

State of Rhode Island and Providence Plantations

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

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.

Volume 135, No. 62

Wednesday, June 18, 2008

Sixty-second Day

The House of Representatives meets at the State House in Providence, Wednesday, June 18, 2008 and is called to order at 2:35 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 1 member 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, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

ABSENT - 1: Representative Schadone,

INVOCATION

The Honorable Speaker presents Representative Naughton 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 Tuesday, June 17, 2008 is approved as printed.

ANNOUNCEMENT

Representative Gregory Schadone will be unable to attend session Tuesday, June 17 through Saturday, June 21, 2008. He will be out of the country attending his sister's wedding.

NEW BUSINESS**House Bill No. 8402****BY** Trillo**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC2265/1}

Representative Trillo requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Trillo seconded by Representative Fox on a roll call vote, 54 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 54: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Carter, Church, Coaty, Coderre, Corvese, Costantino, Dennigan, Diaz, Ehrhardt, Fellela, Ferri, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Kennedy, Kilmartin, Lewiss, Long, Loughlin, Malik, Mattiello, McCauley, McManus, Melo, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Rice, San Bento, Savage, Segal, Serpa, Silva, Singleton, Slater, Story, Sullivan, Trillo, Ucci, Vaudreuil, Wasyluk, Williams.

NAYS - 0.

House Resolution No. 8403**BY** Long**ENTITLED**, HOUSE RESOLUTION HONORING DALE ALLEY ON HER OUTSTANDING AND DEDICATED SERVICE TO THE STATE OF RHODE ISLAND {LC3147/1}

Representative Long requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Long seconded by Representative Amaral by unanimous consent, on a voice vote.

House Resolution No. 8404**BY** Kilmartin, Murphy, Fox, Coderre E, Watson**ENTITLED**, HOUSE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF THE HONORABLE MAURICE CARON, JR. ESQ. {LC3185/1}

Representative Kilmartin requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Kilmartin seconded by Representatives Coderre, Naughton, Vaudreuil, Long and many other members of the House by unanimous consent, on a voice vote.

House Bill No. 8405

BY Baldelli-Hunt

ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS -- LICENSED ACTIVITIES {LC3167/1}

06/18/2008 Introduced, referred to House Corporations

House Bill No. 8406

BY Gallison, Gablinske

ENTITLED, AN ACT IN AMENDMENT OF AN ACT RELATING TO ROGER WILLIAMS UNIVERSITY {LC3154/1}

06/18/2008 Introduced, referred to House Finance

House Bill No. 8407

BY Caprio D, Walsh, Shanley, Lally, Kennedy

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- HISTORICAL PRESERVATION AND HERITAGE COMMISSION {LC3177/1}

06/18/2008 Introduced, referred to House H.E.W.

House Bill No. 8408

BY Caprio D, Walsh, Shanley, Kennedy, Scott

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - LEGISLATIVE COMMISSION ON HISTORICAL CEMETERIES {LC3178/1}

06/18/2008 Introduced, referred to House H.E.W.

House Bill No. 8409

BY Mattiello, Palumbo, Jacquard, Lima, Handy

ENTITLED, AN ACT AUTHORIZING THE CITY OF CRANSTON TO ISSUE NOT MORE THAN \$6,000,000 BONDS AND/OR NOTES TO FINANCE THE ACQUISITION, DEVELOPMENT, IMPROVEMENT, REHABILITATION, RESTORATION, ENHANCEMENT, PRESERVATION AND/OR PROTECTION OF OPEN SPACE, PARK AND RECREATIONAL AREAS AND/OR FACILITIES, FISH AND WILDLIFE HABITATS, AND/OR LAKE, RIPARIAN, RESERVOIR, RIVER, COASTAL AND OTHER NATURAL RESOURCES, THROUGHOUT THE CITY OF CRANSTON FOR A TERM NOT TO EXCEED TWENTY (20) YEARS {LC3184/1}

06/18/2008 Introduced, referred to House Municipal Government

RULE 17

The following bills were received pursuant to Rule 17:

Representative Gallison -An Act relating to Roger Williams University

Representative Baldelli-Hunt-An Act relating to Licensed Activities

COMMUNICATION FROM THE SENATE

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

Senate Bill No. 2728 SUB A

BY Sheehan, Tassoni, McCaffrey, Lenihan, Maselli

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT (would define, limit and restrict the use of eminent domain for economic development purposes) {LC737/1/A}

06/18/2008 Referred to House Judiciary

Senate Bill No. 3112

BY Perry

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join Nicole Stenmark and John Jay Ogden in marriage) {LC3100/1}

06/18/2008 Referred to House Judiciary

Senate Bill No. 3084

BY Issa

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join Dawn G. Rahilly and David J. Quinn) {LC3057/1}

06/18/2008 Referred to House Judiciary

Senate Bill No. 3083

BY Bates

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join Emily Katherine Penney and Christopher Richard O'Neill) {LC3069/1}

06/18/2008 Referred to House Judiciary

Senate Bill No. 2171 SUB A

BY Maselli

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - RHODE ISLAND RESOURCE RECOVERY CORPORATION (require any commercial entity engaged in the business of collecting/disposing solid waste, which deposits the waste at the central landfill/certify in writing every 30 days/such waste was not generated or collected outside the territorial limits of RI) {LC686/1/A}

06/18/2008 Referred to House Judiciary

Senate Bill No. 2488 (General Treasurer)**BY** Miller, Levesque C, Sosnowski, Pichardo, Perry**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- CRIMINAL INJURIES
COMPENSATION {LC2018/1}

06/18/2008 Referred to House Judiciary

Senate Bill No. 2494**BY** Jabour, Sheehan, Ciccone, Connors, McCaffrey**ENTITLED**, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE (act
would make comprehensive, substantive and procedural changes to probate procedure and
practice) {LC1269/1}

06/18/2008 Referred to House Judiciary

Senate Bill No. 2803 SUB A as amended**BY** Breene**ENTITLED**, AN ACT RELATING TO THE RITCHIE BROS. PROPERTIES, INC. HEAVY
EQUIPMENT AUCTION PROJECT {LC2401/1/A}

06/18/2008 Referred to House Finance

Senate Bill No. 2215**BY** Gibbs**ENTITLED**, AN ACT RELATING TO AN AMENDMENT OF AN ACT PASSED**BY** THE GENERAL ASSEMBLY AT ITS FEBRUARY SESSION, 1814,**ENTITLED** "AN ACT TO INCORPORATE JOHN S. DEXTER, DANIEL LYMAN,
SAMUEL SNOW, AND OTHERS, INTO A SOCIETY**BY** THE NAME OF THE SOCIETY OF CINCINNATI IN THE STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS" AND OF ALL ACT IN AMENDMENTS THEREOF
{LC960/1}

06/18/2008 Referred to House Finance

Senate Bill No. 2667**BY** Lenihan, Raptakis**ENTITLED**, AN ACT AUTHORIZING THE TOWN OF EAST GREENWICH TO FINANCE
THE ACQUISITION, CONSTRUCTION, EQUIPPING AND FURNISHING OF A MIDDLE
SCHOOL AND THE RENOVATION, ALTERATION, DEMOLITION, REPAIR,
IMPROVEMENT, EQUIPPING, FURNISHING AND LANDSCAPING OF, AND/OR
ADDITIONS TO, PUBLIC SCHOOLS AND SCHOOL FACILITIES IN THE TOWN AND
ALL ATTENDANT EXPENSES INCLUDING, BUT NOT LIMITED TO, ENGINEERING
AND ARCHITECTURAL COSTS AND TO ISSUE NOT MORE THAN \$52,000,000 BONDS
AND/OR NOTES THEREFOR {LC2313/1}

06/18/2008 Referred to House Finance

Senate Bill No. 3119**BY** Tassoni, Cote, Fogarty P

ENTITLED, AN ACT AUTHORIZING THE TOWN OF NORTH SMITHFIELD TO FINANCE THE ACQUISITION OF LAND AND/OR INTERESTS IN LAND FOR A SENIOR CITIZENS AND COMMUNITY CENTER, TOGETHER WITH RELATED FACILITIES AND/OR IMPROVEMENTS, AND FOR OTHER MUNICIPAL FACILITIES AND PURPOSES AS MAY BE NEEDED FROM TIME TO TIME BY THE TOWN, AND THE RECONSTRUCTION AND REHABILITATION OF EXISTING BUILDINGS ON SUCH LAND AND/OR CONSTRUCTION OF NEW BUILDINGS OR NEW ADDITIONS TO EXISTING BUILDINGS ON SUCH LAND FOR, AND THE EQUIPPING OF, A SENIOR CITIZENS AND COMMUNITY CENTER, TOGETHER WITH RELATED FACILITIES AND/OR IMPROVEMENTS, BY THE ISSUANCE OF NOT MORE THAN \$2,500,000 OF BONDS AND/OR NOTES THEREFOR {LC3148/1}

06/18/2008 Referred to House Municipal Government

Senate Bill No. 2233**BY** Jabour, Maselli, Tassoni, McBurney, McCaffrey

ENTITLED, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE - PROBATE COURT (require the names and addresses of named beneficiaries who are not heirs at law to be included in petitions for the allowance of a will) {LC1273/1}

06/18/2008 Placed on House Calendar

Senate Bill No. 2234 SUB A as amended**BY** Metts, Pichardo, Levesque C, Issa, Goodwin

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- WARRANTS FOR ARREST (amend the procedures for collection of fines, fees, costs, assessments and restitution in criminal cases/set a priority of payments/set forth a procedure for standardizing a determination of a defendant's ability to pay) {LC880/1/A}

06/18/2008 Placed on House Calendar

Senate Bill No. 2241**BY** McBurney, Jabour

ENTITLED, AN ACT RELATING TO FIDUCIARIES - POWERS OF FIDUCIARIES (increase the maximum value of a trust which may be terminated from \$100,000 to \$200,000) {LC1307/1}

06/18/2008 Placed on House Calendar

Senate Bill No. 2997**BY** Blais

ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY (would provide that the Scituate town council may provide by ordinance for an animal license fee not to exceed twenty (\$20.00) dollars for all dogs.) {LC2758/1}

06/18/2008 Placed on House Calendar

Senate Bill No. 3017**BY** Sosnowski**ENTITLED**, AN ACT RELATING TO ELECTIONS (would provide that classes at the Block Island School would not need to be cancelled or postponed on days of general elections and/or statewide primaries.) {LC2868/1}

06/18/2008 Placed on House Calendar

Senate Bill No. 3035**BY** Fogarty P, Gallo**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- DAM MANAGEMENT DISTRICTS (would allow the towns of Burrillville and Glocester to exempt from taxation certain property owned by a dam management district and would provide for the collection of dam management district fees in those towns.) {LC2920/1}

06/18/2008 Placed on House Calendar

Senate Resolution No. 3056**BY** Issa, Bates, Jabour**ENTITLED**, JOINT RESOLUTION RESPECTFULLY REQUESTING THE RHODE ISLAND DEPARTMENT OF EDUCATION TO CREATE A TASK FORCE ON YOUTH FINANCIAL LITERACY IN ORDER TO DEVELOP A STATEWIDE STRATEGY, ACTION PLAN, AND MARKETING PLAN FOR INCREASING MIDDLE AND HIGH SCHOOL STUDENTS' KNOWLEDGE OF PERSONAL FINANCIAL LITERACY {LC3000/1}

06/18/2008 Placed on House Calendar

Senate Bill No. 3061**BY** Levesque C**ENTITLED**, AN ACT IN ACCORDANCE WITH RHODE ISLAND GENERAL LAWS SECTION 16-7-44 APPROVING THE ISSUANCE OF \$1,100,000 BONDS**BY** THE TOWN OF PORTSMOUTH TO FINANCE CAPITAL IMPROVEMENTS AT PORTSMOUTH HIGH SCHOOL INCLUDING SUCH IMPROVEMENTS AS ARE NECESSARY TO COMPLY WITH STATE MANDATED FIRE CODE REGULATIONS, INCLUDING BUT NOT LIMITED TO BONDS AND NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION (would serve as the enabling act required by RIGL sec.16-7-44 in order for the interest on bonds issued in support of school housing projects to be eligible for state housing aid reimbursement.) {LC3005/1}

06/18/2008 Placed on House Calendar

Senate Bill No. 3068**BY** Felag, Gibbs**ENTITLED**, AN ACT RELATING TO A TAX AGREEMENT BETWEEN THE TOWN OF TIVERTON AND TIVERTON POWER, INC. (would provide for a tax agreement between the town of Tiverton and Tiverton Power, Inc. subject to approval of the town council of Tiverton.) {LC3022/1}

06/18/2008 Placed on House Calendar

Senate Bill No. 3082**BY** Paiva-Weed, Levesque C, Gibbs, Picard Sen, Goodwin**ENTITLED**, AN ACT RELATING TO EDUCATION -- PAUL W. CROWLEY RHODE ISLAND STUDENT INVESTMENT INITIATIVE (would rename the Rhode Island Student Investment Initiative in honor of Representative Paul W. Crowley) {LC3065/1}

06/18/2008 Placed on House Calendar

Senate Bill No. 3087**BY** Algieri**ENTITLED**, AN ACT (I) AUTHORIZING THE CHARIHO REGIONAL SCHOOL DISTRICT TO FINANCE THE CONSTRUCTION, RENOVATION, IMPROVEMENT, DEMOLITION, ALTERATION, REPAIR, ADDITIONS, PAVING, LANDSCAPING, FURNISHING AND EQUIPPING OF THE CHARIHO MIDDLE SCHOOL**BY** THE ISSUANCE OF NOT MORE THAN \$2,706,000 BONDS AND/OR NOTES THEREFOR AND (II) PROVIDING THAT THE PRINCIPAL OF, REDEMPTION PREMIUM AND INTEREST ON BONDS AND NOTES ISSUED FOR THE PROJECT WILL BE BORNE **BY** THE MEMBER TOWNS IN EQUAL SHARES, WITH EACH TOWN PAYING ONE-THIRD OF THE COSTS AND SUBJECT TO APPROVAL OF STATE SCHOOL HOUSING AID {LC3075/1}

06/18/2008 Placed on House Calendar

Senate Bill No. 3088**BY** Algieri**ENTITLED**, AN ACT (I) AUTHORIZING THE CHARIHO REGIONAL SCHOOL DISTRICT TO FINANCE THE CONSTRUCTION, RENOVATION, IMPROVEMENT, DEMOLITION, ALTERATION, REPAIR, ADDITIONS, PAVING, LANDSCAPING, FURNISHING AND EQUIPPING OF THE RYSE SCHOOL**BY** THE ISSUANCE OF NOT MORE THAN \$4,447,000 BONDS AND/OR NOTES THEREFOR AND (II) PROVIDING THAT THE PRINCIPAL OF, REDEMPTION PREMIUM AND INTEREST ON BONDS AND NOTES ISSUED FOR THE PROJECT WILL BE BORNE **BY** THE MEMBER TOWNS IN EQUAL SHARES, WITH EACH TOWN PAYING ONE-THIRD OF THE COSTS AND SUBJECT TO APPROVAL OF STATE SCHOOL HOUSING AID {LC3076/1}

06/18/2008 Placed on House Calendar

Senate Bill No. 3089**BY** Algieri**ENTITLED**, AN ACT (I) AUTHORIZING THE CHARIHO REGIONAL SCHOOL DISTRICT TO FINANCE THE CONSTRUCTION, RENOVATION, IMPROVEMENT, DEMOLITION, ALTERATION, REPAIR, ADDITIONS, PAVING, LANDSCAPING, FURNISHING AND EQUIPPING OF THE CHARIHO HIGH SCHOOL AND IMPROVEMENTS TO THE SWITCH ROAD CAMPUS, INCLUDING, BUT NOT LIMITED TO, A MAINTENANCE FACILITY, TRACK, PARKING AND UTILITY AND SECURITY UPGRADES

BY THE ISSUANCE OF NOT MORE THAN \$17,847,000 BONDS AND/OR NOTES THEREFOR AND (II) PROVIDING THAT THE PRINCIPAL OF, REDEMPTION PREMIUM AND INTEREST ON BONDS AND NOTES ISSUED FOR THE PROJECT WILL BE BORNE **BY** THE MEMBER TOWNS IN EQUAL SHARES, WITH EACH TOWN PAYING ONE-THIRD OF THE COSTS AND SUBJECT TO APPROVAL OF STATE SCHOOL HOUSING AID {LC3074/1}

06/18/2008 Placed on House Calendar

Senate Bill No. 2287 as amended

BY Blais, Raptakis

ENTITLED, AN ACT RELATING TO THE COVENTRY FIRE DISTRICT {LC693/1}

06/18/2008 Placed on House Calendar

Senate Bill No. 2278 SUB A

BY Blais

ENTITLED, AN ACT RELATING TO FOOD AND DRUGS - CONTROLLED SUBSTANCES - PRESCRIPTIONS (eliminate the limitation that prescriptions for schedule II controlled substances be submitted for up to a maximum of a 30 day supply and a maximum of 250 dosage units) {LC1300/1/A}

06/18/2008 Placed on House Calendar

Senate Bill No. 2889 SUB A as amended

BY Perry, Levesque C, Fogarty P, McCaffrey, Gallo

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - OPTOMETRISTS (would repeal the old chapter on optometrists and create two new chapters, one of which would address the profession of optometrists and the second of which would establish a chapter on opticians) {LC2526/1/A}

06/18/2008 Placed on House Calendar

Senate Bill No. 2565 SUB A

BY Ruggerio, Doyle, Perry, Felag, Connors

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- LITTER {LC1552/1/A}

06/18/2008 Referred to House Environment and Natural Resources

Senate Bill No. 2013

BY Tassoni, Maselli, Doyle, McBurney

ENTITLED, AN ACT RELATING TO TAXATION EXEMPTION FOR VETERANS (give cities and towns the option of entirely exempting the homestead real estate of a disabled veteran or his or her surviving spouse from taxation) {LC18/1}

06/18/2008 Referred to House Finance

Senate Bill No. 2183

BY Breene, Sosnowski, Blais, Gibbs, Algieri

ENTITLED, AN ACT RELATING TO TAXATION -- THE PERSONAL INCOME TAX (would add to the Rhode Island income tax form a refund deduction for a contribution to the Rhode Island Agricultural Lands Preservation Commission) {LC1299/1}

06/18/2008 Referred to House Finance

Senate Bill **No. 2219** SUB A as amended

BY Perry, Miller, Pichardo, Moura, Sosnowski

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND HOUSING RESOURCES ACT OF 1998 {LC1352/1/A}

06/18/2008 Referred to House Finance

Senate Bill **No. 2126** SUB A

BY Moura

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLE --

REGISTRATION OF VEHICLES (provide for the issuance of a special motor vehicle registration plate for any motor vehicle plate for any vehicle having a gross weight of less than 10,000 pounds to all active and retired IAFF firefighters) {LC717/1/A}

06/18/2008 Referred to House Finance

Senate Bill **No. 2305**

BY Perry, Miller, Sosnowski, Goodwin, Fogarty P

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --

CONFIDENTIALITY OF HEALTH CARE COMMUNICATIONS AND INFORMATION ACT {LC1343/1}

06/18/2008 Referred to House H.E.W.

Senate Bill **No. 2525** (by request)

BY Connors

ENTITLED, AN ACT RELATING TO ELECTIONS -- CAMPAIGN FINANCE LAWS

(would give the board of elections more discretion in the processing of campaign finance law violations) {LC1155/1}

06/18/2008 Referred to House Judiciary

Senate Bill **No. 2538** as amended (Board of Elections)

BY Connors

ENTITLED, AN ACT RELATING TO ELECTIONS -- TABULATION OF VOTERS (give the boards that count ballots some time deadline flexibility in the counting of votes as well as limiting when the number of votes a write-in candidate received must be reported) {LC1171/1}

06/18/2008 Referred to House Judiciary

Senate Bill **No. 2325**

BY McCaffrey

ENTITLED, AN ACT RELATING TO PROPERTY -- MORTGAGE FORECLOSURE AND SALE (provide a technical amendment to resolve any ambiguity regarding advertising of a mortgage foreclosure sale) {LC1474/1}

06/18/2008 Referred to House Judiciary

Senate Bill **No. 2321** (by request)

BY McCaffrey

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - JUSTICES OF SUPREME, SUPERIOR, AND FAMILY COURTS {LC839/1}

06/18/2008 Referred to House Judiciary

Senate Bill No. 2745 (Environmental Management)**BY** Algieri, Bates**ENTITLED**, AN ACT RELATING TO WATERS AND NAVIGATION -- ALCOHOL BOATING SAFETY (would make various changes to the "alcohol boating safety act" including enhancing the penalties for repeat violators) {LC1915/1}

06/18/2008 Referred to House Judiciary

Senate Bill No. 2143 SUB A as amended**BY** Connors, Perry, Levesque C, McCaffrey**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - THE CIVIL RIGHTS ACT OF 1990 (set a three (3) year statute of limitations on any alleged violation of this chapter) {LC846/1/A}

06/18/2008 Referred to House Judiciary

Senate Bill No. 2079 SUB A**BY** Cote, Lenihan**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES - - IMPERSONATION AND IDENTITY FRAUD (mandate judges to impose specific sentences for a second conviction for impersonation or identity fraud) {LC517/1/A}

06/18/2008 Referred to House Judiciary

Senate Bill No. 2704 SUB A as amended**BY** McCaffrey, Maselli**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- WEAPONS (require the transfer of ownership of firearms to the state crime laboratory for the creation of a library of firearms) {LC220/1/A}

06/18/2008 Referred to House Judiciary

Senate Bill No. 2706 SUB A**BY** Goodwin**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - AUTOMATED TRAFFIC VIOLATION MONITORING SYSTEMS (repeal the sunset provision to the automated traffic violation monitoring system thereto and would add a feature for collision avoidance) {LC1868/1/A}

06/18/2008 Referred to House Judiciary

Senate Bill No. 3014 as amended**BY** Perry, Connors, Miller, Pichardo, Levesque C**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- SENTENCE AND EXECUTION (require the termination of imprisonment relative to a probationary period suspended sentence/info has not been filed or the defendant found not guilty on charge/specifically alleged/constituted violation of probationary period or suspended sentence) {LC2866/1}

06/18/2008 Referred to House Judiciary

Senate Bill No. 2371**BY** Revens**ENTITLED**, AN ACT RELATING TO TAXATION -- REAL ESTATE (enable the Warwick tax collector to prorate the assessed value of real estate when a building is completely and voluntarily demolished) {LC1831/1}

06/18/2008 Referred to House Municipal Government

Senate Bill No. 2872**BY** Sheehan, Lenihan**ENTITLED**, AN ACT RELATING TO ELECTIONS -- NORTH KINGSTOWN (would permit the North Kingstown polls to open at 7:00 a.m. for all elections) {LC2397/1}

06/18/2008 Placed on House Calendar

Senate Bill No. 2816 SUB A**BY** Tassoni, McBurney, Doyle**ENTITLED**, AN ACT RELATING TO PROPERTY -- CONDOMINIUM LAW (would allow condominiums to recoup foreclosure costs as part of the six (6) month priority lien) {LC2449/1/A}

06/18/2008 Placed on House Calendar

Senate Bill No. 2544 (Attorney General)**BY** Jabour**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- HOMICIDE (amend the crime of murder so as to make the section on penalties for murder compatible) {LC235/1}

06/18/2008 Placed on House Calendar

Senate Bill No. 2197**BY** Tassoni, Doyle, McBurney**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- MUSICAL ADVERTISING (prohibit the advertising and conducting of certain live musical performances/productions by false and/or misleading affiliations/associations with other musical groups and would impose penalties for any violations) {LC1201/1}

06/18/2008 Placed on House Calendar

Senate Bill No. 2084**BY** Tassoni, Sosnowski, Fogarty P, Issa**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- EMERGENCY VEHICLES (require vehicles to maintain reduced speed when authorized emergency vehicles are displaying flashing lights) {LC708/1}

06/18/2008 Placed on House Calendar

Senate Bill No. 2514**BY** Connors**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES - FRAUD AND FALSE DEALING (would create the misdemeanor criminal offense of "defrauding the administration of a drug or alcohol test") {LC236/1}

06/18/2008 Placed on House Calendar

Senate Bill No. 2485 SUB A**BY** McBurney**ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES - SIZE, WEIGHT AND LOAD LIMITS (would prohibit the department of administration and local authorities from issuing permits for motor vehicles alone or with the vehicles load weighing in excess of 130,000 lbs.) {LC1784/1/A}

06/18/2008 Placed on House Calendar

Senate Bill No. 2403 (Business Regulation)**BY** Blais**ENTITLED,** AN ACT RELATING TO INSURANCE -- FIRE AND MARINE INSURANCE RATING (require insurers to provide a credit for installation of fire suppression and prevention equipment in rating commercial insurance policies) {LC1773/1}

06/18/2008 Placed on House Calendar

Senate Bill No. 3114**BY** Bates**ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF BARRINGTON GRIDIRON CLUB, INC. {LC3043/1}

06/18/2008 Referred to House Constituent Services

Senate Bill No. 2191 SUB A**BY** Walaska, McCaffrey, Bates, Blais, Cote**ENTITLED,** AN ACT RELATING TO INSURANCE -- MANDATED BENEFITS (require a mandated benefit review by the health insurance commissioner or any mandated benefit introduced after January 1, 2008, contingent on the review being paid for by the state health care providers) {LC1152/1/A}

06/18/2008 Referred to House Corporations

Senate Bill No. 2902**BY** Ruggerio, McBurney, Doyle, Tassoni**ENTITLED,** AN ACT RELATING TO FINANCIAL INSTITUTIONS -- LICENSED ACTIVITIES (would create an exemption to the licensing provisions of chapter 19-14 for certain notes evidencing indebtedness of retail buyers of motor vehicles that include an amount representing negative equity.) {LC2633/1}

06/18/2008 Referred to House Corporations

Senate Bill No. 2633 SUB A as amended**BY** Moura, Bates, Sosnowski, Maselli, Miller**ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES - DIESEL EMISSIONS REDUCTION ACT (expand the diesel emissions reduction act in several regards, including the requirement that new state contracts and newly contracted waste haulers incorporate new technologies and use ultra low sulfur diesel fuel) {LC1708/2/A}

06/18/2008 Referred to House Environment and Natural Resources

Senate Bill No. 2689**BY** Goodwin

ENTITLED, AN ACT RELATING TO HUMAN SERVICES - INTERPRETER SERVICES (set forth various standards for the department of human services to properly ensure that persons who are not proficient in English are informed of receiving appropriate interpreter services in various languages) {LC1783/1}

06/18/2008 Referred to House Finance

Senate Bill No. 3043 (by request)**BY** McCaffrey

ENTITLED, AN ACT RELATING TO PROPERTY -- RECORDING OF INSTRUMENTS (require a fee of ten dollars (\$10.00) to be paid in order to release a lis pendens filed by bailbondsmen) {LC2915/1}

06/18/2008 Referred to House Finance

Senate Bill No. 2021 as amended**BY** Tassoni, McBurney, Doyle, Felag

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- COMPUTER CRIME {LC1/1}

06/18/2008 Referred to House Judiciary

Senate Bill No. 2140**BY** Moura

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES (establish the funeral procession act) {LC692/1}

06/18/2008 Referred to House Judiciary

Senate Bill No. 2531 SUB A (Attorney General)**BY** Felag, Bates, Maselli

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- REGULATION OF SALES (would hold all persons who provide alcohol to any person under age 21, or permits persons under age 21 to consume alcohol on their property, criminally responsible, and not just adults or persons over age 21) {LC229/2/A}

06/18/2008 Referred to House Judiciary

Senate Bill No. 2743**BY** McBurney

ENTITLED, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE - GUARDIANSHIP OF MINORS (repeal provisions for the waiver of a guardian ad litem report when a parent is petitioning for guardianship of a minor or adult child) {LC2325/1}

06/18/2008 Referred to House Judiciary

Senate Bill No. 2916 SUB A as amended

BY McCaffrey, Perry

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- DISORDERLY CONDUCT (act would create the offense of indecent exposure/disorderly conduct as a misdemeanor offense punishable by imprisonment of not more than one year, or a fine of not more than one thousand dollars (\$1,000), or both) {LC2160/2/A}

06/18/2008 Referred to House Judiciary

Senate Bill No. 2057 SUB A as amended

BY Doyle, Tassoni, McBurney, Connors

ENTITLED, AN ACT RELATING TO PROPERTY - MORTGAGE FORECLOSURE AND SALE {LC525/2/A}

06/18/2008 Referred to House Municipal Government

Senate Bill No. 3107

BY Gallo, Lanzi, Miller

ENTITLED, AN ACT AUTHORIZING THE CITY OF CRANSTON TO ISSUE NOT MORE THAN \$1,000,000 BONDS AND NOTES TO FINANCE THE ACQUISITION, INSTALLATION AND CITYWIDE IMPLEMENTATION OF A NEW COMPREHENSIVE FINANCIAL SOFTWARE SYSTEM FOR THE CITY OF CRANSTON FOR A TERM NOT TO EXCEED TEN (10) YEARS {LC3113/1}

06/18/2008 Referred to House Municipal Government

Senate Bill No. 3108

BY Fogarty P, Gallo

ENTITLED, AN ACT AUTHORIZING THE TOWN OF BURRILLVILLE TO FINANCE THE PLANNING, PROFESSIONAL SERVICES, CONSTRUCTION, EQUIPPING AND FURNISHING OF A TOWN SENIOR CENTER AND TO ISSUE NOT MORE THAN \$4,000,000 BONDS THEREFOR {LC3097/1}

06/18/2008 Referred to House Municipal Government

Senate Bill No. 3109

BY Lanzi, Gallo, Miller

ENTITLED, AN ACT AUTHORIZING THE CITY OF CRANSTON TO ISSUE NOT MORE THAN \$10,000,000 BONDS AND NOTES TO FINANCE THE REPAIR, RESURFACING, CONSTRUCTION, AND REHABILITATION OF PUBLIC HIGHWAYS THROUGHOUT THE CITY OF CRANSTON FOR A TERM NOT TO EXCEED TWENTY (20) YEARS {LC3112/1}

06/18/2008 Referred to House Municipal Government

Senate Bill No. 3110**BY** Gallo, Miller, Lanzi

ENTITLED, AN ACT AUTHORIZING THE CITY OF CRANSTON TO ISSUE NOT MORE THAN \$6,000,000 BONDS AND NOTES TO FINANCE THE REPAIR, CONSTRUCTION AND REHABILITATION OF DRAINAGE IMPROVEMENTS, AND THE REMEDIATION AND MITIGATION OF DRAINAGE AND FLOODING PROBLEMS, THROUGHOUT THE CITY OF CRANSTON FOR A TERM NOT TO EXCEED TWENTY (20) YEARS {LC3110/1}
06/18/2008 Referred to House Municipal Government

Senate Bill No. 3116**BY** Felag

ENTITLED, AN ACT AUTHORIZING THE TOWN OF WARREN TO FINANCE THE MAINTENANCE AND CONSTRUCTION OF SEWERS AND SEWERAGE SYSTEMS IN THE TOWN

BY THE ISSUANCE OF NOT MORE THAN \$2,000,000 BONDS OR NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND CLEAN WATER FINANCE AGENCY {LC3129/1}

06/18/2008 Referred to House Municipal Government

Senate Bill No. 3125**BY** Fogarty P

ENTITLED, AN ACT AUTHORIZING THE TOWN OF GLOCESTER TO FINANCE THE ACQUISITION OF OPEN SPACE FOR PRESERVATION, CONSERVATION AND GROUNDWATER PROTECTION AND TO ISSUE NOT MORE THAN \$500,000 BONDS AND NOTES THEREFOR {LC2996/1}

06/18/2008 Referred to House Municipal Government

CALENDAR

From the Calendar are taken:

SPECIAL ORDER OF BUSINESS IN ORDER FOR WEDNESDAY, JUNE 18, 2008 AT 2:00 PM**1 2008-H 7390 SUB A****BY** Watson

ENTITLED, AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009

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

ARTICLE 1 RELATING TO MAKING APPROPRIATIONS IN SUPPORT OF FY 2009

ARTICLE 2 RELATING TO BORROWING IN ANTICIPATION OF RECEIPTS FROM
TAXES

ARTICLE 3 RELATING TO BOND PREMIUMS

ARTICLE 4 RELATING TO DEBT MANAGEMENT ACT JOINT RESOLUTION

ARTICLE 5 RELATING TO CAPITAL DEVELOPMENT PROGRAM

ARTICLE 6 RELATING TO HEALTH REGULATORY PROGRAMS

ARTICLE 7 RELATING TO APPROPRIATIONS FOR FISCAL YEAR 2008

ARTICLE 8 RELATING TO ELDERLY AFFAIRS PROGRAM

ARTICLE 9 RELATING TO STATE GOVERNMENT REORGANIZATIONS

ARTICLE 10 RELATING TO MEDICAL ASSISTANCE – MANAGED CARE

ARTICLE 11 RELATING TO HEALTH PROFESSIONS - LICENSED CHEMICAL
DEPENDENCY PROFESSIONALS

ARTICLE 12 RELATING TO MOTOR VEHICLE OFFENSES

ARTICLE 13 RELATING TO TIPPING FEES

ARTICLE 14 RELATING TO MUNICIPAL FINANCES

ARTICLE 15 RELATING TO STATE AID

ARTICLE 16 RELATING TO THE RHODE ISLAND WORKS PROGRAM

ARTICLE 17 RELATING TO RHODE ISLAND MEDICAID REFORM ACT

ARTICLE 18 RELATING TO AFFORDABLE ENERGY CREDITS

ARTICLE 19 RELATING TO HOSPITAL UNCOMPENSATED CARE

ARTICLE 20 RELATING TO HUMAN SERVICES - CHILDREN’S HEALTH ACCOUNT

ARTICLE 21 RELATING TO GENERAL PUBLIC ASSISTANCE - HARDSHIP

ARTICLE 22 RELATING TO STATE POLICE RETIREMENT PROVISIONS

ARTICLE 23 RELATING TO ACTUARIAL FISCAL NOTES

ARTICLE 24 RELATING TO DCYF RESIDENTIAL PLACEMENTS

ARTICLE 25 RELATING TO CRIME VICTIMS COMPENSATION FUND

ARTICLE 26 RELATING TO SUPPLEMENTAL SECURITY INCOME

ARTICLE 27 RELATING TO CHILD CARE – STATE SUBSIDIES

ARTICLE 28 RELATING TO RESTRICTED RECEIPT ACCOUNTS

ARTICLE 29 RELATING TO PUBLIC UTILITIES COMMISSION

ARTICLE 30 RELATING TO HISTORIC PRESERVATION

ARTICLE 31 RELATING TO LICENSING OF HOSPITAL FACILITIES

ARTICLE 32 RELATING TO HEALTH INSURANCE PREMIUM TAX

ARTICLE 33 RELATING TO BUSINESS REGULATION

ARTICLE 34 RELATING TO LABOR AND LABOR RELATIONS

ARTICLE 35 RELATING TO RETIREMENT OF JUSTICES AND JUDGES

ARTICLE 36 RELATING TO COLLECTIVE BARGAINING FISCAL IMPACT

STATEMENTS

ARTICLE 37 RELATING TO NURSING FACILITIES COST OF LIVING ADJUSTMENT

ARTICLE 38 RELATING TO EDUCATION AID

ARTICLE 39 EFFECTIVE DATE

Representative Costantino moves passage of the act, seconded by the entire Finance Committee Membership, Representatives Fox, Watson, Corvese, Gemma, Kennedy, Trillo, Long and many other members of the House.

ARTICLE 1 RELATING TO MAKING APPROPRIATIONS IN SUPPORT OF FY 2009

Representative Costantino moves passage of the article, seconded by Fox, Williamson, Lewiss, Slater, Mattiello, Almeida, Savage, Mumford, Coaty, Shanley, Naughton, San Bento, Carter, Moffitt, Malik, Trillo, Watson, McManus, Silva, Rose, Story, Gorham, Vaudreuil, Lally, Gemma, Giannini, Coderre, Lima, Kilmartin and Corvese.

By unanimous consent, Representative Costantino seconded by Representatives Fox, Carter, Lewiss, and many other members of the House offers a written motion to amend.

F L O O R A M E N D M E N T
TO
2008 -- H 7390 SUBSTITUTE A

**AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL
YEAR ENDING JUNE 30, 2009**

Mr. Speaker:

I hereby move to amend 2008 -- H 7390 SUBSTITUTE A, entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009", as follows:

By deleting Article 1 in its entirety and inserting in place thereof the following language:

"ARTICLE 1

**RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR
FISCAL YEAR ENDING JUNE 30, 2009**

SECTION 1. Subject to the conditions, limitations and restrictions hereinafter contained in this act, the following general revenue amounts are hereby appropriated out of any money in the treasury not otherwise appropriated to be expended during the fiscal year ending June 30, 2009. The amounts identified for federal funds and restricted receipts shall be made available pursuant to section 35-4-22 and Chapter 41 of Title 42 of the Rhode Island General Laws. For the purposes and functions hereinafter mentioned, the state controller is hereby authorized and directed to draw his or her orders upon the general treasurer for the payment of such sums or such portions thereof as may be required from time to time upon receipt by him or her of properly authenticated vouchers.

Administration

Central Management

General Revenues 1,664,118

Federal Funds 191,205

Total - Central Management 1,855,323

Legal Services

General Revenues 2,134,616

Other Funds Legal Support/DOT 249,305

Total – Legal Services 2,383,921

Accounts and Control General Revenues 3,886,437

Budgeting General Revenue 2,126,819

Purchasing General Revenues 2,280,079

Auditing General Revenues 1,848,952

Human Resources

General Revenues 10,366,561

Federal Funds	1,871,902
Restricted Receipts	320,923
Other Funds	550,917
Total - Human Resources	13,110,303
Personnel Appeal Board General Revenues	111,226
Facilities Management	
General Revenues	39,299,779
Federal Funds	8,242,199
Restricted Receipts	1,144,994
Other Funds	615,715
Total – Facilities Management	49,302,687
Capital Projects and Property Management	
General Revenues	3,887,058
Information Technology	
General Revenues	20,195,145
Federal Funds	6,667,124
Restricted Receipts	2,060,780
Other Funds	2,408,197
Total – Information Technology	31,331,246
Library and Information Services	
General Revenues	927,319
Federal Funds	1,079,587
Restricted Receipts	5,000
Total – Library and Information Services	2,011,906
Planning	
General Revenues	3,731,488
Federal Funds	12,343,976
Federal Highway - PL Systems Planning	1,634,147
Air Quality Modeling	20,800
Total Planning	17,730,411
General	
General Revenues	
Economic Development Corporation	6,028,807
EDC-RI Airport Corporation Impact Aid	1,000,754

Sixty percent (60%) of the first \$1,000,000 appropriated funds shall be distributed to each airport serving more than 1,000,000 passengers based upon its percentage of the total passengers served by all airports serving more than 1,000,000 passengers. Forty percent (40%) of the first \$1,000,000 shall be distributed to North Central Airport, Newport-Middletown Airport, Block Island Airport, Quonset Airport, TF Green Airport, and Westerly Airport based on the share of landings during calendar year 2006, respectively. No airport shall receive less than \$25,000.

East airport receiving any portion of the amount appropriated shall make an impact payment to the towns or cities in which the airport is located in the full amounts received from the Corporation within thirty (30) days of payments from the Corporation.

Each community upon which any part of the above airports are located shall receive at least \$25,000.

EDC EPScore (Research Alliance)	1,500,000
---------------------------------	-----------

Miscellaneous Grants	400,456
Slater Centers of Excellence	3,000,000
Torts – Court	400,000
Convention Center	4,100,000
State Employees/Teachers Retiree Health Subsidy	479,502
Police/Fire Incentive Pay	0
Motor Vehicle Excise Tax Payment	139,586,645
Property Valuation	1,272,000
General Revenue Sharing Program	55,111,876
Payment in Lieu of Tax Exempt Properties	27,766,967
Distressed Communities Relief Program	10,384,458
Resource Sharing and State Library Aid	8,773,398
Library Construction Aid	2,765,729
Restricted Receipts	1,378,997
Rhode Island Capital Plan Funds	
Statehouse Renovations	2,000,000
Lead Mitigation Group Homes	300,000
Cranston Street Armory	1,300,000
Cannon Building	515,000
Pastore Center Rehab. DOA	1,000,000
Zambarano Building Rehabilitation	600,000
Pastore Center Master Plan	350,000
Old State House	1,000,000
State Office Building	500,000
Old Colony House	300,000
William Powers Building	750,000
Fire Code Compliance State Buildings	500,000
Pastore Center Fire Code Compliance	500,000
Pastore Center Water Tanks	520,000
Ladd Center Water System	50,000
Pastore Center Power Plant	500,000
Replacement of Fueling Tanks	1,150,000
Environmental Compliance	250,000
Pastore Utilities Upgrade	1,200,000
Pastore Center Building Demolition	125,000
Health Laboratory Feasibility Study	175,500
Neighborhood Opportunities Program	2,500,000
McCoy Stadium	432,500
Registry	5,500,000
Washington County Government Center	160,000
Vicks Building Renovations	265,000
DoIT Computer Center	8,975,000
Total - General	295,367,589
Debt Service Payments	
General Revenues	141,624,151
Federal Funds	735,248

Restricted Receipts	4,383,227
RIPTA Debt Service	765,484
Transportation Debt Service	41,454,976
RIRBA - DLT – Temporary Disability Insurance	45,586
COPS - DLT Building – TDI	213,880
COPS – DLT Building Reed Act	5,357
Total - Debt Service Payments	189,227,909
Energy Resources	
Federal Funds	18,079,657
Restricted Receipts	
Overcharge Interest Earnings	350,000
Energy Efficiency and Resources Mgmt. Council	72,035
Affordable Energy Fund	0
Regional Greenhouse Gas Initiative	71,562
Renewable Energy Fund Administration	182,538
Renewable Energy Development Fund Administration	66,483
Demand Side Management Grants	2,127,716
Total – Energy Resources	20,949,991
Personnel Reform	
General Revenues	
Savings from Retirement Vacancies	(16,836,489)
Personnel Savings	(33,391,483)
Federal Funds	
Savings from Retirement Vacancies	(5,024,646)
Personnel Savings	(9,981,083)
Restricted Receipts	
Savings from Retirement Vacancies	(1,039,274)
Personnel Savings	(2,066,513)
Other Funds	
Savings from Retirement Vacancies	(7,641,748)
Personnel Savings	(15,162,522)
Total – Personnel Reform	(91,143,758)
Operational Savings	
General Revenues	(560,942)
Federal Funds	(253,130)
Restricted Receipts	(182,434)
Other Funds	(182,434)
Total – Operational Savings	(1,178,940)
Sheriffs General Revenues	15,488,294
Fire Safety Code Board of Appeal and Review General Revenues	306,552
Grand Total - Administration	560,884,005
Business Regulation	
Central Management General Revenues	1,133,343
Banking and Securities Regulation	
General Revenues	2,909,442
Restricted Receipts	150,000

Total - Banking and Securities Regulation	3,059,442
Commercial Licensing, Racing and Athletics	
General Revenues	963,559
Restricted Receipts	488,248
Total - Commercial Licensing, Racing and Athletics	1,451,807
Insurance Regulation	
General Revenues	4,626,900
Restricted Receipts	907,390
Total - Insurance Regulation	5,534,290
Board of Accountancy General Revenues	156,595
Boards for Design Professionals General Revenues	328,227
Grand Total - Business Regulation	11,663,704
Labor and Training	
Central Management	
General Revenues	184,235
Restricted Receipts	490,567
Total - Central Management	674,802
Workforce Development Services	
General Revenues	101,561
Federal Funds	19,334,057
Restricted Receipts	11,286,454
Reed Act – Workforce Development	1,484,894
All of the \$1.5 million appropriated from Reed Act funds, may be for the administration of this state's employment compensation law and public employment service offices.	
Total - Workforce Development Services	32,206,966
Workforce Regulation and Safety General Revenues	2,377,263
Income Support	
General Revenues	3,388,454
Federal Funds	16,260,698
Restricted Receipts	1,514,338
Temporary Disability Insurance Fund	177,616,856
Employment Security Fund	238,690,431
Total - Income Support	437,470,777
Injured Workers Services Restricted Receipts	11,614,555
Labor Relations Board General Revenues	461,579
Grand Total - Labor and Training	484,805,942
Department of Revenue	
Director of Revenue Office General Revenues	632,972
Office of Revenue Analysis General Revenues	719,927
Lottery Division Lottery Funds	207,489,225
Property Valuation General Revenues	852,759
Taxation	
General Revenues	17,347,998
Federal Funds	1,439,789
Restricted Receipts	910,563

Motor Fuel Tax Evasion	130,877
Temporary Disability Insurance	849,899
Total - Taxation	20,679,126
Registry of Motor Vehicles	
General Revenues	18,296,260
Federal Funds	454,306
Restricted Receipts	15,100
Total – Registry of Motor Vehicles	18,765,666
Grand Total – Revenue	249,139,675
Legislature	
General Revenues	34,099,202
Restricted Receipts	1,516,351
Grand Total - Legislature	35,615,553
Lieutenant Governor General Revenues	901,418
Secretary of State	
Administration General Revenues	1,879,212
Corporations General Revenues	1,840,798
State Archives	
General Revenues	55,000
Restricted Receipts	555,581
Total – State Archives	610,581
Elections	
General Revenues	1,676,069
Federal Funds	541,139
Total - Elections	2,217,208
State Library General Revenues	552,708
Office of Civics and Public Information General Revenues	303,357
Grand Total - State	7,403,864
General Treasurer	
Treasury	
General Revenues	2,477,685
Federal Funds	295,276
Temporary Disability Insurance Fund	253,375
Total – Treasury	3,026,336
State Retirement System	
Restricted Receipts	
Administrative Expenses - State Retirement System	6,711,780
Retirement - Treasury Investment Operations	954,281
Total - State Retirement System	7,666,061
Unclaimed Property Restricted Receipts	18,290,775
RI Refunding Bond Authority General Revenues	38,075
Crime Victim Compensation Program	
General Revenues	48,007
Federal Funds	874,805
Restricted Receipts	1,545,224
Total - Crime Victim Compensation Program	2,468,036

Grand Total - General Treasurer	31,489,283
Board of Elections	
General Revenues	1,512,874
Federal Funds	662,344
Grand Total - Board of Elections	2,175,218
Rhode Island Ethics Commission General Revenues	1,405,309
Office of Governor General Revenues	5,158,611

From the appropriation for contingency shall be paid such sums as may be required at the discretion of the Governor to fund expenses for which appropriations may not exist. Such contingency funds may also be used for expenditures in departments and agencies where appropriations are insufficient, or where such requirements are due to unforeseen conditions or are non-recurring items of an unusual nature. Said appropriations may also be used for the payment of bills incurred due to emergencies or to any offense against public peace and property, in accordance with the provisions of Titles 11 and 45 of the general laws of 1956, as amended. All expenditures and transfers from this account shall be approved by the Governor.

