

# State of Rhode Island and Providence Plantations

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## **JOURNAL** -OF THE- **HOUSE OF REPRESENTATIVES**

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**JANUARY SESSION** of the General Assembly begun and held at the State House in the City of Providence on Tuesday, the first day of January in the year of Our Lord two thousand and eight.

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Volume 135, No. 41

Friday, April 25, 2008

Forty-first Day

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The House of Representatives meets at the State House in Providence, Friday, April 25, 2008 and is called to order at 2:52 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 73 members present and 2 members absent as follows:

PRESENT - 73: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coaty, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

ABSENT - 2: Representatives Malik, Naughton.

### **INVOCATION**

The Honorable Speaker presents Representative Ferri who delivers the Invocation and leads the membership in the Pledge of Allegiance to the Flag.

(For Invocation, see Appendix, this Journal.)

### **APPROVAL OF RECORD**

By unanimous consent, the House Journal of Thursday, April 24, 2008 is approved as printed.

**ANNOUNCEMENT**

Representative Eileen S. Naughton is out of town and therefore unable to attend session Friday, April 25, 2008.

**NEW BUSINESS****House Bill No. 8206****BY** Lally, Kilmartin

**ENTITLED**, AN ACT RELATING TO FISH AND WILDLIFE (provide that certain prohibitions regarding the mutilation of lobsters would not apply to land-based processing facilities) {LC2760/1}

04/25/2008 Introduced, referred to House Environment and Natural Resources

**House Bill No. 8207****BY** Ucci

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- UNDERGROUND PETROLEUM STORAGE-- TANKS -- FILLING STATION TANK REMOVAL (require the removal and/or demolition of filling station buildings and equipment from the premises of closed filling stations) {LC2710/1}

04/25/2008 Introduced, referred to House Environment and Natural Resources

**House Bill No. 8208 (by request)****BY** Carter

**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE RETIRED AIRCRAFT CARRIER USS SARATOGA (allow the USS Saratoga to become a self-sufficient economic entity and allow the Quonset Development Corporation at the DEM to assist in the deployment of this project) {LC2815/1}

04/25/2008 Introduced, referred to House Finance

**House Bill No. 8209****BY** Baldelli-Hunt

**ENTITLED**, AN ACT RELATING TO EDUCATION - HIGHER EDUCATION (eliminate the granting of tuition waivers for state institutions of higher education to state employees, their spouses and dependents, where such waivers are given on the basis of such employment with the state) {LC2806/1}

04/25/2008 Introduced, referred to House Finance

**House Bill No. 8210****BY** Dennigan

**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES -- FAMILY INDEPENDENCE ACT (permit a prompt appeal of any applicant denied services under RIte Care and department of human services (DHS) shall have burden of proof) {LC2630/1}

04/25/2008 Introduced, referred to House Finance

**House Bill No. 8211****BY** Long

**ENTITLED,** AN ACT RELATING TO TAXATION -- SALES AND USE TAXES -- PERSONAL INCOME TAX -- EXEMPTIONS FOR WRITERS, COMPOSERS AND ARTISTS (extend exemption from sales taxes to writers, composers and artists within the Jamestown arts district as established by the town council of the town of Jamestown) {LC2824/1}

04/25/2008 Introduced, referred to House Finance

**House Bill No. 8212****BY** Mattiello, Serpa, Church, Vaudreuil, Silva

**ENTITLED,** AN ACT RELATING TO THE FIRE SAFETY CODE -- GENERAL PROVISIONS (extend fire code compliance for public school buildings to no earlier than January 1, 2010) {LC2782/1}

04/25/2008 Introduced, referred to House H.E.W.

**House Bill No. 8213****BY** Kilmartin

**ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow Donald Blackwell to join Caitlin Brooke Edwards and Dustin Medeiros) {LC2800/1}

04/25/2008 Introduced, referred to House Judiciary

**House Bill No. 8214****BY** Mattiello, Serpa, Church, Vaudreuil, Silva

**ENTITLED,** AN ACT RELATING TO STATUTES AND STATUTORY CONSTRUCTION (require any new mandate and regulation have a sunset clauseÆ or review date not to exceed five (5) years) {LC2783/1}

04/25/2008 Introduced, referred to House Judiciary

**House Bill No. 8215****BY** Lima, Gallison, Melo, Moffitt, Wasylyk

**ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- CONTRACTORS' REGISTRATION (amend several provisions of the contractors' registration board including detailing the boards powers and duties) {LC2780/1}

04/25/2008 Introduced, referred to House Labor

**House Bill No. 8216****BY** Vaudreuil, Gablinske, Silva

**ENTITLED,** AN ACT RELATING TO LABOR AND LABOR RELATIONS -- TEMPORARY DISABILITY INSURANCE BENEFITS (prevent injured in the line of duty personnel who receive full pay and benefits for their work related disability from simultaneously receiving temporary disability insurance benefits) {LC2767/1}

04/25/2008 Introduced, referred to House Labor

**House Bill No. 8217****BY** Gallison, Gablinske**ENTITLED**, AN ACT RELATING TO TAXATION -- BRISTOL SENIOR RESIDENT PROPERTY TAX SERVICE PROGRAM (permit the town of Bristol to grant tax credits to qualified senior residents in exchange for services provided to the town of Bristol municipal government) {LC2742/1}

04/25/2008 Introduced, referred to House Municipal Government

**House Bill No. 8218****BY** Lima, Wasylyk, Gallison, Melo, Moffitt**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- STATE BUILDING CODE (require the city or town building inspectors officers' to fax building permits to applicants when the application is complete but waiting for official signature) {LC2748/1}

04/25/2008 Introduced, referred to House Municipal Government

**RULE 17****The following bills were received pursuant to Rule 17:**

Representative Carter-An Act relating to State Affairs and Government/USS Saratoga

**COMMUNICATION FROM THE SENATE**

A message from the Honorable Senate transmits with announcement of passage, of the following measures:

**Senate Bill No. 2454** SUB A as amended**BY** Sosnowski, Breene, Blais**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - REAL ESTATE SALES DISCLOSURES (add "farms" to the list of items necessary in a real estate disclosure form) {LC1644/1/A}

04/25/2008 Referred to House Corporations

**Senate Bill No. 2404** (Business Regulation)**BY** Blais**ENTITLED**, AN ACT RELATING TO INSURANCE -- LONG TERM CARE INSURANCE (require the filing of an annual actuarial opinion by all domestic property and casualty insurers) {LC1779/1}

04/25/2008 Referred to House Corporations

**Senate Bill No. 2672** SUB A**BY** Breene**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - PHARMACIES (would eliminate term limits for members appointed to the state board of pharmacy) {LC1684/1/A}

04/25/2008 Referred to House Corporations

**Senate Bill No. 2680****BY** Miller, Perry, Bates, Gibbs, Levesque C**ENTITLED**, AN ACT RELATING TO INSURANCE -- SMALL EMPLOYER HEALTH INSURANCE AVAILABILITY ACT (allow small employer carriers to use employer group size as a rating factor) {LC1975/1}

04/25/2008 Referred to House Corporations

**Senate Bill No. 2881 SUB A****BY** Gibbs, Sosnowski, Breene, Lenihan, Felag**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES ( would create a committee to study alternative methods for state employees to travel to work {LC2543/1/A}

04/25/2008 Referred to House Environment and Natural Resources

**Senate Bill No. 2625****BY** Sosnowski, Felag, McCaffrey**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- MERIT SYSTEM (place the position of marine infrastructure specialist within the coastal resources management council in the unclassified service) {LC2170/1}

04/25/2008 Referred to House Environment and Natural Resources

**Senate Bill No. 2369 SUB A****BY** Fogarty P, Sosnowski, Breene, Raptakis, Tassoni**ENTITLED**, AN ACT RELATING TO FISH AND WILDLIFE - - GENERAL PROVISIONS (prohibit the importation, transportation, dispersion, distribution, introduction, selling, purchasing, or possessing of non-native (exotic) invasive aquatic plants) {LC1633/1/A}

04/25/2008 Referred to House Environment and Natural Resources

**Senate Bill No. 2190****BY** Perry, Goodwin, McCaffrey, Algieri, Connors**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - ASSISTED HOUSING LIVING WAIVER (allow assisted living facilities to be eligible through certification by the department of human services or the department of elderly affairs) {LC1169/1}

04/25/2008 Referred to House Finance

**Senate Bill No. 2688 (Children, Youth and Families)****BY** Gibbs**ENTITLED**, AN ACT RELATING TO MENTAL HEALTH, RETARDATION, AND HOSPITALS - MENTAL HEALTH LAW (authorize a psychiatric hospital to share confidential healthcare info of a child in their care with the dept of children, youth and families for ensuring effective discharge planning) {LC1727/1}

04/25/2008 Referred to House H.E.W.

**Senate Bill No. 2865****BY** Ruggerio, Goodwin, Doyle, Pichardo**ENTITLED**, AN ACT RELATING TO FOOD AND DRUGS -- DONATED FOOD (would permit charitable organizations to donate prepared food not consumed on the premises to the needy) {LC2400/1}

04/25/2008 Referred to House H.E.W.

**Senate Bill No. 2566 SUB A****BY** Ruggerio, Sosnowski, Connors, Perry, Goodwin**ENTITLED**, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- CRUELTY TO ANIMALS (provide that no person may transfer any equidae in a vehicle or trailer containing two (2) or more levels of equidae, or penalties shall be incurred for doing so) {LC554/2/A}

04/25/2008 Referred to House H.E.W.

**Senate Bill No. 2284 (Lieutenant Governor)****BY** Paiva-Weed, Algieri, Perry, Gibbs**ENTITLED**, AN ACT RELATING TO HEALTH CARE QUALITY PROGRAM -- MONITORING THE OCCURRENCE OF PRESSURE ULCERS IN HEALTH CARE FACILITIES (add the occurrence of pressure ulcers to the list of subjects on which the health care quality steering committee shall advise) {LC941/1}

04/25/2008 Referred to House H.E.W.

**Senate Bill No. 2483 (Health)****BY** Algieri**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- OFFICE OF STATE MEDICAL EXAMINERS (would clarify the statute to bring into compliance with accepted standards of practice of forensic medicine as defined by the national association of medical examiners) {LC1759/1}

04/25/2008 Referred to House H.E.W.

**Senate Bill No. 2973****BY** Levesque C**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC2768/1}

04/25/2008 Referred to House Judiciary

**Senate Bill No. 2880****BY** Goodwin**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC2564/1}

04/25/2008 Referred to House Judiciary

**Senate Bill No. 2897****BY** Paiva-Weed**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Lt. William Fitzgerald to join Jane Fitzgerald and Christopher Eyre in marriage within the City of Newport, Rhode Island on or about August 31, 2008) {LC2606/1}

04/25/2008 Referred to House Judiciary

**Senate Bill No. 2163****BY** Connors, Issa**ENTITLED**, AN ACT RELATING TO TAXATION -- THE TOWN OF CUMBERLAND -- HOMESTEAD EXEMPTION {LC1074/1}

04/25/2008 Referred to House Municipal Government

**Senate Bill No. 2696** (be request)**BY** Connors**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- SEWER CHARGES (provide for a real estate lien in the town of Cumberland for all properties which have unpaid sewer charges and would allow the town council to set and enforce sewer fees) {LC1301/1}

04/25/2008 Referred to House Municipal Government

**Senate Bill No. 2017 SUB A****BY** Tassoni, Maselli, Doyle, McBurney**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- PUBLIC BUILDINGS ( require public buildings to provide designated parking spaces for motorcycles at the rate of one space per total of thirty (30) spaces) {LC35/1/A}

04/25/2008 Referred to House Municipal Government

**Senate Bill No. 2910****BY** Doyle, McBurney, Issa, DaPonte**ENTITLED**, AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR THE RECONSTRUCTION OF BRIDGES IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$200,000 BONDS AND NOTES THEREFOR, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2009 AND 2010 {LC2550/1}

04/25/2008 Referred to House Municipal Government

**Senate Bill No. 2926****BY** Doyle, McBurney, DaPonte**ENTITLED**, AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR THE RENOVATION AND IMPROVEMENT OF PUBLIC BUILDINGS IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$700,000 BONDS AND NOTES THEREFOR, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2009 AND 2010 {LC2547/1}

04/25/2008 Referred to House Municipal Government

**Senate Bill No. 2927****BY** Doyle, McBurney, DaPonte**ENTITLED**, AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR THE IMPROVEMENT AND REPLACEMENT OF TRAFFIC CONTROL DEVICES IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$200,000 BONDS AND NOTES THEREFOR, TO FUND

THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2009 AND 2010 {LC2552/1}

04/25/2008 Referred to House Municipal Government

**Senate Bill No. 2928**

**BY** Doyle, McBurney, DaPonte

**ENTITLED,** AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR CONSTRUCTION AND RECONSTRUCTION OF THE SEWER AND SANITATION SYSTEM IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$300,000 BONDS AND NOTES THEREFOR, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2009 AND 2010 {LC2546/1}

