00).

(3) The average weekly wage of individuals in covered employment shall be computed as follows: On or before May 31 of each year, the total annual wages paid to individuals in covered employment for the preceding calendar year by all employers shall be divided by the monthly average number of individuals in covered employment during that preceding calendar year, and the quotient shall be divided by fifty-two (52). That weekly benefit rates shall be effective throughout benefit years beginning on or after July 1 of that year and prior to July 1, of the succeeding calendar year.

(4) The benefit rate of any individual, if not an exact multiple of one dollar (\$1.00), shall be rounded to the next lower multiple of one dollar (\$1.00).

(b) An individual to whom benefits for total or partial unemployment are payable under this chapter with respect to any week shall, in addition to those benefits, be paid with respect to each week a dependents' allowance of ~~ten dollars (\$10.00)~~ fifteen dollars (\$15.00) or five percent (5%) of the individual's benefit rate whichever is greater for each of that individual's children, including adopted and stepchildren, or that individual's court appointed wards who, at the beginning of the individual's benefit year, is under eighteen (18) years of age, and who is at that time in fact dependent on that individual, including individuals who have been appointed the legal guardian of such child by the appropriate court. The total dependents' allowance paid to any individual shall not exceed the greater of fifty dollars (\$50) or twenty-five percent (25%) of the individual's benefit rate. Notwithstanding the above, the total amount of the dependents' allowance paid to individuals receiving partial unemployment benefits for any week shall be based on the percentage that their partial weekly benefit rate is compared to their full weekly benefit rate.

(2) The dependent's allowance shall also be paid to the individual for any child, including an adopted child or a stepchild, eighteen (18) years of age or over, incapable of earning any wages because of mental or physical incapacity, and who is dependent on that individual in fact at the beginning of the individual's benefit year.

(3) In no instance shall the number of dependents for which an individual may receive dependents' allowances exceed five (5) in total.

(4) The weekly total of dependents' allowances payable to any individual, if not an exact multiple of one dollar (\$1.00), shall be rounded to the next lower multiple of one dollar (\$1.00).

(5) The number of an individual's dependents, and the fact of their dependency, shall be determined as of the beginning of that individual's benefit year. Only one individual shall be entitled to a dependent's allowance for the same dependent with respect to any week. As to two (2) or more parties making claim for an allowance for the same dependent for the same week, the benefit shall be provided to the party who has actual custody of the dependent or in the case of joint custody, to the party who has physical possession of the dependent.

(6) Each individual who claims a dependent's allowance shall establish his or her claim to it to the satisfaction of the director under procedures established by the director.

(7) This subsection shall be effective for all benefit years beginning on or after ~~July 1, 1985~~ January 1, 2011.

SECTION 2. Section 28-44-17 of the General Laws in Chapter 28-44 entitled "Employment Security – Benefits" is hereby amended to read as follows:

**28-44-17. Voluntary leaving without good cause.** -- (a) An individual who leaves work voluntarily without good cause shall be ineligible for waiting period credit or benefits for the week in which the voluntary quit occurred and until he or she establishes to the satisfaction of the director that he or she has subsequent to that leaving had at least eight (8) weeks of work, and in each of those eight (8) weeks has had earnings of at least twenty (20) times the minimum hourly wage as defined in chapter 12 of this title for performing services in employment for one or more employers subject to chapters 42 – 44 of this title. For the purposes of this section, "voluntarily leaving work with good cause" shall include:

(1) sexual harassment against members of either sex;

(2) voluntarily leaving work with an employer to accompany, join or follow his or her spouse to a place, due to a change in location of the spouse's employment, from which it is impractical for such individual to commute; and

(3) the need to take care for a member of the individual's immediate family due to illness or disability as defined by the Secretary of Labor; provided that the individual shall not be eligible for waiting period credit or benefits until he or she is able to work and is available for work. For the purposes of this provision, the following terms apply:

(i) "immediate family member" means a spouse, parents, mother-in-law, father-in-law and children under the age of eighteen (18);

(ii) "illness" means a verified illness which necessitates the care of the ill person for a period of time longer than the employer is willing to grant leave, paid or otherwise; and

(iii) "disability" means all types of verified disabilities, including mental and physical disabilities, permanent and temporary disabilities, and partial and total disabilities.