Commission for Human Rights	
General Revenues	991,659
Federal Funds	391,309
Grand Total – Commission for Human Rights	1,382,968
Public Utilities Commission	
Federal Funds	100,547
Restricted Receipts	6,768,667
Grand Total - Public Utilities Commission	6,869,214
Rhode Island Commission on Women General Revenues	107,208
Office of Health and Human Services	
General Revenues	5,223,297
Federal Funds	7,593,011
Restricted Receipts	1,970,773
Total – Health and Human Services	14,787,081
Children, Youth, and Families	
Central Management	
General Revenues	5,162,842
Federal Funds	1,964,369
Total - Central Management	7,127,211
Children's Behavioral Health Services	
General Revenues	16,087,176
Federal Funds	12,287,901
Rhode Island Capital Plan Funds	
Spurwink/RI – Pine Swamp Road	95,000
NAFI Center	550,000
Total - Children's Behavioral Health Services	29,020,077
Juvenile Correctional Services	
General Revenues	31,406,268
Federal Funds	522,437
Restricted Receipts	10,000
Total - Juvenile Correctional Services	31,938,705

Child Welfare	
General Revenues	
General Revenues	78,277,434
18 to 21 Year Olds	6,000,000
Federal Funds	
Federal Funds	50,174,339
18 to 21 Year Olds	4,890,545
Restricted Receipts	1,747,941
Rhode Island Capital Plan Funds	
Camp E-Hun-Tee	65,000
Fire Code Upgrades	500,000
Total - Child Welfare	141,655,259
Higher Education Incentive Grants General Revenues	200,000
Grand Total - Children, Youth, and Families	209,941,252
Elderly Affairs	
Elderly Affairs	
General Revenues	
General Revenue	14,639,532
RIPAE	1,431,654
Safety and Care of the Elderly	600
Federal Funds	12,257,937
Restricted Receipts	620,000
Intermodal Surface Transportation Fund	4,630,000
Grand Total – Elderly Affairs	33,579,723
Health	
Central Management	
General Revenues	2,682,917
Federal Funds	8,296,936
Restricted Receipts	3,848,879
Total - Central Management	14,828,732
State Medical Examiner	
General Revenues	2,360,089
Federal Funds	23,983
Total - State Medical Examiner	2,384,072
Environmental and Health Services Regulation	
General Revenues	9,509,529
Federal Funds	3,836,460
Restricted Receipts	3,301,038
Rhode Island Airport Corporation Funds	100,000
Total - Environmental and Health Services Regulation	16,747,027
Health Laboratories	
General Revenues	7,317,549
Federal Funds	1,015,438
Total - Health Laboratories	8,332,987
Public Health Information	
General Revenues	1,882,500

Federal Funds	2,110,972
Total - Health Services Regulation	3,993,472
Community and Family Health & Equity	
General Revenues	6,151,991
Federal Funds	50,537,986
Restricted Receipts	18,336,110
Walkable Communities Initiative	29,410
Total – Community and Family Health & Equity	75,055,497
Infectious Disease and Epidemiology	
General Revenues	2,377,099
Federal Funds	2,358,890
Total – Infectious Disease and Epidemiology	4,735,989
Grand Total - Health	126,077,776
Human Services	
Central Management	
General Revenues	5,526,859
Federal Funds	4,540,655
Restricted Receipts	820,609
Total - Central Management	10,888,123
Child Support Enforcement	
General Revenues	2,741,244
Federal Funds	6,834,361
Total – Child Support Enforcement	9,575,605
Individual and Family Support	
General Revenues	23,024,743
Federal Funds	55,350,650
Restricted Receipts	134,150
Rhode Island Capital Plan Funds	
Blind Vending Facilities	125,000
Total - Individual and Family Support	78,634,543
Veterans' Affairs	
General Revenues	17,692,025
Federal Funds	7,737,090
Restricted Receipts	1,763,038
Total - Veterans' Affairs	27,192,153
Health Care Quality, Financing and Purchasing	
General Revenues	20,993,847
Federal Funds	41,241,728
Restricted Receipts	60,000
Total - Health Care Quality, Financing & Purchasing	62,295,575
Medical Benefits	
General Revenues	
Managed Care	237,398,676
Hospitals	141,964,859
Other	51,699,999
Nursing Facilities	131,223,489

Home and Community Based Services	24,088,135
Pharmacy	62,950,000
Federal Funds	
Managed Care	273,031,108
Hospitals	145,251,890
Nursing Facilities	143,923,675
Home and Community Based Services	26,698,574
Other	66,053,090
Pharmacy	23,525,374
Special Education	20,733,240
Restricted Receipts	5,246,911
Total - Medical Benefits	1,353,789,020
Supplemental Security Income Program General Revenues	25,906,519
Family Independence Program	
General Revenues	
Child Care	7,100,000
TANF/Family Independence Program	11,178,290
Federal Funds	86,802,810
Total - Family Independence Program	105,081,100
State Funded Programs	
General Revenues General Public Assistance	3,735,450
Federal Funds	98,083,948
Total - State Funded Programs	101,819,398
Grand Total - Human Services	1,775,182,036
Mental Health, Retardation, and Hospitals	
Central Management	
General Revenues	2,048,521
Federal Funds	67,081
Total - Central Management	2,115,602
Hospital and Community System Support	
General Revenues	3,218,806
Federal Funds	849,939
Rhode Island Capital Plan Funds	
Medical Center Rehabilitation	750,000
Community Facilities Fire Code	750,000
DD Private Waiver Community Facility/Fire Code	767,201
Total - Hospital and Community System Support	6,335,946
Services for the Developmentally Disabled	
General Revenues	106,666,111
Federal Funds	123,058,038
Restricted Receipts	2,200,000
Rhode Island Capital Plan Funds	
Regional Center Repair/Rehabilitation	500,000
MR Community Facilities/Access to Independence	1,199,430
Developmental Disability Group Homes	1,500,000
Total - Services for the Developmentally Disabled	235,123,579

Integrated Mental Health Services	
General Revenues	40,125,116
Federal Funds	37,980,470
Rhode Island Capital Plan Funds	
MH Community Facilities Repairs	250,000
MH Housing Development-Thresholds	400,000
Total - Integrated Mental Health Services	78,755,586
Hospital and Community Rehabilitation Services	
General Revenues	52,426,023
Federal Funds	46,316,249
Restricted Receipts	2,300,000
Rhode Island Capital Plan Funds	
Zambarano Buildings and Utilities	760,000
Hospital Consolidation	3,700,000
Eleanor Slater HVAC/Elevators	5,000
Total - Hospital and Community Rehabilitation Services	105,507,272
Substance Abuse	
General Revenues	14,877,287
Federal Funds	14,485,237
Restricted Receipts	90,000
Rhode Island Capital Plan Funds	
Asset Protection	200,000
Total - Substance Abuse	29,652,524
Grand Total - Mental Health, Retardation, and Hospitals	457,490,509
Office of the Child Advocate	
General Revenues	519,657
Federal Funds	39,143
Grand Total – Office of the Child Advocate	558,800
Commission on the Deaf and Hard of Hearing General Revenue	368,807
Governor's Commission on Disabilities	
General Revenues	413,651
Federal Funds	189,769
Restricted Receipts	8,565
Rhode Island Capital Plan Funds – Facility Renovation –	
Handicapped Accessibility	300,000
Grand Total – Governor's Commission on Disabilities	911,985
Mental Health Advocate General Revenues	431,171
Elementary and Secondary Education	
Administration of the Comprehensive Education Strategy	
General Revenues	20,365,958
Federal Funds	189,382,311
Restricted Receipts	
Restricted Receipts	1,140,955
HRIC Adult Education Grants	4,500,000
Rhode Island Capital Plan Funds – MET School East Bay	1,100,000
Total – Administration of the Comprehensive	

Education Strategy	216,489,224
Davies Career and Technical School	
General Revenues	14,537,841
Federal Funds	1,356,073
Rhode Island Capital Plan Funds	
Davies HVAC	400,000
Davies Asset Protection	100,000
Davies Roof Repair	740,000
Total - Davies Career and Technical School	17,133,914
RI School for the Deaf	
General Revenues	6,624,798
Federal Funds	270,027
Total - RI School for the Deaf	6,894,825
Metropolitan Career and Technical School General Revenues	11,565,603
Education Aid	
General Revenues	680,333,012
Restricted Receipts	1,722,210
Total – Education Aid	682,055,222
Central Falls School District General Revenues	43,795,411
Housing Aid General Revenues	56,996,248
Teachers’ Retirement General Revenues	96,999,600
Grand Total - Elementary and Secondary Education	1,131,930,047
Public Higher Education	
Board of Governors/Office of Higher Education	
General Revenues	6,865,787
Federal Funds	3,646,277
Restricted Receipts	400,000
Total – Board of Governors/Office of Higher Education	10,912,064
University of Rhode Island	
General Revenues	
General Revenues	65,370,365
Debt Service	12,740,210
RI Developmental Disabilities Council Federal Funds	450,543
University and College Funds	
University and College Funds	447,650,315
Debt - Dining Services	1,146,768
Debt - Educational and General	5,346,026
Debt - Health Services	130,074
Debt - Housing Loan Funds	7,582,070
Debt - Memorial Union	148,051
Debt - Ryan Center	2,799,947
Debt - Alton Jones Services	149,203
Debt - Parking Authority	881,295
Debt – Sponsored Research	99,370
Rhode Island Capital Plan Funds	
Asset Protection	4,315,185

Lippitt Hall	1,600,000
New Chemistry Building	300,000
Nursing & Assoc. Health Building	300,000
Superfund Site Remediation	629,000
Total – University of Rhode Island	551,638,422

Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpected or unencumbered balances as of June 30, 2008 relating to the University of Rhode Island are hereby reappropriated to fiscal year 2009.

Rhode Island College

General Revenues

General Revenues	42,416,817
Debt Service	2,985,082
RIRBA – Rhode Island College	293,886

University and College Funds

University and College Funds	89,146,859
Debt - Education and General	295,196
Debt - Housing	2,025,570
Debt - Student Center and Dining	172,639
Debt - Student Union	231,856

Rhode Island Capital Plan Funds

Asset Protection	1,873,700
Campus Entrance	600,000
Total – Rhode Island College	140,041,605

Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpected or unencumbered balances as of June 30, 2008 relating to the Rhode Island College are hereby reappropriated to fiscal year 2009.

Community College of Rhode Island

General Revenues

General Revenues	47,679,712
Debt Service	1,504,159
Restricted Receipts	641,526

University and College Funds

University and College Funds	62,924,141
Debt – Bookstore	105,568

Rhode Island Capital Plan Funds

Knight Campus Nursing Program	125,000
Asset Protection	1,192,355
Fire Code and HVAC	3,275,000
Total – Community College of Rhode Island	117,447,461

Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpected or unencumbered balances as of June 30, 2008 relating to the Community College of Rhode Island are hereby reappropriated to fiscal year 2009.

Grand Total – Public Higher Education	820,039,552
---------------------------------------	-------------

RI State Council on the Arts

General Revenues

Operating Support	753,552
-------------------	---------

Grants	1,341,295
Federal Funds	741,355
Arts for Public Facilities	439,453
Grand Total - RI State Council on the Arts	3,275,655
RI Atomic Energy Commission	
General Revenues	824,470
Federal Funds	407,277
URI Sponsored Research	251,153
Rhode Island Capital Plan Funds - RINSC Asset Protection	50,000
Grand Total - RI Atomic Energy Commission	1,532,900
RI Higher Education Assistance Authority	
General Revenues	
Needs Based Grants and Work Opportunities	6,382,700
Authority Operations and Other Grants	940,351
Federal Funds	12,550,536
Tuition Savings Program – Need Based Grants and Work Opportunities	6,017,300
Tuition Savings Program - Administration	758,920
Grand Total – RI Higher Education Assistance Authority	26,649,807
RI Historical Preservation and Heritage Commission	
General Revenues	1,348,825
Federal Funds	479,640
Restricted Receipts	494,649
Grand Total - RI Historical Pres. and Heritage Comm.	2,323,114
RI Public Telecommunications Authority	
General Revenues	1,365,306
Corporation for Public Broadcasting	767,060
Grand Total – RI Public Telecommunications Authority	2,132,366
Attorney General	
Criminal	
General Revenues	13,441,955
Federal Funds	1,207,109
Restricted Receipts	343,296
Total - Criminal	14,992,360
Civil	
General Revenues	4,159,643
Restricted Receipts	637,570
Total - Civil	4,797,213
Bureau of Criminal Identification	
General Revenues	1,009,599
Federal Funds	56,500
Total – Bureau of Criminal Identification	1,066,099
General	
General Revenues	2,600,842
Rhode Island Capital Plan Funds – Building Renovations and Repairs	275,000
Total - General	2,875,842

Grand Total - Attorney General	23,731,514
Corrections	
Central Management	
General Revenues	9,757,572
Federal Funds	62,000
Total - Central Management	9,819,572
Parole Board	
General Revenues	1,272,304
Federal Funds	53,000
Total - Parole Board	1,325,304
Institutional Corrections	
General Revenues	151,309,377
Federal Funds	2,068,317
Rhode Island Capital Plan Funds	
General Renovations – Maximum	450,000
Women's Bathroom Renovations	681,000
Bernadette Guay Bldg. Roof	930,000
Asset Protection	2,500,000
General Renovations – Women's	600,000
Total - Institutional Corrections	158,538,694
Community Corrections	
General Revenues	16,284,251
Federal Funds	529,418
Total – Community Corrections	16,813,669
Grand Total - Corrections	186,497,239
Judiciary	
Supreme Court	
General Revenues	
General Revenues	25,809,646
Defense of Indigents	3,065,689
Federal Funds	145,000
Restricted Receipts	1,184,111
Rhode Island Capital Plan Funds	
Judicial HVAC	300,000
Garrahy Lighting and Ceiling	900,000
Judicial Complexes Asset Protection	500,000
Total - Supreme Court	31,904,446
Judicial Tenure and Discipline General Revenues	115,432
Superior Court	
General Revenues	20,157,910
Federal Funds	100,000
Total - Superior Court	20,257,910
Family Court	
General Revenues	18,148,020
Federal Funds	1,694,312
Total - Family Court	19,842,332

District Court General Revenues	10,264,212
Traffic Tribunal General Revenues	7,439,091
Workers' Compensation Court Restricted Receipts	7,526,297
Grand Total - Judiciary	97,349,720
Military Staff	
National Guard	
General Revenues	1,681,849
Federal Funds	9,399,739
Restricted Funds	160,000
Rhode Island Capital Plan Funds	
AMC Roof Replacement	1,100,000
State Armories Fire Code Comp.	75,000
Federal Armories Fire Code	12,500
Asset Protection	220,500
Logistics/Maintenance Fac. Fire Code	7,500
Total - National Guard	12,657,088
Emergency Management	
General Revenues	2,058,099
Federal Funds	13,549,284
Restricted Receipts	155,321
Total - Emergency Management	15,762,704
Grand Total - Military Staff	28,419,792
Public Safety	
Central Management	
General Revenues	514,329
Federal Funds	4,340,421
Restricted Receipts	133,000
Total - Central Management	4,987,750
E-911 Emergency Telephone System	
General Revenues	4,994,940
Federal Funds	400,000
Rhode Island Capital Plan Funds - E-911 PSAP Building Renovations	55,000
Grand Total - E-911 Emergency Telephone System	5,449,940
State Fire Marshal	
General Revenues	2,614,889
Federal Funds	24,000
Grand Total - State Fire Marshal	2,638,889
Capitol Police General Revenues	3,744,088
Municipal Police Training Academy	
General Revenues	431,195
Federal Funds	66,000
Grand Total - Municipal Police Training Academy	497,195
State Police	
General Revenues	54,528,653
Federal Funds	1,401,699
Restricted Receipts	301,000

Rhode Island Capital Plan Funds	
Barracks and Training	750,000
State Police New Headquarters	8,000,000
Parking Area Improvements	225,000
State Microwave Upgrade	2,470,000
Traffic Enforcement - Municipal Training	152,157
Lottery Commission Assistance	142,844
Airport Corporation	144,700
Road Construction Reimbursement	2,391,544
Grand Total - State Police	70,507,597
Grand Total – Public Safety	87,825,459
Office of Public Defender	
General Revenues	9,468,259
Federal Funds	248,470
Grand Total - Office of Public Defender	9,716,729
Environmental Management	
Office of the Director	
General Revenues	5,539,371
Federal Funds	536,513
Restricted Receipts	2,681,835
Total – Office of the Director	8,757,719
Natural Resources	
General Revenues	18,853,058
Federal Funds	21,581,338
Restricted Receipts	3,542,167
DOT Recreational Projects	71,126
Blackstone Bikepath Design	980,329
Rhode Island Capital Plan Funds	
Recreational Facilities Improvements	1,030,000
Fort Adams Rehabilitation	250,000
Galilee Piers Upgrade	750,000
Newport Piers	250,000
Total - Natural Resources	47,308,018
Environmental Protection	
General Revenues	11,386,955
Federal Funds	11,317,587
Restricted Receipts	10,187,873
Total - Environmental Protection	32,892,415
Grand Total – Environmental Management	88,958,152
Coastal Resources Management Council	
General Revenues	1,877,703
Federal Funds	1,453,450
Restricted Receipts	250,000
Rhode Island Capital Plan Funds - Providence River Dredging	1,655,509
Grand Total – Coastal Resources Management Council	5,236,662
Water Resources Board	

General Revenues	1,378,002
Rhode Island Capital Plan Funds – Big River Management Area	100,000
Grand Total – Water Resources Board	1,478,002
Transportation	
Central Management	
Federal Funds	17,371,666
Gasoline Tax	1,916,115
Total - Central Management	19,287,781
Management and Budget Gasoline Tax	2,162,403
Infrastructure – Engineering – Garvee/Motor Fuel Tax Bonds	
Federal Funds	246,065,687
Restricted Receipts	1,447,246
Gasoline Tax	46,424,931
State Infrastructure Bank	1,343,714
Land Sale Revenue	5,698,459
Rhode Island Capital Plan Funds	
RIPTA Land and Buildings	4,774,023
Pawtucket/Central Falls Train Station	20,000
Total - Infrastructure – Engineering – Garvee/Motor	
Fuel Tax Bonds	305,774,060
Infrastructure Maintenance	
Gasoline Tax	39,335,813
Non-land Surplus Property	15,000
Outdoor Advertising	264,323
Utility Permit Applications	1,000,000
Rhode Island Capital, Plan Funds	
Cherry Hill/Lincoln Facility	625,000
East Providence Facility	862,000
Salt Storage Facilities	700,000
Total - Infrastructure Maintenance	42,802,136
Grand Total - Transportation	370,026,380
Statewide Totals	
General Revenues	3,276,156,221
Federal Funds	1,997,927,181
Restricted Receipts	152,502,978
Other Funds	1,478,867,822
Statewide Grand Total	6,905,454,202

SECTION 2. Each line appearing in Section 1 of this Article shall constitute an appropriation.

SECTION 3. Upon the transfer of any function of a department or agency to another department or agency, the Governor is hereby authorized by means of executive order to transfer or reallocate, in whole or in part, the appropriations and the full-time equivalent limits affected thereby.

SECTION 4. Notwithstanding any provisions of Chapter 19 in Title 23 of the Rhode Island General Laws, the Rhode Island Resource Recovery Corporation shall transfer to the State Controller the sum of seven million five hundred thousand dollars (\$7,500,000) on June 30,

2009.

SECTION 5. (a) Extension of previous authorizations. The general assembly hereby extends by for an additional seven years the authorization granted to the Rhode Island Industrial Recreational Building Authority provided by Chapter 91 of the Public Laws of 1958, and Chapter 537, Section 3, of the Public Laws of 1987.

(b) Extinguishment of previous authorization. The general assembly hereby extinguishes as of June 30, 2008 the authority to issue the following debt authorization pursuant to the provisions of Section 35-8-25 of the general laws.

<u>Purpose</u>	<u>Statutory Reference</u>	<u>Authority</u>	<u>Amount to be Extinguished</u>
Rhode Island Industrial \$60,000,000 Recreation Building Authority	Chapter 537 P.L. 1987	\$80,000,000	

SECTION 6. The general assembly authorizes the state controller to establish the internal service accounts shown below, and no other, to finance and account for the operations of state agencies that provide services to other agencies, institutions and other governmental units on a cost reimbursed basis. The purpose of these accounts is to ensure that certain activities are managed in a businesslike manner, promote efficient use of services by making agencies pay the full costs associated with providing the services, and allocate the costs of central administrative services across all fund types, so that federal and other non-general fund programs share in the costs of general government support. The controller is authorized to reimburse these accounts for the cost of work or services performed for any other department or agency subject to the following expenditure limitations:

<u>Account</u>	<u>Expenditure Limit</u>
State Assessed Fringe Benefit Internal Service Fund	28,747,957
Administration Central Utilities Internal Service Fund	24,635,247
State Central Mail Internal Service Fund	5,605,880
State Telecommunications Internal Service Fund	2,847,323
State Automotive Fleet Internal Service Fund	14,610,172
State Fleet Replacement Revolving Loan Fund	2,500,000
Capital Police Internal Service Fund	586,142
Health Insurance Internal Service Fund	257,686,908
MHRH Central Pharmacy Internal Service Fund	9,241,973
MHRH Laundry Services Internal Service Fund	1,125,579
Corrections General Services & Warehouse Internal Service Fund	262,296
Correctional Industries Internal Service Fund	7,489,514
Secretary of State Record Center Internal Service Fund	802,825

SECTION 7. The General Assembly may provide a written "statement of legislative intent" signed by the chairperson of the House Finance Committee and by the chairperson of the Senate Finance Committee to show the intended purpose of the appropriations contained in Section 1 of this Article. The statement of legislative intent shall be kept on file in the House Finance Committee and in the Senate Finance Committee.

At least twenty (20) days prior to the issuance of a grant or the release of funds, which

grant or funds are listed on the legislative letter of intent, all department, agency and corporation directors, shall notify in writing the chairperson of the House Finance Committee and the chairperson of the Senate Finance Committee of the approximate date when the funds are to be released or granted.

SECTION 8. Appropriation of Temporary Disability Insurance Funds -- There is hereby appropriated pursuant to sections 28-39-5 and 28-39-8 of the Rhode Island General Laws all funds required to be disbursed for the benefit payments from the Temporary Disability Insurance Fund and Temporary Disability Insurance Reserve Fund for the fiscal year ending June 30, 2009.

SECTION 9. Appropriation of Employment Security Funds -- There is hereby appropriated pursuant to section 28-42-19 of the Rhode Island General Laws all funds required to be disbursed for benefit payments from the Employment Security Fund for the fiscal year ending June 30, 2009.

SECTION 10. Appropriation of Lottery Division Funds -- There is hereby appropriated to the Lottery Division any funds required to be disbursed by the Lottery Division for the purposes of paying commissions or transfers to the prize fund for the fiscal year ending June 30, 2009.

SECTION 11. Departments and agencies listed below may not exceed the number of full-time equivalent (FTE) positions shown below in any pay period. Full-time equivalent positions do not include seasonal or intermittent positions whose scheduled period of employment does not exceed twenty-six consecutive weeks or whose scheduled hours do not exceed nine hundred and twenty-five (925) hours, excluding overtime, in a one-year period. Nor do they include individuals engaged in training, the completion of which is a prerequisite of employment. Provided, however, that the Governor or designee, Speaker of the House of Representatives or designee, and the President of the Senate or designee may authorize an adjustment to any limitation. Prior to the authorization, the State Budget Officer shall make a detailed written recommendation to the Governor, the Speaker of the House, and the President of the Senate. A copy of the recommendation and authorization to adjust shall be transmitted to the chairman of the House Finance Committee, Senate Finance Committee, the House Fiscal Advisor and the Senate Fiscal Advisor.

No agency or department may employ contracted employees or employee services where the contracted employees would work under state employee supervisors without determination of need by the Director of Administration acting upon the positive recommendations of the Budget Officer and the Personnel Administrator and 15 days after a public hearing.

Nor may any agency or department contract for services replacing work done by state employees at that time without determination of need by the Director of Administration acting upon the positive recommendations of the Budget Officer and the Personnel Administrator and 30 days after a public hearing.

State employees whose funding is from non-state general revenue funds that are time limited shall receive limited term appointment with the term limited to the availability of the non-state general revenue funding source.

FTE POSITION AUTHORIZATION

<u>Departments and Agencies</u>	<u>Full-Time Equivalent</u>
Administration	955.8
Business Regulation	97.0
Labor and Training	407.2
Revenue	464.0

Legislature	297.9	
Office of the Lieutenant Governor	8.0	
Office of the Secretary of State		57.0
Office of the General Treasurer		86.0
Board of Elections	14.0	
Rhode Island Ethics Commission	12.0	
Office of the Governor		39.0
Commission for Human Rights		14.5
Public Utilities Commission	44.0	
Rhode Island Commission on Women		1.0
Health and Human Services	92.2	
Children, Youth, and Families		738.5
Elderly Affairs		35.0
Health	413.5	
Human Services	994.4	
Mental Health, Retardation, and Hospitals	1,534.6	
Office of the Child Advocate	5.8	
Commission on the Deaf and Hard of Hearing		3.0
Governor's Commission on Disabilities		4.6
Office of the Mental Health Advocate		3.7
Elementary and Secondary Education		140.2
School for the Deaf	65.8	
Davies Career and Technical School	133.0	
Office of Higher Education	21.1	
Provided that 1.0 of the total authorization would be available only for a position that is supported by third-party funds.		
University of Rhode Island	2,504.1	
Provided that 602.0 of the total authorization would be available only for positions that are supported by third-party funds.		
Rhode Island College	917.5	
Provided that 82.0 of the total authorization would be available only for positions that are supported by third-party funds.		
Community College of Rhode Island	833.2	
Provided that 100.0 of the total authorization would be available only for positions that are supported by third-party funds.		
Rhode Island State Council on the Arts		8.6
RI Atomic Energy Commission		8.6
Higher Education Assistance Authority		42.6
Historical Preservation and Heritage Commission	16.6	
Public Telecommunications Authority		20.0
Office of the Attorney General		231.1
Corrections	1,515.0	
Judiciary	729.3	
Military Staff	103.0	
Public Safety	414.5	
Office of the Public Defender	93.5	

Environmental Management	473.0
Coastal Resources Management Council	30.0
Water Resources Board	6.0
Transportation	729.2
Total	15,358.6

Provided further that, as of October 1, 2008, the total filled positions shall not exceed 14,958.6.

SECTION 12. The amounts reflected in this Article include the appropriation of Rhode Island Capital Plan funds for fiscal year 2009 and supersede appropriations provided for FY 2009 within Section 12 of Article 1 of Chapter 73 of the P.L. of 2007.

The following amounts are hereby appropriated out of any money in the State's Rhode Island Capital Plan Fund not otherwise appropriated to be expended during the fiscal years ending June 30, 2010, June 30, 2011, June 30, 2012 and June 30, 2013. These amounts supersede appropriations provided within Section 12 of Article 1 of Chapter 73 of the P.L. of 2007. For the purposes and functions hereinafter mentioned, the State Controller is hereby authorized and directed to draw his or her orders upon the General Treasurer for the payment of such sums and such portions thereof as may be required by him or her upon receipt of properly authenticated vouchers.

<u>Project</u>	<u>FiscalYearEnding FY 2010</u>	<u>FiscalYearEnding FY, 2011</u>	<u>FiscalYear Ending FY,2012</u>	<u>FiscalYear Ending FY2013</u>	
DOA-Pastore Utilities Upgrade 2,350,000		2,000,000	2,000,000	2,000,000	
DOA-State House Renovations ,700,000		2,000,000	6,000,000	6,000,000	2
DOA – Registry	11,400,000	-	-	-	
DOA – Virks Building Renovation	6,165,000	-	-	-	
DCYF-Fire Code Upgrades – Group Homes	500,000	1,000,000	1,000,000	1,000,000	
El. Sec. – Met School East Bay	5,000,000	4,000,000	-	-	
Higher Ed. – CCRI Asset Protection 1,450,000	1,228,125	1,264,970	1,407,101		
Higher Ed-RIC Asset Protection	1,929,910	1,987,800	2,211,160	2,275,000	
Higher Ed-URI Asset Protection	4,444,640	4,577,980	5,092,364	5,250,000	
Higher Ed-URI Chemistry Bldg.	-	-	4,550,000	16,925,000	
Higher Ed-RIC Academic Bldg	-	-	8,300,000	8,800,000	
DOC – Corrections Asset Protection 10,000,000	2,500,000	5,000,000		8,000,000	
DOC – Women's Roof	430,000	-	-	-	
-					
Judiciary-Judicial Complexes Asset Protection	525,000	550,000	600,000	600,000	
State Police-Headquarters	13,000,000	4,000,000	-	-	
State Police – Communications Towers	2,300,000	2,300,000	-	-	
Mil Staff – Asset Protection 268,018	231,525	243,101		255,256	
Mil Staff – AMC HVAC	950,000	-	-	-	

DEM – Dam Repairs	1,710,000	250,000	1,350,000
750,000			
DEM – Recreational Facility			
Improvements	1,060,900	1,157,625	1,215,506 1,251,971

SECTION 13. Reappropriation of Funding for Rhode Island Capital Plan Fund Projects.

- Any unexpended and unencumbered funds from Rhode Island Capital Plan Fund project appropriations shall be reappropriated in the ensuing fiscal year and made available for the same purpose. Any unexpended funds of less than five hundred dollars (\$500) shall be reappropriated at the discretion of the State Budget Officer.

SECTION 14. Notwithstanding any provisions of Chapter 38.1 in Title 45 of the Rhode Island General Laws, the Rhode Island Health and Educational Building Corporation shall transfer to the State Controller the sum of one million one hundred thousand dollars (\$1,100,000) on June 30, 2009.

SECTION 15. This article shall take effect as of July 1, 2008."

Respectfully submitted,

REPRESENTATIVE COSTANTINO

=====

LC01484/10

=====

Representative Menard requests to vote Section 4, lines 14-17 on page 25 separately.

The Honorable Speaker Murphy rules it is divisible.

Representative McNamara discusses the amendment.

Section 4, lines 14-17 on page 25 prevails on a roll call vote 69 members voting in the affirmative and 1 member voting in the negative as follows:

YEAS - 69: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coaty, Coderre, Corvese, Costantino, Dennigan, Diaz, Ehrhardt, Fellela, Ferri, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 1: Representative Menard.

The remainder of the amendment prevail on a roll call vote 69 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 69: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coaty, Coderre, Corvese, Costantino, Dennigan, Diaz, Ehrhardt, Fellela, Ferri, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

Representatives Watson, Gorham discuss Article 1, as amended.

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

**F L O O R A M E N D M E N T
T O
2008 -- H 7390 SUBSTITUTE A**

**AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL
YEAR ENDING JUNE 30, 2009**

Mr. Speaker:

I hereby move to amend 2008 -- H 7390 SUBSTITUTE A, entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009", as follows:

(1) In Article 1, page 7, line 22, by deleting the figure "34,099,202 and inserting in its place thereof the figure "33,839,202".

(2) In Article 1, page 15, line 11, by deleting the figure "20,365,958" and inserting in its place thereof the figure "20,185,958".

(3) In Article 1, page 15, by inserting the following word and figure between lines 11 and 12:

"COZ 360,000".

Respectfully submitted,

REPRESENTATIVE LONG

=====
LC01484/5
=====

Representatives Long and Costantino discuss the amendment.

The motion to amend fails on a roll call vote 20 members voting in the affirmative and 46 members voting in the negative as follows:

YEAS - 20: Representatives Amaral, Coaty, Gablinske, Jackson, Jacquard, Lima, Long, Loughlin, Mattiello, McManus, Moffitt, Petrarca, Savage, Scott, Silva, Singleton, Smith, Story, Trillo, Walsh.

NAYS - 46: The Honorable Speaker Murphy and Representatives Almeida, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, Diaz, Ehrhardt, Fellela, Ferri, Fox, Gallison, Gemma, Giannini, Gorham, Kilmartin, Lally, Lewiss, Malik, McCauley, McNamara, Melo, Menard, Mumford, Naughton, O'Neill, Pacheco, Rice, Rose, San Bento, Segal, Serpa, Shanley, Slater, Sullivan, Ucci, Vaudreuil, Wasyluk, Watson, Williams, Williamson, Winfield.

Representative Trillo, Handy and Smith discusses Article 1, as amended.

The article, as amended, is read and prevails on a roll call vote 70 members voting in the affirmative and 0 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, Diaz, Ehrhardt, Fellela, Ferri, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasyluk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

ARTICLE 2 RELATING TO BORROWING IN ANTICIPATION OF RECEIPTS FROM TAXES

Representative Costantino moves passage of the article, seconded by Representative Fox

The article is read and prevails on a roll call vote 61 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 61: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coaty, Coderre, Corvese, Costantino, Diaz, Ehrhardt, Fellela, Ferri, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Kilmartin, Lally, Lewiss, Lima, Loughlin, Malik, Mattiello, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Story, Trillo, Vaudreuil, Walsh, Wasyluk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

REQUESTS

Representatives Long and Ucci request the journal to reflect that if they had voted on Article 2, they would have voted in the affirmative.

ARTICLE 3 RELATING TO BOND PREMIUMS

Representative Costantino moves passage of the article, seconded by Representative Fox.

The article is read and prevails on a roll call vote 60 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 60: The Honorable Speaker Murphy and Representatives Ajello, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coaty, Coderre, Corvese, Costantino, DeSimone, Diaz, Ehrhardt, Fellela, Ferri, Fox, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Kilmartin, Lally, Lewiss, Lima, Loughlin, Malik, Mattiello, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Story, Trillo, Vaudreuil, Walsh, Wasyluk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

REQUESTS

Representatives Long and Ucci request the journal to reflect that if they had voted on Article 3 they would have voted in the affirmative.

ARTICLE 4 RELATING TO DEBT MANAGEMENT ACT JOINT RESOLUTION

Representative Costantino moves passage of the article, seconded by Representatives Dennigan, Slater, and Mumford.

By unanimous consent, Representative Costantino, seconded by Representative Dennigan offers a written motion to amend.

**FLOOR AMENDMENT
TO
2008 -- H 7390 SUBSTITUTE A****AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL
YEAR ENDING JUNE 30, 2009**

Mr. Speaker:

I hereby move to amend 2008 -- H 7390 SUBSTITUTE A, entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009", as follows:

(1) In Article 4, on page 3, line 6, by deleting the numeral "336.4" and by inserting in

place thereof the numeral "319.2".

(2) In Article 4, on page 3, line 18, by deleting the numeral "348.7" and by inserting in place thereof the numeral "356.2".

(3) In Article 4, on page 3, line 19, by deleting the numerals "302.5" and "46" and by inserting in place thereof the numerals "299.9" and "52.5" respectively.

(4) In Article 4, on page 3, line 20, by deleting the numeral "0.15" and by inserting in place thereof the numeral "4.2".

(5) In Article 4, on page 3, line 23, by deleting the numerals "47" and "374" and by inserting in place thereof the numerals "50.6" and "403.2" respectively.

(6) In Article 4, on page 3, line 24, by deleting the numeral "4.85" and by inserting in place thereof the numeral "5.92".

(7) In Article 4, on page 3, line 26, by deleting the numeral "348.7" and by inserting in place thereof the numeral "356.2".

(8) In Article 4, on page 3, line 33, by deleting the numeral "348.7" and by inserting in place thereof the numeral "356.2".

Respectfully submitted,

REPRESENTATIVE COSTANTINO

=====
LC01490/2
=====

Representative Costantino discusses the amendment.

The motion to amend prevails on a roll call vote 62 members voting in the affirmative and 0 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, Diaz, Ehrhardt, Fellela, Ferri, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Lewiss, Lima, Loughlin, Malik, Mattiello, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Story, Trillo, Vaudreuil, Walsh, Wasylyk, Williams, Williamson, Winfield.

NAYS - 0.

The article is read and prevails, as amended, on a roll call vote 60 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 60: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coaty, Coderre, Corvese, Costantino, Dennigan, Diaz, Ehrhardt, Fellela, Ferri, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Lewiss, Lima, Loughlin, Malik, Mattiello, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Rice, Rose, San

Bento, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Story, Trillo, Vaudreuil, Walsh, Wasylyk, Williams, Williamson.

NAYS - 0.

REQUESTS

Representatives Long and Ucci request the journal to reflect that if they had voted on Article 4, they would have voted in the affirmative.

ARTICLE 5 RELATING TO CAPITAL DEVELOPMENT PROGRAM

Representative Costantino moves passage of the article, seconded by Representatives Fox, Slater, and many other members of the House..

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

FLOOR AMENDMENT TO 2008 -- H 7390 SUBSTITUTE A

AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009

Mr. Speaker:

I hereby move to amend 2008 -- H 7390 SUBSTITUTE A, entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009", as follows:

(1) In Article 5, page 1, between lines 17 and 18 by inserting the following language:

"Question 2. Relating to bonds in the amount of \$10,000,000 shall be allocated as follows:

Open Space and Recreational Development	\$10,000,000
---	--------------

Provide funds for open space land acquisition, farmland preservation and recreational development to be allocated as follows: \$2,500,000 in 2010 and 2011 would be used by the Department of Environmental Management to purchase or otherwise permanently protect through the purchase of the title, development rights, conservation easements and public recreation easements, greenways and other open space, recreational lands, agriculture lands, forested lands and state parks; \$2,500,000 of these funds shall be available in 2010 and 2011 to municipalities, local land trusts, conservation commissions, and other environmental nonprofit organizations to provide grants on a matching basis for open space preservation consistent with the state guide plan and local comprehensive plan."

(2) In Article 5, on page 4 between lines 21 and 22 by inserting the following language:

"Question 2. Relating to bonds in the amount of \$10,000,000 shall be allocated as follows:

Open Space and Recreational Development	\$10,000,000
---	--------------

Provide funds for open space land acquisition, farmland preservation, and recreational development to be allocated as follows: two million five hundred thousand dollars (\$2,500,000) in 2010 and 2011 would be used by the Department of Environmental Management to purchase or otherwise permanently protect through the purchase of the title, development rights, conservation easements and public recreation easements, greenways and other open space, recreational lands, agriculture lands, forested lands and state parks; two million five hundred thousand dollars (\$2,500,000) of these funds shall be available in 2010 and 2011 to municipalities, local land trusts, conservation commissions, and other environmental nonprofit organizations to provide grants on a matching basis for open space preservation consistent with the state guide plan and local comprehensive plan."

Respectfully submitted,

REPRESENTATIVE LOUGHLIN

=====
LC01492/3
=====

Representatives Loughlin, Costantino, Gorham, Watson, Coaty, Walsh, Gemma, Shanley, Rice, and Long discuss the amendment.

The motion to amend fails on a roll call vote 26 members voting in the affirmative and 41 members voting in the negative as follows:

YEAS - 26: Representatives Caprio, Coaty, Ehrhardt, Ferri, Flaherty, Gallison, Gorham, Handy, Long, Loughlin, McManus, Menard, Moffitt, Mumford, Pacheco, Rice, Savage, Scott, Segal, Smith, Story, Ucci, Walsh, Wasylyk, Watson, Winfield.

NAYS - 41: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Carter, Church, Coderre, Corvese, Costantino, Dennigan, Diaz, Fellela, Fox, Gablinske, Gemma, Giannini, Jackson, Kennedy, Kilmartin, Lally, Lewiss, Lima, Malik, Mattiello, McCauley, McNamara, Melo, Naughton, O'Neill, Petrarca, Rose, San Bento, Serpa, Shanley, Silva, Slater, Sullivan, Trillo, Vaudreuil, Williamson.

REQUEST

Representative Amaral requests the journal to reflect that if he had voted on LC01492/3, he would have voted in the affirmative.

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

The motion to amend fails on a roll call vote 31 members voting in the affirmative and 37 members voting in the negative as follows:

YEAS - 31: Representatives Ajello, Amaral, Caprio, Coaty, Ehrhardt, Ferri, Flaherty, Gallison, Gorham, Handy, Kennedy, Long, Loughlin, McManus, Menard, Moffitt, Mumford, Pacheco, Palumbo, Rice, Savage, Segal, Singleton, Smith, Story, Sullivan, Ucci, Walsh, Wasylyk, Watson, Winfield.

NAYS - 37: The Honorable Speaker Murphy and Representatives Almeida, Baldelli-Hunt, Brien, Carter, Church, Coderre, Corvese, Costantino, Dennigan, Diaz, Fellela, Fox, Gablinske, Gemma, Jackson, Kilmartin, Lally, Lewiss, Malik, Mattiello, McCauley, McNamara, Melo, Naughton, O'Neill, Petrarca, Rose, San Bento, Serpa, Shanley, Silva, Slater, Trillo, Vaudreuil, Williams, Williamson.

The article is read and prevails, on a roll call vote 70 members voting in the affirmative and 0 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, Diaz, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Rice, Rose, San Bento, Savage, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

ARTICLE 6 RELATING TO HEALTH REGULATORY PROGRAMS

Representative Naughton moves passage of the article, seconded by Representatives Lewiss, Kilmartin, Shanley, and Costantino.

The article is read and prevails on a roll call vote 70 members voting in the affirmative and 0 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, Diaz, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Rice, Rose, San Bento, Savage, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

ARTICLE 7 RELATING TO APPROPRIATIONS FOR FISCAL YEAR 2008

Representative Costantino moves passage of the article, seconded by Representative Fox.

The article is read and prevails on a roll call vote 66 members voting in the affirmative and 3 members voting in the negative as follows:

YEAS - 66: Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coaty, Coderre, Corvese, Costantino, Dennigan, Diaz, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Mattiello, McCauley, McManus, McNamara, Melo, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Watson, Williams, Williamson, Winfield.

NAYS - 3: Representatives Menard, Palumbo, Wasylyk.

ARTICLE 8 RELATING TO ELDERLY AFFAIRS PROGRAM

Representative Slater moves passage of the article, seconded by Representative Naughton.

The article is read and prevails on a roll call vote 69 member voting in the affirmative and 1 member voting in the negative as follows:

YEAS - 69: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coaty, Coderre, Corvese, Costantino, Dennigan, Diaz, Ehrhardt, Fellela, Ferri, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Rice, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 1: Representative Flaherty.

ARTICLE 9 RELATING TO STATE GOVERNMENT REORGANIZATIONS

Representative Costantino moves passage of the article, seconded by Representatives Naughton, Slater, and Williamson.

By unanimous consent, Representative Costantino seconded by Representatives Williamson, Wasylyk, Naughton, and Fox offer a written motion to amend.

**F L O O R A M E N D M E N T
T O
2008 -- H 7390 SUBSTITUTE A**

**AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL
YEAR ENDING JUNE 30, 2009**

Mr. Speaker:

I hereby move to amend 2008 -- H 7390 SUBSTITUTE A, entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009", as follows:

(1) In Article 9, page 1, line 6, by deleting the words "within the" and "department", and by striking the new language "of elderly affairs and advocacy" and inserting in place thereof the following: "administratively attached to the university of Rhode Island (hereafter referred to as the "university")".

(2) In Article 9, page 1, line 9, by deleting the comma (",") and all of the language appearing on said line after the word "Act".

(3) In Article 9, page 1, line 10, by deleting the language "on November 6, 1987, by the congress of the United States," and inserting in place thereof the following: "of 2000, public law 106-402, codified at 42 U.S.C. section 150001 et seq.,".

(4) In Article 9, page 1, line 17, by deleting the language "the developmentally disabled" and inserting in place thereof the language "individuals with developmental disabilities".

(5) In Article 9, page 1, line 19, by inserting the language "and supports" following the word "services".

(6) In Article 9, page 1, between lines 20 and 21 insert the following language:

"(c) The council shall submit to the U.S. Department of Health and Human Services amendments to its state plan, in compliance with the public notice and other requirements of 42 U.S.C. section 15024 and 45 C.F.R. section 1386.30 and 1386.31, that provide for the council's incorporation as a nonprofit corporation and for the designation of the university of Rhode Island as the state agency that shall, on behalf of the state, provide support to the council. After approval of such amendments, the council shall incorporate as a nonprofit corporation and enter into a memorandum of understanding with the university delineating the roles and responsibilities of the university. Thereafter, the governor shall designate the university as the state agency responsible for providing support services to the council pursuant to 42 U.S.C. section 15025(d) and 45 C.F.R. section 1386.34.

(d) The university shall have the fiscal and other responsibilities of a designated state agency pursuant to 42 U.S.C. section 15025(d) and 45 C.F.R. section 1386.34. As required by 42 U.S.C. section 15024 (c) (5) (L), the university and any other agency, office or entity of the state, shall not interfere with the advocacy, capacity building, systemic change activities, budget, personnel, state plan development, or plan implementation of the council."

(7) In Article 9, page 1, by removing lines 21 through 30 inclusive from the article.

(8) In Article 9, page 2, through page 12, by removing all of the language appearing on page 2 through page 12 inclusive from the article.

(9) In Article 9, page 13, by removing lines 1, 2, and 3 from the article.

(10) In Article 9, page 13, by inserting the following language before line 4:

"SECTION 2. Upon the transfer from the executive department to the university of

Rhode Island any proceeding or other business or matter undertaken or commenced, prior to the effective date of this article, by the state council on developmental disabilities that are pending on the effective date of this act, may be conducted and completed by the state council on developmental disabilities.

SECTION 3. In order that there be no interruption in the functions of the state council on developmental disabilities, the actual transfer of the state council on developmental disabilities from the executive department to the university of Rhode Island may be postponed after the effective date of this act until such time, as determined by the United States secretary of health and human services and the president of the university of Rhode Island, that the transfer herein provided can best be put into force and effect."

- (11) In Article 9, page 13, line 4, by changing "SECTION 10" to "SECTION 4".
- (12) In Article 9, page 13, line 25, by changing "SECTION 11" to "SECTION 5".
- (13) In Article 9, page 16, line 15, by changing "SECTION 12" to "SECTION 6".
- (14) In Article 9, page 18, line 33, by changing "SECTION 13" to "SECTION 7".
- (15) In Article 9, page 19, line 12, by changing "SECTION 14" to "SECTION 8".
- (16) In Article 9, page 20, line 34, by changing "SECTION 15" to "SECTION 9".
- (17) In Article 9, page 22, line 21, by changing "SECTION 16" to "SECTION 10".
- (18) In Article 9, page 23, line 7, by changing "SECTION 17" to "SECTION 11".
- (19) In Article 9, page 25, line 5, by changing "SECTION 18" to "SECTION 12".
- (20) In Article 9, page 28, line 14, by changing "SECTION 19" to "SECTION 13".
- (21) In Article 9, page 28, line 19, by changing "SECTION 20" to "SECTION 14".
- (22) In Article 9, page 29, line 22, by striking the new language "forty-two (42)" and inserting in place thereof the language "thirty-five (35)".
- (23) In Article 9, page 29, line 25, by changing "SECTION 21" to "SECTION 15".
- (24) In Article 9, page 30, line 24, by changing "SECTION 22" to "SECTION 16".
- (25) In Article 9, page 32, line 26, by changing "SECTION 23" to "SECTION 17".
- (26) In Article 9, page 32, line 34, by changing "SECTION 24" to "SECTION 18".
- (27) In Article 9, page 33, line 5, by changing "SECTION 25" to "SECTION 19".
- (28) In Article 9, page 33, line 10, by changing "SECTION 26" to "SECTION 20".
- (29) In Article 9, page 33, by striking lines 33 and 34 and inserting in place thereof the following language:

"SECTION 21. This section and sections 1 through 4 of this article shall take effect upon passage. Sections 5 through 20 shall take effect on July 1, 2008."

- (30) In Article 9, page 34, delete lines 1 and 2 in their entirety.

Respectfully submitted,

REPRESENTATIVE COSTANTINO

=====
LC01500/6
=====

Representative Costantino discusses the amendment.

The motion to amend prevails on a roll call vote 70 members voting in the affirmative and 0 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, Diaz, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

Representatives Costantino, Ehrhardt, and Menard discuss the article, as amended.

The article is read and prevails, as amended, on a roll call vote 66 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 66: The Honorable Speaker Murphy and Representatives Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coaty, Coderre, Corvese, Costantino, Dennigan, Diaz, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, Pacheco, Palumbo, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

REQUEST

Representative Rice requests the journal to reflect that if she had voted on Article 9, she would have voted in the affirmative.

ARTICLE 10 RELATING TO MEDICAL ASSISTANCE – MANAGED CARE

Representative Slater moves passage of the article, seconded by Representative Costantino.

By unanimous consent, Representative Costantino, seconded by Representatives Mumford and Slater offers a written motion to amend.

FLOOR AMENDMENT TO 2008 -- H 7390 SUBSTITUTE A

AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL
YEAR ENDING JUNE 30, 2009

Mr. Speaker:

I hereby move to amend 2008 -- H 7390 SUBSTITUTE A, entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009", as follows:

(1) In Article 10, on page 2, line 18, by deleting the language "seventy-five" and by inserting in place thereof the language "thirty-three".

(2) In Article 10, on page 2, line 18, by deleting the language the figure "175%" and inserting in place thereof the figure "133%".

(3) In Article 10, on page 5, line 14 by deleting the word "generic" and inserting in place thereof the language "generic-only".

(4) In Article 10, on page 5, line 14 following the word "drugs" by inserting the following language: "with the exception of limited brand drug coverage for certain therapeutic classes as approved by the Department of Human Services".

Respectfully submitted,

REPRESENTATIVE COSTANTINO

=====
LC01502/6
=====

The motion to amend prevails on a roll call vote 71 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 71: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coaty, Coderre, Corvese, Costantino, Dennigan, Diaz, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Rice, Rose, San Bento, Savage, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

By unanimous consent, Representative Palumbo, seconded by Representative Ucci offers a written motion to amend.

F L O O R A M E N D M E N T
TO
2008 -- H 7390 SUBSTITUTE A

AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL
YEAR ENDING JUNE 30, 2009

Mr. Speaker:

I hereby move to amend 2008 -- H 7390 SUBSTITUTE A, entitled "AN ACT MAKING

APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009", as follows:

In Article 10, page 1, line 18, by inserting the following language after the word and punctuation "waiver.":

"No person who is residing in this state as an illegal alien shall be entitled to any benefits under the RIte Care program."

Respectfully submitted,

REPRESENTATIVE PALUMBO

=====
LC01502/3
=====

Representatives Palumbo, Slater and Costantino, discuss the amendment.

Representative Costantino moves to table the amendment. The motion is seconded by Representative Kilmartin.

The motion to table prevails on a roll call vote 39 members voting in the affirmative and 24 members voting in the negative as follows:

YEAS - 39: The Honorable Speaker Murphy and Representatives Baldelli-Hunt, Carter, Church, Coderre, Costantino, Dennigan, Diaz, Fellela, Fox, Gablinske, Gallison, Giannini, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Malik, Mattiello, McCauley, McNamara, Melo, Mumford, Naughton, Pacheco, Rice, Rose, San Bento, Segal, Serpa, Shanley, Silva, Slater, Sullivan, Vaudreuil, Williamson.

NAYS - 24: Representatives Ajello, Amaral, Caprio, Coaty, Corvese, Ehrhardt, Ferri, Flaherty, Gorham, Handy, Long, Loughlin, McManus, Menard, Moffitt, Palumbo, Petrarca, Savage, Story, Trillo, Ucci, Watson, Williams, Winfield.

REQUESTS

Representative Ferri requests the journal to reflect that he had voted incorrectly on the previous motion to table the amendment, he should have voted in the affirmative.

Representative Mumford requests the journal to reflect that she had voted incorrectly on the previous motion to table the amendment, she should have voted in the negative.

Representatives Singleton, Costantino, Williams, Slater, Watson, Gorham and Trillo discuss Article 10, as amended.

Representative Flaherty moves to reconsider the motion to lay the amendment on the table.

The Honorable Speaker Murphy rules Representative Flaherty was not on the prevailing side according to Rule 40.

Representative Trillo moves to suspend the rules.

Representatives Watson and Trillo discuss the motion to table.

Representative Costantino moves to reconsider the motion to lay the amendment on the table, seconded by Representatives Fox and Lima.

The motion to reconsider prevails 59 members voting in the affirmative and 7 members voting in the negative as follows:

YEAS - 59: Representatives Almeida, Amaral, Brien, Caprio, Carter, Church, Coaty, Coderre, Corvese, Costantino, Dennigan, DeSimone, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, Pacheco, Palumbo, Petrarca, Rice, Savage, Segal, Serpa, Shanley, Singleton, Slater, Story, Trillo, Ucci, Vaudreuil, Walsh, Wasyluk, Watson, Williams, Winfield.

NAYS - 7: The Honorable Speaker Murphy and Representatives Ajello, Handy, San Bento, Silva, Sullivan, Williamson.

Representative Almeida and Gemma discuss the amendment.

Representative Palumbo rises on a point of order for Representative Gemma to speak germane to the amendment. The Honorable Speaker Murphy rules for Representative Gemma to speak germane to the amendment.

Representatives Trillo, Dennigan, Mattiello, Amaral, Singleton, Costantino, Baldelli-Hunt, Palumbo, Williams, Diaz, Gablinske and Fox continue discussion on the amendment.

The motion to amend fails on a roll call vote 20 members voting in the affirmative and 49 members voting in the negative as follows:

YEAS - 20: Representatives Amaral, Corvese, Ehrhardt, Fellela, Flaherty, Gorham, Jacquard, Loughlin, McManus, Menard, Moffitt, Mumford, Palumbo, Petrarca, Scott, Singleton, Trillo, Ucci, Watson, Winfield.

NAYS - 49: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Caprio, Carter, Church, Coaty, Coderre, Costantino, Dennigan, Diaz, Ferri, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Kilmartin, Lally, Lewiss, Lima, Long, Malik, Mattiello, McCauley, McNamara, Melo, Naughton, O'Neill, Pacheco, Rice, Rose, San Bento, Savage, Segal, Serpa, Shanley, Silva, Slater, Story, Sullivan, Vaudreuil, Walsh, Wasyluk, Williams, Williamson.

Representative Gorham discusses the Article, as amended.

The article is read and prevails, as amended, on a roll call vote 66 members voting in the affirmative and 3 members voting in the negative as follows:

YEAS - 66: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Caprio, Carter, Church, Coaty, Coderre, Corvese, Costantino, Dennigan, Diaz, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Slater, Story, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 3: Representatives Palumbo, Singleton, Sullivan.

REQUEST

Representative Brien requests the journal to reflect that if he had voted on Article 10, he would have voted in the affirmative.

ARTICLE 11 RELATING TO HEALTH PROFESSIONS LICENSED CHEMICAL DEPENDENCY PROFESSIONALS

Representative Naughton moves passage of the article, seconded by Representatives Coderre, Carter, San Bento, Jacquard, Slater, and many other members of the House.

Representative Gorham discusses the article.

The article is read and prevails on a roll call vote 65 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 65: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Coaty, Coderre, Corvese, Costantino, Dennigan, Diaz, Ehrhardt, Fellela, Ferri, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Rice, Rose, San Bento, Savage, Segal, Serpa, Shanley, Silva, Slater, Story, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

ARTICLE 12 RELATING TO MOTOR VEHICLE OFFENSES

Representative Costantino moves passage of the article, seconded by Representatives Fox, Carter, and many other members of the House.

By unanimous consent, Representative Costantino, seconded by Representative Carter offers a written motion to amend.

F L O O R A M E N D M E N T
TO
2008 -- H 7390 SUBSTITUTE A

**AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL
YEAR ENDING JUNE 30, 2009**

Mr. Speaker:

I hereby move to amend 2008 -- H 7390 SUBSTITUTE A, entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009", as follows:

1. In Article 12, page 1, line 8, by deleting the word "judge" and inserting in place thereof the word "magistrate".

2. In Article 12, page 1, line 22, by deleting the words "judge of the district court" and inserting in place thereof the following language "magistrate of the Rhode Island traffic tribunal".