04/25/2008 Referred to House Municipal Government

**Senate Bill No. 2930**

**BY** Doyle, McBurney, DaPonte

**ENTITLED,** AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR THE RENOVATION AND RECONSTRUCTION AND EQUIPPING OF PUBLIC RECREATION FACILITIES IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$600,000 BONDS AND NOTES THEREFOR, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2009 AND 2010 {LC2549/1}

04/25/2008 Referred to House Municipal Government

**Senate Bill No. 2929**

**BY** Levesque C, Felag, Bates

**ENTITLED,** AN ACT AUTHORIZING THE TOWN OF BRISTOL TO ISSUE GENERAL OBLIGATION BONDS AND NOTES IN ANTICIPATION THEREOF IN AN AMOUNT NOT TO EXCEED \$2,000,000 FOR THE PURPOSE OF FINANCING THE CONSTRUCTION OF AN ANIMAL SHELTER IN BRISTOL, RHODE ISLAND, INCLUDING THE FURNISHING AND EQUIPPING THEREOF, AND THE PROVISION OF ARCHITECTURAL, ENGINEERING, SURVEYING AND OTHER SERVICES NECESSARY OR APPROPRIATE THEREFORE {LC2640/1}

04/25/2008 Referred to House Municipal Government

**Senate Bill No. 2931**

**BY** Doyle, McBurney, DaPonte

**ENTITLED,** AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR THE CONSTRUCTION AND RECONSTRUCTION OF STREETS AND SIDEWALKS IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$1,000,000 BONDS AND NOTES THEREFOR, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2009 AND 2010 {LC2551/1}

04/25/2008 Referred to House Municipal Government

**CALENDAR**

From the Calendar is taken:

**IN ORDER FOR FRIDAY, APRIL 25, 2008:****1 2008-H 7204 SUB A****BY Mumford****ENTITLED,** AN ACT MAKING REVISED APPROPRIATIONS FOR THE  
SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30,  
2008

Committee on Finance recommends indefinite postponement of the original bill and  
passage of Substitute A.

ARTICLE 1 RELATING TO MAKING REVISED APPROPRIATIONS IN SUPPORT OF  
FY 2008

ARTICLE 2 RELATING TO STATE FLEET REPLACEMENT REVOLVING LOAN FUND

ARTICLE 3 RELATING TO PUBLIC FINANCE – DEBT MANAGEMENT

ARTICLE 4 RELATING TO RETIREE HEALTH BENEFITS FUNDING

ARTICLE 5 RELATING TO SCHOOL BUDGETS – HOUSING AID

ARTICLE 6 RELATING TO PERMITS FOR SALE OF BOTTLED WATER

ARTICLE 7 RELATING TO CORRECTIONS REFORM

ARTICLE 8 RELATING TO FURLOUGH DAYS

ARTICLE 9 RELATING TO THE FAMILY INDEPENDENCE ACT

ARTICLE 10 RELATING TO MEDICAL ASSISTANCE – ELIGIBILITY

ARTICLE 11 RELATING TO TOWNS AND CITIES – POLICE OFFICERS AND  
FIREFIGHTERS RELIEF BENEFITS

ARTICLE 12 RELATING TO ATOMIC ENERGY COMMISSION

ARTICLE 13 RELATING TO THE RHODE ISLAND TRAINING SCHOOL

ARTICLE 14 RELATING TO HEALTH CARE COVERAGE FOR CHILD CARE PROVIDERS

ARTICLE 15 RELATING TO EDUCATION AID

ARTICLE 16 RELATING TO INSURANCE – CONSUMER REPRESENTATION AT RATE  
HEARINGS

ARTICLE 17 RELATING TO PROCEEDINGS IN FAMILY COURT

ARTICLE 18 RELATING TO STATE AID

ARTICLE 19 RELATING TO ADMINISTRATIVE PROCEDURES

ARTICLE 20 RELATING TO BRIDGE USE FINES

ARTICLE 21 RELATING RHODE ISLAND UNDERGROUND STORAGE TANK ACT

ARTICLE 22 RELATING TO EFFECTIVE DATE

Representative Costantino moves passage of the act, seconded by Representatives Fox, Coderre, Kilmartin, San Bento, Slater, Lewiss, Carter, Lima, Gemma and Church.

Representative Costantino discusses the act.

By unanimous consent, Representative Costantino, seconded by Representatives Dennigan Coderre, Fox, Carter, Kilmartin and Slater offers a written motion to amend.

**F L O O R   A M E N D M E N T**  
**TO**  
**2008 -- H 7204 SUBSTITUTE A**

AN ACT MAKING REVISED APPROPRIATIONS FOR THE SUPPORT OF THE STATE  
FOR FISCAL YEAR ENDING JUNE 30, 2008

Mr. Speaker:

I hereby move to amend 2008 -- H 7204 SUBSTITUTE A, entitled "AN ACT MAKING REVISED APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2008", as follows:

"(1) In Article 4, page 40, line 26, after the language "contract." by adding thereto the following language:

"The Director of Administration shall develop and present to the chairpersons of the House Finance Committee and the Senate Finance Committee by May 23, 2008 a retiree health plan option or options to be offered to retirees eligible for state-sponsored medical coverage who are under age sixty-five (65) or are not eligible for Medicare. This plan will have a reduced benefit level and will have an actuarially based premium cost not greater than the premium cost of the plan offered to the active state employee population. This new plan option will be available to employees retiring after September 30, 2008, and their dependents."

(2) In Article 4, page 48, line 33 by adding the following language between the words "passage" and "However," :"Provided, however, that the terms of the collective bargaining agreements in place with the Rhode Island Airport Corporation in existence on the effective date of this act which provide a different or greater level of benefits than provided herein shall remain in full force and effect until their presently scheduled expiration dates."

(3) In Article 7, page 55, line 16, by deleting the words "fore ach" and inserting in place thereof the words "for each".

(4) In Article 7, page 55, line 20, by deleting the words "fore ach" and inserting in place thereof the words "for each".

(5) In Article 7, page 56, line 3, by deleting the words, "a program that has" and inserting in place thereof the words "programs that have".

(6) In Article 9, page 59, line 13, by inserting the number "(1)" after the letter "(d)".

(7) In Article 9, on page 59, line 24, by deleting the letter "(a)" after the number "(2)".

(8) In Article 9, on page 59, line 24, by deleting the words "whose parent" and inserting in place thereof the word "who" and by deleting the words "his or her".

(9) In Article 9, on page 59, line 25 by deleting the words "time limit" and inserting in place thereof the words "of cash assistance".

(10) In Article 9, on page 59, line 34, by deleting the letter "(c)" and inserting in place thereof the number "(iii)", and also by underlining the entire line.

(11) In Article 9, page 60, lines 1 and 2, by underlining lines 1 and 2.

(12) By deleting Article 11, in its entirety.

(13) In Article 15, page 74, by deleting all the language on lines 9 through 34.

(14) In Article 15, page 75, by deleting all the language on lines 1 through 34.

(15) In Article 15, page 76, by deleting all the language on lines 1 through 34 and inserting in place thereof the following language:

#### "ARTICLE 15

##### RELATING TO NURSING HOME PROVIDER ASSESSMENT

SECTION 1. Section 44-51-3 of the General Laws in Chapter 44-51 entitled "Nursing Facility Provider Assessment Act" is hereby amended to read as follows:

44-51-3. Imposition of assessment -- Nursing facilities. -- (a) For purposes of this section, a "nursing facility" means a person or governmental unit licensed in accordance with chapter 17 of title 23 to establish, maintain, and operate a nursing facility.

(b) An assessment is imposed upon the gross patient revenue received by every nursing facility in each month beginning ~~October 1, 2003~~ January 1, 2008, at a rate of ~~six percent (6%)~~ five and one-half percent (5.5%) for services provided on or after ~~October 1, 2003~~ January 1, 2008. Every provider shall pay the monthly assessment no later than the twenty-fifth (25th) day of each month following the month of receipt of gross patient revenue.

(c) The assessment imposed by this section shall be repealed on the effective date of the repeal or a restricted amendment of those provisions of the Medicaid Voluntary Contribution and Provider-Specific Tax Amendments of 1991 (P.L. 102-234) that permit federal financial participation to match state funds generated by taxes.

(d) If, after applying the applicable federal law and/or rules, regulations, or standards relating to health care providers, the tax administrator determines that the assessment rate established in subsection (b) of this section exceeds the maximum rate of assessment that federal law will allow without reduction in federal financial participation, then the tax administrator is directed to reduce the assessment to a rate equal to the maximum rate which the federal law will

allow without reduction in federal participation. Provided, however, that the authority of the tax administrator to lower the assessment rate established in subsection (b) of this section shall be limited solely to such determination.

(e) In order that the tax administrator may properly carry out his/her responsibilities under this section, the director of the department of human services shall notify the tax administrator of any damages in federal law and/or any rules, regulations, or standards which affect any rates for health care provider assessments.

SECTION 2. This act shall take effect as of January 1, 2008."

(16) In Article 19, page 91, line 6, by deleting the comma "," after the word "agencies" and by inserting the word "and" after the word "agencies".

(17) In Article 19, page 91, on line 6, by deleting the following language: "and municipal".

(18) In Article 19, page 91, on line 7, by deleting the word "governments".

(19) In Article 19, page 92, between lines 12 and 13 by adding thereto the following new section:

"SECTION 1. Section 45-6-1 of the General Laws in Chapter 45-6 entitled "Ordinances" is hereby amended to read as follows:

45-6-1. Scope of ordinances permissible. -- (a) Town and city councils may, from time to time, make and ordain all ordinances and regulations for their respective towns and cities, not repugnant to law, which they deem necessary for the safety of their inhabitants from fire, firearms, and fireworks; to prevent persons standing on any footwalk, sidewalk, doorstep, or in any doorway, or riding, driving, fastening, or leaving any horse or other animal or any carriage, team, or other vehicle on any footwalk, sidewalk, doorstep, or doorway within the town or city, to the obstruction, hindrance, delay, disturbance, or annoyance of passersby or of persons residing or doing business in this vicinity; to regulate the putting up and maintenance of telegraph and other wires and their appurtenances; to prevent the indecent exposure of any one bathing in any of the waters within their respective towns and cities; against breakers of the Sabbath; against habitual drunkenness; respecting the purchase and sale of merchandise or commodities within their respective towns and cities; to protect burial grounds and the graves in these burial grounds from trespassers; and, generally, all other ordinances, regulations and bylaws for the well ordering, managing, and directing of the prudential affairs and police of their respective towns and cities, not repugnant to the constitution and laws of this state, or of the United States.

(b) Town and city councils shall furnish to their senators and representatives, upon request and at no charge, copies and updates of all ordinances and regulations.

(c) In lieu of newspaper publication, advance notice of proposed adoption, amendment, or repeal of any ordinance or regulation by a municipality may be provided via electronic media on a website maintained by the office of the secretary of state."

(20) In Article 19, page 92, line 13, by deleting the word and number "SECTION 2" and adding the word and number "SECTION 3".

(21) In Article 20, on page 92, line 25, by deleting the space in the word "vehicles" between the letters "c" and "l".

(22) On page 92, line 29, be deleting the word "section" and replacing it with the word "section".

(23) On page 96, line 9, by deleting the word "exceed" and replacing it with "exceed".

(24) On page 99, line 27, by deleting the number "5,000" and inserting in place thereof

the number "5,000.00".

(25) On page 99, line 32, by deleting the number "5,000" and inserting in place thereof the number "5,000.00".

(26) In Article 21, page 102, line 3, by deleting the word "distribution" and inserting in place thereof the word "distributor".

(27) In Article 21, page 102, line 11, by deleting the word "receive d" and inserting in place thereof the word "received".

Respectfully submitted,

\_\_\_\_\_  
REPRESENTATIVE COSTANTINO

=====  
LC00897/59  
=====

Representatives Costantino, Watson, Loughlin, Trillo Ehrhardt, Gorham, Williamson, Fox, Scott, Savage, Gemma, San Bento, Lima Smith and Rice discuss the amendment.

The motion to amend prevails on a roll call vote 73 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 73: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coaty, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

By unanimous consent, Representative Gorham, seconded by Representative Watson offers a written motion to amend.

**F L O O R   A M E N D M E N T**  
**TO**  
**2008 -- H 7204 SUBSTITUTE A**

**AN ACT MAKING REVISED APPROPRIATIONS FOR THE SUPPORT OF THE STATE**  
**FOR FISCAL YEAR ENDING JUNE 30, 2008**

Mr. Speaker:

I hereby move to amend 2008 -- H 7204 SUBSTITUTE A, entitled "AN ACT MAKING REVISED APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2008", as follows:

By adding thereto the following new Article:

"ARTICLE \_\_\_\_\_

## AN ACT RELATING TO APPROPRIATIONS

SECTION 1. There is hereby appropriated, out of any money in the treasury, not otherwise appropriated for the fiscal year 2007-2008, the sum of \$1,000 for the Tyler Free Library; and the state controller is hereby authorized and directed to draw his orders upon the general treasurer for the payment of said sum, or so much thereof as may be from time to time required, upon receipt by him of properly authenticated vouchers.