(b) For the purposes of this section, "voluntarily leaving work without good cause" shall include voluntarily leaving work with an employer to accompany, join or follow his or her spouse in a new locality in connection with the retirement of his or her spouse, or failure by a temporary employee to contact the temporary help agency upon completion of the most recent work assignment to seek additional work unless good cause is shown for that failure; provided, that the temporary help agency gave written notice to the individual that the individual is required to contact the temporary help agency at the completion of the most recent work assignment to seek additional work.

SECTION 3. Sections 28-43-8 and 28-43-8.5 of the General Laws in Chapter 28-43 entitled "Employment Security - Contributions" are hereby amended to read as follows:

**28-43-8. Experience rates -- Tables.** -- (a) (1) Whenever, as of September 30, 1987, or any subsequent computation date, the amount in the employment security fund available for benefits is six and four tenths percent (6.4%) or more of total payrolls as determined in section 28-43-1(9), an experience rate for each eligible employer for the immediately following calendar year shall be determined in accordance with schedule A in this subsection.

(2) Whenever, as of September 30, 1987, or any subsequent computation date, the amount in the employment security fund available for benefits is six and one-tenth percent (6.1%) but less than six and four-tenths (6.4%) of total payrolls as determined in section 28-43-1(9), an experience rate for each eligible employer for the immediately following calendar year shall be determined in accordance with schedule B in this subsection.

(3) Whenever, as of September 30, 1987, or any subsequent computation date the amount in the employment security fund available for benefits is five and eight-tenths percent (5.8%) but less than six and one-tenth (6.1%) of total payrolls as determined in section 28-43-

1(9), an experience rate for each eligible employer for the immediately following calendar year shall be determined in accordance with schedule C in this subsection.

(4) Whenever, as of September 30, 1987, or any subsequent computation date the amount in the employment security fund available for benefits is five and three-tenths percent (5.3%) but less than five and eight-tenths (5.8%) of total payrolls as determined in section 28-43-1(9), an experience rate for each eligible employer for the immediately following calendar year shall be determined in accordance with schedule D in this subsection.

(5) Whenever, as of September 30, 1987, or any subsequent computation date the amount in the employment security fund available for benefits is four and seven-tenths percent (4.7%) but less than five and three-tenths (5.3%) of total payrolls as determined in section 28-43-1(9), an experience rate for each eligible employer for the immediately following calendar year shall be determined in accordance with schedule E in this subsection.

(6) Whenever, as of September 30, 1987, or any subsequent computation date the amount in the employment security fund available for benefits is three and six-tenths percent (3.6%) but less than four and seven-tenths (4.7%) of total payrolls as determined in section 28-43-1(9), an experience rate for each eligible employer for the immediately following calendar year shall be determined in accordance with schedule F in this subsection.

(7) Whenever, as of September 30, 1987, or any subsequent computation date the amount in the employment security fund available for benefits is three percent (3%) but less than three and six-tenths (3.6%) of total payrolls as determined in section 28-43-1(9), an experience rate for each eligible employer for the immediately following calendar year shall be determined in accordance with schedule G in this subsection.

(8) Whenever, as of September 30, 1987, or any subsequent computation date the amount in the employment security fund available for benefits is two and seventy five hundredths percent (2.75%) but less than 3 percent (3%) of total payrolls as determined in section 28-43-1(9), an experience rate for each eligible employer for the immediately following calendar year shall be determined in accordance with schedule H in this subsection.

(9) Whenever, as of September 30, 1987, or any subsequent computation date the amount in the employment security fund available for benefits is less than two and seventy five hundredths percent (2.75%) of total payrolls as determined in section 28-43-1(9), an experience rate for each eligible employer for the immediately following calendar year shall be determined in accordance with schedule I in this subsection.