3. In Article 12, page 2, line 14, by deleting the word "notwithstanding".

4. In Article 12, page 13, line 16, by deleting the words "judge of the district court" and inserting in place thereof the following language "magistrate of the Rhode Island traffic tribunal".

5. In Article 12, page 23, line 22, by deleting the word "enumerated" and by inserting in place thereof the following language "provided for".

6. In Article 12, page 24, between lines 16 and 17, by inserting the following language:

"SECTION 14. Section 31-8-1 of the General Laws in Chapter 31-8 entitled "Offenses Against Registration and Certificate of Title Laws" is hereby amended to read as follows:

31-8-1. Operation of vehicles without evidences of registration. -- No person shall operate, nor shall an owner knowingly permit to be operated, upon any highway or bicycle trail or path, any vehicle required to be registered pursuant to this title unless there has been issued for it a valid registration card and unless there is attached to it and displayed on it, when and as required by chapters 3 -- 9 of this title, a valid registration plate or plates issued for it by the division of motor vehicles for the current registration year except as otherwise expressly permitted in those chapters. Any violation of this section shall be punishable by a fine of ~~not less than fifteen dollars (\$15.00) nor more than fifty dollars (\$50.00)~~ eighty-five dollars (\$85.00).

SECTION 15. Section 31-10-6.4 of the General Laws in Chapter 31-10 entitled "Operators' and Chauffeurs' Licenses" is hereby amended to read as follows:

31-10-6.4. Violations. -- It is unlawful for the holder of a limited learner's permit, a temporary permit or a limited provisional license to drive a motor vehicle in violation of the restrictions that apply to that permit or license. Failure to comply with a restriction concerning time of driving or the presence of a supervising driver in the vehicle constitutes operating a motor vehicle without a license. Failure to comply with any other restriction, including seating and passenger limitations, is an infraction punishable by a monetary fine of ~~thirty~~ eighty-five dollars ~~(\$30.00)~~ (\$85.00) for the first offense, ~~sixty~~ ninety-five dollars ~~(\$60.00)~~ (\$95.00) for the second offense, and one hundred dollars (\$100.00) for a third or any subsequent offenses.

SECTION 16. Section 31-27-6 of the General Laws in Chapter 31-27 entitled "Motor Vehicle Offenses" is hereby amended to read as follows:

31-27-6. Lanes of operation. -- (a) Any bus, commercial vehicle, camper, vehicle registered as a camper, trailer, or vehicle carrying a camper or trailer traveling on Rhode Island interstate highways shall be allowed to travel only in the first two (2) right hand lanes, except in cases of left hand exits, in which case the vehicle shall be allowed to enter the third and fourth left hand lanes one mile prior to an exit.

(b) For the purpose of this section, "commercial vehicle" means any vehicle registered for commercial purposes and designed and used primarily for the transportation of goods, wares, or merchandise. "Bus" means any vehicle designed for carrying ten (10) or more passengers and used primarily for the transportation of persons.

(c) The provisions of this section shall only be effective during the period that official traffic signs are in place to notify operators of the provisions of this section. Any persons violating the provisions of this section upon conviction shall be fined not more than ~~twenty-five dollars (\$25.00)~~ eighty-five dollars (\$85.00).

SECTION 17. Section 37-15-7 of the General Laws in Chapter 37-15 entitled "Litter Control and Recycling" is hereby amended to read as follows:

37-15-7. Penalties. -- (a) Any person convicted of a first violation of this chapter shall, except where a penalty is specifically set forth, be subject to a fine of not less than ~~fifty-five dollars (\$55.00)~~ eighty-five dollars (\$85.00) nor more than five hundred dollars (\$500). In addition to or in lieu of the fine imposed hereunder, the person so convicted may be ordered to pick up litter for not less than two (2), nor more than twenty-five (25) hours.

(b) Any person convicted of a second or subsequent violation of this chapter shall, except where a penalty is specifically set forth, be subject to a fine of not less than three hundred dollars (\$300) nor more than five hundred dollars (\$500). In addition to or in lieu of the fine imposed upon a second or subsequent violation of this chapter, the person so convicted may be ordered to pick up litter for not less than four (4), nor more than fifty (50) hours.

(c) Jurisdiction to punish violators of the provisions of this chapter is conferred on the traffic tribunal.

(d) Any person convicted of a violation of this chapter shall, in addition to all other penalties, be liable for the removal or cost of removal of all litter illegally disposed of by that person. The traffic tribunal may hold the registration of any vehicle owned by the violator and used in the act of littering until the aforementioned liability is satisfied.

(e) The funds received by a state law enforcement agency shall be deposited as general revenues.

(f) Penalties of ~~fifty-five dollars (\$55.00)~~ eighty-five dollars (\$85.00) for violations of section 37-15-7 may be disposed of without the necessity of personally appearing before the traffic tribunal. Said penalty may be handled administratively by mailing a check or money order, together with properly executed form provided to the appropriate address as set forth in the summons issued by the enforcing agent."

7. In Article 12, page 24, line 17, by deleting the number "14" and inserting in place thereof the number "18".

8. In Article 12, page 24, line 22, by deleting the number "15" and inserting in place thereof the number "19".

Respectfully submitted,

REPRESENTATIVE COSTANTINO

=====

LC01504/3

=====

Representative Costantino discusses the amendment.

The motion to amend prevails on a roll call vote 66 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 66: 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, Fox, Gablinske, Gallison, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Slater, Story, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Williams, Williamson, Winfield.

NAYS - 0.

By unanimous consent, Representative Ucci, seconded by Representative Moffitt offers a written motion to amend.

**FLOOR AMENDMENT TO
2008 -- H 7390 SUBSTITUTE A**

**AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL
YEAR ENDING JUNE 30, 2009**

Mr. Speaker:

I hereby move to amend 2008 -- H 7390 SUBSTITUTE A, entitled "AN ACT AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009", as follows:

1. In Article 12, on page 21, line 31, by inserting the following language immediately after the word "system":

“or any operator utilizing a microphone or headset in conjunction with a telephone”.

Respectfully submitted,

REPRESENTATIVE UCCI

=====

LC01504/4

=====

Representatives Ucci, Costantino, Ehrhardt, Caprio, Melo, Giannini, Handy, Long, Trillo and Gorham discuss the amendment.

The motion to amend prevails on a roll call vote 33 members voting in the affirmative and 31 members voting in the negative as follows:

YEAS - 33: Representatives Amaral, Brien, Caprio, Coaty, Corvese, Dennigan, DeSimone, Ehrhardt, Fellela, Flaherty, Gablinske, Giannini, Gorham, Kennedy, Lima, Long, Loughlin, McManus, Menard, Moffitt, Petrarca, Rose, Savage, Scott, Smith, Story, Sullivan, Trillo, Ucci, Wasylyk, Watson, Williams, Winfield.

NAYS - 31: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Church, Coderre, Costantino, Diaz, Ferri, Fox, Gallison, Handy, Jackson, Kilmartin, Lally, Lewiss, Malik, Mattiello, McNamara, Melo, Naughton, O'Neill, Pacheco, Rice, San Bento, Serpa, Shanley, Silva, Slater, Vaudreuil, Walsh, Williamson.

REQUEST

Representative Corvese requests to change his vote on the last amendment. Representative Watson objects.

Representative Corvese moves to reconsider (LC01504/4), seconded by Williamson.

The motion to reconsider prevails on a roll call vote 40 members in the affirmative and 27 members voting in the negative as follows:

YEAS - 40: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ferri, Fox, Gallison, Gemma, Handy, Jackson, Kilmartin, Lally, Lewiss, Lima, Malik, Mattiello, McNamara, Melo, Naughton, O'Neill, Pacheco, Rice, San Bento, Serpa, Shanley, Silva, Singleton, Slater, Sullivan, Vaudreuil, Walsh, Williamson.

NAYS - 27: Representatives Amaral, Caprio, Coaty, Ehrhardt, Fellela, Flaherty, Gablinske, Gorham, Kennedy, Long, Loughlin, McManus, Menard, Moffitt, Mumford, Petrarca, Rose, Savage, Scott, Smith, Story, Trillo, Ucci, Wasylyk, Watson, Williams, Winfield.

The motion to amend (LC 01504/4) fails on a roll call vote 30 members voting in the affirmative and 38 members voting in the negative as follows:

YEAS - 30: Representatives Amaral, Caprio, Coaty, Ehrhardt, Fellela, Flaherty, Gablinske, Gemma, Giannini, Gorham, Kennedy, Long, Loughlin, McManus, Menard, Moffitt, Mumford, Petrarca, Savage, Scott, Singleton, Smith, Story, Sullivan, Trillo, Ucci, Wasylyk, Watson, Williams, Winfield.

NAYS - 38: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ferri, Fox,

Gallison, Handy, Jackson, Kilmartin, Lally, Lewiss, Lima, Malik, Mattiello, McNamara, Melo, Naughton, O'Neill, Pacheco, Rice, Rose, San Bento, Serpa, Shanley, Silva, Slater, Vaudreuil, Walsh, Williamson.

The article is read and prevails, as amended, on a roll call vote 62 members voting in the affirmative and 5 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, DeSimone, Diaz, Ehrhardt, Fellela, Ferri, Fox, Gablinske, Gallison, Giannini, Handy, Jackson, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Vaudreuil, Walsh, Wasylyk, Williams, Williamson.

NAYS - 5: Representatives Flaherty, Kennedy, Menard, Ucci, Winfield.

ARTICLE 13 RELATING TO TIPPING FEES

Representative Lewiss moves passage of the article, seconded by Representatives Rose, Walsh and many other members of the House.

The article is read and prevails on a roll call vote 70 members voting in the affirmative and 0 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, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Petrarca, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

ARTICLE 14 RELATING TO MUNICIPAL FINANCES

Representative Lewiss moves passage of the article, seconded by Representatives Church, Coderre, and many other members of the House.

The article is read and prevails on a roll call vote 67 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 67: 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, Giannini, Gorham,

Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Palumbo, Petrarca, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasyluk, Williams, Winfield.

NAYS - 0.

ARTICLE 15 RELATING TO STATE AID

Representative Lewiss moves passage of the article, seconded by Representatives Fox, Costantino, and many other members of the House.

By unanimous consent, Representative Costantino seconded by Representative Fox offers a written motion to amend.

FLOOR AMENDMENT TO 2008 -- H 7390 SUBSTITUTE A

AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009

Mr. Speaker:

I hereby move to amend 2008 -- H 7390 SUBSTITUTE A, entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009", as follows:

1. In Article 15, on page 5, by deleting lines 26 through 34 in their entirety.
2. In Article 15, page 6, by deleting lines 1 through 34, inclusive.
3. In Article 15, page 7, by deleting lines 1 through 24, inclusive and inserting in place thereof the following language:

"SECTION 3. Section 29-6-3 of the General Laws in Chapter 29-6 entitled "State Aid to Libraries" is hereby amended to read as follows:

29-6-3. Eligibility requirements -- Municipalities. -- (a) To qualify for state aid under section 29-6-2, a city or town shall:

(1) Appropriate from local tax revenues an amount not less than the amount appropriated the previous year from local tax revenues and expended for library operating expenses-, except in the fiscal year ending June 30, 2009, during which the amount appropriated from local tax revenues is not less than eighty percent (80%) of the amount appropriated from the previous year from local tax revenues and expended for library operating systems. The appropriation would exclude any state funds received for public library services. Any funds received from the state shall not be used to supplant funds from local tax revenues;

(2) In the case of a city or town having more than one free public library therein, submit or cause to be submitted to the department of state library services a plan for the allotment or division of the proposed state aid among the free public libraries in the city or town. The plan shall be developed by agreement among the free public libraries of the city or town;

(3) Submit or cause to be submitted to the department of state library services evidence that free public libraries in the city or town meet standards of service as set forth in regulations to

be made by the director of state library services pursuant to the provisions of chapter 3.1 of this title or that the regulations are inappropriate for that library;

(4) Submit or cause to be submitted a plan describing how the public library or libraries plan to address one or more of the priorities established by the department of state library services.

(b) The director of state library services upon application and for cause shown may authorize an annual grant-in-aid under section 29-6-2, or a portion thereof, to a city or town not fully meeting the requirements set forth in paragraphs (1) -- (3) of this subsection.

(c) Decisions as to the eligibility of cities and towns for grants-in-aid under this chapter, and the amounts of the grants-in-aid, shall be made by the director of state library services.

(d) The director of the department of state library services shall require a preservation plan from any public library which receives an appropriation from the state of Rhode Island which states the preservation needs and objectives of the library for the coming fiscal year. The plan shall include, but not be limited to: condition of materials, assessment of building and environmental controls, and preservation measures to be taken.

(e) The director of the department of state library services shall require a disaster preparedness plan from any public library which receives an appropriation from the state of Rhode Island which states the plan of action to be taken in the event of a natural or human made disaster. The plan shall be in accordance with a suggested plan published by the department. The plan shall be submitted no later than January 1, 1993 and shall be updated yearly."

Respectfully submitted,

REPRESENTATIVE COSTANTINO

=====
LC01508/4
=====

Representatives Costantino and Loughlin discuss the amendment.

The motion to amend prevails on a roll call vote 68 members voting in the affirmative and 0 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, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Palumbo, Petrarca, Rice, Rose, San Bento, Savage, Scott, Segal, Shanley, Silva, Singleton, Slater, Story, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Winfield.

NAYS - 0.

The article is read and prevails, as amended, on a roll call vote 70 members voting in the affirmative and 0 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, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Palumbo, Petrarca, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Winfield.

NAYS - 0.

ARTICLE 16 RELATING TO THE RHODE ISLAND WORKS PROGRAM

Representative Slater moves passage of the article, seconded by Representatives Gemma, Fox, Pacheco, and Costantino.

By unanimous consent, Representative Costantino seconded by Representatives Fox and Mumford offers a written motion to amend.

F L O O R A M E N D M E N T T O 2008 -- H 7390 SUBSTITUTE A

AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009

Mr. Speaker:

I hereby move to amend 2008 -- H 7390 SUBSTITUTE A, entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009", as follows:

(1) In Article 16, page 1, by removing from the article all of the language appearing after the title of the article.

(2) In Article 16, by removing from the article all of the language on pages 2 through 36 inclusive and inserting in place thereof the following:

SECTION 1. Title 40 of the General Laws entitled "HUMAN SERVICES" is hereby amended by adding thereto the following chapter:

CHAPTER 5.2 THE RHODE ISLAND WORKS PROGRAM

40-5.2-1. Short title. -- This chapter is hereby entitled "The Rhode Island Works Program", and is Rhode Island's welfare to work program.

40-5.2-2. The Rhode Island Works Program. -- Statement of Purpose. (a) The purpose of the Rhode Island Works Program is to help parents who are eligible for cash assistance to support their children by preparing for, accepting and retaining employment. It is the intent of the Rhode Island general assembly that the Rhode Island Works Program shall provide employment and support services along with temporary cash assistance so that parents can participate in the workforce rather than depend on public assistance to support themselves and

their children.

(b) Under this law, parents are mandated to enter into an employment plan, as a condition of eligibility for cash assistance, and unless they are found to be temporarily exempt from the work requirements, they must participate in intensive employment services at the department of labor and training as the first step in their employment plan. Because it is believed that employment is the most effective anti-poverty measure, all activities and services provided through the Rhode Island Works Program are designed to promote economic independence through employment and the development of employment skills and to strengthen families through parental responsibility and short-term assistance.

40-5.2-3. Legislative Intent. -- (a) It is the intent of the general assembly to fundamentally change the public assistance program formerly known as the Family Independence Program in order to provide temporary financial assistance to eligible families with children while requiring the entry or reentry of the adult members of the family into the workplace with necessary supports as quickly as possible, and

(b) to follow the policies and guidance of the federal public assistance legislation as closely as possible, and

(c) to promote efficiencies through interdepartmental cooperation, specifically with the department of human services, the single state agency responsible for administration and implementation of this chapter. This shall include developing and implementing child support payment and enforcement, the case management system, the payment of cash assistance, issuance of food stamps, child care subsidies and medical assistance to eligible children and families in need.

(d) The department shall collaborate with community agencies and other state departments to achieve the goals of this chapter. Partners may include, but are not limited to, the:

(1) department of labor and training, which shall provide employment and training services in accordance with this chapter;

(2) department of elementary and secondary education, which provides adult education and literacy programs;

(3) Community College of Rhode Island, which provides vocational training at the postsecondary level;

(4) Rhode Island economic development corporation, which is responsible for expansion of job opportunities in the state for low-income families with children;

(5) Department of labor and training which is responsible for the planning and coordination of workforce development policy and strategies in the state's employment, education and economic development systems;

(6) department of children, youth and families which administers the child welfare services, regulates child day care providers; and is ultimately responsible for the guardianship of children at-risk;

(7) Rhode Island Housing and Mortgage Finance Corporation, which is responsible for expanding housing opportunities for low income families; and

(8) Family court, which is responsible for enforcing the support obligations of absent parents and protecting those children whose health and well-being is at risk because of an absence of family resources.

40-5.2-4. Collaboration between the department of human services and the department of labor and training. -- Promoting economic independence through the Rhode Island Works Program. (a) The department of human services, through the Rhode Island Works Program, in

collaboration with the department of labor and training, shall promote economic independence and help maintain and strengthen family life by enabling persons with dependent children to assume responsibility for their families through the dignity of work.

(b) The department of labor and training, the lead agency responsible for employment, job training and workforce development services for the State of Rhode Island, is hereby authorized to establish and provide intensive employment services to cash assistance recipients in accordance with state and federal law, regulation and funding.

(c) The intensive employment services authorized by this section shall include, but are not limited to, the provision of job skill assessment including assessment of English literacy and numeracy, job counseling, job testing, job matching, supervised job search, job development, job readiness services beyond those currently available through federal authority. Through the intensive employment services the department shall identify physical and mental challenges that indicate the participant should be referred to the Office of Rehabilitative Services (ORS) for development of a rehabilitation employment plan and/or that require accommodations in securing employment. The intensive employment services shall also include an employer outreach program to encourage the employment of Rhode Island Works Program participants in the private sector and to disseminate information regarding both federal and state tax credit programs for which public assistance recipients are eligible.

(d) The intensive employment services shall help participants identify strengths, barriers, and employment opportunities taking into account the participant's work readiness and employment history as well as vocational training that can increase the participant's earning ability. The department of labor and training shall provide personnel qualified to manage and oversee structured job search activities of program participants that result in employment, including part-time, at or above the state minimum wage, as quickly as possible, and/or within the time frames permissible under federal guidelines applicable to the Works Program cash assistance program.

(e) Intensive employment services shall be delivered jointly through co-location of staff from the department of labor and training and the department of human services; with primary activities being provided throughout the State's One Stop Career Centers. Where such Centers are not accessible to Rhode Island Work participants, the department of labor and training and the department of human services shall work in collaboration to identify alternative sites.

(f) The department of human services and the department of labor and training are hereby authorized to operate or contract for work readiness activities and intensive work readiness activities for those individuals whose employment plan includes participation in such activities. Work readiness activities are of limited duration, and are designed to help prepare participants for work by assuring that participants are familiar with general workplace expectations and exhibit work behavior and attitudes necessary to compete successfully in the labor market. To the extent practicable, work readiness activities should involve supervised community work experience or unpaid work experiences in the private sector. Intensive work readiness services include activities that are designed to prepare participants who have limited literacy and work history with the minimum skills necessary to achieve entry level employment.

(g) The department of labor and training and the department of human services may collaborate on the delivery of short-term training vouchers for parents/participants approved for such service, the development of unpaid work experience and community service programs, and the oversight of any performance-based work programs which are subcontracted to meet the special needs of hard-to-employ parents/participants who receive temporary cash assistance

under this chapter.

(h) If during intensive employment services, a parent/participant in the program is assessed as being more likely to succeed in competitive employment if first provided a short-term intensive intervention, the department of human services and the department of labor and training staff may jointly define next steps.

(i) The Rhode Island department of labor and training shall continuously survey employers in the state to identify employment positions for persons eligible for family assistance.

(j) The department of human services and the department of labor and training shall establish performance standards for the intensive employment services available through the Works Program to ensure that the goals of this act are met and that the State meets the federal work participation requirements.

40-5.2-5. Rhode Island Works. -- The department of human services and the department of labor and training shall promote work by:

(a) providing assessments, intensive employment services, support services, and transitional cash assistance with the expectation that participants in the Works Program move quickly towards employment.

(b) developing stronger employment skills that will lead to self-sufficiency to establish long-term attachment to the workforce.

(c) recognizing the equal responsibility of both parents to provide economic support for their children.

40-5.2-6. Goals. -- The Rhode Island Works Program shall strive to: (a) eliminate or reduce the harmful effects of poverty on families and children by fostering employment and opportunity as a means to economic independence;

(b) assist participants to gain employment as rapidly as possible, given due consideration to individual circumstances, labor market conditions, the needs of the dependent children for continuing care and protection, and the ultimate goal of long-term economic independence;

(c) eliminate the stigma of welfare by promoting a philosophy and a perception that the purpose of welfare is to eliminate or reduce the harmful effects of poverty on families and children by promoting work opportunities for all Rhode Island residents;

(d) support and coordinate with activities that promote self-sufficiency and strengthen family life;

(e) provide a comprehensive support service package that includes: child support, medical assistance, food stamps, child care, transportation, and other support services necessary to promote economic independence;

(f) promote successful transition from public assistance to employment and reduce the likelihood that participants will need to return to cash assistance through the provision of job readiness activities, employment related skills training, and education activities concurrently with or as necessary, prior to employment or seeking employment, family support skills, and follow-up services for problem resolution and job advancement;

(g) develop partnerships through the joint efforts of the department of labor and training and the department of human services with employers to create job opportunities and meet the needs of both employers and participants;

(h) develop partnerships with the Office of Adult Education to provide full-time intensive work readiness services to participants with limited literacy and work experience as well as part-time adult education services that are accessible to working participants so they can increase

their earning ability;

(i) provide a program where it is more advantageous to work than not to work by rewarding self-sufficiency; and

(j) implement a program that is clear, focused, and simple to administer.

40-5.2-7. Work Participation Rates. -- (a) The director of the department of human services and the director of the department of labor and training, to the extent that federal Temporary Assistance to Needy Families (TANF) funds are made available, shall commit their department resources and focused efforts to meet the federal TANF work participation rate requirements.

(b) In the event that there are changes in the federal TANF program, the department of human services shall seek support through the general assembly to make all necessary changes and shall take all necessary steps to comply with the federal law.

(c) The Works program cash assistance program administered according to this chapter is designed to meet or exceed the minimum federal TANF required participation rate for all families.

40-5.2-8 Definitions. -- (a) As used in this chapter, the following terms having the meanings set forth herein, unless the context in which such terms are used clearly indicates to the contrary:

(1) "Applicant" means a person who has filed a written application for assistance for herself/himself and her/his dependent child(ren). An applicant may be a parent or non parent caretaker relative.

(2) "Assistance" means cash and any other benefits provided pursuant to this chapter.

(3) "Assistance Unit" means the assistance filing unit consisting of the group of persons, including the dependent child(ren), living together in a single household who must be included in the application for assistance and in the assistance payment if eligibility is established. An assistance unit may be the same as a family.

(4) "Benefits" shall mean assistance received pursuant to this chapter.

(5) "Community Service Programs" means structured programs and activities in which cash assistance recipients perform work for the direct benefit of the community under the auspices of public or nonprofit organizations. Community service programs are designed to improve the employability of recipients not otherwise able to obtain paid employment.

(6) "Department" means the department of human services.

(7) "Dependent Child" means an individual, other than an individual with respect to whom foster care maintenance payments are made, who is: (A) under the age of eighteen (18); or (B) under the age of nineteen (19) and a full-time student in a secondary school (or in the equivalent level of vocational or educational training), if before he or she attains age nineteen (19), he or she may reasonably be expected to complete the program of such secondary school (or such training).

(8) "Director" means the director of the department of human services.

(9) "Earned income" means income in cash or the equivalent received by a person through the receipt of wages, salary, commissions, or profit from activities in which the person is self-employed or as an employee and before any deductions for taxes.

(10) "Earned income tax credit" means the credit against federal personal income tax liability under § 32 of the Internal Revenue Code of 1986, 26 U.S.C. § 32, or any successor section, the advanced payment of the earned income tax credit to an employee under § 3507 of the code, 26 U.S.C. § 3507, or any successor section and any refund received as a result of the

earned income tax credit, as well as any refundable state earned income tax credit.

(11) "Education directly related to employment" means education, in the case of a participant who has not received a high school diploma or a certificate of high school equivalency, related to a specific occupation, job, or job offer.

(12) "Family" means: (A) a pregnant woman from and including the seventh month of her pregnancy; or (B) a child and the following eligible persons living in the same household as the child: (C) each biological, adoptive or stepparent of the child, or in the absence of a parent, any adult relative who is responsible, in fact, for the care of such child; and (D) the child's minor siblings (whether of the whole or half blood); provided, however, that the term "family" shall not include any person receiving benefits under title XVI of the Social Security Act, 42 U.S.C. § 1381 et seq. A family may be the same as the assistance unit.

(13) "Gross earnings" means earnings from employment and self-employment further described in the department of human services rules and regulations.

(14) "Individual Employment Plan" means a written, individualized plan for employment developed jointly by the applicant and the department of human services that specifies the steps the participant shall take toward long-term economic independence developed in accordance with subsection 40-5.2-10(e). A participant must comply with the terms of the individual employment plan as a condition of eligibility in accordance with subsection 40-5.2-10(e) of this chapter.

(15) "Job Search and Job Readiness" means the mandatory act of seeking or obtaining employment by the participant, or the preparation to seek or obtain employment.

In accord with federal requirements, job search activities must be supervised by the department of labor and training and must be reported to the department of human services in accordance with TANF work verification requirements.

Except in the context of rehabilitation employment plans, and special services provided by the department of children, youth and families, job search and job readiness activities are limited to four (4) consecutive weeks, or for a total of six (6) weeks in a twelve (12) month period, with limited exceptions as defined by the department. The department of human services in consultation with the department of labor and training shall extend job search, and job readiness assistance for up to twelve (12) weeks in a fiscal year if a state has an unemployment rate at least fifty percent (50%) greater than the United States unemployment rate if the state meets the definition of a "needy state" under the contingency fund provisions of federal law.

Preparation to seek employment, or job readiness, may include, but may not be limited to, the participant obtaining life skills training, homelessness services, domestic violence services, special services for families provided by the department of children youth and families, substance abuse treatment, mental health treatment, or rehabilitation activities as appropriate for those who are otherwise employable. Such services, treatment or therapy must be determined to be necessary and certified by a qualified medical or mental health professional. Intensive work readiness services may include work-based literacy, numeracy, hands-on training, work experience and case management services. Nothing in this section shall be interpreted to mean that the department of labor and training shall be the sole provider of job readiness activities described herein.

(16) "Job skills training directly related to employment" means training or education for job skills required by an employer to provide an individual with the ability to obtain employment or to advance or adapt to the changing demands of the workplace. Job skills training directly related to employment must be supervised on an ongoing basis.

(17) "Net income" means the total gross income of the assistance unit less allowable disregards and deductions as described in subsection 40-5.2-10(g).

(18) "Minor parent" means a parent under the age of eighteen (18). A minor parent may be an applicant or recipient with his or her dependent child(ren) in his/her own case or a member of an assistance unit with his or her dependent child(ren) in a case established by the minor parent's parent.

(19) "On-the-job-training" means training in the public or private sector that is given to a paid employee while he or she is engaged in productive work and that provides knowledge and skills essential to the full and adequate performance of the job. On-the-job training must be supervised by an employer, work site sponsor, or other designee of the department of human services on an ongoing basis.

(20) "Participant" means a person who has been found eligible for assistance in accordance with this chapter and who must comply with all requirements of this chapter, and has entered into an individual employment plan. A participant may be a parent or non-parent caretaker relative included in the cash assistance payment.

(21) "Recipient" means a person who has been found eligible and receives cash assistance in accordance with this chapter.

(22) "Relative" means a parent, stepparent, grandparent, great grandparent, great-great grandparent, aunt, great aunt, great-great aunt, uncle, great-uncle, great-great uncle, sister, brother, stepbrother, stepsister, half-brother, half-sister, first cousin, first cousin once removed, niece, great niece, great-great niece, nephew, great nephew, or great-great nephew.

(23) "Resident" means a person who maintains residence by his or her continuous physical presence in the state.

(24) "Self-employment income" means the total profit from a business enterprise, farming, etc., resulting from a comparison of the gross receipts with the business expenses, i.e., expenses directly related to producing the goods or services and without which the goods or services could not be produced. However, items such as depreciation, personal business and entertainment expenses, and personal transportation are not considered business expenses for the purposes of determining eligibility for cash assistance in accordance with this chapter.

(25) "State" means the State of Rhode Island and Providence Plantations.

(26) "Subsidized employment" means employment in the private or public sectors for which the employer receives a subsidy from TANF or other public funds to offset some or all of the wages and costs of employing a recipient. It includes work in which all or a portion of the wages paid to the recipient are provided to the employer either as a reimbursement for the extra costs of training or as an incentive to hire the recipient, including, but not limited to, grant diversion.

(27) "Subsidized housing" means housing for a family whose rent is restricted to a percentage of its income.

(28) "Unsubsidized employment" means full or part-time employment in the public or private sector that is not subsidized by TANF or any other public program.

(29) "Vocational Educational Training" means organized educational programs, not to exceed twelve (12) months with respect to any participant, that are directly related to the preparation of participants for employment in current or emerging occupations. Vocational educational training must be supervised.

(30) "Work experience" means a work activity that provides a participant with an opportunity to acquire the general skills, training, knowledge, and work habits necessary to

obtain employment. The purpose of work experience is to improve the employability of those who cannot find unsubsidized employment. An employer, work site sponsor, and/or other appropriate designee of the department must supervise this activity.

(31) "Work Supplementation" also known as "Grant Diversion" means the use of all or a portion of a participant's cash assistance grant and food stamp grant as a wage supplement to an employer. Such a supplement shall be limited to a maximum period of twelve (12) months. An employer must agree to continue the employment of the participant as part of the regular work force, beyond the supplement period, if the participant demonstrates satisfactory performance.

(32) "Work Activities" mean the specific work requirements which must be defined in the individual employment plan and must be complied with by the participant as a condition of eligibility for the receipt of cash assistance for single and two (2) family households outlined in section 40-5.2-12 of this chapter.

40-5.2-9. The Rhode Island Works Program. -- General eligibility requirements. (a) All families who wish to make application to the department of human services for assistance under this chapter shall have the opportunity to do so.

(b) Cash assistance shall be provided to eligible needy families only with dependent children who meet all the requirements of this chapter.

(c) Eligibility for benefits provided in accordance with this chapter is determined on a family or assistance unit basis.

(d) The following persons shall be included in the assistance unit, unless such person receives state supplemental assistance or supplemental security benefits under Title XVI of the Social Security Act, if living in the same household with any dependent child: all minor blood-related, step, or adoptive brothers and sisters, and all natural, step, or adoptive parents of such children, including cohabitating adults who share a minor child.

(e) A minor parent may be in the assistance unit which may also include all natural, step, or adoptive parents of the minor parent and all minor blood-related, step or adoptive brothers and sisters.

(f) If the parents are not residing together a child shall be considered residing with the parent who has physical custody of the child the majority of the time. If the child resides with the parents in their separate households, equal time, the parent who applies for assistance for that child first in time shall be the eligible parent.

(g) Each person in the assistance unit shall develop all potential sources of income for which such person may be eligible. Each person shall apply for such income, cooperate in applying for such income, and accept the income if eligible.

(h) Eligibility for cash assistance exists if the assistance unit's net income is less than the payment standard for the assistance group size.

40-5.2-10. Necessary requirements and conditions. -- The following requirements and conditions shall be necessary to establish eligibility for the program.

(a) Citizenship, alienage and residency requirements.

(1) A person shall be a resident of the State of Rhode Island.

(2) Effective October 1, 2008 a person shall be a United States citizen, or shall meet the alienage requirements established in section 402(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PRWORA, Public Laws No. 104-193 and as that section may hereafter be amended; a person who is not a United States citizen and does not meet the alienage requirements established in PRWORA, as amended, is not eligible for cash assistance in accordance with this chapter.

(b) The family/assistance unit must meet any other requirements established by the department of human services by rules and regulations adopted pursuant to the Administrative Procedures Act, as necessary to promote the purpose and goals of this chapter.

(c) Receipt of cash assistance is conditional upon compliance with all program requirements.

(d) All individuals domiciled in this state shall be exempt from the application of subdivision 115(d)(1)(A) of Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PRWORA, which makes any individual ineligible for certain state and federal assistance if that individual has been convicted under federal or state law of any offense which is classified as a felony by the law of the jurisdiction and which has as an element the possession, use, or distribution of a controlled substance as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

(e) Individual employment plan as a condition of eligibility.

(1) Following receipt of an application, the department of human services shall assess the financial conditions of the family, including the non-parent caretaker relative who is applying for cash assistance for himself or herself as well as for the minor child(ren), in the context of an eligibility determination. If a parent or non parent caretaker relative is unemployed or under-employed, the department shall conduct an initial assessment, taking into account: (A) the physical capacity, skills, education, work experience, health, safety, family responsibilities and place of residence of the individual; and (B) the child care and supportive services required by the applicant to avail himself or herself of employment opportunities and/or work readiness programs.

(2) On the basis of such assessment, the department of human services, in consultation with the applicant, shall develop an individual employment plan for the family which requires the individual to participate in the intensive employment services provided by the department of labor and training.

(3) The director, or his/her designee, may assign a case manager to an applicant/participant, as appropriate.

(4) The department of labor and training and the department of human services in conjunction with the participant shall develop a revised individual employment plan which shall identify employment objectives, taking into consideration factors above, and shall include a strategy for immediate employment and for preparing for, finding, and retaining employment consistent, to the extent practicable, with the individual's career objectives.

(5) The individual employment plan must include the provision for the participant to engage in work requirements as outlined in section 40-5.2-12 of this chapter.

(6)(A) The participant shall attend and participate immediately in intensive assessment and employment services as the first step in the individual employment plan at the Rhode Island department of labor and training, unless temporarily exempt from this requirement in accordance with this chapter.

(B) Parents under age twenty (20) without a high school diploma or General Equivalency Diploma (GED) shall be referred to special teen parent programs which will provide intensive services designed to assist teen parent to complete high school education or GED, and to continue approved work plan activities in accord with Works program requirements.

(7) The applicant shall become a participant in accordance with this chapter at the time the individual employment plan is signed and entered into.

(8) Applicants and participants of the Rhode Island Work Program shall agree to comply

with the terms of the individual employment plan, and shall cooperate fully with the steps established in the individual employment plan, including the work requirements.

(9) The department of human services has the authority under the chapter to require attendance by the applicant/participant, either at the department of human services or at the department of labor and training, at appointments deemed necessary for the purpose of having the applicant enter into and become eligible for assistance through the Rhode Island Work Program. Said appointments include, but are not limited to, the initial interview, orientation and assessment; job readiness and job search. Attendance is required as a condition of eligibility for cash assistance in accordance with rules and regulations established by the department.

(10) As a condition of eligibility for assistance pursuant to this chapter, the applicant/participant shall be obligated to keep appointments, attend orientation meetings at the department of human services and/or the Rhode Island department of labor and training, participate in any initial assessments or appraisals and comply with all the terms of the individual employment plan in accordance with department of human service rules and regulations.

(11) A participant, including a parent or non-parent caretaker relative included in the cash assistance payment, shall not voluntarily quit a job or refuse a job unless there is good cause as defined in this chapter or the department's rules and regulations.

(12) A participant who voluntarily quits or refuses a job without good cause, as defined in subsection 40-5.2-12(1), while receiving cash assistance in accordance with this chapter, shall be sanctioned in accordance with rules and regulations promulgated by the department.

(f) Resources. (1) The Family or assistance unit's countable resources shall be less than the allowable resource limit established by the department in accordance with this chapter.

(2) No family or assistance unit shall be eligible for assistance payments if the combined value of its available resources (reduced by any obligations or debts with respect to such resources) exceeds one thousand dollars (\$1,000).

(3) For purposes of this subsection, the following shall not be counted as resources of the family/assistance unit in the determination of eligibility for the works program:

(A) The home owned and occupied by a child, parent, relative or other individual;

(B) Real property owned by a husband and wife as tenants by the entirety, if the property is not the home of the family and if the spouse of the applicant refuses to sell his or her interest in the property;

(C) Real property which the family is making a good faith effort to dispose of, however, any cash assistance payable to the family for any such period shall be conditioned upon such disposal of the real property within six (6) months of the date of application and any payments of assistance for that period shall (at the time of disposal) be considered overpayments to the extent that they would not have occurred at the beginning of the period for which the payments were made. All overpayments are debts subject to recovery in accordance with the provisions of the chapter;

(D) Income producing property other than real estate including, but not limited to, equipment such as farm tools, carpenter's tools and vehicles used in the production of goods or Services which the department determines are necessary for the family to earn a living;

(E) One vehicle for each adult household member, but not to exceed two (2) vehicles per household, and in addition, a vehicle used primarily for income producing purposes such as, but not limited to, a taxi, truck or fishing boat; a vehicle used as a family's home; a vehicle which annually produces income consistent with its fair market value, even if only used on a seasonal basis; a vehicle necessary to transport a family member with a disability where the vehicle is

pecially equipped to meet the specific needs of the person with a disability or if the vehicle is a special type of vehicle that makes it possible to transport the person with a disability;

(F) Household furnishings and appliances, clothing, personal effects and keepsakes of limited value;

(G) Burial plots (one for each child, relative, and other individual in the assistance unit), and funeral arrangements;

(H) For the month of receipt and the following month, any refund of federal income taxes made to the family by reason of § 32 of the Internal Revenue Code of 1986, 26 U.S.C. § 32 (relating to earned income tax credit), and any payment made to the family by an employer under § 3507 of the Internal Revenue Code of 1986, 26 U.S.C. § 3507 (relating to advance payment of such earned income credit);

(I) The resources of any family member receiving supplementary security income assistance under the Social Security Act, 42 U.S.C. § 301 et seq.

(g) Income. (1) Except as otherwise provided for herein, in determining eligibility for and the amount of cash assistance to which a family is entitled under this chapter, the income of a family includes all of the money, goods, and services received or actually available to any member of the family.

(2) In determining the eligibility for and the amount of cash assistance to which a family/assistance unit is entitled under this chapter, income in any month shall not include the first one hundred seventy dollars (\$170) of gross earnings plus fifty percent (50%) of the gross earnings of the family in excess of one hundred seventy dollars (\$170) earned during the month.

(3) The income of a family shall not include:

(A) The first fifty dollars (\$50.00) in child support received in any month from each non-custodial parent of a child plus any arrearages in child support (to the extent of the first fifty dollars (\$50.00) per month multiplied by the number of months in which the support has been in arrears) which are paid in any month by a non-custodial parent of a child;

(B) Earned income of any child;

(C) Income received by a family member who is receiving supplemental security income (SSI) assistance under Title XVI of the Social Security Act, 42 U.S.C. § 1381 et seq.;

(D) The value of assistance provided by state or federal government or private agencies to meet nutritional needs, including: value of USDA donated foods; value of supplemental food assistance received under the Child Nutrition Act of 1966, as amended and the special food service program for children under Title VII, nutrition program for the elderly, of the Older Americans Act of 1965 as amended, and the value of food stamps;

(E) Value of certain assistance provided to undergraduate students, including any grant or loan for an undergraduate student for educational purposes made or insured under any loan program administered by the U.S. Commissioner of Education (or the Rhode Island board of governors for higher education or the Rhode Island higher educational assistance authority);

(F) Foster Care Payments;

(G) Home energy assistance funded by state or federal government or by a nonprofit organization;

(H) Payments for supportive services or reimbursement of out-of-pocket expenses made to foster grandparents, senior health aides or senior companions and to persons serving in SCORE and ACE and any other program under Title II and Title III of the Domestic Volunteer Service Act of 1973, 42 U.S.C. § 5000 et seq.;

(I) Payments to volunteers under AmeriCorps VISTA as defined in the department's rules

and regulations;

(J) Certain payments to native Americans; payments distributed per capita to, or held in trust for, members of any Indian Tribe under P.L. 92-254, 25 U.S.C. § 1261 et seq., P.L. 93-134, 25 U.S.C. § 1401 et seq., or P.L. 94-540; receipts distributed to members of certain Indian tribes which are referred to in § 5 of P.L. 94-114, 25 U.S.C. § 459d, that became effective October 17, 1975;

(K) Refund from the federal and state earned income tax credit;

(L) The value of any state, local, or federal government rent or housing subsidy, provided that this exclusion shall not limit the reduction in benefits provided for in the payment standard section of this chapter.

(4) The receipt of a lump sum of income shall affect participants for cash assistance in accordance with rules and regulations promulgated by the department.

(h) Time limit on the receipt of cash assistance. (1) No cash assistance shall be provided, pursuant to this chapter, to a family or assistance unit which includes an adult member who has received cash assistance, either for him/herself or on behalf of his/her children, for a total of twenty-four (24) months, (whether or not consecutive) within any sixty (60) continuous months to include any time receiving any type of cash assistance in any other state or territory of the United States of America as defined herein. Provided further, in no circumstances other than provided for in section (3) below with respect to certain minor children, shall cash assistance be provided pursuant to this chapter to a family or assistance unit which includes an adult member who has received cash assistance for a total of a lifetime limit of forty-eight (48) months.

(2) Cash benefits received by a minor dependent child shall not be counted toward their lifetime time limit for receiving benefits under this chapter should that minor child apply for cash benefits as an adult.

(3) Certain minor children not subject to time limit. This section regarding the lifetime time limit for the receipt of cash assistance, shall not apply only in the instances of a minor child(ren) living with a parent who receives SSI benefits and a minor child(ren) living with a responsible adult non-parent caretaker relative who is not in the case assistance payment.

(4) Receipt of family cash assistance in any other state or territory of the United States of America shall be determined by the department of human services and shall include family cash assistance funded in whole or in part by Temporary Assistance for Needy Families (TANF) funds [Title IV-A of the Federal Social Security Act 42 U.S.C. section 601 et seq.] and/or family cash assistance provided under a program similar to the Rhode Island Families Work and Opportunity Program or the federal TANF program.

(5)(A) The department of human service shall mail a notice to each assistance unit when the assistance unit has six (6) months of cash assistance remaining and each month thereafter until the time limit has expired. The notice must be developed by the department of human services and must contain information about the lifetime time limit, the number of months the participant has remaining, the hardship extension policy, the availability of a post-employment-and-closure bonus, and any other information pertinent to a family or an assistance unit nearing either the twenty-four (24) month or forty-eight (48) month lifetime time limit.

(B) For applicants who have less than six (6) months remaining in either the twenty-four (24) month or forty-eight (48) month lifetime time limit because the family or assistance unit previously received cash assistance in Rhode Island or in another state, the department shall notify the applicant of the number of months remaining when the application is approved and begin the process required in paragraph (A) above.

(6) If a cash assistance recipient family closed pursuant to Rhode Island's Temporary Assistance for Needy Families Program, (federal TANF described in Title IV A of the Federal Social Security Act, 42 U.S.C. 601 et seq.) formerly entitled the Rhode Island Family Independence Program, more specifically under subdivision 40-5.1-9(2)(c), due to sanction because of failure to comply with the cash assistance program requirements; and that recipients family received forty-eight (48) months of cash benefits in accordance with the Family Independence Program, than that recipient family is not able to receive further cash assistance for his/her family, under this chapter, except under hardship exceptions.

(7) The months of state or federally funded cash assistance received by a recipient family since May 1, 1997 under Rhode Island's Temporary Assistance for Needy Families Program, (federal TANF described in Title IV A of the Federal Social Security Act, 42 U.S.C. 601 et seq.) formerly entitled the Rhode Island Family Independence Program, shall be countable toward the time limited cash assistance described in this chapter.

(i) Time limit on the receipt of cash assistance. (1)(A) No cash assistance shall be provided, pursuant to this chapter, to a family assistance unit in which an adult member has received cash assistance for a total of sixty (60) months (whether or not consecutive) to include any time receiving any type of cash assistance in any other state or territory of the United States as defined herein effective August 1, 2008. Provided further, that no cash assistance shall be provided to a family in which an adult member has received assistance for twenty-four (24) consecutive months unless the adult member has a rehabilitation employment plan as provided in subsection 40-5.2-12(g)(5).

(B) Effective August 1, 2008 no cash assistance shall be provided pursuant to this chapter to a family in which a child has received cash assistance for a total of sixty (60) months (whether or not consecutive) if the parent is ineligible for assistance under this chapter pursuant to subdivision 40-5.2(a)(2) to include any time received any type of cash assistance in any other state or territory of the United States as defined herein.

(j) Hardship Exceptions. (1) The department may extend an assistance unit's or family's cash assistance beyond the time limit, by reason of hardship; provided, however, that the number of such families to be exempted by the department with respect to their time limit under this subsection shall not exceed twenty percent (20%) of the average monthly number of families to which assistance is provided for under this chapter in a fiscal year; provided, however, that to the extent now or hereafter permitted by federal law, any waiver granted under section 40-5.2-35, for domestic violence, shall not be counted in determining the twenty percent (20%) maximum under this section.

(2) Parents who receive extensions to the time limit due to hardship must have and comply with employment plans designed to remove or ameliorate the conditions that warranted the extension.

(k) Parents under eighteen (18) years of age. (1) A family consisting of a parent who is under the age of eighteen (18), and who has never been married, and who has a child; or a family which consists of a woman under the age of eighteen (18) who is at least six (6) months pregnant, shall be eligible for cash assistance only if such family resides in the home of an adult parent, legal guardian or other adult relative. Such assistance shall be provided to the adult parent, legal guardian, or other adult relative on behalf of the individual and child unless otherwise authorized by the department.

(2) This subsection shall not apply if the minor parent or pregnant minor has no parent, legal guardian or other adult relative who is living and/or whose whereabouts are unknown; or

the department determines that the physical or emotional health or safety of the minor parent, or his or her child, or the pregnant minor, would be jeopardized if he or she was required to live in the same residence as his or her parent, legal guardian or other adult relative (refusal of a parent, legal guardian or other adult relative to allow the minor parent or his or her child, or a pregnant minor, to live in his or her home shall constitute a presumption that the health or safety would be so jeopardized); or the minor parent or pregnant minor has lived apart from his or her own parent or legal guardian for a period of at least one year before either the birth of any child to a minor parent or the onset of the pregnant minor's pregnancy; or there is good cause, under departmental regulations, for waiving the subsection; and the individual resides in supervised supportive living arrangement to the extent available.

(3) For purposes of this section "supervised supportive living arrangement" means an arrangement which requires minor parents to enroll and make satisfactory progress in a program leading to a high school diploma or a general education development certificate, and requires minor parents to participate in the adolescent parenting program designated by the department, to the extent the program is available; and provides rules and regulations which ensure regular adult supervision.

(1) Assignment and Cooperation. As a condition of eligibility for cash and medical assistance under this chapter, each adult member, parent or caretaker relative of the family/assistance unit must:

(1) Assign to the state any rights to support for children within the family from any person which the family member has at the time the assignment is executed or may have while receiving assistance under this chapter;

(2) Consent to and cooperate with the state in establishing the paternity and in establishing and/or enforcing child support and medical support orders for all children in the family or assistance unit in accordance with Title 15 of the general laws, as amended, unless the parent or caretaker relative is found to have good cause for refusing to comply with the requirements of this subsection.

(3) Absent good cause, as defined by the department of human services through the rule making process, for refusing to comply with the requirements of (1) and (2) above, cash assistance to the family shall be reduced by twenty-five percent (25%) until the adult member of the family who has refused to comply with the requirements of this subsection consents to and cooperates with the state in accordance with the requirements of this subsection.

(4) As a condition of eligibility for cash and medical assistance under this chapter, each adult member, parent or caretaker relative of the family/assistance unit must consent to and cooperate with the state in identifying and providing information to assist the state in pursuing any third-party who may be liable to pay for care and services under Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq.

40-5.2-11. Cash Assistance. -- (a) A family or assistance unit found by the department to meet the eligibility criteria set forth in this chapter shall be eligible to receive cash assistance as of the date a signed written application, signed under a penalty of perjury, is received by the department.

(b) The family members or assistance unit shall be eligible for cash assistance for so long as they continue to meet the eligibility criteria outlined in accordance with this chapter. Parents and adult non-parent caretaker relatives receiving cash assistance shall be eligible so long as they meet the terms and conditions of the work requirements of § 40-5.2-12. An adult caretaker relative shall be eligible for assistance as a member of the assistance unit so long as he/she meets

all the eligibility requirements of this chapter.

(c) The monthly amount of cash assistance shall be equal to the payment standard for the family minus the countable income of the family in that month. The department is authorized to reduce the amount of assistance in the month of application to reflect the number of the days between the first day of the month and the effective date of the application.

(d) A decision of the application for assistance shall be made or rejected by the department no later than thirty (30) days following the date submitted and shall be effective as of the date of application.

(e) The payment standard is equal to the sum of the following: three hundred twenty-seven dollars (\$327) (two hundred seventy-seven dollars (\$277) for a family residing in subsidized housing) for the first person, one hundred twenty-two dollars (\$122) for the second person, one hundred five dollars (\$105) for the third person and eighty dollars (\$80) for each additional person.

40-5.2-12. Work requirements for receipt of cash assistance. -- (a) The department of human services and the department of labor and training shall assess the applicant/parent or non-parent caretaker relative's work experience, educational and vocational abilities, and the department together with the parent shall develop and enter into a mandatory individual employment plan in accordance with subsection 40-5.2-10(e) of this chapter.

(b) In the case of a family including two (2) parents, at least one of the parents shall be required to participate in an employment plan leading to full-time employment. The department may also require the second parent in a two (2) parent household to develop an employment plan if and when the youngest child reaches six (6) years of age or older.

(c) The written individual employment plan shall specify, at minimum, the immediate steps necessary to support a goal of long-term economic independence.

(d) All applicants and participants in the Rhode Island Works employment program must attend and participate in required appointments, employment plan development, and employment-related activities, unless temporarily exempt for reasons specified in this chapter.

(e) A recipient/participant temporarily exempted from the work requirements may participate in an individual employment plan on a voluntary basis, however, remains subject to the same program compliance requirements as a participant without a temporary exemption.

(f) The individual employment plan shall specify the participant's work activity(ies) and the supportive services which will be provided by the department to enable the participant to engage in the work activity(ies).