SECTION 2. There is hereby appropriated, out of any money in the treasury, not otherwise appropriated for the fiscal year 2007-2008, the sum of \$1,500 for the West Glocester Fire Department; and the state controller is hereby authorized and directed to draw his orders upon the general treasurer for the payment of said sum, or so much thereof as may be from time to time required, upon receipt by him of properly authenticated vouchers.

SECTION 3. There is hereby appropriated, out of any money in the treasury, not otherwise appropriated for the fiscal year 2007-2008, the sum of \$1,000 for the Foster Ambulance Corps; and the state controller is hereby authorized and directed to draw his orders upon the general treasurer for the payment of said sum, or so much thereof as may be from time to time required, upon receipt by him of properly authenticated vouchers.

SECTION 4. This act shall take effect upon passage.”

Respectfully submitted,

\_\_\_\_\_  
REPRESENTATIVE GORHAM

=====  
LC00897/36  
=====

Representatives Gorham, Williamson, Fox Gemma, Watson, McNamara, Kilmartin, Corvese and Scott discuss the amendment.

The motion to amend fails on a roll call vote 18 members voting in the affirmative and 53 members voting in the negative as follows:

YEAS - 18: Representatives Amaral, Caprio, Coaty, Ehrhardt, Gorham, Long, Loughlin, McManus, Menard, Moffitt, Mumford, O'Neill, Savage, Smith, Story, Trillo, Wasylyk, Watson.

NAYS - 53: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Carter, Church, Coderre, Corvese, Costantino, DeSimone, Diaz, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lewiss, Lima, Mattiello, McCauley, McNamara, Melo, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Schadone, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Sullivan, Ucci, Vaudreuil, Walsh, Williams, Williamson, Winfield.

**REQUEST**

Representative Menard requests to vote Articles 4, 18 and 20 separately. The Honorable Speaker rules they can be voted separately.

By unanimous consent, Representative Gorham, seconded by Representative Watson offers a written motion to amend.

**F L O O R   A M E N D M E N T**  
**TO**  
**2008 -- H 7204 SUBSTITUTE A**

AN ACT MAKING REVISED APPROPRIATIONS FOR THE SUPPORT OF THE STATE  
FOR FISCAL YEAR ENDING JUNE 30, 2008

Mr. Speaker:

I hereby move to amend 2008 -- H 7204 SUBSTITUTE A, entitled "AN ACT MAKING REVISED APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2008", as follows:

By adding thereto the following new article:

"ARTICLE \_\_\_\_\_

RELATING TO PRIVATIZATION OF STATE SERVICES

SECTION 1. Section 37-2.3-3 of the General Laws in Chapter 37-2.3 entitled "Government Oversight and Fiscal Accountability Review Act" is hereby amended to read as follows:

37-2.3-3. Definitions. – As used in this chapter, the following terms shall have the following meanings:

(1) "Agency" includes any executive office, department, division, board, commission, or other office or officer in the executive branch of the government.

(2) "Private contractor employee" includes a worker directly employed by a private contractor, as defined in this section, as well as an employee of a subcontractor or an independent contractor that provides supplies or services to a private contractor.

(3) "Services" includes, with respect to a private contractor, all aspects of the provision of services provided by a private contractor pursuant to a privatization contract, or any services provided by a subcontractor of a private contractor.

(4) "Person" includes an individual, institution, federal, state, or local governmental entity, or any other public or private entity.

(5) ~~"Privatization contract" is an agreement or combination or series of agreements by which a nongovernmental person or entity agrees with an agency to provide services, valued at one hundred thousand dollars (\$100,000) or more, which are substantially similar to and in lieu of, services heretofore provided, in whole or in part, by regular employees of an agency.~~

"Privatization" or "Privatization Contract" means an agreement or combination or series of agreements by which a non-governmental person or entity agrees with an agency to provide services, valued at two hundred thousand dollars (\$200,000), but as of January 1 each year, the amount shall increase to reflect increases in the consumer price index calculated by the United States bureau of labor statistics for all urban consumers nationally during the most recent twelve (12) month period for which data are available or more, which are substantially similar to and in lieu of, services theretofore provided, in whole or in part, by regular employees of an agency. Any subsequent agreement, including any agreement resulting from a rebidding of previously privatized service, or any agreement renewing or extending a privatization contract, shall not be considered a privatization or a privatization contract. An agreement solely to provide legal,

management consulting, planning, engineering or design services shall not be considered a privatization or privatization contract.

(6) "Privatization contractor" is any contractor, consultant, subcontractor, independent contractor or private business owner that contracts with a state agency to perform services which are substantially similar to and in lieu of services heretofore provided, in whole or in part, by employees of an agency.

SECTION 2. Chapter 42-148 of the Rhode Island General Laws entitled "Privatization of State Services" is hereby repealed in its entirety.

#### CHAPTER 42-148

#### PRIVATIZATION OF STATE SERVICES

~~42-148-1. Statement of intent. If it is determined that privatization of certain governmental functions may be appropriate, the privatization inquiry process should be well defined with appropriate non-partisan, institutional oversight. The principles that guide a privatization inquiry shall include the following:~~

~~(a) To ensure the potential savings are realized and maximized—build cost controls and containment incentives into contracts to eliminate excessive and unreasonable overhead costs and profits at the expense of citizens of the state;~~

~~(b) To preserve and promote competition—permit in-house program managers and public employees to bid for the contract on a level playing field;~~

~~(c) To ensure quality and responsiveness—develop reliable measures of service quality, strengthen in-house monitoring capacity and expertise, and write contracts with periodic performance reporting;~~

~~(d) To ensure accountability, control, and avoidance of conflicts of interest with departmental managers—write detailed contract specifications, and require record keeping and periodic reports;~~

~~(e) To address legal and political barriers—involve affected groups in the decision making process; and~~

~~(f) To recognize the impact on service recipients, employees, and their families—enable public employees to have an opportunity to bid for their work.~~

~~42-148-2. Definitions. When used in this chapter:~~

~~(a) "In-house costs" means a detailed budget breakdown of the current costs of providing the service or program proposed for privatization.~~

~~(b) "Statement of work and performance standards" means a clear statement of the nature and extent of the work to be performed with measurable performance standards as set forth in § 42-148-3(b)(2) of this chapter.~~

~~(c) "In-house bid" shall mean the cost of the proposal proffered by in-house state programs and employees and their representatives pursuant to § 42-148-3(b)(3) of this chapter.~~

~~(d) "Cost comparison" means an analysis of the comparative costs of providing the service in-house or by privatization.~~

~~(e) "Conversion differential" means transition costs and costs associated with starting up or closing down during conversion to purchase of service or in the event of the need to bring services back in-house.~~

~~(f) "Transition costs" means the cost of contracting including monitoring vendors for accountability, costs associated with unemployment compensation, payment of accrued leave credits, bumping, and retention factors for those with statutory status. Transitional costs shall not include department overhead or other costs that would continue even if the services were~~

privatized.

~~42-148-3. Preclosure analysis. — (a) Prior to the closure, consolidation or privatization of any state facility, function or program, the director of administration or his or her designee, shall conduct a thorough cost comparison analysis and evaluate quality performance concerns before deciding to purchase services from private vendors rather than provide services directly.~~

~~(b) The director of administration shall, at least sixty (60) days prior to issuing requests for bids or proposals, complete the following process:~~

~~(i) Document the current in-house costs of providing the services with a detailed budget breakdown. The in-house cost shall include any department overhead and other costs that would continue even if the service was contracted out.~~

~~(ii) Prepare a statement of work and performance standards which shall form the basis for the requests for proposals and which shall include the following:~~

~~(A) A clear statement of work with measurable performance standards including qualitative as well as quantitative standards that bidders must meet or exceed;~~

~~(B) Requirements that contractors meet affirmative action, disability and other nondiscriminatory and service standards currently required of state agencies;~~

~~(C) A clear format that will enable comparison of competitive bids and in-house bids. The format must require detailed budget breakdowns.~~

~~(c) Prior to the issuance of the RFP current public employees and program recipients must be notified of the intent to solicit bid proposals and of the decision timeline.~~

~~(d) If the statement of work and performance standards differs from the current in-house program procedures and requirements or if current state program employees and their representatives believe that they could perform the work more efficiently, an in-house state work group shall be afforded an opportunity to present a new cost estimate, reflecting any innovations that they could incorporate into the work performance standards. This new cost estimate shall be deemed an in-house bid, which shall form the basis for the eventual cost comparison. The director shall provide technical and informational assistance to the in-house state work group in its preparation of an in-house bid.~~

~~(e) The director may elect to accept the in-house bid or proceed to prepare a request for proposal ("RFP") which must:~~

~~(i) Incorporate the statement of work and performance standards; and~~

~~(ii) Require bidders to meet the same statement of work performance standards as required of the final in-house cost estimate; and~~

~~(iii) Include bid forms requiring a sufficiently detailed breakdown of cost categories to allow accurate and meaningful comparisons.~~

~~(f) The in-house bid developed pursuant to subsection (d) of this section shall be kept confidential from bidders.~~

~~42-148-4. Cost comparison. — The director of administration shall analyze all vendor bids as compared to current delivery of service costs or an in-house bid, whichever is lower, according to the following:~~

~~(a) Any cost comparison must include an analysis of:~~

~~(i) Comparative benefits for employees to meet the requirements of the statement of work and performance standards;~~

~~(ii) All transition costs as defined in § 42-148-2(f) of this chapter;~~

~~(iii) Any conversion costs as defined in § 42-148-2(e) of this chapter; and~~

~~(iv) Areas where the bidder's costs appear artificially low, thereby putting the state at risk~~

for further cost overruns.

~~(b) In the event that the state will incur new program costs related to the statement of work and performance standards, such costs shall be included in the cost comparison.~~

~~(c) All cost comparisons must include an analysis of whether the cost savings will result in meeting the performance and qualitative measures set out in the statement of work and performance standards.~~

~~42-148-5. Award of contract. After conducting a cost comparison pursuant to section 42-148-4, the director of administration may award the bid to an outside vendor only if the savings to the state is substantial and the quality of performance of service required and specified in statement of work and performance standards will be met or exceeded by the outside vendor.~~

~~42-148-6. Appeal. (a) Before any award is final, the affected parties, which shall include program recipients, state employees and their representatives shall have a right to appeal the award decision of the director of the department of administration.~~

~~(b) The parties shall have sixty (60) days from the date of the award to file an appeal. No contracts shall be awarded or services contracted to vendors if an appeal is pending.~~

~~(c) All documentation supporting the cost and quality comparison shall be made available to the affected parties upon request after the final decision has been made.~~

~~(d) All appeals of the final decision of an award shall be filed in superior court in Providence County.~~

~~42-148-7. Report of general assembly. (a) The director of the department of administration shall notify the chairpersons of the house and senate finance committees of their intent to request bids or proposals to privatize state services. The notice to the committees shall be provided thirty (30) days prior to issuing the request.~~

~~(b) Upon the final decision of an award the director of the department of administration shall provide a report to the chairpersons of the house and senate finance committees outlining the bid process and analysis conducted in issuing an award.~~

~~42-148-8. Applicability. Notwithstanding any general law or special law to the contrary, no award shall be made or privatization contract entered into by the state of Rhode Island unless and until the processes and procedures outlined in §§ 42-148-3, 42-148-4 and 42-148-5 have been fully complied with in their entirety. All of the aforementioned sections shall apply to all pending awards and pending privatization contracts."~~

SECTION 3. This act shall take effect upon passage.

Respectfully submitted,

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REPRESENTATIVE GORHAM

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LC00897/34  
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Representatives Gorham, Lima, Ehrhardt, Trillo, San Bento, Watson, Amaral, Slater and Gablinske discuss the amendment.

The motion to amend fails on a roll call vote 17 members voting in the affirmative and 53 members voting in the negative as follows:

YEAS - 17: Representatives Amaral, Caprio, Coaty, Ehrhardt, Gablinske, Gorham, Long, Loughlin, McManus, Moffitt, Mumford, Savage, Singleton, Story, Trillo, Watson, Winfield.

NAYS - 53: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Carter, Church, Coderre, Corvese, Costantino, DeSimone, Diaz, Fellela, Ferri, Flaherty, Fox, Gallison, Gemma, Giannini, Handy, Jackson, Kennedy, Kilmartin, Lewiss, Lima, Mattiello, McCauley, McNamara, Melo, Menard, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Sullivan, Ucci, Vaudreuil, Walsh, Wasyluk, Williams, Williamson.

By unanimous consent, Representative Gorham, seconded by Representative Mumford offers a written motion to amend.