~~(10) Whenever the amount in the employment security fund available for benefits, net of obligations owed to the federal government, is less than zero at the end of the second month in any calendar quarter, every employer subject to the contribution provisions of this chapter shall be required to pay a surtax of three tenths of one percent (.3%) of the individual employer's taxable wages for the calendar quarter, in addition to any other contribution which the employer is required to make under any other provision of this chapter; provided, however, that this surtax shall not be imposed during any quarter of calendar years 2009 and 2010 during which the interest on federal Title XII advances under section 1201 of the Social Security Act has been waived.~~

(b) The contribution rate for each employer for a given calendar year shall be determined and the employer notified of it not later than April 1 next succeeding each computation date. That determination shall be binding unless an appeal is taken in accordance with provisions of section 28-43-13.

**28-43-8.5. Job development assessment.** -- For the tax year ~~2001~~ 2011 and subsequent tax years each employer subject to this chapter shall be required to pay a job development assessment of ~~twenty one hundredths of one percent (0.21%)~~ fifty-one hundredths of one percent (0.51%) of that employer's taxable payroll, in addition to any other payment which that employer is required to make under any other provision of this chapter; provided, that the assessment shall not be considered as part of the individual employer's contribution rate for the purpose of determining the individual employer's balancing charge pursuant to section 28-43-9. The tax rate for all employers subject to the contribution provisions of chapters 42 -- 44 of this title shall be reduced by twenty-one hundredths of one percent (0.21%).

SECTION 4. Section 28-42-84 of the General Laws in Chapter 28-42 entitled "Employment Security - General Provisions" is hereby amended to read as follows:

**28-42-84. Job development fund -- Disbursements -- Unexpended balance.** -- (a) The moneys in the job development fund shall be used for the following purposes:

(1) To reimburse the department of labor and training for the loss of any federal funds resulting from the collection and maintenance of the fund by the department;

(2) To make refunds of contributions erroneously collected and deposited in the fund;

(3) To pay any administrative expenses incurred by the department of labor and training associated with the collection of the contributions for employers paid pursuant to section 28-43-8.5, and any other administrative expenses associated with the maintenance of the fund, including the payment of all premiums upon bonds required pursuant to section 28-42-85;

(4) To provide for job training, counseling and assessment services, and other related activities and services. Services will include, but are not limited to, research, development, coordination, and training activities to promote workforce development and business development as established by the human resource investment council;

(5) To support the state's job training for economic development; ~~and~~

(6) (i) Beginning January 1, 2001, two hundredths of one percent (0.02%) out of the twenty-one hundredths of one percent (0.21%) job development assessment paid pursuant to section 28-43-8.5 shall be used to support necessary core services in the unemployment insurance and employment services programs operated by the department of labor and training; and

(ii) Beginning January 1, 2011, two hundredths of one percent (0.02%) out of the fifty-one hundredths of one percent (0.51%) job development assessment paid pursuant to section 28-43-8.5 shall be used to support necessary core services in the unemployment insurance and employment services programs operated by the department of labor and training; and

(7) Beginning January 1, 2011, three tenths of one percent (0.3%) out of the fifty-one hundredths of one percent (0.51%) job development assessment paid pursuant to section 28-43.8.5 shall be deposited into a restricted receipt account to be used solely to pay the principal and/or interest due on Title XII advances received from the federal government in accordance with the provisions of Section 1201 of the Social Security Act; provided, however, that if the federal Title XII loans are repaid through a state revenue bond or other financing mechanism, then these funds may also be used to pay the principal and/or interest that accrues on that debt.

(b) The general treasurer shall pay all vouchers duly drawn by the council upon the fund, in any amounts and in any manner that the council may prescribe. Vouchers so drawn upon the fund shall be referred to the controller within the department of administration. Upon receipt of those vouchers, the controller shall immediately record and sign them and shall promptly transfer those signed vouchers to the general treasurer. Those expenditures shall be used solely for the purposes specified in this section and its balance shall not lapse at any time but shall remain continuously available for expenditures consistent with this section. The general assembly shall annually appropriate the funds contained in the fund for the use of the human resource investment council and, in addition, for the use of the department of labor and training effective July 1, 2000, and for the payment of the principal and interest due on federal Title XII loans beginning July 1, 2011; provided, however, that if the federal Title XII loans are repaid through a state revenue bond or other financing mechanism, then the funds may also be used to pay the principal and/or interest that accrues on that debt.

SECTION 5. Sections 1 and 2 of this Article shall take effect on January 1, 2011, and Sections 3 and 4 shall take effect on July 1, 2010.