(g) Work Requirements for single parent families. In single parent households, the participant parent or non-parent caretaker relative in the cash assistance payment, shall participate as a condition of eligibility, for a minimum of twenty (20) hours per week if the youngest child in the home is under the age of six (6), and for a minimum of thirty (30) hours per week if the youngest child in the home is six (6) years of age or older, in one or more of their required work activities, as appropriate, in order to help the parent obtain stable full-time paid employment, as determined by the department of human services and the department of labor and training; provided, however, that he or she shall begin with intensive employment services through the department of labor and training as the first step in the individual employment plan. Required work activities are as follows:

(1) At least twenty (20) hours per week must come from participation in one or more of the following ten (10) work activities:

(A) Unsubsidized employment;

- (B) Subsidized private sector employment;
 - (C) Subsidized public sector employment;
 - (D) Work experience;
 - (E) On the Job Training;
 - (F) Job search and job readiness;
 - (G) Community service programs;
 - (H) Vocational educational training not to exceed twelve (12) months;
 - (I) Providing child care services to another participant parent who is participating in an approved community service program;
 - (J) Adult education in an intensive work readiness program not to exceed six (6) months.
- (2) Above twenty (20) hours per week, the parent may participate in one or more of the following three (3) activities in order to satisfy a thirty (30) hour requirement:
- (A) Job skills training directly related to employment;
 - (B) Education directly related to employment; and,
 - (C) Satisfactory attendance at a secondary school or in a course of study leading to a certificate of general equivalence if it is a teen parent under the age twenty (20) who is without a high school diploma or General Equivalence Diploma (GED);
- (3) In the case of a parent under the age of twenty (20), attendance at a secondary school or the equivalent during the month or twenty (20) hours per week on average for the month in education directly related to employment will be counted as engaged in work.
- (4) A parent who participates in a work experience or community service program for the maximum number of hours per week allowable by the Fair Labor Standards Act (FLSA) is deemed to have participated in his/her required minimum hours per week in core activities if actual participation falls short of his/her required minimum hours per week.
- (5) A parent who has been determined to have a physical or mental impairment affecting employment but who has not been found eligible for Social Security Disability Benefits or Supplemental Security Income must participate in his or her rehabilitation employment plan as developed with the Office of Rehabilitative Services which leads to employment and/or to receipt of disability benefits through the Social Security Administration.
- (6) A required work activity may be any other work activity permissible under federal TANF provisions or state defined Rhode Island Works Program activity, including up to ten (10) hours of activities required by a parent's department of children, youth and families service plan.
- (h) Exemptions from Work Requirements for the single parent family. Work Requirements outlined in subsection 40-5.2-12(g) above shall not apply to a single parent if (and for so long as) the department finds that he or she is:
- (1) caring for a child below the age of one, provided, however that a parent may opt for the deferral from an individual employment plan for a maximum of twelve (12) months during the twenty-four (24) months of eligibility for cash assistance, and provided further that a minor parent without a high school diploma or the equivalent, and who is not married, shall not be exempt for more than twelve weeks from the birth of the child;
 - (2) caring for a disabled family member, who resides in the home and requires full time care;
 - (3) a recipient of Social Security Disability benefits or Supplemental Security Income or other disability benefits which have the same standard of disability as defined by the Social Security Administration;
 - (4) an individual receiving assistance who is a victim of domestic violence as determined

by the department in accordance with rules and regulations:

(5) an applicant for assistance in her third trimester or a pregnant woman in her third trimester who is a recipient of assistance and has medical documentation that she cannot work;

(6) an individual otherwise exempt by the department as defined in rules and regulations promulgated by the department.

(i) Work Requirement for two parent families.(1)In families consisting of two parents, one parent is required and shall be engaged in work activities as defined below, for at least thirty-five (35) hours per week during the month, not fewer than thirty (30) hours per week of which are attributable to one or more of the following listed work activities, provided, however, that he or she shall begin with intensive employment services through the department of labor and training as the first step in the Individual Employment Plan. Two parent work requirements shall be defined as the following:

(A) Unsubsidized employment;

(B) Subsidized private sector employment;

(C) Subsidized public-sector employment;

(D) Work experience;

(E) On-the-job training;

(F) Job search and job readiness;

(G) Community service program;

(H) Vocational educational training not to exceed twelve (12) months;

(I) The provision of child care services to a participant individual who is participating in a community service program;

(J) Adult education in an intensive work readiness program not to exceed six (6) months.

(2) Above thirty (30) hours per week, the following three (3) activities may also count for participation:

(A) Job skills training directly related to employment;

(B) Education directly related to employment; and

(C) Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence.

(3) A family with two parents in which one or both parents participate in a work experience or community service program shall be deemed to have participated in core work activities for the maximum number of hours per week allowable by the Fair Labor Standards Act (FLSA) if actual participation falls short of his/her required minimum hours per week.

(4) If the family receives child care assistance and an adult in the family is not disabled or caring for a severely disabled child, then the work-eligible individuals must be participating in work activities for an average of at least fifty-five (55) hours per week to count as a two-parent family engaged in work for the month.

(5) At least fifty (50) of the fifty-five (55) hours per week must come from participation in the activities listed in subdivision 40-5.1-12(i)(1).

Above fifty (50) hours per week, the three (3) activities listed in subdivision 40-5.1-(i)(2) may also count as participation.

(6) A family with two parents receiving child care in which one or both parents participate in a work experience or community service program for the maximum number of hours per week allowable by the Fair Labor Standards Act (FLSA) will be considered to have met their required core hours if actual participation falls short of the required minimum hours per week. For families that need additional hours beyond the core activity requirement, these hours

must be satisfied in some other TANF work activity.

(j) Exemptions from work requirements for two parent families. Work requirements outlined in subsection 40-5.2-12(i) above shall not apply to two parent families if (and for so long as) the department finds that:

(1) both parents receive Supplemental Security Income (SSI);

(2) one parent receives SSI, and the other parent is caring for a disabled family member who resides in the home, and who requires full time care; or

(3) the parents are otherwise exempt by the department as defined in rules and regulations.

(k) Failure to comply with work requirements. Sanctions and Terminations. (1) The cash assistance to which an otherwise eligible family/assistance unit is entitled under this chapter, shall be reduced for three (3) months, whether or not consecutive, in accordance with rules and regulations promulgated by the department, whenever any participant, without good cause, as defined by the department in its rules and regulations, has failed to enter into an individual employment plan; has failed to attend a required appointment; has refused or quit employment; or has failed to comply with any other requirements for the receipt of cash assistance under this chapter. If the family's benefit has been reduced, benefits shall be restored to the full amount beginning with the initial payment made on the first of the month following the month in which the parent: (1) enters into an individual employment plan or rehabilitation plan and demonstrates compliance with the terms thereof; or (2) demonstrates compliance with the terms of his or her existing individual employment plan or rehabilitation plan, as such plan may be amended by agreement of the parent and the department.

(2) In the case where appropriate child care has been made available in accordance with this chapter, a participant's failure, without good cause, to accept a bona fide offer of work, including full-time, part-time and/or temporary employment, or unpaid work experience or community service, shall be deemed a failure to comply with the work requirements of this section and shall result in reduction or termination of cash assistance, as defined by the department in rules and regulations duly promulgated.

(3) If the family/assistance unit's benefit has been reduced for a total of three (3) months, whether or not consecutive in accordance with this section due to the failure by one or more parents to enter into an individual employment plan or failure to comply with the terms of his or her individual employment plan, or the failure to comply with the requirements of this chapter, cash assistance to the entire family shall end. The family/assistance unit may reapply for benefits, and the benefits shall be restored to the family/assistance unit in the full amount the family/assistance unit is otherwise eligible for under this chapter beginning on the first of the month following the month in which all parents in the family/assistance unit who are subject to the employment or rehabilitation plan requirements under this chapter: (A) enter into an individual employment or rehabilitation plan as applicable, and demonstrate compliance with the terms thereof, or (B) demonstrate compliance with the terms of the parent's individual employment or rehabilitation employment plan in effect at the time of termination of benefits, as such plan may be amended by agreement of the parent and the department.

(4) Up to ten (10) days following a notice of adverse action to reduce or terminate benefits under this subsection, the client may request the opportunity to meet with a social worker to identify the reasons for non-compliance, establish good cause and seek to resolve any issues that have prevented the parent from complying with the employment plan requirements.

(5) Participants whose cases had closed in sanction status pursuant to Rhode Island's

prior Temporary Assistance for Needy Families Program, (federal TANF described in Title IVA of the federal Social Security Act, 42 USC 601 et seq.), the Family Independence Program, more specifically, subdivision 40-5.1-9(2)(c), due to failure to comply with the cash assistance program requirements, but who had received less than forty-eight (48) months of cash assistance at the time of closure, and who reapply for cash assistance under the Rhode Island Works Program, must demonstrate full compliance, as defined by the department in its rules and regulations, before they shall be eligible for cash assistance pursuant to this chapter.

(l) Good Cause. Good Cause for failing to meet any program requirements including leaving employment, and failure to fulfill documentation requirements, shall be outlined in rules and regulations promulgated by the department of human services.

40-5.2-13. Income Deeming. -- Parent, stepparent, grandparent, and sponsor income deeming. (a) Parents. For purposes of determining eligibility for and the amount of cash assistance to which a family is entitled under this chapter, the income of a child shall include the income of his/her parent(s). For purposes of this section, the term "income" has the meaning prescribed in subsection 40-5.2-10(g).

(b) Stepparents. For purposes of determining eligibility for and the amount of cash assistance to which a family is entitled under this chapter, the income of a child shall include the income of the child's stepparent (if living in the same house as the child) minus the sum of: (1) the first ninety dollars (\$90) of the stepparent's earned income for the month; (2) the standard of need for a family of the same composition as the stepparent (but excluding any person included in the child's family); (3) amounts paid by the stepparent to individuals not living in the stepparent's home and claimed by him or her as dependent for federal tax purposes; and (4) alimony or child support payments made by the stepparent with respect to individuals not living in such household.

(c) Grandparents. The income of a child whose parent is under the age of eighteen (18) shall include any income of the child's grandparents, if the grandparents are living in the same home as the child and his or her parent, to the same extent that income of a stepparent is included under subsection (b).

(d) Sponsors. Sponsor deeming with respect to eligible aliens who are applicants for cash assistance shall be applied in accordance with Section 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Laws, No. 104-193, PRWORA) and under rules and regulations to be promulgated by the department.

40-5.2-14. Reporting of income and resources by participants. -- All participants are responsible for reporting changes in income, resources, family composition or other factors which can effect the family's eligibility or payment level within ten (10) days of the change in circumstances.

40-5.2-15. Reporting Absence. -- Whenever adult family member(s) become aware that a minor child in their household has been or will be temporarily absent from the home, the adult family member(s) have the responsibility to report such absence of a minor child from the home by the end of the five (5) day period that begins with the date that the adult family member(s) become aware that the minor child has been or will be absent from the home for a period of thirty (30) or more consecutive days.

40-5.2-16. Minimum payment. -- No payment of assistance under subsection 40-5.2-11(e) shall be made for any month if the amount of such payment would be less than ten dollars (\$10.00), but a family with respect to whom a payment of assistance is denied solely by reason of this section shall otherwise be deemed to be a recipient of assistance under this chapter.

40-5.2-17. Assistance not assignable; exemption from process. -- Except as otherwise provided for herein, cash assistance shall not be transferable or assignable at law or in equity, and none of the money paid or payable under this chapter shall be subject to execution, levy, attachment, garnishment or other legal process, or to the operation of any bankruptcy or insolvency law.

40-5.2-18. Up front cash program. -- The department has the authority under this chapter to develop a non-assistance up front cash program for recipients in accordance with federal TANF guidelines.

40-5.2-19. Appropriate child care necessary for work requirement. -- Notwithstanding any other provision of this chapter, no single parent, or both parents meeting all other program requirements, shall be required to work or participate in employment plan activities or rehabilitative plan activities to the extent that appropriate child care is necessary for the parent to do so and the department determines that such appropriate child care is unavailable for fiscal or other reasons.

(a) For purposes of this section "appropriate child care" means child care which is provided by a person or organization qualified and authorized to provide such care by the department of children, youth, and families or such other lawful providers as determined by the department of children, youth, and families. Child care shall be considered "necessary" under this section for any child below the age of thirteen (13), or any children age thirteen (13) years or older who are under supervision of the family court or who require care because of a physical or mental impairment.

(b) The department shall provide transportation support in either the form of a bus pass for use in traveling to work activities, training, or other plan related needs, or in the form of an allowance for transportation costs necessary to comply with the employment plan as defined in department rules and regulations.

40-5.2-20. Child Care Assistance. -- Families or assistance units eligible for child care assistance. (a) The department shall provide appropriate child care to every participant who is eligible for cash assistance and who requires child care in order to meet the work requirements in accordance with this chapter.

(b) Low-Income child care. The department shall provide child care to all other working families with incomes at or below one hundred eighty percent (180%) of the federal poverty level, if and to the extent such other families require child care in order to work at paid employment as defined in the department's rules and regulations.

(c) No family/assistance unit shall be eligible for child care assistance under this chapter if the combined value of its liquid resources exceeds ten thousand dollars (\$10,000). Liquid resources are defined as any interest(s) in property in the form of cash or other financial instruments or accounts which are readily convertible to cash or cash equivalents. These include, but are not limited to, cash, bank, credit union, or other financial institution savings, checking and money market accounts, certificates of deposit or other time deposits, stocks, bonds, mutual funds, and other similar financial instruments or accounts. These do not include educational savings accounts, plans, or programs; retirement accounts, plans, or programs; or accounts held jointly with another adult, not including a spouse. The department is authorized to promulgate rules and regulations to determine the ownership and source of the funds in the joint account.

(d) As a condition of eligibility for child care assistance under this chapter, the parent or caretaker relative of the family must consent to and must cooperate with the department in establishing paternity, and in establishing and/or enforcing child support and medical support

orders for all children in the family in accordance with title 15 of the general laws, as amended, unless the parent or caretaker relative is found to have good cause for refusing to comply with the requirements of this subsection.

(e) For purposes of this section "appropriate child care" means child care, including infant/toddler, pre-school, nursery school, school-age, which is provided by a person or organization qualified, approved, and authorized to provide such care by the department of children, youth, and families, or by the department of elementary and secondary education, or such other lawful providers as determined by the department of human services, in cooperation with the department of children, youth and families and the department of elementary and secondary education.

(f) Families with incomes below one hundred percent (100%) of the applicable federal poverty level guidelines shall be provided with free childcare. Families with incomes greater than one hundred percent (100%) and less than one hundred eighty (180%) of the applicable federal poverty guideline shall be required to pay for some portion of the childcare they receive, according to a sliding fee scale adopted by the department in the department's rules.

(g) In determining the type of childcare to be provided to a family, the department shall take into account the cost of available childcare options, the suitability of the type of care available for the child, and the parent's preference as to the type of child care.

(h) For purposes of this section "income" for families receiving cash assistance under section 40-5.2-11 means gross earned income and unearned income, subject to the income exclusions in subdivisions 40-5.2-10(g)(2) and 40-5.2-10(g)(3) and income for other families shall mean gross earned and unearned income as determined by departmental regulations.

(i) The caseload estimating conference established by chapter 17 of title 35 shall forecast the expenditures for childcare in accordance with the provisions of section 35-17-1.

(j) In determining eligibility for child care assistance for children of members of reserve components called to active duty during a time of conflict, the department shall freeze the family composition and the family income of the reserve component member as it was in the month prior to the month of leaving for active duty. This shall continue until the individual is officially discharged from active duty.

40-5.2-21. Eligibility for medical benefits. -- (a) Every member of any family/assistance unit eligible for cash assistance under this chapter shall be eligible for medical assistance through the RItE Care or RItE Share programs, as determined by the department, subject to the provisions of subsection 40-8-1(d) and provided, further, that eligibility for such medical assistance, must qualify for federal financial participation pursuant to the provisions of Title XIX of the federal social security act, 42 U.S.C. section 1396 et seq.

(b) If a family becomes ineligible for cash assistance payments under this chapter as a result of excess earnings from employment, the family/assistance unit shall continue to be eligible for medical assistance through the RItE Care or RItE Share program for a period of twelve (12) months or until employer paid family health care coverage begins, subject to the provisions of subsection 40-8-1(d), whichever occurs first; and provided, further, that eligibility for such medical assistance, must qualify for federal financial participation pursuant to the provisions of title XIX of the federal social security Act, 42 U.S.C. section 1396 et seq.

40-5.2-22 Emergency expenses. -- (a) To the extent that the department has allocated resources for this purpose, the department is authorized to provide assistance to families receiving assistance in accordance with this chapter to meet emergency needs that cannot be met with the cash resources available to the family. The emergency assistance shall be limited to the

lesser of actual cost or the sum of two hundred dollars (\$200). Except as provided by the department by regulation, no expense shall be reimbursable unless the department has pre-approved the expenditure. Emergency assistance includes, but is not limited to, payment of moving expenses for families who are forced to move their place of residence and payments for emergency transportation needs used in connection with participation in any program approved under this chapter.

(b) In the event of a catastrophe caused by fire, flood, lightning, severe wind or other act of nature, the department may establish by regulation the authorization of catastrophic assistance funds not subject to the limit of two hundred dollars (\$200) specified in subsection (a). Such regulations shall specify the criteria under which funds for shelter, clothing or essential household equipment and furnishings may be authorized in the event of a catastrophe.

40-5.2-23. Post employment incentive bonus. -- The Family/Assistance Unit may be eligible for an incentive bonus payment, if the participant is employed and is working at least thirty (30) hours per week or more for a single parent family and thirty five (35) hours per week for a two parent family at the time of closure on cash assistance and remains employed and continues to work at least thirty (30) hours per week or thirty (35) hours per week or more, not to exceed a period of twelve (12) months in accordance with rules and regulations promulgated by the department.

40-5.2-24. Overpayment and underpayment of benefits. -- The department shall promptly take all necessary steps to correct any overpayment or underpayment of cash assistance paid under this chapter, and, in the case of:

(1) An overpayment to an individual who is a current recipient of such cash assistance (including a recipient whose overpayment occurred during a prior period of ineligibility) recovery will be made by repayment by the individual or by reducing the amount of any future cash assistance payable to the family of which he or she is a member, except that such recovery shall not result in the reduction of cash assistance payable for any month, such that cash assistance, when added to its income is less than ninety percent (90%) of the standard of assistance for a family/assistance unit with the same composition with no other income (and, in the case of an individual to whom no payment is made for a month solely by reason of recovery of any overpayment, such individual shall be deemed to be a recipient of cash assistance for such month);

(2) An overpayment to any individual who is no longer receiving cash assistance under the plan, recovery shall be made by appropriate action by the department under federal and state law against the income or resources of the individual, the family or the prior assistance unit; and

(3) An underpayment, the corrective payment shall be disregarded in determining the income of the family, and shall be disregarded in determining its resources in the month the corrective payment is made and in the following month; except that no recovery need be attempted or carried out under subdivision (2) of this section, other than in a case involving fraud on the part of the recipient where the cost of recovery would equal or exceed the amount of overpayment involved.

40-5.2-25. Hearings. -- Any applicant, recipient or participant aggrieved because of a decision by the department, including but not limited to, a decision regarding eligibility for benefits, the amount of benefits, terms of an employment plan or a delay in making a decision with respect to an application for assistance shall be entitled to an appeal. The department shall provide an applicant, recipient or participant with written notice of a decision to deny benefits under this chapter and shall provide recipients written notice at least ten (10) days in advance of

a decision to terminate or reduce benefits to the family/assistance unit. Notices shall be easy to understand and shall explain the reason for the department's decision and cite the relevant section of the department's regulations. The family may appeal the decision by filing a written request with the department within thirty (30) days of the date the notice was mailed. If the recipient files the request within ten (10) days of the date the notice was mailed, the recipient may receive benefits without reduction pending the outcome of the appeal.

40-5.2-26. Records as to assistance. -- (a) All records pertaining to the administration of public assistance pursuant to this chapter and chapter 8 of this title are hereby declared to constitute a confidential matter. (b) In furtherance thereof:

(1) It shall be unlawful for any person to make use of, or cause to be used, any information contained in records for purposes not directly connected with administration thereof, except with the consent of the individual concerned.

(2) The director of the department shall have the power to establish rules and regulations governing the custody, use, and preservation of the records, papers, files and communications dealing with the administration of public assistance. The rules and regulations shall have the same force and effect as law.

(3) The records shall be produced in response to subpoena duces tecum properly issued by any federal or state court; provided, however, that the purpose for which the subpoena is sought is directly connected with the administration of public assistance. No subpoena shall be issued by a court asking either for the records, or for persons having custody or access to the records, unless the litigation involved in such matters is directly connected with the administration of public assistance.

(4) Any person who by law is entitled to a list of individuals receiving any of the assistance as provided in this chapter shall not publish or cause to be published the list except by the express consent of the director of the department, or to make use of thereof for purposes not directly connected with the administration thereof.

(5) Any person violating any of the provisions of this section, or the lawful rules and regulations made hereunder, shall be guilty of a misdemeanor and shall be fined not more than two hundred dollars (\$200), or shall be imprisoned for not more than six (6) months, or both.

(6) Nothing in this section shall be deemed to prohibit the director of the department or his or her agents duly authorized for that purpose, from issuing any statistical material data, or publishing or causing the data to be published whenever he or she shall deem it to be in the public interest.

(7) The director of the department may inquire into the records of any state department or agency in the course of his or her administration of public assistance.

40-5.2-27. Department of human services. -- (a) Except as otherwise provided for herein, the director of the department of human services is responsible for implementation of this chapter.

(b) No later than March 1st of each year, the director shall submit a plan to the general assembly showing how, within available resources, the department expects to operate the programs authorized under this chapter in the succeeding fiscal year. The director will provide an annual report of program impact on families served by the Rhode Island Works Program and indicators of success. The report shall also reflect the child support guidelines issued from time to time by the Rhode Island family court.

(c) The department is empowered and authorized to submit its plan for services under the act to the federal government or any agency or department thereof having funds available for

benefits to low income families for approval pursuant to the provisions of the Social Security Act, 42 U.S.C. § 301 et seq. The department shall act for the state in any negotiations relative to the submission and approval of the plan and/or waivers and may make any arrangement or changes in its plan and/or waivers not inconsistent with this chapter which may be required or permitted by the Social Security Act or rules and regulations promulgated pursuant thereto, to obtain and retain approval and to secure for this state the benefits of the provisions of the federal act relating to family assistance. The department shall make reports to the federal government or any agency or department thereof, in the form and nature required by it, and shall in all respects comply with any request or direction of the federal government or any agency or department thereof which may be necessary to assure the correctness and verification of the reports.

(d) The department of human services is hereby authorized and directed to expedite the implementation of this act by submitting to the federal government, on behalf of the state, such state plan amendments and any federal waiver requests which it deems necessary to fully implement the provisions of this act and to secure for this state the benefits of federal financial participation and/or grants for the above referenced programs, as amended, pursuant to titles IV and XIX of the federal Social Security Act, 42 U.S.C. §§ 601 et seq. and 1396 et seq., and Subchapter II-B of the Child Care and Development Block Grant codified at 42 U.S.C. § 9858 et seq., and as such acts may hereafter be re-codified or amended by such acts as may be considered and enacted by the Congress of the United States.

(1) Any provisions of this chapter and chapters 6 and 6.2 of this title and section 42-12-3 which are inconsistent with federal law or regulations shall be void unless the department receives an exemption or waiver from the federal government to implement the provision.

(2) The department of human services is hereby authorized and directed to implement this act only in accordance with the terms and conditions of state plan amendments, waivers, or other approvals granted by the federal government and changes in rules, regulations and policies of the department that are promulgated pursuant to chapter 35 of title 42.

40-5.2-28. Rules and regulations. -- The director of the department of human services shall, pursuant to chapter 35 of title 42, promulgate rules and regulations necessary to carry out the provisions of this chapter. Any reference to the department's rule making process is pursuant to this section.

40-5.2-29. Non-custodial parents. -- Employment obligations. Any non-custodial parent who is required by order of the family court to pay support to any family receiving assistance of any kind under this chapter, and who is unemployed and, in whole or in part as a result of such unemployment, has failed to comply with all of the terms of such support order may, if permitted by a justice of the family court, purge his or her contempt by accepting employment approved by the court, paying wages no less than the state minimum wage and/or by participation on a full-time basis in a rapid job placement program.

40-5.2-30 Fraudulently obtaining assistance. -- Any person who, by any fraudulent device, obtains or attempts to obtain public assistance pursuant to this chapter to which he or she is not entitled, or who willfully fails to report income or resources as provided in this chapter, shall be guilty of larceny and, upon conviction thereof, shall be punished by imprisonment of not more than five (5) years and by a fine of not more than one thousand five hundred dollars (\$1,500) or both, if the value of the public assistance to which he or she is not entitled shall exceed five hundred dollars (\$500) or by imprisonment by less than one year or by a fine of not more than five hundred dollars (\$500) or by both, if the value of the public assistance to which he or she is not entitled shall not exceed five hundred dollars (\$500).

40-5.2-31 Authorization to pay assistance. -- Authorization to pay all forms of assistance specified in this chapter shall be made by representatives of the department and the state controller is hereby authorized to draw his or her orders upon the general treasurer for payments upon receipt by him or her of proper vouchers approved by the department. Subject to any necessary federal approval, the department is authorized to make payments of cash assistance by check, direct deposit, electronic benefit transfer or other means designated by the department.

40-5.2-32. Cashing of assistance checks. -- (a) For purposes of this section, the term "banking institution" shall mean: (1) any state or federally chartered bank, savings bank, loan and investment bank or credit union located within this state; and (2) any currency exchange specialist located within this state and enrolled with the department of human services pursuant to regulations to be adopted by the department.

(b) Each banking institution shall cash, at its main office or any of its branch offices within the state, any check drawn by the state and payable within the state to a recipient of cash assistance under this chapter, if the check is negotiated to the banking institution by the original payee of the check, and if the payee produces reasonable identification required by this section and as provided for in regulations adopted pursuant to subsection (d).

(c) Nothing in this section shall be interpreted as limiting any rights which the banking institution may have against the payee by contract or law, with regard to items which are negotiated to it as provided for in this section, which are not paid upon presentment or where such payee breaches a warranty made under section 6A-3-417. This section shall not apply to any check negotiated to a banking institution if such institution has reason to believe that the check will not be paid on presentment or that the tendering party may be in breach of one or more of the warranties contained in section 6A-3-417.

(d) Provided that a banking institution properly employed the identification procedures prescribed in regulations adopted pursuant to this subsection at the time a cash assistance check was cashed by such institution, the state shall honor and make payment on the cash assistance check and the banking institution shall not be liable to reimburse the state for a loss incurred as a result of the wrongful payment of a check by a banking institution. The director of the department of human services shall adopt regulations specifying: (1) the forms of reasonable identification which a banking institution shall accept when cashing a cash assistance check pursuant to subsection (b); and (2) the identification procedures the institution must employ to receive payment thereon and to avoid liability for wrongful payment of any check. The regulations shall provide that the forms of reasonable identification shall include, but need not be limited to: (1) a cash assistance photo identification card issued by the department of human services; (2) a valid identification card issued by the administrator of the division of motor vehicles pursuant to section 3-8-6; (3) a valid driver's license; (4) an identification card issued by the department of elderly affairs; and (5) a valid identification card issued by the United States Immigration and Naturalization Service.

(e) The department shall issue a stop payment order with respect to any assistance check reported as lost, stolen, or undelivered. The department shall not issue a replacement cash assistance check for a period of three (3) business days from the date of the report of such loss, theft, or non-delivery.

40-5.2-33 School age children. -- Subject to general assembly appropriation, one month each year, each dependent school age child as defined by the department of human services receiving cash assistance under this chapter in that month shall be given a supplementary payment for the purchase of clothing in accordance with Title IV-A of the Social Security Act,

42 U.S.C. § 601 et seq.

40-5.2-34 Screening for domestic violence – Waiver of program requirements. -- (a) The department shall:

(1) Screen and identify individuals with a history of domestic violence applying for or receiving assistance while maintaining the confidentiality of such individuals;

(2) Refer such individuals to counseling and supportive services; and

(3) Waive, pursuant to a determination of good cause and for so long as necessary, cash assistance program requirements relating to time limits for individuals receiving assistance, residency requirements, child support cooperation requirements, and work requirements, in cases where compliance with such requirements would make it more difficult for individuals receiving assistance under this chapter to escape domestic violence or unfairly penalize such individuals who are or have been victimized by such violence, or individuals who are at risk of further domestic violence.

(b) For purposes of this section, the term "individual with a history of domestic violence" means an individual who has been subjected to:

(1) Physical acts that resulted in, or threatened to result in, physical injury to the individual;

(2) Sexual abuse;

(3) Sexual activity involving a dependent child;

(4) Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities;

(5) Threats of, or attempts at, physical or sexual abuse;

(6) Mental abuse; or

(7) Neglect or deprivation of medical care.

40-5.2-35. Child Support Pass-Through. -- For any month in which a non-custodial parent makes a child support payment in the month when due and the support is collected by the department of human services, for a child or children receiving cash assistance pursuant to this chapter, the first fifty dollars (\$50.00) of the child support payment, or the actual amount of the child support payment if the payment is less than fifty dollars (\$50.00), shall be paid to the family in which the child resides. If more than one non-custodial parent makes a child support payment to children living in the same family, there shall only be one payment of fifty (\$50.00) paid to the family from the child support collected. This payment is known as the "pass through" payment and shall be sent to the family within two (2) business days of the determination that the amount is due and owing and no later than within two (2) business days of the end of the month in which the support was collected.

40-5.2-36. Appropriation of funds. – The general assembly shall annually appropriate such sums as it may deem necessary for the purposes of carrying out the provisions of this chapter; and the state controller is hereby authorized and directed to draw his or her orders upon the general treasurer for the payment of such sums, or so much thereof as may from time to time be required upon receipt by him or her of such vouchers approved by the director of the state department of human services.

40-5.2-37. Severability. – If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect other provisions or applications of the chapter, which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

40-5.2-38. Application and effect of this chapter on applicants and recipients. -- (a) All

provisions of this chapter with the exception of paragraph (b) below shall be effective and apply to all applicants and recipients on or after July 1, 2008.

(b) For all current recipients as of July 1, 2008 who have received cash assistance, either state or federally funded, since May 1, 1997 under Rhode Island's Temporary Assistance for Needy Families Program (federal TANF described at Title IVA of the federal Social Security Act, 42 USC 601 et seq.), formerly entitled the Family Independence Program, or received cash assistance from another state, either state or federally funded, since May 1, 1997 under that state's similar Temporary Assistance for Needy Families Program (federal TANF described at Title IV A of the Federal Society Security Act, 42 U.S.C. 601 et seq.), prior to October 1, 2008, application and implementation of the time limits described in subsection 40-5.2-10(h) will occur on and after July 1, 2009.

(c) All cash assistance received, either state or federally funded, since May 1, 1997 under Rhode Island's Temporary Assistance for Needy Families Program (federal TANF described at Title IV A of the Federal Social Security Act, 42 U.S.C. 601 et seq.) formerly entitled the Family Independence Program, or in another state under that state's similar Temporary Assistance for Needy Families Program (federal TANF described at Title IV A of the Federal Social Security Act 42 U.S.C. 601 et seq.) prior to July 1, 2009 shall be counted toward the time limits of cash assistance described in subsection 40-5.1-10(h).

(d) The department will not close families who previously received cash assistance, either state or federally funded, since May 1, 1997 under Rhode Island's Temporary Assistance for Needy Program (federal TANF described at Title IVA of the federal Social Security Act, 42 USC 601 et seq.), formerly entitled the Family Independence Program, or in another state under that state's similar Temporary Assistance for Needy Families Program (federal TANF described at Title IV A of the Federal Society Security Act, 42 U.S.C. 601 et. seq.) prior to the effective date of the Rhode Island Works Program due to the time limit outlined in subsection 40-5.2-10(h) of this chapter until July 1, 2009. Except, however, all those families who previously received Family Independence Program cash assistance, either state or federally funded or in another state, as described above, and who will reach the Family Independence Program sixty (60) month lifetime time limit in accordance with prior Rhode Island General Law, subsection 40-5.1-8(d), prior to July 1, 2009 shall be closed at the time they would have reached the sixty (60) month time limit in accordance with prior Rhode Island General Law, subsection 40-5.1-8(d). Nothing in this section shall be deemed to mean that any recipient of cash assistance, either state or federally funded, through the prior Family Independence Program shall receive more than the time limit of sixty (60) months of cash assistance which had been permissible under prior Rhode Island General Law, subsection 40-5.1-8(d).

(e) Those families or assistance units receiving cash assistance shall be notified in writing as to the time limits imposed on the receipt of cash assistance in accordance with the Rhode Island Works Program under this chapter, as well as all the other program requirements.

40-5.2-39. References to the Family Independence Program. -- Any references in the Rhode Island General Laws to the Family Independence Act, Family Independence Program, or Family Independence Program cash assistance or benefits shall be deemed to be applicable and shall be effective in accordance with the Rhode Island Works Program outlined in this chapter.

SECTION 2. Chapter 5.1 of Title 40 of the General Laws entitled "Family Independence Act" is hereby repealed.

~~§ 40-5.1-1 Short title. — This chapter is hereby entitled "The Rhode Island Family Independence Assistance Act" (the "Act").~~

~~§ 40-5.1-2 Legislative intent. — (a) It is the intent of the general assembly to fundamentally change the public assistance program known as "aid to families with dependent children program" to a program to provide temporary financial assistance to eligible families with children while facilitating the entry or re-entry of the adult members of the family into the workplace with necessary supports.~~

~~(b) The general assembly intends that an unemployed parent seeking cash assistance under the act, except one expressly exempted under the act, will begin working and/or participating in a work readiness program on a regular basis within seven (7) days after the department of human services and the parent have completed an individualized employment plan for the parent, or as soon as practical thereafter. This plan will identify the steps education, job training, employment search, part-time work and full-time work that the recipient will follow to become financially self-sufficient within the shortest practicable time. The plan will also identify the support services — child care, literacy training, skills training and medical coverage which the state will provide during the transition to financial self-sufficiency. The plan will also detail the benefits to which the family is entitled and the obligation of the family to cooperate with the state in capturing child support and medical coverage due to the family from absent parents or other third parties.~~

~~(c) The general assembly anticipates that, as each employment plan is implemented, family earnings will increase. This increase will gradually reduce the level of cash assistance for which the family is eligible. With careful strategic management of the state's child care assistance and medical assistance programs, the total cost of all cash assistance to these families should decline as their earnings increase.~~

~~(d) The general assembly intends that reductions in program costs which flow from the earnings of those receiving cash assistance be invested in health care, child care, education, literacy, and skill training.~~

~~(e) It is further the intent of the general assembly that the program of transitional assistance be operated in a manner that enhances family cohesion and a stable living environment for children.~~

~~(f) The act is specifically intended to:~~

~~(1) Assist working families with children who, notwithstanding parental employment, have insufficient income to meet their needs for food, shelter, clothing, childcare, and medical care.~~

~~(2) Provide families with parents who are unemployed with financial assistance while they obtain the skills necessary for employment and provide the childcare and medical coverage they require to be employed. Unless exempt, parents must be working in paid or unpaid employment within twenty-four (24) months of entering into an employment plan.~~

~~(3) Provide supervision and parenting skills to parents below the age of eighteen (18), while assisting, encouraging, and requiring them to complete their high school education.~~

~~(g) The general assembly intends that the act make certain fundamental changes in the way the state delivers services to families in need of transitional assistance. These include the following:~~

~~(1) Case management: The general assembly intends that case managers and/or case management teams, to the extent practical, shall be stationed in the neighborhoods where recipients live and accessible to them at convenient times. Case managers and/or case management teams have the lead responsibility for assisting families to access the services they need to become independent.~~

(2) Inter-departmental cooperation: The department of human services, the single state agency, is responsible for administration and implementation of this chapter. This shall include developing and implementing the case management system, and for the payment of cash assistance, child care subsidies and medical assistance to children and families in need. The departments to be consulted include the following:

(i) Department of elementary and secondary education, which provides adult education and literacy programs;

(ii) Community College of Rhode Island, which provides vocational training at the postsecondary level;

(iii) Department of labor and training which is responsible for establishing job training programs and is charged specifically under the act with: (A) identifying continuously where employment opportunities exist for families receiving cash assistance; (B) consulting upon request with the department of human services with respect to the employability of applicants and the development of individual employment plans;

(iv) Rhode Island economic development corporation, which is responsible for expansion of job opportunities in the state for low income families with children;

(v) Human resources investment council, which is responsible for coordinating all employment and training activities within the state;

(vi) Department of children, youth and families which regulates child day care providers; and is ultimately responsible for the guardianship of children at risk;

(vii) Rhode Island housing and mortgage finance corporation which is responsible for expanding housing opportunities for low income families;

(viii) Family court which is responsible for enforcing the support obligations of absent parents and protecting those children whose health and well being is at risk because of an absence of family resources;

(ix) Department of administration, division of taxation for establishing child support enforcement obligations on the part of non-custodial parents;

(3) The department of human services shall annually evaluate the performance of the programs prescribed by this chapter. The department shall report the findings of these evaluations to the general assembly;

§ 40-5.1-3 Definitions. — As used in this chapter the following terms having the meanings set forth herein, unless the context in which such terms are used clearly indicates to the contrary:

(1) "Child" means an individual (including an individual who is born while one or both of his or her parents are receiving assistance under any provision of this chapter), other than an individual with respect to whom foster care maintenance payments are made, who is (i) under the age of eighteen (18), or (ii) under the age of nineteen (19) and a full-time student in a secondary school (or in the equivalent level of vocational or educational training), if before he or she attains age nineteen (19), he or she may reasonably be expected to complete the program of such secondary school (or such training);

(2) "Department" means the department of human services;

(3) "Director" means the director of the department of human services;

(4) "Earned income tax credit" means the credit against federal personal income tax liability under § 32 of the Internal Revenue Code of 1986, 26 U.S.C. § 32, or any successor section, the advanced payment of the earned income tax credit to an employee under § 3507 of the code, 26 U.S.C. § 3507, or any successor section and any refund received as a result of the

earned income tax credit:

(5) "Family" means: (i) A pregnant woman from and including the seventh month of her pregnancy; or (ii) A child and the following eligible persons living in the same household as the child: (A) each biological or adoptive parent of the child, or in the absence of a parent, any adult relative who is responsible, in fact, for the care of such child, and (B) the child's minor siblings (whether of the whole or half blood); provided, however, that the term "family" shall not include any person receiving benefits under title XVI of the Social Security Act, 42 U.S.C. § 1381 et seq.

(6) "Gross earnings" means earnings from employment and self employment; provided however, gross earnings does not include (i) wages subject to legal attachment, (ii) work expenses incurred by individuals who are self-employed where such expenses are directly related to producing the goods or providing the services and without which the goods or services could not be produced or provided, and (iii) the reasonable cost of maintaining a roomer or boarder and of renting property.

(7) "Relative" means a stepparent, grandparent, great grandparent, great great grandparent, aunt, great aunt, great great aunt, uncle, great uncle, great great uncle, sister, brother, stepbrother, stepsister, half brother, half sister, first cousin, first cousin once removed, niece, great niece, great great niece, nephew, great nephew, or great great nephew.

(8) "State" means the State of Rhode Island and Providence Plantations.

(9) "Subsidized housing" means housing for a family whose rent is restricted to a percentage of its income.

§ 40-5.1-4 Case management.— (a) Except as provided in subsection (e), families shall be provided with access to all services authorized to be provided under this chapter through a case manager or case management team. In all cases, the case manager or case management team shall have primary responsibility within the department for:

(1) Determining eligibility for and the type, scope and level of benefits, including cash assistance, child care, medical assistance and emergency assistance, to which families are entitled under this chapter and for regularly reassessing each family's requirements and eligibility;

(2) For identifying and referring families to other state and private agencies with resources to meet family needs;

(b) In cases involving families applying for and/or receiving cash assistance, the case manager or case management team shall also be responsible for:

(1) Assembling with the assistance of the applicant, all documentation in connection with and guiding each family in fulfilling its responsibilities regarding the establishment and enforcement of child support orders, including without limitation, the establishment of paternity, and the collection of any other financial obligations owed to such families by any person, including, without limitation, obligations to provide medical assistance;

(2) For working with each family in the development and implementation of a family financial plan pursuant to subsection (b), and assisting families with the preparation of documents necessary for families to qualify for the earned income tax credit and the advanced payment of the earned income tax credit;

(c) In cases involving families applying for and/or receiving cash assistance in which a parent is unemployed or underemployed, the case manager or case management team shall also be responsible for developing and working with the parents on a continuing basis to implement their employment plans;

(d) The department shall establish guidelines for case management which require the case

~~manager to focus on individual recipient's needs, strengths and challenges and encourage economic self-sufficiency. It shall also develop and adopt a caseload management strategy which ensures that the department's human resources are used as efficiently as possible.~~

~~(e) Until July 1, 1998, case management services need only be provided to new applicants for cash assistance and to such other recipients as determined by the department; provided, however, that nothing in this subsection shall limit the obligations of the department under § 40-5.1-5.~~

~~§ 40-5.1-5 Family financial plan—Individual employment plan.—(a) All families who wish to make application for assistance under this chapter shall have the opportunity to do so.~~

~~(b) Following receipt of an application, the department shall assess the financial conditions of the family and if a parent is unemployed, the department after consulting, if necessary with the department of employment and training, shall assess the employability of the unemployed parent and, to the extent practicable, the employability of any non-custodial parent of each child in the family. In assessing employability, the department shall take into account: (1) the physical capacity, skills, education, work experience, health, safety, family responsibilities and place of residence of the individual; (2) local employment opportunities; and (3) the child care and supportive services required by the applicant to avail himself or herself of employment opportunities and/or work readiness programs.~~

~~(c) On the basis of such assessment, the department, in consultation with the applicant, shall develop a financial plan and employment plan for the family.~~

~~(d) The financial plan shall identify all available sources of income and all benefits and services available to the family from state government, local government, federal government and social service agencies. Sources of income may include: earnings from employment, including self-employment, the earned income tax credit, advance payment of the earned income tax credit, social security, unemployment compensation, temporary disability insurance, supplemental security income assistance, and payment of support obligations by non-custodial parents. Benefits may include: food stamps, school lunch, housing assistance, home heating assistance, as well as the assistance under this chapter. The plan shall, upon the family's request, include an annual and monthly cash family budget detailing expenditures (required and possible in the view of these available resources) for food, clothing, shelter, utilities, work expenses (including child care and transportation), health care, personal care and household supplies.~~

~~(e) The employment plan shall identify realistic short and long term career objectives, taking into consideration: (1) the physical capacity, skills, education, work experience, health, safety, family responsibilities, and place of residence of the individual; (2) local employment opportunities; and (3) the child care and supportive services required by and actually available to the applicant to avail himself or herself of employment opportunities and/or work readiness programs; and (4) shall include a strategy for immediate employment and for preparing for, finding, and retaining employment consistent, to the extent practical, with the individual's career objectives.~~

~~(f) When a parent is employed, the family is permitted gross earnings of one hundred seventy dollars (\$170) per month with no reduction in benefits. For each additional dollar of gross earnings earned in a month above one hundred seventy dollars (\$170), the family's cash assistance payment from the department is only reduced by fifty cents (\$.50). The plan must encourage full utilization of the federal earned income tax credit to maximize the financial resources available to the families. It must also emphasize enforcement of the child support obligations of non-custodial parents in order to further build the family's income. The department~~

~~must provide, in accordance with this chapter, the childcare and other support services that are necessary to accessing employment opportunities. The individualized plans should utilize this process of income building to transition families from reliance on public assistance to financial self-sufficiency.~~

~~(g) The recipient will be obligated to comply with the terms of the plan as a condition of receiving the full amount of financial assistance to which he or she is otherwise entitled.~~

~~§ 40-5.1-6 Job development incentive. — (a) The department is hereby authorized to operate a job development program which, on a case by case basis, substitutes for the cash assistance to which a family is otherwise entitled under the § 40-5.1-9 subsidy to the employer of a member of the family; provided, that the family's income is not diminished thereby.~~

~~(b) To be eligible for a subsidy under this section, an employer must contract to employ a family member for a period of no less than six (6) months at the same or a greater salary and under the same terms and conditions as the employer would pay or provide to an unsubsidized employee assigned the same or comparable duties.~~

~~(c) The department and the Rhode Island economic development corporation shall cooperate in maximizing the potential of the program authorized in subsection (a) for job creation and retention in the state.~~

~~(d) The general assembly intends that the program authorized in this section shall be used to promote long term unsubsidized employment.~~

~~§ 40-5.1-7 Grant program. — The general assembly may appropriate such sums as it deems necessary to provide grants to organizations representing the Rhode Island business community which have been organized in whole or in part for the purpose of: (1) locating specific employment opportunities for the adult members of families receiving cash assistance or the non-custodial parents of children in families receiving cash assistance; and (2) providing job coaches and/or mentors to assist the adults or non-custodial parents in gaining, retaining, and succeeding in the world of work.~~

~~§ 40-5.1-8 Eligibility for cash assistance. — (a) Except as otherwise provided for in this section, no person shall be included in any family for purposes of determining eligibility for or the amount of cash to which a family is entitled under this chapter, unless the person is a resident of the state and is: (i) either a citizen; or (ii) lawfully admitted for permanent residence before August 22, 1996; or (iii) otherwise lawfully entitled to reside in the United States before August 22, 1996, and is determined to have a status within the meaning of the term "qualified alien", or an exception thereto, under § 402(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Laws No. 104-193), and as that section may hereafter be amended; or (iv) an alien who on or after August 22, 1996, is determined to have a status within the meaning of the term "qualified alien", or an exception thereto, under § 402(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Laws No. 104-193), and as that section may hereafter be amended.~~

~~(2) An alien who does not meet the citizenship or alienage criteria in subsection (a)(1) above, who was lawfully residing in the United States before August 22, 1996, and who is a resident of this state prior to July 1, 1997, shall be eligible for cash assistance under this chapter without regard to the availability of federal funding; provided, however, that the person meets all other eligibility requirements under this chapter.~~

~~(3) No person shall be ineligible for assistance payments under this chapter due solely to the restricted eligibility rules otherwise imposed by section 115(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Laws No. 104-193).~~

and as that section may hereafter be amended:

(b) No family shall be eligible for assistance payments if the combined value of its available resources (reduced by any obligations or debts with respect to such resources) exceed one thousand dollars (\$1,000). For purposes of this subsection, the following shall not be counted as resources of the family:

(1) The home owned and occupied by a child, parent, relative or other individual;

(2) Real property owned by a husband and wife as tenants by the entirety, if the property is not the home of the family and if the spouse of the applicant refuses to sell his or her interest in the property;

(3) Real property which the family is making a good faith effort to dispose of, but any aid payable to the family for any such period shall be conditioned upon such disposal and any payments of aid for that period shall (at the time of disposal) be considered overpayments to the extent that they would not have occurred at the beginning of the period for which the payments were made. Any overpayments that may have occurred are debts subject to recovery in accordance with the provisions of § 40-5.1-28;

(4) Income producing property other than real estate including, but not limited to, equipment such as farm tools, carpenter's tools and vehicles used in the production of goods or services which the department determines are necessary for the family to earn a living;

(5) One vehicle for each adult household member but not to exceed two (2) vehicles per household, and in addition, a vehicle used primarily for income producing purposes such as, but not limited to, a taxi, truck or fishing boat; a vehicle used as a family's home; a vehicle which annually produces income consistent with its fair market value, even if only used on a seasonal basis; a vehicle necessary to transport a family member with a disability where the vehicle is specially equipped to meet the specific needs of the person with a disability or if the vehicle is a special type of vehicle that makes it possible to transport the person with a disability;

(6) Household furnishings and appliances, clothing, personal effects and keepsakes of limited value;

(7) Burial plots (one for each child, relative, and other individual), and funeral arrangements;

(8) For the month of receipt and the following month, any refund of federal income taxes made to the family by reason of § 32 of the Internal Revenue Code of 1986, 26 U.S.C. § 32 (relating to earned income tax credit), and any payment made to the family by an employer under § 3507 of the Internal Revenue Code of 1986, 26 U.S.C. § 3507 (relating to advance payment of such earned income credit);

(9) The resources of any family member receiving supplementary security income assistance under the Social Security Act, 42 U.S.C. § 301 et seq.

(c) [Deleted by P.L. 2003, ch. 376, art. 12, § 1.]

(d) Except as otherwise provided for in this section, no person shall be included in any family for purposes of determining eligibility for or the amount of cash to which a family is entitled under this chapter if that person, after attaining eighteen (18) years of age, has received cash assistance under this chapter for a total of sixty (60) months (whether or not consecutive) to include any time receiving family cash assistance in any other state or territory of the United States of America as defined herein.