**FLOOR AMENDMENT  
TO  
2008 -- H 7204 SUBSTITUTE A**

**AN ACT MAKING REVISED APPROPRIATIONS FOR THE SUPPORT OF THE STATE  
FOR FISCAL YEAR ENDING JUNE 30, 2008**

Mr. Speaker:

I hereby move to amend 2008 -- H 7204 SUBSTITUTE A, entitled "AN ACT MAKING REVISED APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2008", as follows:

By adding thereto the following new article:

**"ARTICLE \_\_\_\_\_**

**RELATING TO PUBLIC OFFICERS AND EMPLOYEES**

SECTION 1. Section 36-10-36 of the General Laws in Chapter 36-10 entitled "Retirement System-Contributions and Benefits" is hereby amended to read as follows:

36-10-36. Post retirement employment. – (a) Except as provided in subsection (b), on and after July 7, 1994, no member who has retired under the provisions of titles 16, 36, or 45 may be employed or reemployed by any state agency or department unless any and all retirement benefits to which he or she may be entitled by virtue of provisions of titles 16, 36 or 45 are suspended for duration of any employment or reemployment. No additional service credits shall be granted for any post-retirement employment or reemployment and no deductions shall be taken from an individual's salary for retirement contribution. Notice of any such post-retirement employment or reemployment shall be sent monthly to the retirement board by the employing agency or department and by the retired member.

(b) Any member who has retired under the provisions of titles 16, 36, or 45 may be employed or reemployed by the state or by any municipality within the state, which municipality has accepted the provisions of chapter 21 of title 45 and which participates in the municipal employees' retirement system, for a period of not more than seventy-five (75) working days or one hundred fifty (150) half days with half day pay in any one calendar year without any forfeiture of or reduction of any retirement benefits and allowances the member is receiving or may receive as a retired member. Pension payments shall be suspended whenever this period is exceeded. No additional contributions shall be taken and no additional service credits shall be granted for this service. Notice of this employment or re-employment shall be sent monthly to the retirement board by the employer and by the retired member.

(c) Any member who has retired under the provisions of titles 16, 36, or 45 may be employed or re-employed by any municipality within the state which has not accepted the provisions of chapter 21 of title 45 and which does not participate in the municipal employees'

retirement system.

(d) Notwithstanding the provisions of this section:

(1) Any retired member of the system shall be permitted to serve as an elected mayor, the town administer, the city administrator, the town manager, the city manager, the chief administrative officer or the chief executive officer of any city or town, city or town council member, school committee member, or unpaid member of any part-time state board or commission or member of any part-time municipal board or commission, and shall continue to be eligible for receive the retirement allowance for service other than that as a mayor, administrator, council member, school committee member, or member of any state board or commission or member of any part-time municipal board or commission; provided, however, that no additional service credits shall be granted for any service under this subsection;

(2) Any retired member who retired from service at any state college, university, state school, or who retired from service as a teacher under the provisions of titles 16 or who retired from service under title 36 or title 45, may be employed or reemployed, on a part-time basis, by any state college, university or state school for the purpose of providing classroom instruction, academic advising of students and/or coaching. Compensation shall be provided at a level not to exceed the salary provided to other faculty members employed under a collective bargaining agreement at the institution. In no event shall "part-time" mean gross pay of more than fifteen thousand dollars (\$15,000) in any one calendar year. Any retired member who provides such instruction or service shall do so without forfeiture or reduction of any retirement benefit or allowance; and provided, however, that no additional service credits shall be granted for any service under this subsection;

(3) Any retired member who retired from service as a teacher under the provisions of titles 16, or as a state employee who while an active state employee was certified to teach driver education by the department of elementary and secondary education or by the board of governors for higher education, may be employed or re-employed, on a part-time basis, by the department of elementary and secondary education or by the board of governors for higher education for the purpose of providing classroom instruction in driver education courses in accordance with section 31-10-19 and/or motorcycle driver education courses in accordance with section 31-10.1-1.1. In no event shall "part-time" mean gross pay of more than fifteen thousand dollars (\$15,000) in any one calendar year. Any retired teacher who provides that instruction shall do so without forfeiture or reduction of any retirement benefit or allowance the retired teacher is receiving as a retired teacher; provided, however, that no additional service credits shall be granted for any service under this subsection; and

(4) Any retired member who retired from service as a registered nurse may be employed or re-employed, on a per diem basis, for the purpose of providing professional nursing care and/or services at a state operated facility in Rhode Island. In no event shall "part-time" mean gross pay of more than twelve thousand dollars (\$12,000) in any one calendar year. Any retired nurse who provides such care and/or services shall do without forfeiture or reduction of any retirement benefit or allowance the retired nurse is receiving as a retired nurse; provided, however, that no additional service credits shall be granted for any service under this subsection.

SECTION 2. This Article shall take effect as of April 1, 2008."

Respectfully submitted,

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REPRESENTATIVE GORHAM

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LC00897/38

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Representatives Gorham and Fox discuss the amendment.

Representative Fox moves to lay the amendment on the table seconded by Representative Kilmartin.

Representative Gorham discusses the motion.

The motion to lay the amendment on the table prevails on a roll call vote 48 members voting in the affirmative and 19 members voting in the negative as follows:

YEAS - 48: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Caprio, Carter, Coderre, Corvese, Costantino, DeSimone, Diaz, Fellela, Ferri, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Kennedy, Kilmartin, Lewiss, Lima, Mattiello, McCauley, McNamara, Melo, Pacheco, Palumbo, Petrarca, Rice, Rose, San Bento, Schadone, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Sullivan, Vaudreuil, Williams, Williamson.

NAYS - 19: Representatives Amaral, Coaty, Ehrhardt, Flaherty, Gorham, Long, Loughlin, McManus, Menard, Moffitt, Mumford, O'Neill, Picard, Savage, Story, Trillo, Ucci, Watson, Winfield.

#### **ARTICLE 18 RELATING TO STATE AID**

By unanimous consent, Representative Loughlin, seconded by Representative Amaral offers a written motion to amend.

#### **FLOOR AMENDMENT TO 2008 -- H 7204 SUBSTITUTE A**

#### **AN ACT MAKING REVISED APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2008**

Mr. Speaker:

I hereby move to amend 2008 -- H 7204 SUBSTITUTE A, entitled "AN ACT MAKING REVISED APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2008", as follows:

In Article 18, page 86, by deleting all of the language on lines 19 through 21 inclusive.

Respectfully submitted,

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REPRESENTATIVE LOUGHLIN

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LC00897/44

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Representatives Loughlin and Costantino discuss the amendment.

Representative Costantino moves to lay the amendment on the table, seconded by Representative Carter.

Representative Loughlin discusses the motion to lay the amendment on the table.

The motion to lay the amendment on the table is not recorded due to a voting malfunction.

The Honorable Speaker Murphy, Representatives Ucci, Fox, Watson, Williamson, Gorham and Kilmartin discuss voting malfunction.

Representative Fox moves to lay the amendment on the table, seconded by Representative Kilmartin.

Representative Loughlin discusses the motion to lay the amendment on the table.

The motion to lay the amendment on the table prevails on a roll call vote 39 members voting in the affirmative and 30 members voting in the negative as follows:

YEAS - 39: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Carter, Church, Coderre, Corvese, Costantino, DeSimone, Diaz, Ferri, Fox, Gablinske, Gallison, Gemma, Giannini, Jackson, Jacquard, Kennedy, Kilmartin, Lewiss, Mattiello, McNamara, Melo, Pacheco, Petrarca, Rose, San Bento, Schadone, Serpa, Shanley, Silva, Slater, Vaudreuil, Walsh, Williams, Williamson.

NAYS - 30: Representatives Amaral, Caprio, Coaty, Ehrhardt, Fellela, Flaherty, Gorham, Handy, Long, Loughlin, McCauley, McManus, Menard, Moffitt, Mumford, O'Neill, Palumbo, Picard, Savage, Scott, Segal, Singleton, Smith, Story, Sullivan, Trillo, Ucci, Wasylyk, Watson, Winfield.

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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
HOUSE OF REPRESENTATIVES

STATEMENT OF CONFLICT OF INTEREST PURSUANT TO RIGL 36-14-6

I, Timothy A. Williamson, State Representative, District 25, hereby under oath depose and say:

1. (Matter requiring action) I expect to be called upon, in my capacity as State Representative, to participate in the consideration of, and to vote upon: (08-H 7204 SUB A) amendment LC 00897/41 (Ehrhardt)
2. (Nature of the potential conflict) I have the following interest in the matter:

I represent the town of West Warwick in a pending "Caruolo" lawsuit involving the West Warwick School Committee.

3. (Complete and (A.) or (B.) and cross out whichever does not apply

B. In compliance with Section 36-14-6(1) & (2)A of the General laws, I hereby request the Speaker of the House of Representatives to excuse me from voting on or participating in the consideration of the matter described in paragraph 1 above.

TIMOTHY A. WILLIAMSON  
REPRESENTATIVE

STATE OF RHODE ISLAND  
COUNTY OF PROVIDENCE

Subscribed and sworn to under the penalties for perjury before me this 25<sup>th</sup> day of April, 2008.

EDWIN R. PACHECO  
NOTARY PUBLIC

Representative Williamson is excused from voting on or participating in the consideration of the matter described in paragraph 1, above.

WILLIAM J. MURPHY  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

By unanimous consent, Representative Ehrhardt, seconded by Representative Mumford offers a written motion to amend.

**F L O O R   A M E N D M E N T**  
**TO**  
**2008 -- H 7204 SUBSTITUTE A**

**AN ACT MAKING REVISED APPROPRIATIONS FOR THE SUPPORT OF THE STATE  
FOR FISCAL YEAR ENDING JUNE 30, 2008**

Mr. Speaker:

I hereby move to amend 2008 -- H 7204 SUBSTITUTE A, entitled "AN ACT MAKING REVISED APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2008", as follows:

By adding thereto the following new Article:

"ARTICLE \_\_\_\_\_  
MAXIMUM LEVY PERMITTED

SECTION 1. Section 44-5-2 of the General Laws in Chapter 44-5 entitled "Levy and Assessment of Local Taxes" is hereby amended to read as follows:

44-5-2. Maximum levy. -- (a) Through and including its fiscal year 2007, a city or town may levy a tax in an amount not more than five and one-half percent (5.5%) in excess of the amount levied and certified by that city or town for the prior year. Through and including its fiscal year 2007, but in no fiscal year thereafter, the amount levied by a city or town is deemed to be consistent with the five and one-half percent (5.5%) levy growth cap if the tax rate is not more than one hundred and five and one-half percent (105.5%) of the prior year's tax rate and the budget resolution or ordinance, as applicable, specifies that the tax rate is not increasing by more than five and one-half percent (5.5%) except as specified in subsection (c) of this section. In all years when a revaluation or update is not being implemented, a tax rate is deemed to be one hundred five and one-half percent (105.5%) or less of the prior year's tax rate if the tax on a parcel of real property, the value of which is unchanged for purpose of taxation, is no more than one hundred five and one-half percent (105.5%) of the prior year's tax on the same parcel of real property. In any year through and including fiscal year 2007 when a revaluation or update is being implemented, the tax rate is deemed to be one hundred five and one-half percent (105.5%) of the prior year's tax rate as certified by the division of local government assistance in the department of administration.

(b) In its fiscal year 2008, a city or town may levy a tax in an amount not more than five and one-quarter percent (5.25%) in excess of the total amount levied and certified by that city or town for its fiscal year 2007. In its fiscal year 2009, a city or town may levy a tax in an amount not more than five percent (5%) in excess of the total amount levied and certified by that city or town for its fiscal year 2008. In its fiscal year 2010, a city or town may levy a tax in an amount not more than four and three-quarters percent (4.75%) in excess of the total amount levied and certified by that city or town in its fiscal year 2009. In its fiscal year 2011, a city or town may levy a tax in an amount not more than four and one-half percent (4.5%) in excess of the total amount levied and certified by that city or town in its fiscal year 2010. In its fiscal year 2012, a city or town may levy a tax in an amount not more than four and one-quarter percent (4.25%) in excess of the total amount levied and certified by that city or town in its fiscal year 2011. In its fiscal year 2013 and in each fiscal year thereafter, a city or town may levy a tax in an amount not more than four percent (4%) in excess of the total amount levied and certified by that city or town for its previous fiscal year.

(c) The division of property valuation in the department of revenue shall monitor city and town compliance with this levy cap, issue periodic reports to the general assembly on compliance, and make recommendations on the continuation or modification of the levy cap on or before December 31, 1987, December 31, 1990, and December 31, every third year thereafter. The chief elected official in each city and town shall provide to the office of municipal affairs within thirty (30) days of final action, in the form required, the adopted tax levy and rate and other pertinent information.

(d) The amount levied by a city or town may exceed the percentage increase as specified in subsection (a) or (b) of this section if the city or town qualifies under one or more of the following provisions:

(1) The city or town forecasts or experiences a loss in total non-property tax revenues and the loss is certified by the department of administration.

(2) The city or town experiences or anticipates an emergency situation, which causes or will cause the levy to exceed the percentage increase as specified in subsection (a) or (b) of this section. In the event of an emergency or an anticipated emergency, the city or town shall notify the auditor general who shall certify the existence or anticipated existence of the emergency.

Without limiting the generality of the foregoing, an emergency shall be deemed to exist when the city or town experiences or anticipates health insurance costs, retirement contributions or utility expenditures which exceed the prior fiscal year's health insurance costs, retirement contributions or utility expenditures by a percentage greater than three (3) times the percentage increase as specified in subsection (a) or (b) of this section.

(3) A city or town forecasts or experiences debt services expenditures which exceed the prior year's debt service expenditures by an amount greater than the percentage increase as specified in subsection (a) or (b) of this section and which are the result of bonded debt issued in a manner consistent with general law or a special act. In the event of the debt service increase, the city or town shall notify the department of administration which shall certify the debt service increase above the percentage increase as specified in subsection (a) or (b) of this section the prior year's debt service. No action approving or disapproving exceeding a levy cap under the provisions of this section affects the requirement to pay obligations as described in subsection (d) of this section.

(4) The city or town experiences substantial growth in its tax base as the result of major new construction which necessitates either significant infrastructure or school housing expenditures by the city or town or a significant increase in the need for essential municipal services and such increase in expenditures or demand for services is certified by the department of administration.

(e) Any levy pursuant to subsection (d) of this section in excess of the percentage increase specified in subsection (a) of this section shall be approved by the affirmative vote of at least four-fifths (4/5) of the full membership of the governing body of the city or town or in the case of a city or town having a financial town meeting, the majority of the electors present and voting at the town financial meeting shall also approve the excess levy.

(f) Nothing contained in this section constrains the payment of present or future obligations as prescribed by section 45-12-1, and all taxable property in each city or town is subject to taxation without limitation as to rate or amount to pay general obligation bonds or notes of the city or town except as otherwise specifically provided by law or charter.

(g) Provided, further, notwithstanding any general or public law to the contrary this chapter shall supersede and take precedence over any and all terms or provisions contained in section 16-2-21.4. SECTION 2. This Article shall take effect upon passage."

Respectfully submitted,

\_\_\_\_\_  
REPRESENTATIVE EHRHARDT

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LC00897/41  
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Representatives Ehrhardt, Gemma, Costantino and Walsh discuss the amendment.

The motion to amend fails on a roll call vote 12 members voting in the affirmative and 57 members voting in the negative as follows:

YEAS - 12: Representatives Amaral, Coaty, Ehrhardt, Gemma, Gorham, McManus, Menard, Moffitt, Mumford, Singleton, Walsh, Watson.

NAYS - 57: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, DeSimone, Diaz, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Giannini, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lewiss, Long, Loughlin, Mattiello, McCauley, Melo, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Wasylyk, Williams, Williamson, Winfield.

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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
HOUSE OF REPRESENTATIVES

STATEMENT OF CONFLICT OF INTEREST PURSUANT TO RIGL 36-14-6

I, Timothy A. Williamson, State Representative, District 25, hereby under oath depose and say:

1. (Matter requiring action) I expect to be called upon, in my capacity as State Representative, to participate in the consideration of, and to vote upon: (08-H 7204 SUB A) amendment LC 00897/43 (Mumford)

2. (Nature of the potential conflict) I have the following interest in the matter:

Representing town of West Warwick in "Caruolo" action v. the West Warwick School Committee.

3. (Complete and (A.) or (B.) and cross out whichever does not apply

B. In compliance with Section 36-14-6(1) & (2)A of the General laws, I hereby request the Speaker of the House of Representatives to excuse me from voting on or participating in the consideration of the matter described in paragraph 1 above.

TIMOTHY A. WILLIAMSON  
REPRESENTATIVE

STATE OF RHODE ISLAND  
COUNTY OF PROVIDENCE

Subscribed and sworn to under the penalties for perjury before me this 25<sup>th</sup> day of April, 2008.

THOMAS WINFIELD  
NOTARY PUBLIC

Representative Williamson is excused from voting on or participating in the consideration of the matter described in paragraph 1, above.

WILLIAM J. MURPHY  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

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By unanimous consent, Representative Mumford, seconded by Representative Coaty offers a written motion to amend.

**F L O O R   A M E N D M E N T**  
**TO**  
**2008 -- H 7204 SUBSTITUTE A**

**AN ACT MAKING REVISED APPROPRIATIONS FOR THE SUPPORT OF THE STATE  
FOR FISCAL YEAR ENDING JUNE 30, 2008**

Mr. Speaker:

I hereby move to amend 2008 -- H 7204 SUBSTITUTE A, entitled "AN ACT MAKING REVISED APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2008", by adding thereto the following new Article:

**ARTICLE \_\_\_\_\_**  
**SCHOOL BUDGETS**

SECTION 1. Section 16-2-21.4 of the General Laws in Chapter 16-2 entitled "School Committees and Superintendents" is hereby repealed.

~~16-2-21.4. School budgets — Compliance with certain requirements. — (a)~~  
~~Notwithstanding any provision of the general or public laws to the contrary, whenever a city, town, or regional school committee determines that its budget is insufficient to comply with the provisions of section 16-2-21, 16-7-23, or 16-7-24, the city, town, or regional school committee shall adhere to the appropriated budget or the provisions of section 16-2-23 in the absence of an appropriated budget. The chairperson of the city, town, or regional school committee, in accordance with the provisions of section 16-2-9, shall be required to petition the commissioner, in writing, to seek alternatives for the district to comply with state regulations and/or provide waivers to state regulations and, in particular, those which are more restrictive than federal regulations that allow the school committee to operate with a balanced budget. Waivers which affect the health and safety of students and staff or which violate the provisions of chapter 24 of this title shall not be granted. The commissioner must consider alternatives for districts to comply with regulations and/or provide waivers to regulations in order that the school committee may operate with a balanced budget within the previously authorized appropriation. In the petition to the commissioner, the school committee shall be required to identify the alternatives to meet regulations and/or identify the waivers it seeks in order to provide the commissioner with the revised budget which allows it to have a balanced budget within the previously authorized appropriation. The commissioner shall respond within fifteen (15) calendar days from the date of the written petition from the school committee. If the commissioner does not approve of the alternatives to meet regulations or the waivers from regulations which are sought by the school committee, or if the commissioner does not approve of the modified expenditure plan submitted by the school committee, then: (1) within ten (10) days of receiving the commissioner's response, the school committee may submit a written request to the city or town council for the council of the municipality to decide whether to increase the appropriation for schools to meet expenditures. The decision to increase any appropriations shall be conducted pursuant to the local charter or the public law controlling the approval of appropriations within the municipality; or (2) in a regional school district, the chairperson of the school committee may, within ten (10) days of receiving the commissioner's response, submit a written request to the chief elected~~

~~official of each of the municipalities to request that the city or town council in each of their respective towns meet to decide whether or not to increase the appropriation for schools to meet expenditures. The decision to increase any appropriations shall be conducted pursuant to the local charter or the public law controlling the approval of appropriations within the municipality.~~

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

Respectfully submitted,

\_\_\_\_\_  
REPRESENTATIVE MUMFORD

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LC00897/43  
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Representatives Mumford and Costantino discuss the amendment.

The motion to amend fails on a roll call vote 15 members voting in the affirmative and 52 members voting in the negative as follows:

YEAS - 15: Representatives Coaty, Ehrhardt, Fellela, Gemma, Gorham, Long, McManus, Menard, Moffitt, Mumford, O'Neill, Scott, Trillo, Ucci, Watson.

NAYS - 52: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, DeSimone, Diaz, Ferri, Flaherty, Fox, Gablinske, Gallison, Giannini, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lewiss, Mattiello, McCauley, McNamara, Melo, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Segal, Serpa, Shanley, Silva, Slater, Smith, Story, Sullivan, Vaudreuil, Walsh, Wasylyk, Williams, Winfield.

By unanimous consent, Representative Gorham, seconded by Representative Mumford offers a written motion to amend.

**F L O O R   A M E N D M E N T**  
**TO**  
**2008 -- H 7204 SUBSTITUTE A**

AN ACT MAKING REVISED APPROPRIATIONS FOR THE SUPPORT OF THE STATE  
FOR FISCAL YEAR ENDING JUNE 30, 2008

Mr. Speaker:

I hereby move to amend 2008 -- H 7204 SUBSTITUTE A, entitled "AN ACT MAKING REVISED APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2008", as follows:

By adding thereto the following new article:

"ARTICLE \_\_\_\_\_

RELATING TO CERTIFIED SCHOOL TEACHERS AND MUNICIPAL  
EMPLOYEES RIGHT TO BARGAIN

SECTION 1. Section 28-9.3-2 of the General Laws entitled Certified School Teachers' Arbitration is hereby amended to read as follows:

28-9.3-2. Right to organize and bargain collectively. – (a) The certified teachers in the public school system in any city, town, or regional school district have the right to negotiate professionally and to bargain collectively with their respective school committees and to be represented by an association or labor organization in the negotiation or collective bargaining concerning hours, salary, working conditions, and all other terms and conditions of professional employment.

(b) For purposes of this chapter, "certified teachers" means certified teaching personnel employed in the public school systems in the state of Rhode Island engaged in teaching duties, including support personnel whose positions require a professional certificate issued by the state department of education and personnel licensed by the department of health; or other non-administrative professional employees.

(c) Superintendents, assistant superintendents, principals, and assistant principals, and other supervisors above the rank of assistant principal, are excluded from the provisions of this chapter.

(d) Notwithstanding the provision of subsection (a) above, upon passage of this act the right to organize and bargain collectively shall not include the provision of health care for active employees, and all employee contracts executed shall not contain provisions related to health care benefits for active employees. All school district employees whose contracts have expired or are due to expire on or before June 30, 2008 shall receive health care benefits under a state procured health care contract effective July 1, 2008. All school district employees not employed under a contractual agreement shall receive health care benefits under a state procured health contract which incorporates a menu of optional health care choices as determined by the health care advisory Council effective July 1, 2008. School district employees whose contracts expire subsequent to June 30, 2008 shall receive health care benefits under the state health care contract upon the expiration of their current bargaining unit contract.

(e) All school district personnel who receive health care benefits under the state procured health care contract shall be subject to state provisions regarding co-sharing of health care plan premium costs.

(f) All school districts whose employees receive health care benefits under the state health care contract shall establish buy-back/medical waiver provisions in accordance with the

state health care buy-back/medical waiver provisions.

(g) A statewide health care advisory council shall be established to make recommendations regarding plan design, co-sharing and buy-back provisions for the state procured health care contract. The advisory council membership shall include the director of the department of administration or his/her designee, who shall chair the council, representatives from the departments of administration and education, labor, the league of cities and towns, the Rhode Island school superintendents' association, the Rhode Island association of school business officials and the Rhode Island association of school committees.

(h) School district employees whose contracts have expired but who are employed by a school district that is obligated to a health insurance carrier beyond the date that the contract expires, or who are not employed under a contractual agreement but are employed by a school district that is obligated to a health insurance carrier beyond July 1, 2008, shall receive health care benefits under the state contract upon the expiration of the current obligation with the health insurance carrier.

SECTION 2. Section 28-9.4-3 of the General Laws entitled Municipal Employees' Arbitration is hereby amended to read as follows:

28-9.4-3. Right to organize and bargain collectively. – (a) The municipal employees of any municipal employer in any city, town, or regional school district shall have the right to negotiate and to bargain collectively with their respective municipal employers and to be represented by an employee organization in the negotiation or collective bargaining concerning hours, salary, working conditions, and all other terms and conditions of employment.

(b) Notwithstanding the provision of subsection (a) above, upon passage of this act the right to organize and bargain collectively shall not include the provision of health care for active employees, and all employee contracts shall not contain provisions related to health care benefits for active employees. All employees whose contracts have expired or are due to expire on or before June 30, 2008 shall receive health care benefits under a state procured health care contract which incorporates a menu of optional health care choices as determined by the health care advisory council effective July 1, 2008. All employees not employed under a contractual agreement shall receive health care benefits under a state procured health contract effective July 1, 2008. Employees whose contracts expire subsequent to June 30, 2008 shall receive health care benefits under the state health care contract upon the expiration of their current bargaining unit contract.

(c) All personnel who receive health care benefits under the state health care contract shall be subject to state provisions regarding co-sharing of health care plan premium costs.

(d) All municipalities and school districts whose employees receive health care benefits under the state health care contract shall establish buy-back/medical waiver provisions in accordance with the state health care buy-back/medical waiver provisions.

(e) A statewide health care advisory council shall be established to make recommendations regarding plan design, co-sharing and buy-back provisions for the state health care contract. The advisory council membership shall include the director of the department of administration or his/her designee, who shall chair the council, representatives from the departments of administration and education, labor, the league of cities and towns, and the Rhode Island School superintendents' association, the Rhode Island association of school business officials and the Rhode Island association of school committees.