Family cash assistance in any other state or territory of the United States of America shall be determined by the Department of Human Services and shall include family cash assistance funded in whole or in part by Temporary Assistance for Needy Families (TANF) funds [Title IV-

~~A of the federal Social Security Act, 42 U.S.C. § 601 et seq.] and/or family cash assistance provided under a program similar to the Family Independence Act or the federal TANF program.~~

~~(2) In calculating the sixty (60) month limit imposed in subsection (d)(1), the department shall disregard any month for which assistance was provided with respect to a minor parent or minor pregnant woman during those months when the individual was a minor child, or a parent employed an average of thirty (30) or more hours per week during a month in a single parent family, or an average of thirty-five (35) hours per week during a month for a two (2) parent family.~~

~~(3) The department may exempt a family from the application of subsection (d)(1) by reason of hardship; provided, however, that the number of such families to be exempted by the department under this subsection shall not exceed twenty percent (20%) of the average monthly number of families to which assistance is provided for under this chapter in a fiscal year; provided, however, that to the extent now or hereafter permitted by federal law, any waiver granted under § 40-5.1-46(a) shall not be counted in determining the twenty percent (20%) maximum under this section.~~

~~(e) Notwithstanding any other provision of this chapter, the amount of cash to which a family is entitled under the chapter shall be reduced by thirty percent (30%) until the family has been a resident of the state for twelve (12) consecutive months; provided, however, that no member of the family who has been a resident of the state for twelve (12) consecutive months or longer shall have his or her benefit reduced under this subsection.~~

~~(f) A family:~~

~~(i) Consisting of a parent who is under the age of eighteen (18) (minor parent); and~~

~~(ii) Who has never been married; and~~

~~(iii) Who has a child, or a family which consists of a woman under the age of eighteen (18) who is at least six (6) months pregnant (pregnant minor), shall be eligible for cash assistance only if such family resides in the home of a parent, legal guardian or other adult relative. Such assistance shall be provided to the parent, legal guardian, or other adult relative on behalf of the individual and child unless otherwise authorized by the department.~~

~~(2) Subdivision (1) of this subsection shall not apply if:~~

~~(i) The minor parent or pregnant minor has no parent, legal guardian or other adult relative who is living and or whose whereabouts are known;~~

~~(B) The department determines that the physical or emotional health or safety of the minor parent, or his or her child, or the pregnant minor, would be jeopardized if he or she was required to live in the same residence as his or her parent, legal guardian or other adult relative (refusal of a parent, legal guardian or other adult relative to allow the minor parent or his or her child, or a pregnant minor, to live in his or her home shall constitute a rebuttable presumption that the health or safety would be so jeopardized);~~

~~(C) The minor parent or pregnant minor has lived apart from his or her own parent or legal guardian for a period of at least one year before either the birth of any child to a minor parent or the onset of the pregnant minor's pregnancy; or~~

~~(D) There is good cause, under departmental regulations, for waiving the subsection; and~~

~~(ii) The individual resides in supervised supportive living arrangement to the extent available. For purposes of this section "supervised supportive living arrangement" means an arrangement which:~~

~~(A) Requires teen parents to enroll and make satisfactory progress in a program leading to a high school diploma or a general education development certificate;~~

~~(B) Requires teen parents to participate in the adolescent parenting program established in chapter 19 of this title to the extent the program is available; and~~

~~(C) Provides rules and regulations, which ensure regular adult supervision;~~

~~(g) As a condition of eligibility for cash and medical assistance under this chapter, each adult member of the family has:~~

~~(1) Assigned to the state any rights to support for children within the family from any person which the family member has at the time the assignment is executed or may have while receiving assistance under this chapter;~~

~~(2) Consented to and is cooperating with the state in establishing the paternity of a child born out of wedlock with respect to whom assistance is claimed, and in obtaining support payments for the family member with respect to whom the aid is claimed, or in obtaining any other payments or property due any family member, unless the applicant is found to have good cause for refusing to comply with the requirements of this subsection.~~

~~Absent good cause for refusing to comply with the requirements of this subsection, the amount of cash a family is otherwise entitled shall be reduced by twenty-five percent (25%) until the adult member of the family who has refused to comply with the requirements of this subsection consents to and cooperates with the state in accordance with the requirements of this subsection.~~

~~(3) Consented to and is cooperating with the state in identifying and providing information to assist the state in pursuing any third party who may be liable to pay for care and services under Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq.~~

~~(h) As a condition of eligibility for cash assistance to a family under this chapter, the parent(s), unless otherwise exempt under this chapter, must enter into an individual employment plan in accordance with § 40-5.1-9(c). This condition of eligibility shall apply to applications for assistance filed on or after July 1, 2006 and to current recipients at the time of their next redetermination of eligibility occurring on or after July 1, 2006.~~

~~§ 40-5.1-8.1 Individual development account pilot program. — (a) Notwithstanding the family resource limit provided in § 40-5.1-8(b), and to encourage savings for transition from public assistance to employment, the department shall implement a pilot program whereby a total of thirty (30) families, after initial eligibility and during any continuous period of eligibility for an assistance payment, may accumulate up to two thousand five hundred dollars (\$2,500) in a restricted individual development account. The program shall be limited to the first thirty (30) recipients who choose to participate and are otherwise qualified. The application period for the program will commence thirty (30) days after the start of the state's fiscal year ending June 30, 1998, and the application period will terminate at the end of the state's fiscal year or as soon as the first thirty (30) recipients have been qualified for acceptance into the program.~~

~~(1) Establishment. The department is hereby authorized to approve thirty (30) applications for the establishment of an individual development account. An individual development account may be established by or on behalf of an individual eligible for assistance for the purpose of enabling the individual to accumulate funds for a qualified purpose described in subdivision (2) of this subsection. The individual development account must be established in a federally insured financial institution and is restricted solely for qualified business capitalization expenses. The funds held in this restricted individual development account may be held until termination from assistance or may be used and disbursed solely for a qualified purpose during receipt of assistance.~~

~~(2) Qualified purpose. A qualified purpose described in this subdivision is a business~~

~~capitalization activity undertaken by the individual eligible to receive assistance. Amounts disbursed from an individual development account are restricted solely for qualified business capitalization expenses.~~

~~(b) For the purposes of this subsection, the following definitions apply:~~

~~(1) "Qualified Business" means any business that does not contravene any law or public policy, as determined by the department, and in compliance with applicable rules promulgated by the U.S. Department of Health and Human Services.~~

~~(2) "Qualified Business Capitalization Expenses" means qualified expenditures for the capitalization of a qualified business pursuant to a qualified plan.~~

~~(3) "Qualified expenditures" means expenditures included in a qualified plan, including capital, plant, equipment, working capital, and inventory expenses.~~

~~(4) "Qualified plan" means a business plan which:~~

~~(i) Is approved by a financial institution, or by a nonprofit loan fund having demonstrated fiduciary integrity, or by any other for-profit or nonprofit entity designated by the department;~~

~~(ii) Includes a description of services or goods to be sold, a marketing plan, and projected financial statements; and~~

~~(iii) May require the eligible individual to obtain the assistance of an experienced entrepreneurial advisor.~~

~~(c) Contributions into individual development account. An individual eligible to receive assistance may only contribute to an individual development account: (i) such amounts as are derived from income earned through wages or self-employment by either the individual or any other family members residing with the individual for whom eligibility for assistance has been determined; (ii) proceeds of a business capitalization loan; or (iii) grant funds received from a nonprofit organization.~~

~~(d) Reporting of disbursements from the individual development account. An individual approved to participate in the individual development account must report all disbursements of five hundred dollars (\$500) or less to the department within ten (10) days of such disbursement. An individual planning any disbursement greater than five hundred dollars (\$500) must receive prior approval of the disbursement from the department.~~

~~(e) Rules and regulations. The director shall promulgate such rules and regulations as are necessary to determine the qualifications for the individuals to participate in this pilot program, for determining the standards relating to "qualified purpose," for determining the conditions terminating participation from the program, and to otherwise effectuate this pilot program.~~

~~(f) Termination of the individual development account pilot program. The individual development account pilot program authorized under this section shall terminate on June 30, 2001.~~

~~§ 40-5.1-9 Cash assistance. (a) Entitlement to cash assistance. A family found by the department to meet the eligibility criteria set forth in this chapter shall be entitled to receive cash assistance from the date of submitting a signed application. The family members shall be eligible for cash assistance for so long as they continue to meet the eligibility criteria, and parents shall be eligible so long as they meet the terms and conditions of the work requirements of subsection (c). The monthly amount of cash assistance shall be equal to the payment standard for the family minus the countable income of the family in that month. The department is authorized to reduce the amount of assistance in the month of application to reflect the number of the days between the first (1st) day of the month and the effective date of the application.~~

~~(b) Payment standard. The payment standard is equal to the sum of the following: three~~

~~hundred twenty-seven dollars (\$327) (two hundred seventy-seven dollars (\$277) for a family residing in subsidized housing) for the first person, one hundred twenty-two dollars (\$122) for the second person, one hundred five dollars (\$105) for the third person and eighty dollars (\$80) for each additional person.~~

~~(c) Work requirements. Effective for applications filed on or after July 1, 2006 and to current recipients at the time of their next redetermination of eligibility on or after July 1, 2006, the department shall develop a family financial plan pursuant to § 40-5.1-5 and, unless the parent is exempt from work pursuant to paragraph (c)(2)(iv), the department shall assess the parent's educational and vocational abilities, and the department and the parent shall jointly develop and enter into an individual employment plan pursuant to § 40-5.1-5 within thirty (30) days of the filing of an application for assistance. In the case of a family including two (2) parents, the department may develop an employment plan for any parent not otherwise required under this chapter to enter into an employment plan if the parent so requests.~~

~~(2) The employment plan shall specify the parent's work activity and the supportive services which will be provided by the department to enable the parent to engage in the work activity.~~

~~(i) During the first twenty-four (24) months of the employment plan, the parent shall participate, for a minimum of twenty (20) hours per week for parents whose youngest child in the home is under the age of six (6), and for a minimum of thirty (30) hours per week for parents whose youngest child in the home is six (6) years of age or older, in one or more of the following work activities, as appropriate, in order to help the parent obtain stable full-time paid employment:~~

~~(A) Paid employment, (including on-the-job training);~~

~~(B) A community work experience in a program, which satisfies the requirements of § 40-5.1-23;~~

~~(C) A training or work readiness program approved by the department and conducted at a job site if the program involves supervised participation in work at the site;~~

~~(D) During the first six (6) months of eligibility (or for a longer period if the department determines it necessary to prepare the parent to obtain stable full-time employment), successful participation in an approved work readiness program as defined in § 40-5.1-22;~~

~~(E) During the first three (3) months of eligibility (or for a longer period if the department determines it necessary to prepare the parent to obtain stable full-time employment), participation in an approved rapid job placement program as defined in § 40-5.1-20;~~

~~(F) A supervised individual job search, which meets the conditions set forth in § 40-5.1-21;~~

~~(G) For a parent under the age of twenty (20) without a high school diploma or the equivalent, successful participation on a full-time basis in a program to secure such diploma or the equivalent;~~

~~(H) For a parent age twenty (20) or older, without basic literacy or English literacy skills, successful participation on a full-time basis in a program to secure such skills; and~~

~~(I) For a parent age twenty (20) or older (and a parent under the age of twenty (20) who has a high school degree or the equivalent or a parent under the age of twenty (20) for whom attendance at a high school is determined to be inappropriate) successful participation in a vocational education, skills or job training program including, without limitation, a program of postsecondary education, which the department determines is likely to result in regular full-time employment at wages sufficient to eliminate eligibility for cash assistance under the act.~~

~~(ii) Beginning with the twenty-fifth (25th) month of the employment plan, the parent shall participate in one or more of the following work activities for at least twenty (20) hours per week for parents whose youngest child in the home is under the age of six (6) and thirty (30) hours per week for parents whose youngest child in the home is six (6) years of age or older, at least twenty (20) hours shall be one or more of the following activities and the balance shall be in activities designed to help the parent obtain or maintain unsubsidized employment or increase the parent's earning potential:~~

~~(A) Paid employment (including on the job training);~~

~~(B) A community work experience program, which satisfies the requirements of § 40-5.1-23;~~

~~(C) A training program approved by the department and conducted at a job site if the program involves supervised participation in work at the site.~~

~~(D) A supervised individual or group job search not to exceed four (4) weeks, which meets the conditions set forth in § 40-5.1-21; or participation in an approved rapid job placement program as defined in § 40-5.1-20.~~

~~(iii) The following parents shall be deferred from the participation requirement in paragraph (ii):~~

~~(A) A parent under the age of twenty (20) without a high school diploma or the equivalent who is successfully participating, on a full time basis, in a program to secure such diploma or the equivalent;~~

~~(B) A single parent age twenty (20) or older, without basic literacy or English language skills, who: (I) is participating in a full-time program but is unable to complete a literacy or language skills program during the first twenty four (24) months of his or her employment plan, or (II) who the department has determined is unable to secure paid employment without additional language or literacy skills, and who is successfully participating in a program to secure such skills;~~

~~(C) A parent age twenty (20) years or older, who is successfully participating in a vocational education, skills or job training program including, without limitation, a program of postsecondary education, which the department determines is likely to result in regular full time employment at wages sufficient to eliminate eligibility for cash assistance under the act; provided, however, that the parent began the program prior to the twenty-fifth (25th) month of his or her employment plan; provided, further, however, that participation shall not be deemed a work activity after the thirty-sixth (36th) month of the employment plan;~~

~~(D) Upon completion of any activity in subparagraphs (A) — (C), the parent shall be subject to the work activity requirements of paragraph (ii):~~

~~(iv) Paragraphs (i) and (ii) shall not apply to a single parent if (and for so long as) the department finds that he or she is:~~

~~(A) Unable to comply with the employment plan because of an illness which, on the basis of medical evidence, is serious enough to temporarily prevent work;~~

~~(B) Unable to comply with the employment plan because of a physical or mental impairment which, on the basis of medical evidence, either by itself or in conjunction with age, prevents work;~~

~~(C) Unable to comply with the employment plan because of the illness or incapacity of a minor child or spouse who requires full time in home care, and for whom the person is providing care;~~

~~(D) Caring for a child below the age of one; provided, however, that a minor parent~~

~~without a high school diploma or the equivalent, and who is not married, shall not be exempt from subparagraph (G) for more than twelve (12) weeks from the birth of the child;~~

~~(E) Sixty (60) years of age or older;~~

~~(F) A pregnant woman in her third trimester;~~

~~(G) Otherwise exempt by the department.~~

~~(v) The amount of cash assistance to which an otherwise eligible family is entitled under the act, shall be reduced by the portion of the family's benefit attributable to any parent who, without good cause, has failed to enter into an individual employment plan or has failed to comply with his or her individual employment plan, as required under this chapter; provided that the reduction shall be applied during the first six (6) months, whether or not consecutive, of such failure or non-compliance by the parent.~~

~~(B) The department shall terminate cash assistance to a family if any parent in the family has failed, without good cause, to enter into an individual employment plan or to comply with his or her individual employment plan, for six (6) months, whether or not consecutive.~~

~~(C) For purposes of this paragraph (v) the benefit reduction for a family size of two (2) shall be computed utilizing a family size of three (3).~~

~~(vi) If the family's benefit has been reduced in accordance with paragraph (v)(A) for less than six (6) months, whether or not consecutive, due to the parent's failure to enter into an individual employment plan or failure to comply with the terms of his or her individual employment plan, benefits shall be restored to the full amount beginning with the initial payment made on the first of the month following the month in which the parent: (1) enters into an individual employment plan and demonstrates compliance with the terms thereof; or (2) demonstrates compliance with the terms of his or her existing individual employment plan, as such plan may be amended by agreement of the parent and the department.~~

~~(B) If the family's benefit has been terminated in accordance with paragraph (v)(B) due to the failure by one or more parents to enter into an individual employment plan or failure to comply with the terms of his or her individual employment plan, the family may re-apply for benefits and benefits shall be restored to the family in the full amount the family is otherwise entitled to under this chapter beginning on the first of the month following the month in which all parents in the family who are subject to the employment plan requirements under this chapter: (1) enter into an individual employment plan and demonstrate compliance with the terms thereof; or (2) demonstrate compliance with the terms of the parent's individual employment plan in effect at the time of termination of benefits, as such plan may be amended by agreement of the parent and the department.~~

~~(vii) Notwithstanding paragraphs (i) and (ii) of this subsection, in the case of a family consisting of two (2) parents, beginning seven (7) days following completion of the individual employment plan(s), or as soon as practical thereafter, one parent shall be engaged in work activities for at least thirty five (35) hours per week during the month, not fewer than thirty (30) hours per week of which are attributable to one or more of the following activities:~~

~~(I) Unsubsidized employment;~~

~~(II) Subsidized private sector employment;~~

~~(III) Subsidized public sector employment;~~

~~(IV) Work experience if sufficient private sector employment is not available;~~

~~(V) On the job training;~~

~~(VI) A supervised individual or group job search not to exceed four (4) weeks, which meets the conditions set forth in § 40-5.1-21; or participation in an approved rapid job placement~~

program as defined in § 40-5.1-20;

(VII) Community service program;

(VIII) Vocational educational training (not to exceed twelve (12) months with respect to any individual); or

(IX) The provision of child care services to an individual who is participating in a community service program.

(B) Moreover, in the case of a two (2) parent family wherein one parent is engaged for at least thirty five (35) hours per week in the work activities specified immediately above, and if the family requests child care assistance under this chapter, and an adult in the family is not disabled or caring for a severely disabled child, the second parent must be engaged in work activities during the month for not fewer than twenty (20) hours per week in one or more of the following activities:

(I) Unsubsidized employment;

(II) Subsidized private sector employment;

(III) Subsidized public sector employment;

(IV) Work experience if sufficient private sector employment is not available;

(V) On-the-job training; or

(VI) Community service programs;

(viii) Paragraph (vii) shall not apply:

(A) To a parent who is ill and the department determines on the basis of medical evidence that the illness is serious enough to temporarily prevent entry into employment or engaging in the activities listed in paragraph (vii) or to provide care for his or her children; or

(B) To a parent who is incapacitated by a physical or mental impairment which the department has determined on the basis of medical evidence either by itself or in conjunction with age, prevents the individual from engaging in employment or training or providing care for his or her children; or

(C) To a parent who is providing full-time in-home care to a minor child or parent who, due to illness or incapacity, requires full-time in-home care; or

(D) If otherwise authorized by the department for cause.

(E) If, during any month, parents required to comply with paragraph (vii) fail, without good cause to do so the parent included in the family, unless exempt pursuant to paragraph (iv), shall be required to comply with paragraph (vii) of this subsection and shall be subject to the penalties in paragraphs (v) and (vi), as applicable, if the parent fails to do so. Notwithstanding the foregoing, in determining the amount of cash assistance to which a family is entitled under this chapter, the earnings of any parent living in the same household as a family eligible for cash assistance shall be deemed to be earned income of the family for purposes of § 40-5.1-10(b).

(x) A parent's failure, without good cause, to accept a bona fide offer of work, including full time, part time and/or temporary employment, or unpaid community service, to the extent the offer of work is not inconsistent with the employment plan shall be deemed a failure to comply with this section, provided that:

(A) The parent is able to perform the work offered; and

(B) Appropriate childcare, as defined in subsection (c) hereof is made available to the parent.

(d) Childcare. Notwithstanding any other provision of this section, no single parent, or both parents meeting the requirements of paragraph (vii), shall be required to work to the extent that appropriate child care is necessary for the parent to do so and the department determines that

such appropriate child care is unavailable for fiscal or other reasons. For purposes of this section "appropriate child care" means child care which is provided by a person or organization qualified and authorized to provide such care by the department of children, youth, and families or such other lawful providers as determined by the department of children, youth, and families. Child care shall be considered "necessary" under this section for any child below the age of thirteen (13), or any children age thirteen (13) years or older who are under supervision of the family court or who require care because of a physical or mental impairment.

(e) Work expenses. The department shall provide an allowance for transportation costs necessary to comply with the employment plan; provided, however, that the amount of such reimbursement shall not exceed the sum of three dollars (\$3.00) per day.

§ 40-5.1-9.1 Lump sum payment in lieu of cash assistance. — (a) The department may offer families who are eligible for cash assistance under this chapter a lump sum payment equal to up to three (3) times the monthly amount of cash assistance to which the family would otherwise be entitled if:

(1) The department finds that a lump sum payment would enable an adult member of the family to either accept and commence employment based upon a verifiable job offer, or to maintain current employment; and provided further that the adult member of the family has not voluntarily terminated employment within sixty (60) days prior to the date of application for benefits under this section; and

(2) The family waives any cash assistance under this chapter to which it would otherwise be entitled during the six (6) month period beginning with the date of application for payment of the lump sum; and

(3) The department provides the family with a clear and concise description of the waiver which must be signed.

(b) Each member of a family which receives a lump sum payment under this section shall be deemed for all other purposes to be receiving cash assistance throughout the six (6) month waiver period; provided, however, that the provisions of §§ 40-5.1-5, 40-5.1-8(d)(1), 40-5.1-9 shall not be applicable to families who receive a lump sum payment under this section, and such families shall not be required to assign child and spousal support rights to the department.

(c) This section shall be applicable only with respect to applications for cash assistance under this chapter filed on and after July 1, 2004, and there shall be a lifetime limit of one (1) lump sum payment per family. No family who has received cash assistance under this chapter at any time during the twelve (12) month period prior to its application for a lump sum cash assistance payment under this section shall be eligible for assistance under this section.

§ 40-5.1-10 Income. — (a) In general. Except as otherwise provided for herein, in determining eligibility for and the amount of cash assistance to which a family is entitled under this chapter, the income of a family includes all of the money, goods, and services received or actually available to any member of the family.

(b) Earned income disregards. In determining the amount of cash assistance to which a family is entitled under this chapter, income in any month shall not include the first one hundred seventy dollars (\$170) of gross earnings plus fifty percent (50%) of the gross earnings of the family in excess of one hundred seventy dollars (\$170) earned during the month.

(c) Exclusions from income. The income of a family shall not include:

(1) The first fifty dollars (\$50.00) in child support received in any month from each non-custodial parent of a child plus any arrearages in child support (to the extent of the first fifty dollars (\$50.00) per month multiplied by the number of months in which the support has been in

~~arrears) which are paid in any month by a non-custodial parent of a child;~~

~~(2) Earned income of any child;~~

~~(3) Income received by a family member who is receiving supplemental security income assistance under Title XVI of the Social Security Act, 42 U.S.C. § 1381 et seq.;~~

~~(4) The value of assistance provided by state or federal government or private agencies to meet nutritional needs including: value of USDA donated foods; value of supplemental food assistance received under the Child Nutrition Act of 1966, as amended and the special food service program for children under Title VII, nutrition program for the elderly, of the Older Americans Act of 1965 as amended, and the value of food stamps;~~

~~(5) Value of certain assistance provided to undergraduate students including: any grant or loan for an undergraduate student for educational purposes made or insured under any loan program administered by the U.S. Commissioner of Education (or the Rhode Island board of governors for higher education or the Rhode Island higher educational assistance authority);~~

~~(6) Foster care and adoption assistance payments;~~

~~(7) Home energy assistance funded by state or federal government or by a nonprofit organization;~~

~~(8) Payments for supportive services or reimbursement of out-of-pocket expenses made to foster grandparents, senior health aides or senior companions and to persons serving in SCORE and ACE and any other program under Title II and Title III of the Domestic Volunteer Service Act of 1973, 42 U.S.C. § 5000 et seq.;~~

~~(9) Payments to volunteers under VISTA;~~

~~(10) Certain payments to native Americans; payments distributed per capita to, or held in trust for, members of any Indian Tribe under P.L. 92-254, 25 U.S.C. § 1261 et seq., P.L. 93-134, 25 U.S.C. § 1401 et seq., or P.L. 94-540; receipts distributed to members of certain Indian tribes which are referred to in § 5 of P.L. 94-114, 25 U.S.C. § 459d, that became effective October 17, 1975;~~

~~(11) The federal earned income tax credit; and~~

~~(12) The value of any state, local, or federal government rent or housing subsidy, provided that this exclusion shall not limit the reduction in benefits provided for in § 40-5.1-9(b).~~

~~§ 40-5.1-11 Treatment of lump sum income. — (a) If a family member receives in any month a lump sum income which, together with all other income for the month, exceeds the payment standard for the family:~~

~~(1) The lump sum income shall be considered income of the individual in the month received, and the family of which the person is a member shall be ineligible for cash assistance for the whole number of months that equals the sum of the amount and all other income received in the month, divided by the appropriate federal income poverty level standard for the family; provided, however, that a family member who was not in the household at the time of receipt of the lump sum payment shall not be affected by the period of ineligibility, and~~

~~(2) Any income remaining (which amount is less than the payment standard for the family) shall be treated as income received in the first month following the period of ineligibility.~~

~~(b) The department shall recalculate the period of ineligibility under subsection (a) if an event occurs which, had the family been receiving cash assistance for the month of occurrence, would result in a change in the amount payable for the month, or if the income received has become unavailable to the members of the family for reasons that are beyond the control of the members.~~

~~(c) For purposes of this section, "lump sum income" means income which is an~~

accumulation of current income received in a single sum. That portion of lump sum income which is received from a third party for payment of medical bills, funeral expenses, or replacement or repair of real or personal property is excluded from "lump sum" as long as the income is used only for that purpose.

§ 40-5.1-12 Parent, stepparent, grandparent, and sponsor income deeming. — (a) Parents. For purposes of determining eligibility for and the amount of cash assistance to which a family is entitled under this chapter, the income of a child shall include the income of a parent who is not included within the family of the child solely by reason of § 40-5.1-9(c)(2)(v) or (vi). For purposes of this section, the term "income" has the meaning prescribed in § 40-5.1-10 including subsection (b).

(b) Stepparents. For purposes of determining eligibility for and the amount of cash assistance to which a family is entitled under this chapter, the income of a child shall include the income of the child's stepparent (if living in the same house as the child) minus the sum of: (1) the first ninety dollars (\$90) of the stepparent's earned income for the month; (2) the standard of need for a family of the same composition as the stepparent (but excluding any person included in the child's family); (3) amounts paid by the stepparent to individuals not living in the stepparent's home and claimed by him or her as dependent for federal tax purposes; and (4) alimony or child support payments made by the stepparent with respect to individuals not living in such household.

(c) Grandparents. The income of a child whose parent is under the age of eighteen (18) shall include any income of the child's grandparents, if the grandparents are living in the same home as the child and his or her parent, to the same extent that income of a stepparent is included under subsection (b).

(d) Sponsors. The income of a legal resident who is not a citizen, shall include the income and resources of any person (and their spouse) who (as a sponsor of such individual's entry into the United States) executed an affidavit of support or similar agreement with respect to such individual, for a period of three (3) years after the individual alien's entry into the United States or as otherwise permitted by federal law. The first section of this subsection shall not apply if the sponsor of the legal resident is a recipient of SSI, general public assistance or cash assistance under this chapter, or if the legal resident is:

(i) A dependent child of the sponsor or of the sponsor's spouse;
(ii) Admitted as a conditional entrant refugee to the United States as a result of the application prior to April 1, 1980, of the provisions of Section 203(a)(7) of the Immigration and Nationality Act, 8 U.S.C. § 1153;

(iii) Admitted as a refugee to the United States as result of application after March 31, 1981, of the provisions of Section 207(e) of the Immigration and Nationality Act, 8 U.S.C. § 1157(e);

(iv) Paroled into the United States as a refugee under § 212(d)(5) of the Immigration and Nationality Act, 8 U.S.C. § 1182(d)(5);

(v) Granted political asylum by the attorney general under § 208 of the Immigration and Nationality Act, 8 U.S.C. § 1158;

(vi) A Cuban or Haitian entrant, as defined in § 501(3) of the Refugee Education Assistance Act of 1980 (Public Law 96-422);

(vii) An Amerasian admitted to the United States under the provisions of the Amerasian Immigration Act (Public Law 100-202).

(e) In determining the resources to be deemed to the legal resident, the exclusion of

resources in § 40-5.1-8(b) shall be applied and the total value of countable resources in excess of one thousand five hundred dollars (\$1,500) shall be considered available to the legal resident. In determining the income to be deemed to the legal resident, the income of the sponsor (and of the sponsor's spouse) shall be included to the same extent that income of a stepparent is included under subsection (b), except that twenty percent (20%) of the earned income of a sponsor and his or her spouse if appropriate (but no more than one hundred seventy-five dollars (\$175) per month) shall be excluded.

§ 40-5.1-13 Reporting of income and resources by recipients. — (a) Except as provided in subsection (b) below, all adult family members are responsible for reporting changes in income, resources, family composition or other factors which can effect the family's eligibility or payment level within ten (10) days of the change in circumstances. In addition, families receiving cash assistance, as a supplement to earnings must report their earnings on a monthly, quarterly or semi-annual basis, as determined by the department, on forms provided by the department, and such reporting requirements shall be applied uniformly to all families similarly situated.

(b) Whenever adult family member(s) become aware that a minor child in their household has been or will be temporarily absent from the home, the adult family member(s) have the responsibility to report such absence of a minor child from the home by the end of the five (5) day period that begins with the date that the adult family member(s) become aware that the minor child has been or will be absent from the home for a period of thirty (30) or more consecutive days.

§ 40-5.1-14 Minimum payment. — No payment of assistance under § 40-5.1-9(b) shall be made for any month if the amount of such payment would be less than ten dollars (\$10), but a family with respect to whom a payment of assistance is denied solely by reason of this section shall otherwise be deemed to be a recipient of assistance under this chapter.

§ 40-5.1-15 Assistance not assignable — Exemption from process. — Except as otherwise provided for herein, cash assistance shall not be transferable or assignable at law or in equity, and none of the money paid or payable under this chapter shall be subject to execution levy, attachment, garnishment or other legal process, or to the operation of any bankruptcy or insolvency law.

§ 40-5.1-16 Replacement of lost, stolen or undelivered checks. — The department shall promptly replace cash assistance checks which are not received by the family or which are lost, stolen, or totally destroyed after the receipt by the family.

§ 40-5.1-17 Families eligible for child care assistance. — (a) The department shall provide appropriate childcare to every parent who requires childcare in order to meet the work requirements in § 40-5.1-9 and to all other families with incomes at or below one hundred eighty percent (180%) of the federal poverty line, if and to the extent such other families require childcare in order to work at paid employment.

(2) No family shall be eligible for child care assistance under this chapter if the combined value of its liquid resources exceeds ten thousand dollars (\$10,000). Liquid resources are defined as any interest(s) in property in the form of cash or other financial instruments or accounts which are readily convertible to cash or cash equivalents. These include, but are not limited to, cash, bank, credit union, or other financial institution savings, checking and money market accounts, certificates of deposit or other time deposits, stocks, bonds, mutual funds, and other similar financial instruments or accounts. These do not include educational savings accounts, plans, or programs; retirement accounts, plans, or programs; or accounts held jointly with another adult,

~~not including a spouse, living outside the same household but only to the extent the applicant/recipient family documents the funds are from sources owned by the other adult living outside the household, plus the proportionate share of any interest, dividend or capital gains thereon. The department is authorized to promulgate rules and regulations to determine the ownership and source of the funds in the joint account.~~

~~(3) As a condition of eligibility for child care assistance under this chapter, the parent or caretaker relative of the family must consent to and must cooperate with the department in establishing paternity, and in establishing and/or enforcing child support and medical support orders for all children in the family in accordance with title 15 of the general laws, as amended, unless the parent or caretaker relative is found to have good cause for refusing to comply with the requirements of this subsection.~~

~~(b) For purposes of this section "appropriate childcare" means childcare, including infant/toddler, pre school, nursery school, school age, and youth care, which is provided by a person or organization qualified, approved, and authorized to provide such care by the department of children, youth, and families, or by the department of elementary and secondary education, or such other lawful providers as determined by the department of human services, in cooperation with the department of children, youth and families and the department of elementary and secondary education for a child below the age of thirteen (13).~~

~~(c) The department of human services shall determine rates of reimbursement for childcare services for children over the age of twelve (12) in accordance with the provisions of § 40-6.2-1.1(d).~~

~~For purposes of this section "appropriate childcare" is defined in § 40-5.1-9(d).~~

~~(d) Families with incomes below one hundred percent (100%) of the applicable federal poverty guidelines shall be provided with free childcare. Families with incomes equal to or greater than one hundred percent (100%) of the applicable federal poverty guideline shall be required to pay for some portion of the childcare they receive, according to a sliding fee scale adopted by the department.~~

~~(e) In determining the type of childcare to be provided to a family, the department shall take into account the cost of available childcare options and the suitability of the type of care available for the child and the parent's preference as to the type of childcare.~~

~~(f) For purposes of this section "income" for families receiving cash assistance under § 40-5.1-9 means gross earned income and unearned income, subject to the income exclusions in § 40-5.1-10(b) and § 40-5.1-10(c); and income for other families shall mean gross earned and unearned income as determined by departmental regulations.~~

~~(g) The entitlement provided for in subsection (a) shall be an entitlement to payment of a subsidy for childcare to an appropriate childcare provider as defined in subsection (b). The caseload estimating conference established by chapter 17 of title 35 shall forecast the expenditures for childcare in accordance with the provisions of § 35-17-1.~~

~~(h) In determining eligibility for child care assistance program for children of members of reserve components called to active duty during a time of conflict, the department shall freeze the family composition and the family income of the reserve component member as it was in the month prior to the month of leaving for active duty. This shall continue until the individual is officially discharged from active duty.~~

~~§ 40-5.1-18 Managed care. — (a) In order to ensure that working families with children, including recipients of cash assistance under this chapter, have access to quality and affordable health care, the department is authorized to plan and to implement a system of health care~~

delivery through a mandatory managed care health system for such families. "Managed care" is defined as a system that: integrates an efficient financing mechanism with quality service delivery; provides a "medical home" to assure appropriate care and deter unnecessary and inappropriate care; and places emphasis on preventive and primary health care.

§ 40-5.1-19 Eligibility for medical benefits. — (a) Every member of any family eligible for cash assistance under this chapter shall be categorically eligible for medical assistance through the RIté Care or RIté Share programs, as determined by the department, subject to the provisions of § 40-8-1(d) and provided, further, that such medical assistance, must qualify for federal financial participation pursuant to the provisions of Title XIX of the federal social security act, 42 U.S.C. § 1396 et seq.

(b) If a family becomes ineligible for cash assistance payments under this chapter on account of excess earnings from employment, the family shall continue to be eligible for medical assistance through the RIté Care or RIté Share program for a period of twelve (12) months or until employer paid family health care coverage begins subject to the provisions of § 40-8-1(d) and provided, further, that medical assistance, must qualify for federal financial participation pursuant to the provisions of title XIX of the federal social security Act, 42 U.S.C. § 1396 et seq.

(c) A parent who becomes ineligible for RIté Care under this section and who is not eligible for employer paid medical coverage due to a prior existing condition, or is otherwise uninsurable as determined by the department, shall be entitled to purchase RIté Care coverage in accordance with contribution rates to be established by the department.

§ 40-5.1-20 Rapid job placement program. — (a) The department is hereby authorized to operate or contract for rapid job replacement services programs for individuals who are required or elect to participate in such programs.

(b) Rapid job placement service programs shall help participants identify employment opportunities and shall provide personnel qualified to manage and oversee individual job search activities of program participants that result in employment, including part time, at or above the state minimum wage, as quickly as possible. Program activities shall include, but not be limited to, instruction in:

- (1) Values and workplace competencies valued by employers;
- (2) Resume writing and interviewing;
- (3) Identification and targeting of employment opportunities;
- (4) Marketing skills and experience to potential employers;

(c) If, following completion of a rapid job placement program, an individual remains unemployed, the program operator shall provide the department with an assessment of the additional educational or other skills which the individual needs to acquire in order to find employment on a full and/or part time basis.

(d) The department shall establish performance standards for rapid job placement providers to ensure that the goals of this act are met.

§ 40-5.1-21. Supervised individual job search. — For purposes of this chapter "supervised individual job search" means a schedule of job search activities, described in an employment plan, which an individual is to undertake under the supervision of his or her case manager or case management team. Unless otherwise provided by the department, such activities shall include no less than twenty (20) documented face to face contacts per month with potential employers.

§ 40-5.1-22. Work readiness programs. — The department is hereby authorized to operate or contract for work readiness programs for those individuals whose employment plan includes participation in such programs. Work readiness programs are programs of limited duration,

~~which are designed to help prepare participants for work by assuring that participants are familiar with general workplace expectations and exhibit work behavior and attitudes necessary to compete successfully in the labor market. To the extent practicable, work readiness programs should involve supervised community work experience.~~

~~§ 40-5.1-23. Supervised community work experience. — (a) The department is hereby authorized to place in supervised community work experience programs those adults in families receiving cash assistance whose employment plans contain a job readiness component.~~

~~(b) The department is also hereby authorized to place in supervised community work experience programs adults in families receiving cash assistance who are unemployed to the extent program participation does not interfere with their participation in rapid job placement programs or individual job search activities.~~

~~(c) For purposes of this section "supervised community work experience" means work on any state or local government project or on any project of a nonprofit agency, which the department determines serves a useful public purpose. The work must be: (1) conducted under the direction of a state or local government employee or an employee or volunteer of a nonprofit agency, as the case may be; and (2) on terms and conditions approved by the department. The assignment of an individual to supervised community work experience should, to the extent practicable, take into account the individual's skills, training, and education and each individual shall be evaluated by his or her supervisor on the project no less often than quarterly.~~

~~(d) The maximum number of hours which an individual may be required to participate in a supervised community work experience in any month is equal to the amount of cash assistance received by the family of which such adult is a member divided by the applicable minimum wage.~~

~~(e) No participant in community work experience shall be entitled to any compensation for any work performed in connection therewith, nor shall any participant be treated as an employee of any state or local government or nonprofit social services agency on account of such participation under chapters 32—36 of title 28.~~

~~§ 40-5.1-24 Education, literacy and vocational skills programs. — (a) The department of elementary and secondary education shall directly or through the purchase of assessment services from others provide the department with professional assessments, as necessary, of the educational and vocational skills, literacy, English language skills and the educational and vocational aptitudes and interests of adults receiving or at risk of qualifying for cash assistance under this chapter.~~

~~(b) The department of elementary and secondary education, by itself, by the purchase of services from others and by and through local education authorities; the board of governors for higher education by and through the Community College of Rhode Island, Rhode Island College and the University of Rhode Island; the department of labor and training by and through job training programs operated or supervised by the department; private industry councils operating pursuant to the Job Partnership Training Act, 29 U.S.C. § 1501 et seq. [Repealed]; and the department to the extent not duplicative of programs operated by others; are hereby authorized to provide education, literacy, and job training programs to:~~

~~(1) Adult members of families receiving cash assistance under this chapter;~~

~~(2) Adult members of families at risk of qualifying for cash assistance under this chapter;~~

~~(3) Non-custodial parents of children in families receiving cash assistance under this chapter.~~

~~§ 40-5.1-25 Emergency expenses. — (a) To the extent that the department has allocated~~

resources for this purpose, the department is authorized to provide assistance to families to meet emergency needs which cannot be met with the cash resources available to the family. The emergency assistance shall be limited to the lesser of actual cost or the sum of two hundred dollars (\$200). Except as provided by the department by regulation, no expense shall be reimbursable unless the department has pre-approved the expenditure. Emergency assistance includes, but is not limited to, payment of moving expenses for families who are forced to move their place of residence and payments for emergency transportation needs used in connection with participation in any program approved under this chapter.

(b) In the event of a catastrophe caused by fire, flood, lightning, severe wind or other act of nature, the department may establish by regulation the authorization of catastrophic assistance funds not subject to the limit of two hundred dollars (\$200) specified in subsection (a). Such regulations shall specify the criteria under which funds for shelter, clothing or essential household equipment and furnishings may be authorized in the event of a catastrophe.

§ 40-5.1-26 Time.— A parent or caretaker relative who requests assistance on behalf of a child under this chapter shall meet with a case manager or case management team as soon as possible and no later than five (5) days from the date of request for assistance. The application for assistance shall be accepted or rejected by the department no later than thirty (30) days following the date submitted and shall be effective as of the date of application.

§ 40-5.1-27 Budgeting.— (a) The department shall determine a family's eligibility for cash assistance for a month (the "eligibility month") on the basis of the family's anticipated income, composition, resources, and other relevant circumstances during such month.

(b) Beginning in the third month following the month in which an application for cash assistance is effective, the amount of cash assistance for a family with earned income shall be determined on the basis of the earned income received by such family in the first or second month (the "budget month") immediately preceding the eligibility month.

(c) If the income from the budget month is from a terminated source, the department shall calculate the amount of cash assistance prospectively for each month after the month in which the income was terminated.

(d) If the income from the budget month results in the family being ineligible for cash assistance for only one month, the family shall be deemed to be a recipient of family assistance under this chapter during such month; provided, however, that the department may, by regulation, adopt a prospective budgeting methodology to determine the eligibility for and the amount of cash assistance for families with earned income.

§ 40-5.1-28 Overpayment and underpayment of benefits.— The department shall promptly take all necessary steps to correct any overpayment or underpayment of aid under this chapter, and, in the case of:

(1) An overpayment to an individual who is a current recipient of such aid (including a recipient whose overpayment occurred during a prior period of ineligibility) recovery will be made by repayment by the individual or by reducing the amount of any future aid payable to the family of which he or she is a member, except that such recovery shall not result in the reduction of aid payable for any month, such that aid, when added to its income is less than ninety percent (90%) of the standard of assistance for a family with the same composition with no other income (and, in the case of an individual to whom no payment is made for a month solely by reason of recovery of any overpayment, such individual shall be deemed to be a recipient of aid for such month);

(2) An overpayment to any individual who is no longer receiving aid under the plan,

recovery shall be made by appropriate action by the department under state law against the income or resources of the individual or the family; and

(3) An underpayment, the corrective payment shall be disregarded in determining the income of the family, and shall be disregarded in determining its resources in the month the corrective payment is made and in the following month; except that no recovery need be attempted or carried out under subdivision (2) of this section, other than in a case involving fraud on the part of the recipient where the cost of recovery would equal or exceed the amount of overpayment involved.

§ 40-5.1-29 Hearings. — Any applicant or recipient aggrieved because of a decision by the department, including but not limited to, a decision regarding eligibility for benefits, the amount of benefits, terms of an employment plan or a delay in making a decision with respect to an application for assistance shall be entitled to an appeal. The department shall provide an applicant with written notice of a decision to deny benefits under this chapter and shall provide recipients written notice at least ten (10) days in advance of a decision to terminate or reduce benefits to the family. Notices shall be in easy to understand language and shall explain the reason for the department's decision and cite the relevant section of the department's regulations. The family may appeal the decision by filing a written request with the department within thirty (30) days of the date the notice was mailed. If the recipient files the request within ten (10) days of the date the notice was mailed, the recipient may receive benefits without reduction pending the outcome of the appeal. Hearings, with respect to public assistance, shall be conducted by the department.

§ 40-5.1-30 Records as to assistance. — All records pertaining to the administration of public assistance pursuant to this chapter and chapter 8 of this title are hereby declared to constitute confidential matter. In furtherance thereof:

(1) It shall be unlawful for any person to make use of, or cause to be used, any information contained in records for purposes not directly connected with administration thereof, except with the consent of the individual concerned.

(2) The director of the department shall have the power to establish rules and regulations governing the custody, use, and preservation of the records, papers, files and communications dealing with the administration of public assistance. The rules and regulations shall have the same force and effect as law.

(3) The records shall be produced in response to subpoena duces tecum properly issued by any federal or state court; provided, however, that the purpose for which the subpoena is sought is directly connected with the administration of public assistance. No subpoena shall be issued by a court asking either for the records, or for persons having custody or access to the records, unless the litigation involved in such matters is directly connected with the administration of public assistance.

(4) Any person who by law is entitled to a list of individuals receiving any of the assistance as provided in this chapter shall not publish or cause to be published the list except by the express consent of the director of the department, or to make use of thereof for purposes not directly connected with the administration thereof.

(5) Any person violating any of the provisions of this section, or the lawful rules and regulations made hereunder, shall be guilty of a misdemeanor and shall be fined not more than two hundred dollars (\$200), or shall be imprisoned for not more than six (6) months, or both.

(6) Nothing in this section shall be deemed to prohibit the director of the department or his or her agents duly authorized for that purpose, from issuing any statistical material data, or

~~publishing or causing the data to be published whenever he or she shall deem it to be in the public interest.~~

~~(7) The director of the department may inquire into the records of any state department or agency in the course of his or her administration of public assistance.~~

~~§ 40-5.1-31 Department of human services. — (a) Except as otherwise provided for herein, the director of the department of human services is responsible for implementation of this chapter.~~

~~(b) No later than March 1st of each year, the director shall submit a plan to the general assembly showing how, within available resources, the department expects to operate the programs authorized under this chapter in the succeeding fiscal year. The plan shall, to the extent the director deems appropriate, take into account the results of the research and program evaluation conducted by the board of governors for higher education pursuant to § 40-5.1-32 and the views of the advisory commission established pursuant to § 40-5.1-35. It shall describe how the department intends to coordinate its activities with those of other governmental departments and organizations and with those nonprofit non-government organizations, which provide services to the same population receiving assistance under this chapter. Beginning in state fiscal year 1998, the plan shall include an assessment of the minimum financial resources which Rhode Island families of varying compositions require to provide themselves with adequate food, shelter, clothing, education and health care and, in the case of working families, to pay for work related expenses, including without limitation, child care, transportation and clothing. The assessment shall reflect the child support guidelines issued from time to time by the Rhode Island family court.~~

~~(c) The department is empowered and authorized to submit its plan for services under the act to the federal government or any agency or department thereof having funds available for benefits to low income families for approval pursuant to the provisions of the Social Security Act, 42 U.S.C. § 301 et seq. The department shall act for the state in any negotiations relative to the submission and approval of the plan and/or waivers and may make any arrangement or changes in its plan and/or waivers not inconsistent with this chapter which may be required or permitted by the Social Security Act or rules and regulations promulgated pursuant thereto, to obtain and retain approval and to secure for this state the benefits of the provisions of the federal act relating to family assistance. The department shall make reports to the federal government or any agency or department thereof, in the form and nature required by it, and shall in all respects comply with any request or direction of the federal government or any agency or department thereof which may be necessary to assure the correctness and verification of the reports.~~

~~(d) The department of human services is hereby authorized and directed to expedite the implementation of this act by submitting to the federal government, on behalf of the state, such state plan amendments and any federal waiver requests which it deems necessary to fully implement the provisions of this act and to secure for this state the benefits of federal financial participation and/or grants for the above referenced programs, as amended, pursuant to titles IV and XIX of the federal Social Security Act, 42 U.S.C. §§ 601 et seq. and 1396 et seq., and Subchapter II-B of the Child Care and Development Block Grant codified at 42 U.S.C. § 9858 et seq., and as such acts may hereafter be re-codified or amended by such acts as may be considered and enacted by the Congress of the United States.~~

~~(2) Any provisions of this chapter and chapters 6 and 6.2 of this title and § 42-12-3 which are inconsistent with federal law or regulations shall be void unless the department receives an exemption or waiver from the federal government to implement the provision.~~

~~(3) The department of human services is hereby authorized and directed to implement this act only in accordance with the terms and conditions of state plan amendments, waivers, or other approvals granted by the federal government and changes in rules, regulations and policies of the department that are promulgated pursuant to chapter 35 of title 42.~~

~~§ 40-5.1-32 Board of governors for higher education. — The board of governors for higher education, by and through the appropriate academic department of the state college and university system, shall conduct and publish an annual evaluation of the programs operated by the department pursuant to this chapter.~~

~~§ 40-5.1-33 Department of labor and training. — (a) The director of the department of labor and training shall publish monthly an evaluation of the job market for persons likely to be eligible to receive family assistance.~~

~~(b) The state employment service shall continuously survey employers in the state who are likely to have positions for which persons eligible for family assistance.~~

~~§ 40-5.1-34 Rhode Island economic development corporation. — The Rhode Island economic development corporation shall report no less often than quarterly on new opportunities for employment for families receiving assistance under this chapter and the extent to which these new opportunities are the result of state government efforts.~~

~~§ 40-5.1-35 Advisory commission. — (a) There is hereby established a commission to advise the director regarding the program authorized by this chapter. The commission shall consist of thirteen (13) residents of the state:~~

~~(1) Two (2) appointed by the speaker of the house of representatives, one appointed by the minority leader of the house of representatives; two (2) appointed by the president of the senate; one appointed by the minority leader of the senate; two (2) appointed by the governor; and~~

~~(2) Five (5) shall be appointed by a majority of those appointed pursuant to subsection (1); provided, however, that one shall be from an organization representing the business community, one shall be an organization representative of the advocacy community and one shall be from an organization primarily comprised of the recipients of assistance under this chapter or chapter 6 of this title, and two (2) shall be current or former recipients of assistance under this chapter or under chapter 6 of this title; provided further that in making appointments under this subsection those appointed pursuant to subdivision (1) of this subsection shall comply with § 28-5.1-3.1.~~

~~(b) Members of the commission shall be appointed in the month of January, each to hold office until the last day of December in the second year of his or her appointment or until his or her successor is appointed by their respective appointing authority and qualified to succeed the member whose term shall next expire.~~

~~(c) The commission shall meet annually on or before the second Tuesday in January of each year to elect one of their members as chair and shall meet thereafter at the call of the chair or of any three (3) members of the commission.~~

~~§ 40-5.1-36 Rules and regulations. — The director of the department of human services shall, pursuant to chapter 35 of title 42, promulgate rules and regulations necessary to carry out the provisions of this chapter.~~

~~§ 40-5.1-37 Non-custodial parents — Employment obligations. — Any non-custodial parent who is required by order of the family court to pay support to any family receiving assistance of any kind under this chapter, and who is unemployed and, in whole or in part as a result of such unemployment, has failed to comply with all of the terms of such support order~~

~~may, if permitted by a justice of the family court, purge his or her contempt by accepting employment approved by the court, paying wages no less than the state minimum wage and/or by participation on a full-time basis in a rapid job placement program.~~

~~§ 40-5.1-38 Fraudulently obtaining assistance.— Any person who by any fraudulent device obtains or attempts to obtain public assistance pursuant to this chapter to which he or she is not entitled, or who willfully fails to report income or resources as provided in this chapter, shall be guilty of larceny and, upon conviction thereof, shall be punished by imprisonment of not more than five (5) years and by a fine of not more than one thousand five hundred dollars (\$1,500) or both, if the value of the public assistance to which he or she is not entitled shall exceed five hundred dollars (\$500) or by imprisonment by less than one year or by a fine of not more than five hundred dollars (\$500) or by both, if the value of the public assistance to which he or she is not entitled shall not exceed five hundred dollars (\$500).~~

~~§ 40-5.1-39 Authorization to pay assistance.— Authorization to pay all forms of assistance specified in this chapter shall be made by representatives of the department and the state controller is hereby authorized to draw his or her orders upon the general treasurer for payments upon receipt by him or her of proper vouchers approved by the department. Subject to any necessary federal approval, the department is authorized to make payments of cash assistance by check, direct deposit, electronic benefit transfer or other means designated by the department.~~

~~§ 40-5.1-40 Cashing of cash assistance checks.— (a) For purposes of this section, the term "banking institution" shall mean: (1) any state or federally chartered bank, savings bank, loan and investment bank or credit union located within this state; and (2) any currency exchange specialist located within this state and enrolled with the department of human services pursuant to regulations to be adopted by the department.~~

~~(b) Each banking institution shall cash, at its main office or any of its branch offices within the state, any check drawn by the state and payable within the state to a recipient of cash assistance under this chapter, if the check is negotiated to the banking institution by the original payee of the check, and if the payee produces reasonable identification required by this section and as provided for in regulations adopted pursuant to subsection (d).~~

~~(c) Nothing in this section shall be interpreted as limiting any rights which the banking institution may have against the payee by contract or law, with regard to items which are negotiated to it as provided for in this section, which are not paid upon presentment or where such payee breaches a warranty made under § 6A-3-417. This section shall not apply to any check negotiated to a banking institution if such institution has reason to believe that the check will not be paid on presentment or that the tendering party may be in breach of one or more of the warranties contained in § 6A-3-417.~~

~~(d) Provided that a banking institution properly employed the identification procedures prescribed in regulations adopted pursuant to this subsection at the time a cash assistance check was cashed by such institution, the state shall honor and make payment on the cash assistance check and the banking institution shall not be liable to reimburse the state for a loss incurred as a result of the wrongful payment of a check by a banking institution. The director of the department of human services shall adopt regulations specifying: (1) the forms of reasonable identification which a banking institution shall accept when cashing a cash assistance check pursuant to subsection (b); and (2) the identification procedures the institution must employ to receive payment thereon and to avoid liability for wrongful payment of any check. The regulations shall provide that the forms of reasonable identification shall include, but need not be~~

limited to: (1) a cash assistance photo identification card issued by the department of human services; (2) a valid identification card issued by the administrator of the division of motor vehicles pursuant to § 3-8-6; (3) a valid driver's license; (4) an identification card issued by the department of elderly affairs; and (5) a valid identification card issued by the United States Immigration and Naturalization Service.

(e) The department shall issue a stop payment order with respect to any cash assistance check reported as lost, stolen, or undelivered. The department shall not issue a replacement cash assistance check for a period of three (3) business days from the date of the report of such loss, theft, or non delivery.

§ 40-5.1-41 Appropriation of funds. — The general assembly shall annually appropriate such sums as it may deem necessary for the purposes of carrying out the provisions of this chapter, and the state controller is hereby authorized and directed to draw his or her orders upon the general treasurer for the payment of such sums, or so much thereof as may from time to time be required upon receipt by him or her of such vouchers approved by the executive officer of the state department of human services.

§ 40-5.1-42 Severability. — If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect other provisions or applications of the chapter, which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

§ 40-5.1-43 Transition. — (a) Each family receiving cash assistance under the aid to families with dependent children or general public assistance, pursuant to chapter 6 of this title on the last day of the month immediately preceding the effective date of this chapter, shall be deemed in full compliance with all of the requirements of this chapter relating to work and/or work readiness until such time as:

(1) The department has, pursuant to § 40-5.1-5, assessed the financial condition of the family;

(2) The department has, pursuant to § 40-5.1-5, assessed the employability of each of the parents in the family; and

(3) The department and the family have, pursuant to § 40-5.1-5, developed an employability plan and the employability plan is incorporated in a family assistance contract for the family.