(f) Employees whose contracts have expired but who are employed by a municipality school district that is obligated to a health insurance carrier beyond the date that the contract

expires, or who are not employed under a contractual agreement but are employed by a municipality school district that is obligated to a health insurance carrier beyond July 1, 2008, shall receive health care benefits under the state contract upon the expiration of the current obligation with the health insurance carrier.

SECTION 3. Section 28-9.1-4 of the General Laws entitled Firefighters' Arbitration is hereby amended to read as follows:

28-9.1-4. Right to organize and bargain collectively. – (a) The fire fighters in any city or town have the right to bargain collectively with their respective cities or towns and be represented by a labor organization in the collective bargaining as to wages, rates of pay, hours, working conditions, and all other terms and conditions of employment.

(b) Notwithstanding the provision of subsection (a) above, beginning July 1, 2008 the right to organize and bargain collectively shall not include the provision of health care for all firefighters, and all firefighter employee contracts executed subsequent to that date shall not contain provisions related to health care benefits for active employees. Firefighters whose contracts expire subsequent to June 30, 2008 shall receive health care benefits under the state procured health care contract which incorporates a menu of optional health care choices as determined by the health care advisory council upon the expiration of their current bargaining unit contract and the standards relating to plan design, cost sharing, and buy back shall be as provided for in subsections 28-9.4-3 (d), (e), and (f).

(c) Firefighters whose contracts have expired but who are employed by a municipality that is obligated to a health insurance carrier beyond the date that the contract expires, or who are not employed under a contractual agreement but are employed by a municipality that is obligated to a health insurance carrier beyond July 1, 2008, shall receive health care benefits under the state contract upon the expiration of the current obligation with the health insurance carrier.

SECTION 4. Section 28-9.2-4 of the General Laws entitled Municipal Police Arbitration is hereby amended to read as follows:

28-9.2-4. Right to organize and bargain collectively. – (a) The police officers in any city or town have the right to bargain collectively with their respective cities or towns and be represented by a labor organization in the collective bargaining as to wages, rates of pay, hours, working conditions, and all other terms and conditions of employment.

(b) Notwithstanding the provision of subsection (a) above, beginning July 1, 2008 the right to organize and bargain collectively shall not include the provision of health care for all police officers, and all police officer employee contracts executed subsequent to that date shall not contain provisions related to health care benefits for active employees. Police officers whose contracts expire subsequent to June 30, 2008 shall receive health care benefits under the state procured health care contract which incorporates a menu of optional health care choices as determined by the health care advisory council upon the expiration of their current bargaining unit contract and the standards relating to plan design, cost sharing, and buy back shall be as provided for in subsections 28-9.4-3 (d), (e), and (f).

(c) Police officers whose contracts have expired but who are employed by a municipality that is obligated to a health insurance carrier beyond the date that the contract expires, or who are not employed under a contractual agreement but are employed by a municipality that is obligated to a health insurance carrier beyond July 1, 2008, shall receive health care benefits under the state contract upon the expiration of the current obligation with the health insurance carrier.”

SECTION 5. This act shall take effect upon passage.

Respectfully submitted,

REPRESENTATIVE GORHAM

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LC00897/33

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Representatives Gorham, Costantino, Corvese, Gemma, Jacquard, Amaral and Long discuss the amendment.

The motion to amend fails on a roll call vote 8 members voting in the affirmative and 61 members voting in the negative as follows:

YEAS - 8: Representatives Amaral, Coaty, Ehrhardt, Gorham, McManus, Mumford, Story, Trillo.

NAYS - 61: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, DeSimone, Diaz, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lewiss, Lima, Long, Loughlin, Mattiello, McNamara, Melo, Menard, Moffitt, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Williams, Williamson, Winfield.

By unanimous consent, Representative Ajello, seconded by Representative Handy offers a written motion to amend.

**F L O O R   A M E N D M E N T**  
**T O**  
**2008 -- H 7204 SUBSTITUTE A**

**AN ACT MAKING REVISED APPROPRIATIONS FOR THE SUPPORT OF THE STATE  
FOR FISCAL YEAR ENDING JUNE 30, 2008**

Mr. Speaker:

I hereby move to amend 2008 -- H 7204 SUBSTITUTE A, entitled "AN ACT MAKING REVISED APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2008", as follows:

(1) In Article 19, page 92, by adding the following section immediately following line 12:  
"SECTION 2. Chapter 42-35 of the General Laws entitled "Administrative Procedures" is hereby amended by adding thereto the following section:

42-35-2.5. Electronic posting of advance notice of proposed rulemaking. – (a) In order to afford all interested persons reasonable opportunity to submit data, views or arguments, any website maintained by the office of the secretary of state of accordance with section 42-35-3(a)(1) shall be formatted so as to allow members of the public to view advanced notices of proposed rulemaking by the date of posting and by the agency that posted them. In addition, such website shall contain an up-to-date list of all agencies using the website as their primary source for proposed rulemaking notices.

(b) Any agency submitting advance notice of proposed rulemaking via electronic media on the website maintained by the secretary of state shall do so in accordance with procedures established by the secretary of state. The agency shall also post such notice on the agency's own website. Unless and until an agency formally withdraws from submitting proposed rulemaking via electronic media, the agency shall submit all advance notices of proposed rulemaking in this fashion; provided, however, nothing contained herein shall prohibit the agency from also posting notices in a newspaper publication.

(c) If an agency utilizing electronic posting as its primary source for advanced proposed rulemaking notices is required to make available a summary of all non-technical differences between the existing and proposed rules pursuant to section 42-35-3(a)(1) and section 42-35-3(a)(5), that summary shall also be available on the website maintained by the secretary of state.

(d) The office of the secretary of state shall establish a process to provide timely notification via electronic mail, to any person so requesting, any agency advance notices of proposed rulemaking submitted via electronic media pursuant to section 43-35-3(a)(1)."

(2) In Article 19, on page 92, line 13 by deleting the number "2" after the word "SECTION" and inserting in place thereof the number "3".

Respectfully submitted,

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REPRESENTATIVE AJELLO

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LC00897/54  
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Representatives Ajello, Lewiss, Costantino and Loughlin discuss the amendment.

The motion to amend fails on a roll call vote 9 members voting in the affirmative and 61 members voting in the negative as follows:

YEAS - 9: Representatives Ajello, Ferri, Handy, Long, O'Neill, Pacheco, Segal, Smith, Sullivan.

NAYS - 61: The Honorable Speaker Murphy and Representatives Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coaty, Coderre, Corvese, Costantino, DeSimone, Diaz, Ehrhardt, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Jackson, Jacquard, Kennedy, Kilmartin, Lewiss, Lima, Loughlin, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Palumbo, Petrarca, Picard, Rose, San Bento, Savage, Schadone, Scott, Serpa, Shanley, Silva, Singleton, Slater, Story, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

Representative Costantino discusses the articles.

Representative Segal requests to vote Articles 9 and 10 separately.

#### **ARTICLE 4 RELATING TO RETIREE HEALTH BENEFITS FUNDING**

The article prevails, on a roll call vote, 47 members voting in the affirmative and 24 members voting in the negative as follows.

YEAS - 47: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Carter, Church, Coaty, Coderre, Corvese, Costantino, Ehrhardt, Ferri, Fox, Gablinske, Gallison, Gemma, Gorham, Jackson, Kennedy, Kilmartin, Lewiss, Lima, Long, Loughlin, Mattiello, McManus, McNamara, Melo, Mumford, Pacheco, Picard, Rose, San Bento, Savage, Schadone, Serpa, Shanley, Silva, Singleton, Slater, Story, Trillo, Vaudreuil, Watson, Williamson.

NAYS - 24: Representatives Caprio, DeSimone, Diaz, Fellela, Flaherty, Giannini, Handy, Jacquard, McCauley, Menard, Moffitt, O'Neill, Palumbo, Petrarca, Rice, Scott, Segal, Smith, Sullivan, Ucci, Walsh, Wasylyk, Williams, Winfield.

#### **ARTICLE 7 RELATING TO CORRECTIONS REFORM**

The article prevails, on a roll call vote, 59 members voting in the affirmative and 11 members voting in the negative as follows.

YEAS - 59: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coaty, Coderre, Corvese, Costantino, DeSimone, Diaz, Ehrhardt, Ferri, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lewiss, Lima, Loughlin, Mattiello, McCauley, McManus, McNamara, Melo, Pacheco, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Story, Sullivan, Trillo, Vaudreuil, Walsh, Watson, Williams, Williamson.

NAYS - 11: Representatives Fellela, Flaherty, Long, Menard, Moffitt, O'Neill, Palumbo, Smith, Ucci, Wasylyk, Winfield.

#### **ARTICLE 8 RELATING TO FURLOUGH DAYS**

The article prevails, on a roll call vote, 56 members voting in the affirmative and 14 members voting in the negative as follows.

YEAS - 56: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Brien, Caprio, Carter, Church, Coaty, Coderre, Corvese, Costantino, DeSimone, Diaz, Ehrhardt, Ferri, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lewiss, Lima, Mattiello, McManus, McNamara, Melo, Moffitt, Mumford, Pacheco, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Segal, Serpa, Shanley, Silva, Singleton, Slater, Story, Trillo, Ucci, Vaudreuil, Walsh, Watson, Williams, Williamson.

NAYS - 14: Representatives Fellela, Flaherty, Gorham, Long, Loughlin, McCauley, Menard, O'Neill, Palumbo, Scott, Smith, Sullivan, Wasylyk, Winfield.

#### **REQUESTS**

Representatives Watson and Ucci request the journal to reflect that they had voted incorrectly on Article 8, they should have voted in the negative.

**ARTICLE 18 RELATING TO STATE AID**

Representative Loughlin requests to vote Article 18 in sections. The Chair rules it is not divisible. Representative Loughlin appeals the ruling of the Chair.

The motion to uphold the ruling of the Chair prevails on a roll call vote, 50 members voting in the affirmative and 19 members voting in the negative as follows.

YEAS - 50: The Honorable Speaker Murphy and Representatives Ajello, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, DeSimone, Diaz, Ferri, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lewiss, Lima, Mattiello, McCauley, McNamara, Melo, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Serpa, Shanley, Silva, Slater, Smith, Story, Sullivan, Vaudreuil, Walsh, Williams, Williamson.

NAYS - 19: Representatives Amaral, Coaty, Ehrhardt, Fellela, Flaherty, Gorham, Long, Loughlin, McManus, Menard, Moffitt, Mumford, O'Neill, Singleton, Trillo, Ucci, Wasylyk, Watson, Winfield.

Representatives Ucci, Costantino, Segal, Trillo, Gorham, Gemma, Palumbo, Diaz, Handy, Smith, Rice, Shanley, Almeida, Amaral, Lewiss, Loughlin, Gablinske and Kilmartin discuss the article.

**NOW PRESIDING**

At 6:40 o'clock P.M. the Honorable Speaker Murphy yields the rostrum to the Honorable Deputy Speaker Henry Rose.

Representative Gorham continues discussion on the article.

At 6:41 o'clock P.M. the Honorable Deputy Speaker Rose yields the rostrum to the Honorable Speaker Murphy

Representative Gorham, Moffitt, Watson, Gemma, Trillo, Fox and Costantino continue discussion on the article.

The article prevails, on a roll call vote, 47 members voting in the affirmative and 25 members voting in the negative as follows.

YEAS - 47: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Ferri, Fox, Gablinske, Gallison, Gemma, Giannini, Jackson, Jacquard, Kennedy, Kilmartin, Lewiss, Lima, Mattiello, McManus, McNamara, Melo, Mumford, O'Neill, Pacheco, Petrarca, Rose, San Bento, Savage, Schadone, Scott, Serpa, Shanley, Silva, Singleton, Slater, Trillo, Vaudreuil, Walsh, Williamson.

NAYS - 25: Representatives Amaral, Coaty, Diaz, Ehrhardt, Fellela, Flaherty, Gorham, Handy, Long, Loughlin, McCauley, Menard, Moffitt, Palumbo, Picard, Rice, Segal, Smith, Story, Sullivan, Ucci, Wasylyk, Watson, Williams, Winfield.

#### **ARTICLE 9 RELATING TO THE FAMILY INDEPENDENCE ACT**

The article prevails, on a roll call vote, 64 members voting in the affirmative and 8 members voting in the negative as follows.

YEAS - 64: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coaty, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Jackson, Jacquard, Kennedy, Kilmartin, Lewiss, Lima, Long, Loughlin, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Pacheco, Petrarca, Picard, Rose, San Bento, Savage, Schadone, Scott, Serpa, Shanley, Silva, Singleton, Slater, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Watson, Williamson, Winfield.

NAYS - 8: Representatives Handy, O'Neill, Palumbo, Rice, Segal, Smith, Wasylyk, Williams.

#### **ARTICLE 10 RELATING TO MEDICAL ASSISTANCE – ELIGIBILITY**

The article prevails, on a roll call vote, 62 members voting in the affirmative and 10 members voting in the negative as follows.