(b) Each family receiving services under the pathways to independence program pursuant to chapter 6 of this title on the last day of the month immediately preceding the effective date of this chapter shall retain eligibility for such services until such time as:

(1) The department has, pursuant to § 40-5.1-5, assessed the financial condition of the family;

(2) The department has, pursuant to § 40-5.1-5, assessed the employability of each of the parents in the family; and

(3) The department and the family have, pursuant to § 40-5.1-9, developed an employability plan; provided, however, that the employability plan shall incorporate, to the extent practicable, the program in which the parent is enrolled under the pathways program.

§ 40-5.1-43 Transition. — (a) Each family receiving cash assistance under the aid to families with dependent children or general public assistance, pursuant to chapter 6 of this title on the last day of the month immediately preceding the effective date of this chapter, shall be deemed in full compliance with all of the requirements of this chapter relating to work and/or work readiness until such time as:

~~(1) The department has, pursuant to § 40-5.1-5, assessed the financial condition of the family;~~

~~(2) The department has, pursuant to § 40-5.1-5, assessed the employability of each of the parents in the family; and~~

~~(3) The department and the family have, pursuant to § 40-5.1-5, developed an employability plan and the employability plan is incorporated in a family assistance contract for the family.~~

~~(b) Each family receiving services under the pathways to independence program pursuant to chapter 6 of this title on the last day of the month immediately preceding the effective date of this chapter shall retain eligibility for such services until such time as:~~

~~(1) The department has, pursuant to § 40-5.1-5, assessed the financial condition of the family;~~

~~(2) The department has, pursuant to § 40-5.1-5, assessed the employability of each of the parents in the family; and~~

~~(3) The department and the family have, pursuant to § 40-5.1-9, developed an employability plan; provided, however, that the employability plan shall incorporate, to the extent practicable, the program in which the parent is enrolled under the pathways program.~~

~~§ 40-5.1-44 School age children. — Subject to general assembly appropriation, one month each year, each dependent school age child as defined by the department of human services receiving cash assistance under this chapter in that month shall be given a supplementary payment for the purchase of clothing in accordance with Title IV-A of the Social Security Act, 42 U.S.C. § 601 et seq.~~

~~§ 40-5.1-45 [Repealed].~~

~~§ 40-5.1-46 Screening for domestic violence — Waiver of program requirements. — (a) The department shall:~~

~~(1) Screen and identify individuals with a history of domestic violence applying for or receiving assistance while maintaining the confidentiality of such individuals;~~

~~(2) Refer such individuals to counseling and supportive services; and~~

~~(3) Waive, pursuant to a determination of good cause and for so long as necessary, cash assistance program requirements relating to time limits for individuals receiving assistance, residency requirements, child support cooperation requirements, and work requirements, in cases where compliance with such requirements would make it more difficult for individuals receiving assistance under this chapter to escape domestic violence or unfairly penalize such individuals who are or have been victimized by such violence, or individuals who are at risk of further domestic violence.~~

~~(b) For purposes of this section, the term "individual with a history of domestic violence" means an individual who has been subjected to:~~

~~(1) Physical acts that resulted in, or threatened to result in, physical injury to the individual;~~

~~(2) Sexual abuse;~~

~~(3) Sexual activity involving a dependent child;~~

~~(4) Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities;~~

~~(5) Threats of, or attempts at, physical or sexual abuse;~~

~~(6) Mental abuse; or~~

~~(7) Neglect or deprivation of medical care.~~

~~§ 40-5.1-47 Child Support Pass Through. — For any month in which a non-custodial parent makes a child support payment in the month when due and the support is collected by the department of administration, division of taxation, for a child or children receiving cash assistance pursuant to this chapter, the first fifty dollars (\$50.00) of the child support payment, or the actual amount of the child support payment if the payment is less than fifty dollars (\$50.00), shall be paid to the family in which the child resides. If more than one non-custodial parent makes a child support payment to children living in the same family, there shall only be one payment of fifty (\$50.00) paid to the family from the child support collected. This payment is known as the "pass through" payment and shall be sent to the family within two (2) business days of the determination that the amount is due and owing and no later than within two (2) business days of the end of the month in which the support was collected.~~

SECTION 3. Unless specifically provided for and otherwise described herein, this article shall take effect upon passage."

Respectfully submitted,

REPRESENTATIVE COSTANTINO

=====
LC01510/6
=====

The motion to amend prevails on a roll call vote 67 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 67: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Coderre, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Winfield.

NAYS - 0.

By unanimous consent, Representative Palumbo seconded by Representative Singleton offers a written motion to amend.

Representatives Palumbo, Slater, and Costantino discuss the amendment.

Representative Palumbo withdraws his amendment.

The article is read and prevails, as amended, on a roll call vote 69 members voting in the affirmative and 3 members voting in the negative as follows:

YEAS - 69: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan,

DeSimone, Diaz, Ehrhardt, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Rice, Rose, San Bento, Savage, Scott, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 3: Representatives Ferri, Palumbo, Segal.

REQUEST

Representatives Coaty requests the journal to reflect that if he had voted on Article 16, as amended, he would have voted in the affirmative.

ARTICLE 17 RELATING TO RHODE ISLAND MEDICAID REFORM ACT

Representative Slater moves passage of the article, seconded by Representatives Dennigan, Fox, and Costantino.

By unanimous consent, Representative Costantino, seconded by Representatives Watson, Mumford, and many other members of the House offers a written motion to amend.

FLOOR AMENDMENT TO 2008 -- H 7390 SUBSTITUTE A

AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009

Mr. Speaker:

I hereby move to amend 2008 -- H 7390 SUBSTITUTE A, entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009", as follows:

In Article 17, by deleting all language following the enactment clause and inserting in place thereof the following language:

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

CHAPTER 42-12.4 THE RHODE ISLAND MEDICAID REFORM ACT OF 2008

42-12.4-1. Short title. – This chapter shall be known and may be cited as "The Rhode Island Medicaid Reform Act of 2008".

42-12.4-2. Legislative intent. – (a) It is the intent of the general assembly that Medicaid shall be a sustainable, cost-effective, person-centered and opportunity-driven program utilizing competitive and value-based purchasing to maximize available service options; and

(b) It is the intent of the general assembly to fundamentally redesign the Medicaid

Program in order to achieve a person-centered and opportunity-driven program; and

(c) It is the intent of the general assembly that the Medical Assistance Program be a results oriented system of coordinated care that focuses on independence and choice that maximizes the available service options, promotes accountability and transparency; encourages and rewards healthy outcomes and responsible choices; and promotes efficiencies through interdepartmental cooperation.

(d) The executive office of health and human services and the department of human services are authorized and shall apply for and obtain a global waiver and/or any necessary waivers and/or state plan amendments from the secretary of the United States Department of Health and Human Services, including, but not limited to, a waiver of the appropriate sections of Title XIX, 42 U.S.C. section 1396 et. seq. The application for and the provisions of such waiver(s) and/or state plan amendments shall be implemented as follows:

(1) The federal waiver application process shall be overseen by the respective finance committees of both chambers of the general assembly. Ten (10) days prior to submission to the federal government, the executive office of health and human services and the department of human services will provide the general assembly with the proposed submission data related to the federal global waiver application required by the federal Center for Medicare and Medicaid services;

(2) Prior to the final acceptance of the federal global waiver by the state, the executive office of health and human services and the department of human services shall allow the respective finance committees of both chambers of the general assembly to review all materials related to the federal global waiver, including the materials submitted by the state and the tentative approval letter; moreover, the executive office of health and human services and the department of human services may accept the federal global waiver if the general assembly does not repeal the authority to pursue the global waiver within thirty (30) days of the receipt of the proposed federal waiver;

(3) Upon the enactment of legislation related to the federal waiver(s), the executive office of health and human services and the health and human services agencies, as defined in 42-7.2-2, are authorized and directed to adopt rules and regulations in order to implement the provisions of the federal waiver(s) and/or state plan amendments.

42-12.4-3. Legislative Enactments. – Until statutory changes are enacted through the legislative process, all applicable laws remain in effect. It may be necessary to propose legislative changes in order to comply with the federal waiver(s). In order to effectuate additional programmatic changes to the Medicaid program beyond those authorized in the 2008 legislative session, and as authorized by the federal waiver, the executive office of health and human services and the department of human services shall propose the additional appropriate legislative amendments. Such additional legislative changes cannot be effectuated until the necessary statutory enactments have been passed.

42-12.4-4. Public hearings and recommendations. – The chairpersons of the house finance committee and senate finance committee shall hold public hearings on such additional proposed legislation, if proposed, to determine whether or not such legislation satisfies the goals enumerated herein and would result in substantial new opportunities for the medical assistance program on a cost neutral basis over a period not to exceed five (5) years.

42-12.4-5. Permanent joint committee of the Global Waiver Compact. – Composition. – After the approval of the global waiver by the federal center for Medicare and Medicaid services, there shall be created a permanent joint committee on the global waiver compact to consist of the

following twelve (12) members: the chair of the house finance committee; the chair of the senate finance committee; the chair of the house health, education and welfare committee; the chair of the senate health and human services committee; two (2) members of the house finance committee appointed by the speaker of the house; two (2) members of the senate finance committee appointed by the senate president; two (2) members of the house of representatives appointed by the speaker of the house, one of whom shall be from the minority party; and two (2) members of the senate appointed by the senate president, one of whom shall be a member of the minority party.

The speaker of the house and the senate president shall consult with the house and senate minority leaders on the appointments of the minority members.

42-14.4-6. Powers and duties of the permanent joint committee on the Global Waiver Compact. – The permanent joint committee on the state Global Waiver Compact shall have the authority to:

- (a) Provide oversight on the Global Waiver Compact;
- (b) Confer as the committee deems desirable with the directors of all departments within the executive office of health and human services;
- (c) Recommend the type of services for the Medicaid program to be offered by the state;
- (d) Issue subpoenas, subpoenas duces tecum and orders for the production of books, accounts, papers, records and documents; and
- (e) Make recommendations to the general assembly and propose legislation regarding the state Medicaid Program.

SECTION 2. Chapter 42-7.2 of the General Laws entitled “Office of Health and Human Services” is hereby amended by adding thereto the following sections:

42-7.2-16. Medicaid System Reform 2008.- (a) The executive office of health and human services, in conjunction with the department of human services, the department of elderly affairs, the department of children youth and families, the department of health and the department of mental health, retardation and hospitals, is authorized to design options that reform the Medicaid program so that it is a person-centered, financially sustainable, cost-effective, and opportunity driven program that: utilizes competitive and value based purchasing to maximize the available service options, promote accountability and transparency, and encourage and reward healthy outcomes, independence, and responsible choices; promotes efficiencies and the coordination of services across all health and human services agencies; and ensures the state will have a fiscally sound source of publicly-financed health care for Rhode Islanders in need.

(b) Principles and Goals. In developing and implementing this system of reform, the executive office of health and human services and the five (5) health and human services departments shall pursue the following principles and goals:

(1) Empower consumers to make reasoned and cost-effective choices about their health by providing them with the information and array of service options they need and offering rewards for healthy decisions;

(2) Encourage personal responsibility by assuring the information available to beneficiaries is easy to understand and accurate, provide that a fiscal intermediary is provided when necessary, and adequate access to needed services;

(3) When appropriate, promote community-based care solutions by transitioning beneficiaries from institutional settings back into the community and by providing the needed assistance and supports to beneficiaries requiring long-term care or residential services who

wish to remain, or are better served in the community;

(4) Enable consumers to receive individualized health care that is outcome-oriented, focused on prevention, disease management, recovery and maintaining independence;

(5) Promote competition between health care providers to ensure best value purchasing, to leverage resources and to create opportunities for improving service quality and performance;

(6) Redesign purchasing and payment methods to assure fiscal accountability and encourage and to reward service quality and cost-effectiveness by tying reimbursements to evidence-based performance measures and standards, including those related to patient satisfaction; and

(7) Continually improve technology to take advantage of recent innovations and advances that help decision makers, consumers and providers to make informed and cost-effective decisions regarding health care.

(c) The executive office of health and human services shall annually submit a report to the governor and the general assembly commencing on a date no later than July 1, 2009 describing the status of the administration and implementation of the Global Waiver Compact.

SECTION 3. Section 40-8-17 of the General Laws in Chapter 40-8 entitled "Medical Assistance" is hereby amended to read as follows:

40-8-17. Waiver request – Formulation.-- ~~(a) The department of human services and the department of elderly affairs shall cooperate and collaborate in the formulation of a 2176 waiver request to the health care financing administration. The waiver shall be designed to bring people who have been admitted to nursing homes back into the community. The department of human services and the department of elderly affairs shall formulate the waiver application forthwith. In no event shall the waiver request be submitted later than August 1, 1987.~~

~~(b) The department of elderly affairs shall, forthwith, formulate and effectuate a coordinated outreach and education program to create an awareness of the alternatives to nursing home placement. The outreach and education program shall be directed to both health care providers and potential clients.~~

(a) The department of human services, in conjunction with the executive office of health and human services, is directed and authorized to apply for and obtain any necessary waiver(s), waiver amendment(s) and/or state plan amendments from the secretary of the United States department of health and human services, including, but not limited to, a §1115a global demonstration waiver that provides program flexibility in exchange for federal budgetary certainty and under which Rhode Island will operate all facets of the state's Medicaid program, except as may be explicitly exempted under any applicable public or general laws.

SECTION 4 Chapter 40-8.4 of the General Laws entitled "Health Care for Families" is hereby amended by adding thereto the following section:

40-8.4-19. Managed health care delivery systems for families. -- (a) Notwithstanding any other provision of state law, the delivery and financing of the health care services provided under this chapter shall be provided through a system of managed care. "Managed care" is defined as systems that: integrate an efficient financing mechanism with quality service delivery; provide a "medical home" to assure appropriate care and deter unnecessary services; and place emphasis on preventive and primary care. For the purposes of Medical Assistance, managed care systems are defined to include a primary care case management model in which ancillary services are provided under the direction of a physician in a practice that meets standards established by the department of human services, including standards pertaining to certification as an "advanced medical home".

(b) Enrollment in managed care health delivery systems is mandatory for individuals eligible for medical assistance under this chapter. This includes children in substitute care, children receiving Medical Assistance through an adoption subsidy, and children eligible for medical assistance based on their disability. Beneficiaries with third-party medical coverage or insurance may be exempt from mandatory managed care in accordance with rules and regulations promulgated by the department of human services for such purposes.

(c) Individuals who can afford to contribute shall share in the cost. The department of human services is authorized and directed to apply for and obtain any necessary waivers and/or state plan amendments from the secretary of the U.S. department of health and human services, including, but not limited to, a waiver of the appropriate sections of Title XIX, 42 U.S.C. § 1396 et seq., to require that beneficiaries eligible under this chapter or chapter 12.3 of title 42, with incomes equal to or greater than one hundred thirty-three percent (133%) of the federal poverty level, pay a share of the costs of health coverage based on the ability to pay. The department of human services shall implement this cost-sharing obligation by regulation, and shall consider co-payments, premium shares, or other reasonable means to do so in accordance with approved provisions of appropriate waivers and/or state plan amendments approved by the secretary of the United States department of health and human services.

(d) All children and families receiving Medical Assistance under title 40 of the Rhode Island general laws shall also be subject to co-payments for certain medical services as approved in the waiver and/or the applicable state plan amendment, and in accordance with rules and regulations promulgated by the department.

(e) The department of human services may provide health benefits, similar to those available through commercial health plans, to parents or relative caretakers with an income above one hundred percent (100%) of the federal poverty level who are not receiving cash assistance under the Rhode Island Temporary Assistance to Needy Families (TANF program).

(f) The department of human services is authorized to create consumer directed health care accounts, including but not limited to health opportunity accounts or health savings accounts, in order to increase and encourage personal responsibility, wellness and healthy decision-making, disease management, and to provide tangible incentives for beneficiaries who meet designated wellness initiatives.

SECTION 5 Section 40-8.5-1 of the General Laws in Chapter 40-8.5 entitled "Health Care for Elderly and Disabled Residents Act" is hereby amended to read as follows:

40-8.5-1. Categorically needy medical assistance coverage. – (a) The department of human services is hereby authorized and directed to amend its Title XIX state plan to provide for categorically needy medical assistance coverage as permitted pursuant to Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq., as amended, to individuals who are sixty-five (65) years or older or are disabled, as determined under § 1614(a)(3) of the Social Security Act, 42 U.S.C. § 1382c(a)(3), as amended, whose income does not exceed one hundred percent (100%) of the federal poverty level (as revised annually) applicable to the individual's family size, and whose resources do not exceed four thousand dollars (\$4,000) per individual, or six thousand dollars (\$6,000) per couple. The department shall provide medical assistance coverage to such elderly or disabled persons in the same amount, duration and scope as provided to other categorically needy persons under the state's Title XIX state plan.

~~(b) In order to ensure that individuals with disabilities have access to quality and affordable health care, the department is authorized to plan and to implement a system of health care delivery through voluntary (opt-out) managed care health systems for such individuals.~~

~~"Managed care" is defined as systems that: integrate an efficient financing mechanism with quality service delivery; provides a "medical home" to assure appropriate care and deter unnecessary and inappropriate care; and places emphasis on preventive and primary care.~~

~~(c) The department is authorized to obtain any approval and/or waivers from the United States Department of Health and Human Services, necessary to implement a voluntary (opt-out) managed health care delivery system to the extent approved by the United States Department of Health and Human Services, including a primary care case management model in which ancillary services are provided under the direction of a physician in a practice that meets standards established by the department of human services. Nothing in this subsection shall be interpreted to reduce the scope or duration of services or benefits covered for any Medicaid recipient or to restrict or remove any services or benefits from a managed care benefit plan provided by the state Medicaid program.~~

~~(d) The department shall submit a report to the permanent joint committee on health care oversight no later than April 1, 2006 that proposes an implementation plan for this voluntary program, based on beginning enrollment not sooner than July 1, 2006. The report will describe projected program costs and savings, the outreach strategy to be employed to educate the potentially eligible populations, the enrollment plan, and an implementation schedule.~~

~~(e) To ensure the delivery of timely and appropriate services to persons who become automatically eligible for Medicaid by virtue of their eligibility for a Social Security Administration program, data on their special needs may be reported to the department of human services by the Social Security Administration. The department of human services is authorized to seek any and all data sharing agreements or other agreements with the Social Security Administration as may be necessary to receive timely and accurate diagnostic data and clinical assessments to be used exclusively for the purpose of service planning, and to be held and exchanged in accordance with all applicable state and federal medical record confidentiality laws and regulations.~~

SECTION 6 Chapter 40-8.5 of the General Laws entitled "Health Care for Elderly and Disabled Residents Act" is hereby amended by adding thereto the following section:

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

(b) "Managed care" is defined as systems that: integrate an efficient financing mechanism with quality service delivery; provides a "medical home" to assure appropriate care and deter unnecessary services; and place emphasis on preventive and primary care. For purposes of Medical Assistance, managed care systems are also defined to include a primary care case management model in which ancillary services are provided under the direction of a physician in a practice that meets standards established by the department of human services. Those medical assistance recipients who have third-party medical coverage or insurance may be exempt from mandatory managed care in accordance with rules and regulations promulgated by the department of human services. The department is further authorized to redesign benefit packages for medical assistance beneficiaries subject to appropriate federal approval.

(c) The department is authorized to obtain any approval through waiver(s) and/or state plan amendments, from the secretary of the United States department of health and human services, that are necessary to implement mandatory managed health care delivery systems for all medical assistance recipients, including the primary case management model in which ancillary

services are provided under the direction of a physician in a practice that meets standards established by the department of human services. The waiver(s) and/or state plan amendments shall include the authorization to exempt beneficiaries with third-party medical coverage or insurance from mandatory managed care in accordance with rules and regulations promulgated by the department of human services. The department may also redesign benefit packages for medical assistance beneficiaries in accordance with rules and regulations promulgated by the department.

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

(e) The department of human services and/or the executive office of health and human services is authorized and directed to apply for and obtain any necessary waiver(s) and/or state plan amendments from the secretary of the United States department of health and human services, including, but not limited to, a waiver of the appropriate sections of law for the purpose of administering and implementing the goals of the Medicaid Reform Act 2008 as described in § 42-7.2-16 of the Rhode Island general laws, specifically using competitive value-based purchasing to maximize the available service options and to promote accountability and transparency in the delivery of services for all Medical Assistance beneficiaries.

SECTION 7 Chapter 40-8 of the General Laws entitled "Medical Assistance" is hereby amended by adding thereto the following sections:

40-8-27. Cooperation by providers. – Medicaid providers who employ individuals applying for benefits under any chapter of title 40 shall comply in a timely manner with requests made by the department for any documents describing employer sponsored health insurance coverage or benefits the provider offers that are necessary to determine eligibility for the state's premium assistance program pursuant to section 40-8.4-12. Such documents requested by the department may include, but are not limited to, certificates of coverage or a summary of benefits and employee obligations. Upon receiving notification that the department has determined that the employee is eligible for premium assistance under section 40-8.4-12, the provider shall accept the enrollment of the employee and his or her family in the employer based health insurance plan without regard to any seasonal enrollment restrictions, including open enrollment restrictions, and/or the impact on the employee's wages. Additionally, the Medicaid provider employing such persons shall not offer "pay in lieu of benefits." Providers who do not comply with the provisions set forth in this section shall be subject to suspension as a participating Medicaid provider.

40-8-28. Vendors doing business in the state of Rhode Island. - All vendors who do business with the state of Rhode Island in accordance with title 37 of the Rhode Island general laws and who are also employers of Rhode Island medical assistance recipients shall make available in a timely manner to the department at the department's request, documents describing the health insurance or health benefits offered by the vendor to the employee, including, but not limited to a certificate of coverage or a summary of benefits and employee obligations for the purposes of and only to the extent necessary to carry out the provisions of this section of the

general laws The employer shall accept the enrollment of the individual and/or the family in the employer based health insurance plan without regard to any seasonal enrollment restrictions, including open enrollment restrictions, without regard to the impact on the member's wages. This is known as "pay in lieu of benefits."

40-8-29. Selective Contracting. – (a) Notwithstanding any other provision of state law, the department of human services is authorized to utilize selective contracting to assure that all service expenditures under this chapter have the maximum benefit of competition, and afford Rhode Islanders the overall best value, optimal quality, and the most cost-effective care possible.

(b) Any approved medical assistance provider who declines to participate in contracting for benefits in any one of the department's medical assistance programs, including, but not limited to any and all managed care programs, may be suspended as a participating provider and denied participation in all state operated medical assistance programs at the discretion of the department.

SECTION 8 Chapter 40-8.9 of the General Laws entitled "Medical Assistance – Long-term Care Service and Finance Reform" is hereby amended by adding thereto the following section:

40-8.9-9. Long-term Care Re-balancing System Reform Goal. – (a) Notwithstanding any other provision of state law, the department of human services is authorized and directed to apply for and obtain any necessary waiver(s), waiver amendment(s) and/or state plan amendments from the secretary of the United States department of health and human services, and to promulgate rules necessary to adopt an affirmative plan of program design and implementation that addresses the goal of allocating a minimum of fifty percent (50%) of Medicaid long-term care funding to home and community-based care on or before December 31, 2012. The department is further authorized and directed to prioritize investments in home and community-based care and to maintain the integrity and financial viability of all current long-term care services while pursuing this goal.

(b) The long-term care re-balancing goal is person-centered and encourages individual self-determination, family involvement, interagency collaboration, and individual choice through the provision of highly specialized and individually tailored home-based services. Additionally, individuals with severe behavioral, physical, or developmental disabilities must have the opportunity to live safe and healthful lives through access to a wide range of supportive services in an array of community-based settings, regardless of the complexity of their medical condition, the severity of their disability, or the challenges of their behavior. Delivery of services and supports in less costly and less restrictive community settings, will enable children, adolescents and adults to be able to curtail, delay or avoid lengthy stays in residential treatment facilities, juvenile detention centers, psychiatric facilities, and/or intermediate care or skilled nursing facilities.

(c) Pursuant to federal authority procured under section 42-7.2-16 of the general laws, the department of human services is directed and authorized to adopt a tiered set of criteria to be used to determine eligibility for services. Such criteria shall be developed in collaboration with the state's health and human services departments and shall encompass eligibility determinations for services in nursing facilities, hospitals, and intermediate care facilities for the mentally retarded as well as home and community-based alternatives, and shall provide a common standard of income eligibility for both institutional and home and community-based care. The department is authorized to adopt criteria for admission to a nursing facility, hospital, or intermediate care facility for the mentally retarded that are more stringent than those employed

for access to home and community-based services. The department is also authorized to promulgate rules that define the frequency of re-assessments for services provided for under this section.

(d) The department of human services is further authorized and directed to consolidate all home and community-based services currently provided pursuant to section 1915(c) of title XIX of the United States Code into a single program of home and community-based services that include options for consumer direction and shared living. The resulting single home and community-based services program shall replace and supersede all section 1915(c) programs when fully implemented. Notwithstanding the foregoing, the resulting single program home and community-based services program shall include the continued funding of assisted living services at any assisted living facility financed by the Rhode Island housing and mortgage finance corporation prior to January 1, 2006, and shall be in accordance with chapter 66.8 of title 42 of the general laws as long as assisted living services are a covered Medicaid benefit.

(e) The department of human services is authorized to promulgate rules that permit certain optional services including, but not limited to, homemaker services, home modifications, respite, and physical therapy evaluations to be offered subject to availability of state-appropriated funding for these purposes.

(f) To promote the expansion of home and community-based service capacity, the department of human services is authorized and directed to pursue rate reform for homemaker, personal care (home health aide) and adult day care services, as follows:

(1) A prospective base adjustment effective, not later than July 1, 2008, across all departments and programs, of ten percent (10%) of the existing standard or average rate, contingent upon a demonstrated increase in the state-funded or Medicaid caseload by June 30, 2009;

(2) Development, not later than September 30, 2008, of certification standards supporting and defining targeted rate increments to encourage service specialization and scheduling accommodations including, but not limited to, medication and pain management, wound management, certified Alzheimer's Syndrome treatment and support programs, and shift differentials for night and week-end services; and

(3) Development and submission to the governor and the general assembly, not later than December 31, 2008, of a proposed rate-setting methodology for home and community-based services to assure coverage of the base cost of service delivery as well as reasonable coverage of changes in cost caused by wage inflation.

(h) The department of human services is also authorized, subject to availability of appropriation of funding, to pay for certain non-Medicaid reimbursable expenses necessary to transition residents back to the community; provided, however, payments shall not exceed an annual or per person amount.

(i) To assure the continued financial viability of nursing facilities, the department of human services is authorized and directed to develop a proposal for revisions to section 40-8-19 that reflect the changes in cost and resident acuity that result from implementation of this re-balancing goal. Said proposal shall be submitted to the governor and the general assembly on or before January 1, 2010.

SECTION 9 Sections 14-1-11, 14-1-21, 14-1-27 and 14-1-36.1 of the General Laws in Chapter 14-1 entitled "Proceedings in Family Court" are hereby amended to read as follows:

14-1-11. Authorizing and filing petition. – (a) The filing of the petition constitutes assumption of jurisdiction over the child. Filing shall take place upon authorization by the intake

department upon completion of its procedures pursuant to Rule 3 of the Rules of Juvenile Proceedings, upon authorization by a justice of the family court pursuant to Rule 4 of the Rules of Juvenile Proceedings, or immediately upon appearance of the child before the court following emergency detention, unless the court otherwise orders.

(b) In the event that a petition is filed, any appropriate person having knowledge, information, or belief of the material facts that appear to warrant a petition may be a petitioner under this chapter and is not required to give recognizance or surety for costs. The petition shall be directed to the family court of the state of Rhode Island, setting forth that in the opinion of the petitioner the child is a delinquent, wayward, dependent, or neglected child, or otherwise comes within the provisions of this chapter, and requires the care and protection of the state, and all petitions, with the exception of those requesting the arrest and/or detention of any person, shall be sworn to before a licensed notary public. ~~The~~Those exceptions, as stated ~~in this subsection above~~, shall be sworn to by either a justice or clerk of the family court.

(c) No child shall be ordered detained at the training school, unless there is pending against the child a petition setting forth facts which would constitute a felony or misdemeanor if committed by an adult or which alleges a violation of a valid court order, or unless the child is adjudged in contempt of court. In the event a child is ordered to be detained at the training school, the family court shall conduct a probable cause hearing within five (5) calendar days of the child's detention (exclusive of weekends and/or holidays). At the conclusion of the probable cause hearing, the court shall order the release of the child from the training school unless the court finds that the child poses a substantial risk of harm to self or to others.

~~Any child detained is entitled to a probable cause hearing within ten (10) days.~~ Nothing in this section prohibits the temporary commitment by the family court to the department of children, youth, and families for placement of a child in a specific facility or program other than the training school for youth.

(d) The department of children, youth and families, in consultation with law enforcement agencies, the attorney general, the office of the public defender and the family court, shall develop and implement a detention risk assessment instrument by no later than July 1, 2009.

(e) No child shall be placed in detention at the training school unless a determination is made by the family court that the child poses a substantial risk of harm to self or to others.

~~(d)~~(f) No petition alleging that a child is wayward by virtue of disobedient behavior may be filed except upon proof offered in the petition that the child has been subjected to a needs assessment conducted at a facility approved by the director of the department of children, youth, and families, and that a treatment plan resulting from such an assessment has been unsuccessful.

~~(e)~~(g) The director of the department of children, youth, and families is authorized and directed to promulgate any rules and regulations that it deems necessary to implement the provisions and purposes of this section.

14-1-21. Release or detention of child under custody of court. – In the case of any child whose custody has been assumed by the court, the child may, pending the final disposition of the case, be released in the custody of a parent, guardian, or other custodian, or of a probation counselor or other person appointed by the court, to be brought before the court at the designated time. When not released as provided in this section, the child, pending the hearing of the case, shall be detained in any place of detention that shall be designated by the court, subject to further order of the court at the training school subject to sections 14-1-11 and 14-1-27.

14-1-27. Temporary detention in public or private institutions. – (a) Subject to section 14-

~~1-11. Provision~~ provision may be made by the family court for the temporary detention of children ~~ordered to be detained~~ at the training school for youth or in the custody of the director of the department of children, youth and families. The court may ~~arrange for the boarding of children temporarily~~ authorize the temporary placement of children in private homes licensed and approved by the department of children, youth, and families and subject to the supervision of the court, or may arrange with any incorporated institution or agency licensed for child care, to receive for temporary care children ordered detained by the court. ~~The detention shall not exceed thirty (30) days. The court, however, may extend this time for an additional period of not more than thirty (30) days if it considers it is for the best interest of the child~~ Unless good cause is shown to delay the commencement of the adjudicatory hearing, if a child is in detention, the family court shall commence the adjudicatory hearing within thirty (30) calendar days from whichever of the following events occurs latest: the date the petition is served on the child; or the date the child is placed in detention. In all such cases, the family court shall conclude the adjudicatory hearing within fifteen (15) calendar days of the commencement of the hearing unless good cause is shown to extend an adjudicatory hearing beyond fifteen (15) calendar days.

(b) In any case wherein the attorney general files an application to waive and/or certify a youth, the juvenile may be detained at the training school for a period not to exceed ninety (90) days. In such cases, the department shall present to the family court a waiver report within forty-five (45) calendar days. At the expiration of ninety (90) days, the attorney general's petition for waiver and/or certification shall be decided by the family court, unless good cause is shown to extend the time upon which the family court may render such a decision.

~~(b)(c)~~ When DCYF makes application to the court to take a child into temporary custody due to allegations of abuse and/or neglect or dependency, DCYF shall have the duty to investigate the possibility of placing the child or children with a fit and willing relative not residing with the parents. DCYF shall conduct an assessment into the appropriateness of placement of the child or children with the relative within thirty (30) days of the child's placement in the temporary custody of DCYF. If the department determines that the relative is a fit and proper person to have placement of the child, the child shall be placed with that relative, unless the particular needs of the child make the placement contrary to the child's best interests. All placements with relatives shall be subject to criminal records checks in accordance with § 14-1-34, foster care regulations promulgated by DCYF, and interstate compact approval, if necessary.

~~(e)(d)~~ If DCYF proposes to place the child with a relative outside the state of Rhode Island, DCYF shall notify the parent who shall have an opportunity to file an objection to the placement with the family court within ten (10) days of receipt of the notice. A hearing shall be held before the child is placed outside the state of Rhode Island.

~~(d)(e)~~ If the request of a relative for placement of a child or children is denied by DCYF, that relative shall have the right to petition the court for review. The court shall within five (5) days of the request conduct a hearing as to the suitability of temporary placement with the relative and shall make any orders incident to placement that it deems meet and just.

~~(e)(f)~~ Whenever the court determines that permanent placement or adoption is in the best interest of a child, a fit and willing relative who has been awarded placement of the child shall be given priority over a non-relative, provided that the placement or adoption is in the best interest of the child.

SECTION 10. Chapter 14-1 of the General Laws entitled "Delinquent and Dependent Children" is hereby amended by adding thereto the following section:

14-1-36.2. Assignment of custody to the director of the department of children, youth and families. – In the event the court assigns custody of a child to the director of the department of children, youth and families pursuant to sections 14-1-11, 14-1-11.1, 14-1-27, 14-1-32, 14-1-34, 14-1-36, 14-1-36.1, 40-11-7.1, or 40-11-12, the court shall authorize the provision of suitable treatment, rehabilitation and care for each child in the least restrictive and community-based setting.

SECTION 11. Section 40.1-21-4.4 of the General Laws in Chapter 40.1-21 entitled “Division of Developmental Disabilities” is hereby repealed.

40.1-21-4.4. Medical assistance – Managed care system. –~~(a) In order to ensure that adult persons who are developmentally disabled have access to an appropriate array and level of services, the department of mental health, retardation and hospitals, with the assistance of the department of human services, is authorized to plan and to implement a system of service delivery through a managed care system for developmentally disabled adults. "Managed care" is defined as a system that: consolidates all current state and federal funding streams for persons with developmental disabilities to maintain and expand the broad range of primary, preventive and continuing care community-based service options under a single funding mechanism; integrates the single funding mechanism with quality service delivery; and provides a "managed care home" to assure appropriate services and deter unnecessary and inappropriate services.~~

~~(b) The department of human services, with the assistance of the department of mental health, retardation, and hospitals, is authorized to seek any approval and/or waivers from the U.S. Department of Health and Human Services, Health Care Financing Administration, necessary to implement a mandatory managed care system for persons with developmental disabilities who are eligible for medical assistance under Title XIX of the federal Social Security Act, 42 U.S.C. § 1396 et seq. Prior to submitting such request for approvals and/or waivers, the department shall submit them to the medical assistance advisory committee for comprehensive review and comment. Subsequent applications shall be submitted to the medical assistance advisory committee at least one month prior to submission. The medical assistance advisory committee, to the extent not prohibited by federal law or regulation, shall include legislative members. The department of mental health, retardation, and hospitals, with the assistance of the department of human services, shall identify the initial populations and geographical areas where managed care shall begin. The department of health, in cooperation with the departments of human services and mental health, retardation, and hospitals, shall annually develop and implement a survey and evaluation of all managed care programs to measure service outcomes and consumer satisfaction. These results shall be published and made available to the public.~~

SECTION 12. Section 42-66-4 of the General Laws in Chapter 42-66 entitled “Elderly Affairs Department” is hereby amended to read as follows:

42-66-4. Duties of the department. – (a) The department shall be the principal agency of the state to mobilize the human, physical, and financial resources available to plan, develop, and implement innovative programs to insure the dignity and independence of elderly persons, including the planning, development, and implementation of a home and long-term care program for the elderly in the communities of the state.

(b) The department shall serve as an advocate for the needs of the adult with a disability as these needs and services overlap the needs and services of elderly persons.

(2) The department shall serve as the state's central agency for the administration and coordination of a long-term care entry system, using community-based access points, that will provide the following services related to long-term care: information and referral, initial

screening for service and benefits eligibility, and a uniform assessment program for state supported long-term care.

(3) The department shall investigate reports of elder abuse, ~~and neglect,~~ exploitation, or self-neglect and shall provide and/or coordinate protective services.

(c) To accomplish these objectives, the director is authorized:

(1) To provide assistance to communities in solving local problems with regard to elderly persons including, but not limited to, problems in identifying and coordinating local resources to serve the needs of elderly persons;

(2) To facilitate communications and the free flow of information between communities and the offices, agencies and employees of the state;

(3) To encourage and assist communities, agencies, and state departments to plan, develop, and implement home and long-term care programs;

(4) To provide and act as a clearinghouse for information, data, and other materials relative to elderly persons;

(5) To initiate and carry out studies and analyses which will aid in solving local, regional, and statewide problems concerning elderly persons;

(6) To coordinate those programs of other state agencies designed to assist in the solution of local, regional, and statewide problems concerning elderly persons;

(7) To advise and inform the governor on the affairs and problems of elderly persons in the state;

(8) To exercise the powers and discharge the duties assigned to the director in the fields of health care, nutrition, homemaker services, geriatric day care, economic opportunity, local and regional planning, transportation, and education and pre-retirement programs;

(9) To further the cooperation of local, state, federal and private agencies and institutions providing for services or having responsibility for elderly persons;

(10) To represent and act on behalf of the state in connection with federal grant programs applicable to programs for elderly persons in the functional areas described in this chapter;

(11) To seek, accept, and otherwise take advantage of all federal aid available to the department, and to assist other agencies of the state, local agencies, and community groups in taking advantage of all federal grants and subventions available for elderly persons and to accept other sources of funds with the approval of the director of administration which shall be deposited as general revenues;

(12) To render advice and assistance to communities and other groups in the preparation and submission of grant applications to state and federal agencies relative to programs for elderly persons;

(13) To review and coordinate those activities of agencies of the state and of any political subdivision of the state at the request of the subdivision, which affect the full and fair utilization of community resources for programs for elderly persons, and initiate programs that will help assure such utilization;

(14) To encourage the formation of councils on aging and to assist local communities in the development of the councils;

(15) To promote, and coordinate day care facilities for the frail elderly who are in need of supportive care and supervision during the daytime;

(16) To provide and coordinate the delivery of in-home services to the elderly, as defined under the rules and regulations ~~proposed by the in-home services commission and~~ adopted by the department of elderly affairs;

- (17) To advise and inform the public of the risks of accidental hypothermia;
 - (18) To establish a clearinghouse for information and education of the elderly citizens of the state;
 - (19) To establish and operate in collaboration with community and aging service agencies a statewide family-caregiver resource network to provide and coordinate family-caregiver training and support services to include counseling and respite services;
 - (20) To provide and coordinate the "elderly/disabled transportation" program including a passenger cost sharing program as defined and provided for under rules and regulations promulgated by the department; and
 - (21) To supervise the citizens' commission for the safety and care of the elderly created pursuant to the provisions of chapter 1.4 of title 12.
- (d) In order to assist in the discharge of the duties of the department, the director may request from any agency of the state information pertinent to the affairs and problems of elderly persons.

SECTION 13. Sections 42-66.3-1, 42-66.3-3 and 42-66.3-4 of the General Laws in Chapter 42-66.3 entitled "Home and Community Services to the Elderly" is hereby amended to read as follows:

42-66.3-1. Definitions. – As used in this chapter: (1) "Adult day services program" is an agency licensed through the department of ~~elderly affairs~~ health that provides a comprehensive supervised program on a regular basis to physically and/or mentally handicapped adults for a substantial part of a day in a single physical location for a specified number of participants daily. Adult day services may include, medical supervision, social and educational activities, snacks and/or hot lunch.

(2) "Case management agency" means a community-based agency designated by the department of elderly affairs to provide ~~case management service~~ care coordination for home and community care clients.

(3) "Director" means the director of the department of elderly affairs.

(4) "Home and community care services" means arranging for, or providing directly to the client, or providing through contract arrangement adult day services - such as home health aid/homemaker services and such other services that may be required for a client to remain in the community and as may be promulgated by department regulations.

(5) "Home care agency" means an agency licensed by the department of health as a "home nursing provider" and/or "home care provider" under the provisions of chapter 17 of title 23.

(6) "Long-term care ombudsperson" means the person or persons designated by the director of the department of elderly affairs for the purpose of advocating on behalf of recipients of long-term care services and of receiving, investigating and resolving through mediation, negotiation and administrative action complaints filed by recipients of long-term care services; individuals acting on their behalf or any individual organization or government agency that has reason to believe that a long-term care agency has engaged in activities, practices or omissions that constitute a violation of applicable statutes or regulations or that may have an adverse effect upon the health, safety, welfare, rights or the quality of life of recipients of long-term care services.

(7) "Home health aide services" means simple health care tasks, personal hygiene services, housekeeping tasks essential to the patient's health, and other related supportive services. These services shall be in accordance with a plan of treatment for the patient and shall

be under the supervision of the appropriate health care professional. These services shall be provided by a person who meets the standards established by the department of health.

(8) "Homebound" means the condition of the client is such that the client does not have the normal ability to leave home, consequently leaving the home requires a considerable and taxing effort by the client. A client does not have to be confined to bed to be homebound.

(9) "Homemaker services" means assistance and instruction in managing and maintaining a household and incidental household tasks for persons at home because of illness, incapacity, or the absence of a caretaker relative. These services shall be provided by a person who meets the standards established by the department of health.

(10) "Assisted living residences" means a publicly or privately operated residence that ~~is provides directly or indirectly by means of contracts or arrangements personal assistance to meet the resident's changing needs and preferences, lodging, and meals to two (2) or more adults who are unrelated to the licensee or administrator, excluding however, any privately operated establishment or facility licensed pursuant to section 23-17-4 of the general laws as amended. 17 of title 23, as amended, and those facilities licensed by or under the jurisdiction of the department of mental health, retardation, and hospitals, the department of children, youth and families, or any other state agency. Assisted living residences include sheltered care homes, and board and care residences or any other entity by any other name providing the above services which meet the definition of assisted living facilities.~~

(11) "Respite care services" means temporary care given inside or outside the home of a client who cannot entirely care for themselves and thereby offers relief to caregivers. ~~For the purposes of this chapter, these services are provided by an agency funded by the department of elderly affairs to provide respite care services.~~

(12) "Shared living" program means a privately owned residence in which the family provides for or arranges for the needs of the client so that the client can remain in the community, a program that is designed to respect the unique character of each individual, promotes self-reliance and the freedom to make choices, and fosters dignity, autonomy and personal safety. Services may be provided in-home or a host home residence in which the family provides for or arranges for the needs of the client so that the client can remain in the community including but not limited to lodging and meals. This program is designed to provide the opportunity for the provision of an inter-generational multidisciplinary supports to preserve and strengthen families.

42-66.3-3. Services available.— Home and community care services shall consist of:

(1) Medicaid waiver services for Medicaid eligible clients; or

(2) For the state funded co-payment program, ~~ease management~~ care coordination, a combination of homemaker/personal care services and other support services deemed necessary by the director.

42-66.3-4. Persons eligible. — (a) To be eligible for this program the client must be determined, through a functional assessment, to be in need of assistance with activities of daily living or ~~meets an institutional level of care; and/or must meet a required level of care as defined in rules and regulations promulgated by the department;~~

(b) Medicaid eligible individuals age sixty-five (65) or older of the state who meet the financial guidelines of the Rhode Island medical assistance program ~~except that they may retain cash and/or liquid resources not exceeding four thousand dollars (\$4,000) for an individual and six thousand dollars (\$6,000) for a married couple, as defined in rules and regulations promulgated by the department,~~ shall be provided the services without charge; or

(c) Persons eligible for assistance under the provisions of this section, subject to the annual appropriations deemed necessary by the general assembly to carry out the provisions of this chapter, include: (1) any homebound unmarried resident or homebound married resident of the state living separate and apart, who is at least sixty-five (65) years of age, ineligible for Medicaid, and whose income does not exceed the income eligibility ~~for persons eligible under § 42-66.2-5(a)(1)(i) and (a)(2)(i) for the Rhode Island pharmaceutical assistance to the elderly program;~~ limits as defined by rules and regulations promulgated by the department and (2) any married resident of the state who is at least sixty-five (65) years of age, ineligible for Medicaid, and whose income when combined with any income of that person's spouse does not exceed the income eligibility ~~for persons eligible under § 42-66.2-5(a)(1)(i) and (a)(2)(i) for the Rhode Island pharmaceutical assistance to the elderly program;~~ limits as defined in rules and regulations promulgated by the department. Persons who meet the eligibility requirement of this subsection shall be eligible for the co-payment portion as set forth in § 42-66.3-5.

SECTION 14. Section 40-21-1 of the General Laws entitled "Medical Assistance-Prescription Drugs" is hereby amended to read as follows:

40-21-1 Prescription drug program. – The department of human services is hereby authorized and directed to amend its practices, procedures, regulations and the Rhode Island state plan for medical assistance (Medicaid) pursuant to title XIX of the Federal Social Security Act [42 U.S.C. § 1396 et seq.] to modify the prescription drug program:

- (1) To establish a preferred drug list (PDL);
- (2) To enter into supplemental rebate, discount or other agreements with pharmaceutical companies; and
- (3) To negotiate either state-specific supplemental rebates or to participate in a multi-state pooling supplemental rebate program.

Determinations of drugs included on the PDL will be made by the State Department of Human Services, and a listing of such drugs shall be maintained on a public website. In making these determinations, the department shall consider the recommendations of the Medicaid Pharmaceutical and Therapeutics Committee, whose membership shall include practicing pharmacists and physicians, faculty members of the University of Rhode Island's College of Pharmacy, and consumers or consumer representatives. Drugs exempt from the PDL shall include: ~~(1) antipsychotics;~~ (2) anti-retrovirals; and (3) organ transplant medications. Physicians will be informed about prior authorization procedures for medications not on the PDL, and seventy-two (72) hour emergency supplies may be dispensed if authorizations cannot be obtained.

SECTION 15. Section 40-6-9.1 of General Laws in Chapter 40-6 entitled "Public Assistance Act" is hereby amended to read as follows:

40-6-9.1 Data matching – Health care coverages. – (a) For purposes of this section, the term "medical assistance program" shall mean medical assistance provided in whole or in part by the department of human services pursuant to chapters 5.1, 8, 8.4 of title 40, 12.3 of title 42 and/or title XIX or XXI of the federal Social Security Act, as amended, 42 U.S.C. § 1396 et seq. and 42 U.S.C. § 1397aa et seq., respectively. Any references to the department shall be to the department of human services.

(b) In furtherance of the assignment of rights to medical support to the department of human services under § 40-6-9(b), (c), (d), and (e) and in order to determine the availability of other sources of health care insurance or coverage for beneficiaries of the medical assistance program, and to determine potential third party liability for medical assistance paid out by the

department, all health insurers, health maintenance organizations, including managed care organizations, and third party administrators, self insured plans, pharmacy benefit managers (PBM), and other parties that are by statute, contract, or agreement, legally responsible for payment of a claim for a health care item of service doing business in the state of Rhode Island shall permit and participate in data matching with the department of human services, as provided in this section, to assist the Department to identify medical assistance program applicants, beneficiaries and/or persons responsible for providing medical support for such applicants and beneficiaries who may also have health care insurance or coverage in addition to that provided or to be provided by the medical assistance program and to determine any third party liability in accordance with this section.

The department shall take all reasonable measures to determine the legal liability of all third parties (including health insurers, self-insured plans, group health plans (as defined in § 607(1) of the Employee Retirement Income Security Act of 1974 [29 U.S.C. § 1167(1)]), service benefit plans, health maintenance organizations, managed care organizations, pharmacy benefit managers, or other parties that are, by statute, contract, or agreement, legally responsible for payment of a claim for a health care item or service), to pay for care and services on behalf of a medical assistance recipient, including collecting sufficient information to enable the department to pursue claims against such third parties.

In any case where such a legal liability is found to exist and medical assistance has been made available on behalf of the individual (beneficiary), the department shall seek reimbursement for such assistance to the extent of such legal liability and in accordance with the assignment described in § 40-6-9.

To the extent that payment has been made by the department for medical assistance to a beneficiary in any case where a third party has a legal liability to make payment for such assistance, and to the extent that payment has been made by the department for medical assistance for health care items or services furnished to an individual, the department (state) is considered to have acquired the rights of such individual to payment by any other party for such health care items or services in accordance with § 40-6-9.

Any health insurer (including a group health plan, as defined in § 607(1) of the employee retirement income security act of 1974 [29 U.S.C. § 1167(1)], a self-insured plan, a service benefit plan, a managed care organization, a pharmacy benefit manager, or other party that is, by statute, contract, or agreement, legally responsible for payment of a claim for a health care item or service), in enrolling an individual or in making any payments for benefits to the individual or on the individual's behalf, is prohibited from taking into account that the individual is eligible for or is provided medical assistance under a plan under 42 U.S.C. § 1396 et seq. for such state, or any other state.

(c) All health insurers, including, but not limited to, health maintenance organizations, third party administrators, nonprofit medical service corporations, nonprofit hospital service corporations, subject to the provisions of chapters 18, 19, 20 and 41 of title 27, as well as, self-insured plans, group health plans (as defined in § 607(1) of the Employee Retirement Income Security Act of 1974 [29 U.S.C. § 1167(1)]), service benefit plans, managed care organizations, pharmacy benefit managers, or other parties that are, by statute, contract, or agreement, legally responsible for payment of a claim for a health care item or service) doing business in this state shall: (i) Provide member information within fourteen (14) calendar days of the request to the department to enable the medical assistance program to identify medical assistance program recipients, applicants and/or persons responsible for providing medical support for those

recipients and applicants who are or could be enrollees or beneficiaries under any individual or group health insurance contract, plan or policy available or in force and effect in the state;

(ii) With respect to individuals who are eligible for, or are provided, medical assistance by the department, upon the request of the department, provide member information within fourteen (14) calendar days of the request member information to determine during what period the individual or their spouses or their dependents may be (or may have been) covered by a health insurer and the nature of the coverage that is or was provided by the health insurer (including the name, address, and identifying number of the plan);

(iii) Accept the state's right of recovery and the assignment to the state of any right of an individual or other entity to payment from the party for an item or service for which payment has been made by the department;

(iv) Respond to any inquiry by the department regarding a claim for payment for any health care item or service that is submitted not later than three (3) years after the date of the provision of such health care item or service; and

(v) Agree not to deny a claim submitted by the state based solely on procedural reasons such as on the basis of the date of submission of the claim, the type or format of the claim form, or a failure to present proper documentation at the point-of-sale that is the basis of the claim, if—

(I) The claim is submitted by the state within the three (3) year period beginning on the date on which the item or service was furnished; and

(II) Any action by the state to enforce its rights with respect to such claim is commenced within six (6) years of the state's submission of such claim.

(d) This information shall be made available by these insurers and health maintenance organizations and used by the department of human services only for the purposes of and to the extent necessary for identifying these persons determining the scope and terms of coverage, and ascertaining third party liability. The department of human services shall provide information to the health insurers, including health insurers, self-insured plans, group health plans (as defined in § 607(1) of the employee retirement income security act of 1974 [29 U.S.C. § 1167(1)]), service benefit plans, managed care organizations, pharmacy benefit managers, or other parties that are, by statute, contract, or agreement, legally responsible for payment of a claim for a health care item or service) only for the purposes described herein.