YEAS - 62: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coaty, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Jackson, Jacquard, Kennedy, Kilmartin, Lewiss, Lima, Long, Loughlin, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Pacheco, Petrarca, Picard, Rose, San Bento, Savage, Schadone, Scott, Serpa, Shanley, Silva, Singleton, Slater, Story, Trillo, Vaudreuil, Walsh, Watson, Williamson, Winfield.

NAYS - 10: Representatives Handy, O'Neill, Palumbo, Rice, Segal, Smith, Sullivan, Ucci, Wasylyk, Williams.

#### **ARTICLE 20 RELATING TO BRIDGE USE FINES**

Representatives Menard, Shanley, Loughlin, Amaral, Baldelli-Hunt, Rice, Ucci, Trillo and Costantino discuss the article.

The article prevails, on a roll call vote, 56 members voting in the affirmative and 16 members voting in the negative as follows.

YEAS - 56: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz,

Ehrhardt, Fellela, Ferri, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jacquard, Kennedy, Kilmartin, Lewiss, Lima, Mattiello, McCauley, McNamara, Melo, Mumford, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, San Bento, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Story, Sullivan, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson.

NAYS - 16: Representatives Amaral, Coaty, Flaherty, Jackson, Long, Loughlin, McManus, Menard, Moffitt, Palumbo, Savage, Singleton, Smith, Trillo, Ucci, Winfield.

#### **ARTICLE 19 RELATING TO ADMINISTRATIVE PROCEDURES**

The article prevails, on a roll call vote, 68 members voting in the affirmative and 3 members voting in the negative as follows.

YEAS - 68: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coaty, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lewiss, Lima, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Williams, Williamson, Winfield.

NAYS - 3: Representatives Long, Loughlin, Palumbo.

By unanimous consent, Representative Costantino, seconded by Representatives Fox, Coderre, Lewiss, Gablinske, Slater, Kilmartin, Petrarca, Shanley and many other members of the House offers a written motion to amend.

#### **FLOOR AMENDMENT TO 2008 -- H 7204 SUBSTITUTE A**

#### **AN ACT MAKING REVISED APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2008**

Mr. Speaker:

I hereby move to amend 2008 -- H 7204 SUBSTITUTE A, entitled "AN ACT MAKING REVISED APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2008", as follows:

(1) In Article 12, page 70, line 32 by deleting the number "12" and inserting in place thereof the number "11" and by amending all subsequent article numbers accordingly.

(2) By deleting the table of contents in its entirety and substituting therefor the following:  
ARTICLE 1 RELATING TO MAKING REVISED APPROPRIATIONS IN  
SUPPORT OF FY 2008

ARTICLE 2 RELATING TO STATE FLEET REPLACEMENT REVOLVING LOAN  
FUND

ARTICLE 3 RELATING TO PUBLIC FINANCE – DEBT MANAGEMENT  
ARTICLE 4 RELATING TO RETIREE HEALTH BENEFITS FUNDING  
ARTICLE 5 RELATING TO SCHOOL BUDGETS – HOUSING AID  
ARTICLE 6 RELATING TO PERMITS FOR SALE OF BOTTLED WATER  
ARTICLE 7 RELATING TO CORRECTIONS REFORM  
ARTICLE 8 RELATING TO FURLOUGH DAYS  
ARTICLE 9 RELATING TO THE FAMILY INDEPENDENCE ACT  
ARTICLE 10 RELATING TO MEDICAL ASSISTANCE – ELIGIBILITY  
ARTICLE 11 RELATING TO ATOMIC ENERGY COMMISSION  
ARTICLE 12 RELATING TO THE RHODE ISLAND TRAINING SCHOOL  
ARTICLE 13 RELATING TO HEALTH CARE COVERAGE FOR CHILD CARE PROVIDERS  
ARTICLE 14 RELATING TO NURSING HOME PROVIDER ASSESSMENT  
ARTICLE 15 RELATING TO INSURANCE – CONSUMER REPRESENTATION AT RATE HEARINGS  
ARTICLE 16 RELATING TO PROCEEDINGS IN FAMILY COURT  
ARTICLE 17 RELATING TO STATE AID  
ARTICLE 18 RELATING TO ADMINISTRATIVE PROCEDURES  
ARTICLE 19 RELATING TO BRIDGE USE FINES  
ARTICLE 20 RELATING RHODE ISLAND UNDERGROUND STORAGE TANK ACT  
ARTICLE 21 RELATING TO EFFECTIVE DATE

Respectfully submitted,

\_\_\_\_\_  
REPRESENTATIVE COSTANTINO

=====  
LC00897/60  
=====

The motion to amend prevails on a roll call vote 70 members voting in the affirmative and 2 members voting in the negative as follows:

YEAS - 70: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coaty, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lewiss, Lima, Long, Loughlin, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasyluk, Williams, Williamson, Winfield.

NAYS - 2: Representatives Palumbo, Watson.

Representatives Pacheco, Handy, Amaral, Watson, Ehrhardt and Costantino discuss the act.

The act(08-H 7204 SUB A, as amended, prevails on a roll call vote, 60 members voting in the affirmative and 12 members voting in the negative as follows.

YEAS - 60: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coaty, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Ferri, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lewiss, Lima, Mattiello, McCauley, McManus, McNamara, Melo, Moffitt, Mumford, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Story, Trillo, Vaudreuil, Walsh, Watson, Williams, Williamson.

NAYS - 12: Representatives Amaral, Fellela, Flaherty, Long, Loughlin, Menard, Palumbo, Smith, Sullivan, Ucci, Wasylyk, Winfield.

### **TRANSMITTAL**

By unanimous consent, (08-H 7204 SUB A, as amended), on the Clerk's desk is ordered to be transmitted to the Honorable Senate, forthwith.

### **ANNOUNCEMENTS**

Representative Williamson wishes David Barber a Happy Birthday.

The Honorable Speaker Murphy wishes Representative J. Russell Jackson a Happy Birthday.

The Honorable Speaker Murphy wishes Representative Edith H. Ajello a Happy Birthday, tomorrow.

Representative Kennedy wishes his father, Ronald Kennedy, a Happy 75<sup>th</sup> Birthday.

### **GUESTS**

Representative Corvese welcomes to the House Chamber as guests Domenic Ablia and Gerald Famiglietti.

Representative McNamara welcomes to the House as guests Girl Scout Troop 518 of East Greenwich and Girl Scout Troup 179 of Warwick.

### **ADJOURNMENT**

At 7:50 o'clock P.M. on motion of Representative Costantino, and as a further mark of respect to the memory of Robert Rusillo; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

**Linda M. McElroy**  
**Recording Clerk**

**APPENDIX****INVOCATION****REPRESENTATIVE FRANK J. FERRI**

Dear God, bless our efforts as we labor in this chamber to solve the problems and meet the needs of the people of Rhode Island. Strengthen our resolve to do that which is best for all the people, even though it may not be popular. Amen.

## APPENDIX

## CALENDAR

## IN ORDER FOR TUESDAY, APRIL 29, 2008:

**1 2008-H 7040 SUB A****BY San Bento****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT

Committee on Finance recommends indefinite postponement of the original bill and passage of Substitute A.

**2 2008-H 7107 SUB A****BY Brien****ENTITLED,** AN ACT RELATING TO LABOR AND LABOR RELATIONS

Committee on Labor recommends indefinite postponement of the original bill and passage of Substitute A.

**3 2008-H 7301 SUB A****BY McCauley****ENTITLED,** AN ACT RELATING TO SPORTS RACING AND ATHLETICS --  
MIXED MARTIAL ARTS

Committee on Corporations recommends indefinite postponement of the original bill and passage of Substitute A.

**4 2008-H 7030****BY Gemma****ENTITLED,** AN ACT RELATING TO RESIDENTIAL RENTAL REAL ESTATE

Committee on Judiciary recommends passage.

**5 2008-H 7259****BY Almeida****ENTITLED,** AN ACT RELATING TO CRIMINAL OFFENSES -- HOMICIDE

Committee on Judiciary recommends passage.

**6 2008-H 7497 SUB A****BY Jacquard****ENTITLED,** AN ACT RELATING TO THE RHODE ISLAND AUTOMOBILE  
REPOSSESSION ACT

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute A.

**7 2008-H 7999 SUB A****BY Church****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS -  
ELECTRICIANS

Committee on Corporations recommends indefinite postponement of the original bill and passage of Substitute A.

**8 2008-H 7948 SUB A****BY Lewiss****ENTITLED,** AN ACT RELATING TO FINANCIAL INSTITUTIONS

Committee on Corporations recommends indefinite postponement of the original bill and passage of Substitute A.

**9 2008-H 7915****BY Kennedy****ENTITLED,** AN ACT RELATING TO TAXATION - PERSONAL INCOME TAX

Committee on Corporations recommends passage.

**10 2008-H 7909****BY Dennigan****ENTITLED,** JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE  
COMMISSION TO STUDY, DEVELOP A STRATEGY, AND  
PROMOTE INTEROPERABILITY OF ALL ASPECTS OF  
ELECTRONIC HEALTH RECORD UTILIZATION IN THE STATE  
OF RHODE ISLAND

Committee on Corporations recommends passage.

**11 2008-H 7870 SUB A****BY Kilmartin****ENTITLED,** AN ACT RELATING BUSINESSES AND PROFESSIONS -  
PHYSICAL THERAPISTS

Committee on Corporations recommends indefinite postponement of the original bill and passage of Substitute A.

**12 2008-H 7723 SUB A****BY Singleton****ENTITLED,** AN ACT RELATING TO PROPERTY-- REVERSE MORTGAGES

Committee on Corporations recommends indefinite postponement of the original bill and passage of Substitute A.

**13 2008-H 7722****BY Trillo****ENTITLED,** AN ACT RELATING TO INSURANCE -- FIRE AND MARINE  
INSURANCE RATING

Committee on Corporations recommends passage.

**14 2008-H 7337 SUB A****BY Schadone****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS -  
ATHLETIC AGENTSCommittee on Corporations recommends indefinite postponement of the original bill  
and passage of Substitute A.**15 2008-H 7803 SUB A****BY San Bento****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT  
-- DEPARTMENT OF BUSINESS REGULATION-AUTOMOBILE  
WRECKING AND SALVAGE YARDSCommittee on Corporations recommends indefinite postponement of the original bill  
and passage of Substitute A.**16 2008-H 7439 SUB A****BY Rice****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS -  
REAL ESTATE SALES DISCLOSURESCommittee on Corporations recommends indefinite postponement of the original bill  
and passage of Substitute A.**17 2008-H 7017****BY Gemma****ENTITLED,** HOUSE RESOLUTION RESPECTFULLY URGING THE UNITED  
STATES HOUSE OF REPRESENTATIVES TO FULLY SUPPORT  
HOUSE BILL 808

Committee on Constituent Services recommends passage.

**18 2008-H 7312****BY Caprio D****ENTITLED,** AN ACT RELATING TO THE GENERAL ASSEMBLY --  
PERMANENT JOINT COMMITTEE ON NAMING ALL NEW  
BUILDINGS, BRIDGES, EDIFICES AND OTHER STATE  
CONSTRUCTIONS

Committee on Constituent Services recommends passage.

**19 2008-H 8068****BY McCauley****ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF CANNON & BROWN, INC.

Committee on Constituent Services recommends passage.

**20 2008-H 8087****BY Amaral****ENTITLED,** HOUSE RESOLUTION CONGRATULATING ROBERT LITTLEFIELD ON BEING NAMED RHODE ISLAND'S "PRINCIPAL OF THE YEAR"

Committee on Constituent Services recommends passage.

**21 2008-H 8042 SUB A****BY Handy****ENTITLED,** HOUSE RESOLUTION CALLING UPON THE GOVERNMENTS OF KUWAIT, THE UNITED STATES OF AMERICA AND THE STATE OF RHODE ISLAND TO FORM A STATE RELATIONSHIP BETWEEN RHODE ISLAND AND KUWAIT

Committee on Constituent Services recommends indefinite postponement of the original bill and passage of Substitute A.

**22 2008-H 8107****BY Lally****ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF TAU OMEGA CHAPTER OF TAU EPSILON PHI FRATERNITY, INC.

Committee on Constituent Services recommends passage.

**23 2008-H 7371****BY Walsh****ENTITLED,** HOUSE RESOLUTION RESPECTFULLY URGING THE UNITED STATES CONGRESS TO ADEQUATELY PROVIDE FOR OUR COUNTRY'S VETERANS

Committee on Veterans' Affairs recommends passage.

**24 2008-H 7213 SUB A****BY McNamara****ENTITLED,** AN ACT RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS

Committee on Health, Education & Welfare recommends indefinite postponement of the original bill and passage of Substitute A.

**25 2008-H 7250**

**BY McNamara**

**ENTITLED,** AN ACT RELATING TO EDUCATION

Committee on Health, Education & Welfare recommends passage.