(e) No health insurer, health maintenance organization, or third party administrator which provides or makes arrangements to provide information pursuant to this section shall be liable in any civil or criminal action or proceeding brought by beneficiaries or members on account of this action for the purposes of violating confidentiality obligations under the law.

(f) The department shall submit any appropriate and necessary state plan provisions.

SECTION 16. This article shall take effect upon passage. Any rules or regulations necessary or advisable to implement the provisions of SECTION 6 and SECTION 14 of this article shall be effective immediately as an emergency rule upon the department's filing thereof with the secretary of state as it is hereby found that the current fiscal crisis in this state has caused an imminent peril to public health, safety and welfare, and the department is hereby exempted from the requirements of sections 42-35-3(b) and 42-35-4(b)(2) relating to agency findings of imminent peril to public health, safety and welfare and the filing of statements of the agency's reasons thereof.

Respectfully submitted,

REPRESENTATIVE COSTANTINO

=====

LC01512/3

=====

The motion to amend prevails on a roll call vote 66 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 66: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Giannini, Gorham, Handy, Jackson, Kennedy, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Winfield.

NAYS - 0.

Representative Menard, Costantino, Watson, Palumbo, Dennigan, Gemma, and Gorham discuss the article, as amended.

The article is read and prevails, as amended, 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, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Rice, Rose, San Bento, Savage, Scott, Serpa, Shanley, Silva, Slater, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 3: Representatives Handy, Segal, Smith.

ARTICLE 18 RELATING TO AFFORDABLE ENERGY CREDITS

Representative Lewiss moves passage of the article, seconded by Representatives Carter, Church, San Bento, and many other members of the House.

Representatives Handy, Kilmartin, Gorham, San Bento, Corvese, Almeida discuss the article.

The article is read and prevails on a roll call vote 65 members voting in the affirmative and 5 members voting in the negative as follows:

YEAS - 65: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coaty, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Palumbo, Petrarca, Rice, Rose, San Bento, Savage, Scott, Serpa, Shanley, Silva, Slater, Smith, Story, Sullivan, Trillo, Ucci, Walsh, Watson, Williams, Williamson, Winfield.

NAYS - 5: Representatives Ferri, Handy, Pacheco, Segal, Wasylyk.

ARTICLE 19 RELATING TO HOSPITAL UNCOMPENSATED CARE

Representative Slater moves passage of the article, seconded by Representative Costantino.

By unanimous consent, Representative Costantino seconded by Representative Slater offers a written motion to amend.

FLOOR AMENDMENT TO 2008 -- H 7390 SUBSTITUTE A

AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009

Mr. Speaker:

I hereby move to amend 2008 -- H 7390 SUBSTITUTE A, entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009", as follows:

(1) In Article 19, page 1, line 9 by deleting the period "." after the number "2006" and inserting the following punctuation and language after the number "2006" ", and for any fiscal year ending after September 30, 2008, the period from October 1, 2006 through September 30, 2007".

(2) In Article 19, page 2, line 7 by deleting the words "forty-seven" and inserting in place thereof the words "thirty-eight".

(3) In Article 19, page 2, line 7 by deleting the figure "5.47" and inserting in place thereof the figure "5.38".

(4) In Article 19, page 2, line 29 by deleting the figure "99.5" and inserting in place thereof the figure "105.6".

(5) In Article 19, page 3, line 11 by deleting the figure "109.1" and inserting in place thereof the figure "105.5".

(6) In Article 19, page 3, between lines 24 and 25 by inserting the following language:
"SECTION 2. Chapter 40-8.3 of the General Laws entitled "Uncompensated Care" is hereby amended by adding thereto the following sections:

40-8.3-5. Hospital payments. – Due to the high ratio of unqualified uncompensated care expenses to qualified uncompensated care expenses, the department of human services is hereby authorized and directed to pay during state fiscal year 2009: (1) any acute care hospital in Washington County the amount of five hundred thousand dollars (\$500,000); (2) any acute care hospital in Kent County the amount of eight hundred thousand dollars (\$800,000); and (3) Miriam Hospital the amount of one million six hundred thousand dollars (\$1,600,000).

40-8.3-6. Outpatient adjustment payments. – Effective July 1, 2008, the department of human services is hereby authorized and directed to amend its regulations and the Rhode Island State Plan for Medical Assistance pursuant to Title XIX of the Social Security Act for reimbursement to hospitals for outpatient service as follows:

Hospitals – Outpatient adjustment payments.

(a) Each hospital in the state of Rhode Island, as defined in subdivision 23-17-38.1(b)(1), shall receive a quarterly adjustment payment during state fiscal year 2009 of an amount determined as follows:

(1) Determine the percent of the state's total Medicaid outpatient and emergency department services (exclusive of physician services) provided by each hospital during the hospital's fiscal year ending during 2007;

(2) Determine the sum of all Medicaid payments to hospitals made for outpatient and emergency department services (exclusive of physician services) provided during each hospital's fiscal year ending during 2007 not including any recoupments or settlements;

(3) Multiply the sum of all Medicaid payments as determined in subdivision (2) by fifty-seven percent (57.0%) and then multiply that result by each hospital's percentage of the state's total Medicaid outpatient and emergency department services as determined in subdivision (1) to obtain the total outpatient adjustment for each hospital to be paid in SFY 2009;

(4) Pay each hospital on or about July 20, 2008, October 20, 2008, January 20, 2009, and April 20, 2009 one-quarter (.25) of its total outpatient adjustment as determined in subdivision (3) above.

(b) The amounts determined in subsection (a) are in addition to Medicaid outpatient payments and emergency services payments (exclusive of physician services) paid to hospitals in accordance with current state regulation and the Rhode Island Plan for Medicaid assistance pursuant to Title XIX of the Social Security Act and are not subject to recoupment or settlement.

(c) The payments are expressly conditioned upon approval by the secretary of the United States Department of Health and Human Services, or his or her authorized representative, of any Medicaid state plan amendment necessary to secure for the state the benefit of federal financial participation in federal fiscal year 2009 for such payments, such amendment to be filed not later than July 9, 2008.

40-8.3-7. Inpatient adjustment payments. – Effective July 1, 2008, the department of human services is hereby authorized and directed to amend its regulations and the Rhode Island State Plan for Medical Assistance pursuant to Title XIX of the Social Security Act for reimbursement to hospitals for outpatient services as follows:

Hospitals – Inpatient adjustment payments.

(a) Each hospital in the state of Rhode Island is defined in subdivision n 23-17-38.1(b)(1), shall receive a quarterly adjustment payment during state fiscal year 2009 of an amount determined as follows:

(1) Determine the percent of the state's total Medicaid inpatient services provided by each hospital during the hospital's fiscal year ending during 2007;

(2) Determine the sum of all Medicaid payments to hospitals made for inpatient services provided during each hospital's fiscal year ending during 2007 not including any recoupments or settlements;

(3) Multiply the sum of all Medicaid payments as determined in subdivision (2) by two and ninety-eight hundredths percent (2.98%) and then multiply that result by each hospital's percentage of the state's total Medicaid inpatient services as determined in subdivision (1) to obtain the total outpatient adjustment for each hospital to be paid in SFY 2009;

(4) Pay each hospital on or about July 20, 2008, October 20, 2008, January 20, 2009, and April 20, 2009 one-quarter (.25) of its total outpatient adjustment as determined in subdivision (3) above.

(b) The amounts determined in subsection (a) are in addition to Medicaid inpatient payments paid to hospitals in accordance with current state regulation and the Rhode Island Plan for Medicaid assistance pursuant to Title XIX of the Social Security Act and are not subject to recoupment or settlement.

(c) The payments are expressly conditioned upon approval by the secretary of the United States Department of Health and Human Services, or his or her authorized representative, of any Medicaid state plan amendment necessary to secure for the state the benefit of federal financial participation in federal fiscal year 2009 for such payments, such amendment to be filed not later than July 9, 2008

(7) In Article 19, page 3, line 25 by deleting the number "2" and inserting in place thereof the number "3".

Respectfully submitted,

REPRESENTATIVE COSTANTINO

=====
LC01516/3
=====

The motion to amend prevails on a roll call vote 69 members voting in the affirmative and 1 member voting in the negative as follows:

YEAS - 69: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coaty, 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, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Williams, Winfield.

NAYS - 1: Representative Watson.

The article is read and prevails, as amended, on a roll call vote 69 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 69: 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, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Rice, Rose, Savage, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Winfield.

NAYS - 0.

ARTICLE 20 RELATING TO HUMAN SERVICES - CHILDREN'S HEALTH ACCOUNT

Representative Costantino moves passage of the article, seconded by Representatives Naughton, Gemma, and Slater.

The article is read and prevails on a roll call vote 71 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 71: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coaty, 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, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

ARTICLE 21 RELATING TO GENERAL PUBLIC ASSISTANCE – HARDSHIP

Representative Slater moves passage of the article, seconded by Representative Carter.

Representatives Williams and Slater discuss the article.

The article is read and prevails on a roll call vote 69 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 69: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coaty, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith,

Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

ARTICLE 22 RELATING TO STATE POLICE RETIREMENT PROVISIONS

Representative Costantino moves passage of the article, seconded by Representatives Pacheco, Carter, San Bento, Shanley, Dennigan, Gemma, and many other members of the House.

Representatives Palumbo, Costantino, and Coaty discuss the article.

The article is read and prevails on a roll call vote 69 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 69: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coaty, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, O'Neill, Pacheco, Palumbo, Petrarca, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

ARTICLE 23 RELATING TO ACTUARIAL FISCAL NOTES

Representative Costantino moves passage of the article, seconded by Representatives Carter, Gemma, Lewiss, and Slater.

By unanimous consent, Representative Costantino seconded by Representatives Carter, Lewiss, and Mumford offers a written motion to amend.

F L O O R A M E N D M E N T TO 2008 -- H 7390 SUBSTITUTE A

AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009

Mr. Speaker:

I hereby move to amend 2008 -- H 7390 SUBSTITUTE A, entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009", as follows:

1. In Article 23, on page 2, between lines 15 and 16 by adding the following language:
"SECTION 3. Chapter 45-21 of the General Laws entitled "Retirement of Municipal

Employees" is hereby amended by adding thereto the following section:

45-21-42.2. Fiscal impact of proposed legislation impacting the retirement system. – Proposed legislation which directly impacts the retirement system can potentially affect the benefits of all plan participants and beneficiaries. Since it is in the best interests of plan participants and beneficiaries to determine the financial consequences of any proposed legislation which would directly impact the liability to the retirement system of participating municipalities, such legislation shall not be approved by the general assembly unless an explanatory statement or note, prepared and paid for by the retirement system, is appended to the proposed legislation which actuarially calculates, based upon approved retirement board assumptions, the projected twenty (20) year cost of the proposed legislation. These statements or notes shall be known as “pension impact notes,” and they shall accompany each such bill or resolution prior to consideration by the chamber in which the bill or resolution originated. The reasonable cost of preparing pension impact notes shall be charged as an administrative expense and paid from the retirement system’s restricted receipts account established pursuant to section 36-8-10.1. Only the chair of the senate committee on finance with the approval of the president of the senate can request a pension impact note on proposed legislation that originates in the senate. Only the chair of the house committee on finance with the approval of the speaker of the house can request a pension impact note on proposed legislation that originates in the house. The governor can request a pension impact note on proposed legislation recommended in the appropriation acts required by sections 35-3-7 or 35-3-8. This section shall be in addition to the requirements of chapter 12 of title 22. If one or more participating municipalities requests an actuarial study or other study that impacts only the liability of the participating municipality making the request, the participating municipality making the request shall pay any and all costs associated with the preparation of the study or report.”

2. In Article 23, page 2, line 16, by deleting the number “3” and inserting in place thereof the number “4”.”

Respectfully submitted,

REPRESENTATIVE COSTANTINO

=====
LC01523/2
=====

The motion to amend prevails on a roll call vote 66 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 66: 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, Fox, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Lewiss, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Watson, Williams, Williamson, Winfield.

NAYS - 0.

The article is read and prevails, as amended, on a roll call vote 71 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 71: 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, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasyluk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

ARTICLE 24 RELATING TO DCYF RESIDENTIAL PLACEMENTS

Representative Slater moves passage of the article, seconded by Representatives Naughton, Carter, McNamara, and many other members of the House.

The article is read and prevails on a roll call vote 68 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 68: The Honorable Speaker Murphy and Representatives Ajello, Almeida, 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, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasyluk, Williams, Winfield.

NAYS - 0.

ARTICLE 25 RELATING TO CRIME VICTIMS COMPENSATION FUND

Representative Lewiss moves passage of the article, seconded by Representatives Moffitt, Fox, Kilmartin, and Gallison.

The article is read and prevails on a roll call vote 70 members voting in the affirmative and 0 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, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Rice, Rose, San Bento, Savage, Scott, Segal,

Serpa, Shanley, Silva, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Williams, Winfield.

NAYS - 0.

ARTICLE 26 RELATING TO SUPPLEMENTAL SECURITY INCOME

Representative Slater moves passage of the article, seconded by Representatives Costantino, Naughton, and many other members of the House.

Representative Palumbo discusses the article.

The article is read and prevails on a roll call vote 68 members voting in the affirmative and 2 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, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Rice, Rose, San Bento, Savage, Scott, Serpa, Shanley, Silva, Slater, Smith, Story, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Winfield.

NAYS – 2: Handy, Segal.

ARTICLE 27 RELATING TO CHILD CARE – STATE SUBSIDIES

Representative Slater moves passage of the article, seconded by Representatives Naughton, Diaz, Coaty, Story, Moffitt and Walsh.

By unanimous consent, Representative Costantino, seconded by Representative Slater offers a written motion to amend.

FLOOR AMENDMENT TO 2008 -- H 7390 SUBSTITUTE A

AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009

Mr. Speaker:

I hereby move to amend 2008 -- H 7390 SUBSTITUTE A, entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009", as follows:

1. In Article 27, page 2, line 9, by deleting the language "(c)" and inserting in place

thereof the language "(d)".

2. In Article 27, page 2, line 14, by deleting the language "(d)" and inserting in place thereof the language "(e)".

Respectfully submitted,

REPRESENTATIVE COSTANTINO

=====
LC01527/2
=====

Representative Costantino discusses the amendment.

The motion to amend prevails on a roll call vote 71 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 71: 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, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Winfield.

NAYS - 0.

The article is read and prevails, as amended, on a roll call vote 70 members voting in the affirmative and 0 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, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Story, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Winfield.

NAYS - 0.

ARTICLE 28 RELATING TO RESTRICTED RECEIPT ACCOUNTS

Representative Costantino moves passage of the article, seconded by Representative Naughton.

By unanimous consent, Representative Costantino, seconded by Representatives Fox offers a written motion to amend.

F L O O R A M E N D M E N T
TO
2008 -- H 7390 SUBSTITUTE A

**AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL
YEAR ENDING JUNE 30, 2009**

Mr. Speaker:

I hereby move to amend 2008 -- H 7390 SUBSTITUTE A, entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009", as follows:

(1) In Article 28, on page 3, line 21 by deleting the word "banking".

(2) In Article 28, on page 3, line 22 by deleting the first appearance of the word "division" and inserting in place thereof the language: "health insurance commissioner".

(3) In Article 28, on page 3, line 22 by deleting the language "banking division" and inserting in place thereof the language: "office of the health insurance commissioner".

Respectfully submitted,

REPRESENTATIVE COSTANTINO

=====
LC01528/3
=====

Representatives Costantino discusses the amendment.

The motion to amend prevails on a roll call vote 68 members voting in the affirmative and 0 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, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, Pacheco, Palumbo, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Winfield.

NAYS - 0.

The article is read and prevails, as amended, on a roll call vote 68 members voting in the affirmative and 0 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, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Williams, Winfield.

NAYS - 0.

ARTICLE 29 RELATING TO PUBLIC UTILITIES COMMISSION

Representative Lewiss moves passage of the article, seconded by Representatives Trillo and San Bento

The article is read and prevails on a roll call vote 64 members voting in the affirmative and 0 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, Fox, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, Pacheco, Petrarca, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Story, Sullivan, Trillo, Ucci, Walsh, Wasylyk, Watson, Williams.

NAYS - 0.

ARTICLE 30 RELATING TO HISTORIC PRESERVATION

Representative Costantino moves passage of the article, seconded by Representative Slater.

The article is read and prevails on a roll call vote 66 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 66: 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, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Mattiello, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, Pacheco, Petrarca, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Winfield.

NAYS - 0.

ARTICLE 31 RELATING TO LICENSING OF HOSPITAL FACILITIES

Representative Costantino moves passage of the article, seconded by Representatives Lewiss, Williams and many other members of the House.

By unanimous consent, Representative Costantino seconded by Representatives Fox, Lewiss, and McNamara offers a written motion to amend.

**F L O O R A M E N D M E N T
T O
2008 -- H 7390 SUBSTITUTE A**

**AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL
YEAR ENDING JUNE 30, 2009**

Mr. Speaker:

I hereby move to amend 2008 -- H 7390 SUBSTITUTE A, entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009", as follows:

(1) In Article 31, page 1, line 29, by deleting the words "ninety-four" and inserting in place thereof the word "seventy-eight".

(2) In Article 31, page 1, line 30, by deleting the numeral "(4.94%)" and inserting in place thereof the numeral "(4.78%)".

(3) In Article 31, page 2, line 1, by deleting the numeral "2006" and inserting in place thereof the numeral "2007".

(4) In Article 31, page 2, line 9, by deleting the numeral "2006" and inserting in place thereof the numeral "2007".

Respectfully submitted,

REPRESENTATIVE COSTANTINO

=====

LC01487/2

=====

Representatives Costantino discuss the amendment.

The motion to amend prevails on a roll call vote 66 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 66: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Carter, Church, Coaty, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Ferri, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca,

Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Winfield.

NAYS - 0.

The article is read and prevails, as amended, on a roll call vote 64 members voting in the affirmative and 1 member 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, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McManus, McNamara, Melo, Menard, Moffitt, Mumford, O'Neill, Pacheco, Petrarca, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Wasylyk, Watson, Williams.

NAYS - 1: Representative Walsh.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
HOUSE OF REPRESENTATIVES

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

I, John J. Loughlin II, State Representative, District 71, 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: Article 32
2. (Nature of the potential conflict) I have the following interest in the matter:
Film credit Article 32 RI Budget
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.

JOHN L. LOUGHLIN II
REPRESENTATIVE

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

Subscribed and sworn to under the penalties for perjury before me this 18th day of June, 2008.

MICHAEL R. EGAN
NOTARY PUBLIC

Representative Loughlin 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

ARTICLE 32 RELATING TO HEALTH INSURANCE PREMIUM TAX

Representative Costantino moves passage of the article, seconded by Representatives McNamara, Slater, and Fox.

By unanimous consent, Representative Costantino seconded by Representatives Fox, McNamara, Lewiss, Corvese, Slater, and many other members of the House offer a written motion to amend.

**FLOOR AMENDMENT
TO
2008 -- H 7390 SUBSTITUTE A**

**AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL
YEAR ENDING JUNE 30, 2009**

Mr. Speaker:

I hereby move to amend 2008 -- H 7390 SUBSTITUTE A, entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009", as follows:

(1) In Article 32, page 2, line 27, by deleting the language "four-tenths" and inserting in place thereof the language "three-quarters".

(2) In Article 32, page 2, line 27, by deleting the figure "(1.4%)" and inserting in place thereof the figure "(1.75%)".

(3) In Article 32, page 2, line 33, by deleting the language "four-tenths" and inserting in place thereof the language "three-quarters".

(4) In Article 32, page 2, line 33, by deleting the figure "(1.4%)" and inserting in place thereof the figure "(1.75%)".

Respectfully submitted,

REPRESENTATIVE COSTANTINO

=====
LC01489/4
=====

Representatives Costantino discusses the amendment.

The motion to amend prevails on a roll call vote 68 members voting in the affirmative and 2 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, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McManus, McNamara, Melo, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson.

NAYS - 2: Representatives Flaherty, Menard.

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

**F L O O R A M E N D M E N T
T O**

2008 -- H 7390 SUBSTITUTE A

**AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL
YEAR ENDING JUNE 30, 2009**

Mr. Speaker:

I hereby move to amend 2008 -- H 7390 SUBSTITUTE A, entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009", as follows:

(1) In Article 32, page 12, line 34, by deleting the words "amended to read as follows: and by inserting in place thereof the words "repealed in its entirety."

(2) In Article 32, page 13, by striking out the language on lines 1 through 25 inclusive.

(3) In Article 1, page 15, after line 34, by inserting the following "Aid to the cities and towns on a pro-rated basis 15,000,000".

Respectfully submitted,

REPRESENTATIVE GORHAM

=====
LC01489/2
=====

Representatives Gorham, Palumbo, Costantino, Watson, Brien, Kilmartin, Williamson, Caprio, Kennedy, Gemma, Amaral, and San Bento discuss the amendment.

The motion to amend fails on a roll call vote 11 members voting in the affirmative and 57 members voting in the negative as follows:

YEAS - 11: Representatives Ehrhardt, Gorham, McManus, Mumford, Palumbo, Smith, Story, Trillo, Ucci, Wasylyk, Watson.

NAYS - 57: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Malik, Mattiello, McCauley, McNamara, Melo, Menard, Moffitt, Naughton, O'Neill, Pacheco, Petrarca, Rice, Rose, San Bento, Savage, Segal, Serpa, Shanley, Silva, Slater, Sullivan, Vaudreuil, Walsh, Williams, Williamson, Winfield.

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

**FLOOR AMENDMENT
TO
2008 -- H 7390 SUBSTITUTE A**

**AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL
YEAR ENDING JUNE 30, 2009**

Mr. Speaker:

I hereby move to amend 2008 -- H 7390 SUBSTITUTE A, entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009", as follows:

(1) In Article 32, page 13, line 4, by inserting the word "filming" between the words "to" and "activity."

(2) In Article 32, page 13, line 7, by inserting the following language immediately following the period "(.)":

"Any production or filming cost occurring outside the state of Rhode Island shall not be eligible for any tax credit pursuant to this section."

(3) In Article 32, page 13, line 25, by inserting the following language immediately after the year "2007" and prior to the period "(.)":

";provided that any portion of this amount not utilized for the tax credit, as provided herein, shall be used exclusively for local education aid".

Respectfully submitted,

REPRESENTATIVE GORHAM

=====
LC01489/5
=====

Representative Gorham discusses 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 Caprio, Ehrhardt, Flaherty, Gorham, Long, McManus, Moffitt, Mumford, Rice, Savage, Story, Trillo, Wasyluk, Watson, Winfield.

NAYS - 52: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Fellela, Ferri, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Jacquard, Kennedy, Lally, Lewiss, Lima, Malik, Mattiello, McCauley, McNamara, Melo, Menard, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, San Bento, Serpa, Shanley, Silva, Singleton, Slater, Smith, Sullivan, Ucci, Vaudreuil, Walsh, Williams, Williamson.

Representatives Caprio discusses the article.

Representative Kennedy requests to vote Article 32, Section 5 separately.

The Honorable Speaker Murphy rules it is divisible.

Section 5 of Article 32 is read and prevails on a roll call vote 59 members voting in the affirmative and 8 members voting in the negative.

YEAS - 59: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Ferri, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kilmartin, Lally, Lima, Long, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Rice, Savage, Serpa, Shanley, Silva, Singleton, Slater, Story, Sullivan, Trillo, Ucci, Vaudreuil, Wasyluk, Watson, Williams, Williamson.

NAYS - 8: Representatives Caprio, Flaherty, Kennedy, Lewiss, Moffitt, Smith, Walsh, Winfield.

The article is read and prevails, as amended, on a roll call vote 68 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 68: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, 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, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Rice, San Bento, Savage, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasyluk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

REQUEST

Representative Segal requests the journal to reflect that if he had voted on Article 32, he would have voted in the affirmative.

ARTICLE 33 RELATING TO BUSINESS REGULATION

Representative Costantino moves passage of the article, seconded by Representatives Lewiss, and Fox

By unanimous consent, Representative Costantino, seconded by Representative Lewiss offers a written motion to amend.

**FLOOR AMENDMENT
TO
2008 -- H 7390 SUBSTITUTE A****AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL
YEAR ENDING JUNE 30, 2009**

Mr. Speaker:

I hereby move to amend 2008 -- H 7390 SUBSTITUTE A, entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009", as follows:

(1) In Article 33, page 1, lines 3 through 8, by deleting all language thereon and inserting in place thereof the following language:

"SECTION 1. Sections 5-38-1, 5-38-2 and 5-38-8 of the General Laws in Chapter 5-38 entitled "Automobile Body Repair Shops" are hereby amended to read as follows:

5-38-1. "Automobile body shop" defined. -- Automobile body shop, referred to as "auto body shop", includes any establishment, garage, or work area enclosed within a building where repairs are made or caused to be made to motor vehicle bodies, including fenders, bumpers, chassis and similar components of motor vehicle bodies as distinguished from the chassis, seats, motor, transmission, and other accessories for propulsion and general running gear of motor vehicles, except as provided in section 5-38-20.

5-38-2. Duties of department of business regulation. -- (a) ~~(1)~~ The department of business regulation shall issue licenses as provided for in section 5-38-6; and shall authorize the transfer of licenses and the establishment of new offices for previously licensed auto body repair shops. ~~The department of business regulation shall act on all complaints from consumers, the insurance industry, and/or law enforcement agencies with regard to automobile body repair shop work. In addition to licensing, the departments oversight of auto repair shops shall be limited to:~~

(1) Acting on complaints from consumers and law enforcement officials; and

(2) Revoking, suspending, or taking other disciplinary actions with respect to facilities, corporations or persons licensed under this chapter; and

~~(2)~~ The department of business regulation shall adopt reasonable rules and regulations for the licensing of automobile body repair shops and schools for the instruction in automobile body repair.

(b) To establish within the department of business regulation, divisions of commercial licensing and regulation, the auto collision repair licensing advisory board consisting of nine (9) members appointed by the governor, consisting of the following, who shall serve a term of five (5) years:

(1) One president or his or her designee from an association of independent, non-networked, Rhode Island auto body shops;

(2) Two (2) representatives from the department of business regulation;

(3) One from the association of new car dealers;

(4) One from the insurance industry;

(5) One from law enforcement;

(6) One from the general public; and

(7) One from the glass installation/repairers industry; and

(8) One from an association representing network or direct repair auto body repair shops.

(c) The board may adopt, amend, and rescind rules and regulations as necessary to carry out the provisions of this chapter with the prior approval of the director.

(d) The board may oversee investigations of conduct deemed unprofessional against any licensed facility, person, or corporation subject to this chapter and may hold hearings to determine whether the charges are substantiated or unsubstantiated.

(e) The board may recommend to the director of the department of business regulation that the director license qualified applicants.

(f) The board may meet at least once a month or more often upon the call of the chairperson or director of the department of business regulation.

(g) To recommend to the director of the department of business regulation to revoke, suspend or take other disciplinary action with respect to facilities, corporations or persons licensed under this chapter.

(h) To adopt and publish with the prior approval of the director of the department of business regulation rules of procedure and other regulations in accordance with the Administrative Procedure Act, chapter 35 of title 42.

(i) The board members shall receive no compensation.

(j) Following each monthly board meeting, the board may, if consistent with the public interest, submit any: (1) unresolved issue reasonably related to its jurisdiction under this statute to the director of the department of business regulation for his or her review at his or her discretion; or (2) seek a declaratory ruling pursuant to central management regulation 3 ("declaratory rulings and petitions from the director") as to any unresolved issue within the scope of this statute.

(k) Board members shall continue to serve until their replacement is named.

~~(l) The director will review whether it is economically necessary and administratively feasible for the department of business regulation to establish a labor rate for the auto collision repair industry. Such review shall include, but not be limited to, the department of business regulation's staffing and funding requirements. Further, the department of business regulation is authorized to immediately retain outside consultants for such review, to be funded by the legislature and/or the auto body collision repair industry. The director shall report his or her findings to the legislature no later than January 1, 2006.~~

5-38-8. License fee. -- The Effective December 31, 2009, the license fee for each year shall be one hundred fifty dollars (\$150) three hundred dollars (\$300). If an applicant desires to do business in more than one location, he, she, or it shall pay a separate fee of ~~one hundred fifty~~

~~dollars (\$150)~~ three hundred dollars (\$300) for each location authorized by the department of business regulation.

SECTION 2. Chapter 5-38 of the General Laws entitled "Automobile Body Repair Shops" is hereby amended by adding thereto the following section:

5-38-31. Reimbursement fee. -- The director of the department of business regulation may assess an automobile body shop for reimbursement of the department's actual expenses for the investigation and hearing of significant auto body shop matters. An assessment may be sought in the event that an automobile body shop does not prevail after a final judicial appeal.

SECTION 3. Chapter 27-29 of the General Laws entitled "Unfair Competition and Practices" is hereby amended by adding thereto the following section:

27-29-4.6. Reimbursement fee. -- The director of the department of business regulation may assess an insurer for reimbursement of the department's actual expenses for the investigation and hearing of significant auto body shop matters relating to insurers. In addition, an assessment may be sought in the event that an insurer does not prevail after a final judicial appeal.

SECTION 4. Sections 42-14.2-6 and 42-14.2-7 of the General Laws in Chapter 42-14.2 entitled "Department of Business Regulation - Automobile Wrecking and Salvage Yards" are hereby amended to read as follows:

42-14.2-6. License fee. -- Every application to the department for renewal of an existing license or the issuance of a new license shall be accompanied by a fee of ~~one hundred and twenty dollars (\$120)~~ two hundred fifty dollars (\$250) per annum, payable to the state of Rhode Island. In the event the application is denied, the fee shall be returned to the applicant.

42-14.2-7. Display and transfer of license. -- Every license hereunder issued shall specify the location of each wrecking yard or salvage yard and must be conspicuously displayed at that location, or if the licensee wishes to change his or her location, an application shall be filed with the department requesting the change, and the permission of the department shall be necessary for a change of location. The license shall not be transferable or assignable without the express written consent of the department which shall, if it approves the transfer or assignment, issue a new license to the transferee or assignee subject to the terms and conditions of this chapter; provided, however, that the full fee of ~~sixty dollars (\$60.00)~~ two hundred fifty dollars (\$250) per annum for each year of the term of license shall be paid in full for the new license regardless of the unexpired term of the license to be transferred."

(2) In Article 33, page 1, line 9, by deleting the numeral "2" immediately following the word "Section" and inserting in place thereof the numeral "5".

(3) In Article 33, page 2, line 2, by deleting the language "department of labor and regulation" and inserting in place thereof the language "department of labor and training".

(4) In Article 33, page 2, line 31, by deleting the numeral "3" immediately following the word "Section" and inserting in place thereof the numeral "6".

Respectfully submitted,

=====
LC01491/6
=====

Representative Costantino discusses the amendment.

The motion to amend prevails on a roll call vote 62 members voting in the affirmative and 7 members voting in the negative as follows:

YEAS - 62: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Fellela, Ferri, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Story, Sullivan, Trillo, Ucci, Vaudreuil, Wasylyk, Williams, Williamson, Winfield.

NAYS - 7: Representatives Coaty, Ehrhardt, Gorham, Loughlin, Menard, Smith, Watson.

The article is read and prevails, as amended, on a roll call vote 67 members voting in the affirmative and 1 member voting in the negative as follows:

YEAS - 67: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Carter, Church, Coaty, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Ferri, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 1: Representative Menard.

REQUESTS

Representative Brien requests the journal to reflect that if he had voted on (LC01491/6) he would have voted in the affirmative.

Representative Brien requests the journal to reflect that if he had voted on Article 33, as amended, he would have voted in the affirmative.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS HOUSE OF REPRESENTATIVES

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

I, Joanne Giannini State Representative, District 7, 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: Article 34.

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

3.

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.

JOANNE M. GIANNINI
REPRESENTATIVE

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

Subscribed and sworn to under the penalties for perjury before me this 18th day of June, 2008.

MICHAEL R. EGAN
NOTARY PUBLIC

Representative Giannini 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

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
HOUSE OF REPRESENTATIVES

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

I, Patricia A. Serpa, State Representative, District 27, 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: Article 34

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

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.

PATRICIA A. SERPA
REPRESENTATIVE

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

Subscribed and sworn to under the penalties for perjury before me this 18th day of June, 2008.

MICHAEL R. EGAN
NOTARY PUBLIC

Representative Serpa 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

ARTICLE 34 RELATING TO LABOR AND LABOR RELATIONS

Representative Costantino moves passage of the article, seconded by Representatives Malik, Jacquard and many other members of the House.

By unanimous consent, Representative Costantino, seconded by Representatives Slater, Malik, and many other members of the House offers a written motion to amend.

F L O O R A M E N D M E N T
TO
2008 -- H 7390 SUBSTITUTE A

**AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL
YEAR ENDING JUNE 30, 2009**

Mr. Speaker:

I hereby move to amend 2008 -- H 7390 SUBSTITUTE A, entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009", as follows:

(1) In Article 34, on page 1, line 7, after the word "town" by inserting the following language:

" , ratified after August 1, 2008, "

Respectfully submitted,

REPRESENTATIVE COSTANTINO

=====

LC01493/5

=====

Representatives Costantino discusses the amendment.

The motion to amend prevails on a roll call vote 69 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 69: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Rice, Rose, San Bento, Savage, Scott, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

By unanimous consent, Representative Jacquard seconded by Representative Menard offers a written motion to amend.

F L O O R A M E N D M E N T
TO
2008 -- H 7390 SUBSTITUTE A

**AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL
YEAR ENDING JUNE 30, 2009**

Mr. Speaker:

I hereby move to amend 2008 -- H 7390 SUBSTITUTE A, entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009", as follows:

In Article 34 on page 1, by deleting line 11 in its entirety and inserting in place thereof the following:

"SECTION 2. Chapter 28-7 of the General Laws entitled "Labor Relations Act" is hereby amended by adding thereto the following section:

28-7-49. No limitation on health care benefit providers. – No collective bargaining agreement covering any group or groups of state employees, public school teachers or employees of any city or town shall specify that an employer must procure a health care benefit plan from a specific provider of such plans. The technical qualifications of the health care benefit plan, to be contracted for, shall not be framed or constructed in a manner designed to identify an exclusive provider of said health care services.

Provided that all health care benefits currently in effect remain in effect and at the expiration of the current collective bargaining agreement all benefits shall be incorporated into

the successor collective bargaining agreement unless otherwise negotiated. SECTION 3. This article shall take effect upon passage."

Respectfully submitted,

REPRESENTATIVE JACQUARD

=====

LC01493/2

=====

Representatives Jacquard, Corvese, Costantino, Gemma, Trillo, Gorham discuss the amendment.

The motion to amend fails on a roll call vote 24 members voting in the affirmative and 44 members voting in the negative as follows:

YEAS - 24: Representatives Ajello, Almeida, Baldelli-Hunt, Carter, Church, DeSimone, Fellela, Flaherty, Gallison, Handy, Jacquard, Lally, Lima, McCauley, Menard, Palumbo, Rice, San Bento, Smith, Sullivan, Ucci, Walsh, Wasylyk, Williams.

NAYS - 44: The Honorable Speaker Murphy and Representatives Amaral, Brien, Caprio, Coderre, Corvese, Costantino, Dennigan, Ehrhardt, Ferri, Fox, Gablinske, Gemma, Gorham, Jackson, Kennedy, Kilmartin, Lewiss, Long, Loughlin, Malik, Mattiello, McManus, McNamara, Melo, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Rose, Savage, Scott, Segal, Shanley, Silva, Slater, Story, Trillo, Vaudreuil, Watson, Williamson, Winfield.

By unanimous consent, Representative Ucci, seconded by Representative Sullivan offers a written motion to amend.

**F L O O R A M E N D M E N T
T O**

2008 -- H 7390 SUBSTITUTE A

**AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL
YEAR ENDING JUNE 30, 2009**

Mr. Speaker:

I hereby move to amend 2008 -- H 7390 SUBSTITUTE A, entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009", as follows:

1. In Article 34, page 1, line 7, by deleting all of the language after the words "town shall" and by inserting the following language: "be executed until the employer procures a cost estimate for the employee healthcare benefit plan from interested plan providers."
2. In Article 34, page 1 by deleting the language on lines 8 through 10 inclusive.

Respectfully submitted,

REPRESENTATIVE UCCI

=====

LC01493/3

=====

Representatives Ucci, Costantino and Jacquard discuss the amendment.

The motion to amend prevails on a roll call vote 37 members voting in the affirmative and 33 members voting in the negative as follows:

YEAS - 37: Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Caprio, Carter, Church, DeSimone, Diaz, Fellela, Ferri, Flaherty, Gallison, Handy, Jackson, Jacquard, Lima, McCauley, Menard, Moffitt, O'Neill, Pacheco, Palumbo, Petrarca, Rice, San Bento, Savage, Scott, Segal, Smith, Sullivan, Ucci, Walsh, Wasylyk, Williams, Williamson, Winfield.

NAYS - 33: The Honorable Speaker Murphy and Representatives Amaral, Coaty, Coderre, Corvese, Costantino, Dennigan, Ehrhardt, Fox, Gablinske, Gemma, Gorham, Kennedy, Kilmartin, Lally, Lewiss, Long, Loughlin, Malik, Mattiello, McManus, McNamara, Melo, Mumford, Naughton, Rose, Shanley, Silva, Slater, Story, Trillo, Vaudreuil, Watson.

Representative Ajello discusses Article 34, as amended.

The article is read and prevails, as amended; on a roll call vote 61 members voting in the affirmative and 7 members voting in the negative as follows:

YEAS - 61: The Honorable Speaker Murphy and Representatives Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Coaty, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Rice, Rose, San Bento, Savage, Scott, Shanley, Silva, Slater, Smith, Story, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson.

NAYS - 7: Representatives Ajello, Church, Ehrhardt, Gorham, Moffitt, Segal, Sullivan.

ARTICLE 35 RELATING TO RETIREMENT OF JUSTICES AND JUDGES

Representative Costantino moves passage of the article, seconded by Representatives Gemma, McNamara, Walsh, Palumbo and many other members of the House.

Representative Costantino discusses the article.

The article is read and prevails on a roll call vote 70 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 70: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Church, Coaty, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Ferri, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa,

Shanley, Silva, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

RECESS

At 7:18 o'clock P.M. the Honorable Speaker Murphy declares the House to be in recess.

ORDER

At 8:35 o'clock P.M. the Honorable Speaker Murphy calls the House to order.

ARTICLE 36 RELATING TO COLLECTIVE BARGAINING FISCAL IMPACT STATEMENTS

Representative Costantino moves passage of the article, seconded by Representatives Kilmartin.

By unanimous consent, Representative Costantino seconded by Representatives Pacheco and Fox offers a written motion to amend.

FLOOR AMENDMENT TO 2008 -- H 7390 SUBSTITUTE A

AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009

Mr. Speaker:

I hereby move to amend 2008 -- H 7390 SUBSTITUTE A, entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009", as follows:

- (1) In Article 36, on page 1, line 9, by deleting the language "and for the next two (2)".
- (2) In Article 36, on page 1, line 10, by deleting the language "succeeding fiscal years, of the proposed agreement".
- (3) In Article 36, on page 1, line 22, by deleting the language "and for one next two (2) succeeding fiscal".
- (4) In Article 36, on page 1, line 23, by deleting the language "years, of the proposed agreement".

Respectfully submitted,

REPRESENTATIVE COSTANTINO

Representatives Costantino discusses the amendment.

The motion to amend prevails on a roll call vote 64 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 64: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Jackson, Jacquard, Kilmartin, Lally, Lewiss, Lima, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasyluk, Williams, Williamson, Winfield.

NAYS - 0.

Representative Costantino discusses the article, as amended.

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
TO
2008 -- H 7390 SUBSTITUTE A

AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL
YEAR ENDING JUNE 30, 2009

Mr. Speaker:

I hereby move to amend 2008 -- H 7390 SUBSTITUTE A, entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009", as follows:

1. In Article 36, on page 1, line 13, after the word "publicized" by adding the following language "and shall be made immediately available".

2. In Article 36, on page 1, line 25, after the word "publicized" by adding the following language "and shall be made immediately available".

Respectfully submitted,

REPRESENTATIVE AJELLO

=====

LC01497/2

=====

Representatives Ajello and Costantino discuss the amendment.

The motion to amend prevails on a roll call vote 64 members voting in the affirmative and 3 members voting in the negative as follows:

YEAS - 64: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Rice, Rose, Savage, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Williams, Williamson, Winfield.

NAYS - 3: Representatives Corvese, Malik, San Bento.

The article is read and prevails, as amended, on a roll call vote 66 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 66: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

REQUESTS

Representatives Long, Loughlin, Gorham, Rice and Coaty requests the journal to reflect that if they had voted on Article 36, as amended, they would have voted in the affirmative.

ARTICLE 37 RELATING TO NURSING FACILITIES COST OF LIVING ADJUSTMENT

Representative Slater moves passage of the article, seconded by Representative Carter.

Representatives Menard, Slater, and Costantino discuss the article.

The article is read and prevails on a roll call vote 63 members voting in the affirmative and 9 members voting in the negative as follows:

YEAS - 63: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Carter, Church, Coaty, Coderre, Corvese, Costantino, Dennigan, DeSimone, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Gorham, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Moffitt, Mumford, Naughton, O'Neill, Pacheco,

Petrarca, Rice, Rose, San Bento, Savage, Scott, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Trillo, Ucci, Vaudreuil, Walsh, Watson, Williams, Williamson, Winfield.

NAYS - 9: Representatives Caprio, Diaz, Giannini, Handy, Menard, Palumbo, Segal, Sullivan, Wasylyk.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
HOUSE OF REPRESENTATIVES

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

I, Joanne Giannini State Representative, District 7, 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: Article 34.

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

3.

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.

Joanne M. Giannini
REPRESENTATIVE

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

Subscribed and sworn to under the penalties for perjury before me this 18th day of June, 2008.

Michael R. Egan
NOTARY PUBLIC

Representative Giannini 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

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
HOUSE OF REPRESENTATIVES

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

I, Patricia A. Serpa, State Representative, District 27, 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: Article 34

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

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.

PATRICIA A. SERPA
REPRESENTATIVE

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

Subscribed and sworn to under the penalties for perjury before me this 18th day of June, 2008.

MICHAEL R. EGAN
NOTARY PUBLIC

Representative Serpa 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

RECONSIDERATION

Representative Gallison moves to reconsider Article 34, the motion is seconded by Representative Rice.

The motion to reconsider prevails on a roll call vote 49 members voting in the affirmative and 21 members voting in the negative as follows:

YEAS - 49: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Carter, Coaty, Coderre, Corvese, Costantino, Dennigan, Diaz, Ehrhardt, Ferri, Fox, Gablinske, Gallison, Gemma, Handy, Jackson, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McManus, McNamara, Melo, Mumford, Naughton,

Pacheco, Rice, Rose, Savage, Segal, Shanley, Silva, Singleton, Slater, Story, Trillo, Vaudreuil, Watson, Williamson.

NAYS - 21: Representatives Caprio, Church, DeSimone, Fellela, Flaherty, Jacquard, McCauley, Menard, Moffitt, O'Neill, Palumbo, Petrarca, San Bento, Scott, Smith, Sullivan, Ucci, Walsh, Wasylyk, Williams, Winfield.

By unanimous consent, Representative Costantino, seconded by Representatives Fox, Mumford and many other members of the House offers a written motion to amend.

F L O O R A M E N D M E N T
TO
2008 -- H 7390 SUBSTITUTE A

**AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL
YEAR ENDING JUNE 30, 2009**

Mr. Speaker:

I hereby move to amend 2008 -- H 7390 SUBSTITUTE A, entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009", as follows:

In Article 34 as amended, by deleting all the language after the title and inserting in place thereof the following language:

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

28-7-49. No limitation on health care benefit providers. – No collective bargaining agreement covering any group or groups of state employees, public school teachers or employees of any city or town, ratified after August 1, 2008, shall specify that an employer must procure a health care benefit plan from a specific provider of such plans. The technical qualifications of the health care benefit plan, to be contracted for, shall not be framed or constructed in a manner designed to identify an exclusive provider of said health care services.

SECTION 2. This article shall take effect upon passage."

Respectfully submitted,

REPRESENTATIVE COSTANTINO

=====

LC01493/7

=====

Representatives Ucci and Costantino discuss the amendment.

The motion to amend prevails on a roll call vote 41 members voting in the affirmative and 30 members voting in the negative as follows:

YEAS - 41: The Honorable Speaker Murphy and Representatives Amaral, Brien, Carter, Coaty, Coderre, Corvese, Costantino, Dennigan, Ehrhardt, Fox, Gablinske, Gallison, Gemma, Gorham, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McManus, McNamara, Melo, Mumford, Naughton, Rice, Rose, Savage, Scott, Shanley, Silva, Singleton, Slater, Story, Trillo, Vaudreuil, Watson.

NAYS - 30: Representatives Ajello, Almeida, Baldelli-Hunt, Caprio, Church, DeSimone, Diaz, Fellela, Ferri, Flaherty, Handy, Jackson, Jacquard, McCauley, Menard, Moffitt, O'Neill, Pacheco, Palumbo, Petrarca, San Bento, Segal, Smith, Sullivan, Ucci, Walsh, Wasylyk, Williams, Williamson, Winfield.

The article is read and prevails, as amended; on a roll call vote 46 members voting in the affirmative and 25 members voting in the negative as follows:

YEAS - 46: The Honorable Speaker Murphy and Representatives Amaral, Brien, Carter, Coaty, Coderre, Corvese, Costantino, Dennigan, Ehrhardt, Fox, Gablinske, Gallison, Gemma, Gorham, Jackson, Jacquard, Kennedy, Kilmartin, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McManus, McNamara, Melo, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Rice, Rose, San Bento, Savage, Shanley, Silva, Singleton, Slater, Story, Trillo, Vaudreuil, Watson, Williamson.

NAYS - 25: Representatives Ajello, Almeida, Baldelli-Hunt, Caprio, Church, DeSimone, Diaz, Fellela, Ferri, Flaherty, Handy, Lally, McCauley, Menard, Moffitt, Petrarca, Scott, Segal, Smith, Sullivan, Ucci, Walsh, Wasylyk, Williams, Winfield.

REQUEST

Representative Palumbo requests the journal to reflect that he had voted incorrectly on the last article, as amended, he should have voted in the negative.

ARTICLE 38 RELATING TO EDUCATION AID

Representative Jacquard moves passage of the article, seconded by Representatives Gemma, Kilmartin, Vaudreuil, Coaty, Mumford, Fox, Costantino, Pacheco, Silva, Gallison, Ehrhardt, and many other members of the House.

By unanimous consent, Representative Costantino seconded by Representative Fox offers a written motion to amend.

FLOOR AMENDMENT TO 2008 -- H 7390 SUBSTITUTE A

AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL
YEAR ENDING JUNE 30, 2009

Mr. Speaker:

I hereby move to amend 2008 -- H 7390 SUBSTITUTE A, entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009", as follows:

(1) In Article 38, on page 9, line 18 by deleting all the language following the word "schools".

(2) In Article 38, on page 9, by deleting line 19 in its entirety.

Respectfully submitted,

REPRESENTATIVE COSTANTINO

=====
LC01501/9
=====

Representatives Costantino discusses the amendment.

Representative Savage requests a ruling from the Chair on whether the amendment is germane. The Honorable Speaker Murphy states the ruling of the chair is that the amendment is germane.

The motion to amend prevails on a roll call vote 67 members voting in the affirmative and 1 member voting in the negative as follows:

YEAS - 67: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Winfield.

NAYS - 1: Representative Coaty.

REQUEST

Representative Williams requests the journal to reflect that if she had voted on (LC 01501/9), she would have voted in the affirmative.

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

**FLOOR AMENDMENT
TO
2008 -- H 7390 SUBSTITUTE A**

**AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL
YEAR ENDING JUNE 30, 2009**

Mr. Speaker:

I hereby move to amend 2008 -- H 7390 SUBSTITUTE A, entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009", as follows:

1. In Article 38, on page 11, between lines 3 and 4, by adding the following language:

"SECTION 4. Section 16-2-21.4 of the General Laws in Chapter 16-2 entitled "School Committees and Superintendents" is hereby amended to read as follows:

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.

(c) Notwithstanding any other provision to the contrary, in the event a school budget increases by more than one-half (1/2) of the maximum levy set forth in subsection 44-5-2(b) over the prior fiscal year, a governing school committee may seek a waiver from the commissioner from any educational mandate law except as prohibited by federal law and the commissioner shall grant a waiver to any school district from a sufficient amount of educational mandates which will allow the school district to reduce the school budget increase to no more than one-half (1/2) of the maximum levy set forth in subsection 44-5-2(b). For the purpose of this subsection, "an educational mandate" shall mean any requirement or dictate enacted by the general assembly or promulgated by a regulator of a state agency addressed to any school district, other than a requirement to transport students to and from school or a requirement which affects the security or safety of any school building."

2. In Article 38, on page 11, line 4, by deleting the number "4" and inserting in place thereof the number "5".

Respectfully submitted,

REPRESENTATIVE LOUGHLIN

=====
LC01501/5
=====

Representatives Loughlin, Jacquard, Watson, Ajello, Gemma, Smith, Mumford, Gorham, Dennigan, and Story discuss the amendment.

The motion to amend fails on a roll call vote 16 members voting in the affirmative and 54 members voting in the negative as follows:

YEAS - 16: Representatives Amaral, Caprio, Coaty, Ehrhardt, Gorham, Long, Loughlin, McManus, Mumford, Savage, Scott, Singleton, Story, Trillo, Walsh, Watson.

NAYS - 54: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Malik, Mattiello, McCauley, McNamara, Moffitt, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Rose, San Bento, Segal, Serpa, Shanley, Silva, Slater, Smith, Sullivan, Ucci, Vaudreuil, Wasylyk, Williams, Williamson, Winfield.

REQUEST

Representative Menard requests the journal to reflect that if he had voted on (LC 01501/5)), he would have voted in the negative.

By unanimous consent, Representative Rice, seconded by Representatives Menard and Savage offers a written motion to amend.

FLOOR AMENDMENT TO 2008 -- H 7390 SUBSTITUTE A

AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009

Mr. Speaker:

I hereby move to amend 2008 -- H 7390 SUBSTITUTE A, entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009", as follows:

(1) In Article 38, on page 7, line 32 by deleting the language "With the exception of mayoral academies, teachers" and restoring the deleted word "Teachers".

(2) In Article 38, on page 8, lines 1 and 2 by deleting the language "With the exception of mayoral academies, employment" and restoring the deleted word "Employment".

(3) In Article 38, page 8, line 3, by deleting the language "With the exception of mayor academies, all" and restoring the deleted word "All".

(4) In Article 38, Page 8, lines 6 through 9 by deleting the language "Each mayoral academy established pursuant to this chapter may nevertheless, by written notice to the commissioner of elementary and secondary education, elect to have this subsection apply to its teachers, administrators and employees."

Respectfully submitted,

REPRESENTATIVE RICE

=====
LC01501/8
=====

Representatives Rice, Costantino, Savage, Shanley, Fox, Trillo, McManus, Singleton, Walsh, Gemma, Coaty, Baldelli-Hunt, Smith, Brien, Lima, Menard, Vaudreuil, Mumford, Gorham, Silva, and Gablinske discuss the amendment.