**26 2008-H 7280 SUB A**

**BY McNamara**

**ENTITLED,** AN ACT RELATING TO EDUCATION -- CURRICULUM

Committee on Health, Education & Welfare recommends indefinite postponement of the original bill and passage of Substitute A.

**27 2008-H 7281**

**BY Naughton**

**ENTITLED,** AN ACT RELATING TO HEALTH CARE QUALITY PROGRAM --  
MONITORING THE OCCURRENCE OF PRESSURE ULCERS IN  
HEALTH CARE FACILITIES

Committee on Health, Education & Welfare recommends passage.

**28 2008-H 7354 SUB A**

**BY Fellela**

**ENTITLED,** AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -  
PERMIT PROGRAM FOR CATS

Committee on Health, Education & Welfare recommends indefinite postponement of the original bill and passage of Substitute A.

**29 2008-H 7391**

**BY Naughton**

**ENTITLED,** HOUSE RESOLUTION EXTENDING THE COMMISSION LIFE AND  
AMENDING THE MEMBERSHIP OF THE SPECIAL LEGISLATIVE  
COMMISSION TO STUDY AND ESTABLISH AN OLMSTEAD  
DECISION TASK FORCE IN THE STATE OF RHODE ISLAND

Committee on Health, Education & Welfare recommends passage.

**30 2008-H 7463 SUB A**

**BY Baldelli-Hunt**

**ENTITLED,** AN ACT RELATING TO EDUCATION -- HEALTH AND SAFETY OF  
PUPILS

Committee on Health, Education & Welfare recommends indefinite postponement of the original bill and passage of Substitute A.

**31 2008-H 7464**

**BY McNamara**

**ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY

Committee on Health, Education & Welfare recommends passage.

**32 2008-H 7466**

**BY Lewiss**

**ENTITLED,** JOINT RESOLUTION CREATING A JOINT TASK FORCE TO  
STUDY ALL ASPECTS OF HEALTH CARE REFORM RELATING TO  
THE HEALTHY RHODE ISLAND REFORM ACT OF 2008 - PART  
VIII

Committee on Health, Education & Welfare recommends passage.

**33 2008-H 7467 SUB A**

**BY Naughton**

**ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -  
BREASTFEEDING - PROMOTES THE INTERESTS OF MATERNAL  
AND CHILD HEALTH

Committee on Health, Education & Welfare recommends indefinite postponement of the original bill and passage of Substitute A.

**34 2008-H 7468 SUB A**

**BY Ferri**

**ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS --  
PHYSICIANS ASSISTANTS

Committee on Health, Education & Welfare recommends indefinite postponement of the original bill and passage of Substitute A.

**35 2008-H 7931**

**BY Jacquard**

**ENTITLED,** AN ACT RELATING TO LABOR AND LABOR RELATIONS -  
APPRENTICES

Committee on Health, Education & Welfare recommends passage.

**36 2008-H 7733**

**BY Story**

**ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- DEPARTMENT  
OF HEALTH

Committee on Health, Education & Welfare recommends passage.

**37 2008-H 7734****BY Story****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- OFFICE OF  
STATE MEDICAL EXAMINERS

Committee on Health, Education & Welfare recommends passage.

**38 2008-H 7961 SUB A****BY Handy****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS -  
NURSES

Committee on Health, Education & Welfare recommends indefinite postponement of the  
original bill and passage of Substitute A.

**39 2008-H 7571****BY Dennigan****ENTITLED,** JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE  
COMMISSION TO STUDY AND ESTABLISH HEALTH CARE  
REFORM MODELS TO EXPAND HEALTH CARE COVERAGE AND  
TO DECREASE HEALTH CARE COSTS FOR RHODE ISLAND  
RESIDENTS

Committee on Health, Education & Welfare recommends passage.

**40 2008-H 8038****BY Melo****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS --  
PSYCHOLOGISTS

Committee on Health, Education & Welfare recommends passage.

**41 2008-H 7109 SUB A****BY Lewiss****ENTITLED,** AN ACT ENABLING BUILDING CODE VIOLATIONS TO BE  
PROSECUTED IN THE MUNICIPAL COURT OF THE TOWN OF  
WESTERLY

Committee on Municipal Government recommends indefinite postponement of the  
original bill and passage of Substitute A.

**42 2008-H 7148 SUB A****BY Kilmartin****ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES - EMERGENCY  
POLICE POWER

Committee on Municipal Government recommends indefinite postponement of the original bill and passage of Substitute A.

**43 2008-H 7482**

**BY Caprio D**

**ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS --  
SECOND-HAND DEALERS

Committee on Municipal Government recommends passage.

**44 2008-H 7050**

**BY Rose**

**ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES - SIZE,  
WEIGHT AND LOAD LIMITS

Committee on Municipal Government recommends passage.

**45 2008-H 8081**

**BY Vaudreuil**

**ENTITLED,** AN ACT RELATING TO TAXATION -- THE TOWN OF  
CUMBERLAND -- HOMESTEAD EXEMPTION

Committee on Municipal Government recommends passage.

**46 2008-H 8096**

**BY Walsh**

**ENTITLED,** AN ACT TOWNS AND CITIES -- ORDINANCES

Committee on Municipal Government recommends passage.

**47 2008-H 8119**

**BY Gablinske**

**ENTITLED,** AN ACT AUTHORIZING THE TOWN OF BRISTOL TO ISSUE  
GENERAL OBLIGATION BONDS AND NOTES IN ANTICIPATION  
THEREOF IN AN AMOUNT NOT TO EXCEED \$2,000,000 FOR  
THE PURPOSE OF FINANCING THE CONSTRUCTION OF AN  
ANIMAL SHELTER IN BRISTOL, RHODE ISLAND, INCLUDING  
THE FURNISHING AND EQUIPPING THEREOF, AND THE  
PROVISION OF ARCHITECTURAL, ENGINEERING, SURVEYING  
AND OTHER SERVICES NECESSARY OR APPROPRIATE  
THEREFORE

Committee on Municipal Government recommends passage.

**48 2008-H 8095****BY Lewiss****ENTITLED,** AN ACT AUTHORIZING AN INCREASE IN THE HOLDINGS OF THE WATCH HILL CHAPEL SOCIETY

Committee on Municipal Government recommends passage.

**49 2008-H 8120****BY Coderre E****ENTITLED,** AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR THE RECONSTRUCTION OF BRIDGES IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$200,000 BONDS AND NOTES THEREFOR, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2009 AND 2010

Committee on Municipal Government recommends passage.

**50 2008-H 8060****BY Vaudreuil****ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES -- SEWER CHARGES

Committee on Municipal Government recommends passage.

**51 2008-H 8103****BY Naughton****ENTITLED,** AN ACT RELATING TO NAMING THE NEW KENT COUNTY COURTHOUSE

Committee on Constituent Services recommends passage.

**52 2008-H 7775****BY Ehrhardt****ENTITLED,** AN ACT RELATING TO LABOR AND LABOR RELATIONS -- EMPLOYMENT SECURITY -- BENEFITS

Committee on Labor recommends passage.

**53 2008-H 8132****BY Coderre E****ENTITLED,** AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR THE CONSTRUCTION AND RECONSTRUCTION OF STREETS AND SIDEWALKS IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$1,000,000 BONDS AND NOTES

THEREFOR, TO FUND THE CAPITAL IMPROVEMENT PROGRAM  
FOR THE TWO FISCAL YEARS 2009 AND 2010

Committee on Municipal Government recommends passage.

**54 2008-H 8133**

**BY Coderre E**

**ENTITLED,** AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR THE RENOVATION AND IMPROVEMENT OF PUBLIC BUILDINGS IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$700,000 BONDS AND NOTES THEREFOR, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2009 AND 2010

Committee on Municipal Government recommends passage.

**55 2008-H 8134**

**BY Coderre E**

**ENTITLED,** AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR CONSTRUCTION AND RECONSTRUCTION OF THE SEWER AND SANITATION SYSTEM IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$300,000 BONDS AND NOTES THEREFOR, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2009 AND 2010

Committee on Municipal Government recommends passage.

**56 2008-H 8136**

**BY Coderre E**

**ENTITLED,** AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR THE IMPROVEMENT AND REPLACEMENT OF TRAFFIC CONTROL DEVICES IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$200,000 BONDS AND NOTES THEREFOR, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2009 AND 2010

Committee on Municipal Government recommends passage.

**57 2008-H 7283 SUB A**

**BY Kilmartin**

**ENTITLED,** AN ACT RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS

Committee on Health, Education & Welfare recommends indefinite postponement of the original bill and passage of Substitute A.

**58 2008-H 7410**

**BY Ucci**

**ENTITLED,** AN ACT RELATING TO EDUCATION - ELIGIBILITY FOR ATTENDANCE

Committee on Health, Education & Welfare recommends passage.

**59 2008-H 7570 SUB A**

**BY McNamara**

**ENTITLED,** AN ACT RELATING TO FOOD AND DRUG -- UNIFORM CONTROLLED SUBSTANCES ACT

Committee on Health, Education & Welfare recommends indefinite postponement of the original bill and passage of Substitute A.

**60 2008-H 7817 SUB A**

**BY Handy**

**ENTITLED,** AN ACT RELATING TO HUMAN SERVICES -- PUBLIC ASSISTANCE ACT

Committee on Health, Education & Welfare recommends indefinite postponement of the original bill and passage of Substitute A.

**61 2008-H 7885 SUB A**

**BY Diaz**

**ENTITLED,** AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE -- DEFENSE CIVIL PREPAREDNESS

Committee on Health, Education & Welfare recommends indefinite postponement of the original bill and passage of Substitute A.

**62 2008-H 7914 SUB A**

**BY Pacheco**

**ENTITLED,** AN ACT RELATING TO INSURANCE -- SMALL EMPLOYER HEALTH INSURANCE AVAILABILITY ACT

Committee on Corporations recommends indefinite postponement of the original bill and passage of Substitute A.

**63 2008-H 7863**

**BY Slater**

**ENTITLED,** AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL LICENSES

Committee on Corporations recommends passage.

**64 2008-H 7493 SUB A****BY Ferri****ENTITLED,** AN ACT RELATING TO INSURANCE -- HEALTH INSURANCE  
MARKET EXPANSION

Committee on Corporations recommends indefinite postponement of the original bill  
and passage of Substitute A.

**65 2008-H 7441****BY DeSimone****ENTITLED,** AN ACT RELATING TO INSURANCE -- ENTERAL NUTRITION  
PRODUCTS

Committee on Corporations recommends passage.

**66 2008-H 7437 SUB A****BY Caprio D****ENTITLED,** AN ACT RELATING TO ALCOHOLIC BEVERAGES

Committee on Corporations recommends indefinite postponement of the original bill  
and passage of Substitute A.

**67 2008-H 7398 SUB A****BY Ucci****ENTITLED,** AN ACT RELATING TO COMMERCIAL LAW -- GENERAL  
REGULATORY PROVISIONS -- UNFAIR SALES PRACTICES

Committee on Corporations recommends indefinite postponement of the original bill  
and passage of Substitute A.

**68 2008-H 7113****BY Carter****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS --  
TRAVEL AGENCIES

Committee on Corporations recommends passage.

**69 2008-S 2614****BY Sosnowski****ENTITLED,** AN ACT RELATING TO GENERAL ASSEMBLY -- PERMANENT  
JOINT COMMITTEE ON NAMING ALL NEW BUILDINGS,  
BRIDGES, EDIFICES AND OTHER STATE CONSTRUCTIONS

Committee on Constituent Services recommends passage in concurrence.

**70 2008-S 2783****BY Felag****ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF T.M. ENT. INC.

Committee on Constituent Services recommends passage in concurrence.

**IN ORDER FOR THURSDAY, MAY 1, 2008:****1 2008-H 7512****BY Serpa****ENTITLED,** AN ACT RELATING TO PROPERTY -- CONDOMINIUM LAW

Committee on Corporations recommends passage.

**2 2008-H 8041 SUB A****BY Fox****ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- LABOR AND PAYMENT OF DEBTS BY CONTRACTORS

Committee on Labor recommends indefinite postponement of the original bill and passage of Substitute A.

**3 2008-H 8014 SUB A****BY Fox****ENTITLED,** AN ACT RELATING TO INSURANCE

Committee on Corporations recommends indefinite postponement of the original bill and passage of Substitute A.

**4 2008-H 7523****BY Walsh****ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- AMEND THE ENVIRONMENTAL CONSERVATION LAW, IN RELATION TO VEHICLE GLOBAL WARMING INDEX TABLE.

Committee on Environment and Natural Resources recommends passage.

**5 2008-H 7684 SUB A****BY Naughton****ENTITLED,** AN ACT RELATING TO FISH AND WILDLIFE - AQUACULTURE

Committee on Environment and Natural Resources recommends indefinite postponement of the original bill and passage of Substitute A.

**6 2008-H 7487**

**BY DeSimone**

**ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT

Committee on Separation of Powers recommends passage.

**Francis P. McCabe**  
**Clerk of the House**

**Friday, April 25, 2008**