The motion to amend fails on a roll call vote 30 members voting in the affirmative and 41 members voting in the negative as follows:

YEAS - 30: Representatives Ajello, Amaral, Church, DeSimone, Diaz, Fellela, Ferri, Giannini, Handy, Kennedy, Lally, Lima, Long, Menard, Moffitt, Pacheco, Palumbo, Rice, San Bento, Savage, Scott, Segal, Singleton, Smith, Sullivan, Ucci, Walsh, Wasylyk, Williams, Winfield.

NAYS - 41: The Honorable Speaker Murphy and Representatives Almeida, Baldelli-Hunt, Brien, Caprio, Carter, Coaty, Coderre, Corvese, Costantino, Dennigan, Ehrhardt, Fox, Gablinske, Gallison, Gemma, Gorham, Jackson, Jacquard, Kilmartin, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Mumford, Naughton, O'Neill, Petrarca, Rose, Serpa, Shanley, Silva, Slater, Story, Trillo, Vaudreuil, Watson, Williamson.

By unanimous consent, Representative Savage seconded by Representative Long offers a written motion to amend.

F L O O R A M E N D M E N T
TO
2008 -- H 7390 SUBSTITUTE A

**AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL
YEAR ENDING JUNE 30, 2009**

Mr. Speaker:

I hereby move to amend 2008 -- H 7390 SUBSTITUTE A, entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009", as follows:

(1) In Article 38, page 6, line 17, by adding the following language immediately following the second appearance of the word "town":

"provided, further, that all funding for such academies, other than transportation and text book costs, shall be received from private funding sources, and that no public fund shall be used to fund such academies other than heretofore provided".

Respectfully submitted,

REPRESENTATIVE SAVAGE

=====

LC01501/4

=====

Representatives Savage, Costantino, Gemma, and Williams discuss the amendment.

The motion to amend fails on a roll call vote 26 members voting in the affirmative and 41 members voting in the negative as follows:

YEAS - 26: Representatives Ajello, DeSimone, Diaz, Fellela, Ferri, Handy, Lima, Long, Menard, Moffitt, Pacheco, Palumbo, Rice, Savage, Scott, Segal, Singleton, Slater, Smith, Sullivan, Ucci, Walsh, Wasylyk, Watson, Williams, Winfield.

NAYS - 41: The Honorable Speaker Murphy and Representatives Almeida, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coaty, Coderre, Corvese, Costantino, Dennigan, Ehrhardt, Fox, Gablinske, Gallison, Gemma, Gorham, Jackson, Jacquard, Kilmartin, Lally, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Mumford, Naughton, O'Neill, Petrarca, Rose, Serpa, Shanley, Silva, Story, Trillo, Vaudreuil, Williamson.

Representative Menard requests to vote Article 38, sections 2 and 3 separately.

The Honorable Speaker Murphy rules it is divisible.

Section 2 is read and prevails on a roll call vote 54 members in the affirmative and 16 members voting in the negative.

YEAS - 54: The Honorable Speaker Murphy and Representatives Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coaty, Coderre, Corvese, Costantino, Dennigan, Ehrhardt, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Rose, San Bento, Scott, Segal, Serpa, Shanley, Silva, Slater, Story, Trillo, Vaudreuil, Wasylyk, Watson, Williamson.

NAYS - 16: Representatives DeSimone, Diaz, Fellela, Lima, Long, Menard, Palumbo, Rice, Savage, Singleton, Smith, Sullivan, Ucci, Walsh, Williams, Winfield.

REQUEST

Representative Ajello requests the journal to reflect that if she had voted on Section 2 of Article 38, she would have voted in the affirmative.

Section 3 is read and prevails on a roll call vote 53 members in the affirmative and 19 members voting in the negative.

YEAS - 53: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coaty, Coderre, Corvese, Costantino, Dennigan, Ehrhardt, Ferri, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lewiss, Lima, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Rose, San Bento, Serpa, Shanley, Silva, Slater, Story, Trillo, Vaudreuil, Wasylyk, Watson, Williamson.

NAYS - 19: Representatives DeSimone, Diaz, Fellela, Lally, Long, Menard, Moffitt, Palumbo, Rice, Savage, Scott, Segal, Singleton, Smith, Sullivan, Ucci, Walsh, Williams, Winfield.

The article is read and prevails, as amended, 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, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Story, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williamson, Winfield.

NAYS - 8: Representatives Fellela, Ferri, Lally, Menard, Moffitt, Singleton, Sullivan, Williams.

NEW ARTICLES

By unanimous consent, Representative Costantino, seconded by Representatives Fox, Naughton and Slater offers a written motion to amend.

FLOOR AMENDMENT TO 2008 -- H 7390 SUBSTITUTE A

AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009

Mr. Speaker:

I hereby move to amend 2008 -- H 7390 SUBSTITUTE A, entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009", as follows:

By adding thereto the following new Article:

"ARTICLE _____

SECTION 1. Chapter 40.1-21 of the General Laws entitled "Division of Developmental Disabilities" is hereby amended by adding thereto the following section:

40.1-21-18. Release of grant agreement liens. – The department of mental health, retardation and hospitals shall discharge and file releases of grant agreement liens in the land evidence records of the municipality where the real estate is located, entered into between the department and providers of services for individuals with developmental disabilities prior to July 1, 2008. The department shall waive any and all right, title and interest in and to any and all properties where grants are in place. Provided, however, each provider of services for individuals with developmental disabilities shall demonstrate that the release of grant agreement liens, and revenue generated as a direct result thereof, will be applied to community based services for person with developmental disabilities pursuant to a plan submitted to the department. The approval by the department for the discharge and release of liens shall not be unreasonably

withheld. Nothing herein shall be construed to release the department's interest in a home owned by the state of Rhode Island.

SECTION 2. This Article shall take effect upon passage."

Respectfully submitted,

REPRESENTATIVE COSTANTINO

=====
LC01320/27
=====

Representative Costantino discusses the amendment.

The New Article prevails on a roll call vote 69 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 69: 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, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Story, Sullivan, Trillo, Ucci, Vaudreuil, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

By unanimous consent, Representative Shanley seconded by Representative Costantino offers a written motion to amend.

F L O O R A M E N D M E N T
TO
2008 -- H 7390 SUBSTITUTE A

AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL
YEAR ENDING JUNE 30, 2009

Mr. Speaker:

I hereby move to amend 2008 -- H 7390 SUBSTITUTE A, entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009", as follows:

By adding thereto the following new Article:

"ARTICLE _____

SECTION 1. Section 36-8-20 of the General Laws in Chapter 36-8 entitled "Retirement System - Administration" is hereby amended to read as follows:

36-8-20. Internal Revenue Code qualification. -- (a) Intent. - It is intended that the

retirement system satisfy the requirements of section 401(a) of the Internal Revenue Code of 1986 as amended from time to time, 26 U.S.C. section 401 (hereinafter referred to as the "code"), in form and operation, to the extent that those requirements apply to a governmental plan described in section 414(d) of the code, 26 U.S.C. section 414. To this end, the following provisions shall be applicable, administered, and interpreted in a manner consistent with maintaining the tax qualification of the retirement system, and shall supersede any conflicting provisions of chapters 8 -- 10 of this title, of chapter 16 of title 16, or of chapter 21 of title 45.

(b) Exclusive benefit. - All funds of the retirement systems shall be held in one or more trusts, in one or more custodial accounts treated as trusts in accordance with section 401(f) of the code, or in a combination thereof. Under any trust or custodial account, it shall be impossible at any time prior to the satisfaction of all liabilities with respect to employees and their beneficiaries, for any part of the corpus or income to be used for, or diverted to, purposes other than the payment of retirement allowances and other pension benefits to employees and their beneficiaries. However, this requirement shall not prohibit: (1) the return of a contribution within six (6) months after the executive director determines that the contribution was made by a mistake of fact; or (2) the payment of expenses of the retirement system in accordance with applicable law.

(c) Vesting on plan termination. - In the event of the termination (within the meaning of the code) of the retirement system, the accrued benefits of eligible employees shall become fully and immediately vested but only to the extent those benefits are already funded.

(d) Forfeitures. - Credits forfeited by an employee pursuant to section 36-10-8, section 16-16-31, or section 45-21-28 shall not be applied to increase the benefits of any other employee.

(e) Required distributions. - Distributions shall begin to be made not later than the employee's required beginning date as defined under section 401(a)(9) of the code and shall be made in accordance with all other requirements of that code section.

(f) Limitation on benefits. - Benefits shall not be payable to the extent that they exceed the limitations imposed by section 415 of the code, 26 U.S.C. section 415: as adjusted from time to time pursuant to section 415(d) of the code. In no event shall the member receive a retirement benefit in any year that exceeds the limitations set forth in section 415(b).

(g) Limitation on compensation. - Benefits and contributions shall not be computed with reference to any compensation that exceeds the maximum dollar amount permitted by section 401(a)(17) of the code as adjusted for increases in the cost-of-living. This provision shall take effect July 1, 1994, and shall apply only with respect to an employee who first becomes a member of the retirement system on or after that date.

(h) Actuarial determination. - Whenever the amount of any employee's benefit is to be determined on the basis of actuarial assumptions done by a professional actuary, those assumptions shall be specified by resolution of the retirement board.

(i) Direct rollovers. - Any individual withdrawing any distribution from the retirement system which constitutes an "eligible rollover distribution" within the meaning of section 402(c) of the code, 26 U.S.C. section 402, may elect, in the time and manner prescribed by the retirement board and after receipt of proper notice, to have any portion of the distribution paid directly to another plan that is qualified under section 401(a) or 403(a), 26 U.S.C. section 403(a), of the code, or to an individual retirement account or annuity described in section 408(a) or (b) of the code, 26 U.S.C. section 408, in a direct rollover.

SECTION 2. This article shall take effect upon passage."

Respectfully submitted,

REPRESENTATIVE SHANLEY

=====

LC01320/28

=====

Representative Shanley discusses the amendment.

The New Article prevails on a roll call vote 68 members voting in the affirmative and 0 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, Diaz, Ehrhardt, Fellela, Ferri, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

By unanimous consent, Representative Watson offers Representative Loughlin's amendment seconded by Representative Loughlin.

F L O O R A M E N D M E N T
TO
2008 -- H 7390 SUBSTITUTE A

**AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL
YEAR ENDING JUNE 30, 2009**

Mr. Speaker:

I hereby move to amend 2008 -- H 7390 SUBSTITUTE A, entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009", as follows:

By adding thereto the following new Article:

"ARTICLE _____

AN ACT RELATING TO JOINT COMMITTEE ON LEGISLATIVE SERVICES

SECTION 1. Chapter 22-11 of the General Laws entitled "Joint Committee on Legislative Services" is hereby amended by adding thereto the following section:

22-11-3.6. General Assembly member health insurance benefits. – Members of the general assembly shall pay a share of their health insurance benefits equal to ten percent (10%) of the cost of said benefits and shall not be entitled to any payment for waiving said benefits.

SECTION 2. This article shall take effect upon passage."

Respectfully submitted,

REPRESENTATIVE LOUGHLIN

=====

LC01320/4

=====

Representatives Watson and Kilmartin discuss the amendment.

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

Representatives Watson and Rice discuss the motion.

The motion to lay on the table prevails in a roll call vote 43 members voting in the affirmative and 26 members voting in the negative as follows:

YEAS - 43: The Honorable Speaker Murphy and Representatives Almeida, Amaral, Baldelli-Hunt, Brien, Carter, Church, Coderre, Corvese, Costantino, Dennigan, Diaz, Fellela, Ferri, Fox, Gallison, Giannini, Handy, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Malik, Mattiello, McNamara, Naughton, O'Neill, Pacheco, Petrarca, San Bento, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Sullivan, Vaudreuil, Williams, Williamson.

NAYS - 26: Representatives Caprio, Coaty, Ehrhardt, Gablinske, Gemma, Gorham, Jackson, Long, Loughlin, McCauley, McManus, Melo, Menard, Moffitt, Mumford, Rice, Rose, Savage, Smith, Story, Trillo, Ucci, Walsh, Wasylyk, Watson, Winfield.

REQUEST

Representative Amaral requests the journal to reflect that he had voted incorrectly on the motion to lay on the table, he should have voted in the negative.

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

Representatives Amaral, Naughton, and Fox discuss the amendment.

Representative Amaral withdraws his amendment.

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

Representative Kilmartin rises on a point of order to whether the amendment is properly before the House.

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

The motion prevails on a roll call vote 38 members voting in the affirmative and 27 members voting in the negative as follows:

YEAS - 38: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Brien, Carter, Church, Coderre, Corvese, Costantino, Dennigan, Diaz, Fellela, Ferri, Fox, Gablinske, Handy, Jacquard, Kilmartin, Lally, Lewiss, Malik, Mattiello, McCauley, McNamara, Naughton, O'Neill, Pacheco, Petrarca, Rose, San Bento, Scott, Segal, Shanley, Slater, Sullivan, Walsh, Williams, Williamson.

NAYS - 27: Representatives Amaral, Baldelli-Hunt, Caprio, Coaty, Ehrhardt, Gallison, Gemma, Giannini, Gorham, Jackson, Long, Loughlin, McManus, Melo, Menard, Moffitt, Mumford, Rice, Savage, Serpa, Smith, Story, Trillo, Ucci, Wasylyk, Watson, Winfield.

Representatives Williamson, Watson, Handy and Smith discuss the budget.

By unanimous consent, Representative Costantino, seconded by Representatives Fox, Watson and many other members of the House offers a written motion to amend.

F L O O R A M E N D M E N T
TO
2008 -- H 7390 SUBSTITUTE A

AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL
YEAR ENDING JUNE 30, 2009

Mr. Speaker:

I hereby move to amend 2008 -- H 7390 SUBSTITUTE A, entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009", as follows:

(1) In Article 39, page 1, line 1, by deleting the numeral "39" and inserting in place thereof the numeral "41".

(2) By deleting the index in its entirety and substituting therefore the following:

ARTICLE 1 RELATING TO MAKING APPROPRIATIONS IN SUPPORT OF FY
2009

ARTICLE 2 RELATING TO BORROWING IN ANTICIPATION OF RECEIPTS FROM
TAXES

ARTICLE 3 RELATING TO BOND PREMIUMS

ARTICLE 4 RELATING TO DEBT MANAGEMENT ACT JOINT RESOLUTION

ARTICLE 5 RELATING TO CAPITAL DEVELOPMENT PROGRAM

- ARTICLE 6 RELATING TO HEALTH REGULATORY PROGRAMS
ARTICLE 7 RELATING TO APPROPRIATIONS FOR FISCAL YEAR 2008
ARTICLE 8 RELATING TO ELDERLY AFFAIRS PROGRAM
ARTICLE 9 RELATING TO STATE GOVERNMENT REORGANIZATIONS
ARTICLE 10 RELATING TO MEDICAL ASSISTANCE – MANAGED CARE
ARTICLE 11 RELATING TO HEALTH PROFESSIONS - LICENSED CHEMICAL
DEPENDENCY PROFESSIONALS
ARTICLE 12 RELATING TO MOTOR VEHICLE OFFENSES
ARTICLE 13 RELATING TO TIPPING FEES
ARTICLE 14 RELATING TO MUNICIPAL FINANCES
ARTICLE 15 RELATING TO STATE AID
ARTICLE 16 RELATING TO THE RHODE ISLAND WORKS PROGRAM
ARTICLE 17 RELATING TO RHODE ISLAND MEDICAID REFORM ACT
ARTICLE 18 RELATING TO AFFORDABLE ENERGY CREDITS
ARTICLE 19 RELATING TO HOSPITAL UNCOMPENSATED CARE
ARTICLE 20 RELATING TO HUMAN SERVICES - CHILDREN’S HEALTH
ACCOUNT
ARTICLE 21 RELATING TO GENERAL PUBLIC ASSISTANCE - HARDSHIP
ARTICLE 22 RELATING TO STATE POLICE RETIREMENT PROVISIONS
ARTICLE 23 RELATING TO ACTUARIAL FISCAL NOTES
ARTICLE 24 RELATING TO DCYF RESIDENTIAL PLACEMENTS
ARTICLE 25 RELATING TO CRIME VICTIMS COMPENSATION FUND
ARTICLE 26 RELATING TO SUPPLEMENTAL SECURITY INCOME
ARTICLE 27 RELATING TO CHILD CARE – STATE SUBSIDIES
ARTICLE 28 RELATING TO RESTRICTED RECEIPT ACCOUNTS
ARTICLE 29 RELATING TO PUBLIC UTILITIES COMMISSION
ARTICLE 30 RELATING TO HISTORIC PRESERVATION
ARTICLE 31 RELATING TO LICENSING OF HOSPITAL FACILITIES
ARTICLE 32 RELATING TO HEALTH INSURANCE PREMIUM TAX
ARTICLE 33 RELATING TO BUSINESS REGULATION
ARTICLE 34 RELATING TO LABOR AND LABOR RELATIONS
ARTICLE 35 RELATING TO RETIREMENT OF JUSTICES AND JUDGES
ARTICLE 36 RELATING TO COLLECTIVE BARGAINING FISCAL IMPACT
STATEMENTS
ARTICLE 37 RELATING TO NURSING FACILITIES COST OF LIVING
ADJUSTMENT
ARTICLE 38 RELATING TO EDUCATION AID
ARTICLE 39 RELATING TO MENTAL HEALTH, RETARDATION AND
HOSPITALS
ARTICLE 40 RELATING TO RETIREMENT SYSTEM – ADMINISTRATION
ARTICLE 41 RELATING TO EFFECTIVE DATE

Respectfully submitted,

REPRESENTATIVE COSTANTINO

=====

LC01320/32

=====

The amendment prevails on a roll call vote 69 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 69: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coaty, Coderre, Corvese, Costantino, Dennigan, Diaz, Ehrhardt, Fellela, Ferri, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

ARTICLE 39 EFFECTIVE DATE - BECOMES ARTICLE 41

Representative Costantino moves passage of the article, seconded by Representatives Fox and Watson.

The article is read and prevails on a roll call vote 70 members voting in the affirmative and 0 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, Diaz, Ehrhardt, Fellela, Ferri, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

The act, as amended (08-H 7390SUB A, as amended), prevails on a roll call vote 70 members voting in the affirmative and 0 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, Diaz, Ehrhardt, Fellela, Ferri, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Singleton,

Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

TRANSMITTAL

By unanimous consent, (08-H 7390SUB A, as amended) on the Clerk's desk is ordered to be transmitted to the Honorable Senate, and certain matters to His Excellency, the Governor, forthwith.

ANNOUNCEMENTS

Majority Leader Fox announces session will convene at 3:00 o'clock tomorrow and Committees will meet at 2:00 o'clock P.M. The Majority Leader also announces session will begin at 2:00 o'clock P.M. on Friday and there will be session on Saturday if needed.

The Honorable Speaker Murphy congratulates Representative Stephen Ucci and his wife Mrs. Dina Roberti Ucci on their wedding anniversary, June 18th, 2008.

The Honorable Speaker Murphy congratulates Representative Peter Wasylyk and his wife Mrs. Sharon Wasylyk on their wedding anniversary on June 18, 2008.

The Honorable Speaker Murphy congratulates Representative Joseph Trillo and his wife Mrs. Marilyn Trillo on their wedding anniversary on June 18, 2008.

Representative Fellela congratulates Dave Barbar, Winner of the New England Telecommunications Association Award.

Representative Kennedy announces that the Committee on Corporations will meet tomorrow at 2:00 P.M., in Room 203 of the State House

Representative Costantino announces that the Committee on Finance will meet tomorrow at 2:00 P.M., in Room 35 of the State House

Representative Rice announces that the Committee on Environment and Natural Resources will meet tomorrow at 2:00 P.M., in Room 207 of the State House

Representative Gallison announces that the Committee on Municipal Government will meet tomorrow at 2:00 P.M., in the House Lounge of the State House

Representative Corvese announces that the Committee on Labor will meet tomorrow at 2:00 P.M., in Room 201 of the State House

GUEST

Representative Ucci welcomes to the House Chamber as a guest former Senator, Mayor Joseph M. Polisena of Johnston,

THANK YOU

Representative Costantino extends thanks to all who worked on the budget-John O'Conner and the staff of legislative council, legislative data, House fiscal staff and Finance Committee staff-John Mansolillo, Steve Patriarca, Jason Holt, Richard Raspallo, Sharon Reynolds Linda Haley Liza Pinto, Chantale Sarrasin, Ed Cooney, John Paul Verducci, Jodi Aubin, Jim Pontarelli, and Emma Sandbach, 38 years of service.

ADJOURNMENT

At 11:53 o'clock P.M. on motion of the Honorable Speaker Murphy, and as a further mark of respect to the memory of Concetta Giusti; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE EILEEN. S. NAUGHTON

Dear God, when the way is hard and the people's decisions difficult, may we be patient in prayer, perceive what is Thy will and have the courage to see it through. Amen.

**APPENDIX
TRANSMITTED TO THE GOVERNOR**

Senate Bill No. 2027 as amended

BY Bates, Sosnowski, Lenihan, Walaska, McCaffrey

ENTITLED, AN ACT RELATING TO PROPERTY (provide that any land held or preserved by a nonprofit corporation for purposes of conservation or open space is not subject to adverse possession or prescription) {LC46/1}

Senate Bill No. 2050

BY Algieri

ENTITLED, AN ACT RELATING TO TAXATION - VETERANS' BENEFITS - WESTERLY (increase the amount of veterans, veterans' widows, totally disabled veterans, POW's, gold star parents exemptions and exemptions for the blind in Westerly) {LC252/1}

Senate Bill No. 2081

BY Perry, Connors, Doyle, Sosnowski, Levesque C

ENTITLED, AN ACT RELATING TO ELECTIONS -- REGISTRATION OF VOTERS (authorize persons sixteen (16) and seventeen (17) years of age who preregister to vote to automatically be registered upon reaching age eighteen (18) {LC728/1}

Senate Bill No. 2130 SUB A

BY Gallo, Pichardo, Fogarty P, Issa

ENTITLED, AN ACT RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS (require schools to post a notice advising if there is a student in school that has an allergy to peanuts and prohibit the sale of peanuts and peanut based products in the cafeteria if an enrolled student has a peanut allergy) {LC680/1/A}

Senate Bill No. 2152

BY Connors, Issa

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL LICENSES (authorize the Cumberland town council to issue full and limited class B licenses/holder of the license would not be permitted to transfer to another party, nor would the license holder be permitted to change the location of the licensed establishment) {LC1073/1}

Senate Bill No. 2232

BY Metts, Issa, Pichardo, Jabour, Levesque C

ENTITLED, AN ACT RELATING TO FOOD AND DRUGS -- UNIFORM CONTROLLED SUBSTANCES ACT (reduce the minimum sentences for crimes involving controlled substances) {LC860/1}

Senate Bill No. 2317**BY** McCaffrey

ENTITLED, AN ACT RELATING TO DOMESTIC RELATIONS -- SOLEMNIZATION OF MARRIAGES (would empower administrative clerks of the district court to join persons in marriage.) {LC1128/1}

Senate Bill No. 2373 (Human Services)**BY** Gibbs

ENTITLED, AN ACT RELATING TO DOMESTIC RELATIONS -- CHILD SUPPORT ENFORCEMENT (keep a child support order in full force and effect by wage withholding after the youngest child is emancipated to pay arrearage and automatically terminate said order when the arrearage is paid) {LC1751/1}

Senate Bill No. 2450 SUB A**BY** Paiva-Weed, Algieri, Revens, Walaska, Gallo

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT (would establish the Community College of Rhode Island twenty-first century work force commission.) {LC2162/2/A}

Senate Bill No. 2702**BY** Goodwin, Ciccone, Metts, Jabour, Ruggerio

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- GENERAL POWERS (remove the fine of (\$500) that the bureau of licenses of the city of Providence is authorized to impose as a fine upon any person, firm, or corporation for the violation of any law, ordinance, condition, rule, or regulation applicable to the license) {LC1997/1}

Senate Bill No. 2760 (National Guard)**BY** Algieri

ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE (would permit the spouse or parent of a service person to obtain leave from work while the service person is on military duty) {LC1954/1}

Senate Bill No. 2904 SUB A**BY** Gibbs, Levesque C, Connors

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- MANUFACTURING AND WHOLESALE LICENSES (would provide that a holder of a farm-winery license would not be prohibited from applying for a Class B license as well) {LC2516/1/A}

APPENDIX

CALENDAR

IN ORDER FOR THURSDAY, JUNE 19, 2008:

1 2008-H 7264 SUB A**BY Pacheco****ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
TRAFFIC CONTROL DEVICES

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

2 2008-H 7669 SUB A**BY Carter****ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES -- SUBDIVISION
OF LAND

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

3 2008-H 7945 SUB A**BY Carter****ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES - SUBDIVISION OF
LAND

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

4 2008-H 8131**BY Long****ENTITLED,** AN ACT RELATING TO PROPERTY -- ESTATES IN REAL
PROPERTY

Committee on Municipal Government recommends passage.

5 2008-H 8190**BY Coderre E****ENTITLED,** AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS --
REGULATORY POWERS OF ADMINISTRATION

Committee on Municipal Government recommends passage.

6 2008-H 8259 SUB A**BY Mumford****ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES -- GENERAL POWERS

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

7 2008-H 8371**BY Lima****ENTITLED,** AN ACT AUTHORIZING THE CITY OF CRANSTON TO ISSUE NOT MORE THAN \$6,000,000 BONDS AND NOTES TO FINANCE THE REPAIR, CONSTRUCTION AND REHABILITATION OF DRAINAGE IMPROVEMENTS, AND THE REMEDIATION AND MITIGATION OF DRAINAGE AND FLOODING PROBLEMS, THROUGHOUT THE CITY OF CRANSTON FOR A TERM NOT TO EXCEED TWENTY (20) YEARS

Committee on Municipal Government recommends passage.

8 2008-H 8372**BY Williamson****ENTITLED,** AN ACT TO INCORPORATE THE ABBEY LANE CONDOMINIUM ASSOCIATION, INC. WATER DISTRICT

Committee on Municipal Government recommends passage.

9 2008-H 8373**BY Silva****ENTITLED,** AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO TAXATION

Committee on Municipal Government recommends passage.

10 2008-H 7176 SUB A**BY Naughton****ENTITLED,** AN ACT RELATING TO CRIMINAL PROCEDURE -- ELDERLY VIOLENCE PREVENTION ACT

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

11 2008-H 7490 SUB A**BY Jacquard****ENTITLED,** AN ACT RELATING TO INSURANCE -- LIABILITY INSURANCE

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

12 2008-H 7504

BY Lewiss

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -
OPERATORS' AND CHAUFFEURS' LICENSES

Committee on Judiciary recommends passage.

13 2008-H 7900 SUB A

BY Giannini

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE - CRIMINAL
INJURIES COMPENSATION

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

14 2008-H 8093 SUB A

BY O'Neill

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- WARRANTS
FOR ARREST

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

15 2008-H 8178

BY Corvese

ENTITLED, AN ACT RELATING TO ELECTIONS - VOTER REGISTRATION

Committee on Judiciary recommends passage.

16 2008-H 8179

BY Corvese

ENTITLED, AN ACT RELATING TO ELECTIONS

Committee on Judiciary recommends passage.

17 2008-H 8182

BY Lally

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE --
COURTS -- JUDICIAL SELECTION

Committee on Judiciary recommends passage.

18 2008-H 8230**BY Walsh****ENTITLED, AN ACT RELATING TO ELECTIONS**

Committee on Judiciary recommends passage.

19 2008-H 8336**BY Moffitt****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage.

20 2008-H 8337**BY Coaty****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage.

21 2008-H 8349**BY Long****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage.

22 2008-H 8146 SUB A**BY Vaudreuil****ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS --
COMMUNITY ANTENNA TELEVISION SYSTEMS**

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

23 2008-H 8150 SUB A**BY Fox****ENTITLED, AN ACT RELATING TO COMMERCIAL LAW GENERAL
REGULATORY PROVISIONS -- THE RHODE ISLAND FAIR
DEALERSHIP ACT**

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

24 2008-H 8159**BY Mattiello****ENTITLED, AN ACT RELATING TO COMMERCIAL LAW - GENERAL
REGULATORY PROVISIONS - MOTOR VEHICLES - DECEPTIVE
TRADE PRACTICES**

Committee on Corporations recommends passage.

25 2008-H 8162 SUB A

BY Corvese

ENTITLED, AN ACT RELATING TO LIBRARIES -- STATE PUBLICATIONS
CLEARING HOUSE

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

26 2008-H 8367

BY Rice

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- LICENSES

Committee on Corporations recommends passage.

27 2008-H 7056

BY Church

ENTITLED, AN ACT RELATING TO TAXATION -- STATE TAX OFFICIALS

Committee on Finance recommends passage.

28 2008-H 7327 SUB A

BY Lima

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES

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

29 2008-H 7460 SUB A

BY Segal

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT

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

30 2008-H 7561 SUB A

BY McNamara

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

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

31 2008-H 7556 SUB A**BY Church****ENTITLED, AN ACT RELATING TO HUMAN SERVICES -- FOOD STAMP****EMPLOYMENT AND TRAINING PROGRAM**

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

32 2008-H 7707**BY Lally****ENTITLED, AN ACT RELATING TO ELECTIONS**

Committee on Finance recommends passage.

33 2008-H 7857**BY Handy****ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS**

Committee on Finance recommends passage.

34 2008-H 7792**BY Malik****ENTITLED, AN ACT RELATING TO PUBLIC EMPLOYEES - MERIT SYSTEM**

Committee on Finance recommends passage.

35 2008-H 8114**BY Coderre E****ENTITLED, AN ACT RELATING TO THE CITY OF PAWTUCKET - TAXATION**

Committee on Finance recommends passage.

36 2008-H 8266**BY Fox****ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -
REGISTRATION OF VEHICLES**

Committee on Finance recommends passage.

37 2008-H 8383**BY Mumford****ENTITLED, AN ACT PROVIDING FOR THE CONSTRUCTION OF CAPITAL
IMPROVEMENTS TO THE SCITUATE MIDDLE/HIGH SCHOOL
COMPLEX AND AUTHORIZING FINANCING THEREOF,
INCLUDING THE ISSUE OF NOT MORE THAN \$4,000,000 IN
BONDS THEREFOR**

Committee on Finance recommends passage.

38 2008-H 7465 SUB A**BY McNamara****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- HEALTH CARE QUALITY PROGRAM

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

39 2008-H 8038 SUB A**BY Melo****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- PSYCHOLOGISTS

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

40 2008-H 8199 SUB A as amended**BY Carter****ENTITLED,** AN ACT RELATING TO HIGHWAYS - THE JAMESTOWN BRIDGE FISHING PARK

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

41 2008-H 8297 SUB A**BY Walsh****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY - PLASTIC BOTTLE AND CONTAINER LABELING ACT

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

42 2008-H 8381 SUB A**BY Malik****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY

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

43 2008-H 7014 SUB A**BY Gemma****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.

44 2008-H 7352 SUB A**BY Gemma****ENTITLED,** AN ACT RELATING TO THE HEALTH AND SAFETY - HEALTHY RHODE ISLAND REFORM ACT OF 2008

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

45 2008-H 7409 SUB A**BY Kilmartin****ENTITLED,** AN ACT RELATING TO BUSINESS AND PROFESSIONS - THE RHODE ISLAND HEALTH INFORMATION EXCHANGE ACT OF 2008

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

46 2008-H 7963**BY Naughton****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- UMBILICAL CORD BLOOD DONATION NOTIFICATION ACT

Committee on Health, Education & Welfare recommends passage.

47 2008-H 8022 SUB A**BY San Bento****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- THE STATE BUILDING CODE

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

48 2008-H 8089 SUB A**BY McNamara****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS - OPTOMETRISTS

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

49 2008-H 8167**BY Mumford****ENTITLED,** AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY

Committee on Health, Education & Welfare recommends passage.

50 2008-H 8168**BY Fox****ENTITLED,** AN ACT RELATING TO EDUCATION -- RHODE ISLAND
PREKINDERGARTEN EDUCATION ACT

Committee on Health, Education & Welfare recommends passage.

51 2008-H 8313**BY Mattiello****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- PLACES OF
ASSEMBLY

Committee on Health, Education & Welfare recommends passage.

52 2008-S 2077 SUB A**BY Connors****ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
TRAFFIC CONTROL DEVICESCommittee on Constituent Services recommends indefinite postponement of the original
bill and passage of Substitute A in concurrence.**53 2008-S 2784****BY Paiva-Weed****ENTITLED,** JOINT RESOLUTION CELEBRATING THE CONTRIBUTIONS OF
NATIONAL SIGNIFICANCE MADE BY JOHN CLARKE AND THE
RHODE ISLAND KING CHARLES CHARTER OF 1663 TO THE
COLONY AND STATE OF RHODE ISLAND

Committee on Constituent Services recommends passage in concurrence.

54 2008-S 2792**BY Paiva-Weed****ENTITLED,** AN ACT RELATING TO HOLIDAYS AND DAYS OF SPECIAL
OBSERVANCES

Committee on Constituent Services recommends passage in concurrence.

55 2008-S 2109 SUB A**BY Miller****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENTCommittee on Municipal Government recommends indefinite postponement of the
original bill and passage of Substitute A in concurrence.

56 2008-S 2912**BY Paiva-Weed****ENTITLED,** AN ACT RELATING TO PROPERTY -- ESTATES IN REAL PROPERTY

Committee on Municipal Government recommends passage in concurrence.

57 2008-S 2961**BY Issa****ENTITLED,** AN ACT RELATING TO THE 10A VALIDATION AND RATIFICATION OF THE CITY CHARTER OF THE CITY OF CENTRAL FALLS

Committee on Municipal Government recommends passage in concurrence.

58 2008-S 3011**BY Breene****ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES -- GENERAL POWERS

Committee on Municipal Government recommends passage in concurrence.

59 2008-S 2022**BY Doyle****ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES - OPERATORS' AND CHAUFFEURS' LICENSES

Committee on Judiciary recommends passage in concurrence.

60 2008-S 2113 SUB B**BY Ciccone****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- RESTRICTING RADIO FREQUENCY IDENTIFICATION DEVICES

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

61 2008-S 2231**BY McBurney****ENTITLED,** AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE -- CLAIMS

Committee on Judiciary recommends passage in concurrence.

62 2008-S 2314 SUB A**BY McCaffrey****ENTITLED,** AN ACT RELATING TO CRIMINAL PROCEDURE - BAIL AND
RECOGNIZANCE

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

63 2008-S 2486**BY Connors****ENTITLED,** AN ACT RELATING TO ELECTIONS

Committee on Judiciary recommends passage in concurrence.

64 2008-S 2519 as amended**BY Algieri****ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
REGISTRATION OF VEHICLES

Committee on Judiciary recommends passage as amended in concurrence.

65 2008-S 2707 as amended**BY Doyle****ENTITLED,** AN ACT RELATING TO ELECTIONS -- VOTING DISTRICTS AND
OFFICIALS

Committee on Judiciary recommends passage as amended in concurrence.

66 2008-S 2709**BY Doyle****ENTITLED,** AN ACT RELATING TO ELECTIONS - CONDUCT OF ELECTION
AND VOTING EQUIPMENT, AND SUPPLIES

Committee on Judiciary recommends passage in concurrence.

67 2008-S 2726**BY Sheehan****ENTITLED,** AN ACT RELATING TO COURTS AND CIVIL PROCEDURE --
COURTS -- JUDICIAL SELECTION

Committee on Judiciary recommends passage in concurrence.

68 2008-S 2758 SUB A**BY Levesque C****ENTITLED, AN ACT RELATING TO INSURANCE -- LIABILITY INSURANCE**

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

69 2008-S 2818**BY Pichardo****ENTITLED, AN ACT RELATING TO ELECTIONS**

Committee on Judiciary recommends passage in concurrence.

70 2008-S 2819**BY Pichardo****ENTITLED, AN ACT RELATING TO ELECTIONS - VOTER REGISTRATION**

Committee on Judiciary recommends passage in concurrence.

71 2008-S 3016**BY Sosnowski****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage in concurrence.

72 2008-S 3018**BY Tassoni****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage in concurrence.

73 2008-S 3040**BY Miller****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage in concurrence.

74 2008-S 3041**BY Bates****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage in concurrence.

75 2008-S 3044**BY Gibbs****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage in concurrence.

76 2008-S 2262 SUB A**BY Gallo****ENTITLED,** AN ACT RELATING TO COMMERCIAL LAW - GENERAL
REGULATORY PROVISIONS - MOTOR VEHICLES - DECEPTIVE
TRADE PRACTICES

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

77 2008-S 2410 SUB A as amended**BY Walaska****ENTITLED,** AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS --
COMMUNITY ANTENNA TELEVISION SYSTEMS

Committee on Corporations recommends indefinite postponement of the original bill
and passage of Substitute A as amended in concurrence.

78 2008-S 2448**BY Levesque C****ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --
MANAGEMENT AND DISPOSAL OF STATE PROPERTY

Committee on Corporations recommends passage in concurrence.

79 2008-S 2592 SUB A as amended**BY Connors****ENTITLED,** AN ACT RELATING TO COMMERCIAL LAW GENERAL
REGULATORY PROVISIONS -- THE RHODE ISLAND FAIR
DEALERSHIP ACT

Committee on Corporations recommends indefinite postponement of the original bill
and passage of Substitute A as amended in concurrence.

80 2008-S 2954 SUB A**BY Goodwin****ENTITLED,** AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL
LICENSES

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

81 2008-S 3032**BY Levesque C****ENTITLED,** AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL
LICENSES

Committee on Corporations recommends passage in concurrence.

82 2008-S 3033**BY Moura****ENTITLED,** AN ACT RELATING TO ALCOHOLIC BEVERAGES - RETAIL
LICENSES

Committee on Corporations recommends passage in concurrence.

83 2008-S 2112**BY Connors****ENTITLED,** AN ACT RELATING TO ELECTIONS

Committee on Finance recommends passage in concurrence.

84 2008-S 2263**BY Bates****ENTITLED,** AN ACT RELATING TO TAXATION -- STATE TAX OFFICIALS

Committee on Finance recommends passage in concurrence.

85 2008-S 2399**BY Tassoni****ENTITLED,** AN ACT AUTHORIZING THE TOWN OF SMITHFIELD TO ISSUE
BONDS AND NOTES IN AN AMOUNT NOT TO EXCEED
\$13,500,000 TO FINANCE THE ACQUISITION, CONSTRUCTION,
BUILDING, FURNISHING AND EQUIPPING OF A LIBRARY

Committee on Finance recommends passage in concurrence.

86 2008-S 2481 SUB B**BY Levesque C****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- HEALTH
CARE QUALITY PROGRAMCommittee on Finance recommends indefinite postponement of the original bill and the
Substitute A and passage of Substitute B.

87 2008-S 2676 SUB A as amended**BY Gallo****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
PSYCHOLOGISTS

Committee on Finance recommends indefinite postponement of the original bill and passage of Substitute A as amended in concurrence.

88 2008-S 2677 SUB A as amended**BY Perry****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- DEPARTMENT
OF HEALTH

Committee on Finance recommends indefinite postponement of the original bill and passage of Substitute A as amended in concurrence.

89 2008-S 2695 SUB A**BY Maselli****ENTITLED,** AN ACT AUTHORIZING THE TOWN OF JOHNSTON TO FINANCE
THE DESIGN AND CONSTRUCTION OF A NEW LIBRARY ON THE
NORTHWEST QUADRANT OF THE LAND PARCEL IDENTIFIED
AS ASSESSOR'S PLAT 53/3 LOT 34 LOCATED ON MEMORIAL
AVENUE AND TO ISSUE NOT MORE THAN \$3,000,000 BONDS
AND NOTES THEREFOR

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

90 2008-S 2793 as amended**BY Cote****ENTITLED,** AN ACT RELATING TO LIBRARIES -- STATE PUBLICATIONS
CLEARING HOUSE

Committee on Finance recommends passage as amended in concurrence.

91 2008-S 2906**BY Doyle****ENTITLED,** AN ACT RELATING TO THE CITY OF PAWTUCKET - TAXATION

Committee on Finance recommends passage in concurrence.

92 2008-S 2923**BY Gallo****ENTITLED,** AN ACT RELATING TO HUMAN SERVICES -- FOOD STAMP
EMPLOYMENT AND TRAINING PROGRAM

Committee on Finance recommends passage in concurrence.

93 2008-S 2925**BY Doyle**

ENTITLED, AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR THE RENOVATION AND EQUIPPING OF PUBLIC SCHOOL BUILDINGS IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$3,000,000 BONDS, NOTES AND OTHER EVIDENCES OF INDEBTEDNESS THEREFOR, INCLUDING BUT NOT LIMITED TO ANY BONDS OR NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2009 AND 2010

Committee on Finance recommends passage in concurrence.

94 2008-S 2939**BY Goodwin**

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- HEALTH AND EDUCATIONAL BUILDING CORPORATION

Committee on Finance recommends passage in concurrence.

95 2008-S 2989**BY Montalbano J**

ENTITLED, JOINT RESOLUTION RELATING TO RHODE ISLAND PUBLIC CORPORATION DEBT MANAGEMENT ACT

Committee on Finance recommends passage in concurrence.

96 2008-S 3001**BY Levesque C**

ENTITLED, AN ACT IN ACCORDANCE WITH RHODE ISLAND GENERAL LAWS SECTION 16-7-44 APPROVING THE ISSUANCE OF \$350,000 BONDS BY THE TOWN OF PORTSMOUTH TO FINANCE IMPROVEMENTS TO SCHOOL BUILDINGS INCLUDING BUT NOT LIMITED TO BONDS AND NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION

Committee on Finance recommends passage in concurrence.

97 2008-S 3009**BY Levesque C****ENTITLED,** AN ACT RELATING TO TAXATION -- BRISTOL SENIOR
RESIDENT PROPERTY TAX SERVICE PROGRAM

Committee on Finance recommends passage in concurrence.

98 2008-S 2625**BY Sosnowski****ENTITLED,** AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES --
MERIT SYSTEMCommittee on Environment and Natural Resources recommends passage in
concurrence.**99 2008-S 2771 SUB A****BY Paiva-Weed****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY - PLASTIC
BOTTLE AND CONTAINER LABELING ACTCommittee on Environment and Natural Resources recommends indefinite postponement
of the original bill and passage of Substitute A in concurrence.**100 2008-S 2853 SUB A as amended****BY Sosnowski****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETYCommittee on Environment and Natural Resources recommends indefinite postponement
of the original bill and passage of Substitute A as amended in concurrence.**101 2008-S 2865****BY Ruggerio****ENTITLED,** AN ACT RELATING TO FOOD AND DRUGS -- DONATED FOOD

Committee on Health, Education & Welfare recommends passage in concurrence.

102 2008-S 2160 SUB A as amended**BY Blais****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- UMBILICAL
CORD BLOOD BANK ACTCommittee on Health, Education & Welfare recommends indefinite postponement of the
original bill and passage of Substitute A as amended in concurrence.

103 2008-S 2367**BY Connors****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY - FIRE SAFETY
CODE BOARD OF APPEAL AND REVIEW

Committee on Health, Education & Welfare recommends passage in concurrence.

104 2008-S 2475 SUB A**BY Miller****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
PHYSICAL THERAPISTS

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

105 2008-S 2484 SUB B**BY Pichardo****ENTITLED,** AN ACT RELATING TO THE HEALTH AND SAFETY - HEALTHY
RHODE ISLAND REFORM ACT OF 2008

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

106 2008-S 2679 SUB A as amended**BY Paiva-Weed****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS -
THE RHODE ISLAND HEALTH INFORMATION EXCHANGE ACT
OF 2008

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

IN ORDER FOR FRIDAY, JUNE 20, 2008:**1 2008-S 2233****BY Jabour****ENTITLED,** AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE
- PROBATE COURT

Ordered on the Calendar

2 2008-S 2234 SUB A as amended**BY Metts****ENTITLED,** AN ACT RELATING TO CRIMINAL PROCEDURE -- WARRANTS
FOR ARREST

Ordered on the Calendar

3 2008-S 2241**BY McBurney****ENTITLED,** AN ACT RELATING TO FIDUCIARIES - POWERS OF FIDUCIARIES

Ordered on the Calendar

4 2008-S 2997**BY Blais****ENTITLED,** AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY

Ordered on the Calendar

5 2008-S 3017**BY Sosnowski****ENTITLED,** AN ACT RELATING TO ELECTIONS

Ordered on the Calendar

6 2008-S 3035**BY Fogarty P****ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES -- DAM MANAGEMENT DISTRICTS

Ordered on the Calendar

7 2008-S 3056**BY Issa****ENTITLED,** JOINT RESOLUTION RESPECTFULLY REQUESTING THE RHODE ISLAND DEPARTMENT OF EDUCATION TO CREATE A TASK FORCE ON YOUTH FINANCIAL LITERACY IN ORDER TO DEVELOP A STATEWIDE STRATEGY, ACTION PLAN, AND MARKETING PLAN FOR INCREASING MIDDLE AND HIGH SCHOOL STUDENTS' KNOWLEDGE OF PERSONAL FINANCIAL LITERACY

Ordered on the Calendar

8 2008-S 3061**BY Levesque C****ENTITLED,** AN ACT IN ACCORDANCE WITH RHODE ISLAND GENERAL LAWS SECTION 16-7-44 APPROVING THE ISSUANCE OF \$1,100,000 BONDS BY THE TOWN OF PORTSMOUTH TO FINANCE CAPITAL IMPROVEMENTS AT PORTSMOUTH HIGH SCHOOL INCLUDING SUCH IMPROVEMENTS AS ARE NECESSARY TO COMPLY WITH STATE MANDATED FIRE CODE

REGULATIONS, INCLUDING BUT NOT LIMITED TO BONDS
AND NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS
WITH THE RHODE ISLAND HEALTH AND EDUCATIONAL
BUILDING CORPORATION

Ordered on the Calendar

9 2008-S 3068

BY Felag

ENTITLED, AN ACT RELATING TO A TAX AGREEMENT BETWEEN THE
TOWN OF TIVERTON AND TIVERTON POWER, INC.

Ordered on the Calendar

10 2008-S 3082

BY Paiva-Weed

ENTITLED, AN ACT RELATING TO EDUCATION -- PAUL W. CROWLEY
RHODE ISLAND STUDENT INVESTMENT INITIATIVE

Ordered on the Calendar

11 2008-S 3087

BY Algieri

ENTITLED, AN ACT (I) AUTHORIZING THE CHARIHO REGIONAL SCHOOL
DISTRICT TO FINANCE THE CONSTRUCTION, RENOVATION,
IMPROVEMENT, DEMOLITION, ALTERATION, REPAIR,
ADDITIONS, PAVING, LANDSCAPING, FURNISHING AND
EQUIPPING OF THE CHARIHO MIDDLE SCHOOL BY THE
ISSUANCE OF NOT MORE THAN \$2,706,000 BONDS AND/OR
NOTES THEREFOR AND (II) PROVIDING THAT THE PRINCIPAL
OF, REDEMPTION PREMIUM AND INTEREST ON BONDS AND
NOTES ISSUED FOR THE PROJECT WILL BE BORNE BY THE
MEMBER TOWNS IN EQUAL SHARES, WITH EACH TOWN
PAYING ONE-THIRD OF THE COSTS AND SUBJECT TO
APPROVAL OF STATE SCHOOL HOUSING AID

Ordered on the Calendar

12 2008-S 3088

BY Algieri

ENTITLED, AN ACT (I) AUTHORIZING THE CHARIHO REGIONAL SCHOOL
DISTRICT TO FINANCE THE CONSTRUCTION, RENOVATION,
IMPROVEMENT, DEMOLITION, ALTERATION, REPAIR,
ADDITIONS, PAVING, LANDSCAPING, FURNISHING AND
EQUIPPING OF THE RYSE SCHOOL BY THE ISSUANCE OF NOT

MORE THAN \$4,447,000 BONDS AND/OR NOTES THEREFOR AND (II) PROVIDING THAT THE PRINCIPAL OF, REDEMPTION PREMIUM AND INTEREST ON BONDS AND NOTES ISSUED FOR THE PROJECT WILL BE BORNE BY THE MEMBER TOWNS IN EQUAL SHARES, WITH EACH TOWN PAYING ONE-THIRD OF THE COSTS AND SUBJECT TO APPROVAL OF STATE SCHOOL HOUSING AID

Ordered on the Calendar

13 2008-S 3089

BY Algieri

ENTITLED, AN ACT (I) AUTHORIZING THE CHARIHO REGIONAL SCHOOL DISTRICT TO FINANCE THE CONSTRUCTION, RENOVATION, IMPROVEMENT, DEMOLITION, ALTERATION, REPAIR, ADDITIONS, PAVING, LANDSCAPING, FURNISHING AND EQUIPPING OF THE CHARIHO HIGH SCHOOL AND IMPROVEMENTS TO THE SWITCH ROAD CAMPUS, INCLUDING, BUT NOT LIMITED TO, A MAINTENANCE FACILITY, TRACK, PARKING AND UTILITY AND SECURITY UPGRADES BY THE ISSUANCE OF NOT MORE THAN \$17,847,000 BONDS AND/OR NOTES THEREFOR AND (II) PROVIDING THAT THE PRINCIPAL OF, REDEMPTION PREMIUM AND INTEREST ON BONDS AND NOTES ISSUED FOR THE PROJECT WILL BE BORNE BY THE MEMBER TOWNS IN EQUAL SHARES, WITH EACH TOWN PAYING ONE-THIRD OF THE COSTS AND SUBJECT TO APPROVAL OF STATE SCHOOL HOUSING AID

Ordered on the Calendar

14 2008-S 2287 as amended

BY Blais

ENTITLED, AN ACT RELATING TO THE COVENTRY FIRE DISTRICT

Ordered on the Calendar

15 2008-S 2278 SUB A

BY Blais

ENTITLED, AN ACT RELATING TO FOOD AND DRUGS - CONTROLLED SUBSTANCES - PRESCRIPTIONS

Ordered on the Calendar

16 2008-S 2889 SUB A as amended**BY Perry****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS -
OPTOMETRISTS

Ordered on the Calendar

17 2008-S 2872**BY Sheehan****ENTITLED,** AN ACT RELATING TO ELECTIONS -- NORTH KINGSTOWN

Ordered on the Calendar

18 2008-S 2816 SUB A**BY Tassoni****ENTITLED,** AN ACT RELATING TO PROPERTY -- CONDOMINIUM LAW

Ordered on the Calendar

19 2008-S 2544**BY Jabour****ENTITLED,** AN ACT RELATING TO CRIMINAL OFFENSES -- HOMICIDE

Ordered on the Calendar

20 2008-S 2197**BY Tassoni****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
MUSICAL ADVERTISING

Ordered on the Calendar

21 2008-S 2084**BY Tassoni****ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
EMERGENCY VEHICLES

Ordered on the Calendar

22 2008-S 2514**BY Connors****ENTITLED,** AN ACT RELATING TO CRIMINAL OFFENSES - FRAUD AND
FALSE DEALING

Ordered on the Calendar

23 2008-S 2485 SUB A

BY McBurney

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

Ordered on the Calendar

24 2008-S 2403

BY Blais

ENTITLED, AN ACT RELATING TO INSURANCE -- FIRE AND MARINE
INSURANCE RATING

Ordered on the Calendar

Francis P. McCabe
Clerk of the House

Wednesday, June 18, 2008